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0521810019 - God, Locke, and Equality: Christian Foundations of John Locke's Political Thought

Jeremy Waldron

Excerpt

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## I

*Introduction*

My topic is equality: the proposition that humans are all one another's equals – *created* equal, perhaps, or (whether created or not) just *equal*, in some fundamental and compelling sense. What that sense is and what its implications are for law, politics, society, and economy – these are questions I propose to explore in the company of the seventeenth-century English political philosopher John Locke.

I believe that Locke's mature corpus – *An Essay Concerning Human Understanding*, the *Two Treatises of Government*, the four (or rather three-and-a-half) *Letters Concerning Toleration* that he wrote in the 1680s and 1690s, and *The Reasonableness of Christianity* – is as well-worked-out a theory of basic equality as we have in the canon of political philosophy. I shall not try to defend that proposition in this introductory chapter; the whole book may be read as a defense of it. But I want to say something preliminary here, first about what I mean by “basic equality” and, secondly, about my use of political, philosophical, and religious writings from the 1680s and the 1690s in relation to our largely secular interest in this topic at the beginning of the twenty-first century.<sup>1</sup>

## I

First, a word about basic equality. In the voluminous modern literature on egalitarianism, there is a tremendous amount on equality as a policy *aim*. Philosophers ask whether we should be aiming for equality of wealth, equality of income, equality of happiness, or equality of opportunity; they ask whether equality is an acceptable aim in itself or code for something

<sup>1</sup> The mature writings on which I shall focus are not necessarily consonant with what Locke wrote earlier in his career, and commentators have often ignored this. (As Skinner puts it in “Meaning and Understanding,” p. 41, “Locke at thirty is evidently not yet ‘Locke.’”) And we must be careful not to exaggerate the unity of what I am calling Locke's mature works: this point will be important in Chapter 4, p. 99.

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else, like the mitigation of poverty; they ask whether aiming for equality implies an unacceptable leveling; whether, if achieved, it could possibly be stable; how it is related to other social values such as efficiency, liberty, and the rule of law; and so on. A tremendous amount of energy has been devoted to that sort of distributive or policy question in recent political philosophy.<sup>2</sup>

Much less has been devoted to the more abstract philosophical question: “What is the character of our deeper commitment to treating all human beings as equals – a commitment which seems to *underlie* our particular egalitarian aims?” Not “What are its implications?” but “What does this foundational equality amount to?” and “What is it based on?” The difference between these two types of interest in equality is not the difference between prescriptive and descriptive views – equality as aim *versus* equality as a fact or as a descriptive claim. It is between equality as a policy aim, and equality as a background commitment that underlies many different policy positions. (Whether equality in the latter sense requires support from some thesis of the descriptive equality of all humans is a further question, which I will discuss briefly in Chapter 3 and explore in detail elsewhere in some more analytic work on basic equality.)<sup>3</sup>

As I said, although there is plenty of work on equality, there is precious little in the modern literature on the background idea that we humans are, fundamentally, one another's equals. There's a page or two in articles by Bernard Williams, Gregory Vlastos, Stanley Benn, and D. A. Lloyd Thomas, and a few pages towards the end of Rawls's *Theory of Justice*.<sup>4</sup> And that's about it. This is not because the fundamental principle is thought unimportant. On the contrary, much of the work that is being done on equality as an aim presupposes the importance of basic equality. Ronald Dworkin's work on equality provides a fine illustration. Dworkin has done a tremendous amount to explore and articulate the nature of our commitment to equality in the social and economic realm.<sup>5</sup> He has helped us think through the issue of the currency of equality: are we or should we be interested in equality of well-being, equality of primary

<sup>2</sup> I have in mind particularly the literature inspired by Dworkin, “What is Equality? 1,” and “What is Equality? 2” and Sen, “Equality of What?” See also, for example, Arneson, “Equality and Equality of Opportunity for Welfare”; Dworkin, *Sovereign Virtue*; Frankfurt, “Equality and Respect”; Parfit, *Equality or Priority?*; Raz, *Morality of Freedom*, Ch. 9; and Temkin, *Inequality*.

<sup>3</sup> See below, pp. 68–71.

<sup>4</sup> Williams, “Idea of Equality,” pp. 230–39; Benn, “Egalitarianism and the Equal Consideration of Interests,” pp. 133–7; Vlastos, “Justice and Equality,” pp. 49–60; Lloyd Thomas, “Equality Within The Limits of Reason Alone,” pp. 538 ff.; and Rawls, *Theory of Justice*, pp. 504–12. See also Coons and Brennan, *By Nature Equal*, for a survey of the literature on this issue.

<sup>5</sup> See generally Dworkin, *Sovereign Virtue*.

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goods, equality of resources generally or equality of basic capacities?<sup>6</sup> He provides a useful account of the relation between equality and market mechanisms, in terms of a distinction between “choice-sensitive” and “luck-sensitive” aspects of social and economic distribution.<sup>7</sup> And he has also developed powerful and interesting arguments about the relation between equality and the “trumping force” associated with moral and constitutional rights.<sup>8</sup> In all of this Dworkin has insisted on attention to the distinction between various articulations of equality, in these and other fields of policy-oriented theorizing, and an underlying principle of equality, which he terms the principle of equal concern and respect. Without that distinction, he says, people will be unable to distinguish between “treatment as an equal” which is fundamental to political morality, and “equal treatment,” which may or may not be what the principle of equal concern and respect requires of us in some domain or currency, in some particular set of circumstances.<sup>9</sup> So the distinction between basic equality and equality as an aim is fundamental to Dworkin’s work. Yet Dworkin has said next to nothing about the nature and grounding of the principle of equal respect.<sup>10</sup> He has devoted very little energy to the task of considering what that principle amounts to *in itself*, what (if anything) evokes it in the nature of the beings it proposes to treat as equals, and above all, what its denial would involve and what precisely would have to be refuted if this foundational assumption of equality had to be sustained against real-life philosophical opponents.

This is not peculiar to Dworkin. He maintains that it is an obvious and generally accepted truth that governments must treat their citizens as equals, and that no one in the modern world could possibly get away with denying this (though of course they deny particular aspects of egalitarian policy).<sup>11</sup> If he is right – and I think he is – then there is a failure of argument on a very broad front indeed. Among those who make use of some very basic principle of human equality, virtually no one has devoted much energy to explaining what the principle amounts to in itself, nor – as I said – to the task of outlining what the refutation of any serious philosophical denial of basic equality would have to involve.

<sup>6</sup> See especially Dworkin, “What is Equality? 1” and “What is Equality? 2.”

<sup>7</sup> Dworkin, *A Matter of Principle*, pp. 192 ff., and “What is Equality? 2,” pp. 292 ff.

<sup>8</sup> Dworkin, *Taking Rights Seriously*, pp. 272–8, and “Rights as Trumps,” pp. 292 ff.

<sup>9</sup> See Dworkin, *Taking Rights Seriously*, p. 227.

<sup>10</sup> The closest he has come to a sustained discussion of these issues is in Dworkin, “In Defense of Equality,” but the discussion there is directed mostly at some particular arguments by Jan Narveson, and it is in any case tantalizingly brief.

<sup>11</sup> Dworkin, *Sovereign Virtue*, p. 128.

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No doubt part of the reason for reticence here has to do with the unpleasantness or offensiveness of the views – sexist and racist views, for example – that one would have to pretend to take seriously if one wanted to conduct a serious examination of these matters.<sup>12</sup> In philosophy generally one sometimes has to pretend to be a weirdo; one has to pretend to take seriously the possibility that the sun will not rise tomorrow in order to address problems like induction, causation, the regularity of nature, and the reality of the external world. In these areas, unless our speculations appear “cold, and strain’d, and ridiculous” by ordinary standards, we are not doing philosophy.<sup>13</sup> The trouble is that in political philosophy, those ordinary standards may be ordinary *moral* standards. That can make political philosophy, when it turns its attentions to fundamentals, quite an uncomfortable occupation to pursue. As I said: in *general* philosophy, one only has to pretend to be a weirdo or an eccentric. In political philosophy, one has to appear to take seriously positions that in other contexts would be dismissed out of hand as offensive and wrong. Most of us would rather forgo this discomfort, particularly in regard to the testing of a position that most of our peers already seem to accept or take for granted.<sup>14</sup>

By contrast John Locke and his contemporaries in seventeenth-century political theory did not have the luxury of asking themselves whether it might be too distasteful to bother taking seriously the denial of basic human equality. They were *confronted* with such denials, and with

<sup>12</sup> Here's an example of the sort of inegalitarian position I mean. In 1907, the Clarendon Press at Oxford published a two-volume treatise on moral philosophy by Hastings Rashdall. The following extract concerns trade-offs between high culture and the amelioration of social and economic conditions:

I will now mention a case in which probably no one will hesitate. It is becoming tolerably obvious at the present day that all improvement in the social condition of the higher races of mankind postulates the exclusion of competition with the lower races. That means that, sooner or later, the lower Well-being – it may be ultimately the very existence – of countless Chinamen or negroes must be sacrificed that a higher life may be possible for a much smaller number of white men. It is impossible to defend the morality of such a policy upon the principle of equal consideration taken by itself and in the most obvious sense of the word. (Rashdall, *The Theory of Good and Evil*, Vol. I, pp. 237–8)

There is not a trace of irony in Rashdall's presentation of this position. Rashdall also appends a footnote: “The exclusion is far more difficult to justify in the case of people like the Japanese, who are equally civilized but have fewer wants than the Western” (*ibid.*, p. 238). My attention was first drawn to this passage by a reference in Haksar, *Equality, Liberty and Perfectionism*, p. 2. Dr. Haksar's whole discussion is very interesting, esp. chs. 2 and 3.

<sup>13</sup> Hume, *Treatise*, Bk. I, Pt. IV, sect. 7, p. 269.

<sup>14</sup> I have heard people say: “Why do we need to explain or defend basic equality? Nobody denies it.” But even if that's true, it is still important for philosophers to explore the character and the grounds of propositions we take for granted. See Waldron, “What Plato Would Allow,” p. 171.

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real political systems built upon them. Some of them – Locke in particular – thought there was no way around such denials, if the political campaigns they were involved in were to succeed at the level of philosophy and ideology. The opponents of equality – not just equality of this or equality of that, but the *basic* equality of all human persons – would have to be dealt with head-on, or else the liberal political enterprise surrendered.

Moreover Locke and his allies faced not just a live enemy on this front, but a formidable one. When Sir Robert Filmer, the great proponent of patriarchalism and the divine right of kings, wrote, in the 1650s, “*that there cannot be any Multitude of Men whatsoever, either great or small, . . . but that in the same Multitude . . . there is one Man amongst them, that in Nature hath a Right to be King of all the rest,*”<sup>15</sup> he was not teasing his audience with a counter-intuitive hypothesis, to liven up a quiet day in a dusty philosophical seminar. He was stating something on which he could reasonably expect implicit agreement from most of the educated and respectable opinion around him, and something that was evidently embodied in aspects of social, familial, political, and ecclesiastical organization that many of his contemporaries believed were or ought to be largely beyond question. It was the contrary position – the principle of equality – that seemed radical, disreputable, beyond reason, valid only as a philosophical hypothesis entertained for the sake of argument in a carefully controlled philosophical environment. Let it loose in politics and in moral belief generally, and there was no telling the harm it would do. It was rather like communism in America in the 1950s. There was no denying that people held this position; but those who held it were widely regarded as unsound and dangerous to the point of incendiary, the last people respectable opinion would rely on for an account of the grounding or the reform of stable and effective political institutions.

Locke, beyond doubt, was one of these equality-radicals. Many are skeptical about this today. But it is important to remember that there was no advantage to Locke – as there might be for a sneaky authoritarian or patriarchalist or bourgeois apologist in the twenty-first century – in pretending to be a partisan of basic equality. Political correctness argued the other way, and Locke knew perfectly well that neither the premise – basic equality – nor the enterprise of figuring out its ramifications was a passport to political or philosophical respectability. But equality was something he took very seriously as a moral and political

<sup>15</sup> Quoted at 1st T, 104. Locke says that this is from Filmer's *Observations on Hobbes*, at p. 253, but I have not been able to confirm that reference.

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premise. It was not just a preference or a pragmatic rule-of-thumb; nor was it simply a “dictate of reason,” like Hobbes’s precepts “that no man by deed, word, countenance, or gesture, declare hatred or contempt of another” and “that every man acknowledge another for his equal.”<sup>16</sup> Locke accorded basic equality the strongest grounding that a principle could have: it was an axiom of theology, understood as perhaps the most important truth about God’s way with the world in regard to the social and political implications of His creation of the human person.<sup>17</sup> God created all of us in what was, morally speaking, “[a] state . . . of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another” (2nd T: 4), all of us lords, all of us kings, each of us “equal to the greatest, and subject to no body” (2nd T: 123). And anything that was said about the power of princes, generals, bishops, teachers, scholars, fathers, husbands, employers, landowners, colonists, or the masters of slaves had to be built upon that basis, and justified with reference to and under the discipline of this truth about basic equality.

In what follows we will see Locke attempting to think through the consequences of this radicalism. And we will watch him respond to the charge of radical unsoundness, sometimes holding fast to what he knew was a counter-intuitive position, sometimes flinching momentarily from his egalitarian commitment, but more often delighting in the fact that he was able to articulate the difference – which we still think it important to articulate – between equality as a premise and some particular egalitarian policy or distribution which he might or might not be in favor of. It would be nice to be able to report that, one way or another, Locke remained steadfast in the basics of his egalitarianism. Unfortunately, I cannot. He flinched at a number of points – most notably in his comments about the default authority of husbands, but also in his doctrine of the bestialization of criminals. But he didn’t flinch as often or as pervasively as modern critics suppose. Nor, I shall argue, did he flinch from his egalitarianism in a way that detracts from the truth of the assertion with which I have opened this chapter – that we have in Locke’s mature corpus as well-worked-out a theory of basic equality as there is in the canon of political philosophy.

## II

Let me say something, secondly, about the historical relation between Locke’s ideas and our own, so far as his egalitarianism is concerned.

<sup>16</sup> Hobbes, *Leviathan*, Ch. 15, p. 107.

<sup>17</sup> There is an excellent account in John Dunn, *The Political Thought of John Locke*, pp. 96–104.

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There are all sorts of things that interest us about equality on which it would be silly and anachronistic to look to John Locke for any help. His writings have nothing to say about affirmative action or universal health insurance or minority culture rights. If we imagine John Locke plonked down among us to talk about equality, we would have to set aside long periods of conversation – conversations that would be marred inevitably by misunderstandings and hurt feelings on both sides – to explain what these issues were and why we thought they were important. And if we were magically transported to England in 1689,<sup>18</sup> it would certainly try the patience of John Locke to have to bring us “up to speed” on issues like the Exclusion controversy, freehold suffrage, the right to summon Parliament, and the nature of prerogative authority.

Even if they understood the issues, people on both sides might be puzzled by the terms in which they were debated. We are not accustomed to debate public controversies about equality using Old Testament sources; and Locke, for his part, might be disconcerted by our employment of the technical jargon of modern economic theory – Pareto-optimality and the like. It is not just a matter of unfamiliar words. Even familiar words like “rights,” “power,” “property,” and “civil society” might be occasions for misunderstanding. Locke could not be expected to be familiar with the water that has passed under these terminological bridges since 1689, and we ourselves are often blithely unaware of the tangled history that distinguishes our use of these terms from their use by Locke and his contemporaries.<sup>19</sup>

Nor is it just a matter of different meanings, for between 1689 and 2002 we have to deal with different (though of course not utterly disparate) intellectual worlds. When Locke uses the phrase “Creatures of the same Species and rank” (2nd T: 4) in his discussion of equality, how easy is it for us to remember that he is talking from a world that is not just pre-Darwinian but pre-Linnaean? When he asks us to consider “how much

<sup>18</sup> I take 1689 as my benchmark, finessing (I hope) the vexed issue of the date at which the works that interest us – in particular the *Two Treatises* and the *Letter Concerning Toleration* – were written. I have never understood why there is so much interest in the date of composition, rather than the date of publication – i.e. the date at which what is written is actually communicated to an historical audience. The moment of first “uptake” (to use Austin’s term in *How to Do Things With Words*) – indeed the moment of first public uptake – is surely what matters in the history of political ideas, rather than the private and uncommunicated moment of first formulation. To think otherwise is to subscribe to a particularly mindless version of the cult of authorial intention, in which actual communication is regarded as a distraction.

<sup>19</sup> See Tuck, *Natural Rights Theories* for a fine account of the tangles associated with the concept of *rights*, from the very beginning. The fact that our use of “rights” is also ridden with confusion and controversy doesn’t make it any easier to calibrate our confusions and disagreements with those of seventeenth-century moral and political theory.

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numbers of men are to be preferred to largeness of dominions" (2nd T: 42) in political economy, are we sure we even know how to understand this, let alone disagree with it? When he says, of a state of war, that "there is no appeal but to Heaven" (2nd T: 21), Locke seems to intimate a view about the contingency of the outcome of fighting that is not just different from ours, but incommensurable with it. All those who teach the *Two Treatises* know the difficulty of trying to explain his use of this phrase to a student. Even if we say it is "just" a metaphor, it is a forbidding enough task to explain to a modern student what makes the metaphor *apt*, given Locke's belief that the right side often loses in these "appeals."

So, someone may ask, with all this potential for anachronism and misunderstanding, what could possibly be the point of lining up John Locke alongside an array of twentieth- and twenty-first-century thinkers – say, Bernard Williams, John Rawls, Ronald Dworkin, and Amartya Sen – as a leading theorist of equality? What could possibly be the point of my saying – as I said at the beginning of these introductory remarks – that a body of work first published three hundred years ago is as well-worked-out a theory of basic equality as we have in the canon of political philosophy? In what sense do *we* have it – "we" as modern theorists of equality? With our own peculiar concerns, in what sense is this work by John Locke "ours"?

I am not an historian of ideas, and most of my work on Locke and other thinkers in the canon of political philosophy has proceeded in a way that is largely untroubled by worries like these.<sup>20</sup> But I accept that the question of historical anachronism deserves an answer in the present context. Here's what I want to say to address the historians' concern.

Our thinking about equality is undeniably entangled with the issues of the day, and large parts of it – or, at the very least, large parts of the way we present it – are more or less inseparable from contexts, understandings, and political stakes that would not survive transposition to another time and place. Everyone who argues about equality today knows that. But we are also conscious that part of our discussion addresses something enduring: it addresses the possibility that equality may be grounded on something rather general in human nature and something permanent in its significance for creatures like us. We imagine that even at the level of particular political outcomes, issues of equality and inequality might have to be referred, by way of justification, to a deeper level at which we

<sup>20</sup> However, see the discussion in Waldron, *Right to Private Property*, pp. 132–6. See also Waldron, "What Plato Would Allow," pp. 143–7.



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argue about what it means to respect one another as equals.<sup>21</sup> And many of us believe that this business of *respecting one another as equals* might have to be referred, in turn, to the idea of something important in or about human nature. That is a possibility reckoned with by all who engage in modern philosophical thinking about equality. Maybe not everyone finally embraces this possibility;<sup>22</sup> but many of us do.

I suspect that in their thinking about equality some three hundred years ago, John Locke and his contemporaries were conscious of much the same duality – the duality between surface issues of equal treatment in politics and economy and a deeper idea of respecting people as equals. On the one hand, they knew that part of their discussion was entangled with the issues of the day – the Exclusion controversy, the Test Acts, the rights of Parliament, and the like – and more or less inseparable from contexts, understandings, and political stakes that would not survive transposition to another time and place. (We have no monopoly on the sensitivity of meaning to context. Locke and his contemporaries were not much less sophisticated, hermeneutically, than we are. They knew there were issues of anachronism and incommensurability in relating their political thinking to that of St. Paul, for example, or Aristotle.) But, on the other hand, they too were conscious of a part of their discussion of equality that asked fundamental and perhaps transcendent questions. They too asked whether there might be a deeper principle requiring us to respect one another as equals, a principle which would require an argument that transcended particular times and particular places and which would have to be grounded on something general in human nature and something permanent in its significance for creatures like us. Like us, Locke and a few of his radical contemporaries thought that was something worth exploring, something worth arguing about.

Now, the fact that Locke was exploring the possibility that humans were *by nature* worthy of respect as one another's equals, not just one another's equals in the politics of late seventeenth-century England, and the fact that we in our modern discussions of justice and rights are exploring the possibility that humans are *by nature* worthy of respect as one another's equals and not just one another's equals in the politics of (say)

<sup>21</sup> For this way of stating the distinction, see Dworkin, *Taking Rights Seriously*, pp. 134–6.

<sup>22</sup> Margaret Macdonald rejects it – see Macdonald, “Natural Rights,” pp. 36–7. So does Hannah Arendt – see Arendt, *On Revolution*, p. 278 – though for rather different reasons. And we might be more comfortable than Locke is with a philosophical rejection of the foundationalism that seems to be presupposed when a commitment to equality is grounded in a view about human nature. (Cf. Rorty, “Solidarity or Objectivity?” and “Human Rights, Rationality, and Sentimentality.”) I will say a little more about this in Chapter 3.

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twenty-first-century America – these two facts do not guarantee that we and Locke are exploring the same issue. Nor does the fact (if it is a fact) that we are exploring the same issue guarantee that we are exploring it in ways that are intelligible to one another. But it is not an unreasonable hypothesis that the issues we are respectively exploring might be close enough to cast some light on one another. Each is certainly straining to orient his discussion of equality to something that might be intelligible to those arguing about equality three hundred years before or three hundred years later: the content of what they are arguing about requires them to do that. Once we state the issues like this, we see at least how wrong it is to recoil at the first reproachful mention of anachronism. For one cannot understand the questions with which we and Locke are respectively wrestling without seeing that their exploration requires us to *risk* anachronism. I cannot be true to my sense that this issue of the permanent grounding of basic equality is worth exploring if I say peremptorily that it is impossible to bring my concept of equality into relation to any place or time other than my own. And Locke could not have been true to his determination to explore the basis of “[t]his *equality* of Men, by Nature” (2nd T: 5) unless he had been prepared to risk such anachronism also. The sort of fact that basic equality must be grounded on – if it is grounded upon anything – must be a fact that is discernable in different ages, and one whose discernability in one age is not inaccessible to another. The sort of commitment basic equality involves is necessarily a commitment that is in principle recognizable in all sorts of contexts and circumstances, for it is precisely a commitment to look beneath the contexts and circumstances that might distinguish one human individual from another and hold constant an element of enduring respect for the sheer fact of their underlying humanity. What basic equality generates in the way of social and political positions may vary from one age to another, and what one age establishes may be relatively opaque to another. But as an articulate underlying position, the principle of basic equality predicates itself on our ability to look through and beyond that. In itself, therefore, the sort of position we are considering is a reproach to any facile or comprehensive contextualism.

We can also put the same point the other way round: if moral and political claims are utterly inseparable from the historical context in which they are propounded, if they cannot to any extent be considered and explored in abstraction from that context, then the claim implicit in the principle of basic, i.e. *underlying*, human equality is fatuous. If political and moral claims cannot be abstracted from their context, then