

Liberty and toleration: Locke, Voltaire and 'laïcité à la française'

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There is general agreement that John Locke on one side of the Channel and Pierre Bayle on the other were the first to lay the groundwork of religious toleration in the 1680s. At the same time Leibniz published his accounts describing the differential and infinitesimal calculus, invented some years earlier by Newton under the label 'theory of fluxions'. Which one of these two mathematicians truly deserved recognition in this case was the cause of a major intellectual controversy in the beginning of the eighteenth century.¹ Although credit is currently given to both men, Leibniz's more efficient method is still used today while Newton's approach has in many aspects fallen by the wayside. There was no priority dispute in the case of toleration between England and France; Locke's view of liberty and toleration prevailed first in England and later in France, where Bayle was considered public enemy number one until 1789.

Historical context was fundamental to both Bayle and Locke's toleration arguments. When Bayle published his famous book on tolerance, *Commentaire philosophique* (1686), in favour of religious toleration as a matter of principle, the Edict of Nantes had been abolished one year before. Religious toleration in Europe had for all purposes ended for the time being: revocation of the Edict renewed persecution of Protestants. In many parts of France, a Protestant had no civil existence, the legal fiction being that everyone was a Roman Catholic. Many Protestants did not abjure their faith, and, having not sought refuge abroad, gathered in remote places (the 'Desert') to celebrate an outlawed worship service, and organised an underground church risking death, prison and the galley-ships. To a Protestant at this time religious peace and freedom must have seemed almost a lost cause.²

Bayle's argument for toleration rests squarely on the assumption that there is no rational way to ascertain which is the true faith – or whether there is in fact a true faith. The *Philosophical commentary* deals with the question of whether someone whose sincere belief is perceived to be in error should be forced to change it. Bayle's view is that the true religion (whichever that is) has no more right to persecute than the false. This

1. See Rupert Hall, *Philosophers at war: the quarrel between Newton and Leibniz* (Cambridge, 1980).
2. It must be remembered that in eighteenth-century Geneva, the nerve-centre of Calvinism, there was no such thing as religious tolerance either. No Roman Catholic could be a citizen of Geneva, and conversion to Roman Catholicism involved the loss of civil rights.

argument provides the basis of Bayle's famous doctrine of the 'conscience errante': an act done against one's beliefs is a sin and there may be nothing blameworthy in the dogmatic errors of a heretic. From this it follows that the erring conscience constraint, even in the perceived interest of the errant individual, is never justified.³ Consequently, the only reasonable course is to grant freedom of conscience and religious practice to dissenting minorities, including those whom virtually everyone thinks utterly mistaken in their beliefs.

Bayle's toleration theory is an entirely secular conception of toleration and individual freedom whereas Locke's, on the other hand, is justified basically on practical grounds. Bayle held that force is not a legitimate option of the state in persuading people to hold certain religious beliefs; Locke pointed out that force is not an effective one.⁴ It is impossible to force someone to believe something for external reasons because, argues Locke, faith does not depend on our free will: 'no Man can, if he would, conform his Faith to the Dictates of another'.⁵ Whereas in France *le trône et l'autel* led an aggressive politics against the Huguenots, the Anglican Church in Britain was confronted with the existence of various religious sects within its borders. In 1685, religious toleration got support from an unexpected side: the Edict of Nantes was revoked and James II became king of England. The new king supported tolerance of non-Anglicans and attempted to promote the Roman Catholic cause in England. He openly opposed the Test Act of 1673, which barred all Catholics and Dissenters from holding administrative positions. After having allowed Roman Catholics to occupy the highest offices of the kingdom, he suspended laws punishing Roman Catholics and Protestant Dissenters in the Declaration of Indulgence (1687), also known as the Declaration for Liberty of Conscience. Last but not least, the king's policies relating to the University of Oxford offended Anglicans by allowing Catholics to hold important positions in Christ Church and University College, two of Oxford's largest colleges. In April 1688, James re-issued the Declaration of Indulgence subsequently ordering Anglican clergymen to read it in their churches. The birth of a son helped to bring the opposition to a head. In 1688, a union of Parliamentarians and the Dutch stadtholder William III overthrew the king in the Glorious Revolution.

James II may have been a sincere believer in liberty of conscience, but he can hardly be considered a theoretician of religious toleration. Converted to Catholicism in 1668 or 1669, he governed a nation which was dominated by the Anglican Church in England and the Presbyterian Church in Scotland, and which believed that Catholicism was a tyrannical and unprincipled creed. The Declaration of Indulgence aimed at tolerating Catholics, but the Act of Toleration promulgated by William III in 1689 was inspired by the work of John Locke.

3. For example II.viii-x.

4. See Jean-Fabien Spitz, 'Introduction', John Locke, *Lettre sur la tolérance* (Paris, 1992), p.14.

5. *A Letter concerning toleration*, p.26.

Locke had long been concerned with the problem of toleration in the context of English politics. In 1667, his *Essay concerning toleration* distinguishes sharply between Church and state: earthly rulers do not derive their authority from God but from contracts made by men.⁶ The immediate context for Locke's *Letter concerning toleration* was the repression of Protestant Dissent in England and the persecution of Protestants in France. The *Letter* appeared at the time of the English Toleration Act (1689), which allowed Dissenters to worship freely, but still excluded them from public office, and made no concessions to Catholic or anti-Trinitarian heretics.

The *Letter concerning toleration* distinguishes between the role of the state and the role of the Church: 'I esteem it above all things necessary to distinguish exactly the Business of Civil Government from that of Religion, and to settle the just Bounds that lie between the one and the other.'⁷ Within his *Letter*, Locke tries to identify areas of civil interest as being 'Life, Liberty, Health, and Indolency of Body; and the Possession of outward things, such as Money, Lands, Houses, Furniture, and the like.'⁸ He states that one's religious concerns, especially when pertaining to the path to salvation, are not within the domain of civil interests, and so lie outside the legitimate concern of the magistrate or the civil government. Locke next dwells on the nature of a church, taking it to be 'a voluntary Society of Men, joining themselves together of their own accord, in order to the publick worshipping of God, in such a manner as they judge acceptable to him, and effectual to the Salvation of their Souls'.⁹ He stresses that membership to a church is completely voluntary and points out that churches do not exist in order to gain 'Ecclesiastical Authority' or to exercise 'Compulsive Power'.¹⁰ Having thus clearly divided the secular and religious powers, Locke argues vigorously in favour of religious toleration: 'No private Person has any Right, in any manner, to prejudice another Person in his Civil Enjoyments, because he is of another Church or Religion.'¹¹

The second argument for religious toleration is Locke's conviction that no one can be saved while professing a doctrine opposite to one's inner persuasion:

the *principal Consideration*, and which absolutely determines this Controversie, is this. Although the Magistrates Opinion in Religion be sound, and the way that he appoints be truly Evangelical, yet if I be not thoroughly persuaded thereof in my own mind, there will be no safety for me in following it. No way whatsoever that I shall walk in, against the Dictates of my Conscience, will ever bring me to the Mansions of the Blessed. I may grow rich by an Art that I

6. See *An Essay concerning toleration*, in *Political writings*, ed. David Wootton (Indianapolis, IN, 2003), p.187.

7. *Letter concerning toleration*, p.26.

8. *Letter concerning toleration*, p.26.

9. *Letter concerning toleration*, p.28.

10. *Letter concerning toleration*, p.30.

11. *Letter concerning toleration*, p.31.

take not delight in; I may be cured of some Disease by Remedies that I have not Faith in; but I cannot be saved by a Religion that I distrust and by a Worship that I abhor. It is in vain for an Unbeliever to take up the outward shew of another mans Profession. Faith only, and inward Sincerity, are the things that procure acceptance with God. [...] In vain therefore do Princes compel their Subjects to come into their Church-communion, under pretence of saving their Souls. [...] men cannot be forced to be saved whether they will or no. And therefore, when all is done, they must be left to their own Consciences.¹²

The last important element of Locke's philosophy is scepticism. Locke believes that where reason fails us, we use faith in order to justify our beliefs:

But since God, in giving us the light of *reason*, has not thereby tied up his own hands from affording us, when he thinks fit, the light of *revelation* in any of those matters wherein our natural faculties are able to give a probable determination; *revelation*, where God has been pleased to give it, *must carry it against the probable conjectures of reason*. Because the mind not being certain of the truth of that it does not evidently know, but only yielding to the probability that appears in it, is bound to give up its assent to such a testimony which, it is satisfied, comes from one who cannot err, and will not deceive.¹³

However, because faith is not based on right or wrong answers and relies on the perceiver, there is no true test to determine whose faith is most reliable. Thus, Locke considers that where reason can supply an answer to a question, there are rational methods to resolve a dispute; where faith alone is the way to answer it, no methods of reason can be persuasive.¹⁴ In terms of religion and morality, no true knowledge can be had. As a result of this belief, Locke held that all of the different faiths should be equally tolerant of each other because they all hold the same type of knowledge, knowledge based on faith and not human knowledge.

The *Letter concerning toleration* focuses specifically on the conflict between political authority and religious belief. Locke articulates a view of toleration based on the epistemological claim that neither persuasion nor force can make someone adopt a moral value which they do not agree with. He argues that the state should refrain from interfering in the religious beliefs of its subjects, except where these religious beliefs lead to behaviours or attitudes that run counter to the security of the state. This exception allows him to conclude that the state need not tolerate Catholics who were loyal to a foreign authority or atheists whose lack of religious conviction left them entirely untrustworthy.

In removing the state from matters relevant to morality, religion, and the salvation of the human soul, Locke's goal was to outline the distinct division between the duties of the Church and those of the state. Here

12. *Letter concerning toleration*, p.38.

13. *Essay*, IV.xviii.8, p.694.

14. *Essay*, IV.xviii.9.

lies the first step towards the doctrine of separation of Church and state, which proclaims that government and religious institutions are to be kept separate and independent from one another. The prevalence of the term 'separation of Church and state' is generally traced to a letter written by Thomas Jefferson on 1 January 1802 to the Danbury Baptists, in which he refers to the First Amendment of The United States Constitution: 'I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should make no law respecting an establishment of religion, or prohibiting the free exercise thereof, thus building a wall of separation between Church and State.' In the Old World as well as in the New World, the coexistence of several religions appeared as the fundamental condition of peace. Familiar with the atmosphere of intolerance which reigned in his own country, Voltaire describes the situation as follows: 'C'est ici le pays des sectes. Un Anglais, comme homme libre, va au ciel par le chemin qui lui plaît.'¹⁵

Voltaire's three years in England (1726-1729) greatly influenced his ideas. He was impressed with the degree of religious toleration, which he found there. In 1733, his *Letters concerning the English nation* hold up English toleration of dissident Protestant sects as a model for the French. The situation in France, where God's personal representative was occupying a room in the royal palace, was indeed quite different from that in England. Despite Bayle's plea for religious tolerance, the fate of the Protestants was fixed by the royal edict of 1724, which declared:

Of all the grand designs of our most honoured lord and great-grandfather, there is none that we have more at heart to carry out than that which he conceived, of entirely extinguishing heresy in his kingdom. Arrived at majority, our first care has been to have before us the edicts whereof execution has been delayed, especially in the provinces afflicted with the contagion. [...] Shall be condemned: preachers to the penalty of death, their accomplices to the galleys for life, and women to be shaved and imprisoned for life. Confiscation of property: parents who shall not have baptism administered to their children within twenty-four hours, and see that they attend regularly the catechism and the schools, to fines and such sums as they may amount to together; even to greater penalties. Midwives, physicians, surgeons, apothecaries, domestics, relatives, who shall not notify the parish priests of births or illnesses, to fines. Persons who shall exhort the sick, to the galleys or imprisonment for life, according to sex; confiscation of property. The sick who shall refuse the sacraments, if they recover, to banishment for life; if they die, to be dragged on a hurdle. Desert-marriages are illegal; the children born of them are incompetent to inherit. Minors whose parents are expatriated may marry without their authority; but parents whose children are on foreign soil shall not consent to their marriage, on pain of the galleys for the men and banishment for the women. Finally, of all fines and confiscations, half shall be employed in providing subsistence for the new converts.¹⁶

15. Voltaire, *Lettres philosophiques. Derniers écrits sur Dieu*, ed. Gerhardt Stenger (Paris, 2006), Cinquième lettre, p.94.

16. Quoted in François Guizot, *History of France*, translated by Robert Black (New York, 1876) vol.6, p.54.

In France the strictly repressive policy in the eighteenth century, sometimes bloody and cruel as in the persecution of the Protestants, sometimes minutely vexatious as in the persecution of the *philosophes*, had the natural effect of provoking general exasperation with the Church and its intolerance of enlightenment and hatred of knowledge. In England, the problem was how to organise peaceful coexistence between the Anglican Church and all of the various religious sects; in France, it was how to prevent the Catholic Church from persecuting its fellow-citizens. When *philosophes* were writing and working on behalf of religious toleration, they campaigned principally for the right not to believe, rather than the right to believe. And that of course puts a totally different complexion on the matter.

An apologist like Father Nonnotte was quite aware of the danger of 'tolerantism'. Not only did he consider religious toleration to be 'une impiété qui outrage Dieu; [...] une extravagance qui déshonore la raison; [...] un scandale funeste qui précipite dans l'éternelle damnation',¹⁷ he was also among the first men of the cloth to understand plainly that the repression of Protestants was behind the times. The most dangerous enemies of the Roman Catholic Church are not the Huguenots, he claimed, but the *philosophes* and their *tolérantisme*, which is just another word for indifference and impiety:

Le tolérantisme n'est autre chose qu'une indifférence dédaigneuse pour toutes sortes de religions, un amour de l'indépendance qui fait qu'on ne se veut asservir à aucune loi de conscience, un air de philosophe qu'on se donne, et par lequel on se croit en droit d'examiner et de juger toutes les religions, quoiqu'on n'en estime et qu'on n'en respecte aucune.¹⁸

Nonnotte well understood that tolerance, in the eyes of the *philosophes*, could only be regarded as the product of indifference:

Un tolérant regarde les religions comme les modes. Parmi les hommes, les uns portent des turbans à la turque, les autres des bonnets à la moscovite, et d'autres encore des chapeaux à la française. De même, ceux-ci sont mahométans, ceux-là idolâtres, d'autres sont chrétiens; on les regarde tous du même œil; on ne fait pas plus de cas des uns que des autres. Telle est la manière de penser des philosophes modernes.¹⁹

Instead of heretics, Father Nonnotte argued, the government should repress those *philosophes modernes*, that is, Voltaire and company, who don't merit toleration at all: 'Il n'est pas surprenant qu'ils prêchent avec tant de zèle la tolérance. Il n'est personne qui en ait plus besoin qu'eux, et qui en mérite moins; parce qu'il n'est personne qui fasse plus de mal dans la religion. Le châtement de leur audace est du ressort des lois.'²⁰

Nonnotte's book attacking 'the errors of Voltaire' was published the

17. Claude-François Nonnotte, *Erreurs de Voltaire* (Besançon, 1823 [1762]), II, p.232.

18. Nonnotte, *Erreurs de Voltaire*, p.224.

19. Nonnotte, *Erreurs de Voltaire*, p.224-25.

20. Nonnotte, *Erreurs de Voltaire*, p.225.

same year the Protestant pastor Rochette was hanged for the crime of exercising his functions in Languedoc and Calas was broken on the wheel. Voltaire's *Traité sur la tolérance* condemned Jean Calas' execution as legal murder, assailed religious intolerance, called for greater French tolerance of Protestants in the manner of English tolerance toward Catholics and declared that all civilisations ultimately worship the same god – a claim that logically implies Christianity is not the one true faith. For strategic reasons, however, Voltaire did not overtly repudiate the desirability of an established religion: to do so would be to adopt a posture that would have offended his readers. On the other hand, he coyly invited them to extend his own, purely political, arguments: 'Des lecteurs attentifs qui se communiquent leurs pensées, vont toujours plus loin que l'auteur.'²¹ A concise summary of Voltaire's argument for tolerance can be found in the entry on *Tolerance* in his *Dictionnaire philosophique* (1764):

Qu'est-ce que la tolérance? c'est l'apanage de l'humanité. Nous sommes tous pétris de faiblesse, et d'erreurs; pardonnons-nous réciproquement nos sottises, c'est la première loi de la nature.²²

Voltaire's claim is that toleration follows from human frailty and error. Since none of us has perfect knowledge, and since we are all weak, inconsistent, liable to fickleness and error, we should pardon one another for our failings. Building on Locke's epistemological argument that infallible knowledge is not available to human beings, Voltaire's approach slips toward philosophical scepticism and religious relativism. If all truths are relative, he argues, we ought to relativise our own beliefs: 'Vous êtes mahométan, donc il y a des gens qui ne le sont pas, donc vous pourriez bien avoir tort.'²³ Voltaire holds with Locke that since we cannot know the truth, we ought to be tolerant of those who hold different points of view. But whereas the author of *The Reasonableness of Christianity* recognised the role of faith in human knowledge, Voltaire denies the power of any religious faith to reach certitude. Last but not least, Voltaire never made exceptions in his general call for tolerance. Locke believed that papists and atheists were not deserving of tolerance; Voltaire fought against 'l'Infâme' and was strongly opposed to atheism, but never encouraged or justified any form of intolerance.

Nine years after Voltaire's death, Louis XVI promulgated an Edict of Tolerance, which granted to non-Catholics the right to practise a profession or handicraft without molestation, permission to be legally married before magistrates and to have births officially recorded (1787). Protestants were henceforth 'tolerated' in Roman Catholic

21. Voltaire, *Traité sur la tolérance*, ed. John Renwick, in *The Complete works of Voltaire* (henceforth *OCV*), vol.56c, p.153.

22. 'Tolérance', *Dictionnaire philosophique*, ed. Christiane Mervaud, in Voltaire, *OCV*, vol.36, p.552-66 (p.552).

23. 'Secte', *Dictionnaire philosophique*, ed. Christiane Mervaud, in Voltaire, *OCV*, vol.36, p.518-24 (p.520).

France according to the very definition of the word, which implies enduring, suffering, bearing and forbearance. In granting tolerance to Protestants without freedom of worship, the king was in reality asking his Catholic subjects that they ‘put up with’ this religion that they viewed as inferior. One century after the Act of Toleration, the French Protestants obtained approximately the same rights as the Catholics in England. But by this time, Locke’s concept of tolerance was supplanted by Voltaire’s, which included liberty. On 22 August 1789 the pastor Rabaut Saint-Etienne, deputy of Nîmes to the Estates General, cried out ‘It is not tolerance which I demand, it is liberty, that my country should accord it equally without distinction of rank, of birth or of religion’. A few days later, the Declaration of the Rights of Man and the Citizen delineated a set of individual rights and of collective rights. It provided for freedom of speech and of the press, and a slightly weaker guarantee of freedom of religion: ‘No one may be disturbed on account of his opinions, even religious ones, as long as the manifestation of such opinions does not trouble the public order established by the law’ (Article X). Although the Declaration was heavily influenced by the declarations of human rights contained in the American Declaration of Independence (1776), there is a fundamental difference with the First Amendment of 1791 which states as follows: ‘Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.’ Whereas this Free Exercise Clause allows governmental authority and the authority of organised religion to peacefully coexist, the Declaration of 1789 founds the French conception of secularism (*‘laïcité’*) by clearly subordinating religious practice to public order (Article X is the only one that mentions public order). When a religion begins to undermine human rights and is in danger of fomenting civil disorder or compromising the well-being of society, the state must see to it that law and order are maintained.

But the subversive term in Article X is ‘opinion’: religion is henceforth considered to be an opinion, without any particular status. We ought to remember in this context the definition of ‘heretic’ given by Bossuet: ‘L’hérétique est celui qui a une opinion: et c’est ce que le mot même signifie. Qu’est-ce à dire, avoir une opinion? C’est suivre sa propre pensée et son sentiment particulier. Mais le catholique est catholique: c’est-à-dire qu’il est universel; et sans avoir de sentiment particulier, il suit sans hésiter celui de l’Église.’²⁴ When Truth is considered as unique and inviolable, he argues, there can be no place for opinions, for particular views, these being synonymous with doctrinal error. Truth cannot be the object of opinion; having an opinion concerning Truth is

24. Bossuet, *Instruction pastorale sur les promesses de l’Église*, in *Œuvres complètes*, ed. F. Lachat (Paris, 1862-6), vol.17, p.112.

heretical, the Roman Catholic is 'catholic', that is, universal, because he has no opinion of his own.

After the Revolution, the ideal of Catholic political organisation – a tightly interwoven structure of the Catholic Church and secular rulers, with the Catholic Church having a favoured place in the political structure – was again defended by the Restoration. The reign of Louis XVIII gave way to a struggle between ultra monarchists and those who saw the changes wrought by the Revolution as irreversible. Charles X, pursuing the same Catholic policy as his predecessor (he made sacrilege and irreligious writing criminal offences and re-established clerical control in education), handled the conflict between reactionaries and liberals with great ineptitude. During the whole century, France was split up between 'Voltairians' and 'anti-Voltairians', i. e. between anti-clerical republicans who wished to reduce religion to a purely private belief-system with no public profile or influence, and clerical conservatives who supported the power and influence of the clergy. At the start of the 1880s, Jules Ferry, Minister of Education, began to expel religious effigies from state schools. Then his government passed the 'Jules Ferry laws', establishing free, mandatory and lay education (1882). On 9 December 1905, a law was passed in France separating Church and state. This law was based on three principles: the neutrality of the state, the freedom of religious observance and the protection of the public power from the influences of religious institutions. This was not a friendly separation; it was a traumatic divorce after a 'high-conflict' marriage.

In 1689, the Toleration Act put an end to the age-old struggle between the Catholic Church, which had become a small minority, and the Anglican. From this time on, according to Locke, both institutions – state and Church – play separate roles: 'the Power of Civil Government relates only to Mens Civil Interests, is confined to the care of the things of this World, and hath nothing to do with the World to come',²⁵ and 'The End of a Religious Society [...] is the Publick Worship of God, and by means thereof the acquisition of Eternal Life'.²⁶ In France however, the 'eldest daughter of the Church', the law of 1905 providing separation of Church and state made churches an unfortunate fact to be borne, not a good to be embraced and defended. Since religion was the primary cause of conflict and war, the argument went, peace could only be achieved through a lessening of people's passion for religion and commitment to specific doctrines. No wonder the Holy See urged Catholic priests to fight in the name of Catholicism. In 1906, Pope Pius X issued the *Vehementer Nos* encyclical denouncing the law as 'a thesis absolutely false, a most pernicious error'. Sixty years later, *Dignitatis humanae*, the Vatican II declaration on religious freedom (1965), taught likewise that religion is a human good to be promoted, not an evil to be tolerated. While

25. *Letter concerning toleration*, p.28.

26. *Letter concerning toleration*, p.30.

government should not presume to command religious acts, it should 'take account of the religious life of the citizenry and show it favour'.

Many countries agree that religious practice forms part of the common good of society and should be encouraged rather than marginalised. There are three distinct Church-state models applied in the United States and Western Europe. Briefly, the United States employs a model that allows limited cooperation between religious organisations and government, but bars direct funding; celebrates a diverse and expressive public square, but bars state-sponsored religious expression; and (theoretically) treats all people equally, regardless of their religious beliefs.²⁷

Western Europe, on the other hand, has two antithetical models. With the exception of France, Western European governments fund religious organisations, teach religion in state schools and have officially preferred, if not established, Churches. France's version of Church-state separation, or *laïcité*, makes it the most secular country in Europe.

The French-style divorce called *laïcité* – in other words secularism – is based on equality of rights of all citizens, independently of their opinion (ideology, philosophy, belief, religion). It is not compatible with the existence of an official ideology or religion since this would necessarily create a discrepancy of rights between the citizens adopting this official ideology or religion, and the others. The nature of the problem remains unchanged if, instead of one official religion or ideology, a pluralist society gives recognition to different religions or ideologies: this would differentiate between citizens who adopt one of the official ideologies or religions, and those who hold a different opinion. *Laïcité* is a system or an arrangement that confines religion to the strictly private domain. It is an arrangement that ensures the absence of religious affairs from political matters ... and from education.

The first two principles on which the French system of education rests are freedom of education (free choice by the parents of state or private schools) and secularism. The French conception of secular education can be summarised by the distinction between education and instruction. It considers that the state would overreach its rights if it were giving 'education' to children. State school is the melting pot of the nation; its children are not citizens, they are future citizens. School should only instruct, teach facts and truths; in state school, children have to be protected from all proselytism: state schools are proselytism-free zones, whether this proselytism is political or religious.

Keeping religious signs out of state schools was a non-written rule for many years. It became a rule in writing (by ministerial decree) in 1937. It has never been controversial except very recently. Many comments have been made, including those of religious establishments. A declaration by

27. Atheism is barely tolerated: the first President Bush said as recently as 1987, 'I don't know that atheists should be considered as citizens, nor should they be considered patriots. This is one nation under God.' (George H. W. Bush to Robert I. Sherman, during 1988 presidential campaign, at a news conference in Chicago on 27 August 1987).

Patrick Klugman, president of UEJF (French Jewish students union), at the republican meeting of 6 May 2003, will clearly illustrate this point of view:

La France est en danger, parce qu'elle s'oublie, parce qu'à l'école je ne vois plus des citoyens mais des tribus. De plus en plus, les juifs ne se considèrent que comme juifs, les chrétiens comme chrétiens, les musulmans comme musulmans [...] Le jeune juif croyant que je suis le dit clairement: à l'école publique il n'y a de place ni pour le voile ni pour la kippa. Car l'un comme l'autre lorsqu'ils sont portés par des enfants, ne sont pas l'illustration de la liberté. Qui peut affirmer qu'une jeune fille de quatorze ans est assez émancipée du poids de sa tradition et de l'autorité de sa famille d'abord pour savoir ce qu'elle veut, ensuite pour faire ce qu'elle veut? Car une jeune fille revêtue d'un voile sera considérée comme une musulmane avant d'être regardée comme une jeune fille, un petit garçon coiffé d'une kippa sera toujours un juif avant d'être un petit garçon. La République n'a pas de raison, au nom d'une prétendue tolérance qui n'est peut-être que de la faiblesse, d'accepter cette injustice. Elle réduirait alors les individus à des symboles.

Tolerance is considered to be a positive value when it means simple recognition of otherness and difference, but it can also be a negative value if it means that the state has to allow for all kinds of religious practices. Other than for Locke or Voltaire, tolerance approaches weakness, just as it is defined in eighteenth-century dictionaries. In a 'France toute catholique', it was a weakness against non-Catholics; in Republican France, which has no officially sanctioned ethnic or religious identity, it is a weakness against those who think that an opinion, a religion, an ethnic origin, a sexual preference or a regional origin give one additional rights.

According to Locke, the state 'has no Power to enforce by Law, either in his own Church, or much less in another, the use of any Rites or Ceremonies whatsoever in the Worship of God.'²⁸ On the other hand, he grants the state jurisdiction regarding the circumstances, time and place of worship, the appearance, posture and habit in religious services: 'But perhaps it may be concluded from hence, that I deny unto the Magistrate all manner of Power about indifferent things; which if it be not granted, the whole Subject-matter of Law-making is taken away. No, I readily grant that Indifferent Things, and perhaps none but such, are subjected to the Legislative Power.'²⁹ Although Locke adds that it 'does not therefore follow that the magistrate may ordain whatsoever he pleases concerning anything that is indifferent', he concludes that 'the public good is the rule and measure of all law-making'. And: 'those things that are prejudicial to the Commonweal of a People in their ordinary use, and are therefore forbidden by Laws, those things ought not to be permitted to Churches in their sacred Rites.'³⁰

28. *Letter concerning toleration*, p.39.

29. *Letter concerning toleration*, p.39.

30. *Letter concerning toleration*, p.42.

While many states or nations permit freedom of religious belief, no country allows completely unrestricted freedom of religious practice. National laws, when they reflect important or fundamental governmental interests, may prohibit certain acts, which some citizens may claim represent the free exercise of their religious belief. In France, the understanding of 'laïcité à la française' is shared by the enormous majority of the French citizens and their representatives at the national parliament, whatever their religion or absence of religion; renouncing secularism would affect the nation as a whole. I don't think it would have shocked Locke that religious practice, signs and proselytism are forbidden in today's state schools in France.