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Locke's coercive morality

Abstract

Several passages in John Locke's *Letters for Toleration* suggest he was favourable to an enforcement of the moral code by magistrates. According to John Marshall, Locke was not sympathetic towards moral coercion when he wrote *An Essay concerning Toleration* (1667), given his insistence on the limits of civil power; his views in this regard changed in the nineties, because of his adhesion to the ideals of the Movement for the Reformation of Manners. However, there is no clear evidence that Locke was contrary to an enforcement of morality by magistrates before he wrote the *Letters*; more importantly, some manuscript notes which he penned in 1681 reveal that, already in those years, his ideas on morality had undergone an important change which legitimated magisterial action against immorality. The private, super-political nature conferred on the concern for virtue and vice in *An Essay concerning Toleration* had begun to be obscured, in Locke's writings, by his identifying virtue with social decorum, a public concern.

Introduction

Locke's *Letters for Toleration* are generally considered as the most mature expression of his aversion to religious persecution; however, there seems to be a dark side to this picture. According to Ethan Shagan¹, Locke's argument for toleration «while ostensibly devoted to the liberation of religion from the shackles of civil coercion, in fact spent much of its energy displacing coercion from doctrine to morality». In *A Letter concerning*

¹ETHAN-HOWARD SHAGAN, *The Rule of Moderation. Violence, Religion and the Politics of Restraint in Early Modern England*, Cambridge, Cambridge University Press, 2011, pp. 304-6.

Toleration (1689), Locke declared that «A Good Life [...] concerns also the civil Government», and attacked anyone who persecuted nonconformity but was «indulgent to such iniquities and immoralities as are unbecoming the name of a Christian»²; in the *Second Letter*, he declared that magistrates «should, by their laws and penalties, force them [the citizens] to a good life»³ and that they should «severely and impartially set themselves against vice in whomsoever it is found», leaving men «to their own consciences in their articles of faith and ways of worship»⁴. Drawing on this evidence, Shagan concluded that intolerance of debauchery counterbalanced religious toleration in the *Letters*.

Shagan's remarks recall the more detailed perplexities which John Marshall had expressed in his book *John Locke* regarding some passages in the *Letters*⁵. To Marshall, in these the appeals to magisterial action against immorality seemed to go far beyond the limits which Locke had imposed on civil power in *An Essay concerning Toleration* (1667), where he had affirmed that the magistrate's business was not to make his subjects virtuous but rather to grant the «security of the government & the protection of the people in their lives, estates, & libertys»⁶. Marshall considered the coercive morality of the *Letters*⁷ as

²JOHN LOCKE, *A Letter concerning Toleration and other Writings*, ed. Mark Goldie, Indianapolis, Liberty Fund, 2010, pp. 45 and 10.

³JOHN LOCKE, *A Second Letter concerning Toleration*, in *The Works of John Locke in Nine Volumes*, V, London, Rivington, 1824¹², p. 66.

⁴Ivi, p. 65.

⁵JOHN MARSHALL, *John Locke. Resistance, Religion and Responsibility*, Cambridge, Cambridge University Press, 1994, pp. 376-383.

⁶JOHN LOCKE, *An Essay concerning Toleration and Other Writings on Law and Politics 1667-1683*, John R. Milton and Philip Milton eds., Oxford, Oxford University Press, 2006, p. 278.

⁷Marshall did not mention the first *Letter*; in a subsequent book he referred only to the *Second* and *Third Letter* when he affirmed that «Locke increasingly came to stress in these *Letters* the magisterial promotion of “a good life”, and that magistrates should hinder the practices to which “men lusts” carried them». See JOHN MARSHALL, *John Locke. Toleration and Early Enlightenment Culture*, Cambridge, Cambridge University Press, 2006, p. 541. Here Marshall seemed to question Locke's effective endorsement of a coercive morality, for he insisted that his appeal to magisterial action was intended to support the strategic argument that

evidence of their author's radical change of opinions; however, he also noticed that in a comment added to the final version of *An Essay concerning Toleration* Locke had already insisted on the importance of «making and executing strict laws concerning virtue and vice»⁸. It might therefore be questioned whether Locke's views on morality somehow inclined to coercion already at that time, and in what measure.

My aim is to reconsider this question in detail, by locating Locke's ideas on morality in their historical context. I will argue that, generally speaking, Locke's moral thought was as sympathetic to coercion as that of his time, whose Puritan rigour had somehow relaxed after the Restoration returning to its previous intransigency at the end of the eighties, with the onset of the Movement for the Reformation of Manners. I will in addition argue that, already by the end of the seventies, Locke's ideas on morality had undergone a process of rethinking which rendered them progressively more favourable to coercion: the private, super-political nature which he had attributed to the concern for virtue and vice in *An Essay concerning Toleration* began to be obscured in his writings by the identification of virtue with social decorum, a public concern. This led to legitimating an enforcement of morality by civil law. Finally, I will argue that Locke's reading of Nicole's *Essais de morale* in 1676-79, but also his Puritanism, might have played a significant role in his rethinking of virtue in terms of public decorum.

Sin, vice and crime in seventeenth-century England. The ethical context of *An Essay concerning Toleration*

«there were in fact greater reasons to act magisterially against immorality than against speculative opinions». Shagan did not agree with Marshall in this regard: he did not consider Locke's claim for magisterial action against immorality as a strategic argument for toleration, but rather as a means of moderating his claim for toleration. See ETHAN SHAGAN, *The Rule of Moderation*, cit., p. 305, note 66.

⁸JOHN LOCKE, *An Essay concerning Toleration*, cit., p. 302; JOHN MARSHALL, *John Locke. Resistance*, cit., p. 57.

Paragraph 61 of the *Report of the Wolfenden Committee on Homosexual Offences and Prostitution (1957)* read:

Unless a deliberate attempt is to be made by society, acting through the agency of the law, to equate the sphere of crime with that of sin, there must remain a realm of private morality and immorality which is, in brief and crude terms, not the law's business.

The sentence is an expression of our contemporary understanding of morality, which differentiates both between moral and legal offences (though a moral ingredient is embodied in the definition of crimes as acts against moral rectitude), and between immorality and sin. These distinctions were not, however, so clear in previous centuries and were surely not so in seventeenth-century England, where sin and crime were often conflated⁹. An exemplary case was the Adultery Act of 1650, which James Sharpe characterized as a powerful expression of Puritan ideals:

in 1650 this sin, hitherto a church court offence, was turned into a crime when it was made felony without benefit of clergy by Act of Parliament. Puritan and other writers, citing both Mosaic law and the example of contemporary societies where such matters were better ordered than England, had been advocating this step for some time. Examination of the intellectual background to the Act provides a neat demonstration not so much of the willingness to criminalize sin as of a widespread inability to comprehend a distinction between the two¹⁰.

Sharpe also mentioned other later examples, including the order issued by the Court of Great Sessions at Chester in 1654 against unlicensed alehouses: the order was justified by the claim that the disorders found in them were «to the great dishonour of Almighty God, scandal of all good government, hardening and encourage[en]ment of wicked and licentious p[er]sons in their vicious courses and endangering the publique peace»¹¹. The

⁹Sin was an ubiquitous category in Reformed theology, which emphasized the depravity of man; see *Sin and Salvation in Reformation England*, ed. Jonathan Willis, Burlington VT, Ashgate Publishing, 2015. Sin was considered as the cause of social and economic evils such as poverty; regarding this topic, see RICHARD GRASSBY, *The Business Community of Seventeenth-Century England*, Cambridge, Cambridge University Press, 1995.

¹⁰JAMES-ARTHUR SHARPE, *Crime in Early Modern England 1550-1750*, London, Routledge, 2014², p. 8.

¹¹*Ibidem*.

basic idea was that of an identity between an offence perpetrated against God's law and an offence perpetrated against civil law: a religious dimension was added to the moral and legal significance of crime.

This dimension has been meticulously investigated by Cynthia Herrup in an essay examining the process of law enforcement in England from 1590 to 1640¹²: the "common peace" which this enforcement was intended to preserve, she noticed, was common because the process of enforcement was informed by a religiously inspired body of shared moral assumptions about the real nature of criminality. «Crimes were sins - insisted Herrup -, yet sinning was universal»; as a consequence, the threat of criminality was perceived as both internal and external. The criminal could not be defined as someone alien or other; law enforcement was considered and justified as providential support for an individual's moral and religious life.

These ideas continued to be widely shared in the second half of the seventeenth-century, as was attested by their diffusion in popular readings. As Hal Gladfelder has observed, the blurring or collapsing of the two categories of sin and crime was typical of the seventeenth-century criminal narrative, which represented the «primary vehicle for instructing a heterogeneous audience in the origins and dangers of crime»¹³; similarly, Dana Rabin has noticed that murder pamphlets were pervaded by a «narrative of sin» positing crime as the predictable result of Sabbath-breakings, swearing, drunkenness and similar offences against God¹⁴. Sins such as ambition, lust, covetousness, envy and sloth were considered as the true source of unlawful behaviour; the broader implications of grave crimes for society were expounded on by pointing to the seemingly less serious sinful transgressions that fractured the social order and foreshadowed serious wrongdoing.

The obvious implication of the close relationship between sin and crime in the seventeenth-century mentality was the entwining of civil and religious authorities: the magistrate was expected to use his power not only for the maintenance of civil

¹²CYNTHIA B. HERRUP, *The Common Peace. Participation and the Criminal Law in Seventeenth-Century England*, Cambridge, Cambridge University Press, 1987, p. 191.

¹³HAL GLADFELDER, *Criminality and Narrative in Eighteenth-century England. Beyond the Law*, Baltimore-London, JHU Press, 2001, p. 4.

¹⁴DANA Y. RABIN, *Identity, Crime and Legal Responsibility in Eighteenth-Century England*, Basingstoke-New York, Palgrave Macmillan, 2004, p. 13.

and public order, but also for promoting his subjects' spiritual good. This was a fundamental principle in Reformed theology¹⁵: the ideal magistrate auspicated by the Puritan William Perkins in the last years of the Elizabethan regime bore «the sworde specially for the good of mens soules», and the godly prince portrayed by the Independent Philip Nye at the time of the Restoration made his people godly¹⁶. Twenty years later, in a sermon preached in the presence of Charles II, the Archbishop of Canterbury John Tillotson declared it was the magistrate's duty «to countenance and support true Religion, and to take care that the people be instructed in it»¹⁷: although Tillotson's words were interpreted as «the rarest piece of Hobbism» by a member of court when they were pronounced¹⁸, their sense was largely shared even by his adversaries¹⁹.

Locke would have approved of Tillotson's words in the sixties, when he composed the two *Tracts on Government*. In the *First Tract* he spoke of the magistrate's duty to amend the life of his subjects making a parallel with Christ, and in the *Second Tract* he declared that the magistrate's duty was not only «to repeat the commandments of God» as any citizen should do, but also to enforce them²⁰. The puritan education which he had received

¹⁵According to Calvin, civil government «is designed as long as we live in this world to cherish and support the external worship of God, to preserve the pure doctrine of religion, to defend the constitution of the Church, to regulate our lives in a manner requisite for the society of man, to form our manners to civil justice, to promote our concord with each other, and to establish general peace and tranquility». See JOHN CALVIN, *Institutes of the Christian Religion*, b. 4, ch. 20, pt. 2.

¹⁶See WILLIAM PERKINS, *A Treatise of the Vocations, or Callings of men, with the sorts and kindes of them, with the right use thereof*, Cambridge, John Legat, 1605, p. 921; PHILIP NYE, *The Lawfulness of the Oath of Supremacy and the Power of the Civil Magistrate in Ecclesiastical Affairs and Subordination of Churches thereunto*, London, Peter Cole, 1662.

¹⁷JOHN TILLOTSON, *The Protestant Religion vindicated, from the Charge of Singularity and Novelty*, in *The Works of Dr. John Tillotson, Late Archbishop of Canterbury. With a Life of the Author by Thomas Birch*, II, London, J. F. Dove, 1820, p. 457.

¹⁸THOMAS BIRCH, *The Life of the Most Reverend Dr. John Tillotson, Lord Archbishop of Canterbury*, I, London, J. Tonson et alii, 1752, p. 65.

¹⁹See *Short Animadversions upon a Sermon Lately Preached by the Reverend dr. Tillotson, upon Joshua 24.15*, London, 1680, p. 5, where the anonymous author declared that Tillotson was right regarding the magistrate's duty to promote the true religion, although all depended on what he meant by "true religion".

²⁰See JOHN LOCKE, *Political Essays*, ed. Mark Goldie, Cambridge, Cambridge University Press, 1997, pp. 28 and 68.

from his parents, strengthened by the milieu of Christ Church College, inclined him to adhere to the ideals of the Reformed²¹; his convictions regarding the ultimate scope of human life and the fundamental significance of virtuous conduct did not differ substantially from those prevalent in his time. One of Locke's readings in the sixties, and the one he continued to recommend till the end of his life, was Allestree's *The Whole Duty of Man*, an extremely popular primer of the moral religion promoted by the Restoration Church of England and one of the most compelling pieces of evidence of Puritanism's strong moral legacy. In Allestree's book, magistrates were defined as «God's Ministers», and sins such as covetousness were called crimes²².

A few years later, however, in *An Essay concerning Toleration* Locke defined the role of civil power in more secular terms, in order to make way for the toleration of dissent: he declared that the magistrate was appointed by God as his «vicegerent», but his power did not extend over the «concernments of the other world»²³. His duty was to promote the public good, not the spiritual good of his subjects: he should neither interfere with their religious opinions nor with their manners of worshipping

²¹See ROGER WOOLHOUSE, *John Locke: a Biography*, Cambridge, Cambridge University Press, 2007, pp. 26-31. When Locke secured a studentship at Christ Church, Oxford, in 1652, the Independent divine and strong advocate of broad religious toleration John Owen was Dean of Christ Church and Vice-Chancellor of the university. Locke's tutor at Oxford was Thomas Cole, another Independent divine. The Professor of History at Oxford, whose lectures Locke was compelled to attend, was the Independent Louis du Moulin. Du Moulin was the son of Pierre du Moulin, Grotius' teacher; he was addicted to notions of popular sovereignty, fundamental law, natural rights, liberty of conscience, government based upon contract and popular consent, simplification of ceremonies, and churches as voluntary associations. These notions, of crucial importance in Locke's thought, had all become common among the Independents. Regarding Locke's Puritanism, see JOHN DUNN, *The Political Thought of John Locke. An Historical Account of the Argument of the Two Treatises of Government*, Cambridge, Cambridge University Press, 1982, pp. 224-228; *passim*.

²²See RICHARD ALLESTREE, *The Whole Duty of Man* (1658), London, W. Northon, 1704, pp. 288-89 regarding the magistrate; pp. 164, 261-62, 337 regarding the identity of sin and crime. On Locke's reading of Allestree's work, see JOHN MARSHALL, *John Locke. Resistance*, cit., pp. 25-26. Still in 1703, Locke recommended Allestree's book to those studying morals: see his letter to Richard King in *The Correspondence of John Locke*, ed. Edmund S. de Beer, VIII, Oxford 1976-, p. 57.

²³JOHN LOCKE, *An Essay concerning Toleration*, cit., p. 281.

God, for both pertained to a sphere of «private interest»²⁴ distinct from the public one. The magistrate should protect his subjects and their properties from violence and fraud, but he could not protect them from neglecting their own interests; he could not compel them to be healthy or wealthy for the same reason he could not force them to enter heaven, *i.e.* because his jurisdiction did not extend over the private sphere of individuals²⁵.

To some extent also virtue, the «vigorous, active part» of religion, was characterized as a matter of private interest: the magistrate, in Locke's words,

hath noe thing to doe with morall virtues & vices, nor ought to injoyne the dutyes of the 2d table any otherwise, then barely as they are subservient to the good & preservation of mankinde under government. For could publique societys well subsist, or men enjoy peace or safety, without the inforceing of those dutys, by the injunctions & penaltys of laws, It is certaine the Law maker ought not to prescribe any rules about them, but leave the practise of them intirely to the discretion & consciences of his people. For could even these morall vertues & vices be separated from the relation they have to the weale of the publike, & cease to be a meanes to setle or disturbe mens peace & propriety, they would then become only the private & super-political concernment between god and a mans soule, wherein the magistrates authority is not to interpose²⁶.

An enforcement of the moral code by civil law could only be legitimated, Locke stated, by men's inability to live peacefully together²⁷; the Christian significance of moral life should not be the concern of the magistrate. Civil law could command the practice of virtues not because these «oblige the conscience, or are the dutys of man to god & the way to his mercy & favour», but rather because «they are the advantages of man with man, & most of them the strong ties & bonds of society; which cannot

²⁴ Ivi, p. 273.

²⁵ Ivi, pp. 272-73.

²⁶ Ivi, pp. 281.

²⁷Ivi, p. 269: «For if men could live peaceably & quietly together without uniteing under certain laws & growing into a common-wealth, there would be noe need at all of magistrates or polities, which were only made to preserve men in this world from the fraud & violence of one another».

be loosend, without shattering the whole frame»²⁸. The magistrate would never draw his sword against «vices» such as «coviteousnesse, disobedience to parents, ingratitude malice, reveng, & several others», for although they offended the moral law emanated by God, *i.e.* the law of nature, they did not have a ruinous effect on the state; on the other hand he could make even charity unlawful if it were for the benefit of society, although charity was «the great duty both of a man, & a Christian»²⁹. This discrepancy between the commands of civil law and those of moral law was explained by Locke by recurring to God's benevolence towards men: God's concern for preserving governments made «his law in some degrees submit, & comply with mans», so that it was often the magistrate who established the measure of vice which should be tolerated³⁰. This argument supported religious toleration: if civil law could leave some vices unpunished, though they represented an offence against moral law, it could tolerate the speculative opinions of dissenters and their manners of worship, which in no way offended God's commands.

Clearly, the argument for religious tolerance and that for moral tolerance sustained each other in *An Essay concerning Toleration*: morality and religion were both a matter of private interest between God and man's soul, for vices were identified with sins. In order to legitimate toleration of dissent, Locke emphasized the distance between vice, or sin, and crime; however, he appeared to be far more interested in preserving the autonomy of religious opinions from the possible abuses of the magistrate (the causes of the «greater & more unavoidable mischeifs then any thing else to man kinde») ³¹ than in isolating a sphere of private immorality beyond the competence of civil law. The confines of this sphere remained unstable: although the magistrate was not allowed to punish his subjects' neglect of their estates, or «force them to a prosecution of their owne

²⁸ Ivi, p. 282.

²⁹*Ibidem*. Locke was referring to the prohibition of charity to beggars: see ivi, p. 282, note 2.

³⁰Ivi, p. 283.

³¹Ivi, p. 278.

private interests»³², he was the supreme judge regarding the lawfulness or unlawfulness of those practical principles by which «men regulate their actions, with one another», being accountable for his actions only before God³³.

Moreover, the vices which Locke mentioned in order to highlight the limits of the magistrate's authority were scarcely indicative of his intention to subtract a portion of morality from his jurisdiction: covetousness, disobedience to parents, revenge, ingratitude and malice had never been considered as crimes to be prosecuted by the magistrate even during the austere years of the Commonwealth. The threat of incurring civil penalties due to parental disobedience voiced in several books on education published in the 1650s was more rhetorical than real³⁴; as for revenge, although some Puritan legal commentators such as John Selden condemned duelling, a certain degree of indulgence towards this practice was common, especially among aristocrats³⁵. Covetousness, malice and ingratitude³⁶ had never been punished by the magistrate, although many Acts and Ordinances passed during the Interregnum proved they were viewed as particularly heinous sins³⁷, and the first was seen by

³²Ivi, p. 272.

³³Ivi, p. 275.

³⁴See GARTHINE WALKER, *Crime, Gender and Social Order in Early Modern England*, Cambridge, Cambridge University Press, 2003, p. 71.

³⁵Perhaps the most famous case was that of George Villiers, the second Duke of Buckingham, who in 1668 was involved in a duel with the Earl of Shrewsbury. An example of the century's ambiguous attitude towards duelling may be found in the work of WILLIAM HIGFORD, *Institutions, Or Advice to His Grandson*, London, Thomas Warren, 1658, pp. 78-81.

³⁶The Anglican Bishop John Gauden charged dissenters with «malice, revenge, passion, covetousness, cruelty and ingratitude»: see JOHN GAUDEN, *Hiera dakrya, Ecclesiae anglicanae suspiria*, London, R. Royston, 1659, p. 119. The list of vices is almost identical to that in *An Essay concerning Toleration*, therefore they might generally have been attributed to dissenters.

³⁷See for instance *An Ordinance exhorting all his Majestie's good subjects in the Kingdome of England, and Dominion of Wales, to the duty of Repentance* (February 1643), in *Acts and Ordinances of the Interregnum. 1642-1660*, Charles H. Firth and Robert S. Rait eds., London, Wyman and Sons, 1911, pp. 80-82.

many (by the Levellers, for instance, as well as by the Puritans) as the true evil of England³⁸.

Probably that part of morality which Locke placed under the magistrate's jurisdiction in *An Essay concerning Toleration* was neither greater nor smaller than his time considered as appropriate; what he denied to the magistrate, *i.e.* the right to force his subjects to behave virtuously, was not a priority in the political agenda of the sovereign. The many acts passed by Charles II in the first years of his regency buttressed a secular interpretation of magisterial action; Non-Conformism was discouraged because it favoured sedition, not because it was an offence against true religion³⁹. Locke seemed to conform with this position in his work of 1667; however, the comment he added at its very end seemed to indicate his opinion was more complex. Toleration, he declared in the comment, would contribute to a government settlement because «it makes the majority of one minde & encourages virtue in all, which is donne by makeing & executing strict laws concerning virtue and vice». The importance of shifting the focus of magisterial action from religious dissent to immorality had been insisted on by Jeremy Taylor, Charles I's chaplain, in his influential *Theologia Eklektike*⁴⁰ and was one of the arguments for toleration more frequently cited by Restoration authors; its use was symptomatic of a widespread concern for the growth of immorality which characterized the Stuart Restoration. The general softening of penalties which followed the Restoration favoured a relaxation in manners, a clear reaction to Puritan austerity; the extent of aristocratic delinquency became particularly prominent. Several

³⁸Diggers such as Gerrard Winstanley claimed that covetousness was the main cause of the civil war; the dangers of covetousness, especially covetous clergy, were a recurring theme in Milton's works during the Commonwealth. Cromwell charged Catholic priests with being covetous of power; in contrast to the wisdom of his time, Hobbes defended covetousness as honorable and as an integral part of human nature in the *Leviathan*.

³⁹See for inst. CHARLES II, *An Act to prevent and suppress seditious Conventicles* (1664), in *Statutes of the Realm. Volume 5: 1628-80*, ed. John Raithby, s.l., 1819, pp. 516-520.

⁴⁰JEREMY TAYLOR, *Θεολογια εκλεκτικη. A Discourse of the Liberty of Prophesying*, London, R. Royston, 1647.

thefts and other serious crimes were committed by members of the nobility, and largely went unpunished⁴¹; adultery became a kind of fashion in high society, as was documented by a certain number of comedies⁴². It is difficult to determine what Locke's opinion was in this regard, but he probably did not approve of the upsurge in upper-class crime which characterized the reign of Charles II. He might have shared the concern expressed by the Act passed by Charles II in 1664 regarding the bad habits of young noblemen, who often ruined their estates by gambling⁴³; although the *ethos* of *An Essay concerning Toleration* might appear somehow indulgent towards the immorality of aristocracy (of Locke's *patron* Shaftesbury in particular), the comment at its very end highlighted a certain sympathy for a more coercive morality.

Some years later, in a journal note entitled "Excommunication" (1674)⁴⁴, Locke restated what he had affirmed in *An Essay concerning Toleration*, though in more nuanced tones: the end of civil society was not eternal happiness, which pertained to religious society, but rather «Civill Peace and prosperity or the preservation of the Society and every Member thereof in a free and peaceable enjoyment of all the good things of this life that

⁴¹ A famous case was that of the Earl of Dorset: in 1662, he and his brother were indicted on charges of robbery and murder. Another notorious case was that of the Earl of Rochester in 1667. See JAMES H. SHARPE, *Crime in Early-Modern England*, cit., pp. 141-142.

⁴²See DAVID M. TURNER, *Fashioning Adultery. Gender, Sex and Civility in England. 1660–1740*, Cambridge-New York, Cambridge University Press, 2002. The reopening of playhouses after their eighteen-year closure was concomitant with a relaxation in censorship practices concerning plays, another symptom of the anti-Puritanism which had become popular in the immediate wake of the Restoration. Regarding the relaxation of penal laws see TIM HARRIS, *London Crowds in the Reign of Charles II. Propaganda and Politics from the Restoration until the Exclusion Crisis*, Cambridge, Cambridge University Press, 1990, p. 81.

⁴³See CHARLES II, *An Act against deceitfull disorderly and excessive Gameing* (1664), in *Statutes of the Realm*, cit., p. 523. The act intended to prevent «the circumventing deceiving couzening and debauching of many of the younger sort both of the Nobility and Gentry and others to the losse of their pretious time and the ruine of their Estates and Fortunes and withdrawing them from noble and laudable Imployments and Exercises».

⁴⁴See JOHN LOCKE, *Excommunication*, in IDEM, *An Essay Concerning Toleration*, cit., pp. 329-30.

belong to each of them». The «proper matter» of the laws of civil society were all things tending to civil happiness, *i.e.* «almost all morall and indifferent things», although they did not become the law's concern until «the doing or omitting of any of them come to have a tendency to the end above mentioned». The vagueness of the term “tendency” suggested it was difficult to determine the exact boundary between those cases in which morality was the magistrate's concern and those in which it was not, yet the adverb “almost” somehow confirmed the existence of a sphere where these doubts were out of place.

Several years later, when he wrote the Latin *Epistola de Tolerantia* (1689)⁴⁵, Locke placed far more emphasis on the political significance of morality: the private nature which he had attributed to the concern for virtue and vice in *An Essay concerning Toleration* seemed to be obscured. Sins, not vices could be tolerated by the magistrate; the distinction between sin and vice, as I shall argue in the next paragraph, had become particularly important for Locke.

Locke's *Letters for Toleration* and the Movement for the Reformation of Manners. Sins and vices

The “Glorious Revolution” of 1688 was regarded by many as a providential event inaugurating an age of moral renewal, a vital antidote to the vicious laxity of the Stuart regime. The movement for the Reformation of Manners which flourished in the nineties found in William III the auspicated godly prince, able to promote the interest of true religion and virtue⁴⁶.

The movement was supported by the action of several societies, the first of which was founded in London in 1691; its aims were the suppression of profanity, immorality and lewd activities (of

⁴⁵The *Epistola* was probably written in 1685, though it was published in 1689. See *John Locke. A Letter for Toleration in focus*, John P. Horton and Susan Mendus eds., London, Routledge 1991, p. 5.

⁴⁶See ANDREW GORDON CRAIG, *The Movement for the Reformation of Manners. 1688-1715*, PhD. Dissertation, Edinburgh, 1980; *The Church of England c.1689- c.1833. From Toleration to Tractarianism*, John Walsh, Colin Haydon, Stephen Taylor eds., Cambridge, Cambridge University Press, 1993.

brothels and prostitution in particular), and its strength largely lay in a network of informers appointed to detect and denounce cases of immorality. The ideal supporting the capillary action of the reformers was a Puritan conception of moral life privileging activity rather than passive piety, self-denial and avoidance of immoral company⁴⁷; the appeal to the magistrate for an enforcement of the laws against immorality was common in their writings, and found a ready answer in the several royal edicts passed by William III during the nineties⁴⁸. Many exponents of the High Church of England, as well as many dissenters adhered to the ideals of the Reformation. In 1691 seven Anglican bishops, including Edward Stillingfleet and Gilbert Burnet, addressed a petition to the King requiring him to enforce the laws against «blasphemy, profane swearing and cursing, drunkenness and lewdness, and the profanation of the Lord's Day»⁴⁹; several sermons for the reformation of manners were preached by dissenters in the nineties, giving audible expression to the reformers' contention that the struggle against

⁴⁷Regarding the history of the societies see JOSIAH WOODWARD, *An Account of the Life and Progress of the Religious Societies in the City of London, &c, and of the Endeavours for Reformation of Manners which have been made therein*, London, 1698. See also HENRY D. RACK, *Religious Societies and the Origins of Methodism*, «Journal of Ecclesiastical History», 1987, 4, Cambridge University Press, pp. 587-90.

⁴⁸A letter which William III sent to the Bishop of London on 13th February 1690 for distribution to all diocesans and parish clergy announced his intention to patronize the reform: the King commanded that bishops should assist the Crown's efforts towards «a general reformation in the lives and manners of all our subjects, as being that which must establish our throne, and secure to our people their religion, happiness, and peace; all of which seem to be in great danger at this time». See EDWARD CARDWELL, *Documentary Annals of the Reformed Church of England*, II, Oxford, University Press, 1844, pp. 326-329. Clergy were instructed to preach against immorality and read the statutes prohibiting blasphemy, swearing and cursing, perjury, drunkenness, and profanations of the Lord's Day. Regarding William and Mary's role in the reformation see TONY CLAYDON, *William III and the Godly Revolution*, Cambridge, Cambridge University Press, 2004.

⁴⁹A copy is to be found in BL Loan 29/185, fol. 276 (Papers of the Harley Family). Anglican bishops generally defended the Societies' activities from the various attacks which were moved against them: an example may be found in Bishop EDWARD FOWLER, *A Sermon preach'd at the Church of St. Mary le Bow to the Societies for Reformation of Manners*, London, B. Aylmer, 1699, p. 31.

vice should supersede any confessional divisions amongst Christians.

The Archbishop John Tillotson was one of the main supporters of the ideals of the reformation; Locke had great admiration for his Latitudinarianism, as his correspondence reveals⁵⁰. In Tillotson's popular sermons, civil government was characterized as being fundamental to the welfare and security of mankind⁵¹: this secularized justification of the magistrate's power⁵² was common in the writings of reformers⁵³, where it served to legitimate state involvement in the crusade against vice. However, religious justification was also present: the devote good prince, in Tillotson's words, used the power which God had conferred on him «for the continuance and support of the true religion», and shaped his subject's manners through his

⁵⁰See JOHN MARSHALL, *John Locke. Resistance*, cit., pp. 79-81, 389, etc.; IDEM, *John Locke and Latitudinarianism*, in *Philosophy, Science and Religion in England. 1640-1700*, Richard Kroll, Richard Aschcraft, Perez Zagorin eds., Cambridge, Cambridge University Press, 1992, pp. 253-282. Regarding Tillotson's Latitudinarianism, see WILLIAM M. SPELLMAN, *The Latitudinarians and the Church of England, 1660-1700*, Athens GA, University of Georgia Press, 1992.

⁵¹See for inst. JOHN TILLOTSON, *The Duty and Reason of Praying for Governors*, in *Works*, cit., IV, p. 535: «Government is [...] the great band of human society, the guard of its peace, and the security of every man's person and property».

⁵²Latitudinarianism proposed a secularized justification of moral life, which reconciled the competing aims of self-interest and virtue by arguing that virtue brought rewards; this reconciliation was also proper to the Anglican and Whig ethos of the late seventeenth- and early eighteenth centuries. See CAROL STEWART, *The Eighteenth-Century Novel and the Secularization of Ethics*, Farnham and Burlington, Ashgate, 2010, p. 116; *The Margins of Orthodoxy: Heterodox Writing and Cultural Response. 1660-1750*, ed. Roger D. Lund, Cambridge, Cambridge University Press, 1995, pp. 157-58; SHELLEY BURTT, *Virtue Transformed: Political Argument in England, 1688-1740*, New York, Cambridge University Press, 1992, pp. 56-57.

⁵³A valid example may be found in Burnet's argument that sins like profanity were politically dangerous and therefore required magisterial intervention. See GILBERT BURNET, *Charitable Reproof. A Sermon Preached at the Church of St. Mary-le-Bow to the Societies for Reformation of Manners*, London, R. Chiswell, 1700, p. 22. The same argument was in MATTHEW HEYNES' *A Sermon for Reformation of Manners, Preach'd at St. Paul's church in Bedford, at the Assizes there held*, London, G. Ratten, 1701, p. 13; see also EDWARD COBDEN, *The Duty and Reward of Turning Others to Righteousness. A Sermon Preached to the Societies for Reformation of Manners*, London, M. Downing, 1736, p. 17.

piety and good example⁵⁴. Other writers involved in the programme of moral reformation insisted on this point: they frequently appealed to the authority of the Scriptures in order to legitimate a view of the magistrate as «the Minister of God», a «Revenger to execute wrath upon him that doth evil»⁵⁵.

Locke's insistence on the necessity of enforcing laws against immorality in the *Second* and especially in the *Third Letter*, as well as other evidence coming from his correspondence and writings⁵⁶, suggest he identified with the programme of the reformers. In the *Third Letter* he declared that magistrates

may and ought to interpose their power, and by severities against drunkenness, lasciviousness, and all sorts of debauchery; by a steady and unrelaxed punishment of all the ways of fraud and injustice; and by their administration, countenance, and example, reduce the irregularities of men's manners into order, and bring sobriety, peaceableness, industry, and honesty into fashion⁵⁷.

«Pride, injustice, rapine, luxury, and debauchery», Locke continued, «might be corrected by punishments»⁵⁸: these vices⁵⁹

⁵⁴See JOHN TILLOTSON, *The Duty and Reason of Praying for Governors*, cit., p. 541.

⁵⁵See JOHN BILLINGSLEY, *A Sermon, preach'd to the Society for Reformation of Manners in Kingston upon Hull*, London, A. and J. Churchill, T. Ryles, 1700, p. 16; THOMAS LEAVESLEY, *A Sermon preach'd to the Societies for the Reformation of Manners, at Salters-Hall*, London, E. Matthews, 1730, p. 24; etc.

⁵⁶Marshall highlighted the moral rigour in Locke's *Some Thoughts concerning Education*, in his journal note *Labour* of 1693 and in the text of the *Poor Law* which he wrote in 1698 in his capacity as a Commissioner on the Board of Trade. In all these writings, Locke complained about the great corruption of manners in his days and insisted on the necessity for moral reformation. See JOHN MARSHALL, *John Locke. Resistance*, cit., pp. 381-83. Locke manifested his adhesion to the ideals of the Reformation till the end of his life: writing to Benjamin Furly on 30 May 1701, he lamented «the great corruptions and dissoluteness which had overspread this part of the world and of late years got into all ranks and professions of man»; he insisted that «Without a stop to the overflowing of vice, and a reformation into better manners tis easy to see the several communities in this part of the world will very hardly be able to subsist». See JOHN LOCKE, *Correspondence*, cit., VII, p. 337.

⁵⁷JOHN LOCKE, *A Third Letter for Toleration*, in *The Works*, cit., V, p. 469.

⁵⁸Ivi, p. 468.

were specific targets of the Reformation movement, which lamented their spread in England due to the moral laxity of the Stuart regime⁶⁰. Judgment on pride had been entrusted to God in *An Essay concerning Toleration*⁶¹, but there Locke was referring to people in general, whereas in the *Third Letter* he might have been thinking of courtiers. «Pride and vanity» were ascribed to the courts in a journal note of 1693, “Labour”: their luxury and idleness were criticized for offering a bad example to the «inferior grandees» and contaminating all society. This “contamination” was frequently denounced in the writings of the reformers: freeing the court of the many vices which had proliferated in it after the Restoration was one of the crucial goals of the Williamite regime⁶². The insistence on the reforming power of the upper-classes’ good example was typical of several moral writings of this period⁶³, and was also apparent in Locke’s *Some Thoughts concerning Education*⁶⁴.

Reformers also denounced the spreading of injustice in England, which they attributed to the judicial partiality of the Stuart

⁵⁹The position of pride suggests Locke was thinking of the archetypal sin, from which all others proceeded; this was a common conviction in Reformed theology. See WILLIAM AMES, *De conscientia, et eius iure, vel casibus Libri quinque*, Amsterdam, J. Janssonius, 1635², p. 188: «superbia est initium omnis inobedientiae»; JOHN TILLOTSON, *The Reputation of Good Men, after Death*, in *Works*, cit., IV, p. 410: «Pride is enough to supplant the greatest Virtue in the World».

⁶⁰Bishop Burnet, the leading propagandist for the Orange court, significantly declared in this regard: «we have not forgot the Criminal Excesses of the year Sixty». See GILBERT BURNET, *A Sermon Preached in the Chappel of St. James’s, Before his Highness the Prince of Orange*, London, R. Chiswell, 1689, pp. 22-23.

⁶¹See JOHN LOCKE, *An Essay concerning Toleration*, cit., p. 275: «But if there be any ambition, pride, revenge, faction, or any such alloy that mixes its self with what he calls conscience, soe much there is of guilt, & soe much he shall answer for at the day of judgment».

⁶²See TONY CLAYDON, *William III and the Godly Revolution*, cit., pp. 91-99.

⁶³See for inst. NAHUM TATE, *Characters of Virtue and Vice Described in the Person of the Wise-Man*, London, F. Saunders, 1691; ABEL BOYER, *Characters of the Virtues & Vices of the Age*, London, A. Roper et alii, 1695.

⁶⁴The purpose of the work was to remoralize gentlemen’s customs, affected by a «Great Decay of Christian Piety and Vertue»; see JOHN LOCKE, *Some Thoughts concerning Education*, John W. and Jean S. Yolton eds., Oxford, Clarendon Press, 1989, p. 131.

regime; impartiality was recommended to magistrates in a letter written by Queen Mary in 1691⁶⁵. Locke insisted on this same point in the *Second* and *Third Letter*: the magistrates should «severally and impartially set themselves against vice, in whomsoever it is found»⁶⁶.

Debauchery and luxury were considered as the immediate, natural cause of a nation's ruin by the reformers⁶⁷. Bishop Stillingfleet was particularly eloquent in this regard in one of his sermons for the reformation of manners:

Who can deny that Luxury and Debauchery, and all sorts of Intemperance, not only sink the Reputation of a People, but effeminates and softens them, and makes them Careless and Idle, Regardless of any thing but what makes for their own Ease and Voluptuousness? And in all humane probability, such a Nation must sink, when a People of more Wisdom and Courage and Resolution, makes it their business to overcome them. So that these sorts of Sins are *Natural Causes* of weakning the Power and Interest of a Nation⁶⁸.

Luxury was viewed with special concern by the reformers: warnings against “Mammonism” were ubiquitous in late seventeenth-century religious writings, as well as in popular

⁶⁵The letter was reprinted in EDWARD STEPHENS, *The Beginning and Progress of a Needful and Hopeful Reformation in England, with the first encounter of the enemy against it, his wiles detected, and his design ('t may be hop'd) defeated*, London, 1691, pp. 5-6. Impartiality was also recommended by DANIEL DEFOE in his *The Poor Man's Plea to all the Proclamations, Declarations, Acts of Parliament, &c. which have been or shall be made or publish'd for a Reformation of Manners and suppressing Immorality in the Nation*, London, A. Baldwin, 1698.

⁶⁶JOHN LOCKE, *Second Letter*, cit., pp. 65-66; see also on p.132: «there is no better way to show the uselessness of it [force], than the applying it equally to miscarriages, in whomsoever found». IDEM, *Third Letter*, cit., pp. 241, 486.

⁶⁷In the *Essays on the Law of Nature* (1664), Locke mentioned debauchery between two crimes, theft and murder. See JOHN LOCKE, *Essays on the Law of Nature and Associated Writings*, ed. Wilhelm von Leyden, Oxford, Clarendon Press, 1954, p. 141.

⁶⁸EDWARD STILLINGFLEET, *Reformation of Manners the True Way of honouring God with the Necessity of putting the Laws in Execution against Vice and Profaneness*, London, T. Baldwin 1700, pp. 34-35.

ballads and pamphlets⁶⁹. Proposals for sumptuary legislation were advanced in Parliament, though without much success⁷⁰; in 1698, the Society for Promoting Christian Knowledge was created, explicitly uniting the Church with the call for stronger sumptuary legislation. As for Locke, in “Atlantis” he had affirmed that «sumptuary laws where the age inclines to luxury and excess do not restrain but rather increase the evil»⁷¹, but in the *Third Letter* he appeared more optimistic regarding the effectiveness of these laws, which is symptomatic of the great trust he placed in the Williamite regime.

Lasciviousness, drunkenness and other forms of intemperance were generally considered as responsible for making men cowards, dispirited, effeminate and unable to serve their country; they were viewed with great anxiety at the beginning of the nineties, when the possibility of a new conflict with France began to materialize⁷². The rhetoric of manliness was hegemonic in the culture of the Reformation, which strongly advocated magisterial action in its support⁷³; this rhetoric found powerful expression in Locke’s *Some Thoughts*⁷⁴.

⁶⁹See BRODIE WADDELL, *God, Duty and Community in English Economic Life. 1660-1720*, Woodbridge UK, The Boydell Press, pp. 36-40.

⁷⁰See PAUL SLACK, *From Reformation to Improvement: Public Welfare in Early Modern England*, Oxford, Oxford University Press, 2010, p. 115.

⁷¹ JOHN LOCKE, *Atlantis* (1676-79), in IDEM, *Political Essays*, cit., p. 255.

⁷²This conflict was the reason for the resistance to the Reformation programme by the Lord Commissioners in charge of prosecuting immorality: they feared that the costs deriving from the prosecution of alehouse keepers might injure the Crown's revenues at a time when England's war effort required heavy funding. Locke was probably favourable to moderation: in the text of the *Poor Law* he recommended only «the suppressing of superfluous brandy shops and unnecessary alehouses, especially in country parishes not lying upon great roads». See JOHN LOCKE, *An Essay on the Poor Law*, in IDEM, *Political Essays*, cit., p. 184.

⁷³ See ANTHONY FLETCHER, *Gender, Sex and Subordination in England 1500-1800*, New Haven, Yale University Press, 1995, p. 411.

⁷⁴See GIULIANA DI BIASE, *Liberal Education in John Locke's Some Thoughts concerning Education*, «Giornale critico della filosofia italiana», 2015, 3, p. 583, *passim*; JASON D. SOLINGER, *Becoming the Gentleman. British Literature and the Invention of Modern Masculinity. 1660-1815*, New York, Palgrave Macmillan, 2012.

Like many of the reformers, in his *Letters for Toleration* Locke proposed a secular justification of civil power: the business of the Commonwealth, he wrote in *A Letter*, is «the safeguard of mens lives, and of the things that belong unto this life». The citizens' spiritual good was not the magistrate's business because their religion, «whether it be true or false, does no prejudice to the worldly concerns of their Fellow-Subjects»⁷⁵; civil law could ensure that «the Goods and Health of Subjects be not injured by the Fraud or Violence of others», but it could not «guard them from the Negligence or ill husbandry of the Possessors themselves»⁷⁶, even from their own spiritual negligence. The same argument had been used in *An Essay concerning Toleration* to determine the boundaries of the magistrate's jurisdiction, therefore a certain continuity of thought was apparent.

In the *Second Letter*, Locke equally insisted on civil society being established only for civil interests, not in order to secure men's spiritual good⁷⁷; however, he also affirmed that

the magistrates, if they would put men upon seeking the way of salvation as they ought, should, by their laws and penalties, force them to a good life; a good conversation being the readiest and surest way to a right understanding. Punishments and severities thus applied, we are sure, are both practicable, just, and useful⁷⁸.

It is not clear whether Locke here was paraphrasing the words of his adversary Jonas Proast, who had insisted that it was the magistrate's duty to promote the spiritual good of his subjects, or rather if he was making a point of his own⁷⁹; other passages in the *Letters* clarified that, in his opinion, civil law ought to

⁷⁵ JOHN LOCKE, *A Letter*, cit., p. 48.

⁷⁶ Ivi, pp. 25-26.

⁷⁷ JOHN LOCKE, *Second Letter*, cit., pp. 120-122; see also IDEM, *Third Letter*, pp. 211-12; 215-16; 504.

⁷⁸ JOHN LOCKE, *Second Letter*, cit., p. 66.

⁷⁹ Marshall insisted on the ambiguity of this passage: see JOHN MARSHALL, *John Locke. Resistance*, cit., p. 378. The ambiguity however only concerned Locke's opinions regarding the magistrate's duty to promote religion, not his ideas as to the need for enforcing morality.

promote morality⁸⁰, not true religion, though by enforcing the first it would contribute to spreading the second. The magistrates' duty, Locke insisted, was to punish immorality:

This is their proper business every-where; and for this they have a commission from *God*, both by the light of nature and revelation [...]. For if men were forced by the magistrate to live sober, honest and strict lives, whatever their religion were, would not the advantage be on the side of truth, when the gratifying of their lusts were not to be obtained by forsaking her?⁸¹

The assistance which the magistrate's authority could give to true religion, Locke declared, did not consist in «the imposition of creeds and ceremonies»⁸²: in this regard, he had not changed his mind with respect to *An Essay concerning Toleration*. What was new in the *Letters* was rather the strong emphasis placed on the necessity to enforce morality, which depended on the distinction between sin and vice: Locke insisted that sins should be tolerated, but not vices. In *A Letter* he affirmed:

But *Idolatry* (say some) *is a Sin*, and therefore not to be tolerated. If they said, it were therefore to be avoided, the Inference were good. But it does not follow, that because it is a Sin, it ought therefore to be punished by the Magistrate. For it does not belong unto the Magistrate to make use of his Sword in Punishing every thing, indifferently, that he takes to be a Sin against God. Covetousness, Uncharitableness, Idleness, and many other things are sins, by the consent of all men, which yet no man ever said were to be punished by the Magistrate. The reason is, because they are not prejudicial to other mens Rights, nor do they break the publick Peace of Societies⁸³.

The same argument had been used in *An Essay concerning Toleration*, but there Locke spoke of vices, for sins and vices were not distinguished. On the contrary, in the *Letters* they were clearly separated, as they were in the *Essay concerning Human*

⁸⁰JOHN LOCKE, *Third Letter*, cit., p. 373: «Let the magistrate, as is his duty, hinder the practices which their [the religious seducers's] lusts would carry them to»; *ivi*, p. 416: «it is properly the magistrate's business by punishments to restrain and suppress them [corrupt manners and the debauchery of life]».

⁸¹*Ivi*, p. 469.

⁸²JOHN LOCKE, *Second Letter*, cit., p. 66; *Third Letter*, cit., p. 469.

⁸³JOHN LOCKE, *A Letter*, p. 41.

Understanding where sins were defined as offences against divine law, vices as offences against the law of reputation⁸⁴. The core of Locke's strategy in the *Letters* was to demonstrate that sins should not be considered as crimes, whereas vices should. Idolatry, covetousness, lack of charity and idleness were characterized as sins in *A Letter*⁸⁵; in Puritan thought, they were all regarded as consequences of the immoderate love of riches (as was also the case of the prodigality of the spend-thrift mentioned in another passage of *A Letter*)⁸⁶. Locke considered the «*amor sceleratus habendi*» as the original cause of men's corruption⁸⁷, and covetousness as «the root of all Evil»⁸⁸; however, his writings of the nineties reveal he viewed their opposite, charity, as a Christian duty which could not be imposed by the magistrate. In *The Reasonableness of Christianity* (1694) Locke affirmed that, in his sermon on the mount, Jesus had

preached to the People only Morality; Clearing the Precepts of the Law from the false glosses which were received in those days; And setting forth the Duties of a good Life in their full Obligation and

⁸⁴JOHN LOCKE, *An Essay concerning Human Understanding*, ed. Peter H. Nidditch, Oxford, Oxford University Press, 1975, II, xxviii, 8-10, pp. 352-54. By divine law in the *Essay* Locke intended both the law of nature and revelation.

⁸⁵ See JOHN LOCKE, *A Letter*, cit., p. 41.

⁸⁶Ivi, p. 25. The link between the love of riches, idleness and prodigality was emphasized by Puritan writers such as Richard Baxter, who pitted the moral relaxation, or sloth, associated with possessing riches against the industriousness of labour that produces riches. See RICHARD BAXTER, *Directions against Idleness and Sloth* and *Directions against Covetousness and Love of Riches*, in IDEM, *A Christian Directory, Or, A Body of Practical Divinity and Cases of Conscience* (ca.1691), II, London, R. Edwards, 1825, pp. 587-601 and pp. 69-94. Regarding covetousness in Puritan thought see SKIP WORDEN, *Godliness and Greed: Shifting Christian Thought on Profit and Wealth*, Lanham MD and Plymouth UK, Lexington Books, 2010, esp. pp. 201-202.

⁸⁷JOHN LOCKE, *The Second Treatise of Government*, in IDEM, *Two Treatises of Government*, ed. Peter Laslett, Cambridge, Cambridge University Press, 1988³, p. 342.

⁸⁸JOHN LOCKE, *Some Thoughts*, cit., p. 170.

Extent, beyond what the Judiciary Laws of the *Israelites* did, or the Civil Laws of any Country could prescribe or take notice of ⁸⁹.

The duties of “a good life” in their entirety corresponded to the Christian duties of charity, meekness and love of one’s enemies⁹⁰; they could not be imposed by civil law for Locke because of their pertaining to a different, more perfect legislation, that of God’s Kingdom. The identification of covetousness with «not loving our neighbour as ourselves» in the *Third Letter*⁹¹ suggested Locke was thinking of the infringement of a Christian duty, whose punishment was beyond the magistrate’s competence: whenever he spoke of sins in the *Letters*, his intention was to emphasize the boundaries of civil power. This was particularly clear in a passage of *A Letter*, where he referred to lying and perjury:

even the sins of Lying and Perjury, are no where punishable by Laws; unless in certain cases, in which the real Turpitude of the thing and the offence against God, are not considered, but only the injury done unto men’s neighbours, and to the commonwealth⁹².

In *An Essay concerning Toleration* Locke had affirmed that perjury and breach of faith should never be tolerated by the magistrate, because of their ruinous effects on society: this statement was compliant with the anti-Catholicism of Shaftesbury, for in seventeenth-century England Roman Catholics were traditionally suspected of infringing the obligations of loyalty oaths. In *A Letter*, however, Locke’s purpose was another, *i.e.* to highlight the distinction between sin

⁸⁹JOHN LOCKE, *The Reasonableness of Christianity*, ed. John C. Higgins-Biddle, Oxford, Clarendon Press, 1999, p. 58.

⁹⁰Ivi, p.50. In this higher sense, the good life was characterized in the *Reasonableness* as a life «according to the strictest Rules of Vertue and Morality». In a manuscript note entitled *Pacific Christians* (1688), Locke referred to this higher sense when he remarked that «the duties of a good life» are «the great business of true religion», and that their content may require special assistance from religious authorities. See JOHN LOCKE, *Pacific Christians*, in *A Letter concerning Toleration*, cit., p. 183.

⁹¹JOHN LOCKE, *Third Letter*, cit., p. 535.

⁹²JOHN LOCKE, *A Letter*, cit., p. 41.

and crime⁹³: although lying and perjury might be considered as both sins and crimes in some circumstances, this was his point, the magistrate's duty was to punish them as offences against civil law, not as offences against God's law⁹⁴.

Locke insisted on this point also in the *Third Letter*, where he affirmed that «envy, hatred, malice, and uncharitableness»⁹⁵ were never punished by the magistrate: this was a quotation from the seventh verse of the Litany of the *Book of Common Prayer*, which read «From envy, hatred and malice, and all uncharitableness, good Lord deliver us». Locke's argument was that although there could be evidence both of crimes and of sins such as envy or malice, no one thought they should be punished in the same way, for sins pertained to God's jurisdiction, not to the magistrate's.

Vices, on the other hand, should be punished by the magistrate as crimes, insisted Locke. Tolerance of vices was banned in the *Letters*:

Why then- Locke wrote in *A Letter*- does this burning Zeal for God, for the Church, and for the Salvation of Souls [...] pass by those moral Vices and Wickednesses, without any Chastisement, which are

⁹³In 1690 perjury was characterized as the national sin by an anonymous author, who considered it as the common consequence of swearing. See *Perjury the National Sin; or an Account of the Abuses and Violations of oaths among us of this Nation*, London, R. Taylor, 1690; see also BENJAMIN JENKS, *A Letter to a Gentleman of Note, Guilty of Common Swearing recommended now to all such of that rank as are under the same guilt, and fit to be perused by all Their Majesties good subjects that would please both God and the king, in helping to suppress this crying sin*, London, R. Taylor, 1690.

⁹⁴Locke might have been thinking of Titus Oates' incrimination for perjury in 1685, a famous judicial sentence which made clear that, by common consent, the magistrate was expected to punish only the "contempt of the laws of England", not the turpitude of an act. This was the strategy adopted by the Attorney General during the trial: he insisted that Oates was only guilty of having falsely sworn to having witnessed the plotters conspiring to kill the king in 1678, not of having caused their death when the plot was discovered. See THOMAS B. HOWELL, *A Complete Collection of State Trials and Proceedings for High Treason and Other Crimes and Misdemeanors from the Earliest Period to the Year 1783*, X, London, Longman et alii, 1816, pp. 1080-1328.

⁹⁵JOHN LOCKE, *Third Letter*, cit., p. 295.

acknowledged by all Men to be diametrically opposite to the Profession of Christianity?⁹⁶.

In the *Second Letter* Locke explicitly declared that the magistrate should punish vices and in the *Third Letter* he reiterated this point, clarifying that by vice he intended «only immorality of manners», not «errours in opinion, and difference in ways of worship from the national church»⁹⁷. This definition of vice was in perfect harmony with the ideals of the Reformation as well as with what Locke had affirmed in the *Essay concerning Human Understanding* regarding the identity of virtue and good manners: the «Law of Opinion or Reputation» determined what should be considered as virtue or vice in society by appending praise or blame, reputation or discredit to those actions supposed to be right or wrong in their own nature⁹⁸. Virtue was identified with *decus*, vice with an offence against decorum.

The distinction between sin and vice served in the *Letters* to support religious toleration: if dissenters were to be charged with sinning against true religion, they should not necessarily be viewed as guilty of immorality, as Proast had affirmed. However, this distinction was also functional in removing a part of morality, that concerning customs, from the sphere of religion and placing it under the magistrate's jurisdiction: if sins were God's business, vices were the magistrate's business. The separation between the two spheres of morality, the private one corresponding to God's jurisdiction and the public one corresponding to the magistrate's, was already clear in *A Letter*, where Locke affirmed:

Moral Actions belong therefore to the Jurisdiction both of the outward and inward Court; both of the Civil and Domestick Governor; I mean, both of the Magistrate and Conscience. Here therefore is great danger,

⁹⁶JOHN LOCKE, *A Letter*, cit., p. 9.

⁹⁷JOHN LOCKE, *Third Letter*, cit., p. 241.

⁹⁸JOHN LOCKE, *An Essay concerning Human Understanding*, cit., II, xxviii, 10-11, pp. 353-54. This supposition, Locke insisted, was often right because men did not «generally mistake, in placing their Commendation and Blame on that side, that really deserved it not».

least one of these Jurisdictions intrench upon the other, and Discord arise between the Keeper of the publick Peace, and the Overseers of Souls. But if what has been already said concerning the Limits of both these Governments be rightly considered, it will easily remove all difficulty in this matter⁹⁹.

In order to avoid discord between the two jurisdictions, the internal and the external, sins and vices should be carefully distinguished: judgment over the first should be left to God, judgment over the second should be entrusted to the magistrate. The latter should punish immorality because this was his duty, the one which God had commissioned to him.

According to Shagan, the appeal to magisterial action against vice in the *Letters* served to counterbalance the plea for religious toleration¹⁰⁰: the latter needed to be moderated in order to be palatable to the mainstream of the Church of England. The quest for moderation would also explain the concomitance of the “Toleration Act” of 1689 and the campaign for the Reformation of Manners, in Shagan’s opinion: indulgence towards dissent was balanced by intolerance of vice. However, Locke’s writings of the nineties reveal he considered a reform of morals as necessary *per se*, apart from religious toleration; the preservation of society depended on this reform, in his opinion. Morality should be enforced because virtue was the true cement of society, the one on which its preservation depended: this conviction had begun to emerge from Locke’s writings already by the end of the seventies. In some manuscript notes which he penned in 1681 virtue was identified with the rectitude of morals and distinguished from sin, as in the *Letters for Toleration*: this suggests he might have already been thinking of the need to reform morals. The confused political climate of those years, which witnessed the dramatic clash between Lord Shaftesbury and the Crown, might explain this; his reading of Nicole’s *Essais* in the late seventies might have played a significant role

⁹⁹JOHN LOCKE, *A Letter*, cit., p. 45.

¹⁰⁰ETHAN SHAGAN, *The Rule of Moderation*, cit., pp. 298-99.

in this regard as well as his Puritanism, as I shall argue in the next paragraph.

Pierre Nicole and social decorum. Locke's classification of 1681

In 1676-77 Locke was reading both Blaise Pascal's *Pensées* and Pierre Nicole's *Essais de morale*, and he probably noticed the different idea of political society which emerged from these works. Pascal declared that, although political order might seem just, its apparent justice only masked its true foundation, the will-to-power which came from concupiscence. Nicole's view was markedly different: he considered any society as existing thanks to a divine *fiat*, and the achievement of an ordered society as being in accordance with God's will. Two of his essays, *Des moyens de conserver la paix avec les hommes* and *De la charité et de l'amour propre*, were devoted to this subject: the first was the longest of the three essays by Nicole which Locke translated into English in 1676-79¹⁰¹.

In *Des moyens de conserver la paix*, Nicole affirmed that men were bound together by an infinity of needs, which obliged them to live in society. This was in conformity with God's design: God permitted men to have those needs in order to be associated one with another. Respect based on mutual love was a requisite needed to preserve peace in society; although the inner motives which prompted men in the state of fallen nature to live together were largely reducible to self interest or *amour-propre*, in Nicole's view these were a powerful incentive for people to treat each other with respect and love. Men made a show of their affection for others with a view to obtaining their benevolence and favour: this Nicole described as the foundation of human civility.

¹⁰¹See JOHN LOCKE, *Treatise concerning the way of preserving peace with men*, in *John Locke as Translator: Three of the Essais of Pierre Nicole in French and English*, ed. Jean S. Yolton, Oxford, Voltaire Foundation, 2000, pp. 115-259.

By assuming civil behaviour, people dissimulated their opinions and feelings on others in order to avoid arousing their aversion by a naked display of egoism; they showed conventional signs of respect in order to obtain others' affection. Deference to these conventions was of fundamental importance for Nicole: living in society not only required citizens to obey the law of justice or proper law, but also to conform to the *lois de bienséance* - the law of decency in Locke's translation -, which regulated all aspects of social life. Civility was a Christian duty: conversation, gratitude and many other types of behaviour functional to obtaining benevolence from others were obligations of Christian charity, which meant taking care of the general infirmity of human nature so as «to remove, from our brethren, the occasion of temptation»¹⁰². The obligation however was not of charity alone: also justice and the eternal law - the law of nature in Locke's translation - required civil behaviour.

The Christian and civil significance which Nicole attached to decency as the moral basis of society seems to have had a strong impact on Locke's thought: it may not be fortuitous that, in the same years in which he read Nicole's essays, he reread Cicero's *De officiis*, which made *decus* one of the fundamental parts of *honestum* and an ingredient necessary in performing any moral duty¹⁰³. *Decorum* made its first apparition in some manuscript notes which Locke penned in 1677, where it occupied a strategic position. All these notes were entitled *Adversaria*¹⁰⁴: they contained detailed guidelines for the writing of common-place books, arranged in the form of a list of topics corresponding to

¹⁰² Ivi, p. 187.

¹⁰³ See JOHN MARSHALL, *John Locke. Resistance*, cit., pp. 299-300. The Christian *honnêteté* lauded by Nicole had its lay counterpart in the Roman *honestas*.

¹⁰⁴ See Bodl. MS Locke f. 15, pp. 110, 119-20, 122-23, undated; Bodl. MS Locke c. 28, f. 51, dated 1677; Bodl. MS Locke f. 2, pp. 247-52, dated 1677. Regarding the content of the *Adversaria*, see GIULIANA DI BIASE, *Theologia, Ethics and Natural Law in Locke's Classifications of Knowledge and Adversaria*, «Locke Studies», XIV, 2014, pp. 196ff.

the main arguments to be taken into consideration. In all the *Adversaria*, *decora* and *indecora* were located between the *instituta* pertaining to civil law (*officia civilia*, *crimina* and *licita*), and those pertaining to moral law (*virtutes* and *vitia*); they seemed to outline a sphere where the two laws, moral and civil, overlapped.

In a journal note of 1677-78, Locke referred to civility as one of those virtues «which relate to society and so border on justice»¹⁰⁵, and in other notes of the same period he insisted on the civil importance of virtue, reputation and custom¹⁰⁶. In a journal note of 1679, he mentioned once again decorum when listing the various meanings which could be conferred on virtue in society, *i.e.* “virtus in opinione”, corresponding to *Honestum*, *Turpe* and *Indifferens*; “virtus in conversatione”, corresponding to *decorum* and *indecorum*; “virtus in personam”, corresponding to *Formosum* and *Deforme*, and “virtus in nascita et ornamenta”, corresponding to *Venustas* and *Invenusim*. The list suggests Locke was thinking of Cicero’s notion of *decus* as it was expounded on in *De officiis*, where the close relationship between ethical and aesthetic harmony was emphasized: decorum concerned every deed, word and gesture for Cicero, and manifested itself in beauty, order and ornament. The private, super-political nature which Locke had attributed to the concern for virtue and vice in *An Essay concerning Toleration* seemed to be blurred.

The importance of decorum in all aspects of social life had been emphasized also by the Puritans: both William Perkins and William Ames had recommended that outward order and decency should be respected in religious and civil life¹⁰⁷.

¹⁰⁵ JOHN LOCKE, *Morality*, in IDEM, *Political Essays*, cit., p. 269.

¹⁰⁶See JOHN LOCKE, *Virtue* (1678), *ivi*, p. 269; *Reputation* (1678), *ivi*, pp. 271-72; *Marriage* (1679), *ivi*, p. 273. In his utopian land Atlantis, Locke banned fornication and insisted on the importance of encouraging marriage: see JOHN LOCKE, *Atlantis*, cit., p. 255.

¹⁰⁷See WILLIAM PERKINS, *A Golden Chaine, or the Description of Theologie, Containing the Order of the Causes of Salvation and Damnation according to Gods word*, Cambridge, J. Legat, 1600², p. 85; WILLIAM AMES,

Discursive decorum was highly appreciated by Puritanism, because it strengthened the social ties of the community; civil conversation was considered as a means by which men could keep the peace between themselves and their rivals, as well as within the community itself¹⁰⁸. By the 1620s and 1630s, a Puritan courtesy genre had developed, which brought piety and “Christian civility” to centre-stage; as was highlighted by the work of Richard Brathwaite¹⁰⁹, one of the most influential authors of this genre, decency received special attention in this context as the true essence of Christian life. Decency was linked to modesty and temperance, and thought of as the true ornament of virtue; it paved the way to perfection and was the surest way to gain others’ affection.

Both the *bienséance* recommended by Nicole and the decorum lauded by the Puritans were conceived of as Christian duties; civility was intended by both as the cement of society. Probably Locke’s puritan education contributed to rendering Nicole’s thought congenial to him; this seems to be confirmed by a classification of the branches of knowledge which he penned in 1681¹¹⁰, where his Puritanism¹¹¹ emerged clearly alongside the identification of virtue with decorum. The classification was the third composed by Locke, after those he penned in 1670 and 1672; it differed substantially from the previous ones as far as

Medulla Theologica. Editio novissima, Amsterdam, J. Janssonius, 1656, pp. 283-288.

¹⁰⁸See PHILIP H. ROUND, *By Nature and by Custom Cursed: Transatlantic Civil Discourse and New England Cultural Production. 1620-1660*, Hanover-London, University Press of New England, 1999, pp. 5-8; BERNARD S. CAPP, *England's Culture Wars: Puritan Reformation and Its Enemies in the Interregnum. 1649-1660*, Oxford, Oxford University Press, 2012.

¹⁰⁹RICHARD BRATHWAITE, *The English Gentleman and the English Gentlewoman*, London, J. Dawson, 1641.

¹¹⁰See “Adversaria 1661”, pp. 290-91, dated 1681. A copy is in Bodl. MS Locke c. 28, ff. 157-158, undated.

¹¹¹The influence of Puritanism, in particular of William Ames, is clearly visible also in another classification which Locke penned in the eighties; this influence has had a crucial importance in his rethinking of the role and importance to be attributed to metaphysics. See GIULIANA DI BIASE, *Physica in John Locke's Classifications of the Branches of Knowledge and Adversaria*, «Locke Studies», XVI, 2016, pp. 3-102.

the schemes of *Theologia* and *Prudentia* were concerned. The first was no longer shaped by Scholastic theology but rather divided into two parts, the speculative and the practical, as in the works of the Puritan theologians Perkins and Ames. In conformity with that model, Locke's scheme of *Theologia* ended with a part devoted to "moral things", *Moralia*: the content of this part however was not virtue and vice but *officium religiosum* and *peccatum*. In his previous classifications Locke had placed virtue and vice within the scheme of *Theologia*, under the subheading *Ethica sive Lex Naturae*: their corresponding to the content of moral law was therefore apparent. In the classification of 1681, however, virtue and vice were placed within the scheme of *Prudentia*, under the subheading *Morum rectitudo*; virtue was coupled with praise, vice with blame («Virtus Laus; Vitium Vituperium»), as in the *Essay concerning Human Understanding*. Clearly Locke was thinking of *decora* and *indecora*, which Nicole had insisted were strengthened by social praise and aversion.

The separation of *Moralia* from *Morum rectitudo* in the classification of 1681 corresponded to the distinction between sin and vice in the *Letters*; the presence of *licitum* under *Leges civiles* (a subheading of *Politia*, the second discipline in the classification) highlighted the extension of the magistrate's jurisdiction, which embodied the sphere of decorum. In the *Second Tract* Locke had already insisted that decorum pertained to civil law: the majority of people, he had written, agreed that «the magistrate is the judge of what constitutes order and of what is to be considered decent»¹¹². In the *Epistola de tolerantia* Locke restated this conviction:

¹¹²JOHN LOCKE, *Second Tract on Government*, in IDEM, *Political Essays*, cit., p. 60.

Morum rectitudo, in qua consistit non minima religionis et sinceræ pietatis pars etiam ad vitam civilem spectat et in ea versatura animarum simul et republicæ salus¹¹³.

It is worth noticing the use of the expression *morum rectitudo* in the *Epistola*, as in the classification of 1681; in William Popple's translation, *morum rectitudo* became «a good life»¹¹⁴, but the context clarified that Locke intended to refer to the same concept, *i.e.* that part of morality corresponding to social decorum and excluding Christian duties¹¹⁵. The rectitude of morals was fundamental to the preservation of society: this Locke had already affirmed in a journal note of 1686-88 entitled "Of Ethic in General", where he had declared that, according to a universal rule, «those actions are esteemed virtuous which are thought absolutely necessary to the preservation of society, and those that disturb or dissolve the bonds of community, are everywhere esteemed ill and vicious»¹¹⁶. In the note Locke had also distinguished between two kinds of morality, one corresponding to virtue and vice and another to the «rules set up by a superior power»¹¹⁷: the two arguments, that which made virtue and vice a fundamental political concern and that which separated morality from religion, were therefore related. If we add that, in the same context, Locke referred to drinking as a «transgression of law»¹¹⁸, and that in another note of the same

¹¹³See JOHN LOCKE, *Epistola de Tolerantia. A Letter on Toleration*, ed. Raymond Klibansky, trans. John W. Gough, Oxford, Clarendon Press, 1968, p. 122.

¹¹⁴ See JOHN LOCKE, *A Letter*, cit., p. 45. It is not clear whether Locke assisted Popple in the translation (probably not), nonetheless in the *Second* and *Third Letter* he continued to use the expression «a good life». Regarding Popple's translation see John Gough's Introduction to JOHN LOCKE, *Epistola*, cit., pp. 43-50.

¹¹⁵When Locke intended to refer to both parts of morality, he always introduced a specification: see for instance JOHN LOCKE, *Second Letter*, cit., p. 86: «the example of meekness and a good life»; IDEM *Third Letter*, cit., p. 240: «charity and a good life»; *ivi*, p. 518: «example of meekness, and a good life»; etc.

¹¹⁶ JOHN LOCKE, *Political Essays*, cit., p. 299.

¹¹⁷*Ivi*, pp. 302-3. Similarly, in the manuscript note *Voluntas* (1693), *ivi*, p. 321, Locke insisted that moral good and moral rectitude were not synonymous, for the latter «considered barely in itself is not good or evil»..

¹¹⁸ *Ivi*, p. 301.

period he spoke of «vicious and unlawful pleasures»¹¹⁹, we may conclude that, with the utmost probability, his idea of morality had already become more sympathetic to coercion before he wrote the *Letters*. The importance of decorum as the true cement of society and the guarantee of a pacific coexistence among citizens was already clear in Locke's writings at the beginning of the eighties; he might have begun to consider an enforcement of morals as particularly necessary in those years, when he viewed «the bulk of mankind» as ruled by passion and superstition¹²⁰.

Conclusion

During the troubled years of the *Exclusion Crisis*, Locke might have matured the conviction that England was facing one of the most difficult periods in its history, and that one of its causes, perhaps the most important one, was to be found in the relaxation of manners typical of the Stuart regime¹²¹; this would explain his reference to Puritan theology in the classification of 1681 and the strong influence which William Ames' work exerted on him in the subsequent years, a reaction to the moral lassitude dominating in England. Locke was not alone in his conviction. The Tory reaction after the Oxford Parliament (1681) had confined Whigs to the margins of the political scene¹²²; the ideal of retreat became a *topos* in Whig literature, where an apparent aspiration towards a moral perspective on contemporary public life was used as a coded form of political

¹¹⁹JOHN LOCKE, *Thus I Think*, ivi, p. 297.

¹²⁰JOHN LOCKE, *Reason, Passion and Superstition*, ivi, p. 280.

¹²¹A reference to Charles II's moral lassitude, in particular to his adultery with the duchess of Portsmouth, is probably to be found in a manuscript note which Locke penned in 1681, *Virtue*: see JOHN LOCKE, *Political Essays*, cit., pp. 187- 88. In the note Locke declared that although there might be nothing wrong with the behaviour of a man having more than one woman outside society, this became a vice in society being contrary to the rules set by custom and reputation. The loss of reputation, Locke insisted, «makes a man incapable of having the authority, and doing the good which otherwise he might».

¹²² See JOHN MARSHALL, *John Locke, Toleration and early Enlightenment Culture*, cit., pp. 109-10.

opposition¹²³. The same aspiration was to be found in Locke's writings from the late seventies: one of the arguments for toleration in the *Critical Notes* he wrote in 1681 focused on the inconsistency of tolerating immorality and punishing dissent¹²⁴. This inconsistency might be eliminated by reversing the situation, *i.e.* by punishing immorality and tolerating dissent; this was probably already clear to Locke at the beginning of the eighties, when his moral thought assumed the traits it manifested in the *Letters*.

¹²³See ABIGAIL WILLIAMS, *Poetry and the Creation of a Whig Literary Culture 1681-1714*, Oxford, Oxford University Press, 2005, pp. 87-88.

¹²⁴See JOHN LOCKE, *Critical Notes Upon Edward Stillingfleet's Mischief and Unreasonableness of Separation* (MS Locke c. 34), in Timothy Stanton, *John Locke, Edward Stillingfleet and Toleration*, Doctoral Dissertation, Leicester, 2003.