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I. "SO VILE AND MISERABLE AN ESTATE" The Problem of Slavery in Locke's Political Thought

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"How is it that we hear the loudest yelps for liberty among the drivers of negroes?"

— Samuel Johnson¹

What American revolutionary could have answered Samuel Johnson's barbed query and still saved face? Yet eighteenth-century American colonists were hardly alone in their hypocrisy. They were, indeed, in the company of their seventeenth-century philosophical forebears, among the greatest of whom was John Locke. The preeminent theorist of natural rights and human freedom was himself a merchant adventurer in the African slave trade and an instrument of English colonial policy who proposed legislation to ensure that "every freeman of Carolina shall have absolute power and authority over his negro slaves."² Not only does this shock our twentieth-century moral sensibilities, it must also send shock waves through our very understanding of Locke's political thought, for contradiction lies at the heart of it. How could Locke's passionate advocacy of universal natural rights be squared with an institution that annihilated these rights altogether?

Locke never addressed, much less resolved, this contradiction. On Afro-American slavery, silence seems to have been his principal bequest

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to posterity. Locke's silence is all the more difficult to fathom inasmuch as in the *Two Treatises* he developed a general theory and justification of slavery for captives taken in a just war. And thereby hangs a tale. What bearing did Locke's just-war theory of slavery have on the rest of his political thought, as well as on the actualities of seventeenth-century slavery and his involvement in it? Some writers claim that Locke's theory is inconsistent with his views on natural rights.³ Others assert that, in spite of its flaws, the theory satisfied Locke as an explanation and justification of Afro-American slavery.⁴ Still others hold that Locke was a racist who believed that blacks deserved slavery because they were not fully human and so had no rights.⁵

In this essay I propose to challenge these three interpretations, and to show that Locke's just-war theory of slavery *is* consistent with his account of natural rights. But more important, I hope to show that this theory is woefully inadequate as an account of Afro-American slavery and, further, that *Locke knew this*. Indeed, Locke's theory positively condemns seventeenth-century slave practices and any ongoing institution of slavery whatsoever. We are forced, then, to consider two other questions: First, are there other grounds in Locke's political thought that *would* justify seventeenth-century slavery? Second, what *did* Locke intend his just-war theory to accomplish in the 1680s if not to justify Afro-American slavery? To the first question, I fear that there just are no other grounds. In particular, Locke was not a racist in the strong sense required to justify slavery. To the second, I suggest that Locke articulated his just-war theory with more local objectives in mind: namely, to refute the theorists of royal absolutism, and Filmer in particular. Locke was accusing them of rationalizing the "enslavement" of Englishmen "under arbitrary power" (2.222), and his own theory justified rebellion, if need be, against "so vile and miserable an estate" (1.1).⁶ Although this clarifies Locke's intentions, it unfortunately does nothing to lessen the principal contradiction between his theory and his and his age's practice. Locke's silence about the Afro-American slave practices that he helped forward remains profoundly unsettling and poses one of the greatest problems for understanding Locke as a theorist and political actor.

In substantiating these claims I propose to investigate Locke's views on slavery in the following manner. I begin with a select narrative of episodes in Locke's life to document his political involvement with slavery, which must perforce weigh on our ultimate assessment of his theory and his intentions. These episodes, although familiar enough to

judicious students of Locke's political thought, are perhaps not as widely known as they should be. In the second section I reconstruct Locke's just-war theory of slavery, paying special attention to the severe constraints he set upon justified enslavement. This enables me to show in the third section how inadequate his theory was as an explanation, much less a justification, of the actual practices of seventeenth-century slavery. Next, the case for Locke's racism is examined and found wanting. In the final section I puzzle over Locke's intentions and locate his theory in the context of the English political debates of the 1680s and 1690s.

I. LOCKE'S INVOLVEMENT

Biography informs political theory in at least one crucial respect, and underdetermines it in another. For the former, biography promises to tell us how richly or poorly acquainted a theorist was with the experiences that his or her theory was intended to explain. Thus we find, for example, in the case of James Mill's theory of Indian underdevelopment an admitted poverty of first-hand knowledge of Indian life.⁷ In the case of John Locke's theory of slavery we find an embarrassment of riches, a tale of intimate and informed involvement with all manner of slavery. Indeed, so well and thoroughly informed was Locke that, when once we grasp his theory of slavery, we come to wonder what it was designed to explain at all. Here then is the underdetermination of theory by biography. But this is getting ahead of our tale. First, Locke's story.

Although slavery was an ancient institution, the Afro-American form was rather new to Englishmen. Still it was, in slavery as in science, an age of experiment. Locke was himself part of this great experiment. In the service of Anthony Ashley Cooper, later the first Earl of Shaftesbury, one of Locke's principal duties was the overseeing of colonial matters. In 1668, Locke was appointed secretary to the Lords Proprietors of Carolina, of which Ashley was a founding member. One of his early tasks was to help write the *Fundamental Constitutions of Carolina*.¹ Among its many provisions—all designed explicitly to “avoid erecting a numerous democracy”—we find two articles related to slavery. One prescribed in no uncertain terms the continuation of what was already established practice: “Every freeman of Carolina shall have absolute

power and authority over his negro slaves, of what opinion or religion soever."⁹

The other provision of the *Fundamental Constitutions* was at the time a more contentious one. The future author of several letters on toleration and of *The Reasonableness of Christianity* sought to discharge Christian duty by pleading for the souls (at least) of slaves:

Since charity obliges us to wish well to the souls of all men . . . it shall be lawful for slaves as well as others to enter themselves and be of what church any of them shall think best, and thereof be as fully members as any free men.¹⁰

Locke was taking sides in an important dispute. There were those who contended that baptizing slaves was tantamount to freeing them. But there were others—among them many Puritans, Anglicans, and Quakers—who pressed for the baptism of slaves, without also arguing for manumission. Morgan Godwyn, for example, announced himself *The Negro's and Indian's Advocate, Suing for Their Admission into the Church*.¹¹ The subtitle exhausted Godwyn's advocacy, for he proved to be no abolitionist. Arguments such as these either convinced Locke or found an already sympathetic ear. Admission into the community of Christ, however, was not equivalent to admission into the community of freemen, for "religion ought to alter nothing in any man's civil estate."¹² Combining bondage and faith in the person of the Christian slave, Locke concludes the constitutional article in no uncertain terms:

But yet no slave shall hereby be exempted from that civil dominion his master hath over him, but be in all other things in the same state and condition he was in before.¹³

During his three-year tenure as secretary to the Lords Proprietors, Locke did his work thoroughly and well. He faithfully kept minutes of all meetings. He heard the complaints against and remonstrances to the Lords.¹⁴ He had a hand in drafting and promulgating some "temporary laws" on the basis of the *Fundamental Constitutions*. One law clarified the Lords Proprietors' desires to limit the extent of New World slavery, declaring that "no Indian upon any occasion or pretense whatsoever, is to be made a slave; or without his own consent be carried out of our country."¹⁵ Locke also kept notebooks on Carolina and oversaw Ashley's voluminous papers and correspondence on colonial matters. He also kept his own correspondence with many in the New World,

especially with his friend Sir Peter Colleton, slave owner in Barbados. Locke drew up a bibliography of "writers of Carolina" for Colleton's inspection.¹⁶ For his part, Colleton supplied Locke with information about all manner of things. For Locke's medical curiosities, Colleton informed him of herbal cures for yaws and gonorrhea in slaves. For Locke's and Ashley's financial interests, Colleton advised investing in fishing, planting, and timber.¹⁷

In 1671, Locke's investments took a new turn. This time he ventured shares not in fish, plants, or trees, but in human cargo. For in that year the old Company of Royal Adventurers Trading to Africa was dissolved. Out of its ashes arose the Royal African Company with a new charter and new subscribers, Locke, Ashley, and Colleton among them.¹⁸ In the following year, Ashley, now the Earl of Shaftesbury, also founded a new company of merchant adventurers for trade to the Bahamas. Well situated to gain once more from Shaftesbury's financial ventures, Locke, now a "landgrave of Carolina," likewise became one of these merchant adventurers.¹⁹ In his portfolio, then, he smartly complemented stock in the Royal African Company (which had a monopoly in the slave trade), with stock in a company of merchant adventurers (which had a monopoly of trade to large portions of America). Thus, Locke's investments floated along the great trade triangle from England to Africa to America and back home again.

In 1672, Shaftesbury convinced Charles II to establish a Council of Trade and Foreign Plantations, with himself as president. In the following year Locke became its secretary. The Council was "a fact-finding, not an executive body, and its secretary was for this reason a more important man than any of the councillors."²⁰ Characteristically, Locke performed his tasks meticulously, fully informing himself about the details of colonial trade and plantation life. Locke served the Council until he was replaced in 1674 (some time before he profitably liquidated his stock in the Royal African Company).²¹ His knowledge and experience, however, were later to prove highly useful to him when he served on a different colonial board in 1696.

In the intervening years Locke's life was a political and philosophical whirlwind. He was spied upon for his political connections with Shaftesbury's "family" of Whig radicals.²² Shaftesbury had died in 1683, some four years after Locke began writing the principal drafts of his *Two Treatises of Government*, including the two chapters devoted to his own theory of slavery. Shortly after his patron's death, Locke fled to the

continent. At home he was expelled in absentia from Christ Church, Oxford, for having, in Sunderland's unkind but not untrue words, "belonged to the late Earl of Shaftesbury."²³ In exile Locke resumed his writing, completing *A Letter Concerning Toleration* and the *Essay Concerning Human Understanding*. He made his way into the company of many European intellectuals, including Jean Le Clerc. Le Clerc's new journal, *La Bibliotheque Universelle*, advertised the arguments of the *Essay* and published Locke's first prose. It also contained Le Clerc's own essays against slavery.²⁴ In 1687, Locke removed to Rotterdam and resided for two years in the home of Benjamin Furly, merchant, Whig, and Quaker, who had a plan for abolishing slavery.²⁵ Thus, two of Locke's friends and principal correspondents were early abolitionists.

After the Glorious Revolution Locke returned to England. Later in 1689, after nearly a decade of fitful work, the *Two Treatises* was finally printed. Locke's arguments about consensual government were still worth making and defenders of royal absolutism still worth rebuking. At that time, a year after Parliament's victory and James II's forced abdication, Locke gave his *Government* the trappings of a work of the moment, thereby deceiving countless generations of writers about his "apologetic" intentions. He did, however, dash off a sketch toward a political pamphlet (only recently rediscovered), justifying the Glorious Revolution and trying to settle the nation by oaths of express consent to William III and to doctrines supportive of his *de jure* government. In it we find Locke demanding the public renunciation of divine right monarchy and hailing "our delivery from popery and slavery."²⁶

In 1696, Locke returned to public service as an appointed commissioner of the Board of Trade. Locke soon dominated the Board, especially on colonial matters.²⁷ He wrote a long paper concerning "Some of the Chief Grievances of the Present Constitution of Virginia with an Essay Towards the Remedies Thereof." In it he raises a familiar religious theme, but lets it pass, admitting that "the conversion, and instruction of Negroes and Indians would require a Treatise in itself."²⁸ The Board as a whole also issued instructions to many of the governors of the royal colonies. A particularly important set of these instructions "which Locke did so much to draft in 1698" was sent to Governor Francis Nicholson of Virginia.²⁹ Naturally, slavery figured prominently in these dispatches. The governor was admonished to keep a yearly census of slaves and to discourage all slave trade except that organized and monopolized by the Royal African Company. On a more humane note, Nicholson was also encouraged

to gett a law pass'd restraining of Inhumane Severities . . . towards Slaves, and that Provision be made therein that the willful killing of Indians and Negroes may be punished with Death, and that a fit penalty be imposed for the maiming of them.

Souls were to be protected as well as bodies. To this end, and reminiscent of Locke's earliest and most consistent policies on these matters, the governor was commanded to "find out the best means to facilitate and encourage the Conversion of Negroes and Indians to the Christian Religion."³⁰

In 1700, Locke surrendered his commission. In the four remaining years of his life he was engaged in religious and philosophical controversy. He put the finishing touches to his enormous library.³¹ In so doing he returned to an abiding passion: tales of navigation, discovery, and exotic lands, such as Africa and the Americas. Thus, when Locke died in 1704, precious few Englishmen could have boasted of equalling his intimate knowledge of colonial life, foreign peoples, or slavery and the slave trade.

II. THE JUST-WAR THEORY OF SLAVERY

"Slavery is so vile and miserable an estate of man and so directly opposite to the generous temper and courage of our nation, that tis hardly to be conceived that an Englishman, much less a Gentleman, should plead for it" (1.1). These words opened the *Two Treatises* when it was published some twenty years after Locke's initial engagement with the institution of slavery. The reference to an English gentleman was an audible snort at Sir Robert Filmer. Casting the arguments of Filmer's *Patriarcha* as pleas for slavery assured Locke the polemical vantage point he desired in his defense of natural rights, human freedom, and resistance to tyranny. Given the "galleys, prisons, confiscations, and deaths" known to be the lot of seventeenth-century slaves, Locke's tactic of casting monarchists as slavers assured him the high ground of moral rhetoric.³² Freeborn Englishmen, of all people, cherished their liberty. Slavery simply was not English—or at least it was not for Englishmen. "Rule Britannia" was even then the rule: "Rule Britannia, Britannia rule the waves; Britons never never never shall be slaves."

Locke's hostilities toward this "vile and miserable estate" are so passionately expressed that some scholars have argued that he was

categorically opposed to slavery.³³ But this misreads Locke. Yet to the “astonishment” of others who read him aright, Locke not only countenances slavery, he even develops a theory to explain at least one of its several varieties.³⁴ At first blush, such a theory “may seem unnecessary, and inconsistent with his principles.”³⁵ But viewed more closely, his theory of slavery is not only consistent with his natural right principles but perhaps even necessary in light of his theory of the just war.

Locke begins the *Second Treatise* by bidding his readers to “consider what State all Men are naturally in, and that is, a state of perfect Freedom, to order their actions, and dispose of their Possessions and Persons, as they think fit.” It is “a state also of Equality” (2.4). By nature, then, “men” (to follow Locke’s usage) are born free and equal with a full complement of natural rights to ensure the facts of their nature. In at least three different ways, however, natural rights and freedoms are not absolute. First, according to the law of nature, one’s rights and freedoms do not extend to the violation of others’ rights and freedoms. Second, in order to have civil society at all, men must surrender certain natural rights, particularly the right to judge and punish those who transgress against the law of nature. Third, a man does not have the right or the freedom to undermine the very conditions of his rights or freedoms. Thus, a man “has not Liberty to destroy himself” (2.6); nor can a man “by Compact or his own consent *enslave himself* to anyone” (2.23). Indeed, suicide and slavery not only are not rights, they are positively unnatural, for they make a man not a man.”³⁶

Slavery exists, however, as a matter of *fact*, whenever a conqueror subdues his enemies and forces them to exist under absolute bondage. Mercy, not right, is the condition of their existence. Such was the fate of countless peoples in ancient and medieval times, to whom Locke’s theory of natural rights would doubtless have seemed a tract of abolition and liberation. But even Locke allows for—and justifies—slavery as a matter of *right*, if the slaves were “Captives taken in a just War” (2.85). A just war is one waged against unjust aggressors by an innocent people defending its rights and its property.³⁷ And when “victory favors the right side,” then, subsequently, “the perfect condition of Slavery . . . is nothing else, but the State of War continued, between a lawful Conqueror, and a captive” (2.85, 24). The captive slave is wholly to blame because he had “quitted reason” by violating the rights of innocents and so rendered himself “liable to be destroyed by the injur’d person and the rest of mankind that will joyn with him in the execution

of Justice, as any other wild beast or noxious brute" (2.172). In the face of the demands of justice, enslavement of such a beast is no injustice:

Indeed having, by his fault, forfeited his own life, by some Act that deserves Death; he, to whom he has forfeited it, may (when he has him in his Power) delay to take it, and make use of him to his own service, and he does him no injury by it [2.23].

Thus it is that by their unjust aggression "these Men having . . . forfeited their Lives, and with it their Liberties, and lost their Estates; and being in the *State of Slavery*, not capable of any Property, cannot in that State be considered as any part of civil Society; the chief end whereof is the preservation of Property" (2.85).

Slavery, then, is not in all cases categorically unjust. Indeed, there must be justly held slaves insofar as there are unjust aggressors and just conquerors. The linchpin in Locke's justification of slavery is the unjust "Act that deserves Death." A slave is responsible for his life-long servitude because, before being vanquished, he was himself a free, equal, and rational being who violated the rights and property of other free men as guaranteed by the law of nature. This presupposes the existence of natural rights on the part of both master and slave (before his enslavement, that is). Thus, Locke's just-war theory of slavery is consistent with, even if highly constrained by, his theory of natural rights.

The emphasis on unjust *action* serves to distinguish Locke from many other theorists of slavery. Before and after Locke's time, slavery was justified by nature, by original sin, by pagan belief, or by contract. We may suppose that Locke intended to refute (or was aware he was refuting) versions of the theories of Aristotle, St. Augustine, the Christian Crusaders, and Hobbes, among others. Thus Locke rejected out of hand what Aristotle thought "clear . . . that by nature some are free, others slaves."³⁸ No unjust act, no just enslavement. Similarly, original sin was not an act, but the birthmark of the human condition since the Fall. Of course, an act was originally committed, but it was by our primeval ancestors, and even then it was an act committed against God, not against other men. So, however doomed we all are at (or even before) birth, some men are not thereby destined to be the slaves of other men. Likewise beliefs—even pagan beliefs—are not acts, and as such their bearers, however benighted, are not candidates for slavery. Moreover, as long as the actions that subsequently embody these beliefs are not ones of unjust aggression, they too cannot serve as grounds for

enslavement. And, as we have seen, in the *Fundamental Constitutions of Carolina* (as again later) Locke had already allowed for Christian baptism of "pagan" African slaves, without this changing their civil condition. Finally, Locke refused to countenance slavery by contract. Such a view had been held by some Puritan writers, as well as by that arch-anti-Puritan, Thomas Hobbes.³⁹ Although selling oneself into slavery was indeed an act, it was not an act of unjust aggression against innocent persons, and it was self-denying. The only historical warrant for such an argument was a *misreading* of the Bible, according to Locke. "We find among the Jews, as well as other nations, that men did sell themselves, but tis plain was only to Drudgery, not to slavery" (2.24).

Hence *only* a just war could justify slavery. But slavery is even further hedged around by a number of other constraints stipulated by Locke. These constraints are even more restrictive than those levied by other just-war theorists, and perhaps Locke thereby intended to distance his theory from theirs.⁴⁰

Locke's first constraint—odd at first glance, although crucial for understanding his intentions—protects the mass of conquerors from enslavement by their own leader. "Tis plain," Locke avers, that the lawful conqueror "gets no power by his conquest over those that Conquered with him. They that fought on his side cannot suffer by the Conquest, but must at least be as much Freemen as they were before" (2.177). Locke brings the point of this ostensibly universal constraint home to English shores. For there are those royalists who contend that "the English Monarchy is founded on the Norman Conquest and that our Princes have thereby a Title to absolute Dominion" (2.177). Here Locke raises the specter of "the Norman Yoke," a point of contention in the propaganda wars of the 1680s, and a notion used so effectively forty years earlier by the Levellers during the first English Revolution.⁴¹

Second, Locke stipulates what he admits is a "strange Doctrine"—namely, that the lawful conqueror has no right to the possessions of the conquered people, except insofar as to "make reparation for the damages received, . . . and the Charges of War" (2.180, 182). And depending upon the economic plenty or penury of the enslaved people, Locke even states that no seizure of possession is just if wives and children have more "pressing and preferable Title" (2.183). The seizure of land itself is explicitly excluded by this constraint, for land is by right the inheritable property of future innocent generations, especially "in any part of the world, where all the Land is possessed, and none lies waste" (2.184).

Finally, the lawful conqueror has slave rights only over those who "actually assisted, concurred, or consented to that unjust force" (2. 179). Principally, this means combatants and government officials. "All the rest are innocent"—noncombatants, wives, and children. Certainly a whole population cannot be enslaved, "the people have given to their Governors no Power to do an unjust thing, such as to make an unjust war (for they never had such a Power in themselves)" (2. 129).

An important corollary of this is that slavery cannot extend to future generations. Children born of slaves cannot themselves be retained as slaves, for slavery "reaches no further than the Persons" of those who acted unjustly, and thus it "dies with them" (2. 189). Slaves' children have committed no injustice, no act deserving of death. Hereditary slavery—that is, any *institution* of slavery—is positively unjust and falls well beyond the limits of Locke's theory.

Locke's theory stands out by combining severe constraints on what may be regarded as just slavery, with an absolute and "purely despotal" power for the masters once those constraints are met (2.178). No act of the lawful master can violate the rights of a slave, who, through an earlier act of his own, has no rights. The master may dispose of his slave's labor, or otherwise "make use of him to his own Service" (2.23). Of course, he may even kill his slave since the slave deserves death. However, if the constraints are not met, then the slavery is unjust, and the master ranks on a par with the unlawful conquerors of history. Such a conqueror has "no Title to the Subjection and Obedience of the Conquered" (2.176). He deserves what he will probably receive: the rebellion of an oppressed people (2.196). If vanquished, the master is himself deserving of death or slavery, that vile and miserable estate.

III. AFRO-AMERICAN SLAVERY

Locke's theory of slavery, then, is consistent with his theory of natural rights, and even necessary given his theory of the just war. There is, however, a problem with its practical relevance, its fit with the real world of slave practices. To appreciate what is at stake, let us first note that Locke's theory remains remarkably general and abstract. He supplies no historical examples of who was ever *justly* enslaved. His few examples are only of *unjust* enslavement: Greek Christians by the Turks, Israelites by the Assyrians, Anglo-Saxons by the Danes. These

omissions could of course be the consequence of Locke's overall program to devise truly general theories, uncluttered by historical particulars. No doubt Locke thought that in this, as in other matters, he was establishing first principles. Others presumably could perform the pedestrian task of connecting theory to practice. But this task is required most of all, especially given Locke's involvement.

Whatever else might be said of Locke's just-war theory of slavery this much is clear: *It neither explains nor justifies the practice of seventeenth-century slavery.*⁴² The African slave trade and the institution of chattel slavery in the Americas flagrantly violated the theoretical constraints he so painstakingly set. Surely Locke knew this, not only as the principal theorist of his age, but as a councillor and secretary on colonial boards setting slave policy, as a merchant adventurer and profiteer in the Royal African Company, as a friend and correspondent of both slave owners and abolitionists, and as a Christian advocate for the baptism of African slaves. In brief, three facts of Afro-American slavery, facts of which he was abundantly aware, violate Locke's just-war theory of slavery: (1) the methods of capture, (2) the demography of enslavement, and (3) the institution of hereditary bondage. The first two occurred in Africa, the third in America.

Take Africa first. The methods used to obtain slaves varied considerably.⁴³ Among these methods were slave raids by Europeans themselves, and there could be no pretence that such raids were just wars. Indeed, English slaving had begun in this way, and Locke knew this from the tales he read in Richard Hakluyt's account of John Hawkins's forays in Guinea in the mid-sixteenth century. Locke not only owned Hakluyt's *Principal Navigations*, but took considerable notes out of it.⁴⁴ In his early readings Locke discovered how Hawkins "got into his possession, partly by the sword, partly by other means . . . 300 Negroes at the least."⁴⁵

Hawkins's method of direct capture was not unique, of course, even in Locke's day, or later. But more frequently slaves were obtained from African chiefs who had originally taken them either by intertribal war, or by raids, or because of debt or other crimes. Whatever the justness of intertribal war (and one rather doubts that Locke could have believed them just), slavery-by-debt was not a proper candidate for Locke's theory. And slave raids by Africans were no more just than were those by Europeans—especially when the African raids were the direct consequence of the European demand for slaves. When demand rose, tribes went to war solely for the purpose of procuring slaves. There was not the

slightest shred of evidence of unjust aggression being the cause and condition of the capture of slaves. Moreover, there was in Locke's theory no room for trade for ill-gotten slaves. Indeed, such trade was already being challenged in Locke's day as inconsistent with just-war premises, as complicity was passed on with purchase. In 1700, for example, Samuel Sewall complained of trading with Africans for slaves unjustly captured:

An Unlawful war cannot make lawful captives, and by receiving we are in danger to promote, and partake in their Barbarous Cruelties. . . . And yet tis to be feared, we have no other kind of title to our Nigers.⁴⁶

Africa, then, yielded no "Captives taken in a just war" (2.85). However, this has been ingeniously disputed by H. M. Bracken, who has argued that Locke assumed that "Africa and the Americas were waste land. If their residents resisted the take over of these waste lands, they could properly be taken as captives in a just war and made perpetual slaves."⁴⁷ But this could not have been Locke's considered position. Locke condemned "perpetual" slavery, if that means an ongoing institution in which the children of slaves are born into slavery. More to the point, Locke had a hand in drafting a temporary law of Carolina that made explicit that "No Indian upon any occasion or pretense whatsoever is to be made a slave."⁴⁸ But most important, *even if* Locke had thought it just to enslave native Americans for their resistance to whites peopling and tilling waste lands, he could not have extended this view to cover black Africans, for the simple reason that there was at that time no intention by Englishmen to settle in Africa. Africa proved to be a vast uncharted graveyard for so many of the early traders that it was not conceived of as the next colonial outpost of the burgeoning English empire. Rather, Africa was, as Marx noted later with characteristic bluntness, "a warren for the commercial hunting of black skins."⁴⁹ So Africans could hardly have deserved slavery on the grounds that they prevented innocent white farmers from mixing their labor with common land. Nor did Locke ever claim they did.

Locke's just-war theory also comes a cropper on a second score. Women and children were captured and traded in Africa. In his various administrative posts, Locke had access to innumerable shipboard manifests reporting on slave cargoes. Invariably these included demographic reports on the purchase and sale, health or death of countless women, boys, and girls bound for America.⁵⁰ In October 1673, for

example, in his capacity as secretary to the Council of Trade, Locke read to the council an official letter he had endorsed from Sir Peter Colleton reporting on the importation of slaves to Barbados. In his letter, Colleton noted that the slave population at that time, measured conservatively, included 11,914 women, 5,827 boys, and 5,207 girls.⁵¹ Such capture clearly violated just-war premises—not to mention the natural rights of the innocent.

Some of these slave boys and girls attested to the third and most flagrant violation of Locke's theory: the institution of hereditary slavery. Children of adult slaves were born into slavery, even though they had themselves committed no "act which deserved death." Here too the information available to Locke was, to say the least, abundant. It lay about his desk at the Council of Trade, filled many a letter from an American friend, and was neatly shelved in his voluminous library. Consider only two instances. Richard Ligon, whose widely read *True and Exact History of the Island of Barbados* (1657) was in Locke's library, reported that "slaves and their posterity [were] subject to their masters forever."⁵² Locke might have missed this paragraph, but he could not have missed the colonial legal record that was instrumental to him when writing the *Fundamental Constitutions of Carolina*. A Virginia law of 1667, which anticipated his own provisions, made explicit the common knowledge and practice that there were Negro "children . . . slaves by birth."⁵³

So in America, as in Africa, slavery and the slave trade had nothing to do with a just war. Locke's theory and seventeenth-century practice remained as far apart as night and day, black and white.

This allows us confidently to rule out some interpretations of Locke's views of slavery. He could not have "clearly regarded Negro slavery as a justifiable institution," or been "satisfied that the forays of the Royal Africa Company were just wars," as David Brion Davis and Peter Laslett have maintained, respectively.⁵⁴ When Locke wrote the *Two Treatises* he already knew—by reading histories and personal letters, transcribing intelligence for the Council of Trade, and crafting colonial laws and constitutions—that at least three of the constraints he set for just-war slavery were violated in Africa or America. Slave raids were not just wars; women and children were taken captive; and the descendants of slaves were made slaves too. Had Locke intended to justify Afro-American slavery, he would have argued from bare conquest, not just war. At the least, he would have relaxed the constraints he so pains-

takingly stipulated regarding women, children, and descendants. Otherwise we must think Locke a fool.

IV. LOCKE NO RACIST

Dispelling certain misinterpretations still leaves us with many mysteries regarding Locke's intentions. Here, unfortunately, we run up against the stone wall of Locke's silence—a silence that cannot be given a voice by the “age” in which he lived.⁵⁵ On slavery, his “age” was a veritable cacophony of conflicting opinion. Indeed, the problem of interpreting Locke's silence is not unlike the story from Calderon that Colleton recites to Locke in a letter following the news of Shaftesbury's fall from power. I am “like a man who sees people dancing at a distance and not hearing the Musick, wonders what they are doing.”⁵⁶ What *was* Locke doing? What tune, if we could but hear it, would turn his footfalls into dance steps?

We must consider two questions. What did Locke think his just-war theory was good for if not to explain and justify Afro-American slavery? Before trying to answer this question, let us first consider another. Are there other grounds upon which Locke might have thought Africans deserved slavery? In particular, we must consider whether, as some have suggested, Locke thought himself faced with no theoretical or practical problem whatsoever because black Africans were not properly human beings and their enslavement followed naturally from their subhuman nature. In short, Locke justified Afro-American slavery by a racist political doctrine.⁵⁷

But was Locke a racist? This depends initially on what one means by racism. Both a weak and a strong sense are relevant here. If we take racism in the weak sense as bigotry or racial prejudice, then Locke may have been a racist, and his forwarding slavery would make this a natural reading of Locke's personal beliefs. Many of Locke's contemporaries were surely racists in (at least) this sense, although there were some telling exceptions. In *Oronoko*, for example, Aphra Behn cast an African prince in the part of the noble savage in order to criticize slavery. Now, to say the least, Locke never criticized Afro-American slavery, despite his familiarity with Behn's classic.⁵⁸ But no conclusions about his assessment of black people readily follow. We simply have *no* evidence

about what Locke thought on this score. Neither his political works, nor his theological writings, nor his medical notes, nor his marginalia on travelogues supply any hints whatsoever.⁵⁹ Locke surely never stooped to the embarrassing caricatures of black people that, for example, David Hume later concocted.⁶⁰ It is interesting, however, that Locke had generous or nondisparaging things to say about other peoples of color, especially American Indians. He was intrigued by their customs and their medical practices, fascinated by their sexual mores, convinced of their "native rustic reason," and praising of their forms of government because they were founded on "consent and persuasion, [rather] than compulsion."⁶¹ But, admittedly, this still sheds no light on Locke's views about black Africans, and toward them he may well have been a bigot in his privately expressed attitudes. Nevertheless, weak racism or bigotry of this kind need not and does not undermine the Lockean premise that all humans—even "savages"—are born free and equal, with a full complement of natural rights. And unless they commit an "Act that deserves Death" (2.231), they do not deserve enslavement, even though they do not display proper manners, read philosophy, or move in the right social circles.

Racism in the stronger sense is a different matter entirely, because it is underwritten by theory. Its core assertion is that blacks (or other peoples of color) deserve to be slaves because of their racial inferiority. Thus racism in this stronger, more theoretical sense entails both an *empirical* theory that explains black racial inferiority and a *moral* theory that justifies enslavement because of racial inferiority. Both theories must be present in order to underwrite slavery for a simple historical reason: Many later theorists embraced some sort of empirical theory of racial inferiority, but were abolitionists nonetheless.⁶²

Locke subscribed to theories of neither kind. The only moral theory of any sort he ever articulated was the just-war theory, and this was in turn predicated upon the presupposition that natural rights existed for all, but could be forfeited by waging an unjust war. We simply look in vain for a different kind of moral justification of slavery in Locke's writings. We also look in vain for an empirical theory of racial inferiority.

Historically, there have been two kinds of empirical theories put forward to explain racial differences. Polygenists have asserted that blacks and whites were created as different species (with blacks being naturally inferior). In the seventeenth century this meant denying the biblical account of human origins through (a single) Adam. Degeneracy

theorists, on the other hand, have held that God created only one species in creating Adam, but that the different races have subsequently degenerated in differing degrees from their original state. Blacks have simply degenerated further and faster than whites, as evidenced by some patent deficiency, such as blackness or irrationality. It was usually argued that climate played the key role here. Equatorial heat scorched bodies black and evaporated reason from the mind.

There are several reasons for thinking Locke no polygenist. First, he remained wholly within the boundaries of Christian cosmology and accepted the Biblical account of human origins. Men and women—white, black, red—descended from a common Adam. In the *Second Treatise* Locke speaks of the “first peopling of the world by the children of Adam” and of “the Race of Men [who] have now spread themselves to all corners of the world” (2.36). Although this was far and away the most popular view in Locke’s day, its prevalence was by no means universal, as Locke well knew. Isaac de la Peyrere argued that there were pre-Adamite species not mentioned in the Bible (a view he later recanted). Locke owned a copy of La Peyrere’s *Praeter-Adamite*, although having never held this view, he never found himself in a position to recant.

More important, Locke was extremely skeptical about drawing distinct boundaries between species. In the *Essay* he held the nominalist view that “the boundaries of species are as men, and not as nature, makes them”—including the species, man.⁶³ Locke casts a skeptical eye on shape and descent as essential attributes in the definition of man. Color he singles out for particular reproach, for only caucasian English *children* make white color definitive of “man.” “In England,” Locke chides, a “child can demonstrate to you, that *A Negro is Not a Man*, because white color was one of the constant simple ideas of the complex idea he calls Man.” But this childish notion is patently false, and can be remedied by simple “collection and observation.”⁶⁴

The question of color and speciation was not just a philosophical matter for Locke, but a practical one as well.

And I imagine none of the definitions of the word *man* which we yet have, nor descriptions of that sort of animal, are so perfect and exact as to satisfy a considerate inquisitive person; much less to obtain a general consent, and to be that which men would everywhere stick by, in the deciding of cases, and determining life and death, baptism or no baptism, in productions that might happen.⁶⁵

Locke’s reference to baptism in this passage concerns the admission of misshapen “monsters” into the Church. But it is significant here for our

discussion in light of Locke's advocacy of the baptism of slaves. Whatever the inhibitions against "monsters," surely African slaves were human enough to be baptized Christians, even if their chains remained. Whatever profound differences separated the civil condition of blacks and whites, this could not be pinned on their being two different species of men. Had Locke wanted to make some racial distinctions, he could hardly have seized upon a more timely opportunity than here. But significantly, he did not.

The degeneracy theory proved more popular in the seventeenth century. Even Roger Williams, who condemned perpetual bondage, spoke of American Indians as "Adam's degenerate seed."⁶⁶ But despite its popularity, Locke cannot properly be counted as a degeneracy theorist, in part because his views on color, speciation, and baptism, addressed above, also weigh against this interpretation. However, a rather strong claim has been made by Richard Popkin about Locke's legacy in the development of this racist theory: "The degeneracy theory started to come into its own in the views of John Locke."⁶⁷ This, given Popkin's evidence, is a striking conclusion. According to Popkin, Locke justified slavery because "(a) the Indians and Africans were not properly using their land, and (b) they had been captured in 'just wars,' and so could be enslaved."⁶⁸ Note, however, that neither of these reasons fits the requirements of the degeneracy theory. Rather, they recapitulate the just-war theory that was framed quite independently of racial considerations. And they presume the validity of a view that I have already argued against: namely, that Afro-American slavery fit the terms of the just-war theory. It did not, and Locke never said it did.

As an educator, physician, and chronicler of foreign lands with their "unaccountable diversity of men and climates, and in them of complexions, tempers, habits, manners, politics, and religions," Locke had ample opportunity to have expressed his (strong) racist thoughts *if* he had in fact held them.⁶⁹ That he never did so means that the burden of proof lies with those who think Locke a racist. Nowhere does Locke say that the black race was degenerate (for example, in terms of color or rationality); nor does he in any other way commit himself to the theories usually advanced to account for degeneracy (for example, the climatic theory).⁷⁰ Still less did he hold that black Africans morally deserved slavery because of their race, or that they were to be counted among "the inferior ranks of Creatures," placed by God under (white) man's dominion (2.6). Indeed, the opposite conclusion could conceivably be drawn from his *Letter Concerning Toleration*. There Locke denounced

the arbitrariness of religious intolerance as being analogous to the arbitrariness of "distinctions made between men and men upon account of their different complexions, shapes, and features, so that those who have black hair (say) or grey eyes should not enjoy the privileges as citizens."⁷¹ Of course, Locke was not making a cryptic case for abolition, much less for the enfranchisement of blacks. But his reasoning on these matters provided him no grounds whatever for justifying slavery by race, nor is there any evidence that he thought that they did. For these reasons, I conclude that Locke, *qua* theorist at least, was no racist.

But if Locke was not guilty of racism, he most certainly was guilty of avoiding the moral issues raised by the enslavement of black Africans. He averted his eyes from the glaring contradiction between his theories and Afro-American slavery. Perhaps he fell victim to weakness of will. Given the choices available to him, Locke remained inert, frozen, speechless. He did not alter his just-war theory, adopt racism, change his behavior, criticize political arrangements, or paper over the problem. If he had any misgivings he surely suppressed them. He invested alongside his patrons and contributed to the steady development of the old colonial system. Given the depths of his involvement, we are forced to conclude with John Dunn that "what we confront here is not an example of bland but deliberate moral rationalization on Locke's part but merely one of immoral evasion."⁷²

V. CRITICIZING ABSOLUTISM: ENSLAVING THE ENSLAVERS

What was Locke doing, then, when he thundered against that "vile and miserable an estate?" For what purposes did he intend his just-war theory to serve? If we wish to gain a purchase on Locke's intentions, we must divorce his theory of slavery from the context of Afro-American slavery, and remarry it to the English political context of the 1680s. Local targets were in Locke's sights.

I suggest that Locke was mobilizing his just-war theory of slavery in order to attack theories of royal absolutism. In this way his theory contributed directly to the general arguments of the *Two Treatises*, arguments that were patently irrelevant to Afro-American slavery. The *Two Treatises* waged war against a panoply of absolutist arguments: divine right monarchy, patriarchalism, sovereignty by conquest, and

passive obedience. These shared common elements, in particular that the king's power was absolute, his will law, and the liberties of Englishmen his grants and privileges. For Locke these notions unbridled government and made the people "*Slaves under the Absolute Dominion of a Monarch*" (1.146). This was but "slavery under arbitrary power" (2.222). "Slavery" had numerous meanings in English political discourse, and Locke here employed the term as a code word for absolute monarchy.⁷³ There was conceptual slippage here, to be sure, and metaphor too, especially against a background of "galleys, prisons, confiscations, and deaths" known by him to be the lot of African slaves.⁷⁴ But "slavery" was a much-used epithet of the propaganda wars of the 1680s, as indeed it had been in 1647 during the Putney Debates, when Rainsborough leveled his aim at Ireton for "enslaving" New Model soldiers and the common people, as indeed it has always been.⁷⁵ Royalists often took the same license. Filmer, for example, tried to turn the tables on Whig and Lockean arguments, charging that "the Magna Carta, and all other shows or pretexts of liberty, are but several degrees of slavery and a liberty only to destroy liberty."⁷⁶

Locke was engaged in more than mere propagandist metaphor, of course. He was mobilizing his political theory for practical purposes. According to his general theory, men were born free, were bound to obey only those governments to which they gave their consent, and could not be brought under absolute authority—that is, made slaves—unless by some act that deserves death. By establishing such strict constraints on what would count as just conquest and enslavement, Locke neutralized royalist arguments for absolute sovereignty by conquest. He openly informs us of his intention to defeat those who say "that the English Monarchy is founded in the *Norman* Conquest, and that our Princes have thereby a Title to absolute Dominion" (2.176). England—not Africa, not America—holds and concentrates Locke's attention.

No English king—beginning with William the Conqueror—can rule by right in the way that royal absolutists claim. For first, a just conqueror "gets no power by his conquest over those that conquered with him. . . . The Conquering People are not to be Slaves by Conquest" (2.177). This exempted William's ministers, courtiers, and soldiers—indeed all Normans and their descendants—from servility. Moreover, absolute authority could not extend over the (non-Norman) people, especially noncombatants, wives, children, and the unborn. Finally, land was excluded from just conquest, and so William could not have

legally seized and redistributed it. Here Locke may have had in mind royalist historians and propagandists, like Robert Brady, who argued that William had seized land, introduced feudal tenancy, and so changed English landholding.⁷⁷ But for Locke, common freeholders existed before, and had survived, the Norman Conquest. Locke's theory of property, therefore, might be understood in this context as yet another front in the war against absolutism. Englishmen held their land by labor (or voluntary exchange), not by their king's leave. And so the Norman Conquest, even to the extent that it was debatably just—although “by history it appears otherwise” (2.177)—was essentially irrelevant for subsequent generations.

Having refuted the argument for absolute sovereignty by conquest, Locke then turns his just-war theory in a more radical direction. If William I, or any of his line down through the Stuarts, violated the constraints of the just-war theory, then there was a *prima facie* case for legitimate resistance. “The People . . . who were forced to submit to the yoke of a Government by constraint, have always a Right to shake it off, and free themselves from usurpation, or tyranny” (2.192). Indeed, for an English king to turn to tyranny by violating the constraints of the just-war theory was proof that he had “quitted reason” and become a “wild beast or noxious brute” (2.172). Far from being the object of unquestioning obedience, such a “noxious Creature” deserved death or slavery, whichever the people chose (2.182).

In short, Locke used his just-war theory of slavery to turn the tables on advocates of royal absolutism. He intended his theory to demonstrate how the people were not and could not be justly enslaved “under arbitrary power” or in any other way be bound to government but by their own consent (2.222). And when unjustly “enslaved,” the people could rebel against—even enslave—their former tyrant, and reassert their “liberty to begin and erect another Government to themselves” (2.185). The choices, Locke thought, were clear: either consensual government or slavery under absolute monarchy. The former ensured legitimacy and stability; the latter invited rebellion. These choices were mutually exclusive, for “as soon as Compact enters, Slavery ceases” (2.172). Thus, Locke's theory of slavery rests upon his more general argument, too familiar to rehearse, for consensual government, or, failing that, legitimate resistance.

Filmer is the principal villain of the piece. In the chapter “On Slavery” Filmer alone is singled out, and elsewhere Locke gets in his digs at Filmer's views by calling them “One Slave's Opinions” (1.51). But

Filmer is an unlikely target to bear the entire brunt of Locke's attack. Besides being a "dead Adversary" (p. 172), Filmer scarcely mentions "slaves" or "slavery" in *Patriarcha*, and never in Locke's sense; nor did he put forward the argument from conquest.⁷⁸ But Locke was not above attributing views to others that they never actually advocated. This should remind us that Locke was engaged in pamphlet warfare, not in disinterested philosophical criticism. It should also suggest to us a larger ring of Locke's targets. For there was a whole "generation of men" with whom to deal (1.3).⁷⁹ In passing he mentions Sibthorp and Manwaring, royalist divines of the 1620s (1.5); more likely he had in mind the whole royalist press and pulpit of the 1680s, with their new or reissued heroes: Heylyn, Spelman, Dugdale, Digges, Ussher, Sanderson, Sellers, Collier, Leslie, Brady, Bohun, Johnston, and Sherlock, among others.⁸⁰ He may even have had in mind those greater lights farther removed from the scene such as Bodin, Grotius, or Hobbes. His theory countered some better than others, and none perfectly. But again, he wanted to deliver a good political broadside, not a fair philosophical fusillade of abstract arguments. By 1689, however, arguments from conquest were being used by the Tories to justify passive obedience to William III. Locke sought to scotch such efforts, not only in the *Two Treatises of Government*, but also in his unpublished works of the following year—the political sketch of 1690 and his commentary on William Sherlock's *The Case of Allegiance Due to Sovereign Powers*.⁸¹

Locke was not carrying on this battle single-handedly. In the 1680s James Tyrrell and Algernon Sydney joined in the full-scale assault on Filmer. Petyt, Atwood, Ferguson, Wildman, and other Whigs and radicals entered the fray on other matters. Common to all of them was the identification of slavery with absolute monarchy. "If it be liberty to live under [monarchical] government," asked Sydney rhetorically, "I desire to know what is slavery?"⁸² The "enslaving doctrines . . . preached up in the former reigns" was condemned in *Plain English*.⁸³ In this veritable flood of ink, no one had Afro-American slavery very much in mind. Rather, as Petyt put it, the point was to show that by rights ancient and natural "the commons of England" were "far from being vassals and slaves."⁸⁴ Lurking behind the polemic was the radicals' threat that "if the government be dissolved, power devolves on the people," a point made clear by *A Letter to a Friend, Advising in this Extraordinary Juncture How to Free the Nation from Slavery Forever*.⁸⁵ Freedom or slavery for "our Nation" (1.1): Those were the stakes for

Locke and his comrades. For this fight, the shores of Africa and America were out of sight and out of mind.

NOTES

1. *Boswell's Life of Johnson*, ed. by G. B. Hill (Oxford: Oxford University Press, 1934), vol. III, 201.

2. *The Works of John Locke* (London: Thomas Tegg, 1823), vol. X, 196.

3. Peter Laslett argues such in his edition of the *Two Treatises of Government* (New York: Cambridge University Press, 1963), 325n (paperback edition). Also see works cited in note 34 below.

4. Laslett argues this case as well, *Two Treatises*, 326n. So does David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca: Cornell University Press, 1966), 118; and Martin Seliger, *The Liberal Politics of John Locke* (London: Allen and Unwin, 1968), 116.

5. Seliger suggests this in *The Liberal Politics of John Locke*, 119n. The case is more systematically argued by both H. M. Bracken, "Essence, Accident, and Race," *Hermathena* (Winter 1973), 81-96; and Richard H. Popkin, "The Philosophical Bases of Modern Racism," *Philosophy and the Civilizing Arts*, ed. by Craig Walton and John P. Anton (Athens: Ohio University Press, 1974), 126-165.

6. Numbers in parentheses in text refer to treatise and section number. I follow Laslett's edition of the *Two Treatises* throughout.

7. James Mill, *The History of British India* (London: James Madden, 1958), xx. Ironically, Mill cites Locke when justifying his method of "following his own thoughts."

8. Locke's part in drafting the *Fundamental Constitutions* is confirmed by a letter from Sir Peter Colleton, in which it is hoped that "that excellent form of government in the composure of which you had so great a hand may speedily come to be put in practice." *The Correspondence of John Locke*, ed. by E. S. de Beer (Oxford: Oxford University Press, 1976), vol. 1, 395. Discussion throughout this section draws on Locke's correspondence, de Beer's commentary, and on Maurice Cranston, *John Locke: A Biography* (London: Longmans, 1957).

9. *Works*, X, 196.

10. *Works*, X, 196. Here I follow the original as found in the Shaftesbury Papers, PRO 30/24/47/3.

11. Morgan Godwyn, *The Negro's and Indian's Advocate* (London: 1680). Locke owned a copy of Godwyn's book, and a copy of the *Supplement to the Negro's and Indian's Advocate* published the following year.

12. *Works*, X, 196.

13. *Works*, X, 196.

14. These can be found in the Bodleian Library, MS Locke c. 30, beginning at f. 1; and at PRO 30/24/48/55, 98.

15. The original of these laws is in the Public Records Office, CO5/286/41. Another of these temporary laws required that Indian settlements be respected, and even that land near Indian settlements—up to 12,000 square acres—"be left untaken up and unplanted

on for the use of the Indians." (C05/286/46). This sheds an interesting light on the arguments for colonization in the chapter on property in the *Second Treatise*, but this issue cannot be taken up here.

16. This list is at PRO 30/24/48/82. They are referred to in a letter in de Beer, *Correspondence*, I, #254.

17. De Beer, *Correspondence*, I, esp. letters #270, 275, 279, 285.

18. K. G. Davies, *The Royal African Company* (London: Longmans, 1957), esp. 58, 63ff.

19. C05/286/42.

20. Cranston, *John Locke*, 153.

21. The dates of these various events are reported differently by Locke's commentators. Compare de Beer, *Correspondence*, I, 354n; Cranston, *John Locke*, 155f; and Davies, *Royal African Company*, 65n.

22. For a discussion of the extent of Locke's involvement with Shaftesbury's circle, see Richard Ashcraft, "Revolutionary Politics and Locke's *Two Treatises of Government*: Radicalism and Lockean Political Theory," *Political Theory* (November 1980), 429-486.

23. Bodleian Library, MS Locke c. 39 ff. 1-20.

24. Edward D. Seeber, *Anti-Slavery Opinion in France* (New York: Burt Franklin, 1971), 21.

25. Cranston, *John Locke*, 281; and William Hull, *Benjamin Furlly and Quakerism in Rotterdam* (Philadelphia: Patterson & White, 1941).

26. Bodleian Library, MS Locke e. 18, f. lv. This manuscript has been edited and introduced by James Farr and Clayton Roberts, "John Locke on the Glorious Revolution: A Rediscovered Document," *Historical Journal* (May 1985), 385-398. Locke's sketch figures in the context of the allegiance controversy, the pamphlets of which have been thoroughly studied by Mark Goldie, "The Revolution of 1689 and the Structure of Political Argument," *Bulletin of Research in the Humanities* (Winter 1980), 473-564.

27. Peter Laslett, "John Locke, the Great Recoinage, and the Origins of the Board of Trade, 1695-1698," *William and Mary Quarterly* (July 1957), 399.

28. Bodleian Library, MS Locke e. 19, f. 32. For a discussion of other aspects of this important document, see Richard Ashcraft, "Political Theory and Political Reform: John Locke's Essay on Virginia," *Western Political Quarterly* (December 1969), 742-758.

29. Laslett, *Two Treatises*, 326n. The Instructions to Nicholson do not sustain Laslett's assertion that they "regard negro slaves as justly enslaved because they were captives taken in a just war, who had forfeited their lives 'by some Act that deserves Death.'" There is no discussion of just (or unjust) war, no discussion of acts deserving death, and no general justification of slavery. See discussion in Section III below.

30. The original of these Instructions is in C05/286/266-303.

31. John Harrison and Peter Laslett, *The Library of John Locke* (Oxford: Oxford University Press, 1971).

32. John Locke, *A Letter Concerning Toleration*, ed. by Patrick Romanell (New York: Bobbs Merrill, 1955), 53.

33. See, for example, Sir Reginald Coupland's view that Locke "constantly decried slavery" in *The British Anti-Slavery Movement* (London: Cass and Co., 1933), 41; Suzanne Meier's claim that Locke denounced slavery on "moral and rational grounds" in *Britain and the Ending of the Slave Trade* (New York: Africana Publishing Co., 1975), 3n; or Douglas Grant's assessment that Locke added the "civil" argument against slavery to

the Christian argument in *The Fortunate Slave* (Oxford: Oxford University Press, 1968), 127-128.

34. J. W. Gough, *John Locke's Political Philosophy* (Oxford: Oxford University Press, 1973), 24. Richard I. Aaron says that Locke attempted a "half-hearted defence of slavery" in *John Locke* (Oxford: Oxford University Press, 1955), 276n.

35. Laslett, *Two Treatises*, 325n.

36. Locke's discussion of suicide is complicated by his discussion of slavery. Compare 2.6 with 2.23. Laslett says that Locke "seems to contradict himself" in these passages, *Two Treatises*, 325n. John Dunn suggests a noncontradictory reading in *The Political Thought of John Locke*, (Cambridge: Cambridge University Press, 1969), 108n. For a general discussion, see George Windstrup, "Locke on Suicide," *Political Theory* (May 1980), 169-182.

37. Property should be understood here as "a right to any thing," where "the Invasion or Violation of that right is injustice." John Locke, *An Essay Concerning Human Understanding*, ed. by P. H. Nidditch (Oxford: Oxford University Press, 1975), 4.3.18. The concepts "property," "right," "consent," "justice," and "war" form the conceptual nexus for understanding Locke's theory of slavery. For the best discussion of Locke's theory of property, see James Tully, *A Discourse on Property: John Locke and his Adversaries* (Cambridge: Cambridge University Press, 1980).

38. Aristotle, *The Politics*, trans. by T. A. Sinclair (Harmondsworth: Penguin, 1962), 34. For a thorough discussion of the history of ideas about slavery see Davis, *The Problem of Slavery* and Winthrop D. Jordan, *White Over Black* (New York: Norton, 1968).

39. *Leviathan*, ed. by C. B. Macpherson (Harmondsworth: Penguin, 1965), 255-256.

40. Aristotle, for example, not only had a theory of natural slavery, but also a just war theory of slavery in which he allowed raids for seizing property. Molina also justified the captivity of whole populations. Locke allowed neither. See discussion in Davis, *The Problem of Slavery*, esp. 108n. Locke's views on these and other points were shared (with minor emendation) by his friend and sometime collaborator, James Tyrrell, in *Patriarcha Non Monarcha* (London: Richard Janeway, 1681), esp. 62, 75-76, 102, 107.

41. See the intriguing discussion by Christopher Hill, "The Norman Yoke" in his *Puritanism and Revolution* (London: Secker and Warburg, 1958), 50-122. In this, as in many other things, Locke was more indebted to the Leveller tradition than is usually acknowledged. Other Whig radicals shared this constraint on just conquest, too. Algernon Sydney was one, in *Discourses Concerning Government* (London: 1698), 24. The importance of this is discussed in Section V below.

42. A highly improbable case might be made that Locke's theory fit the enslavement of some Europeans, including some captured rebels from Scotland and Ireland. However, European "slaves" were invariably freed in the New World unlike their African counterparts. Their cases were radically incommensurable. Thus it is to be doubted that Locke designed his theory to be a justification for slavery of this kind, especially as he was warned and presumed suspicious of the "malicious reports of some Incendiaries" that there was a plan to enslave many English seamen and poor settlers. But there was no such plan. See MS Locke c. 30, f. 112. Also see Jordan *White Over Black*, 63ff; and also see the earlier Parliamentary debates between John Lenthall, Arthur Haselrigge, and others over such enslavement as reported in *Proceedings and Debates of the British Parliaments Respecting North America*, ed. by Leo Francis Stock (Washington: Carnegie Institute, 1924), vol. I, 248ff.

43. See James A. Rawley, *The Transatlantic Slave Trade* (New York: Norton, 1981), esp. 272, 432.

44. These notes are in the Bodleian Library, MS Locke c. 30, f. 55.

45. Quoted in Jordan, *White Over Black*, 59.

46. Samuel Sewall, *The Selling of Joseph* (1700), as quoted in *Documents Illustrative of the Slave Trade to America*, ed. by Elizabeth Donnan (Washington: Carnegie Institute, 1932), vol. 2, 17-18.

47. H. M. Bracken, "Essence, Accident, and Race," 85. Richard H. Popkin makes the same argument in "The Philosophical Bases of Modern Racism"; as does Martin Seliger, *The Liberal Politics of John Locke*, 118-119.

48. C05/286/41.

49. *Capital*, trans. by Samuel Moore and Edward Aveling (New York: International, 1967), vol. I, 751.

50. Donnan, *Documents*, vol. IV, 202, 206ff.

51. C01/30/99. Colleton cautions against accepting these deflated figures because "during the time these lists were taking, there run a report that it was in order to a tax on negros. I am of opinion that at least one third of the Negroes of this Island are not given on the lists."

52. Quoted in Jordan, *White Over Black*, 65.

53. Jane Purcell Guild, *Black Laws of Virginia* (Richmond: Whitlet and Shepperson, 1936), 42.

54. Davis *The Problem of Slavery*, 118; and Laslett, *Treatises*, 326n. Also claimed by Seliger, *Liberal Politics*, 116.

55. On some matters Locke's (or other theorists') silence can be made to speak by "isolating the intersubjective beliefs which his audience had no reason to doubt and which could thus function as public criteria for justifying argument." Tully, *Discourse on Property*, ix. But what I am suggesting here, is that on slavery or on black character or on a whole range of related beliefs there was plenty of doubt and nothing like public criteria.

56. De Beer, *Correspondence*, I, #289.

57. As argued by Bracken, "Essence, Accident, and Race," and Popkin, "Philosophical Bases of Modern Racism." Seliger, too, notes that Locke may have argued for hereditary slavery "in virtue of natural predispositions" in *The Liberal Politics of John Locke*, 119n.

58. Aphra Behn, *Oroonoko: Or, the Royal Slave* (London: William Canning, 1688). Locke owned a copy of Behn's book.

59. Most of the material is unpublished and resides at the Bodleian Library. Some of the most relevant papers are to be found in MS Locke c. 30; c. 32; c. 33; c. 36; c. 42; e. 9; f. 32.

60. Hume's sentiments against nonwhite people can be found quoted in Popkin, "The Philosophical Bases of Modern Racism," 142-144, 152-160.

61. *Essay*, 4.19.6; and MS Locke c. 33, f. 11.

62. As noted by Popkin, "The Philosophical Bases of Modern Racism," 136. Also see Stephen Jay Gould, *The Mismeasure of Man* (New York: Norton, 1981), ch. 2.

63. *Essay*, 3.6.30.

64. *Essay*, 4.7.16.

65. *Essay*, 3.6.27. Baptism presupposed an admission of the rationality of Africans for other theorists who, like Morgan Godwyn, made this argument. (See note 11 above.) Locke appears to endorse this view.

66. Quoted in Davis, *The Problem of Slavery*, 177n.

67. Popkin, "The Philosophical Bases of Modern Racism," 133.

68. Popkin, "The Philosophical Bases of Modern Racism." Also see Bracken, "Essence, Accident, and Race."

69. *Works*, X, 506. The quote is from *The History of Navigations*, which was long thought to be Locke's although this is no longer accepted. The quote still amply captures the range of Locke's interests and knowledge.

70. Locke did anticipate exploring narrowly drawn medical questions about the influence on health because of seasons, places, ages, and sex, including "what climates are more subject to given diseases?" MS Locke c. 42, f. 98.

71. *A Letter Concerning Toleration*, 54.

72. Dunn, *Political Thought of John Locke*, 175n. Of all Locke's commentators, Dunn has best understood the difficulties presented by his theory of slavery. On this point, also see Geraint Parry, *John Locke* (London: Allen & Unwin, 1978), 70.

73. Locke's usage of "slavery" and its cognates ranged widely. Consider that "he is certainly the most subjected, the most enslaved, who is so in his Understanding." *Essay*, 4.20.6. Also see 4.20.4. For hints about radical Whig code, although without mention of "slavery," see Ashcraft, "Revolutionary Politics and Locke's *Two Treatises of Government*," 469f.

74. *A Letter Concerning Toleration*, 53.

75. *Puritanism and Liberty*, ed. by A.S.P. Woodhouse (Chicago: University of Chicago Press, 1974), 67, 71.

76. *Patriarcha* (London: Walter Davis, 1680), 6-7.

77. Laslett suggests this, *Two Treatises*, 431n. Also see J.G.A. Pocock, *The Ancient Constitution and the Feudal Law* (New York: Norton, 1967), ch. 8.

78. As Laslett notes, *Two Treatises*, 432n. Filmer mentions "slavery" quite infrequently. For some of the few examples, see *Patriarcha*, 6-7, 35, 56, 67, 99.

79. This point, as well as Locke's anticlericalism in general, has been developed by Mark Goldie, "John Locke and Anglican Royalism," *Political Studies* (March 1983), 61-85.

80. Locke owned many of their books and pamphlets, or was made aware of their ideas in other books he owned. For discussion of these possible royalist targets, see Laslett, *Two Treatises*, 432n; Pocock, *Ancient Constitution*, passim; Goldie, "John Locke and Anglican Royalism"; and Gordon Schochet, *Patriarchalism and Political Thought* (Oxford: Basil Blackwell, 1975).

81. Respectively, MS Locke e. 18, and discussion by Farr and Roberts, "John Locke on the Glorious Revolution"; and MS Locke c. 28, and discussion by Dunn, *Political Thought of John Locke*, 90, 122, 145.

82. Sydney, *Discourses Concerning Government* (London: 1698), 12.

83. *Plain English* (London: 1691), 22.

84. Sir William Petyt, *The Antient Rights of the Commons* (London: F. Smith, 1680), 125.

85. *A Letter to a Friend, Advising* (London: Abel Roper, 1689). The author was probably John Wildman.

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