

Curbing the “Corruption of Manners”: John Locke, Domestic Policy, and the Moral Conditions of Happiness

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The 250th anniversary of the Declaration of Independence is a fitting time to reflect on the intellectual tradition that has informed the American conception of civics and to review our understanding of that tradition.¹ None would dispute the importance of John Locke within this legacy, as he was widely recognized as a key intellectual source for the principles at the heart of the Declaration.² Even though citations to Locke’s works became less frequent after the 1770s, he looms large in the American imagination and has remained a prominent fixture of American intellectual life from the founding to the present.³ In our time, however, Locke’s place in the tradition and his influence on the American founding has been misunderstood.

A prominent interpretation of the American founding is the “amalgam” thesis, which sees the founding as a blend of “liberal” and “republican” principles.⁴ According to Michael Sandel, liberal thinkers such as Locke maintain a view of government that is “neutral on the question of the good life,” in contrast to “republican” thinkers who believe that politics should seek to “cultivate in citizens the qualities of character self-government requires.”⁵ In

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my view, this broadly accepted interpretation of Locke's status in the tradition—Duncan Bell argues that the idea that Locke plays a “foundational role in liberalism is today a leitmotif of political thought, promulgated by critics and adherents alike”—fails to acknowledge the nuance in Locke's writings and the compatibility he saw between the enjoyment of natural rights and the necessity of virtue for happiness.⁶ Upon close inspection, as my essay will suggest, many of Locke's arguments might aptly be considered illiberal. Moreover, if we accept that Locke is essential to understanding the principles of the American founding yet drive an unnecessary wedge between the founding's Lockean and “republican” elements, we risk misunderstanding the founding itself. If America's semiquincentennial is an opportunity to renew our commitment both to understanding our civic inheritance and what government can do to help promote the good life in the American context, I propose that we begin by reevaluating America's philosopher.

The purpose of this essay is to show that John Locke thought political communities should strive to implement policies and customs that would foster certain moral habits in the body politic. As Locke is one of the most famous advocates of natural rights and limited government, it comes as little surprise that most scholars have not focused on this aspect of his thought. This is, however, an error into which scholarship has fallen at least in part because of the presumption that Locke's “liberalism” precludes him from articulating a positive vision for government policies aimed at encouraging morality. Even Nathan Tarcov, who has suggested that there are many “non-Lockean elements” in Locke's thought, believes that Locke leaves such elements to the private sphere.⁷ This is true to an extent, but this framework fails to account for Locke's various arguments suggesting the government's role in shaping citizen character.

Those who do discuss this theme can be separated into three general categories. First are those scholars who argue that Locke's political thought is indifferent to the moral character of citizens and that Locke's understanding of government does not attempt to

shape citizen character at all. The most extreme proponent of this view in recent years is Patrick Deneen, who calls Locke the "first philosopher of liberalism." Deneen has argued that Lockean "liberty is ideally the agent's ability to do whatever he likes," and it permits "the greatest possible pursuit and satisfaction of [the agent's] appetites."⁸ More moderate proponents of this view simply assert that Lockean government is relatively indifferent on the question of personal moral character. Thomas Pangle argues that Lockean civil society is concerned only with "supervision over the morals of the citizenry... insofar as is necessary to keep the peace and secure the lives, liberty, and property of the citizenry."⁹ There is no conception of "the good life" for Locke, which means that the magistrate in Locke's system does not have the "capacity or authority to attempt to care for the souls of his people by dictating their religion, their moral education, the proper use of their property, the ends of their marriages, or the correct pursuit of happiness."¹⁰ While Pangle is right that the civil law is preoccupied with establishing peace and securing life, liberty, and property, he does not sufficiently appreciate how those objectives require the magistrate to exercise a degree of authority and influence over several areas mentioned in the second quotation, especially moral education, marriage, and, to a lesser extent, religion.

A second group of scholars suggest that Locke is concerned with promoting public morals, but their treatments are largely silent as to what sorts of policies Locke would pursue to bring about such a result. Thomas G. West and Michael Zuckert acknowledge that civil society or government should provide moral guidance to the public, but they do not sufficiently expound on the theme.¹¹ In another piece, West provides a helpful assessment of Locke's views on the importance of the family, which I will rely on heavily in my discussion of that topic.¹² Another outlier is Peter Myers, who argues that the structure of Locke's government serves to educate the population in "moderate rationalism" through such institutions as representation¹³ and separation of powers.¹⁴ While this is a useful reflection, it leaves one with the impression that Locke was either reluctant or

unwilling to authorize the state to use force to curb citizens' morals.

A third group of scholars view Locke as anti-liberal and claim that his political teaching is fraught with moral implications that are averse to those who wish for a more open and inclusive society. These authors, such as John Baltes, see Locke's commitments to natural law morality and Christianity as incompatible with the "identities or decisions" that "late-modern citizens" might affirm—for example, "gay marriage, . . . nonprocreative sex, [and] atheism."¹⁵ A number of feminist scholars, such as Laura Janara, who sees Locke's commitment to a normative understanding of the nuclear family as essential to his thinking about politics, also fall within this camp.¹⁶ These scholars view Locke's nondemocratic or even aristocratic arguments as oppressive, discriminatory, or patriarchal (etc.) and insist that the liberalism often attributed to Locke is an illusion.

My interpretation challenges all three of these positions. My primary argument is that by reading Locke's mature writings,¹⁷ one can show that Locke believes it is necessary for civil law to be concerned with the moral character of society and that government can and should take steps to foster moral conditions that will support individuals in their pursuit of happiness. The investigation is divided into two main sections. The first explains Locke's conception of civil law and how part of its role is to make effective the pronouncements of the law of nature. The second and longer section examines some of Locke's explicit and implied policy proposals that aim to promote moral behavior conducive to happiness. While one could rightly point out that only the poor law and the *Toleration* letters discuss policy—a point that seems to be supported by Locke's description of the *Two Treatises* as an examination of the "original of societies and the rise and extent of political power"¹⁸—this essay shows that many of Locke's arguments in the *Two Treatises* should be understood as policy recommendations, given his assertion that the natural law ought to inform civil law. The policies detailed here include those that incentivize industriousness, regulate sexual ethics and mandate certain protections

for children within the nuclear family, and help to positively shape the law of opinion. I conclude that although Locke's government is limited in scope, Locke nonetheless expects the government to play a considerable role in attending to the moral character of citizens.

The “End of Law” or Against “Bogs and Precipices”

The most important aspect of law for Locke is that it is the precondition for true freedom and happiness and that it aids in the attainment of those goals by providing direction and restraint to human action. As he says:

For Law, in its true Notion, is not so much a Limitation as the direction of a free and intelligent Agent to his proper Interest, and prescribes no farther than is for the general Good of those under that Law. Could they be happier without it, the Law, as a useless thing would of it self vanish; and that ill deserves the Name of Confinement which hedges us in only from Bogs and Precipices.¹⁹

In this section he begins by discussing the law as a kind of guardrail for moral behavior, one that provides man with direction for his proper course. But how does it do this? He comments that law is useful for happiness, in part because it “hedges us in . . . from Bogs and Precipices.” Assaf Sharon has explained how this feature of law is essential to the kind of political freedom enjoyed by self-governing citizens in a republican style of government, but he insufficiently appreciates the moral implications of the passage.²⁰ Helpfully, as Quentin Skinner has noted, Hobbes uses the same expression.²¹ The Latin edition of *Leviathan* articulates the importance of this argument in the clearest terms: “For the end of laws is not to restrain people from a harmless liberty, but to prevent them from rushing into dangers or harms to themselves or to the commonwealth, from impetuous passions, rashness or foolishness, as roads are hedged not as an obstacle to travelers, but to prevent them from wandering off, with injury to their fellow citizens.”²²

Locke's point is the same. The law sets up moral boundaries that keep men from doing harm to themselves and others in their fits of passion.²³ Moreover, it is not enough for the law to merely restrain erratic or irrational behavior; it must also provide guidance on *how* one should live. In other words, Locke presumes that most people will be happier when they are made to submit to good laws. This essay aims to demonstrate how this objective is realized through civil law and, in so doing, to elucidate the type of society Locke envisions as conducive to human happiness.

Locke argues that one of the key functions of civil law is to make more effective the teachings of the natural law: "The Obligations of the Law of Nature, cease not in Society, but only in many Cases are drawn closer, and have by Humane Laws known Penalties annexed to them, to inforce their observation.... Thus the Law of Nature stands as an Eternal Rule to all Men."²⁴ It is in light of this that we should read Locke's statement from chapter 9 of the *Second Treatise*, that civil society must establish a suitable executive power.²⁵ Without consistent and potent enforcement, law is powerless, criminals are empowered, and correction is made more perilous.²⁶ This item, the inadequate enforcement power of the state of nature, is of particular interest for our purposes because it is by the threat or use of force that law helps to curb immoral behavior.

Locke elaborates on the corrective force of punishment in his discussion of the natural executive power.²⁷ This is not an unlimited power to be directed by the "passionate heats, or boundless extravagancy of [the executor's] Will."²⁸ Rather, it is one that should be limited to what is "proportionate to [the criminal's] Transgression, which is so much as may serve for Reparation and Restraint."²⁹ This is the object of punishment for capital crimes as well as "lesser breaches" of the Law of Nature. Regarding the former, Locke says that every man in the natural state "has a Power to kill a Murderer,"³⁰ but for the latter more nuance is required to achieve proportionality. Locke provides the following principle to guide the punishment of less egregious perpetrators: "Each Transgression may be punished to that degree, and with so much Severity as will suffice to make it an ill bargain to the offender, give him cause to

repent, and terrify others from doing the like.”³¹ The need to make a transgressor repent is an additional goal of natural law penalties for noncapital offenses, beyond the basic requirement of reparation and deterrence. For those whose lesser crimes do not merit a revocation of their societal membership, the law must help them to renew their commitment to the good of the community by assisting in the reformation of their character.

Indeed, promoting the public good demands not only protection but care for moral conduct as well. This point is most succinctly described in Locke’s *Letter Concerning Toleration*, where he says that “Moral Actions belong therefore to the Jurisdiction both of the outward and inward Court. . . . I mean, both of the Magistrate and Conscience.”³² The magistrate’s jurisdiction over morality extends to all things that directly affect the purpose of government—that is, to protect life, liberty, and property. Men enter society so that “by mutual Assistance, and joint Force, they may secure unto each other their Proprieties [i.e., ownerships] in the things that contribute to the Comfort and Happiness of this Life.”³³

In theory men could achieve peace and happiness without government interventions by adhering to the teachings of natural law, but this is unlikely because of the human propensity to ignore the teachings of reason and to be blown about by whims of passion.³⁴ Government must be established as an aid to men, who frequently find themselves on the brink of various moral cliffs because they cannot or will not keep the commandments of reason. For Locke this is a fundamental principle that informs the purpose of government and can be summarized by Hamilton’s famous statement, that “the passions of men will not conform to the dictates of reason and justice, without constraint.”³⁵ Our next task is to identify exactly which constraints government should place on members of the community, and therefore we now turn to examine Locke’s proposals for domestic policy.

Maintaining the “Outward Court”: Locke’s Policy Prescriptions

To understand Locke’s intention for civil law it will be helpful to review his description of the purpose of law in general. Locke’s

policy prescriptions are governed by the magistrate's responsibility to promote the "public good," which is the reason Locke gives in the *First Treatise* for the magistrate's authorized power of punishment: "For the Magistrate's Sword being for a Terror to Evil Doers, and by that Terror to inforce Men to observe the positive Laws of the Society, made conformable to the Laws of Nature, for the public good, i.e. the good of every particular Member of that Society, as far as by common Rules, it can be provided for."³⁶ The question of this section is, what "common Rules" are important for the government to make and to what end? An answer can be found in three policy goals that are discernable in Locke's writings. In his estimation government should (1) cultivate industrious citizens, (2) promote the nuclear family, and (3) guide the law of fashion. This section considers each of these policies with an eye to their main purpose while also noting some of their salutary effects.

Labor and Industriousness

Scholarship on the topic of labor in Locke's thought typically seeks to highlight two points: first, the value man's labor adds to what nature provides;³⁷ and second, how labor constitutes a fundamental aspect of property rights under the natural law.³⁸ In contrast, the aim here is to describe Locke's view that labor is essential for human happiness insofar as it fosters virtue, an argument that Locke most clearly lays out in an unpublished essay entitled "Labour."³⁹ In that piece he begins by reflecting on God's "goodness" to humankind, the wicked and the "good and the virtuous" alike, for having "put us in this life under a necessity of labour."⁴⁰ Labor is important not only because it limits the "mischiefs that ill men at leisure are very apt to do" but also as a "preservative" regimen to stave off the "diseases that attend constant study in a sedentary life." Indeed, Locke argues that the studious man who also labors would have a longer life to engage in study because he would be less likely to suffer from ailments such as "gout" that "rob [him] of his thoughts."

At the end of the essay Locke explains that labor is not well respected because governments do not extoll it. In general, the

"governments of the world" are "wholly intent upon the care of aggrandizing themselves" to the detriment of the 'happiness of the people and with it their own peace and security.'⁴¹ If they were more serious, governments would "suppress the arts and instruments of luxury and vanity. And bring those of honest and useful industry in fashion." The benefit of such a policy would be twofold. First, it would remove or lessen ambitious men from making "shows of pride and vanity" as evidence of power. Second, it would make men more independent and less likely to succumb to the flattery or "instruments of aspiring and turbulent men." In turn, this would augment society's stability because the "populace," being better educated and less distracted by frivolities, would "not be so easy to be blown into tumults and popular commotions" by demagoguery. For these reasons Locke concludes, "if the labour of the world were rightly directed and distributed there would be more knowledge, peace, health and plenty...than there now is. And Mankind be much more happy than now it is."⁴² Notably, Locke mentions both plentitude and happiness as consequences of encouraging labor, and we must keep this in mind in order to properly appreciate his most explicit industriousness-cultivating policy: his proposal for the "Employment of the Poor."⁴³

Scholarly interpretations of the import of the poor law vary. Nancy Hirschman offers an analysis of the poor law that seeks to show how Locke's proposal goes beyond "protecting property rights of the wealthy and middle class" or even "maximizing capitalist efficiency" and says rather that it constitutes an effort to develop "industry and rationality...in a particular segment of the populace" (i.e., the poor),⁴⁴ which comes close to my own view, though I disagree that Locke intends to make individuals "rational."⁴⁵ Juliana Udi focuses on the law as primarily a welfare policy and argues, in opposition to Hirschman, that the main point of the poor law is to grant "livelihood[s] to all human beings, independently of their capacity or willingness to work," because the core purpose of the state is "the preservation of the lives of all members of the commonwealth (even of those who are not 'rational and industrious')."⁴⁶ Udi thinks this is a logical application of Locke's notion of

“charity,” which should be understood as a constituent part of his theory of property.⁴⁷ Conversely, John Marshall claims that Locke’s proposal—which compels able-bodied beggars to work, along with the children of poor parents (each according to his or her age and capacity)—is a “singularly distasteful proposal” that shows “Locke’s exceedingly limited notions of justice and of the charity in dire need that had been supported in the *Two Treatises*.”⁴⁸ John Baltes has argued that the poor law leaves charity behind in favor of the harsh imposition of Western norms. For Baltes, Locke’s proposal considers the poor as useless and implies that they must be disciplined to “reduce the burden on Britain’s taxpayers and to strengthen the economy generally.”⁴⁹ Moreover, Baltes views Locke’s treatment of the poor in moral terms through the lens of Foucault. The poor are a sort of “plague of disorder” whose vicious tendencies are dangerously “contagious” and threaten the well-being of civil society.⁵⁰ To combat this contagion, the poor must be surveilled, disciplined, and kept under strict scrutiny until they have been reformed.⁵¹ While Locke’s proposal might offend some modern sensibilities, in order to understand Locke’s aim we must accept his premise that it is more important for the well-being of the poor for them to learn the importance of work than to allow them to live in idleness. For Locke personal character is essential to man’s pursuit of happiness, and it is happiness that Locke says is the goal of law in the first place.

The overarching purpose of Locke’s proposed poor law is to encourage the poor to work in order to bring about their moral reformation. This is the “true and proper relief of the poor” (to help them “in finding work for them, and taking care they do not live like drones upon the labour of others”), and while the laws on the books⁵² and while the laws on the books were intended for this purpose, they were not being effectively enforced.⁵³ In fact, Locke argues, the “beadles,” the local officers authorized by “corporations in England” to enforce these laws, have failed fantastically, as evidenced by the ballooning population of “beggars” and the corresponding rise in “idleness, poverty, and villainy . . . to the shame of Christianity.”⁵⁴ Locke argues that the source of this rise in

viciousness is the "relaxation of discipline, and corruption of manners: virtue and industry being as constant companions on the one side as vice and idleness are on the other."⁵⁵ To revive public virtue and the spirit of industry in the poor population of England, the "first step" is to institute a "restraint of their debauchery" by enforcing current laws and by the "suppressing of superfluous brandy shops and unnecessary alehouses," especially when they are in the countryside and "not lying upon great roads."⁵⁶ Locke ostensibly offers these suggestions because that level of privacy makes law enforcement challenging and because the law of opinion might not reach the poor. Locke's new law seeks to promote discipline in place of this type of wantonness.⁵⁷

The main thrust of the law is to disincentivize idle men from illegally begging,⁵⁸ with the punishments varying according to the offender's age, physical condition, sex, and whether the offender neglects to find work or is unable to find work that pays sufficiently well. For the serial beggars who will not seek out work, the most severe punishment is meted out for men between fourteen and fifty years of age who are of "sound limb and mind." If such men are found "begging in maritime counties," they are to be arrested and ultimately "sent to the next sea-port town," where they will be kept at "hard labor" until they can be put on one of the king's ships. Once aboard, they would serve for at least "three years under strict discipline, at soldier's pay...and be punished as deserters" (most likely with flogging⁵⁹) if they tried to escape or remained on shore past the time appointed by their superior.⁶⁰ For men over the age of fifty who are maimed or who are caught begging in one of the "inland counties," the penalty is three years' hard labor at the corrections house.⁶¹ The penalty for women over fourteen and children (i.e., people under fourteen) is less severe,⁶² but appropriate to help habituate them to work.

One interesting passage demonstrating the importance of work is the provision for requiring parishes to provide work for the poor in their community. The proposal allows for the "guardian of the poor of the parish" to make a public inquiry to find employment for poor members of the parish. "[I]f nobody in the parish voluntarily

accepts [to employ] such a person at the rate proposed by the guardians of the poor,” however, the guardian and members of the parish will have the power to create a schedule for the unemployed person to work for the various members of the parish, each of whom will be obligated to “pay them their appointed wages, whether he employ them or no.”⁶³ This provision is noteworthy, for although Locke is a strident defender of the right to property, he seems to have no problem with a community passing specific, limited laws that volunteer people’s property to pay for public welfare.⁶⁴ But in addition it also shows that for Locke, encouraging “virtue and industry” is a policy worth sacrificing some property to promote. After all, most people would prefer to live alongside neighbors of good character who are respectful of the rights of others rather than with the “Quarrelsome and Contentious.”⁶⁵ Moreover, this illustrates that part of the purpose of law is to serve the common good and the well-being of all members of society, so far as it is able.⁶⁶ This is a point equally applicable to the poor law’s treatment of children.

Children are of special importance in Locke’s law, with many of the proposals being to their benefit. According to Locke, one of the existing problems with England’s poor laws is that the “allowance” given to a poor man is connected to the number of children he has, and it is given to the father in the form of money, which he often “spends on himself at the alehouse” to the detriment of his children.⁶⁷ Locke argues that those funds should instead be used to finance “working-schools” for children aged three to fourteen in each of the local communities; such schools will benefit these children by teaching them the value of work and also by making sure they are “better provided” for by giving them the opportunity to earn a daily meal through their work.⁶⁸ “Another advantage” of tremendous importance is that the work-school children can be obliged to attend “church every Sunday...whereby they may be brought into some sense of religion; whereas ordinarily now...they are utter strangers both to religion and morality as they are [to] industry.”⁶⁹ For these children the law would help to teach them the key virtues that their fathers should have taught them had they

the wherewithal, a conclusion that notably cuts against the view that Lockean government is “neutral” concerning what constitutes the good life.⁷⁰ Of course, in most cases Locke expects a child’s actual father and mother to inculcate these habits of mind and character, which prompts us to turn to the subjects of marriage and family policy.

While Locke does not say much explicitly about the state’s role in protecting and promoting marriage and the purpose of marriage—namely, the procreation and raising of children—he makes several arguments that can give us insight into what the government can and should do in maintaining the marriage contract, regulations for sex, and the protection of children.

Marriage, Family, and Children

To clarify the role of the government in relation to marriage and the family, we should turn momentarily to the *First Treatise*, in which Locke asserts that the sins of “Adultery, Incest and Sodomy...cross the main intention of Nature, which willeth the increase of Mankind, and the continuation of the Species in the highest perfection, and the distinction of Families, with the Security of the Marriage Bed, as necessary thereunto.”⁷¹ If we remember that the point of the civil law is to help effect natural law teachings, we should read this passage as a policy prescription that the government ought to institute. Viewed in this way, we see first that the aim of society is to “increase” the membership in the “highest perfection.” This means that there must be laws governing marriage contracts, which according to natural law are ordered to the good of children.

One question that must be addressed is the duration for which marriages should last and whether divorce should be permitted. For Locke, marriages ought to stay intact until “Procreation and Education are secured, and Inheritance taken care for.”⁷² Of course, there are exceptions. Couples may choose to “separate” when natural rights are threatened, or if permitted by the marriage contract, which is structured in accordance with the “Customs or Laws of the Countrey.”⁷³ While it is true that this means states

could produce laws like modern no-fault divorce, such a law would risk thwarting the “main intention of nature” because it could deprive children of one of their parents prematurely.⁷⁴ Thus, a good law concerning marriage contracts should at least secure the baseline good of the children by demanding that marriages last as long as the children are in the home. Furthermore, human law can always go above and beyond the necessity of nature to better serve the end of marriage, and for this reason states often issue “positive Law[s]” requiring that “all such Contracts be perpetual,” barring extraordinary circumstances (e.g., spousal abuse or spousal infidelity).⁷⁵ Once the terms of the marriage contract are properly aligned, the next set of regulations bulwarking the institution of marriage helps to support the “distinction of families.”

Locke is clear that to promote strong, stable marriages, which are essential for a healthy commonwealth, the law needs to police certain sexual practices. First, contrary to Peter Lawler’s interpretation,⁷⁶ Locke’s denunciation of “sodomy” and his assertion that the purpose of sex is procreation means that Lockean civil society would not tolerate much less encourage sexual practices such as homosexual sex that could not result in children. Lawler fails to recognize what Thomas West correctly observes—namely, that “[g]overnment... has a strong interest in encouraging childbirth within marriage” and in discouraging antithetical practices such as “homosexuality.”⁷⁷ Moreover, as Michael Zuckert argues, Locke is “not for a moment neutral between... free love and family,”⁷⁸ and thus government cannot tolerate “incest, adultery, ... no-fault divorce[,] and non-spousal sex.”⁷⁹ The reason for this is that the “uncertain mixture, or easie and frequent Solutions of Conjugal Society would mightily disturb” the purpose of that society, which is raising and providing for the future of their “Common Issue.”⁸⁰ Sexual crimes must fall under the purview of the civil magistrate, who has the responsibility of punishing the “dishonesty and debauchery of men’s lives.”⁸¹ Hence, as was the case in England, “arbitrary divorce, polygamy, concubinage, simple fornication, or marrying within degrees thought forbidden [i.e., incest]” were sexual crimes,⁸² which could not be “exempt from the magistrate’s

power of punishing."⁸³ Crimes such as these offend nature because they undermine the well-being of children by distracting parents from caring for their own children or the children that would result from their promiscuity. In fact, it is arguable that Locke's ideal for the family is to have the state encourage parents to beget and raise their own children.⁸⁴

Indeed, the state has a vested interest in encouraging parents to have and raise children. In one of his unpublished pieces Locke asserts that "all wise governments" have sought to incentivize population growth "by privileges granted to the fathers of children as the *ius trium liberorum* amongst the Romans."⁸⁵ Mark Goldie notes that this provision of Roman law grants "privileged status...to fathers of three,"⁸⁶ which Locke thinks is important, first because "people are the strength of any country or government" and second because it is "the number of people that make the riches of any country."⁸⁷ To this end, the law should protect children from harm. One example in Locke's writings of a law protecting children appears in the *Letter Concerning Toleration*, where he says that the "sacrifice [of] Infants" should be prohibited by the magistrate.⁸⁸ Locke says the prohibition against child sacrifice is appropriate, because no religious assembly can include in its worship any practices that are otherwise "unlawful in the ordinary course of life."⁸⁹ In short, child sacrifice is unlawful because killing children is unlawful, and killing children is unlawful because, as Thomas West summarizes, "[w]ithout the generation, care, and education of the next generation of children, society will perish."⁹⁰ Importantly, this does not suggest that Locke thinks a child has no worth beyond his usefulness for prolonging the life of the state (a point illustrated by his insistence that children are entitled to their natural rights). Rather, it highlights that Locke's conception of the state requires the preservation and education of children.⁹¹ Put another way, the state has a vested interest not only in protecting children but also in preserving the conditions within which they can receive the moral and civic formation necessary for the perpetuation of the state.

Despite his suggestion that the magistrate can compel certain behaviors with force, Locke recognizes that civil law alone cannot

directly solve problems like the eroding of public morals.⁹² To supplement this, Locke sought for a method of influencing society's opinions and customs such that the law of fashion could more effectively discourage practices that undermine political communities. This is at the heart of the policy he outlines in his *Letter Concerning Toleration*.

Shaping the Law of Fashion: Locke's Toleration Policy

Locke's policy of toleration is his most robust and arguably his most discussed policy position. In general, scholarship treating the *Letter Concerning Toleration* as a topic of policy either focuses on Locke's efforts to downplay doctrinal differences between religious sects and promote tolerance in a liberal society,⁹³ or examines his efforts to defend the benefits of the separation of church and state.⁹⁴

In contrast, this essay focuses on the implications of Locke's policy of toleration as it relates to fostering morality in the citizenry. My argument is that Locke's toleration policy aims at carving out a space for private associations that promise to have a positive impact on the moral character of society and particularly on the law of fashion.⁹⁵ To paraphrase Zuckert, as a bulwark of the "rights infrastructure," religion is one of the "public institutions that rational liberal societies should foster and encourage."⁹⁶ In the *Essay Concerning Human Understanding*, Locke says that what is considered virtuous or vicious is "by a secret and tacit consent" established in "the several Societies, Tribes, and Clubs of Men in the World" and seeps from these institutions into the broader society.⁹⁷ Chief among these in the Western world are Christian churches, which are particularly effective at shaping the moral tone of society because the possibility of salvation encourages individuals to make a sincere attempt to practice the virtues the churches teach. Properly understood, Christianity is ordered "to the regulating of men's lives, according to the rules of virtue and piety."⁹⁸ Hence, "[w]hosoever will list himself under the banner of Christ, must, in the first place and above all things, make war upon his own lusts and vices."⁹⁹ Locke wants the churches to disseminate a love of

Christian virtue, which will help to promote peace in the political community. Further, it is within the purview of the magistrate to help churches focus on their proper object, which he accomplishes by carefully regulating moral conduct.¹⁰⁰

To understand how the magistrate should do this, we must first appreciate Locke's distinction between speculative and practical opinions and the magistrate's relationship to each. By "Speculative" opinions Locke refers to "Articles of Faith...which are required [by particular churches] only to be believed," such as the Roman Catholic doctrine of Transubstantiation. While Locke himself thinks such teachings are "false and absurd," since they do not "alter any thing in mens Civil Rights," these opinions are to be tolerated by the civil authority. Conversely, the magistrate is obliged to investigate and curtail certain "Practical" opinions that "influence the Will and Manners" of the people in a way that undermines the safety and happiness of society.¹⁰¹ He lists four explicit practical opinions that are intolerable according to this standard. For the sake of space, the focus here is only on the first and fourth opinions, which most strikingly relate to the moral habits of citizens.

The first category of intolerable opinions Locke mentions is "Opinions contrary to human Society, or to those moral Rules which are necessary to the preservation of Civil Society."¹⁰² Two kinds of actions in this category that should be prohibited are sexual promiscuousness that undermines the integrity of the marriage bed and the violation of the natural law commandment to preserve all men as much as possible.¹⁰³ One of his most explicit denunciations of an opinion that undermines society in this manner comes in comes in a pamphlet on interest rates pamphlet on interest rates and the value of money. In that work Locke vehemently argues that lying is something that ought to be discouraged by the civil authority.

I fear I may reckon it as one of the probable Consequences of such a Law, That it is likely to cause great perjury in the Nation; a Crime, than which nothing is more carefully to be prevented by Lawmakers, not only by Penalties, that

shall attend apparent and proved Perjury; but by avoiding and lessening, as much as may be, the Temptations to it. . . . Faith and Truth, especially in all Occasions of attesting it upon the solemn Appeal to Heaven by an Oath, is the great Bond of Society: This it becomes the Wisdom of Magistrates carefully to support, and render as sacred and awful in the Minds of the People as they can. But if every Frequency of Oaths shall make them be looked on as Formalities of Law, or the Custom of straining of Truth (which Mens Swearing in their own Cases is apt to lead them to) has once dipt Men in Perjury, and the Guilt with the Temptation has spread it self very wide, and made it almost fashionable in some Cases, it will be impossible for the Society . . . to subsist: All must break in Pieces, and run to Confusion.¹⁰⁴

From this line of thinking it would follow that other actions that strain or break those bonds, or the purpose for which they were established, ought to be restricted too (e.g., stealing, promiscuity, child abuse, and spousal abuse).

The fourth intolerable opinion listed by Locke is atheism, which is intolerable because those who “deny the Being of a God” cannot be trusted to keep their “Promises, Covenants, and Oaths, which are the Bonds of Humane Society. . . . The taking away of God, . . . even in thought, dissolves all.”¹⁰⁵ Moreover, militant atheists may attempt to “undermine and destroy all Religion” in society, and Locke thinks that this is a sufficient pretense to deny them the “Privilege of a Toleration.”¹⁰⁶ According to John Tate, Locke’s refusal of toleration to atheists is dependent only on the “civil consequences of their beliefs, [and] in terms of their impact on the material interests of society.”¹⁰⁷ Tate goes too far, however, when he says that Locke is unconcerned with the “intrinsic content” of an atheist’s beliefs.¹⁰⁸ Indeed, Locke’s rejection of atheism provides us with an implicit framework for understanding the kind of God one must believe in to be worthy of toleration.¹⁰⁹ In other words, not only is belief in the existence of God necessary but so is the

character of the God we believe in. One must believe in a God who "sees in the dark" and is capable of offering rewards or punishments that correspond to the morality or immorality of men.¹¹⁰ Locke's writings are replete with references to God that describe him as an arbiter of rewards and punishments.¹¹¹ In this reading I am in qualified agreement with Nathan Guy when he writes that for Locke, belief in God is a "prerequisite for understanding the nature and force of law, thus faith *in some form* is necessary to be an industrious member of civil society."¹¹² While there is disagreement on exactly which groups should or should not be tolerated according to Locke's various arguments, there is a growing scholarly consensus that Locke's rejection of atheists represents a deeper concern with the kind of God Locke wants people to believe in.¹¹³

By effectively restricting the practical opinions noted in the foregoing and encouraging toleration of speculative opinions, the magistrate will be teaching the churches how to foster peace. As Locke says, peace would result if

"all Churches were obliged to lay down Toleration as the Foundation of their own Liberty; and teach that Liberty of Conscience is every mans natural Right.... The establishment of this one thing would take away all ground of Complaints [between churches] and Tumults upon account of Conscience. And these Causes of Discontents and Animosities being once removed, there would remain nothing in these Assemblies that were not more peaceable, and less apt to produce Disturbance of State."¹¹⁴

In addition, when Christians are less concerned with whether their neighbors believe the right things, there will be more time to focus on teaching the moral laws that will facilitate the salvation of souls. This begins with encouraging moral virtue, which in the *Reasonableness of Christianity* is one of Christianity's greatest attributes.¹¹⁵

In fact, to accentuating Christianity's moral commandments is one of the main reasons for which Locke crafts his toleration

policy.¹¹⁶ At the opening of the *Letter* Locke says that it has become unfortunately common for churches simply to ignore those “moral Vices and Wickedness’s, without any Chastisement, which are acknowledged by all Men to be diametrically opposite to the Profession of Christianity.” Despite being the best communicator of moral virtue, Christianity in Locke’s time was failing to hold Christians to account for their conduct. Thus, part of Locke’s intention for his toleration policy is to redirect churches to the task of rooting out from their own congregations such vices as “Whoredom, Fraud, Malice . . . Adultery, Fornication, Uncleaness, Lasciviousness, [and] Idolatry,” which keep men from entering the “Kingdom of God.”¹¹⁷ Further, if the magistrate carries out his duty to enforce moral conduct that is in keeping with the Christian faith, he will be aiding true religion in its purpose of providing the moral instruction salvation requires.¹¹⁸

Conclusion

This essay has demonstrated that Locke’s political thought leaves ample room for policies that shape the character of the body politic. We can see this in his writings on promoting industriousness and the family and in the logic of his toleration policy, especially when we read these arguments in light of his statements that (1) the proper end of law is to facilitate human happiness by regulating moral conduct and (2) civil law should strive to make the conclusions of the natural law more effective.¹¹⁹ In light of my argument, at least two conclusions are merited.

First, contrary to those who view modern America as Lockean, it is striking how *un-Lockean* modern American policies are. With respect to welfare policy, whereas Locke believes the “true relief of the poor” is to help them find work and not to give them funds directly, modern American welfare gives direct financial assistance to tens of millions of Americans.¹²⁰ Regarding marriage and family policy, Locke thinks that violations of the marriage contract notwithstanding, a husband and wife ought to remain married at least until children have left the home (if not longer); that children, future members or citizens of the society, should be protected from

harm; and that promiscuous sexual practices should be prohibited by the magistrate. In the twentieth and twenty-first centuries, we have seen the proliferation of no-fault divorce, legal abortion (regardless of whether the procedure is medically necessary),¹²¹ the legitimization of promiscuous sex,¹²² and programs that subsidize single mothers.¹²³ Of course, there have been and could be arguments made on behalf of all these modern policy changes, but as shown here, there is serious evidence for the conclusion that Locke would not support such policies.

Second, my conclusion places me in general agreement with others who cast doubt on the argument that Locke is the definitive starting point of modern liberalism.¹²⁴ More broadly, this essay supports the notion that innovations of early modern political thought, such as natural rights and social compact theory, are not necessarily in tension with those traditional virtues and customs that are said to unite societies. In addition to clarifying our understanding of Locke, my interpretation should be brought to bear on our understanding of the American founding.

As noted at the outset, some scholars see the founders' simultaneous commitments to the traditions of liberalism and republicanism as incongruous. My account of Locke shows that one cannot draw such divisions too starkly, as Locke himself, supposedly an arch liberal, is willing to make illiberal arguments on behalf of policies promoting virtue. Put another way, Locke believes in liberty and natural rights and, at the same time, thinks government should promote a certain way of life. While it is beyond the scope of this essay to prove precisely how the founders understood Locke, we must leave open the possibility that they read him in this way. As Thomas West has argued, "The founders did not separate rights from duties" and believed that "the laws of nature and of nature's God impose moral obligations on human beings in their dealings with other people."¹²⁵ If this is so, it is reasonable to suspect the founders would not have drawn on Locke if they believed his arguments for natural rights and liberty permitted licentiousness. Indeed, as shown here, Locke believes liberty can be preserved and heightened when government does its part to

foster the moral conditions of happiness. That is, to be most conducive to happiness, a political society based on natural rights such as the right to liberty must have a vision of the good life according to which it seeks to shape the character of its citizens. As we ring in America's semiquincentennial, I suggest that we reflect on Locke's vision of the good life and consider how it might help carry us through the next 250 years.

Notes

1. By "civics" I refer to "[t]he part of political science which is concerned with citizenship; the study of government and the state with particular emphasis on the rights and duties of the citizen," as per the *Oxford English Dictionary*, "civics (n.)," July 2023, accessed November 19, 2025, <https://doi.org/10.1093/OED/4380532530>.
2. Thomas Jefferson famously named Locke among the authors of the "elementary books of public right" whose arguments contributed to the creation of the Declaration. See "From Thomas Jefferson to Henry Lee, 8 May 1825," *Founders Online*, National Archives, <https://founders.archives.gov/documents/Jefferson/98-01-02-5212>.
3. For the decline in references to Locke after the 1770s, see Donald S. Lutz, "The Relative Influence of European Writers on Late Eighteenth-Century American Political Thought," *American Political Science Review* 78, no. 1 (1984): 193–94. For the sustained pervasiveness of Locke in American intellectual life, see Claire Rydell Arcenas, *America's Philosopher: John Locke in American Intellectual Life* (University of Chicago Press, 2022).
4. For a summary of the "amalgam" interpretation, see Thomas G. West, *The Political Theory of the American Founding: Natural Rights, Public Policy, and the Moral Conditions of Freedom* (Cambridge University Press, 2017), 43–47.
5. Cited in West, *Political Theory of the American Founding*, 44. For the sake of this essay, I adopt Sandel's definition of liberalism as the view that government should be "neutral on the question of the good life."
6. Duncan Bell, "What Is Liberalism?," in *Reordering the World, Essays on Liberalism and Empire* (Princeton University Press, 2016), 73. Bell goes on to argue that this view of Locke is in some ways a twentieth-century creation: "Locke became a liberal during the twentieth century. As part of a process of retrojection his body of work—or at least some stylized arguments stripped from it—was posthumously conscripted to an expansive new conception of the liberal tradition" (83).

7. See Nathan Tarcov, *Locke's Education for Liberty* (University of Chicago Press, 1984), 210 and 81.
8. Patrick J. Deneen, *Why Liberalism Failed* (Yale University Press, 2018), 32 and 48. For a similar view, see Peter Augustine Lawler, “Locke, Darwin, and the American Science of Modern Virtue,” *Society* 50, no. 5 (2013): 447–55.
9. Thomas L. Pangle, *The Spirit of Modern Republicanism: The Moral Vision of the American Founders and the Philosophy of Locke* (University of Chicago Press, 1988), 253.
10. Pangle, *Modern Republicanism*, 256.
11. See Thomas G. West, “The Ground of Locke’s Law of Nature,” *Social Philosophy & Policy* 29, no. 2 (2012): 46; and Michael P. Zuckert, *Launching Liberalism: On Lockean Political Philosophy* (University Press of Kansas, 2002), 361–62. Others who address this theme but either do not draw out the implications for government policy or do so in a narrow manner include Robert Reilly, *America on Trial: A Defense of the Founding* (Ignatius Press, 2020); Douglas John Casson, *Liberating Judgment: Fanatics, Skeptics, and John Locke's Politics of Probability* (Princeton University Press, 2011), esp. 241–43; and Eric R. Claeys, “The Private Society and the Liberal Public Good in John Locke’s Thought,” *Social Philosophy & Policy* 25, no. 2 (2008): 201–34.
12. Thomas G. West, “Locke’s Neglected Teaching on Morality and the Family,” *Society* 50, no. 5 (2013): 472–76. West’s piece is especially helpful for articulating why it is essential for government to regulate sex and marriage.
13. Peter C. Myers, *Our Only Star and Compass: Locke and the Struggle for Political Rationality* (Rowman & Littlefield, 1998), 210.
14. Myers, *Star and Compass*, 224.
15. John Baltes, *The Empire of Habit: John Locke, Discipline, and the Origins of Liberalism* (University of Rochester Press, 2016), 111.
16. Laura Janara, “John Locke’s Kindred Politics: Phantom Fatherhood, Vicious Brothers and Friendly Equal Brethren,” *History of Political Thought* 33, no. 3 (2012): 455–89. Another example is Carole Pateman, *The Sexual Contract* (Stanford University Press, 1988).
17. My review of Locke’s “mature writings” includes both his published and unpublished writings from 1689 and following. In the main, I rely on the published works to make my arguments and use contemporaneous, unpublished pieces to help illuminate Locke’s broader and deeper thinking of certain topics.

18. John Locke, "Some Thoughts Concerning Reading and Study for a Gentleman," in *Locke: Political Essays*, ed. Mark Goldie (Cambridge University Press, 1997), 351–52.
19. John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge University Press, 1988), II, §57. Hereafter, e.g., Locke, *Second Treatise*, §57.
20. Assaf Sharon, "Locke, Liberty, and Law: Legalism and Extra-Legal Powers in the Second Treatise," *European Journal of Political Theory* 21, no. 2 (2022): 243.
21. See Thomas Hobbes, *Leviathan: With Selected Variants from the Latin Edition of 1668*, ed. Edwin Curley (Hackett, 1994), chap. 30, sec. 21, p. 229, cited in Quentin Skinner, *Visions of Politics*, vol. 3, *Hobbes and Civil Science* (Cambridge University Press, 2002), 222.
22. See Hobbes, *Leviathan*, 229n11.
23. West, "Neglected Teaching," 475, summarizes this point nicely: "Some will object that for Locke, morality is not the purpose of government. This is incorrect. The law of nature is a moral law, and government's main task is to enforce that law." Michael Zuckert agrees, saying that for a Lockean liberal society to succeed, it cannot be "neutral regarding the virtues of social life." Accordingly, moral virtues are genuine "goods, and nothing prevents a Lockean state from so declaring and pursuing them" (*Launching Liberalism*, 362). As mentioned, however, he does not explain how Lockean society should do this. See also Reilly, *America on Trial*, 244.
24. Locke, *Second Treatise*, §135.
25. Locke, *Second Treatise*, §126, where Locke says that the State of Nature lacks a "Power to back and support" justice "and to give it due Execution."
26. Locke, *Second Treatise*, §126.
27. Locke, *Second Treatise*, §7.
28. Locke, *Second Treatise*, §8.
29. Locke, *Second Treatise*, §8.
30. Locke, *Second Treatise*, §11.
31. Locke, *Second Treatise*, §12.
32. John Locke, *A Letter Concerning Toleration*, ed. James Tully (Hackett, 1983), 46. Hereafter, e.g., Locke, *Toleration*, 46.
33. Locke, *Toleration*, 47.
34. Locke, *Second Treatise*, §124.
35. Alexander Hamilton, *Federalist* 15, in *The Federalist*, Gideon ed., ed. George W. Carey and James McClellan (Liberty Fund, 2001), 73. It

is worth pausing briefly to clarify the implications of this point. Some scholars believe that Locke’s objective is to improve men’s capacity for rationality and thereby assist them in their exercise of freedom [e.g., Peter A. Schouls, *Reasoned Freedom: John Locke and Enlightenment* (Cornell University Press, 1992)] and pursuit of happiness (e.g., Myers, *Star and Compass*, esp. chaps. 5–6). As Locke discusses elsewhere, however, many people lack the ability to reason their way to what is good for them. Instead, they must be habituated in the practices that will promote societal harmony. See John Locke, *The Reasonableness of Christianity: As Delivered in the Scriptures*, ed. John C. Higgins-Biddle (Clarendon Press, 1999), 279 (page number references the internal bracketed pagination).

36. Locke, *First Treatise*, §92.
37. Some scholars, to quote Peter Myers (*Star and Compass*, 117), argue that “Locke supersedes his references to natural material abundance with a progressively intensifying account of an original condition of ‘penury’ whose inhabitants . . . are ‘needy and wretched.’” See, e.g., Strauss, *Natural Right and History*, 224–26; and Michael P. Zuckert, *Natural Rights and the New Republicanism* (Princeton University Press, 1998), 262–66. In contrast, West, “Ground of Locke’s Natural Law,” 27–28, argues that these scholars fail to appreciate the degree to which Locke recognizes the beneficence of nature.
38. See Peter Laslett, introduction to the *Two Treatises*, 102–3; and James Tully, *A Discourse on Property*, chap. 5.
39. John Locke, “Labour,” in *Locke: Political Essays*, ed. Mark Goldie (Cambridge University Press, 2008), 326–28. This essay, published in 1693, is a good example of a contemporaneous, unpublished piece that expands on an important topic in Locke’s mature writings, in this case industriousness.
40. Locke, “Labour,” 326. Locke makes a similar comment in *Second Treatise*, §§31–32 when discussing God’s gift of the world to man “to enjoy” and the concomitant command to work.
41. Locke, “Labour,” 328.
42. All quotes in this paragraph come from Locke, “Labor,” 328.
43. John Locke, “Draft of a Representation Containing a Scheme of Methods for the Employment of the Poor. Proposed by Mr. Locke, the 26th October 1697,” in *Locke: Political Writings*, ed. David Wootton (Hackett, 2003), 446–62. Hereafter referred to as “Scheme.”
44. Nancy J. Hirschman, “Intersectionality Before Intersectionality Was Cool: The Importance of Class to Feminist Interpretations of John

Locke,” in *Feminist Interpretations of John Locke* (Pennsylvania State University Press, 2007), 164. Hirschman also gives a nice overview of some of the major elements of Locke’s proposal (160–65).

45. See note 35.
46. Juliana Udi, “Locke and the Fundamental Right to Preservation: On the Convergence of Charity and Property Rights,” *Review of Politics* 77, no. 2 (2015): 206.
47. Udi, “Fundamental Right,” 201–4.
48. John Marshall, *John Locke: Resistance, Religion and Responsibility* (Cambridge University Press, 1994), 324.
49. John Baltes, *The Empire of Habit: John Locke, Discipline, and the Origins of Liberalism* (University of Rochester Press, 2016), 69.
50. Baltes, *Empire of Habit*, 82–83.
51. Baltes, *Empire of Habit*, 83–85.
52. Locke, “Scheme,” 452. The drones who live on the labor of others should remind us of the “quarrelsome and contentious” whom Locke reproves in chapter 5 of the *Second Treatise*.
53. Locke, “Scheme,” 452.
54. Locke, “Scheme,” 452–53. The same sentiment is expressed in Locke’s essay “For a General Naturalization.” See John Locke, *Locke: Political Essays*, ed. Mark Goldie (Cambridge University Press, 2008), 326.
55. Locke, “Scheme,” 447.
56. Locke, “Scheme,” 447.
57. I will limit my explication of Locke’s poor law to subjects related to this theme, although it is worth noting that Locke also thinks that encouraging and enabling men, women, and children to work will help to increase the riches of the country. See, e.g., Locke, “Scheme,” 452.
58. Legal begging required a pass and could be done only during certain times of the day. There is a specific penalty for begging without a pass or with a counterfeit. See Locke, “Scheme,” 449.
59. Flagellation was the main punishment for desertion according to the *Regulations and Instructions Relating to His Majesty’s Service at Sea* (first published in 1731). According to Martin Hubley, “[T]he ship’s captain could summarily punish such deserters, with a flogging while lashed to a grating at the ship’s gangway, technically of no more than twelve lashes with the infamous cat of nine tails, according to the ‘ancient practice of the sea.’” See “Deserters, Stragglers, and Ramblers,” Nova Scotia Museum of the Atlantic, originally accessed August 19, 2022, <https://web.archive.org/web/20230604015406/https://maritimemuseum.novascotia.ca/deserters-stragglers-and-ramblers>.

60. Locke, “Scheme,” 448–49. To ensure that the character of the offender is showing “manifest proof of amendment,” which is the “end for which he was sent thither,” Locke says, the justice of the peace should make a “narrow inquiry into the state and management of the houses of correction within their district.” If insufficient progress has been made, he can expand the sentence to a “longer stay there, and a severer discipline” (449).
61. Locke, “Scheme,” 449.
62. Locke, “Scheme,” 450.
63. Locke, “Scheme,” 451.
64. Udi’s work suggests this provision poses a challenge to those who say Locke’s arguments concerning property promote “possessive individualism” (“Fundamental Right,” 207–8). For her helpful summary of the proponents of the “possessive individualist” interpretation, see 194–99. While I agree with her general conclusion on this point—namely, that Locke’s understanding of property rights must account for the provision that property owners may be forced to “finance” the support of the poor in their community and even to “hire unemployed laborers”—this position must not be taken too far. After all, Locke argues that the point of the social compact is to preserve property (e.g., *Second Treatise*, §123), and any welfare policy must be crafted with that aim in mind.
65. Locke, *Second Treatise*, §34.
66. Consider again Locke’s statement in *First Treatise*, §92.
67. Locke, “Scheme,” 453.
68. Locke, “Scheme,” 453–54.
69. Locke, “Scheme,” 454–55.
70. Consider this in light of Locke’s education for gentlemen. Among the most important objects of that education are virtue and belief in a God who is good. See John Locke, *Some Thoughts Concerning Education*, ed. Ruth W. Grant and Nathan Tarcov (Hackett, 1996), §§135–36.
71. Locke, *First Treatise*, §59.
72. Locke, *Second Treatise*, §81.
73. Locke, *Second Treatise*, §82.
74. Here, I diverge from some feminist scholars who see Locke as more or less antagonistic to the patriarchalism endorsed by Robert Filmer. While these scholars rightly note that the solubility of the marriage contract represents Locke’s awareness that the sexes have equal claim to natural rights, their interpretations downplay the fact that the “intention of nature,” and therefore the blueprint for civil society,

is to encourage the generation and education of children. Melissa Butler, for example, argues that Locke's admission that marriage in the natural condition is not indissoluble and based on an understanding of equality between the sexes should be seen as a revolutionary yet qualified rejection of the patriarchalism of an author like Filmer. See esp. Melissa A. Butler, "Early Liberal Roots of Feminism: John Locke and the Attack on Patriarchy," *American Political Science Review* 72, no. 1 (1978): 144 and 149–50. Conversely, Carole Pateman, *The Sexual Contract* (Stanford University Press, 1988), 93–95, maintains that this language of equality is a ruse and that Locke defends as a natural right "a man's right to have sexual access to a woman's body so that he could become a father" (95).

75. Locke, *Second Treatise*, §81. Locke does not spend time outlining his precise policy for marriage contracts, but a proper policy would require that what Locke calls the "intention of Nature" be secured. This was also the common understanding during the era of the American founding. See West, *Political Theory of the American Founding*, chap. 10.
76. Peter Augustine Lawler, "Locke, Darwin, and the American Science of Modern Virtue," 447, focusing solely on the logic of Lockean liberalism, contends that same-sex marriage is a "very Lockean idea" because "free individuals choosing marriage shouldn't be limited by biological imperatives...[as] each of us should be free to define the mystery of our own beings."
77. West, "Neglected Teaching," 475.
78. Zuckert, *Launching Liberalism*, 362.
79. West, "Neglected Teaching," 475.
80. Locke, *First Treatise*, §80.
81. John Locke, "A Third Letter for Toleration," *The Works of John Locke*, vol. 5 (London: Rivington, 1685), 241.
82. The last item of Locke's list ("degrees thought forbidden") refers to the legal requirement for the marriage of relatives. The forbidden relationships were outlined in the 1662 Book of Common Prayer in "A TABLE of KINDRED and AFFINITY, wherein whosoever are related, are forbidden in Scripture, and our Laws, to marry together." See Church of England, *The Book of Common Prayer, and Administration of the Sacraments, ... Together with the Psalter...* (Cambridge: John Baskerville, 1762), accessed August 27, 2022, <http://justus.anglican.org/resources/bcp/1662/baskerville.htm>.

83. Locke, "Third Letter for Toleration," 241. There is some disagreement as to Locke's views on polygamy. John Witte, "The Family of Nature, The Nature of Family: The Surprising Liberal Defense of the Traditional Family in the Enlightenment," *Emory Law Journal* 64 (2015): 635–37, argues that it is illegitimate for Locke, whereas Susanne Sreedhar and Julie Walsh, "Locke, the Law of Nature, and Polygamy," *Journal of the American Philosophical Association* 2, no. 1 (2016): 91–110, argue that Locke may find polygamy permissible in certain societies if they were more tolerant of nontraditional marital relationships. I agree with Witte that Locke thought polygamy should be banned in civil society, but Locke's treatment of the "Conjugal Society" in the *Second Treatise* is ambiguous enough to leave room for the argument that polygamy may be permissible (or at least not prohibited) in the state of nature.
84. I am not suggesting that Locke did not recognize the occasional necessity for foster parents (see *Second Treatise*, §65) but rather affirming what he took for granted: that the normal and optimal arrangement was for biological parents to raise their children. On this point I agree with John Witte, "The Family of Nature," 634, who says that by Locke's logic, "[i]t was a natural condition of children to be born helpless and thus a natural right for them to be nurtured, educated, and raised to maturity by the parents who conceived them." Similarly, West, "Locke's Neglected Teaching," 475, suggests that the term *marriage* means the ability to "produce children who will be raised by a partnership of their two biological parents who will be inclined by nature to love them."
85. John Locke, "For a General Naturalisation," 322. That the government should encourage marriage for the sake of population growth had been a consideration of Locke's private writings since the 1670s. For an example, see "Atlantis," in *Locke: Political Essays*, ed. Goldie, 255, where Locke begins an extensive list of policies privileging married men with children (e.g., "He that is married or has a child shall not be pressed to the wars") and punishing men who are not married and childless (e.g., "He that lives to 40 years old unmarried, and having a younger brother married, shall lose his birthright").
86. Locke, "Naturalisation," 322n78.
87. By this second point, Locke means the country's production power will be increased by having more people to work. See Locke, "Naturalisation," 323.
88. Locke, *Letter Concerning Toleration*, 41–42.

89. Locke, *Letter Concerning Toleration*, 42. The case is different for animal sacrifice, which is licit under most circumstances (42).
90. West, "Locke's Neglected Teaching," 475.
91. This line of reasoning repudiates conclusions like that of scholar David Schindler, who argues that Locke's individualist view of self-preservation would permit abortion. See David L. Schindler, "The Repressive Logic of Liberal Rights: Religious Freedom, Contraceptives, and the 'Phony' Argument of the *New York Times*," *Communio: International Catholic Review* 38, no. 4 (Winter 2011): 528.
92. See Locke's "Third Letter" in *Works*, 5:468–69, for his comments about the magistrate's role in "subduing lusts" and stopping "debauchery" (468).
93. Examples of this approach include J. Judd Owen, *Making Religion Safe for Democracy: Transformation from Hobbes to Tocqueville* (Cambridge University Press, 2014), chap. 3; and Aaron L. Herold, "'The Chief Characteristical Mark of the True Church': John Locke's Theology of Toleration and His Case for Civil Religion," *Review of Politics* 76, no. 2 (2014): 195–221. Herold's argument is emblematic of this interpretive approach. According to Herold, "Locke envisions . . . a civil religion capacious enough to include all faiths (both Christian and non-Christian) that consider toleration the chief mark of the true church" (219).
94. A recent example comes from Haig Patapan and Jeffrey Sikkenga, "John Locke's 'Unease': The Theoretical Foundation of the Modern Separation of Church and State," *Political Theory* 52, no. 5 (2024): 829, who argue that "Locke's confidence in the efficacy of separating church and state can be traced to his discovery that human beings are moved . . . by unease." The threat or the fear of religious persecution, they argue, could lead to "sedition" if the aggrieved sect becomes desperate. Another example is Lee Ward, *John Locke and Modern Life* (Cambridge University Press, 2010), esp. 258, who says that religious toleration "encourages an ethos of fallibility with both a religious and political resonance that produces the kind of moderation with respect to claims to knowledge and truth that Locke sees as essential to liberal politics."
95. This interpretation puts me in general agreement with Eric Claeys. He argues in "Locke's Private Society and Public Good," 234, that "Locke justifies associational freedom as an outlet for the better social faculties in man's nature, but he also places necessary limits on this freedom

- in order to check the vicious social tendencies that encourage group fanaticism and totalitarianism.”
96. Zuckert, *Launching Liberalism*, 362.
 97. John Locke, *An Essay Concerning Human Understanding*, ed. P. H. Nidditch (Oxford University Press, 1979), 2.28.10. Hereafter, e.g., Locke, *Essay*, 2.28.10.
 98. Locke, *Toleration*, 23.
 99. Locke, *Toleration*, 23.
 100. On this point there is some agreement between my view and that of Lee Ward, *Locke and Modern Life*, 257, who says that “Locke sought to weave the debate over religious and moral questions into the very fabric of liberal society.” Ward, however, overemphasizes the “liberal” character of the toleration policy and deemphasizes Locke’s wish that Christian churches focus on teaching the moral virtues that Christianity demands. Moreover, Ward suggests that Locke’s view of the right of conscience makes government policy in issues of morality less necessary (258).
 101. All quotations in this paragraph come from Locke, *Toleration*, 46.
 102. Locke, *Toleration*, 49. He says that examples of this “are rare” (49), but his inclusion of this category helps to clarify the intention to shape society’s moral character.
 103. Locke, *Second Treatise*, §6.
 104. This quotation is given as one of the possible consequences that might result from the lowering of the interest rate. See John Locke, “Some Considerations of the Consequences of the Lowering of Interest, and Raising the Value of Money,” in *Locke on Money*, vol. 1, ed. Patrick Hyde Kelly (Clarendon Press, 1991), 212–13.
 105. Locke, *Toleration*, 51.
 106. Locke, *Toleration*, 51.
 107. John William Tate, *Liberty, Toleration and Equality: John Locke, Jonas Proast and the Letters Concerning Toleration* (Routledge, 2016), 93.
 108. Tate, *Liberty, Toleration and Equality*, 94. As Claeys, “Private Society and Public Good,” 224, suggests, Locke denounces atheism, in part, to protect Christianity, which fosters the “moral habits liberalism requires.”
 109. While he does not mention *Toleration*, Baltes, *Empire of Habit*, 111, recognizes that Locke’s God has a particular character: “I doubt that Locke’s conception of a deity and the moral duties that derive from God’s workmanship could allow for any number of identities or decisions that some might wish to affirm as late modern citizens. Gay

- marriage, physician-assisted suicide, nonprocreative sex, atheism: all these would fall victim to the commands of Locke's teleological God."
110. Locke, *Essay*, 1.3.6.
 111. See, e.g., Locke, *Essay*, 1.3.6, 2.21.70, and 2.28.8; *Some Thoughts on Education*, §136; and John Locke, *The Reasonableness of Christianity: As Delivered in the Scriptures*, ed. John C. Higgins-Biddle (Clarendon Press, 1999), 231.
 112. Nathan Guy, *Finding Locke's God: The Theological Basis of John Locke's Political Thought* (Bloomsbury Academic, 2019), 48. Guy's statement might exaggerate Locke's own position, but it is almost certain that Locke would agree that "faith in some form" is necessary for most men.
 113. Some scholars who deal with the question of Locke's denial of toleration to atheists think Locke's logic also constitutes a rejection of polytheism. See Jeremy Waldron, *God, Locke, and Equality: Christian Foundations in Locke's Political Thought* (Cambridge University Press, 2002), 229; and J. K. Numao, "Locke on Atheism," *History of Political Thought* 34, no. 2 (2013): 256. J. R. Milton disagrees; see his "Locke, Numen, and the Toleration of Atheism," *History of Political Thought* 43, no. 4 (2022): 726–28.
 114. Locke, *Toleration*, 51.
 115. Locke, *The Reasonableness of Christianity*, chap. 14.
 116. Owen, *Making Religion Safe for Democracy*, 66, argues that "the most basic stratum of Locke's case for toleration . . . is radical theological doubt, particularly regarding . . . salvation." The claim that Locke's toleration depends principally on the notion that the "way to salvation is unknown," however, ignores the significance of Locke's justification of the work.
 117. Locke, *Toleration*, 24–25.
 118. John Marshall, *John Locke: Resistance, Religion and Responsibility* (Cambridge University Press, 1994), 379, makes a similar argument when he says the following: Locke argued in the Third Letter that the way in which force "can and ought to be serviceable" to religion was "in subduing of lusts; and its being directed against pride, injustice, rapine, luxury and debauchery, and those other immoralities which come properly under his cognizance, and may be corrected by punishments." This was the magistrate's "duty, in reference to religion."
 119. See Locke, *Second Treatise*, §57 and §135 respectively.
 120. As just one example, over forty million Americans receive food assistance benefits through the Supplemental Nutrition Assistance

- Program (SNAP). See Melina Khan, “Who Will Be Impacted by Food Stamps Running Out? SNAP Recipients by the Numbers,” *USA TODAY*, accessed October 31, 2025, <https://www.usatoday.com/story/money/2025/10/28/snap-runs-out-impact-food-stamp-recipients/86943125007/>.
121. Carole Novielli, “Study Reconfirms That Nearly All Abortions in the US Are Still for ‘Elective’ Reasons,” *Live Action*, accessed June 17, 2026, <https://www.liveaction.org/news/reasons-abortion-still-elective-us>.
 122. E.g., “Lawrence v. Texas,” LII / Legal Information Institute, accessed October 31, 2025, https://www.law.cornell.edu/wex/lawrence_v._texas.
 123. Robert Rector, “Understanding Marriage Penalties in Welfare and Their Impact on Society,” *The Heritage Foundation*, accessed October 31, 2025, <https://www.heritage.org/welfare/report/understanding-marriage-penalties-welfare-and-their-impact-society>.
 124. E.g., Duncan Bell, “What Is Liberalism?” See also Timothy Stanton, “John Locke and the Fable of Liberalism,” *Historical Journal* 61, no. 3 (2018): 597–622.
 125. West, *Political Theory of the American Founding*, 47.

