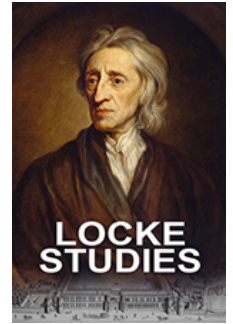


## Locke Studies

# Women and Lockean Theory John Locke, Rachel Speght, and Egalitarian Personhood

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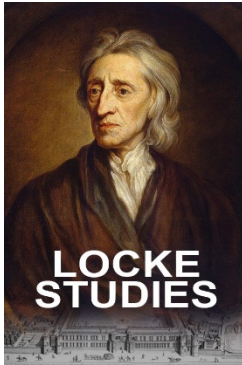
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## Women and Lockean Theory: John Locke, Rachel Speght, and Egalitarian Personhood

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### *Abstract:*

Liberal political thought affirms the moral equality of all persons. The Lockean tradition within liberalism captures this equality by endowing people with equal natural rights. However, a powerful line of criticism holds that the theory fails to live up to its egalitarian billing by treating men and women differently. This article offers a rational reconstruction of the Lockean position on gender equality, and the rights of women in particular. We propose a novel interpretative method which puts Locke into conversation with a contemporary female author, Rachel Speght. In Speght, we find an interesting argument supporting an egalitarian Lockean view, grounded in familiar Lockean assumptions, using familiar Lockean arguments. Voices like Speght have long been unjustly neglected in the liberal tradition. By constructing this imagined conversation, we offer a stronger foundation for Lockean liberalism, and begin to incorporate excluded voices in the formulation of that tradition.

*Keywords:* Locke, gender, equality, freedom, Speght, subjection

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## 1. Introduction

It's a cornerstone of liberal political theory that people are morally equal. Friends of the Lockean strand within liberalism claim that this equality is recognized by seeing people as naturally having equal rights. These rights, the Lockean argues, are the expression of our status as free and equal beings, protecting our freedom and autonomy by giving us control over our persons and possessions. Since people are regarded as self-sovereigns, all differences in authority or power require voluntary consent to be legitimate.

It would seem obvious, then, that Lockean theory cannot license differential treatment or rights for men and women. The idea of the person, understood as a moral being with equal rights, that lies at the heart of this view isn't gendered. But appearances may be deceiving, as several authors argue that Lockean political theory fails to deliver on this count: it doesn't affirm genuine equality between men and women, but rather subordinates women to men (and wives to husbands in particular).

In this essay, we contest this claim by arguing that the Lockean position is an egalitarian one, implying equal rights for men and women. Evidence to the contrary, whether it be from Locke's writings or the logic of his basic principles, rests on mistaken readings. Locke's theory treats women as having the same kind of freedom, rights, and authority as men.

To defend this thesis, we develop a novel argumentative strategy. Our aim is not to argue exegetically what Locke-the-man may or may not have had in mind when writing about women. Rather, we offer a rational reconstruction of what the Lockean position implies, putting together a view rooted in Locke's foundational principles, while taking seriously a woman's contribution. Thus, while firmly rooted in Locke's writings, our argument utilizes two additional kinds of evidence.

The first is familiar: our view best fits both Locke's text and the major principles and assumptions that animate Lockean theory. The second is more novel: our view receives support from its symmetry with the thought of a female author who was a contemporary of Locke's, Rachel Speght. We are not proposing that Locke knew Speght's work (although it's possible given the high profile of the seventeenth-century *querelle des femmes* debates of which her work was a part).<sup>1</sup> Instead, we propose that Speght's arguments are relevant for two reasons. First, they have a proto-Lockean structure, containing significant thematic overlaps that are directly relevant to the question of women's rights and freedom. These similarities prompt a reading of Locke's position along Speghtian lines.

Our second reason engages a reconstructive project in political thought. It's well-known that such early modern women as Margaret Fell Fox and Sarah Fyge Egerton have been excluded from the liberal tradition (of which Locke is an exemplar). And it's well-known that this has had a deleterious effect on that tradition, particularly when it comes to women's rights. To achieve the kind of rational reconstruction at which we aim, this tradition needs to be put into active conversation with neglected female voices. Our aim, then, isn't only to better understand the Lockean position with regards to gender equality and highlight Speght's contributions. It's also to demonstrate how including voices like Speght's help us reach a more robust understanding of liberal theory.

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<sup>1</sup> See Joan Kelly, "Early Feminist Theory and the "Querelle des Femmes", 1400-1789," *Signs* 8, no. 1 (1982): 4-28.

## 2. Locke on Women

At first sight, Locke seems to adopt an egalitarian position concerning the rights of women. This position is that men and women are free and equal beings, meaning they have equal rights, and neither can subordinate the other or usurp their freedom and rights. Only through voluntary consent can they become bound or subjected to the authority of others. That includes, of course, the authority of government, but it also includes the authority of spouses.

Locke begins his *Second Treatise* with an endorsement of people as naturally free and equal in this way:

To understand Political Power right, and derive it from its Original, we must consider what State all Men are naturally in, and that is, a *State of perfect Freedom*, to order their Actions, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other Man.

A *State also of Equality*, wherein all the Power and Jurisdiction is reciprocal, no one having more than another: there being nothing more evident than that Creatures of the same species and rank promiscuously born to all the same advantages of Nature and the use of the same faculties, should also be equal one amongst another without Subordination or Subjection (II, 4).<sup>2</sup>

To be free, here, means having the ability to make decisions, within the bounds of other people's rights, without subservience or dependence. To be equal means that no one can take away this freedom without one's consent. Or at the very least, no one can take away your freedom any more than you can theirs.

Locke uses the language of "man" in this passage, but the term is most naturally interpreted as applying to all persons.<sup>3</sup> Throughout the *Two Treatises*, Locke standardly uses the term this way, such as in his discussion of God's grant of the earth "to Mankind in common" (II, 25). Locke there refers to the right to use the earth's resources, a right that's plainly shared between Adam and Eve (II, 34). Moreover, Locke explicitly refers to women being equally placed in terms of parental rights, asserting that ideas about the supposed natural authority of fathers ought to be replaced with a conception of parental authority that "belong'd to the *Mother* too" (II, 53), as "she hath an equal Title" (II, 52). Locke also describes marriage as something entered on equal footing, a "voluntary Compact between Man and Woman" (II, 78).<sup>4</sup> Since both parties cannot be bound in

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<sup>2</sup> John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), *Second Treatise*, section 4. References to the *Two Treatises* will be by number of the book and paragraph.

<sup>3</sup> Elsewhere, Locke defines the term as follows: "MAN: "a combination of the *Ideas* of a certain sort of Figure, with the powers of Motion, Thought, and Reasoning, joined to Substance, make the ordinary *Ideas of a Man*." John Locke, *An Essay Concerning Human Understanding*, ed. Peter Nidditch (Oxford: Clarendon Press, 1979), II.xii.6.

<sup>4</sup> The one exception being when the terms of marriage are circumscribed by positive law, which in turn requires consent to be legitimate.

marriage except by their own choice, the implication is that they are each other's natural equals.

Interestingly, Locke seems to reject the legal norm of coverture, which forced women to forfeit their legal rights to their husbands.<sup>5</sup> In the *Second Treatise's* Chapter XVI, *Of Conquest*, Locke discusses whether just conquerors have a right to the property of the conquered, and argues that even a just conqueror must respect the rights of non-participants to the conflict.<sup>6</sup> Assuming that women did not partake in the fighting, they must retain their property:

For as to the Wife's share, whether her own Labour or Compact gave her a Title to it, 'tis plain, Her Husband could not forfeit what was hers" (II, 183).

This implies the denial of coverture: women retain their rights in marriage. And, like men, they have rights over the fruits of their labor.<sup>7</sup> Locke emphasizes the point several times in this section, writing that "they [a combatant's Wife and Children] too had a Title to the Goods he [the combatant] enjoy'd and their shares in the Estate he possessed." And again: "My wife had a share in my Estate."<sup>8</sup>

Section II, 4 asserts that men and women are equals if they count as "Creatures of the same species and rank." The widely accepted Lockean view is that creatures are equal for moral and political purposes when they are similar in their capacity for reason.<sup>9</sup> And while in Locke's time, men's and women's equal capacity for reason was far less accepted than today, there's solid ground to hold that Locke endorsed this view, as is illustrated in the passages above where he identifies women as bearers of rights. Locke takes a similar line elsewhere. While *Some Thoughts Concerning Education* was written with an eye to boys, Locke added that it could serve as a guide for either sex. In a letter to Mrs. Clarke, Locke

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<sup>5</sup> Amy Louise Erickson, "Possession—and the Other One-Tenth of the Law: Assessing Women's Ownership and Economic Roles in Early Modern England," *Women's History Review* 16, no. 3 (2007): 369-85.

<sup>6</sup> It's likely not a coincidence that *Of Conquest* addresses another of Filmer's views, namely that authority could be acquired through violence.

<sup>7</sup> The same point appears in "*Homo ante et post lapsum*," in John Locke, *Political Essays*, ed. Mark Goldie (Cambridge: Cambridge University Press, 1997), 320-1, at 321.

<sup>8</sup> Torrey Shanks documents how Locke emphasized the importance of the feminine figures and perspective in the *First Treatise*. See Torrey Shanks, "Feminine Figures and the "Fatherhood": Rhetoric and Reason in Locke's *First Treatise of Government*," *Political Theory* 39, no. 1 (2011): 31-57.

<sup>9</sup> See, for example, II, 6-8, 59-63. An influential statement of the view is Jeremy Waldron, *God, Locke, and Equality* (Cambridge: Cambridge University Press, 2002), ch. 2. See also Jeremy Waldron, "Locke, Adam, and Eve," in *Feminist Interpretations of John Locke*, ed. Nancy Hirschmann and Christie McClure (Penn State University Press, 2007), 241-267, at 248. Antonia LoLordo has argued that rationality is necessary but not sufficient for personhood. See Antonia LoLordo, *Locke's Moral Man* (Oxford: Oxford University Press, 2012), 130-1. The difference does not affect our point as women plainly partake in the other (candidate) elements of personhood, and it's always been reason that was the supposed differentiator between men and women.

explicitly argued that his ideas on education were equally appropriate for girls.<sup>10</sup> As Nancy Hirschmann has argued, Locke ascribed alleged differences in male and female capacities for reason to differences in education and social roles.<sup>11</sup> Locke praised the political abilities of Queens Mary and Elizabeth, and he held great respect for the intellect of his friend, Damaris Masham.<sup>12</sup>

### 3. Critiques

Interpreting Locke in this egalitarian manner has its problems, however, in light of certain other remarks of Locke's on women. Indeed, Locke's feminist critics argue that his view licenses patriarchal oppression. This section outlines those problems and critiques.

Carole Pateman and Teresa Brennan argue that the evidence for the egalitarian reading is misleading, asserting that Locke "sweeps away all that his individualism appears to promise women."<sup>13</sup> Two passages from the *Treatises* are said to clinch this critique; each implying the natural position of wives vis-à-vis their husbands. The first comes in the *First Treatise* and addresses the implications for women of God's punishment for Eve's sin. This punishment is the "Subjection they should ordinarily be in to their Husbands." Thus, a wife:

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<sup>10</sup> "[M]aking a little allowance for beauty and some few other considerations of the s[ex], the manner of breeding of boys and girls, especially in the younger years, I imagine, should be the same." The main exceptions had to do with exposure to the sun and its effects on the complexion of girls. See Melissa Butler, "Early Liberal Roots of Feminism: John Locke and the Attack on Patriarchy," *The American Political Science Review* 72, no. 1 (1978): 135-150, 148.

<sup>11</sup> See Nancy Hirschmann, "Intersectionality before Intersectionality was Cool: The Importance of Class to Feminist Interpretations of Locke," in *Feminist Interpretations of John Locke*, ed. Hirschmann and McClure (University Park, PA: The Pennsylvania University Press, 2007), 155-186, 169. Locke says similar things about girls' physical fitness and exercising. See John Locke, *Some Thoughts Concerning Education and Of the Conduct of the Understanding*, ed. by Ruth Grant and Nathan Tarcov (Indianapolis, IN: Hackett Publishing, 1996), par 152.

<sup>12</sup> As Butler put it: "Women were capable of rational thought; in addition, they could make contracts and acquire property. Thus it appeared that women were capable of satisfying Locke's requirements for political life." See Butler, "Early Liberal Roots of Feminism," p. 149. See also Mary Shanley, "Marriage Contract and Social Contract in Seventeenth-Century English Political Thought." In *Feminist Interpretations of John Locke*, edited by Hirschmann and McClure. The egalitarian interpretation is (in different forms) also defended in Waldron, *God, Locke, and Equality* and Gordon Schochet. *Patriarchalism in Political Thought*. Oxford: Blackwell, 1975.

<sup>13</sup> Teresa Brennan and Carole Pateman, "Mere Auxiliaries to the Commonwealth': Women and the Origins of Liberalism," *Political Studies* 27, no. 2 (1979): 183-200, p. 192. Others of course have offered other arguments that support this reading. We take Pateman and Brennan's version to be the most forceful and influential critique and focus mostly on their interpretation for that reason.

should be subject to her husband, as we see that generally the Laws of Mankind and customs of Nations have ordered it so; and there is, I grant, a Foundation in Nature for it (I. 47).<sup>14</sup>

The second passage appears in the *Second Treatise*. When discussing matters of common concern in marriage, Locke considers how to handle disagreements between spouses. He writes:

It therefore being necessary, that the last Determination, *i.e.* the Rule, should be placed somewhere, it naturally falls to the Man's share, as the abler and the stronger (II, 82).

Contrary to the egalitarian reading, the language in these two passages suggests a natural subjection of wives to husbands that involves authority over decisions regarding matters that directly affect women's lives and liberty.

According to Brennan and Pateman, these passages show that Locke's view is not one of genuine equality between men and women. Instead, wives are seen as naturally subordinate to their husband's rule, thus maintaining patriarchal hierarchy. In their view, Locke's claim that female submission is the result of a voluntary marriage contract serves to legitimize subjection with a veneer of (faux-)consent.<sup>15</sup> Locke's view, they write, is:

That women are 'naturally' fit only for a restricted role within the family. Men alone can make the transition to political life; it is they who are the 'individuals' who have the capacity to enter the social contract and to be authors of their own subjection in political life. A striking and sad corollary of this assumption is that women are seen as lacking in the rationality required to take these steps.<sup>16</sup>

This reading is supposed to disprove the egalitarian reading of Locke. Addressing Melissa Butler's early egalitarian interpretation, Pateman (in *The Sexual Contract*) writes that Butler's "discussion is an almost perfect example of an uncritical liberal interpretation of Locke and tells us more about the repression of the story of the sexual contract than about the way in which Locke and Filmer dealt with sexual relations."<sup>17</sup> The correct conclusion, in Brennan and Pateman's words, should be the following:

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<sup>14</sup> Brennan and Pateman discuss this passage on 192-3. Cf. Lorraine Clark, "Women and John Locke; Or, Who Owns the Apples in the Garden of Eden?", *Canadian Journal of Philosophy* 7, no. 4 (1977): 699-724, 700-1.

<sup>15</sup> We owe this way of putting the point to Mary Jo MacDonald.

<sup>16</sup> Brennan and Pateman, "'Mere Auxiliaries to the Commonwealth,'" 195.

<sup>17</sup> Pateman, *The Sexual Contract*, 21.

In Locke's theory, it is women who are seen as 'naturally' lacking in rationality and as 'naturally' excluded from the status of 'free and equal individual', and so unfit to participate in political life.<sup>18</sup>

This reading has proven influential.<sup>19</sup> So have the conclusions that Pateman suggests this reading implies.<sup>20</sup> To remedy what she identifies as an insoluble gender problem within liberalism, Pateman asserts that we must question why “contract is seen as the paradigm of free agreement” when the individual in both this context and “contemporary contractarianism” is seen as “naturally complete in himself,” that is to say “the boundaries that separate one individual from another are so tightly drawn that an individual is pictured as existing without any relationships with others.”<sup>21</sup> Rather than adopting the solution of proclaiming women to be as capable of reason and hence freedom and consent as men, or drawing the conclusion (which we defend below) that any differences we might find between men and women in Locke do not translate into political inequalities, Pateman suggests we should change the very markers of personhood so that, rather than aligning with reason and autonomy, they comport with more traditionally female traits like interrelationality and sociality.

A further piece of evidence complicates the egalitarian reading. In the posthumously published Bible commentary, *A Paraphrase and Notes on The Epistles of St. Paul To the Galatians, Corinthians, Romans, Ephesians*, Locke records the following about Paul's letter to the Corinthians:

Christ is the head to which every man is subjected, and the man is the head, to which every woman is subjected; ... A man, indeed, ought not to be veiled; because he is the image and representative of God, in his dominion over the rest of the world, which is one part of the glory of God: But the woman, who was made out of the man, made for him, and in subjection to him, is matter of glory to the man. But the man, not being made out of the woman, not for her, but the woman made out of, and for the man, She ought, for this reason, to have a veil on her head, in token of her subjection, because of the angels.<sup>22</sup>

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<sup>18</sup> Brennan and Pateman, “Mere Auxiliaries to the Commonwealth,” 195. See also Pateman, *The Sexual Contract*, 52.

<sup>19</sup> See for example, *Illusion of Consent Engaging with Carole Pateman*, ed. Daniel I. O'Neill, Mary Lyndon Shanley, and Iris Marion Young, (University Park, PA: Penn State UP, 2008).

<sup>20</sup> See for example, Karen Detlefsen, “Margaret Cavendish and Thomas Hobbes on Freedom,” in *Feminist Interpretations of Thomas Hobbes*, ed. Nancy J. Hirschmann and Joanne H. Wright (Penn State University Press, 2012), 149-168. See also Susanne Sreedhar's observation that: “Pateman's criticism of Locke has emerged from the academy into popular culture; in a recent issue of the *New Yorker*, [Harvard historian] Jill Lepore (2016) refers to ‘the Lockean idea that men, born equal, create political society, to which women do not belong; women exist only in the family, where they are ruled by men.’” See Susanne Sreedhar, “Locke on Marriage,” in *The Lockean Mind*, ed. Jessica Gordon-Roth and Shelley Weinberg (New York, NY: Routledge, 2022), 498-506, 503.

<sup>21</sup> Pateman. *The Sexual Contract*, 55.

<sup>22</sup> *The Works of John Locke in Nine Volumes* (London: Rivington, 1824 12th ed.), Vol. 7. (Available at: <https://oll.libertyfund.org//title/locke-the-works-of-john-locke-in-nine-volumes>). For discussion, see



As stated, these comments suggest that the egalitarian reading of Lockean theory might not be correct.<sup>23</sup> Lockean theory starts with affirming the fundamental freedom and equality of persons, a view that's said to give each the ability to make their own decisions, within the bounds of respect for other people's rights. This status purportedly cannot be taken away by others without one's consent. However, the nature of marriage is such as to subject wives to husbands. Wives do not have the same decision-making authority, it seems, and are indeed said to be naturally in a subordinate position. One might call marriage a contract (perhaps cynically), but it cannot be a contract between free and equal beings. Consequently, women in Lockean society cannot be free and equal beings either.

This anti-egalitarian interpretation is mistaken, however. As we'll argue, Brennan and Pateman seriously misread the point of the above-cited passages from the *Two Treatises*. And the passage from the *Paraphrase* is not Locke speaking in his own voice. The anti-egalitarian interpretation seems plausible only because it overlooks a particularly innovative and subtle argument that Locke is using in this context.

#### 4. Other Defenses of Locke's Egalitarianism

Before we move to this argument, we first address two prominent defenses of the egalitarian reading of Locke. This section shows that these other defenses are problematic. Thereafter we develop our reading and show how it overcomes these problems.

In "Early Liberal Roots of Feminism," Melissa Butler argues that Locke's passages on male superiority in marriage pose no conflict with the Lockean ideal of freedom and equality for all.<sup>24</sup> According to Butler, Locke insists on a distinction between the conjugal and the political spheres of life, separating the private sphere of inequality from the political sphere of equality. Because of this distinction, no inference is permitted from one context to the other. Even if Lockean theory has a patriarchal vision of marriage, it can still maintain its egalitarian vision of civil society.

We agree with Butler that Locke rejects that inferences can be made from claims about marital inequality to claims about social or political inequality. There are obviously many important differences between marriages ("conjugal societies," as Locke calls them) and political societies. As Locke puts it, they have "different Ends, Tyes, and Bounds" (II, 77). These differences are the product of the different purposes or functions of the two kinds of society. Marriage, Locke thinks, is created for sharing the burdens of life and procreation (II, 79). Political society secures our rights and freedom (II, 87).

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Mark Goldie, "Mary Astell and John Locke," in *Mary Astell: Reason, Gender, Faith*, ed. Michal Michelson (Taylor & Francis, 2007), 65-85.

<sup>23</sup> Brennan and Pateman add another argument, namely that Locke excludes women from the social contract (because only heads of households, i.e., males, are political and are alleged to be party of this). But this reading, based on now widely rejected arguments by MacPherson, is simply untenable for both textual and theoretical reasons. People cannot consent for others, and wives do not give up their political freedom when they consent to marriage. We thus leave this argument aside.

<sup>24</sup> Butler, "Early Liberal Roots of Feminism: John Locke and the Attack on Patriarchy."

But there cannot be said to exist a firewall between the two spheres of life in the sense Butler suggests.<sup>25</sup> Locke explicitly considers both marriage and political society as “voluntary compacts,” created by and organized around consent. The ends being different, people consent to different things. Still the “Tyes and Bounds” are set by consent in both cases. This is as it should be. Any view that departs from the natural freedom and equality of persons, understood as people with equal rights and no natural authority over one another, cannot treat marriage or political society as based on anything else.

The two, therefore, are structurally identical in the relevant respect.<sup>26</sup> If there is a kind of natural subordination of women to men in one sphere, it could spill over into the other. If men were indeed “abler and stronger” than women, and if this were indeed to ground some kind of claim to greater authoritative decision-making, then any Lockean pretensions to political equality would come under significant pressure. Brennan and Pateman are right to be concerned.

Jeremy Waldron offers a different defense. According to Waldron, Locke’s claims about male natural authority are simply cases of inconsistency. Locke, in Waldron’s eyes, “flinched” and let go his rejection of patriarchalism when he turned to questions of marital equality. Perhaps living in a world steeped in patriarchal norms, he was unable to follow his arguments to their logical conclusion. In the end, no genuine resolution is available.<sup>27</sup>

This is possible, of course, but Waldron’s interpretation raises pressing questions. First, Locke’s “flinching” would be in direct conflict with his stated aims in the *Two Treatises*, outlined so clearly in the opening section II. 4. And, it contradicts several of his other writings. Throughout the *Two Treatises*, Locke is at pains to emphasize that his concern is to repudiate, not uphold, patriarchalism. And, as seen above, he begins his chapter *Of Paternal Power* with explicitly rejecting the idea that fathers are entitled to more authority than mothers within the family (II, 52).

In other places, Locke put forward fairly radical views on women and marriage, at least in comparison with his patriarchal contemporaries. In the *Second Treatise*, Locke affirms a right of divorce (II, 81, 82). In his *Commonplace Book* of 1661, Locke accepts that

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<sup>25</sup> Susanne Sreedhar similarly points to “important parallels between Locke’s claims about marriage and key aspects of his political theory.” See Sreedhar, “Locke on Marriage,” 499. Like us, Sreedhar sees the consensual nature of marriage as the most important of these (500-1). Sreedhar sees additional similarities, such as a “concern for stable property relations” (500, 505).

<sup>26</sup> Mary Jo MacDonald offers an additional argument against Butler’s position, pointing out that Butler’s reading doesn’t cohere with how much space Locke devotes to the question of the relation between authority in the family and political authority. See Mary Jo MacDonald, “Lockean Equality,” (unpublished manuscript, 2022), typescript.

<sup>27</sup> Jeremy Waldron, *God, Locke, and Equality*, ch. 2 and “Locke, Adam, and Eve.” See also Ruth Grant, “John Locke on Women and the Family,” in *John Locke, Two Treatises of Government and A Letter Concerning Toleration*, ed. Ian Shapiro (Yale University Press, 2003), 286-308, 299-300.

cohabitation is not immoral.<sup>28</sup> In his “Atlantis” notes, Locke speculates that polygamy might be justifiable.<sup>29</sup>

Waldron’s reading thus requires that we see Locke as blatantly contradicting himself in several places. While possible, this interpretation is not very plausible. If an interpretation were available that matches Locke’s stated aims and removes the appearance of contradiction, that interpretation would be superior.

We offer just such an interpretation. This reading affirms not (as Butler did) that there are no important continuities between the private and the public. Rather, it affirms that whatever inequalities may exist between men and women are not relevant to the question of their respective moral or political status. We attribute this argument to the Lockean position on the basis of three reasons: (1) The argument is entirely consistent with Locke’s text; (2) The argument matches the arguments of Rachel Speght who had earlier developed a similar thought, working with similar premises; And (3) this argument helps the Lockean to avoid the problems above by casting the view as coherent and committed to the (independently attractive) egalitarian reading.

### 5. Locke’s Remarks Reconsidered

When Locke uses language about male superiority or female inferiority in the *Two Treatises*, he utilizes the terminology of “natural” differences. In II, 82 he writes “it therefore being necessary, that the last Determination, *i.e.* the Rule, should be placed somewhere, it naturally falls to the Man’s share, as the abler and the stronger.” Similarly, in I, 47 Locke discusses the subjection of women and says that “there is, I grant, a Foundation in Nature for it.”

The first important question, then, is what to make of Locke describing these things as “natural.” The term is of course ambiguous.<sup>30</sup> To describe something as natural might denote a normative claim, as in things that are properly so or in accordance with the law of nature. If Locke is using the term “natural” in this sense here, he would indeed be endorsing the power of husbands in marriage as a just authority, a relation of superiority and subjection between the sexes that is legitimate or proper.

Alternatively, the language of natural differences might denote a descriptive claim. Here, one might say that certain things are “natural” in the sense that they are regularly occurring or ordinary responses to the circumstances in which people act or make decisions. If Locke were helping himself to this sense of natural, his claims about the male’s authority would be no more than observations about the conventional manner in which society has been arranged.

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<sup>28</sup> Locke writes: “For a man to cohabit and have children by one or more women, who are at their own disposal, and, when they think fit, to part again, I see not how it can be condemned as a vice, since nobody is harmed, supposing it done amongst persons considered as separate from the rest of mankind.” John Locke, “Virtus,” in *Political Writings of John Locke*, ed. David Wootton (Mentor, 1993), 241.

<sup>29</sup> John Locke, “Atlantis,” in *Political Essays*, ed. Goldie, 252-260, 256. For discussion, see Susanne Sreedhar and Julie Walsh, “Locke, the Law of Nature, and Polygamy,” *Journal of the American Philosophical Association* 2, no. 1 (2016): 91–110.

<sup>30</sup> Waldron makes a similar point in *God, Locke, and Equality*, 26-8. See also Sreedhar, “Locke on Marriage,” 502.

The quotations provided by Brennan and Pateman do not clearly disambiguate Locke's point. But there are several reasons to think that he is employing the latter, non-normative, sense. One such reason is the context of the passage from I, 47. That section discusses Filmer's arguments for natural paternal authority, based in Genesis. Locke responds:

Farther it is to be noted, that these words here of 3 *Gen.* 16. which our *A.* calls *the Original Grant of Government* were not spoken to *Adam*, neither indeed was there any Grant in them made to *Adam*, but a Punishment laid upon *Eve*: and if we will take them as they were directed in particular to her, or in her, as their representative to all other Women, they will at most concern the Female Sex only, and import no more but that Subjection they should ordinarily be in to their Husbands: But there is here no more Law to oblige a Woman to such a Subjection, if the Circumstances either of her Condition or Contract with her Husband should exempt her from it, than there is, that she should bring forth her Children in Sorrow and Pain, if there could be found a Remedy for it, which is also a part of the same Curse upon her ... And will any one say, that *Eve*, or any other Woman, sinn'd, if she were brought to Bed without those multiplied Pains God threatens her here with?

Similar language is found in the sentences immediately preceding the claim that female subjection has a "Foundation in Nature." The full passage goes as follows:

God, in this Text, gives not, that I see, any Authority to *Adam* over *Eve*, or to Men over their Wives, but only foretels what should be the Womans Lot, how by his Providence he would order it so, that she should be subject to her husband, as we see that generally the Laws of Mankind and customs of Nations have ordered it so; and there is, I grant, a Foundation in Nature for it.

In these passages, Locke asserts that women's subjection is a condition they "should ordinarily be in to their Husbands." And he claims that insofar as God declared women to be subject to their husbands, this could only be a prediction, a statement that "foretels what should be the Womans Lot." This state of affairs is to be expected because God arranged his creation in such a way that gender roles would "naturally," that is predictably or regularly, lead to inequalities.

Locke explicitly qualifies this sense of natural as non-normative in two places. First, I, 47 compares women's subjection to the pain of childbirth. And just as ending this pain would be good "if there could be found a Remedy for it," so too "there is here no more Law to oblige a Woman to such a Subjection." If people desired to change the "natural" subjection of women, nothing Lockean would stand in the way.<sup>31</sup> Second, the beginning

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<sup>31</sup> For similar readings of these passages, see Jacqueline L. Pfeffer, "The Family in John Locke's Political Thought," *Polity* 33, no. 4 (2001): 593–618 and Grant, "John Locke on Women and the Family," 292. Cf. Shanks, "Feminine Figures and the 'Fatherhood,'" 40. As noted above, Grant concludes that Locke's position on the equality between men and women is indeterminate or ambiguous (299–300). As we argue below, the appearance of such ambiguity exists only because Locke's Speghtian argument has heretofore been overlooked.

of I, 48 emphasizes the point once more, stating that whenever God affirms the subservience of a woman (Esau) to a man (Jacob):

No body supposes that God hereby made *Jacob Esau's* Sovereign, but foretold what should *de facto* come to pass.

Locke helps himself to this non-normative sense of “natural” in several other places. One such place is his speculative history of the formation of early societies. There, he writes that since “the first care and thought cannot but be supposed to be, how to secure themselves against foreign Force. ’Twas natural for them to put themselves under a Frame of Government, which might best serve to that end; and chuse the wisest and bravest Man to conduct them in their Wars, and lead them out against their Enemies” (II, 107). The same appears in his speculation that early small societies would grow out of familial relations: “’twas easy and almost natural for children ... to make way for the father’s authority and government” (II, 75). Again, the implication is not that the best generals of fathers naturally have the rights of authorities. Rather, it’s predictable, and “natural” in that sense, given the circumstances that people choose their leaders in this way. But consent throughout remains the normatively binding moment.

In other parts, Locke’s views on spousal relations combine descriptive and normative elements. Consider the claim that tie-breaking authority in marriage naturally falls to the man in II, 82.<sup>32</sup> Locke asserts that this is the case for reasons of strength and ability. This argument is analogous to his discussion of disagreement in civil society. In that context, Locke argued that decisions ought to be made by the majority, since:

That which acts any Community, being only the consent of the individuals of it, and it being necessary to that which is one body to move one way; it is necessary the Body should move that way whither the greater force carries it, which is the *consent of the majority* (II, 96).

The analogy is aligned with Newtonian mechanics. A body moves in the direction in which it is thrust by the balance of forces that operate on it. When one agrees to join the political society, one therefore agrees to follow the will of the majority. This argument moves from a descriptive claim (about the greater force of the majority) to a normative claim (about the right to decide within a consensual community).

By the same logic, joining in marriage or conjugal society implies accepting the will of the whole in matters of common concern. And since a marriage typically consists of two people, the greater force will come from the stronger and abler party, which Locke identifies as the male. Again, an empirical claim about the purported greater force and ability of the male is said to translate into a greater authority within the consensual community.<sup>33</sup>

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<sup>32</sup> A strictly normative reading is implausible for both the substantive reasons we offer below, and for contextual reasons, with the preceding sections II, 79-80 discussing various biological facts between males and females.

<sup>33</sup> One might object that Locke’s invoking ability signals some male natural authority. But this is implausible. As an anonymous referee pointed out, Locke in other places uses statements referencing one thing “and” or “or” another, not to indicate that he’s referencing two different concepts, but instead as two

Majority-rule in groups, and male-rule in couples, are affirmed as natural for reasons having to do with the purported mechanics of decision-making. At the same time, there is no reason to see these as unalterable. In I, 47, Locke allows the “natural” decision-rule in marriage to be changed by consenting parties, describing it as no more binding than the pains of childbirth. And people in a community can consent to non-majority rule also, such as rule by generals (II, 107). In II, 96 he suggests the same is true of majority-rule in groups, which can be altered in assemblies when some “number is set by that positive Law which impowers them.”

Such decision-rules are natural in both a normative and a descriptive sense, then. They are normatively natural in the sense of being a kind of default rule, the one that will apply lest explicitly altered. They are descriptively natural in the sense that, because of normative naturalness, they are predictably how people and societies arrange things. Yet they remain alterable through free human agreement.

While Locke’s analogy with mechanics strikes us as implausible – neither strength in numbers nor in physical ability are obviously relevant for allocating decision-making power – that’s not our concern. Our concern is whether Locke’s remarks imply any natural differences of *authority* between men and women. And the best reading is that they don’t. In political society, the majority have the right to decide when the people are divided. This is the “natural” way to decide for groups. But no one is bound to this unless they consent, and the rule is alterable by the community. In conjugal society, husbands have the right to decide when the couple is divided. This is “natural” way to decide for couples. But no woman is bound to this without her consent, and here, too, things can be different.<sup>34</sup>

No inference to anyone’s greater natural right or authority to decide is possible, therefore. Locke is describing the mechanics of collective decision-making, not the relative natural rights of people or the sexes. Those who find themselves in the majority politically in no way enjoy greater rights or authority than those in the minority. Similarly, the fact that husbands typically get to decide with respect to the common interests in marriage implies no superiority of natural rights or authority either.<sup>35</sup>

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different words referencing the same concept. This is arguably his intent in II, 44 when he refers to “actions or labour.” In fact, the OED suggests that the term “able” at the time was commonly used “to endow with fitting or sufficient power or strength; to make capable; to capacitate, enable (to do something).” It’s important to note here that Speght, discussed below, uses the term “able” in the same way, equating it with strength. For instance, she describes Adam as “being better able, then the woman, to have resisted temptation, because the stronger vessel” (p. 15). Note that she asserts Adam’s allegedly superior ability being not commensurate with an equally superior capacity for good judgement.

<sup>34</sup> Locke’s saying that “the Rule should be placed somewhere” (II, 82) doesn’t conflict with this. This point applies only within marriages, and there is no evidence that people are not free to remain unwedded (as Locke himself did). Moreover, I, 47 repeatedly employs the term “should” also, yet clearly emphasizing the non-normative sense of “natural.” We thank an anonymous reviewer for pointing this out.

<sup>35</sup> Simmons offers a different reading for this same conclusion, namely that Locke is simply describing how decisions will get made, given the mechanics of a marriage. See A. John Simmons, *The Lockean Theory of Rights* (Princeton: Princeton University Press, 1992), 174. Waldron resists this in *God, Locke and Equality*, 31, claiming that Locke is asserting a normative or legitimate entitlement to decide for husbands. Waldron is clearly correct, but misses that this implies neither a naturally greater male right or authority, nor poses some unchangeable fact.

Locke's final seemingly anti-egalitarian remark in the *Paraphrase* of Paul's letter to the Corinthians (quoted above) offers no better support for the anti-egalitarian reading.<sup>36</sup> Locke's comments combine two claims that are in seeming tension. On the one hand, Locke seems to suggest an (unusual) interpretation that would see Paul as allowing women to speak in Church.<sup>37</sup> On the other hand, Locke describes that Paul wants women's inferiority to be marked by their being veiled. Even if women may be allowed to prophesy, they may not act in ways that deny their subordinate status.

The question is whether we should take Locke to be endorsing Paul here. But there's no reason to read him in that way. Locke is plainly engaged in an exegetical exercise, one in which he accepts that God, in the eyes of Paul, gave men "superiority and dominion" over women,<sup>38</sup> and describes this part of the Epistle as Paul's discussion of Corinthian customs.<sup>39</sup> Throughout the discussion of women's subjection, Locke refers female inferiority in the past tense, as if writing about a church as it once was.<sup>40</sup>

Locke interpreting Paul's words in this way cannot reasonably be said to indicate agreement. Interpreting him this way is very implausible. It directly conflicts with the egalitarian reading, a reading which is central to the *First Treatise*. Locke at times expresses puzzlement about claims he attributes to Paul, thus clearly distancing himself from these claims.<sup>41</sup> Nor is there reason to see Locke as believing himself bound to Christian doctrine. Both the *Essay Concerning Human Understanding* (IV.19.4-11) and the *Reasonableness of Christianity* develop the view that religious faith and revelation require support from reason, and Locke put significant distance between the demands of Christian doctrine and his rationally motivated views on women and marriage in other writings.<sup>42</sup>

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<sup>36</sup> We owe several of these points to Mary Jo MacDonald.

<sup>37</sup> Locke expressed the view that women should not be prohibited from speaking in church in his letters. See Waldron, *God, Locke, and Equality*, 42.

<sup>38</sup> "[T]he aim was to maintain and secure the confessed superiority and dominion of the man, and not permit it to be invaded, so much as in appearance." Locke, *A Paraphrase and Notes on The Epistles of St. Paul To the Galatians, Corinthians, Romans, Ephesians*, 153.

<sup>39</sup> "The case, in short, seems to be this: the men prayed and prophesied in the assemblies, and did it with their heads uncovered: the women also, sometimes, prayed and prophesied too in the assemblies, which, when they did, they thought, during their performing that action, they were excused from being veiled, and might be bare-headed, or at least open-faced, as well as the men. This was that which the apostle restrains in them, and directs, that though they prayed or prophesied, they were still." Locke, *A Paraphrase and Notes on The Epistles of St. Paul To the Galatians, Corinthians, Romans, Ephesians*, 151.

<sup>40</sup> See Locke, *A Paraphrase and Notes on The Epistles of St. Paul To the Galatians, Corinthians, Romans, Ephesians*, 153.

<sup>41</sup> The footnote immediately following the one discussed here has Locke confessing not to understand the meaning of Paul's reference to "the angels." Locke, *A Paraphrase and Notes on The Epistles of St. Paul To the Galatians, Corinthians, Romans, Ephesians*, 153.

<sup>42</sup> We are referring here to Locke's affirmation of the right of divorce, his claim that cohabitation is not immoral, and his speculations that polygamy might be not immoral, discussed earlier.

## 6. Rachel Speght's Egalitarian Argument

The passages in which Locke refers to women's inferiority thus offer no clear support for the anti-egalitarian reading. However, any attempt at debunking this reading should do more than just debunk these remarks. It should be able to explain why Locke would make them in the first place. After all, if Lockean theory is indeed committed to the egalitarian reading we endorse, what could be the point of including any remarks about female subordination?

In the next two sections, we explain why Locke might include these remarks, and why they do not undermine the egalitarian interpretation. The explanation is that, within the Lockean framework, various differences between people (in this case men and women) do not affect their moral or political standing as free and equal beings. The Lockean, then, might allow that men and women are unequal in some respects – a claim central to the patriarchal view – without compromising the natural equality of all persons for moral and political purposes.

We defend this interpretation on the basis of two arguments. Below, we offer textual support for this reading from Locke himself. But first we outline the thought of Rachel Speght's 1617 tract entitled "A Mouzell for Melastomus."<sup>43</sup> Speght's tract is not a political treatise in the sense of Locke's, making no explicit claims about women's political rights. But the arguments Speght develops display significant structural similarities to Locke's. Speght and Locke invoke similar premises, and both argue that these imply egalitarian conclusions. These premises include an appeal to people's shared capacity for reason. The conclusions about equality are different, in Speght's case equality before God, in Locke's case equality of rights. Yet both see these forms of equality as having distinct and damaging implications for patriarchal arguments about the supposed natural authority of men.

It is part of our argument here that these structural similarities, coupled with the textual support from the *Second Treatise*, offer significant support for the egalitarian interpretation of Locke's theory. As we see it, the Lockean position makes best sense when viewed as part of a tradition of theorizing in which Speght also plays a role. This tradition is egalitarian in outlook, and understands equality in terms of ideas about authority. Among equals, there is no natural subservience (female or otherwise), and by extension no natural authority (male or otherwise).

Part of the *querrelles des femmes*, Speght's tract responds to a misogynistic pamphlet titled, "The Arraignment of Lewd, Idle, and Froward Women," written by a fencing master named Joseph Swetnam.<sup>44</sup> In the process of addressing Swetnam's characterization of women as ignorant, sinful, and irrational, Speght rebuts patriarchal rationales for female subordination and defends women as individuals in the Lockean sense, that is as creatures of reason who, despite any differences in bodies or roles, are therefore the moral equals of men. Speght establishes women as creatures of reason in two ways. First, she explicitly argues that both "man and woman" are "reasonable creatures" (21). Second, she

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<sup>43</sup> Rachel Speght, "A Mouzell for Melastomus," in *The Polemics and Poems of Rachel Speght*, ed. Barbara Kiefer Lewalski (Oxford: Oxford University Press, 1996), 2-27. Page references are parenthetically added hereafter.

<sup>44</sup> Swetnam's text is reproduced in *Female Replies to Swetnam the Woman-Hater*, ed. Charles Butler (Bristol: Thoemmes Press, 1995), 1-64.



performs female reasonableness by highlighting herself in the text as intellectually superior to Swetnam, thus establishing her moral equality (or even superiority).

By way of the second, Speght frequently attacks Swetnam's argumentation as being "diabollicall" and "illiterate" (3) while presenting herself as being "armed with the truth" (4) and endowed by God with the faculty for logic and classical rhetoric. She contrasts this with Swetnam's failure to correctly use syllogistic reasoning when he argues that women who object to his misogyny should keep their thoughts to themselves.<sup>45</sup> Similarly, she explicitly invokes rhetorical figures such as metonymy to defend women from Swetnam's assault on their worthiness.<sup>46</sup>

These moments serve to illustrate the claim that Speght also makes explicitly: men and women share equally the kind of moral personhood in which she is interested. As she concludes: "And (that more is) in the Image of God were they both created; yea and to be briefe, all the parts of their bodies, both externall and internall, were correspondent and meete each for other" (19).

For Speght, this shared reasonable personhood underpins a central equality between men and women, including shared dominion over creation and a denial of natural authority. Speght writes:

That where he is Lord, she may be Lady: and therefore saith God concerning man and woman jointly, *Let them rule over the fish of the Sea, and over the foules of the Heaven, and over every beast that moveth upon the earth*: By which words, *he makes their authority equall*, and all creatures to be in subjection unto them both (18, emphasis added).

Speght uses this idea of equality and shared reason in her argument against the core patriarchal precept, reiterated by Swetnam, that women were reduced to subordination by Eve's sin.

The blame of sinne may not be imputed to his creature, which is good; but to the will by which *Eve* sinned, and yet by Christs assuming the shape of man was it declared, that his mercie was equivalent to both Sexes; so that by [*Hevahs*] blessed Seed (as Saint *Paul* affirmes) it is brought to passe, that *male and female are all one in Christ Jesus* (16).

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<sup>45</sup> "As for your *Bugge-beare* or advice unto Women, that whatsoever they doe thinke of your Worke, they should conceale it, lest in finding fault, they bewray their galled backes to the world, in which you allude to that Proverbe, *Rubbe a galled horse, and he will kicke*: Unto it I answere by way of Apologie, that though everie galled horse, being touched, doth kicke; yet every one that kicke, is not galled: so that you might as well have said, that because burnt folks dread the fire, therefore none feare fire but those that are burnt, as made that illiterate conclusion which you have absurdly inferred" (8).

<sup>46</sup> As she reasons, "all creatures that live on the earth, of what nation or Sex soever" are created by God (18). As a result: "That worke then can not chuse but be good, yea very good, which is wrought by so excellent a workeman as the Lord: for he being a glorious Creator, must needes effect a worthie creature. Bitter water can not proceede from a pleasant sweet fountaine, nor bad worke from that workman which is perfectly good, & in propriete, none but he" (18).

Speght does not deny that Eve and Adam played different roles in the commission of original sin. Indeed, she concedes that Eve's going first implies a discrepancy between men and women. However, she emphasizes, the relevant difference concerned Eve's and Adam's respective decisions. And this difference does not imply any *moral* inequality in terms of responsibility or guilt:

Sathan first assailed the woman, because where the hedge is lowest, most easie it is to get over, and she being the weaker vessell was with more facility to be seduced: Like as a Cristall glasse sooner receives a cracke then a strong stone pot. Yet we shall finde the offence of *Adam* and *Eve* almost to paralell: For as an ambitious desire of being made like unto God, was the motive which caused her to eate, so likewise was it his; as may plainely appeare by that *Ironi[a]*, *Behold, man is become as one of us*: Not that hee was so indeed; but heereby his desire to attaine a greater perfection than God had given him, was reprov'd. Woman sinned, it is true, by her infidelitie in not beleiving the Word of God, but giving credite to Sathans faire promises, that *shee should not die*; but so did the man too: And if Adam had not approved of that deed which Eve had done, and beene willing to treade the steps which she had gone, hee being her Head would have reprov'd her, and have made the commandement a bit to restraine him from breaking his Makers Injunction: For if a man burne his hand in the fire, the bellowes that blowed the fire are not to be blamed, but himselfe rather, for not being carefull to avoyde the danger: Yet if the bellowes had not blowed, the fire had not burnt; no more is woman simply to bee condemned for mans transgression; for by the free will, which before his fall hee enjoyed, hee might have avoyded, and beene free from beeing burnt ... (14).

Again, the different ways and order in which they sinned imply no difference in blameworthiness or responsibility for humanity's fall. Both are culpable by virtue of their own free actions, their "parallel" and "ambitious desire of being made like unto God" (14). In that sense, the two are perfectly equal. If anything, Speght suggests, the patriarchal claim that men are "the stronger vessel" would mean that their guilt *could* be greater. But just as this would not constitute an argument for the moral superiority of women, or the subjection of men to their natural authority, so too is the opposite argument unacceptable.

This difference between Adam and Eve, in short, does nothing to undercut their moral equality. For Speght, that equality is based on the capacity to make decisions as a reasonable creature. Since men and women equally qualify along this dimension, their relations must be organized around terms of equality as well. Marriage, in turn, cannot be based on a relation of natural authority and subordination, but constitutes a voluntary communion for mutual assistance. Speght is explicit on this count, referring to husbands and wives as "yoake fellowes" who share their burdens (20).

The sense of equality expressed here is steeped in Lockean themes. Being reasonable and equal creatures, men and women are equally bound by the law of nature. Just as birds aid one another, Speght argues:

I may reason *Ã minore ad maius*, that much more should man and woman, which are reasonable creatures, be helpers each to other in all things lawfull, they having the Law of God to guide them ... (21).

All persons naturally endowed with the capacity for reason are also naturally endowed with equal authority, no one having more over another than they have in return. Marriage is a union created by free and equal parties for the purposes of mutual assistance. And such agreements are bound by the law of nature.

None of this implies, in Speght's view, that no natural differences can exist between men and women. When referring to men and women as yoke fellows, she concedes that, like teams of oxen in which "the one being bigger than the other, the greater bearest most weight; so the husband being the stronger vessel is to beare a greater burthen than his wife" (20). However, once again, she steadfastly rejects the insinuation that differences in physical strength translate into normative differences in moral or political authority. Speght ascribes the husband's superiority in strength to God's postlapsarian curse upon Adam that he must earn his bread by the sweat of his brow, and states that, even though they're physically stronger, "husbands should not account their wives as their vassals, but as those that are heires together of the grace of life" (22).

Perhaps the most significant difference Speght accepts between men and women appears in comments on the passage from 1 Corinthians (11.3), the same as Locke discusses in the *Paraphrase*. Speght writes, "a truth ungainesayable is it, that the Man is the Womans Head" (23). But in opposition to the patriarchal equation of headship with the right to rule, Speght defines headship in terms of Christ's headship of the church, reflecting a particular role within a larger organic unity (23-4). As she explains, "he is her Head, as Christ is the Head of his Church [Eph. 5.23]," that is as a devotee committed to love, self-sacrifice, and *friendship* (24).

In marriage, headship means two things. First, the husband is "the imaginer and contriver of projects profitable for the safety of his whole body" and is duty-bound to "protect and defend his wife from injuries" (23). Second, the husband has the duty to "by instruction, bring [his wife] to the knowledge of her Creation" (24). Yet, for the reasons above, Speght concludes that this "title" of headship or "Supremacie" gives the husband "absolutely no authority" to "domineere, or basely command and imploy his wife as a servant" (23).

Indeed, because religious instruction is so vital, women are to take "an especial care to set their affections upon such as are able to teach them, *that as they grow in years, they may grow in grace, and in the knowledge of Christ Jesus our Lord*" (24, original emphasis). Stronger yet, a wife will also "giue good counsell vnto her husband, the which hee must not despise" (19).<sup>47</sup> The (conceded) difference in male and female capacity to provide religious instruction thus does not translate into any right to be obeyed. Men such

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<sup>47</sup> Speght points out scriptural precedent: "Abraham was bidden to giue eare to Sarah his wife"; and Pilate was willed by his wife not to haue anie hand in the condemning of CHRIST; and a sinne it was in him, that hee listned not to her: Leah and Rachel counselled Iacob to do according to the word of the Lord: and the Shunamite put her husband in mind of harbouring the Prophet Elisha: her hands shold be open according to her abilitie, in contributing towards Gods seruice, and distressed seruants, like to that poore widow, which cast two mites into the Treasurie; and as Marie Magdalen, Susanna, and Ioanna the wife of Herods Steward, with many other, which of their substance ministred vnto CHRIST. Her heart should be a receptacle for Gods Word, like Mary that treasured vp the sayings of CHRIST in her heart. Her feete should be swift in going to seeke the Lord in his Sanctuarie, as Marie Magdalen made haste to seeke CHRIST at his Sepulchre" (19-20).

as Pilate, who did not heed their wives' wise counsel, are condemned as not just ignorant but "a sinne" (19).

Speght accepts that men and women might play different roles in marriage. The point is that these differences do not translate into any hierarchical relations of authority. The responsibility to choose an able religious instructor is an exercise, not a surrender, of reason and, by extension, moral authority. This in no way equates to subordination. As Speght concludes, "if men would remember the duties they are to perform in being heads, some would not stand a tip-toe as they doe, thinking themselves Lords and Rulers" (24).<sup>48</sup>

So critical is Speght of patriarchal pretensions to natural male authority that she anticipates the Lockean position on the right to resist tyrants (II, 199-210) by using it to resist husbands who believe they are licensed to issue immoral or unlawful commands to their wives. In such cases, wives have not just the right but the *duty* to resist:

[W]omen are enjoined to submit themselves unto their husbands no other waies then as to *the Lord*, so that from hence, for man, ariseth a lesson not to bee forgotten, that as the Lord commandeth no thing to be done, but that which is right and good, no more must the husband, for if a wife fulfill the evill command of her husband, shee obeies him as a tempter, as *Saphira* did *Ananias* (24).

Women must "submit" themselves to their husbands, but are first and foremost submitted "to *the Lord*." Consequently, no woman may obey commands that they, as Christ's disciples, would not already choose to heed. To not live according to their own conscience, their own reason, would be blasphemous. To do otherwise would be to emulate Saphira, imitating such evil examples as that set by her husband, Ananias. Wives who do so will be equally punished (Acts 5: 1-10).

The equality between men and women defended by Speght is not directly political, but her arguments are plainly supportive of the kind of political equality that Locke, in our view, defends. Speght's text develops a view of religious liberty that has political ramifications, specifically that when dealing with conflicts between human-made law and God's law, individuals are bound to obey God. Speght explicitly applies this to the authority of husbands concerning religious instruction. But the view plainly extends to politics, also. In fact, Speght characterizes the role of the wife in political terms, stressing that men are not to treat women as "their vassals" (22), and that marriage is like "a Kings sonne: *Iohn* calleth the coniunction of Christ and his Chosen, a Marriage" (23). And within this marriage or kingdom, the wife is as equally celebrated as Christ's "Sister," as she is his spouse or church (23).

Here we have Speght's proto-Lockean and anti-patriarchal argument for equality. The grounds of equality between men and women have to do with their shared capacity for reason and free will. This equality is an equality of natural authority, with no one being bound to obey anyone else. All differences between persons, even divinely ordained differences, are irrelevant to this authority. This includes purported natural differences like physical strength or abilities. And it even includes purported natural differences

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<sup>48</sup> And, as stated, men are also enjoined to likewise see their wives as able authorities whose advice must be heeded given that women's hearts can and should be a "receptacle for God's Word" (20). As she emphasizes later, "a good wife, saith *Plautus*, is the wealth of the minde, and the welfare of the heart; and therefore a meete associate for her husband" (21).

concerning men and women's roles within marriage. Speght's argument is important because it blocks the patriarchal attempt to draw an inference from observations about such forms of male and female inequality to conclusions about male and female moral and political inequality. Those inferences are mistaken, Speght argues. Call this Speght's *blocking argument*. This blocking argument explains why Speght spends so much time discussing, indeed conceding, patriarchal claims about such differences between men and women as husbands being physically stronger and assigned to headship. Her purpose is to reframe her position as philosophically uncontroversial. One can agree that men and women may not always be alike but that has no impact upon their rights and freedoms.

### 7. Locke as a Speghtian Liberal

Both Speght and Locke maintain the law of nature determines moral relations of authority and subordination. Both hold that beings equally capable of reason enjoy equal rights and lack natural authority over each other. And both accept that there exist important natural differences between men and women. Speght's blocking argument adds that, despite the supposed natural superiority of men as heads of household, men enjoy no moral, religious, or political authority over women.

With this in hand, we return to Locke's remarks on the natural subordination of women to men. Speght's blocking argument helps us to see that the egalitarian reading makes the most sense of the Lockean position. And it matches what Locke wrote on the matter of women.

Consider Locke's most explicit endorsement of men's and women's equality in his discussion of parental rights in chapter VI of the *Second Treatise*. In II, 54, Locke refers to the passage from II, 4 quoted at the outset of our argument, where he asserts the natural equality of "all Men" as a starting principle of his theory. His point in II, 54 is to say that this statement of equality does not deny such obvious inequalities as age, wisdom, or virtue. While such inequalities "may give Men a just Precedency," this nevertheless:

Consists with the *Equality*, which all Men are in, in respect of Jurisdiction or Dominion, one over another, which was the *Equality* I there [in II, 4] spoke of, as proper to the Business in hand, being that *equal Right* that every Man hath to his *Natural Freedom*, without being subjected to the Will or Authority of any other Man (II, 54).

The context here is the beginning of a chapter whose main task is establishing that men and women have equal authority as parents. To achieve this, Locke invokes his statement of natural equality in II, 4. And he explicitly affirms the equal right of mothers and fathers to punish their children (II, 64). And while the parental right to punish has a different grounding from the natural executive right, the central right surrendered in the creation of civil society (II, 89 and 131), the two are analogous in other respects.<sup>49</sup> This means women are included in the scope of the claim "*That all Men by Nature are equal*" (II, 54). This implies the political equality of women.

The point is made even more explicitly in the *First Treatise*. There Locke argues that God's donation of the world to Adam does not signify Adam's sole authority or ownership.

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<sup>49</sup> The rights being grounded in the duty of care (II, 58).

The reason is that the donation was not made until after Eve was created, thus if this made Adam Lord then she must “thereby be Lady, as well as he Lord of the World” (I, 29). Indeed:

God in this Donation, gave the World to Mankind in common, and not to *Adam* in particular. The word *Them* in the Text must include the Species of Man ... *They* were to have Dominion. Who? even those who were to have the *Image* of God, the Individuals of that Species of *Man* that he was going to make ... wherein soever else the *Image of God* consisted, the intellectual Nature was certainly a part of it, and belong'd to the whole Species (I, 30).

As Waldron points out, the only other member of the species at that point was Eve.<sup>50</sup> The only way this passage makes sense, therefore, is for Locke to assign to Eve the same dominion as Adam. This makes her his equal. *Pace* Brennan and Pateman, women can become politically subject to others' authority only in the same manner as men: by voluntary consent.<sup>51</sup>

These remarks imply Speght's blocking argument. The affirmation of the moral equality of all persons appears in the context of a discussion of the obvious *inequalities* we might observe among individuals. None of these, Locke is arguing, matter for his purposes: our natural status as equally free and subject to no authority. These inequalities include (in II, 54) differences in age and virtue. Locke suggests that fathers and mothers might appropriately have different roles in raising children (II, 69).<sup>52</sup> And they also include the differences in strength and ability mentioned in II, 82. People different in these ways are nevertheless not naturally beholden to each other.

Locke's stated aim, like Speght's, is to dismantle patriarchal pretensions to natural authority. The two arrive at very similar positions, using similar methods. Locke, like Speght, accepts the patriarchal premise that differences between men and women exist and that they may have a foundation in nature. But such natural differences do not matter for moral or political purposes because we cannot infer from them any claims of natural authority between people. When it comes to *that* question, men and women are strictly equal.

The Lockean position on women's role in marriage ought thus to be understood along Speghtian lines. Perhaps husbands are capable of breaking ties in marriage. Perhaps it's even to be expected that women will accept this. But whatever *normative* or *legitimate* power and authority husbands may enjoy over their wives is analogous to the legitimate power and authority that political rulers enjoy over their subjects: strictly the product of voluntary consent. And when people decide to consent to other (including non-patriarchal) relations, they are fully within their rights.<sup>53</sup>

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<sup>50</sup> Waldron, *God, Locke, and Equality*, 25.

<sup>51</sup> See also Waldron, *God, Locke, and Equality*, 122-5.

<sup>52</sup> But note his seemingly contrary remark that men and women have an equal right to discipline their children: II, 64.

<sup>53</sup> It equally makes sense, then, to attribute to Locke Speght's view about wives' right of resistance. Should patriarchal husbands overstep these limits, the rights of their wives will therefore be presumably be

Reading Locke along Speghtian and egalitarian lines has many virtues. Most obviously, it fits the logic of that position, as demonstrated by Speght's arguments. The most *consistent* Lockean position plainly ought to regard women and men as having equal rights, with each party's authority bound by the law of nature.

Moreover, this reading helps us make better sense of Locke's own writings. The blocking argument shows why Locke is not simply contradicting himself. It is not true, as Waldron writes, that "this business about the superior ability of the husband denies" the equal authority and moral status of men and women.<sup>54</sup> Quite the opposite. Locke's remarks are pointing out that the two seemingly contradictory observations are not, in fact, contradictory. Our normative (because moral and political) natural equality does not presuppose a non-normative (because empirical) natural equality.

There's no need, therefore, to share Waldron's puzzlement that: "[t]he inconsistency is the more striking because, as far as I can tell, this is the only place in his mature thought where Locke bases entitlement on superior capacity." Nor do Locke's comments fly in the face of his skepticism about arguments that try to derive justificatory conclusions from premises that refer to mere custom.<sup>55</sup> Such puzzlement arises only because Waldron misses Locke's Speghtian blocking argument.

Locke's view, then, is different from the one attributed to him by Butler. According to her, Locke insists upon a radical disconnect between two different kinds of compact – the private one of marriage and the public one of civil society. But this, as we have seen, is ill founded. Such a distinction would be untenable, and indeed a very unstable foundation for the equality of men and women. Instead, Locke's point is about a disconnect between different ways in which we can stand in relationships of equality. Not every inequality is relevant to questions about social or moral equality. And the kind of inequality we observe in the household is one that is irrelevant to that latter question.

Nor do we need to read Locke, as Brennan and Pateman suggest, as sinisterly concealing his true patriarchal intentions. The Speghtian reading sees Locke as meaning what he says, and indeed offering a subtle and interesting argument for his position. Indeed, if Locke's position was patriarchal, then he alone would not stand indicted. The position is characteristic of a broader liberal tradition which was developing during his time, and which included women. Speght advances a proto-Lockean liberal framework with emancipatory conclusions by developing and employing the very blocking argument we find in Locke.

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analogous to the rights of people subject to sovereigns overstepping the bounds of their authority. Such rules, and by extension husbands, Locke dubs tyrannical. As Locke defines the term: "*Tyranny is the exercise of Power beyond Right, which no Body can have a Right to*" (II, 199). And wherever tyranny exists, force can be justifiably used in resistance (II, 204). Sreedhar argues convincingly that the Lockean position that divorce is permitted when marriage no longer serves its purpose includes a right to divorce when husbands become abusive or tyrannical. See Sreedhar, "Locke on Marriage," 501.

<sup>54</sup> Waldron, *God, Locke, and Equality*, 31.

<sup>55</sup> Waldron, *God, Locke, and Equality*, 32. For Waldon's discussion of Locke's attitude to custom, see 32-3. Melissa Butler shares a similar discomfort, arguing that Locke's remarks might be rhetorical strategy. On Butler's reading, Locke's seemingly sexist remarks are attempts to avoid "alienating" his (male) readership (147).

The Speghtian blocking argument is of enduring relevance. Questions about natural differences between males and females are still hotly debated. The blocking argument allows the (Lockean) liberal to sidestep such disputes. However, that women might biologically differ from men is irrelevant for the moral and political questions of our time. For these questions, the fundamental equality of rights, freedom, and authority of all people are our firm starting points.<sup>56</sup>

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