

GOD, LOCKE,
AND EQUALITY

*Christian Foundations of John Locke's
Political Thought*

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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.¹

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

¹ 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.

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.²

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.)³

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*.⁴ 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.⁵ 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

² 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*.

³ See below, pp. 68–71.

⁴ 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.

⁵ See generally Dworkin, *Sovereign Virtue*.

goods, equality of resources generally or equality of basic capacities?⁶ 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.⁷ And he has also developed powerful and interesting arguments about the relation between equality and the “trumping force” associated with moral and constitutional rights.⁸ 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.⁹ 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.¹⁰ 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).¹¹ 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.

⁶ See especially Dworkin, “What is Equality? 1” and “What is Equality? 2.”

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

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

⁹ See Dworkin, *Taking Rights Seriously*, p. 227.

¹⁰ 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.

¹¹ Dworkin, *Sovereign Virtue*, p. 128.

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.¹² 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.¹³ 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.¹⁴

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

¹² 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.

¹³ Hume, *Treatise*, Bk. I, Pt. IV, sect. 7, p. 269.

¹⁴ 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.

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,*”¹⁵ 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

¹⁵ 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.

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.”¹⁶ 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.¹⁷ 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.

¹⁶ Hobbes, *Leviathan*, Ch. 15, p. 107.

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

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 1689,¹⁸ 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.¹⁹

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

¹⁸ 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.

¹⁹ 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.

numbers of men are to be preferd 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.²⁰ 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

²⁰ However, see the discussion in Waldron, *Right to Private Property*, pp. 132–6. See also Waldron, “What Plato Would Allow,” pp. 143–7.

argue about what it means to respect one another as equals.²¹ 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;²² 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)

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

²² 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.

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

we cannot make sense of the terms in which a claim like Locke's, "[*t*]hat *All Men by Nature Are Equal*" (2nd T: 54), presents itself. To commit to the exploration of that very claim – written and published in the 1680s – is to commit oneself to explore its relation to, among other things, the claims that *we* make *now* about equality, and to explore the way in which that relation might be mediated by common reference to commonly discernable characteristics that could be seen both in 1689 and in 2002 to be the basis for the way we ought to treat one another in society.

That's the ground on which I am going to proceed. Now, in the chapters that follow, we will have some fun with some of the sillier manifestations of Cambridge-style historicism, particularly with some of the propositions about the relation between historical and philosophical understanding with which Peter Laslett larded his critical edition of the *Two Treatises*. But I don't believe there is anything in what I have said that should dismay those who think it important to study in detail the historical context in which political thinking takes place. The historian's enterprise is not the one I have outlined. But it is not precluded by it; nor need the historian and the political philosopher compete for privilege or priority in this regard. The historian will do well not to underestimate the philosophical agility (by our standards) of a John Locke. He will do well to reflect that a modern philosopher engaging, say, with the *Essay*, might be responding to Locke's ideas more or less as Locke would expect one of his own philosopher-friends to engage with it. (One assumes that Locke and his friends didn't spend their time *contextualizing* each other's conversation, or collating early editions.) And the political philosopher, for his part, will do well not to underestimate the scale and density of the obstacles that stand in the way of representing the thinking of one century – particularly the engaged political thinking of one century – in the categories of another.²³ He should remember that a piece of philosophical writing – even one that purports to address a timeless theme – has a context that may be indispensable for understanding what it says to the timeless theme and what it draws out of it. And the historians are right: it's not enough just to gesture in this direction, if one expects one's engagement with Locke to be more than superficial. The modern political philosopher needs to be constantly alert to the point that text-in-context usually adds up to a richer and more interesting source of ideas for modern deployment, or a richer and more provocative reproach to modern assumptions, than a simple parsing of the text which

²³ See also Dunn, *Cunning of Unreason*, pp. 3–47.

pays no more attention to history than is necessary to correct the date of composition and modernize the spelling.²⁴ In what follows, I will try to bear that in mind.

III

The title of my Carlyle Lectures and the sub-title of this book refer to the *Christian* foundations of Locke's political thought. I am conscious that there is something vaguely embarrassing, even *bad form*, in this characterization. Why "Christian"? Why not just "*Religious* Foundations of Equality"? Or why not just "Locke's Theory of Equality"? If, as I said in section II, I am trying to build bridges between Locke's interest in basic equality and our own, why emphasize of all things the very aspect of Locke's thought that is likely to seem most obscure and least congenial to a largely secular body of egalitarian thought in the twenty-first century?

The historical answer is obvious enough. Locke's mature philosophy comprised *The Reasonableness of Christianity* as well as the *Essay*, the *Letters on Toleration*, the *Two Treatises*, and the *Thoughts Concerning Education*. (I shall include also some references to the posthumously published *Paraphrase and Notes on the Epistles of St. Paul*.) As a philosopher, Locke was intensely interested in Christian doctrine, and in the *Reasonableness* he insisted that most men could not hope to understand the detailed requirements of the law of nature without the assistance of the teachings and example of Jesus. The point has not been lost on his most distinguished commentators. John Dunn has argued that the whole frame of discussion in the *Two Treatises of Government* is "saturated with Christian assumptions – and those of a Christianity in which the New Testament counted very much more than the Old." He wrote in his famous study of Locke:

Jesus Christ (and Saint Paul) may not appear in person in the text of the *Two Treatises* but their presence can hardly be missed when we come upon the normative creaturely equality of all men in virtue of their shared species-membership.²⁵

Now this is a challenging observation, not least because (as Dunn intimates) Jesus and St. Paul are barely mentioned in the actual text of the *Treatises*. Indeed, one of the things I want to explore is why, in an argument which appears to be devoted largely to the biblical case for equality, there is so little from the New Testament.²⁶ But my interest

²⁴ For a fine statement of this point, see Skinner, *Reason and Rhetoric*, pp. 14–16.

²⁵ Dunn, *Political Thought of John Locke*, p. 99. ²⁶ I will address this specifically in Chapter 7.

goes beyond bibliography. I want to ask, not only whether we *can* discern the influence of Christian teaching in Locke's normative doctrine of the "equality of all men in virtue of their shared species-membership," but also whether one can even make sense of a position like Locke's – and a substantive position like Locke's does seem to be what we want so far as basic equality is concerned – apart from the specifically biblical and Christian teaching that he associated with it.

Indeed, I want to go further than that. For Dunn, I suspect, the theological and specifically biblical and Christian aspects of Lockean equality are features of Locke's theory that make it largely irrelevant to our concerns. Teasing out and putting on display the indispensability to Locke's political theory of its theological foundations is a way of confining Locke to the seventeenth century. To paraphrase Dunn's famous title, they are part of "what is dead" in the political thinking of John Locke, part of what explains why the *Two Treatises* and the rest of Locke's work are of mostly antiquarian interest in the history of ideas.²⁷ If we were to develop an egalitarian political philosophy for our own use, Dunn seems to be saying, it would have quite a different character from Locke's. It would be secular in its foundations – if it had any foundations²⁸ – and it would not be confined in its appeal, as Locke's theory seemed to be confined in its appeal, to those who were willing to buy into a particular set of Protestant Christian assumptions. I don't mean necessarily that he thinks it would have to be philosophically non-committal in the way that John Rawls has said a political liberalism ought to be.²⁹ Dunn need not go that far in contrasting what we are looking for with what John Locke thought he had discovered. But the deep philosophical commitments of a modern theory would likely be oriented to secular values such as autonomy or dignity or human flourishing, values that are thought to command our respect quite independently of any conception of the sacred or of our relation to God.

Dunn is probably right about this dissonance between Locke's political philosophy and what most people expect in a theory of equality. For my part, however, I am not so sure. I actually don't think it is clear that we – now – *can* shape and defend an adequate conception of basic human equality apart from some religious foundation.³⁰ And I think it is quite an

²⁷ Dunn, "What is Living and What is Dead in the Political Theory of John Locke."

²⁸ Cf. Rorty, "Human Rights, Rationality, and Sentimentality."

²⁹ Rawls, *Political Liberalism*, pp. 133 ff.

³⁰ For some recent discussion see Coons and Brennan, *By Nature Equal*.

open question how specific, or sectarian, or scriptural, such a foundation has to be.

We are sometimes quite evasive about this. We tell each other that the principle of equality is just one political position among all the others we hold, and no different from the others in the way that it might be justified. Isaiah Berlin, for example, imagines that there might be a utilitarian defense of basic equality: “One can perfectly well conceive of a society organized on Benthamite or Hobbesian lines . . . in which the principle of ‘every man to count for one’ was rigorously applied for utilitarian reasons.”³¹ But that is hopelessly confused. Bentham’s principle “Every man to count for one, nobody for more than one”³² is partly *constitutive* of utilitarianism, and so cannot be defended on utilitarian grounds except in a question-begging way. Nor, for the defense of the principle of basic equality, is it enough simply to identify common characteristics that all humans share in common.³³ As we shall see in Chapter 3, that is but a part of the agenda, and though it’s difficult it is the easier part: the hard bit is to *defend* the proposition that these characteristics matter sufficiently to be capable of underpinning a commitment that bears the weight that our egalitarianism has to bear. Basic equality is so fundamental to innumerable aspects of our ethical outlook that it requires a special sort of defense – at once transcendent and powerful – so that it can both underpin what are usually taken to be the starting points of public justification and also prevail in the face of the various temptations that invite us to start drawing distinctions between types or grades of human being.

Now, it does not follow from any of this that basic equality *must* be grounded in a religious conception. But the possibility should surely be given serious consideration, if only because generations of our predecessors in this enterprise have been convinced of it. Again, from that fact that theories of basic equality in previous ages have had a religious foundation, it doesn’t follow that our egalitarian commitments are inconceivable apart from that heritage. How much we can justify or, to put it provocatively, how much of our egalitarian heritage we can *imitate* with the spare resources of a secular moral vocabulary (not to mention the even more meager vocabulary of a Rawlsian “political” liberalism) remains to be seen.

³¹ Berlin, “Equality,” p. 81; see also *ibid.*, p. 96.

³² It is surprisingly difficult to find a source for the Bentham slogan. Ritchie observes, in *Natural Rights*, p. 249 n., that the phrase is known from its quotation by J. S. Mill in Chapter V of *Utilitarianism*. “The maxim seems to belong,” Ritchie says, “to the unwritten doctrine of the Utilitarian master.”

³³ Cf. Rawls, *Theory of Justice*, pp. 504–12 (section 77).

These are questions for us. But it would be quite wrong to assume they were not also questions for Locke. He may have been disposed to offer answers different from those with which we are comfortable (just as he had to deal with challenges that are different from those we are comfortable dealing with). But I shall argue at the end of the book that it is not a case of Locke's assuming, as a matter of background world-view, that *of course* religion must be the basis of equality, and of our assuming, as a matter of a different background world-view, that *of course* it is not. In fact Locke confronted the claim, put forward in his own time, that these fundamental, apparently transcendent positions, could be understood on a purely secular basis. He had grave reservations about these claims, and he conjectured that among his seventeenth-century audience "many are beholden to revelation, who do not acknowledge it" (RC: 145). And I want to ask: is that conjecture so strange to us? I don't think so: I think it shows a Locke confronting more or less exactly the issue *we* have to confront as we consider possible grounds for basic equality. And perhaps it is time someone explored the theological foundations of Locke's egalitarianism on a basis that is sympathetic to his approach or at least not actively hostile to the view that a theory of equality might actually *need* theological foundations. That's what I shall try to do here.

IV

I am conscious, once again, that the historians will see a certain danger in the approach I am taking. To treat Locke's argument as though it were a secular argument, and thus on a par with our patterns of secular argumentation, is one sort of anachronism. To treat Locke's use of religious argumentation (and his reflection upon and hesitation concerning the use of religious argumentation) as though it were on a par with our own worries about the limits of the secular and about the place of religion in our public philosophy may seem more sophisticated; but it too may be anachronistic in its own way. In "What is Living and What is Dead in John Locke," Dunn acknowledges that there are still a great many Christians in the world, and he considers the possibility that Locke's theory "is . . . fully alive for all those who remain such," or at any rate for those who happen to share "Locke's distinctively Protestant religious sensibility."³⁴ But he concludes that "this resolution at least is definitely quite wrong," because it underestimates the enormous difference in "conceptual structures and

³⁴ Dunn, "What is Living and What is Dead," p. 13.

patterns of argument employed in political understanding by all but the most intellectually uncouth of present day Christian believers” and the conceptual structures and patterns of political argument employed by seventeenth-century Christian thinkers like John Locke.³⁵

He has a point. One has only to read the first of Locke’s *Two Treatises* to become aware that we are in a quite different intellectual world from that of the modern philosopher, even the modern philosopher who is willing to entertain the possibility that serious moral argument must have a religious flavor. Every Locke scholar, and not just those of a secular bent, views the methods and substance of the *First Treatise* as strange and disconcerting, particularly in the assumption, which seems to pervade the work (or the half of it we have),³⁶ that the freedom and equality of the people of England – perhaps the freedom and equality of people everywhere – might turn on the precise meaning and accumulation of biblical verses about the kings, generals, and judges of Israel, the ancient patriarchs, the endowment of Noah, and the creation of Adam and Eve. This is not an assumption that would be made in an article in *Philosophy and Public Affairs*. But nor is it an assumption that one would expect to find in the pages of a modern journal like *First Things*, or in modern natural law writing, in the work of John Finnis, for example, or others who take seriously the religious dimension of moral and political argument.³⁷ Such writers certainly would not disparage scripture. But they do not read it, as Locke reads it in the *First Treatise*, interrogating it minutely for the precise bearing that it might have on the resolution of quite particular political issues.

Of course, part of John Locke’s interest in the specifically biblical part of his argument is connected with the determination, driving his work in the *Two Treatises*, to refute the specific claims of Sir Robert Filmer, whose *Patriarcha* and other works were republished in the 1670s to provide

³⁵ Ibid.

³⁶ Locke opens the book with these words (Locke, *Two Treatises*, Preface, p. 137): “Reader, Thou hast here the Beginning and End of a Discourse concerning Government; what Fate has otherwise disposed of the Papers that should have filled up the middle, and were more than all the rest, ’tis not worth while to tell thee.” One of the things, I think, that distinguishes *philosophers* interested in Locke’s political theory from historians of ideas is that the former – the philosophers – wake up from time to time screaming in the middle of night, having dreamed that someone (inevitably someone from Cambridge) has discovered the long-lost manuscript of the missing half of the *First Treatise* and that we are all going to have to spend the rest of our professional lives tracing Locke’s pursuit of Robert Filmer through another three hundred pages of “*the Windings and Obscurities which are to be met with in the several Branches of his wonderful System*” (ibid.).

³⁷ See, for example, Finnis, *Natural Law and Natural Rights* and Macintyre, *After Virtue*. (*First Things* is “a monthly journal of religion and public life,” published in New York.)

powerful scriptural support for a thesis of basic inequality. According to Locke, Filmer “boasts of, and pretends wholly to build on” what Locke called “*Scripture-proofs*,”³⁸ arguments from the Bible “which would persuade all Men, that they are Slaves, and ought to be so” (1st T: 1). Locke needs to prove against Filmer that neither reason nor scripture “hath subjected us to the unlimited Will of another” (1st T: 4). The “reason” part of the argument is mostly presented in the *Second Treatise* (mostly but not wholly for, as we shall see, there are powerful passages of reasoned argument in the *First Treatise* as well); but Locke is not, I think, being ironic when he says that if “*the Assignment of Civil Power is by Divine Institution*,” revealed, for example, in the scriptures, then “no Consideration, no Act or Art of Man can divert it from that Person, to whom by this Divine Right, it is assigned, no Necessity or Contrivance can substitute another Person in his room” (1st T: 107). Much later in my book – in Chapter 7 – I will ask what we should make of the fact that Locke devotes much more space to Old Testament passages than Filmer does in the arguments that Locke says he is trying to refute. But whatever the balance of pages, Locke was evidently convinced that he could not sustain his radical egalitarianism without taking on the detail of Filmer’s “*Scripture-proofs*.”

Now, because Sir Robert Filmer doesn’t loom very large in our chamber of philosophic or political horrors, it is understandable we are hardly riveted by Locke’s patient line-by-line refutation of his scriptural argument. So it is tempting to say that the *First Treatise* is just irrelevant to our modern concerns. This is especially persuasive inasmuch as Filmer’s rejection of basic equality consists in what I am going to call a *particularistic* rather than a *general* inequality. Filmer actually rejected what must have been in his day the most familiar philosophic defense of general inequality, namely Aristotle’s theory of natural slavery. He did so quite firmly at the start of Chapter 2 of *Patriarcha*:

Also Aristotle had another fancy, that those men ‘which proved wise of mind were by nature intended to be lords and govern, and those that were strong of body were ordained to obey and be servants’ (*Politics*, book I, chapter 2). But this is a dangerous and uncertain rule, and not without some folly. For if a man prove both wise and strong, what will Aristotle have done with him? As he was wise, he could be no servant, as he had strength, he could not be a master. Besides, to speak like a philosopher, nature intends all men to be perfect both in wit and strength. The folly or imbecility proceeds from some error in generation or education, for nature aims at perfection in all her works.³⁹

³⁸ Locke, *Two Treatises*, Preface, p. 138. ³⁹ Filmer, *Patriarcha*, p. 15.

Filmer's primary interest is in identifying specific individuals who have authority over others, rather than classes or types of individual in some general hierarchy.⁴⁰ A theory of the divine right of kings is particularistic in this sense inasmuch as it purports to identify particular persons, like Charles Stuart or his brother James, as entitled to monarchical authority. A racist or a sexist theory by contrast would be a *general* inegalitarianism, implying as it does that all humans of a certain type are superior to all humans of some other type. So this too seems to deprive Filmer's theory and its refutation of most of its interest for us. Very few of those today who deny that humans are one another's equals do so on particularistic grounds (for example, because they believe in the divine right of kings established by descent from Adam). There is no modern enterprise in political philosophy for which practicing on Filmer would be an appropriate preparation or exercise.

I don't believe, though, that the particular and the general strands of Locke's answer to Filmer can be disentangled so easily. For one thing, as Locke points out, Filmer is not consistent in his particularism. Filmer purports to be telling us that specific individuals are entitled to be absolute monarchs, by dint of having inherited the crown which God gave to Adam; but much of the time he seems to be arguing for absolute authority in the abstract, an argument that he seems to think does important political work whether we can identify an Adamite heir or not. Locke's attack at this point is one of the most powerful in the book (1st T: 81–3, 105–7, 120–7). And it is not just *ad hominem*; it is also a general meditation on the relation between abstract and practical argumentation in the theory of politics. Unless scripture provides a basis for identifying the Lord's anointed, Locke says,

the skill used in dressing up Power with all the Splendor and Temptation Absoluteness can add to it . . . will serve only to give a keener edge to Man's Natural Ambition, which of itself is but too keen. What can this do but set Men on the more eagerly to scramble, and so lay a sure and lasting Foundation of endless Contention and Disorder, instead of that Peace and Tranquility, which is the business of Government, and the end of Humane Society. (1st T: 106)

Not only that, but Locke takes the occasion to reflect upon the pragmatics of divine law, and the necessity for human positive law. On the one hand, it is inconceivable that God would have instituted a specific

⁴⁰ Hence the passage from Filmer that I quoted earlier: “[T]here 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.” (Quoted by Locke, 1st T: 104.)

monarchy “and yet not to give Rules to mark out, and know that Person by” (1st T: 127).⁴¹ On the other hand, this is just the sort of thing that human law is good at, “since by Positive Laws and Compact, which Divine Institution (if there be any) shuts out, all these endless inextricable Doubts, can be safely provided against” (1st T: 126).

I am quoting these passages not only for their intrinsic interest (which in my view is considerable), but also to dispel the impression, which John Dunn’s article might leave us with, that Locke is so different from us that he cites biblical chapter and verse as though it clinched a political argument. That is not so at all: at the very least, Locke like us is interested in the meta-theoretical question of what it would be for a biblical passage to settle, or even to contribute to, a political argument.

Beyond these hermeneutic points, there is also the question of Locke’s substantive attitude to the particularism of Filmer’s defense of political inequality. Certainly in the *Second Treatise*, Locke’s response to Filmer becomes also an attack on *general* inegalitarianism: it becomes a defense of equality against those who purport to order humans generally into ranks, not just a particular child below his particular father and a particular subject below his particular sovereign. His strategy in the *First Treatise*, however, is not confined to taking on Filmer’s particularistic inegalitarianism on its own terms. In addition to refuting the particular claims that Filmer makes in respect of Adam and his heirs, Locke also sets out to reproach his particularism with a biblically based *general* egalitarianism, an egalitarianism which holds that nobody in particular could possibly have the authority that Filmer says Adam and his heirs have had because of the relation that God has established among people in general. (The fact that Filmer is not defending inegalitarianism on this general front does not mean that he is invulnerable to attack from this direction.) In general, the *First Treatise* is an indispensable resource in the reconstruction of Locke’s theory of equality. My book is about the relation in Locke’s thought between basic equality and religious doctrine – and that is *exactly* what the *First Treatise* is devoted to. The *First Treatise* is nothing but a defense of the proposition that humans are, basically, one another’s equals; it is a defense of the basis on which the *Second Treatise* proceeds. The affirmative argument in the *First Treatise* has a scriptural aspect, it is true. But it is not just a matter of God’s voice having been recorded booming from the heavens, “You are all one another’s equals,” and that’s that. In the *First Treatise*, the argument for general egalitarianism is subtle and complex,

⁴¹ See also the discussion in Chapter 5, pp. 138–9.

weaving, as it does, specific biblical passages into the broader fabric of natural law and traditional theology.⁴² And it interlaces the particular and the general aspects of that defense in a way that helps enormously in seeing what exactly is going on in the more synoptic argument of the *Second Treatise*. It is worth persevering with it, despite the fact that we have to view Locke's defense there through two prisms – scriptural argumentation and the refutation of particular inegalitarianism – neither of which is familiar or particularly interesting to us.

Secular theorists often assume that they know what a religious argument is like: they present it as a crude prescription from God, backed up with threat of hellfire, derived from general or particular revelation, and they contrast it with the elegant complexity of a philosophical argument by Rawls (say) or Dworkin. With this image in mind, they think it obvious that religious argument should be excluded from public life, and they conclude therefore that we can have very little in common with John Locke or his interlocutors, who seem to have made the opposite assumption – that public reason should be conducted more or less exclusively in these terms. But those who have bothered to make themselves familiar with existing religious-based arguments in modern political theory know that this is mostly a travesty; and I suspect that it might be as caricatural of religious argumentation in Locke's day as it is of religious argumentation in our own. Be that as it may: we should not be in the business of abandoning our capacity to be surprised by styles of argumentation. That, after all, is supposed to be one great advantage of an historically sensitive account: it takes us out of our easy assumptions and challenges what we think an argument of a certain sort *must* be like. Religious arguments are more challenging than most, and for many people they are as foreign when they occur in contemporary political theory as they are when they are found in a seventeenth-century tract. One virtue, then, of devoting all this time and all this space to an analysis and elaboration of Locke's religious case for equality is that it promises not only to deepen our understanding of equality, but also to enrich our sense of what it is like to make a religious argument in politics.

⁴² Compare for example the use of arguments about *imago dei* in 1st T: 30. See the discussion of this passage in Chapter 2, p. 25.