

Hobbes in 1658 said <sup>(a)</sup>: "Christians, or men of what religion soever, if they tolerate not their king, whatsoever law he maketh, though it be concerning religion, do violate their faith, contrary to the divine law, both natural and positive; nor is there any judge of heresy among subjects, but their own civil sovereign. For heresy is nothing else but a private opinion obstinately maintained, contrary to the opinion which the public person, that is to say, the representant of the commonwealth, hath commended to be taught. By which it is manifest, that an opinion publicly appointed to be taught cannot be heresy; nor the sovereign princes that authorize them, heretics. For heretics are none but private men that stubbornly defend some doctrine prohibited by their lawful sovereign." Which heretics he counselled, could they not comply with the king's requirement, to go off courageously "to Christ by martyrdom," and leave the land in peace. *Hobbes was wrong.*

John Locke gained for himself much renown by his noble plea for toleration, and was, we think, much in advance of the day when he wrote (1689); but he makes this qualification <sup>(b)</sup>: "Lastly, those are not to be tolerated who deny the Being of a God. Promises, covenants and oaths which are the bonds of human society can have no hold upon an atheist. The taking away of God, though but even in thought, dissolves all. Besides also, those that by their atheism undermine and destroy all religion, can have no pretence of religion whereupon to challenge the privilege of a toleration." *Locke was wrong.*

Bishop Warburton in 1736 <sup>(c)</sup> lays down in the strongest terms the natural right of every man to worship God according to his conscience, and the criminality of every attempt on the part of the State to interfere with his religion. "With religious errors,

as such, the State has no concern"; and it may never restrain a religion except when it produces grave "civil mischiefs." In asserting, however, that "religion, or the care of the soul, is not within the province of the magistrate, and that consequently matters of doctrine and opinion are without his jurisdiction, this must always be understood, with the exception of the three fundamental principles of natural religion—the being of God, His providence over human affairs, and the natural, essential difference of moral good and evil. These doctrines it is directly his office to cherish, protect and propagate, and all oppugners of them it is as much his right and duty to restrain, as any the most flagrant offenders against public peace." And the reason of this exception, he says, is obvious: "The magistrate concerns himself with the maintenance of these three fundamental articles, not as they promote our future happiness, but our present . . . They are the very foundation and bond of civil policy.

Without them oaths and covenants and all the ties of moral obligation upon which society is founded are dissolved." *Warburton was wrong.*

Rousseau in 1761 <sup>(d)</sup> drew up a civil profession of faiths and prescribed that: "If any one declines to accept them, he ought to be exiled, not for being impious, but for being unsociable, incapable of sincere attachment to the laws, or of sacrificing his life to his duty. If any one, after publicly recognizing these dogmas, carried himself as if he did not believe them, then let him be punished by death, for he has committed the worst of crimes, he has lied before the laws." *Rousseau was wrong.*

Blackstone, the great English jurist, in his commentaries (1755) wrote: "Doubtless the preservation of Christianity as a national religion is, abstracted from the intrinsic truth, of the utmost consequence to the civil

(a) *Leviathan*, cap. 42.

(b) *First Letter on Toleration*, p. 31.

(c) *Alliance of Church and State*.

(d) *Contract Social* iv, viii, 203.