

GENDER, REVOLUTION,
MARRIAGE, AND POLITICS:
CONTRACTS IN SEVENTEENTH-CENTURY
POLITICAL THEORY

SUSANNE SREEDHAR
BOSTON UNIVERSITY

Marked by political and social disruption, instability, insecurity, and revolution, seventeenth-century England was a “world upside down.” Wars, famine, plague, and religious persecution meant that people worried—and reasonably so—about their very survival. Those who could be relatively sure that they would reach the next day or the next week found themselves in a context that was increasingly alien to them.

This “upside down-ness” can be seen especially well with regard to social and political ideology. At the beginning of the seventeenth century, a doctrine called the divine right of kings was commonly accepted. Many people thought that the king was divinely ordained and ruled by the will of God. Sir Robert Filmer popularized this view in his very famous book *Patriarcha*, in which he argues that the grant of sovereignty to Adam over his progeny and subjects is traceable to extant kings, such that they rule their nations as patriarchs, taking care of their subjects/families but not accountable to them. King James I (1566–1625) and his son, King Charles I (1600–1649), both claimed to rule by divine right, to be the ministers of God on earth. On this view, disobedience to the king was akin to disobedience to God; as such, it was always and in every case illegitimate. Just as the believer may not disobey God (no matter what God asks), subjects are not permitted to disobey their sovereigns (no matter what their sovereigns ask). Indeed, many social hierarchies, apart from political sovereignty, were taken to share this feature. Nature and God cooperated to ensure that the superior ruled the inferior. The king ruled the subjects; the upper class/aristocracy ruled the poor; the husband ruled the wife and the father ruled the children. All of this was considered to be a matter of

nature and of theologically sanctioned doctrine. And yet, by the end of the seventeenth century, most of these ideas had been turned on their heads.

In this essay, I take two sets of power relations, sovereign/subject and man/woman, and consider the different effects of their disruption in the writings of the two most important political theorists of the day, Thomas Hobbes and John Locke. Ultimately, Hobbes and Locke were concerned with the justification of public political authority and the threat of revolution, and I argue that it is merely in service of their claims about revolution that women are, *or are not*, brought up.

Feminist readers of these authors—critics and defenders alike—focus on what Hobbes and Locke did or did not say about women, how those claims should or should not be taken, and whether these claims do or do not either conditionally or necessarily subordinate women. These kinds of treatments focus on women as *literal* subjects of discussion in Hobbes and Locke. What these readers fail to notice, and what I emphasize, are the ways that women are also treated as *rhetorical* subjects of discussion. This includes the role that discussions of women (and related topics such as the family) play in the overall argument of the texts. I demonstrate that, for both Hobbes and Locke, women play a particular rhetorical role in their arguments, and the role is the following: discussions of women provide evidence or allow for illustrations of broader political points, that is, points about the state. I show that what I call “rhetorical subordination” is found in both Hobbes and Locke, and is to be distinguished from the literal subordination of women that is a feature of both of their accounts. I turn in the final part of the chapter to a consideration of the implications of this rhetorical subordination for the debates over how to understand Hobbes and Locke from a feminist perspective.

Historical Context

Let me begin with a little bit of history. In 1649, defying the king’s divine ordination, a group of men led by Oliver Cromwell first put King Charles I on trial and then had him publicly executed. His detached, bloody head was held high before crowds of horrified but exhilarated Londoners. The death of Charles I came in the middle of two decades of civil wars that tore families and communities apart across Britain. Central to this chaos was the revolutionary idea that people who were not divinely ordained (i.e., regular subjects) had the right to put the king on trial, pass judgment on him, and ultimately execute him. This was not merely because he was the “wrong” king—or had failed at kingship—but rather, because they did not believe there should be a king at all. The execution of

Charles I was followed by a military dictatorship under Cromwell, and in 1660 by the Restoration of the monarchy.

The so-called Glorious Revolution in the last quarter of the seventeenth century involved a much less bloody change of power, but an equally revolutionary one. James II (Charles II's son) and his Catholic wife were effectively removed from power and replaced by the Protestant William of Orange, who was married to James II's daughter Mary. The nobility within Parliament invited William to come to England from the Netherlands and take the throne; that is, they supported a foreign power against their sitting monarch. Within a month of William's arrival, James II's power collapsed. Once again, then, people who were not kings had successfully intervened with reigning monarchy to determine who should be in power.

Things in seventeenth-century England were upside down, very upside down. Along with actual political revolutions came the overturning of *ideas* about the nature, scope, and limits of political authority and the nature, scope, and limits of political citizenship. Patriarchalism—the divine right of kings—was obviously no longer a viable political ideology, and therefore, following the previous two centuries of religious turmoil, a secular rather than a divine answer to the question of political authority had to be found. In that tumultuous seventeenth century, Thomas Hobbes and John Locke wrote some of the most powerful and influential works of political thought in the Western tradition. Each proposed a secular solution to the question of political obligation: namely, the idea of the social contract. Contracts between ordinary, everyday people create recognizable and binding obligations without any need to appeal to God or Nature; instead, the (*voluntary*) contract itself—and, in particular, the consent of each party—grounds subsequent obligations. Both Hobbes and Locke began from the insight that it might be possible to understand political obligations in the same contractual way.

Hobbes's *Leviathan* was published in 1651, less than two years after Charles I's execution. Though Hobbes drew on ideas previously articulated by Hugo Grotius, among others, the framework of *Leviathan* was genuinely original. Hobbes aimed to articulate a political theory that proceeded scientifically and geometrically, setting out acceptable first principles and building a theory on them by means of logical inference, a method inspired by Euclid—and that Spinoza would later employ to elaborate his monism. *Leviathan* presents a view of individuals as equal, free choosers who value self-preservation and commodious living. Hobbes famously argued that human life in the anarchic state of nature, without a "common power to keep [people] in awe," would be "solitary, poor, nasty,

brutish, and short” (*Leviathan* 13.7).¹ Life is so bad in the state of nature, in fact, that people should, if motivated by reason and self-interest, contract among themselves to institute a sovereign whose power is absolute—unconditional and not accountable to the people. They give up all their natural rights in order to escape the chaos of their natural condition.

Most Hobbes scholars agree that one primary goal, if not the main goal, of *Leviathan* was to argue against the justifiability of rebellion and revolution. According to the standard reading, rebellion is always morally illegitimate and prudentially ill advised. For Hobbes, the social contract is irrevocable; once you give the sovereign the power and right to rule, you cannot take it back. As a result, Hobbes ends up with absolutist conclusions not unlike those of the divine right theorist, but he achieves these conclusions first, on premises that describe human beings as free, equal, and self-determining and, second, by way of a consensual contract. Filmer’s seventeenth-century reaction to *Leviathan* was unsurprising: he loved the conclusions about sovereignty—it is absolute and there is no right of revolution—but he hated how Hobbes got there. Filmer and the patriarchalists thought that all authority came from God and mocked the idea of a social contract.

Almost four decades after *Leviathan*, John Locke wrote his longest and most complete political tract, the *Two Treatises of Government* (1689), which, like Hobbes’s *Leviathan*, begins from premises about people’s natural freedom and equality. The *First Treatise* is a detailed refutation of Filmer’s divine right arguments. Locke’s best-known political work, the *Second Treatise of Government*, goes even further, culminating in the claim that revolution is sometimes permissible; that is, under certain circumstances, a sitting government can be rightfully deposed and replaced by a different government.

Locke argues that such a revolution is permissible when the government has violated the terms of the social contract, according to which the purpose of government is to uphold natural law and ensure the protection of people and property. Some Locke scholars think that the *Second Treatise* was meant to justify the Glorious Revolution, where exactly that happened—one government was replaced by another: James II by William of Orange. It is unsurprising that Lockean ideas formed the basis of later movements, with both French and American revolutionaries finding inspiration in his works. While Locke employs many of Hobbes’s ideas—including the idea that people get out of the state of nature via a social contract—for Locke, the social contract results in a government whose power is limited and not absolute.

Both Hobbes and Locke reflect different aspects of a fundamental transition in political thought. Instead of seeing political authority as natural (as Aristotle did) or divine (as Filmer did), and individual positions within social hierarchy as inherited and largely fixed, they saw contract-based political authority as deriving from free agreement between equal, autonomous individuals. Crucially, their contractarian approaches are both based on a distinctively modern understanding of individuals and society: the free and equal individual comes first, and relationships of hierarchy and authority are constructed for the benefit of the individual.

Contract and Gender: Feminist Perspectives

These new, secular notions of politics based on agreement between equal, autonomous individuals suggested the possibility of a new status for women. Both Hobbes and Locke assert that women and men are equal, but they mean somewhat different things by this claim. For Hobbes, equality between individuals is primarily a matter of roughly equal vulnerability; people are equal in the state of nature because talents and strengths do not vary so much that a single person can naturally dominate. This is true between the sexes, too: men and women are equally vulnerable to death at each other's hands. As he puts it in *Leviathan*, "whereas some have attributed the dominion to the man only, as being of the more excellent sex, they misreckon in it. For there is not always that difference of strength or prudence between the man and the woman as that the right can be determined without war" (20.4).² Men are not naturally superior to women such that they can claim authority without a fight. For Locke, on the other hand, equality refers to equal abilities to know and to follow natural law, which he attributes to men and women alike (2.4).³ Locke's position is striking, given how common the belief was that women had inferior rational capabilities. But, in both cases, it is not that men and women are *the same*; rather, they are *considered* to be equal for the purposes of political theory.

In rejecting all forms of natural hierarchy, then, Hobbes and Locke reject the idea that there is a natural hierarchy between men and women. This was momentous in the context of their contractarian political theories because everyone—including women—had to *agree* to be ruled. But the state is not the only institution whose structure is revolutionized in this context: *all* relationships of obligation are contractual, and therefore marriage and family are, too. In this context, Hobbes gives, for example, a consent-based explanation of parent-child relations, and both Hobbes and Locke argue that marriage is a contractual relationship. Indeed, Locke

famously argues for the legitimacy of divorce (more on this soon). It seems, then, that the basic premises of social contract theory dealing with freedom and equality contained the resources to ground equality and freedom for women in a society in which they were decidedly unequal, and by means of the very institutions that typically enshrined and *entrenched that inequality, marriage and the family*. From the perspective of gender equality, then, the new ideological framework appears to be decidedly promising.

Yet, despite this apparently egalitarian promise, the social contract theorists of the time all ultimately endorsed patriarchy, and for this they have been roundly criticized. Feminist historians of philosophy and political thought have taken Hobbes and Locke to task. Such historians argue that the promise of equality is not only illusory, but it also serves to obscure the fact that patriarchy has now been given a new justification: since women have now agreed to be ruled by men, patriarchy does not have to be grounded in nature or god. It can be secured by the hypothetical?/implied?/real? consent of women themselves. These feminist critiques share a common, central concern, namely, that the traditional subordination of women is smuggled back into social contract theory, so that male dominance is (re)entrenched in this new secular, liberal political landscape. Buried under ideas of equality, consent, and contract, we find a subterranean justification for patriarchy that is made more pernicious because of its presumed invisibility. That is, it is even more vicious than the religious or Aristotelian notions that preceded it because contract-based patriarchy does not wear its inequality on its sleeve; instead, it *purports* to be egalitarian while actually smuggling in all sorts of ideas about women's lower place in the family and exclusion from social and political life.

Most famously, political theorist Carole Pateman, in her canonical book *The Sexual Contract*, argues that, for Hobbes and Locke, the social contract is enacted for no other reason than to secure patriarchal political right in the commonwealth, and that women are necessarily excluded from becoming civil individuals (44, 48–49).⁴ Along similar lines, Susan Moller Okin concludes that Hobbes's and Locke's political structures are based on the patriarchal family, an "institution [that] depends on the assumption of the radical inequality of women" (199). Along these lines, Charles Mills remarks that "Hobbes . . . [and presumably Locke, are] . . . *male* theorist[s] in a sense deeper than [their] mere possession of one kind of genitalia" (15).

Such accusations have plenty of support in the text. For example, Hobbes says, "Men are naturally fitter than women for actions of labour

and danger” (*Leviathan* 19.22), and “generally men are endued with greater parts of wisdom and courage, than women are. . . . Not but that women may govern, and have in divers ages and places governed wisely, but are not so apt thereto in general as men” (*Elements of Law* 2.4.14). Similarly, despite his initial assertion of gender equality, Locke gives men the power over families saying that they are “abler and stronger” and so there is a “foundation in nature” for women’s subjection and inferiority to husbands (2.82). Both Hobbes and Locke accept that women can be sovereigns (e.g., Elizabeth I), but they do not provide any other role for women in politics. Understandably, feminist critics like Pateman and Okin have insisted on excavating the ways in which the liberalism that finds its start in Hobbes and Locke is founded on sexist principles.

More recently, a number of thinkers have returned to that original egalitarian promise and attempted to find genuinely feminist resources in early modern philosophers. The preferred method for this task is rational reconstruction. For example, they frame what they are doing as giving a Kantian feminism, one that begins with Kant’s principles about morality and self-respect as opposed to Kant’s actual, profoundly problematic, position on women.⁵ Kant is probably the most popular candidate for this treatment. Rather than purport to give Kant’s views on women, they go back to (allegedly) more basic principles to be found within Kant’s writings and purport to give a Kantian view on women; such a move depends on a demonstration of inconsistency between Kant’s expressed views on women and his broader philosophical framework. Others give Lockean arguments for feminism, and what they mean by this is that they take seriously, for example, Locke’s idea about self-ownership of the body and its labor. Or they explicate a Hobbesian feminism; Susan Dimock and Jean Hampton have both discussed this view.⁶ This method is reconstructive insofar as the theorists in question identify those aspects of the philosophical framework—or method of argumentation, or first principles, or basic commitments—that they take to be either most fundamental or most palatable. They also use these as a plausible starting point for a feminist philosophy that is, arguably, rationally consistent with the chosen foundation. Almost inevitably, this method results in abandonment of almost everything the theorists explicitly wrote about women. For example, feminists have adapted aspects of Kant’s ethical theory and his conception of human nature (found in *Groundwork*), and not the actual discussion of women found in *Anthropology* and *The Beautiful and Sublime*. Hobbesian feminists have adapted features of his famous bargaining position: self-interested agents moved to protect themselves from harm. Ruth Sample published an article that employs this

kind of reconstructionist approach to Locke, concluding that “there is no room for the authority of men over their wives in Locke’s philosophy” (145–46). Sample argues that, while Locke himself claims that husbands have authority over wives, this claim is not justified on Locke’s own principles. The current status of the debate is that there remains real *tension between these feminist critics and the feminist defenders of early modern social contract theory*. The viability of these interpretations is still in question, as is the extent to which these debates are about the philosophers or philosophies themselves, rather than the philosophical building materials they have inadvertently provided.

There is much in Hobbes and Locke to be both praised and criticized from a feminist perspective. Let us now turn to a different kind of question, one about how these discussions of women function in the texts as a whole. I consider what I take to be some of the most feminist-friendly textual resources in Locke, his discussion about marriage and divorce. In both cases, I argue that attention to the rhetorical function of these claims in the overall argument paints a different picture from the one we see from either the feminist critic or the feminist defender.

Women and Revolution

We have seen that both Hobbes and Locke wrote in the context of social upheaval and came to different conclusions about the permissibility of revolution—Locke yes, Hobbes no. We have also considered the ways that their writings on gender have been both developed and criticized. What I want to consider here is the way in which the themes of revolution and women come together. Ultimately, Hobbes and Locke were concerned with the question of public political authority and the threat of revolution, and I will suggest that it is merely in service of their claims about revolution that women are, *or are not*, brought up. Let me explain.

The connection is easiest to see in Locke. Locke writes in support of revolution, and also devotes considerable time to questions about women and the family. The *Second Treatise of Government* begins with a long discussion of women and the family. Locke again asserts the equality of men and women and describes marriage as entirely contractual. Here, we find one of the claims that has earned Locke the love of some contemporary feminists. A hundred and fifty years before divorce actually becomes legal in England, Locke insists on its legitimacy. Moreover, his insistence takes the dissatisfaction of the wife as its grounds. He says that since the purpose of marriage is child-rearing, after that purpose has been served and the kids are out of the house, a dissatisfied wife can divorce her

husband.⁷ For seventeenth-century mainstream philosophy, this was fairly radical. Some feminist scholars applaud Locke for this. Melissa Butler states, “John Locke . . . appeared to embrace an individualism that was conducive to the realization of the goals of liberal feminism” (125). However, as we have seen, Locke endorses patriarchy, arguing that wives will agree that the head of household position goes to husbands, who are more fit and suitable to rule.

I do not want to take a stand on the viability or not of a feminist interpretation of Locke (at least not here). There is surely a lot to be said on both sides and good cases to be made. Instead, I want to point out that we should take Locke’s endorsement of divorce with a grain of salt. In particular, we need to read this claim in the context of his position on the legitimacy of political revolution. Locke’s significant contribution in that respect was the idea that if the social contract had been violated, the people could take back the grant of sovereignty to the king. The social contract for Locke was a dissoluble one. The grant of power was revocable. The power of the king was not absolute. If we keep this in mind, it makes complete sense that Locke would have drawn the conclusion that he did about the dissolubility of the marriage contract—that is, divorce. The parallel there is inescapable. But more importantly, given Locke’s primary political goal, and the structural similarity he grants to the contracts grounding state and family, consistency demands that he endorse divorce. To do otherwise would be to undermine his ultimate conclusion about political sovereignty.

At this point, we are in a better position to recognize the significance of divorce—or rather, its absence—in Hobbes. Even though Hobbes thought marriage was entirely contractual, he conspicuously omitted the conclusion about divorce. He does not mention it at all. And it is unlikely that this omission was simply a result of conservatism, since he insisted on the legitimacy of polygamy and continued to do so despite public rebuke. He is happy to say that people can take many spouses, but never says that people can get divorced. Even today, there are few political theorists who are prepared to endorse the legitimacy of multiple marriages but not divorce. So Hobbes’s omission of the obvious conclusion about divorce is likely because—unlike Locke—Hobbes did not want to draw attention to the dissolubility of contracts. The whole point of *Leviathan* was to argue *against* revolution, against dissolving the political contract.

If we generalize from these two brief discussions (or nondiscussions) of divorce, we can draw out some interesting speculations. First, it seems that Locke is pro-divorce (and thus grants more rights to wives than Hobbes does). Second and more important, it would seem that the main

purpose both held, in including (or not including) such claims, was indirect: they were not ultimately concerned with making points about marriage per se, but rather with drawing conclusions about politics. At least part of the reason that Hobbes and Locke make or do not make various claims is explicable in terms of their political goals, which are divorced from their commitments to or interests in philosophy of the family. Rachel Weil makes this kind of point saying,

Insofar as implicit or explicit assertions about women, marriage, divorce, inheritance, the family and so on can be culled from a political argument, they do not necessarily indicate a passionate commitment to those views on the part of the author (although they are probably not total distortions either). They are in the text because the author thinks they will help make the argument. (13)

We might put this claim more strongly: these philosophers' references to the rights and position of women, are *only* and *merely* a side effect of their political and rhetorical projects. Their focus was on the political writ large, at the governmental level; they discussed women and the family only as case studies or illustrations of some distinct political point. On this view, we make a mistake by reading too much into their claims about things like divorce. Locke, for example, should not be read as progressive and ahead of his time with regard to marriage law.⁸ Rather, he should be read as using marriage as a tool to make arguments that are not about marriage at all. In fact, before drawing conclusions from the discussions of women and family in Hobbes and Locke, we must recognize that women are *rhetorically subordinate* for both Hobbes and Locke. Claims about women are subordinate to the rhetoric of the larger argument.

What is the consequence of this kind of rhetorical subordination? Well, on the one hand, it partially gets them off the hook for actually being committed to the views they articulate in a serious way. On the other hand, it is a way of writing the insignificance or unimportance of women, marriage, and family *into the very text itself*—treating them as tools even within the argument. Therefore, this both complicates what inferences we can draw from the point about divorce and, in an indirect way, tells us something about how they do (or rather do not) consider women.

Conclusion

In conclusion, some scholars criticize Hobbes and Locke as ignoring women and/or being antifeminist; others have responded by pointing to profeminist positions in some of the things they say. My point is the

following: in framing this debate—and situating it in its broader feminist context—let us bear in mind the *rhetorical* function of their assertions about women and family. Thus, it is surely clear that gender and family were not anywhere near the top of their lists of concerns (and that is obvious when you read contemporaries who did prioritize it, such as Samuel von Pufendorf, who was interested in showing that, for example, chastity was necessarily a virtue, that a monogamous marriage was the foundation of any properly functioning social life). Therefore, the things Hobbes and Locke *do* say should be seen as carefully selected side effects, included for useful rhetorical impact. They pick and choose the stories they tell about the family, so that what they are willing—or unwilling—to admit does not necessarily reflect what they think about women. In that context, it is perhaps not surprising that while their revolutionary approaches to the relationship between the (male) individual and the state quickly became influential, their variously revolutionary comments about gender sank into obscurity.

In pointing out the rhetorical subordination of women I do not want to say that the feminist critics are wrong, but to suggest that the points they criticize do not play the central role for Hobbes or Locke that is sometimes claimed. For similar reasons, I want to suggest a note of caution to the feminist defenders.

However, that does not mean we cannot engage with what Hobbes and Locke say about women. We can acknowledge the rhetorical subordination of women in social contract theory and still ask what other function claims about them might serve. Perhaps, we can return here to the World-Upside-Down theme of this volume. Locke and Hobbes both wrote in exile—there were death threats against Hobbes, and Locke published the *Two Treatises* anonymously. From this perspective, it is not surprising that what we find are positions in tension with each other. They are trying to find a way to speak new ideas to their audiences in a way that their audience can accept, or at least in a way that will not endanger their lives. We do not find tidy stories about marriage and the family because they are both causes and causalities of the chaos.

Whatever their intentions, the way these philosophers wrote the texts opens up the subject of women and egalitarianism—and articulates multiple grounds for asserting equality between the sexes. Hobbes and Locke opened a door in philosophy that had not been opened before, even *if they never intended to step through it*.

Works Cited

- Butler, Melissa A. "Afterword: Roots and Shoots—Revisiting Locke's Attack on Patriarchy." *Feminist Interpretations of John Locke*. Ed. Nancy J. Hirschmann and Kristie Morna McClure. University Park: Pennsylvania State UP, 2007. 123–30.
- Dimock, Susan. "Why All Feminists Should Be Contractarians." *Dialogue* 47 (2008): 273–90.
- Filmer, Robert. *Filmer: Patriarcha and Other Writings*. Ed. Johann P. Sommerville. 1680. Cambridge: Cambridge UP, 1991.
- Hampton, Jean. "Feminist Contractarianism." *A Mind of One's Own: Feminist Essays on Reason and Objectivity*. Ed. Louise M. Antony and Charlotte E. Witt. Boulder, CO: Westview Press, 1993. 227–56.
- Hay, Carol. *Kantianism, Feminism, and Liberalism: Resisting Oppression*. Houndsmills, Basingstroke: Palgrave Macmillan, 2013.
- Hobbes, Thomas. *The Elements of Law: Natural and Politic*. 2nd ed. Ed. Ferdinand Tönnies. London: Frank Cass, 1969.
- . *On the Citizen [De Cive]*. Ed. Richard Tuck and Michael Silverthorne. Cambridge: Cambridge UP, 1998.
- . *Leviathan with Selected Variants from the Latin Edition of 1668*. Ed. Edwin Curley. Indianapolis, IN: Hackett, 1994.
- Kant, Immanuel. *Anthropology from a Pragmatic Point of View*. Ed. and trans. Robert Louden. 1798. Cambridge: Cambridge University Press, 2006.
- . *Groundwork of the Metaphysics of Morals*. Ed. and trans. Mary Gregor and Jess Timmerman. 1786. Cambridge: Cambridge University Press, 2012.
- . *Observations of the Feeling of the Beautiful and Sublime and Other Writings*. Ed. and trans. Patrick Frierson and Paul Guyer. 1764. Cambridge: Cambridge University Press, 2011.
- Locke, John. *Two Treatises of Government: A Critical Edition*. Ed. Peter Laslett. 1960. Cambridge: Cambridge UP, 2007.
- Mills, Charles W. "The Racial Polity." Reprinted in *Racism and Philosophy*. Ed. Susan Babbitt and Sue Campbell. Ithaca, NY: Cornell UP, 1999. 13–31.
- Okin, Susan Moller. *Women in Western Political Thought*. Princeton, NJ: Princeton UP, 1979.
- Pateman, Carole S. *The Sexual Contract*. Stanford, CA: Stanford UP, 1988.
- Pateman, Carole S., and Charles W. Mills. *Contract and Domination*. Cambridge: Polity Press, 2007.

- Sample, Ruth. "Locke on Political Authority and Conjugal Authority." *Locke Newsletter* 31 (2000): 115–46.
- Weil, Rachel. *Political Passions: Gender, the Family, and Political Argument in England, 1680–1714*. Manchester: Manchester UP, 1999.

Notes

¹ Thomas Hobbes's works are cited by part (if applicable), chapter, and paragraph number, using the following editions of his texts: *The Elements of Law* (1969); *On the Citizen [De Cive]* (1998); *Leviathan* (1994).

² See also *Elements of Law* 2.4.2; *De Cive* 9.3. This is a consequence of his more general conception of human equality: "Nature hath made men so equal in the faculties of body and mind as that, though there be found one man sometimes manifestly stronger in body or of quicker mind than another, yet when all is reckoned together the difference between man and man is not so considerable as that one man can thereupon claim to himself any benefit to which another may not pretend as well as he. For as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others that are in the same danger with himself" (*Leviathan* 13.1).

³ Locke's works are cited by treatise and paragraph number, using the following editions of his texts: *Two Treatises of Government* (1960, 2007).

⁴ Pateman reiterates this claim twenty years later (Pateman and Mills, 214–18).

⁵ See, for example, Hay (2013).

⁶ Of course, Hampton ends up arguing for a Kantian feminism over a Hobbesian feminism.

⁷ *Second Treatise*, paragraph 81. Locke says here, "But though these are ties upon mankind which make the conjugal bonds more firm and lasting in a man than the other species of animals, yet it would give one reason to inquire why this compact, where procreation and education are secured and inheritance taken care for, may not be made determinable, either by consent, or at a certain time, or upon certain conditions, as well as any other voluntary compacts, there being no necessity, in the nature of the thing, nor to the ends of it, that it should always be for life—I mean, to such as are under no restraint of any positive law which ordains all such contracts to be perpetual."

⁸ This is significant because Locke's acceptance of divorce is one of the main reasons people want to read him as a protofeminist.