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The Political Thought of John Locke and the Significance of Political Hebraism



Abstract: Political Hebraism flourished in sixteenth- and seventeenth-century Europe and in political theory from Bodin to Locke, although its impact on the political ideas of early modernity has not yet been sufficiently acknowledged. This paper reexamines the thought of John Locke in this light. For the last three decades, scholarship has taken Locke's use of biblical references quite seriously. But it has attributed these references to Locke's Christianity and New Testamentism, or to the fact that he was responding to Robert Filmer upon the latter's rhetorical battlefield. On closer inspection, however, what has been called New Testamentism in Locke may be better seen as theism. Moreover, Locke's 'Two Treatises on Government,' his major contribution to political theory, does not mention Jesus or Paul. It does, however, mention and often discuss at length such Old Testament figures as Aaron, Abel, Abimelech, Abraham, Adam, Adonizedek, Ahaz, Cain, Esau, Eve, Isaac, Ishmael, Jeptah, Moses, and many others. The claim here is that Locke went much further in his reliance on the Bible, and especially on the Old Testament, than would have been necessary had he meant only to respond to Filmer. For Locke, the Bible is a historical record of a people in history—the Israelites—with a constitution and in many senses a model system of law and governance. Locke is well-known for having stated that "in the beginning all the World was America." Yet it is far less famous that Locke's America is Genesis-like, and that the Old Testament actually informs his ideas of natural and early society, as well as the positive statements of political morality in the 'Two Treatises.'

I.

In recent years, for the first time, modern scholarship has begun to acknowledge the distinctive character of the Hebrew and Jewish sources of early modern political thought in Western Europe, presented in recent

This paper is an expanded version of the keynote address delivered at the Colloquium "Political Hebraism: Jewish Sources in Early Modern Political Thought," Jerusalem, August 23–26, 2004.

research as political Hebraism.¹ This term, recently put into currency, relates to the European fascination with what John Locke called “the People whose Law, Constitution and History is chiefly contained in the Scripture.”² Scripture, prominently the Hebrew Bible—which, for several advanced Hebraists, is buttressed by the Talmud, Josephus, and Maimonides—tells the true story of an ancient polity once created by God’s chosen people. It survived for several centuries, struggled with external and internal challenges, and shaped an evolving governmental structure that included, over time, both republican and monarchical elements. It was marked by a unique, God-given, and humanly developed legal codex. Its well-documented history featured strong and memorable men and women, leaders and commoners, priests and laymen. Significantly, the fascination with the “Law, Constitution and History” of that ancient polity went beyond its belonging to God’s chosen people. Early modern thinkers found the ancient Hebrew polity interesting for historical, political, and philosophical reasons. Many of them mobilized its records for their own contemporary purposes. It spoke to their own state of affairs.

Political Hebraism flourished in European thought for about a century and a half, roughly between Bodin and Locke, with Machiavelli as a significant predecessor. The great tide of political and legal-minded Hebraism emerged in mid-seventeenth-century England, when jurist John Selden built his excellent scholarly reputation upon it, and republican theorists John Milton and James Harrington endowed it with hands-on political significance. Its ebb began in the early eighteenth century, when the Enlightenment threw out the political baby along with the theological bathwater. By the nineteenth century no major political thinker read the Old Testament politically. Only in the last three decades of the twentieth century did scholars begin to unearth political Hebraism as a particular story line—what John Pocock would call a “tunnel”—in the history of political thought.³ Today we are far from completing the excavations, or

¹ For recent assessments, see Arthur Eyffinger and Gordon Schochet, “From the Editors,” *Hebraic Political Studies* 1:1 (2005), pp. 3–6; Fania Oz-Salzberger, “The Jewish Roots of Western Freedom,” *Azure* 13 (2002). For substantial recent research into modern Hebraism in the context of political thought, see Frank E. Manuel, *The Broken Staff: Judaism Through Christian Eyes* (Cambridge, Mass.: Harvard University Press, 1992), and Daniel J. Elazar’s four-volume opus *The Covenant Tradition in Politics* (New Brunswick: Transaction, 1995–1998). See also Adam Sutcliffe, *Judaism and Enlightenment* (Cambridge: Cambridge University Press, 2003), esp. chs. 2 and 10.

² John Locke, “First Treatise,” in Locke, *Two Treatises of Government* (1690), ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), 169, p. 263.

³ Ian Hampsher-Monk, “Political Languages in Time—The Work of J.G.A. Pocock,” *British Journal of Political Science* 14 (1984), p. 89.

even mapping the site. This conference is a wonderful early step in that direction.

The history of ideas is fraught with ironies, ancient and modern. We owe much of the current awakening in the study of early modern political Hebraism to the so-called Cambridge School in the history of political thought and its greatest inspiration, Pocock's modern classic *The Machiavellian Moment* (1975). Yet neither Pocock nor the current Regius professor of history Quentin Skinner has devoted much attention to the Hebraic sources of the *political* thinking of their seventeenth-century protagonists. Skinner, in his most recent work, has put great onus on the "neo-Roman" element of early modern republicanism. His programmatic monograph, *Liberty Before Liberalism*, leaves the Bible out of seventeenth-century republicanism altogether. Other significant recent studies tend to obscure or disregard the political aspects of Hebraic sources. In the indices of several such studies, Athens appears but not Jerusalem (although it is mentioned in the text); Solon and Lycurgus appear—and thus count as figures, historical or mythical, that left their mark on ancient and modern political theorists—but Moses and Solomon, although mentioned in sources and scholarly discussion, are left out of the indices.⁴ They do not count as reference points for early modern political sources, not even in Solon's vague league. Similarly, while Aristotle's *Politics* and Cicero's *On Duties* are of course indexed, Deuteronomy and Leviticus are not. In several recent studies, the Bible, or the Hebrew Bible, or the Old Testament, fails to appear in indices although it is mentioned and quoted in numerous locations in the text.⁵ In other words, the Bible in seventeenth-century scholarship is like the clean air we breathe: so self-evident that one needn't bother to give it credit. Or else, biblical quotations are set aside as theological icings unworthy of proper listing. The Book of Books is a non-book when it comes to many modern assessments of the early modern political bookcase.

⁴ See, for example, Anthony Pagden, ed., *Languages of Political Theory in Early Modern Europe* (Cambridge: Cambridge University Press, 1987). In other respects this is a most valuable volume.

⁵ Thus, Peter Laslett's immensely popular and impressively thorough edition of Locke's *Two Treatises of Government*, published in *Cambridge Texts in the History of Political Thought* (Cambridge: Cambridge University Press, 1960 and numerous later editions and amended reprints), has no "Bible," "Hebrew Bible," or "Old Testament," or indeed "New Testament," in its bibliography or index. Individual biblical tomes are similarly absent; the book of Genesis, the focal point of the present essay, is thus nonexistent as a source of Locke's thought. By contrast, all authors known to Locke, from Aristotle to Tyrell, are duly listed and indexed.

This lack of engagement with biblical political ideas as viable source material for early modern thinkers on the part of historians of political thought, most notably of the Cambridge School, is reflected in a parallel lacuna in recent scholarship on the ancient Israelite polity. Work on the history of Jewish political thought has mostly neglected to treat its interaction with, and impact on, modern political philosophy as a whole.⁶ Biblical studies, within the full range of exegesis to philology, have similarly ignored the Bible's Christian readers insofar as they used Scripture to inspire their own political theory.⁷

The recent surge of scholarly interest in political Hebraism is a timely outgrowth, therefore, of two highly energized spheres of contemporary study: the history of early modern political thought and the history of Jewish political practices and ideas. Significantly, both these fields are consciously, if cautiously, conversing with present-day political philosophy. As Quentin Skinner recently put it,

There must be some deeper level at which our present values and the seemingly alien assumptions of our forebears to some degree match up.... Intellectual historians can hope to produce something of far more than antiquarian interest if they simply ply their trade. It is enough for them to uncover the often neglected riches of our intellectual heritage and display them once more to view.⁸

II.

John Locke, the focus of this essay, is a difficult client for students of political Hebraism. Unlike John Selden and James Harrington, Locke was not a Hebraist in the strict sense of the term: if he had a rudimentary knowledge of Hebrew vocabulary or grammar, he did not employ it in his writing. Nevertheless, Locke's command of the Hebrew Bible, especially the Pentateuch, Joshua, Judges, and Kings, was impressive. Locke's greatest contribution to political philosophy, *Two Treatises of Government* (1690), is saturated with biblical references.

Locke was partially acquainted with the Bible-minded republicans of mid-seventeenth-century England. He may have known Harrington, and

⁶ This absence is particularly conspicuous in Michael Walzer et al., *The Jewish Political Tradition*, vols. 1–2 (New Haven: Yale University Press, 2000, 2003).

⁷ Cf. Norman K. Gottwald, *The Politics of Ancient Israel* (Westminster: John Knox, 2001).

⁸ Quentin Skinner, *Liberty Before Liberalism* (Cambridge: Cambridge University Press, 1998), pp. 117–119.

surely knew Algernon Sidney. Both of these thinkers wrote in response to Robert Filmer, and Sidney met a bad end for his political efforts. For our purposes, the most important thinker with whom Locke was acquainted was likely John Selden, the full-fledged political and legal Hebraist and possibly the best English reader of Hebrew in his day. Locke owned some of Selden's books and referred to others, including *Mare Clausum*, in his response to Filmer.⁹ No one who has read Selden can plead ignorance of serious, historically minded political Hebraism.

Locke spent four formative years in France, and five in the Dutch Republic. He entered the domains of French and Dutch Hebraism, in which Jewish scholars had some part, but we do not know of any of his particular encounters with Jews or Hebraists in this period. Locke claimed not to have been "well-read in Spinoza," but he did read Grotius, of course, and may have come across Petrus Cunaeus. This would suffice to bring him deep into the realm of continental Hebraism.

Whether Locke's copious biblical references testify to a deeper dimension in his political theory, especially in the *Second Treatise*, is debatable. Whether Locke's biblicism is essential rather than ornamental is an open question in current Locke scholarship. Was Locke a political Hebraist, in the sense that reading and using the Hebrew Bible were conceptually germane to his (distinctly modern) political thought? This essay will assess the evidence for responding in the affirmative. I will suggest that Locke's engagement with the Hebrew Bible was more than rhetorical, more than decorative, and extended beyond contemporary Protestant bon ton.

In the past three decades, several major works reexamining Locke have transformed his previous image as a theorist of "thin" or "negative" liberalism, as the spiritual father of capitalism, and as the herald of secular political rationalism.¹⁰ Locke held that promises would not be kept without God, and that no social contract and no civil society would be maintained without keeping promises. He believed not only that the state must guarantee its citizens' rights to life, liberty, and property, but that its citizens also have duties toward the state, and particularly toward their fellow men, who partake in the image of God.

Locke argued for these principles with reference to both the New Testament and the tradition of natural law. But the key to the link between Locke's theory of political obligation and his idea of social obligation lay

⁹ See Locke, "First Treatise," 21, p. 156, and the editor's note.

¹⁰ It was understood thus by C.B. Macpherson in his well-known book *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: Clarendon, 1962). Some of the more significant reassessments that have appeared recently are mentioned in subsequent footnotes.

in the Hebrew Bible. Robert Filmer, against whose ideas Locke's *First Treatise of Government* was principally directed, had argued that the king rules by the grace of God and, being a direct heir of Adam, is exempt from human control. Locke summoned all his biblical expertise in order to refute the argument that God gave Adam absolute sovereignty, or that this sovereignty was passed on, first to Noah and then by lines of legitimate patrimony all the way to James II of England. Rule is not an absolute possession, Locke asserted, and it is not passed on through lineal inheritance.¹¹ The right to rule depends on the ruler's commitment to the rights of the ruled, and it may be annulled and transferred when the violation of the subjects' rights exceeds tolerable limits.

For many modern interpreters, Locke's political theory, and his underlying philosophy of natural law, is independent of Scriptural reliance on divine revelation. C.B. Macpherson's classical—and lately much-disputed—reading of Locke as a “theorist of appropriation” and champion of the anchoring of private property rights neatly disregarded his religious engagement and obliterated any mention of his biblical reading.¹² Leo Strauss, who took Locke for a closet Hobbesian, argued that Locke did not maintain his own presumption, stated in *The Reasonableness of Christianity* of 1695, to anchor natural right in the New Testament alone. Instead of formulating a “Politics Drawn from the Very Words of Holy Scripture,” as Jacques Benigne de Bossuet would name his 1709 tome, Locke's *Two Treatises* draws on a non-Christian tradition of natural law. His method is anthropological, as Locke readily admitted in a statement Strauss took to be his working motto: “I have always thought the actions of men the best interpreters of their thoughts.”¹³

Strauss ardently opposed any claim that the Old Testament was germane to Locke's theory of natural right or, indeed, to his politics. The Straussian line of argument in favor of Locke's “secularism” has been pursued by several recent scholars, mostly relying on his basic epistemological assumption, developed in *An Essay Concerning Human Understanding*, that neither faith nor worship is an innate idea. Consequently, so the argument runs, basing a moral theory on any aspect of divine revelation is by Locke's own lights rationally inadmissible; it is intellectually unworthy

¹¹ Locke dedicated the first of his treatises on government to this subject. His refutation of the hypothesis of lineal inheritance, making extensive use of the Bible, appears in Locke, “First Treatise,” 9, pp. 218–236.

¹² Macpherson, *Political Theory of Possessive Individualism*, part 5.

¹³ John Locke, *An Essay Concerning Human Understanding* (London, 1690), ed. P.H. Niddich (Oxford: Oxford University Press, 1975), book 1, ch. 2, 3. See Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1950).

of Locke, and anyhow, as far as Lockean politics is concerned, it is a road not taken.¹⁴

By contrast, a weighty section of recent scholarship has steered Locke back into his Christian origins, his specific Protestant contexts, and his theologico-political epistemology. New scholarship stemming from the Cambridge School's emphasis on contextual history has juxtaposed Locke's *Two Treatises* with his minor works, including his Christian writings, most notably *The Reasonableness of Christianity* and the posthumously published *Paraphrases and Notes on the Epistles of St. Paul* (1706), alongside discussions of faith in *An Essay Concerning Human Understanding* and the *Letter Concerning Toleration*, both of 1690.

A memorable statement to this effect was made by John Dunn in 1980:

The duty of mankind, as God's creatures, to obey [its] divine creator was the central axiom of John Locke's thought. The entire framework of his thinking was "theocentric," and the key commitment of his intellectual life as a whole was the epistemological vindication of this framework.¹⁵

Jeremy Waldron's *God, Locke, and Equality* of 1999 makes a strong argument for Locke's profound reliance on the New Testament for his philosophy of equality. The concept of equality, Waldron claims, is the mainstay of Locke's political thought and cannot be philosophically justified without accepting his essentially Christian justification of it. The equality and dignity of all human beings, without which the founding father of liberalism stands to naught, cannot (and, in Waldron's view, need not) survive a secularization of his philosophy.

In the next section I shall review several key arguments for Locke's "New Testamentism," from Dunn to Waldron, and consider their respective implications for the role, if any, of the Old Testament in his thought. My purpose in this overview is twofold: first, to examine the range of

¹⁴ A recent example is Michael P. Zuckert, *Launching Liberalism: On Lockean Political Philosophy* (Lawrence, Kans.: University Press of Kansas, 2002), part 2. "It is Locke's view," Zuckert writes, "that reason is not in possession of such rational knowledge of the existence of a revealing God.... Since Locke lacks rational knowledge of a revealing God, he knows of no authentic revelation, including of course the Hebrew and Christian Scriptures."

¹⁵ John Dunn, "From Applied Theology to Social Analysis: The Break Between John Locke and the Scottish Enlightenment," paper presented at a symposium sponsored by the Conference for the Study of Political Thought and the Folger Institute for Renaissance and Eighteenth-Century Studies, Folger Shakespeare Library, Washington, D.C., March 21–23, 1980; published in Istvan Hont and Michael Ignatieff, eds., *Wealth and Virtue* (Cambridge: Cambridge University Press, 1983), pp. 119–135, here p. 119. Cf. John Dunn, *The Political Thought of John Locke* (Cambridge: Cambridge University Press, 1969).

current scholarly argumentation for Locke's Scriptural anchor in general; and second, to inquire whether this Scriptural anchor is Christian alone, to find out whether the Hebrew Bible is excluded or marginalized by the emphasis on Locke's "theocentrism," and why.

The concluding two parts of this essay will develop two arguments locating Locke's reading of the Old Testament at the root of this political thought. It is important to stress that these two arguments can work together or as alternatives: (1) that the Hebrew Bible as a holy scripture was essential for the theological basis of Locke's politics; and (2) by contrast or complement, that parts of the Hebrew Bible were of primary importance, qua man-made political, historical, and philosophical texts, for the configuration of Locke's political thought.

III.

The fundamental assumption shared by proponents of Locke's "New Testamentism" is, in Dunn's words again, that "What Locke trusted in was the Christian God and his own intelligence; and when it came to the crunch and the two parted company, what he proved to trust in more deeply was the God and not the intelligence."¹⁶ Human cognition is God-given; human morality makes sense only within the normative contours of divine revelation formulated in holy scripture; and politics ought to provide, as best as humanly possible, for the ends of man as conceived by his Maker. In Dunn's reading of Locke, as in Waldron's, the New Testament is the ultimate source for the metapolitical values that inform all normative social behavior.¹⁷

Locke himself made a clear declaration in his work *A Second Vindication of the Reasonableness of Christianity* (1697):

A Christian I am sure I am, because I believe *Jesus* to be the *Messiah*, the King and Saviour promised, and sent by God: And as a Subject of his Kingdom, I take the rule of my Faith, and Life, from his Will declar'd and left upon Record in the inspired Writings of the Apostles and Evangelists in the New Testament: which I endeavour to the most of my power, as is my duty, to understand in their true sense and meaning. To lead me into their true meaning, I know

¹⁶ John Dunn, *Western Political Theory in the Face of the Future* (Cambridge: Cambridge University Press, 1979), p. 40.

¹⁷ Dunn, *Western Political Theory*, pp. 41–42. Jeremy Waldron, *God, Locke, and Equality: Christian Foundations in Locke's Political Thought* (Cambridge: Cambridge University Press, 2002). Cf. Victor Nuovo, "Locke's Christology as a Key to Understanding His Philosophy," in Peter A. Anstey, ed., *The Philosophy of John Locke: New Perspectives* (London: Routledge, 2003), pp. 129–153.

no infallible Guide, but the same Holy Spirit, from whom these Writings at first came.¹⁸

Despite his mellow portrait of the state of nature, which contradicted Hobbesian brutality, Locke held a comparatively pessimistic view of human nature. According to Dunn's interpretation, Locke parted ways with Hobbes by insisting that divine beneficence is a sole guarantor for the moral value of human life, as well as for human social arrangements. Unlike the key thinkers of the Scottish Enlightenment in the generation to follow, David Hume and Adam Smith, Locke put no trust in arbitrarily cumulating social relations and constructions. In his view, such human creations could not supply a foundation for moral value, and they could not be rational in themselves. In Dunn's words, "For Locke the duties of most human beings towards terrestrial political authority are in the first instance altruistically prudential specifications of their duties, as common creatures of God, toward their fellow men." Put succinctly, "Political duty was a theoretical derivative of natural theology."¹⁹

This theological reading of Locke's concept of duty, however, does not single out the New Testament God from the Old Testament God. Quite apart from Locke's own confession of Christian faith and devotion, there is little that is intrinsically "New Testamentist" in his account of political duty in his major political opus. As I will argue below, it is a notion more openly reliant on Old Testament legalism.

The role of God as guarantor of human morality, which for Dunn was the crux of Locke's crucial reliance on Christian faith in all social association, is stated by Locke, in a handwritten note of ca. 1693 quoted by Dunn, in theistic terms that do not include any reference to revelation from either the New or Old Testament:

If man were independent he could have no law but his own will, no end but himself. He would be a god to himself and the satisfaction of his own will the sole measure and end of all his actions.²⁰

Locke stipulated this possibility not as a proto-Nietzschean exercise in political atheism, but as an unthinkable alternative to faith-based public morality. Yet this statement, just like the more famous rejection of an

¹⁸ John Locke, *A Second Vindication of the Reasonableness of Christianity* (London, 1697), in Locke, *The Works of John Locke in Nine Volumes* (London: Rivington, 1824), 12th ed., vol. 6, ch. 47, p. 359.

¹⁹ Dunn, "From Applied Theology," pp. 128–129.

²⁰ Bodleian Library MS, Locke c. 28, fol. 141, quoted in Dunn, *Political Thought of John Locke*, p. 1.

atheist's vow and hence his eligibility to sign the social contract in the *Epistle on Tolerance*, is theist rather than Christian.

In this respect, Waldron presents a clearer Christian angle on Locke's political theory when he attempts to place the idea of equality between human beings, derived from Christian theism, at its heart. According to Waldron, human equality is the common denominator, the concept providing the underlying conceptual unity, of Locke's "arguments about property, family, slavery, government, politics, and toleration."²¹ Waldron directly addresses and justifies his notion of the pivotal role of the New Testament, as opposed to the Hebrew Bible, in Locke's idea of equality:

Why "Christian"? Why not just "religious foundations of equality"?... The historical answer is obvious enough. Locke's mature philosophy comprised *The Reasonableness of Christianity* as well as the *Essay [Concerning Human Understanding]*, the *Letters on Toleration*, the *Two Treatises*, and the *Thoughts Concerning Education*.... As a philosopher, Locke was intensely interested in Christian doctrine, and in the *Reasonableness* he insisted that most men could not hope to understand the detailed requirements of the law of nature without the teachings and example of Jesus.²²

Juxtaposed with *The Reasonableness of Christianity*, Locke's political theory as laid out in the *Two Treatises* bears a strong Christian mark. Waldron makes this juxtaposition a focus of his argument both for Locke's theoretical consistency and for Locke's profound conceptual reliance on the Christian God. Yet, whereas Dunn had claimed outright that the *Two Treatises* is steeped in Christian ideas, Waldron does pause to consider the difficult fact that in Locke's greatest political work citations from the Old Testament far outnumber those from the New Testament.

We remain, then, with the initial query: What is "Christian," rather than theist or, indeed, "Old Testamentist," about the *Two Treatises*, and particularly about Locke's positive statement of political morality, his account of the good polity in the *Second Treatise*?

This, I believe, is a problem not yet addressed by Dunn. Waldron takes it on board by arguing for interdependence between *The Reasonableness of Christianity* and the *Two Treatises*. Presumably, *The Reasonableness* provides the New Testament sine qua non for the *Two Treatises*, in which

²¹ Waldron, *God, Locke, and Equality*, p. 151.

²² *Ibid.*, p. 12.

Locke felt he could ignore the direct role of Jesus in the moral justification of the good polity.²³

Waldron's contextual treatment of the *Two Treatises* does not, of course, preclude either treatise from being considered a book in its own right, and neither does it preclude the two treatises together from being treated as such. Waldron's contextual approach, different from that of the Cambridge School, yields insights that are of great scholarly value. Yet Waldron, like Dunn and many other recent interpreters of the *Two Treatises*, fails to treat Genesis as a book in its own right, and neither Waldron nor Dunn considers the book of Judges, or indeed the whole narrative ("historical") span of the Hebrew Bible, as a work worthy of inquiry as a self-sufficient account of history and social and political theory. The Hebrew Bible was written by many hands, yet its substantial historical part, the Deuteronomist part, arguably lends itself to persuasive integral reading, indeed to several such readings, from both "secular" and "religious" vantage points and—more poignantly—from both literary and scholarly vantage points.²⁴

In the following sections I argue that Locke, unlike some of his important recent interpreters, based the *Two Treatises* on a broad array of Old Testament citations not because he trusted his readers to follow up the *Two Treatises* with *The Reasonableness of Christianity* and its two *Vindications*, published between five and seven years later, but because he considered the Old Testament—just as his opponent Robert Filmer did—to be a corpus of both divine and human wisdom in its own right, a history book by its own merit, and a work where unique political and legal ideas were broached and explored.

²³ Another line of defense is offered by Victor Nuovo in his review of Waldron's book, where he rightly claims that "Waldron never makes clear just what kind of Christianity Locke adhered to, except a vaguely Protestant sort." In Nuovo's view, Locke's Christianity was "messianic," in the sense that he took the whole scriptural narrative to form "a sacred history" from the Garden of Eden to the Last Judgment. Locke's political thought leans against the early part of this eschatological narrative, "prior to the Mosaic theocracy"; hence his dense use of the book of Genesis in the *Two Treatises*. I doubt whether this line of explanation accounts for Locke's significant use of the book of Judges, which I will analyze in the next section. See Victor Nuovo, review of *God, Locke, and Equality*, by Jeremy Waldron, *Notre Dame Philosophical Reviews*, May 4, 2003, <http://ndpr.nd.edu/review.cfm?id=1267>.

²⁴ The recent history of political thought, including most of the scholarship on Locke, has not caught up with new scholarly readings of the Hebrew Bible, which treat it (or some of its components) with an exegetical respect more similar to that of Locke himself. Outstanding examples include Robert Alter's interpretative introduction to his edition of *The Five Books of Moses* (New York: W.W. Norton and Company, 2004); Leon R. Kass, *The Beginning of Wisdom: Reading Genesis* (New York: Free Press, 2003); and Yoram Hazony, "Does the Bible Have a Political Teaching?" *Hebraic Political Studies* 1:2 (2006).

IV.

The *Two Treatises* treats its readers to a rich and lively Old Testament tapestry of episodes and figures in direct quotes and indirect allusions. By contrast, the New Testament's appearance is meager. A perusal of the comprehensive index in Peter Laslett's edition of the *Two Treatises* should drive the point home: Locke's *Two Treatises* makes *no single mention* of Jesus or of Paul. It does mention (and often discusses at length) Aaron, Abel, Abimelech, Abraham, Absalom, Adam, Adonitsedek, Ahaz, Cain, Esau, Eve, Isaac, Ishmael, Jacob, Jeptah (in a particularly interesting way), Joshua, Judah (not Iscariot), Moses, Noah and his sons, Rebecca, Saul, and Solomon.²⁵

Locke's copious use of such citations and allusions is not limited to the *First Treatise*, the polemic against Robert Filmer's Bible-based *Patriarcha*, where Locke presumably wished to strike his opponent with his own rod. It is remarkable that the *Second Treatise*, Locke's groundbreaking discourse of modern political liberty, remains heavily reliant on Old Testament references.²⁶ The book of Genesis alone is mentioned, referred to, and quoted dozens of times in both treatises.

And yet, Locke's extensive use of the Hebrew Bible in his most original and effective treatise of political philosophy is still generally attributed to his rhetorical battlefield with Filmer. Alternatively, it is seen as mere residue from the *First Treatise*, and more generally as contextual cliché in line with the literary habits and connotative frame of reference of seventeenth-century intellectual discourse. For advocates of Locke's "Christianity," as we have seen above, this Old Testament exclusivity is not easily explicable. For "secular" interpreters, it is little more than theological icing on an essentially irreligious cake.

This begs the question: If Locke's main rationale for using biblical quotations was to refute Robert Filmer's Bible-based endorsement of monarchical paternalism, why did Locke bother with numerous biblical allusions in the *Second Treatise*, which no longer targets Filmer? If Locke's purpose in this work was to steer clear of Genesis-style patriarchalism, and indeed to present an essentially modern theory of political right, why bother deflecting his readers with such a rich array of biblical allusions

²⁵ This is a partial list of Hebrew Bible names in the index of the Laslett/Cambridge edition; see *Two Treatises*, pp. 451–464.

²⁶ For an exceptionally comprehensive, book-length analysis, see Kim Ian Parker, *The Biblical Politics of John Locke* (Waterloo, Ontario: Wilfrid Laurier University Press, 2004).

far beyond the minimum requirements of contemporaneous rhetorical bon ton?

I will offer two distinct, though possibly commensurable, answers. First, I will argue that the God of the *Two Treatises* is God the Lawmaker, and as such he is theologically grounded in the Old Testament, and almost solely there. Second, I will refer to Locke's deep intimacy with the Bible as a historical and political source-text. That intimacy was obviously Christian in its motivation, but it allowed the Hebrew Bible to work in Locke's mind alongside the other books that made their mark on him, from Aristotle to Grotius. It affected his imagination no less than the travel literature on America did, and it provided him with moral and political problems, and a set of responses, of no lesser importance than Bodin or Hobbes did.

In the present paper, these two arguments cannot be fully developed. What follows is an analysis of some key evidence to substantiate my two main contentions: (1) that the deity guaranteeing Locke's good polity, insofar as it is a legislative deity, is closer to Jehovah than to God the Father; and (2) that the Hebrew Bible was a freestanding history book, enriched by deeply inspiring political materials, on Locke's most cherished bookshelf.

V.

For Locke, Genesis and Deuteronomy and Judges and Kings consisted of a political history worth working with. They came from an ancient civilization to be reckoned with. To be sure, the Israelites were "God's own people" and hence a special case compared with the Athenians and Spartans and Romans. But the crucial point is that they made a polity in history, a constitution in legal history. Thus, the Israelites offer a case study among others and subject matter for theoretical comparison and analysis.

Locke was not the first to historicize the Old Testament for the purposes of political theory. Niccolò Machiavelli may be credited with the first substantial historical reading of the Bible, and Jean Bodin followed suit with a detailed analysis. It is especially interesting that the natural lawyers who had a historical tale to tell, Hugo Grotius and Samuel Pufendorf, took the Old Testament seriously as a historical textbook. Locke belongs firmly in this tradition. Like Pufendorf, he treated the pre-Mosaic era as the early part of a historical phase theory of economic advance and political progress. The discussion of primitive society in terms of the post-Eden generations, or the premonarchical civil society

identified with the era of the Judges, is an exercise common to Locke and to the natural jurists.

“Thus in the beginning all the World was *America*,” Locke famously wrote.²⁷ Yet, as this pointed paraphrase of the first line of the Hebrew Bible indicates, Locke’s *America*, throughout the *Two Treatises*, is almost always a Genesis-like *America*.

Textual scrutiny reveals that almost every appearance of *America* in the *Two Treatises* dovetails with a similar, often more detailed account from the early chapters of the Hebrew Bible. It would not be a great exaggeration to suggest that whenever Locke rhetorically crosses the Atlantic, Adam and Eve are lurking in the foliage, no more than a paragraph away.²⁸

In the *First Treatise*, *America*’s tribal and linguistic plurality is made to flow directly from the biblical pre-Babelian dispersion of nations and languages. Paragraphs 144–145 are crucial, insofar as they include *America among* (rather than descending from, or reflecting, or echoing) the primeval tribal polities described in the early chapters of Genesis. Locke’s anti-Filmer argument here is clear and cutting, and his use of the Old Testament is essential: no “Fatherly Authority” and no “Adamite Lordship” were conferred on tribal chieftains, in Carolina or in Shinar. For “we know not who were their Governors, nor what their Form of Government, but only that they were divided into little Independent Societies, speaking different Languages.”²⁹ From this state of multifarious political vagueness, Locke tells Filmer, no unilinear chain of political authority can possibly lead to James II of England and Scotland.

The argument is well known to Locke scholars. But it is seldom noted how Locke then repeats it almost verbatim, and we must pay attention to his telling use of pronoun: “The Scripture says not a word of *their* [my emphasis: i.e., the Americans, among all primeval societies] Rulers or Forms of Government, but only gives an account, how Mankind came to be divided into distinct Languages and Nations.”³⁰ This is much more than a refutation of Filmer on his own scriptural ground. Scripture, specifically Genesis, describes the American tribal system. In other words, Genesis lays down the principles of every primitive polity. It may be vague about their governors and forms of government, but it provides a

²⁷ Locke, “Second Treatise,” 49, p. 301.

²⁸ Locke, “First Treatise,” 144, 153; Locke, “Second Treatise,” 36–38, 65, 101–102, 108–109.

²⁹ Locke, “Second Treatise,” 144, p. 247.

³⁰ Locke, “Second Treatise,” 145, p. 247.

universal concept of primeval human society that has at least three essential components: (1) it is multinational; (2) it is multilingual; and (3) its form(s) of government and the nature of its leadership(s), whatever they were, are not on record.

The last component of the scriptural concept of primeval society is of special interest, because Locke says in the *Second Treatise* that "Government is everywhere antecedent to records."³¹ Does this mean that the Old Testament is not a "record"? On the contrary, it is the one exception to the rule. "And those [records] that we have," Locke writes in the same paragraph, "of the beginning of any Polities in the World, excepting that of the *Jews*, where God himself immediately interpos'd, and which favours not at all Paternal Dominion, are all either plain instances of such a beginning, as I have mentioned, or at least have manifest footsteps of it."³²

Genesis is clearly a historical record, then, albeit (and perhaps even enhanced by its being) God-given. Furthermore, the *Second Treatise* goes further than the *First Treatise* by stating clearly that this record may be vague about primeval forms of government, but it is clear enough, and political enough, to "favour not at all Paternal Dominion" in the Filmerite vein, meaning that no primitive leader inherited either God's paternal or Adam's lordly rights. Taken together, the passages from the two treatises are my *quod erat demonstrandum*: the Hebrew Bible is legitimate historical-political record for Locke, and even a unique and essential one. Far more than a sophisticated turning of the scriptural table on Filmer, it is a positive gleaning of a crucial category of political analysis, a viable account of the first phase of political history from the book of Genesis.

There is a fascinating parallel, to which I will return, between Locke's view of American and post-Adamite political multiplicity, and his assertion in the *Second Treatise* that in "the first Ages of the World" men owned only as much land as they could till. Here, too, Adam and Noah keep company with American tribesmen:

The measure of Property, Nature has well set, by the Extent of Mens Labour, and the Conveniency of Life; No Mans Labour could subdue, or appropriate all;... This *measure* did confine every Man's Possession, to a very moderate Proportion, and such as he might appropriate to himself.... And the same *measure* may be allowed still, without prejudice to any Body, as full as the World seems. For supposing a Man, or a Family, in the state they were, at first peopling of

³¹ Locke, "Second Treatise," 101, p. 334.

³² *Ibid.*

the World by the Children of *Adam*, or *Noah*; let him plant in some in-land, vacant places of *America*, we shall find that the *Possessions* he could make himself upon the *measures* we have given, would not be very large, nor, even to this day, prejudice the rest of Mankind.

Beyond the first chapters of Genesis, Locke followed John Selden, Algernon Sidney, and possibly John Milton in using the premonarchical history of the Jews in order to contradict, and even lampoon, Filmer's biblical monarchism. Again targeting his rival's reliance on the tribal throngs in the New World, he ridicules Filmer's "confused account of a multitude of little Kings in the *West-Indies*, of our *Ferdinando Soto*, or any of our late Histories of the *Northern America*... as by any thing he brings out of Scripture, in that Multitude of Kings he has reckon'd up."³³

Locke's America, then, can be folded back into the scriptural category of primeval premonarchical society. I do not suggest, of course, applying such reductionism to the recent debate, ignited by James Tully, of Locke's alleged protocolonialist, "Eurocentrist" view of America as a real estate free-for-all.³⁴ This fascinating issue is beyond my present scope.

What I do argue is that anyone looking for a theory of government rooted in a historical conception of early polities need look no further, according to Locke, than the historical books of the Hebrew Bible up until I Samuel 8 and the establishment of the Israelite monarchy, a late political development (and, to Locke's republican predecessors, a lamentable one) ending a long and distinguished nonmonarchical political history.

Locke made the Hebrew Bible backfire on Filmer, but at the same time he mustered this part of Scripture to present a well-founded alternative story, a rich political history wholly devoid of kings sporting paternal rights to authority. In Locke's own words:

... I thought he [Filmer] had been giving us out of Scripture, Proofs and Examples of Monarchical Government, founded on Paternal Authority, descending from *Adam*; and not an History of the *Jews*: amongst whom yet we find no Kings, till many Years after they were a People.³⁵

³³ Locke, "First Treatise," 153, pp. 254–255.

³⁴ James Tully, "Rediscovering America: The *Two Treatises* and Aboriginal Rights," in G.A.J. Rogers, ed., *Locke's Philosophy: Content and Context* (Oxford: Clarendon, 1994), pp. 165–196; Tully, *An Approach to Political Philosophy: Locke in Contexts* (Cambridge: Cambridge University Press, 1993), pp. 137–176. For a representative counterargument, see Stephen Buckle, "Tully, Locke, and America," *British Journal for the History of Philosophy* 9:2 (2001), pp. 245–281.

³⁵ Locke, "First Treatise," 153, p. 253. Locke's argument on the nonpatriarchal nature of authority in the premonarchical biblical polity goes on until 158, p. 257.

The textual proximity between America and Genesis as models of early human societies is one example of the constant Lockean interplay between “anthropological” and biblical props for basic arguments. Beyond the quote-juggling Filmer-bashing that most scholars have seen in this final section of the *First Treatise*, Locke goes on to present a firm positive political reading of the Hebrew Bible. In the *Second Treatise*, free of Filmer, Locke uses the Hebrew Bible profusely in his most pivotal discussions of the state of nature, the state of war, property, the beginnings of political society, and conquest.³⁶ What, then, does Locke suggest that the Hebrew Bible positively teaches of the good government?

VI.

That men left the state of nature and established civil society out of necessity is a lesson Locke drew from Hobbes but chose to establish on the historical testimony of the Old Testament. Locke’s state of nature is occasionally conflictual, demanding temporal leadership and justice. Appealing to divine intervention may prove insufficient in such pre-political quarrels: Otherwise, why would the children of Israel and the Ammonites take up arms after the judge Jeptah explicitly called upon God to judge between the two?³⁷

Locke did not pick up the Jeptah story, or any other of his references from the book of Judges, in an arbitrary manner. St. Augustine had read the same biblical text politically, and like Pierre Jurieu and several other Protestant thinkers, Locke saw in the period of the judges a transitional stage between the state of nature and civil society, and discerned in its failings a proof of the necessity of the state for resolving disputes.³⁸ It was the Bible, Locke argued, that documented the particular moment that “puts men out of a state of nature into that of a commonwealth, by setting up a Judge on Earth” and establishing “a political, or civil, society.”³⁹ What modern Locke scholars have failed to note is the intrinsically political character of the book of Judges, which has a strong claim for a

³⁶ Significant instances include “Second Treatise,” 11, 21, 25–26, 36, 101, 109, and 196.

³⁷ Judges 11:27. Jeptah went as far as confronting the Ammonites with legalistic arguments regarding the right of the Israelites to their land. The crucial role of this story for Locke is apparent in his “Second Treatise,” 21, p. 282; cf. Locke, “First Treatise,” 163, p. 260, and “Second Treatise,” 109, p. 340, and 176, p. 376. In an editor’s note, Laslett maintains that “Locke evidently regarded the story of Jeptah as crucial to the scriptural foundations of his case about civil society and justice” (Locke, “Second Treatise,” p. 282).

³⁸ Peter Laslett, editor’s note, Locke, “Second Treatise,” p. 282.

³⁹ Locke, “Second Treatise,” 89, p. 325.

dominant position in a cohesive political worldview underpinning the Hebrew Bible's early historical narrative.⁴⁰

Locke, unlike many of his modern readers, did record the legalist and limited-government essence of biblical history. The Israelites, he maintained, founded a state that was not only unique and divinely ordained, but that “favours not at all paternal dominion.”⁴¹ The Pentateuch furnishes the detailed legal basis for what Locke had called in an earlier work “national Jewish liberty.”⁴² This liberty was based entirely upon obedience to the laws given at Mount Sinai. It was abandoned, as Locke pointed out, both by the Pharisees, who were haughty enough to think that they “sat on Moses’ chair,”⁴³ and by Jesus, founder of “Christian liberty,” whose essential purpose was “not to submit to legal injunctions.”⁴⁴ Thus, “the Scriptures being utterly silent” about everything that pertains to *other* governments, and the Bible “speaks very little of politics,”⁴⁵ indeed; but this silence is with regard to other nations and not to the manifest political logic of the Israelite state.

The presence of God in the ancient Jewish constitution, as in a modern, well-governed state, is for Locke the sole guarantee for any political transaction. Yet no ruler can arrogantly assume absolute dominion while at the same time relying on God’s grace. If a ruler is tyrannical, the divine right flows through those who would rebel against him—as Locke found in the assistance God rendered to Hezekiah in rebelling against the king of Assyria in the book of Kings.⁴⁶ Once again, biblical history underscored the most fundamental of Lockean assertions, continuing the line of argument broached by the monarchomachs a century earlier.

⁴⁰ For a recent, and in my mind persuasive, reconstruction of this worldview as focusing on limited monarchy with moderate republican elements, see Hazony, “Does the Bible Have a Political Teaching?”

⁴¹ Locke, “Second Treatise,” 101, p. 334.

⁴² John Locke, “First Tract on Government” (1660), in Locke, *Political Essays* (Cambridge: Cambridge University Press, 1997), pp. 26–27.

⁴³ Matthew 23:2.

⁴⁴ Locke, “First Tract on Government,” pp. 26–27.

⁴⁵ Locke, *Political Essays*, p. 51. If the holy scriptures had been a complete constitution for all human concerns, argued Locke, then any new civil legislation would be considered blasphemy. See his “Second Tract on Government” (ca. 1662), in Locke, *Political Essays*, p. 72.

⁴⁶ “And the Eternal was with him; wherever he went forth he prospered; and he rebelled against the king of Assyria and would not serve him” (II Kings 18:7). In this context Locke highlighted the biblical use of the verb “rebel,” indicating explicit divine sanction for political rebellion. Locke, “Second Treatise,” 196, p. 396.

Let us take a step further. There is a telling parallel between Locke's rejection of an alleged legacy of Adam's patrimony in governmental affairs, and his refutation of a post-Adamite claim to Adam's dominion of the world in terms of rights to property. If no king can claim an unreserved birthright dating from Adam, no owner can claim property rights going back to the same primogenitor. For just as Adam was not absolute sovereign of the earth, neither was he its owner. He received no *dominium* from his Creator over the land beneath his feet. By extension, neither did Noah or his sons. In both cases, the political and the economic, God reserved the ultimate authority, or dominion, for himself. This double limitation, on government and on possession, brings together Locke's theory of limited government with his "moral economy," delimiting single ownership in favor of human solidarity. In the beginning, said Locke, all the world belonged to all human beings.⁴⁷ Here was the subtle link between Locke's theory of government—the limitation of political dominium—and his moral economy, which was based on the limitation of material dominium. The link lay in the second and third chapters of the book of Genesis.

As we have seen, Locke directly connects his theme of small-polity pluralism, both in America and in the biblical era of the patriarchs, to his parallel claim that "every Man's possession" was confined "to a very moderate Proportion" in both these primeval societies.⁴⁸ The chapter "On Property" in the *Second Treatise* sheds light on the growth from small properties to large enclosures as a biblical timeline.⁴⁹ Estates, just like polities, grew and consolidated with the passage of time. Just as Adam did not exercise political patriarchal rights over the world, he enjoyed no private dominion on it, and thus could not pass on either legacy to any descendant:

And thus, without supposing any private Dominion, and property in *Adam* over all the World, exclusive of all other Men, which can no way be proved, nor any ones Property can be made out from it; but supposing the *World* given as it was to the Children of Men *in*

⁴⁷ In the "First Treatise," Locke argues that neither Genesis 1:28 nor any other source makes reference to "Adam's monarchy or private dominion, but quite the contrary.... To conclude, this text is so far from proving Adam sole proprietor, that on the contrary, it is a confirmation of the original community of all things amongst the sons of men, which appearing from this donation of God, as well as other places of Scripture; the sovereignty of Adam, built upon his private dominion, must fall, not having any foundation to support it." Locke, "First Treatise," 40, p. 169. Cf. Peter Laslett, "Introduction," in Locke, *Two Treatises*, p. 101.

⁴⁸ Locke, "Second Treatise," 36, p. 292. Cf. editor's footnote on p. 292.

⁴⁹ Locke, "Second Treatise," 38, pp. 295–296.

common, we see how *labour* could make Men distinct titles to several parcels of it, for their private uses; wherein there could be no doubt of Right, no room for quarrel.⁵⁰

This statement formally parallels Locke's greatest political principle, that no single heir and no great king can claim to be the heir to Adam's lordship, let alone to a right of patrimonial authority, which even Adam himself could not claim. In strikingly similar terms, the *Two Treatises* thus denies any biblical proof for one-man patriarchy and for one-man dominion, asserting instead that both political and property rights were parceled out to numerous individuals.

More research is required to single out the Hebraic strains in Locke's "moral economy." Most of Locke's interpreters today agree that he viewed the historical phase prior to the enclosure of property, a phase identified with the early part of Genesis, as a "negative community," from which people took for themselves private property over the course of time, and not as a "positive community," according to which all of the land belongs to all human beings in perpetuity.⁵¹

Locke took a republican stance on the importance of private property as the sole basis for civic participation in the political community. Property is the footing of civic involvement, which in turn is the condition of liberty. Hence, the property confiscated by Charles II and James II deprived their opponents, among them radical Puritans of Locke's own milieu, of their civic standing. Despite the fact that Locke's mature political model was a limited monarchic one, some important republican elements may be discerned in his thought. He found elements of a federal republic in England, with its decentralized government, strong local rule, and lively civic participation.⁵² Locke's intense interest in the multifarious smallholdings characterizing early societies, from biblical to American, falls in line with this idea of property as the prop for widespread civic rights.⁵³

⁵⁰ Locke, "Second Treatise," p. 296.

⁵¹ See especially Richard Tuck, *Natural Rights Theories*; James Tully, *A Discourse on Property: John Locke and His Adversaries* (Cambridge: Cambridge University Press, 1980); Dunn, *Political Thought of John Locke*. Tully, who argues that Locke employs the principle of "positive community," is in disagreement on this point with Tuck and Dunn (as well as with Hont and Ignatieff, below), who attribute to Locke the model of "negative community."

⁵² In these political qualities Locke found a mixture of good Christianity and Roman republicanism. The primary sources for the study of morals, according to his work "Concerning Reading," were Cicero's *De Officiis* and the New Testament. On this point I follow the interpretation of Mark Goldie, "Introduction," in Locke, *Political Essays*, esp. p. xxvi.

⁵³ A particularly interesting interpretation of Locke's use of Genesis is offered by George M. Gross, "Notes for Reading the Bible with John Locke," *Jewish Political Studies Review* 9:3-4 (1997), pp. 5-18. Gross suggests that Locke's engagement, in the *Two Treatises*,

To be sure, the famous account of economic evolution in the chapter “On Property” of the *Second Treatise* explains why the limited self-tilling agrarian economies of the distant past were transformed by the invention of money. That necessary development greatly increased the possibility of accumulating wealth and property.⁵⁴ But if a fellow man is starving, his right to life overrules our right to property, and men are obligated to feed him at their expense. Locke’s words in the *First Treatise* are well worth quoting here, although they seldom are:

But we know that God hath not left one Man so to the Mercy of another, that he may starve him if he please: God the Lord and Father of all, has given no one of his Children such a Property, in his peculiar Portion of the things of this World, but that he has given his needy Brother a Right to the Surplusage of his Goods; so that it cannot justly be denied him, when his pressing Wants call for it.⁵⁵

Peter Laslett, in his editor’s note on this paragraph in the “First Treatise,” suggested Locke had Luke 11:41 in mind.⁵⁶ I disagree. The words of Jesus against the Pharisees in Luke are a distinct statement of voluntary charity: “But rather give alms of such things as ye have; and, behold, all things are clean unto you.” By contrast, Locke’s text puts justice before mercy and coins the term “right to surplusage,” strongly reflecting the social legislation of the Pentateuch. There, landowners are subject by law to hand over their surplusage—the precise kinds of leftover field crop known as *leket*, *pe’á*, and *shicheha*—to the needy, leaving nothing to goodwill. Locke himself does not give a New Testament reference for his “right to surplusage” passage, but surrounds it by a refutation of Adam’s claim to private dominion. “The Sovereignty of Adam, built upon his Private Dominion, must fall, not having any Foundation to support it.”⁵⁷

with the divine blessing (“Be fruitful and multiply, and replenish the earth”) is republican in essence, and aimed against the population-limiting consequences of absolute monarchy. I intend to grapple with this interpretation in an expanded version of this essay.

⁵⁴ Locke, “Second Treatise,” 36, pp. 292–293, and the editor’s note to this paragraph on p. 292. Several pivotal aspects of early modern natural jurisprudence remain beyond the present discussion, notably the distinction between “perfect right” and “imperfect right,” as well as the dispute between Filmer and Locke over the kind of consent involved in the original division of property. Locke took pains to emphasize, with the aid of the Bible, that the state of nature was an era of great abundance, and hence universal agreement was not required when some individuals began to appropriate land.

⁵⁵ Locke, “First Treatise,” 42, p. 170.

⁵⁶ *Ibid.*, editor’s note.

⁵⁷ *Ibid.*, 40, p. 169. And again, immediately following the “right to surplusage” passage and concluding the *First Treatise* chapter on “Adam’s Title by Donation”: “From all which it

Absolute ownership is thus as unacceptable as absolute rule. The right to property—which Locke of course maintained—was partly offset by the hungry man’s “right to surplusage.” Only the Hebrew Bible, not the New Testament, could support this legalist, nonvoluntary approach to the relation between the wealthy and the starving, thanks to its unique model of an altruistic community rooted in law.

In an early essay written in 1663 or 1664, Locke wrote that material possessions “are never so much ours that they cease to be God’s.” Is it possible, Locke asked in that context, that God’s words in matters of property might contradict natural law? Was the exodus from Egypt, carrying off Egyptian goods, at the command of the Lord—here Locke directs his readers toward Exodus 12:35—tantamount to a violation of the natural property rights of the Egyptians to retain their Hebrew slaves? He answered in the negative, for God may transfer property from one to another without violating the natural right of the previous owners, because all property is given to us as a “loan” from God.⁵⁸

While I do not suggest that this early opinion remained unchanged in the *Two Treatises*, I do suggest that it echoes in the “right to surplusage” that we have seen in the *First Treatise*, as well as in the chapter “On Property” in the *Second Treatise*. Individual property, parceled out from the original community, may well enjoy “no doubt of Right, no room for quarrel”; but Adam’s heirs are mutually committed to human preservation and to rightfulness in the eyes of God. In this respect, it is God who retains the ultimate *auctoritas* and the ultimate *dominium*, those that Adam never had and his heirs can never rightfully claim. Political as well as economic powers never “cease to be God’s.”

VII.

I now address a question that may well overturn my argument. Does Locke’s resort to natural reason render his biblical quotations conceptually redundant? Is Old Testament wisdom merely a byword for natural law? Does Locke simply ornament his quintessentially modern contribution to the contemporary tradition of natural jurisprudence with biblical patterns?

is clear, that tho’ God should have given *Adam Private Dominion*, yet that *Private Dominion* could give him no *Sovereignty*; But we have already sufficiently proved, that God gave him no *Private Dominion*.”

⁵⁸ John Locke, “Essays on the Law of Nature VII” (ca. 1663–1664), in Locke, *Political Essays*, p. 126.

Several scholars have indeed asserted that he did. I offer a recent example almost at random. “Locke,” Stephen Buckle writes, “supports his argument at crucial stages by appeal to biblical quotations: God commanded us to labour, on a world he had given to us in common, and to do so because he ‘has given us all things richly to enjoy’. The presence of such quotations is not enough to establish the charge, however, because he also insists that these claims are in accord with natural reason.”⁵⁹

In order to take issue with this view, I would like to focus on “God the Lawmaker,” the foundation of Christian natural law tradition. As Knud Haakonssen succinctly put it in his analysis of Locke’s *Essay Concerning Human Understanding*, “In order for a rule to be a law, it has to issue from a lawmaker,” and three such sets of laws and lawmakers can exist: “the divine or natural law, stemming from God; the civil law, imposed by governments; and the law of opinion or reputation, arising in a given social group.”⁶⁰

Could Locke prove rationally that natural law was enacted by God? For Haakonssen, “the central question is whether Locke did, or could, deliver something which, by his own standards, would be considered a rational argument for the proposition that God is a lawmaker for humanity..., or whether he relied, or had to rely, on revelation at this point.”⁶¹ This, I suggest, is a Christian rather than a Hebraic or Jewish dichotomy.

In Haakonssen’s terms, Locke maintained that “Christ in fact re-promulgated the law of nature, which had previously been known only partially by natural reason or through God’s word to Moses, and taught it and its attendant sanctions more perspicuously than these other sources could.”⁶² This observation, which I would not directly contest, helps bring out the irreplaceable role of the Hebrew Bible in Locke’s mature political philosophy: it provided the prototype for a *law-based culture*, rather than for a legal corpus in the abstract. It offered historical evidence for an early society with a complex legalist-moral code, divinely ordained by its own lights, which worked rather well, and for rather a long time.

John Selden taught, and quite likely taught Locke, that Israelite civil law was tantamount to natural law itself. Revelation was surely at work on Mount Sinai, when Moses delivered the words of God as a ready-made constitutional text to a nation at its birth. But this was a revelation

⁵⁹ Buckle, “Tully, Locke, and America,” p. 275, referring to Locke, *Second Treatise*, 25, 31.

⁶⁰ Knud Haakonssen, *Natural Law and Moral Philosophy from Grotius to the Scottish Enlightenment* (Cambridge: Cambridge University Press, 1996), p. 53, referring to John Locke, *An Essay Concerning Human Understanding*, book 1, ch. 2, 3, book 2, ch. 28, 5-10.

⁶¹ Haakonssen, *Natural Law*, p. 54.

⁶² *Ibid.*, p. 57.

different from Christ's. It enacted a detailed and evolving legal corpus and launched legal and social institutions within a dynamic and evolving polity. Numerous workaday examples attested to a broad historical experience of enacting the laws. In at least one crucial moral sense, which I have explored, this legal tradition differed from the teachings of Christ: Locke, like Selden, took on board the Jewish *legal* and *procedural* approach to economic equity, which was quite different from the Christian voluntary appeal to *caritas*.

Precisely because, in the words of the early Locke, the purpose of Christ was "not to submit to legal injunctions,"⁶³ the *Two Treatises* could not rely on the New Testament. Locke's mature idea of a Bible-supported natural law, his paradigm of "God the lawmaker," and his insistence on the divine retaining of the ultimate fatherly authority and the ultimate dominion over property, made the Old Testament an indispensable political source.

I have argued that the Hebrew Bible gave Locke a solid foundation for his argument for the limitation of government as well as for the limitation of private ownership. Like Harrington and Sidney, Locke took heed of the biblical, not the Christian, economics of political stability: manifold smallholdings are the backbone of a commonwealth, and the limitation of property breeds stability. This was neither Christ's denunciation of property nor the Levelers' extreme redistribution; it was a fine-tuning of social differences, laid out in legal detail in the Mosaic law. A final advantage of revisiting Locke's Hebraic-biblical sources is that the rich fabric of legal-political thinking they convey cannot all be folded into what John Dunn has famously dubbed "what is dead" in Locke.⁶⁴

VIII.

The case of Locke may support the proposition that political Hebraism cannot be properly addressed by scholars today unless the biblical narratives of ancient Israel are placed on par with *The Constitution of the Athenians* and *The Twelve Caesars*. They ought to be placed on the same shelf as other important sources of early modern political thought. After all, hath a (biblical) Jew no polis, legal organs, constitution, rulers, political language? Faced with the same crises, does he not respond politically? Failed by his form of government, does he not reform it? Hit

⁶³ Locke, "First Tract on Government," n. 42 above.

⁶⁴ John Dunn, "What Is Living and What Is Dead in the Political Theory of John Locke," in Dunn, *Interpreting Political Responsibility, Essays: 1981–1989* (Oxford: Polity, 1990), pp. 9–25.

by a drought, does he not exercise distributive justice? Locke scholars today would not skip Grotius, whom Locke read attentively. They ought not skip Genesis, Deuteronomy, and Leviticus, Judges and Samuel and Kings, which Locke read even more attentively. These books make a good political read. At the very least, they merit the detailed respect Locke himself gave them.

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