

## Against a Lockean Justification of Slavery

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**Abstract:** John Locke's *Two Treatises of Government* has been incredibly influential in western political theory since its publication in 1689. The text, however, is not without its controversies. In particular, Locke's seemingly contradictory statements on the institution of slavery have left generations of philosopher puzzled on how to understand Locke's view. While many philosophers hold that Locke wished to justify the practice of slavery, in this essay I will defend Locke from this charge by showing that a Lockean justification of slavery would not only be inconsistent with his own writings, but would also be entirely impractical.

## **Introduction and Background:**

Slavery is so vile and miserable an estate of man, and so directly opposite to the generous temper and courage of our nation, that it is hardly to be conceived that an Englishman, much less a Gentleman, should plead for it.<sup>1</sup>

Indeed, having by his fault forfeited his own life by some act that deserves death, he to whom he has forfeited it may, when he has him in his power, delay to take it, and make use of him to his own service... This is the perfect condition of slavery, which is nothing else but the state of war continued between a lawful conqueror and a captive...<sup>2</sup>

In *Two Treatises of Government*, Locke expounds his political philosophy, discussing the powers of government and the rights and freedoms of individuals. But, as the two quotes above show, Locke's statements are far from straightforward. A cursory reading suggests Locke's account of slavery is rife with conflict, with some passages arguing against it, while others arguing for it. Worse yet, the deplorable African Slave Trade was fully operational during Locke's life.

One might naïvely claim that Locke was unaware of the slave trade. This contention, however, would be demonstrable false. Prior to writing his *Two Treatises*, Locke did extensive work for Anthony Ashley Cooper, 1st Earl of Shaftesbury, including writing the *Fundamental Constitutions of Carolina*. In it, Locke writes:

...it shall be lawful for Slaves as well as others, to Enter themselves, and be of what Church or Profession any of them shall think best, and thereof be as fully Members as any Freeman. But yet no Slave shall hereby be exempted from that Civil Dominion his Master hath over him.<sup>3</sup>

This quote shows that Locke was fully aware of the practice of slavery in Colonial America. As the *Constitutions* was written before the *Two Treatises*, one cannot plead that Locke was ignorant of the institution of slavery in Colonial America.

The apparent contradiction in Locke's writing was debated as early as the American Revolutionary War. Some individuals, such as Josiah Tucker, argued that the early writings of Locke can easily be excused. After all, "Mr. Locke was then a young man... and as he lived under the reign of a tyrannical Stuart [Charles II]. It is no wonder that he should be a little tainted with the vices of the times."<sup>4</sup>

Yet emphasizing the naïveté of Locke's position is deeply unsatisfactory. Locke continued to amend *The Fundamental Constitutions* as late as in 1682, after he began drafting the *Two Treatises*. Furthermore, Locke was later appointed a commissioner of the Board of Trade in 1696. He was personally involved in trade and colonial affairs, yet did not express any concern about the practice of slavery in America outside of the religious freedoms mentioned earlier.<sup>5</sup> Thus, Tucker's argument does not hold. Locke did not oppose African

slavery prior to the *Two Treatises*, and he did not oppose it after.

Thus, one can safely rule out that Locke was merely ignorant of the brutal practice of slavery in America. From these biographical details, a scholarly debate has emerged about how to understand Locke's view of slavery in the *Two Treatises* vis-à-vis his life. Contemporary philosophers are divided into three camps. Some philosophers have argued that Locke's discussion of slavery is solely focused on absolute rulers, and their political right to rule over a population as a result of conquest. That is to say, Locke was only concerned with England and had no intention to justify the African Slave Trade. Others, however, argue that Lock's remarks on slavery refer either to the African Slave trade or the enslavement of Native Americans.<sup>6</sup>

In this essay, I will argue against the view that Locke's account of slavery in the *Two Treatises* justifies the African Slave Trade, as Jennifer Welchman claims. The first section will detail Welchman's interpretation of Locke. In it, I will explain Welchman's view of the Law of Nature, and give an exposition of her two-ranks argument. The next two sections will present my arguments against her interpretation of the Law of Nature as well as her two-rank argument. These arguments will be of two types: either they show that Welchman's account is inconsistent with Locke's own writings, or they lead to a justification of slavery that is inapplicable in almost any context. With these two

sections, I will show that Welchman's view of Locke is incorrect. My conclusion, then, offers a brief discussion about what I think Locke actually intended with his apparent justification of slavery. I will argue that Locke was not opposed to the institution of slavery, but nonetheless, his discussion of it in the *Two Treatises* was not a justification. Rather, Locke's writings on slavery were solely concerned with absolute monarchs in England.

### **Section I: A Justification of Slavery**

This section is dedicated to presenting the arguments of Jennifer Welchman's "Locke on Slavery and Inalienable Rights". Her essay argues that Locke's discussion of slavery was meant to justify the practice of enslaving Africans and bringing them to Colonial America. Thus, her essay's argument attempts to resolve the seeming contradiction between Locke's belief in natural rights and his justification of slavery. First, Welchman explains the State of Nature, and the rights that stem from the Law of Nature. Then, Welchman describes how one can lose their rights by disobeying the Law of Nature. From this, she argues that human beings may be split into two groups: man and property. Those in the latter category are those who lost their rights, and are thus justifiably enslaved.

First, Welchman describes the State of Nature, and its implications for the origin of natural rights. Locke argues that humans begin in a state of equality, where,

“no one having more than another, there being nothing more evident than that creatures of the same species and rank, promiscuously born to all the same advantages of Nature, and the use of the same faculties, should also be equal one amongst another.”<sup>7</sup> Thus, Locke suggests that in the original State of Nature all human beings were equal to one another. No one dominated or ruled over anyone else. All humans, then, shared the same natural rights.

Yet man is not absolutely free in the state of nature. He must abide by the Law of Nature, which is implemented by God. Locke writes:

That law teaches all mankind who will but consult it that being all equal and independent, no one ought to harm another in his life, health, liberty or possessions; for men being all the workmanship of one omnipotent and infinitely wise Maker; all the servants of one sovereign Master, sent into the world by His order and about His business; they are His property, whose workmanship they are made to last during His, not one another’s pleasure.<sup>8</sup>

The Law of Nature commands that no man harm another because each man is the property of God. Furthermore, Welchman argues that our rights are whatever, “accrue from God’s grant or concession to us.”<sup>9</sup> In other words, God had given us these natural rights so that we may properly fulfill the duties he requires of us. There are two central duties of the Law

of Nature: first, one is “bound to preserve himself,” and, second, one must “preserve the rest of mankind.” For example, Locke argues that we do not have the right to quit our station willfully, even enslavement, by abandonment or suicide.<sup>10</sup> These duties further suggest that the Law of Nature is the embodiment of God’s plan. Each individual must not only ensure he is doing his part in the plan by committing to his station, but he must also ensure everyone else is committed to their respective stations.

One can, however, break away from God’s plan by failing in either of the two central duties of the Law of Nature. This failure need not involve violence. If one, for example, steals, Locke argues that the crime puts in danger the preservation of mankind, and thus, “makes it lawful for a man to kill a thief who has not in the least hurt him.”<sup>11</sup> Likewise, Welchman argues that by allowing others to do evil deeds, you yourself are in violation of the duty to preserve mankind. Thus, in a State of Nature: “One does not have to be the victim of violent aggression oneself to have the right, even the duty, to restrain or punish the aggressor.”<sup>12</sup> So long as an individual commits a crime, they can be punished by anyone.

Furthermore, punishment for crimes might involve enslavement. Locke argues, “Indeed, having by his fault forfeited his own life by some act that deserves death, he to whom he has forfeited it may, when he has him in his power, delay to take it, and make use of him to his

own service.”<sup>13</sup> Only when a crime deserving death is committed may one enslave the aggressor.

One can now imagine how this combination of beliefs allows for the justification of slavery in Africa. Welchman argues that Locke thought sub-Saharan Africa to be in a State of Nature. Thus, the Law of Nature is the primary moral principle at work in sub-Saharan Africa. The Law of Nature dictates that any individual who harm others transgresses her duties. Furthermore, if people allow a transgressor to exist without directly interceding, they also transgress their duties. From this, the number of transgressors skyrockets. Because they are a transgressor, then, they can be enslaved. Welchman thus believes that Locke justified the enslavement of a wide number of Africans.

Although Welchman’s account of Locke might allow for the enslavement African adults, one might argue that this does not justify the enslavement of children born of slave parents, a practice prevalent in Colonial America. One might give two of Locke’s arguments against the case: All men are created equal possessors of natural rights, and a child’s natural rights always survive the loss of its parents’ rights. Welchman, however, predicts the objections, and believes these two arguments are not satisfactory.

In regards to the first argument that all men created equal, Welchman believes this to only be the case in the original State of Nature. She writes, “In the original State of Nature all human beings born were born with

equal rights to the use of property conceded them by God. And so it remained until slavery came into being.”<sup>14</sup> After slavery is enacted, two ranks of the human species exists: man and property. We can consider a man to be a regular human being with all the rights normally associated with humans. Human property, however, is enslaved and lacks the rights of a man. This is her two-ranks argument. Once this dichotomy is created, it is not always true that all human beings are born equal. A child born from a human property is also human property, and is thus not entitled to the rights of man.

This leads to the second argument against the enslavement of children—namely, the loss of a parent’s natural rights does not necessitate the loss of the child’s rights. Welchman completely agrees with this, but believes this to be consistent with her earlier claim. If a child already exists when the parent is enslaved, then the child does not lose his natural rights. If, however, the child is born after the parent has lost his natural rights, then the child is born without rights as well. In a sense, we can treat natural rights as heritable. Only if the parent has natural rights at the time of birth, then the child does too. Having dismissed these two objections, Welchman believes she has successfully proven that Locke justifies the enslavement of children.

I believe I have accurately portrayed Jennifer Welchman’s view on Locke’s justification of slavery. Because natural rights are gifted by God and enforced by the Law of Nature, they can be removed by its

violation. Thus, men might be justly enslaved and so too are the children of those enslaved parents. In the next two sections, I hope to show how Welchman's account of Locke is both inconsistent with Locke's own writings and would lead to a justification that is too narrow, such that it is inapplicable in any context.

## **Section II: Issues with the Law of Nature**

I believe that Jennifer Welchman's interpretation of Locke is flawed. In this section, and the one that follows, I will to show how this is the case. I have split up my disagreements into two broad categories: issues with Welchman's interpretation of the Law of Nature, and issues with the two-rank argument. This section focuses on my issues with Welchman's interpretation of the Law of Nature. In particular, I believe that Welchman's view either diverges from Locke's own account, or jumps too quickly to conclusions. I will raise four reasons for thinking her interpretation questionable. First, does the Law of Nature apply in Africa? Second, do all transgressors deserve to be enslaved? Third, who has the right to enslave transgressors? Finally, does Locke's writing about colonial slavery agree with Welchman's interpretation? By considering these four questions, I will to show not only that Welchman's account flawed, but also that any prospects of justifying slavery through Locke's views are rife with difficulty.

First, I wish to question Welchman's premise that Africa was in a state of nature. Unfortunately,

Welchman seems to formulate this premise in passing, merely stating, “And sub-Saharan Africa was, by Locke’s standards, a State of Nature.”<sup>15</sup> This quote is unclear as to whether Locke explicitly stated that sub-Saharan Africa was in a state of nature, or whether Welchman claims this on some standard of Locke’s that lists the sufficient conditions of a State of Nature. I’m inclined to believe that the latter of these two options is true, as Locke never mentions Africa in his *Two Treatises*. Now, it may be the case that he makes this comment elsewhere in one of his writings, but Welchman provides no evidence for such a claim. Thus, I am led to believe that Welchman herself interprets Locke as believing Africa to be in a State of Nature, rather than Locke having claimed this to be the case.

Now one should ask, is Welchman correct in her interpretation? In reality, Africa was not in a State of Nature: there were kingdoms that had laws and extracted taxes from their citizens hundreds of years before Europeans began the African Slave Trade. Africa, at least where Great Britain extracted slaves, was by no means in a State of Nature. Perhaps Welchman believes that Locke did not know that Africa was not in a State of Nature. I, however, find this hard to believe. Locke was an investor in the Royal African Company, and was a member of the Board of Trade in England. Surely, these positions gave him sufficient information about current affairs in Africa. And even if he did not know, would that justify the enslavement of sub-

Saharan people? If a slave master believed in Locke's justification of slavery, but came to realize that Africa was not in a State of Nature, his justification would crumble. Thus, I charge Welchman with the following objection: Welchman's interpretation misinterprets Locke's beliefs about Africa, and at best justifies an inapplicable justification of slavery.

My second objection is against another unwarranted jump in Locke's argument. If it is true that someone who allows a transgressor to harm others while sitting idly by is also a transgressor, and if it is true that transgressors should be punished, it does not follow that all transgressors should be enslaved. Now, actual criminals that hurt or steal from people, under Locke, have forfeited their life and can be enslaved. Yet I am not so sure the same could be said about bystanders. While Locke might say that they deserve to be punished, that punishment might not be so stringent as death, and therefore slavery would be inapplicable. Locke only states that: "everyone has a right to punish the transgressors of that law [of Nature] to such a degree as may hinder its violation."<sup>16</sup> From this quote, it is reasonable to infer that in some cases, one only needs to exact a monetary punishment to hinder the violation of the Law of Nature. It is not the case that death or slavery is the only punishment that can hinder the violation of the Law. If so, the justification of slavery is greatly weakened because the pool of justified slaves decreases dramatically. So, it seems that even if Locke

were justifying slavery, I argue that that justification would be limited in its scope.

Third, I take issue with Welchman's interpretation of who has the right to enslave others. Welchman's interpretation allows for the idea that one agent A can transgress their duty by harming another agent B. Then, some outsider, agent C, can come in and punish A for transgressing their duty. In a sub-Saharan context, I believe Welchman to be arguing for the idea that if one African individual harms another, a European may step in and enslave that original transgressor. Yet, I do not believe this is in fact Locke's view.

Notice, for example, when Locke writes, "I say, then, the conqueror gets no power but only over those who have actually assisted, concurred, or consented to that unjust force that is used against him."<sup>17</sup> There appears to be some inherent direction to the enslavement of transgressors. That is, it is because they wronged *me* that I am able to enslave them. As further evidence of this position, consider the following quote: Locke writes, "The conqueror, if he have a just cause, has a despotic right over the persons of all that actually aided and concurred in the war against him, and a right to make up his damage and cost out of their labor and estates."<sup>18</sup> Again, I believe Locke to be saying something along the lines that because *I* was transgressed upon *I* have some right to reparations, including to the enslavement of my perpetrators. Furthermore, Locke discusses William the Conqueror and how he has a

right to those who transgressed his rights.<sup>19</sup> He writes, “William had a right to make war on this island, yet his *dominion* by conquest could reach no farther than to the Saxons and Britons that were then inhabitants of this country.”<sup>20</sup> By ‘dominion’ used here, I take that to mean something similar along the lines of absolute domination, akin to a master over a slave. Earlier, Locke discusses how this invasion lays the foundation for the absolute monarchy of England (a notion Locke is against, as I will show in the conclusion).<sup>21</sup>

I raise these three pieces of contextual evidence up for a reason. As I stated earlier, there seems to be a directedness aspect in the enslavement of the transgressor. It is because *I* was transgressed upon that *I* can enslave the transgressor. If I am correct, then the possibility of Europeans rightfully enslaving sub-Saharan Africans disappears. It is no longer enough to state that the individual transgressed someone, and thus they should be enslaved. Rather, one must prove that he was transgressed upon to justly enslave an individual. This would suggest that Locke’s justification of slavery is too narrow. Once again, Welchman has either misinterpreted Locke, or Locke has justified an inapplicable form of slavery.

The last point I wish to discuss in regards to the Law of Nature is what a punisher is rightfully able to do to his slave. Locke wrote, “Indeed, having by his fault forfeited his own life by some act that deserves death, he to whom he has forfeited it may, when he has

him in his power, delay to take it, and make use of him to his own service.”<sup>22</sup> In other words, the aggressor of an unjust war, through his invasion, forfeits his own life to the defender. The defender, before killing the transgressor, may put him to use through the means of slavery. It is the case, however, that the defender, at any time, may still choose to end the slave’s life, for, after all, his life was forfeit.

This account of slavery seems to differ directly with Locke’s own words on the subject of the enslavement of Africans in Colonial America. In 1698, after writing the *Two Treatises*, Locke wrote to Governor Francis Nicholson of Virginia, urging him to, “get a law pass’d restraining of Inhumane Severities... towards Slaves, and that Provisions be made therein that the willful killing of Indians and Negroes may be punished with death, and that a fit penalty be imposed for the maiming of them.”<sup>23</sup> Here, Locke argues that owners do not have the right to kill their slaves, when earlier Locke argued that just captors do have the ability to kill their own slaves whenever they want. Thus, I can only conclude that the Welchman is incorrect in determining that African slaves fell under Locke’s justification of slavery.

In this section, I have shown that Welchman’s dubious interpretation of the Law of Nature makes her argument flawed. Questions surrounding where the Law of Nature is applicable, who can be enslaved, who has the right to enslave, and what the enslaver can do to the enslaved force Welchman to adopt

controversial or unattractive answers. My work, however, is not complete. The next section will argue against Welchman's two-rank argument. Even if all of my arguments in this section were to be proven wrong, I will show that Welchman's view is nevertheless unsatisfactory.

### **Section III: Issues Regarding the Two Ranks of Human Beings**

There are, still, other issues with Welchman's interpretation of Locke. This section will read Welchman's interpretation of the Law of Nature charitably, by assuming that the problems I previously mentioned would not interfere with her argument. Instead, I will focus on Welchman's argument that human beings are split into two ranks: man and property. I will present two objections to Welchman's two-ranks argument. First, I believe Welchman's interpretation of rank is inconsistent with Locke's own use of the term. Thus, the formulation of her argument is incorrect. Second even if it were not inconsistent, it would still not justify the enslavement of children, a central goal of the argument.

What is rank? If one wishes to give a detailed argument that involves the concept of rank, it is best to define it first. Welchman, unfortunately, fails to grasp Locke's use of the term, and thus misinterprets his argument. She derives a mention of rank from Locke's description of the State of Nature. He states, "Creatures

born of the same *species* and *rank*, promiscuously born to all the same advantages of Nature, and the use of the same faculties, should also be equal one amongst another.”<sup>24</sup> It is clear from this that Locke has a distinction in mind between species and rank. We are left with the question, then, whether there are multiple ranks per species, as Welchman believes, or whether there are multiple species per rank. This latter conception is what I wish to argue for.

Locke rarely mentions rank in the *Two Treatises*. The only substantive discussion of rank found in the text occurs in the earliest moments of the first treatise. In Chapter IV, Locke discusses the dominion bestowed upon Adam by God in Genesis. He writes:

[We] have here only an account how the terrestrial irrational animals, which were already created and reckoned up at their creation, in three distinct ranks of cattle, wild beasts, and reptiles, were here, actually put under the dominion of man, as they were designed; nor do these words contain in them the least appearance of any thing that can be wrested to signify God’s giving to one man dominion over another, to Adam over his posterity.<sup>25</sup>

From this quote, we get a better understanding of Locke’s use of the word ‘rank’. Rather than having rank be a subgroup of species, it seems to be the opposite. The rank of cattle includes, “such creatures as were or might be tame,”<sup>26</sup> such as horses, cows, goats, dogs, etc.

Wild animals entail more ferocious creatures like lions and tigers, and reptiles obviously entail all the reptiles. Thus, the rank of “Cattle” includes a plethora of species under it. Therefore, it would not make sense to discuss how the species of man is further divided into two ranks. Thus, I believe that Welchman’s interpretation of rank is incorrect, and that her subsequent argument is unacceptable.

Before moving on, I wish to address a possible question for this view. One might ask, “But where is man in this equation?” I do not believe, to our dismay, that Locke is very explicit about this question. Intuitively, Locke would put man in a separate grouping altogether. This division by rank only applies to the group of “terrestrial irrational animals,” but obviously humans do not belong to this group. Surely they would form a separate group of their own. This, however, does not entail a division by rank of human beings, much like the irrational animals. I believe it to be perfectly consistent with Locke’s writings to suppose that there is no further division of the group of human beings. At most, one can argue that there is only one further rank, and one further species of the group. Regardless, there is no textual evidence of any division of human beings into different ranks.

But suppose my entire objection about ‘rank’ is incorrect, and Welchman’s interpretation stands strong. Another issue still arises. Does the two-rank argument allow for the enslavement of children, a

crucial requirement for any justification of hereditary slavery? Welchman tackles this argument by supposing that after a human being is made a slave, and is thus property, they lose all their rights. Any children born to a slave parent after they have been enslaved does not have any rights either. That is to say, we can think of rights as hereditary. Only if your parents have rights when you are born, do you have rights. I wish to argue, however, that this would not hold. The two ranks argument would fail to take in relevant writings of Locke regarding the matter of child enslavement.

Locke mentions several times that the loss of the rights of the parents does not necessitate the loss of the rights of the children. He repeats similar sayings throughout the *Two Treatises*. Welchman takes this to mean that Locke only talks about children who have been born prior to their parents' enslavement. Yet, I do not think this is the case. For example, Locke writes, "the children, whatever may have happened to the fathers, are free men, and the absolute power of the conqueror reaches no farther than the persons of the men that were subdued by him, and dies with them."<sup>27</sup> Locke states that the power of domination goes no further than the particular men that were rightfully subdued. This suggests that even if a child is born from a slave parent, the slave owner has no right to enslave the child for the child was never subdued in a just war. This, then, shows that Welchman's interpretation Locke fails, since no child can ever be rightfully enslaved.

Therefore Welchman's two-rank argument faces two important objections. First, I believe Welchman's interpretation of 'rank' is incorrect and runs counter to Locke's writing. Further, even if her interpretation is correct, it still does not justify the enslavement of children, which is a central goal of her two-rank argument. If this section and the previous one are correct, I have cast serious doubt on the tenability of Welchman's view, and, more broadly, any justification of slavery through Locke.

## **Conclusion**

With my objections to Welchman's view explained, I think it is best to return to the original cause of this debate. The two quotes mentioned at the beginning of this essay seem to be difficult to reconcile, but I wish to point towards a possible solution. I think Welchman is too uncharitable to Locke by merely arguing that he was a hypocrite. Although slavery was utterly vile, she argues, Locke, "was not himself above pleading for slavery."<sup>28</sup> But is it credible that Locke was so blatantly a hypocrite? Entire sections of the *Two Treatises* seem to contradict each other. If Locke was indeed in favor of slavery, would it not be more reasonable to begin by writing, "Slavery is so vile and miserable an Estate of Man when enforced improperly, but there is a just form of slavery," or something along those lines? To pass Locke's seeming contradictions as hypocrisy, I think, is to too quickly jump to conclusions.

I think we may better understand Locke's comments if we suppose that he employs two different meanings of slavery. I believe that the colonial slavery that Welchman is arguing for is not in the scope of Locke's writings. If it were within the scope, then Locke would contradict himself. The writings involving slavery within the *Two Treatises* contradict the statements of Locke about colonial slavery mentioned earlier in this essay.<sup>29</sup> The same argument could be made for any justification of slavery of Native American's on Locke's account. As James Farr points out, Locke drafted a temporary law for Carolina stating, "No Indian upon any occasion or pretense whatsoever is to be made a slave."<sup>30</sup> This too would contradict Locke's writing on the absolute control of a master over his slave.

With contradictions as blatant as this, I find it hard to believe that Locke had in mind the colonial slavery discussed in this essay. Rather, I wish to agree with James Farr that Locke's justification of slavery only extended so far as his home country of England. If we assume this interpretation, I think that Locke's contradictions begin to disappear. If Locke's justification of slavery was solely focused on England, enslavement can mean something similar to surrendering to a conquering authority, or an absolute monarch of sorts.<sup>31</sup> For example, William the Conqueror's invasion of England gave him authority over all those who were against him.<sup>32</sup>

Yet, one immediately realizes that this sort of justification of authority is narrow in scope. What of all the men who did not fight against William, be they allied Normans or peaceful Saxons? And if my argument against Welchman's two-rank view is correct, the children of the conquered are free from William's control. But I think the narrow applicability for the justification of enslavement was exactly Locke's point. Locke's justification of slavery, of the absolute power of a monarch, purposefully appears weak. Locke was opposed to the absolute power of monarchy and wished to show that the King of England lacked the authority so many believed he had. This is further supported by the fact that Locke's publishing of the *Two Treatises* occurred one year after the Glorious Revolution of 1688, and only months after the 1689 Bill of Rights which permanently ended the absolute rule of monarchy in England.

Now, this view is not without its issues. First, why would Locke use such a loaded word as 'slavery' to discuss absolute monarchy, especially when he knew the vile connotations of the word in a colonial context? Further, where does view leave Locke's discussion on the formation of government? These are important questions, but beyond the scope of this essay. These points would themselves require an additional paper to explore.

In conclusion, paper has argued against the possibility of justifying colonial slavery through Locke's writings.

The majority of the essay was focused on discounting Jennifer Welchman's argument that Locke justified the institution of slavery. My defense of Locke hinged on two broad arguments. First, Welchman's account of the State and Law of Nature either contradicted Locke's account, or led to unappealing conclusions. Second, I argued how Welchman's two-rank argument is incompatible with Locke's writings. Finally, I briefly returned to the contradiction that began this debate, and offered a possible way to think about Locke's denouncement and justification of slavery. Locke's justification is purposely weak to argue that the absolute power of a monarch does not extend to the newly born citizens in the present day.

## Notes:

1. Locke, John. *Two Treatises of Government*. 1690, 1.1
2. Ibid. 2.22-23
3. Locke, John. *The Fundamental Constitutions of Carolina*. London: 1669, 107
4. Tucker, Josiah. *A Series of Answers to Certain Popular Objections against Separating from the Rebellious Colonies, and Discarding Them Entirely*. 1776, 103-4
5. Welchman, Jennifer. «Locke on Slavery and Inalienable Rights.» *Canadian Journal of Philosophy* 25, no. 1 (1995), 73.
6. I have in mind a number of different philosophers in each of these groups. Regarding a sole focus on absolute rulers, see Farr, James. «Locke, Natural Law, and New World Slavery.» *Political Theory* 36, no. 4 (2008): 495-522 as well as Farr, James. «‘So Vile and Miserable an Estate’ the Problem of Slavery in Locke’s Political Thought.» *Political Theory* 14, no. 2 (1986): 263-89. For the view that Locke justified amerindian enslavement, see Hinshelwood, B. «The Carolinian Context of John Locke’s Theory of Slavery.» *Political Theory* 41, no. 4 (2013): 562-90. Lastly, for a view regarding a justification of African slavery, see Welchman, «Locke on Slavery and Inalienable Rights.»
7. Locke, John. *Two Treatises of Government*, 2.4
8. Ibid. 2.6
9. Welchman, «Locke on Slavery and Inalienable Rights,» 75
10. Locke, John. *Two Treatises of Government*, 2.4
11. Ibid. 2.18
12. Welchman, «Locke on Slavery and Inalienable Rights,» 78
13. Locke, John. *Two Treatises of Government*, 2.22
14. Welchman, «Locke on Slavery and Inalienable Rights,» 80
15. Ibid. 78
16. Locke, John. *Two Treatises of Government*, 2.7
17. Ibid. 2.179
18. Ibid. 2.196
19. I believe William the Conqueror can be seen as being transgressed upon. He was supposed to inherit the English throne, but was not chosen when the king died. Further, the pope

approved his invasion, thus giving William a right to the throne. Those who stood against him in his right were transgressors.

20. Ibid. 2.177

21. One might object that the domination here is different from enslavement in that William's invasion and just conquest was not in a State of Nature. Locke, however, writes that we can appeal to the Law of Nature even in civil society in certain cases. Locke gives the example of when civil laws are unable to prevent a possible loss of life (Locke 1690, 2.207). In the case of William the Conqueror, the civil laws of society cannot help William, and the dispute of succession, in some sense, is above the civil laws in place. In fact, I can raise the objection that if my interpretation of the Law of Nature is correct, Welchman's interpretation might inadvertently argue for enslavement within civil society. Then, it might seem that Locke's justification is too weak, and anyone can be enslaved anywhere. I do not pursue this matter further, but it is worth keeping it in mind.

22. Ibid. 2.22

23. Valls, Andrew. *Race and Racism in Modern Philosophy*. Ithaca, NY: Cornell University Press, 2005, 93

24. Locke, John. *Two Treatises of Government*, 2.4

25. Ibid. 1.26

26. Ibid. 1.25

27. Ibid. 2.189

28. Welchman, «Locke on Slavery and Inalienable Rights,» 67. I do not believe Welchman's accusation of hypocrisy is as harsh as it sounds. After all, the Founding Fathers of the US struggled with similar views. How could they write that all human beings have inalienable rights of life, liberty, and the pursuit of happiness given by a Creator when they themselves owned slaves? There can be no doubt that this was a difficult issue to reconcile.

29. Most notably, Locke allows for a freedom of religion for slaves, and pleaded against the inhumane severities colonial slaves were facing.

30. Farr, «Locke, Natural Law, and New World Slavery,» 508

31. After all, a slave master and an absolute monarch have much

in common. Both have absolute control over the lives of their subjects.

32. Locke, John. *Two Treatises of Government*, 2.177

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