

## John Locke

HAGAR KOTEF

### Chapter guide

In the seventeenth and eighteenth centuries, the social contract became one of the primary frameworks of political thought. Locke is often considered one of the most important theorists of the social contract and, alongside Rawls' later adaptation, the paradigmatic representative of its liberal version. This chapter focuses on Locke's theory of the social contract, and hence primarily on one of his books: *The Second Treatise of Government*, first published in 1689. [Section 7.1](#) offers a quick review of the social contract as a paradigm, while Section 7.2 provides an overview of a common reading of Locke's version of it.

[Sections 7.3 and 7.4](#) situate Locke's contract within a global historical context by focusing on the voices that have been excluded from or marginalized within this story. This will allow an understanding of the hidden politics at stake.

### 7.1 Introduction

The story of the social contract, in its many versions, begins with two main assumptions: first, that, by nature, man is not a political creature. He—and we will return to this gendered pronoun—lives in what is called 'the state of nature': a mode of living *before* or perhaps simply *outside of* a condition of common rule. Second, and relatedly, the assumption is that,

by nature, man is free. Freedom in this context is conceived primarily as freedom *from* the coercion of the state, and the social contract should provide a bridge of sorts—between natural freedom, on the one hand, and subjection to often coercive state apparatuses, on the other. It allows us to imagine subjection that does not contradict freedom, since it is based on consent: under certain conditions and with particular limitations, all individuals agreed to ‘leave’ the state of nature, to ‘enter’ a political community, and to be ruled by someone else. Accordingly, the importance of the state of nature is often more theoretical than historical: the history of the consolidation of the political community is important only as far as it is a tool for *justifying* a particular form of political organization and to criticize it/others. In other words, it is an effort to understand the conditions that have or would have pushed men to abandon the freedom they enjoy in the state of nature and agree to being subjected to a sovereign, in order to understand the limits and remits of any legitimate form of government.

In all these stories, then, we begin with an assumption of how men live ‘naturally’—a concept that plays a dual role: it describes the *essence* of man, but also a *moment* of time, a specific mode of being, that is about to change. The social contract is the act through which this transition from ‘the state of nature’ to a political state is made. Often, political theorists’ analyses of social contract theories focus on two closely related questions:

1. the nature of the original conditions (what are the conditions that push people to come together as a political body and that the political formation thus needs to address?);
2. the scope of derivative limitations upon government (what would the original contractors have agreed upon in order to gain political protections?).

The harsher the original conditions, the fewer limitations will be set on the ruling powers, because the stakes of the failure of sovereignty will be too high (see more on Hobbes in [Chapter 5](#)). If, however, the state of nature is a fairly peaceful state of being, as Locke contends, then sovereignty must be limited. Since political theory tends to focus on questions

concerning the nature of rule, the structure of governance, state institutions, and the justification of those, it tends to foreground this dual discussion when considering the social contract. But political life is composed of more than the institutions and the structure of rule; it is composed, above all, of the people who come to share life as a community. Therefore, as important as the above questions may be, it is just as important to ask: ‘Who are the agents engaging in the agreement?’ That is, how does political theory imagine those who consented? What are their needs or fears? What do they have to gain or lose? Which is also to ask: who are the people with whom we imagine sharing life and who are those whom we cannot even see as candidates for sharing the world? These questions reveal a great deal about how we imagine our political communities; they are also crucial in shaping political institutions and laws. This chapter will focus on them.

Charles Mills and Carole Pateman (read more in [Chapter 10](#)) have called our attention to the fact that the contracting individuals in the story of the social contract are very clearly positioned as men ([Pateman, 1988](#)), white ([Mills, 1997](#)), and are globally positioned as the dominating part of imperial and colonial powers ([Pateman and Mills, 2007](#)). [Macpherson’s \(2011\)](#) analysis further allows us to see how the working classes and the poor have been excluded from the imaginary process of contracting. The social contract takes place only after women, non-whites, and the colonized have been subjugated via other means. Their subjugation is justified from the outset, before politics even ‘begins’. Therefore, this subjugation does not interrupt the assumptions of equality tethered into the contract, and allows it to coexist alongside a reality and ideology of gender, racial, and global inequality.

This chapter presents Locke’s social contract theory from the perspective of those excluded voices. It begins by providing a schematic version of Locke’s social contract theory, and moves to unpack it from the above perspectives: class, gender, global positionality, and race.

<ebook and online only>

Read more about **Locke's** life and work by accessing the thinker biography on the online resources.

</ebook and online only>

<print only>

<insert OLL icon>

Read more about **Locke's** life and work by accessing the thinker biography on the online resources: [www.oup.com/he/Ramgotra-Choat1e](http://www.oup.com/he/Ramgotra-Choat1e).

</print only>

## 7.2 Locke, sovereignty, and the state of nature

Locke famously begins with a pleasant, pastoral state of nature. Unlike the Hobbesian state of nature, there is no mutual fear but mutual respect and tolerance (§4ff). Since Locke sees us as essentially rational beings, he believes that even without a ‘power to keep them all in awe’ (as Hobbes would have it), humans could live in relative peace with each other, form social lives, and regulate themselves according to the Laws of Nature. For Locke, these Laws essentially forbid us to hurt others or their property (§6). The source of these Laws is God, and their rationale is that we are not allowed to destroy God’s creation (including other people and ourselves; *ibid*). In this sense, there is a form of rule at play already in the state of nature, in which religion, rationality, and self-rule intersect. The state of nature is thus a state of freedom but not of ‘licence’. It is ‘a state of perfect freedom to order their actions and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature’ (§4). Note that ‘freedom’ is immediately followed by ‘order’, and that it is confined

by 'the bounds of the law of nature'. It is precisely the presence of this ordered freedom that will allow Locke to limit state power: it renders a strong, invasive state unnecessary and thus illegitimate. *Consent* is the source of legitimacy for Locke and people would have not consented to an invasive state. Also note how this freedom is tied to property from the outset. We shall return to all of these soon.

It is important to note here that we are not born such subjects but must *become* people who are able to identify the law of nature and self-regulate: 'we are born free, as we are born rational; not that we have actually the exercise of either: age, that brings one, brings with it the other too' (§61). Locke accordingly emphasizes education as the means facilitating children's development into self-disciplined adults. Whereas the *Treatise* does not elaborate much on this issue, it is key to other writings of Locke, specifically *Thoughts Concerning Education* and, to a lesser degree, 'An Essay on the Poor Law'. This creates something of a tension: we need to *become* the autonomous individuals Locke *assumes* us to be. Locke indeed does not believe we can all become fully rational subjects, even if *potentially* we are all free and rational. Disabled people, the poor, and to some degree Indigenous Americans will never obtain this status of free and rational persons, according to him (Mehta, 1992; Hirschmann, 2007; Kotef, 2015).

The law of nature allows us to regulate our own action, but also allows each to regulate others: if some people violate this natural law, each and every one of us can put ourselves in the position of a judge and punish the offender (§§7-8). With the law of nature, then, arises an entire social network that is still part of what Locke defines as the state of nature: there are outlaws, who can be legitimately punished; there are families, aiding children to be developed as rational creatures; there are even small societies that are the results of large family formations; and there is property, and even the use of money, on which most societies agree in their pre-contract formation (§§37-8). This rich social texture exists *before* the social

contract, and circumvents it. That is, by constructing the state of nature in this way, one of the *Treatises*' most important arguments can be justified: the limitation of state power. First, the original individual freedom must be secured under any state formation, and, second, the state emerges as the greatest potential risk to our freedom (as it is assured within the state of nature). This dual understanding—of a state that both protects and potentially threatens our liberty—would become one of the foundations of liberal theory.

Indeed, the *Second Treatise* is above all a text advocating freedom from excessive, tyrannical, or unjust rule. The book was published in 1689, one year after the 'Glorious Revolution' of 1688, in which King James II was ousted (read more in [Chapter 17](#) on Macaulay and Burke). It was read as a justification of this revolution, although it was written earlier and, at least in part, its object of critique was another absolutist king, Charles II. The text is one of the most important treatises on the limits of monarchy and of state power more broadly. It asserts, beyond the idea that the monarch him/herself is subject to the law and thus limited, an initial idea of separation of powers (specifically the independence of the judging authority) and an explicit right of rebellion. Thus, even if Locke was not himself a 'liberal' (a concept emerging only in the eighteenth century), this text provided some of the most important foundations for liberal thought, as did other texts of Locke's such as his 'Letter Concerning Toleration', also published in 1689.

---

### **Key Concept: Toleration**

Toleration refers to the peaceful coexistence of conflicting beliefs and practices. Locke's 'Letter Concerning Toleration' (1689) was written during a time of religious conflict and persecution across Europe. Locke argued in favour of religious toleration, and in so doing he tried to establish the extent to which the state should be allowed to interfere in people's beliefs and practices. He set out various principles which would later be central to liberalism,

including the separation of church and state, the necessity of government neutrality, freedom of belief, the division between public and private spheres, and an emphasis on individual conscience. The 'Letter' also arguably highlights the limits of liberalism: not only does Locke argue that we should not tolerate the intolerant, but also that we should not tolerate atheists (because promise and oaths means nothing to them) and apparently Catholics (because they owe their allegiance to a foreign ruler, namely the Pope).

Key to the arguments of the *Second Treatise* is Locke's understanding of self-ownership: the idea that the individual owns their own person and body, which is the basis for their freedom. In [Section 7.3](#), we will see how this concept of freedom, that is so tightly linked to ownership and thus to property, ultimately serves to exclude propertyless people and slaves (who were the property of others and thus could not own themselves or other property). This notion ties freedom, as well as individuality itself, to possession. But for now we can emphasize how the idea of self-ownership served to entrench important ideas, such as bodily integrity and boundaries. Moreover, the idea that I own myself and my actions means that any change to my status requires my consent. From this emerges the scheme of the social contract. Accordingly, if, for Hobbes, sovereignty is based on a consent which can always be assumed (given the horrid life in his state of nature), in Locke, consent gains content and becomes a meaningful political apparatus. Let us return, then, to that moment of original consent: the social contract.

Despite the relative comfort of the state of nature, there are benefits to political organization which eventually push people to form a political body. Above all, the state allows us to better secure our property, and frees each and every man from the need to be his own judge. The latter further gives way to the separation between judgement (interpreting the law), legislation (the making of laws—even if only by the means of re-articulating natural

ones), and government (the implementation of laws by executive power). It can thus give rise to a good state-formation in which sovereignty is divided (another important liberal idea promoted by Locke). Property and the law thus become the two main foundations of the state. Property is the state's *raison d'être*, and the law is in many ways its form: what we give to the sovereign in Locke's version of the social contract, thereby constituting it, is the right to *judge*. This means that the state is primarily a judicial function, or a legislative body (it is not, for example, primarily a military or security apparatus, as we find in Hobbes). Moreover, its legislative activities are limited by the form and content of the law itself, with principles, such as visibility, non-arbitrariness, and egalitarianism that protect people against tyranny. This idea of the rule of law would be another one of the main foundations of the liberal state. All these and more have been crucial politically as well as philosophically in imagining and advocating spheres of freedom, some of which were previously almost inconceivable. Yet they have also been the subject of much critique. [Section 7.3](#) works through some critiques as they emerge from the question of positionality with which we began.

---

## 7.2 Locke, sovereignty, and the state of nature: Key Points

- Locke presents a liberal version of social contract theory that advocates limits on sovereign power, mixed government (or divided sovereignty), the rule of law, self-ownership, and the equality of all before the law.
- Because the Lockean state of nature is relatively peaceful, there is no *justification* for limitless sovereignty—we would not have agreed to it in that originary moment.
- Because we have an ability to regulate ourselves, we do not *need* a sovereign who would rule us tyrannically in order to provide security.



- Our freedom is regulated via the law of nature, which *limits* not only our behaviour but also what is permitted to the sovereign.

## 7.3 Social and sexual identities and hierarchies

I proposed that in trying to understand the social contract as both a political and theoretical project we need to understand how the contracting agents are imagined. This and the next section will be organized around the main social positions forming this identity. In this section, we will consider questions of class and gender; in the next: global positioning, and race. Together these sections seek to demonstrate how the egalitarian, universal project of liberalism can work in tandem with a reality of various forms of domination.

### 7.3.1 Class: labour, accumulation, and Locke's 'individual'

Locke says repeatedly that the main reason we enter a social contract is to protect property (e.g. §8). But the fifth chapter of the *Second Treatise*, 'On Property', opens not with the idea of private property but with the assumption that the world has been given to all men in common. In fact, one of the main challenges of the chapter is to explain how we move from a system of common use to a system of private property. In seventeenth-century England, with the gradual elimination of the commons through processes of enclosure, this was indeed an urgent question. Locke's answer has to do with labour: what I have laboured on is mine. This is because of the time invested in it, as well as due to a model of spatial annexation wherein property is extended from the body to anything the body is 'mixed with' through labour (Kotef, 2020). Both time and annexation add value to the natural object, Locke contends, thus producing property. Accordingly, while God gave us the land ("the world") in common, once

I start cultivating it—once I add to it something that was not there by nature—I have a right to the product of my toil. This is both a material argument (I have rights in the outcomes of my investment, the added value I put into objects through labour) and a religious one (property emerges from creation: we are the property of God since he created us, and we can create property ourselves). Importantly, this notion of labour and creation is anchored in the individual body. First, it begins from the idea of self-ownership mentioned above: this idea is the conceptual foundation for property. Second, the body is what *makes* property: ‘The labour of his body, and the work of his hands, we may say, are properly his’ (§27).

Yet, quite quickly, we see that this is not the entire story: although Chapter 5 begins with a close link, if not complete equivalence, between body, labour, and property, somewhere along the way the product of labour is severed from the labouring ‘hands’ and ‘body’. It is not just what my toil has produced that is mine; also ‘the grass my horse has bit; the turfs my servant has cut; and the ore I have digged . . . become my property’ (§28). Putting the horse aside for now, if property is generated through labour, then the labour of the servant should generate property for *them*, rather than for ‘me’. Yet Locke makes a different claim.

To understand how this hierarchical order of property emerges—why some people become property-owners while some people must work for others—we need to retell the story of the contract. Locke’s narration progresses along a dual trajectory. In both, Locke begins with an assumption of equality in the state of nature. This equality is not just a formal one in which we are all equal before and under the law of nature. It is also a material one: we all have equal access to the goods of the world that is given to us in common. In the first trajectory, there is a series of limitations on material accumulation that restrain inequality to some degree. The natural equality is thus (more or less) maintained and is carried into the social contract. In the political community, equality is preserved and protected as formal equality. Note that equality in this version is not a matter of fact (as it is for Hobbes, for

example) but a matter of *principle*, a normative demand: we *should* be treated equally, even though we are, in fact, different.

At the same time, we find an almost opposite trajectory, pertaining to material equality. It begins with the same equal access of each and every man to natural resources, but ends in a radical inequality. We begin, then, with the world given to us in common, and with an original economy based on consumption. (Locke's examples of property in the state of nature often revolve around food.) We move to small units of property, that are limited both by primitive cultivation techniques and by the principle of no spoilage: the idea that natural spoilage limits what can technically and morally be accumulated (§§36, 37). In other words: if I take from nature (from the common property) more than I can consume, this is a violation of natural law. Imagine a small farm, where people consume what they produce and thus cannot accumulate indefinitely; or a primitive economy based on exchange, which is itself limited. At this stage, the gaps between different units of cultivation are small enough, although gaps do begin to emerge. Rather than the primitive mode of accumulation with which Locke begins, wherein we consume that for which we labour (I pick an apple or an acorn, I hunt a deer—and therefore these are mine) and wherein, accordingly, property is linked to the body both as that which produces it and as that which enjoys it, we move to small units of accumulations: households, plantations, farms. In those units, there are women and children, horses, sheep, and perhaps also servants.

If you recall our original question concerning the property of the servant (who labours and yet does not obtain the property rights for the fruits of his labour), we see that, at this point, property departs from the labouring body and starts being attached to another person: the property-owner. Although we must keep asking ourselves: if there is enough for everyone, why would one want to work for another rather than cultivating their own plot of land? Why would one freely choose to become a servant? Locke has an answer to this, that is

hidden already in the first trajectory above: some of us are more talented, creative, and hard-working, and thus would be able quickly to establish successful units of accumulation; presumably the lazy and less talented would find themselves working for the former. But it is safe to say that beneath this answer we can find another one hiding: there is simply not enough land for everyone within the system Locke proposes. At any rate, with trade, these gaps are growing, and with money they mount (see [Key Thinker: C. B. Macpherson](#)).

---

### **Key Thinker: C.B. Macpherson**

The Canadian political theorist C.B. Macpherson (1911–1987) offered a combination of Marxist principles with democratic values. Through his notion of ‘possessive individualism’, he showed how pre-capitalist thinkers, such as Hobbes and Locke, provided a theoretical foundation for the later development of capitalism. He further showed how accumulation is defended by Locke, facilitating radical inequality. While Locke introduced several limits on accumulation—leading to some interpretations of his theory of property as founded on a commitment to ethics—Macpherson showed how the vast majority of Locke’s theory of property is dedicated to *removing these limits*, setting the ground for what Macpherson termed ‘unlimited accumulation’. Most importantly, money allows removing the limit set by natural spoilage: although Locke contended that I can consume only what I can use and as long as it does not spoil in my possession, money never spoils and property can therefore grow indefinitely once it is introduced.

---

Importantly, all this occurs *before the contract has taken place*. By the time we contract in, we are therefore not equal in terms of our access to material resources. Moreover, some of us are not at all included in the category to which Locke refers as the ‘I’, the contracting individual: if ‘the turfs *my* servant has cut . . . become *my* property’, then the servant is

already not part of this story. The servant here is significantly part of the household, but he/she represents each and every wage labourer. This is because the servant's labour is hired by the landowner, who temporarily owns the servant's labour power, as well as the product of the servant's labour. The servant is thus a prototype of wage labourers: an entire class of propertyless people who are therefore not considered as agents in or of the social contract. If, then, we began with an origin story of rational, toiling protagonists, whose property is a function of their hard labour and who enter the social contract as such equal individuals, in this second version, the individual quickly undergoes two related transformations. First, its universality emerges as fractured—or, in other words, only some appear to be represented by the Lockean concept of the 'individual'. Second, its very individuality is threatened, or perhaps expands: rather than an individual body that produces individual property, the political imagination of Locke seems to be shifting into a model of households as the basic contracting units, including wives, horses, servants, and, as we shall see, also slaves. It is through the second process that the first occurs: Locke's framework of property allows one representative of the unit of accumulation (the husband/father/landlord) to 'swallow' all the other members of the household, rendering them irrelevant or invisible once the game of contracting begins.

Accordingly, while the property-holder contracts to protect his property, the servant does not participate in the decision-making process that shapes the political community and the forms of rule to which he/she is subjected. Indeed, as we have seen, Locke tells us that the main reason men enter into a social contract is to protect their property and, thus, the main *raison d'être* of the state is securing private property. We can presume that the interests and desires of servants, or other propertyless people, will not be represented by the set of rules the contract contrives. The formal story of equality, therefore, cannot be separated from the material story of inequality. The society Locke that imagines is a society of property-holders

and the law—upon which they agreed, which they have shaped, and which formally treats everyone the same—aims at protecting *them*; its content, limits, and scope would be those that *they* see as necessary or desirable.

### 7.3.2 Gender: the questions of limited rule and forced subjection

The above story tells not only the story of the servant, but also that of the wife: in the formation of the household as the primary property-making unit that then becomes the contracting unit, not only are the servant and the horse ‘swallowed’ by the landlord; the wife also somehow disappears and comes to be represented by the husband. Carole Pateman (1988) argues that the only consistent way to read Locke’s account of women in the *Second Treaties* is to assume that the wife is but another servant. The wife, too, labours for another person, both in her domestic work and through reproductive labour. One could therefore tell a very similar story to the one above, focusing on gender, rather than class. As many feminists have taught us, these categories of gender and class, as well as race, must be understood together, through their intersections.

But, if in the story of property women somehow fade away and become hidden by the structure of the household, they take a more central stage in Locke’s argument against absolute power. One of the main adversaries of Locke in this argument was Robert Filmer, who was Locke’s explicit opponent in the *First Treatise*. Filmer argued that the power of the sovereign, as an absolute monarch, can be derived from the original right given by God to the original sovereign, Adam. The godly right/power of Adam over his sons provides both the origin and the principle of absolute sovereignty. Locke seeks to refute this theory in several ways. One of them is by proving that power over children is not *paternal* but rather *parental*: it belongs to the mother as well as the father. The fact that both parents have some power over the child means that no one enjoys absolute power over anyone, and both the historical

story and the theoretical principle are void. Adam never had absolute power over his sons, as he shared this power with Eve. Arguing that the wife/mother shares power with the husband/father is therefore essential to one of Locke's main arguments in the *Treatises*. Accordingly, some saw him as an early feminist (see [Hirschmann and McClure, 2007](#), especially essays by Shanley and Butler). He even grants women the right to divorce—which was very uncommon at the time—as part of the same argument: there is no natural absolute power, and the power of husband over wife, much like the power of the sovereign over his subjects, is dependent on her consent and is therefore limited and conditional (§82). Thus, the conditionality of the marriage contract is yet another path through which Locke justifies the right to rebellion.

Nevertheless, as important as her role may be for his argument against absolute power, the wife/mother/woman disappears when it comes to the contract itself. As we saw above, Locke's state of nature includes families, and it is families that enter into the contract, represented by the head of the household. For some reason, the head of the household is 'naturally' the man. Sharing responsibilities for children, therefore, does not amount to a full equality: in case of disagreements, 'the last determination, i.e., the rule, should be placed somewhere', and it 'naturally falls to the man's share' (§82). Where did this 'natural' course of things come from? If mothers have a shared authority over their children—and if, moreover, only a few paragraphs earlier Locke points to matriarchal societies in America, wherein women have multiple husbands and have greater authority over their children than the men involved (§65)—then how come it is 'natural' for the father to become the ruler within the household? Locke's words may insinuate the answer: the man is 'the abler and the stronger'. But how did physical superiority come to transform a consensual agreement between equals into a relation of subordination? [Pateman \(1988: 104–105\)](#) proposes that at the foundation of any social contract, there is rape. In other words: men's physical strength

served to subjugate his partner, creating the ‘natural’ course of things. Either way, by the time politics ‘begins’—that is, by the time we ‘contract in’—this subjugation has already happened. We enter the contract after women (and children, and servants, and slaves) have become subordinated to ‘man’, represented by his figure thereby. Thus, even though Locke begins Chapter 6 (‘On Paternal Power’) with seeing Eve and Adam—or women and men—as having joint authority over their children, this equality is not carried into the political sphere.

---

### **Key Concept: The private sphere**

The division between the private and the political spheres is an important principle of liberalism, that has its roots in early political thought. (For example, when Aristotle insisted that ‘the roles of a statesman’ are different *in kind* to those of the head of the household [Aristotle, 1981: 1252a1].) Within liberalism, this differentiation of spheres is often theorized in relation to the principle of limited state power: the private sphere is a domain of non-state-intervention, defending us from excessive state power. The state cannot intervene in questions of love, for example, or in how we educate our children. Yet as many feminists have argued, this structure allows an entire domain of hierarchies and domination to remain unregulated. The privatization of domestic issues—from sex to property—withholds protection from those whose primary injury takes place in the household. Their injury remains not only hidden; it becomes a private matter, unintelligible as a *political* injury.

---

This fact further means that the woman’s power over her children becomes a *private* rather than a *political* power. Locke tells us in Section 2 of the *Second Treatise* that we must distinguish between ‘political power’ and the power of ‘the father over his children, a master over his servants, a husband over his wife, and a lord over his slaves’. Indeed, he says, ‘these two powers, political and paternal, are ... perfectly distinct and separate, are built on...



different foundations, and are given to ... different ends' (§71). This separation is done, in this case too, to refute the argument for absolute power that presumably emerges from the absolute control the original man (Adam) had over his sons. At the same time, however, this distinction marks the very border of political power and creates a separation between two spheres or logics of governance: the political and the domestic. And it is *the very existence of the private sphere* that excludes women from the political sphere. Thus, after using the power of the mother over her children to refute one of the main doctrines of absolute power, Locke uses her to demarcate the borders of the political sphere and create its paradigmatic 'outside': the private sphere.

### 7.3 Social and sexual identities and hierarchies: Key Points

- While seemingly presenting a universal individual, Locke's social contract theory in fact contrives only specific individuals as the contracting agents: propertied, European (if not English) men.
- Wage labourers without property are excluded from the social contract through the figure of the 'servant', who is presumed to be a part of the household rather than an 'individual', who can enter freely the social contract (which becomes a tool to secure property).
- Women are ultimately confined by Locke to the private, domestic sphere as a non-political sphere and thus excluded from the story of the social contract.

## 7.4 Global considerations

In this section we will continue to call in question the egalitarianism and universalism of Locke's project, this time by reflecting on global positioning and race.

### 7.4.1 Place: colonization and the establishment of European access to the world's resources

The context given above was an English one, focusing on the structure of English monarchy. Many have further noted that Locke's justification of private property comes to address the process of enclosure that took place in England at the time of his writing. In the last two decades, many have shown that just as important for Locke, in both his conceptualization of the state of nature and in his defence of enclosure, was the context of the colonization of America.

More than his writing—and probably tightly related to his theory—the colonies occupied Locke's personal and financial interests. Locke served in both private and public colonial administration roles, including serving as the secretary of the Lords Proprietors of Carolina (1671–1675), and drafted its constitution ([Armitage, 2004](#)). Crucially, the *Fundamental Constitutions of Carolina* anchored slavery in law and guaranteed 'Absolute dominion and power over slaves' (recall Locke's objection to absolute power as one of the main arguments of the *Second Treatise*). Locke was further involved in colonial enterprises and the trading of enslaved people via his patron, Anthony Ashley Cooper (later the first Earl of Shaftesbury), whose household Locke joined in 1667. Cooper was a Lord Proprietor of Carolina, a part-owner of a sugar plantation in Barbados—the most significant slave-holding British colony at the time—and a supporter of and investor in the trading of enslaved people. Finally, Locke was invested in the two companies trading enslaved people: the Bahamas Company and the Royal Africa Company.

Yet it is not enough to point to the colonial *practices* of Locke as something that is in conflict with his liberal *theory*. These are not, as Uday [Mehta \(1999: 46\)](#) aptly states, 'ships passing in the night, spurred on by unrelated imperatives and destinations'; it is not, in other

words, a matter of a reality betraying ‘the pristine motives of theory’. We need to understand *Locke’s theory itself* as providing justifications for these practices. Indeed, America was central to Locke’s writing, notably in the *Second Treatise* and particularly (though not exclusively) in Chapter 5, ‘On Property’. In this chapter, America was the paradigm of the state of nature, a place wherein the lack of apparent sovereignty allowed free political agents to assemble and contract a new commonwealth; a place wherein people ‘still live’ without any government, demonstrating not just the coherency but the validity of the theory of the state of nature. It was also a site providing various examples of ‘early’ societies. Finally, this space of origin served to help Locke to justify his theory of property.

Locke begins his theory of labour with a commonsensical example: it is evident that when I eat something, it is mine: ‘He that is nourished by the acorns he picked up under an oak, or the apples he gathered from the trees in the wood, has certainly appropriated them to himself. Nobody can deny but the nourishment is his’ (28).

But, Locke asks: ‘When did they begin to be his? when he digested? or when he eat? or when he boiled? or when he brought them home? or when he picked them up? and it is plain, if the first gathering made them not his, nothing else could.’ Labour, he explains, ‘put[s] a distinction’ between the objects that can be seen as private property and the commons (28). But this seemingly straightforward theory of labour—that begins with eating an apple and is carried through the time and effort invested in picking it if not growing it—was in fact based on a very specific model of European agriculture. Whereas everyone has the right to the apple they eat or the deer they kill, not everyone has a right to the land on which apples grow or deer run. To gain right to the land, Locke says, people need to invest labour in the land itself, and he defined this labour ‘in terms of European agriculture and industry: cultivating, subduing, tilling, and improving’ (Tully, 1994: 160). The first right, to things, did not ‘interfere with England’s plans for settlement in the same way that claim over land [would]

do' (Arneil, 1996b: 62). The second right, to land, was solely permitted to those who practised European models of working the land, primarily enclosure.

Unlike the model described in the pages of Chapter 5, Indigenous agriculture was based on crop rotation and a degree of moving between plots to secure the fertility of the land.

Locke was aware of these agricultural methods and their effectiveness, and even read documented cases in which such practices saved European settlers from starvation (Tully, 1993: 65–87, 118–132, 140–141; Arneil, 1996a: 23–41; Hsueh, 2006: 200–205).

Nevertheless, he chose to portray Indigenous Americans as hunter-gatherers, and chose to identify only enclosed lands as producing value from the territory. The land in America could thus be classified as 'free'—that is, free for European (English) appropriation. This was part of a much wider system of justification for colonial expansion: 'From the 1620s to the 1680s in Britain, and then in North America, Australia, and Africa well into the nineteenth century, the argument from vacancy (*vacuum domicilium*) or absence of ownership (*terra nullius*) became a standard foundation for English, and later British dispossession of indigenous people', argues David Armitage (2000: 97). Locke, he continues, provided 'the most extensive presentation of this argument'. Locke's justification of enclosure was therefore not only a justification of land privatization in England. It was also a way of isolating a single model of agriculture, thereby dismissing Indigenous work on the land, denying their right to the land, making it available for European settlement.

This argument was key to Locke's justification of private property *and* to his justification of colonialism (and this calls us to think of the fact that historically—and as we shall soon see, also conceptually—these two systems tend to work in tandem). One of the principles that limits property in Locke is an ethical principle, according to which private ownership is just only as long as it does not injure (take away from) everyone else. This can work only as long as there is no shortage in this world. Yet, Locke was fully aware that we no

longer live in an age of abundance: there is not enough land for everyone. Indeed, the practice of enclosure, which created a whole new class of people without basic means of substance, demonstrated this vividly. America, as a space of presumably available land, solved this predicament. Those who have nothing left in England should simply go and ‘plant in some inland, vacant places of America’ (§36). Without this colonial possibility, Locke’s moral argument concerning private property collapses. Of course, the reality was very different: it was one in which only few ‘planted’ freely. The rest—both those who were transported from the coasts of Africa and the vast majority of those who arrived from the coasts of England—were kidnapped and sold or (in the case of the latter) ‘leased’ into forced labour.

But Locke’s defence of enclosure did more: it served to frame any territorial wars with Indigenous Americans as just wars. Locke claims that land is much more valuable when enclosed. He estimates that ‘an acre of land’ in America produces ‘not one thousandth’ of an acre of cultivated, enclosed land ‘here’. (§43). (A few paragraphs beforehand he provides the more moderate ratio of one to ten, or perhaps to a hundred (§37)). And since ‘he who appropriates land to himself’ by enclosing 10 acres produces ‘a greater plenty of the conveniences of life ... than he could have from an hundred left to nature’, Locke can argue that this person does not *take* away from the ‘common stock of human kind’, but actually *gives* ‘ninety acres to mankind’ (ibid.). In a move that completely overturns the working of private property, Locke thus proposes that enclosure does not reduce the commons but enlarges what everyone can enjoy. Moreover, he points to those who ‘know no enclosure’ (§26)—specifically, Indigenous Americans—as *denying* goods to the rest of humanity. If you recall, the world was given to us in common, but not to lie waste. God gave it to us to cultivate and enjoy it. Those who fail to act according to this ‘common law of nature’ (§37)

sin towards humanity and lose not just their own rights to the land, but also their status as free, rational, members of society.

Locke's most famous example of a violation of this law of nature commanding us to enjoy, use, and cultivate what God gave us is a man accumulating beyond what he can consume: this man over-accumulates goods—goods that therefore 'perished, in his possession, without their due use; ... the fruits are rotted, or the venison putrefied' (§37). Like this man, the failure to enclose can also be seen as an act against God's will and against the natural law. But whereas the man of greed is redeemed once money is introduced into the picture (as money cannot rot and so the greedy man can accumulate without any interruption), Indigenous Americans' 'failure' to enclose is portrayed in Locke as a failure to organize society according to and within the limit of laws of nature. Moreover, unlike that hypothetical man, Locke's 'Indians' represent not an isolated sin, but a systematic social order that cannot cross the threshold of natural law. Importantly, the law itself is often metaphorically referred to by Locke as a fence (Brown, 2010: 44) and, accordingly, the refusal of fences echoes a refusal to live within the bounds of the law. This, again, places Indigenous Americans as enemies of mankind; any war against them is therefore a just war. In such wars, territorial gains are fully justified, he claimed. And, as if to be sure, Locke emphasized that the only case in which an *unjust* conqueror can have the right to the land of the vanquished is when this land 'lies waste' (§184). From this perspective, too, colonization became justifiable.

Locke's theory of property was thus a theory of and for colonization. It both dismissed and erased Indigenous Americans' legitimate claims to the land and portrayed them as enemies of mankind. In making these arguments Locke clearly ignored not just Indigenous practices of land cultivation in order to portray land in America as vacant. He further ignored the political forms of sovereignty among Indigenous Americans, rendering them non-political

subjects from this perspective as well. All the societies he sees in America are explicitly classified by him as pre-contract (non-political) societies. Ultimately, even if they occupy the state of nature as free, rational, individuals, they seem to fail to cross to its other side, to come together to form a contract. The story of the social contract is therefore not their story—much like women or the propertyless, who were excluded from it before it even began.

---

### **Key Concept: Rationality**

Rationality is a key concept for various strands of liberal theory: from the autonomous man, whose freedom is a function of his ability to give himself and follow rules (Locke, Kant), to the *homo oeconomicus*, whose rationality allows him to identify and follow his best interest (Smith, neo-liberalism). Many of the opponents of liberalism—from Nietzsche to Freud—argued, however, that human beings act according to their passions, desires, and aggression, rather than reason (see also Hobbes). But even though rationality is often seen by liberalism as part of human nature, it also serves to create hierarchies. Critics of Locke have shown how the poor (Hirschmann, 2009), non-Europeans (Mehta, 1999; Seth, 2010), or the physically and mentally disabled (Clifford, 2014) lack the material conditions that allow rationality to develop. Since rationality for Locke is the foundation for political freedom as well as economic prosperity, only some end up enjoying both freedom and the plenty of the world.

---

## **7.4.2 Race: slavery and the question of freedom**

Much like the ‘Indian’, who is ultimately not the protagonist of the transition from a state of nature to political society, the people kidnapped in Africa, transported across the Middle Passage, and enslaved, are not the protagonists of Locke’s concept of freedom. Paradoxically,

this means they are also not the subjects of his fierce critique of slavery. Locke's ardent objection to slavery is woven into most of the *Second Treatise*. It is part of his insistence on natural freedom. Slavery is presented as the most illegitimate violation of the law of nature (see, e.g. §§17, 18, 23, 172). Since men are equal and God's creation, and thus have no absolute power even over their own lives, no one can have such power over anyone else. And yet, Locke was a supporter of slave labour and trade and was involved in forming the first American colony in which owning slaves was guaranteed by the Constitution. How can the two be reconciled?

Some have claimed that the two—the practice and theory—cannot be reconciled; others have pointed to a temporal schism, between a young Locke, supporter of kings and slavery, and an older one, who cherished freedom (although David Armitage's [2004] meticulous historical work refutes this claim). Many have suggested that the term 'slavery' to which Locke refers throughout most of the *Second Treatise* does not refer to real slaves, but is in fact a metaphor for people (Englishmen) living under tyrannical power. Indeed, Chapter 4, 'On Slavery', focuses on life under tyranny and not on concrete enslavement, and accordingly, targets the English monarchy. And yet, this last claim merits at least two reservations.

First, one may wonder about this metaphorical use, at a time when the slave trade was flourishing across the Empire, especially by someone who was actively involved in it. How can Locke refer to slavery as an analogy, knowing too well it is the living-condition of so many people (see also Buck-Morss, 2005)? Second, Locke *does* refer to real slaves, and not all mentions of the term in the *Treatise* are metaphorical. We saw some of them above, when discussing the question of class. In fact, when he refers to concrete slaves, whom he sees as part of the household, he seems to be quite at ease with their existence: the slave's presence in the household is repeatedly mentioned alongside the wife or servant, and Locke even



grants absolute power to the master over them (§85). This, indeed, is the only case of justified absolute power in the *Treatise*, as all other forms of power are limited either in time (as in the case of children or servants) or in scope and extent (as in the case of wives or the king's subjects).

This may not seem surprising, given the fact that in some of the English colonies (including Carolina and the Barbados, to which Locke had significant links), slaves were probably the most important property and the main means of achieving more property (both through their physical labour and through the reproductive labour of enslaved women). As a chief defender of property, Locke's freedom somehow found its limit when it came to the freedom of those who themselves became property and who as a result could own none. If individual freedom is defined as a state in which one is able 'to order their actions and dispose of their possessions and persons, as they think fit' (§4), absolute dominion and power over the enslaved paradoxically appear as consistent with freedom. The slave, then, is not the subject of freedom—or of its negation—in Locke. His/her story is not relevant to the story of 'the individual' and the political principles protecting him.

This eviction from any consideration is also manifested, quite surprisingly, in the moments Locke *defends* slavery. Despite his condemnation of slavery, Locke provided justification for it under some—very restricted—conditions. When I have a right to kill someone—in a just war—death can be suspended and replaced with slavery. This is a very limited justification: to be just, the war should be one of self-defence, and it is only then that it can grant the right to kill, or to suspend death and exert absolute arbitrary power instead (§23). It is only if an 'aggressor' threatens to kill me or subjugate me to his own absolute power,

---

he renders himself liable to be destroyed by the injured person, and the rest of mankind, that will join with him in the execution of justice, as any other wild beast, or noxious brute, with whom mankind can have neither society nor security. And thus captives, taken in a just and lawful war, and such only, are subject to a despotical power.

(§172)

Slavery, he says, is ‘nothing else, but the State of War continued, between a lawful Conqueror, and a Captive’ (§24).

On the one hand, this justification is given under such strict limitations that [Farr \(1986; 2008\)](#) argued that ‘if Locke intended his just war theory to justify the execrable practices of new world slavery, about which he knew so much, then he did a spectacularly bad job of it’. It is quite difficult to explain commercial, New World slavery via this paradigm of just wars against an aggressor. Farr thus concludes that ‘there are reasons to believe that he did not so intend the theory, in whatever contradictions this lands him’. If we take the context of those enslaving and trading companies in which Locke was invested, kidnapping people in Africa and transporting them into the colonies’ plantations as slaves, it is difficult to see how slavery can be justified by claims such as this one: ‘The aggressor’ who ‘unjustly invades another man’s right’ can ‘never have the right over the conquered’ (§176). And it was these trading companies that invaded Africa, not the other way around. Moreover, Locke insists that the absolute right given over to the aggressor in a just war does not extend to the aggressor’s offspring (§182). This stood in contradiction not only to the common practices and laws governing New World slavery, and specifically also to the *Fundamental Constitution of Carolina* Locke took part in drafting, that rendered even servitude hereditary. A possible explanation is that these arguments should be understood vis-à-vis the English context,

specifically the Norman Conquest, to which Locke refers explicitly soon thereafter (§177):

Locke wanted to refute the right of kings who were linked to a history of conquest, and assert, further, that if conquest did give an original right in the case of 1066, this right cannot be carried through generations. ‘The aggressor’ in this story is a monarch overstepping his authority, and the just war is the right of rebellion. Even in his defence of slavery as the outcome of a just war, Locke was unable to really see enslaved people.

---

#### 7.4 Global considerations: Key Points

- Indigenous Americans are identified by Locke as pre-political agents—not as contracting individuals—in two main ways: through their relation to land and through their social structures.
- Slaves, being property, are likewise not defined as political agents, and in their reality remain almost completely unseen by Locke.
- Locke was not only *historically involved* in projects of colonization and slave trade, but his *theory* provided a systematic justification for the former and a less-systematic erasure of the latter.

---

#### 7.5 Conclusion

Through these different figures—the servant (wage labourer), the wife, the Indigenous American, and the slave—we see a series of tensions between formal equality and material, racial, and gender inequalities. The universality of the theory emerges as fragile, if not fraudulent, and yet it is still held as the theory’s main merit. Importantly, at stake are not abstract concepts and a theorization that remain limited to philosophy books. Locke was

actively involved in the shaping of the world we still inhabit, and both his ideas and acts of governance were important in the entrenchment and justification of concrete histories and world orders.

Trying to understand the role of these marginalized figures in Locke's thinking is not always straightforward. Precisely because they interrupt the liberal pretence of universality, their positioning within the theory is not always stable. In this chapter, I have offered several possible interpretations, but at times these interpretations leave us with more questions than answers. I propose not to be frustrated by these instabilities and tensions, but rather to see them as productive: it is through these inconsistencies that those marginalized voices can enter the space from which they are systematically excluded. Their very insistence on being present in the story—our very insistence as readers to read them back into the story—is often the source of these tensions and so perhaps in our act of reading, we should not be trying to resolve them.

<ebook and online only>

Take your learning further by accessing the online resources for a library of web links to relevant videos, articles, blogs, and useful websites for this chapter.

</ebook and online only>

<print only>

<insert OLL icon>
-------------------

Take your learning further by accessing the online resources for a library of web links to relevant videos, articles, blogs, and useful websites for this chapter:

[www.oup.com/he/Ramgotra-Choat1e](http://www.oup.com/he/Ramgotra-Choat1e).

</print only>

## Study questions

1. What are Locke's main critiques of absolute power?
2. In what ways can we identify in Locke's theory the foundation for liberal thought and politics?
3. What are the different historical backdrops and political projects against which Locke's story of the social contract should be read?
4. Why can the servant be thought of as a prototype of the wage labourer and why does this status exclude them from the contract?
5. Why does Locke seek to replace 'paternal' power with 'parental' power and what are the different implications this has on political institutions and structures in his theory?
6. How is Locke's theory of property relevant to his justification of colonialism?
7. What are the links and tensions between Locke's critique of tyranny and his account of slavery?
8. What are the intersections and meeting points between the exclusion or marginalization of women, the poor, the colonized and the enslaved subjects in Locke's story?

## Further reading

### Primary sources

Locke, J. (1693) *Some Thoughts Concerning Education*. London: A. and J. Churchill.

An often-neglected writing of Locke's that helps reveal the hidden assumptions beyond his conceptualizations of subjectivity and rationality.

Locke, J. (1854) *An Essay Concerning Human Understanding*. Philadelphia: Hayes and Zell.

This is not a text in political theory, but Locke's epistemological theory can help understand his conception of the human.

Locke, J. (1997) *Political Essays*. Ed. M. Goldie. Cambridge: Cambridge University Press.

Includes several important essays by Locke, including 'On the Poor Law and Working Schools'.

Locke, J. (2003) *Two Treatises of Government and a Letter Concerning Toleration*. Ed. I. Shapiro. New Haven, CT: Yale University Press.

An edition containing the two most influential political writings of Locke, with an excellent introduction by Ian Shapiro.

### Secondary sources

Armitage, D. (2000) *The Ideological Origins of the British Empire*. Cambridge: Cambridge University Press.

Among many other important contextualizations of Locke's thinking in relation to the imperial project, this book provides detailed accounts of Locke's personal involvement with colonialism in America.

Bell, D. (2014) 'What Is Liberalism?' *Political Theory*, 42(6): 682–715.

This brief article provides a nuanced and historically grounded understanding of liberalism and Locke's role in it.

Hirschmann, N. and McClure, K. (eds) (2007) *Feminist Interpretations of John Locke*. University Park, PA: Pennsylvania State University Press.

A great collection of feminist accounts of Locke.

Ince, O.U. (2018) *Colonial Capitalism and the Dilemmas of Liberalism*. Oxford: Oxford University Press.

A comprehensive work on the links between political theories and colonial capitalism.

Macpherson, C.B. (2011) *The Political Theory of Possessive Individualism: Hobbes to Locke*. Oxford: Oxford University Press.

An important work linking Locke to early capitalism.

Mehta, U.S. (1999) *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought*. Chicago: University of Chicago Press.

A revolutionary book explaining the philosophy of Locke (among others) and its deep links to imperial practices.

Tully, J. (1980) *A Discourse on Property: John Locke and His Adversaries*. Cambridge: Cambridge University Press.

An excellent book on Locke's theory of property and its context.

Williams, E. (1994) *Capitalism & Slavery*. Chapel Hill, NC: The University of North Carolina Press.

A ground-breaking work on the relation of capitalism and world slavery.

## References

Aristotle (1981) *The Politics*. Trans. T.A. Sinclair and T.J. Saunders. Harmondsworth: Penguin.

Armitage, D. (2000) *The Ideological Origins of the British Empire*. Cambridge: Cambridge University Press.

Armitage, D. (2004) 'John Locke, Carolina, and the Two Treatises of Government'. *Political Theory*, 32(5): 602–627.

Arneil, B. (1996a) *John Locke and America: The Defence of English Colonialism*. Oxford: Clarendon Press.

Arneil, B. (1996b) 'The Wild Indian's Venison: Locke's Theory of Property and English Colonialism in America'. *Political Studies*, 44(1): 60–74.

- Brown, W. (2010) *Walled States, Waning Sovereignty*. New York: Zone Books.
- Buck-Morss, S. (2005) *Hegel, Haiti, and Universal History*. Pittsburgh, PA: University of Pittsburgh Press.
- Farr, J. (1986) “‘So Vile and Miserable an Estate’: The Problem of Slavery in Locke’s Political Thought’. *Political Theory*, 14(2): 263–289.
- Farr, J. (2008) ‘Locke, Natural Law, and New World Slavery’. *Political Theory*, 36(4): 495–522.
- Hirschmann, N.J. (2007) ‘Intersectionality before Intersectionality Was Cool: The Importance of Class to Feminist Interpretations of Locke’. In N.J. Hirschmann and K.M. McClure (eds), *Feminist Interpretations of John Locke*. University Park, PA: Pennsylvania State University Press, pp. 155–186.
- Hirschmann, N.J. (2009) *Gender, Class, and Freedom in Modern Political Theory*. Princeton, NJ: Princeton University Press.
- Hirschmann, N. and McClure, K. (eds) (2007) *Feminist Interpretations of John Locke*. University Park, PA: Pennsylvania State University Press.
- Hsueh, V. (2006) ‘Cultivating and Challenging the Common: Lockean Property, Indigenous Traditionalisms, and the Problem of Exclusion’. *Contemporary Political Theory*, 5(2): 193–214.
- Kotef, H. (2015) *Movement and the Ordering of Freedom: On Liberal Governances of Mobility*. Durham, NC: Duke University Press.
- Kotef, H. (2020) *The Colonizing Self: Home and Homelessness in Israel/Palestine*. Durham, NC: Duke University Press.
- Locke, J. (1693). *Some Thoughts Concerning Education*. London: A. and J. Churchill.
- Locke, J. (1854) *An Essay Concerning Human Understanding*. Philadelphia: Hayes and Zell.



Locke, J. (1997) *Political Essays*. Ed. M. Goldie. Cambridge: Cambridge University Press, pp. 182–200.

Locke, J. (2003) *Two Treatises of Government and a Letter Concerning Toleration*. Ed. I. Shapiro. New Haven, CT: Yale University Press.

Macpherson, C.B. (2011) *The Political Theory of Possessive Individualism: Hobbes to Locke*. Oxford: Oxford University Press.

Mehta, U.S. (1992) *The Anxiety of Freedom: Imagination and Individuality in Locke's Political Thought*. Ithaca, NY: Cornell University Press.

Mehta, U.S. (1999) *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought*. Chicago: University of Chicago Press.

Mills, C.W. (1997) *The Racial Contract*. Ithaca, NY: Cornell University Press.

Pateman, C. (1988) *The Sexual Contract*. Cambridge: Polity.

Pateman, C. and Mills, C. (2007) *Contract and Domination*. Cambridge: Polity.

Seth, V. (2010) *Europe's Indians*. Durham, NC: Duke University Press.

Tully, J. (1993) *An Approach to Political Philosophy: Locke in Contexts*. Cambridge: Cambridge University Press.

Tully, J. (1994) 'Aboriginal Property and Western Theory: Recovering a Middle Ground'. *Social Philosophy and Policy*, 11(2): 153–180.