

To Leave His Father and Mother, and Cleave to His Wife Revolution and the Family in Locke's *Second Treatise*

This paper will demonstrate that Locke's social contract is not necessarily a linear process moving from a) the state of nature to b) an intermediate propertied society to c) the contract establishing government. That an intermediate propertied society is not a necessary step in Locke's theory suggests that interpretations should not read the temporality of the movement between the state of nature, the commonwealth, and the contract establishing government as a historical-material process, wherein the rise of property is an essential step in the movement from the state of nature to the commonwealth. Instead, I suggest that Locke is appealing to a different sort of developmental process, the process through which a (17th century, English) boy becomes a man.

This interpretation of the *Second Treatise* provides further textual support to the substantial historical arguments for Locke as a radical hoping to incite and support a revolution (Ashcraft, 1980). Locke's central concern in the first half of the *Second Treatise* is not the exposition of a multi-step contractual process that will lead to the right to revolt in the second half. Locke's central concern in the first half of the *Second Treatise* is the construction of an argument dependent on property as a natural right (where alienable possessions are possible but not necessary in the state of nature) and on a particular (and false) construction of the family that, once combined with the second half, will provoke and incite revolution.

Locke's state of nature is that which he constructs in opposition to civil society, in order to define the means and ends of a commonwealth, to legitimize certain sorts of

government and de-legitimize others. The theoretical implications of Locke's state of nature should not be equated with Hobbes's state of nature, or Rousseau's for that matter – Locke's state of nature is very much his own, dependent upon Locke's particular conception of legitimate government, civil society, and Protestant theology. Locke describes the state of nature as that “state all men are naturally in... that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man” (*ST*, 8).

The state of nature is “also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another” (*ST*, 8). This equality, which is part of what it is to be a man among men – where likeness in species indicates equality under God, and all, of course, is eternally under God – is apparent through reason, which is the law of nature. Locke writes, “the state of nature has a law of nature of nature to govern it, which obliges every one: and reason, which is that law...” (*ST*, 9). Here, it is important to note that Locke's theology claims that reason and scripture produce the same conclusions, that reason is, in a manner, a form of divine revelation.

According to Locke, man is not created for the use of other men, as lower creatures are created for the use of men, but are created by God for God; knowing this truth, a second truth can be derived, that man is “bound to preserve himself” as well as “the rest of mankind” (*ST*, 9). Reason therefore provides man with the knowledge “that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions” (*ST*, 9). The law of nature, than, gives every man the rights to execute and enforce the law through punishment, defined by Locke as a means of restraint

(prevention) and of reparation (*ST*, 11). Men, however, are self-interested, partial, and ill-natured, and so are not proper executors of the law when they are the victim of those who deviate from the law: “therefore God hath certainly appointed government to restrain the partiality and violence of men” (*ST*, 12).

The desire for a common authority to appeal to for punishment is more fully developed with Locke’s explication of the “state of war.” When one man uses force to enslave another – enslavement defined as getting a man into another’s power – the two men enter a “state of war.” This state of war can occur in the state of nature or in civil society (*ST*, 15). It is after the state of war has ended (the use of force has ceased) that the need for a common authority for which to appeal is required, to protect the “innocent” from further injury and compensate the “innocent” for past injuries.

Laws arise from the desire to deal in an impartial manner with injuries among members in the community, and injuries against the community from without, foreign aggression for example. The need for such laws thus gives rise to “the legislative and executive power of civil society, which is to judge by standing laws, how far offences are to be punish... [and] how far injuries from without are to be vindicated; and in both these to employ all the force of all the members” (*ST*, 47).

The laws of civil society therefore exist only to protect “liberty,” that is, “to be free from restraint and the violence of others” (*ST*, 32). The occasion of government and civil society, then, is the consent of all individuals to turn over their natural rights to administer and execute the natural law to a communal authority for the protection of their liberty. Impartial laws (and their impartial execution) are, therefore, the only reason why

people would want to quit the state of nature, the only government to which “reasonable” people would consent, and thus also the only legitimate basis of government.

At this point in my interpretation of Locke, I diverge significantly from the common interpretation that emphasizes the importance of property in creating the need for laws and impartial judges. While Locke’s theory of property, which begins with labor, is fairly straightforward,¹ I do not agree with a common interpretation that understands Locke’s conception of property as a necessary intermediate step to move between the state of nature and civil society. This interpretation understands the move from the state of nature to the state of government as a historical process that proceeds through an intermediate society defined by a majority consent to the private division of common goods and various sorts of “proto-governments.” Although it involves a lengthy quotation, I here include a passage that is used to support this interpretation, so that I might demonstrate how this interpretation is not a necessary interpretation:

Thus *labour*, in the beginning, *gave a right of property*, wherever any one was pleased to employ it upon what was common, which remained a long while the far greater part, and is yet more than mankind makes use of. Men, at first, for the most part, contented themselves with what unassisted nature offered to their necessities: and though afterwards, in some parts of the world (where the increase of people and stock, with the *use of money*, had made land scarce, and so of some value) the several *communities* settled the bounds of their distinct territories, and by laws within themselves regulated the properties of the private men of their society, and so, *by compact* and agreement, *settled the property* which labour and industry began; and the leagues that have been made between several states and kingdoms, either expressly or tacitly disowning all claim and right to the land in the others possession, have, by common consent, given up their pretences to their natural common right, which originally they had

¹ Unlike the temporal character of nature, property, and government, Locke is not ambiguous in regards to his labour theory of property: “The *labour* of his body, and the *work* of his hands, we may say, are properly his,” so that when a man mixes his labour with that which is in “the common state nature hath placed it in,” the object of his labour loses its common right and becomes the labourer’s private right (ST, 19).

to these countries, and so have, by *positive agreement, settled a property* amongst themselves, in distinct parts and parcels of the earth (*ST*, 27).

According to the interpretation with which I take issue, man starts in the state of nature, then labour (“in the beginning”) gives rise to property. As man develops and privatizes the land, there is a first compact (prior to the second compact which legitimates the commonwealth) in which men give up “their natural common right,” that is, their right to all potential property in order to secure their own property. This state of society is marked by the prevalence of private property, money, and informal communities, and various sorts of proto-governments, but not the legitimate government of a commonwealth that requires the explicit consent of the majority.

The above passage is not intended as a segue between the state of nature and commonwealths (or commonwealths with governments); rather, the above passage is the story of the rise of property, the importance of labour in property, and, ultimately, part of Locke’s larger argument regarding private rights to property, where property rights are intertwined with an individual’s right to his own body so that both might be conflated under the name “property” and engaged in argument against arbitrary monarchical rule.² However, the larger argument in this latter interpretation is not necessary to demonstrate the invalidity of the previous interpretation – it is sufficient, at this moment, to recognize that the above passage is only the story of property and not part of the larger narrative of the transition from the state of nature to commonwealths or commonwealths with government.

² Note that I use the masculine pronoun here and elsewhere, as I am referring to Locke’s theory, where the individual is always male.

The interpretation with which I take issue claims that the existence of property and money is itself a movement away from the state of nature and indicative of some intermediate “state” of society, as the recognition of private property indicates the existence of a commonwealth. In so far that the above passage is a transition between Locke’s basis of differentiation (how private possessions are made practicable in different “states”), it indicates a transition in “states” (state of nature, commonwealths, and commonwealths with governments). For example, when Locke discusses in the above passage how “several communities... by laws within themselves regulated the properties of the private men of their society, and so, *by compact* and agreement, *settled the property* which labour and industry began,” he is referring to a commonwealth with a government, not some intermediate state between nature and government. According to Locke’s definition of government, private possessions are made practicable in commonwealths with governments, not by tacit consent, but by law and positive constitutions (“for in governments, the laws regulate the right of property, and the possessions of land is determined by positive constitutions,” *ST*, 30). Thus when Locke is discussing communities where property is regulated by laws or positive agreements, he is, according to his own definitions, referring to communities that are commonwealths with governments. Similarly, when Locke is referring to communities where property is not governed by law, he is referring to communities that are (by definition) not commonwealths with governments.

Locke is not signally in the above passage that certain “states” are commonwealths with governments, and certain “states” are not, and of those “states” that are not, what, then, exactly they are. I suggest that there are two related reasons for the

absence of such signaling, an absence which could be (I argue misinterpreted) as implicating property as a necessary step in the movement between “states.” First, the above passage precedes Locke’s detailed discussion of the establishment of civil society and government. Second, the above passage is primarily the story of property, which is itself a different story than the story of civil society and government. What is important to Locke’s theoretical conclusions – and why the story of property can precede and be differentiated from the story of civil society – is that property can exist in Locke’s state of nature and thus be a natural right. That property can exist in the state of nature in no way indicates that it is a necessary step between the state of nature and civil society and/or government.

The interpretation that emphasizes the role of property and suggests an intermediate state between nature and commonwealth often cites Locke’s Chapter IX, “Of the Ends of Political Society and Government” for textual support, or other similar citations (Locke repeats this claim throughout the *Second Treatise*). Here, Locke writes, “The great and *chief end*, therefore, of men’s uniting into common-wealths, and putting themselves under government, *is the preservation of their property*” (ST, 66). Construing this quote as referring to a particular sort of alienable property, such as “goods,” “fortunes,” or “estates,” only supports a (false) interpretation of Locke that distracts from Locke’s actual intentions.

Locke’s conception of property is not simply this alienable property, but a combination of alienable property, a man’s life, and a man’s right to dispose of his property and life as he sees fit (his liberty). The state of nature, it will be remembered, is men’s “perfect freedom to order their actions, and dispose of their possessions and

persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man” (*ST*, 8). This “perfect freedom” is also “the *first power, viz. of doing whatsoever he thought for the preservation of himself*, and the rest of mankind” (*ST*, 67). As man’s life is dependent upon his continued possession of his alienable property and his continued ability to dispose of his alienable property as he sees fit, Locke’s “property” should be understood as encompassing men’s life and liberty, in addition to men’s alienable property.

Not only does this expansive interpretation of property fit coherently within the text as a whole, Locke explicitly defines property in such a way on multiple occasions. For example, in chapter VII, “Of Political or Civil Society,” Locke writes, “Man being born, as has been proved, with a title to perfect freedom... hath by nature a power, not only to preserve his property, that is, is life, liberty, and estate...” (*SI*, 46). And in Chapter IX, “Of the Ends of Political Society and Government,” immediately prior to writing, “The great and *chief end*, therefore of mens uniting into common-wealths, and putting themselves under government, *is the preservation of their property*,” Locke writes, “it is not without reason, that he seeks out, and is willing to join in society with others, who are already united, or have a mind to unite, for the mutual *preservation* of their lives, liberties, and estates, which I call by the general name, *property*” (*SI*, 66).³ And in Chapter XV, “Of Paternal, Political, and Despotical Power,” where it would seem

³ It should also be noted that the term “property” is not the only manner in which he discusses the chief ends of government; he either use “property” by itself, in which case I assume the expansive notion because of the substantial textual evidence mentioned in the body of the paper and because, when he does not use “property” by itself, he typically uses some combination of those elements which make up the expansive definition of property such as “life and possessions” (and where the inclusion of “life” with “possessions” would indicate Locke is using its more common, restrictive definition, e.g., “estates” or “goods”

natural to assume a more restrictive definition of property, Locke is careful to let his reader know what, to him, is understood by property: “*Nature gives the first of these, viz. paternal power to parents for the benefit of their children during their minority, to supply their want of ability, and understanding how to manage their property. (By property I must be understood here, as in other places, to mean that property which men have in their persons, as well as goods)*” (SI, 90).

One reason Locke’s conception of property has not been interpreted in this expansive manner might in part be due to an understandable confusion surrounding the passage in Chapter XI, “On the Extent of the Legislative Power.” In paragraph 138, Locke writes,

... for the preservation of property being the end of government, and that for which men enter into society, it necessarily supposes and requires, that the people should *have property*, without which they must be supposed to lose that, by entering into society, which was the end for which they entered into it... *Men therefore in society having property*, they have such a right the goods, which by the law of the community are their’s, that no body hath a right to take their substance or any part of it from them, without their own consent; without this they have no *property* at all; for I truly have no *property* in that, which another can by right take from me, when he pleases, against my consent (SI, 73).

Here, it would be easy to conflate “goods” with “property,” particularly in light of Locke’s phrase, “without this they have no *property* at all.” It should be emphasized, however, that this passage is preceded with, “The *supreme power cannot take* from any man any part of his *property* without his own consent...”; we must note that Locke writes “any part,” and the passage which follows is, I argue, best interpreted as a discussion of the taking or not taking of a specific part of Locke’s expansive property, e.g., “goods.” One need only have the barest understanding of the context in which Locke was writing to understand why he would have a passage (that continues through the next several

paragraphs) where he discusses the specific case of “goods” as compatible with that which he discussed under the “general name, property.”

Rather than equating “goods” with property, I suggest that this passage and the paragraph which contains it best be understood as the following argument: if men enter into society for the preservation of property (here, meaning life, liberty, and estate), then prior to society men have property, so therefore men’s right to their property is such that, in order to be alienated from any aspect of their property in society, they must consent to give up that right. Therefore, taking men’s goods (goods falling under the general category of property) without men’s consent is violating their right to property; and if my right to (any) property is violated (in any manner), then I have no such right of property – “I truly have no *property*.”⁴ Furthermore, in chapter XIX, “On the Dissolution of Government,” Locke returns to the subject of the extent of legislative power, and is here very clear in his expansive notion of property, using property interchangeably with “lives, liberties, or fortunes.” Locke writes, “The *legislative acts against the trust* reposed in [government], when they endeavour to invade the property of the subject, and to make themselves, or any part of the community, masters, or arbitrary disposers of the lives, liberties, or fortunes of the people” (*SI*, 111).

This differentiation between alienable property and an expansive, Lockean property for which I have been arguing has three important implications. One, in so far

⁴ It should be noted that the paragraph (139) which follows the one discussed in the main body of the paper (138) contains the famous passage where Locke notes that soldiers can be commanded to “march up to the mouth of a cannon, or stand in a breach” but soldiers’ goods cannot be taken without their consent. I interpret paragraph 139, and the several paragraphs that follow, as extensions of the argument discussed in the main body of the paper, that is, an examination of a particular, and particularly relevant, case of property (“goods”).

that we use Locke's expansive definition of property, an intermediate state of property is not required prior to origins of commonwealths and legitimate governments. In other words, society is not required to move through some historical-material process that in turn dictates society's political position, where a restricted form of property (alienable "goods," "fortunes," or "estates") is required to arise in order to move from the state of nature into a commonwealth. Even if a man's property consisted only of himself and his liberty, he would still have motivation to enter into a commonwealth. (In this way, Lock subsumes Hobbes.) Two, all men do not have equal motivation to enter into a commonwealth, because the value of some men's property extends only to their life, the value of some men's property extends somewhat beyond the value of their life, and the value of other men's property extends far beyond the value of their life. Men are thus given a value in terms of motivation to enter into a commonwealth that differentiates among men, and suggested in this differentiation is a temporality – the temporality which so many interpreters have misinterpreted as a sort of material determinism – but what I suggest is best construed in a manner which is both less anachronistic and more faithful to the text. The sum of these first two points is a third, the suggestion of an existence of a temporal process that has received little to no attention in dominant interpretations. I suggest that this temporal process is that from (boy) child to man, the movement from a subject subordinate in his dependency (which is in turn a result of his incomplete development) to a "private" individual, an individual independent in his own interests and means (and, evoking a notion of property that is expansive and not alienable).

In Locke's formation, conjugal society is like political society. Not only is conjugal society not within the chapter on paternal power, but conjugal society is the

subject with which Locke begins the chapter “Of Political and Civil Society.” Yet the textual evidence is not limited to chapter divisions. For example, Locke writes,

Conjugal society is made by a voluntary compact between man and woman; and tho’ it consist chiefly in such a communion and right in one another’s bodies as is necessary to its chief end, procreation; yet it draws with it mutual support and assistance, and communion of interests too, as necessary not only to unite their care and affection, but also necessary to their common off-spring, who have a right to be nourished, and maintained by them, till they are able to provide for themselves. (ST, 43)

While Locke acknowledges that “it consist chiefly in such a communion and right in one another’s bodies as is necessary to its chief end, procreation,” its “chief” purpose is a parenthetical that Locke quickly brushes aside. Instead of focusing on its “chief” end, Locke focuses on conjugal society’s attributes that demonstrate its similarity to political society: its origins in a “voluntary compact” between relative equals, “mutual support and assistance” (where “mutual” further emphasizes a relative equality), and a “communion of interests” that include common off-spring (evoking Lockean property). Locke also writes,

But the husband and wife, though they have but one common concern, yet having different understandings, will unavoidably sometimes have different wills too; it therefore being necessary that the last determination, i.e. the rule, should be placed somewhere; it naturally falls to the man’s share, as the able and stronger. But this reaching but to the things of their common interest and property, leaves the wife in the full and free possession of what by contract is her peculiar right, and gives the husband no more power over her life than she has over his; the *power of the husband* being so far from that of an absolute monarch, that the *wife* has in many cases a liberty to separate from him, where natural right, or their contract allows it... (ST, 44)

As in the earlier quote, this comparison of conjugal and political society pays little attention to the reality of the situation. Marriage certainly did not involve a voluntary compact and relative equality (“the husband no more power over her life than she has

over his” and the husband’s power is “so far from that of an absolute monarch”). The implausibility of this portrait of conjugal society only reinforces the interpretative point, that is, Locke is straining to associate conjugal society with political society and thus reinforce (yes, reinforce) his comparison between paternal society and monarchy (or despotism).

Locke is creating this dichotomy with paternal society and monarchy on one side, and conjugal society and “legitimate” political society on the other, to make a claim about what England says it is, what England in fact is, and what England should be. Monarchy can claim to be a benign and protective paternal power, but paternal power’s legitimacy is temporally bounded by the development of both the state and the individual. Membership in Locke’s commonwealth presumes equality which is in turn dependent upon rationality. Most individuals are in fact excluded from membership in the commonwealth under this criteria. “Lunatics and idiots” will always remain under paternal power (*ST*, 34). We might also safely assume that women, Catholics, and atheists are similarly excluded (see Locke, *A Letter Concerning Toleration*), and are therefore left with Protestant men. As a child grows up, his capacity for reason increases. At some age (twenty-one in England, Locke notes), a child is presumed to have sufficient reason that he is no longer under the paternal power of his father, but is now an equal of his father (*ST*, 34). If a monarchical government claims to rule as a paternal power, that monarchy is, in effect, claiming that its subjects are unreasonable children, lunatics, or idiots.⁵

⁵ One could stretch this interpretive point and claim that Locke concedes that, before Protestantism became the majority religion, the people of England were, in fact, the

If those subjects are not unreasonable children, lunatics, or idiots, but men who meet Locke's criteria for reason, than that monarchical government is not a paternal power, but a despotic power. And this is the *Second Treatise's* revolutionary call: when boys are boys no more, "The *father's empire* then ceases, and he can from thence forwards no more dispose of the liberty of his son, than that of any other man: and it must be far from an absolute or perpetual jurisdiction, from which a man may withdraw himself, having license from divine authority to *leave father and mother, and cleave to his wife*" (ST, 36).⁶

Richard Ashcraft has argued that Locke's *Second Treatise* was not, centrally, a philosophical exposition on the right to revolution, but itself a political act, the ideological declaration, and call to arms, of radical Whigs who were soon to (fail to) carry out the Rye House Plot (1980). While Ashcraft's argument depends on historical evidence that is largely exterior to Locke's writings, this paper has outlined an interpretation of the *Second Treatise* that is wholly dependent on the text. While its purpose was a coherent interpretation of the *Second Treatise*, a byproduct of this interpretation is evidence supporting Ashcraft's "radical" thesis, if not his textual interpretation.

equivalent of children; only with the Reformation did some different sort of government (liberal and/or democratic) become necessary.

⁶ Note, however, that there is a limitation on Locke's radicalism here. Throughout his chapter on paternal power, Locke emphasizes the importance of continuing to *honor* the parents even after one is their equal.

Bibilography

Ashcraft, Richard. (1980.) "Revolutionary Politics and Locke's Two Treatises of Government: Radicalism and Lockean Political Theory." *Political Theory* 8, No. 4: 429-486.

Locke, John. (1983.) *A Letter Concerning Toleration*. Indianapolis: Hackett Publishing Company, Inc.

Locke, John. (1980.) *Second Treatise of Government*. Indianapolis: Hackett Publishing Company, Inc.