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# The Coherence of Bayle's Theory of Toleration

JEAN-LUC SOLÈRE\*

**ABSTRACT** Many commentators argue that there is a flaw in Bayle's plea for tolerance: the so-called "conscientious persecutor aporia." In order to show the wrongness of persecutions, Bayle appeals to the primary ethical imperative of obeying the "dictates" of one's conscience. It is wrong to oblige others to do something that their conscience judges to be bad because it obliges them to do something immoral. But if the integrity of conscience should always be respected, it seems that, as a consequence, one must not stop fanatics whose consciences order them to persecute dissenters. Therefore, Bayle's theory appears to justify intolerance. However, I demonstrate that there actually is no "conscientious persecutor aporia." The semblance of an aporia results from 1) a confusion between two steps of Bayle's argument, and 2) errors in interpretation of his moral philosophy—specifically, the conditions for an action to be good and the nature of conscience.

**KEYWORDS** Pierre Bayle, tolerance, conscience, ethics

PIERRE BAYLE'S TREATISE ON TOLERANCE is a landmark in the birth of the modern mind. Written shortly before Locke's *Letter on Toleration*, it advocates full toleration of all religious beliefs, not by reduction to the lowest common denominator, but rather because of the moral evilness of persecutions and forced conversions.

However, many commentators believe that there is a flaw in Bayle's theory: the so-called "conscientious (or sincere) persecutor aporia."<sup>1</sup> In order to show the wickedness of persecution, Bayle holds up conscience as an apparently absolute, inviolable principle. As we shall see, the primary ethical imperative is to obey

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<sup>1</sup>E.g. Rex, *Essays*, 178–83; Kilcullen, *Sincerity*, 91–92, 98–99 (who however tries to provide replies on Bayle's behalf); O' Cathasaigh, "Bayle and Locke," 690–91; Laursen, "Baylean Liberalism," 207, "The Paradox" (with qualification), and "Skepticism against Reason," 136–37 (without qualification); Mori, *Bayle*, 293–96, 300–304, 309–11. Those who generally support Bayle's theory do not seem really to address the problem, except, as far as I know, Bracken, Forst and Kenshur (see below n. 57 and 75). I will use the term 'aporia' instead of the usually employed 'paradox,' because a paradox, for instance Socrates's paradox that suffering injustice is preferable to committing injustice, is not always a deadly flaw in a theory, as, for example, Russell's paradox is. As we shall see, Bayle holds a proposition that is paradoxical in the sense of being opposed to ordinary views, but which does not jeopardize his theory (I thank one of the referees of the *JHP* for making me reflect on that point).

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the “dictates” of one’s conscience, that is, to do what conscience shows us to be right. Conversely, it is in essence morally wrong to disobey one’s conscience, and that is why nobody should be compelled to do so. But—it is here that the aporia is supposed to loom—if the integrity of others’ consciences should always be respected, it seems that one must not object to fanatics whose consciences tell them they have the moral obligation to persecute dissenters. We ought not prevent them from persecuting, since they should be allowed to follow their consciences, which they are morally obligated to do. Therefore, it seems that Bayle’s theory, far from ruling out intolerance, justifies it.

I intend to demonstrate that Bayle’s plea for tolerance need not be dismissed, because there actually is no such aporia, and his theory is perfectly consistent. However, the “conscientious persecutor objection” cannot be examined and solved independently from the dialectical process that brings it about. In fact, that objection is a rejoinder to the response Bayle has given beforehand to another objection. In my view, the allegation that there is an aporia results from a confusion made between the context and tenets of the two objections. Consequently, we have to analyze the whole discussion, and the outlines of the present paper will reflect the structure of the dialectical sequence in Bayle’s text, which unfolds in the following way: 1) Bayle sets forth a certain argument against intolerance (the “reciprocity argument”); 2) a first objection is raised; 3) Bayle’s response to that objection involves the notions of obligation of conscience and of the rights of invincible ignorance; 4) a second objection (the “conscientious persecutor objection”) aims to turn these notions against Bayle; 5) Bayle rebuts the second objection. Having analyzed each of these steps and shown how he successfully resolves the “conscientious objector” issue, I will dispel in the last section a frequent misconception about what conscience is for Bayle.

#### I. THE RECIPROCITY ARGUMENT

Let me first briefly recall the context of Bayle’s treatise. Following the precedent of St. Augustine’s handling of the Donatists, French Catholics, under Louis XIV, justified forced conversions of Protestants by the Gospel’s parable of the feast (Luke 14:23), in which a master orders his servant to compel reluctant guests to enter his house.<sup>2</sup> Bayle, a Huguenot himself, wrote a whole treatise, the *Commentaire Philosophique sur ces paroles de Jésus-Christ, “Contrains-les d’entrer,”*<sup>3</sup> to refute this

<sup>2</sup>Bayle has especially in view Philippe Goibaud-Dubois’s *Conformité*. Cf. W. Rex, “La querelle.”

<sup>3</sup>Published in Amsterdam in 1686. Goibaud-Dubois’s book, together with the violent French Catholic persecution (exemplified by the infamous *dragonnades*), the death in jail of his brother Jacob, a Calvinist minister, and the revocation by Louis XIV of the Edict of Nantes, which guaranteed some freedom to the French Protestants, all during the year 1685, was the occasion for Bayle’s writing this treatise as well as an incendiary pamphlet, *La France toute catholique* (1686). However, he had begun to address the question of tolerance in his responses to a Jesuit apologist: *Critique générale* (1682) and *Nouvelles Lettres* (1685). After the publication of the *Commentaire*, Bayle had to fight on another front, as his coreligionist Pierre Jurieu attacked his broad notion of tolerance and his argument based on erroneous conscience. Jurieu first targeted the *Nouvelles Lettres* in chapters 22 to 24 of his *Le Vrai Système* (Dordrecht, 1686), and then launched an all-out offensive against the *Commentaire philosophique* with his *Des Droits des Deux Souverains* (Rotterdam, 1687). Bayle responded with the *Supplement to the Philosophical Commentary* (1687/88). For more on the context of Bayle’s writings, see Bost, *Pierre Bayle*, 198–212 and 261–306.

interpretation. He demonstrates that the phrase 'force them to enter' cannot be taken literally but must be understood as a metaphor for the command to propagate faith zealously (not violently) by sermons, exhortations, good works, exemplary virtues, and so forth.

Among his many arguments Bayle several times uses an apagogic method of refutation (*reductio ad absurdum*).<sup>4</sup> In this context, for the sake of his demonstration he assumes the opposite of what he wants to prove:

[1] Let us suppose that God gave the order, to be construed literally, to force conversions by persecution.

This supposition entails unacceptable consequences, which proves its falsity. One of these consequences is highlighted by Bayle's principal argument, which I will call the "reciprocity argument."<sup>5</sup>

In this argument, Bayle appeals to a principle that I will label the "symmetry principle." This principle points out the parity between the different religious persuasions relative to the hypothetical constraint commandment. Due to an identical element of conviction, by definition each persuasion believes it is the true Church. Hence, under the present supposition, each persuasion is in a symmetrical position with respect to the command, that is to say, believes itself to be the one to which this order is addressed. As a consequence, each of them thinks it has the duty and the right to execute the order and will therefore try to convert the others by force.<sup>6</sup>

The reciprocity argument uses the symmetry principle to show that persecuting contradicts the only goal that the alleged persecution order might possibly have, namely, the goal of protecting orthodoxy and augmenting the number of the faithful who can be saved by eliminating false doctrines.<sup>7</sup> This argument can be presented in the following way:<sup>8</sup>

[1] Suppose that God gave the order to force conversions by persecution.

[2] The purpose of that order is to protect and expand the true Church.

[3] But each sect believes itself to be the true Church.

[4] Therefore, each sect will persecute every other persuasion, including the real true Church (symmetry principle).

[5] Therefore, the order to persecute may result in the destruction of the true Church, contrary to the purpose.<sup>9</sup>

<sup>4</sup>From part I, chapter 4 on: [*E*]n supposant que Jésus-Christ ait commandé de convertir les gens par force (CPI.4, 374b).

<sup>5</sup>I take up the label coined by Kilcullen (*Sincerity*, 89), but I propose a somewhat different reconstruction and interpretation of the argument. In my opinion, the reasoning formalized by Kilcullen (*Sincerity*, 92) is the reciprocity argument, whereas Kilcullen says it is *not*; cf. below, n. 47.

<sup>6</sup>[C]hacun se croirait en droit de le faire, parce que chaque religion se croit seule la véritable (CPI.4, 375b).

<sup>7</sup>[L]a seule raison pour laquelle [ces violences] sont de bonnes actions est, qu'elles ont été faites pour l'avantage de l'Église, et dans la vue d'amplifier le Royaume de Jésus-Christ (CPI.4, 374b).

<sup>8</sup>The reciprocity argument first appears in Bayle's *Critique générale*, Lettre XIII, para. vi (OD II.56b), XX.v (OD II.86a–87a), XXI.vi–vii (93b–94a). In *CP*, it appears also in Preface (360b), II.2 (400a–b), II.8 (427a), Supplement [henceforth = S] ch. 2 (507b–508a). As a consequence, there are several versions of this argument.

<sup>9</sup>[C]e qui serait . . . une Iliade de misères pour le bon parti (CPI.4, 376a). Of course, had he given this order, God would have foreseen its inevitable results—which makes the supposition absurd.

In short, the reciprocity argument proves that the persecution thesis is self-defeating.

However, the reciprocity argument is exposed to two different objections, to which Bayle responds at various points of his vast treatise. The thrust of the first one is directed at the symmetry principle. The second one is the so-called “sincere persecutor aporia.” Though they are linked, it is important carefully to distinguish between these two objections. Their tenets and scope, and also Bayle’s replies to each of them, are quite different. Admittedly, Bayle’s sinuous and intricate way of writing does not make it easy to set the two discussions apart, which is why so many readers have confused them. However, when one does realize what differentiates them, it becomes clear that there is no “sincere persecutor aporia.”

## 2. THE FIRST OBJECTION AND BAYLE’S RESPONSE

The first objection challenges the symmetry principle in the name of the exclusivity of the right to persecute, allegedly given by God only to the true Church. In reality, there is but one true Church, which alone is entitled to force heretic consciences into conversion to the truth. We can therefore label this idea the “asymmetry principle.”

Thus, objection 1 runs as follows:<sup>10</sup>

[6] God literally ordered constraint to the true Church.

[7] Admittedly, heretics can usurp this mandate.

[8] However, only the true Church has the right to implement that order, that is, to persecute (asymmetry principle).

In other words, objection 1 tries to undercut the reciprocity argument by challenging the symmetry principle and claiming that the heretics’ belief is actually a *wrong* belief that creates no objective duty or right to persecute the true Church. This entails a number of corollaries, among which the outrageous statement that an indignant Bayle repeatedly exposes: the same deed is virtuous when committed by an orthodox against a heretic, and criminal when committed by a heretic against an orthodox.<sup>11</sup>

### 2.1. *The Case for Erroneous Conscience*

Bayle responds at length to this objection.<sup>12</sup> The course of the discussion leads him to set forth one of his most famous theses (which triggered his adversaries’ uproar): an erroneous conscience has the same duties toward God as a non-erroneous conscience.

To support this view, Bayle appeals to a principle that I will call the “binding conscience principle”: we are always bound by our conscience; what our conscience

<sup>10</sup>This objection appears first in *CPI.4* (375b), then in *II.2* (400b), *II.8* (422b), and *S.2* (507b).

<sup>11</sup>*Il n’y a que les maux qu’on fait aux Fidèles qui soient persécution. Ceux qu’on fait aux hérétiques ne sont qu’actes de bonté, d’équité, de justice et de raison. . . . une chose qui serait injuste, si elle n’était faite en faveur de la bonne religion, devient juste lorsqu’elle est faite pour la bonne religion* (*CPI.4*, 375b).

<sup>12</sup>Especially in *CP II.8* and *S.3–19*.

dictates is without exception a moral duty for us. Bayle establishes this principle in the following way.<sup>13</sup>

Conscience is a practical judgment of our reason that tells us that this or that action is good or evil and ought to be done or avoided.<sup>14</sup> Such particular judgments are grounded on a law that emanates from God and is accessible to our reason ("natural light," "natural revelation") or is expressly revealed by God (scriptural Revelation). Consequently,

[9] To do the opposite of what my conscience dictates is to disobey God deliberately.

[10] Deliberately disobeying God is always evil.

[11] Therefore, doing the opposite of what my conscience dictates is always evil.<sup>15</sup>

Now, all of this holds even if we are mistaken about God's law or will, that is to say, even if our conscience formulates a wrong practical judgment.<sup>16</sup> The correctness or incorrectness of the content of my judgment does not affect the obligation I have to obey my conscience, because to disregard knowingly what *appears to me* to be God's will is always a sin.<sup>17</sup> Even if what I believe to be ordered by God is actually wrong, the fact that I believe it to be ordered by God implies that, if I overlook it, I reject God's authority to exactly the same extent as if God had given the order. In sum:

[12] If Z believes that  $\phi$  is ordered by God, and if Z disregards  $\phi$ , Z disregards God's authority, even if  $\phi$  is actually not ordered by God.<sup>18</sup>

Hence the binding conscience principle:

[13] Acting in accordance with what our conscience dictates us to do is an absolute duty, even when our conscience is erroneous.<sup>19</sup>

<sup>13</sup>I summarize CP II.8.

<sup>14</sup>For more on the nature of conscience, see section 4 below.

<sup>15</sup>This idea dates back to Pierre Abélard, who defines sin as "to hold the Creator in contempt, that is, to do by no means on his account what we believe we ought to do for him, or not to forsake on his account what we believe we ought to forsake" (*Ethics*, 7).

<sup>16</sup>Bayle first introduces this idea in his *Critique générale*, XX.ii (OD II.86a), and his *Nouvelles Lettres*, Lettre IX (OD II.219a–228a). If the use he makes of it is new, this principle in itself is ancient. It has a medieval origin that can be traced back to Pierre Abélard (see n. 15, above) and Thomas Aquinas (*STh*, I<sup>II</sup><sup>o</sup> pars, quaestio 19, articulus 5; *QD*, "De veritate," q. 17, a. 4)—cf. Lottin, *Psychologie*, 2:354–406; Michaud-Quantin, "La conscience individuelle." Aquinas's theory appeared, in his day, to be bold and dangerous. In the fourteenth century, the Franciscan John of Bassols (*Sent.* II d.39 q. un., art.3) thinks it is more serious a sin to follow one's erroneous conscience than not to follow it, because objective obligations towards God are superior to any other obligation. But in the seventeenth century Aquina's view was widely accepted. The Jesuit Gabriel Vázquez (1549–1604) writes that the Catholic stance is that acting against one's erroneous conscience, in whichever matter, is a sin, and to assert the contrary is no less than heretical (Vázquez, *Commentariorum*, dispute 59, ch. II, para.6, 418a). Cf., on the Protestant side, Ames, *De conscientia*, part I, ch. 4, 10: [C]onscientia quamvis errans, semper ligat, ut ille peccet, qui agit contra conscientiam. Ratio est, quoniam agens contra conscientiam, agit contra voluntatem Dei, quamvis non materialiter et vere, tamen formaliter et interpretative: quia quod conscientia dictat, dictat sub ratione voluntatis Dei. . . sic qui conscientiam contemnit, Deum ipsum contemnit, quia quod conscientia dictat, putatur esse divina voluntas.

<sup>17</sup>Cf. Thomas Aquinas, *Quodl.*, III, q. 12, a. 2.

<sup>18</sup>[M]épriser ce que l'on croit un ordre de Dieu, est essentiellement un mépris des ordres de Dieu, quoiqu'on se trompe en croyant que ce soit un ordre de Dieu (CP II.9, 432b).

<sup>19</sup>God himself cannot exempt us from following our conscience's dictate: to ignore conscience's dictate is to disregard God, and disregarding God is intrinsically a morally wrong act, which God himself cannot permit.

From that basis, Bayle can move to what I will call the “universal persecution theorem,” which defends the reciprocity argument against objection 1:

[1] Suppose that, by the eternal law or by a special decree, God gave the order to force conversions by persecution.

[14] If Z believes in a religious doctrine, Z holds that doctrine to be true, even if it is actually false.

[15] If Z reckons that the above supposed law or decree comes from God, Z’s conscience obliges Z to comply with it, even if Z’s religious doctrine is false (by [13]).<sup>20</sup>

Therefore (universal persecution theorem),

[16] It is Z’s moral duty to impose by force the doctrine in which he believes, even if it actually is a wrong doctrine, and it is for him a sin not to do so.

In other words, Z has exactly the same duty and the same right as Y who holds the true doctrine. Or, in Bayle’s words: all that is believed to be permitted to truth against error would be permitted to error against truth.<sup>21</sup> Thus, if the literal meaning is true, everybody is entitled to persecute everybody.

As a corollary, we may state, most importantly,

[17] Even if persecuting the true Church is objectively a crime, it would be for Z a worse sin to abstain from persecuting than to persecute.

In effect, Bayle contends that acting against one’s conscience is always a fault worse than any other fault. In other words, a materially bad action done in accordance with one’s conscience is always better than a materially good action done in opposition to one’s conscience.

To understand this point, we must turn to Bayle’s scholastic sources. Exactly as for the conscience principle, the concepts of “materially bad action” and “materially good action”<sup>22</sup> can be tracked down to the question of whether the moral goodness or badness of an action is due to the will, or to the object of the will.<sup>23</sup> It cannot be due, Aquinas says, to the will only, because a good intention does not justify everything. A number of actions are *per se* wrong (for example, stealing) and cannot be rendered good by the intention (for example, stealing to donate to a charity). On the other hand, the object of the will alone does not determine the moral value of the action either. If I want to donate to charities (object of the will), but my motivation is ostentation, my action is wrong.<sup>24</sup> However, in the latter case the action is *per se* good. Donating *qua* donating is not wrong; my concrete action is

<sup>20</sup>[14] and [15] together can of course be taken as a reformulation and defense of the symmetry principle.

<sup>21</sup>CP II.8, 422b.

<sup>22</sup>This is a language that Bayle uses, not in the *Commentaire Philosophique*, but in a later work, the *Réponse*, part IV, ch. 3 (OD III.1016a–b). On the other hand, I do not see in Bayle any textual support for the distinction that Kilcullen (*Sincerity*, 71) makes between “right” (consistent with moral law) and “good” (praiseworthy), “wrong” (forbidden by moral law) and “bad” (worthy of blame and punishment).

<sup>23</sup>Cf. Lottin, *Psychologie*, 2:421–65 (“Le problème de la moralité intrinsèque d’Abélard à saint Thomas d’Aquin”); 4-1:309–486 (“L’intention morale de Pierre Abélard à saint Thomas d’Aquin”); 4-2:489–517 (“La place du *finis operantis* dans la pensée de saint Thomas d’Aquin”).

<sup>24</sup>Cf. Aquinas, *QD*, “De malo,” q. 2, a. 3, resp.



wrong only because of its motive.<sup>25</sup> It is therefore necessary to distinguish my action as qualified by my intention and the moral value of the action in itself, that is to say, independently of my intention. Aquinas expresses this distinction in various ways, one of them being the opposition of form to matter. The goodness or evilness of an action, he says, can be related on one hand to the action considered in itself, or in general, and on the other hand to the intention of a particular agent who, by concretely performing this action, adds "circumstances," among which is the goal he is pursuing.<sup>26</sup> The intention plays the role of a form adding a determination to matter (especially when an action that is good in itself is transformed into a bad action because of the intention of the agent).<sup>27</sup> Hence, actions considered in their own nature came to be labeled "materially bad" or "materially good."

Let us now examine how Bayle applies these concepts. There is only one kind of virtuous deed: a materially good action (MGA) done in accordance with one's conscience (AC). In other words, two conditions must be met for an action to be morally good: it must be consistent with what one's conscience dictates, *and* its "material" part must not be evil. Dutiful conscience alone is not enough.<sup>28</sup> All other deeds are sins, whether they are materially good or materially bad actions (MBA). However, those done in opposition to one's conscience (OC) are more serious sins than those done in accordance with one's conscience (even though erroneous), because disobeying one's conscience ultimately comes to deliberately disobeying God, as we saw. The overall ranking is the following (the double slash represents the frontier between good and bad actions):

[18] AC[MGA] > // AC[MBA] > OC[MGA] > OC[MBA]<sup>29</sup>

<sup>25</sup>Cf. Thomas Aquinas, *STh*, I<sup>II</sup><sup>ae</sup> p., q. 19, a. 5, resp.

<sup>26</sup>*STh* I<sup>II</sup><sup>ae</sup> p., q. 20, a. 1, resp.; *QD*, "De malo," q. 2, a. 5, resp., and q. 2, a. 6, resp.

<sup>27</sup>*QD*, "De malo," q. 2, a. 2, ad 5<sup>m</sup>, and q. 2, a. 4, ad 5<sup>m</sup>.

<sup>28</sup>Contrary to Kilcullen's affirmation: "[A]n act done in obedience to even erroneous conscience is not a sin at all but a morally good act" (*Sincerity*, 71; see also 81, and cf. 183). It is good if, and only if, it is *in addition* materially good. That is the case in the example of honoring one's father, in the passage Kilcullen refers to (*CP* II.9, 428a). On the other hand, if the action is materially bad, e.g. chastising a beggar whom I falsely believe to be a crook but who is in fact truly in need of help, Bayle holds that the fact that I act in accordance with the dictate of my conscience (one should not help a crook) gives an element of moral goodness (*quelque bonté morale*) to my deed by contrast with acting against my conscience (*CP* II.8, 423b), but is not sufficient to make this action good as a whole. Bayle speaks of this deed in terms of wrongdoing and sin: *Le mal qu'il fait ne procède pas d'un désir et d'une résolution arrêtée de faire du mal, de désobéir à Dieu . . . il ne faut réduire le péché de l'insultant qu'à la précipitation de croire sur de fausses apparences* (*CP* II.8, 424a; my emphasis). It only is a lesser sin than giving alms against one's conscience. Cf. *Pensées Diverses*, para. 118: *il faut bien plus de circonstances afin qu'une action soit bonne, qu'afin qu'elle soit mauvaise* (OD III.77b), and the adage quoted by Bayle in the footnote: *Bonum ex integra causa, malum ex quolibet defectu* (which comes from Pseudo-Dionysius's *Divine Names*, ch. 4, p. 54, probably via Aquinas, *STh*, I<sup>II</sup><sup>ae</sup>, q. 19, a. 6, ad 1<sup>m</sup>, and can be paraphrased thus: an action is good when all the conditions of goodness are met, whereas it is evil if one only of these conditions is lacking). This is crucial, because, as we will see, persecutions performed by conscientious heretics are good only as long as we suppose that God gave the order to force conversions, which would make them materially good; otherwise, they are *not* good.

<sup>29</sup>In the *Réponse*, Bayle maintains 1) that OC[MGA] not being worse than AC[MBA] would make the ethical value of actions depend on contingent circumstances, and would therefore undermine morality (IV.2, OD III.1016a); 2) that his defense of tolerance hinges on AC[MBA] being better than OC[MGA]: *[S]i une action matériellement bonne faite contre le dictamen de la conscience est un plus petit péché qu'une action matériellement mauvaise commise selon les instincts de la conscience, on fait fort bien de contraindre les hérétiques à l'abjuration* (OD III.1016b).



That is why, as per [17], it would be for Z a worse wrongdoing to abstain from persecuting than to persecute, even if we concede that Z is wrong to believe that the constraint commandment was given to him. Not persecuting the alleged true Church would be a materially good action, but that would be in opposition to Z's conscience. It would therefore be an OC[MGA], that is to say, a more serious evil than an AC(MBA), namely, persecuting the alleged true Church (a materially bad action, given that only the true Church has the right to persecute, as objection 1 claims) in accordance with his conscience.

Other corollaries of [17] worth noting are

[19] Z cannot be blamed (even by God) for doing his duty.

[20] Therefore, Z cannot be blamed for spreading by force a false doctrine.

However, most importantly, this does not prevent, as Bayle specifies, that

[21] Possibly, Z can be blamed for believing in a false doctrine.

We shall soon see under which conditions [21] obtains. In any case, [20] does not mean that Z always is completely innocent, but only that given that Z believes in his false doctrine, and even if he is guilty for doing so, he could not (had God ordered constraint) *additionally* be blamed for imposing it on others by force—which is Bayle's only concern here. In other words, God could only reproach Z for being doctrinally wrong, but could not punish him for following what he believes to be his duty.<sup>30</sup>

## 2.2. *The Case for Invincible Ignorance*

However, since by [21] one still could blame heretics for erring in their doctrine, the objection against the reciprocity argument can be reiterated by stressing that, because heretics are wrong to believe they are the true Church, their actions against the true Church are consequently wrong. It may be a lesser sin than if they were not doing their duty, but it still is a sin, and heretics have no right to oppress the true Church.<sup>31</sup> In short, objection 1' runs as follows:

[6] God has ordered constraint to the true Church.

[21] Heretics are blameworthy for being doctrinally wrong.

[22] Thence, they are blameworthy for believing that they are the ones to whom God's order is addressed.

[23] Therefore, their use of constraint is evil (but that of the orthodox is not).

As a consequence, Bayle has to block [21] regarding religious errors, and this is why he proves at great length, in II.10, that heresy may be due to invincible ignorance. In effect, Bayle can rely on the universally admitted principle that

<sup>30</sup>*Dieu ne pourrait lui reprocher sinon d'avoir mal choisi l'objet pour lequel il lui avait ordonné de travailler; la justice de ces reproches n'empêcherait pas que Dieu ne vît dans son âme un désir sincère . . . de lui obéir* (CP II.8, 426a). See also CPS.3, 508a–b.

<sup>31</sup>That is what Bayle points out when he writes, *Le seul trou qui reste a nos adversaires pour s'échapper, c'est de dire qu'il est bien vrai que par un abus et une audace criminelle, les fausses Églises peuvent s'appliquer ce qui ne convient qu'à la véritable; mais qu'il restera toujours entre elles cette différence, que la véritable contraindra avec raison et autorité légitime, mais que les autres le feront sans droit et fort criminellement. C'est sur quoi nous aurons à parler dans le chapitre 10* (CP II.8, 427a).

[24] Invincible ignorance exculpates.

However, it was generally held that Revelation and natural law are clear enough to render inexcusable those to whom they have been manifested, thereby leaving room for invincible ignorance only regarding facts and circumstances of an action. Contrary to this restriction, Bayle insists that there may be invincible ignorance about religious doctrines too. He lists many reasons why, even after careful inquiry, human beings may *bona fide* err in religious matters such as transubstantiation, the Trinitarian nature of God, and so forth. I cannot analyze these reasons here—in short, religious dogmas are impenetrable to human reason, and no irrefutable argument can be brought in any theological discussion.<sup>32</sup> I will just underline the fact that Bayle's position is not so peculiar that one should infer that for him there is no orthodox or unorthodox faith. The evolution of scholastic thought had already brought some seventeenth-century theologians to pave the way for Bayle's conclusion with the admission that the error of persisting in error may be invincible.<sup>33</sup> There is one orthodox faith, but this does not entail that those who reject it do so maliciously.

Thence:

[25] Heretics may be invincibly mistaken about religious truth.

[26] In that case, they are not to be blamed for being doctrinally wrong (by [24]).

Under that condition, Bayle can maintain propositions [16] to [20]. He can even add that

[27] The persecution performed by an alleged heretic is a good action, inasmuch as he executes what is supposed to be an order given by God.<sup>34</sup>

Let us remember, however (this is important for understanding the second objection), that this last conclusion is subordinated to *two* hypotheses: [25] the heretic is invincibly mistaken about a particular religious doctrine, *and* [1] God has ordered constraint (which is actually not the case). In this part of the discussion (the whole response to the first objection), the heretic is not in error regarding the persecution commandment, which is granted as hypothesis.

Therefore, *if* God had prescribed to force consciences, heretics who innocently believe themselves to be orthodox, and thence to be given the responsibility of implementing the command, would do a good action in persecuting the true Church—which is absurd. Bayle's reciprocity argument has resisted the first objection.

<sup>32</sup>CP II.10, 436a–440b, 442a–b. Cf. *Pensées Diverses*, 200, OD III.127b–128a: [*J]e soutiens que nous formons tous, et sur la nature de Dieu et sur ses décrets, mille jugements aussi faux que la fausseté elle-même . . . ces erreurs sont tout à fait involontaires et . . . l'on forme ces jugements ténébreux sans malice aussi bien que sans liberté.*

<sup>33</sup>See Massaut, "La conscience erronée"; and Solère, "Certitude."

<sup>34</sup>CP II.10, 433b: [*J]'examinerai ici une autre question assez importante, savoir si un hérétique en faisant ce que sa conscience lui dicte, peut éviter non seulement un plus grand mal, mais aussi tout mal et faire une bonne action.*

## 3. THE SECOND OBJECTION AND BAYLE'S RESPONSE

The second objection surfaces in CP II.9,<sup>35</sup> and is discussed again in S.21. In its last form, Bayle calls it “the most embarrassing objection” to his thesis.<sup>36</sup> Indeed, just as Bayle endeavored, with the reciprocity argument, to prove that the persecution thesis is self-defeating, the second objection is a retort which, turning against Bayle the principles he has used in his response to the first objection, attempts to prove that Bayle's own tolerance theory is also self-defeating—in other words, that it leads to the so-called “conscientious persecutor aporia” and to a justification of intolerance.

In effect, let us admit, the objector says, that [1] is actually false, as Bayle thinks it is, that is to say, that God did not prescribe the use of force, but let us imagine that Z wrongly believes that [1] is true. [15] and [16] still hold, which means that Z has to execute what she believes to be an order of God. In short, if Z thinks she ought to persecute, Z ought to persecute, although her belief has no grounding whatsoever. It is enough that Z *believes* that God gave such an order. Therefore, far from demolishing the legitimacy of persecutions, Bayle's thesis that the voice of conscience is sacred paradoxically justifies fanatics who imagine they are mandated by Heaven to establish the true religion on Earth.<sup>37</sup>

However, let us carefully note the following (which commentators who reckon that Bayle's theory is plagued by that flaw fail to do).<sup>38</sup> In the second objection, it is no longer claimed by the opponent or hypothesized by Bayle that God did literally order to persecute. Because she wants to prove that Bayle's theory is self-defeating, his opponent at the very least suspends her claim, or, in order to be still more convincing, provisionally grants Bayle that the literal meaning is not true, with the intent to show that even so, the mistaken Z must persecute others. The opponent can do so because propositions such as [13] (the binding conscience principle), and its consequences, such as [16] (the universal persecution theorem), are independent of the validity of [1].

So objection 2 runs as follows:

[28] Let us admit God has not ordered constraint.

[29] However, Z's erroneous conscience mistakenly tells him that he should persecute dissenters.

[30] Thence, Z is obliged to persecute dissenters and will sin if he does not (by [16]).

[31] Z cannot be blamed for doing what he believes to be his duty (by [19]).

[32] Therefore, Z cannot be blamed for persecuting dissenters.

<sup>35</sup>43ob.

<sup>36</sup>CPS.21, 540a.

<sup>37</sup>[I]l s'ensuit de ma doctrine le renversement de ce que je veux établir; je veux montrer que la persécution est une chose abominable, et cependant tout homme qui se croira obligé en conscience de persécuter, sera obligé, selon moi, de persécuter, et ferait mal de ne persécuter pas (CP II.9, 430b).

<sup>38</sup>See n. 1 above.

3.1. *Damned If You Do, Damned If You Don't*

In his reply, although he rightly asserts that he has sufficiently demonstrated the falsity of the literal reading, Bayle acknowledges that the persecutors who are not yet convinced by his book *must*, according to his own "binding conscience principle," follow their (albeit erroneous) consciences, and, therefore, must persecute (in brief, he concedes [30]).<sup>39</sup>

However,

It does not follow that they do without any crime what they do in accordance with their conscience.<sup>40</sup>

This statement, although laconic, is of utmost importance. As we saw with [18], even though a materially bad action done in accordance with one's (erroneous) conscience is a lesser sin than any action done in opposition to one's conscience, it is a sin nonetheless. Only a materially good action done in accordance with one's conscience is a virtuous action. In other words, an action good in itself can be transformed into a bad action by an ill intention, that is, opposed to conscience's dictate, but the reverse is not true:

[33] A good intention (i.e. in accordance with conscience's dictate) does not transform a materially bad action into a virtuous action; this action remains bad.

Now, Bayle is entitled to maintain that

[34] Persecution is a materially bad action.

As we saw, since it is morally wrong to disobey one's conscience, it is also morally wrong to force others to do something against their consciences, since this is forcing them to commit a sin, namely, an act of contempt for God.<sup>41</sup> Inducing, and a fortiori obliging, someone to do an evil action is an evil action. Therefore, forced conversions are intrinsically a crime, whether they are directed to the true Church or not. In addition, they entail a string of other evils (lies, physical violence, unleashed passions, etc., which Bayle describes at length) that reinforce their wrongness.<sup>42</sup>

Hence, since it is a materially bad action, persecution cannot be transformed into a good action just because an erroneous conscience presents it as a pious deed.<sup>43</sup>

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<sup>39</sup>*Je ne nie pas que ceux qui sont actuellement persuadés qu'il faut, pour obéir à Dieu, abolir les sectes, ne soient obligés de suivre les mouvements de cette fausse conscience* (CPII.9, 430b).

<sup>40</sup>*Il ne s'ensuit pas qu'ils fassent sans crime ce qu'ils font avec conscience* (CPII.9, 430b); my translation (cf. PC 242).

<sup>41</sup>CPI.6, 384b.

<sup>42</sup>See all of CPI.6 (380b–386b). Naturally, Bayle's adversaries contend that even if there is some evilness in persecution, it is a *lesser evil* that is much compensated by the good that results from it (for the converted individuals, or for the society as a whole). That is why Bayle has to stress that the binding conscience principle is the cornerstone of ethical and religious life, and applies even to alleged heretics, so much so that the absolute wrongness of forcing them to disobey their conscience trumps any supposed benefit. Besides, one should remark that here the question is whether Bayle's theory, taken in its own terms, is self-defeating, and Bayle has constantly maintained that persecution is a materially bad action.

<sup>43</sup>Contrary to what Kilcullen writes: "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

Therefore:

[35] Even when due to a motive of conscience (“sincere persecution”), persecution still is a crime.<sup>44</sup>

Admittedly, Bayle, as we saw, entertains at the beginning of II.10 (that is to say, immediately after the passage I have just commented) the possibility of persecution being virtuous: “I shall here examine another very important question, to wit, whether a heretic in doing what his conscience dictates, may not only avoid the greater evil, but also all evil, and perform a good action.”<sup>45</sup> However, one must be careful not to confuse Bayle’s answer to the first objection with Bayle’s answer to the second objection (which, again, many a commentator does). In II.10, Bayle is back to the apagogic refutation. The sentence we have just read, which states that the heretic persecutor does a good action (it corresponds to [27]), is part of Bayle’s answer to the asymmetry (or first) objection, and, as we saw, in that response Bayle speaks under the hypothesis that [1] God gave such an order.<sup>46</sup> Granted that God commanded constraint, then, a heretic who invincibly believes he is orthodox and takes the order as given to him does a good action when persecuting—and this is why the literal reading of “force them to enter” leads to the absurdity of God authorizing the destruction of the true Church.<sup>47</sup> But, as we have seen with [28], the second objection dispenses with the said hypothesis. Within that context, persecution is not granted the status of a materially good action since no divine commandment prescribes it. As, on the other hand, for Bayle it is a sure fact that God did *not* give that order, for Bayle persecution remains in all circumstances the evil action that it is in essence. There is no aporia, because Bayle is not drawn by his own logic to admit that persecution may ever be in fact a virtuous deed.

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*believe* he has, together with the principle of Bayle’s own ethical theory” (*Sincerity*, 92). I submit that the opposite is true. In his analysis of II.9 and S.21, Kilcullen overlooks the statement of Bayle (above at n. 40) upon which I am commenting. For Bayle the fact that one *believes* that X is God’s order entails a duty to do X, but this alone does not suffice to make X a good deed, as two conditions must be met for an action to be morally good (see above at n. 28). On this false premise, Kilcullen, who argues that Bayle did not respond adequately to the conscientious persecutor objection, proposes instead a solution that is a flagrant impossibility: “The true answer to the difficulty is that in Bayle’s ethics an act may be morally good . . . and yet it may be in truth a wrong act” (*Sincerity*, 92). Bayle’s moral theory may endorse a paradox, as we are going to see, but not such a contradiction.

<sup>44</sup>Cf. CPS (Preface), 501b: *Car si je crois qu’on est obligé de faire ce que la conscience nous dicte que nous devons faire, il <Jurieu> le croit aussi. S’il dit que la raison de cela est qu’on évite un plus grand péché, je le dis aussi. S’il dit qu’il ne s’ensuit pas que l’on fasse une action exempte de crime, je le dis aussi, et l’ai répété tant de fois, que je ne comprends pas comment un auteur qui s’est mêlé de me réfuter, en a pu prétendre cause d’ignorance* (my emphasis). Unsurprisingly, Jurieu is extremely unfair to Bayle when he caricatures his theory in the following manner: *tout aussitôt que cela <un crime> est précédé d’erreur dans l’entendement, et qu’un homme se persuade que ces actions sont bonnes, elles deviennent telles en effet* (Jurieu, *Des droits des deux souverains*, 36; see also 57); *pécher contre sa conscience, c’est tout, et pécher selon sa conscience ce n’est rien* (45). On the controversy between Bayle and Jurieu, see Lennon, *Reading Bayle*, 88–106.

<sup>45</sup>CP II.10, 433b/PC 250. See, above, [27] and n. 34.

<sup>46</sup>[S]’il était vrai que Dieu eût commandé dans ses Écritures d’établir la vérité par le fer et le feu, il y aurait des hérétiques qui persécuteraient à fer et à feu la vérité, sans être coupables; ce qui sera une nouvelle preuve démonstrative contre le sens littéral réfuté dans ce Commentaire (CP II.10, 434a).

<sup>47</sup>So contrary to what Kilcullen says (*Sincerity*, 92), in the context of the reciprocity argument and of the first objection, the proposition, “in persecuting the true Church heretics do a morally good act,” is, in Bayle’s opinion, absurd. That is the thrust of the reciprocity argument: to show the absurdity that results from the supposition that God gave the order to persecute when one ‘universalizes’ that command (cf. [1]–[5], above). And when, in the response to the second objection, Bayle cancels that hypothesis, the above proposition becomes outright *false*, certainly not true as Kilcullen maintains.

Still, one may wonder how the fanatics may be guilty of something that is for them a duty. Is it not odd that they be morally committed to an action that can be held against them? Does it make sense to have an ethical obligation to commit a crime?

Well, such is the unfortunate situation of that particular erroneous conscience. Bayle's view is in effect that

[36] It would be a fault not to execute the persecution that an erroneous conscience dictates (by [16]), but it still is a fault to perform this action (by [35]), although a lesser fault than any action done in opposition to conscience (by [18]).

Bayle is merely following an utterly classical doctrine here. Abélard asserted that the Jews would have committed a sin if they had not condemned Jesus to death while they believed he was a blasphemer and that a blasphemer should be put to death.<sup>48</sup> Yet, their action was not a righteous action.<sup>49</sup> On the contrary, it was an unjust one.<sup>50</sup>

One might object, "This is unfair; someone who has an erroneous conscience is in a no-win situation: if she obeys her conscience she does wrong, if she does not obey her conscience she does wrong too." Yes, but is it not her own fault if she is in this situation? Admittedly, once that point is reached, moral fault is inescapable. However, she is responsible, in the first place, for her conscience being erroneous. As we saw, while one cannot be blamed for following one's conscience, at the same time one might be blameworthy for believing something wrong, and this includes beliefs that are formulated by this very same conscience. Bayle has denied [21] to the extent that religious doctrines (transubstantiation, Trinity, etc.) are involved, because they are by definition mysteries for human reason and as a consequence are possible cases of invincible ignorance. However, Bayle maintains [21] as far as ethical truths, accessible to our reason, are concerned.<sup>51</sup> So, one may in effect be obliged, by motive of (erroneous) conscience, to commit an action that is in fact a wrongdoing. This may sound paradoxical,<sup>52</sup> but such a doctrine, which we can summarize by the saying, "damned if you do, damned if you don't," is in Bayle's day commonplace. For instance, it can be found in both the writings of the Puritan Jeremiah Burroughs<sup>53</sup> and the Jesuit Gabriel Vázquez too.<sup>54</sup>

Here is a confirmation that such is Bayle's view: shortly after the passage we have just examined, he underlines that a benefit of his doctrine is that people have to

<sup>48</sup>*Ethics*, 54, l. 27–55, l. 4; 66, l. 31–34.

<sup>49</sup>Cf. *Ethics*, 55, l. 20–23: "[A]n intention should not be called good because it seems to be good but because in addition it is just as it is thought to be, that is, when, believing that one's objective is pleasing God, one is in no way deceived in one's own estimation."

<sup>50</sup>*Ethics*, 62, l. 6. Cf. Thomas Aquinas, *Quodl.*, III, q. 12, a. 2: [S]i alicui dicitur conscientia ut faciat illud quod est contra legem Dei, si non faciat, peccat; et similiter si faciat, peccat, quia ignorantia iuris non excusat a peccato, nisi forte sit ignorantia invincibilis; VIII, q. 6, a. 3; IX, q. 7, a. 2; *QD*, "De veritate," q. 17, a. 4, resp. and ad 3<sup>m</sup>.

<sup>51</sup>More on that below, in section 3.2.

<sup>52</sup>In the sense of Socrates's paradoxes, i.e. opposed to ordinary opinion (see above, n. 1). In the same sense, Kant's thesis that one should never lie, whatever the circumstances are, is also a paradox.

<sup>53</sup>Burroughs, *Irenicum*, 34: "Evil gets into the consciences of many very easily, because they think the dictates of their consciences will be sufficient to bear them out in what they do; but they are deceived, for an erroneous conscience does not bind, you sin notwithstanding your conscience bids you do it; and if you go against this erroneous conscience, you sin too; what a miserable snare is this? You had need look to your selves then, and take heed what you let into your consciences."

<sup>54</sup>For example, in case I believe that it is a virtuous act to lie to save my life: [S]i existente illa conscientia non vellet quis mentiri, peccaret, eo quod conscientia tunc diceret peccatum esse, et de hoc nullus dubitat. Deinde



make a serious examination of what they believe in. Since the fact that they follow their consciences does not mean they will be cleared of any fault, this should be, Bayle concludes, a strong motivation for scrutinizing with utmost attention what they believe their consciences say.<sup>55</sup>

Furthermore, Bayle repels in the same manner the objection (the sixth one in II.9) that contends that, according to his theory, anyone who commits a murder because his conscience commands it, does a right action and would sin if he would not commit this murder.<sup>56</sup> This objection, Bayle acknowledges, is *assurément très incommode*. It is true that, according to his own moral theory, a materially bad action done in accordance with conscience is not as bad an action as a materially good action done in opposition to conscience. Thence, Bayle goes as far as saying,

[W]hat repugnance soever one finds at first sight to the owning it, yet it is certain that a murder committed from the instincts of conscience, is a less sin than not committing murder when conscience dictates.<sup>57</sup>

Nevertheless, murder is still a sin, albeit “a lesser sin,” and the murderer can be faulted for believing that his conscience commanded him to kill. As we saw, an agent may be held accountable for an error that is evil and triggers evil consequences.

Therefore, we are obliged to follow the injunctions of our conscience, but if we make a reprehensible mistake regarding what conscience dictates, then, despite the obligation to act accordingly to what we believe must be done, the action is a wrong action.<sup>58</sup> The sincere persecutor is admittedly obligated to persecute, but her action is not *right* for all that. Although she feels she has to persecute, her conviction is erroneous, and she could have avoided her error by reading Bayle!

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*si ex tali conscientia mentiretur sequendo positive iudicium illius, nihilominus peccaret, quia illa conscientia non excusaret eum; nullus autem obligatur ad faciendum illud quod peccatum est: quis hoc dubitet? . . . At obiiciat quis ex hac nostra sententia sequi cum qui habet conscientiam erroneam ex ignorantia vincibili esse ita perplexum, ut in quacunq[ue] partem inclinare velit, peccet. Respondeo, si non deponat conscientiam, quacunq[ue] partem eligat eum peccare (Vázquez, *Commentariorum*, nn. 4 and 6, 420b). Cf. Lottin, *Psychologie*, 3:111–51 (“La nature du péché d’ignorance depuis le XIIe siècle jusqu’au temps de saint Thomas d’Aquin,” and “Le problème de l’ignorantia iuris de Gratien à saint Thomas d’Aquin”).*

<sup>55</sup> [C]ar s’il se persuade une fois qu’il est obligé de suivre les inspirations de sa conscience, sans que néanmoins il soit quitte envers Dieu de tout crime, puisque s’il a négligé de s’informer de ce qu’il fallait croire, il sera puni de ce qu’il aura fait selon sa conscience (CP II.9, 432a).

<sup>56</sup> CP II.9, 432a. That objection refers clearly to the sensitive topic of political assassinations for religious motives, such as the murder of Henri IV of France (cf. Ravallac’s case in the discussion with Jurieu, *CPS* [Pref.], 501a).

<sup>57</sup> CP II.9, 433a/PC 248–49. But, again, Bayle’s position is not singular in the seventeenth century: on the absolute character of the obligation of conscience, see above, n. 16, the references to Vázquez and Ames. This is why the anachronistic solution to the persecutor aporia proposed by Bracken is not Bayle’s, namely, the dissociation of speech (limitlessly free) and of action (Bracken, “Toleration Theories,” 2–3; and Bracken, *Freedom of Speech*, 5–7). Bayle does say that the conscientious would-be murderer ought to act (but of course, one may and must stop him—see, below, the end of section 3.2). Moreover, Bayle thinks that those who blaspheme against their own faith should be punished, because their speech is an action opposed to their conscience (CP II.9, 428b–429b).

<sup>58</sup> See, above, note 41, and *Addition aux Pensées Diverses*, V: every man is obliged to follow his conscience’s dictate, but *Il ne s’ensuit pas que son action soit exempte de péché, car si son erreur n’est pas une ignorance invincible, il est responsable devant Dieu de toutes les mauvaises actions qu’il fait suivant le dictamen de sa conscience* (OD III.180a).



### 3.2. *An Inexcusable Ignorance*

However, at this point the opponent can again try to turn against Bayle his own answer to the first objection.

In effect, Bayle has established the possibility of invincible ignorance not only regarding facts, but also regarding laws and principles, and he holds that invincible ignorance exculpates (cf. [25]–[26]).

Therefore, objection 2' can contend,

[37] Z may be demonstratively wrong in believing [he has to persecute.

[38] But his error may result from invincible ignorance.

[24] And invincible ignorance exculpates.

[39] Therefore, Z is innocent.<sup>59</sup>

As already mentioned, Bayle considers this second version of objection 2, which appears in the *Supplement*, to be “the most embarrassing” for his thesis. Yet, his response is straightforward. In the first place, he simply denies [38], that is to say, the possibility of invincible ignorance concerning the evilness of persecution:

[I]f there be errors . . . of which we ourselves are the cause through an inexcusable neglect of information and too great a complaisance for criminal passions, the error of those who are persuaded of the literal sense of the words *Compel them to come in* is very obviously of this kind, so necessary is it to tread under foot a thousand ideas of reason, and equity, and humanity, which present daily to all men, for persuading oneself that God has enjoined such a kind of violence.<sup>60</sup>

Intolerance is so much opposed by the clearest notions that adopting such a course of action cannot but mean that one fails to consult one's reason and allows oneself to be governed by prejudice or passions. In fact, there exist rational, philosophical (not grounded on confessional controversy) refutations of the legitimacy of persecution, such as Bayle's *Commentaire*.<sup>61</sup> As a consequence, maintaining intolerance results from one of these two reasons, or both: 1) “neglect of information,” that is, remaining prejudiced, indulging in one's ideology and ignoring the refutation of intolerance; 2) “complaisance for criminal passions,” such as the hatred, desire for revenge, and so forth, too often triggered by religious struggles. Now, both neglecting to use one's reason and yielding to passions are causes that render an error voluntary and therefore inexcusable.<sup>62</sup> As

<sup>59</sup>Mais, ajoutera-t-on, si ceux qui sont dans cette erreur y sont de bonne foi, il s'ensuivra, selon vos propres principes, qu'ils ne pécheront point ni en cela, ni en persécutant effectivement (CPS.21, 540a).

<sup>60</sup>CPS.21, 540a/PC 513.

<sup>61</sup>In addition, as Bayle acknowledges in his *Discours préliminaire*, his treatise is not the first to defend tolerance, and although Castellion's seminal book was imperfect and was easily crushed by Bèze, since then the “topic” has been much improved and supporters of tolerance are poised to overwhelm decisively the defenders of intolerance by their arguments. As Bayle reminds us: *j'aurais pu renvoyer souvent mon lecteur à de très excellents ouvrages, qui ont été écrits en langue anglaise sur la question de la tolérance* (CP Pref., 358a). Bayle also points out that the progress of enlightenment in his days makes all the more anachronistic and inexcusable the Catholics' intolerance: *Il est certain que c'est le Papisme qui doit être chargé de tout ce qu'il y a d'odieux et d'infâme dans les persécutions, et que de toutes celles qu'il a exercées, il n'y en a point de plus inexcusable que celle qui vient d'être faite, au milieu des lumières éclatantes qui mettent ce siècle si fort au-dessus des précédents* (CPS [Pref.], 503a; see also 504a–b).

<sup>62</sup>See *Nouvelles Lettres* ..., IX (OD II.220a), CPS.17, 531b–532a, and, below, n. 63.

a consequence, the conduct this error induces is inexcusable too. So the fanatics cannot be blamed specifically for performing what they believe to be their duty (cf. [19] and [31]), but they definitely may be held responsible for maintaining their erroneous beliefs regarding persecution, and therefore are accountable for their subsequent actions, according to [33]–[35].<sup>63</sup>

Some commentators find this answer too short to be credible. How plausible is it that Bayle, after supporting at length the possibility of unavoidable ignorance when answering objection 1, suddenly becomes dogmatic when answering objection 2 and bluntly denies the possibility of invincible ignorance regarding the wickedness of persecution?

Well, again, there is a major difference between the two discussions. When refuting the first objection, Bayle shows that a heretic may err, as I emphasized, on religious doctrines, such as transubstantiation, grace and predestination, the Trinity, and the like.<sup>64</sup> The obscurity inherent in these dogmas, the endless controversies they have raised, prove that serious-minded believers, even after they have sincerely and at length inquired about their truth, may still end up being in error. This kind of error may be unavoidable.<sup>65</sup> That is all Bayle needs to block objection 1',<sup>66</sup> which is grounded on [21], because the question is whether it is excusable not to find out which one is the true Church—an issue that involves the aforementioned dogmas.

However, Bayle does not admit that one can be invincibly ignorant regarding matters that pertain to reason. On the contrary, at the beginning of the *Commentary*, he proclaims, in a Malebranchist fashion, the permanent possibility that human beings access the compelling evidence of rational principles, truths of reason (as opposed to truths about facts and truths relevant to faith), thanks to “that primitive and universal light, which God diffuses in the souls of all men, and which infallibly and irresistibly draws on their assent the moment they lend their attention.”<sup>67</sup> God’s constant illumination discloses eternal truths to all mankind.<sup>68</sup> On this basis, that is to say, with the “common notions” they thus receive, men can and should proceed from clear and distinct idea to clear and distinct idea, and eventually probe the soundness of the views with which they are presented.<sup>69</sup>

<sup>63</sup>Cf. Bayle, *Nouvelles Lettres*, IX: [E]ncore que les erreurs déguisées en vérité acquièrent tous les droits de la vérité, il ne s'ensuit pas que l'exercice de ces droits soit toujours une chose innocente. On rendra compte un jour à Dieu de tout ce que l'on aura fait en conséquence des erreurs que l'on aura prises pour des dogmes véritables: et malheur dans cette terrible journée à ceux qui se seront aveuglés volontairement; à ceux qui placés dans une lâche oisiveté n'auront pas voulu prendre la peine d'examiner leur créance; à ceux enfin qui auront favorisé l'introduction des erreurs dans leurs esprits parce qu'elles s'accordaient avec leurs passions déréglées. Ils auront acquis un droit, je l'avoue, d'agir conformément à leurs erreurs; mais comme c'est un droit mal acquis et qui tire sa source ou de la malice du cœur, ou d'une indifférence prodigieuse, ou d'une paresse inexcusable, il ne peut qu'empoisonner tous les fruits qu'il aura fait naître (OD II. 226b).

<sup>64</sup>See above, 16–17 (at n. 32).

<sup>65</sup>Whence Bayle famously declares that all that God requires from us, in these obscure matters, is sincerely searching after truth, not *finding* the truth: this alone can render us “orthodox in the sight of God” (CPII.10, 438b/PC 264).

<sup>66</sup>See above, p. 28.

<sup>67</sup>CPI.1, 368b/PC 69 (my emphasis).

<sup>68</sup>[C]'est Dieu lui-même, la Vérité essentielle et substantielle, qui nous éclaire alors très immédiatement, et qui nous fait contempler dans son essence les idées des vérités éternelles, contenues dans les principes ou dans les notions communes de métaphysique (CPI.1, 368b).

<sup>69</sup>[Dieu] a voulu néanmoins présenter à l'âme une ressource qui ne lui manquât jamais pour discerner le vrai du faux; et cette ressource c'est la lumière naturelle, ce sont les principes métaphysiques, auxquels si on compare les

Now, according to Bayle, the notion that forcing consciences is evil can easily be made as clear and distinct as an idea can be: it can be infallibly deduced from primary truths and thus established by reason with utmost certainty. Before he turns in I.4 to the indirect, apagogic refutation of the literal meaning (which occupies the bulk of the *Philosophical Commentary* and on which I focus because it is supposed to give rise to the “persecutor aporia”), Bayle’s very first argument in the *Commentary* straightforwardly proves that the literal meaning of “Compel them to come in” is clearly opposed to what all men can discover thanks to natural light.<sup>70</sup> He concludes his demonstration with the following statement:

As the clear and distinct ideas therefore we have of the nature of certain things, convinces us *irresistibly*, that God could not make any Revelation repugnant to these things (for example, we are most thoroughly assured there could be no such divine Revelation, as, that the whole is less than its parts, that it is honest to prefer vice to virtue, that one should value his dog more than his parents . . .), it is *evident* that God did not command us in his Word to cudgel men into a religion.<sup>71</sup>

Of course, the wrongness of persecution is not an *immediate, self-evident* truth such as the principle of non-contradiction or the whole being greater than any of its parts (indeed, it was not evident to most of the people in Bayle’s days, since they believed that forcing others to convert was the right thing to do). But it is one of these mediately evident truths “which may be resolved into some first principle by a well-linked chain of consequences and demonstrations.”<sup>72</sup>

However, a condition for discovering this truth is precisely that human beings care about using their reason, that is to say, in Malebranchist terms again, that they pay *attention* to the natural light that is given to them.<sup>73</sup> Failing that, they will be blind to the evidence of that truth exactly as they are blind to most other clear and distinct ideas. In other words, as with many other evident truths, the wrongness of persecution is susceptible to being clouded by prejudice or remissness. There are powerful causes for that, as I will point out in the next section. As a result, of which Bayle is well aware, people are generally intolerant, due to temperament or upbringing. But, again, Bayle’s contention is that their error can and *should* be dissolved.<sup>74</sup> Contrary to religious issues, it is not *de jure* an invincible error, because

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*doctrines particulières qu'on rencontre dans les livres, ou qu'on apprend de ses précepteurs, on peut trouver comme par une mesure et une règle originale si elles sont légitimes ou falsifiées* (CPI.1, 368b).

<sup>70</sup>CPI.2, 371a.

<sup>71</sup>CPI.2, 371b–372a / PC 78 (my emphasis). I have to leave out here the argument itself (it is very similar to Locke’s first two reasons why the commonwealth cannot be in charge of the soul’s salvation: inner persuasion, not outward worship, is the essence of religion; but the commonwealth can act only on bodies, not on inner persuasions—Locke, *Epistola*, 66–68). I am just underlining the obviousness Bayle ascribes to its premises and its conclusion (so does Locke, *Epistola*, 64: *Tolerantia eorum qui de rebus religioni diversa sentiunt, Evangelio et rationi adeo consona est, ut monstro simile videatur homines in tam clara luce caecutire*).

<sup>72</sup>CPS.24, 546a/PC 531.

<sup>73</sup>Bayle repeats three times the word ‘attention’ in this short passage (CPI.1, 368a–b).

<sup>74</sup>In the same way, according to Malebranche himself, many are the obstacles to our paying attention to the inner light, but he is adamant that [*Les hommes savent qu’il vaut mieux être juste, que d’être riche; être raisonnable, que d’être savant; avoir l’esprit vif et pénétrant, que d’avoir le corps prompt et agile. Ces vérités ne peuvent s’effacer de leur esprit, et ils les découvrent infailliblement, lorsqu’il leur plaît d’y penser* (*Recherche*, preface, 7)]; cf. CPI.10, 439a: *À l’égard de la connaissance de nos devoirs pour les mœurs, la lumière révélée est si claire que peu de gens s’y trompent, quand de bonne foi ils cherchent ce qu’il en est*; and *Pensées Diverses*, 200, OD III.128a, where, after the passage quoted above n. 32, Bayle contrasts with the innocence of

the clear and distinct ideas on which the refutation of the right to persecute hinge are accessible to anyone who is willing to turn to them.<sup>75</sup> The *Philosophical Commentary* contains the arguments that we have just analyzed and many more, which demonstratively prove that one should not persecute.<sup>76</sup> To overlook these arguments is to allow oneself to be led by prejudice, or by the passions of anger, revenge, and so forth, as we saw above.

Therefore, Bayle's answer to objection 2<sup>77</sup> may be short, but that is all there is to say, and Bayle is perfectly consistent with himself. No rational agent is entitled to maintain soundly that it is not evil to impose her beliefs on others by force. Not only can she be blamed for ignoring what natural light irrecusably shows, but if she persists in her evil intentions, those in charge of public safety are right to incapacitate her. As a matter of fact, Baylean tolerance is not limitless. Bayle envisions exceptions to the respect for freedom of conscience,<sup>78</sup> and a major exception is when someone's conscience prescribes acts that threaten the safety of other citizens. The fundamental mandate of political authority is to maintain peace and freedom for all. Therefore, the sovereign or the magistrate is definitely entitled to forbid and prevent intolerant actions by all legal means (and this may include jail, death, or whichever sanction is deemed appropriate in a given society at a given time), despite the fact that fanatics will claim they felt the moral obligation to perform these actions. This response of legal authorities is not tantamount to intolerance and persecution (intolerance to the intolerant, persecution of the persecutor), because this enforcement of the fundamental tenet of political life does not aim at changing by force the inner persuasion of the fanatics, as they attempt to do to others. One shall of course try first to persuade them, but if they persist, it is enough to prevent them from acting.<sup>79</sup> Thus, there is, in theory, a

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religious errors the guilt of all moral faults: *Au lieu qu'il n'y a point de vice moral depuis le plus grand jusqu'au plus petit où l'on ne se porte avec liberté et avec connaissance du mal que l'on va commettre* (my emphasis).

<sup>75</sup>Forst ("Bayle's Reflexive Theory," 99–101) and Kenshur (*Dilemmas*, 89–102) also think that Bayle's moral rationalism enables him to escape the persecutor aporia (in addition, Forst nicely shows how the linking of the first argument in *CP* with the reciprocity argument shelters Bayle from the objection that Proast addressed to Locke's first two reasons). Laursen, who attacks Forst's interpretation, refers to chs. 14–16 of the *Supplement* to prove Bayle's skepticism ("Skepticism," 139–41), but there Bayle only speaks of religious doctrines, whereas it is clear that, as far as natural ethics is concerned, Bayle holds that reason can discover universal and immutable moral truths (cf. his most famous thesis about atheists, OD III.405b–410a). Brahami too contends, against textual evidence, that Bayle is a skeptic in ethics, and that, in particular, his toleration theory is based on his relativism (Brahami, *Travail du Scepticisme*, 158–62, and "Le Dieu de Bayle"). If that were the case, Bayle would have grossly overlooked an issue fatal to his dearest thesis, namely, toleration. The persecutor aporia would hold, since nothing could be objected to sincere fanatics (everything would be relative to subjective views, except the obligation to follow one's conscience). Brahami does not explain how the difficulty could be solved. Moreover, his reading stems from a misinterpretation of what conscience is for Bayle (see below, next section): Bayle, he says, *accorde une valeur absolue à la conscience précisément parce qu'il la délie de tout ancrage dans la raison* ("Le Dieu de Bayle," 139). In addition, on skepticism see Kenshur, *Dilemmas*, 103–11. On Bayle's theoretical skepticism and moral rationalism, see Labrousse, *Pierre Bayle*, vol. 2, ch. 9, 257–89; and Solère, "Le cas Bayle."

<sup>76</sup>[J]'ai lieu de croire que ceux qui les [his arguments] examineront sincèrement, éclaireront les erreurs de conscience où ils pourraient être quant à la persécution (*CP* II.9, 430b).

<sup>77</sup>See above, p. 35.

<sup>78</sup>See *CP* II.4 (408b), II.5 (412a), II.9 (431a–b).

<sup>79</sup>I agree with Kilcullen (*Sincerity*, 92) that the call to try relentlessly to persuade the persecutors is part of Bayle's response, but that call would be mere wishful thinking in the absence of a negative

bulwark against fanatics who act as they should, namely, in accordance with their conscience.<sup>80</sup> There is therefore no “aporia of the sincere persecutor.” Basing toleration on the principle of conscience does not lead Bayle to the devastating outcome of eventually justifying intolerance.

#### 4. HOW CAN CONSCIENCE BE MISLEADING?

Still, one might object: if conscience has a divine origin, that is to say, if the dictates of conscience are grounded on the natural law that God makes accessible to our reason,<sup>81</sup> how is it possible that this sacred principle (the “voice of God” in us, as Gianluca Mori calls it<sup>82</sup>) can mislead the sincere fanatic? And if it does mislead, how is the subsequent error not innocent?<sup>83</sup> I will now discuss what amounts to a misconception of the notion of conscience, especially in Mori’s interpretation, according to which Bayle eventually abandoned his theory of toleration because of the “conscientious persecutor.”

There is nothing mysterious about conscience and its possible failures. Conscience is not a special faculty, or a kind of prophetic inspiration, as the expression ‘God’s voice’ might cause us to think. Aquinas, for example, understands the word ‘conscience’ as *conscientia*, that is to say, *applicatio scientiae ad aliquid* (“application of knowledge to something”), namely, *ad ea quae agimus* (“to our actions”). Conscience, he comments, is an act of reason that prescribes what we should do or shun, or which judges that an action we have done is bad or good.<sup>84</sup> Conscience, therefore, is nothing other than our reason taken in relation to action,<sup>85</sup> or, in other words, practical reason. This is also how Bayle defines it in his *Institutio Philosophiae* or *Système de Philosophie*,<sup>86</sup> and there is no indication that, shortly after, in the *Commentary*, he uses the term differently.<sup>87</sup> I see no reason to

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moral assessment of persecution (overlooked by Kilcullen—cf. above, at n. 43) which legitimizes resorting to force to stop fanatics who are deaf to the voice of reason, as the opponent in the second objection has the right to imagine them. Cf. *CP* II.9, 43 1b: *Que si pourtant on souhaite de savoir ce qu’il faudrait faire contre de semblables prédicateurs, je dis qu’il faudrait d’abord, si on présuait qu’ils fussent persuadés de ce qu’ils diraient, raisonner avec eux, et leur montrer dans la parole de Dieu, et dans les idées de la droiture naturelle, leur condamnation. Ou ils seraient des phrénétiques, ou ils entendraient raison après un tel catéchisme . . . ; et s’ils persistaient dans leur opinion, . . . en ce cas-là on pourrait leur dire, que comme ils attaquent les lois politiques de la société, ils sont dans le cas où les souverains ne respectent point l’allégation de conscience.* In addition, merely restating the reciprocity argument, as Kilcullen seems to suggest Bayle does, would not solve the problem, since the conscientious persecutor objection rises from the discussion about the reciprocity argument, as we saw.

<sup>80</sup>In theory, that is to say, if the authorities are not fanaticized themselves. What to do in the contrary case? That is the unfortunate situation in which Bayle found himself, and his response is that one should not rebel against the political power in place (traditional view based on *Romans* 13), but either leave and go into exile, or endure the persecution as the Christian martyrs did. See Labrousse, *Pierre Bayle*, 2:478–96.

<sup>81</sup>See above, p. 25.

<sup>82</sup>Mori, *Bayle*, 300.

<sup>83</sup>Cf. Mori, *Bayle*, 300.

<sup>84</sup>*STh* I<sup>a</sup> p., q. 79, a. 13; *QD*, “De veritate,” q. 17, a. 1.

<sup>85</sup>On the Protestant side, see Ames, *De conscientia*, 1: *Conscientia humana . . . est iudicium hominis de semetipso, prout subijcitur iudicio Dei. . . . Iudicium appello conscientiam, primo ut ad intellectum eam pertinere ostendam, non ad voluntatem. . . . omnes actiones illae . . . pertinent proprie ad vim et facultatem aliquam rationis.*

<sup>86</sup>*Est autem conscientia iudicium practicum intellectus dictantis aliquid agendum esse vel fuisse, tanquam honestum, vel fugiendum esse vel fuisse tanquam turpe* (OD IV.260b–261a).

<sup>87</sup>Cf. Mori, “The Rights,” 52–53.

accept Mori's assertion that, in the *Commentary*, the word 'conscience' is ambiguous because Malebranche's influence has drawn the notion toward the realm of sentiments as opposed to rational knowledge. True, in *The Search after Truth* (1674), Malebranche adds to the French 'conscience' a new meaning, which corresponds to the English 'consciousness,' and for him consciousness is not a distinct knowledge of the mind's own nature but only an obscure inner perception or "sentiment." In the same manner, Malebranche reduces moral conscience to a confused sentiment, so that knowledge by *conscience* in both senses is contrasted with knowledge by clear and distinct ideas. But however influential Malebranche was, his sway was not sufficient to impose immediately his terminology. Even among the French Cartesians, after 1674, 'conscience' in the sense of consciousness is not yet part of the standard vocabulary.<sup>88</sup> In Richelet's *Dictionnaire français* (1680), Furetière's *Dictionnaire universel* (1684–90), and the *Dictionnaire de l'Académie française* (1694), the word 'conscience' is still mainly used in its traditional moral sense, associated with the notion of judgment grounded on "right reason" or "natural light."<sup>89</sup> In 1700, it is still reluctantly that Coste translates Locke's 'consciousness' as 'conscience.'<sup>90</sup> As late as 1704, Jaquelot writes to Leibniz, *Je m'exprime en Latin, parce que nous n'avons point de mot français qui puisse rendre tout le sens du mot conscia.*<sup>91</sup> Last, but not least, in a late text (1705) Bayle gives as a definition of conscience: *un jugement de l'esprit qui nous excite à faire certaines choses parce qu'elles sont conformes à la raison, et qui nous détourne de quelques autres choses parce qu'elles sont contraires à la raison*<sup>92</sup>—which is exactly the definition he gave twenty-five years earlier in his *Institutio*.

But if conscience is a judgment of practical reason, why, then, is it something like "the voice of God" in us?

In his *Institutio Philosophiae*, Bayle explains that natural law is borrowed from, or modeled after, the "eternal law," which is none other than God's reason itself.<sup>93</sup> The

<sup>88</sup>Davies, *Conscience*, 10–11.

<sup>89</sup>Davies, *Conscience*, 19–20.

<sup>90</sup>Davies, *Conscience*, 27–28

<sup>91</sup>Quoted by Davies, *Conscience*, 11.

<sup>92</sup>*Réponse aux Questions d'un Provincial*, III.29, OD III.986b. A text that Mori himself quotes farther down in "The Rights," 57.

<sup>93</sup>[I]l faut remarquer que Dieu a voulu que la loi éternelle brillât dans nos âmes, et qu'il a imprimé en nous le sentiment de cette rectitude qui est la souveraine raison de Dieu. Nous avons donc emprunté et copié, pour parler de la sorte, sur la loi éternelle, certaines règles auxquelles nous devons conformer nos actions et nos jugements, et ces règles sont ce qu'on appelle la droite raison, ou la loi naturelle; car la loi naturelle est ce dictamen de la droite raison, par lequel nous connaissons que l'Auteur de la Nature commande, ou défend certaines choses (OD IV.262a). On these notions, see Lottin, *Psychologie*, 2:51–67 and 71–100 ("La loi éternelle chez Saint Thomas d'Aquin et ses prédécesseurs" and "La loi naturelle depuis le début du XIIIe siècle jusqu'à saint Thomas d'Aquin"). I do not see why Labrousse (*Pierre Bayle*, 2:260), followed by Hochstrasser ("The Claims of Conscience," 28–32), asserts that Bayle took these ideas from Grotius. What Grotius has to say on that specific topic is mere commonplace. Bayle may have borrowed what he taught in the *Institutio* from dozens of sources. Labrousse, I am afraid, unduly restricts the concept of *loi naturelle* (*lex naturae*) to that of *droit naturel* (*jus naturae*). The *lex naturae* is wider and includes ethical prescriptions (such as duties toward oneself) that are not a matter of political law. Admittedly, in the *Continuation des Pensées Diverses*, chap. 152, Bayle writes, *Je m'en tiens à la doctrine de Grotius: il me semble que l'homme est tout autant obligé de se conformer aux idées de la droite raison, dans les actes de la volonté, que de suivre les règles de la logique, dans les actes de son entendement* (OD III.409a). But this is purely incidental, as Bayle answers to some authors who have criticized Grotius. Again, Grotius is not original on that count.



precepts of natural law derive their rectitude or goodness from their conformity with eternal law. Ultimately, then, when conscience dictates something, it is God who orders it (this is why disobeying one's conscience amounts to holding God in contempt, as we saw above, in [9]–[11]).

But, again, there is nothing prophetic, or irrational, or mysterious in God's "speaking" through conscience.<sup>94</sup> The process simply consists in our reason descending a hierarchy of propositions, from the supreme, legislative, divine reason, to the particular judgment about a certain situation, which we are supposed to make in accordance with the eternal law via the natural law. As Bayle explains in the *Institutio*, practical reason has two roles. On the one hand, it grasps the practical principles, that is, the primary axioms of ethics.<sup>95</sup> On the other hand, it carries out practical reasoning, that is, draws consequences which particularize the first, general rules, and eventually applies them to the concrete situation we face, telling us what to do or not to do.<sup>96</sup> Bayle expresses this dual function of practical reason in the terms of a distinction that is quite traditional in scholasticism, namely, the distinction between *synderesis* and *conscientia*.<sup>97</sup> The same practical reason is called by one or the other term according to whether it is grasping principles or deducing conclusions from them. To quote one of the foremost moral theologians in the seventeenth century, the Jesuit Paul Laymann: *synderesis* is the habitual (in the sense of *habitus*) knowledge of universal practical principles, such as *One must abhor the evilness of sin*.<sup>98</sup> *Conscientia* is a particular act of judgment deduced from the universal principles of *synderesis*, as exemplified by this kind of practical

<sup>94</sup>Nor is there in it, for that matter, any of the subjectivism attached to the contemporary notions of innermost conviction, intuition, moral certainty, etc., according to which a precise account of the grounds for certitude is not expected.

<sup>95</sup>Such as *Suum cuique tribuendum est, Deus est colendus*, etc. (OD IV.259a). In the French version: *Cette seconde partie de la philosophie contient quelques propositions d'une éternelle vérité, par lesquelles elle démontre un certain nombre de conclusions* (OD IV.259b). They are the counterparts of theoretical axioms such as "the whole is greater than a part," and they serve as the first premises of practical reasoning. These axioms constitute "natural law," and they are revealed by "natural light," which comes to say that they are supposed to be, in principle, accessible to any human mind: *Il y a une certaine loi de la nature, que les hommes entendent tous sans règles et sans préceptes* [i.e., without the help of a doctrine such as ethics], *et qui met de la différence entre le bien et le mal. Il y a donc par rapport aux mœurs quelques principes, dont la lumière naturelle suffit pour connaître la vérité* (OD IV.259b).

<sup>96</sup>As Bayle explains, it also modifies the principles when necessary, that is, adapts them to the particular situation (*[principes] que la raison applique et modifie, quand il est nécessaire* [OD IV.59b]). He also writes, *La même raison de l'homme qui connaît la certitude d'une règle, connaît aussi les exceptions qu'il faut y faire* (OD IV.259b). For instance (this is Bayle's example), right reason tells us to honor our parents, but a son who becomes the head of the commonwealth may require in this capacity signs of respect from his parents.

<sup>97</sup>He does so in the Latin text of the *Institutio*, whereas the French translation has only '*conscience*.' On the genesis of the notions of '*synderesis*' and '*conscience*,' see Lottin, *Psychologie*, 2:101–349 ("Syndérèse et conscience aux XII<sup>e</sup> et XIII<sup>e</sup> siècles").

<sup>98</sup>Laymann, *Theologia*, l. I t. I c. I n. I: *Synderesis est habitus, sive conservatio principiorum practicoorum. . . . Practica, sive moralia principia sunt universales, ac per se notae humanarum actionum regulae, & quasi quaedam lumina virtutum vera, & incommutabilia. Cuiusmodi sunt, Bonum honestum amplectendum esse; malum peccati fugiendum . . . Igitur rectè ait S. Thom. l. c. Sicuti naturaliter nobis indita sunt principia speculabilium; ita & principia agibilium. Verum principia speculabilium; v. g. Quicquid est, substantia, vel accidens est: Omne totum maius sua parte est; pertinent ad specialem habitum, qui ab Aristot. 6. Ethic. c. 6. dicitur Intellectus: principia autem agibilium eorum, quae ad honestè vivendum pertinent, ad specialem habitum spectant, quem vocamus Synteresin.*



sylogism: *the evilness of sin must be held in abhorrence; perjury has the evilness of sin; therefore, the perjury I committed yesterday must be held in abhorrence.*

Bayle mirrors this distinction:

[T]hat natural light, by which we approve the principles of morals, is called *syntheresis*.

[T]he *syntheresis*, of which we have just talked, is considered as a habit, the act of which is called conscience. Conscience is a practical judgment of the intellect dictating that something must be done or should have been done because it is the right course of action (*honestum*), or must not be done or should not have been done because it is shameful.<sup>99</sup>

In sum: natural law is a set of general rules derived from God's intellect; *synderesis* is the natural knowledge of these rules; conscience is a judgment that applies these rules to concrete situations and decides which action is justified.

However, it is precisely during this process of application that conscience can go astray—just as natural light, in theoretical matters, errs in deductions too.<sup>100</sup> The most universal principles are manifest and *per se nota* through natural light. But the conclusions that should be drawn from these axioms, that is to say, their application to particular cases, is where we may fail. As Laymann specifies, *synderesis* is infallible because it is limited to the knowledge of universal practical principles.<sup>101</sup> Error appears when conscience makes an incorrect deduction through a false practical belief.<sup>102</sup> The very first principles are always known because they are general and quasi formal. Such is the principle, "Serving God is a good action." But next we need to give this principle some content, that is to say, to identify which deeds qualify as serving God, and which do not. At this stage, an error can creep in. For instance, if we believe that "to lie with the view of spreading religion is to serve God,"<sup>103</sup> from this erroneous premise (the minor premise of the syllogism) we will wrongly conclude, "Therefore, to lie with the view of spreading religion is a good action." Furthermore, from this rule we will draw practical applications, that is, what conscience tells us, concretely, in certain circumstances. For instance: "This particular falsehood will favor the spreading of religion; therefore, it is licit and good to tell this falsehood."<sup>104</sup> Such erroneous, unwarranted propositions do not belie the obviousness of the axioms; they result from a practical reasoning that has

<sup>99</sup>Porro lumen istud naturale, quo approbamus principia morum, vocari solet *syntheresis* . . . ; Caeterum *syntheresis* de qua supra, consideratur tanquam habitus, cujus actus vocatur conscientia. Est autem conscientia iudicium practicum intellectus dictantis aliquid agendum esse vel fuisse, tanquam honestum, vel fugiendum esse vel fuisse tanquam turpe (OD IV.260b–261a).

<sup>100</sup>Cf. Thomas Aquinas, *Quodl.*, III, q. 12, a. 2, *QD*, "De veritate," q. 17, a. 2. More exactly, Bayle says in *Pensées Diverses*, para. 136, OD III.87b–88a, in theoretical matters we ordinarily fail to grasp the true principles, but in general we correctly deduce consequences from our premises, whereas, in moral matters, almost nobody fails to grasp the true principles, because they are given to us by the *synderesis*, but we generally do not deduce the correct consequences, because passions interfere and derail our practical syllogisms.

<sup>101</sup>Laymann, *Theologia*, l. I t. I c. I n. I: *circa synteresin error non contingit: quia versatur circa universalissima principia agendorum, quae per se nota sunt, non minus quam principia speculabilia.*

<sup>102</sup>Cf. Thomas Aquinas, *QD*, "De veritate," q. 16, a. 2.

<sup>103</sup>This example is not pure fiction; it is historically attested: see Bayle's *Dictionnaire*, entry "Marule (Marc)," end of remark A.

<sup>104</sup>Laymann, *Theologia*, c. 3. num. 1.

deviated from rectitude. Exactly as in theoretical matters, these false assumptions may sneak in our minds for many reasons: negligence, maliciousness, passions, prejudices, temperament, upbringing, and so forth.<sup>105</sup>

Now, if we replace Laymann's erroneous minor premise with this one: "To persecute with the view of spreading religion is to serve God," we obtain the Baylean persecutor's erroneous conscience. That is how the so-called "voice of God" can wrongly come to intimate persecution.<sup>106</sup>

Moreover, this false premise can easily be inculcated in young minds. Bayle heavily insists on the distorting role of education. He goes as far as saying that "education is undoubtedly capable of making the evidence of truths of right utterly disappear."<sup>107</sup> Children instructed that killing the inhabitants of the next town is a pious deed would hold that belief for a sure truth.<sup>108</sup>

These children's error, then, would be unavoidable. Does that mean that, when they are old enough to kill, their crimes are a case of invincible ignorance? No, since their error can be rectified by other instructors, Bayle crucially adds.<sup>109</sup> Why can these children be disabused? Because they have in themselves the resources for understanding the proof that murder is a crime and that God's will cannot be that people be murdered. A wrong middle term has been drilled into their heads and has occulted the command, "Thou shall not kill," but the right middle terms can be reinstated and the *vérités de droit* can be recovered, because natural light remains accessible to them. All that Bayle wants to say, in order to underscore the weight of education, is that it will take more time and more effort than for children who received another upbringing. Nevertheless, their error can be redressed, contrary to religious errors. And if natural light by right remains accessible to them, their ignorance is not a rightful invincible ignorance. As adults, at least, they have a duty to use their reason and reassess their beliefs.

Because he overlooks this,<sup>110</sup> Mori concludes that at the end of the *Commentaire Philosophique* Bayle no longer endorses (in the same work, written within one year!) the rationalist premises he appealed to at the beginning, namely, the Malebranchist idea that natural light always makes the *vérités de droit* accessible to all minds. Mori contends that Bayle eventually realized that the toleration doctrine

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<sup>105</sup>As Bayle specifies in the *Institutio*, *On appelle conscience fausse celle, qui asservie à des préjugés et à des passions, ne connaît point avec évidence ce qu'il faut faire, et conçoit confusément comme bonne une chose qu'elle aurait jugée comme mauvaise si elle avait été dans une autre situation. Il arrive souvent que l'erreur de la conscience vient non seulement de la négligence, mais encore de la malice* (OD IV.263b).

<sup>106</sup>Thus, contrary to Mori's claim (*Bayle*, 297), the notion of conscience in Bayle is not split into two senses that may be incompatible: universal and rational imperative on the one hand, subjective and irrational instinct on the other hand. Wrong individual beliefs are nothing else than the conclusions of a conscience that, despite being given the right principles, has gone astray in its deductions.

<sup>107</sup>CP II.10, 442b/PC 275.

<sup>108</sup>CP II.10, 442b/PC 275.

<sup>109</sup>CP II.10, 442b/PC 275. Mori, when he analyzes this passage in *Bayle*, 285, omits this crucial precision (so does Laursen, "Skepticism," 139). Here is the full text, with, emphasized, the sentence left out by Mori: *Il est très apparent que, si l'on convenait dans une ville de faire croire aux enfants que Dieu veut qu'on tue les habitants d'une autre, ils le croiraient et n'en reviendraient jamais* s'ils ne passaient par les mains d'autres instructeurs. Ainsi quand on leur notifierait le décalogue, il faudrait l'accompagner de plus de raisons qu'à l'égard des gens qui auraient été mieux élevés. L'éducation est assurément capable de faire évanouir la clarté des vérités de droit (CP II.10, 442b).

<sup>110</sup>See above, n. 109.

of the *Commentaire* does not work because of the generalized indoctrination of minds bred on all sides to be “sincere persecutors,” and that only atheism would make peaceful societies possible. In light of what conscience really is for Bayle, I maintain on the contrary 1) that Bayle’s views are consistent throughout the *Commentaire*, and 2) that he never forsook his theory.<sup>111</sup> In the Supplement,<sup>112</sup> Bayle clearly and expressly repeats that the wickedness of persecution is subject to no invincible ignorance. One is excusable in not changing one’s mind about entangled, confused religious issues. Who is right: the Catholics or the Protestants, the Jansenists or the Jesuits, the supralapsarists or the infralapsarists? But one is at fault for not changing one’s mind about persecution. The wrongness of persecution can be *demonstrated* to the persecutors because it is a philosophical issue, not a theological one. If they discard the demonstration, it is because they allow their minds to be ruled by prejudice, or by the passions of anger, revenge, and so forth, not by reason, and that is reprehensible.<sup>113</sup> Again, the *Philosophical Commentary* provides another “course of instruction” for fanatics, that is to say, contains the arguments that we have just analyzed and many more,<sup>114</sup> which demonstratively prove that one should not constrain consciences. Fanatics may fancy that God has ordered them to persecute others, but “This ought not hinder our crying out loudly against their false maxims, and endeavoring to enlighten their understandings.”<sup>115</sup> Their error ceases to be an invincible, *bona fide* error as soon as they are presented with these *lumières*. One can take such minds back to the principles and prove to them that these principles are incompatible with the erroneous premises that external factors have introduced.<sup>116</sup> That is exactly what Bayle attempts to do when writing his *Commentaire Philosophique*. His plea for toleration implacably renders intolerance inexcusable.

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 ———. *Commentaire philosophique sur ces paroles de Jésus-Christ, “Contrains-les d’entrer”; où l’on prouve, par plusieurs raisons démonstratives, qu’il n’y a rien de plus abominable que de faire des conversions par la contrainte*. In OD II.355–560. [*CP*]

<sup>111</sup>Hickson, in “Bayle’s Last Title” and “Theodicy and Toleration,” also thinks that Bayle stood by his theory.

<sup>112</sup>That is, *after* the end of the second part, I shall underline, again with regard to Mori’s contention that Bayle changed his mind at the end of the second part of the *CP*.

<sup>113</sup>Cf. Aquinas, *QD*, “De veritate,” q. 16, a. 3.

<sup>114</sup>An abundance of “reasons” which would not be necessary for better educated people (see Bayle’s quote in n. 109).

<sup>115</sup>*CP* II.9, 430b/*PC* 242.

<sup>116</sup>Cf. what was said above on how conscience becomes erroneous, and Bayle’s review of an anonymous book in the *Nouvelles de la République des Lettres*, Oct. 1686, art. VIII: *L’auteur réfute solidement ceux qui disent que le fonds même de la conscience est un fruit de l’éducation; cela pourrait être vrai de l’application de la conscience à telles ou telles choses, mais cela est faux quant au fonds de la conscience, et à certaines idées communes à toutes les nations; par exemple, qu’il est plus honnête d’avoir de la gratitude pour son bienfaiteur, que de le trahir* (OD I.671b; my emphasis).

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