Michigan Philosophy News

for friends, alumni, and alumnae
of the Department of Philosophy,
The University of Michigan, Ann Arbor
Fall, 1997

Dear Friends of the Department:

I have most welcome news to report about recruitment and promotion of faculty, and endowment development. Marshall M. Weinberg (B.A. '50) is establishing an endowed Distinguished Visiting Professorship in Philosophy. The endowment will be a unique resource, insuring that Michigan students gain first-hand exposure to new ideas affecting our discipline. The funding for the Weinberg Distinguished Visiting Professorship represents the largest commitment of endowment to the department in fifty years. There is more about the new endowment on page two.

This past year, we have been highly successful in building on current faculty strength. Philip J. Ivanhoe and Jamie Tappenden have accepted offers to join the Department, and Eric Lormand has been promoted to Associate Professor with tenure. We will benefit from their contributions in coming years. P. J., Jamie, and Eric work in areas — Chinese philosophy, philosophy of mathematics, and philosophy of cognitive science, respectively — in which we would not otherwise have specialists.

Eric Lormand's research in the philosophy of mind falls squarely within interdisciplinary work in cognitive science. He is especially interested in those mental phenomena that inspire philosophical challenges to the capacity of frameworks within cognitive science to do justice to such phenomena as emotions, holism, mental representation, and consciousness. He has developed a theory of consciousness that explains and illuminates a wide range of psychological, phenomenological, and conceptual data. Eric has also contributed to debates on the frame problem and connectionism within cognitive science. He organizes University-wide discussion groups on consciousness and cognitive processes, and serves on the Advisory Board, Program in Cognitive Science and Cognitive Neuroscience.

Jamie Tappenden joins the Department this fall as Assistant Professor. A specialist in philosophy of language, philosophy and history of mathematics, and philosophical logic, Jamie has published on the liar and sorites paradoxes, negation, vagueness, analytic truth, and Frege's philosophy of mathematics. In current research, he is examining the sense in which proofs in mathematics should yield "understanding" of a theory, with special reference to competing nineteenth century accounts of projective geometry. Jamie also has an interest in Kierkegaard. He has taught at the University of Pittsburgh, and has held visiting positions at Berkeley and Harvard. It is a pleasure to welcome Jamie to the Department.

P. J. Ivanhoe has accepted a joint appointment as Associate Professor in Philosophy and Asian Languages and Cultures, beginning 1998-99. P. J.'s research is in East Asian philosophy, with a special interest in Chinese religious and ethical thought. He focuses on the ancient and medieval Confucian and ancient Daoist traditions, and, within them, on such topics as Chinese views on character, virtue, moral agency, mystical experience, and skepticism. His current projects include a co-authored book comparing the "anti-rationalist" religious thought of Zhuangzi and Kierkegaard. We look forward to his joining the Michigan faculty a year from now. One of the traditional strengths of our department has been its coverage of diverse fields, including several that are not represented in every excellent graduate program: aesthetics, philosophy of religion, Continental philosophy, and Chinese philosophy. We are pleased to be able to renew our strength in this latter area, following Don Munro's retirement. (See *MPN*, Fall, 1996).

In other Department transitions, Jack Meiland has retired from active faculty service effective this past summer, after thirty-five years at Michigan. Jack's philosophical interests are wide-ranging, and include metaphysics, epistemology, philosophy of mind, philosophy of logic, philosophy of the social sciences and of history, phenomenology, hermeneutics, and contemporary Continental philosophy. He has published some thirty articles and three stimulating books — *Scepticism and Historical Knowledge, The Nature of Intention,* and *Talking About Particulars* — in these areas. He has written on relativism, and co-edited an anthology on relativism in the cognitive and ethical spheres. Most recently, Jack's research interests have been in the area of pragmatism, especially Peirce. In the last few years, he reintroduced American Philosophy into the Department's curriculum, and also developed two new courses — Great Books in Philosophy, and Science, Culture, and Values.

In recognition of his outstanding undergraduate teaching, Jack was appointed Arthur F. Thurnau Professor in 1988. For many years, Jack taught Methods of Thinking, a University course intended for first-year students. His *College Thinking* brought his ideas about undergraduate education to a wider audience. It is one of the few "college guides" that discusses how to benefit intellectually from college, rather than how to select a

college. Jack's commitment to undergraduate education has been reflected in his institutional service. He served as Director of the LS&A Honors Program from 1979 to 1983, as the College's Associate Dean for Long-Range Planning and Curriculum from 1983 to 1990, and as Associate Dean for Undergraduate Education from 1990 to 1992. In addition to holding a variety of administrative positions within the Department, Jack played a central role in the establishment of the Tanner Philosophical Library in 1970. In Jack's honor, we will be expanding the Library's resources in the areas of American philosophy, Continental Philosophy, and relativism.

The research of our faculty continues to receive wide recognition. Larry Sklar will deliver the John Locke Lectures at Oxford University this coming spring. He will address issues in methodological philosophy of science, focusing on the interaction between philosophical questions considered globally and in an *a prioristic* way with related questions that appear in the context of particular fundamental theories in physics. David Velleman spent last year as a National Endowment for the Humanities Fellow, working on love, respect, and well-being in Freud and Kant. Ian Rumfitt has been a Fellow at the National Humanities Center in Research Triangle Park, North Carolina, completing a book on Frege's logical theory. Ken Walton has received a University Humanities Award, which provides released time. The award will support Ken's research on the philosophy of music, in which he seeks to explain the sense in which music is "expressive," the special intimacy listeners sometimes have with music, and the nature of the importance or value of music to us. Stephen Darwall has received an LS&A Research Excellence Award, in recognition of his recent work on the history of British moral philosophy.

Last Winter, Sally Haslanger was named an Arthur F. Thurnau Professor, for excellence in undergraduate teaching. Sally's combination of energy, clarity, approachability, and sheer hard work inspires undergraduates at all levels, and with quite different disciplinary backgrounds. Her teaching excels across the entire spectrum of course levels and formats, whether an introductory lecture for two hundred fifty students, or an advanced class of ten.

Regular faculty constitute the core of our research and teaching strength. At the same time, visiting professors can provide critical intellectual stimulation and engagement. The Marshall M. Weinberg Distinguished Visiting Professorship in Philosophy will regularly provide faculty and students sustained contact with scholars elsewhere. Weinberg Visiting Professors will be researchers who work in areas central to the rational understanding of the nature of knowledge, mind, language and value: epistemology, philosophy of mind, philosophy of language, philosophy of science, and ethics. In light of the interactions between these fields and other disciplines — for example, cognitive science, neuroscience, evolutionary biology, political theory, and law — appointees pursuing interdisciplinary work will be welcome. Indeed, Weinberg Visiting Professors may be affiliated with departments other than philosophy at their home institutions. They may also be younger scholars whose work is of unusual interest.

Marshall established the Endowment for the William K. Frankena and Charles L. Stevenson Prizes in 1991, and the Marshall M. Weinberg Endowment for Philosophy in 1995. This latter has been used for graduate student support. Competition for the best graduate students is intense, and the quality of graduate students has an important impact on both faculty retention and the quality of undergraduate instruction. Yet few donors understand the importance of graduate student support. Indeed, the application of Marshall's 1995 endowment helped to signal the importance the Department places on graduate student support, and served as a catalyst for enhanced institutional funding in this area. Rackham subsequently selected Philosophy to receive Mellon Foundation funds for graduate fellowships, as well as Rackham Summer Fellowship funds. The new Visiting Professorship Endowment represents another unique contribution on Marshall's part. We look forward to the appointment of the first Weinberg Visiting Professor as early as fall, 1999. Student and faculty colleagues and I are enormously grateful to Marshall for his loyal and generous support.

This past year we established the Elsa L. Haller Prize Scholarship, awarded for undergraduate papers in intermediate and advanced philosophy courses; recipients need not be concentrators, and there can be more than one recipient over the course of a year. The Haller Prizes are funded by an endowment established in 1974. Faculty members are asked to nominate papers; the Department's Undergraduate Studies Committee decides on the awards. Kyla Ebels received the first Haller Prize, in recognition of her paper, "Immorality Is Irrational: Kant's Defense of the Categorical Imperative," written for Ethics (Philosophy 361), taught by Steve Darwall.

Elena Goldstein received the sixth Frankena Prize for Excellence in the Concentration this May. Elena wrote an Honors thesis, "Particularly Objective: Longino on Politics, Justice, and Objectivity," which applied conceptions of objectivity in the philosophy of science to social and political concerns. Daniel Levin, another Philosophy Honors student, was one of two University of Michigan undergraduates who received an Outstanding Student Award this April from the Michigan Association of Governing Boards of State Universities. Dan's thesis was on weakness of the will.

The number of Philosophy Honors theses remained at the high level (eight) of last year. In addition to Elena and Dan, the other Honors concentrators writing theses were Wendy Fitzsimons, "Morality: Subjectively, Objectively, and Rationally Speaking"; David Lau, "An Analysis of Confucian Ethics"; Yoohang Eunice Lee "Memory, Narrative, and the Self"; Adam Sherman, "Promoting Cooperation: A Justification of Law"; Joshua Smith "The Super-Ego and the Superman"; and Hilary Weis, "The Influence of Extra-Experimental Criteria on Theory Evaluation in Science." We congratulate these Honors graduates, and thank their faculty supervisors — Elizabeth Anderson, David Hills, Allan Gibbard, Eric Lormand, Peter Railton, and Brook Ziporyn (Asian Languages and Cultures).

Our concentrators were active this year in other ways. Gary Brouhard presented a paper, "Teaching Aesthetics: an undergraduate perspective," at the Eastern Division meetings of the

American Society for Aesthetics. He has been asked to submit the paper to the ASA newsletter. The Undergraduate Philosophy Club was also active. Under the leadership of Naomi Hirano in the Fall Term, and Karina Ruiz in the Winter, the Club met frequently, often together with a faculty member to discuss particular topics. For the fourth consecutive year, a group of undergraduates—Carrie Heitman, Karina Ruiz, Manprect Singh, Joel Wesley, and Michael Zeedis — attended the New England Undergraduate Philosophy Conference at Tufts University in March.

There have been a number of healthy developments in the undergraduate curriculum. This past year, Larry Sklar introduced The Worldview of Modern Science (Philosophy 320), and Eric Lormand revived Mind, Matter, & Machines (340), which had not been offered in twenty years. Both courses experienced strong enrollments, and will be offered again this year. We have another revival slated for 1997-98 — Philosophy of Film (368), to be offered by David Hills. None of these courses carry prerequisites; the 300-level numbers reflect their somewhat specialized character, and the sophistication of the material. These offerings represent an effort to develop more outreach vehicles, apart from courses in "applied" ethics (Contemporary Moral Problems and Law and Philosophy). Introduction to Symbolic Logic has been converted from a course taught by graduate students (203) to a faculty-taught offering (303). Jim Joyce was the first regular faculty member to teach the course, which will count toward a new LS&A distribution category, Mathematical & Symbolic Analysis, as well as satisfy the logic requirement for the concentration. This fall, Ian Rumfitt is reviving Types of Philosophy (234). Unlike Problems and Principles (232), 234 is an historically-based introduction. In years past, the course was a mainstay in the curriculum — taught by Don Munro, Jack Meiland, and — as Philosophy 34 — by the late Bill Frankena.

Within the graduate program, the Department has made a number of significant changes in our system of graduate student funding. We have eliminated the "teaching apprentice" positions for first-year students, in favor of full non-teaching fellowships for all our doctoral students in their first year of study. We now guarantee students who achieve candidacy in three years non-teaching fellowships during two terms in the fourth and fifth years. We are also guaranteeing six years of full support to students who achieve candidacy in three years, and whose work and teaching are satisfactory.

Finally, as I reported last year, we are making every effort to offer up to two terms of half-time teaching, as Visiting Assistant Professors, to our own Ph.D.'s who have reason to delay their search for an academic position, or who are not initially successful in it. Two of our recent Ph.D.'s received two-term visiting appointments during 1996-97, the first year of this program. We are very proud of this effort, which provides an additional year of support, and some time to pursue research and publication, in a difficult job market.

Six recent Ph.D.'s and finishing doctoral students were seeking placement last year, four for the first time. Three received offers of tenure-track positions. Manyul Im, who works in Chinese ethics, is joining the philosophy faculty at California State University at Los Angeles this fall. In an unusual turn of events, two other Michigan students declined tenure-track offers. The May, 1997 issue of the *Proceedings and Addresses of the American Philosophical Association* contains some interesting data in regard to placement. The APA Committee on Career Opportunities sent questionnaires in spring, 1996, to 853 job candidates. Of the 469 candidates who responded, 390 indicated that they had been looking for their first tenure-track position. Restraint is called for in graduate admissions; at Michigan, we have lowered our target for new doctoral students to six or seven per year.

Last spring, the faculty awarded the John Dewey Prize for Graduate Student Excellence in Undergraduate Education to Manyul Im. Manyul is a patient teacher, highly respectful in his interactions with students, and determined to give them a sense of inclusion in philosophical discussion. He has been active in discussing pedagogy, both with faculty and graduate students, and members of the Undergraduate Philosophy Club. A remarkable proportion of Manyul's students report that they plan to take related courses. He also received a Rackham Outstanding GSI Award. The Department has now awarded four Dewey Prizes. Dewey was a member of the Michigan faculty from 1884-88, and head of the department of philosophy (as well as psychology and pedagogy) from 1889-1894. Linda Robinson Walker's fascinating two-part account of Dewey's years at Michigan is in the University's Summer and Fall, 1997, *Michigan Today*.

In other graduate student recognitions, Karen Bennett received the Charles L. Stevenson Prize for Excellence in the Graduate Program. The Prize is awarded for an outstanding candidacy dossier, a portfolio of work leading to a dissertation, and presented as part of the requirements for achieving candidacy. Karen and Mika Lavaque-Manty have been awarded Rackham Predoctoral Fellowships this year. Karen works on the metaphysics of contingent identity and mental causation. Mika's work constructs an account of political action, drawing on liberal notions of publicity and public reason. Jeffrey Brand-Ballard and Craig Duncan will hold a Mellon Dissertation Fellowship and an International Institute Graduate Fellowship, respectively. Jeff works on collective agency and the rules of justice. Craig's research is on competing understandings of the value of religious toleration.

Graduate students again organized our annual spring colloquium, and served as commentators for the talks by Alvin Goldman (Arizona), Jaegwon Kim (Brown), and Hilary Kornblith (Vermont) on the topic "Justification and Naturalism." Karen Bennett, Marc Kelly, and Nishi Shah were commentators. Richard Schoonhoven did a masterful job organizing the colloquium activities. Nelson Philosophers-in-Residence, who pay one week visits to the Department, were Michael Smith (Australian National University) in the fall, and Martin Davies (Oxford), in the winter. Speakers during the year included: Julia Annas (Arizona), David Christensen (Vermont), Paul Guyer (Pennsylvania), Tito Magri (Bari), Diana Raffman (Ohio State), Sam

Scheffler (Berkeley), Ted Sider (Rochester), and Robert Wilson (Illinois). The Department hosted the Midwest Conference in the History of Modern Philosophy last December. Stephen Davies (Aukland) and Richard Wolheim (Berkeley), as well as Matthew Biro (Art History, Michigan) and John Doris (Michigan) gave presentations to the Aesthetics Discussion Group (organized by Ken Walton). Other informal discussion groups during the past year were organized by John Doris, Nadeem Hussain, Sally Haslanger, Manyul Im, Eric Lormand, Nishi Shah, Kevin Toh, and James Woodbridge. Some groups focused on individual contemporary philosophers; others were devoted to race and gender, language and mind, and virtue ethics.

Thomas Scanlon, Alford Professor of Natural Religion, Moral Philosophy, and Civil Polity, Harvard University, delivered Michigan's 1996-97 Tanner Lecture last October. His title was "The Status of Well-Being." In addition to Professor Scanlon, participants in the interdisciplinary symposium on the Tanner Lecture were Peter Hammond (Professor of Economics, Stanford), Shelly Kagan (Henry R. Luce Professor of Social Thought and Ethics, Yale), and Cass Sunstein (Karl N. Llewellyn Professor of Jurisprudence, Law School and Department of Political Science, Chicago).

I am sorry to report that Susan Lipschutz passed away in April. Susan touched the lives of many Philosophy graduate students, faculty, and undergraduates. A *magna cum laude* graduate of Smith College, Susan earned her doctorate in Philosophy from Michigan in 1969. She taught political philosophy at the University of Denver and at Albion College, and returned to Michigan in 1981 as assistant to Harold Shapiro, president of the University at the time. She served as Associate Dean at the Rackham School of Graduate Studies from 1986 to 1989, and as Senior Associate Dean until 1993, when she left Rackham to become Associate Provost. She served in that role under two Provosts, Gilbert Whitaker and Bernard Machen. She initiated and implemented programs to support the careers of women graduate students and women faculty, as well as the University's Dual Career Program, among other projects. Susan pursued her responsibilities with humane purpose. She never called attention to herself, and was devoted and selfless in her University service.

Susan also served as Adjunct Associate Professor of Philosophy since 1984. She was a remarkably effective teacher in Honors Introduction to Philosophy. She cared deeply about the academic progress and personal welfare of her students. Her introductory courses accounted for a disproportionate number of our concentrators. In recent years, University administrative responsibilities kept her out of the classroom; this was a real loss for our students. Over the years, Susan was highly supportive of Department programs, faculty, and students. For those of us who had the privilege to work with her, she was a model of caring and effective service to the University community. Susan, who wrote her dissertation on "Participatory Democracy," promoted civility and mutual understanding in her professional life. Memorial contributions can be made to the Susan Lipschutz Memorial for Women Graduate Students, care of the Dean of the Rackham Graduate School.

This issue of *MPN* includes an article by Ed Curley, "Exploring Religious Toleration." Ed and Steve Darwall will serve as Faculty Chairs of a year-long seminar, "Theories and Practices of Religious Toleration/Intolerance," during 1997-98. Under the auspices of the Advanced Study Center of the International Institute, the seminar will undertake a broadly interdisciplinary, intercultural, and critical exploration of theories and practices of religious tolerance, as this idea developed in the west in the modern period, in various nonwestern cultures at other times and places, and as it relates to political, ethical, and legal issues that confront us today. Ed's article reflects some of his work in conjunction with the Seminar. A biographical sketch follows his article.

We have completed an initial year in our renovated quarters in Angell Hall. The new Meeting Room (2271 Angell) is proving an especially versatile addition to our facilities. The room overlooks State Street, and accommodates many advanced undergraduate/lower-level graduate (400-level) courses, as well as some faculty sections of core intermediate (300-level) courses, and Honors Introduction to Philosophy. The modular tables are typically set out in a seminar format, but can be rearranged to accommodate smaller discussion groups. The room has also served well for some public lectures and other special events. Much else is new — a seminar room/Library annex, a graduate student computer room, and a room for GSI's to meet with undergraduates. Please visit when you are able to get to Ann Arbor.

Sincerely,

Louis Loeb

Louis E. Loeb,
Chair

EXPLORING RELIGIOUS TOLERATION

This year Steve Darwall and I, with substantial financial support from the Advanced Study Center of the International Institute here at Michigan, and from the Pew Charitable Trusts, will conduct a year-long seminar on "Theories and Practices of Religious Toleration/Intolerance."

Our interest in this topic arises from our common concern with the history of moral and political philosophy in the early modern period, and our recognition that between the 16th and 18th Centuries a remarkable change took place. In the 16th Century the major religious denominations in Europe regarded toleration of their rivals as at best a necessary evil, which might be forced upon them by political circumstances, but was not desirable in itself. By the end of the 18th Century some form of religious liberty had come to be regarded as an essential ingredient in documents like the French Declaration of the Rights of Man and Citizen and the

American Bill of Rights.

This is an historical development on which much has been built. For example, Rawls ascribes the origin of political liberalism, and of liberalism generally, and "the rise of the modern understanding of liberty of conscience and freedom of thought," to "the Reformation and its aftermath... the long controversies over religious toleration in the sixteenth and seventeenth centuries."[1]

We would like to know how this change came about, and to what extent philosophical arguments, whose principles we might still be willing to endorse, may have played a role in the change. Toleration is, after all, a problematic ideal. It requires majorities to permit beliefs and practices of which they may profoundly disapprove, even when they take their disapproval to be thoroughly justified. How can this be a political value in a democratic society, much less the cornerstone of political justice?

Is the best defense of this value skepticism about the possibility of attaining religious truth? Depending on the epistemological commitments of the majority religion and the degree of skepticism proposed, that might easily be construed as an attack on that religion itself, and not merely on its imposition on dissenters.

Or does the best defense make an appeal to the value of autonomy, conceived as requiring the ability to rationally assess, and perhaps revise, even our deepest beliefs and values? That will be unconvincing to those who do not share the liberal concern with autonomy, who may regard commitment to certain beliefs and values as more important than being open to the endless possibility of revising their views.

Perhaps it is a symptom of our inability, up to now at least, to find a uniformly satisfactory rationale for religious toleration that we continually face difficult problems about defining the limits of its proper application. It makes a good political slogan to say — as William Popple did in the preface to his translation of Locke's first *Letter Concerning Toleration* (1689) — "Absolute liberty, true and just liberty, equal and impartial liberty, is the thing that we stand in need of."[2] But Locke himself thought the proposition that no government could permit *absolute* liberty was, like the truths of mathematics, one we could be demonstratively certain of. (*Essay*, IV, iii, 18)

In the United States questions about how we are to reconcile our commitment to toleration with our other commitments most commonly take the form of Supreme Court cases requiring decisions about what the First Amendment means when it prohibits the establishment of religion and guarantees its free exercise. For example, in the 19th Century, the Court ruled that the free exercise clause did not protect the Mormon practice of polygamy, holding that though the government has no constitutional authority to punish religious beliefs, it does have the authority to regulate religiously motivated actions, so long as it has a rational basis for doing so.[3]

The leading cases on the free exercise clause a generation ago adopted a much broader interpretation: that the government could not substantially burden a religious practice, unless it could show a compelling government interest, and was using the least intrusive means possible.[4] It's unclear how Mormon polygamy would have fared under that test. But in 1990, in a case involving the use of peyote by members of the Native American Church,[5] the Court narrowed the scope of the free exercise clause, holding that the balancing required by the *Sherbert* and *Yoder* decisions was not necessary, that neutral, generally applicable laws could restrict religious practices even when not supported by a compelling government interest. Those who have followed the career of the Religious Freedom Restoration Act of 1993, which attempted to reinstate the *Sherbert-Yoder* doctrine, will recall that this summer the Court struck down that act as an unconstitutional attempt by Congress to override the Court's authority to interpret the Constitution.[6]

In the United States the religion claiming the most adherents is Christianity, which has its own history of having been both the victim and the perpetrator of religious intolerance, and its own intellectual resources for dealing with this issue. The advocates of both toleration and intolerance have appealed to those resources in support of their causes.[7] Often it is a weakness of the classic arguments *for* toleration, including some of those found in Locke's famous *Letter*, that they are essentially arguments *ad hominem*, addressed to a Christian opponent who may well have a very different interpretation of the requirements of his religion. In any event, such arguments do not seem in the spirit of modern liberalism, which typically requires that justifications offered in the public forum be such as all citizens might reasonably be expected to endorse as reasonable and rational, and hence that they not depend on particular religious commitments.[8]

In this last decade of the 20th Century it no longer seems possible to consider the question of religious toleration simply as a problem within western philosophy or the legal systems of western democracies, though this has typically been the approach of western philosophers. In seeking a justification for religious toleration which does not appeal to the moral and religious convictions of a particular religious tradition, it seems reasonable to ask: how are these issues dealt with in other cultures?

In western democracies religious liberty is most often thought of as a right which individuals have against the government. But in nonwestern cultures religious liberty is quite commonly thought of as a right which groups have against the government, where the rights of these groups may be understood to imply a measure of control over their members which would be inconsistent with religious liberty as western cultures tend to conceive it.[9] Westerners may naturally prefer a conception of religious liberty more oriented toward individual rights, but it is not clear that they can do so without undermining the religions they profess to tolerate. A religious community's control over its members — over their education, dress, participation in the life of the religious community, and contacts with the broader community — may be essential to its continued existence.[10]

Again, and particularly in the United States, it is common to think of religious liberty as requiring a separation of church and state. But quite apart from the notorious difficulties of defining the proper spheres of church and state, the very assumption that the state has its own separate sphere of legitimate activity implies that a secular justification of that activity is possible. To say this is to take a controversial position within religion, not to remain 'above the

fray.' And this way of conceiving the issue may also be inappropriate in cultural contexts where one or more of the relevant religions may not be organized into churches in the ways we are familiar with.

Philosophers trained in the traditions of western philosophy are often dissenters from the religion dominant in their culture, and as such, beneficiaries of the toleration their culture practices. So it is perhaps natural for them to think of toleration as generally a good thing, and to think of the problem of toleration as one of explaining, in a way which might prove convincing to those who disagree, why it is a good thing (when it is), and what its proper limits are.

A broader perspective may raise doubts. It's clear, for example, that the motives for practicing religious toleration are not always benign. It may be a tool by which an imperialist power divides and conquers a subject people. And the insistence on this value, in preference to others with which it comes into competition, may reflect an insufficient sensitivity to the interests of those who are 'other' in a different sense. For example, to what extent do differences of race and gender explain what Michael Walzer has called "the extraordinary reluctance"[11] of the British in India to ban the practice whereby Hindu widows committed suicide on their husbands' funeral pyres? Or the resistance of our own courts to those seeking asylum from clitoridectomy?

The end of colonialism has not made such problems significantly easier. Indeed, decolonization has often been accompanied by large scale migration of formerly colonized peoples to the countries which had previously been colonial powers. This has led to bitter debates about the limits of tolerance in civil society, a restaging within the immigrant society of what had been colonial conflicts.

To pursue the kind of inquiry we wish to engage in — one which is concerned with both the various theories and the various practices of religious toleration and intolerance — requires a perspective which is both multidisciplinary and multicultural. So our first step was to involve three of our colleagues in the planning of the seminar: Donald Regan (Philosophy/Law), Juan Cole (History/Middle Eastern and North African Studies), and Luis Gomez (Asian Languages and Cultures). When funding was approved, we had at our disposal a combination of pre- and post-doctoral fellowships, supplemented by the Institute's Distinguished Visiting Speakers program. With these resources we have been able to invite to campus scholars from the fields, not only of philosophy, but also of history, political science, law, sociology, anthropology, and religion. These visitors include the following:

Mohammed Arkoun (Islamic Theology, University of Paris III; author of *Rethinking Islam*);
Naim Ateek (Canon of St. George's Cathedral, Jerusalem, *Faith and the Intifada: Palestinian and Christian Views*);
Kent Greenawalt (Law School, Columbia University, *Private Consciences and Public Reasons*);
Martin Marty (Divinity School, University of Chicago, director of the Fundamentalism Project for the American Academy of Arts and Sciences);
Susan Mendus (Political Science, University of York, *Toleration and the Limits of Liberalism*);
Robert I. Moore (History, Newcastle-upon-Tyne, *The Formation of a Persecuting Society; The Origins of European Dissent*);
Cary Nederman (Political Science, Arizona, *Difference and Dissent*);
David Nirenberg (History, Rice, *Communities of Violence*)
Martha Nussbaum (Philosophy/Divinity/Law, University of Chicago, *The Fragility of Goodness*);
Ian Reader (Asian Studies, University of Stirling, *Japanese Religions: Past and Present; Religion in Contemporary Japan*)
David Wooton (Government, Brunel, *Paoli Sarpi, Between Resaissance and Enlightment*)

We are also supporting the work of Ph.D. students already on campus in several of those areas, including one student from philosophy, Craig Duncan.

Such is the general project. My own contribution to it involves trying to place Spinoza within the history of discussion on this topic. For some years now the primary focus of my research has been on a translation of the complete works of Spinoza. Volume I, whose centerpiece was the *Ethics*, appeared in 1985. Now I'm working on Volume II, whose centerpiece will be the *Theological-Political Treatise*. A landmark in the history of biblical criticism, this treatise is also the first work by a major philosopher in the western tradition to argue for religious toleration. Published in 1670, it antedates Locke's first *Letter on Toleration* by 19 years.

At this point my history of thought about religious toleration in early modern philosophy begins with Sebastian Castellio's *On Heretics: Whether they are to be persecuted, and in general, how they are to be treated* (1554).[12] Castellio is an interesting figure, though his name is now better known to Reformation historians than to philosophers. He was prompted to write his book by the burning, in 1553, of Michael Servetus, who had been incautious enough to defend unorthodox opinions about the doctrine of the Trinity.[13]

Servetus was originally a Spaniard, who had imbibed the spirit of Erasmian liberalism in the court of Charles V. Erasmus emphasized the ethical aspects of Christianity at the expense of the doctrinal, and taught that Christians could suspend judgment on many theological issues, including those relating to the Trinity. The faith actually required for salvation was a simple one: "cultivate the fruits of the Spirit, which are love, joy, peace, patience, kindness, goodness, long-suffering, mercy, faith, modesty, continence, and chastity."[14] Servetus became convinced that the doctrine of the Trinity was a great obstacle to the conversion of Jews and Muslims, and an unnecessary one, since the scriptural evidence for it was weak, and rational theology had difficulty making sense of it.

In 1531 Servetus published a book defending these views. Subsequently he attempted, unsuccessfully, to persuade both Catholic theologians and the leaders of the new reformed churches of their soundness. In 1553 Calvin, with whom he had been in correspondence, provided the Inquisition with information which led to his arrest in Lyons. Servetus showed boldness and ingenuity in

escaping from the Inquisition, but then foolishly went to Geneva, where he was recognized, arrested, tried, convicted and burned at the stake, after having been denied his request for a swifter death by the sword. (He was afraid that in the anguish of being burned he might recant and lose his soul.)

Castellio, like Calvin, was a French Protestant, living in Switzerland as a refugee from Catholic persecution in France. In his teens he had received a humanist education, and had been deeply impressed by Luther's words at the Diet of Worms: "Everyone believes at his own risk... Conscience must not be submitted to anyone."[15] On leaving France in 1540 he had gone first to Strassburg, where he lodged with Calvin, then an exile from Geneva. When Calvin was recalled to Geneva, he took Castellio with him, and arranged for him to become the head of an academy there. Castellio wanted to become a minister in Geneva, but was rejected by the Council because he developed disagreements with Calvin.[16] He left Geneva for Basel, where, after years of working at jobs well below his qualifications, he eventually became a teacher of classics at the University.

Concerning Heretics is a curious work. Much of it is not Castellio's own words, but extended quotation from the works of others who had written in favor of toleration, including a number of authors who were certainly not consistent advocates of toleration. Augustine is an interesting and influential case. In one of his letters he writes:

> I was formerly of the opinion that no one should be forced to the unity of Christ, that we should agitate with the word, fight with disputation, conquer by reason, lest we substitute feigned Catholics for avowed heretics. This opinion of mine was changed, not by the words of critics, but by the logic of events. My own town rose up to convict me. It had been entirely devoted to the Donatist party, but now was brought to Catholic unity by fear of the imperial laws.[17]

Understandably, this was not one of the Augustinian texts Castellio quoted. But even after Augustine changed his mind about the legitimacy of using force to achieve uniformity, he did write words liberals could use, at least in criticism of the treatment of Servetus. Augustine seems to have always felt uncomfortable about *executing* heretics; in several of the passages Castellio cites the main point is to forbid excessive punishment, not to forbid all punishment.

Even in Augustine's later writings, Castellio is able to find a congenial interpretation of the parable of the weeds in the wheat. This text (Matt. 13:24-30) comes up repeatedly in the toleration debate. In it Jesus tells of a householder whose servants report that there are weeds growing among his wheat. When the servants ask whether they should pull up the weeds, the householder instructs them not to, lest they inadvertently pull up wheat along with the weeds; they should leave the weeds for the reapers who will come at harvest time. Asked by his disciples for an interpretation of this parable, Jesus identifies the good seed with the children of the kingdom, the weeds with the children of "the evil one," the reapers with angels, and the harvest with "the end of the age." (Matt. 13:37-43)

Castellio quotes a passage from Augustine in which he concludes from this parable that responsibility for collecting the weeds to be burned belongs to another [i.e., the angels], and that "no son of the Church should think it his business." (Bainton, p. 208) But Augustine himself sometimes read the parable in a less liberal way. Elsewhere, pointing out that the reason the householder gives for not instructing the servants to gather the weeds is the danger of pulling up wheat with the weeds, Augustine argues that where this danger does not exist (i.e., where it is quite clear which is wheat and which is weed), then "severe discipline must not remain dormant.[18]

Castellio treats Luther equally selectively. He quotes a passage from the earlier, more tolerant Luther, which interprets the parable of the weeds as excluding the use of force (Bainton, pp. 153-4), and he passes over in discreet silence later passages in which Luther found a way to render that parable consistent with the repression of sectaries who denied the Apostles' Creed. (Bainton, p. 48) Castellio quotes extensively from Luther's treatise *On Secular Authority*, prompted by the Duke of Saxony's attempt to prohibit distribution of Luther's translation of the New Testament. There Luther takes a strict line about the limits of secular powers, holding that they extend only to bodies and goods on earth.[19] Only God has jurisdiction over men's souls, since only he has the knowledge of men's souls which would permit him to judge whether or not they are complying with his command: "Every man should be allowed to believe as he will and can, and no one should be constrained."[20] Understandably Castellio does not quote from texts where Luther takes a more expansive view of secular power, as when he urges the German nobility to reform the Church, or agrees with Melanchthon that the Anabaptist rejection of the ministerial office is a blasphemy punishable by death.[21]

This, incidentally, is one area in which Rawls' historiography is open to criticism. He writes that "Luther and Calvin were as dogmatic and intolerant as the Roman Church had been."[22] That may be fair as far as Calvin is concerned,[23] but it does not apply to the early Luther. One of the errors Leo X condemned, when he excommunicated Luther in 1520, was the view that "the burning of heretics is contrary to the will of the Holy Spirit."[24]

A good deal of Castellio's book is either an appeal to the authority of various religious leaders or a kind of argument *ad hominem*, which tries to use, against those who would justify the persecution of heretics, their own words on other occasions. Sometimes, however, Castellio does argue in his own person[25] and in a very Erasmian spirit, contending that obedience to the law is sufficient for salvation, and that it is not necessary to have correct beliefs on any of the disputed theological issues of the day (such as the doctrine of the Trinity, or the Eucharist, or infant baptism, or predestination).

Whatever the actual effect of this argument may have been, it *ought* not to convince any reformer who knows his position: it puts too much emphasis on works, and no emphasis at all on faith; and it presupposes an affirmative answer to the theological question of free will, assuming that even after the fall man does have the power to make his conduct conform to God's will.[26]

One reason Castellio puts the emphasis he does on works, as opposed to faith, is that he thinks it possible to reach agreement about what conduct deserves punishment, but not possible to reach agreement about what theological positions might be erroneous enough to deserve punishment. He suggests that there is one

theological truth evident enough to produce universal agreement: that there is one and only one God. (p. 132) But all the other theological doctrines which divide the various Christian sects from one another — and even those which divide Turks, Jews and Christians from one another — all these matters, it seems, are obscure, otherwise disagreement would not persist. Turks, Jews and Christians all agree in worshipping the same God; the doctrines which divide them have mainly to do with the person of Christ. These are evidently just the kind of theological disputes about which it is not necessary for us to have correct opinions.

So Castellio's emphasis on practice over theology is based on what may seem a fairly radical skepticism about the possibility of knowing theological truth. A Christian might reasonably ask what is left of Christianity, when all its distinctive doctrines are declared unnecessary for salvation. Indeed, this was the reaction of Theodore Beza, Calvin's successor in Geneva. In a letter to Bullinger he wrote:

> If it is necessary to endure the vomit this impious man has spewed in his preface, what remains intact to us in the Christian religion? In his eyes, the teaching concerning Christ's mission, on the Trinity, on the Eucharist, on baptism, on justification, on free will, and on the state of souls after death, is useless — or at least, it is not indispensable to salvation. Even the Jews and the Turks believe in God... You see where this is leading: once Scripture is deprived of all authority, we would have nothing more to do but to pass into pharisaism; we would become the plaything of the papists and the Turks.[27]

In Castellio's day many Christians feared, with some reason, that the expansion of the Ottoman Empire might lead to an Islamic Europe. It is not clear that Castellio's position would permit him to object to that possibility.

One question which inevitably arises in this discussion is how we are to define "heresy." Castellio first suggests that if we followed the ordinary usage of the term, we would have to regard it as incurably subjective:

> we regard those as heretics with whom we disagree. This is evident from the fact that today there is scarcely one of our innumerable sects which does not look upon the rest as heretics, so that if you are orthodox in one city or region, you are held for a heretic in the next. (Bainton, p. 129)

This is reminiscent of words Montaigne was to write a few years later, and clearly represents an unworkable situation.

But Castellio recognizes that his opponents might think they should follow, not ordinary usage, which merely reflects the opinions of the common man, but the Word of God. So the question becomes: how is the term "heretic" (i.e., the Greek *hairetikos*) used in Scripture? Castellio points out, correctly, if somewhat misleadingly, that "heretic" occurs only once in Scripture, and there in a context which suggests, happily enough, that heretics should be treated fairly mildly. In Titus 3:10-11 the penalty envisaged for heresy is nothing worse than excommunication, i.e.. exclusion from the community of believers.

Why is this misleading? Although *hairetikos* occurs only in Titus, the related term *hairesis* does occur in a vigorous denunciation of heresies in 2 Peter 2:1-22, which suggests that ultimately heretics are to receive awesome punishment in the afterlife.[28] Those who would punish heretics in this life might easily think that anything they could do would pale by comparison with what God intended to do. Castellio's idea is that torturing heretics, and inflicting painful deaths on them, is incompatible with the love and forgiveness which Christ preached and practiced, and which God must be presumed to favor. But it is very difficult to reconcile Castellio's emphasis on love and forgiveness with the doctrine of post mortem punishment for sinners implicit in scriptural passages like Mark 9:42-43.

A fundamental issue here is that of the ethical requirements of Christianity. The Sermon on the Mount has sometimes encouraged Christians to think that the use of force is never permissible, and hence to adopt some form of pacifism. Taken strictly and universally, the injunctions to turn the other cheek, and not to resist evil, make the whole idea of political authority problematic. When some Anabaptists did take these injunctions strictly and universally in the 16th Century, they raised the question whether a Christian state can legitimately use violence for any purpose. Since it is essential to the state to organize the use of force for the common good, they also raised the question whether a Christian state is not a contradiction in terms.

Castellio is anxious to show that he accepts the legitimacy of the state, and its use of force, so long as it does not venture into questions of religious belief. So after saying that "the true arms.... of the Christian religion" are learning, patience, modesty, diligence and clemency, he adds:

> This I say only with regard to religion; for when it comes to crimes, murder, adultery, theft, false witness, and the like, which God has commanded to be punished, and for which he has prescribed the penalty, these are not called into controversy. God has spoken on these matters without obscurity and they pertain to the defense of the good, unless we wish to have our throats cut in our beds, so depraved are the times. Nor is there any danger that the magistrate, who is ordained of God for the defense of the good, should, in hanging a murderer, put to death a good man. No one ever yet defended murder, not even the murderer. But the case of religion and of the knowledge of Sacred Scripture is altogether different, for the things contained in it are given obscurely and often in enigmas and inscrutable questions, which have been in dispute for more than a thousand years without any agreement... (Bainton, p. 215)

This seems much too easy a justification of political authority. Surely there is often a real danger that the state may, in attempting to punish murder, put to death a good man. They may punish a man who did not actually do what he is being punished for (where that act is unequivocally a crime). Moreover, the question whether a particular homicide is justifiable can lead to disputes as interminable as any question of theology. (No one defends murder, because by definition murder is unjustifiable homicide.) So the state may punish a man who unequivocally did the deed for which he's being punished, but that act may not be unequivocally a crime. The two ways in which the state, in attempting to punish murder, can kill a good man, parallel the ways in which the state, in attempting to punish heresy, can kill a good man.

We run the risk that the state will occasionally do this, because it seems to us necessary for the common good, so that citizens may

rest safe in their beds.[29] The defender of religious persecution might well ask whether the eternal salvation of its citizens is not a good at least as important as their security in this life, and whether it is not worth taking the risk of punishing an occasional good man to attain that good. One of the central points in Locke's case against religious persecution is that a saving faith cannot be coerced. But those who favor the burning of heretics may not be that concerned about saving the heretic's soul. They may be much more concerned about stopping him from spreading unbelief to those who are not yet heretics.[30]

The persecutors whom Castellio was principally addressing seem in fact to have had an unwarranted confidence in their ability to decide what a Christian must believe. But though it no doubt helps make the decision easier psychologically, it is not clear that a persecutor must be certain of his ability to distinguish theological truth from error for his persecution to be rational. Suppose the persecutor thinks it (not certain, but) just highly probable that he is right. And suppose he also attaches enormous disutility to the prospect that the person he takes to be a heretic will lead others astray. He might reason, in the manner of Pascal wagering on God's existence, that it is not worth taking any chances.

Let us suppose that there are only two options: either the persecutor is right or the tolerationist is right. The persecutor holds that if we do not have the right theological beliefs, we will go to hell. If we do hold the right beliefs, we will go to heaven. The (Castellian) tolerationist holds that no controversial member of this set of theological beliefs is essential to salvation, that our salvation depends essentially on right conduct (plus, perhaps, whatever theological beliefs are evident enough to escape controversy).

Suppose further that the persecutor is right, that those beliefs are essential to (and sufficient for) salvation. If the persecutor were to permit the tolerationist to encourage doubts about the essential beliefs, and if, in consequence, the tolerationist were successful in spreading doubt about those essential truths, then the persecutor would have been indirectly responsible for the eternal torment of all those whom the tolerationist persuades to doubt. That is an awesome responsibility.

On the other hand, if the tolerationist is right, permitting him to spread doubt to others may still adversely affect their salvation. That will now depend mainly on their conduct. Let us not introduce here the doctrine of original sin. Let us simply look around us, and ask how many of the people whose conduct we can observe would get to heaven if salvation required a high degree of conformity with the prescriptions of the Sermon on the Mount.

Still, if they had sufficient respect for Christ, i.e., if they held those controversial beliefs about his person, they might behave better than they otherwise would. Permitting the tolerationist to spread doubt looks like a bad bet, if we care deeply about the salvation of our fellow men, even if the tolerationist is right. And of course all we are conceding is that there is some chance that the tolerationist is right, not that there is anything like an equal chance of his being right. What does Christian love require if we follow this line of reasoning?

What should we think of Castellio? I think it's understandable that Castellio did not achieve a place in the philosophical canon. When his arguments are not appeals to nonscriptural authorities or *ad hominem*, they are heavily theological, in the sense that they rely on the Christian scriptures as an authoritative text. Since Descartes philosophers have generally tried to rely only on arguments which do not require acceptance of any particular text as sacred. In view of the critique to which the Jewish and Christian scriptures are liable — and which the Hebrew Bible received from Spinoza in the *Theological-Political Treatise* — this seems a good policy, even if it is not, as some would argue, a necessary condition for civic virtue in a pluralistic society.

The problem is not just that not everyone accepts these scriptures as sacred — though that may be problem enough — but that the scriptures Christians accept as sacred are open to selective quotation in support of a variety of positions on many issues, and that the selection seems to be guided by ethical views which the parties bring to their use of scripture, and cannot simply derive from those scriptures. Castellio correctly accuses his opponents of selective quotation. But he is equally guilty of it.[31] The appeals to scripture occupy a great deal of space on both sides, but they do not seem to be doing that much actual work.

If we look in Castellio for something which transcends the appeal to scripture, what we find often involves an appeal to skepticism. Earlier I said that Castellio's skepticism might seem fairly radical. But by comparison with Montaigne's skepticism, it's crude and modest. It is crude in that it argues for skepticism simply on the principle that persistent disagreements indicate objective uncertainty, without deploying the full range of skeptical arguments Montaigne learned from the classical skeptics. And it is modest in two important respects: it extends only to certain theological propositions, not to all theological propositions, and not to ethical beliefs at all — though the principle on which it is based would seem to justify those extensions. Moreover, it claims only *some* uncertainty, not the radical uncertainty of Montaigne's pyrrhonism, which holds that no disputed proposition is more probable than its opposite.

This poses something of a dilemma. The moderate skepticism of Castellio may be insufficient to justify toleration. The more radical skepticism of Montaigne may make toleration seem more reasonable, but at the price of what looks like a substantive attack on Christianity. It seems that it would be highly desirable to have available an argument for toleration which did not require Christians to accept a skepticism as radical as that. They might very reasonably regard accepting such a skepticism as tantamount to abandoning their religion.

There may be a way out of this dilemma. One thing which emerges from these reflections is that the Christian belief in heaven and hell, for example, in eternal reward and eternal punishment, does raise the stakes enormously, making it seem quite rational to punish heresy if there is any significant probability that the beliefs in question may be required for salvation. In the early modern period the belief in hell declined quite remarkably, for reasons which D. P. Walker has analyzed.[32] In a context in which there is substantial, widespread doubt about the doctrine of eternal punishment, it may be easier to mount an argument for toleration based on skepticism without having to go so far as Montaigne did. The

decline of the belief in hell may have been, historically, a more significant factor in the acceptance of toleration than has been realized.

Still, this way out is not an easy one. In view of the strong support in the New Testament for the doctrine of hell, skepticism about that doctrine does require adopting a critical attitude toward the sacred texts and the authority of Jesus.

The next stage in my investigation of the post-Reformation debates about toleration takes me to Montaigne. There is not space here to develop what I have to say about Montaigne in any kind of detail, but I would like to indicate the general line I take.

Richard Sayce, in the best book I have so far found on Montaigne, claims that his most positive contribution to religious thought was his advocacy of toleration.[33] Acknowledging that Montaigne had precursors like Castellio, he nevertheless contends that Montaigne "may well have been the most influential up to that date."[34]

I think this may be true, and that if it is true, it's a surprising truth, an oddity, at least, if you think of Montaigne in the way much writing on Montaigne encourages us to.[35] I suppose there is some natural tendency of skepticism to lead to toleration. One might apply here a remark Montaigne made in connection with the punishment of witches: "To kill people, there must be a sharp and brilliant clarity."[36] But merely resisting the execution of heretics is not going very far towards toleration.

Moreover, Montaigne does combine his skepticism with views which seem not so friendly to religious toleration. In the "Apology for Raymond Sebond" and in other essays, he adopts a form of fideism:

> We can only grasp that Truth [i.e., the truth of the Christian religion] and lodge it within us if God favours us with the privilege of further help, beyond the natural order. I do not believe that purely human means have the capacity to do this... Only faith can embrace, with a lively certainty, the high mysteries of our religion. (CE, 492)

With this fideism comes a very conservative approach in religion:

> By God's grace, without worry or a troubled conscience, I have kept myself whole, within the ancient beliefs of our religion, through all the sects and schisms our century has produced. (CE, 642)

This is an application to religion of the classic pyrrhonian solution to the problem of how one should live when everything is uncertain: "The most convincing advice we get from reason is that each and every man should obey the laws of his own country."[37]

Sometimes Montaigne presents the appearance of an extreme conservativism. For example., in the essay "That it is madness to judge the true and the false from our own capacities" he argues that "we must either totally submit to the authority of our ecclesiastical polity or else totally release ourselves from it." (CE, 204) If we assume that the latter is not a real option, we get a Montaigne who is ultra-orthodox.

If Montaigne's version of skepticism calls for him to obey the laws of his country, and to submit totally to the authority of the Church established in his country, and if that Church is one which believes that heresy, and unbelief generally, are not to be tolerated, then toleration will not be a consequence of skepticism. Since both these conditions seem to be satisfied, it is at least a little surprising that Montaigne should have acquired a reputation for tolerance, and indeed, perhaps be a major figure in the development of arguments in favor of toleration.

Nevertheless, Sayce entitles his chapter on Montaigne's political philosophy "The Conservative and the Revolutionary" and there is a good deal in Montaigne which is genuinely revolutionary in the historical context in which he is operating. Not only does he disapprove killing witches, he seems not to think they should be punished at all. It is beyond our power to tell who is truly a witch. Even where there is an apparently voluntary confession of witchcraft, it is more reasonable to suppose that the witch is crazy than that she genuinely has supernatural powers. (CE, 1166-69)

With this skepticism about witchcraft goes an attitude toward miracles which anticipates the critiques of Spinoza and Hume (CE, 111-12, 126 1162-64), a moving condemnation of the attempts of the Portuguese to forcibly convert the Jews (CE, 55-56), biting criticism of the Spanish treatment of native populations in the New World (CE, 1032-33), and a rejection of the use of torture, either as a punishment or as a tool of investigation (CE, 414).

When the question of Montaigne's religious orthodoxy comes up, it is often pointed out that the Vatican censor approved the *Essays* in the year after their publication. He did object to some passages, such as the one in the essay "On cruelty," which holds that any punishment beyond simple death is cruelty (CE, 482), or the generally favorable treatment of Julian the Apostate in the essay "On the liberty of conscience" (CE, 759-63). But he did not insist that Montaigne alter these passages, leaving any changes to his discretion. For the most part Montaigne did not change the passages the censor complained of, and in the essay "On restraining your will" this advocate of total submission to authority denied that the censor was right to condemn his book for containing one of the passages he retained (which praised the reformer Beza for the beauty of his erotic poetry).[38]

Within a hundred years of their first publication the *Essays* had been placed on the *Index of Prohibited Books*. In my view that represents a more reasonable judgment of Montaigne's work from a Catholic perspective. Sayce points out that the censor who approved the book in 1581 did not read French, and relied on a French friar to give him an account of it. "It is a mistake," he observes, "to think that censors are always efficient." (p. 206)

There is a major division among Montaigne scholars between those who think Montaigne is sincere when he professes adherence to Catholic Christianity[39] and those who think something more devious and interesting is going on.[40] I lean toward the latter view.

In a sense, though, it does not matter what Montaigne believed in his heart, if we are interested mainly in his influence. For then the question will be: what subversive ideas might a receptive reader pick up from the *Essays*? If that's the question, it has many possible answers, of which one, which itself has the form of a question, will have to suffice:

> Could that ancient god have more clearly emphasized the place of ignorance within our human knowledge of the divine Being, or taught us that religion is really no more than a human invention, useful for binding societies together, than by telling those who came before his Tripod to beg for instruction that the true way of worship is the one hallowed by custom in each locality? (CE, 653)

To say that "the true way of worship" varies from one locality to another is to say, I think, that there is no true way of worship in the way that phrase would normally be understood. If Montaigne owes his influence on the subsequent debate about toleration to this kind of thought, then his contribution is an attack on the truth claims of all religion. This might not be an argumentative strategy which would commend itself to a modern liberal.

Edwin Curley
August, 1997

Notes:

1. Rawls, *Political Liberalism*, Columbia UP, 1993, p. xxiv. For doubts about the accuracy of Rawls' historiography, see *Difference and Dissent: Theories of Tolerance in Medieval and Early Modern Europe*, ed. by Cary Nederman and John Christian Laursen, Rowman & Littlefield, 1996, esp. the introduction by the editors, and Nederman's own contribution to the collection.

2. See Locke, *A Letter Concerning Toleration*, (ed.) James Tully, Hackett, 1983, p. 21. David Richards makes this statement the epigraph to his *Toleration and the Constitution* (OUP, 1986), initially ascribing it to Locke (though a subsequent footnote makes it clear that the prose is Popple's).

3. *Reynolds v. United States*, 98 U.S 145 (1878). The trial judge had refused to allow the defense that Reynold's religion did not merely permit polygamy, but required it "when circumstances would admit" under pain of "damnation in the life to come." Abhorrence of polygamy seems to have been quite strong in the late 19th Century U.S. In *Davis v. Beason*, 133 U. S. 333 (1890) the Court upheld an Idaho statute penalizing members of organizations which even *advocated* plural marriage. Justice Field's opinion contended that polygamy was a crime in all "civilized and Christian countries." See *Constitutional Law*, Edward Barrett & William Cohen, Foundation Press, 1985, p. 1462.

4. *Sherbert v. Verner*, 374 U.S. (1963); *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

5. *Employment Div., Ore. Dept. of Human Res. v. Smith*, 494 U. S. 872 (1990).

6. See the decision in *City of Boerne v. Flores*, reported in the *New York Times*, 26 June 1997, C24, with excerpts from the opinions of Justice Kennedy (writing for a six member majority, which also included Chief Justice Rehnquist and Justices Scalia, Thomas, Stevens, and Ginsburg) and Justice O'Connor (whose dissenting opinion held that *Smith* was wrongly decided).

7. See, for example, Joseph Lecler's massive *Toleration and the Reformation*, 2 vols., London: Longman's, 1960.

8. Rawls, *Political Liberalism*, p. 217.

9. See Will Kymlicka, "Two Models of Pluralism and Tolerance," in *Toleration: An Elusive Virtue*, ed. by David Heyd, Princeton UP, 1996.

10. This was essentially the issue in *Yoder*, where the defendants, members of an Amish community in Wisconsin, refused to send their children to high school, because they believed that they would endanger their own salvation, and that of their children, the values taught in high school being inconsistent with Amish values.

11. *On Toleration*, Yale UP, 1997, p. 61.

12. See the translation by Roland Bainton, published by Octagon Books, 1965. Lecler calls Castellio's book "the first methodical investigation of this topic." For medieval antecedents, see Nederman and Laursen, *Difference and Dissent*.

13. On Servetus, see the biography by Roland Bainton, *Hunted Heretic*, Beacon Press, 1953, or Bainton's *Travail of Religious Liberty*, Harper, 1951.

14. From Erasmus' preface to his edition of Hilary, as quoted by Bainton, in his edition of Castellio, p. 33. Erasmus did not consistently support toleration, however, as Bainton points out on p. 175.

15. See Jean Schorer's account of Castellio's life, prefixed to Charles Baudouin's translation of Castellio's *De arte dubitandi, De l'art de douter*, Geneva: Editions Jeheber, 1953, p. 12.

16. Regarding the interpretation of Jesus' descent into hell and the propriety of including the Song of Solomon in the canon.

17. From a letter of Augustine translated in Bainton's edition of Castellio, p. 24.

18. Lecler, I, 55.

19. Cf. Harro Höpfl (ed.), *Luther and Calvin on Secular Authority*, Cambridge UP, 1991, p. ix. Höpfl notes a difficulty in Luther's attempt to distinguish between the secular and the religious: as a form of personal property, books seem to be within the rulers' jurisdiction.

20. Bainton, p. 145. In this connection Luther quotes Augustine: "No one can or ought to be constrained to believe."

21. Cf. Bainton, *Here I Stand, A life of Martin Luther*, 1950, pp. 116-19, 294-96.

22. *Political Liberalism*, Columbia UP, 1993, p. xxiii.

23. Even with Calvin, Castellio is able to find a passage from the first (1536) edition of the *Institutes* in which Calvin protests against the use of force to bring the excommunicated back to the Church and to convert Muslims and "other enemies of the true religion." (Bainton, ed. of Castellio, p. 203) But Calvin dropped this passage from later editions, and it seems more out of character in his case than in Luther's.

24. Heinrich Denzinger, *Enchiridion symbolorum*, Barcinone, Friburgi Brisg., Herder, 1957, p. 1483

25. Though rarely in his own name. He published the book anonymously, and evidently wrote himself many of the opinions which he purported to be merely collecting, opinions which the book ascribes to various fictitious people.

26. As Luther pointed out in his debate with Erasmus. Cf. *Luther and Erasmus: Free Will and Salvation*, ed. by E. Gordon Rupp and Philip S. Watson, Philadelphia: Westminster Press, 1969, pp. 113-117.

27. Ferdinand Buisson, *Sébastien Castellion: sa vie et son oeuvre*, Paris, 1892, I, 359.

28. English translations of this text have undergone an evolution over the years which may obscure its meaning to a 16th Century reader. In the King James Version, *haireseis apoleias* came out as "damnable heresies." In the RSV this became "destructive heresies." And in the NRSV it is "destructive opinions."

29. To simplify, I accept Castellio's assumption that the state may impose the death penalty for criminal acts. If we reject that assumption, the argument will need to be recast, but will not be fundamentally changed.

30. This seems, in fact, to be Aquinas' primary concern, at least regarding heathens and Jews. Heretics and apostates are in a somewhat different position: having once accepted the faith, they may be compelled to fulfill what they promised. Cf. *Summa theologiae* II-II, qu. 10, art. 8.

31. E.g., he devotes considerable attention to the parable of the weeds in the wheat, which favors his side, but little attention (p. 246) to the parable of the great banquet (Luke 14:15-24), whose injunction to "compel people to come in" was standardly cited by supporters of forced conversion. Cf. Augustine, *On the Correction of the Donatists*, 24, and Aquinas, *Summa theologiae*, II-II, 10, 8.

32. See D. P. Walker, *The Decline of Hell*, University of Chicago Press, 1974.

33. *The Essays of Montaigne: a critical exploration*, Weidenfeld and Nicolson, 1972, p. 232.

34. Sayce, p. 226.

35. E.g., see Quentin Skinner, *The Foundations of Modern Political Thought*, Cambridge UP, 1978, vol. II, pp. 275-284.

36. See Michel de Montaigne, *The Complete Essays*, tr. by M. A. Screech, Penguin, 1991, p. 1167. Hereafter cited as CE.

37. CE, 652. Cf. the essay "On habit; and on never easily changing a traditional law," CE, 133-4.

38. CE, 1145; cf. CE, 1119 and Sayce, 207, 212.

39. E.g., Screech, in his introduction to CE, or Donald Frame in *Montaigne: a biography*, Harcourt, Brace & World, 1965, or Richard Popkin, in his *History of Skepticism from Erasmus to Spinoza*.

40. In English the most notable example is David Lewis Schaefer's Straussian reading of the *Essays*, in *The Political Philosophy of Montaigne*, Cornell UP, 1990.

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CONTRIBUTIONS

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