Locke on the Family

Philosophy 322: Modern Philosophy
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Locke’s views on children and marriage were quite liberal for his time, though his views on marriage are sexist in several ways. Locke thinks that parental authority and marriage contracts, like property rights, can exist in the state of nature; they are intrinsically pre-political phenomena.

**Paternal Power**

1. Paternal power = the power a father has over his family

2. Recall that Filmer held that political power (i.e., the absolute power of the monarch) is a kind of paternal power, originally granted by God to Adam. Locke denies this. He gives an alternative account of both paternal power and political power.

3. He says that it would be better to call it *parental* power than *paternal* power (*pater* means ‘father’; *parens* means ‘parent’), since according to both “reason and revelation ... [the mother] hath an equal title” (Sec. 52).

4. Children are not born “in” a state of natural equality, but they are born “to” it (Sec. 55); i.e., they will be natural equals when they “come to the use of reason” (Sec 57). Without the use of reason, they are neither equal nor free in the senses discussed in Chapter II.

5. Until children acquire the use of reason, parents are responsible for their “nourishment and education.” To exercise these duties, parents have the “power of commanding and chastising,” though this power should only be employed “with tenderness and affection, [with] no severer discipline that what was absolutely best for them, and had ben less kindness to have slackened” (Sec. 67).

6. Parental power is quite limited (Sec. 65):

   a. It comes from parents’ role as guardians, not their biological relationship: “...when he quits his care of them, he loses his power over them.” It belongs as much to “foster-father of an exposed child, as to the natural father of another.”

   b. It does not extend to “their life or property,” including the “goods, which either their own industry, or another’s bounty as made theirs.”
7. Children have a duty of “honor, respect, gratitude and assistance” to their parents, and this extends into adulthood. But this is not the same thing as power: “this is very far from giving parents a power of command over their children” (Sec. 66).

8. Parental duties are rooted in the law of nature’s requirement that we act for the preservation of mankind. God has given parents “suitable inclinations of tenderness and concern to temper this power, to apply it, as his wisdom designed it, to the children’s good” (Sec. 63), but these sentiments are not the basis of parental power. Rather they point towards the basis of parental power, which is the children’s own good: ‘to turn him loose to an unrestrained liberty, before he has reason to guide him, is not the allowing him the privilege of his nature to be free; but to thrust him out amongst brutes, and abandon him to a state as wretched, and as much beneath that of a man, as their’s” (Sec. 63).

CONJUGAL SOCIETY

1. conjugal society = marriage

2. It consists in a “voluntary compact between man and woman” (Sec. 78). Women are not their husbands’ property, as was one traditional understanding, but rather voluntary parties to a contract (“compact”). This appears to imply that sexual relations between husband and wife must be consensual.

3. However, by making marriage a voluntary contract, Locke implies that any inequity or inequality in the marriage relationship reflects the consent of both parties. Little room for the idea that social inequality between men and women might disadvantage women in marriage in ways to which they do not consent.

4. Locke also does not consider the possibility that women may be incapable of genuine consent, given their socially subordination. More generally, he does not consider ways that social inequality makes the idea of voluntary agreements problematic. (More on this on the next handout.)

5. Human conjugal relations last longer than most species, “so that their industry might be encouraged, and their interest better united, to make provision and lay up goods for their common issue;” i.e., their children (Sec. 80). There is nothing in natural law requiring that such contracts be perpetual, however, so there is no reason in natural law for prohibiting divorce (Sec. 81).

6. Since husband and wife have different wills, which may sometimes come into conflict, “the rule, should be placed somewhere; it naturally falls to the man’s share, as the abler and the stronger” (Sec. 84).

   (a) This “rule” only concerns their common property, and “leaves the wife in full and free possession of what by contract is her peculiar right, and gives the husband no more power over her life than she has over his” (Sec. 44).

   (b) Locke’s argument here goes from a claim about natural superiority (of “strength and ability”) to a kind of normative superiority (the “rule”).
(c) Two ways of understanding the claim of natural superiority:

i. As an exceptionless generalization: \textit{all} men are naturally superior to \textit{all} women. This is quite implausible, even by the sexist standards of Locke's time.

ii. As a statistical claim: \textit{most} men are naturally superior to \textit{most} women. This would have seemed plausible to Locke and his contemporaries. But this makes it hard to see why the man should rule in \textit{all} marriages: in cases where the woman is superior, shouldn't she rule?

(d) Moreover, it is not clear why natural superiority should ground normative superiority in this case anyway (supposing the natural superiority claim were true). In the state of nature, all are normatively equal, even though there are differences in strength and ability among all. Why can't this be among the details worked out in the contract between a particular husband and wife?