

NELCO
NELCO Legal Scholarship Repository

New York University Public Law and Legal Theory
Working Papers

New York University School of Law

10-1-2010

The Mother Too Hath Her Title' - John Locke on Motherhood and Equality

Jeremy Waldron

NYU School of Law, waldronj@juris.law.nyu.edu

Follow this and additional works at: http://lsr.nellco.org/nyu_plltwp

 Part of the [Jurisprudence Commons](#), [Legal History, Theory and Process Commons](#), and the [Women Commons](#)

Recommended Citation

Waldron, Jeremy, "The Mother Too Hath Her Title' - John Locke on Motherhood and Equality" (2010). *New York University Public Law and Legal Theory Working Papers*. Paper 233.

http://lsr.nellco.org/nyu_plltwp/233

This Article is brought to you for free and open access by the New York University School of Law at NELCO Legal Scholarship Repository. It has been accepted for inclusion in New York University Public Law and Legal Theory Working Papers by an authorized administrator of NELCO Legal Scholarship Repository. For more information, please contact tracy.thompson@nellco.org.

Radcliffe Institute Lecture
April 27, 2009

“The Mother too hath her Title”
John Locke on Motherhood and Equality
Jeremy Waldron

1. Introduction: Motherhood

Of all the reasons that have been cited over the ages to condemn women to a position of inferiority, motherhood—including the disabilities of pregnancy and the socially-imposed obligations of child-rearing—is one of the most prominent. True: motherhood can be a status that is held in high esteem, even reverence. (The Order of Soviet Motherhood; the Blessed Virgin Mary; and so on.) But that high esteem hardly ever generates affirmative consequences for political power or social authority, nor does it make for equality in governance (in families, let alone in wider political communities). On the contrary, when motherhood is mentioned, we should expect to see women relegated to a sphere in which any high esteem accorded to this social and biological function remains politically debilitating or inconsequential. Motherhood is either too important to be contaminated with politics or too debilitating to allow for the possibility of authority or participation. Motherhood equals subordination

The philosopher whose work I want to talk about today is an exception to this rule. For John Locke, who lived and wrote in England in the second half of the seventeenth century, motherhood was not an obstacle, but the key to women's equality. So long as Locke talks simply of *women* and their comparative standing with men, his position on equality between the sexes is ambivalent and in large part reflective of contemporary prejudice. But when he turns to motherhood, all that changes. It is in his talk of motherhood that Locke is at his most radical; it is when he turns his attention to the political rights and titles of mothers that we find him at his most aggressively egalitarian on matters of gender.

This is certainly not a position accepted by all who read John Locke, and it is not accepted by most feminists who have devoted time to his work (though there are some exceptions and some, as we'll see, who acknowledge ambivalence. I am going to argue that there is little basis in Locke's writings for the interpretation put forward and made popular by Carol Pateman in her book, *The Sexual Contract*. Locke was inconsistent on this issue; but there is no reason to take the prejudice as dominant and his remarkable expressions of sexual equality as hypocrisy, as though he was trying to pull wool over the eyes of his eighteenth century English

audience. Such equivocation would be obviously unmotivated; the path to political correctness in that era pointed in exactly the opposite direction. And the opposite conclusion is the one we should adopt: Locke paid some lip service to political correctness, that is to contemporary prejudice against; but whenever anything hung on it, whenever it really mattered in his intellectual or political enterprise, he expressed forcefully in favor of basic equality, and it was his views on motherhood that led the charge.

2. Me and Locke.

Locke has long been an obsession of mine. Five out of six of the first articles I ever published were about John Locke.¹ That was back in the late 1970s and early 80s. And almost thirty years (and seven more articles and one and a half books)² later, I find I am still not able to shake free of him.

I am just coming to the end of a year's sabbatical, which I have spent at Oxford, at Christ Church—the grandest of Oxford colleges, the Oxford home of Sebastian Flyte and Anthony Blanche in *Brideshead Revisited*—from which John Locke, now a rather respectable figure in the pantheon of moderate liberalism, was expelled on the King's orders in 1683 and from which he fled (as he thought, for his life) to the Netherlands, with his books burning in Oxford behind him.³ Admittedly Locke was not expelled from Oxford for his views on women or motherhood, but for political activity premised on a more general radicalism that I think was not unconnected with his comprehensive views on human equality.

I have devoted this sabbatical to a project on Locke's neglected *First Treatise*—the first of his *Two Treatises of Government*, or the half of the *First Treatise* we have.

¹ 'Enough and as Good Left for Others,' *Philosophical Quarterly*, 29 (1979), 319; 'Locke's Account of Inheritance and Bequest,' *Journal of the History of Philosophy*, 19 (1981), 39; 'The Turfs My Servant Has Cut,' *The Locke Newsletter*, 13 (1982), 9; 'Locke, Tully and the Regulation of Property,' *Political Studies*, 32 (1984), 98; 'Two Worries About Mixing One's Labour,' *Philosophical Quarterly*, 33 (1983), 37.

² Books: *God, Locke, and Equality: Christian Foundations of Locke's Political Thought* (Cambridge University Press, November 2002); *The Right to Private Property* (OUP Clarendon Press, 1988). Articles: "Nozick and Locke: Filling the Space of Rights," *Social Philosophy and Policy*, 22 (2005) 81; "Locke, Adam and Eve," in Nancy Hirschmann and Kirstie McClure (eds) *Feminist Interpretations of John Locke* (Penn State University Press, 2007), 241-68; 'Il legislativo in Locke' (Locke's Legislature), *Filosofia e Questioni Pubbliche*, 3 (1997), 29-48; "John Locke," in D. Boucher and P. Kelly (eds.) *Political Thinkers from Socrates to the Present* (Oxford University Press, 2002); 'John Locke: Social Contract versus Political Anthropology,' *The Review of Politics*, 51 (1989), 3; 'Locke, Toleration and the Rationality of Persecution,' in Susan Mendus (ed.) *Justifying Toleration* (Cambridge University Press, 1988); 'Locke, John' in David Miller et al. (editors) *The Blackwell Encyclopedia of Political Thought* (Basil Blackwell, 1986), 292.

³ Locke is not the exciting of philosophers; he is respectable, the voice of liberalism, and it takes some effort now to see him as the dangerous writers he was in the 1670s and 1680s, thrown out of Christ Church, Oxford on the king's orders.

The *Second Treatise* is what everyone reads in college, and it is the Second Treatise that was so influential a hundred years later as [the] philosophical background for the Declaration of Independence, the American revolution, and the framing of the U.S. Constitution. The *Second Treatise* is where Locke sets out his affirmative theory of government: political equality, natural rights, the social contract, the rejection of absolutism, government by consent, the defense of property rights, the rule of law, separation of powers, and the rights of resistance and revolution.

The *First Treatise*, by contrast, or what we have of it, is negative and polemical. It is aimed at theories of the divine right of kings and at one particular theory—that of Robert Filmer, who believed that if you studied scripture you would see that equality was false and that God authorized absolute monarchy. Filmer believed that the authority of kings was prefigured in the rule of Adam over creation, in the rule of Adam over Eve, Adam over his children, husbands over their wives, fathers over their children, and kings as absolute parents over their abject and divinely subordinated subjects. Filmer was a sort of biblical fundamentalist, political creationist; and Locke thought his work sufficiently dangerous and likely to be sufficiently influential—to justify devoting a couple of hundred pages to a refutation, chapter-and-verse, of its alleged foundation in scripture. Filmer’s work, written in the 1660s, had been revived in the political crisis at the beginning of the 1680s, and it was apparent to Locke and his political cronies that it demanded an answer—not because it was inherently persuasive, but rather because it was intellectually pernicious and politically dangerous, exercising an influence in contemporary political thinking out of all proportion to its cogency. Much of Filmer’s case could be answered just by developing an affirmative theory of politics premised on freedom and equality; and that’s what Locke did in the *Second Treatise*. But the scriptural side of Filmer’s argument had to be cleared away, decisively, Locke reckoned before rational political thinking could proceed.

The *First Treatise*, the refutation of Filmer, was probably written in the early 1680s, almost ten years before the *Two Treatises* were published. Sometime in that period, probably as he was scuttling away to Holland, Locke lost half the manuscript. He didn’t bother to replace rewrite it, or even to provide the remaining bits of *First Treatise* with a proper ending. It just breaks off in mid-paragraph or mid-sentence (depending how you read its last few words), presumably where the manuscript came to the bottom of a page. “*Reader,*” said Locke in his Preface,

Thou hast here the Beginning and End of a Discourse concerning Government; what Fate has otherwise disposed of the Papers that should have filled up the middle, and were more than all the rest, it is not worth

*while to tell thee. These which remain I hope are sufficient to establish the Throne of our Great Restorer, Our present King William; to make good his Title, in the Consent of the People; ... If these Papers have that evidence, I flatter myself is to be found in them, there will be no great miss of those which are lost, and my Reader may be satisfied without them.*⁴

I guess there's always the possibility that it is lying around in a trunk somewhere, in Oxford or in Leiden. Or on ebay.⁵

But finding them might not make that much difference. Filmer was a busted flush by the end of the 1680s. Locke didn't care about the details of the second half of his refutation. And we care even less, because most of us no longer view the Bible as a source of political legitimacy, or (if we did) we or our ancestors were taught well enough to read it more liberally. So modern political theorists by and large don't study the *First Treatise*. They dip into it from time to time, for this and that but they're not really interested in the biblical case that Locke is making; it's hard to read, hard to follow, and probably not worth the candle. And political philosophers (as opposed to theorists) don't study it at all; they take their agenda for liberal political philosophy from the *Second Treatise*, but it barely occurs to them that there might be a *First*. The only people who read it are historians of ideas (who do it to annoy the philosophers).

I however think there is a substantial body of political theory to be distilled from the *First Treatise*, a body of theory that complements and enriches the *Second Treatise*, and I have devoted my sabbatical to setting up a *First Treatise* distillery. There's a tremendous amount on property; there's a whole theory of inheritance. There is an extremely interesting hermeneutics that emerges as Locke tries to show how intellectually disreputable Filmer's reading of scripture is, and how one might read it responsibly. Not least, the whole thing—the 120 pages we have—amounts to a sustained display of the analytics of political argument, as Locke tries to show us (with this deplorable paradigm) how to *argue* (and how not to argue) in politics. Using Filmer as a warning, he shows his readers what the difference is between argument and assertion, and the importance of keeping different lines of argument straight and distinct so that their respective consequences can be traced and compared to one another. The *First Treatise* is really one of the earliest examples in the canon of political theory of a book-length dissection of another's book-

⁴ John Locke, *Two Treatises of Government* ed. Peter Laslett (Cambridge University Press, 1988), p. 137.

⁵ One of the things that makes Locke scholars wake up screaming in the middle of the night is a dream that someone has discovered the missing half of the *First Treatise*, which would mean that we are all going to have to retool our interpretations of Locke's political theory.

length argument⁶—a sustained critique whose analytic standards are perfectly familiar to us three hundred years later notwithstanding their scriptural orientation.

Above all, and certainly for our purposes this afternoon, the *First Treatise* is an argument about human equality—as Locke sets out root-and-branch to refute Filmer’s claim that “there cannot be any multitude of men whatsoever but that in it, considered by itself, there is one man amongst them, that in nature hath a right to be the king of all the rest, as being the next heir to Adam.”⁷ And this he cannot do without confronting one of the central premises of Filmer’s account, that women are naturally subordinate to men because Eve was divinely subordinated to Adam and for that reason, according to Filmer, mothers have much less authority over their children than fathers. And maybe it is worth *our* considering the biblical confrontation between Locke and Filmer on this as well, if only because we too are not free of people claiming a warrant in scripture for a subordinate position for women.

3. Why Locke?

Obviously our views about gender equality and motherhood at the beginning of the twenty-first century are not going to be held hostage to interpretations of the philosophical writings of an Englishman who put pen to paper in the 1680s. But Locke has been very influential, including in this country. There is a fine account of his influence in New England in Mary Beth Norton’s book, *Founding Mothers: Gendered Power and the Forming of American Society*.⁸ I don’t agree with everything that Professor Norton says about Locke’s views on women, but on his influence she is surely correct.

The fact is that Locke’s constitutional theory was part of the oxygen that fed the flames of the American revolution and the founding of our Constitution. It may not have been foreground in the Framers’ writings, as Montesquieu was, for example; but Locke’s political philosophy was the deep background—deep and pervasive background. And you can in fact see his influence, sometimes word for word, as when Jefferson talked in the Declaration of Independence about “a long train of abuses and _____” using exactly the phraseology that Locke used in his chapters on revolution ninety years earlier, and also very closely in the language which opened the 1776 Declaration:

⁶ Intriguingly the other early example we have is also directed at Filmer’s work: I mean James Tyrrell’s *Patriarcha non Monarcha* written by Locke’s friend James Tyrrell around the same time.

⁷ O. 253 [= Locke’s Filmer cite; get blue CUP cite → Filmer, “The Anarchy of a Limited or Mixed Monarchy, p. 144], quoted by Locke at I: 78.

⁸ Vintage, 1997.

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights...

“[A]ll Men are created equal”—that’s Locke’s claim and Jefferson’s phraseology. But what does it mean? What do we mean “all men”—do we mean all males, or all members of the human species? We can read the phrase inclusively or exclusively, and both with respect to race and with respect to sex, this choice of readings has been a key bone of contention in the official political philosophy of the United States of America.

Well, you get the same uncertainty when you read Locke’s political philosophy. “[A]ll Men by Nature are equal” (II: 54): that’s the premise of his philosophy, and that’s what he attacks Filmer for denying. But what does Locke mean? Does he mean all men or all *men*: all humans or all males?

4. “All Men”?

I mentioned Carole Pateman’s book, *The Sexual Contract*, which argued that Locke, like most writers in the liberal canon, intended the more restrictive interpretation. Pateman says this:

Women are excluded from the status of ‘individual’ in the natural condition. Locke ... argues that the attributes of individuals are sexually differentiated; only men naturally have the characteristics of free and equal beings. Women are naturally subordinate to men.... Women are not free and equal ‘individuals’ but natural subjects.⁹

She assumes that when Locke talks of “[t]his equality of men by Nature” (II: 5) he must mean men in the narrower sense.

We will look at the substantive evidence in a moment. But it’s certainly not settled as a matter of usage. Susan Okin observed that Locke went back and forth in the way he used “man” and “men”.¹⁰ Sometimes he used them in a way that could only mean male person—as when he says, for example that “men ... untaught by the laws and customs of their country [still] know that it is part of the worship of God ... not to know more women than one.”¹¹ In this passage from the *Essay Concerning the Human Understanding*, he must mean males, because he refers to their carnal knowledge of women. But elsewhere in the *Essay*, Locke talks about the way children learn the meaning of the word “man,” and he says that

⁹ Pateman, *The Sexual Contract*, p. 52

¹⁰ Okin’s comment on Locke’s inconsistent use of gender-neutral language: “... the practice, used by both Locke and Nozick, of generally using the allegedly generic masculine form of language but having the option of resorting to neutral terms for specific purposes.” p. 80 of *Justice, Gender, and the Family*.

¹¹ *Essay*, Bk. I, ii, 19.

they generalize from nurse and mother and father, and from any “complex idea they had of Peter and James, Mary and Jane.”¹²

The decisive point in my view is the way Locke actually confronts the two readings in the *First Treatise*, asks himself the same question we are asking and firmly and explicitly adopts the inclusive reading. It’s a remarkable passage, understandably neglected by Pateman and others who support the interpretation of Locke as a sexist. It is a passage where Locke is talking about God’s giving man dominion over the world in Genesis 1: 28. [

Filmer claimed this as the basis of Adam’s right to rule, but Locke says it depends how you read the word “man” and how you read the pronouns “them” and “him”

Whatever God gave by the words of this Grant, 1 Gen. 28. it was not to *Adam* in particular, exclusive of all other Men: whatever *Dominion* he had thereby, it was ... a Dominion in common with the rest of mankind. That this Donation was not made in particular to *Adam*, appears evidently from the words of the Text, it being made to more than one; for it was spoken in the Plural Number, God blessed *them*, and said unto *them*, Have Dominion. God says unto *Adam* and *Eve*, Have Dominion; *thereby*, says [Filmer], *Adam was monarch of the world*: But the Grant being to them, *i.e.* spoke to *Eve* also, as many Interpreters think with reason, that these words were not spoken till *Adam* had his Wife, must not she thereby be Lady, as well as he Lord of the World?¹³

And again, in cases there is any doubt, in the next section;

The word *Them* in the text must include the Species of Man, for ‘tis certain *Them* can by no means signifie *Adam* alone. In the 26th Verse, where God declares his intention to give this Dominion, it is plain he meant, that he would make a Species of Creatures, that should have Dominion over the other Species of this Terrestrial Globe. The words are, *And God said, Let us make Man in our Image, after our likeness, and let them have Dominion over the Fish, &c. They* then were to have Dominion. Who? even those who were to have the *Image* of God, the Individuals of that Species of *Man* that he was going to make; for that *Them* should signify *Adam* singly, exclusive of the rest, that should be in the World with him, is against both Scripture

¹² E: 3.3.7. It is also worth mentioning the passage in the *Essay* where Locke says that “[t]here are creatures, as it is said, ... where the males have no beards, and others where the females have,” and he imagines it being asked “whether these be all men or no, all of human species?”—it is plain that men is being used inclusively. See also

Locke Minding Women: Literary History, Gender, and the Essay Author(s): William Walker Source: Eighteenth-Century Studies, Vol. 23, No. 3 (Spring, 1990), pp. 245-268, at p. 254.

¹³ I: 29.

and all Reason: And it cannot possibly be made Sense, if *Man* in the former part of the *Verse* do not signifie the same with *Them* in the latter; only *Man* there, as is usual, is taken for the Species, and *them* the individuals of that Species: and we have a Reason in the very Text. God makes him *in his own Image after his own Likeness*; makes him an intellectual Creature, and so capable of *Dominion*. For wherein soever else the *Image of God* consisted, the intellectual Nature was certainly a part of it, and belong'd to the whole Species, and enabled them to have Dominion over the inferiour Creatures...¹⁴

There's just no way of reading this meditation on words and pronouns and concluding that Locke intended a narrow exclusive male reading of "men." You can't even conclude that he was careless on the matter; he approached it more thoughtfully and at greater length than others have done, including others of our generation. It's a fabulously important passage. It is the one place in the *Two Treatises* where Locke associates humankind in general with the Judeo-Christian idea of *imago dei*, the image of God, in a way that makes absolutely clear that that characterization applies to Eve (the only other member of the species around) as well as to Adam, to women as well as men, and applies to her as it applies to him in virtue of her intellectual nature.¹⁵

5. "The Abler and the Stronger"

So what is the evidence on the other side? The most damning evidence that Pateman and others cite are Locke's remarks—again, quite explicit—about domination in marriage. It's a passage from the *Second Treatise*, though there are hints of it too in the *First*.

Locke is talking about marriage which he understands as a contractual relationship devoted to the nourishment and upbringing of children. It's a relationship which is necessary, he says, because the mother of a young child is "capable of conceiving, and ... is commonly with Child again, ... long before the former is out of a dependency for support on his Parents' help ... whereby the Father, who is bound to take care for those he hath begot, is under an Obligation to continue in Conjugal Society with the same Woman longer than other Creatures, whose Young [are] able to subsist of themselves, before the time of procreation

¹⁴ I: 30.

¹⁵ I assume this is why Carole Pateman, in common with almost every other feminist critic of Locke, completely ignores this passage. It is ignored also in Lorenne M. G. Clark, "Women and John Locke; or Who Owns the Apples in the Garden of Eden?" *Canadian Journal of Philosophy*, 7:4 (1977:Dec.) p.699

returns again.”¹⁶ So far, so good. But Locke then goes on to say this, about disagreements in marriage:

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 abler and the stronger.¹⁷

There’s the damage to the egalitarian position. That is what Lorenne Clark calls “Locke’s fundamental sexism” prominently and explicitly on display. Never mind that he goes on immediately to mitigate what he has said about the husband’s decisional authority:

[T]his reaching but to the things of their common Interest and Property, leaves the Wife in the full and true possession of what by Contract is her peculiar Right, and at least 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, whether that Contract be made by themselves in the state of Nature, or by the Customs or Laws of the Countrey they live in; and the Children, upon such Separation, fall to the Father or Mother’s Lot, as such Contract does determine. ... Community of Goods, and the Power over them, mutual Assistance, and Maintenance, and other things belonging to Coinjugal Society, might be varied and regulated by that Contract, which unites Man and Wife in that Society, as far as may consist with Procreation and the bringing up of Children till they could shift for themselves; nothing being necessary to any Society, that is not necessary to the ends for which it is made.

Never mind all *those* concessions. In Pateman’s view, the reference to the husband as the abler and stronger *must* mean that women are not fully human, and that they cannot own property and they cannot enter into contracts, and they are not fundamentally the equals of other human beings, and the whole point of the social contract is to subordinate them. That’s the Pateman thesis.¹⁸

¹⁶ II: 80

¹⁷ II: 82.

¹⁸ Locke “stated that there was a natural division of labour between the sexes, emerging from the fact that women were pregnant for a large part of their lives. As a consequence, women needed protection from men. The social contract was, in his view, agreed upon by male heads of households. Men exercised political rights because they were ‘abler and stronger’. Although women were persons in their own right, they consented to this situation by entering into the marriage contract.” -- Selma Sevenhuijsen, *Mothers as citizens: feminism, evolutionary theory and the reform of Dutch family law 1870-1910* 166 at 175.

Any evidence to the contrary—like the great passage from the *First Treatise* about the image of God applying to Eve as well as Adam—is dismissed or ignored. At best it is Locke trying to fool us, just like Jefferson trying to fool us, with this disingenuous talk of “human” equality.

And, a small digression: *Why* would Locke have wanted to “fool” anyone? Why engage in such an elaborate charade? There was no particular incentive of “political correctness” in the 1680s. On the contrary, I suspect that in his time a costume of respect for gender-equality would cause him more trouble than the patriarchalism he was supposed to be trying to disguise. But if Locke were in favor of denying that women qualified as men for the sake of basic political equality, why wouldn’t he just come out and say it. Others of his contemporaries certainly did. Samuel Pufendorf said that “states have certainly been formed by men, not women” and this is why the right of the father prevails.¹⁹ Locke’s own friend James Tyrrell, in *his* attack on Filmer, said that “women are commonly unfit for civil business,” and that “[t]here never was any Government where all the Promiscuous Rabble of Women and Children had Votes, as being not capable of it.”²⁰ Why would Locke be less forthcoming on this than his friend, if this is what he “*really*” believed?)

I accept that the comments about the husband being the abler and the stronger are disappointing. And we can’t save Locke’s egalitarianism by just saying, “Well, Locke just accepted the custom of his day.” Locke was a consistent critic of the customs of his day on all sorts of topics. He was at least as capable of distancing himself from the assumptions of his culture as we are from ours.

What we *can* say is that he treats what he says about the decisional power of husbands (where there is no contract to the contrary) as a matter of little consequence. He rests nothing on it. So far as marriage is concerned, it operates like a tie-breaker: there has to be a final word in marriage and so a marginal difference of ability and strength will do, if – and this is important—no contrary arrangement has been made between husband and wife.²¹ (As happens often in the *Two Treatises*, Locke is being purely defensive here; rebutting the charge that his fundamental egalitarianism undermines all structures of decision and order.)²²

There is certainly no reason to leverage this inconsiderable doctrine about husbands into a general denial of basic human equality. For Locke is at pains to say that basic human equality is a range property and that it is quite consistent with

¹⁹ Pufendorf, *On the Duty of Man and the Citizen*, p. 125.

²⁰ Tyrrell, *Patriarcha Non Monarcha*, p. 83. See Butler, “Early Liberal Roots of Feminism,” p. 139.

²¹ Cf. Simmons on majority rule in II: 96.

²² Similar to his concerns about property –rebutting the charge that his fundamental egalitarianism leads to communism.

whatever variations of strength and ability are being privileged in this particular tie-breaker:

Though I have said above, Chap. 2, *That all Men by Nature are equal*, I cannot be supposed to understand all sorts of *Equality*. *Age* or *Virtue* may give Men a just Precedency. *Excellency of Parts and Merit* may place others above the Common Level: *Birth* may subject some, and *Alliance* or *Benefits* others, to pay an Observance to those to whom Nature, Gratitude, or other Respects may have made it due; and yet all this consists with the *Equality*, which all Men are in, in respect of Jurisdiction or Dominion one over another, which was the *Equality* I there spoke of ..., being that *equal Right* that every Man hath to *his Natural Freedom*, without being subjected to the Will or Authority of any other Man.²³

The greater natural strength of men cannot possibly deprive women of their *basic* title to equality, for the difference in strength (or ability, if there is such) between the husband and wife in any given marriage is certainly much smaller than the differences we are likely to find among males in the world, all of whom are admitted by this doctrine and conceded by Locke's feminist opponents as fundamentally one another's equals in his system. Many men are abler and stronger than many other men; but that doesn't detract from their basic status as one another's equals.

I think Locke's assertion about husbands is a sideshow. And we should look instead to what he says about motherhood, for that is where the real action is. Certainly there's nothing in the logic of his theory to suggest that the doctrine of the husband being the abler and stronger adds up to any more significant disqualification. Women can own property, according to Locke.²⁴ They can enter into contracts and exit from them too. they can rule as Queens in their own right. In a terrific recent volume, *Feminist Interpretations of John Locke*, the editors Nancy Hirschman and Kirstie McLure say that "Locke may hold a particular fascination for feminist political theorists and philosophers precisely because his stance on sexual equality is so ambiguous."²⁵ I prefer to read it more positively than this. Locke was not ambivalent about basic equality; that is clear from the *imago dei* passage. And his work would not have struck his contemporaries as just

²³ II: 54.

²⁴ Pateman and others want to say that women can't own property on Locke's account. But Locke does talk about married women having their own property; in his discussion of just war towards the end of the Second Treatise, he insists that even a justly conquered husband does not forfeit his wife's estate: "For as to the Wife's share, whether her own Labour or compact gave her a Title to it, 'tis plain, Her Husband could not forfeit what was hers" (2nd T: 183).

²⁵ *Feminist Interpretations of John Locke*, p. 2.

falling in with conventional prejudices about women; he would have struck his contemporaries as radical on this as on many other matters. As I said in my book, *God, Locke and Equality*, there used to be a view—in certain circles, there still is a view—that something as striking as the difference between the sexes must be morally and politically salient in its own right, and also that that difference between the sexes must foreshadow the general implausibility of *human* equality as a starting point for social and political thought. That view is very deeply rooted, and like all others in our culture, John Locke felt the force of it. But he struggled in his philosophy to free himself of this conviction. He certainly sought to demonstrate its implausibility as a premise for a normative theory of politics.²⁶

6. Pregnancy as the key?

At least one modern commentator has tried to relate the passage about the husband being the “abler and stronger” to the issue of pregnancy.²⁷ She says that it is the woman’s continual pregnancy that makes the man, by comparison, abler and stronger. She says that it is motherhood that condemns women to weakness and disability. Is this right?

What little Locke says about pregnancy does not license this conclusion. To the extent that women are continually pregnant, he sees this as a ground of obligation on the man. In the passage from the *Second Treatise* that I quoted a little while ago, we are told that

the Father, who is bound to take care for those he hath begot, is under an Obligation to continue in Conjugal Society with the same Woman longer than other Creatures, whose Young [are] able to subsist of themselves, before the time of procreation returns again.²⁸

There’s also an intriguing argument in the *First Treatise* addressing the alleged debilitation of pregnancy. Our old friend Robert Filmer had argued that God gave Adam authority over Eve when they were both being punished in the Fall, in the sentence he pronounced in Genesis 3:16 – “Unto the woman he said, I will greatly multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children; and thy desire shall be to thy husband, and he shall rule over

²⁶ *God, Locke, and Equality*, p. 22-3.

²⁷ “In the state of nature everybody was born equal. On the other hand, he stated that there was a natural division of labour between the sexes, emerging from the fact that women were pregnant for a large part of their lives. As a consequence, women needed protection from men. The social contract was, in his view, agreed upon by male heads of households. Men exercised political rights because they were ‘abler and stronger’.” ---Selma Sevenhuijsen *“Mothers as Citizens: Feminism, evolutionary theory and the reform of Dutch family law 1870-1910”* *Regulating Womanhood: Historical Essays on Marriage, Motherhood, and Sexuality* edited by Carol Smart; Routledge, 1992) 166 at pp. 175-6.

²⁸ II: 80

thee.”Locke’s account of this is complicated. But one thing he says is that the subordination of Eve may be read as a *prediction* rather than a prescription:

God, in this Text, gives not, that I see, any Authority to Adam over Eve, or to Men over their Wives, but only fortels what should be the Womans Lot, how by his Providence he would order it so.²⁹

That’s a bit of a strain; and he does back-pedal a little from this strained refusal to accept an inegalitarian conclusion when he adds “and there is, I grant, a Foundation in Nature for it.” Which takes us back, in what seems to me to be a *grudging* concession to the sexists, to the doctrine of the husband as the abler and the stronger.

But he also says something interesting about the contingency of the whole business, using an analogy with child-birth. Though Genesis 3:16 predicts pain in childbirth – “in sorrow thou shalt bring forth children”—it does not prohibit anesthetics; and similarly Locke says in the condemnation of Eve to being ruled by her husband,

there is ... no more Law to oblige a Woman to such a Subjection, if the Circumstances either of her Condition or Contract with her Husband should exempt her from it, th[a]n there is, that she should bring forth her Children in Sorrow and Pain, if there could be found a Remedy for it ...³⁰

It seems to me you cannot read this as saying that subordination on account of pregnancy is the destiny of women. Whether it obtains in any particular case is entirely a matter of conditions and consent.

Certainly Locke rejects any view of women as mere breeding machines. Such ideas he condemns as morally hideous—he cites an account by Garcilasso de la Vega of the practices of the Peruvians in this regard

they made their Captives their Mistresses, and choicely nourished the Children they had by them, till about thirteen years Old they Butcher’d and Eat them; and they served the Mothers after the same fashion, when they grew past Child bearing, and ceased to bring them any more Roasters.³¹

Locke cited this as an obvious instance of a wicked custom (in his attack on innate moral ideas).

Not only is there no textual support in Locke for the thesis that it’s the biology and the social exigencies of motherhood that determine the subordination of women, but I suspect that precisely the opposite is the case. The thesis I want to

²⁹ I: 47.

³⁰ I: 47.

³¹ I: 57.

argue for today is not simply that Locke didn't think the facts of motherhood undermined social and political equality—but on the contrary, that he used motherhood as a sort of an egalitarian Trojan Horse against his opponents' commitment to inequality.

It is on the basis of motherhood that Locke destroys any differential political claims based on paternity, by his insistence—over and over again—that any rights that fathers have belong equally to mothers; and by a startling claim that it is the mother not the fathers who is “the Nobler and Principal Agent in Generation,” because it is to the mother not the father that the fetus owes its soul, inasmuch as it owes its soul to any mortal person.

Let me go through these two arguments in detail. I'll begin with the claim about procreation.

8. Locke's motherhood arguments in the *First Treatise*:

(i) “the Nobler and Principal Agent in Generation”?

Fatherhood, and the rights of fatherhood, are key to the system that Locke opposes. No one is born free, says Filmer; God has provided authority to rule over every person at every stage of their existence.³² Adam apart, each person is born in subjection to their father, says Filmer, and God has explicitly commanded that they should honor this subjection by accepting his king-like authority over them.

Now there are all sorts of things Locke wants to say about this position. He asks inconvenient questions about how one gets from the intimate relation of father and child to the relation between a king and millions of his subjects. And he wants to give his own account of the nature of parental authority—an account that has nothing to do with politics and indeed is consistent with the proposition that children are born to freedom and equality—not perhaps born *in* the full state of equality, but “born to it,”³³ born to be brought up by their parents so that they can take their place as free and equal members of the human community.³⁴ We can't go into that here, though it's a fascinating account [of children's rights].

But one of the most striking things about John Locke's argument in the *Two Treatises of Government* is his insistence on the rights and authority of mothers. We hear this first in an argument about procreation, one that totally repudiating any traditional argument based on man's being “the Nobler and Principal Agent in Generation.” Man the nobler and principal agent in procreation? “What Father ... when he begets a Child, thinks farther than the satisfying his present Appetite?” (II.

³² Dunn

³³ II: 55.

³⁴ “Thus we are born free as we are born rational; not that we have actually the exercise of either: age that brings one, brings with it the other too. And thus we see how natural freedom and subjection to parents may consist together, and are both founded on the same principle.” (II: 61).

54) If any rights are to be based on the making of a child, surely, says Locke, they are mothers' rights.

the Woman hath an equal share, if not the greater, as nourishing the Child a long time in her own Body out of her own Substance: there it is fashioned, and from her it receives the Materials and Principles of its Constitution.³⁵

Not only that, but he adds a remarkable argument about the ensoulment of the fetus:

[I]t is so hard to imagine the rational Soul should presently Inhabit the yet unformed Embrio, as soon as the father has done his part in the Act of Generation, that if it must be supposed to derive any thing from the Parents, it must certainly owe most to the Mother. But be that as it will, the Mother cannot be denied an equal share in begetting of the Child.³⁶

The passage is not intended to establish anything like an abortion right [(which is what we these days might be interested in relating it to),] though I guess it follows from what Locke says that there is a time after conception, while the embryo is being nourished in the mother's body, before it is ensouled, so that its destruction might be a different matter, arguably a lesser concern, than the destruction of a human person. Locke also thought it was an open question whether a fetus counted as a human life:

If it comes in question ... whether the Embrio in an Egg before Incubation .. be alive or no, it is easy to perceive, that a clear distinct settled Idea does not always accompany the Use of so known a Word, as that of *Life* is.³⁷

He actually made a number of observations about fetuses—one in an argument about personal identity, when he suggested that it is hard to unite an embryo, an adult, and a madman into the same person by any criterion that will not make Socrates, Pontius Pilate, Cesare Borgia, into the same person,³⁸ one about the extent of foetal receptivity by senses in the womb in the course of his argument against innate ideas,³⁹ and one about “oddly shaped” fetuses and their relation to the species term human.⁴⁰

³⁵ I: 55.

³⁶ Idem. What was the contemporary wisdom on this? Check E.R. Dunstan, *The Human Embryo*.

³⁷ *Essay* III. x. 22.

³⁸ *Essay* II 27. vi.

³⁹ Jonathan Barnes, “Mr. Locke's Darling Notion,” *Philosophical Quarterly*, 22 (1972), 193 at 203: “Locke ... allows that new-born children may have ‘some faint ideas of hunger and thirst and warmth’ (*Essay* I. iv. 2; cf. II. ix. 5), and this has been taken for an admission of innate ideas. But, first, Locke concedes only that a new-born child may in the womb have felt warm or thirsty or hungry; and even if this is true it does not warrant the conclusion that the child knows what warmth, thirst and hunger are. And secondly, such understanding would not, in any event, be

All that is very interesting. For our purposes, though, it is the emphatic egalitarianism or actually even *favoring* of mothers, that is the interesting thing about the passage. “[W]hatever obligation Nature and the right of Generation lays on Children, it must certainly bind them equal to both the concurrent Causes of it” (II: 52).

9. Locke’s argument from motherhood:

(ii) The Fifth Commandment

The argument about procreation is mainly a natural law argument. But Locke also concentrates on Filmer’s scriptural case, pulling Filmer up short again and again at every mention of the Fifth Commandment. “Honour thy father,” says Filmer, and that’s the basis for kingly authority. “Honour thy father?”, says Locke, That is not a reason for patriarchal rule; it is but “an half Reason,” he says, and if you count the other half “Honour thy mother” also, the bottom falls out of Filmer’s argument.

It’s an obvious enough point, and Locke drives it home rather well—by my count, in ten different sections in the *First Treatise* and seven times in the *Second Treatise*. “The Bible says ‘Honor thy father,’” says Filmer. “And mother,” says Locke. “Yes, yes,” says Filmer. “But it does certainly say ‘Honor thy father.’” “And mother,” says Locke, again and again and again. And it’s not just the commandment in Exodus. In one section, Locke goes to the trouble of citing thirteen biblical passages, commanding all sorts of respect for the rights of mothers—thirteen biblical passages, including two from the New Testament, which Locke hardly ever cites.⁴¹

For had our *A.[uthor]* set down this Command without Garbling, as God gave it, and joyned *Mother* to Father, every Reader would have seen, that it had made directly against him, and that it was so far from Establishing the *Monarchical Power of the Father*, that it set up the *Mother* equal with him, and injoyn’d nothing but was due in common, to both Father and Mother: for that is the constant Tenor of the Scripture....⁴²

innate: for, as Locke points out, we are supposing that the embryo child acquires these ideas by means of its primitive sense organs—it is by experiencing heat in the womb that the child comes to have an idea of heat (Essay II. ix. 6).”

⁴⁰ “The real essence of that or any other sort of substances, it is evident, we know not; and therefore are so undetermined in our nominal essences, which we make ourselves, that, if several men were to be asked concerning some, as soon as born, whether it were a man or no, it is past doubt one should meet with different answers. Which could not happen, if the nominal essences, whereby we limit and distinguish the species of substances, were not made by man with some liberty; but were exactly copied from precise boundaries set by nature, whereby it distinguished all substances into certain species.” (E III.vi.27)

⁴¹ See the discussion in GLE. See also I: 66: ““Honour thy father and mother” signifies the duty we owe our natural parents, as by our Saviour’s interpretation, Matth. xv. 4....”

⁴² I: 61.

And then he goes on to list the occurrences:

Honour thy Father and thy Mother, Exod. 20. *He that smiteth his Father or Mother, shall surely be put to Death*, 20. 15. *He that Curseth his Father or Mother, shall surely be put to Death*, ver. 17. Repeated Lev. 20. 9. and by our Saviour, *Matth. 15. 4. Ye shall fear every Man his Mother and his Father*, Lev. 19. 3. *If a Man have a Rebellious Son, which will not Obey the Voice of his Father, or the Voice of his Mother; then shall his Father and his Mother, lay hold on him, and say, This our Son is Stubborn and Rebellious, he will not Obey our Voice*, Deut. 21. 18, 19, 20, 21. *Cursed be he that setteth Light by his Father or his Mother*, 27. 16. *My Son, hear the Instructions of thy Father, and forsake not the Law of thy Mother*, are the Words of *Solomon* a King who was not ignorant of what belonged to him, as a Father or a King; and yet he joyns *Father* and *Mother* together, in all the Instructions he gives Children quite through his Book of *Proverbs*. *Wo unto him, that sayeth unto his Father, what begetteth thou? or to the Woman, what hast thou brought forth?* Isa. 45. ver. 10. *In thee have they set Light by Father and Mother*, Ezek. 22. 7. *And it shall come to pass, that when any shall yet Prophesie, then his Father and his Mother that begat him shall say unto him, Thou shalt not live; and his Father anti his Mother that begat him, shall say unto him, thou shalt not live, and his Father anti his Mother that begat him, shall thrust him through when he Prophecieth*. Zech. 13. 3. Here not the Father only, but the Father and Mother joyntly, had Power in this Case of Life and Death. Thus ran the Law of the Old Testament, and in the New they are likewise joyn'd, in the Obedience of their Children, *Eph. 6. 1. The rule is, Children Obey your Parents*; and I do not remember, that I any where read, *Children Obey your Father* and no more, The Scripture joyns Mother too in that Homage, which is due from Children. ... **Nay, the Scripture makes the Authority of *Father and Mother* ... so equal, that in some places it neglects, even the Priority of Order, which is thought due to the Father, and the *Mother* is put first, as *Lev. 19. 3.***

And Locke concludes:

From which so constantly joyning Father and Mother together, as is found quite through Scripture, we may conclude that the Honour they have a Title to from their Children, is one common Right belonging so equally to them both, that neither can claim it wholly, neither can be excluded.⁴³

⁴³ I: 61. Also note that there is a clear reference back to this in the *Second Treatise* (II: 52).

Filmer, Locke says, is guilty of trying “to warp the Sacred Rule of the Word of God, to make it comply with his present occasion.” This, he says, is a way of proceeding, not unusual to those, who embrace not Truths, because Reason and Revelation offer them; but espouse Tenets and Parties, for ends different from Truth, and then resolve at any rate to defend them; and so do with the Words and Sense of Authors, they would fit to their purpose, just as *Procrustes* did with his guests, lop or stretch them, as may best fit them to the size of their Notions; And they always prove, like those so served, Deformed, Lame, and useless.”⁴⁴ That’s Locke on Filmer’s use of scriptural authority.

Not only that, but Locke insists that the mother’s entitlement here is independent of and not subject to the father’s will.⁴⁵ –“for whom God hath joined together let no man put asunder” (I: 63).

10. Limits on the Fifth Commandment Argument

Now admittedly, Locke’s argument about the Fifth Commandment is a wholly negative one. He is denying that Filmer is entitled to draw anything from it so far as father’s rights are concerned; and he is insisting that even if anything could be drawn from it, it would have to apply to mothers as well as fathers. But Locke’s overall position is that parental rights, whether mothers or fathers, have no consequences for political authority.⁴⁶ Parental authority is more a matter of a responsibility to nurture, rather than a right to rule them.⁴⁷ And the duty to honor one’s father and mother has very little to do with political authority either. Locke explains the child’s duty as follows:

[A]s [God] hath laid on them an obligation to nourish, preserve, and bring up their Off-spring; So he has laid on the Children a perpetual Obligation of

⁴⁴ I: 60..

⁴⁵ “Can the Father, by this Sovereignty of his, discharge the Child from paying this *Honour* to his *Mother*? The Scripture gave no such License to the Jews, and yet there were often Breaches wide enough betwixt Husband and Wife, even to Divorce and Separation: and, I think, no Body will say a Child may withhold Honour from his Mother, or, as the Scripture terms it, *set light by her*, though his Father should command him to do so, no more than the Mother could dispense with him, for neglecting to *Honour* his Father: whereby ‘tis plain, that this Command of God, gives the Father no Sovereignty, no Supremacy. “ (II: 62) ... “[W]hat Law of the Magistrate can give a Child liberty, not to *Honour his Father and Mother*? ‘Tis an Eternal Law, annex’d purely to the relation of Parents and Children, and so contains nothing of the Magistrates Power in it, nor is subjected to it.” (I: 64)

⁴⁶ Pateman (in Afterword in *Fem Interp of JL* volume, p. 83): “Locke spends a good deal of time in his attack on Filmer emphasizing that mothers as well as fathers have authority over children, although that did not give them any political standing.”

⁴⁷ “The power, then, that parents have over their children arises from that duty which is incumbent on them, to take care of their off-spring during the imperfect state of childhood. To inform the mind, and govern the actions of their yet ignorant nonage, till reason shall take its place and ease them of that trouble, is what the children want, and the parents are bound to.” (II: 58) And as Locke also says, it is “rather the privilege of children and duty of parents than any prerogative of paternal power.” (II: 67).

honouring their Parents, which, containing in it an inward esteem and reverence to be shewn by all outward Expressions, ties up the Child from any thing that may ever injure or affront, disturb or endanger the Happiness or Life of those, from whom he received his; and engages him in all actions of defence, relief, assistance, and comfort of those, by whose means he entred into being and has been made capable of any enjoyments of life. From this Obligation no State, no Freedom, can absolve Children.⁴⁸

It is not a relation of power or authority: “The *honour due to parents* a Monarch on his Throne owes his Mother, and yet this lessens not his Authority, nor subjects him to her Government.”⁴⁹

11. Merely strategic?

It is possible I suppose to see Locke’s argument for mother’s rights in the *First Treatise* as purely strategic. Mary Beth Norton observes that Locke “used women to score debating points on Robert Filmer.”⁵⁰ The idea might be that Locke would say anything (betray any part of his own convictions) to discredit Filmer’s argument.⁵¹ Of course the argument is *ad hominem*, designed to *embarrass* Filmer. Locke quotes Filmer as saying: “*To confirm this Natural Right of Regal Power, we find in the Decalogue, that the Law which enjoyns Obedience to Kings, is delivered in the Terms, Honour thy Father; as if all Power were Originally in the Father.*” (I: 11) And Locke retorts:

[W]hy may I not add as well, that in the *Decalogue*, the Law that enjoyns Obedience to Queens, is delivered in the Terms of *Honour thy Mother*, as if all Power were originally in the Mother? The Argument, as Sir *Robert* puts it, will hold as well for one as t’other.⁵²

Indeed, there are times when it sounds like a *reductio*: Filmer’s thesis of paternal power, says Locke,

⁴⁸ II: 66.

⁴⁹ II: 66

⁵⁰ Norton, *Founding Mothers*, p. 297.

⁵¹ Mary Beth Norton says in *Founding Mothers*, p. 60, that “because the first and second treatise had different purposes, he adopted divergent approaches in the two parts of his great work.”

⁵² I: 12. See also: “*The Law that enjoyns Obedience to Kings is delivered, says our A_____, in the Terms, Honour thy Father, as if all Power were Originally in the Father,*” p. 23 [62]. And that Law is also delivered, say I, in the Terms, *Honour thy Mother*, as if all Power were Originally in the Mother. I appeal whether the Argument be not as good on one side as the other, *Father and Mother* being joyned all along in the Old and New Testament wherever Honour or Obedience is enjoyn’d Children.” (I: 66)

would ... have sounded but oddly, and in the very name shown the Absurdity, if this supposed Absolute Power over children had been called *Parental*, and thereby have discover'd, that it belonged to the *Mother* too; for it will but very ill serve the turn of those Men who contend so much for the Absolute Power and Authority of the *Fatherhood*, as they call it, that the *Mother* should have any share in it.⁵³

Filmer might be embarrassed by any matriarchal conclusion. But John Locke himself has no difficulty with the idea of rule by a Queen.⁵⁴ (Though he regards the whole idea of absolute monarchy as pernicious, he accepts constitutional monarchy as a possibility. **Not only that** but a proposition that he goes on to use in the same passage to further embarrass the Filmerians—that “it would have but ill supported the *Monarchy* they contend for, when by the very name it appeared that that Fundamental Authority ... was not plac'd in one, but two Persons jointly”⁵⁵—is a proposition he himself embraced, having travelled back from Holland with Queen Mary to England, where she was to take up her position as regnant queen with her husband William.)

The idea that Locke was making these moves purely to embarrass the Filmerians, and that he did not take them seriously in their own right is similar to what I have heard said about other moves in the *First Treatise*. It is said most notably about Locke's argument about the rights of desperately poor people to take the property of the rich, which he introduces in Ch. IV of the *First Treatise* to show that speciousness of Filmer's claim that “he that is Proprietor of the whole World, may deny all the rest of Mankind Food, and so at his pleasure starve them, if they will not acknowledge his Sovereignty, and Obey his Will.”⁵⁶ I have heard it said that this was not a position that Locke stuck to when it came to expounding his property theory in the *Second Treatise*.⁵⁷

But, as I have argued elsewhere,⁵⁸ the First Treatise passage about the rights of the poor actually *illuminates* the main line of argument about property in the *Second Treatise*. Those who think it doesn't are those who have a preconceived idea of what Locke's position on property must be, and have recently been

⁵³ II: 53.

⁵⁴ See I, 47: Commenting on God's prediction that Eve is subject to her husband, Locke denies that anyone would think “that either of our Queens, *Mary* or *Elizabeth*, had they Married any of their Subjects, had been by this text put into a Political Subjection to him.”

⁵⁵ II: 53.

⁵⁶ I: 41; see also I:42-3.

⁵⁷ Cite to Cohen.

⁵⁸ GLE, 177-87. Also Jeremy Waldron, “The Creationist Theory of Property in the *First Treatise*,” paper prepared for APSA Annual Meetings, Boston 2008.

disconcerted by having to look for the first time at what he said in the *First Treatise* as opposed to what he said in the *Second*.

In neither case is the position Locke has taken up to refute Filmer, a position he can simply put down again, once the Filmerian menace has evaporated. Moreover, in neither case is it a position he *wants* to put down. We can't talk too much today about the property/charity argument; but certainly the claims he makes about mothers' rights on the basis of the Fifth Commandment are not only key to his refutation of patriarchalism but major staging points in his argument for basic human equality. They hook up with some quite extraordinary arguments about the equality of men and women, and they are in effect pioneering moves in Locke's progress toward a more comprehensive egalitarianism.

So, for example, Locke is perfectly happy to associate his Fifth Commandment argument with the premise of basic equality that he uses throughout his theory:

if Fathers by begetting their Children acquire no such Power over them; and if the Command, *Honour thy Father and Mother*, give it not, but only enjoins a Duty owing to Parents equally, whether Subjects or not, and to the *Mother* as well as the *Father*; If all this be so, as I think, by what has been said, is very evident; then Man has a *Natural Freedom*, notwithstanding all our *A.* confidently says to the contrary, since all that share in the same common Nature, Faculties, and Powers, are in Nature equal, and ought to partake in the same common Rights and Priviledges, till the manifest appointment of God, who is *Lord over all, Blessed for ever*, can be produced to shew any particular Persons Supremacy; or a Man's own consent subjects him to a Superior.⁵⁹

This passage from the *First Treatise* uses almost exactly the language that Locke uses at the beginning of the *Second Treatise* to assert the fundamentals of human equality.

(12) The Responsibility of Upbringing

I have emphasized that Locke *does nothing* with his thesis of the husband being the abler and stronger in a marriage, rests nothing on it, and does not use it to leverage anything else. But he *does* use the equality of men and women so far as parenting is concerned. On Locke's account, not only are women equally honored as parents, but they are equally capable of carrying out the duties of parenting: and those duties do have a broader significance in Locke's theory so far as the responsibilities of citizenship are concerned. Let me explain.

⁵⁹ I: 67.

Those who take the Pateman position observe that Locke often uses what appears to be gender-specific language—the language of “fathers” and “sons”—to characterize the duties of upbringing.⁶⁰ And they attribute great importance to this, as evincing the very capacities that distinguish fathers in their broader intellectual and moral capacities, capacities that entitle them to play a part in the social contract and in government. But if mothers can fulfil the same responsibility and if nature intends them to do this alongside the father and also wholly on her own account when the father is absent, it follows that she too must have the rational capacities that enable her to substitute a politically adequate reason for the embryonic reason of her growing sons.

Jacqueline Pfeffer puts it this way: During their childhood, parents must direct their children: inasmuch as ... [a child] “has not Understanding of his own to direct his Will, he is not to have any Will of his own to follow: he that understands for him, must will for him too.” The child’s subjection to his parents’ will is not subjection to an arbitrary will, but to a will with understanding: he is “subject to the Rules and Restraints of Reason” that are indicated to him by his parents. Gradually children, who grow to submit to reason on their own, without their parents’ guidance.⁶¹

Now as Professor Pfeffer goes on to emphasize, Locke acknowledged that in many cases, there will not be two parents present and the mother is going to do this on her own. And he expressed no concern whatever about the education of children when he noted, “in those parts of America where when the Husband and Wife part, which happens frequently, the Children are all left to the Mother, follow her, and are wholly under her Care and Provision,” nor when he remarked, “the Wife has, in many cases, a Liberty to separate from [her husband]; where natural Right, or their Contract allows it, whether that contract be made by themselves in the state of Nature, or by the Customs or Laws of the Country they live in; and the Children upon such Separation fall to the Father or Mother's Lot, as such Contract does determine.” There is no suggestion that when parents separate or divorce, or when one parent dies, that the custodial parent's ability to fulfill the didactic end of the society with his or her child is necessarily compromised: “single parents,” it seems, may be competent parents.⁶² And so may women; he spoke from time to time about guardianship; he said that a man may occasionally appoint

⁶⁰ Mary Beth Norton, *Founding Mothers*, p. 90. See also Mary Beth Norton’s observation that Locke “presented the growing independence of the child wholly in masculine terms: once a son reached the age of discretion, he and his father were ‘equally free....’” *Ibid.*, p. 98

⁶¹ Jacqueline L. Pfeffer, “The Family in John Locke's Political Thought,” *Polity*, 33 (2001), 593, at ___.

⁶² *Ibid.*, 608

a guardian or a tutor for his child, but there was absolutely no suggestion that an abandoned mother must search for a male guardian for her children.

Parental power may not be political power. Locke is adamant about that. But it is politically important. And though he often uses the language of fathers and sons to characterize this politically salient relationship, he repeats again and again the point that the mother plays an equal role, and may take over the dominant role if the father is not around. If the father dies and wanders off, the mother acquires all the parental power:

Nay, this power so little belongs to the father by any peculiar right of Nature, but only as he is guardian of his children, that when he quits his care of them he loses his power over them, which goes along with their nourishment and education, to which it is inseparably annexed, and belongs as much to the foster-father of an exposed child as to the natural father of another. ... [If the father die whilst the children are young do they not naturally everywhere owe the same obedience to their mother, during their minority, as to their father, were he alive?⁶³

13. Abandonment?

Digression. The issue of parental abandonment seemed much on Locke's mind. The passage just quoted seemed to indicate that the danger of abandonment comes more from fathers than from mothers. In the *First Treatise*, Locke briefly discusses practices of abandonment:

They who allege the practice of mankind, for exposing or selling their children, as a proof of their power over them, are with sir Robert happy arguers; and cannot but recommend their opinion, by founding it on the most shameful action, and most unnatural murder human nature is capable of. The dens of lions and nurseries of wolves know no such cruelty as this: these savage inhabitants of the desert obey God and nature in being tender and careful of their offspring: they will hunt, watch, fight, and almost starve for the preservation of their young; never part with them never forsake them, till they are able to shift for themselves. (I: 56)

He suggests in a lurid passage that although fatherly power has sometimes been raised to an infanticidal height (I: 57), with fathers killing and eating children and killing the mothers too when they were past child-rearing and "ceased to bring them any more roasters," –nature has at least made provision for a basic instinct of preservation of the young (and it's not hard to infer that he is referring here to

⁶³ II: 65.

mothers) , so that “the preservation of their young, as the strongest principle in them, over-rules the constitution of their particular natures.”

Locke hints at an argument that women are more constant in defense of their young than men; and I think he does suggest here and there that men are more likely to run off leaving women holding the baby than *vice versa*.

Locke does not associate himself with Hobbes who takes maternal power as the natural prototype of despotic power (bearing in mind that “despotic power” is a term of approval for Hobbes): “seeing the infant is first in the power of the mother, so as she may either nourish or expose it; if she nourish it, it oweth its life to the mother, and is therefore obliged to obey her rather than any other; and by consequence the dominion over it is hers.” (Leviathan, Ch. 20)

15. Equally Able; Equally Strong {*incorporate into section 13*}

Anyway, all that’s a digression. The important point is this. Locke’s position seems to be that women are as capable as men are of playing this role in the upbringing of children—bringing them to reason, in their early days, substituting a parent’s reason for the child’s unformed will,⁶⁴ and so on.

The clear default position is that both parents do this together. When the equality of the sexes is not at issue, Locke uses what we might call masculine gendered language; but as soon as the equality of the sexes becomes an issue in this regard, he switches to the explicit language of mothers as well as fathers having shared authority in this regard.

And when it comes time to consider what happens when fathers disappear, he does not set off in search of male relatives—uncles, elder brothers, etc to act as guardians. He just assumes that the mother, being the only parent around, will and can take over the whole role.

14. Conclusion

That’s the case for Locke as a theorist of gender-equality, and motherhood as the idea that takes him in that direction.

I know that many of my colleagues, particularly my feminiosts colleagues in political theory, remain skeptical about my interpretation, skeptical in a way that may indicate that there is something wrong with even trying to do what I’ve been doing in this lecture.

I wonder why that is? the urge to charge Locke with sexism? Why the assumption that of course he must be guilty. Why the delight in finding the one or passages that support this interpretation, and the evident discomfort at looking at

⁶⁴ “whilst he is in an estate wherein he has no understanding of his own to direct his will, he is not to have any will of his own to follow. He that understands for him must will for him too; he must prescribe to his will, and regulate his actions.” (II: 58)

the very substantial evidence on the other side. Why not portray Locke and use Locke as the proto-feminist he was, at least on the evidence I have presented?

Is it anything to do with motherhood? One feminist scholar I greatly respect—Carol Sanger—has argued that late-twentieth-century feminism has had a difficult time coming to terms with motherhood, as though it was always liable to be used to subvert gender-equality.⁶⁵ And that means Locke's use of it in the other direction is disconcerting, throws us off balance so to speak.

I think there is something too about the way we read the canon of political theory. We read it less for ideas that may change or influence our thinking than as confirmation of the existence of prejudices and so on that we want to take issue with.

It is something like Allan Bloom suggested is true of the study of literature: "Resentful historicists of all persuasions...now study literature essentially as peripheral social history."⁶⁶ (I have long had a beef with the approach of the Cambridge School—Peter Laslett and Quentin Skinner—to the study of seventeenth century political theory. They say we should read it historically as emerging from and as part of a social and political milieu. Reading Locke's *Two Treatises* is supposed to be a way of finding out what seventeenth century England was really like, and since we know seventeenth century England did not believe in the equality of the sexes, and saw motherhood as a disability, it must be the case that we can find that prejudice in Locke too. It seems no one wants to be challenged by a text any more, or to learn anything *from* it (as opposed to learn anything about it) that we didn't know before.

No writer is ever entirely free of his century's prejudice: not Locke in the seventeenth century; not you and me either in the twenty-first. But there are sometimes more things in the world than are dreamed of in our philosophy. I think we sell ourselves short and sell the moral imagination short if we are not open to things in an author's writing—in the writing of a dead white male—that may have offended or startled his contemporaries and may shock us too by anticipating positions that we thought were all our own, or by doing with unpromising materials radical things that we have convinced ourselves and our students are impossible in liberal political philosophy.

⁶⁵ M is for the Manythings. 1 S.Cal, something journal 15 (1992).

⁶⁶ *The Anxiety of Influence*, p. xxv