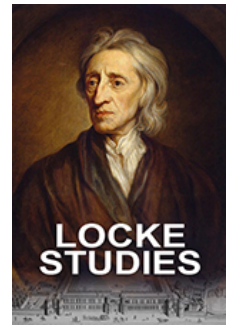


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The Value of Methodological Pluralism in the Study of Locke on Slavery and Absolutism A Rejoinder to Felix Waldmann

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Article abstract

In a critical note published in *Locke Studies*, Waldmann challenges our recent reconstruction of Locke's thesis, developed across the *Second Treatise of Government*, that humans cannot possibly agree to subject themselves to absolute rule. Call this thesis No Contractual Absolutism. Our reconstruction, Waldmann objects, "neglects a basic datum of scholarship": i.e., that Locke's *Second Treatise* intended to counter Filmer's political theory. Our reply is two-pronged. First, we argue that No Contractual Absolutism cannot plausibly be construed as an attack on Filmer, since it challenges a thesis that he did not hold. Indeed, as for him no form of government can be contractual in origin, Filmer would have agreed with Locke that absolute rule cannot be instituted by agreement. As our initial article suggested, the standard view about whom the polemical target is of the *Second Treatise* requires qualification with respect to No Contractual Absolutism. Second, we contend that Waldmann's concerns rest on discipline-specific methodological assumptions, which are unhelpful for the kind of analytical reconstruction we advanced. We conclude with a plea for methodological pluralism in the study of Locke's thought.

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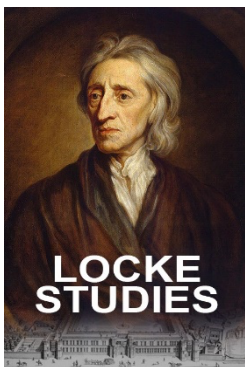
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The Value of Methodological Pluralism in the Study of Locke on Slavery and Absolutism: A Rejoinder to Felix Waldmann

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Abstract:

In a critical note published in *Locke Studies*, Felix Waldmann challenges our recent reconstruction of Locke's thesis, developed across the "Second Treatise," that humans cannot possibly contractually institute absolute rule over themselves. Call this thesis *No Contractual Absolutism*. Our reconstruction, Waldmann objects, "neglects a basic datum of scholarship on Locke": i.e., that Locke's "Second Treatise" intended to counter Filmer's political theory. Our reply is two-pronged. First, we argue that *No Contractual Absolutism* cannot plausibly be interpreted as an attack on Filmer, since it challenges a thesis that he did not hold. Indeed, as for him *no* form of government can be contractual in origin, Filmer would have agreed with Locke that absolute rule cannot be established by agreement. As our initial article suggested, the standard view about whom the polemical target is of the "Second Treatise" requires qualification with respect to *No Contractual Absolutism*. Second, we contend that Waldmann's concerns rest on discipline-specific methodological assumptions that are unhelpful for the kind of analytical reconstruction we advanced. We conclude with a plea for methodological pluralism in the study of Locke's thought.

Keywords: Robert Filmer (1588–1653), John Locke (1632–1704), methodology in the history of political philosophy, political absolutism, slavery

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1. Introduction

The vitality and richness of the field of Locke studies is in no small measure due to the fact that academics studying Locke’s thought hail from various disciplines. Legal and political theorists, philosophers, intellectual historians, theologians, literary scholars—all bring their own research agenda and research methods to the texts, developing a plurality of perspectives based on diverse sources and considerations. Disciplinary diversity helps the field move forward in at least two ways: by inspiring novel research questions, and by re-examining established questions with new techniques and fresh perspectives. To reap the fruits of disciplinary diversity, Locke scholars will need some understanding and appreciation of the main research approaches practiced in fields adjacent to their own. They have to acknowledge the fact of methodological pluralism—and be attentive to the possibility that their deeply-held methodological convictions are tailored to the kind of scholarly endeavours dominant in their own field, being less apt for the type of research questions pursued in adjacent disciplines.

Discipline-specific methodological assumptions underlie a recent critical note by Felix Waldmann published in *Locke Studies*.¹ In his note, Waldmann takes issue with our reconstruction of Locke’s main argument in the “Second Treatise” for the moral necessity of limited government.² This rejoinder explores some methodological controversies over the extent to which authorial intentions delimit meaningful argumentative reconstructions. Those methodological controversies inform a major substantive dispute, about whom the polemical target could have been of Locke’s thesis that humans cannot consensually subject themselves to absolute rule. We take these points in reverse order and start by briefly summarizing the main argument from our original article.

2. What Did Locke Mean by “Slavery” and “Absolute Rule”?

One major line of argument which Locke develops throughout the “Second Treatise” is that absolute rule cannot possibly be set up by agreement (e.g., II.23–24; II.135; II.137; II.168; II.172).³ It is not just imprudent, but morally impossible to contractually institute absolute rule over oneself. Contracts to that effect are void since they involve transferring to rulers a power which humans lack: *dominium* over their own life. That power, Locke insists, is God’s alone (II.6).⁴

¹ Felix Waldmann, “Slavery and Absolutism in Locke’s *Two Treatises*: A Response to Olsthoorn and Van Apeldoorn,” *Locke Studies* 21 (2021): 1–9, <https://doi.org/10.5206/lis.2021.13777>.

² Johan Olsthoorn and Laurens van Apeldoorn, “‘This Man Is My Property’: Slavery and Political Absolutism in Locke and the Classical Social Contract Tradition,” *European Journal of Political Theory* 21, no. 2 (2022): 253–75, <https://doi.org/10.1177/1474885120911309>.

³ In-text citations to Locke’s *Two Treatises of Government* are by book and paragraph number.

⁴ For a full analysis of the meaning of self-ownership in Locke in relation to God’s ownership of all human life, see Johan Olsthoorn, “Self-Ownership and Despotism: Locke on Property in the Person, Divine

For a Man, not having the Power of his own Life, *cannot*, by Compact, or his own Consent, *enslave himself* to any one, nor put himself under the Absolute, Arbitrary Power of another, to take away his Life, when he pleases. No body can give more Power than he has himself; and he that cannot take away his own Life, cannot give another power over it. (II.23)

Call this doctrine, for ease of reference, *No Contractual Absolutism*.

No Contractual Absolutism takes two forms, with separate domains of application. In either form, theological considerations help ground a bold thesis about the nature, origins, and necessary limits of political authority.

Moral Impossibility of Self-Enslavement:

The condition of slavery, properly speaking, consists in subjection to despotic power: i.e., to an absolute and arbitrary power to take away the subject's life at will. As humans lack that discretionary power over their own life, and hence cannot give it away, so they cannot contractually submit themselves to despotic power. Therefore, self-enslavement is morally impossible.

Moral Necessity of Limited Government:

Absolute rulers possess the power of life and death over their subjects: the absolute and arbitrary power to take away their subjects' lives at will. As humans lack that discretionary power over their own life, they cannot transfer this power to their governors. Therefore, contractually instituted government is of necessity limited in character.

Our original article reconstructs the conceptual presuppositions of *No Contractual Absolutism*. Prompting our research was the observation that Locke's theological premises regarding God's ownership of human life were widely shared by proponents of political absolutism within the classical social contract tradition. Hugo Grotius (1583–1645), for instance, upheld the possibility of contractual political absolutism despite similarly holding that “the Right over our own Lives is not in ourselves, but in GOD.”⁵ Ditto for Samuel Pufendorf (1632–1694) and G. W. Leibniz (1646–1716).⁶ That observation gives rise to a philosophical puzzle. Should we take Locke to have

Dominium of Human Life, and Rights-Forfeiture,” *Social Philosophy and Policy* 36, no. 2 (2019): 242–63, <https://doi.org/10.1017/S0265052519000438>.

⁵ Hugo Grotius, *The Rights of War and Peace*, 3 vols., ed. Richard Tuck (Indianapolis, IN: Liberty Fund, 2005), 2.19.5.4.

⁶ Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully (Cambridge: Cambridge University Press, 1991), 1.5.4; G. W. Leibniz, “Meditation on the Common Concept of Justice,” in *Leibniz: Political Writings*, ed. Patrick Riley (Cambridge: Cambridge University Press, 1988), 62–63.

(unwittingly) pointed out a logical inconsistency in the political theories of Grotius, Pufendorf, and Leibniz; to wit, that it is self-contradictory to endorse both divine ownership of human life and the possibility of contractual establishment of absolute rule? Had these prominent early-modern political philosophers failed to see what their theological views logically committed them to? The answer is no. Our article shows that Grotius and his successors made no logical error in defending the moral possibility of consensual subjection to slavery and absolutism while holding that God has *dominium* over our lives. For those two doctrines *are* consistent on the conceptualizations of “slavery” and “absolute rule” that *they* employed.⁷

Our analysis of their theories revealed that Locke’s *No Contractual Absolutism* is premised upon idiosyncratic conceptions of slavery and despotism, not shared by leading defenders of political absolutism in the period.⁸ Locke defines “the perfect condition of *Slavery*” as “nothing else, but *the State of War continued, between a lawful Conqueror, and a Captive*” (II.24). Slaveholders hold “Despotical Power” over the enslaved: “an Absolute, Arbitrary Power one Man has over another, to take away his Life, whenever he pleases” (II.172; also II.180). As per *No Contractual Absolutism*, this power can be “*the effect only of Forfeiture, which the Aggressor makes of his own Life, when he puts himself into the state of War with another*” (II.172). Only those who have forfeited their lives through unjust aggression can rightfully be subjected to despotic power, i.e., be enslaved: “*Captives, taken in a just and lawful War, and such only, are subject to a Despotical Power*” (II.172; also II.178–83).

Waldmann’s first objection to our reconstruction is that these stunning just-war conceptions of slavery, despotic power, and absolute rule “were not” those of Locke himself. Rather, “they were Locke’s ventriloquism of Filmer’s conceptions.”⁹ Locke was not personally committed to these harsh conceptions of slavery and absolute rule; having simply taken them over, *arguendo*, from Robert Filmer (1588–1653). Waldmann even claims, without textual support, that Locke “exasperatedly denounce[d]” these grim forms of despotism in the “Second Treatise.”¹⁰

Two considerations suffice to disprove this objection. First, Filmer did not defend anything like a just-war conception of either slavery or despotic power. He portrayed slavery as originally equivalent to servitude, both consisting in subjection to patriarchal power; not as a state of war between a just conqueror and their captive.¹¹ Filmer and Locke agreed that legitimate despotic power includes unlimited power of life and death over

⁷ For textual analyses supporting this last claim, we refer readers to our original article.

⁸ Olsthoorn and Van Apeldoorn, “This Man Is My Property,” 264.

⁹ Waldmann, “Slavery and Absolutism,” 4.

¹⁰ Waldmann, “Slavery and Absolutism,” 4.

¹¹ Robert Filmer, *Patriarcha and Other Writings*, ed. Johann P. Sommerville (Cambridge: Cambridge University Press, 1991), 237.

subjects (as we had pointed out).¹² Yet this shared conceptual feature makes their conceptions of slavery and despotic power neither identical nor mutually reducible. Consider: for Locke only *just* conquerors legitimately possess this “purely Despotical” power: “*a lawful Conqueror . . . has an Absolute Power over the Lives of those, who by an Unjust War have forfeited them*” (II.178). That condition for legitimate despotic power is wholly absent in Filmer. Grounding the absolute and arbitrary power of kings in Adam’s original paternal rule, he insisted that “every king that now is hath a paternal empire”—whether that empire is acquired by inheritance, transaction, or usurpation.¹³ Filmer rejected the view (ascribed to Grotius) that sovereignty can be originally acquired through conquest in a just war, insisting curiously that all sovereignty by conquest is divinely validated usurpation.¹⁴

Second, Locke is adamant throughout the “Second Treatise” that despotism is a legitimate form of rule (though emphatically not a form of *political* government). Pace Waldmann,¹⁵ Locke does “justify absolute rule” in this work, namely over “*Slaves, who being Captives taken in a just War, are by the Right of Nature subjected to the Absolute Dominion and Arbitrary Power of their Masters*” (II.85). Anyone who “by his fault, forfeited his own Life, by some Act that deserves Death,” may rightfully be enslaved by those whom they had attacked, to repair the harm done (II.23). Just conquerors, Locke writes, “may . . . delay to take” the aggressor’s life forfeited to them “and make use of him to his own Service, and he does him no injury by it” (II.23). Locke reinterpreted both ‘slavery’ and ‘despotic power’ along the lines of just war theory to prove that both conditions are in principle legitimate. He carefully delineated why and under what conditions enslaving another person is morally permissible, in order to show that just conquerors lack any title to the lives and property of those innocent of unjust aggression (II.177–96).

Waldmann may have overlooked these textually uncontroversial points because he runs together two distinct theses Locke advances about the origins and legitimacy of absolute rule.¹⁶ Voluntary submission to despotic power is morally impossible (for

¹² Olsthoorn and Van Apeldoorn, “This Man Is My Property,” 257.

¹³ Filmer, *Patriarcha*, 203.

¹⁴ Filmer, *Patriarcha*, 11, 229–31. Daly struggles to reconcile Filmer’s rejection of rights of conquest with his insistence that many lawful rulers are usurpers who have seized power unlawfully. To dissolve the paradox: for Filmer, all right to rule is grounded in divine right. Sovereign authority does not spring directly from conquest in a just war; rather, conquerors become lawful rulers by the will of God. James Daly, *Sir Robert Filmer and English Political Thought* (Toronto: University of Toronto Press, 1979), 118–19.

¹⁵ Waldmann, “Slavery and Absolutism,” 5.

¹⁶ E.g., Waldmann, “Slavery and Absolutism,” 4, 5: “The *Second Treatise* is an attack on a conception of arbitrary sovereignty which *Filmer* had countenanced.” In reply: the “Second Treatise” does not question the legitimacy of absolute and arbitrary power *as such*, but only the possibility of its contractual institution. Despotic power, Locke insists, can only arise from crime, not from consent.

reasons outlined above). Despotism therefore cannot be a *political* form of government: i.e., contractually established rule over rights-bearing, property-owning citizens (II.85; II.90; II.172–75). Though by definition non-political, despotic power is nonetheless legitimate if exercised over those who have forfeited all rights through unjust aggression. *No Contractual Absolutism* is compatible with Locke’s unwavering endorsement of the legitimacy of despotic rule over unjust aggressors, conquered in a just war.¹⁷

3. Locke’s Polemical Targets in the “Second Treatise”

According to Waldmann, in the “Second Treatise” “Locke was not responding to Grotius or Pufendorf; he was responding to Filmer.”¹⁸ Our article has provided weighty textual reasons for qualifying this commonly held view—considerations that Waldmann’s note neither recognizes nor engages with.

It is deeply implausible that Locke meant *No Contractual Absolutism* to be a rebuttal of Filmer. After all, Filmer had emphatically *rejected* social contract theories of government. “I have endeavoured to show the natural institution of regal authority, and to free it from subjection to an arbitrary election of the people.”¹⁹ More succinctly: “it is unnatural for the people to govern or choose governors.”²⁰ *No Contractual Absolutism* thus challenges a position that Filmer did not hold. What’s more, Filmer would have *agreed* with Locke’s contention that absolute rule cannot be contractually instituted.²¹ After all, *No Contractual Absolutism* is logically entailed by Filmer’s master doctrine that

¹⁷ Waldmann, “Slavery and Absolutism,” 6 cites Locke’s justification of enslaving unjust aggressors but discounts its political relevance, on the grounds that “it was extremely unlikely that a royalist would contend that monarchs possess their authority by dint of conquering their subjects in a state of war [sic].” Hobbes explicitly endorsed this view in, e.g., *Leviathan*, 3 vols., ed. Noel Malcolm (Oxford: Clarendon Press, 2012), 17.15, 20.10, R&C.8. George Lawson (1598–1678) called “a victory obtained by a just and necessary war . . . a most common title of most sovereigns in the world” in *Politica Sacra et Civilis*, ed. Conal Condran (Cambridge: Cambridge University Press, 1992), 61. See also Jean Bodin, *The Six Bookes of a Commonweale*, ed. Kenneth Douglas McRae (Cambridge, MA: Harvard University Press, 1962), 200–1; Grotius, *The Rights of War and Peace*, 3.8.1–4; Samuel Pufendorf, *Of the Law of Nature and Nations*, transl. Basil Kennett (London: J. Walthoe, 1729), 7.6.16. Locke’s argument that despotism cannot be a political form of government is not purely semantic. By restricting rightful enslavement to those guilty of unjust aggression, Locke individualized war slavery, thus ensuring that the conditions for legitimate despotic rule cannot conceivably be met at the level of a political community.

¹⁸ Waldman, “Slavery and Absolutism,” 4.

¹⁹ Filmer, *Patriarcha*, 35.

²⁰ Filmer, *Patriarcha*, 12, also 32.

²¹ Harris concurs: “Both Locke and Filmer hold that human beings cannot give others absolute power over themselves.” Self-enslavement contracts are therefore impossible for both. Rather than inferring from this, with Locke, that political authority is necessarily limited, Filmer concluded that absolute political power originates not in consent, but in divine right. James Harris, “Treatises of Government and Treatises of Anarchy: Locke versus Filmer Revisited,” *Locke Studies* 19 (2020): 11, <https://doi.org/10.5206/lis.2019.8185>.

no form of government is contractual in origin. “All power on earth is either derived or usurped from the fatherly power, there being no other original to be found of any power whatsoever.”²²

In our article, we pointed out that “this point has been overlooked by those contending that Filmer is the polemical target of the *Second Treatise*,” citing influential works by Mark Goldie and Peter Laslett.²³ In response to our challenge, Waldmann simply *restates* the Cambridge orthodoxy that Filmer was the polemical target of both treatises. Indeed, he accuses us of neglecting this “basic datum of scholarship on Locke’s purposes.”²⁴ Far from it: we questioned this orthodoxy, arguing that the standard reading needs qualification in respect of *No Contractual Absolutism*.

The “Second Treatise” offers numerous moral and prudential arguments in favour of limited government. Locke no doubt meant *some* of these arguments to target Filmer. We have not disputed this. What we did argue is that *No Contractual Absolutism* cannot plausibly be interpreted as an argument against Filmer. It makes no sense to object to a divine right theorist who denounced the very idea of a social contract that absolute rule cannot possibly be instituted consensually. Unwilling to ascribe to Locke such an egregious misreading of Filmer, we searched for more likely polemical targets of *No Contractual Absolutism* and asked: “Were there any *social contract theorists* who defended this harsh conception of absolutism?”²⁵

Following a suggestion by Michael Zuckert,²⁶ we first considered *and dismissed* the suggestion that Locke meant *No Contractual Absolutism* to target Grotius. *No Contractual Absolutism*, we had shown before, was premised upon conceptualizations of “slavery” and “absolute rule” at odds with those of Grotius. Indeed, the form of slavery that *No Contractual Absolutism* precludes by appeal to divine *dominium* of human life, we had explained, “was not even recognized as such by Grotius”.²⁷ The Dutchman had

²² Filmer, *Patriarcha*, 284. Fatherly power is divinely instituted, having been granted at the creation to Adam. God alone determines who holds this power subsequently, through his providence. Only God “hath right to give and take away kingdoms,” sometimes “using the ministry of the wickedest men for the removing and setting up of kings.” *Ibid.*, 144.

²³ Olsthoorn and Van Apeldoorn, “This Man Is My Property,” 272n9.

²⁴ Waldmann, “Slavery and Absolutism,” 4.

²⁵ Olsthoorn and Van Apeldoorn, “This Man Is My Property,” 269; emphasis added.

²⁶ Michael P. Zuckert, *Natural Rights and the New Republicanism* (Princeton, NJ: Princeton University Press, 1994), 244; also, e.g., A. John Simmons, “John Locke’s *Two Treatises of Government*,” in *The Oxford Handbook of British Philosophy in the Seventeenth Century*, ed. Peter R. Anstey (Oxford: Oxford University Press, 2013), 550.

²⁷ Olsthoorn and Van Apeldoorn, “This Man Is My Property,” 262.

explicitly *denied* that slaveholders have power of life and death over their subjects.²⁸ *No Contractual Absolutism* thus counters a conception of absolutism, exercised over rightless people, that Grotius had repudiated. Hence our verdict that “*If* challenging Grotius was indeed Locke’s aim . . . then he failed quite spectacularly.”²⁹

A more likely polemical target of *No Contractual Absolutism*, we proposed, is Thomas Hobbes (1588–1679).³⁰ *No Contractual Absolutism* opposes contractarian defences of despotic sovereignty. Hobbes is the only seventeenth-century philosopher we know of who champions this particular position. Hobbes’s social contract accords every sovereign the same absolute powers over subjects (regardless of whether they had obtained sovereignty through conquest in war or by citizens’ mutual agreement). In *Leviathan* and elsewhere, Hobbes held, provocatively, that “the Rights and Consequences of . . . Despotical Dominion, are the very same with those of a Sovereign by Institution.”³¹ Every sovereign, he insisted, has full *dominium* over the persons and goods of all their subjects.³² Having been granted “Authority without stint,” every sovereign can without any injustice towards them put innocent citizens to death.³³

To be sure, we did not claim to have shown that Locke *must* have had Hobbes in mind when formulating *No Contractual Absolutism*. Ours was a suggestion, based on a reconstruction of the logical structure of Locke’s argument and of the theories of key contemporary absolutist thinkers. We agree with Waldmann that contextualist evidence—whether derived from manuscript research or from reconstructions of relevant political debates in England at the time—could prove our suggestion untenable.³⁴ We do maintain, however, that no avowed declaration of Locke’s purposes in writing the “Second Treatise” can give any credence to the opposing claim that *No Contractual Absolutism* targeted Filmer. Waldmann and fellow-followers of Laslett will have to qualify their thesis

²⁸ Grotius, *The Rights of War and Peace*, 2.5.28: “no Masters, (if we judge by the Rules of full and compleat Justice, or before the Tribunal of Conscience) have the Power of Life and Death [*ius vitae ac necis*] over their Slaves.”

²⁹ Olsthoorn and Van Apeldoorn, “This Man Is My Property,” 269; emphasis added. Waldmann, “Slavery and Absolutism,” 4, 6 misses the conditional nature of this claim.

³⁰ Olsthoorn and Van Apeldoorn, “This Man Is My Property,” 269. Waldmann, “Slavery and Absolutism,” 6–7 calls this proposal a “concession,” as if it weakens our reading, despite later depicting it as plausible: “Locke’s purpose was to confute the proposition that absolutism may arise by consent and this proposition was associated by his contemporaries with Hobbes, either pre-eminently or uniquely.”

³¹ Hobbes, *Leviathan*, 20.14; also Hobbes, *On the Citizen*, ed. Richard Tuck (Cambridge: Cambridge University Press, 1998), 9.10.

³² E.g., Hobbes, *On the Citizen*, 8.5, 9.5.

³³ Hobbes, *Leviathan*, 16.14, 21.7.

³⁴ As it happens, Waldmann has recently unearthed important new evidence for Locke’s engagement with Hobbes’s *Leviathan*. See his “John Locke as a Reader of Thomas Hobbes’s *Leviathan*: A New Manuscript,” *The Journal of Modern History* 93, no. 2 (2021): 245–82, <https://doi.org/10.1086/714068>.

about whom Locke was writing against in the “Second Treatise,” or provide textually grounded arguments against our reading.

4. Evaluating and Reconstructing Philosophical Arguments

In the remainder of this rejoinder, we draw some methodological lessons from our exchange with Waldmann. A discipline-specific methodological assumption underlies Waldmann’s critique: any scholarly study of the *Two Treatises* must be shaped by an understanding of “the work’s purposes.”³⁵ This assumption makes a lot of sense for the kind of research questions intellectual historians tend to be interested in. It is less productive for the kind of analytical reconstructions developed by philosophers like us. Indeed, Waldmann’s methodological supposition jars with best philosophical practices.

Intellectual historians generally aim to make sense of past theoretical works by examining what the author intended in writing what they did. To recover such authorial intentions, they seek to situate these works within their relevant historical contexts. Were there any particular intellectual debates that the author meant to intervene in? If so, what was the import of their intervention? Duly situating a text within relevant historical contexts can help us appreciate, *inter alia*, what was at stake in a work, which theoretical claims were taken for granted, and why certain argumentative pathways were left unexplored. Attention to authorial intentions, moreover, helps avoid anachronist interpretations.

Intellectual historians tend to privilege the author’s intended meaning as “the original, the authentic, or the real meaning” of a text. For them, “the most important aim . . . if not *the* aim of interpretation . . . is to ‘close the gap’ between assigned meaning and relevant authorial intention.”³⁶ Judging by the gist of his critique, Waldmann shares this view. The “real meaning” of the *Two Treatises* is what Locke meant in writing it. Those intentions can only be recovered by contextually embedding the *Two Treatises* within the very debates in which Locke intervened. Contextualization, thus understood, delimits which early modern philosophical works we may bring to bear upon the text for purposes of interpretation. Analyses of Grotius, Pufendorf, or Leibniz cannot elucidate the “real meaning” of the *Two Treatises* (i.e., clarify what Locke intended to achieve in writing them) unless Locke was familiar with their theories and had in fact meant to engage with them.³⁷

³⁵ Waldmann, “Slavery and Absolutism,” 3.

³⁶ Vivienne Brown, “Historical Interpretation, Intentionalism and Philosophy of Mind,” *Journal of the Philosophy of History* 1, no. 1 (2007): 28, <https://doi.org/10.1163/187226307X176767>.

³⁷ These discipline-specific methodological assumptions are not stated explicitly in Waldmann’s note. Ascribing them to Waldmann seems nonetheless justified as it makes most sense of the logic of his argument. Take his assessment of our argument that *No Contractual Absolutism* presupposed conceptualizations of absolutism not shared by Grotius and Pufendorf: “This may be true, but Locke was not responding to Grotius and Pufendorf; he was responding to Filmer.” Waldmann, “Slavery and Absolutism,” 4.

The meaning of a philosophical text is not, however, exhausted by the purposes for which it was written.³⁸ Philosophical works, past and present, are by definition composed of arguments for or against particular theoretical positions. Constrained by the rules of logic, philosophical arguments provide purported reasons for the truth of some thesis. Certain propositions follow from philosophical arguments, and others do not; certain propositions are compatible with them, and others are not; and some are incomplete, circular, or incoherent, while others are not. Scholars can and do analyse and reconstruct the arguments developed in past philosophical works, as well as the conceptual and theoretical framework in which they occur. Such analytic reconstructions can reveal gaps and other argumentative infelicities: unsupported conclusions, idiosyncratic conceptualizations, invalid inferences, loose distinctions, mutually inconsistent claims, etc.³⁹ The insights thus obtained allow for deeper and more fine-grained understandings of what theoretical positions authors advocated in their works, and on what grounds.

Having authorial intentions delimit interpretive reconstructions of past philosophical arguments is unproductive. We have no reason to assume that historical thinkers were fully cognizant of the theoretical presuppositions and implications of their arguments. Presumably, past thinkers did not *intend* to put forth logically invalid arguments. Yet many nonetheless did.⁴⁰ More unproductively still, these delimitations deprive us of a major heuristic tool for uncovering conceptual and doctrinal presuppositions and implications of philosophical arguments. As our original article attests, critical comparisons with rival theories can bring to light suppressed premises and tacit reinterpretations of received concepts and principles. Even contrasts with arguments and positions developed by contemporaries whom we *know* Locke was not responding to—had not even read—could prove instructive. The crux is to spot theoretical (dis)-similarities that raise a philosophical puzzle. For instance, how could Locke and Grotius in their social contract theories draw opposing political conclusions from a facially identical premise (divine *dominium* of all human life)?⁴¹

³⁸ Adrian Blau, “Meanings and Understandings in the History of Ideas,” *Journal of the Philosophy of History* 14, no. 2 (2020): 235–56, <https://doi.org/10.1163/18722636-12341441>. Skinner, the main theorist of the contextualist method, stresses that the recovery of authorial intentions is but one of several valid interpretive approaches: “I see no impropriety in speaking of a work having a meaning which its author could not have intended . . . I have been concerned only with the converse point . . . that *among* the interpreter’s tasks must be the recovery of the author’s intentions *in* writing what he or she wrote.” Quentin Skinner, *Vision of Politics, Vol. 1: Regarding Method* (Cambridge: Cambridge University Press, 2002), 101.

³⁹ For an eloquent defence of such theoretical analyses and their value for contextualist histories of ideas, see Knud Haakonssen, *Natural Law and Moral Philosophy: From Grotius to the Scottish Enlightenment* (Cambridge: Cambridge University Press, 1996), 11–12.

⁴⁰ Michael Rosen, “The History of Ideas as Philosophy and History,” *History of Political Thought* 32, no. 4 (2011): 707–9.

⁴¹ This methodological approach is adopted and further developed in Johan Olsthoorn, “Between Starvation and Spoilage: Conceptual Foundation of Locke’s Theory of Original Appropriation,” *Archiv für*

We do not question the obvious: philosophical texts are always historically situated, written in a specific intellectual context, in response to specific ideas put forth by specific others. We should not conclude from this, however, that philosophical arguments can have no meaning or application beyond the particular debate in which they were put forth. Philosophers, by occupation, intervene in particular debates by developing *arguments* challenging or defending the *theoretical positions* held by others. These arguments need not only articulate considerations for or against the views of those partaking in that specific historical debate. Indeed, philosophical arguments by their very nature commonly apply to (i.e., support or undermine) theoretical positions advanced in debates other than the one their author engaged in. If two philosophers [A, B] defend the same thesis, on similar grounds, then an objection developed by C in response to A may also apply to B. This could be so even if C never *intended* their objection to challenge the theory of B (of whose views C might not have been aware).

An example may help explain this. Waldmann wonders how we can take a passage from Pufendorf to be a “critique of Locke.”⁴² After all, as we had noted ourselves, Pufendorf clearly cannot have *intended* to counter Locke in his *De jure naturae et gentium*, which antedates the publication of the *Two Treaties* by almost two decades.⁴³ Waldmann’s concern reflects his discipline-specific methodological assumption that any historically valid interpretation of a text must match the author’s intended meaning. From this, he infers that no objection to Locke’s arguments can be found in Pufendorf’s *magnum opus*.

Notice, in response, that Pufendorf defended political absolutism in part by countering potential objections to it. One of his counterarguments, we contended, weakens *No Contractual Absolutism*. Pufendorf objected that opponents of political absolutism have been attacking a straw man.

Alike senseless and trifling it is to argue, that in as much as the People have not a Right of destroying themselves, or of practicing any grievous Cruelty on their own Body, therefore they can transfer no such Right on the King. For who ever maintain’d, that Princes had a Right of destroying their People? . . . Absolute Government is by no means so formidable a thing, as these Men are willing to fancy.⁴⁴

If, as Pufendorf maintains, absolute rulers have not been empowered to destroy the lives of their subjects as they please, then Locke’s theologically-grounded argument for the

Geschichte der Philosophie, published ahead of print June 16, 2022: 1–31, <https://doi.org/10.1515/agph-2021-0121>.

⁴² Waldmann, “Slavery and Absolutism,” 4.

⁴³ Olsthoorn and Van Apeldoorn, “This Man Is My Property,” 268.

⁴⁴ Pufendorf, *Of the Law of Nature and Nations*, 7.6.6.

moral necessity of limited government is toothless. The position Locke identifies with political absolutism and declares contractually impossible is not the position advocated by leading contractarian absolutist theorists at the time.

Further evidence for our thesis that *No Contractual Absolutism* assumes and precludes only exceptionally harsh forms of slavery and absolute rule is found in Thomas Rutherford (1712–1771). Rutherford turned around Locke’s argument for the moral impossibility of self-enslavement:

It may perhaps be urged, that despotism implies a right to dispose of the life of the slave at pleasure, and to compel him to do such actions as the law of nature forbids; and that consequently, as no man has a right to dispose of his own life, or to do what is unlawful, he cannot give any one else such an authority over him, as is implied in the notion of despotism. But the ready way of answering this objection is to deny the first principle, that it proceeds upon. Despotism does not imply a right either to dispose of the slaves life at pleasure, or to compel him to do what the law of nature forbids. And the reason, why it does not imply such a right, is the same, which the objectors here give: no man is at liberty to dispose of his own life at pleasure, or to act contrary to the law of nature; and consequently no man can put his life into the arbitrary disposal of any one else, or subject himself to be compelled to do what the law of nature forbids.⁴⁵

Both Locke and Rutherford hold that humans lack arbitrary power over their own lives (rendering suicide morally impermissible). Locke concludes from this that self-enslavement is morally impossible, since he assumes that slaveholders possess “absolute power over the Lives” of the justly enslaved (II.180). Rutherford, by contrast, denies that slaveholders have a despotic “right . . . to dispose of the slaves life at pleasure,” allowing him to endorse that “slavery may arise from a mans own consent.”⁴⁶

Indisputably, any study of what Locke’s motives and intentions were in writing the “Second Treatise” is aided by solid understanding of its theoretical contents. No amount of contextual evidence about the historical conditions in which the text was written can redeem an interpretation based on a misunderstanding of its philosophical contents.⁴⁷ Our article enhanced our grasp of those contents by exploring the conceptual presuppositions and theoretical reach of *No Contractual Absolutism*. On which conceptions of ‘slavery’ and of ‘absolute power’ is Locke’s argument for the moral impossibility of self-enslavement premised? Answering this question, we have argued,

⁴⁵ Thomas Rutherford, *Institutes of Natural Law*, 2 vols. (Cambridge: J. Bentham, 1754), 1.20.4.

⁴⁶ Rutherford, *Institutes of Natural Law*, 1.20.4–5.

⁴⁷ Skinner, *Visions of Politics*, 82, posits “two hermeneutic tasks” in the interpretation of historical thinkers: (i) to “grasp the meaning of what they said”; and (ii) “to understand what they meant by saying it” (i.e., what their intentions were *in* saying what they did). For Skinner, both tasks aim at uncovering the meaning intended by the author; *ibid.*, 113.

requires no recourse to authorial intentions. A critical analysis of rival conceptualizations of ‘slavery’ and ‘absolute rule’ advanced in the period suffices. That analysis shows that the form of absolute rule which *No Contractual Absolutism* proves contractually impossible was not countenanced by either Grotius, Pufendorf, or Leibniz. *No Contractual Absolutism* therefore has no force against *their* absolutist theories.

This new insight into the philosophical contents of the “Second Treatise” can help determine what Locke’s point was in writing it. After all, if philosophical analysis shows that a key argument advanced by *A* offers no considerations against *B*’s theory, then we have (defeasible) reason not to interpret *A* here as having intended to challenge *B*’s theory. Analytical reconstructions of philosophical arguments can thus be of great heuristic value for contextualist research; the reverse equally holds true. Both approaches can complement and enrich one another, precisely because each is designed to uncover distinct kinds of interpretive evidence.

5. Assessing the Strength of an Argument

Our reconstruction of the conceptual foundations of *No Contractual Absolutism* allowed us to evaluate the strength of Locke’s argument.

We conclude that this argument is considerably less powerful than commonly believed . . . though coherent, it has little bite against the main contractarian defences of absolutism in the period, as they were premised on alternative understandings of slavery and absolutism.⁴⁸

What does it mean, Waldmann wonders, for an argument to be stronger or weaker?⁴⁹ We welcome the opportunity to explain this more clearly, also because it helps clarify our initial research objectives.

For logicians, ‘stronger’ and ‘weaker’ are properties of inductive arguments, used to indicate what degree of support the premises, if true, confer on the conclusion. An inductive argument is stronger the more probable it is that its conclusion is true if its premises are. We meant something simpler: an argument is stronger (/weaker) to the extent that it provides greater (/less) support for a thesis than rival arguments do. The strength or weakness of an argument is thus determined relative to other arguments for the same thesis. Two stylized examples should help explain this.

[1] Suppose *Philosopher* is arguing against *Thesis*. Its proponents have put forth *Considerations [I, II]* in defence of *Thesis*, each providing equally firm support. *Considerations [I, II]* are logically independent. Suppose *Philosopher* develops an *Objection* against *Consideration I* alone. Assume that *Objection* is logically valid, cogent, and based on true premises: it successfully undermines *Consideration I*. *Objection* thus considerably weakens the case for *Thesis*. Yet this need not bother those supporters of

⁴⁸ Olsthoorn and Van Apeldoorn, “This Man Is My Property,” 255.

⁴⁹ Waldmann, “Slavery and Absolutism,” 7–8.

Thesis who had relied exclusively on *Consideration II* to justify *Thesis*. Their case for *Thesis* still stands. Suppose *Philosopher* then develops the more general *Objection II*, which successfully undermines both *Considerations [I, II]*. All things equal, which of the *Objections [I, II]* is the stronger one, depriving proponents of *Thesis* of most theoretical support? Clearly, *Objection II* is. For *Objection II* dislodges a wider set of considerations favouring *Thesis* than *Objection I* does.⁵⁰

[2] Suppose *Philosopher* is arguing against *Thesis*. Its defenders have spelled out two *Versions* of *Thesis* (i.e., two distinct ways to interpret the contents of *Thesis*). Suppose *Philosopher* develops an *Objection* specifically against *Version I* of *Thesis*. Assume, again, that *Objection* successfully undermines *Version I* (and only *Version I*). While this considerably weakens the case for *Thesis*, those defending *Version II* of *Thesis* need not be bothered. Their case for *Thesis* still stands. Suppose *Philosopher* then develops *Objection II*, which successfully undermines both *Versions I* and *II*. All things equal, *Objection II* is stronger than *Objection I* because it successfully undermines a wider set of interpretations of *Thesis*.⁵¹

Waldmann stipulates that any “productive” assessment of the strength of an argument advanced by a past thinker must adopt then-prevailing evaluative standards.⁵² Would Locke’s contemporary audience have regarded his argument to be a strong one? Had that been the research question pursued in our article, then we should indeed have studied the “Second Treatise”’s reception history in greater depth. Our research question, though, was clearly a different one. We scrutinized the logical structure and conceptual presuppositions of *No Contractual Absolutism* in order to determine which forms of absolute rule it disqualifies, and which it does not.

Locke is commonly taken to have shown that individuals, lacking *dominium* in their own lives, “could not consent to absolutism.”⁵³ That view, our analysis shows, requires qualification. Locke’s argument rebuts contractarian defences of the harshest conceptions of slavery and despotism only, in which lords wield arbitrary power over their subjects’ lives. *No Contractual Absolutism* does not challenge more moderate forms of political absolutism (as defended by Grotius, Pufendorf, and Leibniz). *No Contractual Absolutism* is thus considerably weaker an argument than Locke scholars had hitherto supposed: it

⁵⁰ For simplicity, this stylized example is developed along *quantitative* lines, i.e., in terms of how *many* supporting considerations an objection dislodges. The example can be rewritten along *qualitative* lines, i.e., in terms of the degree to which an objection succeeds in dislodging supporting considerations.

⁵¹ As these stylized examples show, not every objection need apply to everyone holding the thesis. Some objections may counter only some supporting considerations for, or some versions of, a thesis (and not others). *No Contractual Absolutism* is a case in point. That argument, we showed, “attacked a Filmerian conception of arbitrary sovereignty . . . by denying that it can arise consensually, i.e., in a non-Filmerian way.” Olsthoorn and Van Apeldoorn, “This Man Is My Property,” 268–69.

⁵² Waldmann, “Slavery and Absolutism”, 7.

⁵³ John Marshall, *John Locke: Resistance, Religion and Responsibility* (Cambridge: Cambridge University Press, 1994), 215.

targets only a subset of absolutist theories current in the period. As we concluded, “few early modern proponents of political absolutism needed to worry about Locke’s argument for the moral impossibility of self-enslavement.”⁵⁴

6. Conclusion

Methodological pluralism is cause for celebration. The field of Locke studies is thriving in part because scholars address many kinds of research questions, explored in sundry ways. The approach we practise is primarily philosophical in character. We engage in close textual analyses of Locke’s works as well as those of relevant contemporaries, in order to lay bare the logical and conceptual structure of the arguments contained in them; unearthing along the way competing conceptualizations of key political notions (including ‘slavery’, ‘absolute power’, ‘despotism’). The conclusions we reach are interpretive ones: we are after the exegetically most plausible analytic reconstruction of the arguments advanced in historical texts.

Methodological pluralism risks being a cause of confusion rather than of intellectual enrichment, if scholars fail to understand and appreciate the kind of research questions pursued and research methods adopted in neighbouring disciplines. Deeply held methodological convictions may turn out to be discipline specific. Valuing methodological pluralism requires that intellectual historians refrain from suggesting, imperiously, that studying past philosophical works in any way other than through the contextualist methods they champion is unhistorical. Dogmatic insistence that authorial intentions constrain all valid interpretive research strikes us as unhelpfully restrictive. As the texts we study are philosophical ones, it is instructive to analytically reconstruct the arguments they contain to examine what authors said and meant, what positions they were logically committed to, and how strong their arguments were; thus, producing more sophisticated understandings of the arguments, distinctions, and positions advanced in these rich and complex works.⁵⁵

⁵⁴ Olsthoorn and Van Apeldoorn, “This Man Is My Property,” 271.

⁵⁵ Many thanks to Adrian Blau for detailed feedback on an earlier draft.

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