ABSTRACT. This is a critical study of the arguments of Pierre Bayle's *Commentaire philosophique* by which he tries to show that someone whose conscience is in error has a moral right (of a limited kind) to do what it commands, and that the act may be morally good; and that others, such as the government, may nevertheless have the right, and a duty, to prevent the act by force.

Bayle's arguments on the rights of conscience grew out of a small point in letters 20 and 21 of his *Critique generale de l'Histoire du Calvinisme de M. Maimbourg* (1682), namely that the true religion (whatever that is) has no more right to persecute than the false. When this was challenged as 'an impious paradox' Bayle argued for it at length in letter 9 of the *Nouvelles lettres critiques sur l'Histoire du Calvinisme* (1685), maintaining that those who believe an error are morally obliged to do whatever they would be obliged to do if their belief were true, and therefore, since people have a right to do their duty, can do it without blame. The same point is argued again in his *Commentaire philosophique sur ces paroles de Jesus Christ, Contrain-les d'entrer* (1685), part II chapters 8–10, and again in the *Supplement du commentaire philosophique* (1687). If God commanded the orthodox to impose orthodoxy by force, then all who think themselves orthodox—that is, everyone whose beliefs are seriously held—would be obliged and morally entitled to carry out the command, and heretics would do a good act in persecuting the true church; since God cannot have intended this he cannot have given such a command.

In this paper I will examine in Section I the arguments on the rights of conscience given in *Nouvelles lettres*, and in the other sections those given in the *Commentaire philosophique* and *Supplement*. I do not think Bayle changed his mind on any matter of importance, but ideas which he only sketched out at first he later developed elaborately.

I. THE RIGHTS OF TRUTH

A critic of the *Critique generale* found it strange that anyone would dare to say that the truth and a lie have the same privileges: has not God given the right of entering our hearts and minds to truth alone? In the *Critique* Bayle had written of the rights of churches, but in the *Nouvelles lettres*, following this critic, he writes of the rights of truth and error, as if these were persons. Later the figure can be elim-
inated, but for the time being let truth and error be personified. Bayle maintains that if the truth appears to us in the guise of error, and an error in the guise of truth, then the truth has no jurisdiction over us and the error succeeds to all its rights.

Rights and Duties

Bayle’s notions of right and duty can be gathered from the way he relates these terms to one another and to certain others, namely ‘ought’, ‘responsible’, ‘culpable’, ‘blameworthy’, and ‘punishable’. I have a duty to do something if I have no right not to. A right may be absolute or relative. My right is absolute if I have it relatively to every human being (Bayle never mentions rights against God and no doubt thought there are none). If I have a right relatively to you to do something then I am not responsible to you for that act, and you cannot rightly blame or punish me for it; conversely, if you cannot blame or punish me for it then I have the right to do it relatively to you. Thus liability to and immunity from blame and punishment are the core of Bayle’s conception of duty and right. Of the two duty seems to be fundamental; rights arise out of duties, and consist in duties on the part of others. If I have a duty to do something then I have a right to do it, consisting in other human beings having a duty not to try to persuade me voluntarily not to do it, and not to blame or punish me if I do it. If, as Bayle believes, those who believe they have a duty (even if the belief is mistaken) really have it, then it follows that they have the corresponding rights against other people, even against those who know that a mistake is being made. Suppose a man pretends to be a woman’s husband and she believes him. The true husband may know that his rights are being usurped, and relatively to him the impostor has no right; but relatively even to the true husband the wife has a right to do what—because of her mistake—is her duty. The husband has no right to intervene except by revealing the mistake, and no right to blame her afterwards. This is a crucial premise of Bayle’s case for the rights of heretics: people have a moral right to do their duty.

According to Bayle the exercise of a right may be unjust. Sometimes a right has been acquired wrongly (for example, by the impostor) and cannot rightly be exercised; it is not ‘absolutely speaking’ and in God’s sight a right, but is nevertheless ‘effectively’ and ‘relatively’ a moral right because there is someone (the woman) who genuinely has some corresponding duty. Sometimes a genuine right may be exercised unjustly; the right is not wrongly acquired and is a right absolutely and in God’s sight, but it is unjustly exercised. For example, a king has a genuine right, in general terms, to levy taxes, but he may exercise it unjustly by demanding too much. Even as wrongly exercised it is, relatively to his subjects, effectively a right, because (on Bayle’s political theory) they have no right to call him to account; he is answerable only to God. ‘Right’ has two senses, the power of doing something without being (rightly) punishable for it, and the justice with which it is done: the king has a right in the first sense relatively to his subjects, though his act is not right in the second sense. Since God will rightly punish those who exercise wrongly-acquired rights, or exercise their own rights unjustly, the distinction is irrelevant to God; but relatively to human beings who have no jurisdiction over him, and therefore no right to punish, the king effectively has a right in the first sense to do something which is unjust.
As we will see shortly, Bayle holds that those who believe they have a duty do have it. If A mistakenly believes that he or she has a duty to B then A does have that duty: does B therefore have a right? Yes and no. Absolutely speaking and in God's sight B does not. But there must be a sense in which there is a right, because 'it would be self-contradictory to be obliged to do something for someone who has no right to exact it.' A right that cannot rightly be exercised at all may seem strange, and it might seem better to say that there is no right and no duty. But Bayle wants to say that the duty is genuine because he wants to insist on the genuine rights against other parties to which it gives rise, consisting in their duty not to blame or punish A for doing what he or she mistakenly thinks is a duty. So if the duty is genuine but it is self-contradictory to have a duty to someone who has no right, Bayle must say that there are genuine rights that can never rightly be exercised. To avoid paradox we can say simply this: if I mistakenly believe I have a duty to you then I deserve blame and punishment if I voluntarily omit to do it, and not if I do it, but (unless you share the mistake) you deserve blame if you call on me to do it.

Argument from the Need for Notification

Bayle claims that it is a law of God that we must accord the rights of truth to a proposition if and only if we believe it to be true. That this is a law he argues as follows. There are an infinity of eternal truths, including moral truths (ideas of duty), of which we know nothing; God has revealed only some. But moral truths which God has not in some way revealed have no authority over us. This shows that truth as such, and apart from its being known to us, has no rights over us. Truth has rights over mankind only when it is revealed to mankind. But mankind in general does not exist, only individual human beings exist; and truth in general does not exist, only particular truths exist in individual minds. Thus a truth has rights which can be executed or exercised only over this or that particular person to whom that truth has been revealed.

This argument shows that to be known (or believed) is a necessary condition. But perhaps the rights of a truth depend upon two or more conditions, including (a) that it be true, and (b) that it be believed to be true. Many of his contemporaries would have regarded (a) as necessary. To prove that error in the guise of truth has the rights of truth Bayle must show that condition (b) is not only necessary but also sufficient. Consider an example. A governor must obey a letter from the king, the source of its authority over him being the king's will which it expresses. But considered in itself and apart from its effect upon the governor's mind, the letter has no authority. The king's will is the ultimate source, but the persuasion in the governor's mind that the letter expresses the king's will is the 'proximate foundation and immediate essence' of its authority. And if a forgery produces the same persuasion it has the same authority. If we accept that the governor must obey a convincing forgery then we must concede that the governor's duty arises from his state of mind however it is produced: the 'proximate foundation and immediate essence' is not only necessary but also sufficient, apart from any more remote source, to constitute the obligation. The forger has acquired the right wrongly, but the governor has a genuine duty.
Other examples support the same point. Suppose a man and his wife's children mistakenly believe that he is their father. While this belief lasts he cannot without injustice disinherit them, they can rightly inherit his goods, and they owe him the respect and obedience due to a father; each has all the rights and duties he or she would have if the belief were true. On the other hand, if father and child do not know their relationship and one mistreats the other, the act is no worse than the mistreatment of a stranger. Suppose a woman mistakenly thinks that a man is her husband and sleeps with him. She does not sin, indeed she would do wrong to treat him as a stranger, although the impostor has acquired a husband's rights wrongly. On the other hand, if a woman at a masked ball makes love with her husband thinking that he is a stranger she is guilty of adultery. If we accept the moral judgments suggested in these examples then we must agree that those who mistakenly believe that they are in a certain relation really have the rights and duties of that relation, and that those who do not believe they are in a relation which really they are in do not have those rights and duties: that in every case it is the belief, and not the truth or falsity of the belief, which makes the moral difference. To believe that a proposition is true, whether the belief is true or false, is thus the necessary and sufficient condition for owing it whatever is due to truth. 'If truth were a person' truth would take love for an error mistaken for truth and loved for that reason as love of herself, whereas homage given to a true proposition not believed to be true is like adultery with one's own spouse at a masked ball.

Mistaken belief gives error, metaphorically, the rights of truth over those who believe it, who therefore have a genuine duty to act on their belief, and therefore (since people have the right to do their duty) the right to act on it. Perhaps this right was wrongly acquired (for example, if the belief results from self-deception), and then they will have to answer for exercising it to God on judgment day. But meanwhile, and relatively to other human beings, it is a genuine right. It makes little sense to say that the error's metaphorical rights are wrongly acquired, since error cannot answer for the deception as the man who impersonates a woman's husband can, not being a person separate from the person deceived; if we become subject to the rights of an error as a result of self-deception then it is our right—the right to act on our erroneous belief—that is wrongly acquired. Let us eliminate the personification altogether. That a proposition (true or false) has the rights of truth over those, and only those, who believe that it is true means that those who believe it (even if their belief results from self-deception or other fault for which they will in the end answer to God) have certain genuine moral duties which other human beings cannot rightly blame or punish them for performing, or try to induce them voluntarily not to perform—though others can rightly try to change their belief or physically prevent their action.

What these duties are has not yet been determined. If we believe a proposition presumably we must act on it, make it known to others, and so on. We have different beliefs about these duties. To be consistent Bayle must say that we must do for whatever we believe to be the truth whatever we believe we must do for the truth. But he can also say, without inconsistency, that some people are wrong in what they believe, and in what they believe they ought to do for the truth, and that in some cases they can be prevented, by means which do not involve their own consent, from acting on their beliefs.
II. FOLLOWING CONSCIENCE AT LEAST THE LESSER EVIL

In the *Commentaire philosophique* Bayle does not talk about the rights of error personified, though he does make some use of the materials of the argument just surveyed. In this book he argues that: (1) an act done against conscience is a sin; (2) of two similar sinful acts one done against conscience is the worse sin; (3) of any two acts whatever, even if one is of a kind generally good (such as giving alms) and the other of a kind generally bad (such as beating a poor man), one against conscience is worse, even if in both cases conscience is in error; (4) not only is the act against conscience the worse sin, but the other is not a sin but a good act, at least if the error is inculpable; (5) indeed, even if the error is culpable the act is good, it is the error which is to blame; (6) and there may be nothing blameworthy in the dogmatic errors of a heretic. From this it follows that if persecuting heretics may be a good act on the part of the orthodox then a heretic who persecutes the orthodox may do a morally good act not blameworthy in any respect, and perhaps praiseworthy.

Moral and Natural Evils

Some of Bayle’s arguments rely on a distinct and ranking of moral and natural (or ‘physical’ goods and evils. Moral goods and evils consist only in acts of free will, choices. What makes a choice good or evil is the agent’s reason for making it—more precisely, the agent’s view of the rightness or wrongness of his reason: moral goods and evils are acts of free will in their ‘objective’ reality. Physical goods and evils are everything else, including external actions and their effects, acts and dispositions of will apart from their objective being, beliefs, and other mental episodes and dispositions.

Moral goods and evils outrank physical goods and evils; at least, the evil of acting against conscience outranks any physical evil found in, or resulting from, human action. To act against conscience is to do what you believe to be wrong, which satisfies the concept of a moral evil. Although Bayle seems to hold ‘the autonomy of morals’, he assumes that those who believe in God must believe that displeasing God is wrong and that the intention to please God is the highest moral good. So to act with the intention of obeying God is morally good. But those who believe in God and regard their conscience as God’s deputy, but nevertheless act against it, are guilty of an act of hatred of God. To choose to displease God is an act essentially and intrinsically evil, wrong under all circumstances (no matter what the alternative), a violation of a law from which God himself cannot dispense; obedience to conscience is thus an ‘indispensable’, exceptionless, absolute obligation.

Argument by Comparison of Evils

Imagine two men in similar situations who both have erroneous consciences—suppose they are successively asked for help by someone in genuine distress, whom they both mistakenly believe is a fraud whom they should drive off harshly; and suppose the first obeys his conscience (for conscience’s sake) and drives him off, while the second
weakly or capriciously gives the help he mistakenly believes he ought to refuse. Compare the goods and evils present in these two cases: (a) the poor man's deserts; (b) the mistaken belief held by both the men he approaches; (c) their respective decisions; (d) their actions and the effects on him. With respect to (a) and (b) there is no difference. With respect to (c) the difference is in favor of one who drives the poor man off: there is the moral good of his deciding for conscience's sake, there is the moral evil of the other's deciding to act against his conscience. With respect to (d) the difference goes the other way: the man who acts against his conscience does good to the poor man, the other does evil. But goods and evils under (d) are merely 'physical', whereas the evil under (c), of acting against conscience, is a great moral evil which outranks the physical evil. The harsh treatment inflicted on the genuinely poor man who does not deserve it is not a moral evil, since he is not harshly treated for the reason that he is a genuinely poor man, and moral good and evil depends on intention, i.e., on the reason why the act is chosen. Thus the comparison of evils shows that the one who acts against his conscience, though it is mistaken and though he does good to one who deserves it, does the greater evil. This is enough to prove that we are obliged to act in obedience to our consciences even when they are mistaken, because of the principle that if we cannot avoid evil altogether we must choose the less.

Bayle's contemporaries would generally have agreed that it is wrong to disobey one's conscience even if it is mistaken; but this does not mean that it is right to obey it, and still less that obedience must be a good act. It was generally held that one of the provisions of God's law requires obedience to one's conscience even when it is mistaken. But a distinction was generally drawn between an error of fact, which excuses if it is not due to sin, and an error of law (to which errors of faith were sometimes assimilated), which does not excuse even when the error itself is not blameworthy; a woman who sleeps with someone she blamelessly mistakes for her husband does not sin, but it would be no excuse not to know that adultery is against God's law. It follows that error may make sin inevitable. If because of an error of law, or an error due to sin, I believe I ought to do (or omit) something which some provision of God's law actually forbids (or requires), then if I act on my belief I violate that provision without proper excuse. But if I do not act on it I violate the provision which requires obedience to conscience, also without excuse: I must sin either way. The argument by comparison of evils does not challenge the claim that those whose consciences command what God actually forbids, or vice versa, must sin whatever they do; the argument is merely that the sin of acting against conscience is the worse sin, and that if we cannot avoid sin altogether we must avoid the worse.

III. AN ACT DONE IN OBEDIENCE TO CONSCIENCE IS A GOOD ACT

But Bayle goes on to maintain that an act done in obedience to even erroneous conscience is not a sin at all but a morally good act. Provided one errs in good faith, 'an act done in consequence of a false persuasion is as good as if it had been done in consequence of a true persuasion'; 'an act opposed to a false persuasion is as bad as an act opposed to a true persuasion'. By 'good' and 'bad' he does not mean objectively right and wrong—that would make nonsense of the distinc-
tion between a true and a false persuasion: by 'bad' he means worthy of blame and punishment and by 'good' he means the opposite.

**Argument from How God Judges Us**

For the claim that an act done in accordance with conscience is a morally good act there are two arguments. The most noteworthy premise of the first is that God judges us only by the 'objective' quality of our acts of free choice. If Bayle holds the autonomy of morals, then God is brought in presumably because he is the infallibly just judge: what he praises or blames really is morally good or evil. It might be thought that God judges everything according to its real nature: if a woman sleeps with a man who is not really her husband then surely God will judge that she has done that, and therefore that she has committed adultery, whatever she may have thought she was doing. But Bayle insists that in judging whether a person deserves blame and punishment God does not consider the outward act or its effects, but only the act of will; and that he distinguishes acts of will not according to the real quality of the object chosen, but according to its 'objective' quality, the quality the chooser believes it has, and on account of which he or she makes the choice; the real quality of the object is accidental, and therefore morally irrelevant. These are points already noticed. A new point is this, that in judging moral desert God distinguishes acts of choice by the dispositions they manifest; for example, God judges one who acts out of love for an error mistaken for truth as if he acts out of love of truth, because the disposition is the same. It might be thought that some sort of utilitarianism lies behind this, that Bayle thinks the act should be judged by the disposition it manifests because in the long run judging by disposition will have good effects, because good dispositions generally have good effects. But although he sometimes refers to the acts the disposition would prompt if there were no error, he is talking about God's judgment on the last day when the long run is over. The point of referring to the disposition and the hypothetical acts it would prompt under other circumstances is to make clear the intrinsic and actual moral value of this act. Whatever the consequences of the act or of the disposition, if the act is done because it is believed to be right then it is a morally good act.

**Argument from the Generality of Laws**

The most noteworthy premise of the second argument is that God rules and judges us ordinarily through general laws. If a ruler addresses to all his subjects a law in general terms requiring A's to treat B's in mode C, then each subject is obliged and authorized to decide whether he or she belongs to category A, and if so then who belongs to category B and which acts would fit description C. A ruler ought to take account of the capacities of his subjects; if he knows that they are fallible but does not provide enough specific guidance to save them from mistakes, then he must be understood to authorize them to act on the law as they fallibly interpret it. To act on one's interpretation of a law which one is obliged and authorized to interpret is to obey it—even if one's interpretation is mistaken. This is the vital point: those who are obliged and authorized to act on their own fallible interpretation are not merely excused their disobedience if they act on a mistaken interpretation, but they actually obey. We might be inclined to make a
distinction, and say that they obey their superior’s implied higher-order command to act on this law as they interpret it, but do not actually obey this law if their interpretation is wrong. But Bayle makes no such distinction: those who act on a mistaken interpretation of a law they are obliged and authorized to interpret actually obey that law. If he thinks this because they have the same disposition of choice, then this argument is a variant of the argument from how God judges us.

Suppose, then, that God has commanded those who possess the truth to compel everyone else to accept it. He has not given enough specific guidance to prevent mistakes in carrying out the command. It is addressed to all who hear the gospel, and does not specify which of the many disputed doctrines is the truth. God knows that we are fallible, that what seems true to us even after thorough study is often not true, that real truths have no mark that we can perceive distinguishing them from merely apparent truths. If he has given this command he has obliged and authorized us all to compel acceptance of whatever seems to each of us to be true. The heretics, then, whichever they are, when they persecute the true church because it seems to them to be in error, actually obey the alleged command and do a good act.

The Basic Commandment

Bayle does not believe that such a command has been given, but still he seems to believe that those who think it has and do what they think has been commanded do an act which is good. He seems to have in mind something like this. There is a hierarchy of practical principles with just one basic commandment, ‘seek the truth and act on it’, or even—since we are not obliged to seek unless we think it true that we ought to seek—simply ‘act on the truth’. On this theory other duties will be imposed by the various particular practical truths as we come to know them. For example, if it is true that we ought to do no murder, then doing no murder will be required by the single basic commandment as soon as we find out that ‘we ought to do no murder’ is a truth. The argument that a commandment addressed in general terms to fallible subjects must authorize them to act on their possibly mistaken interpretations applies to this basic commandment, interpretation in this case being deciding what is true. We obey the basic commandment, therefore, and do a morally good act, if we act on whatever seems true even if really it is not—for example on the proposition that we ought to impose our beliefs on others by force. That we have been commanded to impose the truth by force is not true, but those who think it is true, and for that reason impose by force what they mistakenly think is the truth, do a morally good act.

If by ‘conscience’ we mean the self as deciding what it is right to do, and if it is enough to do what seems right, then it is enough to follow conscience. ‘Follow conscience’ is simply the basic commandment in other words. As Bayle says, the interior sentiment of conscience, its sense of conviction, the ‘taste’ of truth which it finds in some proposition about what ought to be done, is the distinguishing character or criterion of morally good action. Conscience is not a touchstone of what really is right, of the absolute truth of propositions about what we morally ought to do. Except for mathematical and metaphysical evidence there is no criterion of absolute truth, in particular none of true moral judgments of particular actions. If God required that we act on—
ly on absolute truth certainly known as such we would be reduced to
more-than-pyrrhonian suspense even of practical judgment.\textsuperscript{73} Conscience
is the touchstone of 'relative' truth, of truth 'for me',\textsuperscript{74} meaning what
at the moment of decision I am obliged and authorized to do, given that
the commandments are in general terms which I must interpret and ap­
ply. 'God demands only that we search for truth sincerely and diligent­
ly, and that we discern it by the sentiment of conscience, in such a way
that if the combination of circumstances prevents us from finding abso­
lute truth, and makes us find the taste of truth in an object which is
false, this putative and relative truth should hold for us the place of
real truth'.\textsuperscript{75}

This is not relativism or subjectivism or scepticism, but merely
fallibilism.\textsuperscript{76} The basic commandment is not 'Do whatever you believe is
right', as if it does not matter what you believe as long as you act on
it, but 'Do whatever you believe is right'. Between these two formulæ
there can be no practical difference until we realize that our beliefs
may not be correct, and even then there can be no practical difference
at any given moment: the difference is in behavior over time. If we re­
alize that some of our beliefs may be false, and that God wants us to
act on what is true, then we will try to replace beliefs which merely
seem true with beliefs which are true, though we will never be sure we
have succeeded. But at the moment of decision we must act on what at
that moment seems true. Bayle takes a lenient view of people who refuse
to inquire; if they do not believe that it is true that they have a duty
to inquire, then in not inquiring they do not disobey the commandment
to act on the truth.\textsuperscript{77} We must act on what seems true after whatever
inquiry (if any) it seems true that we ought to make; but in truth we
ought to inquire.\textsuperscript{78}

The thesis that a person who obeys an erroneous conscience may
do a morally good act does not mean that it is simply right to do what­
ever you think is right. You have (conditionally--given your belief) a
duty to do whatever you think you have a duty to do, but this does
not mean that your duties (simply) are whatever you think they are.
The duty to obey conscience is really a duty. If you mistakenly think
you have a duty which otherwise you would not have, then to do what
you mistakenly think is your duty is--by virtue of the duty to obey
conscience, and given your mistake, but not otherwise--really a duty,
and you really have the right to do it: but the mistake is still a mis­
take.

IV. CULPABLE ERROR

Of the points listed at the beginning of Section II we have cov­
ered (1)-(4). Usually Bayle says that an act done in error is morally as
good as if the error had been truth 'if the error is inculpable'.\textsuperscript{79} But
this 'if' means 'at least if', since in fact he holds (5) that the act is
good even if the error is culpable.

The argument for this is by analogy. If a usurper seizes power
wrongly, but after that rules well in accordance with the laws God gives
rules, then on judgment day he will be blamed for the usurpation but
not in addition for acts of government which would have satisfied the
law of God perfectly if he had been the lawful ruler. Similarly, those
who culpably fall into error (for example through negligence or self-de-
ception) will be blamed for the error but not for the acts which would have been right if the error had been the truth. This seems plausible. If we reject it and say that culpable error does not excuse, and simply blame those who ought to know better as if they do know better, then blame will depend on luck. If a motorist too drunk to know what he is doing happens to kill someone he will be to blame for homicide, but if by good luck he arrives home without an accident he escapes that blame. On Bayle's theory, however, someone who drinks knowing he may drive under the influence of alcohol and that this may lead to an accident is very much to blame even if there is no accident, and no more to blame if there is. The moral irrelevance of luck or chance follows from the conception of a moral good. Moral goods and evils are acts of free choice, physical goods and evils include whatever is determined by chance—that is, whatever is accidental in relation to the agent's will, whatever depends on any other cause.

The Moral Irrelevance of Being Right

Bayle soon passes to point (6), that the dogmatic errors of a heretic may be inculpable: if this is true then point (5) need not be insisted on, since it is not essential to the argument for an end to the persecution of supposedly heretical christians. The thought behind (5) is also behind much of what he says about (6): someone who thinks under the influence of bad motives is to blame even if by good luck he arrives at the truth, and no more to blame if he does not—the actual truth or falsity of the resulting beliefs is morally irrelevant. The morality of thinking depends on exactly the same principles as determine the morality of acts or omissions of any sort. Let us go into these principles further. Like other activities, thinking is morally good or bad only insofar as it involves free choices, which get their moral value from the reason (motive, intention) for which the choice is made. The motive which should direct our thinking is the firm intention to use all our strength to know (so that we may do) God's will; that is, the motive of thinking, as of all other activities, should be zeal to carry out the basic commandment. Bad motives include love of ease in preference to truth, a spirit of contradiction, jealousy of rivals, vanity attaching us to opinions we have defended publicly. For an act to be blameworthy, however, it is not enough that the motives be bad, but we must realize their badness at the time—or at least fail to examine their moral quality because of the influence of motives we do realize are bad: morality depends on the objective quality of the motive, the motive as the agent sees it. An act is blameworthy only if it is voluntarily bad, i.e., chosen in the belief that the choice is bad; it would be unjust to require repression of motives we do not know are bad. We deserve blame not if the motives by which our conduct is actually influenced are actually bad, but only insofar as we know (or believe) at the time that our action is influenced by motives we believe to be bad, that is insofar as our mental activity is against conscience. Culpability in thinking, as in other activity, thus requires bad motives which cause the act with knowledge of the cause, and with knowledge of its badness, i.e., so that we are at the same time conscious of the disorder of the motive.

Ignorance or error is excused when it is due to circumstances outside the person's control, or to other inculpable ignorance or error, or to the influence of some other inculpable disposition which makes ignorance or error unavoidable by any free choice. For example, if a mo-
tive results from some habitual disposition it is not culpable unless the disposition is due to acts suspected or known when they were done to be bad.90 Similarly, failure to find out something we could easily find out is not culpable negligence unless we know there may be something to be found out and wilfully refuse to inquire;91 ignorance of the need to inquire excuses the error. Those who deceive themselves culpably, therefore, must have at least an inkling that the motives which influence them are bad, and fail—because of some motive they realize is not good—to examine their motives more closely.92 Self-deception or negligence is not culpable, then, even if it results from envy or idleness or other actually wrong motive, except insofar as it results directly or indirectly from conscious choices made in the knowledge that they were bad.93

Natural dispositions do not merit praise or blame. For example, the love of what seems true is a disposition without moral value since it is an impulse of nature and not a matter of free choice.94 We cannot help assenting to all propositions, and only those, which seem true, and error can gain acceptance only under the guise of truth: no one, no matter how wicked, can wilfully believe what seems false.95 Therefore we deserve no moral credit for believing what seems to us to be true, and no blame for disbelieving what seems false. Also by nature, and apart from the effects of original sin, every child is susceptible to education; a young child cannot help receiving as true what it is taught by its parents and other elders.96 Also by nature—not by universal human nature, but by each person's particular constitution (as modified by education and acquired beliefs)—some people are more or less susceptible than others to this or that kind or item of evidence. A reason which is enough to enlighten one person may not be enough to enlighten another with an equal love of truth.97 Finally, it is a merely natural good or evil for the beliefs we arrive at to be actually true or false.98 So to have been brought up in a true belief, or to have been susceptible to true teaching, or to believe what is actually true, or what seems true, are all natural, not moral perfections, and their opposites are non-moral evils.

How much scope does this leave for moral good or evil in the conduct of thought? Bayle does not ask himself this question, but I suppose he would say that there can be moral good and evil in thinking only because there are degrees of zeal in seeking truth, degrees which are subject in some way to free choice. By nature everyone desires to know the truth, but if the intensity or effectiveness of this desire depends on free choice then people can deserve praise for the degree of zeal they show for discovering the truth (or holding to it if they think they have it), or blame for neglecting it for other ends.99

The Errors of Heretics

Bayle argues at length that the opinions of the various sects of Christians of his time could result from good or at least innocent motives. A heretic may even be led further into what is actually error by zeal for truth, for example if education leads him to think that truth is to be found where in fact it is not; he is like a zealous messenger misdirected and riding further away from his goal, hurried away precisely by his zeal to arrive at the goal.100 On the other hand, people may become or remain orthodox because of bad motives, and then they deserve blame just as much as they would if their beliefs were actually false,
since being right is morally irrelevant. Given equal zeal for truth, there
is no moral advantage in being orthodox.\textsuperscript{101}

Many of Bayle's contemporaries would have held that the errors of
heretics are culpable, or at least do not excuse resulting acts, because
either (1) they are errors of law, or they are always due to sin, either
(2) to original sin or (3) to the personal sins of the heretic, or for sev­
eral of these reasons. To the first reason Bayle replies that it assumes
that errors of law cannot be ininvincible, i.e., voluntary. It makes no
sense to say that one kind of error excuses and the other does not
simply because they are different kinds of error. There must be some
relation to the fundamental moral idea of free choice. So if an error of
law can be involuntary it will be innocent and will excuse just as much
as any error of fact and for the same formal reason, namely that it is
not the result of free choice.\textsuperscript{102} In any case a question of moral and
religious laws is reducible to a question of fact, namely whether God has
revealed a certain proposition.\textsuperscript{103} Dogmatic truths do not have the clar­
ity and evidence of mathematical and metaphysical truths.\textsuperscript{104} Many dog­
matic propositions are related to matters which depend upon God's free
choice, so they are contingent truths; there may be good arguments for
the various contending dogmas, since they may all represent things God
could quite reasonably have done, though as a matter of contingent fact
he chose to act one way and not another; and the truth may not always
be what seems more probable.\textsuperscript{105} The questions which divide Christians
are therefore difficult, just as difficult as the questions of fact decided
by courts of law, in which it is generally agreed error may be involun­
tary and inculpable.\textsuperscript{106}

The second reason given why a heretic's error cannot excuse was
that it is always due to sin,\textsuperscript{107} to original sin at least. Some held that
error or ignorance may be a penalty justly inflicted on the human race
for original sin; that although such error is not itself a sin deserving
punishment it does not excuse sins which result from it, since Adam's
sin does not reduce God's rights; and that God is therefore entitled to
treat us as if we knew what we would have known but for original
sin.\textsuperscript{108} To this Bayle replies that it would be unreasonable on God's part
not to take account of the effects of original sin since they take place
because of laws which he freely chose.\textsuperscript{109} Further, dogmatic errors are
not all due to original sin; mostly they are due to human nature as it
was originally created, before Adam sinned. Although our souls are in­
fected by original sin it is not true that in everything they act as in­
fected by sin; some of our original nature remains, and is the source
of some of what we do and of some of our errors.\textsuperscript{110} The union of soul and
body, and the consequent confusion and weakness of our reasoning
power especially in childhood, are part of our nature as originally cre­
at.\textsuperscript{111} Recaptivity to what our parents teach is natural, and not due
to original sin or to any other sin--or if it is, then the true belief of
the orthodox (whichever they are) is also due to sin, since the beliefs
of most members of all sects are probably due to education.\textsuperscript{112}

The third reason was that a heretic must in every case be led in­
to or kept in error by some personal vice or sin--negligence, pride,
temperity, or the like. In reply Bayle observes that the Christian sects
all agree on the doctrines which come most into conflict with vice--
doctrines forbidding revenge, commanding us to love our enemies, live
soberly, chastely, humbly and so on. The disagreements are on matters
which do not make the yoke of morality heavier or lighter. In fact peo-
ple seem to be attracted to a religion if it is demanding. Some doctrinal disputes arise because of the difficulty of reconciling certain of God's attributes with one another (e.g., his lordship with his equity); different solutions may all be proposed with good motives. As for pride, no one says 'God says so, but I know better than God'. It cannot be fairly said that members of any sect have too much pride to submit their lights to God; the dispute is not whether what God has revealed is true, but only whether he has revealed this or that. As for self-interest, it is not always the reason why people adopt religious opinions. The French Protestants, Polish Socinians and Jews in every Christian land have persisted in beliefs it would have been in their interest to abandon.

As for prepossession or prejudice, it is true that many people look most favorably on their own side's arguments and think about them most and know them best, and do not give enough consideration to the other side. But this is true of all sects, not only of those who are in fact in the wrong. And it is not true that error is always due to such prejudiced behavior. Even impartial judges, such as Chinese philosophers might be, would find it difficult to decide the points which divide Christian sects. It is said that no one can remain in error who makes unprejudiced use of the means of information which are at hand. But there is a complicated dispute about what the proper means of information are. In any case it is absurd to suggest that all who have remained in error have (for example) read the bible without prayer and docility, not desiring to find out the truth but seeking confirmation of their prejudices, carefully repressing all truer thoughts which the book suggests.

As for opinionatedness, to refuse to change one's religion even though one has been silenced in argument need not show culpable opinionate. Someone who is quick-witted, articulate and well-prepared may silence someone who is really right but lacks self-confidence or presence of mind. Those who realize this are entitled to hold to their position even though they can give no reasons. Repressing doubts that arise in the mind, or refusing to listen or to investigate, may not show lack of love for truth; it may be due to a conviction that one already has the truth, together with fear of deception by crafty antagonists. This fear is often the result of education, and susceptibility to education is a physical (not moral) defect at most, while the desire to hold fast to what seems to be the truth (which is often what makes the mis-educated refuse to examine) is a physical perfection at least.

It may be said that those who fall into error are guilty of temerity, in imprudently affirming what (since it is false) cannot be evident. Descartes' notion of temerity is very exacting; he says that since assent is an act of will error is always voluntary and avoidable. But then (since some errors of fact must surely still excuse) there must be some errors which are voluntary but not culpable, and religious error may be in this category. Descartes' maxim of assenting only to what is clear and distinct does not apply to religious questions; we must affirm and live by whatever religion conscience finds has the 'taste' of truth. In deciding religious questions we cannot wait for conclusive evidence. In the questions debated among the Christian sects none of the arguments goes beyond probability and the probabilities are not overwhelmingly in favor of any sect. The fact that assent is voluntary is not enough to show that error in such questions is culpable.
Some say that those who are given God's grace will be guided to the right decision, and that only those who follow such guidance escape the guilt of temerity. But we cannot know when grace is leading us, since it is imperceptible, and truths to which it leads us have no mark to distinguish them from beliefs which we wrongly think are due to grace; the influence of grace therefore provides no criterion of non-temerarious decision. We cannot be rationally assured of having the truth except by argument, and grace does not provide arguments—it does not teach Greek or Hebrew, logic or historical fact.

Thus Bayle replies in detail to the objections which might stand in the way of his thesis that there is no correlation between orthodoxy and moral merit, or heresy and demerit. He does not try to prove that no one's errors are ever blameworthy, merely that there can be no presumption that those who belong to one or other of the Christian sects of his time are to blame for their errors. Some controversies may be simpler, and there may be some opinions which no one can hold without wickedness. Whether the beliefs of one side are more likely to result from some moral fault is a question that needs to be decided (if it needs to be decided) separately for every conflict.

V. THE RIGHT TO PERSECUTE

Originally, in the Critique generale, Bayle argued that if the true church has the right or duty to persecute then heretics have it too. The argument of the Commentaire philosophique, as we have seen, moves toward the conclusion that—whether or not the true church has or claims the right to persecute—those who believe they have it do have it, and have it even if their belief that they do is a culpable error. But he also gives several arguments to show that indeed it is an error, that in truth no one has it.

The Reciprocity Argument

The first of these I call the reciprocity argument.\textsuperscript{128} Suppose that the saying, 'Compel them to come in',\textsuperscript{129} or some other of Jesus' sayings, was meant as a command to persecute. Then the various Christian sects will feel obliged to persecute non-Christians and one another reciprocally, which will lead to civil wars, rebellions,\textsuperscript{130} the exclusion or even extermination of Christians by conscientious infidel rulers,\textsuperscript{131} and other evils. Persecution essentially\textsuperscript{132} requires acts which would be wrong except that they are supposed to have been commanded to be done in the cause of truth,\textsuperscript{133} and Bayle argues that once any exception is made to the ordinary laws of morality the moral boundaries are obliterated altogether.\textsuperscript{134} The evils of reciprocal persecution are thus very great. Jesus (if he is God) must have foreseen all these evils and would (if he had given such a command) be chiefly responsible for them.\textsuperscript{135} Since God's responsibility for such evils is unthinkable the supposition that Jesus commanded persecution must be false.

It may be said that only the true church has been commanded to persecute, and that therefore it alone has the right to do so.\textsuperscript{136} But being alone entitled to persecute will not do the true church any good. Since every sect regards itself as a true church they will all take the command as addressed to themselves\textsuperscript{137} and will in fact persecute,
whether they have a right to or not, and the true church (and everyone else) will be deprived of the protection against persecution which the laws of morality might otherwise have given; its only defense will be to assert that it is the true church and call on its persecutors to postpone what they regard as their duty until they have examined all the controversies, which they will reasonably refuse to do. That the true church (whichever that is) is left with such a weak defense is one of the evils resulting from the alleged command to persecute. Not only will all sects persecute, but (according to the reasoning presented in the earlier sections of this paper) persecution will be their duty and therefore their right, both in the sense that no human being can rightly blame or punish them for it or try to induce them voluntarily not to do it, and also in the sense that even in God's sight they do nothing blameworthy or punishable—they will not be condemned for it even on Judgment Day.

Since persecution may happen even without a command a prohibition is needed. Persecution should be outlawed by treaty between sects or it should be regarded as contrary to the law of nations. In fact, since persecution always violates some ordinary rule of morality, it is prohibited by the law of nature—God's law, which the Gospel law confirms. Since God must have foreseen and provided against the evils of reciprocal persecution he must have intended the rules of morality as 'common principles', binding on all sects alike, including the true church, and never to be suspended without an explicit command.

With this reciprocity argument there are some difficulties. First, it is meant to show that there is no moral right to persecute, yet Bayle must admit that those who believe they have the duty to persecute have a genuine moral right to do so. This is implied by the arguments presented in the earlier parts of this paper, and Bayle acknowledges the implication in the course of developing the reciprocity argument. In answer to this difficulty he says that the reciprocity argument is a reductio ad absurdum, showing that if (P) God had commanded persecution it would follow (Q) that in persecuting the true church heretics do a morally good act. But this is not the structure of the reciprocity argument, the premises used in the derivation of Q do not include P, and Q is not, in Bayle's opinion, absurd but true. The absurdity is that God would be responsible for certain evils, and that would follow whether or not the acts of heretic persecutors are sins. That heretics would do a good act in persecuting the truth follows not from the hypothesis that God has commanded persecution, but from the fact that they believe he has, together with the principles of Bayle's own ethical theory. The true answer to the difficulty is that in Bayle's ethics an act may be morally good, and a person may have a genuine moral right to do it, and yet it may be objectively a wrong act; and that a morally virtuous person will want to do, and will lead others to do, what is objectively right. So, as Bayle says, even if those who persecute do so sincerely and err involuntarily we ought to correct their error, which is the purpose of the reciprocity argument and of his book. The argument is meant to lead persecutors who may not have been to blame for persecuting to see that persecution is wrong, and they will then deserve blame if they persecute knowing that it is wrong. While they are in error on this point no one can rightly try to persuade them not to persecute except by entering into the ocean of theological controversy to show that the persecutor's church is not the true church. The reciprocity
argument avoids those controversies and instead corrects the error about persecution.

A second difficulty is with the 'common principles' which the argument is supposed to confirm. In arguing that any exception to ordinary moral rules obliterates moral boundaries altogether Bayle commits a fallacy. He accepts the rightness of capital punishment and of other acts done by the ruler and his authorized agents for the purpose of repressing crime, acts that would be wrong if done by others or for other purposes; they are in that sense exceptions to the ordinary rules of morality. But to repress crime the ruler may not do just anything; his action is still subject to some moral restrictions. The fallacy is to take the proposition, 'That certain things which might be unjust if not done in favor of the true religion (or for some other legitimate purpose) become just if done in its favor', as equivalent to the proposition, 'That whatever is done for a legitimate purpose is just'. This leads to an exaggeration of the evils following from the supposed command to persecute. It also forces an 'all' or 'nothing' choice: either the moral boundaries are obliterated altogether, or nothing is to be done by rulers which would not be just if done by anyone for any purpose. As far as the reciprocity argument goes various intermediate positions are possible. Consider, for example, the rule cuius regio eius religio; this rule would not lead to reciprocal persecution, since it forbids rulers to attempt to impose a religion in another ruler's territory, and authorizes none but rulers to enforce any religion. It might be objected that it is pointless to impose different religions in different places, but there may be secular or even religious advantages in religious uniformity even if the religion enforced is not supposed to be the one true religion. The cuius regio rule leaves open the question what means may be used, but this is true also of the principle that the ruler may repress crime by means not available to everyone for every purpose. The moral code may rule out some actions as wrong intrinsically and never be done by anyone for any purpose, and these will of course not be available to rulers for repressing crime, or for imposing religion.

The Argument against Forcing Consciences

Bayle has another argument which might be used to reinforce the reciprocity argument by ruling out coercion in religious matters by the ruler. The argument runs as follows. Anyone not an atheist must regard conscience as the voice of God; to act against one's conscience, therefore, implies hatred or contempt for God, and to act thus is evil intrinsically, not justifiable under any circumstances. Neither of the two possible sources of the ruler's authority, God and the people, can be supposed to have authorized the ruler to try to make people do an intrinsically evil act: not God, because that would mean that God might confer a power of trying to make someone act in hatred or contempt of himself; not the people, because the parties to the social contract cannot rightly have entrusted to anyone the power of compelling themselves to do something implying hatred or contempt of God. The ruler therefore can have no right to try to force anyone to act against conscience.

The difficulty with this argument is that conscience cannot literally be forced, it can only be tempted. The body can be forced; but without consent, which on Bayle's account is an interior act of will, there is no action attributable to the person forced, and the will cannot
be forced to consent. Force or threat of force to the body may constitute temptation, but it might be argued that if someone is tempted and consents the responsibility for the evil action against conscience is his or her own. Bayle denounces the tempter as a sharer in the guilt of the hypocrisy and acts against conscience which his temptations cause. But some distinctions need to be drawn. Temptation may be directly intended or incidental; it may be strong, or so weak that a reasonably conscientious person would successfully resist it; it may be temptation to do what both parties regard as wrong, or temptation (if that is the right word) to do what the tempter regards as right. A person who directly intends to subject another to strong temptation to do what both regard as wrong clearly does something wrong. But it is impossible to make even political laws, or even simply to live, without incidentally exposing others to at least weak temptation to do what they may regard as wrong. I believe there is a duty not to tempt people even incidentally, even to actions which they are mistaken in regarding as wrong; but this is merely a prima facie duty, or a duty of imperfect obligation. Bayle ought to agree, since he holds (as we will see) that the ruler may enforce political laws even against those who believe they have a duty to violate them. So it would seem that if the ruler regards the commanded act as right he may rightly exact it even from those who regard it as wrong, if he has a weighy enough reason. What Bayle needs to show is that the reasons in favor of religious uniformity can never be weighty enough.

VI. THE RULER MUST PREVENT PERSECUTION

In Bayle’s time there were various theories about the functions of the secular ruler. Some held simply that the ruler should do as much good, of whatever sort, as he can by any available morally permissible means. Others imposed restrictions on ends or means or both. According to some the ruler’s proper means is force: only the ruler (or his agents) may use force, and whatever he does (at least as ruler) is done by that means. According to some the only legitimate end of the ruler’s acts as ruler is to enforce God’s law; or (since only God can ‘search hearts’ and judge inner acts) to enforce outward conformity with it; or to enforce the ‘second table’ of the ten commandments, i.e., those provisions of God’s law which regulate human intercourse in this world. Others held that the ruler’s function is to enforce ‘political laws’ designed to secure peace (and perhaps prosperity) in this world, laws which by coincidence may overlap with God’s law, but not to enforce them as being divinely ordained. Some of these options may be combined; thus Locke and others held that the magistrate is restricted to the use of coercive means for ‘political’ ends.

The Simple Argument

Mostly Bayle’s theory is like Locke’s: the ruler has no concern with conscience or religion or morality as such, but is to use coercive means to enforce ‘political laws’ designed to protect the this-worldly peace and security of society and its members, without concern for conscience. Thus he says that in punishing the murderer whose conscience tells him to kill, the ruler is not obliged to have any regard to conscience; if someone believes he ought to commit murder then morally he is obliged to do so, but the ruler can punish him without taking any
account of his moral obligation. Similarly the ruler can coerce without hesitation any religious innovator whose doctrines are destructive of human society. On this theory the argument to show that the ruler must repress persecution is simple: persecution is destructive of peace and security, a violation of laws the ruler must enforce without regard to what people believe in conscience they ought to do. Political laws thus coincide with the moral rules which the reciprocity argument reaffirms and shows to be ‘common’ principles ruling out persecution even by the true church. In enforcing political laws the ruler therefore represses persecution. That the true church has no special right to persecute, and in general no rights that error does not have, means that the magistrate must prevent persecution even by the church he regards as true.

However Bayle says various things that are inconsistent with this simple theory. For example, he says that the ruler can act as ‘nursing father’ to what he regards as the true religion—sponsor reformation, act against scandals in clerical life, endow orthodox colleges, supply money and prestige—as long as he does not impose religious unity by force. In justifying the enforcement of political but not religious laws Bayle argues that people’s consciences generally support the former but not necessarily the latter, a consideration that would have been irrelevant if conscience were for the ruler simply of no account. He says also that the ruler may punish those who act against their consciences, even if their consciences are in error, and even if they act in religious matters and without violation of political law, provided he can be sure they do act against conscience.

His various remarks could mostly be harmonized if we attribute to him (as something he held in the back of his mind, not clearly) a more complex theory along the following lines: (1) The ruler is to do as much good of whatever sort as he can by any morally legitimate means. (2) The ruler cannot generally judge people’s motives with much assurance. (3) People’s consciences generally sanction the rules needed to secure this-worldly peace, but (4) otherwise disagree, especially about religion. (5) Moral goods and evils greatly exceed other goods and evils, but (6) not so as to rule out sometimes doing or risking some moral evil for the probability of avoiding much non-moral evil. (7) The greatest (or only) moral evil is to decide to act against one’s conscience. From these premises follow: (8) the ruler should do what can be done without tempting consciences to foster what he regards as the true religion; and (9) he should punish acts of impiety done against conscience, in the few cases (if there are any) in which he can be sure they are such, but (10) otherwise he should inflict punishment only to enforce political laws. Since (10) rests on (2) and (3), which are propositions of contingent fact, it is merely a ‘rule of thumb’; the simple theory is (10) treated as an independent principle. Notice that on this more complex theory the overlap of political laws with part of God’s law need not be mere coincidence, and there is no reason why the ruler should not be said to be enforcing God’s law as such insofar as it secures peace in this world (the ‘second table’ of the decalogue). Serving God is one of the sorts of good things the ruler may rightly do.
The Right of the Conscientious Persecutor

On the more elaborate theory the argument that the ruler must prevent persecution cannot be so simple, since there are people who believe they are obliged to persecute, and on this theory their consciences cannot simply be disregarded. If they could be physically restrained there would be no violation of their consciences, but in practice they must often be restrained by threat. In repressing persecution the ruler may therefore be tempting the consciences of many who believe they have a religious duty to persecute. Bayle does not seem to see any problem. He does not give any argument from the premises of the more elaborate theory to the conclusion that the ruler must prevent persecution—in arguing that point he writes as if he held simply that the ruler must preserve peace without concern for conscience. If he had taken account of effects on conscience he might have argued that persecution tempts more consciences than the repression of persecution does (which will not always be true). Or he might have argued that incidental temptation is not as bad as direct and intentional temptation, and that the temptation of persecutors is only a side-effect of the ruler's attempt to preserve peace and protect conscience from direct violation, whereas the persecutor's purpose is precisely to induce people to change religion against their consciences; it would follow that the ruler ought to take precautions so that no one can subject others to direct temptation to act against their consciences. But this is an argument Bayle does not use.

Precautions

Bayle does say, however, that the ruler should control persecution as far as possible by means which do not tempt the conscience of those who think they ought to persecute. This is in effect his reply to the common question whether we must tolerate the intolerant: we cannot persecute them, but we must prevent them from persecuting others, and we can take precautions against them (a policy which Bayle calls 'non-toleration'). He agreed with many of his Protestant contemporaries that toleration should not extend to atheists or Catholics, as sects dangerous to society. The argument against forcing consciences does not apply to atheists because they do not regard conscience as the voice of God, and they are believed to attack the foundations of peace in this world, which the ruler must defend. As for Catholics, since they do regard conscience as the voice of God their consciences are not to be forced or tempted. But they will persecute others if they can, so precautions must be taken against them. The ruler must repress persecution and need not wait until acts of persecution are actually taking place. He must make sure that Catholics will never get the power to persecute, acting against them not as holding a false religion but as endangering public security. He may prevent seditious preaching, exclude Catholics from public office, and even— if milder measures are not enough—send them into exile (allowing them to take their possessions). But this non-toleration must not become persecution: there must be no attacks on their persons or properties, they must be allowed to practice their religion at least in private and to bring up their children as Catholics, and they must not be forced to attend religious exercises against their consciences. Precautions must as far as possible be managed so as not to tempt their consciences; for example disqualification from office must apply for life even to those who convert, and to
their older children. If we do not take incidental temptation so seri­ously this may sound like disguised persecution, but I am sure Bayle meant it as respect for the integrity of conscience.

CONCLUSION

In his excellent book on Bayle Walter Rex suggests that in the end Bayle's scepticism destroys his case for toleration. He says that to op­pose acts of persecution Bayle at first appealed to the 'natural light' as showing with 'absolute certainty that such acts were contrary to God's moral law'. But in the end 'the criterium of natural light has virtually disappeared and the fallible but absolute judgment of conscience has been put in its place'. Against the persecutor's claim that his conscience obiges him to persecute, 'Bayle is reduced to the me re assertion that persecution is a crime, with very little logic to substantiate it'. Although he keeps saying that we must examine, 'Bayle's statement that there is no way to be certain of having found the truth would appear . . . to undermine completely the doctrine of the necessity of examination'. 'There seems to be nothing left but ruins. One wonders if even the idea of tolerance remains'.

I do not share this unfavorable assessment. To begin with the last point: the impossibility of being certain does not mean that examination is unnecessary. We may be wrong about some things, and examination may reveal some of our mistakes (though possibly we sometimes change our minds when we should not). And the impossibility of arriving at certainty does not make examination futile. It is reasonable to examine as long as it seems possible that examination may significantly improve our chances of believing what is actually true, even if we will never be sure it is true. Perhaps the natural light is dim but still a light. Bayle's fal­libilism therefore does not imply the rejection of examination.

And fallibilism is not scepticism. The ancient sceptics argued that affirmation of what is not certain is wrong because the wise man must never risk a mistake; they argued also that nothing can ever be certain, and that therefore a wise man will make no affirmations; they acted on what seemed probable, but without affirming anything. Bayle always rejected scepticism, not only in religion but generally, and I think we should take him at his word. In religion it seemed to him essential to reject scepticism because a Christian must not only act on but also affirm the truths of faith, including speculative dogmas, and affirm them as being certain even in the face of insoluble objections from reason. In other practical matters, and in speculative philoso­phy, he rejects scepticism also, though outside religion he seems to regard it as a rather harmless error. Having accepted that in religion the truths of faith must be affirmed without conclusive evidence perhaps he saw no reason to withhold affirmation from probabilities in other matters. The distinction between certainty and probability is no longer important; certainty and evidence can be treated as the higher degrees of probability. At all events, while agreeing with the sceptics that all our judgments are fallible, he does not agree with them that wisdom requires that we affirm nothing that may turn out to be false. In all fields we should not only act on but also affirm (though perhaps not as certain, except for the articles of faith) whatever, after due in­quiry, seems true.
Since in his later writings he calls them 'evident' even while emphasizing that the maxims of reason conflict with one another as well as with truths of faith, what Bayle says about the 'natural light' in the first chapter of Commentaire philosophique perhaps should not be taken to mean that it is infallible. In his later writings he says that if scripture clearly teaches something contrary to some apparently evident maxim of reason, then we must believe scripture and reject the maxim as false (at least in that application). This position would allow a possible interpretation of scripture to be rejected because it is not a clear scripture teaching and conflicts with one of the maxims of reason, especially one of the more evident ones; it would not allow the simple argument that scripture cannot mean so-and-so because that would contradict some maxim of reason. The argument of the early sections of the Commentaire is not really inconsistent with this later position. Perhaps he had already worked it out but did not think it necessary to explain more of it than the argument required, or perhaps he worked out the rest later in thinking about the problem of the origin of evil. At any rate, persecution is not a clear teaching of scripture and moral principles are among the most evident of the maxims of reason. In the early sections of the Commentaire he does seem to say that there are infallible maxims of morality, mathematics and metaphysics. Perhaps he says this concessively, since his readers probably believed it, and their belief did not have to be challenged to argue the points he wanted to make, or perhaps at that time he believed it himself. In any case it is not an essential premise of his argument. He could have argued that the natural light, though fallible, is still a light, and the only light we have when scripture is unclear; and that therefore the interpretation of an unclear scripture text must not conflict with the more evident maxims of morality even if some of them may actually be false. It seems to me, then, that the development of Bayle's thought did not lead, or need not have led, to a repudiation of the argument of the early sections of the Commentaire philosophique.

'The fallible but absolute judgment of conscience' does not really take the place of the natural light; the two are complementary. Even if the natural light were infallible we would still have to make judgments of conscience applying the general maxims of natural law to particular cases, and such judgments have always been regarded as fallible. According to Bayle conscience is the touchstone of 'truth for me' in practical matters, but this does not mean that there is no difference between being right and being wrong, or that it is simply right to do what you think is right. He says it may be good to do what you mistakenly think is right, but by 'good' he means 'praiseworthy', and it is not contradictory to say that an act may be praiseworthy though it is not right. So whether the natural light is infallible or not, the judgment of conscience may be mistaken and yet 'absolute' in the sense that one must act on it, and the act may be good though wrong.

As for the suggestion that his growing scepticism reduces him in the end to the bare assertion that persecution is a crime, it must be said that he has an argument, in fact a number of arguments, to which the truth or falsity of fallibilism can make no difference. Unless people's consciences are often mistaken there will of course be no serious religious conflict, but how fallible we are is not otherwise a question that affects any of Bayle's arguments. There are defects in all of them, but the reciprocity argument, at least, could probably be repaired. In my estimation Bayle comes close to proving his main thesis, that persecution
is morally wrong. And he recognizes that this thesis and the propositions that those who mistakenly think they ought to persecute have a moral right to do so and that they should nevertheless be forcibly stopped are, all three of them, consistent with one another. His position on the rights of conscience is this: those who do what is actually wrong in obedience to conscience do not deserve blame or punishment and should not be tempted voluntarily not to do what they mistakenly think they ought to do, but the act should be prevented by other means if it threatens the rights of others; they have a moral right to do the wrong act, their effort to do it against opposition is praiseworthy, but others may have a moral duty to prevent their act even while honoring their conscientiousness.

ENDNOTES

1 I will refer to these works as 'CG', 'NL', 'CP' and 'S' respectively. They are found in Pierre Bayle, Oeuvres diverses (hereafter 'O.D.') (Hildesheim, 1965), vol. 2. Generally I will give page, column and line (not counting blank lines); '85b50' means vol. 2, page 85, right-hand column, line 50 (which begins 'L'Auteur . . .'). For other treatments of Bayle's views of the rights of conscience see W. Rex, Pierre Bayle and Religious Controversy (The Hague, 1965); E. Labrousse, Pierre Bayle (The Hague, 1963-4), vol. 2, chs. 18, 19; J.P. Jossua, 'Pierre Bayle, precurseur des theologies modernes de la liberte religieuse', Revue des sciences religieuses, 39 (1965), 113-57.

2 The critic is quoted at 218b43-53 (in section I all references in this form will be to NL unless something else is indicated.)

3 See the use of these terms in 218a32-3, 51-3; 219b23-8, 61, 66; 220a63-b3; 220b60-1; 222b66-7; and CP 434a33-5.

4 Or rather—since Bayle holds that earthly rulers might rightly risk injustices to private individuals for some social benefit (220b31-47)—those who have a moral right do not deserve to be punished for exercising it, though sometimes they may rightly be subjected to the injustice of undeserved punishment. Thus moral rights and legal rights may not coincide.

5 If there are rights which do not arise from duties Bayle never mentions them. He seems to think that we have such rights against one another as are necessary to perform our duties.


7 See 224b7-11, and compare CP 433a64-9.

8 225a39-40 (not absolutely); 218a51-2 (effectively); 220a4-9, 54-7 (relatively); 225a53-63 (wrongly acquired, unjustly exercised).

10 218a3-b8, 225a53-63; cf. CP 434a49-51. For the passage in Grotius to which Bayle refers see Hugo Grotius, *De iure belli ac pacis* (tr. F.W. Kelsey, Oxford, 1925), vol. 2, 643.

11 225a38-50. With respect to the doorkeeper those who lose their tickets lose their right and those who find them acquire the right (220a4-9, cf. 52-7), because the doorkeeper ought to exclude the former and admit the latter (219b23-8).

12 Writing of the thesis of *Nouvelles lettres* as if he were not its author, Bayle says, 'To say that the fraud acquires all the rights of a faithful messenger relatively to the servant to whom he presents the master's orders is an expression rather awkward . . . if the author means merely that the servant was obliged to receive the impostor, and could not do him the least harm without perfidy towards his master, then I altogether agree'; CP 433b60-434a5. So, simply stated, the meaning is that the person imposed on does wrong not to perform the seeming duty.

13 221a29-b29.

14 For a survey of Bayle's views on the eternal truths see Leibniz, *Theodicy* (London, 1952), 239ff; Bayle opposes what seems to be Descartes' opinion that God could have created an altogether different set of moral laws.

15 Similarly Malebranche envisages an infinity of moral truths of which only some are known to us; see his *Traite de morale* (ed. M. Adam; Paris, 1975), 19-20. (On Bayle's interest in this book see Labrousse, vol. 2, 261.)

16 Cf. CP 436a61-b25; CP 442b36-40; cf. 219b1-10. This is Bayle's version of the traditional thesis that legislation, including the moral law, does not bind unless it is promulgated. Cf. Thomas Aquinas, *Summa theologiae*, 1-2 q90 a4. Discovery by use of the 'natural light' counts as revelation; see CP 370a43.

17 ' . . . this man in commune over which we wearied ourselves when they explained those universals', 221a71-b1; cf. E. Gilson, *Jean Duns Scot* (Paris, 1952), 84ff.

18 222a9-20.

19 221b33-67.

20 222b63-223b29, 224a57-225a32. The point in Bayle's terms is that the condition is not merely a *conditio sine qua non*, but the 'whole foundation and essence' of the rights of truth, the essence being the attribute which is necessary and sufficient for the thing to be what it is; see 222a52-b22.

21 223a38-40, 58-69.
22 225a15-20.

23 226b49-64. See above, text to notes 8-10.

24 CP 434a5-18.

25 See S 500a30-40 (that error acquires the rights of truth means that those who believe it have the obligations they would have to truth).

26 For stages 1-3 see 422b45-425a64 (references in this form will from now on be to CP unless something else is indicated).

27 See Commentaire philosophique, part 2, chapter 10.

28 See Supplement, chapter 3.

29 See Commentaire philosophique, part 2, chapter 10; and Supplement, especially chapters 10-19 and 22-3.

30 In scholastic terminology 'physical' did not always imply 'material'. Sometimes the contrast is with 'immaterial' but with 'free'--the physical is what comes about not by free choice but by nature. Sometimes the contrast is between 'physical' and 'objective' being--see next note.

31 Bayle's theory of morality is discussed in more detail below (from note 45, and again from note 85). 'Objective' is used here in Descartes' sense; see The Philosophical Works of Descartes, tr. E. Haldane and G.R.T. Ross (New York, 1955), vol. 1, 162. See R. Dalbiez, 'Les sources scholastiques de la theorie cartesienne de l'etre objectif', Revue d'histoire de la philosophie, 3 (1929), 464-72; N.J. Wells, 'Objective Being: Descartes and his Sources', The Modern Schoolman, 45 (1967-8), 49-61. Mental acts and dispositions also have 'physical' being (428a38-46); this is equivalent to Descartes' 'subjective' being (i.e., being in a subject) as modes; cf. Descartes, loc. cit., and see vol. 2, 157.

32 On belief see below, at note 98.

33 On the similar Stoic doctrine see Cicero, De Finibus, III.xii.41ff. An­

34 seln said that the annihilation of the whole universe would be less evil than any sin; Cur deus homo, I.21. More recent philosophers say that moral reasons are conclusive or overriding.

35 422b45-423a7, 424a34-42, 425a59. To despise what one believes (even mistakenely) to be God's will is to despise God; cf. 432b37-40.

36 425a47-64, 425b19-22. Contrast the law against murder, from which dispensation is possible; 433a5-20. Cf. 374b13.

37 424a8-9, 21. The argument could be recast to do without this suppo­

38 sition.

39 Precipitation and mistake of means, if they are moral evils, are much less than the evil of disobedience of conscience; 424a71-b5. They are not moral evils; see below, at notes 88 and 89.
Since this case, in which the person who obeys conscience mistreats someone else really deserves good treatment, is the one in which the thesis is most improbable, we can conclude universally that to avoid the greater evil we must always obey our consciences. What if it were a case of executing someone mistakenly believed to be a criminal? Would the moral evil of disobeying conscience outweigh the 'merely physical' evil of that person's death? Bayle would presumably say, Yes, which would be implausible. The argument from the beggar example perhaps tacitly relies on the idea that one can be expected to put up with a certain amount of ill treatment.

Jansen and Arnauld did not regard errors of faith as errors of law (which they took in this context to mean natural law), but still they denied that ignorance of faith excuses wrongdoing. They held that ignorance of truths of faith is a punishment for Adam's sin, and for that reason no excuse for resulting sins; see my paper, 'Antoine Arnauld against Philosophic Sin', Philosophy Research Archives, 9 (1984) (referred to hereafter as 'Arnauld') at notes 118-20, 130-1.

42 Compare Thomas Aquinas, Summa, 1-2 q19 a6, and see 'Arnauld' at notes 138-9. Bayle sees that the propositions that it is wrong not to obey conscience, and that it is not wrong to obey it, are not equivalent. See 427a32-41, 430a19-23, 433b26-41.

43 The argument presented above in section I, from Nouvelles lettres, already implies that an act done in obedience to erroneous conscience is not a sin; the arguments presented in this section, from Commentaire philosophique, are another way to the same conclusion.

44 'As good as' presumably implies that some acts done in error may deserve praise and moral credit; this is not an implication Bayle draws out, but see S 508b4, 17, 39, 57-8. The most that traditional scholasticism would concede is that some wrong acts done in error may be excused, not that they might deserve praise; see below, note 51.

45 Commentaire philosophique, part 2, chapter 9.

46 The proposition that moral merit and demerit depend on free choice, and the scholastic theory of the voluntary and involuntary in human acts, seem to have been common to most schools of thought at the time, Protestant as well as Catholic; see S 524a8-10, S 536b41. Bayle attributes to many Protestants a position on freewill and grace which is like the Jesuits' doctrine of sufficient grace: S 547a12-20. Jansenists agreed that moral merit depends on free choice, but said that right choice is possible only with grace which is given only to some; see 'Arnauld' at notes 112-3. On the reconciliation of the doctrine of predestination with philosophical morality see 439a37-b9.
finds no opportunity to lie with the wife of another, but . . . would if he got the chance, he is no less guilty than if he were caught in the act'; De libero arbitrio, I.iii.8. According to Thomas Aquinas the external act is not morally indifferent ('the interior act of will and the external act, as considered morally, are one act'), but if completion of the act is prevented by some chance that makes no difference to the praise or blame due; see Summa, 1-2 q20 a3 and a4. In effect, Bayle takes the view that completion as much as non-completion is a matter of chance, since it always depends on other factors besides the agent's choice, so that the external act never makes any difference to the praise or blame due.

49 428a38-46, 428b13-21; S 537a56-61. The reference to Thomas Aquinas at 537b1 is incorrect; presumably it should be to Summa theologiae 1-2 q19 a2. When St. Thomas says ex objecto he does not imply objective. He means by 'the object' either the consequence of the external action or the things which the action affects—'the subjects to which it tends' in Bayle's phrase—which may not be what the agent has in mind. See Summa, 1-2 q18 a6, where he distinguishes the object from the agent's end, and says that the external act gets its species ab objecto circa quod est, which gives the person's act its moral species 'materially'. In 1-2 q18 a4 he says that for an act to be morally good it must be good in its end and in its object.

50 428a48-51; 428b2-3; 429b4-11; S 526b67-70; S 529b33-5, 54-7.

51 See above at note 31. All this shortly became controversial. Some Jesuits had said that an act is not blameworthy unless one knows that one is doing something wrong. In 1690 Arnauld attacked them, and restated the traditional Augustinian thesis that it is enough to know what one is doing ('sacrificing this child to Moloch'), even if one does not know that such acts are wrong. See 'Arnauld', text at notes 12, 26, and 92. Jurieu saw that Bayle's theory was like the Jesuits', and that it went further: 'Clearly the author of Critique generale must have learnt his abominable moral theory during the three years he spent with the Jesuits of Toulouse . . . Whoever compares what has been said about the philosophic sin of the Jesuits and the effects of good intention according to them will see a perfect resemblance between the doctrine of the pupil and that of his masters. Except that the disciple goes further than his masters. For I know of no Jesuit who has dared to say that a man who commits a parricide with a good intention does an act which is praiseworthy . . . '; P. Jurieu, Courte revue des maximes de morale et des principes de religion de l'auteur. . . de la Critique Generale. . ., 1691. Bayle followed Arnauld's controversy with the Jesuits, and decided that as far as philosophical reasons go the Jesuits were right, but that their doctrine conflicts with scripture (another case of conflict between faith and some maxim of reason). See his Continuation des pensees diverses, O.D., vol. 3, 394-5; Reponse aux questions d'un provincial, ibid., 782; and Dictionnaire historique et critique (Paris, 1820), art. 'Lugo', rem. G, vol. 9, 537 (natural ideas clearly imply that an action is not morally good or bad unless one knows whether it is good or bad).

52 What deserves praise or blame, the act, the disposition that prompts it, or the person who does it? In my opinion men and women are praised or blamed for acts, and respected or not respected for their dispositions. According to Hume we praise or blame acts, and 'the ultimate object . . . is the motive that produced them', the action being relevant
merely as a sign of the disposition (see D.D. Raphael (ed.), *British Moralists* (Oxford, 1969), sections 512 and 628). Bayle may also have thought this, but I think he thought rather that the object of praise or blame is the act of the will, and that the quality of a choice is most easily conveyed by reference to the disposition to make such choices. For examples of judgment by reference to dispositions see NL 220b11; 424a16-25; 37-42, 56-61; 428a51-3; 468b17-24. Sometimes Bayle puts it in terms of the dispositions God 'sees' in the soul: 425b63-5, 425a25-9, 428a56; 432b31-44, 61-8.

S 529b3-9; S 537a1-61 (a miser who loves fake gold pieces loves gold; a lover of ancient medals, or of beauty, who has poor judgment really loves these objects). It seems strange to say that someone loves X if he loves Y because he thinks it is X—in fact he loves Y. The disposition manifested in the choice is the same, and that, in Bayle's view, is apparently what reveals the moral value of the choice.

S 529b10-12; S 529b17-8, 42-4, 70-a5; S 533a31-36 (leave the man altogether the same, and substitute the truth in place of what he loves which is false and he will love this object as he loved the other). Cf. text to note 22 above.

Utilitarian considerations are relevant to human judgment, but God judges by real intrinsic value. Human judges cannot search the heart and are concerned chiefly to repress harmful consequences: 432b5-15; S 517b21-9; NL 220b31-47. Compare Peter Abelard, *Ethics* 39-45. See above, note 4.

Commentaire philosophique, part 2, Chapter 10.

434b6, 11, 56, 61-5; 435b59-63; S 509b10-13.

437a24-7 and 69-72; 436b42-71.

435b20-435a27 (a king who commands his judges to punish the guilty and acquit the innocent obliges them to behave thus to those who seem guilty or innocent, and the judges are not to blame if, after proper inquiry, they acquit some who are really guilty and punish some who are really innocent); S 516a52-517a31 (the judges are not to blame, just as physicians are not to blame for killing some of their patients); S 509b42-510b6.

S 509a29; S 509b61-2; S 510b55-6; S 511a37; S 513a52-65; S 513b36 and 46.

392b1-31; 434b5-435a65.

434b40-6.

437a2-13; 437b54-438b43. Grace does not provide any criterion; 439a9-32, and Supplement, chapter 23. God can give inspirations together with the certain knowledge of being inspired by God, as he inspired the prophets; 454a7-20, S 545a27-35. But ordinarily grace is 'imperceptible', 'unknown', 'invisible'. See S 545a18-22, S 54514-9.

434b3-17; 435b6-19.
Their act is good if it is done in obedience to conscience. But Bayle thinks that the belief that one must persecute is unlikely to be held in good faith, especially by those who act on it and find themselves doing things which they must know are wrong; see 540a7–33.

"God has imposed on us a duty proportioned to our power, namely to seek the truth, and to take our stand on what seems true after sincere inquiry, to love this apparent truth, and to rule ourselves by its precepts however difficult they may be; 437b38-45. Cf. 436b30–5; 437a18–24; 438b48–51, 62–66; S 503a46–52. Similarly Malebranche says that 'love of order' (i.e., of the system of truths of practical reason) is the fundamental, indeed sole, virtue; see op. cit., 19, 24, 28.

This is less exacting than what Thomas Aquinas says in Summa, 1–2 q6 a8 (intended I think as a definition not of negligence but of a wider category of culpable ignorance), namely that ignorance is voluntary if there is something we ought to know and could find out (whether we know that this is so or not); see 'Arnauld', note 136.

See above, note 16.

For a forceful Humean attack on conscience as an infallible agency distinct from the person see J.F.M. Hunter, 'Conscience', Mind, 72 (1963), 309–34. Other recent writers say that conscience does not make judgments but merely enforces them. 'Conscience is not a special unerring faculty for making ethical judgments. . . . One's conscience is a sanction against doing what one believes to be wrong. . . . '; C. McGuire, 'On Conscience', Journal of Philosophy, 60 (1963), 259. 'Conscience . . . does not tell the agent what is right or wrong . . . either in individual concrete instances or as a matter of principle . . . The role of conscience is purely and simply to "enforce" our moral knowledge or belief'; P. Fuss, 'Conscience', Ethics, 74 (1963–4), 116–8. Bayle does not think that conscience is infallible; his whole discussion is about erroneous conscience. In my view conscience not only enforces but also judges. 'I told myself . . . ' does not imply a speaker distinct from myself, and neither does 'My conscience told me . . . '. That one can have a dialogue with oneself is perhaps puzzling, but it is a fact. What Bayle says about conscience is consistent with this view. 

On the lack of any general criterion see text to note 63 above. On mathematical and metaphysical certainty see 437a6, 437b58–60.

There are self-evident general moral propositions; although Bayle does not actually say so, he seems to hold that they are as evident and certain as the propositions of mathematics. See 368b47–55, 369a9–13, 370a35–43, 370a59–b1. But a judgment of conscience is not a universal proposition but a judgment of the rightness or wrongness of some particular act, and for such judgments there is no criterion.

On suspense of practical judgment see NL 226b9–16, NL 228a15–51, 427a47–b21, 436a28–41, 440b63–441a21.
For the terms 'true for me' and 'relative truth' see NL 219a2-32. According to Bayle these are scholastic expressions which mean simply what seems to me to be true; NL 219a32-8.

Bayle suggests an analogy between his doctrine of conscience and Descartes' doctrine of sensation: just as sensation is given not as a means to absolute truth but only to preserve the composite of body and soul from death, so conscience is given not as a means to absolute truth but to preserve the soul from damnation; see Descartes, op. cit., vol. 1, 193-4, and compare 440b12-40, 441a46-57.

By 'fallibilism' mean that any proposition which seems true may actually be false, by 'scepticism' that one should always suspend judgment, by 'relativism' that two people (for example, from different cultures) may make assertions which negate one another and both be right. Fallibilism does not imply scepticism except on the assumption that we must suspend judgment except where there is no possibility of error, which is not true. On fallibilism see R. Chisholm, 'Fallibilism and Belief', in P. Wiener and F. Young (eds.), Studies in the Philosophy of C.S. Peirce (Cambridge, Mass., 1952), 93ff. For Bayle's fallibilism see above, note 63. See also 377a34-b16 (We all know by experience that we are prone to error, and see (or think we see) the falsity of much we used to think true; this gives rise to a general mistrust of our present opinions, which—even before we have any particular reason for doubting—ought to make us ready to listen, for example, to missionaries from Australia (on the strange beliefs of the Australians see Dictionnaire, art. 'Sadeur')); and 414b39-65.

It is sometimes permitted to have zeal for opinions one has not examined'; NL 226b35-44 (not ironic, I think). See below, at note 121.

Although God is content that each, after searching for truth as well as possible, should stand by what seems true, he means and intends that one should correct oneself if possible, and to correct others as well as possible by reasons if they have not made too happy a choice.

Or 'involuntary', 'invincible', 'sincere' or 'in good faith', expressions Bayle treats as equivalent. For examples of his use of these terms see 427b30; 430a69-b2; 435b13-15, 30-31; 437b42-3; 438b63.

Physical results are morally irrelevant; see above, note 48. Anything that depends on luck is morally irrelevant: S 529b41-57, S 543a56-b5 (heaven is not won at cross and pile), NL 226a51-5. (Contrast Bernard Williams, Moral Luck (Cambridge, 1981), 20ff. Bayle would surely deny Williams' claim that a decision made by an unjustifiable process of deliberation can be justified by a successful outcome—see note 122 below.)

Compare Aristotle's notion of a chance event as one of a kind that could have been intentional, but was not, being (under the description suggesting intention) produced by some cause per accidens; Physics, 197a5-8. On the conception of a moral good see above, at note 31.

Occasionally Bayle says that acts done in accordance with conscience may be sinful; see S 498a22-32. His principles really imply that such an
act cannot be a sin, even if there is culpable error. I suspect that he did not himself consistently see this implication, but his main line of argument does not depend on it—for that it is enough that heretics should think themselves obliged to persecute.

84 Bayle does not say this explicitly, but it seems reasonable to attribute it to him in view of S 524a4–7 and S 536a71–b3, and the general uniformity of his treatment of the morality of mental acts with that of acts of other kinds (see, for example, 442a31–44).

85 See above, text after note 45.

86 443b20–1.


88 S 533b46–34a37.

89 S 532b29–32; S 531b20–21; 442a31–2; 536b44–9.

90 442b51–3. Others held that we are responsible for acts which we cannot help doing, given our present dispositions, if those dispositions were formed by acts we could have chosen not to do (whether at the time it occurred to us to choose or not). See Aristotle, Nicomachean Ethics, III.5.

91 See above, note 67.

92 S 534a27–37.

93 Bayle holds that belief is voluntary not directly but indirectly, inasmuch as various voluntary acts and omissions may result in belief; see 385b35–36b24, 418b2–3, S 520a42–b18. From the argument for point (5) above it would then follow that error itself is never culpable, but only certain acts and omissions of negligence or self-deception, which are culpable whether or not the resulting belief is erroneous: the error stands to those acts and omissions as acts done in error stand to the error. But not even acts which produce beliefs, insofar as they are the unavoidable results of certain dispositions (laziness, envy, etc.), are culpable, but only the acts or omissions from which those dispositions result (cf. note 90 above). We deserve credit or blame only for original acts of free choice done with awareness of their moral quality. Bayle does not draw these conclusions, but they seem to follow from his premises. See Arnauld', note 74.

94 S 528a68–71. Arnauld also thought that naturally necessary acts cannot be morally good or bad; see 'Arnauld' at note 115.

95 S 527a29–36, b32–45.

96 S 526b1–5, 29–35; S 526b63–527a1; S 528a17–23, b21–24. Bayle seems to think that the mere personal influence of parents and others is an original source of beliefs. Contrast Hume's opinion that trust in testimony is the result of experience; see 'Of miracles', in his Inquiry Concerning Human Understanding.
97 396b26-35; 397a3-44; 442b42-6; 443b17-216 ('It is not for being more intelligent . . . but for the stronger intention of using all one's forces to know and do what God wills'); S 532a13-6, 23-25.

98 S 531a41-51, 69-b3; S 532b4-7, 43-6; S 533a56-b32.

99 Perhaps he should say: for the previous choices which fostered or weakened such zeal. See above, note 93.

100 527a54-b25.

101 527b53-7 (no less sin in propagating orthodoxy believing it heretical than vice versa); 532b58-533a16 (remaining in true religion from bad motives as bad as remaining in false religion from those motives).

102 430a24-b37.

103 430a10-18, S 511b54-67 and note, S 517a41-b3.

104 437a2-6, b57-60; 438a54-b4.


106 Supplement chapters 10-12 illustrate the difficulties with a survey of the disputes among the various parties of Catholics and Protestants. Cf. S 542a64-543a31.

107 S 514b17-20 (almost all Christians suppose that our ignorance is due to sin).


110 S 526b28-63, S 528a10-16.

111 437a53-72, S 534a41-66, S 514b20-515a6.

112 S 526a28-b39. Religious belief is mostly due to 'the imperious force of education'; S 525a17-32, S 522a37-40, S 526a11-17, S 543a20, 440a33-60 (if we had been born in China we would all have followed the Chinese religion; if the Chinese had been born in England, they would all have been Christians).

113 439b29-36, S 534b69-535b2.

114 S 548a63-b22; Dictionnaire, art. 'Synergists', rem. B, vol. 13, 313.

115 440a1-32 (not even the devil can doubt what he believes God has affirmed).


118  438a32-b26; S 521a4-b10; 499a15-26. See Dictionnaire, art. 'Nicolle', rem. C, vol. 11, 141-6. NL 334a33-b5. This dispute encourages pyrrhonism and religious indifference: NL 334b9-15; S 499a25-6; art. 'Nicolle', 145.

119  S 524a30-525a51.

120  396a38-b21.

121  S 525b53-66, S 528b56-529a68, S 532a32-61, NL 249b2-43. Parents and ministers do not encourage critical examination; see S 530a6-b2, S 532a62-7, S 547a41-b8.

122  On temerity see 378b62-379a2, S 544a39-60, S 545a1-4, S 545b67-546a36. According to 'philosophical minds' the proper use of reason requires suspense of judgment until indubitable evidence forces assent: Dictionnaire, art. 'Nicolle', 145. Bayle does not agree with this (although he thinks there should be a proper inquiry—it is not good enough to be right by chance; see 435b24-31, 544a52-65). And he may not agree with the proposition that what is false cannot be (seem?) evident; see R.H. Popkin, 'Pierre Bayle's Place in 17th Century Scepticism', in Paul Dibon (ed.), Pierre Bayle, le philosophe de Rotterdam (Amsterdam, 1959), 1-19.

123  S 530b58-531a40, S 534b1-53.

124  438a45-55; S 533b33-44, S 544a69-b12; cf. S 542b19-37. See above, notes 70 and 73. See also NL Letter 12 (especially 244a41-b19, 245a62-b17, 245b30-44), directed against Arnauld (see his Oeuvres (Brussels, 1967), vol. 14, 711-23). In this letter Bayle argues that we may have to judge people's motives without certainty, and generalizes to the conclusion that Descartes' rules are not applicable outside speculative philosophy. Descartes and the ancient sceptics would have agreed that in practical matters one must act on propositions which are uncertain.

125  Christians have traditionally held that faith is certain, and that faith includes speculative truths; recently Nicolle had said that choice of religion requires the certainty of evidence (see above, note 122). Bayle accepted that faith includes speculative elements and that it is a kind of certainty (Dictionnaire, art. 'Pyrrho', rem.B, first paragraph, vol. 12, 101), but not that it requires indubitable evidence. On this see NL 334b30-55 and Dictionnaire, art. 'Nicolle', rem. C, 145-6. The dispute over the rule of faith (see above, note 118) leads to religious scepticism only on the assumption that the right use of reason requires that a religious commitment must be based on evident certainty. Bayle presents the dispute over the rule of faith as an antinomy that can be resolved only by adopting his view that in moral and religious matters conscience is a sufficient guide; see 438a47-52 and b44-51, and S 499a28 ('it is necessary to come over to my system').

126  Supplement, ch. 24.

127  See above, note 63. Conversely, having true beliefs is no assurance of grace, since it is possible to achieve probable knowledge of religious truths ('historical faith') without grace: S 543b27-544a28.
The main passages relating to this argument are: CG 87b28-88a11, CG 94a22-b2; 375b66-376a72; Commentaire philosophique, part 1, ch. 10; 425a65-427a41; 434a59-435b19; Commentaire philosophique, part 2, ch. 11; 461b8-36; Supplement, chs. 1, 2, and 20.

Bossuet, then bishop of Meaux, preached a sermon on this text 'according to the principles of St Augustine' in the presence of the king shortly after the revocation of the edict of Nantes. The sermon, not now extant, is said to have made a great impression. See Jacques Truchet, La predication de Bossuet (Paris, 1960), vol. 2, 46. On the influence of Augustine see Jean Orcibal, Louis XIV et les protestants (Paris, 1951), 114-5; the pamphlet La conformité... mentioned there is the source of the passages from Augustine which Bayle discusses in CP part 3. For passages from Augustine on 'compel them' see Joseph Lecler, Toleration and the Reformation (London, 1960), vol. 1, 57-9. The most striking of these passages are not among those quoted in CP part 3, and none (I think) is quoted in Arnauld's Apologie pour les Catholiques, Œuvres (ed. cit.), vol. 14, 71ff. Perhaps Bossuet's sermon was Bayle's target.

'We can coerce you because we are in the right, but you cannot coerce us because you are in the wrong': Bayle calls this the 'perpetual motion machine' - every time it is knocked down it rises again. See S 506a46-50, S 507b20-9; 359b32-35; 389b13-20, 392a19-23; 421b40-57; S 539a19-36. For illustrations see the passages quoted from Augustine and Bayle's comments in part 3, chs. 12, 20, 32, 33.

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34

140 391b59-67 (true Christians could not justly blame their persecutors, or expect them to stop). See above, text to notes 3 - 7.

141 Part 2, ch. 10 and 443b36-58 (see section III above); Supplement chs. 3-20. In Supplement, chs. 5-7 (and cf. chs. 9, 22) Bayle examines the responsibility of each functionary, supposing the ruler entrusts the coercion of heretics to officials, as he can rightly do, and argues that provided all act with due care and in good faith neither the ruler nor his judges nor their theological advisors are to blame if the wrong people are coerced. He concludes (S 513a19-34) that if all these functions are carried out by one person that person is not to blame. Only God, if he had commanded persecution, would be responsible for persecution of the truth. (See above, note 135). Heretic persecutors acting in good faith are blameless, and may even deserve praise (see note 44 above).

142 361b13-38.

143 CG 88a8-11 (a sort of Law of Nations should be established among religions, to which the true religion should be subject as much as others); 444b9-15 (if the true church had a right to persecute it ought to lie forever dormant).

144 CG 93b66-94a3; 376a57-60; S 506b20-58. In CP part 1, chs. 1-3 Bayle argues that the interpretation of scripture must be guided by natural law, and that persecution is contrary to natural law and to the spirit of the Gospel.

145 435a33-9, 391a64-b7.

146 NL 227a66; 391b4, 64; 392a30-37; 397a70-b7; 421b14-16; 422a22-3; 467a23-4; S 507a29-50. The principles are common in the sense that they are to be accepted by all parties and applied in the same sense, so as to give the same practical conclusions. Appeal to principles which are not common is a petitio principii.

147 Bayle thinks that God may on occasion suspend even fundamental moral rules, except the rule (equivalent to the basic commandment) that one must do what one believes is one's duty; see above, note 36.

148 430b42-8; 60-7; and see above, text at note 141.

149 S 539b43-65; S 540a7-33.

150 430b69-431a2; S 540a34-52; and see above, note 78.

151 See above, text after note 6.

152 See above, note 134.

153 Bayle says that since the 'compel them' command is general, it derogates from every moral rule if from any; 402b14-7. But a command or rule may be general in the sense of indefinite or vague, leaving it undecided how other rules are limited.
384b6-385a18. If a community does provide for the enforcement of religion it is on the rash assumption that they will never change their minds. Such engagements are ultra vires: 384b45-66.

496a12-41. That the will cannot literally be forced was a Stoic commonplace. See Augustine, De Civitate Dei, V. 10, and compare I.19, on rape.

382b39-48 (that of tempter is one of the Devil's most odious qualities); 362b63-67; 406a25-62; 406b6-9, 55-63, 409a61-b15 (to offer heretics a pardon is worse than remorseless killing, because it tempts to religious hypocrisy (the worst sin—cf. 379b9-11)); 425b67-71.

157 During the eighteenth century English dissenters and Whigs extended the terms 'persecution' and 'punishment', and 'liberty of conscience' until even quite incidental temptation, anything that would make membership of one sect more or less eligible than membership of another, could be represented as a violation of liberty of conscience. The interpretation of the First Amendment of the U.S. Constitution has been influenced by similar ideas.


159 'Whatever a company of people gathered together may judge tending to the public good... that they have liberty to do, so long as it is not sinful, and they may put this into the ministerial power, to attend to it... [including] what may be done in a lawful way for the preserving of their religion as well as for the feeding of their bodies'; Philip Nye, in A.S.P. Woodhouse Puritanism and Liberty (London, 1951), 159-60. Cf. Locke's antagonist, in Locke, A Second Letter Concerning Toleration, in his Works (London, 1824), vol. 5, 11.

160 Locke for example, held that only the magistrate and his agents may use force, and that whatever the magistrate does qua magistrate is done by coercive means. See Letter Concerning Toleration, in his Works (ed.cit.), vol. 5, 11-12, 16, 17, 23. This view was common among Dutch Protestants in the 17th century; see D. Nobbs, Theocracy and Toleration: A Study of the Disputes in Dutch Calvinism from 1600 to 1650 (Cambridge, 1938), 256-7.

161 'The civil authority is the keeper of the whole law where outward discipline is concerned. Just as it prohibits and punishes by force murder, theft, and similar offences against the second table of the Ten Commandments, so it must, all the more, prohibit and punish outward offences against the first table, that is, the worship of idols, blasphemous doctrine, perjury, and open profanation of divinely instituted ceremonies'; Melanchthon quoted in Lecler, op. cit., vol. 1, 246 (and see 156-7, 245-8). Cf. Calvin, Institutes of the Christian Religion, tr. J.T. McNeil (Philadelphia, 1950), 847, 1495.

162 'The law-maker hath nothing to do with moral virtues and vices, nor ought to enjoin the duties of the second table any otherwise than barely as they are subservient to the good and preservation of mankind under government. For, could public societies well subsist, or men enjoy peace or safety, without the enforcing of those duties... the law-mak-

163 408b41–53 (punishable as felony and sedition, not as a sin against moral and metaphysical obligation; Gospel precepts are not political laws except those without which human society could not subsist); 412a13–43; 416b61–417a3; 418a18–24; S 559b66–560a7.

164 408b54–63 (the sovereign does not lose the power to punish murder even if it is done in obedience to conscience); 431a8–17 (the ruler need consider conscience only when public peace is not at stake); 433b12–18; NL 220b31–38 (the aim of human justice is the welfare of society, and it does not always examine whether those punished deserve it). Cf. Locke: '... such a private person is to abstain from the actions that he judges unlawful; and he is to undergo the punishment, which is not unlawful for him to bear [whether it is deserved or not]; the private judgment of any person concerning a law enacted in political matters, for the public good, does not take away the obligation of that law, nor deserve a dispensation'; Letter Concerning Toleration, 43. Cf. his Essay on Toleration, 178–9.

165 412a19–28 (a sect which breaks the bonds of society ought to be exterminated); 431b43–52 (in such cases the sovereign does not consider the claims of conscience); 416a43–6.

166 378b24–47; 379b42–6.


168 468a43–64 (this is the great and capital reason which puts a difference between civil and religious matters, with respect to the sovereign's jurisdiction); 417a4–18; 432a26–36. Bayle takes seriously the objection that the judges should not punish those who 'only do their duty' in obeying conscience; cf. 432a20–3.

169 428b37–66; 429b25–9; 472b61–493[sic]a5; 379a55–60, b7–12; 409a10–19.

170 God alone is the searcher of hearts: 395b46–7; S 514a54–65; S 517b9–33 (that is why ignorance of law does not excuse at human tribunals, but does at God's). This reason was commonly given for restricting the ruler to outward matters. See Luther, Secular Authority, in Works (Philadelphia, 1915), vol. 3, 253; Hobbes, Leviathan (Harmondsworth, 1968), 501, 576; Grotius, op. cit., II. iv. 3, vol. 2, 221; Nobbs, op. cit., 78–9. See above, note 55.

171 See above, note 4. This contradicts the claim that moral evil always out-ranks physical evil; see above, note 33.

172 426b15–59; 430b60–67.

173 Cf. text and note 155 above.
174 411b54-5; 412b5-6; 413b2-13; S 560a50-52. The term 'partial toleration' was used by William Paley for unmolested profession and exercise of religion, but with exclusion from positions of trust in the state; see U. Henriques, *Religious Toleration in England, 1787-1833* (London, 1961), 69-70.


176 431a34-42. Some held that atheists have no conscience. Bayle does not seem to mean this (422b56 allows that atheists may have consciences), but rather that an atheist cannot claim that his conscience represents any authority greater than that of human laws; cf. 431a46-7.

177 431a24-30. Bayle is not being altogether frank: he did not himself believe that atheism undermines the foundations of society. See *Pensees diverses a l'occasion d'une comete* and *Continuation*, D.D., vol. 3, 75-122 and 351-71.

178 358a52-61.

179 361a14-43; 412b53-413a2.

180 361a10-16 (the false religion of the papists, considered simply as false, is not a just reason for laws against them); 412a47-9; 412b43-8.

181 361a66-b12; 385a25-37; S 560a21-7; cf. *Avis*, 612a20-56.

182 359a9-13 (no reprisals); 412b14-26; 414a47-58 (public display not essential to religious liberty).

183 361a3-8; 412b26-37.

184 Rex, *op. cit.*, 181-5.

185 Cf. 377a38-40 (everyone on growing older sees, 'or believes he sees', the falsity of many things he had believed).

186 See above, note 76.


188 Every time Bayle mentions scepticism ('Pyrrhonism') he dissociates himself from it. Perhaps he was being disingenuous, but let us try the experiment of taking him literally. See EMT 42a61-b39. ('EMT' refers to *Entretiens de Maxime et de Themiste*, O.D., vol. 4; 'RP' will refer to *Reponse aux questions d'un provincial*, O.D. vol. 3.)

189 Religion requires not the certainty of evidence, but an absoluteness of commitment going beyond evidence. See above, note 125. Compare Thomas Aquinas, *De Veritate*, q14 a1. This is not necessarily fideism, as I understand that term. The fideist rejects reason because it conflicts with faith, or at least is ready to reject it if it does. Bayle thought that faith and reason are at many points irreconcilable, and that in those cases faith must be preferred; still, he thought that reason approves the commitment of faith (see RP 767a38-43, RP 770a26-42), and that faith does not demand that reason be rejected altogether (EMT 44b20-49, EMT
It is not clear that he was ready to abandon reason if he had come to think that a choice must be made. On the other hand, I do not think that he eventually abandoned faith and that his later expressions of adherence to Christianity are ironic. I believe myself that the conflicts between faith and reason which Bayle presents are so severe that a choice must be made and that one must choose reason, but I do not think he saw it that way.

The point of emphasizing these conflicts is, I believe, to highlight the nature of faith and the kind of commitment it demands, not to 'ruin' reason or insinuate scepticism. Note that it is not Bayle himself who says he erects faith on the ruins of reason, RP 836b13, 41-57.

The best analyses known to me of Bayle's position on these topics are C.R. Brush Montaigne and Bayle (The Hague, 1966), 299-305, 315-320, and E.D. James, 'Pierre Bayle on Belief and "Evidence"', French Studies, 27 (1973), 395-404. Brush calls Bayle a sceptic, but I prefer a narrower use of the term. To say that any judgment may be mistaken is not the whole of scepticism in the classical sense.

Perhaps they only seem to conflict; EMT 47b47-48a4.

RP 763a34-9; RP 770a52-b8.

RP 765b6-22; RP 767a18-31.

Notice in CP part 1, chapter 1, the rejection of the position of Socinians (third paragraph, 367), and the acknowledgement (368b47-8) that the principle that interpretation of scripture is to be guided by the natural light may require qualification (though not with respect to moral principles - this is a point on which Bayle changed his mind). He gives examples of the more evident rational principles with which scripture interpretation must not conflict (e.g., third paragraph, 367), as if ready to concede that there may be others less evident which revelation may set aside. Part of his later position on the relation of faith and reason is outlined in part 1, chapter 1, at 370al-18.

The 'compel them' text occurs in a parable, and this interpretation is against the general spirit of the gospel; see CP, part 1, chapter 3.

See above at notes 71 and 72.

Already in part 2 (which I suppose was written not long after Chapter 1 of part 1) he remarks on the conflict of maxims of reason with faith and with one another. See 407a26-30, 415a41-b4. And see in the Supplement, written later, S 522b47-523a8, S 546a55-b64.

See for example Thomas Aquinas, De Veritate, q16 a2.
See above, text after note 78. For criticism of the view that it is right to do what you think is right see B. Cohen, 'An Ethical Paradox', *Mind*, 76 (1967), 250-9; C.R. Kordig, 'Pseudo- Appeals to Conscience', *Journal of Value Inquiry*, 10 (1976), 7-17; J.T. Wilcox, 'Is it always right to do what you think is right?', *Journal of Value Inquiry*, 2 (1968), 95-107; T. Govier, 'Is Conscientiousness Always—or Ever—A Virtue?', *Dialogue*, 11 (1972), 241-51; and D. Goldstick, 'Immorality With a Clear Conscience', *American Philosophical Quarterly*, 17 (1980), 245-50. The difficulties raised in these articles against positions which might seem like Bayle's do not really touch his position, since by 'good' he did not mean 'right'. 