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THE CLARENDON EDITION OF THE WORKS OF JOHN LOCKE

John Locke

An Essay Concerning
Toleration

And Other Writings on Law and Politics, 1667–1683

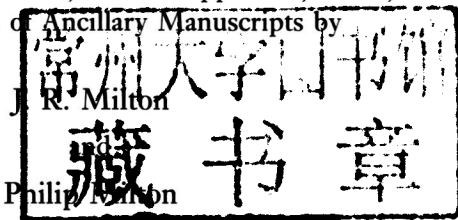
Edited with an Introduction and
Notes by J. R. Milton and Philip Milton

JOHN LOCKE

AN ESSAY
CONCERNING
TOLERATION

AND OTHER WRITINGS ON
LAW AND POLITICS
1667-1683

Edited with an Introduction, Critical Apparatus, Notes, and
Transcription of Ancillary Manuscripts by



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AN ESSAY CONCERNING TOLERATION AND OTHER
WRITINGS ON LAW AND POLITICS, 1667-1683

This volume contains the first critical edition of John Locke's *Essay concerning Toleration* and a number of his other writings on law and politics composed between his joining Lord Ashley's household in 1667 and his departure from England in 1683. Although he never published any of them himself these works are of very great interest to students of his intellectual development in that they are markedly unlike the ones he had written while at Oxford and show him working out ideas that were to appear in his mature political writings, the *Two Treatises of Government* and the *Epistola de Tolerantia*.

Although the *Essay concerning Toleration* has been in print since the nineteenth century, this volume contains the first edition based on a full collation of all the extant manuscripts, together with accounts of contemporary debates on comprehension and toleration, and of Locke's arguments for toleration. Also included are a number of shorter writings on church and state, including a set of queries (not previously published) on Scottish church government (1668), Locke's notes on Samuel Parker's *Discourse of Ecclesiastical Politie* (1669), a short tract on excommunication (1674), and the entries on political and related topics in Locke's commonplace books.

The other two main works published here are rather different in character. One is a recently discovered tract on jury selection written by Locke at the time of the Earl of Shaftesbury's imprisonment in 1681. The other is *A Letter from a Person of Quality*, a political pamphlet written in 1675 as part of Shaftesbury's campaign against the Earl of Danby. Published anonymously, this was first attributed to Locke in 1720 and since then has occupied an uncertain place in the Locke canon. This volume contains the first critical edition based on contemporary printed editions and manuscripts, and it includes a detailed account of the *Letter's* composition, authorship, and subsequent publication history.

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Philip Milton is a Lecturer in Law at the University of Leicester

THE CLARENDON EDITION OF THE
WORKS OF JOHN LOCKE

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PREFACE

THIS volume contains all Locke's known writings on religious toleration, law, and politics for the years 1667 to 1683, except for the *Fundamental Constitutions of Carolina*, the *Two Treatises of Government*, and the Critical Notes on Stillingfleet, all of which will be appearing elsewhere in the Clarendon Edition.

With the exception of *A Letter from a Person of Quality*, all the works included in the main part of the book are unquestionably by Locke. The *Letter* was first publicly attributed to Locke in 1720, and since then it has occupied a rather uncertain place in the Locke canon. It was undoubtedly written for Locke's patron, the Earl of Shaftesbury, and there are good reasons for thinking that Locke played an important part in its composition. Whether it should count as one of Locke's works is a nice question. Substantial parts of it were assembled from pre-existing materials, some of which have survived and are printed as Appendices to this volume, and it is quite likely that other material was used that has since been lost. For this reason little would be gained by using stylistic evidence to try to establish authorship, and we have not attempted to do this. It is also clear that the *Letter* should not be used as evidence of Locke's own views: if it reflects anyone's outlook it is Shaftesbury's.

Two works that survive in manuscript among Locke's own papers, *Philanthropy* and the *Queries on Catholic Infallibility*, have been placed in the Appendices. Their inclusion in this volume does not indicate that the editors believe that they are by Locke. Locke owned and kept copies of them, and he may have been involved in their composition: in the absence of further evidence there is little more that can be said.

It is possible—indeed very likely—that other manuscripts exist that would provide further information about the events we have described, especially in relation to the writing of the *Letter from a Person of Quality*. One of the two manuscript copies of this, British Library Add. MS 74273, was purchased by the British Library in 1999, and only came to our notice when our work on the text of the *Letter* was quite well advanced. We also began work on the *Reasons against the Bill for the Test* with a knowledge of only one manuscript, the copy in the Shaftesbury

Preface

papers; further research has unearthed another five, and it would seem extremely likely that further copies exist.

A work of this kind creates many debts. We would like to thank Michael Ayers, John Dunn, Mark Goldie, John Rogers, Sandy Stewart, and James Tully, all of whom read the first version of the book and made valuable suggestions and comments. We would also like to thank David Armitage for sending us a photocopy of the relevant part of the Harvard microfilm of *Adversaria* 1661, Kimimasa Inoue for providing a copy of his edition of the *Essay concerning Toleration*, Robin Robbins for reading a draft of the section of the Textual Introduction concerned with the *Letter from a Person of Quality*, and John Spurr for advice about the Compton Census.

Most of the research was carried out in the Bodleian Library, the British Library, Cambridge University Library, and the National Archives, and we would like to thank the staff of these institutions and of the other libraries and record offices we used for their help and assistance. Particular thanks are due to Mary Robertson and her colleagues at the Huntington Library, who did so much to make our visit there an enjoyable one. We would also like to thank the staff at Oxford University Press, and in particular Peter Momtchiloff and Laurien Berkeley.

We are grateful to the Bodleian Library, the Huntington Library, the Hampshire Record Office, the National Archives, and M. Henri Schiller for permission to publish the texts of manuscripts in their possession, and to Cambridge University Library, the Huntington Library, and the National Archives for permission to reproduce photographs of some of these manuscripts and of several pages from the two 1675 editions of the *Letter from a Person of Quality*.

Finally, we would both like to thank Julia Milton, who, as wife to one editor and sister-in-law to the other, had to live with the project almost as closely as they did. We are both immensely grateful to her for reading and commenting on the two Introductions, and for her advice, encouragement, and forbearance.

J. R. Milton
Philip Milton

7 July 2005

PREFACE TO THE PAPERBACK EDITION

The reissue of this book in paperback has provided an opportunity to correct a number of misprints and other minor errors which had appeared in the first edition; we are grateful to Roger Woolhouse and Timothy Stanton for drawing some of these to our attention. The indexes have also been corrected and expanded, and some other small changes have been made, but no attempt has been made to revise the work in the light of more recent publications on any of the matters with which it deals.

JRM
PM

10 July 2009

ABBREVIATIONS

The following abbreviations are used in the notes:

Barrell, <i>Shaftesbury</i>	<i>Anthony Ashley Cooper Earl of Shaftesbury (1671–1713) and 'Le Refuge Français'—Correspondence</i> , ed. Rex A. Barrell (Lewiston, NY, 1989)
BL	British Library, London
Bodl.	Bodleian Library, Oxford
<i>Bulstrode Papers</i>	<i>The Collection of Autograph Letters and Historical Documents formed by Alfred Morrison, The Bulstrode Papers</i> , i: 1667–1675 (n.p., 1897)
Burnet	<i>Burnet's History of My Own Time</i> , ed. Osmund Airy, 2 vols. (Oxford, 1897–1900)
Christie	W. D. Christie, <i>A Life of Anthony Ashley Cooper, First Earl of Shaftesbury, 1621–1683</i> , 2 vols. (London, 1871)
<i>CJ</i>	<i>Journals of the House of Commons</i>
<i>Correspondence</i>	<i>The Correspondence of John Locke</i> , ed. E. S. de Beer, 9 vols. (Oxford, 1976–)
Cranston	Maurice Cranston, <i>John Locke: A Biography</i> (London, 1957)
<i>CSPD</i>	<i>Calendar of State Papers, Domestic</i>
<i>CSPV</i>	<i>Calendar of State Papers, Venetian</i>
CUL	Cambridge University Library
<i>Drafts</i> , i	John Locke, <i>Drafts for the 'Essay concerning Human Understanding' and Other Philosophical Writings</i> , i, ed. Peter H. Nidditch and G. A. J. Rogers (Oxford, 1990)
DWL	Dr Williams's Library, London
<i>Essex Papers</i> , i	<i>Essex Papers</i> , ed. Osmund Airy, Camden Society, 2nd ser., 47 (London, 1890).
<i>Essex Papers</i> , ii	<i>Selections from the Correspondence of Arthur Capel Earl of Essex 1675–1677</i> , ed. C. E. Pike, Camden Society, 3rd ser., 24 (London, 1913).
Fox Bourne	H. R. Fox Bourne, <i>The Life of John Locke</i> , 2 vols. (London, 1876)
Goldie	John Locke, <i>Political Essays</i> , ed. Mark Goldie (Cambridge, 1997)
Haley	K. H. D. Haley, <i>The First Earl of Shaftesbury</i> (Oxford, 1968)

Abbreviations

Heawood	E. Heawood, <i>Watermarks Mainly of the 17th and 18th Centuries</i> (Hilversum, 1950)
Henning	<i>The House of Commons 1660–1690</i> , ed. Basil Duke Henning, 3 vols. (London, 1983)
HLRO	House of Lords Record Office
HMC	Historical Manuscripts Commission
King	Peter King, <i>The Life of John Locke</i> (London, 1829; 2nd edn., 2 vols., London, 1830)
<i>LJ</i>	<i>Journals of the House of Lords</i>
<i>LL</i>	John Harrison and Peter Laslett, <i>The Library of John Locke</i> , 2nd edn. (Oxford, 1971)
<i>LPQ</i>	<i>A Letter from a Person of Quality, to His Friend in the Country</i> ([London], 1675)
Luttrell	Narcissus Luttrell, <i>A Brief Historical Relation of State Affairs</i> , 6 vols. (Oxford, 1857)
Milward	<i>The Diary of John Milward, Esq., Member of Parliament for Derbyshire, September 1666 to May 1668</i> , ed. Caroline Robbins (Cambridge, 1938)
MS Locke	Bodleian Library, MS Locke
NA	National Archives, Kew
NS	new series
<i>ODNB</i>	<i>Oxford Dictionary of National Biography</i>
<i>OED</i>	<i>Oxford English Dictionary</i>
Pepys	<i>The Diary of Samuel Pepys</i> , ed. Robert Latham and William Matthews, 11 vols. (London, 1970–83)
PRO 30/24	The National Archives, Kew, Shaftesbury papers
Rand, Shaftesbury	<i>The Life, Unpublished Letters, and Philosophical Regimen of Anthony, Earl of Shaftesbury, Author of the 'Characteristics'</i> , ed. Benjamin Rand (London, 1900)
RO	Record Office
<i>SR</i>	<i>Statutes of the Realm</i> , 11 vols. (London, 1810–28)
<i>Summary Catalogue</i>	P. Long, <i>A Summary Catalogue of the Lovelace Collection of the Papers of John Locke in the Bodleian Library</i> (Oxford, 1959)
Term Catalogue	<i>The Term Catalogues 1668–1709 A.D.</i> , ed. Edward Arber, 3 vols. (London, 1903–6)
Wing	<i>Short-Title Catalogue of Books Printed in England, Scotland, Ireland, Wales, and British America and of English Books Printed in Other Countries</i> , comp. Donald Wing, 2nd edn., 4 vols. (New York, 1972–98)

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GENERAL INTRODUCTION

WITH a few minor exceptions of uncertain date, all the writings printed in this volume were written between April 1667, when Locke left Oxford to join the household of Lord Ashley in London, and January 1683, when Ashley, by now the Earl of Shaftesbury, died in exile in Amsterdam.¹ All Locke's known writings on religious toleration, law, and politics from this period have been included except for the *Two Treatises of Government* and the attack on Stillingfleet's *The Mischief of Separation* and *The Unreasonableness of Separation* (MS Locke c. 34), which will appear in separate volumes.

LOCKE AND THE EARL OF SHAFTESBURY

Locke met his future patron entirely by chance in the summer of 1666.² Ashley was visiting Oxford in order to see his son, then a boy of fourteen and an undergraduate at Trinity. He was forty-four years old, and had been the Chancellor of the Exchequer since 1661. Locke was thirty-three, and had been a Student of Christ Church ever since his arrival in Oxford in 1652.³ He had held a series of teaching posts within the college and was still the tutor of a small group of undergraduate pupils, but he had published nothing apart from some contributions to volumes of congratulatory poems published by the university.⁴ Studentships at Christ

¹ Shaftesbury began life in 1621 as Anthony Ashley Cooper, becoming successively Sir Anthony on his father's death in March 1631, Lord Ashley in April 1661, and first Earl of Shaftesbury in March 1672.

² There are two slightly divergent accounts of their meeting, one from Lady Masham and one from the third Earl of Shaftesbury. The former has been reprinted in Masham, 'Lady Masham's Account of Locke', 174-5. The latter is in the third Earl's letter to Jean Le Clerc, 8 Feb. 1705; there are copies in the third Earl's letter book, PRO 30/24/22/2, fos. 39-40, and in PRO 30/24/22/5, fo. 377. It has been printed in *Notes and Queries*, 1st ser., 3 (1851), 97-9; Rand, *Shaftesbury*, 329-31; Barrell, *Shaftesbury*, 84-9 (with an incorrect date); and Yolton, *A Locke Miscellany*, 27-33.

³ A Studentship at Christ Church was approximately the equivalent of a fellowship at one of the other Oxford colleges, the main differences being that Students were elected before graduation and had no part in the government of the college, which was in the hands of the Dean and Chapter. An account of Locke's years at Christ Church is given in Milton, 'Locke at Oxford'.

⁴ On Locke's activities as a tutor, see Milton, 'Locke's Pupils'. The poems are printed in Goldie, 201-4, 209-11.

Church could be held for life provided that their holder never married and took holy orders when of sufficient seniority to do so;¹ despite various sentimental friendships Locke seems never to have been in serious danger of losing his studentship for the former reason, but by the mid-1660s at least he was strongly averse to ordination and his place at Christ Church was far from secure.² In the winter of 1665–6 he had paid a visit to Cleves as a member of a diplomatic mission, but though his letters home suggest that he enjoyed the experience, he seems not to have been attracted to diplomacy as a career.³ In the autumn of 1666 he made a short trip to London to stay with Ashley, through whose influence he was able to procure a royal order allowing him to retain his studentship without taking orders.⁴ Having secured his position at Oxford, he could now safely absent himself: he moved to London and became a member of Ashley's household in the late spring of the following year.⁵

From May 1667 to November 1675 Locke spent most of his time at Exeter House, a large sixteenth-century building in the Strand which Ashley had leased from the Earl of Exeter; it was demolished in 1676, while Locke was away in France. Apart from his earliest years at Oxford, this is the part of Locke's adult life that is least well documented. Only twenty-three letters by him from this period are known to exist—just under three per year—and there are quite long periods, especially in the late 1660s, from which little or nothing survives.⁶ Even a basic narrative of his life is difficult to construct: he had not yet begun keeping

¹ A detailed account of the workings of Christ Church can be found in Bill, *Education at Christ Church*, 91–165. The four (later five) Faculty Studentships in law or medicine exempted their holders from the requirement of being in orders, but they were infrequently vacated and Locke did not obtain one until 1675.

² On the insecurity of Locke's place at Christ Church, see Milton, 'Locke at Oxford', 30–2. His attitude towards ordination is set out in letters from John Strachey, 18 Nov. 1663, and to John Parry, c.15 Dec. 1666, *Correspondence*, i. 214–16, 303–4.

³ His letters from Cleves are in *Correspondence*, i. 227–59. The offer of the post of secretary to the envoy to Sweden is mentioned in Charles Perrot to Locke, 21 Aug. 1666, *ibid.* 289–90.

⁴ NA, SP 44/14, p. 103, dated 14 Nov. 1666. There is a copy in Locke's hand in MS Locke c. 25, fo. 11, and one by an amanuensis in PRO 30/24/47/22, fo. 9.

⁵ Locke had left Oxford at the beginning of April and spent the next few weeks in Somerset seeing old friends and dealing with business relating to his land; at the end of the month he set off for London, making a detour via Salisbury to stay with David Thomas, Bodl., MS Film 79, pp. 12–32. He probably arrived at Exeter House around the middle of May: a note (*ibid.* 7) records that he received books sent from Oxford on 24 and 30 May.

⁶ Apart from the draft of a report sent to a French physician after Ashley's operation (*Correspondence*, i. 316–17), there is nothing either to or from Locke between the end of November 1667 and April 1669.

a journal and it is often impossible to say where he was at any given time, or to give a detailed account of his movements.¹ He made several journeys to Somerset to see old friends and look after his property there,² and a few more to Dorset when Ashley was visiting his estate at Wimborne St Giles.³ In the summer of 1669 he was asked by Ashley to go to Belvoir Castle in Leicestershire to oversee the negotiations that preceded the marriage of his son to Lady Dorothy Manners.⁴ In the autumn of 1672 he paid a short visit to Paris, his first trip abroad since the mission to Cleves.⁵ He is known to have gone back to Oxford only twice, once in the late summer of 1671 to see his cousin Peter, an undergraduate at Christ Church, and once in February 1675 to take his bachelor of medicine.⁶ Other short journeys may have left no record, but it seems safe to say that he spent by far the greatest part of his time in London.

The precise position that Locke occupied on his arrival in Ashley's household is not entirely certain. According to the third Earl of Shaftesbury, he acted as tutor to Ashley's son, who had left Oxford shortly before Locke.⁷ Nothing in the second Earl's later career suggests that he would have been a rewarding pupil, and it is not unlikely that such activity as Locke undertook in this area soon came to an end. He certainly had time within a year of his arrival to write the *Essay concerning Toleration*, discussed below. In the following year he drafted a paper on rates of interest,⁸ which after much alteration and augmentation was to form part of *Some Considerations of the Consequences of the Lowering of Interest, and Raising the Value of Money*, published in 1692.

¹ Apart from Locke's correspondence, the main sources are the surviving members of the series of pocket memorandum books that he used: for 1667 (Bodl., MS Film 79), 1669 (BL, Add. MS 46470), 1672 (MS Locke f. 48), and 1674 (MS Locke f. 13). From 1671 onwards there are entries in the ledger MS Locke c. 1, and there is further information in the weather register at the end of MS Locke d. 9, in the account book MS Locke f. 12, and in the medical case notes BL, Add. MS 5714.

² In April 1668, October/November 1671, about August 1673, August 1674, and possibly also in April/May 1670, *Correspondence*, i. 360–3, 388; MSS Locke f. 12, p. 16; f. 13, pp. 25–7; c. 26, fo. 65^r.

³ In June/July 1671 and July/September 1675, *Correspondence*, i. 356–7, 359, 428–9; below, p. 98.

⁴ *Correspondence*, i. 321–3.

⁵ *Ibid.* i. 366–72.

⁶ On 6 February 1675, MS Locke b. 5, item 10. Information about Locke's visits to Oxford is provided by the Disbursement Books at Christ Church. The Students' stipends were paid quarterly, and had to be signed for. Normally one of Locke's friends did this, but Locke signed for the third quarter of 1671 and the first quarter of 1675.

⁷ Shaftesbury to Le Clerc, 8 Feb. 1705, PRO 30/24/22/2, fo. 40^r. This is unconfirmed but not contradicted by contemporary evidence.

⁸ *Locke on Money*, 167–92.

Locke also had enough leisure to pursue his other interests, notably medicine.¹ Soon after arriving in London he met Thomas Sydenham, with whom he worked closely for the next four years, visiting patients together and collaborating on several medical treatises.² Their most important patient was Ashley himself. He had suffered for years from a hydatid cyst of the liver, and by the early summer of 1668 his health had deteriorated so badly that he was prepared to undergo an immensely risky operation to drain the abscess. This took place on 12 June, and during the months that followed Ashley slowly recovered his health.³

According to the third Earl of Shaftesbury, the success of the operation greatly raised Locke's standing in the household:

After this Cure Mr Lock grew so much in Esteem with my Grandfather that as great a man as he had experienc'd him in Physick he look'd upon this but as his least part. he encourag'd him to turn his Thoughts another way nor wou'd he suffer him to practice Physick except in his own Family and as a kindness to some particular Friends. he putt him upon the Study of the Religieuse and Civill affairs of the Nation with whatsoever related to the buisness of a Minister of State in which he was so successfull that my Grandfather began soon to use him as a Friend and consult with him on all occasions of that kind. he was not only with him in his Library and Clossett but in Company with the great Men of those times the Duke of Buckingham, Lord Hallifax, & others...⁴

There is nothing implausible about this—if Locke's own testimony is to be trusted, Ashley himself believed that the operation had saved his life.⁵ Nevertheless, the third Earl was not himself a witness of the events he described: he had not even been born at the time of the operation, and was relying on his memory of what others had once told him. Locke did

¹ In 1667–75 at least three-quarters of the entries in Locke's surviving commonplace books are on medical topics (mostly in MS Locke d. 9, also in MSS Locke f. 19 and d. 11); there are also other medical notebooks, MSS Locke f. 21 and f. 22, and two volumes of medical papers, MS Locke c. 29 and PRO 30/24/47/2. The main source of information about non-medical reading is the commonplace book *Adversaria* 1661, in use from c.1670; there are also extracts from books read in MS Locke d. 11 and Locke's interleaved Bible, LL 309 (Bodl., Locke 16.25).

² BL, Add. MS 5714; PRO 30/24/47/2, fos. 31–8, 47–57, 60–9. Dewhurst, *John Locke*, 38–43.

³ The main file of papers relating to the case is PRO 30/24/47/2, fos. 1–30, 81–2; a substantial part of this is printed in Osler, 'John Locke as a Physician', 98–114. See also Locke to de Briolay de Beaupreau, undated [late 1668?], and 20 Jan. 1671, *Correspondence*, i. 316–17, 347–9.

⁴ Shaftesbury to Le Clerc, 8 Feb. 1705, PRO 30/24/22/2, fo. 39^v, some punctuation supplied. On the delivery of letters to Buckingham and others, see Ashley to Locke, 29 Aug. 1670, *Correspondence*, i. 343.

⁵ The most direct evidence for Shaftesbury's gratitude comes from Locke's letter to Pembroke, 28 Nov. 1684, *Correspondence*, ii. 662.