

JOHN LOCKE AND THE STATE OF NATURE

When Descartes died in 1650, John Locke was eighteen. He had read Descartes. He approved the new science and vaguely accepted the notion of innate ideas. Like Descartes he saw no apparent contradiction between scientific reason and royal authority or established religion. By the time he wrote his major works a decade later in the 1660s—*Two Treatises of Government* and *An Essay concerning Human Understanding*—a change had occurred in his thinking. There were no more innate ideas. At birth the mind is a blank slate. The basis of knowledge is human experience.

So appears John Locke, first in the celebrated line of British empiricists who cleared away the last remnants of medieval essence and put science on a solid experimental basis. For Locke reason was innate but not as necessary truths accessible to introspection. Reason is a human faculty, limited in scope and exercised at will. As a result, belief is always unsteady and fallible. Those who cannot or will not accept its limits, those who persist in fanatically defending or imposing dogmatic theological or metaphysical principles, can and should be resisted along with the clerical or monarchical institutions that support them. In this way, restraints on free inquiry will be lifted and proper productive use made of practical knowledge.

The reason for Locke's change of heart was less philosophical argument than politics. In 1667 Locke, an Anglican don, was hired as secretary to the powerful and wealthy Anthony Ashley Cooper, future Earl of Shaftesbury. Shaftesbury—leader of the opposition to the Stuart monarchy, avid encloser and developer of a vast hereditary domain, founder of the Carolina colony, promoter of free trade, mercantile profit, and colonial expansion—had more than an academic interest in epistemology. As the earl's resident philosopher, Locke's job was to fashion arguments that would discredit the earl's monarchist enemies and justify a government friendly to the interests of property

owners and entrepreneurs. Locke would provide the theoretical basis for transfer of power away from the king and royal bureaucracy and into the hands of landowners and merchants whose wealth and well-being would bring general welfare to England and to all the lands subject to Britain's sovereignty.

The duties attached to the post of the earl's philosopher were not only theoretical, Locke was his employer's spokesperson and agent in material as well as intellectual matters. He acted as secretary for and wrote the constitution for the Lords Proprietors of Carolina, a colony in which Shaftesbury was the leading figure. He served on the Council of Trade and on the Board of Trade and Plantations, agencies charged with administering the colonial policies that would make Britain an imperial power. With Shaftesbury in prison or a fugitive, Locke organized a clandestine movement with safe houses, secret codes, and mail drops to keep alive the rebellion against absolute monarchy.

But Locke's most enduring contribution to the cause was theoretical. In *Essay concerning Human Understanding* he provided the epistemological underpinnings for libertarian politics, removing rationalist support for absolutist moral and religious objections to individual freedom. There is no thinking, argued Locke, before experience gives a man something to think about. With the removal of any God-inscribed necessity, the last defense of dogmatism falls and with it the cancerous proliferation of deductive certainty. In *Two Treatises of Government*, he spelled out the political and social consequences. All men are equal and free to pursue their own interests; there can be no authority except by consent of the governed; government should be limited in power; the accumulation of property is a right inherent in nature.

In Locke's empiricist epistemology, experience and man's innate faculty of reason support the same primary and manipulatable physical qualities of extension, figure, and motion as are measured in Cartesian mathematics. Mathematical principle holds material reality in place and gives a solid foothold for calculated invention and increased productivity. But nature as understood in the new sciences was not the "nature" that was the basis for Locke's social principles. The bedrock on which Locke's social philosophy rests is a different "nature," a "state of nature," a state that men are "naturally" in before they have been restrained in their activities by despotic power. In political and social writings Locke cited this "nature" without apology and without reserve. The mathematical nature of material reality might provide for weapons, machines, and productive technologies; another

“nature” determines the sort of life men should lead and the relations they should have with each other.

In the *Treatises of Government*, Locke referred to “nature” and its derivatives over and over. Men are “naturally” in a “state of nature.” The state of nature is governed not by civil law but by “natural” law. Men are equal by “nature,” free by “nature,” and have a “natural” right to acquire property and a “natural” right to punish anyone who breaks the “natural” law (*Treatises II*, Sections 4–8). By “the fundamental law of nature” men may wage total war on whoever attacks them or attempts to restrict their freedom (*Treatises II*, 16–21).

Here nature is not mathematical principle but a mysterious and irresistible force underlying social life. It is a human species-nature, individualistic, striving, self-interested, and impulsive. It is a natural biological instinct that drives man to his first social tie of marriage. This nature is not deceptive appearance to be investigated, catalogued, studied so as to discover the ultimate structures that allow for its alteration or manipulation. Nothing can disprove or dislodge a man’s natural right to administer his property and acquire more. Social arrangements can honor or distort this “nature”; they can never change it. No social reform can win against nature, and if any is tried, war can be declared as Shaftesbury declared war on the Stuart kings.

Locke’s “nature” dictates that a man must enter, at least temporarily, a monogamous marriage with a woman, and it also dictates rights and duties in family life. A man has a “natural paternal right” to govern his children until the children come of age (*Treatises II*, Section 55). Nature requires that marriage be at least semi-permanent so that child-care is guaranteed. Conflicts “naturally” occur in such an association, and given the nature of men and women, there is a “foundation in nature” for a wife’s subordination to her husband when there is a disagreement (*Treatises I*, 47). When there is a difference in understanding and in will between husband and wife, the decision “naturally” falls to the man’s share (*Treatises II*, 82). In this dictate, nature lays down a “rule” which men as well as “inferior creatures” have no alternative but to obey (*Treatises II*, 79).

Locke’s addition of slavery as an aspect of nature can come as a shock. Here was the man ready in the same breath to proclaim the very impossibility of political servitude, the illegitimacy of even consensual agreements to give over one’s natural independence to another person. But in the case of slavery, political reality imposed on nature a conflicting rule. Slave owning colonists attracted to Shaftesbury’s Carolina were “naturally” unwilling to give up their labor force. The profits in cotton and sugar that drew colonists

to such ventures in the new world depended on slave labor. The protection of property in slaves was written into the Constitutions of the new colonies of Virginia and Carolina. On this crucial point, Locke, like others of his time and station, reverted to Aristotle. A “natural” law of war allows a victor to kill his enemies. He can spare their lives and take them as slaves. If slaves don’t like it, they can choose to die instead (*Treatise*, II, Sections 23–4).

It is hard to believe that Locke’s experience in the administration of colonial affairs or his reading of travel literature could have supported the thesis that victims of the West African slave trade were “captives taken in a just war.” At least implicitly, another law of “nature” intervened. Locke tended to take a relatively enlightened view toward some native peoples, for example native Americans. If those in other lands are backward, he sometimes implied, it is not due to any defect in human nature, but rather to a lack of science and technology. Considering some of the practices in European countries there was even some reason to think, said the liberal Locke, “that the Woods and Forests where the irrational untaught Inhabitants keep right by following nature, are fitter to give us rules than cities and Palaces” (*Treatises* I, Section 58). Africans, however, were not the subjects of such favorable comparisons. Locke’s views on slavery reflect the judgment common in Europe at the time. Africans are different in nature. Other native people might be converted to Christianity, hired as laborers, even introduced to science and made into enlightened farmers; Africans were a race apart.

If Locke put up more of a struggle against the assumption that the inequality of women was natural, it was not because sexual inequality was any less obvious to him or his patrons. For men of Locke’s class, women’s subordination was as self-evident as the necessity for slave labor. But here Locke had a different problem. The natural authority of the male head of the British household was being used to support a powerful and influential argument for monarchical power. Certainly the monarchist opposition would have found little advantage in the analogy of slavery; few Englishmen were willing to think of themselves as Aristotle’s “natural slaves,” even if their master was the king. But if Englishmen could not think of themselves as slaves, they could think of themselves as dutiful sons, obeying a revered father ordained by God and nature to be their leader and guardian. With this powerful image—the nation as a family with a wise father at the head, with subjects born to him, born for him to rule and protect—monarchists like Robert Filmer hoped to crush Shaftesbury’s rebellion.

To clear the way for Shaftesbury’s defense of property rights gained by

acquisition as well as inheritance and for mechanisms of government designed to protect wealth, the association between despotic paternal power and political power had to be broken. This analogy between father right and royal absolutism was Locke's main target in his *Treatises of Government*. There is no analogy, Locke argued, and even if there were, the analogy would not support absolute power. A father has a right over his minor children until they come of age, but that right is temporary and does not include any absolute power over them. Even more important, a father's right over his children is not exclusive but is shared with the mother just as power in government must be shared.

Locke paid close attention to the religious arguments used by Filmer and others. Passages from Genesis, said Filmer, gave Adam dominion over the earth, and royal power was passed down through the ages by inheritance. But the pronouns in Genesis are plural, Locke pointed out. "Gave he them," means that any dominion given to Adam was shared with other men or even with Eve. Did God really say in Genesis that in punishment for Eve's disobedience, she was to be ruled by Adam? Did God say that Adam should be the sole ruler of the earth who would pass down authority to hereditary kings through the generations? No, scoffed Locke. How could anyone think that God's chastisement of Adam and Eve in the Garden of Eden meant that Adam should rule?

'Twould, I think, have been a hard matter for any Body, but our A. [Filmer], to have found out a Grant of *Monarchical Government to Adam* in these words, which were neither spoke to, nor of him; neither will any one, I suppose, by these Words, think the weaker Sex, as by a law so subjected to the Curse contained in them, that 'tis their duty not to endeavor to avoid it.

(*Treatises I*, Section 47)

So Locke was forced to negotiate the compromising fact of women's inequality. When God condemned women to painful childbirth, God was only "foretelling" what would be the fate of women, announcing how he was going to order it "providentially" that a woman would be subject to her husband. Yes, Locke admitted, "Generally the Laws of Mankind and customs of Nations have ordered it so," and there is a "Foundation in Nature for it" (*Treatises I*, 47), but not by divine fiat, not by natural necessity.

This was treacherous ground. If nature was allowed to dictate women's

subordination it might also dictate other forms of subordination. Carefully Locke had to pick a way between existing social norms and liberal logic. There can be no precedent in whatever natural authority a man has over his wife for a man's authority over other men. All husbands would have husbandly authority, so conjugal power is not political power. Although a man does have the rightful authority in matters within his family "as Proprietor of the Goods and Land there" and the right to "have his Will take place before that of his wife in all things of their common Concernment" (*Treatises I*, Section 48), this cannot mean that in family matters a man has a "political power of Life and Death" over his wife (*Treatises I*, 48). And even if nature, or God, "foretold" that woman's fate is subjection, would not women have a duty to try to avoid that subjection, even as he and Shaftesbury had a right to rebel against the king? What if science found a way so that childbirth was not painful? Must a woman refuse to avail herself of it because God ordained she give birth in painful labor? What if a marriage contract is written with specific terms giving a woman property rights? Should not individuals be allowed to make whatever agreements they like? Why should the woman not have an equal share of power over her children, when it is she who nourished them "out of her own substance?" (*Treatises I*, 55). Here Locke was ready to abandon Aristotle. How could any reasonable person accept the archaic Aristotelian biology that sees the mother's womb as only a vessel for a tiny homunculus with a rational soul that has been put intact into a yet unformed embryo via a man's sperm? (*Treatises I*, 55).

Why all the circumvention? Why not argue simply and consistently for the natural equality of women as well as of men? But Locke had already gone far enough to shock his political constituency: A mother has shared authority over her children? The husband has no right over what by contract is retained as his wife's separate property? The husband has no power over his wife's life? The wife has in some cases a "natural" right as well as a legal right by contract or law to separate from her husband? Child custody can be decided in the mother's favor? Marriage for only a term may be justifiable once children are independent? And if this nod in the direction of divorce or worse was not enough Locke went on to suggest that any kind of marital arrangement that achieves the aim of marriage to protect children might be justified, even temporary marriage.

Marriage for the modern Locke is not the young Kant's sacred union. Nor is it Hume's amicable companionship. It is a contract with mutual consideration based on biological convenience. A woman requires protection and

income while she cares for a child; a man requires someone to bear and raise his children. At the same time the marriage contract cannot be an ordinary commercial contract, because “nature” is still allowed to dictate some of the terms. No contract, commercial or marital, can prenegotiate all the disagreements that might arise; although husband and wife have a common concern in the children, they will sometimes disagree. In a commercial contract disagreement is resolved by negotiation or, failing that, by judicial process. When marriage partners disagree, “It therefore being necessary that the last determination—i.e., the rule—should be placed somewhere, it ‘naturally’ falls to the man’s share, as the able and the stronger” (*Treatises II*, Section 82).

In passages like these, “nature” is at embarrassing odds with political purpose, and the simplest ways of resolving the inconsistency Locke cannot take. If natural freedom and equality apply only to men and Locke admits the subjection of women as a natural fact, the dangerous analogy between paternal power and political right is allowed to stand. Alternatively, if Locke maintains women’s full equality he jeopardizes the liberal cause. It was certainly not the policy of the Shaftesbury party to argue the radical thesis of women’s rights.

Can the glitch in foundational liberal theory be repaired? Is it only removable “moral prejudice” that prevents modern democratic theorists like Locke, or Hobbes or Rousseau, from following the logic of their arguments and granting full citizen rights to women? Or does the fault in social theory around which Locke so painfully maneuvers run deeper than male bias and inconsistency in logic?

This was the question asked by Susan Okin in one of the first contemporary feminist treatments of the history of modern political theory. Feminist historical work, said Okin, is not “an arcane academic pursuit.” It is an “important means of comprehending and laying bare assumptions behind deeply rooted modes of thought that continue to affect people’s lives in major ways” (*Women in Western Political Thought*, p. 3). For Okin, the historical question—could not Locke have simply acknowledged the equality of women?—is also a present question—why is it that after most legal restrictions on women have been removed, women still have so little power in science and industry as well as in government and politics? Is there something in the fundamental terms in which modern philosophers think about the individual and society, terms inherited from the great philosopher revolutionaries of the seventeenth and eighteenth centuries, that blocks women’s equality even in the late twentieth century?

Okin and other feminist theorists pointed out obvious failures in logic. Locke, she said, sacrificed consistency to expediency. He asserted women's independence when it helped his case. He resorted to nature to preserve her domestic status. But, Okin went on, there is more wrong here than inconsistency. Locke's citizen property owner, asserting his right to acquire property and his right to political participation, is not, and cannot be, the autonomous individual that nature says he is. He is the head of a supportive household of disenfranchised wife, female relatives, servants, and in some cases slaves. Domestic work, unmentioned in Locke's political theory, makes the new civil society possible. A wife's labor in child rearing, education, and household management allows a male head of a household to conduct the nation's business and increase his wealth. The restriction of a wife's activities to the home and the social stigma attached to a woman's sexuality ensure that a man's sons will be his and grow up to inherit his acquired property. In addition, servants and slaves accomplish the menial labor necessary for his physical survival. There is no way that women, let alone servants and slaves, can be released for participation in entrepreneurial or political activities. The distinction between the private household in which women and lower-caste men supply the material means of life, and the public sphere in which rational privileged-class men devote themselves to business and the making of laws, is essential to democratic politics. If women are equal, the material support for political and entrepreneurial activity erodes. Men have to do housework and share child-care. Alternate kinds of family units have to be acknowledged. Women have to control their fertility. Services have to be provided in the public sphere to ease the burden of domestic labor, which requires taking men's private property in taxes. The illusion of a common mind between husband and wife has to be abandoned, along with the idea that the interests of women and property-less workers can be properly served by upper-class male politicians.

By the 1970s when Okin wrote, most of the reforms in marriage alluded to by Locke had been implemented in Western countries. Property in marriage was shared in law and by prenuptial contract. Divorce was available. Husbands could be convicted of domestic violence. Women had the legal control of their separate property and more than an equal right to custody of children in case of separation. Many women worked outside the home, blurring the line between the private and public spheres. As these changes accelerated, the inconsistencies noted by Okin only deepened. If women work outside the home, children are left alone and homes are less pleasant

as a refuge from the commercial world of acquisition and competition. If women are exploited as unpaid domestic workers, they are doubly exploited in the work force where, because of the necessity of at least some child-care and housework, they can be recruited for underpaid temporary or service work. Women have the right to divorce abusive husbands, but they are impoverished as a result. If they are members of a contemporary “gentry” able to afford nannies and housekeepers, exploitation is displaced on to other women, a reserve labor force of poor women, often racially identified, working as cleaners, babysitters, and daycare workers without benefits or social security. Nor could Okin propose a clear solution. New forms of family arrangements, shared domestic duties, complete integration of the work force, reproductive rights, increased government services were visionary. Could these changes be accomplished within the structure of the capitalist economies tailored to Locke’s competitive and individualist human nature? Okin doubted that they could.

Another feminist philosopher, Carol Pateman, working at the same time, focused on the idea of social contract so prominent in modernist social theories like Locke’s. A man in Locke’s “state of nature” is a solitary self-interested individual without social position or social obligations. In the new democratic theories, any obligation such a man takes on must be consensual, by agreement or contract. This premise generates the terms of legitimate political arrangement and mechanisms of popular control designed by Locke and other supporters of representative government. But before any such “social contract” is made, Pateman argued in *The Sexual Contract*, there has to have been another contract, a sexual contract that supports the marital arrangements and the sexual division of labor that Locke placed in the “state of nature” prior to any political social contract.

The basis of the marriage contract, for Locke, is convenience. If a man is to reproduce himself, he must procure not only sexual services but also care of resulting children. A long-term contract must be made for the domestic services of a wife. Can Locke’s marriage contract be freely consensual on the part of both man and woman, negotiated by two individuals, free and on an equal footing? No, said Pateman, it cannot. The illusion that marriage is or could be a freely made contract covers over the underlying sexual consensus that fixes the roles of men and women prior to any civil union. A marriage must be heterosexual. A marriage cannot be a term marriage, made in contemplation of divorce. A marriage must include sexual fidelity on the part of a woman.

But why not? Cannot any arrangement be made between any individuals in these circumstances, between an individual rational man and woman, or between a couple of the same sex as long as children are provided for? Pateman's answer was no. The liberal feminist agenda of extending the status of autonomous free individual to women so as to make democratic theory consistent is a misguided goal, misguided because it ignores the fact of difference. Locke's modern individuals, the individuals who are to be the property owners and the citizens in the new modern states, have to be men. They have to be men because they are all the same; it is their very separation from the different world of women and the family that makes them individuals and the same. Here Pateman tapped what would become an important theme in feminist theory, the appreciation of difference. Women are bodily different. Women become pregnant. Women have the capacity to lactate. Women are not the same as men.

Neither Okin nor Pateman offered a clear solution. The problem for feminists was both theoretical and practical. Is the proper philosophical basis for feminist politics libertarian individualism expanded to include women as citizen property owners? Or should feminists turn to socialist or communist theories that presuppose a different communal "nature"? What should be the aim of a feminist politics? Equal rights? Or social welfare and a planned economy in which the state provides essential services and private family life as we know it disappears? As the communist bloc of states withered away in the 1980s the socialist solution seemed less and less tenable. Utopian Marxism had preached the dissolution of the family as an economic unit. In the new socialist states, men and women were to work on an equal footing; children were to be raised in state-financed child-care facilities; meals and housework were to be provided on a communal basis. Sexual relations would be free, committed or uncommitted in any ways that individuals desired. In fact, regardless of these visionary ideals, Pateman's sexual contract had held. In the new Soviet states, women worked a full day and went home to a full round of domestic work not shared by their husbands. Homes, allotted by the government, were no longer refuges, private spaces of relaxation and refreshment, but a few impoverished rooms in which women worked as they did before, only under even more difficult circumstances. In the workplace women were still clustered in lower-status jobs.

Socialist economics is not enough, said radical critics like Juliet Mitchell (*Women's Estate*). Locke's "natural" family has to change. A distinction must be made between child breeding, in which women "by nature" play the greater

role, and child rearing, which is not naturally the job of women and can be shared by men. Psychologists projected the different psychological nature that might result in families where parenting is shared. If boys were brought up by fathers as well as mothers they would avoid the identity crisis that results when care giving is only from women. Girls would change as well with the increased confidence that comes from identification with ambitious fathers. An even more radical tampering with Locke's nature came from Shulamith Firestone in *The Dialectic of Sex*. Nature in the form of biology must be overcome, Firestone argued. Women and men can never be equal, as long as women spend nine months in pregnancy and several months recovering from birth. Shared parenting is not enough. Only biotechnology, Firestone projected, could solve the problem by allowing controlled gestation outside the womb. Once women were released from pregnancy, child-care could be accomplished by the state or in licensed households made up of freely contracting persons of any sex or age. At this vanishing point, little of Locke's nature remained; in its place was science fiction.

From what experiences had it come, this obdurate sense of what is real and natural and inevitable between men and women, no matter what individuals might freely will for themselves? Locke, like most of the educated persons of his time, was acutely aware of human diversity. The extensive collection of travel books in his library shows that he was interested and versed in exploration and discovery in foreign lands where European entrepreneurs and colonists found men and women living in a bewildering variety of circumstances. It is hard to see how any universal primal state could be abstracted from these experiences. Children, it was clear from reports of other societies, could be cared for in endless ways. The expression of sexuality took many forms and meanings. A variety of kinship structures were possible (matrilineal, polygamous, polyandric) and a variety of living conditions (patriarchal, patrilocal, matriarchal). In some societies, siblings lived together with husbands or wives, households were segregated by sex, premarital or extramarital sex was condoned. Rather than universalize about a "state of nature," Locke might have emphasized the historical variability of social arrangements, an approach more consistent with his own empiricist epistemology.

Locke himself described the danger in extracting a general idea from always limited experience. General ideas are abstracted from sensory experience, he said. From simple observations we move to similarities and then to general ideas. A child knows first her mother and nurse. As a consequence,

her idea of “man” at that point may be purely feminine; men may seem to her to be foreign animals. Later she sees similarities between mother and father, and then between other relatives and acquaintances, and begins to broaden her idea of man. Basing reasoning on limited experience, warned Locke, can lead to error. Locke’s example: if a little boy sees only white men, he may be able to demonstrate that a negro is not a man. Whiteness may seem to him to be a necessary characteristic of man, a conclusion that is clearly wrong. No necessary deduction from abstract ideas is possible because there is no necessary correspondence between such ideas and reality, only a similarity noted between a limited number of experiences, a similarity which later may prove misleading (*Essay concerning Human Understanding* Book IV, Chapter vii, Section 16).

Challenged for concrete examples of the experiential basis of a ‘state of nature,’ Locke offered two possibilities. First, he said, a state of nature exists between warring princes. This certainly had been, and would continue to be, an inescapable fact of European experience in the modern period. Peace in seventeenth- and eighteenth-century Europe was rare and short-lived. Successive wars ravaged the countryside and decimated the population. Once a state of war broke out, no law restrained the violence, only brute military power. Over and over, the social fabric of tradition and custom as well as economic infrastructures were torn apart in territorial wars driven by the ambitions of princes and fueled by sectarian zeal.

The second kind of example given by Locke is related to that rivalry, but on a different battleground, not Europe but the rich and profitable lands European powers were now vying to control. On a desert island off the coast of South America, a European is shipwrecked. Another man, also shipwrecked, shows up. On the island there is no sovereign state, no law. The two are in a state of nature; they must contract with each other for goods and services as best they can (*Treatises II*, Section 14). Or another example, a Swiss trapper meets an “Indian” in the woods of America. Again the Swiss must contract for furs or foodstuffs with the native without commercial regulation (*Treatises II*, 14). The experience from which Locke’s state of nature was derived is European experience, experiences of devastating interdynastic war and the experiences of European travelers, explorers, colonists, slave traders, prospectors in non-European lands. “Nature” is not an abstract construct, nor is it an innate idea or deductive conclusion; it is a general idea based on certain experiences: on rivalry between European princes, stand-offs between European men on contested ground in the Caribbean, uneasy trades between

local inhabitants and European colonists and adventurers in the Americas. In these “states of nature,” contracts between individuals have to be made where there is no government recognized by Europeans. “Inconveniences” result when contracts cannot be enforced. Eventually some sort of social contract has to be made, a truce, an armistice, a colonial government or constitution, such as Locke had helped to institute in the Carolinas.

No matter how much generality is claimed for it, the “state of nature” is a European idea based on European experience. The native Carib or “Indian” experienced no state of nature; he was subject to community or tribal regulation. Locke’s state of nature does not reflect his or her experience, only the experience of a particular group of men with whom Locke was associated, men engaged in the enterprise of profit making in colonial lands and empire building. “Nature” in this sense necessitates forms of family life. A soldier on campaign, an adventurer abroad, a businessman tending to his investments in European capitals is on his own with the freedom to make his fortune as best he can. But if he is to pass on the wealth he hopes to make, he needs a family ready to receive him, a family that is not expected to undergo the dangers and discomforts of exploration or war, or even in some cases the rigors of commercial life in the city. The size of a man’s supportive establishment depends upon his own efforts and talents, talents that Locke freely admitted vary greatly from man to man. Certainly as the “abler and stronger” proprietor and acquirer of family property a man will expect to have the last say at home. Away from home, free and responsible for his own welfare, he may be forced to make some sort of social contract or colonial constitution with equally enterprising countrymen or with other Europeans in order to ensure that the property he acquires has the protection of law. He may have to see to it that kings no longer issue restrictive royal licenses or tax exports and imports. Spanish monarchs must no longer claim large territories by right of discovery. Indians must no longer occupy undeveloped land. Property holders must decide among themselves laws that will protect their property.

Later, in the nineteenth century, based on different experiences, rival accounts of “nature” were proposed. Using anthropologist Lewis Henry Morgan’s 1877 account of native American communities in *Ancient Societies*, Marx and Engels challenged many of Locke’s assumptions. Human nature, they concluded, is not individualistic and competitive; it is naturally social and cooperative before capitalism distorts it. The European bourgeoisie imposed on “nature” their own acquisitive greed. But even in Engels’s socialist family, some of Locke’s nature remained. Not nature, but men’s institution

of private property brought the “world historical defeat of the female sex,” wrote Engels (*The Origin of the Family*, p. 120), but even in socialist society there is a natural division of labor in the family. Consistent with this natural separation of male and female roles, men would play the major role in the labor movement that was to lead to socialism.

But without a state of nature, or natural man, or any primal beginning point for social theory, on what can social philosophy be based? What can philosophy offer if it is not foundational theory from which a diagnosis of social ills can be made and a recipe for beneficial change? At stake in disputes about Locke’s state of nature are not only gender equality but the nature and purpose of philosophy. Is philosophy with its grand conclusions useless now that empirically based but always provisional sciences of diverse human origins and social arrangements are available. Can one substitute for the philosopher’s “state of nature” anthropological studies of the communal councils of Amazon Indians or the sexual habits of Polynesians. Is the best philosophy can offer a philosophy of anthropology or of biology that monitors for mistakes in logic or for theory that is underdetermined by evidence.

Feminist philosophers, wary of scientific authority that supports false theories of women’s inferior nature, stand both to gain and lose from such restraint. On the one hand, logical scrutiny might show the lack of evidence supporting the universality of conservative views of male and female roles. Analysis might uncover inconsistencies in the ways societies are described. On the other, deference to existing methods of analysis and experimentation in science could further reinforce prejudices inherent in research. Philosophers like Okin and Pateman were more ambitious. Their target was not poorly done social research but conceptual tangles that govern current thinking about sex and that may distort even the most rigorously empirical studies. Okin, for example, hoped to shed light on the seemingly illogical alliance between current supporters of libertarian economics and defenders of conservative family values. Her analysis of Lockean themes shows how the two are in fact complementary; maintaining the patriarchal family is required if men are to exercise their economic freedoms. In reconsidering individualism, she made visible the cadre of domestic workers taken for granted by Locke and also by many present defenders of the accumulation of wealth. She called attention to migrant farm workers, domestic workers, sweatshop girls in peripheral economies who make up the massive exploited labor force of expendable individuals, cut loose from the security of traditional communities, whose underpaid labor contributes to Western capital wealth.

Here the role of historian of philosophy is neither modest handmaiden to social science nor presumptuous dictator of the foundations of justice in society. The study of philosophy elucidates contradictions in contemporary thought, contradictions with historical roots. If marriage is no longer a sacred icon in Locke's secular modern state, its terms are still dictated by natural law for many women and men. At the same time many marriages fail. Women have a right to divorce, but are impoverished by it. Children go hungry, resort to crime, never learn to read. The contemporary response is to blame individuals: women who refuse to work, men who desert their families, children who will not learn. If feminist philosophers like Okin and Pateman are right, the fault lies deeper in thinking about gender with roots in seventeenth- and eighteenth-century philosophy.

Pateman's analysis of the history of social contract theory brings into focus conflicting elements in contemporary marriage. The trappings of seventeenth-century arranged marriage are retained in many marriage rituals. The father of the bride "gives her away." The bride agrees to "honor and obey" her husband. The bride wears white, a symbol of protected virginity delivered intact by a father to her husband. These rituals are consistent with relations between wife and husband in Lockean marriage. The husband is the breadwinner, the acquirer of property. As the abler and stronger, he will have the last word in disputes. Although the wife may work to supplement household income, she will bear the responsibility for home and children. Any suggestion that a voluntary contract be drawn up on analogy with commercial contracts, with specific agreements as to place of residence, responsibility for domestic work, timing of children seems, given the assumed terms of Pateman's sexual contract, adversarial and antithetical to marital union.

Shulamith Firestone's radical proposals for abandonment of traditional "natural" marriage seemed hopelessly fictional in the 1970s when it was difficult to conceive the artificial means of reproduction that she projected were necessary to liberate women from pregnancy and initiate new forms of family life. Now in the first decade of the twenty-first century, biology has kept pace with science fiction. Cloning and *in vitro* fertilization make possible new artificial forms of reproduction. Lesbians and gays force consideration of the possibility of "unnatural" civil unions with or without children. Firestone's analysis of the restraint biology places on women, and the possibility of liberation from that restraint in biotechnology, further illuminates current political divisions, especially the intransigence of conservative resistance to

abortion rights, and, more recently, to various forms of technologically assisted reproduction under the banner of right to life.

Crucial to these insights into contemporary debates between feminists and their opponents is a sense of the intellectual and material past of our present condition. The unstable twenty-first-century household in which women still struggle for equity has a philosophical past in Locke's state of nature. Present-day entrepreneurs still require the support of women and servants at home. The developing world is still Locke's "Woods and Forests," a zone known mostly second hand and through biased accounts. If poorer nations emulate Locke's natural enterprising man, they are promised Western prosperity. If Europeans are allowed to trade and barter and take over "wilderness" land for the rational extraction of sellable commodities, the woods and forests will prosper. Locke's Swiss trader exchanging beads for valuable furs in the woods of North America, his two Europeans fighting over control of a piece of tropical real estate, have become proxy wars with native troops, multinational franchises, and transplanted sweatshop production. If reading Locke from a feminist perspective does not offer a universal scheme for social reform, it brings a shock of understanding. Locke's state of nature, setting the terms for marriage relations and property rights, is not a determining and limiting "essence," but an abstract idea derived from experience that may turn out to be as limited and ultimately inadequate as a little English boy's insistence that all men are white.

Further reading

Peter Laslett's introduction to the *Two Treatises* gives an excellent introduction to the historical background of Locke's social theory. Especially interesting are Laslett's comments on and references to the Constitution of Carolina and Locke's Instructions to Governor Nicholson of Virginia (*Treatises*, pp. 302–3, note 24). Also of interest on Locke's involvement in British and colonial politics are Neal Wood's *John Locke and Agrarian Capitalism* and Barbara Arneil's *John Locke and America*.

For more feminist commentary on the family in modern social theory see Jean Bethke Elshtain's *The Family in Political Thought and Public Man, Private Woman*, and Linda Nicholson's *Gender and History: The Limits of Social Theory in the Age of the Family*. Lawrence Stone's *The Family, Sex, and Marriage in England 1500–1800* is a good source for general social and economic background.