

the immense empirical difficulties of establishing a reliable account of a “generational series” whose elements are human beings. A fuller investigation into the theme of Leibniz and race would have to analyze in detail the methods that he developed in order to initiate, conceptualize, and present his groundbreaking historical and genealogical inquiries.

17. For an inquiry into Leibniz’s conception of the *respublica christiana*, see Patrick Riley, *Leibniz Universal Jurisprudence: Justice as the Charity of the Wise* (Cambridge: Harvard University Press, 1996), 236–60.

18. John Locke, *Essay on Human Understanding*, ed. Peter Nidditch (Oxford: Oxford University Press, 1975), 418 (book 3, chap. 3, § 17).

19. Nicholas Jolley emphasizes the degree to which Leibniz’s motivation for refuting Locke’s conception of essence lies in his desire to secure the concept of the human being as rational animal; he does not discuss the further motivation—to secure the realm of grace as a sphere in its own right; see Jolley, *Leibniz and Locke: A Study of the New Essays on Human Understanding* (Oxford: Clarendon Press, 1984), 144–45.

20. Every other use of the term race in the *New Essays* is preceded by the adjective human.

21. It is not out of the question that, when writing of “Australians” in this context, Leibniz has in mind the Jews, about whose legal status he writes extensively in “*Judenschaft zu Frankfurt*” (A, 4, 3:44–60): the Jews in Frankfurt, as Leibniz would doubtless have known, were forced to wear distinctive marks on their clothing, and it was by no means clear to everyone in Christendom that they were capable of redemption. Leibniz’s complicated relationship to Judaism and the Jews of his time is the subject of another study.

22. Leibniz, *Essais de Théodicée*, ed. J. Brunschwig (Paris: Garnier-Flammarion, 1969), 435 (section 56).

23. As I have tried to indicate elsewhere, as Kant completed his critical project, he began to withdraw from the racial “science” he began to develop in the 1770s. At the very least he was much less inclined to use the term *race*; see Fenves, *Late Kant: Towards Another Law of the Earth* (London: Routledge, 2003), 101–5.

## The Contradictions of Racism

*Locke, Slavery, and the Two Treatises*

ROBERT BERNASCONI & ANIKA MAAZA MANN

Locke was heavily involved in the slave trade, both through his investments and through his administrative supervision of England’s burgeoning colonial activities. He invested in “The Company of Royal Adventurers in England Trading into Africa” when in 1663 it received the charter that gave it a monopoly in the slave trade on the West African coast.<sup>1</sup> By 1665 one quarter of the company’s trade was in slaves, and in 1667 it claimed to be delivering six thousand slaves to the plantations each year.<sup>2</sup> Even if that number is exaggerated, the true number of transported slaves remains considerable. Locke was also one of the original subscribers to the company that succeeded the Royal Adventurers in 1672, the Royal African Company, which in the first sixteen years of its existence would transport almost ninety thousand slaves.<sup>3</sup> In the same year, Locke became a merchant adventurer by investing in a new company trading with the Bahamas.<sup>4</sup>

Moreover, few Englishmen who had not visited North America and the Caribbean knew more about the extent, nature, and impact of slavery than Locke. He was the secretary for the Lords Proprietors of Carolina from 1668 to 1675, and during most of that time he was also one of eleven members of the Council of Trade and Plantations, which met on average twice a week.<sup>5</sup> In June 1673 he was appointed secretary to the council and served in that role until, in 1676, the council was formally disbanded. He also would have learned about the colonies as secretary to Sir Anthony Ashley Cooper, the first Earl of Shaftesbury. Finally, between 1696 and 1701 Locke was one of only seven members on the Board of Trade and Plantations, or, according to its proper title, “His Majesty’s Commissioners for promoting the trade of this Kingdom and for Inspecting and Improving His Plantations in America and elsewhere.”

The attempt to reconcile Locke’s involvement in the slave trade with his reputation as a philosopher of liberal freedom has a long history, beginning shortly after the abolition of the slave trade, and for that reason cannot simply be dismissed as the product of the recent fashion for so-called political correctness, as some academics want to do. Already in 1807 John Towill Rutt issued a defense of

Locke against the charge of supporting slavery.<sup>6</sup> Rutt denied that there was a “syllable respecting Negro slavery” to be found in Locke’s works, with the exception of *The Fundamental Constitutions of Carolina*, and, against John Adams’s criticisms of this text, he excused it as the work of a thirty-year-old new to political theory.<sup>7</sup> Since Rutt, scholars have been increasingly inventive in their efforts to resolve the contradiction between the Locke who profited from slavery and the Locke who, as a theorist of natural rights, would be appealed to by opponents of slavery.

The contradiction is highlighted by the opening lines of the first of Locke’s *Two Treatises of Government*: “Slavery is so vile and miserable an Estate of Man, and so directly opposite to the generous Temper and Courage of our Nation: that ’tis hardly to be conceived that an Englishman, much less a Gentleman, should plead for’t.”<sup>8</sup> Locke’s readers are faced with the problem of how he could have been so intimately involved in promoting an activity that he apparently knew to be unjustified. To be sure, this is not an unusual phenomenon, for conscious evildoing is commonplace, and self-deception and hypocrisy are even more widespread. Nevertheless, the tradition of Locke as a promoter of ideas that are a theoretical resource against oppression is so strong that some are reluctant to see him in another light. How could the father of these natural rights, in the name of which, according to a familiar story, the slaves were subsequently to be freed, have himself been involved in the slave trade? In this chapter we find some of the recent attempts by scholars to resolve the contradiction to be far more perplexing than the contradiction itself. We argue that, instead of trying to resolve the contradiction, philosophers should recognize it as evidence of his racism. He was concerned with the freedom and prosperity of Englishmen, and he was not troubled if they were gained at the expense of Africans in much the same way that, at the time of the American Revolution, white Americans were concerned with what they considered to be their own slavery and not with that of their black slaves.

In this chapter, we argue for four major claims. First, we insist that, because Locke was writing at a time when the form of slavery to be adopted by the new colonies had not yet been settled, his proposals in *The Fundamental Constitutions of Carolina* and elsewhere must be understood, not as a reflection of established norms about how slaves should be treated, but as playing a role in establishing those norms. Locke was one of the principal architects of a racialized form of slavery whose severity was by no means predestined. Second, although some recent commentators have highlighted the ways in which the *Two Treatises* must be read, not only in its domestic context, but also in its colonial context, we believe that these readings do not give sufficient weight to the fact that a defense of colonialization in the American context was also a defense of slavery, for the simple reason that slavery was judged to be indispensable to the profitability of the new American

colonies. Locke was well aware that the colonists were convinced that the colonization of North America could not be sustained without slave labor, that Africans were the best source of slave labor for this purpose, and that the higher purpose served by the agricultural development of North America necessitated a constant supply of slaves. Third, although scholars have recently recognized that the argument in the fourth chapter of the *Second Treatise*, that one could legitimately enslave prisoners of war because they had deprived themselves of the right to live, does not authorize the specific form of chattel slavery practiced in North America at that time, the limitations of this argument for that purpose were widely ignored by Locke’s contemporaries. We argue that the fact that this argument does not fit the form of slavery that was taking shape in the North American colonies is not irrefutable evidence that Locke did not introduce it with the intention of bolstering the existence of slavery. Finally, we are disturbed by the ease with which some commentators excuse Locke of racism or minimize its significance. To be sure, there is something artificial in the application of this word to a man who lived at a time when the races were seen in very different terms than has been the case in the last two centuries. But to advocate, administer, and profit from a specifically racialized form of slavery is clear evidence of racism, if the word is to have any meaning at all.

#### LOCKE AS AN ARCHITECT OF THE NEW RACE-BASED SLAVERY

The frequently heard defense that someone was a “child of his time” is inappropriate if it is used to excuse someone of views that were contested at the time. Although there is little evidence of outright opposition to slavery in Locke’s time, there were those, particularly among the Quakers, who not only criticized the way that slaves were treated but also argued for them to be given their freedom after some years of service.<sup>9</sup> In light of this position *The Fundamental Constitutions of Carolina* should be regarded as a significant document. This text was the blueprint provided by the Lords Proprietors of Carolina as to how they wanted Carolina organized. They intended that a copy of the *Fundamental Constitutions* be kept by the register of every precinct and that every adult over seventeen be required to sign it or be deprived of the right to hold property.<sup>10</sup> Locke’s role in the authorship of the *Fundamental Constitutions* can almost certainly not be determined with precision now, although we do know that already two years earlier he had been involved in writing a pamphlet advertising the plantations at Cape Fear.<sup>11</sup> However, the evidence is clear that Locke took particular interest in the way the document described the rights of masters over their slaves.

Although it appears that the document was not written in Locke’s handwriting, as was once widely supposed, J. R. Milton, the scholar who is most fre-

quently cited as the authority on the question of the document's authorship, has identified Locke's handwriting among the corrections made to an early draft.<sup>12</sup> Because Milton lists the changes that were not made in Locke's hand, it can be concluded that Locke was responsible for one particularly significant change. In the draft, article 101 read: "Every freeman of Carolina shall have absolute Authority over his Negro Slaves, of what opinion or Religion so ever."<sup>13</sup> Locke changed the phrase "absolute Authority over his Negro Slaves" to read "absolute power and Authority over his Negro Slaves."<sup>14</sup> In other words, at a time when the way that slaves were to be treated was still being debated, the document placed no limits on the way slaveowners could mistreat their slaves, with the exception of guaranteeing them religious freedom.

Even without the evidence of Locke's handwriting, we might suspect that Locke was responsible for this change. The distinction between authority and power is already found before the *Fundamental Constitutions* in the form of a distinction between *potestas* and *potentia* in a Lockean text from the early 1660s.<sup>15</sup> Later, in the *Two Treatises of Government* the phrase "absolute power" was also used by Locke in his discussions of slavery to refer to the power of life and death (1T § 51 and 2T § 135). This notion of absolute power was central to Locke's understanding of the basis of slavery: slaves had forfeited their natural rights (2T § 178), including their right to life (2T § 23). It was a view Locke developed at a theoretical level in the *Second Treatise* against James Tyrell's position in *Patriarcha non Monarcha* that there was a kind of contract for slavery that denied slave owners the right to kill their slaves.<sup>16</sup> But Locke's view in the *Second Treatise* was consistent with that he had introduced into *The Fundamental Constitutions of Carolina* in 1669, when he gave to the freemen of Carolina absolute power over their African slaves, and thus the right to kill their slaves with impunity.

In 1669 it was by no means clear what form slavery would ultimately take in North America, or how harsh it would be. Because there were no slaves in Carolina at this time, William Uzgalis has speculated that article 101 was, like some of the first slaves themselves, imported from Barbados. He has suggested that Sir John Colleton may have been responsible for the stipulation about absolute power, on the grounds that Colleton, like other Barbados planters, would not have wanted to renounce existing rights they had over their slaves.<sup>17</sup> However, there is no basis for the claim. Indeed, Peter Colleton, Sir John Colleton's son, congratulated Locke on having "so great a hand" in writing the *Fundamental Constitutions*.<sup>18</sup> Furthermore, we have not found any evidence that the planters in Barbados legally had been given the power of life and death over their slaves. So far as we are able to tell, it was not until 1688, and then only after a report of a slave con-

spiracy, that the legal issue was addressed in Barbados, at which time the legislature mandated a fine for anyone who "wantonly or cruelly kills his own slave."<sup>19</sup>

There is no clearer indication of the fact that slavery in the colonies was still searching for its form than the effort made in the 1690s to control some of the most extreme excesses. At that time Locke himself was also involved in writing proposals that were more restrictive than those espoused in *The Fundamental Constitutions of Carolina*. In 1698, Locke, on behalf of the Board of Trade, drafted instructions for Governor Francis Nicholson of Virginia encouraging 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>20</sup> Although this seems to suggest that Locke may have revised his position on the power that belonged to a slave owner, we have no way of knowing whether the change was primarily from strategic or from philosophical reasons. In any event, the necessity for such provisions highlights the extreme severity of *The Fundamental Constitutions of Carolina*, and in 1690 Carolina adopted a law to regulate the treatment of slaves, whereby anyone who killed a slave was liable to three months' imprisonment.<sup>21</sup> However, this does not mean that slaves were beginning to gain protection of the law. In 1691 Virginia created a law according to which slaves found hiding from their owners or concealing those who were could be killed by any means by anyone, with provision also being made to compensate the owner with four thousand pounds of tobacco.<sup>22</sup>

The other important provision relating to slavery in the *Fundamental Constitutions* was the provision stating that slaves would be free to practice religion. Although this might appear to be a significant concession, in the colonial context it was in fact the opposite. Many Europeans had come to be persuaded that Christians should not enslave other Christians. It was for this reason, and not because of doubts as to whether they had souls, that the baptism of slaves was controversial.<sup>23</sup> Indeed, there is some evidence that enslaved Indian Americans and Africans were freed before the 1660s on the grounds that they had been baptized.<sup>24</sup> Hence the significance of the fact that alongside article 101 of the *Fundamental Constitutions*, which specified that slaves could be "of what opinion or Religion soever," was the proviso, "But yet, no Slave shall hereby be exempted from that civil dominion his Master has over him, but be in all other things in the same State and condition he was in before."<sup>25</sup> It marked a decisive step toward the new race-based slavery, as indicated by the specific reference to "Negro slaves."<sup>26</sup>

This issue continued to be controversial for some time, but the position set out in the *Fundamental Constitutions*, which was eventually adopted by the colony, suc-

ceeded in reconciling the interests of the slave owners with those of the missionaries. This is confirmed by a book published in 1680 by Morgan Godwyn, a former student of Locke.<sup>27</sup> Even though Godwyn was under no illusion about the cruel and inhumane way in which the African slaves were treated, he was more concerned to harmonize the interests of the planters, who needed slaves, with those of the churches, whose task was to save souls, than to care for the conditions under which the slaves lived.<sup>28</sup> Indeed, in an effort to reassure the planters further, he later wrote a tract that portrayed the slave as more interested in baptism than freedom.<sup>29</sup>

That Locke at the end of his life was fully in agreement with Godwyn's position is clear from *A Paraphrase and Notes on the Epistles of St. Paul*. When Locke read Saint Paul's call "Let everyman abide in the same calling wherein he was called" (Corinthians 7:20) as saying that "Christianity gives not anyone any new privilege to change the state or put off the obligations of civil life which he was in before," to his contemporaries this would have evoked the ongoing debate on the legitimacy of the continued enslavement of slaves who had converted to Christianity.<sup>30</sup> Locke continues, "Wert thou called being a slave, think thy self not the less a Christian for being a slave: but yet prefer freedom to slavery if thou canst obtain it."<sup>31</sup> The reconciliation of Christianity with the enslavement of baptized Africans was the decisive step in turning Europe into a society whose wealth was based on African slaves, and it was only when the alliance between the churches and the colonial interest was broken that slavery could be abolished. It is arguable that it was the shift to interpreting the Bible as a document opposed to slavery, rather than the introduction of a theory of natural rights, that had the most impact on eventually bringing about the abolition of slavery. If so, then Locke, as one of the authors of the *Fundamental Constitutions*, should be given a different role in the history of slavery than that usually accorded to him. Commentators often like to highlight references to Locke in the abolitionist literature, but the defenders of slavery also cited Locke as one of their authorities.<sup>32</sup> Indeed, one of the defenses of American slavery offered on the eve of the Civil War was that it was not as harsh as the form of slavery defined by Locke in terms of "absolute and arbitrary power" and so it could be argued that "in this sense there is no such thing as a slave in the United States."<sup>33</sup>

#### COLONIALISM AND SLAVERY

According to the interpretation dominant among Locke scholars since Peter Laslett's work in the 1950s, the larger purpose of the *Two Treatises of Government* is to be found in English domestic politics and specifically in Shaftesbury's circle.

However, there have recently been a number of studies highlighting the colonial context.<sup>34</sup> We argue that just as English domestic politics should not be separated in Locke's thought from colonialism, they cannot be separated from the question of slavery either. Locke's *Two Treatises* was a manifesto for a political group that had long seen its power and wealth tied to the conditions of North America. For a member of Shaftesbury's circle like Locke, the two activities, colonizing the east coast of North America and trading in slaves, were intimately linked.

This can be shown by examining how Shaftesbury pursued his interests in these two areas. Soon after the Restoration in 1660, Sir Anthony Ashley Cooper, the first Earl of Shaftesbury, was appointed as one of ten members of a council whose task was to supervise the colonies in North America.<sup>35</sup> At the very same time that Shaftesbury became involved in supervising the colonies, he was investing in a new company, the Royal Adventurers into Africa, and when in 1672 the Royal Adventurers was replaced by the Royal African Company, we find four of the eight Proprietors of Carolina, including Shaftesbury, among its directors.<sup>36</sup> Shaftesbury took a special interest in the American colonies, particularly in Carolina, which he described as his "darling."<sup>37</sup> However, the colonies in America suffered not only from a profound labor shortage but also from a climate that made the importation of African slaves essential if the colonies were to be financially beneficial. In 1663 the Company of Royal Adventurers had informed the king that "the very being of the plantations depends upon the supply of negro servants for their works."<sup>38</sup> We thus agree with Michael Seliger that there is a connection between slavery and colonialism, although we depart from him on historical grounds when he says that "Locke's justification of slavery and of colonial conquest are in full harmony with the opinions and practices of his time."<sup>39</sup> Just as Locke must be seen as an innovator at a time when the practice of slavery had not yet found its dominant form, he must also be cast as an advocate at a time when there was great ambivalence in England about the wisdom of establishing colonies in America.<sup>40</sup>

#### JUSTIFICATIONS OF SLAVERY

Although Locke in the first sentence of the *First Treatise* proclaimed himself an opponent of slavery, he proceeded in the fourth chapter of the *Second Treatise* to rehearse a long-standing justification for slavery. This justification of slavery did not allow for the ultimate degradation of hereditary slavery, but it did legitimate an extraordinarily harsh form of slavery, according to which the slave owner held the power of life and death over his slaves, thereby, as we have seen, evoking the formulation of *The Fundamental Constitutions of Carolina*, that "slaves . . . are by the

right of nature subjected to the absolute domination and arbitrary power of their masters" (2T § 85).

Is it possible to determine for sure whether Locke had African slaves in North America in mind when he wrote chapter 4 of the *Second Treatise* and limited slavery to prisoners captured in a just war? Recent interpretations tend to highlight the fact that Locke placed significant limitations on the conditions under which someone might legitimately be enslaved. Specifically, Locke limited slavery to those who have forfeited their lives "by some Act that deserves Death" (2T § 23). Later in the *Second Treatise* Locke specified that "we call Slaves . . . Captives taken in a just War" (2T § 85; see also § 172). This seems to exclude both non-combatants and the offspring of slaves, which appears to rule out hereditary slavery of the kind that had taken shape in the plantations of America at that time. James Farr claims that when Locke wrote the *Two Treatises*, "the slaves of Africa and America were out of sight and out of mind."<sup>41</sup> However, at a general level this claim cannot be sustained. In addition to a number of references to America and Native Americans, there are also references to the power and absolute dominion West Indian planters had over their "Slaves bought with Money" (1T §§ 134 and 135).<sup>42</sup>

Although a reading of the fourth chapter of the *Second Treatise* that takes Locke at his word has to acknowledge, as some commentators have done, that it does not fit chattel slavery in North America, it would also have to acknowledge that were Locke's ideas on slavery to have been put into practice they would have allowed for the reintroduction of slavery into Christian Europe. Indeed, given that Europe was torn by wars, the supply of slaves would have been extensive. This implication could be avoided only if one assumes the principle that Christians should not enslave their fellow Christians, thereby highlighting the significance of the discussion of the impact baptism had on the slave's status, and the exception concerning Negro slaves. Our point here is that those commentators who emphasize that a literal interpretation of the chapter does not fit the African slave trade have to consider what the implications would have been had the chapter's principles been literally applied in Locke's day.<sup>43</sup> Thus, one is forced to reintroduce reference to the historical context. That is to say, one has to offer a reading of the text that is consistent with ways in which it might have been read at the time.

Both Jennifer Welchman and Uzgalis have recently challenged the consensus according to which the fact that Locke's justification of slavery as presented in the *Second Treatise* did not extend to the children of slaves, because it was expressly limited to the combatants captured during a war, was taken to mean that Locke cannot therefore have intended this account to be applied to the African slave trade. However, their responses could not be more different. According to Welch-

man, "hereditary slavery is fundamental to Locke's conception of right,"<sup>44</sup> whereas, according to Uzgalis, the fact that Locke excluded hereditary slavery means that we must read Locke's account as an attack on the form of slavery that he had earlier helped to develop in the colonies.

Welchman's argument that Locke's theory could accommodate the form of chattel slavery that Europeans were in the process of inventing has two parts. In the first part she argues that because sub-Saharan Africa was by Locke's standards in a state of nature, and because anyone who in the state of nature had assaulted another or tolerated an assault could legitimately be enslaved by anyone else by virtue of the executive right of the law of nature, then the action of enslaving Africans could be understood as a legitimate exercise of that right. Furthermore, once ownership of the slave was established, then the captive could be bought and sold. This much of Welchman's interpretation is consistent with Locke's discussion of slavery, but the use to which she puts it is difficult to reconcile with Locke's overall argument and the way Africa was conceived of at that time. Her claim that Locke would have seen the failure of Africans to establish a civil authority capable of preserving their rights by entering into a social contract as a forfeiting of their natural rights suggests that she has converted the Lockean state of nature into the Hobbesian state of war.<sup>45</sup> To be sure, Locke's state of nature from time to time threatens to pass into a state of war, but accounts of Africa at the end of the seventeenth century do not present it as in a permanent state of war, as later accounts attempted to do. Furthermore, the distinction between the state of nature and the state of war is crucial to Locke's theory. It is by specifying that property and money can develop in the state of nature that he meets the condition Shaftesbury's party required: that one can change the ruler without property reverting to the sovereign.

However, the second aspect of Welchman's argument is the more original and more important part. It is here that she suggests that Locke can account for hereditary slavery. Locke is clear that it is legitimate only to enslave combatants. One cannot enslave the wife or child of a combatant simply because of their relationship to the combatant.<sup>46</sup> Welchman proposes that the children of someone already enslaved are not born free because she reads Locke as dividing the human species, after the introduction of slavery, into two ranks: right-bearing human persons and non-right-bearing human property. "The term 'man' no longer denotes any human being, but only those human beings who are persons. Children born to non-persons are neither the children of men nor entitled to claim rights natural to men."<sup>47</sup> In support of this reading she points to the passage where Locke proclaims that "Creatures of the same species and rank . . . should . . . be equal one amongst another" (2T § 4). The reference to

rank would be redundant if all members of species were of the same rank. Nevertheless, this is not enough to reconcile Locke's theory with the historical reality, as Welchman attempts to do.

Even in its early years, the slave trade in Africans was manifestly not confined to captives of just wars. The records of the companies in which Locke invested provide details of the slaves transported from Africa that are not consistent with this possibility. For example, in the seven-month period before March 1664, during which the Royal African Adventurers provided Barbados with 3,075 slaves, of the 2,261 of which we have the details, only 1,051 were adult men. The rest were mainly women, of which 56 were girls.<sup>48</sup> Only half of the slaves whom the Royal African Company transported were adult males.<sup>49</sup> These numbers are important because they speak directly to Welchman's denial of "a serious contradiction between Locke's principles and contemporary slavery."<sup>50</sup> She concedes that capturing and enslaving both women and children would have contradicted Locke's theory, if any of them were noncombatants, and that it was likely that some of them were. She thus resorts to saying that the contradiction becomes a contradiction in practice and not a contradiction in principle. However, the direct enslavement of women and, above all, children undermines her attempt to show that "the historical facts about slavery" were consistent with Locke's theory.<sup>51</sup>

By contrast, Uzgalis argues that Locke's discussion of slavery in the *Two Treatises* excludes chattel slavery and so is to be understood as a rejection of the enslavement of Africans as it had come to be practiced in his time and partly under his direction.<sup>52</sup> The problem is that there is no supporting evidence for this interpretation and a great deal that runs counter to it. Indeed, the fact that Locke had helped to administer slavery in the English colonies and that he had financially benefited from it through his investments suggests the contrary. Uzgalis asks us to believe that Locke underwent some kind of silent conversion during his time of exile, but Locke seems to have made no effort by his words or actions to draw attention to this alleged conversion. The fact is that at the end of his life Locke in his *A Paraphrase and Notes on the Epistles of St. Paul* dismisses the idea that the baptism of slaves entails granting them liberty, which refutes the idea that Locke underwent a late conversion on the question of slavery.

However, the decisive difficulty that Uzgalis's interpretation cannot overcome is the fact that Locke was heavily involved in the administration of the colonies in the last years of his life, when, even though he had not officially been involved in the administration of colonial affairs for over twenty years, he was included as an expert. Uzgalis dismisses Locke's activity as a member of the Board of Trade by describing him as "a sick old man."<sup>53</sup> However, the facts of Locke's involvement

do not allow this to be offered as an excuse. Although he would usually be away for more than half of each year, he attended 372 meetings in less than five years. The additional workload in terms of reading reports was enormous, but however reluctant Locke might initially have been to take on this onerous burden, he was from the outset one of the board's most important members.<sup>54</sup> According to Peter Laslett, Locke controlled the board in its formative years, worked out its policy, and dictated its decisions.<sup>55</sup> He was involved in detailed questions of the administration of Virginia. It is true that Locke was ill during much of this time, but he was anything but idle.

Uzgalis's decontextualized reading of chapter 4 is not confined to the idea that Locke was an early abolitionist. He argues that Locke produced a justification for Africans to enslave at least some Englishmen, that Locke claimed that those who had been unjustly enslaved had a legitimate right to enslave "their tyrannical masters, be these black African slave traders, officers or sailors on slave ships, or plantation owners or their minions."<sup>56</sup> Elsewhere Uzgalis employs the phrase "combatants and government officials" to describe this group of people.<sup>57</sup> But that raises the question as to whether, on Uzgalis's interpretation, Locke has not articulated a theory according to which Locke himself could have been justly enslaved, as one of the architects, administrators, and, as an investor, beneficiaries of this system. And yet Uzgalis still wants to say that Locke "knew" that his theory of slavery was incompatible with the Atlantic slave trade as conducted in his time and that he intended his account as a rejection of it.<sup>58</sup> This interpretation amounts to a *reductio ad absurdum* of all efforts to apply a literal reading of Locke's text to the Atlantic slave trade without taking account of how the English perceived the slave trade in Locke's time. Rather than explaining why Locke offered an account of slavery in the *Second Treatise* that was not an account of the form of slavery adopted by the colonists, Uzgalis succeeds only in making the enigma more enigmatic.

What then is one to make of the fact that the classical defense of slavery in terms of prisoners taken in war did not fit the reality of slavery in his time? The crucial point to recognize is that many of Locke's contemporaries continued to justify the African slave trade by reference to this theory. Initially there was some concern about how the slaves were acquired. Richard Baxter insisted in *A Christian Directory* that it was a "heinous sin, if men buy negroes or other slaves of such as we have just cause to believe did steal them by piracy, or buy them of those that have no power to sell them."<sup>59</sup> Although first published in 1673, this was written between 1664 and 1665. Even more significant is the fact that the "Body of Liberties" established by Massachusetts in 1641 enacted that "There shall never be any bond slaverie, villinage or captivitie amongst us unles it be lawfull captives taken

in just wars, and such strangers as willingly sell themselves or are sold to us.”<sup>60</sup> Locke in the *Second Treatise* would have objected to the second provision, but the reference establishes the point that the classical justification of slavery was still current at that time. Indeed, a few years later, the General Court of Massachusetts came out explicitly against “ye heinous & crying sinn of man stealing” and ordered that everyone unlawfully taken from New Guinea should be returned there.<sup>61</sup>

Reference to captives taken in a just war provided only a limited defense of slavery. As people became accustomed to the large numbers of Negro slaves and the profits they produced for their owners, the emancipatory force of the argument was lost. When Samuel Sewall, in what is widely held to be the first anti-slavery tract published in North America, attacked the just-war argument, he did so, not by questioning its applicability to the enslavement of women and children, but by questioning the justice of just wars: “Every War is upon one side Unjust. An Unlawful War can’t make lawful Captives.”<sup>62</sup> William Bosman, in his influential study *A New and Accurate Description of the Coast of Guinea*, originally published in Dutch, emphasized that the Kingdom of Aquamboe on the Gold Coast sold prisoners of war to the Europeans, as if in an effort to establish the continued relevance of the argument to the ongoing slave trade.<sup>63</sup> John Atkins, in 1735, confirmed that the argument was still current as a justification for the slave trade and set out to refute it, as well as the claim that slaves were bought, not for economic reasons, but by Christians wanting to preserve them from sacrifice and cannibalism and bring them to a better life. Against the claim that the slaves were captives taken in war, Atkins insisted: “By War for the most part is meant Robbery of inland, defenceless Creatures, who are hurried down to the Coast with the greater Cruelty, as it is from a contented, tho’ a very poor Life.”<sup>64</sup> This shows that the argument was still current.

We are therefore forced to conclude that, in spite of its unsuitableness for the task, the argument that captives taken in a just war could legitimately be enslaved was widely used in the seventeenth and eighteenth centuries to defend chattel slavery in North America. Even though Locke knew more about slavery than most of his contemporaries, that does not give us a reason to believe that he did not share the widespread tendency of his contemporaries to justify slavery in their own minds as if the slaves had been captured in a just war. Indeed, it is impossible to defend Locke against the charge of racism by insisting that he knew that many of the slaves in North America had not been legitimately captured. Given his involvement in the administration of the slave trade, he would have been obliged to point out the inappropriateness of the argument. As Robin Blackburn

has pointed out, the Board of Trade had the right to object to the slave laws being enacted in the colonies but chose not to do so.<sup>65</sup>

As a number of commentators have noted, Locke was the last major political theorist to justify slavery, which is curious for a man with a reputation for promoting freedom.<sup>66</sup> The presence of this argument in the *Second Treatise*, while consistent with Locke’s overall position, cannot be explained by reference to the need to justify a right to revolution under appropriate circumstances, which is what most commentators dwell on when explaining the shape of the *Two Treatises*. One needs an explanation of why Locke includes in the *Second Treatise* a legitimation of slavery that gave the slave owner the power of life and death over his slaves. The fact that he had already sought to secure that power for slave owners in America suggests a reason. Throughout his life Locke acted as if enslaving Africans was justified, but we find only one attempted justification of slavery in his writings. Did he have another justification? Did he, like many of his contemporaries, extend the argument beyond its limits? Or did he think that slavery did not need to be justified? In any other author’s work the appearance of a chapter justifying slavery, written by a man known to have invested in the slave trade, would not raise problems of interpretation. Why should one make an exception in Locke’s case when we are unwilling to suppose that all the people who used this argument were closet critics of the system then in operation? The fact that it is not a good argument for the purpose does not establish that the argument was not intended for that purpose, even when one is reading the works of a major philosopher. Racists often use bad arguments: it is the only kind they have.

#### LOCKE’S RACISM

Finally, we turn to the question of Locke’s racism. Although the term “racism” is not a precise one, particularly when applied to late-seventeenth-century England when the notion of race did not yet have its modern meaning, we are puzzled by the attempts of some scholars who argue that one could be involved with the administration of a race-based system of slavery, profit from it, and yet not be a racist. The fact that Locke was not troubled by the contradiction between his political ideals and the chattel slavery from which he profited is *prima facie* evidence of racism, given that slavery was organized along racial lines. Whether he did not see the contradiction or whether he simply considered it to be unimportant does not affect our claim. Insofar as we have succeeded in relating Locke’s philosophical writings to Shaftesbury’s circle, with its interests in colonialism and the African slave trade, then we believe we have rendered less plausible some of the

ways in which philosophers have sought to resolve the contradiction that arises because of Locke's failure to apply his theory of natural rights to Africans. In addition, because Locke belonged to the circle that helped to shape the specific form in which the institution of chattel slavery took root in North America, we consider the charge of racism to be more serious than it would be if he had simply inherited these institutions.

Farr introduced into the secondary literature on Locke an unfortunate distinction between strong and weak racism, which has been widely adopted by subsequent commentators. His proposal was that Locke could legitimately be considered a strong racist only if there was an explicit theory about hereditary inferiority to support the accusation. He concluded that since Locke did not develop such an account, then Locke the theorist cannot be considered racist (in the strong sense), although Locke the man may have held prejudicial views toward Africans. But that is to operate with a bizarre and restricted definition of strong racism. One consequence of this claim seems to be that only a theorist can be a strong racist, which would exonerate all but the philosophically inclined. Racism is not confined to theory. In our view, Locke's investment in the slave trade is more damning than would be "the embarrassing caricatures of black people" that we agree are not found in his works.<sup>67</sup> To try to separate Locke the political theorist from Locke the secretary of the Board of Trade does violence to the kind of political thinker Locke was and wanted to be remembered as being.<sup>68</sup>

Locke supported the organization of slavery along racial lines. The fact that it does not seem to have occurred to him that his justification of slavery, if it had been applied according to the letter of his text, could have led to the enslavement of Englishmen is evidence that he was unable to conceive of English men, women, and children being denied the rights that were denied to the African slaves. There is further evidence of the racialization of slavery beyond the provision in *The Fundamental Constitutions of Carolina* for the baptism of Negro slaves. At the end of 1671, the Lords Proprietors instructed the governor and Council of Carolina that "Noe Indian upon any occasion or pretense whatsoever is to be made a slave without his owne consent to be carried out of our country."<sup>69</sup> These instructions were recorded in Locke's handwriting. The significance of this demand is even greater insofar as it ran counter to the dominant tendency of that time. Indeed, it was a policy that South Carolina would subsequently abandon.<sup>70</sup> The fact that Shaftesbury's party, and presumably Locke himself, supported the enslavement of Africans, but not of Native Americans, confirms that they favored the new racialized system of slavery that was only then taking shape. By the same token, Locke and Shaftesbury seem to have been concerned that Native Ameri-

cans should not be mistreated, long before Locke turned his attention to protecting African slaves from mistreatment.<sup>71</sup>

Addressing the hypocrisy of a nation that heralds the tenets of the Declaration of Independence, while simultaneously supporting chattel slavery, Frederick Douglass asked, "What to the slave is the 4th of July?"<sup>72</sup> In the same vein, we want to ask philosophers who consider Locke to be a champion of liberty, "What to the slave is the *Two Treatises*?" As long as principles of freedom and independence are applicable only to white Americans, and not blacks, then, as Frederick Douglass states, "America is false to the past, false to the present, and solemnly binds herself to be false to the future."<sup>73</sup> Philosophers who ignore the extensive evidence of Locke's racism and yet still cling to the misguided notion that Locke intended his principles of liberty to be applied universally to all "men" not only are being false to the past and false to present efforts to shed light upon the history of the racism of Western philosophy, but they are also being false to the future, insofar as efforts to establish a society free from racist institutions will be thwarted until there is greater honesty about the past.

#### NOTES

1. Hugh Thomas, *The Slave Trade* (London: Picador, 1997), 199. So far as we are aware, Thomas is the only commentator to have mentioned Locke's investment in this first company, so it is possible that this is an error.
2. *Ibid.*, 198–99, and George Frederick Zook, *The Company of Royal Adventurers Trading into Africa* (New York: Negro Universities Press, 1969), 82.
3. K. G. Davies, *The Royal African Company* (New York: Atheneum, 1970), 58n. Thomas, *Slave Trade*, 202.
4. Maurice Cranston, *John Locke* (London: Longmans, Green, 1957), 155–56.
5. George Beer, *The Old Colonial System* (London: Macmillan, 1932), 1:249.
6. J. T. Rutt, "Defense of Locke against Lord Eldon," in *The Reception of Locke's Politics*, ed. Mark Goldie (London: Pickering and Chatto, 1999), 4:391–94.
7. *Ibid.*, 393. Locke was, of course, actually thirty-seven years old at the time when *The Fundamental Constitutions of Carolina* were written.
8. John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), 141. We follow the convention of giving references to paragraphs of the *Two Treatises*. 1T refers to the First Treatise and 2T the Second Treatise. For a sketch of responses to the contradiction that shows the state of the question in 1990, see Wayne Glasser, "Three Approaches to Locke and the Slave Trade," *Journal of the History of Ideas* 51 (1990): 199–216.
9. William Summer Jenkins, *Pro-Slavery Thought in the Old South* (Gloucester, MA: Peter Smith, 1990), 7.



10. David Duncan Wallace, *The History of South Carolina* (New York: American Historical Society, 1924), 1:65.
11. Louise Fargo Brown, *The First Earl of Shaftesbury* (New York: Appleton, 1933), 154–55.
12. J. R. Milton, “John Locke and the Fundamental Constitutions of Carolina,” *Locke Newsletter* 21 (1990): 111–33. See also Celia McGuinness, “The Fundamental Constitutions of Carolina as a Tool for Lockean Scholarship,” *Interpretation* 17 (1989): 127–43.
13. Article 101, “The Fundamental Constitutions of Carolina,” *North Carolina Charters and Constitutions, 1578–1698*, ed. Mattie Erma Edwards Parker (Raleigh, NC: Carolina Charter Tercentenary Commission, 1963), 164.
14. See Robert Bernasconi, “Locke’s Almost Random Talk of Man,” *Perspektiven der Philosophie* 18 (1992): 296. Even if the fact that the change was made in Locke’s handwriting does not have the significance we have given to it or if subsequent research shows it is not in fact Locke’s handwriting, it is significant Locke did not disown the clause, as he did the ninety-sixth article. See Edward McCrady, *The History of South Carolina under the Proprietary Government, 1670–1719* (New York: Macmillan, 1901), 104.
15. John Locke, *Essays on the Law of Nature*, ed. W. von Leyden (Oxford: Oxford University Press, 1979), 182–88.
16. David Wootton, “Introduction,” *John Locke: Political Writings* (London: Penguin, 1993), 83–84.
17. William Uzgalls, “‘An Inconsistency Not to Be Excused’: On Locke and Racism,” in *Philosophers on Race: Critical Essays*, ed. Julie K. Ward and Tommy L. Lott (Oxford: Blackwell, 2002), 98.
18. *The Correspondence of John Locke*, ed. E. S. Beer, (Oxford: Oxford University Press, 1976), 1:395.
19. Statute 82. Cited by John Poyer, *This History of Barbados from the First Discovery of the Island in the Year 1605 till the Accession of Lord Seaforth, 1801* (London: J. Mawman, 1808), 132.
20. Quoted by James Farr, “‘So Vile and Miserable an Estate’: The Problem of Slavery in Locke’s Political Thought,” *Political Theory* 14.2 (1986): 269. Whether this means that Locke acknowledged what A. John Simmons has called “the right not to be cruelly degraded” or whether this policy was for entirely different reasons, which do not reflect a shift in Locke’s philosophical views, is not clear. See A. John Simmons, *The Lockean Theory of Rights* (Princeton: Princeton University Press, 1992), 196.
21. *Statutes of South Carolina*, vol. 7, p. 363. Cited by Alan Watson, *Slave Laws in the Americas* (Athens: University of Georgia Press, 1989), 74.
22. “An Act for Suppressing Outlying Slaves,” April 1691, in William Walker Hening, *The Statutes at Large; being a Collection of All the Laws of Virginia* (Philadelphia: Thomas Desilver, 1823), 3:86.
23. The baptism of slaves confirms that Africans were regarded as human beings with souls, contrary to the thesis proposed by Clarence Sholé Johnson, *Cornel West and Philosophy* (New York: Routledge, 2003), 170. Robert Bernasconi has addressed this issue in more detail, addressing also the relevant passages of Locke’s *Essay concerning Human Understanding*, in “Locke’s Almost Random Talk of Man,” 302–15.

24. Edmund S. Morgan, *American Slavery, American Freedom* (New York: Norton, 1975), 331–32, and Meron L. Dillon, *Slavery Attacked: Southern Slaves and Their Allies, 1619–1865* (Baton Rouge: Louisiana State University Press, 1990), 18–20. In 1732 the solicitor-general and the crown’s attorney were still combating the idea that being baptized was inconsistent with the state of slavery: see “Anniversary Sermon before the Society for the Propagation of the Gospel,” *The Works of George Berkeley*, ed. A. A. Luce and T. E. Jessop (London: Thomas Nelson, 1955), 7:122.
25. Article 98, “Fundamental Constitutions of Carolina,” in *North Carolina Charters*, 150.
26. It is also significant that in spite of the idea of freedom of religion, in 1671 a letter from Shaftesbury, Carteret, and Colleton distinguishes between Christians and Negroes. A. S. Salley, ed., *Records of the Secretary of the Province and the Register of the Province of South Carolina, 1671–1675* (Columbia: Historical Commission of South Carolina, 1958), 12.
27. Cranston, *John Locke*, 71–72.
28. Morgan Godwyn, *The Negro’s and Indians Advocate, Suing for Their Admission into the Church* (London, 1680), 40–41. Locke had a copy in his personal library. See John Harrison and Peter Laslett, *The Library of John Locke* (Oxford: Oxford University Press, 1965), 144.
29. Morgan Godwyn, *Trade prefer’d before Religion and Christ made to give a place to Mammon: Represented in a Sermon Relating to the Plantations* (London: B. Took, 1685), 5.
30. John Locke, *A Paraphrase and Notes on the Epistles of St. Paul*, ed. Arthur W. Wainright (Oxford: Oxford University Press, 1987), 201.
31. *Ibid.*
32. For example, “Charters and Constitutions of South Carolina,” *De Bow’s Review* 20 (1856): 344, and “North Carolina,” *De Bow’s Review* 2 (1851): 32.
33. Rev. Samuel Seabury, *American Slavery Distinguished from the Slavery of English Theorists* (New York: Mason Brothers, 1861), 42.
34. James Tully, “Rediscovering America,” *An Approach to Political Philosophy: Locke in Contexts* (Cambridge: Cambridge University Press, 1993), 137–76, and Barbara Arneil, *John Locke and America* (Oxford: Oxford University Press, 1996). For a defense of the conventional interpretation against them, see Stephen Buckle, “Tully, Locke, and America,” *British Journal for the History of Philosophy* 9, (2001): 245–81. It is our view that reference to the slavery question could have helped Tully and Arneil explain more than they did without this reference, and so would have made Buckle’s position harder to sustain. This is the upshot of our interpretation of the fourth chapter of the *Second Treatise*.
35. W. D. Christie, *A Life of Anthony Ashley Cooper, First Earl of Shaftesbury, 1621–1683* (London: Macmillan, 1871), 1:249.
36. McCrady, *History of South Carolina*, 357.
37. E. E. Rich, “The First Earl of Shaftesbury’s Colonial Policy,” *Transactions of the Royal Historical Society*, 5th ser., 7 (1957): 47–70.
38. Elizabeth Donnan, *Documents Illustrative of the History of the Slave Trade to America* (New York: Octagon Books, 1969), 1:164. Confirmation that a planter could not manage without Negro slaves

was later provided by Smeal Wilson, in a way that is entirely in keeping with Locke's conviction developed in chapter 5 of the *Second Treatise* that land without labor is virtually useless. See Constantine George Caffentzis, *Clipped Coins, Abused Words, and Civil Government* (Brooklyn: Autonomedia, 1989), 142.

39. M. Seliger, *The Liberal Politics of John Locke* (New York: Frederick A. Praeger, 1968), 122.
40. Arneil, *John Locke and America*, 90–95.
41. Farr, “‘So Vile and Miserable an Estate,’” 285.
42. See further Seymour Drescher, “On James Farr’s ‘So Vile and Miserable an Estate,’” *Political Theory* 16 (1988): 502–3.
43. Farr, “‘So Vile and Miserable an Estate,’” 276.
44. Jennifer Welchman, “Locke on Slavery and Inalienable Rights,” *Canadian Journal of Philosophy* 25.1 (1995): 81.
45. *Ibid.*, 79.
46. Seventeenth-century literature on Africa highlighted the existence of women combatants, and on Locke’s theory those women could have legitimately been enslaved. However, this does not serve as an explanation of all enslaved women, because he specifies “wife and child” (2T § 183).
47. Welchman, “Locke on Slavery,” 80.
48. Zook, *Company of Royal Adventurers*, 82. See also the evidence amassed by Farr, “‘So Vile and Miserable an Estate,’” 276.
49. Davies, *Royal African Company*, 299.
50. Welchman, “Locke on Slavery,” 80.
51. *Ibid.*, 78.
52. William Uzgalis, “‘. . . The Same Tyrannical Principle’: Locke’s Legacy on Slavery,” in *Subjugation and Bondage*, ed. Tommy L. Lott (Lanham, MD: Rowman and Littlefield, 1998), 56.
53. *Ibid.*, 65.
54. I. K. Steele, *Politics of Colonial Policy: The Board of Trade in Colonial Administration* (Oxford: Oxford University Press, 1968), 15, 21–28, 173–76, and 178–79.
55. Peter Laslett, “John Locke, the Great Recoinage, and the Origins of the Board of Trade: 1695–1698,” *William and Mary Quarterly*, 3rd ser., 14 (1957): 368–402.
56. Uzgalis, “‘. . . The Same Tyrannical Principle,’” 54.
57. *Ibid.*, 53.
58. *Ibid.*, 56.
59. Richard Baxter, *A Christian Directory, The Practical Works*, vol. 1 (Ligonier, PA: Soli Deo Gloria Publications, 1990), 463.
60. *The Colonial Laws of Massachusetts, Reprinted from the Edition of 1660* (Boston: Rockwell and Churchill, 1889), 53.
61. Mary Stoughton Locke, *Anti-Slavery in America* (Gloucester, MA: Peter Smith, 1965), 14. See also Donnan, *Documents Illustrative*, 3:7–8.

62. Samuel Sewall, *The Selling of Joseph: A Memorial*, ed. Sidney Kaplan (Northampton: University of Massachusetts Press, 1969), 14. We thus give this passage a different significance from the one James Farr gave it. See “‘So Vile and Miserable an Estate,’” 275.

63. William Bosman, *A New and Accurate Description of the Coast of Guinea* (London: James Knapton, 1705), 70.

64. John Atkins, *A Voyage to Guinea, Brazil and the West-Indies* (London: Caesar Ward and Richard Chandler, 1735), 176.

65. Robin Blackburn, *The Making of New World Slavery* (London: Verso, 1998), 265.

66. For example, David Davis, *Slavery and Human Progress* (Oxford: Oxford University Press, 1984), 107.

67. Farr, “‘So Vile and Miserable an Estate,’” 278.

68. Peter Laslett, “Locke as Founder of the Board of Trade,” in *A Locke Miscellany*, ed. Jean S. Yolton (Bristol: Thoemmes Press, 1990), 127–36.

69. “Temporary Laws to be added to Instruction to Ye Governor and Council of Carolina.” Quoted by Arneil, *John Locke and America*, 126.

70. George M. Stroud, *A Sketch of the Laws Relating to Slavery in the Several States of the United States of America* (Philadelphia: Kimber and Sharpless, 1827), 11–15.

71. Arneil, *John Locke and America*, 130.

72. Frederick Douglass, “What to the Slave is the Fourth of July?: An Address Delivered in Rochester, New York, on 5 July 1852,” *The Frederick Douglass Papers*, ed. John W. Blassingame, ser. 1, vol. 2 (New Haven: Yale University Press, 1982), 359–88.

73. *Ibid.*, 369.