Between Subject and Magistrate:

Judgment, Wit, and Locke’s *Letter Concerning Toleration*

John Locke’s *Letter Concerning Toleration* appears to be caught up in a paradox: on one hand, the Lockean magistrate cannot affect the “inward” judgments of subjects and therefore should refrain from imposing religious beliefs; on the other hand, the magistrate’s capacity for effective “outward” coercion surely *somehow* engages subjects’ beliefs, and thus seems to throw the conceptual grounding for Locke’s defense of toleration into question. What accounts for this uncertain relationship between belief and coercion? Contemporary assessments of the *Letter* exhibit a curious dynamic wherein two approaches representing opposing commitments both appeal to aspects of this paradox to articulate refutations of Lockean toleration. With the first, *moral* approach, Lockean toleration turns out to be “irrational” because it misunderstands that punishment can in fact indirectly affect belief, thus failing to advance a compelling argument against persecution.[[1]](#footnote-1) Alternately, a second *discursive* approach asserts that Lockean toleration filters socially contingent identities through a state-centric, empiricist epistemology, thus foreclosing the capacity to engage the ways in which power dynamics both constitute and depoliticize “inward” identities.[[2]](#footnote-2) The former criticism demands a more “moral” notion of toleration such as J.S. Mill’s treatment of diversity as an intrinsic good, while the latter tends toward historicizing and problematizing toleration altogether. In other words, either Locke is refuted because he fails to defend toleration on sufficiently normative grounds, or refuted because the concept of toleration is itself ultimately found to be politically and normatively problematic.

How do we explain this not-sufficiently-normative yet all-too-normative Locke? In this paper, I suggest the refutations advanced by both approaches reflect a crucial ambiguity in Locke’s application of his conception of judgment necessary to make sense of Lockean toleration and yet overlooked on both accounts. Both criticisms presume a static, individuated, and discrete notion of judgment ostensibly inherited from Locke’s *Essay Concerning* *Understanding*, yet emptied of the *Essay’s* concern with how judgments are formed, assessed, and practiced. As such, with both criticisms the *Letter*’s magistrate is taken to be able to identify and reduce instantiations of his subjects’ judgments to render them legible to magisterial knowledge—either in order to apply punishments that in turn shape beliefs (i.e., the moral criticism) or to reduce those judgments to the empiricist adjudication among their effects, thus masking the workings of power (i.e., the discursive criticism). Despite their differences, both criticisms presuppose a prior, narrow understanding of Lockean judgment to bridge (and then problematize) the gap between belief and coercion.

 In what follows, I first turn to the *Letter* to show that Locke’s defense of toleration produces an underdetermined account of judgment, such that if one takes subjects to judge in static, individuated, and discrete ways, one inevitably arrives at the belief/coercion mismatch identified above. I then reconsider this apparent mismatch alongside one of Locke’s key, early discussions of judgment in the *Essay*, noting that this faculty is framed specifically in juxtaposition to *wit* and its capacity to assemble ideas in unpredictable ways. My discussion reveals that (1) judgment and wit cannot be wholly isolated from one another to render the narrow conception of judgment implied above, and (2) an *ongoing process of judgment formation* arising from the interplays of judgment and wit is thus necessary to Locke’s understanding of the practice of judgment. This more dynamic conceptualization of “judgment formation” resists the magisterial capacity to correlate inward beliefs to static, individuated, and discrete distillations of religious belief, instead suggesting that such magisterial correlations are always interventions into the interplays of judgment and wit. As such, magisterial justifications for persecution and toleration should themselves be understood as attempts to settle how judgment is taken to be practiced, and should thus direct our attention to Locke’s various engagements with questions concerning *how* one comes to recognize—or, put more bluntly, to judge—the operation of wit and judgment in the context of religious belief and its possible amenability to coercion. Given the need to account for this dimension of the *Letter*, I conclude by considering the hermeneutical implications of a more dynamic notion of Lockean judgment for understanding and challenging the text’s correlations of certain external spaces, events, and practices with knowledge claims regarding which internal beliefs subjects can (and do) adopt.

**I. Refuting Locke: The Belief/Coercion Mismatch in the *Letter***

At first glance, it appears that Locke’s *Letter* maintains a neat distinction between the things outward and inward: the “Civil Interest” encapsulates “Life, Liberty, Health, and Indolency of Body; and the Possession of outward things, such as Money, Lands, Houses, Furniture, and the like” while “All the Life and Power of true Religion consists in the inward and full perswasion of the mind.”[[3]](#footnote-3) Differentiating the security of outward things as the magistrate’s concern from the inward “salvation of the soul,” it first appears that Locke leaves all matters of “inward Judgment” indisputably outside the magistrate’s reach: “The Care of souls cannot belong to the Civil Magistrate, because his Power consists only in outward force…Confiscation of Estate, Imprisonment, Torments, nothing of that Nature can have any such Efficacy as to make Men change the *inward Judgment* that they have framed of things.”[[4]](#footnote-4) We can imagine certain clear-cut situations for why such a neat division should make sense: a law banning some belief cannot be expected to actually produce (or change) the “inward Judgment” of subjects. This is the case because such a law both does not work on the register of “perwasion,” and because even if the magistrate did add imprisonments, torments, etc., to his methods of “outward force,” at best this could only convince subjects to feign (outward) acceptance of the law but would not bring about the sort of sincere “inward” change “acceptable to God.”[[5]](#footnote-5)

 While with the latter case the magistrate still does not gain access (via coercive means) into his subjects’ inward states, the example itself does introduce potential complications that we see Locke engage throughout the *Letter*. Even as he is unable to access inward judgments, the magistrate still *can* affect his subjects’ behaviors through outward force, including behaviors connected to religious practice. In other words, even though his “outward Force” is incapable of shaping “inward Judgment,” this does not imply that the magistrate is blind to the correspondence between his subjects’ inward judgments and the civil interest as such. Rather, much like money, lands, and the like, with the inward/outward binary the “pomp” of “outward worship,” its “ceremonies,” established “opinions,” and “schisms”—the outward manifestations of “inward Judgments”[[6]](#footnote-6)—do not elude the magistrate’s consideration in his decisions concerning the use of outward force. Accordingly, at this point in Locke’s argument it is conceivable that the magistrate could hypothetically conclude that he indeed is unconcerned with altering his subjects’ “inward Judgments” as such but will nonetheless ban all religious practices (i.e. manifestations of their beliefs) he decides are detrimental to his understanding of the “civil interest.”[[7]](#footnote-7)

If practices, then, can be altered by coercive, outward means, couldn’t any manifestations of belief also become amenable to coercion? Here Locke’s discussion of the purpose and power of the church engages the logic behind this question. As Locke explains, even as religious faith belongs to an inward space, the end of a religious society is the “publick worshipping of God in such manner as [the members of this society] judge acceptable to Him,”[[8]](#footnote-8) or, in other words, the outward expression of belief, which entails collective, ceremonial practices. Though inward salvation may be the proper space for religion, the existence of religious societies as such now invariably produces outward effects. Indeed, this is exactly why the magistrate was capable of “reading” the outward manifestations of religious practices above, and why Locke can articulate his own judgments that certain such manifestations aim “*not* at the advancement of the kingdom of God” but at earthly power.[[9]](#footnote-9) These manifestations, Locke will argue, may be indifferent to the public good; but that is not the issue at stake here. Rather, it is that even while devoting oneself entirely to inward things, one still cannot help but move through an outward world where one communicates and interacts with others—in other words, where one engages within a space that is of interest to the magistrate and his judgment of the civil interest.

Although Locke anticipates this problem and proceeds to deny the magistrate power over interventions motivated entirely by religious differences in his discussion of indifference, this discussion only makes apparent a host of overlaps between magisterial and church interests, thus introducing new situations for potential magisterial coercions. As such, on one hand Locke grants the magistrate the power to intervene in religious practices *only* when they pose threats to the public good: if the law allows for animals to be slaughtered at home or in the market, such a practice cannot be banned in a church as part of a religious ceremony. It is precisely because the magistrate’s “interest” only comes into play when political concerns are at stake, the banning of slaughter (in churches and homes) could only make sense in a context where, say, a calf shortage became a political problem.[[10]](#footnote-10) In other words, any potential overlap between religious practices and magisterial interests only become salient when such practices enter into political concerns; a domain of what John Dunn has called “purely theoretical beliefs” remains resolutely outside the magistrate’s purview.[[11]](#footnote-11)

 On the other hand, however, it becomes increasingly apparent that the “inward Judgments” acquired in churches do affect the public good and thus increasingly overlap with magisterial interests—an overlap most clearly established in Locke’s discussion of the church and magistrate’s dual interests in the inculcation of the sorts of judgments and practices proper to “a good life”:

*A good life*, in which consists not the least part of Religion and true Piety, concerns also the Civil Government; and in it lies the safety of both men’s souls and of the commonwealth. *Moral Actions* belong therefore to the Jurisdiction both of the outward and the inward Court…Here therefore is great danger, lest one of these Jurisdictions intrench upon the other, and Discord arise between the Keeper of the public 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 matter.[[12]](#footnote-12)

Difficulties concerning limits do, however, persist. What if the “overseer of souls” attempts to inculcate some such version of “a good life” that disrupts the interests of “Money, Lands, Houses, Furniture, and the like”? Considering that Locke’s conceptualization of inwardness, outwardness and indifference leaves us with (1) a magistrate who can intervene on outward practices; (2) religious belief that is “inward” yet outwardly manifested; and (3) religious beliefs which *can* inculcate practices relevant to the public good, then what do we make of Locke’s assertion that the outward manifestations of religious belief do affect the public good? Given that the magistrate can intervene in outward practices *and* that religious practices can contribute to the maintenance of the public good (i.e., there is an overlap between (1) and (3)), then why wouldn’t the magistrate interfere in religious practices in cases where interventions *could* steer the public good in some direction he judges to be productive? And if Locke’s account does not prevent such interventions, then to what extent do religious practices remain secure from magisterial intervention?

 The problems implied with these questions bring us to the two sorts of refutations mentioned in my introduction. On one hand, what I have termed Jeremy Waldron’s moral approach reasons that Locke’s argument that “people’s beliefs cannot be controlled directly by coercive means” leaves us with only a *rational* argument against intolerance; yet insofar as outward magisterial power can ascertain which books subjects read and which arguments they listen to, coercion can still extend to the “sources” of beliefs and thus can inhibit the “surrounding apparatus” that fosters the inward beliefs in question.[[13]](#footnote-13) As a result, absent a *moral* justification of the “value of religious, philosophical and ethical diversity” as such akin to that advanced by John Stuart Mill,[[14]](#footnote-14) we are left with a Lockean magistrate who both tracks the outward effects of inward beliefs and whose need and capacity to affect outward things provides sufficient excuses for persecution. Thus Waldron’s inquiry into whether Locke’s argument “might dissuade someone *here and now* from action of intolerance and persecution”[[15]](#footnote-15) produces a refutation of Lockean toleration from the belief/coercion mismatch.

 From another perspective, in what I have termed the discursive approach, Kirstie McClure argues that Locke’s defense of toleration in effect redescribes “incommensurable visions of religious practice” as “politically indifferent matters of private belief”[[16]](#footnote-16)—a project that is not politically neutral but rather establishes a hierarchy between the (outward) things open to the “objective” political judgment of the magistrate and the (inward) things now relegated to mere subjectivity. As such, Locke’s defense of toleration asserts a “primacy of facticity” over claims we might understand today as emanating from “identities”: insofar as the state is empowered as “the sole legitimate adjudicator of worldly practice,”[[17]](#footnote-17) magistrates can reinterpret all claims to difference as apolitical “subjective judgment” and thus police “objective” outward effects absent any consideration of how different identities come to be constituted. As McClure reasons, the Lockean articulation of the belief/coercion axis thus becomes particularly problematic when “the civil discourse of facticity itself has become a site riddled with conflicting interpretations of which particular sets of social ‘facts’ are to be considered indicative of the sort of ‘harm’ appropriately subject to political jurisdiction.”[[18]](#footnote-18) In other words, insofar as today’s experience of “society” as “a complex, dynamic, and interrelated set of empirical social processes unfolding in time”[[19]](#footnote-19) jumbles our understanding of inward and outward dimensions of identity, Lockean toleration seems particularly incapable of arriving at the “objective” adjudication among outward facts theorized with magisterial power. Moreover, moving beyond an argument for incapacity to an outright refutation of Lockean toleration, Wendy Brown’s articulation of the discursive refutation suggests that Locke’s defense not only “radically individualizes and privatizes religion”[[20]](#footnote-20)—thus reconceptualizing the inward beliefs to be tolerated to have “no public importance”[[21]](#footnote-21)—but further leaves us with a moral relativism that implicitly translates different beliefs into “identities” taken to be stable, subjective, and prepolitical. Put differently, not only is Lockean toleration incapable of adjudicating among different social phenomena, but now it falls within a discourse that masks the power dynamics that constitute the subjects and objects of toleration: “by converting the effects of inequality—for example, institutionalized racism—into a matter of ‘different practices and beliefs,’ this discourse masks the working of inequality and hegemonic culture as that which produces the difference it seeks to protect.”[[22]](#footnote-22)

I rehearse the articulations of these different refutations to illustrate that, despite their opposing implications for toleration, both approaches point to the same belief/coercion mismatch in their problematizations of Locke. Moreover, my reading suggests that to conceptualize this mismatch, both presume similarly narrow possibilities for what I suggest is a process of judgment formation in Locke’s theoretical interventions—a process that could, in fact, nuance the implications for the practices of toleration theorized by both approaches. Consider, first, that the problematic nature of the belief/coercion mismatch reflects the organization of certain distinct magisterial capacities: Locke’s magistrate must be presumed to be able to “read” inward beliefs, correlate them to outward effects, determine whether those outward effects infringe upon the civil interest, and then to apply coercive means when deemed appropriate. Even as the inward/outward division does mark a domain of “purely theoretical beliefs” ostensibly immune from the magisterial capacity for direct interference, inwardness as such does not mark a space where subjects’ judging practices are qualitatively different in such ways that the magistrate is incapable of correlating inward beliefs to outward manifestations. With the above refutations, the magisterial *incapacity for direct interference* into the inward domain does not suggest a magisterial *ignorance* of that domain or an incapacity in forging connections between its content and the outward domain. It is not simply the magistrate’s ability to use coercion as such or to claim it in the name of the civil interest that makes the defense of toleration problematic, but rather his seemingly unique capacity to seamlessly correlate inward states to outward manifestations in doing so—to make subjects’ “inward judgments” amenable to the magistrate’s judging capacities. In other words, a shared presumption of a particular mode of magisterial judgment in fact mediates the critical accounts of the belief/coercion mismatch outlined above. But is this presumption accurate?

Specifically, I want to suggest that the above refutations have produced an account of judgment that pictures this faculty as essentially *discrete* (belief X produces outward effect Y), *individuated* (subject X “holds” belief Y), and *static* (subject X holds onto belief Y at Z time and place) in making sense of Locke’s defense of toleration. Insofar as the moral criticism has suggested that magisterial coercion might be applied to the “surrounding apparatus” of belief and thereby effectively interfere with certain beliefs, it has a presumed a particular mode of judgment wherein the magistrate contains a straightforward capacity to determine the content of his subjects’ beliefs, to determine which outward things cause and are affected by these beliefs, and to determine who holds these beliefs at certain times and places. Likewise, the incapacity of the “discourse of facticity” to apprehend the workings of power in producing different social inequities has advanced a similarly narrow presumption of Lockean judgment: the dual assertions that Locke “radically individualizes and privatizes religion” and that tolerated beliefs have “no public importance” are premised not simply on the inward/outward division but take Lockean subjects *within* this division to engage in judgment in isolation and to apply their judgments to particular, discernable effects in discernable times and spaces. With both approaches Lockean toleration is thus deficient not as a result of magisterial coercive capacities or of inward belief as such, but rather because of an underlying form of judgment that structures the relationship between belief and coercion.

This form is indeed problematic. Narrowed to discrete, individuated, and static dimensions, judgment now appears to function less as a way of demarcating a practice necessarily inward from which the magistrate must refrain or an outward practice which could challenge his actions, but rather as an overlapping capacity that he can always mine for outward manifestations. In other words, the above conception of this faculty conveniently projects the inward/outward division upon an axis wherein discrete, static, and individuated inward beliefs straightforwardly produce outward manifestations, in turn enabling magistrates to correlate outward manifestations back to inward beliefs in both determining when and where to apply outward force and identifying which beliefs are of “no public importance.” The underlying danger is no longer simply that the magistrate might ban some group’s ceremony deemed harmful to the civil interest, but that his capacity to do so is premised upon an orientation toward judgment that enables him to conclude that some host of beliefs correlate to the above harm and thus that all their manifestations can be subject to coercion. As such, even while Locke maintains that the magistrate cannot inculcate what is inward, any overlaps between civil interest and the public dimensions of religious practice now appear as occasions for the state to trump certain religious beliefs (and the groups associated with them) wholesale. Imagine, for instance, that the magistrate judges a particular cluster of practices (a style of preaching, a way of congregating, the publication of certain texts, etc.) to belong to a group whose inward beliefs produce outward effects detrimental to the public good. Could not the magistrate use his power to subvert the practices of such a group? Sticking with Locke’s own language, if the magistrate can ascertain that a group’s outward “pomp” *actually* reflects an (inward) “striving for power,” then would not the “pomp” itself become dangerous? If some group’s “pomp” is the concern in our hypothetical example, then why wouldn’t the magistrate apply his outward force to undermine its institutions wholesale?

If judgment in the *Letter* is presumed to be discrete, individuated, and static, then Locke’s defense of toleration produces an incoherent picture, not merely in its insufficient protection of subjects’ long-standing “surrounding apparatuses” or its ultimately problematic privatization of belief, but indeed in the very basis from which magistrates correlate inward and outward to begin with—the defense of toleration as such seems immediately deficient. As noted above, however, my motivating question here is whether this account of Lockean judgment is in fact adequate. Note, for instance, the extent to which the above notion of judgment has left us with an entirely instrumental account of this faculty absent any tangible concern or capacity to account for how the formation and practice of judgment may affect its content and quality: judgment has simply become a site where the magistrate can generally determine that some outward manifestation X can be traced back to some belief Y.[[23]](#footnote-23) Indeed, even if Locke’s inward/outward division may allow for this sort of instrumentalization, it also appears in immediate tension with his own statements quoted above regarding the significance of “a good life” and “moral action” wherein “lies the safety of both men’s souls and of the commonwealth”—cases where the church and the magistrate will most likely “intrench upon” one another. According to Locke, we risk such entrenching precisely where religious and magisterial “jurisdictions” overlap in their vested interests regarding the *quality* and not simply the empirically-traceable facts of beliefs and actions. As such, here Locke’s assertions appear to be in tension with the most biting claims advanced by both refutations—namely that he leaves us with inward beliefs of “no public importance,” that a moral defense of toleration is entirely missing on Locke’s account, and that a “primacy of facticity” necessarily subjectivizes belief.

Given both this tension and the question of an underlying deficiency in Lockean toleration in mind, in the following section I investigate the proposition that Locke’s account of judgment may involve a more complicated dynamic that resists the discrete, individuated, and static conceptualization outlined above. Here, however, it is important to note that while evocations of judgment and examples of various judging practices populate the *Letter*, the faculty as such ultimately remains undertheorized and underdetermined in this text. As a result, my objective is not entirely to resolve the problems between belief and coercion or to offer an unqualified defense of Lockean toleration. Rather, in what follows, I propose a reading of Lockean judgment more attentive to its necessary interplays with *wit* in the *Essay*—a reading I suggest enables us to place questions regarding judgment’s quality at the forefront in ways downplayed in the above refutations. Insofar as my reading proposes to shift our attention from the belief/coercion mismatch to Locke’s engagement with the faculty of judgment, this reading also casts doubts on the adequacy of a “blueprint” approach to the *Letter*: my objective is not primarily to ascertain whether the *Letter* should be a convincing case for toleration “here and now” (as Waldron puts it) but rather approaches Locke’s argument as an intervention into a particular political context regarding the question of toleration that enacts a particular mode of judgment to engage this problem—one that I suggest may be put into a more productive conversation with the contemporary criticisms above.[[24]](#footnote-24) To that end, my subsequent section turns to the broader interpretive implications of recuperating a thicker notion of Lockean judgment for the *Letter*. First, however, we must examine this understanding of judgment as it appears in the *Essay*.

**II. Tolerating Judgment: Wit and the Process of Judgment Formation in the *Essay***

As Locke maintains in the second book of the *Essay*, judgment “lies…in separating carefully, one from another, ideas, wherein can be found the least difference, thereby to avoid being misled by similitude, and by affinity to take one thing for another” and stands in contrast to *wit*, which involves the “assemblage of ideas” with “quickness and variety” so as to make “pleasant pictures, and agreeable visions in the fancy.”[[25]](#footnote-25) Juxtaposed to wit, judgment appears as the more circumspect and discerning faculty, indeed the faculty that provides one with the capacity to muddle through the pleasant though often misleading assemblages forged with wit. It is important to note that this sort of pairing of judgment and wit is not unusual, but reflects a broader late seventeenth century orientation wherein wit was both taken as an increasingly “active” component in “the acquisition of knowledge” but was also approached skeptically (if not anxiously) given its negative associations with similitude, metaphor, and rhetoric. As such, it is also important to notice that here Lockean “wit” does not align straightforwardly either with “humor” (as in Shaftesbury’s famous defense of the faculty in *Sensus Communis*) nor merely “triviality,” nor strictly with any particular *sort* of activity, but rather reflects a broader indeterminacy that granted wit significance and yet remained uncertain of “what it might mean.”[[26]](#footnote-26) Locke’s delineation here reflects the various elements of this anxiety: he expresses concerns about the dangers involved in the lack of “labor of thought” required “to examine what truth or reason there is in” products of wit *without* judgment.[[27]](#footnote-27) However, it is crucial to notice that this does not imply an attempt to conceptualize judgment *absent* the “assemblage of ideas” that calls for its intervention, as Locke neither depicts judgment in isolation nor signals even the possibility of such an endeavor. Rather, herejudgment remains impossible to fully insulate from wit. And as such, I want to suggest that the above evacuation of judgment’s interactive, intersubjective, and qualitative concerns presumed with his defense of toleration now becomes conceptually problematic.

 Consider, first, the temporal dimension Locke evokes between wit and judgment in his broader discussion of the operations of the mind. The two faculties are not introduced simply as opposites but rather are juxtaposed because of Locke’s curiosity concerning the “common observation that men who have a great deal of wit, and prompt memories, have not always the clearest judgment, or deepest reason.” To make sense of this observation, Locke reasons that *first* wit creates “assemblages of ideas” that are “agreeable to the fancy,” concluding this delineation without any problematization of wit as such. A problem arises, however, when Locke proceeds to explain that the capacity to separate the above ideas and avoid being misled lies in the more careful though not explicitly “lively” or “pleasant” capacity for judgment. Though the juxtaposition does establish that judgment is both necessary to avoid deceptions *and* less obviously “acceptable to all people” (hence the “common observation” above), nowhere does such an assertion imply that judgment ought to replace wit or that judgment even constitutes an activity that can exist in isolation from it.[[28]](#footnote-28) Instead, it is wit’s capacity to monopolize certain operations of the mind and edge out judgment that are of concern here. It would be erroneous to conclude that the two faculties are conceptualized in an entirely binary opposition. Rather, judgment *reacts* to wit, in turn implying that on Locke’s account the two faculties operate in a dynamic relationship with one another.[[29]](#footnote-29)

Judgment is thus not simply the separation of ideas as such but rather ideas assembled through wit; it is not careful as such but careful in light of wit’s “quickness and variety.” And while Locke ultimately integrates judgment into the *Essay*’s broader account of human faculties and experiences around an empiricist and probabilistic epistemology,[[30]](#footnote-30) here it is crucial to emphasize the aesthetic and reciprocal elements of the relationship between wit and judgment that ground latter faculty’s developments and applications throughout the *Essay*—especially in rendering judgment politically salient.[[31]](#footnote-31) Put differently, the dynamism undergirding Locke’s conception of judgment suggests that this faculty is not simply static or given, but rather operates through particular judgment-wit interplays that render the setting and background conditions of the practice of judgment significant for making sense of it. Nor are the individuation or discreteness of judgment presumed above easy to maintain here: insofar as judgment appears in particular judgment-wit interplays, it parses the assemblages of ideas presented by others (as well as one’s own) and thus is formulated within interactions that are not self-evidently or straightforwardly separable into the detachable instantiations as “judgment X” and “outward effect Y” suggested in the above section. Rather, as Torrey Shanks has argued in her reading of the *Essay*’s use of the Abbot of St. Martin, toleration corresponds to judgment insofar as both practices reflect the attempts of political communities to make sense of novelty—a phenomenon that this essay has identified specifically with judgment’s necessary interplay with wit in Locke’s thought.[[32]](#footnote-32) The consequence here for judgment’s application in the *Letter* is that the magistrate should not be capable of straightforwardly “reading” his subjects’ judgments or treating judgments simply as bridges between what is inward and outward. With the more dynamic understanding, the capacity to separate ideas remains entrenched in how those ideas come to be assembled in the first place: it should not be the case that magistrates account for judgments by merely separating them from their prior (and ongoing) engagements with wit, but instead that any interactions with judgment must remain invested in the process through which judgments come to be formed and articulated.

Lockean judgment therefore both evokes and demands an understanding attuned to chains of reactions and interactions—an account of its own formation and change that resists the reduction of judging to an isolated activity. As such, a magisterial capacity for toleration or coercion that arises from the identification of which practices are indicative of which beliefs should prompt questions concerning *how* one comes to engage in judgment. It should become significant, for instance, how it is that a magistrate comes to discern what does and does not amount to a church, to worship, to “perswasion,” and to “pomp,” among other categories. Insofar as any decision to tolerate or coerce attempts to advance claims correlating certain outward effects (“pomp”) back to inward beliefs (“perswasion” underlying a “striving for power”), a more dynamic notion of judgment suggests that such claims necessarily track magisterial power back to the very construction of assemblages (“pomp” = “striving for power”) that entangle wit and judgment in Locke’s conceptualization. The magistrate, then, cannot be said to occupy an isolated site epistemologically “above” or external to his subjects—one from which their own judgments are distilled into their discrete, static, individuated outward effects. Instead, a more dynamic account of Lockean judgment exposes the practice of magisterial judgment as already the imposition of magisterial wit,[[33]](#footnote-33) thus locating this practice both at the intersection of the judgment and wit of others and rendering it amenable to competing judgment/wit interventions. Judgment implies process: insofar as the magistrate is understood to engage in toleration and persecution, he cannot be presumed to practice judgment *alone*—to practice *only* judgment or do to so in a manner isolated from the interventions and modifications of what McClure identified as the “complex, dynamic, and interrelated set of empirical social processes unfolding in time.”

If Lockean judgment ends up problematizing what was taken to be a straightforward magisterial need and capacity to make subjects’ beliefs amenable to toleration and persecution by reducing their judging practices to their discrete, static, and individuated manifestations, then how do we make sense of Locke’s defense of toleration in the *Letter*? On one hand, here we could conclude that Locke’s account of the interplays of wit and judgment is simply inconsistent with his account of magisterial power—the former appears to suggest a contingent and processual notion of judgment formation while the latter appears to reduce judgments to particular outward manifestations conveniently discernible by an isolated actor at the locus of state power. Indeed, this apparent inconsistency may be grounds for yet a third refutation of Lockean toleration. In what follows, however, I resist such a conclusion. Instead, I suggest an alternate response to the apparent inconsistency drawn specifically from the hermeneutical implications of the conception of Lockean judgment developed above. As I argue in the remainder of this paper, Lockean judgment not only problematizes a particular picture of the magistrate identified with the above refutations, but further undermines the presumption that the *Letter* is written “for” a magisterial actor in any straightforward sense.

While thus far I have read Locke’s conception of judgment in juxtaposition to the figures theorized in the *Letter* and their capacities, in what follows I suggest that this argument also has implications for how we take Locke’s text to intervene in its readers’ own judging practices. As Douglas Casson has put it, “Locke is not offering his readers a formal argument in defense of a particular set of institutions …Instead, he is attempting to foster the development of a certain type of intellectual conduct,” namely “reasonable judgment.”[[34]](#footnote-34) The process of judgment formation, in other words, registers as both a feature of Locke’s argument *and* an underlying motivation of argumentation as such. As a result, Locke’s conception of wit and judgment should inform not only what we take Locke to mean when it comes to a magistrate’s apprehension of and engagement with subjects’ inward and outward states, but further *how* we take the *Letter* to intervene into the practices that undergird the public judgment. And insofar as Lockean judgment demands an understanding attuned to chains of reactions and interactions, below I suggest that his *Letter* likewise should not be understood as an intervention that exists prior to or in isolation from the interplays of wit and judgment that shape any given social and political context. Rather, I will argue that the *Letter* itself *enacts* a practice of judgment (and, of course, wit) in theorizing the spaces, interactions, and motivations where toleration and persecution become legible and justifiable practices to Locke’s contemporary public.

**III. Judging Toleration: Audiences, Churches, and the “Heretics of the Lantern”**

As suggested at the conclusion of my first section, a reading of the *Letter* attuned to Lockean judgment and its implications for the *Letter*’s intervention should produce skepticism that its arguments can be reduced to a sort of “blueprint” for potential tolerators or persecutors. The most immediate reason to doubt this sort of approach is that it appears either to occlude questions concerning *who* engages in toleration (and thus how toleration operates given different relations between different sorts of political actors) or simply to assimilate the “blueprint” to the magisterial model whose rendering of judgment was problematized above. In other words, if Locke’s “blueprint” can be divorced straightforwardly from its context, then eitherall those who stand to adopt the blueprint must continue to operate like Lockean magistrates orLocke’s arguments must be presumed to be entirely separable from the figure of the magistrate as such—a blueprint for any sort of actor. The previous section’s discussion of magisterial judgment should suggest that the latter proposition is especially untenable: insofar as the magistrate appeared to apprehend subjects’ judging practices in discrete, static, and individuated ways particularly amenable to magisterial power, the figure of the magistrate cannot simply be bracketed in examining any potential Lockean blueprint for toleration apparently in tension with his own account of judgment.

Instead, I take this tension to suggest that the conditions of power theorized via the magistrate *as such* need to be interrogated to make sense of toleration. Yet, as noted in the first section of this paper, this sort of bracketing of the magistrate is exactly what obtained in Waldron’s “moral” refutation of the supposed blueprint: Lockean toleration was deemed untenable for those “here and now” precisely because Locke’s argument was taken to be articulated abstractly and for anyone considering the question of toleration, even while acknowledging that the *Letter* itself explicitly differentiates between arguments for church actors and state magistrates.[[35]](#footnote-35) At the very least, then, insofar as the above discussion of judgment has problematized the moral refutation of Lockean toleration, the hermeneutic implications of this discussion caution against translating the *Letter* into any sort of detachable blueprint lest such an approach fail to account for the relationship between *The Letter*’s intervention into a particular audience’s process of judgment formation and its engagement with magisterial power and toleration. To interrogate the tension between Lockean judgment and magisterial power, our challenge is thus to make sense of this intervention.

One major approach to this challenge is most identifiable with the Cambridge School’s reading of Locke’s defense of toleration as a speech-act directed at certain audiences within his political and intellectual context. Here, for instance, Mark Goldie has shown the extent to which the implications of Locke’s arguments targeted his contemporary Anglican establishment and its “aggressive advancement of its temporal power” at times *in opposition* to more tolerationist policies pursued by “the magistrate” King Charles.[[36]](#footnote-36) As a result, insofar as we consider that the above refutations challenge both the rationality behind a magistrate’s potential justifications for toleration and the discourse that renders belief private and thus subjective in contrast to an ostensibly objective state apparatus, it is important to keep in mind Goldie’s suggestion that Locke’s targets cannot be identified as straightforwardly with the locus of state power as we might presume. Both Anglicans and Dissenters—groups whose inward persuasions produce certain outward manifestations upon which Locke comments—are immediate audiences of the text in ways an abstractly theorized magistrate is not.

However, this question of audience is significant in a more foundational way when we consider it specifically in the context of Locke’s conception of judgment. Goldie’s account of Locke’s intervention into the seventeenth century English religious debate is certainly invaluable for making sense of the motivation behind his theorizations of the subjects and objects of toleration. However, this approach still locates them in ways that do not seek to interrogate Locke’s engagement with *how* those subjects and objects appear within the process of judgment formation given his conception of the interplays of wit and judgment. Put differently, Locke’s investigation into the faculty of judgment should direct our attention not only to his targets and the content of his arguments given its intellectual context, but furthermore to the *Letter*’s intervention into particular contexts that involve the practice of judgment. As such, our examination of Locke’s political and intellectual context should raise questions concerning not only *who* Locke’s audience may have been but furthermore *how* such audiences were to orient themselves toward the conceptual categories in question—such as “inward,” “outward,” “magistrate,” and “church,” among others. If the *Letter* is not simply a magistrate’s blueprint, then its enactment of these categories may offer alternatives to the presumption of a discrete, individuated, and static mode of judgment undergirding justifications for toleration and given to the epistemologically isolated, state-centric magisterial figure.

Consider, for instance, that above we took Locke’s definition of a church as “a voluntary Society of Men, joining themselves together of their own accord, in order to the publick worshipping of God in such manner as they judge acceptable to Him”[[37]](#footnote-37) to map straightforwardly onto the inward/outward division even as it overlapped on the dimension of “moral action.” Yet with a new focus on the interplays of wit and judgment, now the determinations of what appear as “voluntary,” “public,” and “worship” can be reevaluated as sites that track the ambiguities generated when magisterial judgment comes to parse the assemblages of “facts” in order to apprehend them. Is a church one which officially declares itself as such and is recognized by others? Or can a church be a house where individuals with similar beliefs congregate? Or a printing press around which individuals who worship together congregate and publish their views?

These are not abstract or semantic questions, but in fact track Locke’s own experiences in what John Marshall terms “overlapping conversational circles” with other advocates of religious toleration while exiled in the Netherlands at the time of his publication of the *Letter*. These circles worked explicitly to combine their “practices of discussion” with an “advocacy for religious toleration”[[38]](#footnote-38) directed at “a critical lay public who were being asked thereby to use their reason to judge the views being presented to them.” Or, what amounted to a “web of mutual support” whose members worked to maintain each other’s public anonymity, access to new information, and capacity to address the “republic of letters” given the political dangers of their expressed views.[[39]](#footnote-39) Indeed, seeing the diversity, openness, yet outward secrecy of one such circle he frequented, it was Locke who jokingly called it “the heretics of the Lantern” in what Marshall identifies as an explicit attack on “the conventional definitions of the term ‘heresy.’” As Marshall maintains, it was this very experience of the voluntarist and discussion-oriented circles that formed the groundwork for the assemblage of different elements we see in the *Letter*’s “intellectualized” definition of a church, above: “the church as eirenic and inclusive in communion, discursive, rational, and voluntary in nature, and not a little ‘heretical’ in the expansiveness of its intellectual commitment”[[40]](#footnote-40); not to mention Locke’s explicit insistence on the practice of *judgment* of religious questions among its members.

Insofar as we follow Marshall’s inference regarding the experiential motivations for Locke’s definition of a church, we get a glimpse into Locke’s understanding of the concrete interplays of wit and judgment that can obtain within the “voluntary society” “joining themselves” for the “publick worshipping of God.” Yet here I am not suggesting that Locke’s definition should be reduced to those experiences, e.g., that on his conception religious societies would necessarily articulate tolerationist creeds or (as Marshall concludes) would engage in intellectual practices recognized as “heretical.” The issue is not one of specific creeds but rather of the practices of judgment as they obtain within the webs of mutual support that undergirded *both* Locke’s own experiences in the Netherlands *and* his subsequent articulation of a church to a broader public audience. In Locke’s immediate context, this “web” served a particular function given the needs and risks involved: to organize a pattern of diverse, private discussions that could be articulated to the public while nonetheless maintaining the safety of those involved—a function that both produced recognizable public “beliefs” and yet served precisely to confound an outsider’s correlation of spaces, actors, and arguments that could endanger the participants’ livelihoods. Indeed, in its capacity to confound such a function reveals the very dimensions of judgment that exceed magisterial power in apprehending both “inward” belief and its “outward” manifestation. The notion of judgment articulated around a “web” renders belief both shared and subject to deliberation (and thus transformation) precisely because it travels through a multifaceted an inter-subjective process rather than being discretely “held” and “expressed.” Moreover, it is this very process that enables an ongoing navigation of the meanings and relationships between different inward and outward things—say, of the significance of religious ceremonies as it evolves in Locke’s own oeuvre. And finally, this process does not remain confined to the “web” but rather seeks to enact shared judging practices more broadly in its orientation toward a “critical lay public”—one likewise expected to exercise its faculty of judgment. In contrast to the epistemologically-isolated magistrate deciding what and whom to tolerate, here we end up with churches, their various actors, and the public at large conceived as mutual participators within an ongoing process.

Locke’s “heretical” quip is, indeed, at the core of this process. And while Marshall interprets this designation for one of Locke’s discussion circles as an “attack” on the “conventional definition” of “heretic,” I want to bring attention to the rhetorical dynamic that renders such an interpretation possible. Namely, Locke’s presentation of some ostensibly “settled” concept in a new and surprising light; or, in other words, his assemblage of apparently disparate ideas (“heretic”; “discussion”; “judgment”) that in turn amuses, confounds, and prompts the faculty of judgment into deliberating over *how* these terms can be conceptualized anew. Or, finally, an instance of the interactive dynamic between wit and judgment undergirding Locke’s own intervention into a dynamic that shapes how toleration comes to be understood and practiced.

While an exhaustive account of the *Letter*’s different assemblages is outside the scope of this paper, the above discussion of its conception of a church should reveal the hermeneutical direction that opens once we foreground Lockean judgment in our approach to the *Letter*. A “definition” such as that of the church begins to function less like a set of settled facts from which the magistrate can proceed with tolerationist or persecutory policies and more as itself an invitation to judge—an assemblage that, too, requires “separating carefully.” Thus we have the beginnings of a non-magisterial mode of judgment: between subject and magistrate is an ongoing navigation of existing spaces, languages, and political commitments that constitutes the process of judgment formation. This navigation mediates the capacity to reduce categories to certain discrete, static, and individuated manifestations amenable to magisterial action, and thus provides the basis to resist any such reduction. More so than a simple “decision” made by the state, Lockean toleration registers persistent questions concerning the relationship of both church and state to the capacity for judgment as it is navigated through the different elements of social life. It is into this navigation that the *Letter* intervenes.

**Conclusion**

In arguing that a dynamic process of judgment formation undergirds Locke’s defense of toleration, this essay has challenged the two types of refutations of Lockean toleration in two different ways. Contra Waldron’s “moral” refutation, it has resisted the picture of magisterial power that leaves subjects’ “surrounding apparatuses” perennially exposed to coercive magisterial intervention: even if a Lockean magistrate were to engage his subjects’ judgments as discrete, individuated, and static manifestations, at the very least the *Letter* and *Essay* enable subjects to negotiate the content of such manifestations given the interactive dynamics of wit and judgment—much like Locke himself did. Moreover, contra McClure and Brown’s “discursive” refutations, it has resisted the picture of subjects constituted through a hierarchy of objective state interest and stable, prepolitical identities with the suggestion that, at the very least, the Locke’s conception judgment enables those engaged in its process to navigate this very constitution. Indeed, as Rainer Forst has observed, toleration in Locke’s context involves a “complex picture”: it “liberates on the one hand, while disciplining on the other...It is not just a matter of a one-dimensional ‘subjectivisation’ and disciplining of the citizens who have internalized their nonconforming identity; there is also the countervailing tendency to resist this form of the exercise of power—especially when its ‘benevolent’ character mutates into the direct exercise of domination.”[[41]](#footnote-41) It is certainly true that Lockean toleration can be approached as part of a broader project that attempts to discipline practices associated with religious belief into particular molds taken to be necessary to civic order.[[42]](#footnote-42) However, this observation should not occlude an examination of the countervailing tendencies in Locke’s own thought to couch such disciplinary measures in dynamic conceptions of judgment and its relation to authority that cannot be simply assimilated to contemporary manifestations of state power and secular objectivity. It is in this spirit that Locke’s work can be put more fruitfully into conversation with the above discursive refutations: instead of registering as a mere reflection of the forms of state power, privacy, and secularism that such refutations seek to problematize, the *Letter* is rather a navigation of these very categories, produced to engage and elicit public judgment.

To begin investigating the contours of this navigation, this essay has advanced a hermeneutic approach oriented around Locke’s intervention into the practices of wit and judgment contemporary to his context. *The Letter*, I have suggested, does not simply presume subjects who “hold” certain doctrines and stand in need of compelling political demarcations, but instead itself enacts assemblages and separations in motivating its audiences to exercise the faculty necessary to cultivate the very “moral action” wherein “men’s souls” and “the commonwealth” “intrench upon” each other, and without which Lockean toleration simply could not function: good judgment. Reading Locke’s defense of toleration as an intervention into the process of judgment formation, this essay has thus resisted reducing the *Letter* to the sort of theoretical enterprise that advances a policy of toleration by rendering subjects’ judgments static, individuated, and discrete to magisterial power. Simply put, the *Letter* was not written for a magistrate in any straightforward sense. And while Locke’s text certainly theorizes magisterial interests and their relation to subjects, this does not imply that Lockean toleration should be understood as a magisterial practice per se. Rather, just as Locke’s conception of the civil interest points to the existence of a magistrate, so his concern with the process and quality of judgment likewise prompts him to advance arguments directed at religious groups, their leaders, and the reading public at large—interventions which are easily occluded once we adopt an approach wherein toleration is conceptualized as a discrete decision made by the state. Indeed, insofar as this essay has challenged the presumption of an isolated, magisterial mode of judgment to be found with Locke, this conclusion points to the possibility (and need) to navigate a non-magisterial practice of toleration—one which refuses to predetermine how inward and outward and civil and religious are correlated in formulating the civil interest; one which retains an ongoing capacity to reimagine how one might contest and reassess.

Thus the underlying, non-magisterial implication of Lockean judgment finds its expression in perhaps his most radical application of this faculty: that even as individuals have “resigned…all private judgment” in entering political community,[[43]](#footnote-43) the organization of community around magisterial authority does not preclude the popular capacity to see and make sense of “a long train of actions” trending toward “arbitrary power”—that in differentiating authority from tyranny, “the people shall be judge.”[[44]](#footnote-44)

1. Jeremy Waldron advances the contemporary articulation of this criticism in Waldron, “Locke: Toleration and the Rationality of Persecution,” in *Justifying Toleration: Conceptual and Historical Perspectives*, ed. Susan Mendus (Cambridge: Cambridge University Press, 1988). This line of argument, however, stretches back to Jonas Proast’s 1690 response to the *Letter*. [↑](#footnote-ref-1)
2. Versions of this criticism are most prominently articulated by Kirstie McClure, “Difference, Diversity, and the Limits of Toleration,” *Political Theory* 18.3 (1990): 361-391; and Wendy Brown, *Regulating Aversion:* *Tolerance in the Age of Identity and Empire* (Princeton: Princeton University Press, 2008), albeit with different implications. I discuss these differences below. [↑](#footnote-ref-2)
3. John Locke, *A Letter Concerning Toleration*, ed. Mark Goldie (Indianapolis: Liberty Fund, 2010), 12-13. [↑](#footnote-ref-3)
4. Locke, *Letter*, 13. Italics mine. [↑](#footnote-ref-4)
5. For an interpretation that challenges Waldron’s moral criticism by thematizing the significance of this demand for sincere belief in the *Letter*, see Paul Bou-Habib, “Locke, Sincerity and the Rationality of Persecution,” *Political Studies* 51 (2003): 611-626. [↑](#footnote-ref-5)
6. Locke, *Letter*, 7-9. [↑](#footnote-ref-6)
7. Indeed, this application of the inward/outward division to justify the imposition of conformity in outward *manifestations* of beliefs reflects Locke’s own earlier position in 1667. Here, while Locke maintained that a magistrate’s attempt to force any particular religion would be as “reasonable” as an attempt to “choose a wife” for his subject, nonetheless “the magistrate may and ought to use all ways, either of policy or power, that shall be convenient, to lessen, break, and suppress” any religious “parties” whose practices “seem *visibly* to threaten the peace of the state” (italics mine). John Locke, “An Essay on Toleration,” in *Locke: Political Essays*, ed. Mark Goldie (Cambridge: Cambridge University Press, 1997), 138, 147. [↑](#footnote-ref-7)
8. Locke, *Letter*, 15. [↑](#footnote-ref-8)
9. Locke, *Letter*, 10. Italics mine. [↑](#footnote-ref-9)
10. Locke, *Letter*, 37. [↑](#footnote-ref-10)
11. John Dunn, “The Claim to Freedom of Conscience: Freedom of Speech, Freedom of Thought, Freedom of Worship?” in *From Persecution to Toleration: The Glorious Revolution and Religion in England*, eds. Ole Peter Grell, Jonathan I. Israel and Nicholas Tyacke (Oxford: Clarendon Press, 1991), 185-186. [↑](#footnote-ref-11)
12. Locke, *Letter*, 45. [↑](#footnote-ref-12)
13. Waldron, “The Rationality of Persecution,” 81-82. [↑](#footnote-ref-13)
14. Waldron, “The Rationality of Persecution,” 78. [↑](#footnote-ref-14)
15. Waldron, “The Rationality of Persecution,” 62. Italics mine. [↑](#footnote-ref-15)
16. McClure, “The Limits of Toleration,” 366. [↑](#footnote-ref-16)
17. McClure, “The Limits of Toleration,” 381. [↑](#footnote-ref-17)
18. McClure, “The Limits of Toleration,” 383. [↑](#footnote-ref-18)
19. McClure, “The Limits of Toleration,” 384. [↑](#footnote-ref-19)
20. Brown, *Regulating Aversion*, 34. [↑](#footnote-ref-20)
21. Brown, *Regulating Aversion*, 32. [↑](#footnote-ref-21)
22. Brown, *Regulating Aversion*, 46-47. [↑](#footnote-ref-22)
23. As Timothy Stanton has argued in his evaluation of Waldron’s approach, “on recent readings, toleration turns for Locke on a question of fact– does persecution produce a particular result? This reduces the argument about toleration to a term in a means–end relationship, with deeply unsatisfactory consequences.” Timothy Stanton, “Locke and the Politics and Theology of Toleration,” *Political Studies* 54 (2006), 85. While Stanton’s argument does not concern judgment directly but rather proceeds to identify a number of factors overlooked by Waldron to ground a richer understanding of Lockean toleration, below I suggest that the narrow notion of judgment undergirding this “means-end relationship” is precisely at the heart of the political-epistemological picture of magisterial power presumed by both refutations. [↑](#footnote-ref-23)
24. I borrow the “blueprint” language from Torrey Shanks’s criticism of this approach to the *Letter*. Torrey Shanks, “Toleration and Democratic Membership: John Locke and Michel de Montaigne on Monsters,” *Political Theory* (2014), 4. [↑](#footnote-ref-24)
25. John Locke, *An Essay Concerning Human Understanding* (Oxford: Clarendon Press, 1975), 2.11.23-30. [↑](#footnote-ref-25)
26. Roger D. Lund, “Wit, Judgment, and the Misprisions of Similitude,” *Journal of the History of Ideas* 65.1 (2004), 54-56. [↑](#footnote-ref-26)
27. Locke, *Essay*, 2.11.31-36. [↑](#footnote-ref-27)
28. Locke, *Essay*, 2.11.33-34. [↑](#footnote-ref-28)
29. Indeed, we can identify manifestations of this dynamic relationship in the broader narrative structure of the *Essay*: in Locke’s epistolary introduction, the author informs readers that the *Essay* arose from “some hasty and undigested Thoughts”—an assemblage at times “incoherent” and “discontinued.” Locke, *Essay*, Epistle to the Reader, 26-34. As Torrey Shanks notes, this rhetorically rich, ostensibly self-effacing framing of an argument generally taken to be critical of rhetoric in effect extends an invitation for readers to engage in judgment of the material at hand. Torrey Shanks, *Authority Figures: Rhetoric and Experience in John Locke's Political Thought* (University Park: Penn State University Press, 2014), x. [↑](#footnote-ref-29)
30. See especially Locke’s discussion of knowledge and probability in Locke, *Essay*, 4.14. Here, while judgment likewise points to the capacity to separate ideas, it is now conceptualized less *aesthetically* in juxtaposition to wit and more *epistemologically* in juxtaposition to knowledge. While I do not read the shift by the end of the *Essay* in contradiction to Locke’s earlier discussion examined here, a more in-depth examination of this shift is outside the scope of this paper. For a broad and insightful discussion of Locke’s shifting views on judgment through different drafts of the *Essay*, see James Tully, “Governing Conduct: Locke on the Reform of Thought and Behavior,” in *An Approach to Political Philosophy: Locke in Contexts* 179-241 (Cambridge: Cambridge University Press, 1993). [↑](#footnote-ref-30)
31. There are two significant approaches to Locke’s *Essay* that likewise render the “epistemological” account of judgment politically salient albeit without noticing judgment’s relation to wit, and to which my argument is indebted despite some disagreements. First is McClure’s *Judging Rights*, which articulates a notion of judgment necessarily imbricated in actors’ political interactions. Here I follow McClure’s broad argument that “there is…a significant if generally neglected connection between various ‘liberal’ theorists’ accounts of the character, content, and aims of political life and the manner in which these things are to be known,” in Kirstie McClure, *Judging Rights: Lockean Politics and the Limits of Consent* (Ithaca: Cornell University Press, 1996), 4. Where my argument differs from this general approach, however, is in interpreting the judgment/wit interplay to resist the conclusion that “facticity” and “visibility” amount to straightforward markers of certainty for magisterial power, as argued both in *Judging Rights* (see especially 218, 262-263) and in “The Limits of Toleration.” My reading thus points to a contrast between McClure’s thematization of judgment as a *discrete* capacity given to magistrates, subjects, etc., and its appearance as a *process* (discussed below) arising from the interplays of assemblages and separations from which magisterial power cannot be isolated. The second approach is Douglas Casson’s *Liberating Judgment*, which I follow insofar as it argues that Locke’s broad political project is to “[convince] his readers to embrace a common understanding of judgment that takes into account both its importance and its limitations” in rendering judgment *probable*; Douglas John Casson, *Liberating Judgment* (Princeton: Princeton University Press, 2011), 221. However, I interpret the judgment/wit interplay to problematize the more highly *individuated* picture of probable judgment that emerges on Casson’s account: e.g., as in the argument that “it is [Locke’s] anxious recognition of the unpredictable, anarchic potential of the individual judgment that leads him to emphasize the political importance of self-control and self-mastery. By teaching his readers to regulate their own thoughts and actions, he can shift the primary locus of constraint from external coercion to internal discipline,” in Casson, *Liberating Judgment*, 130. While I agree that a commitment to “internal discipline” runs through Locke’s thought, on my reading judgment’s reciprocal and processual dimensions caution against locating the motivation for “self-mastery” in Locke’s conception of judgment. Indeed, Locke’s dynamic notion of this faculty offers one way to resist the picture of discrete and autonomous individuals often presumed by liberal theorists and occasionally attributed to Locke’s thought. [↑](#footnote-ref-31)
32. Shanks, “Toleration and Democratic Membership,” 3. Note that Shanks identifies the encounter with novelty (and thus the occasion for judgment) in the exceptionally “monstrous” Abbot, with the subsequent implication that the *Essay* invites a form of judgment that the *Letter* “undercuts” by advancing a static, epistemological divide between civil and religious spheres (4). While I agree with Shanks’s implications for judgment from her reading of the *Essay*, I suggest that conceptualizing this faculty alongside *wit* rather than *monstrosity* locates judgment’s political significance in its interplays with smaller-scale, everyday practices and continually-occurring assemblages rather than its attempts to apprehend the exceptional, “monstrous” event. The *Letter* may offer us no monsters, but, as I suggest in the following section, its “epistemological” framing is itself undergirded by Locke’s navigation of wit’s novel assemblages and judgment’s careful separations. [↑](#footnote-ref-32)
33. Of course here, as above, I refer to the Lockean understanding of “wit”—not solely as humor or cleverness, but the broader capacity to forge ideational assemblages. [↑](#footnote-ref-33)
34. Casson, *Liberating Judgment*, 11. [↑](#footnote-ref-34)
35. See, e.g., Waldron, “The Rationality of Persecution,” 62-63. [↑](#footnote-ref-35)
36. Mark Goldie, “John Locke and Anglican Royalism,” *Political Studies* (1983), 76. For an articulation of this general interpretive approach, see Quentin Skinner, “Meaning and Understanding in the History of Ideas,” *History and Theory* 8.1 (1969). [↑](#footnote-ref-36)
37. Locke, *Letter*, 15. [↑](#footnote-ref-37)
38. Marshall, 494. Members of these circles included Philipp von Limborch, to whom Locke’s *Letter* is taken to be addressed; and Pierre Bayle, among many others. Also note that, in addition to some of the unique aspects of Locke’s experiences in the Netherlands examined below, his involvement in and celebration of the political significance of such “conversational circles” composed of non-philosophers stretches back at least to the 1671 origins of the *Essay*. See e.g., Locke’s depiction of the “five or six Friends meeting at my Chamber” in the *Essay*’s opening; Locke, *Essay*, Epistle to the Reader. For an approach to Locke’s *Essay* that considers the relationship between the *Essay*’s “conversational” origins and its audiences thereafter, see especially Neal Wood, *The Politics of Locke’s Philosophy: A Social Study of “An Essay Concerning Human Understanding”* (Berkeley: University of California Press, 1983), 41-64. [↑](#footnote-ref-38)
39. Marshall, 506-508. Also see Shanks’s assertion that we cannot make sense of Locke’s philosophical arguments absent the rhetorical dimensions of his engagement with a “judging readership.” Shanks, *Authority Figures*, xii. [↑](#footnote-ref-39)
40. Marshall, 519. For Locke’s evocation of heresy, see Thomas Forster, ed., *Original Letters of John Locke, Algernon Sidney and Lord Shaftesbury: With an Analytical Sketch of the Writings and Opinions of Locke and Other Metaphysicians* (Thoemmes Continuum, 1990), 37-42. For differences between this “intellectualized” definition and prevailing notions of what constituted a church in Locke’s context, also see Stanton, “Politics and Theology.” [↑](#footnote-ref-40)
41. Rainer Forst, *Toleration in Conflict*, trans. Ciaran Cronin (Cambridge University Press, 2013), 235-236. [↑](#footnote-ref-41)
42. On the question of discipline in Locke’s thought, especially his elaboration of the relationship between the habituation of practices, ways of reasoning, and social relations, see especially Tully, “Governing Conduct.” [↑](#footnote-ref-42)
43. John Locke, “Second Treatise of Government,” in Two Treatises of Government *and* A Letter Concerning Toleration, ed. Ian Shapiro (New Haven: Yale University Press, 2003), §87. [↑](#footnote-ref-43)
44. Locke, “Second Treatise,” §210; §240. [↑](#footnote-ref-44)