



Religious Authority, Toleration, and Political Justice

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Abstract

The primary question of this investigation has something to do with the legitimacy of religious authority over the power and authority of the state. The concept of legitimacy is a critical question in the Social Contract tradition. Furthermore, I shall ask whether such legitimacy extends to religious questions more importantly, to the concept of the separation of state and religion. It is not as if these questions have not been tackled before. Many philosophers have since discussed the matter. My point is to explore the question in order to respond to present-day issues and concerns, including the case of the Kingdom of Jesus Christ, the proposal to legalize divorce in the Philippines, and the moral force of the Iglesia Ni Cristo when it comes to political issues. John Locke writes that the sole business of the Church is the salvation of souls. In this way, Locke provides one of the earliest liberal ideas when it comes to the separation of Church and State. But what is the basis of this principle? I will speak from a political vantage point, although history is replete with grand narratives on the tumultuous relationship between state and religion.

Keywords: Social Contract Theory; Toleration; Separation of Church and State; Religious Authority; Political Justice

Introduction

In this paper, I will try to explain some of John Locke's ideas in *The Two Treatises of Civil Government* and his *A Letter Concerning Toleration*. To expand on the points already mentioned, I will also try

to relate Locke's views to that of John Rawls. Susan Okin considers Rawls as the most important political thinker of the 20th century. The political theory of Rawls is probably one of the most scrutinized and criticized, although by no means such criticisms diminish the beauty and brilliance of his writings. Rawls's original position explains how free and rational men and women can agree among themselves to choose the principles of justice behind a veil of ignorance. This is the starting point of social cooperation. But the real controversy only comes later when the ahistorical aspect of Rawls's theory will be challenged by the nature of every pluralist society, which incidentally is an attack against Rawls's notion of autonomy.

It is apparent that Rawls had to write his *Political Liberalism* in view of the criticisms against *A Theory of Justice*. The reflective equilibrium proposed by Rawls cannot be enough to respond to the reality of cultural diversity and the differences people have due to the exercise of their faith. Matters of religion and the political upheavals around us cannot be separated even from an abstract point of view because the believer is the same person who possesses the duty of a responsible citizen. Religious conflicts and disagreements due to the exercise of one's faith or belief mean that the legitimacy of state power must take into consideration how it must treat or deal with the pronouncements of priests in the pulpit and the cries of religious leaders in street protests. Indeed, the strictly political framework of Rawls needs to be rethought in order to respond to the signs of the times. In this paper, I will make careful considerations and assessments of three issues that involve the biggest religious groups in the Philippines.

Locke's Second Treatise: Some Insights

Let me begin with Locke. For Locke (2006), all men are born "free" and "equal". In what sense are we free and equal? We are free in the sense that one has the right to pursue the meaning of one's life as he sees fit, which should include the right to own property and the protection from interference or abuses by the others. As equals, Locke sees people as similar in terms of their status, regardless of the circumstances of one's birth. Given the foregoing, the question is – how does one justify the imposition of rules by society on a person who wants to enjoy his freedom? Laws, in a way, have a certain

coercive effect on people, say for instance, the collection of taxes, which implies that people have to submit themselves to the power of the sovereign or state authority.

The existence of the legitimate state is grounded in a legal system and in procedures that are binding because they are just. Being ruled on the basis of the same means that laws carry the intent and character of the consent to be governed. Laws hence originate from a mandate. To be clear, such is a stark contrast to monarchic rule, which is based on the arbitrary will or whim of a ruler. For instance, Louis XIV once declared “I am the state!” Indeed, the only way for men to be subjected to autocratic rule is by means of force or subjugation. For Locke, a legitimate government cannot be established based on the divine rights of kings. The legitimacy of state power can only be by means of the will of the people. In fact, the constitution is the expression of such will. For this reason, the supreme law of the land should embody the dreams and aspirations of the people, including their vision of the kind of society they want to live in.

To understand the above, one needs to examine the state of nature or the starting point in the social contract. To say that people are born equal in their state of nature means that no man is superior or inferior to another (Urgaliz 2024). For Locke (2006), the origin of every society is the expressed agreement to live comfortably and peacefully with others. The desire for what can be considered as a common interest is the precursor to a democracy which is the virtue of the rule of the majority. A democracy incorporates the will of the people into a body-politic. The authority of any government comes from the legitimacy of this body-politic. Locke (1967), nevertheless, does not prescribe the form of government (See Section 95, Section 96).

The power of the state, however, is not unlimited. There are moral restraints when it comes to the authority of the state. The majority, which naturally constitutes the basis of the power of a modern representative government, cannot impose a law that is inimical to the interests of the minority. This is because the primary purpose of government authority is the protection of the civil rights of the people, which Locke enumerates as the right to life, liberty, and property. The protection of these civil liberties is the principle out of which people recognize their political obligations towards each other.

Urgaliz (2024) says that this is not utopian, but a device that justifies the necessary functions of a civil government.

The social contract is the alternative to the coercive power of absolute rule. Following Hobbes, people must surrender a part of themselves to establish order in the state. This means that each individual must allow himself to be ruled by the sovereign who will exercise its rights on the people to keep the bond that ties them together. The will to be governed is not an aggregation of wills (Will of all) but the collective expression of a common interest or what is called the “General Will.” In *The Social Contract*, Jean Jacques Rousseau (1993) argues that freedom and authority do not contradict each other. By obeying rules, individuals simply follow the laws they impose upon themselves. The law, as such, is simply the expression of their will.

The exercise of political legitimacy must be in congruence with the social contract. Laws in this way are a result of self-rule. Democracy is the only system of government that is compatible with the natural right to liberty. For Rawls (1999) the subject of the basic structure is rooted in the choice of the principles of justice by rational persons. The ground of social cooperation for Rawls is reason. For Locke, the idea of freedom is based on one's natural rights. Rawls in this regard does not say that human beings are equal in the eyes of God.¹ The concept of equality for him is strictly political, not metaphysical. While Rawls suspends man's knowledge of his nature or social background, Locke assumes that the liberty of every person is an inherent right that must serve as the ground for the legitimacy of social and political cohesion.

The Curious Case of KOJC: On Toleration and Religious Discrimination

In her thesis on John Locke's concept of toleration, Julia Brown explains the changes that occurred in the mind of the philosopher with respect to his position regarding the relationship between state and religion:

¹ For Rawls, the question regarding public reason is strictly a political question and not a metaphysical one. (See his *Political Liberalism*, 1985)

Locke argued that the toleration of religious practices would inevitably lead to conflict and disorder; in his 1667 *Essay Concerning Toleration* (and his 1689 *A Letter Concerning Toleration*), he argued rather that it was the suppression of religious practice that provoked such disruptive behavior. In the early 1660s, the freedom required to obey God in a way that satisfied personal belief was restricted to liberty of “conscience,” entirely internal and consistent with performing particular devotional acts imposed by the magistrate. In 1667 he argued, against this position, that internal belief could not be separated from external practice and thus that the imposition of religious practice was inconsistent with the individual’s quest for salvation.²

Locke’s political philosophy presupposes the supremacy of the state’s secular affairs over religion, although he does not intend to use the coercive power of the state against any religion (Kessler 1985). Locke recognizes that “man must care for his soul.”³ Locke thinks that it would be wrong for the state to interfere in the desire of any man to sincerely seek his salvation (See Kessler 1985). Indeed, it is also wrong to compel people to follow a belief system imposed by the state because that would be counter-intuitive to the exercise of human liberty and the value of the same. Since all belief systems think that they can be the source of salvation, it makes no sense to argue that one religion is preferable to others. The basic point is that since we cannot agree as to our concept of the divine, it is important that we agree to respect each other. In this way, we can co-exist despite our deep religious differences.

According to Sanford Kessler (1985), Locke wants to establish the secular authority’s supremacy over the churches, albeit, without enabling the government to use religion in a scheme of oppression. Locke would limit religious freedom to forms of worship that have no destabilizing political consequences. He also hoped the free churches would teach civic virtue and promote civil peace. But Locke’s theory

² Julia Brown, *John Locke on Religious Toleration, Sincerity and Civil Order*. Thesis (Evanston: Northwestern University, 2003), 1.

³ John Locke, *An Essay Concerning Toleration and other essays*. JR Milton and Philip Milton. New York: Clarendon Press, 2006), 63.

aimed at making Christianity itself more compatible with the modern state. Kessler writes: “How is it possible for those affirming a religious doctrine that is based on religious authority, for example, the Church or the Bible, also to hold a reasonable political conception that supports a just democratic regime?”⁴ This question is critical in understanding the role of religion in a liberal state.

A recent incident involving the Kingdom of Jesus Christ (KOJC), a religious organization based in Davao City that was founded by Pastor Apollo Quiboloy, is a case in point when it comes to the question that this investigation is dealing with. On August 24, 2024, Philippine National Police personnel served an arrest warrant issued by a legitimate court to the religious leader.⁵ Around 2,000 police personnel led by General Nicolas Torre surrounded the premises of the KOJC near the Davao Airport to arrest Pastor Quiboloy.⁶ The lawyers of the pastor, led by Atty. Israelito Torreon, claimed that the subject was not in the compound. A member of the religious group died and 16 people were injured.⁷ The members of KOJC alleged that the police were committing religious persecution when the latter encamped for days inside the church premises.⁸ They also mentioned destruction of private property, vandalism, and disrespect for the exercise of their religious right. The pastor will later yield to pressure and surrender, seeing the situation as helpless on the part of his supporters.

The presence of the police was meant to serve a warrant of arrest for an alleged fugitive from the law. They argue that the presence of the police was not meant to prevent the free exercise of one's faith. It is argued, however, that what transpired was a legitimate operation sanctioned by a court of law. But the question

⁴ Sanford Kessler, “John Locke’s Legacy of Religious Freedom,” *Polity* Volume 17, Number 3 (1985): 464.

⁵ Christine Bersamina, “PNP storms KOJC Compound in Davao City to arrest Quiboloy,” *Philippine Star*, 24 August 2024. <https://www.philstar.com/headlines/2024/08/24/2380244/pnp-storms-kojc-compound-davao-city-arrest-quiboloy>

⁶ Ibid.

⁷ Maya Padillo, “KOJC member dies and 16 injured as thousands of police stormed KOJC in another failed raid,” *Edge Davao*, 2024, August 25. <https://edgedavao.net/latest-news/2024/08/kojc-member-dies-16-injured-as-thousands-of-police-stormed-kojc-in-another-failed-raid/>

⁸ Ibid.

that needs to be answered is whether or not the use of excessive force to implement an arrest warrant constitutes a violation of the exercise of a religious right if the same happens in a place considered by worshippers as sacred. How does one define sacred space? Does the law define the meaning and purpose of such sacred spaces? What is apparent is that the debate is drawn not on the basis of legal or religious contexts, but along political lines. Politics is never just about the question of right and wrong. A lot of it has something to do with sentiments and attachments, including relationships that partly are influenced by faith and religion, albeit in a strong way, as in the case of fundamentalist groups. Some people are labeled unfairly as cultists, as in the case of the KOJC, whereas there are many who are obviously conditioned by obvious favors and vested interests.

The crucial issue when it comes to KOJC is actually the disrespect that people have shown against the religious group. This is probably due to its founder, who is disliked by many and despised by the political enemies of the past administration. Pastor Quiboloy is an ally and an ardent supporter of former President Rodrigo Duterte. The problem is that most critics try to connect the pastor to the former president. The same still makes manifest the kind of politics in predatory states, whose problems just like in the Philippines are structural in nature.⁹ Politics in this way is part of the daily life of the people, many of whom lack the ability to respect the opinion of others that they cannot agree with when it comes to contentious issues, which means that good people sometimes criticize their fellow citizens without sound argument. The same can be observed when the feeling of the supporters of a particular candidate is hurt, most especially by statements that expose the truth or put them into a bind that they have to respond in order to preserve a personality's image.

In fact, it is the sentiment of many that the drama at KOJC was portrayed as a prequel to the plans of the Marcos administration against its current enemies. What is not often mentioned, however, is the religious discrimination shown by many, which is widely spread over social media, treating KOJC as a cult and its members labeled as ignorant for being a follower of a man who is accused in court of crimes such as human and sex trafficking. While a good Catholic priest found guilty of child molestation can be easily seen as a distinct and

⁹ Christopher Ryan Maboloc, "The Predatory State and Radical Politics: The Case of the Philippines." *Journal of ASEAN Studies*, Volume 7, Number 2 (2019), 161.

separate person from the institution that he serves, the same cannot be said about Pastor Quiboloy. He has already been judged by the bar of public opinion, which implies that his reputation has been portrayed unenviably by people on social media.

The Catholic Church: Political Justice and Divorce in the Philippines

In a lecture during the DSWD-NCR Policy Forum, Congressman Edcel Lagman, the principal author of House Bill 9349 entitled “An Act Reinstating Absolute Divorce as an Alternative Mode for the Dissolution of Marriage,” which has been approved by the House of Representatives of the Philippines and transmitted to the Senate of the Philippines on June 10, 2024, he explains that “the Absolute Divorce Law is not for everybody. The overwhelming majority of Filipino married couples are in harmonious and vibrant marital relationships. They do not need a divorce law,” adding that “divorce is only an option for couples in distress, particularly abused wives of dysfunctional and long-dead marriages.”¹⁰ While on paper, the divorce bill is appealing, what cannot be denied is that the argument of the proponent is based on utilitarian grounds, something that puts aside the deeply cultural and religious aspects of the issue. In one paper, I argued that the “problem when it comes to the utilitarian argument is that it equates the value of life based on the availability of resources.”¹¹ Such points to the limitation when it comes to the debate. For that reason, there is a need to deepen the scope and reach of the discussion.

Lagman says that “the institution of absolute divorce and dissolution of marriage does not temporize the steadfast commitment of the State to protect and preserve marriage as a social institution and as the foundation of the family.”¹² This statement is long held when it comes to the justification for divorce proposals in the past. The argument relies on the practical aspect of marriages that are no longer working. The same also highlights the rights of women and the

¹⁰ Edcel Lagman, “The Divorce Bill: An Explainer.” *Official Website of Representative Edcel Lagman*. 2022, November 28. <https://edcellagman.ph/speeches/national/the-divorce-bill-an-explainer>.

¹¹ Christopher Ryan Maboloc, “Dying with Dignity and the Argument from Conscience.” *Prajna Vihara: Journal of Philosophy and Religion*, Volume 25, Number 1 (2024): 72.

¹² Lagman, “The Divorce Bill: An Explainer.”

need to protect them from abusive husbands. However, the counter-argument to the above also rests on something pragmatic. It has to do with the consequences that the children of divorced couples have to go through, including economic and social isolation. In the reality of life of Filipinos, a child who is left with one of the parents will feel isolated and will have to deal with the reality of social discrimination. Divorce is clearly a question of political justice since it involves individual interests as well as the need to protect human welfare and the rights of individuals as members of the state. The prevailing sentiment of anti-divorce advocates is that the presence of annulment and legal separation as options for dysfunctional marriages would be enough to address the issue pertaining to the need to protect the welfare of the woman and ensure the interests of children.

Nonetheless, the bill proposed by Congress states that there are “clear and categorical safeguards for the preservation and protection of marriage.”¹³ It says that “one of the guiding principles is that absolute divorce shall be judicially decreed after the fact of an irremediably broken marital union or a marriage vitiated from the start.”¹⁴ It also adds that “another guiding principle is that “the State has the role of strengthening marriage and family life by undertaking relevant pre-nuptial and post-matrimonial programs and activities.”¹⁵ The same points to practical guarantees when it comes to the issue of divorce. However, these fail to mention the cultural as well as the religious aspect of the issue. This is something that Congress failed to tackle or perhaps find as something that is beyond its legislative function. Yet, an examination of the issue will reveal that the issue of legalizing divorce is a difficult one because of the political future of powerful people are actually involved. This issue is separate from the social aspect of the question of divorce, although it is something that people need to deal with when it comes to the type of democracy practiced in the country.

Precisely, the reason why divorce has not been legalized in the Philippines is not only the opposition of the Catholic Church but also the interests of certain politicians. Representative Rodante Marcoleta has famously debated this case with Rep. Lagman during a plenary session of the Philippine Congress based on religious grounds. But

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

both politicians also understand that the finality of the issue is a political and not a religious question. Nevertheless, the Philippine House of Representatives still approved the bill, hence the transmittal to the Upper Chamber. Senators, however, are reluctant to tackle the house bill. While one can point to the religious convictions of the individual members of both chambers, the reason has something to do with the political consequences of their votes for or against the measure. Senators, who are elected at large, fear that the Catholic Church will campaign against those who will favor the passage of the divorce bill. Both chambers of Congress must pass a bill and have their versions reconciled. As of late, there is no action on the part of the Senate. This explains the strong influence of the Catholic Church as an institution in the country.

The Iglesia Ni Cristo: On Moral Force and Religious Authority

On January 13, 2025, more than a million members of the Iglesia Ni Cristo (INC) went into the streets of Manila and other major cities in the Philippines to hold what it said was a peace rally that called for unity in the government. The context of the massive gathering is not hidden from the public. The leadership of the INC explained that they are supporting the call of President Bongbong Marcos to stop actions related to the impeachment of Vice President Sara Duterte. Political pundits know that the move of the INC is to show its strength behind VP Sara Duterte. The question is, does it have the moral force and effect to call for peace and unity despite its obvious political reason? Critics say that the call for peace and unity of the INC is a sham and tainted with hypocrisy because the Vice President is going through a difficult time due to the impeachment cases she is facing in Congress.

As of the moment, the House of Representatives has not acted on the complaint. The process involves firstly the endorsement of a complaint by a member of Congress, which the complainants have since complied with. Once the complaints are sent to the Speaker of the House, it must transmit the same to the justice committee, which has 60 session days to act on it. The case can be sent directly to the Senate if a third of the members of Congress sign the complaint or roughly 103 congressmen. Two-thirds of the 24-member Senate is needed to convict the Vice President. If the Vice President is found guilty, notably of the alleged misuse of confidential funds, she can be

removed from office and barred from running for public office or what is legally known as "perpetual disqualification." But right now, it is a waiting game since several senators fear the impact of the INC in the forthcoming midterm elections.

What I seek to explain here is not the merits of the case nor the political aspect of the impeachment itself. Let's leave for Congress such a complex and complicated political and legal process. Although there are rules to follow should the Senate be transformed into an impeachment court, it is obvious that impeachment is largely political in nature and for that reason, the move of the INC appears cogent and beneficial to the interest of the Vice President. The next question is, can this be tolerated in a liberal society where there's a separation between state and religion? According to Nicholas Wolterstorff, "The liberal tradition's exclusion of comprehensive doctrines to Wolterstorff, seems to be telling people to step out of their religious community and enter the public debate without any appeal to their religious convictions."¹⁶ Is it right to dismiss any argument because the source is a political group or organization?

In a theo-ethical equilibrium, religion can be political and for that matter, people can't be questioned if their faith or even religious leaders teach them to follow a particular political decision. The believer cannot be insulated from political issues and must understand how one's political choices can affect the moral life of the faithful who is also a citizen of the state. While there's a comparison being made between the Catholic Church and the INC, it should be noted that the INC did not question Jaime Cardinal Sin when he called his flock to converge at EDSA to protect then Defense Secretary Juan Ponce Enrile and Gen. Fidel Ramos, who both defected from the first Marcos administration. The Catholic Church cannot be mighty proud of EDSA People Power I for no reason.

In defense of the INC, it is well within their right, following their freedom of conscience, to make choices and act on the basis of their sense of justice. In fact, they are not directly saying that they are supporting the Vice President. It is political pundits and armchair analysts who made such an insinuation. There appears to be a latent

¹⁶ Nicholas Wolterstorff, "Why should we reject what liberalism tells us about speaking and acting in public for religious reasons?" *Religion and Contemporary Liberalism*. Edited by Paul Weithman. (Notre Dame: Notre Dame University Press, 1997), 172.

double standard if we refuse to question the position of the Catholic Church on political matters and for endorsing its own political views and yet, we call out another religious organization and carelessly label it a cult when its politics does not align with the belief of other people.

Public Reason and the Values of Religion

Rawls' view on religion and its relationship to politics is founded in his concept of public reason. For Rawls (1985), public reason governs the basic structure and its subject. Some say that Rawls excludes religion because of its potential to destabilize the state, although there's recognition in terms of the influence of religious belief in society, given the reality of religious pluralism and how the wealth of belief systems can help form the people's concept of the good or their public morals. In fact, the *proviso* gives flexibility and opens the broader conception of the importance of religion in moral debates concerning important public matters like divorce or the death penalty. It is up to people to make the critical decisions when it comes to the influence of religion in their political lives, although as Catholics, most Filipinos consider the sanctity of marriage and human life. It is important to make it clear, however, that what we are considering here are religious values, not religion *per se*. One can be against the institution, or even those who administer it, but that should not mean that one should also reject the values taught by the Church such as the respect for human dignity.

The situation in the Philippines is complex if we consider the position of Rawls. For Rawls (1985), metaphysical and religious doctrines must be confined to what he calls the background culture. This assumes that in a liberal state, the Church or religious people must have a neutral stance on public issues. This is relevant when it comes to contentious divisive political questions that have implications not only for one's faith but for matters that concern the peace and security of society. It is important that a political question should not be wrapped around the conflict between two religions. To favor one religion over another would threaten the basic foundation of social cooperation since any state-sponsored religion would mean the exercise of dominance over others, thereby undermining the stability of the state. Rawls (1985) maintains that the Church as part of civil society must not be involved in matters of politics. Political justice,

however, is a different animal. The Catholic Church in the Philippines, for instance, believes that the person who hears mass is the same person who goes to the polling precinct. In this sense, the Catholic Church and its leaders believe that it has a role to educate the people on politics and provide them with guidance as to the qualities of a good candidate and not necessarily dictate whom to vote for. The same kind of guidance is expected when it comes to issues like divorce.

In the context of the Philippines, some religious values permeate the public life so that one cannot preclude the influence of religion in the decisions of people on issues that have a political consequence. Another contentious issue has something to do with the endorsements by the clergy of certain candidates during elections. Can religious people, for instance, endorse candidates for public office on grounds of morality? While Rawls treats such a question with a sense of neutrality, Robert Audi (1997) would say that religion and politics cannot be separated. For him, the two are mixed and continue to be mixed. This means that a citizen cannot separate himself from certain religious values despite the political nature of public issues. To question the authority of the Church to engage in politics is one thing; to consider the influence of religious values in terms of how the same helps shape the moral consciousness of the people is another. Church leaders argue that what they are doing is to guide voters in the exercise of their moral conscience on those matters that concern the public interest. It is possible that one might dislike a pastor or a priest because of the nature of this person's character, but that should not mean that preaching the truth or the common good has no value to the faithful.

Conclusion

Based on the above, I come to the following conclusions in terms of how Locke viewed what a civil government is. First, a civil government must preserve the right to life, liberty, and property ownership; Second, it must protect the public good even if the same is in conflict with individual rights; Third, an illegitimate government arises when it fails to protect the rights of the people; Fourth, the state does not have any right to repress any religion. Basically, what Locke is saying, just like Rawls, is that political authority should just be

limited to questions of public concern and must be insulated from the political. The liberal position is that all issues pertaining to human salvation or aspects of religious life should be out of the domain of politics. Public reason is about the justification of the choices we make in our public lives. In this way, rules must be acceptable to the public to whom the same are addressed. In this sense, religious influence on crucial issues like divorce and political endorsements done by the clergy, although complex, must be acknowledged as part of a country's political norms.

Tolerance means respecting the views of others. The concept of tolerance is not absolute. Indeed, it is a misinterpretation or perhaps a misunderstanding to suggest that any liberal state can turn a blind eye when matters of faith can have an impact in terms of the pursuit of the common good or that which concerns the interest of the public. Legal questions need to be answered since the faithful are part of the state. Such questions, indeed, need to be confronted, accounted for, and responded to as a matter of responsibility despite the nature of the secular state. Responding to the same does not mean devaluing or abandoning the basic precepts of liberal political theory. Rather, it simply opens a window in which there is due recognition of the power of religious values, not religion *per se*, to influence the choices that can have an impact on the definition of the common good and the pursuit of happiness. This means that the power of the Church is something that cannot be sidestepped on matters of political justice.

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