

## LOCKE, EQUALITY AND COGNITIVE DISABILITY

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**ABSTRACT:** Although Locke's political exclusion of idiots is explicit, scholars are predominately undisturbed with how this disparagement undermines Locke's commitment to human equality. Drawing primarily on *An Essay Concerning Human Understanding*, I argue that Locke's concept and treatment of idiocy is central to his theory of knowledge, personhood and political equality. The primary purpose of the article is twofold: first, to show the significance of Locke's treatment of idiocy and, second, to thereby trouble Jeremy Waldron's current defense of Locke's theory of equality. By constituting a space between Man and Beast, idiots are both outside and within the law. Locke's creation of a subhuman class thus provides liberal theory with a mechanism to promote and conceal abuse. The conclusion of the article gestures towards an alternative account of equality based on Locke's occasional emphasis on human birth.

Keywords: John Locke, equality, disability, Waldron

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While contemporary scholars easily dismiss the role of idiocy in John Locke's theory of equality, Locke himself repeatedly uses idiots to define and delimit the category of personhood in *An Essay Concerning Human Understanding*. Personhood is essential to Locke's social contract: only persons can consent to be governed and consent transforms the state of nature into civil society. The idiot, incapable of consent, upturns the terms of the contract, undergoing an inverse metamorphosis from man to subhuman species, and thus, undermines the universal terms of the contract. Because Locke's theory of personhood is foundational to the development of liberal political thought, his exclusion of idiocy threatens liberal egalitarianism more broadly.

The idiot figure, so often conjured by Locke, functions like a distorted mirror image: devoid of reason and reflection, the idiot face looks out at the citizen, and in turn, exaggerates the citizen's rational capacity. The citizen's gaze does not center on the idiot alone, but is cast upon a collection of marginalized subjects, including the lunatic, savage, criminal and child. Idiocy is distinct, however, because it signifies the complete and permanent absence of thought. Locke's treatment of idiocy, by creating a subhuman population permanently denied entry into the public political sphere, thus justifies within liberalism a method to promote and conceal abuse.

Locke's exclusion of idiots is indispensable to his theory of personhood, and yet, scholars remain undisturbed with how this disparagement detracts from Locke's commitment to human equality. Indeed, Jeremy Waldron argues that Locke's conception of *human* equality is the strongest defense that liberalism can muster.<sup>1</sup> While Waldron and other scholars acknowledge Locke's exclusion of idiots, they resign themselves to the idea "that almost all human beings are one another's moral equals."<sup>2</sup> The fact that liberalism's best theory of equality fails to encompass all human beings should be a problem for egalitarians.

In contrasting Locke with Rousseau, Barbara Arneil recently argues that “while reason defines the *citizen* for Locke, it defines what it is to be *human* or a *person* for Rousseau.”<sup>3</sup> Arneil separates two modern discourses that stigmatized disability: liberal strains that limited citizenship and republican that curtailed human membership. In the latter group theorists like Rousseau and Kant exemplify radical dehumanization. My analysis, however, shows that Locke prefigured this development. Locke’s reliance on reason isn’t confined to politics, but draws the bounds of human equality.

Readers familiar with Locke’s *Second Treatise* know that human equality is fundamental to Locke’s political theory. “There being nothing more evident,” according to Locke, “than that creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection.”<sup>4</sup> Human equality is paramount: because of it, “no one ought to harm another in his life, health, liberty, or possessions.”<sup>5</sup> Less well-known is Locke’s explanation of human faculties in the *Essay* in which reason is described in degrees, from the perfect intelligence of angels and God to the entirely deficient idiot. Together, the *Essay* and 2<sup>nd</sup> *Treatise* draw the boundaries of human understanding, human membership, and legitimate political power. For Locke, idiocy populates the outskirts of each terrain.

Unraveling Locke’s historical influence on the treatment of idiocy – while important in itself – also sheds light on the ways in which Locke’s conception of idiocy constituted the very nature and meaning of liberal personhood. In so doing, this article recasts idiocy as a central problem for Locke’s theory of equality. The legitimacy of consent by rational subjects is in part safeguarded by citizens’ ability to differentiate themselves from non-rational idiots. Locating equality in the capacity of rational reflection not only excludes idiots, but provides liberal

egalitarianism with a mechanism of exclusion that, at times, engulfs wider tracts of the human community. Consequently, understanding the relationship between idiocy and personhood also helps us understand Locke's treatment of other marginalized groups – including women, non-whites, the poor, illiterate, the unborn, and the very old.

More specifically, I argue that idiots repeatedly surface across Locke's work because the severity of their cognitive deficiency is used to secure the permanency of nondisabled rationality when, in fact, it too suffers from uncertainty. The article proceeds in four parts. The first section paints in broad brushstrokes the cultural and intellectual landscape of idiocy in which Locke was located. This brief description allows us to see how Locke's treatment magnified some and diminished other cultural beliefs about idiocy. Second, I analyze Locke's treatment of idiocy in the *Essay* alongside his treatment of children, savages, madmen, the very old, unborn, paralyzed, and blind. While these other groups are marginalized due to acculturation, bad habits, or partial impairment, the permanent and irrevocable bodily difference of idiots renders them less than human. Third, I argue that Locke's treatment of idiocy fundamentally erodes his theory of equality because it promotes the dehumanization of any persons unable or unwilling to comply with rational dictates. In the fourth and final section, I briefly sketch an alternative foundation of human equality – one based on the universality of human birth – found alongside Locke's commitment to rationality.

## **I. Idiocy in Context**

Although idiocy was rising to prominence during the seventeenth century, it remained an ambiguous category, subject to diverse and opposing interpretations. The term idiocy itself lacks precision,<sup>6</sup> as definitions in the seventeenth century range from the uneducated, to private persons, and to the incurably dull.<sup>7</sup> Etymologically, idiot derives from the Greek *idiotis*, meaning

“private person, common man, plebeian, [or] one without professional knowledge.”<sup>8</sup> In the seventeenth century, the term idiocy is found alongside other expressions, including *naturals*, *innocents*, *fools*, *stupid*, and *dolts*. Whether these terms functioned interchangeably or had distinct connotations cannot be said for certain. Indeed, the indeterminacy is evident in the difference between Hobbes’s *Foole* and Locke’s *idiot*. While the fool in the *Leviathan* is capable of entering into a contract and even deceit, Locke’s idiot is unable to retain even the simplest idea. Equally problematic is the fact that histories of idiocy seldom predate the nineteenth century, in part due to the lack of documentation before the rise of residential institutions for the feeble-minded.<sup>9</sup> For all these reasons, it is impossible to know *precisely* how current categories of mental impairment correspond with Locke’s notion of idiocy. Certainly, Locke’s interest in idiocy was sustained and persistent. Idiots appear in his earliest political writings, *Two Tracts on Government* and *Essays on the Law of Nature*, and also in his most significant publications, the *Essay* and the *Second Treatise*. While it is impossible to recreate a perfect understanding of idiocy in Locke’s context, this section roughly sketches the likely cultural contours of mental disability in seventeenth century England.

During Medieval England, lunatics and idiots – or “fools” as they often were called – faced legal and institutional exclusions. Distinguishing between idiots and lunatics had important political consequences as all land, personal property, and the very bodies of idiots belonged to the Crown. According to Richard Neugebauer, “any rents and profits collected by the Crown during the idiocy, in excess of costs of the individual’s upkeep, were considered a legitimate source of royal revenue.”<sup>10</sup> In contrast, accumulated wealth would revert to recovered lunatics or to their heirs. Competence was determined by a group of twelve or more men in a trial-like procedure referred to as an “inquisition,” and both men and women were subject to competency

hearings. Individuals were judged based on a range of issues, including knowledge of his or her own name, age, and kin; simple arithmetic and – in later cases – literacy skills; and whether his or her personal appearance resembled the “countenance of an idiot.”<sup>11</sup>

Using curability as the marker between madness and idiots continued to be important in English society in the seventeenth century legal writings of Sir Edward Coke. Coke described the legal culpability of the different categories of *non compos mentis*, including idiots, lunatics and drunkards. According to Coke, the idiot “is known by his perpetual infirmity of natura, a *nativate*, for he never had any sense or understanding to contract with any man.” Because the idiot is incurable, he cannot “defend or govern himself” and all of his belongings and his very body belong to the custody of the King.<sup>12</sup> The distinction between madness and idiocy would continue to be significant in eighteenth century institutional practices that prohibited the hospital admission of idiots due to incurability.<sup>13</sup> Before the development of large-scale institutions, however, the care of idiots was generally a familial concern.<sup>14</sup>

Beginning in the seventeenth century, religious debates regarding the soul led to the shifting spiritual status of idiots.<sup>15</sup> On the one hand, early English opinion considered fools closer to God, presuming their mental deficiency left them incapable of deceit and thus absolved from sin.<sup>16</sup> On the other hand, as Protestants moved away from a belief in Calvinist predestination, individual comprehension of God became a key component of personal salvation. According to C.F. Goodey, this new theology made salvation more inclusive for most, but it significantly endangered the souls of idiots who could not comprehend God and thus intensified the superstitious belief in the satanic origin of idiocy.<sup>17</sup>

Concurrent with religious upheavals, scientific studies of the mind and body also incriminated idiots. For example, Sarah Cohen argues that anatomical studies showing the

similarity between human and nonhuman bodies placed fresh emphasis on philosophers to distinguish the unique specificity of the human soul. Descartes takes up this challenge in his *Discourse on the Method* in 1637. According to Cohen, “For Descartes it was precisely through comparison of human to animal that one could perceive the spiritual distinctiveness of human soul, the spiritual being understood as *fundamentally intellectual* and the seat of human reason.”<sup>18</sup> While Cohen suggests that Descartes’ answer was insufficient to end the debate on the difference between the souls of humans and animals, he also left unanswered the condition of humans who were bereft of reason.

Along with religious and philosophical currents pushing idiocy to the forefront of attention, Thomas Willis – a medical contemporary of Locke – was among the first to argue that idiots were indeed educable. Inspired by work with deaf pupils, Willis argued that mental deficiency, while not curable, was amenable to medical and educational interventions that could restore basic elements of learning. He designated two categories of idiocy – stupidity and fools – and considered fools more educable as their deficiency was not as severe as those labeled stupid. Willis’s belief that idiocy could have multiple causes – including heredity, drunkenness, illness, and severe injury – was also unique for his time.<sup>19</sup> While Locke was a student of Willis’s, his own conclusions on the educability of idiocy differed drastically as he believed they were incapable of any improvement.<sup>20</sup> Locke’s dismissal of Willis’s ideas may have been due to their opposing politics; Willis was a staunch supporter of the Crown. But Locke was not the only one to ignore Willis’s ideas on idiocy. For another century, the possibility of educating idiots was entirely disregarded.

To summarize, seventeenth century England was a time in which idiocy was rising in prominence – deployed for religious, medical and political purposes – and yet, the concept itself

remained open to new interpretation and significance. Locke's *Essay*, published in 1689, took advantage of idiocy's indeterminate boundaries. By repeatedly reprising the idiot's role as the citizen's distorted mirror image, Locke propelled idiocy into a "family of privileged epistemological subjects."<sup>21</sup> Marginal persons – including the idiot, criminal, insane, and savage – epitomized radical difference and were used to patrol and populate the outskirts of human nature.<sup>22</sup> Locke's construction of idiocy built on prevalent strains in conventional opinion, using the idiot as the symbolic absence of reason and the impossibility of consent.

## II. Idiocy in the *Essay*

Chronologically, the 2<sup>nd</sup> *Treatise* and the *Essay* were composed over the same period and published in the same year, albeit the latter anonymously.<sup>23</sup> Locke's *Essay* encompassed both the nature of man and the prerogatives of political power. Throughout, Locke repeatedly returns to the idiot figure to accomplish three specific tasks. First, Locke uses the idiot to signify disprove the existence of innate ideas. Second, along with other impaired identities, idiocy clarifies the different components of human understanding. Finally, because idiots lack the key faculty of thinking, they are excluded from Locke's narrower category of personhood as well as his broader class of human species. Here, idiocy patrols the border between man and beast.

### 1. *Idiocy Negates Innate Ideas*

The first task of the *Essay* is to undermine the possibility of innate and universal maxims in order to replace it with an understanding of knowledge derived directly from experience and sensation.<sup>24</sup> In the first book of the *Essay*, Locke argues if innate maxims exist, "we must then find them clearest and perspicuous, nearest the Fountain, in Children and Illiterate People, who have received least impression from foreign Opinions."<sup>25</sup> He concludes, however, "'tis evident that all *Children* and *Ideots* have not the least Apprehension or Thought of them."<sup>26</sup> While idiots



are found alongside savages and children, their deficiency is unique because of its severity. “But alas,” Locke implores, “amongst *Children, Ideots, Savages*, and the grosly *Illiterate*, what general Maxims are to be found?” While Locke acknowledges that a child can recognize his nurse and the savage love hunting, *no* impression is found “on the Minds of *Naturals*.”<sup>27</sup> Locke thus depicts the capacity for understanding *both* in terms of degree – as for instance with infants, children, and savages – and a sharp dichotomy between idiots who cannot learn and all others who can.

When Locke turns to the possibility of innate ideas in the much earlier *Essays on the Law of Nature*, he similarly sets up a dualistic divide between the *wise* and the *stupid*:

If this law of nature were written in our hearts, why do the foolish and insane have no knowledge of it, since the law is said to be stamped immediately on the soul itself and this depends very little upon the constitution and structure of the body's organs? Yet therein admittedly lies the only difference between the wise and the stupid.<sup>28</sup>

In the first half of this section, Locke regards the foolish and insane as both oblivious to the law of nature, but by the end, the latter have disappeared from Locke’s analysis. Instead, Locke only differentiates between the *wise* and the *stupid*, which suggests he only attributes *bodily* difference to the idiot, and not the insane. Locating idiocy in the body’s organs is consequential for Locke because it signals *permanent* difference. This permanency is important and unique to the idiot. Unlike children who grow into adults or mad men who recover, idiocy is forever.

Bodily difference is a recurrent theme throughout Locke’s *Essays on the Law of Nature* and in his later *Essay*. In the *Law of Nature*, Locke distinguishes between the dull “who make no use of the light of reason but prefer darkness” and those “through natural defect the acumen of

the mind is too dull to be able to bring to light those secret decrees of nature.”<sup>29</sup> In the *Essay*, Locke speculates into the “great difference in men's intellects, whether it rises from any defect in the *Organs of the Body* particularly adapted to Thinking; or in the dulness [sic] or untractableness of those Faculties, for want of use.”<sup>30</sup> Locke differentiates between the few who cannot think clearly because of bodily difference – such as idiots – and the dull who simply lack the *desire* to think. The permanency of bodily difference is important to Locke, not only because it separates the wise from the stupid and the defective from the dull, but because it draws the boundaries of human equality.

Locke's occupation with bodily difference of the mind is not only categorical, but functions historically in the *Essay* in which he attempts to chronologically order the degrees of human and nonhuman understanding. His description of brutes, idiots, and madmen provides a “true *History of the first beginnings of Humane Knowledge*” and functions as a powerful tool to both disprove innate ideas and normatively rank different kinds of species.<sup>31</sup> In the beginning of Locke's history of knowledge are nonhuman animals: “*Brutes* come far short of men” because they cannot put simple ideas together and have no capability of composition.<sup>32</sup> While brutes possess some minimal powers of reflection and perception, they are incapable of recognizing complex ideas and lack completely the faculty of abstraction.<sup>33</sup>

Next in the chronology are idiots who represent the historical period between beast and man. According to Locke, idiots “cannot distinguish, compare, and abstract, would hardly be able to understand and make use of Language, or judge or reason to any tolerable degree.”<sup>34</sup> Idiots, like brutes, possess minimal language, are unable to think abstractly, and rely primarily on their senses for information. Indeed, the chronological location of idiots between brutes and madmen is not due to any mental acuity of idiots: Locke regards their mental functioning as

comparable to brutes, or perhaps even less. Instead, their chronological position is primarily due to their outward shape as the body of the idiot is more human than beast. Yet, Locke delineates clearly between idiots and madmen. Accordingly,

[T]he defect in *Naturals* seems to proceed from want of quickness, activity, and motion, in the intellectual Faculties, whereby they are deprived of Reason; Whereas *mad Men*, on the other side, seem to suffer by the other Extreme. For they do not appear to me to have lost the Faculty of Reasoning: but having joined together some *Ideas* very wrongly, they mistake them for Truths; [...] In short, herein seems to lie the difference between Idiots and mad Men, That mad Men put wrong *Ideas* together, and so make wrong Propositions, but argue and reason right from them: But Idiots make very few or no Propositions, and reason scarce at all.<sup>35</sup>

This passage makes clear that idiots possess no capacity for reason, repeatedly evident in Locke's statement that idiots are "deprived of reason" and "reason scarce at all." Mad men, however, are rendered very close to full personhood, as they have the ability to reason, but do so mistakenly.

Locke's history of human knowledge recalls his treatment of American Indians in the *Second Treatise* in which Locke states that "in the beginning all the World was *America*."<sup>36</sup> Both Indians and idiots represent an inferior state of existence that predates full rationality. Like idiots, the example of savages allows Locke to deride any phantasm of innate morality. However, while the idiot lacks any idea of moral precepts, the savage is critiqued for immoral beliefs: hence the former cannot learn while the latter have learned poorly. This inability to learn is significant.

According to Waldron, Locke's theory of human equality requires that all humans pass a threshold of rationality, without which their status is interstitial, "betwixt Man and Beast."<sup>37</sup>

## 2. *Idiocy's Bodily Difference*

After Locke exhaustively argues against the proposition of innate ideas, Book II describes the different human faculties responsible for understanding. Locke's examination of human faculties is a significant bridge between the *Essay* and the *Second Treatise*. In both texts, Locke invests men's faculties as the source of political power. In the *Second Treatise*, Locke states "creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection."<sup>38</sup> In the *Essay*, Locke maintains that "it is the *Understanding* that sets Man above the rest of sensible Beings, and gives him all the Advantage and Dominion which he has over them."<sup>39</sup> However, unlike Locke's seemingly wide grant of equal faculties in the *Second Treatise*, the *Essay* explores the prevalence of deficient and unequal faculties. Disabled identities are key components to Locke's argument because they exemplify deficiencies in human understanding. Similar to the relationship between idiocy and savages, sensory and physical impairments *partially* limit the powers of sensation and reflection, while idiocy undermines understanding *entirely*. Because thinking is central to Locke's theory of personhood, the blank slate of the idiot relegates him to a subperson status, legitimately denied political standing.

Book II of *The Essay* delineates the multiple faculties behind individual understanding. "Let us then suppose the Mind to be, as we say, white Paper, void of all Characters, without any *Ideas*; How comes it to be furnished? [...] To this I answer, in one word, From *Experience*."<sup>40</sup> Experience is comprised by two components. The first, "*SENSATION*," originates through the

five senses and is how we come to know “*Yellow, White, Heat, Cold, Soft, Hard, Bitter, Sweet,* and all those which we call sensible qualities.”<sup>41</sup> The second component of human understanding is “*REFLECTION*” which Locke describes as “the *Perception of the Operations of our own Minds* within us, as it is employ’d about the *Ideas* it has got.”<sup>42</sup> Locke further divides reflection into two categories: “*Perception, or Thinking, and Volition, or Willing.*”<sup>43</sup> For Locke, “The Power of Thinking is called the *Understanding*, and the Power of Volition is called the *Will*, and these two Powers or Abilities in the Mind are denominated *Faculties.*”<sup>44</sup> By representing *external* and *internal* sources of ideas, sensation and reflection exhaust the modes of understanding. Locke repeatedly uses disabled identities to symbolize different diminished human faculties.

For instance, Locke uses blindness and deafness to represent marred sensation. Locke encourages “any one try to fancy any Taste, which had never affected his Palate; or frame the *Idea* of a Scent he had never smelt: And when he can do this, I will also conclude that a blind man hath *Ideas* of Colours, and a deaf Man true distinct Notions of Sounds.”<sup>45</sup> For Locke, it is just as preposterous to believe that a blind man can envision color, saffron, or the sun as it is to believe in the innate condition of morality and ethics.<sup>46</sup> Importantly, while blindness renders some tasks impossible, it does not preclude analogous impaired senses within nondisabled bodies. Additionally, Locke makes clear that different senses can partially amend impairment. Some ideas – like color – can be transmitted only through sight, but other ideas – like motion – are gathered through sight *and* touch. Although the understanding of an unimpaired man surpasses the understanding of a man impaired, Locke considers this a difference in degree, not category.

Likewise, Locke uses physical disability to consider the nature of freedom, arguing that “so far as a Man has a power to think, or not to think; to move, or not to move, according to the preference or direction of his own mind, so far is a Man *Free*.”<sup>47</sup> Paralysis is symbolic of an intact mind conjoined to an uncontrollable body. Locke gives examples of a man who involuntarily hits himself or others out of “Convulsive Motions” and another with palsy whose legs are incapable of “obeying the determination of his Mind.”<sup>48</sup> Accordingly, Locke contends that “no Body thinks he has in this *Liberty*: every one pities him, as acting by Necessity and Constraint.”<sup>49</sup> For Locke, just as the tennis ball lacks the will to put itself in motion, the paralytic is equally powerless with a body that refuses to obey.

Significantly, Locke manages to both stigmatize and incorporate these disabled bodies. Locke prefaces his example of the paralytic with a proclamation that readers will be able to imagine plenty of moments of bodily unruliness within “our own Bodies,” most evident in the fact that no man can control the beating of his own heart.<sup>50</sup> In addition, the paralytic, incapable of motion, is not entirely incapable of liberty: whenever he prefers to be stationary, his motionlessness is voluntary.<sup>51</sup> By retaining some scope of liberty, Locke positions physically disabled bodies as different, but still human.

While sensory and physical disabilities diminish the faculties of sensation and volition, idiocy is the absence of perception, impervious to any and all ideas, signifying the permanent blank slate. Perception, Locke argues, depends on memory, a faculty that if “wanting, all the rest of our Faculties are in a great measure useless.”<sup>52</sup> Locke’s idiot figure comes closest to his description of fetuses that he compares to vegetables<sup>53</sup> and the very old “whom decrepid [sic] old Age has blotted out the Memory of his past Knowledge.”<sup>54</sup> The old man that Locke describes has lost all perception: sight, hearing, smell, taste, and all his ideas.

How far such an [sic] one...is in his Knowledge, and intellectual Faculties, above the condition of a Cockle, or an Oyster, I leave to be considered. And if a Man had passed Sixty Years in such a State, as 'tis possible he might, as well as three Days, I wonder what difference there would have been, in any intellectual Perfections, between him, and the lowest degree of Animals.<sup>55</sup>

While Locke's passage refers to an old man who has lost all sensation, the man he describes as spending "Sixty Years in such a State" is more likely the idiot whose faculties never function during youth or adulthood: a permanent human oyster.

Just as sensations instantaneously disappear from the mind of the idiot, so too does the idiot only partially and momentarily materialize throughout Locke's text. Because Locke's method of understanding requires consulting experience before entering judgment, the *Essay* is filled with descriptive cataloguing of diverse identities. Locke repeatedly provides long descriptions of the marginalized: Garcilasso de la Vega's depiction of American Indians contracting with the Swiss<sup>56</sup>; Monsieur Menage's story of the deformed birth of the Abbot of St. Martin<sup>57</sup>; and Prince Maurices's tale of a talking parrot.<sup>58</sup> While Locke fleshes out the contours of these examples, supplementing his own knowledge with others' accounts, the idiot is never described, never accompanied with an anecdote, and never embodied by an actual person.

Consequently idiocy's bodily difference is permanent and total even while the idiot figure itself never fully emerges in the *Essay*. Other impaired groups are stigmatized because of their diminished human faculties, but they are not irreconcilable to normal experience. The faculty of thinking, even if deficient, facilitates easier recognition between the disabled and nondisabled, savage and civilized, as well as the mad and the sane. Even the fetus has the potential to perceive and the old man a prior rational self that undergirds his present decrepit state. In sharp contrast,

the bodily difference of the idiot erases his past, destroys all prospects for understanding, and dooms his life to a perpetual blank slate – invisible to himself and all others.

### 3. *Idiocy as Subspecies*

At this point, readers may concede that Locke simultaneously stigmatized and erased mental disability from his theory, but may still ask: how is idiocy a problem for Locke's theory of human equality? Differences in cognitive capacity are in fact real and therefore render some unequal. In this section I show that the trouble with Locke's *Essay* is not that idiots are cognitively unequal, but rather that cognitive incapacity absolves human membership.

According to Locke, birth does not bestow species membership. Instead, a species is distinctive because of its essence and the possession of this essence confers membership. Accordingly, "to be a *Man*, or of the Species *Man*, and have the Essence of a *Man*, is the same thing."<sup>59</sup> Locke argues that the faculty of thinking separates the meaning of *man* from *person*. Man, according to Locke, is "nothing but a participation of the same continued Life...united to the same organized Body."<sup>60</sup> A person, however, "is a thinking intelligent Being, that has reason and reflection, and can consider it self as it self."<sup>61</sup> In contrast, a man cannot be considered a person without the ability to reason. Locke is adamant on this point, repeatedly stressing the dependence of personhood on consciousness. Accordingly, "without consciousness, there is no Person,"<sup>62</sup> and again, "*Self* is that conscious thinking thing."<sup>63</sup>

If personhood is a subcategory of the human species, idiots retain their human status even if they are subpersons. Locke undermines this possibility, however, by repeatedly collapsing the difference between person and man. After investing "persons" with self-reflection, he repeatedly accords to "man" the ability and distinction of reason. For example, "*Man has a clear Perception of his own Being*,"<sup>64</sup> and that reason is "That Faculty, whereby Man is supposed to be



distinguished from Beasts, and wherein it is evident he much surpasses them.”<sup>65</sup> C.F. Goodey articulates Locke’s argument that to belong to the species of man in the *Essay*, “each single member must conform with our idea of man and thus with our idea of what it is to be rational.”<sup>66</sup> Goodey’s critique of Locke, by emphasizing “man” and not person, reflects Locke’s own conceptual confusion. While Locke harshly critiques others for using the same terms “for one Collection of simple *Ideas*, and sometimes for another,”<sup>67</sup> the foundation of his social contract quivers on the indeterminate terms of person and man.

Changelings exemplify Locke’s ambiguous territory outside of personhood. In the seventeenth century, a changeling was defined as a “half-witted person, idiot, [and] imbecile,” as well as a “child (usually stupid or ugly) supposed to have been left by fairies in exchange for one stolen child.”<sup>68</sup> Locke himself questions, “what will your “drivling [sic], unintelligent, intractable *Changeling* be?”<sup>69</sup> Scholars disagree over the precise meaning of Locke’s changeling. John Yolton<sup>70</sup> and Christopher Hughes Conn<sup>71</sup> both argue that changelings are, for Locke, synonymous with idiots, whereas Anthony Krupp contends that changelings are “neither persons nor human.”<sup>72</sup> I suggest both are right.

Locke uses changelings to debunk two misplaced assumptions: “That all Things that have the outward Shape and Appearance of a Man, must necessarily be designed to an immortal future Being, after this Life. Or, secondly, that whatever is of humane Birth, must be so.”<sup>73</sup> Assigning a soul to a changeling because of its human shape is tantamount to seeing souls in the bodies of dead men or statues.<sup>74</sup> In addition, Locke accuses men who insist that changelings are human are the same who consider the physically deformed monsters. “Shall a defect in the Body make a *Monster*; a defect in the Mind, (the far more Noble and, in the common phrase, the far more Essential Part), not?”<sup>75</sup> In contrast, Locke dismisses bodily defect as any significant threat to

human faculties, as long as that difference is not lodged in the faculties of the mind.<sup>76</sup> In contrast, he chastises the killing of infants based on physical deformity when unaccompanied by mental impairment. Locke suggests that “*Changelings* [...] are something between a Man and Beast.”<sup>77</sup>

Earlier in the *Essay*, Locke uses naturals and changelings interchangeably to question the stability and essential markers of the human species. In regards to naturals, “There are Creatures in the World, that have shapes like ours, but are hairy, and want Language, and Reason. There are Naturals amongst us, that have perfectly our shape, but want Reason, and some of them Language too.”<sup>78</sup> Later Locke asks,

Shall not the difference of Hair only on the Skin, be a mark of a different internal specific Constitution between a Changeling and a Drill [baboon], when they agree in Shape, and want of Reason, and Speech? And shall not the want of Reason and Speech, be a sign to us of different real Constitutions and *Species*, between a Changeling, and a reasonable Man?<sup>79</sup>

This passage speaks both to the importance of reason and speech as a requirement for species membership and Locke’s own slippage between the categories of personhood and man. Most importantly, the absence of reason erases human membership. While Locke argues that changelings are between man and beast, he also states that “there is a greater distance between some Men and others in [understanding] than between some Men and some Beasts,”<sup>80</sup> thus suggesting that people with severe cognitive disabilities fall below nonhuman animals. Unlike earlier sections of the *Essay* that used idiots alongside savages, children, or the old, Locke’s changeling is more apt to be found alongside drills, dogs, hogs and horses.<sup>81</sup>

Human status hinges on reason because reason is “that faculty which comes nearest the excellency of [God’s] own incomprehensible being.”<sup>1</sup> Man’s ability to think abstractly enables

him to come to believe in God, enables him to act morally and, most importantly, it is the only quality shared between God and man. Consequently, Locke asks, “If *Changelings* are something between Man and Beast, what will become of them in the other World?”<sup>82</sup> He answers, “It concerns me not to know or enquire.”<sup>83</sup> Locke elaborates, however, that all those “capable of Instruction, Discourse, and Reasoning” will have to answer to God, thus excluding both changelings and idiots.<sup>84</sup>

What are the differences, for Locke, between changelings and idiots? Unfortunately, I find it nearly impossible to know for certain what in fact distinguished these groups. But we know that they shared a common defect of the mind that rendered them both incapable of abstraction, language and personal identity. Retracing Locke’s myriad uses of idiots – to disprove innate ideas, to elucidate key human faculties, and to draw the bounds of human membership – we might say that idiots *are* changelings: while they never fully materialize in Lock’s text, their shape constantly shifts change dependent on the task at hand. Indeed, because they never fully emerge enables their shape-shifting status. Hence, although Locke relegates idiots to the periphery of moral existence, their function is central to Locke’s enterprise.

To summarize, Locke’s treatment and construction of idiocy is irreconcilable with his theory of human equality. Even Waldron concedes that “among the very grossest differences in mental capacity, Locke is evidently not committed to any thesis of equality.”<sup>85</sup> Because Locke’s conception of equality hinges on the necessary power of abstraction – without which men cannot comprehend God – idiots are legitimately excluded. Waldron presumably assumes that Locke’s limitation on human equality poses no threat to his larger political project; in fact, he argues that Locke’s foundation of equality demands it. In contrast, I argue in the next section that Locke’s

dehumanization of idiocy unravels the regulative norm of human equality as well as its concomitant tie to morality.

### **III. Idiocy's Threat to Liberal Equality**

Locke's task (and, more presently, Waldron's) is to articulate and defend the principle underlying human equality. Waldron contends that contemporary theorists avoid exploring this groundwork because it requires us "to take seriously positions that in other contexts would be dismissed out of hand as offensive and wrong," particularly sexist and racist beliefs.<sup>86</sup> Despite the unpleasantness of the task, Waldron persists and states that to investigate the meaning of human equality "one has to pretend to be a weirdo or an eccentric."<sup>87</sup> Because Waldron fails to list ableism in his list of offensive views, we can surmise that you don't have to be weird, eccentric or even all that unpleasant to believe the cognitively disabled aren't human in any moral sense. In this section, my task is simple: to make this dehumanization strange and, more importantly, a *problem* for a robust account of human equality. To do so, I turn to Locke's *Second Treatise* and analyze it from the lens of idiocy gleaned from the *Essay*.

But first, let me state the kinds of reasons why theorists are apt to defend this exclusion as necessary, benign, or peripheral. First, exclusion is *necessary* because the cognitively disabled are unable to partake in key political activities and fail to comprehend the kinds of moral obligations that political inclusion requires. Hence, exclusion is *benign* because its intent is protective: according them political equality would endanger the cognitively disabled and, therefore, they are safer under parental care. Finally, even if this exclusion constitutes a crack in equality, it is miniscule as the severely cognitively impaired represent such a small population. None of these reasons are satisfactory. First, in other cases of incapacity, Locke refuses to suspend political rights. Second, Locke is skeptical of his own assurance of benevolent care.

Third, and more broadly, these criticisms miss the harm caused by a theory of human equality that *begins* with a question of human status and then dehumanizes any and all offenders.

Whether exclusion is necessary based on incapacity depends for Locke on the kind and duration of incapacity. In several passages Locke acknowledges that physical incapacity or illness may hinder men from political participation. Accordingly, Locke contends that universal consent is unnecessary to the founding of political community because “such a consent is next to impossible ever to be had, if we consider the infirmities of health, and avocations of business, [...] will necessarily keep many away from the public assembly.”<sup>88</sup> Illness is comparable to business, neither of which tarnishes political standing. Later Locke considers the injustice of conquest, comparing it to a “robber [who breaks] into my house, and with a dagger at my throat [makes] me seal deeds to convey my estate to him.”<sup>89</sup> Locke goes on to ask:

What is my remedy against a robber, that so broke into my house? Appeal to the law for justice. But perhaps justice is denied, *or I am crippled and cannot stir*, robbed and have not the means to do it. If God has taken away all means of seeking remedy, there is nothing left but patience.<sup>90</sup>

My children, Locke argues, can justifiably defend my rights which I was unable to enforce. Even if God has taken away my means of remedy, the grounds for it remain. Thus, embodied incapacity warrants the creation and maintenance of a just politic that can enforce my rights in my place. Physical incapacity and illness fails to trigger nonhuman status, but rather symbolize the shared vulnerability of men that helps justify government.

In the *Essay*, Locke accorded different significance to physical, sensory and mental disabilities, presuming that only the last undermines personal and political standing. Cognitive deficiency, unlike other disabilities, directly undoes our capacity to consent. While we are all

equally prone to incapacity, all incapacities are not equal. This criticism, however, misconstrues two different types of equality: equal treatment and respect for equals. Waldron makes a similar distinction and emphasizes the importance of the latter. Demands for equal treatment may necessitate equal capacities, but equal respect needn't hinge on rationality – a point I will return to later. For now, the point I want to emphasize is the fact that, in the *Second Treatise*, the inability to participate politically fails to erode political standing.

The second reason for exclusion, the assurance of benevolent care, surfaces in the *Second Treatise* when Locke addresses the problem of idiocy in his chapter on “Paternal Power.” Locke maintains that political accountability is only expected from a person who possesses “a state of maturity wherein he might be supposed capable to know that law, that so he might keep his actions within the bounds of it.”<sup>91</sup> Hence, children are denied freedom until they reach the age of reason. If anyone is permanently defective in reason, according to Locke,

he is *never capable of being a free man*, he is never let loose to the disposal of his own will (because he knows no bounds to it, has not understanding, its proper guide), but is continued under the tuition and government of others, all the time his own understanding is incapable of that charge. And so *lunatics* and *ideots* are never set free from the government of their parents.<sup>92</sup>

Referring to Hooker, Locke distinguishes between the permanent incapacity of idiots and the temporary nature of lunacy, repeating the same logic found in the *Essay*, regarding only the former as permanently deficient whereas madness may be temporary. Because the idiot lacks reason he cannot be sovereign to any law, possess property, comprehend the law of nature, or own his very body. He is never free.

Instead, the idiot is permanently subject to parental power. For Locke, “some body else must guide him, who is presumed to know how far the law allows a liberty.”<sup>93</sup> Here the Greek meaning of idiot-as-private-person is nestled within Locke’s notion of the idiot as cognitively deficient: because the idiot is incapable of reason, he is entirely removed from the public realm and is enfolded into the private sphere. In essence, the idiot’s life is depoliticized and his very body dissolves into the property of his sovereign.

On the one hand, Locke’s removal of idiots from the civil realm could be understood charitably. Parental guardianship is “no more than that duty, which God and nature has laid on man, as well as other creatures, to preserve their offspring, till they can be able to shift for themselves.”<sup>94</sup> Moreover, Locke explicitly states that parental duty “will scarce amount to an instance or proof of parents regal authority.”<sup>95</sup> For Locke, God tempers parental power by enfolding it within tenderness and affection. Likewise, Barbara Arneil argues “that disabled people [in Locke’s theory] should be sustained in accordance with the Christian principle of charity.”<sup>96</sup> Although the idiot is outside the bounds of law, he is necessarily under the province of charitable care. Like Rawls’s more recent solution – in which he argues that policies surrounding people with mental disabilities should be guided by virtue rather than justice<sup>97</sup> – this interpretation argues for a division between justice and charity, the public and private, citizenship and idiocy.

But I remain suspicious of this answer. First, Locke argues that very few men are wise enough to rule benevolently. While Locke grants that “if Men were better instructed themselves, they would be less imposing on others,”<sup>98</sup> he also assumes that most men are too lazy or too busy to pursue rational instruction, and thus unfit to be sovereign over anyone. Moreover, Locke describes the duty to care for offspring as temporary; insofar as idiots require perpetual care, they

transgress the moral bounds of God's duty. Locke's depiction of parental care as affectionate and tender may also be class-specific; in his treatment of mothers and children in "Essay on the Poor Law" he argued that children age three to fourteen should be sent to "working schools" where they could earn bread and water for their upkeep.<sup>99</sup> Consequently, Arneil's charitable interpretation is plausible if we ignore Locke's dehumanizing treatment of changelings in the *Essay* in which any assumption of charity is undermined by their repeated negative and disparaging depiction. Idiots may face heightened risks of cruelty since they clearly transgress the duties and obligations of children who are equally obligated to their parents. For Locke, parental care "obliges him [the child] to respect, honour, gratitude, assistance and support, all his life, to both father and mother."<sup>100</sup> In fact, Locke is aware of parental cruelty and states that foster-fathers can replace indifferent or cruel biological fathers. Despite his awareness of parental abuse, Locke fails to describe the process by which cruelty is discovered.

In addition, while Locke clearly demarcates between paternal and political power – as his theory in fact hinges on the difference – he elsewhere describes paternal power as absolute. In *Some Thoughts Concerning Education*, Locke depicts the different degrees of parental power depending on the child's level of maturity. For Locke, "the less reason they have of their own, the more are they to be under the absolute power and restraint of those, in whose hands they are."<sup>101</sup> Younger children should be taught to "fear and awe" their fathers and to see them as "their lords, [and] absolute governors."<sup>102</sup> Idiots, who have *no* reason for Locke, are permanently subjected to absolute parental power. And because idiots are entirely isolated in the private realm, they are detached from anyone who could presumably intercede on their behalf. Although the *Second Treatise* repeatedly emphasizes the importance of the right to appeal and the need for public laws children, idiots and lunatics – because they are entirely under the purview of parental



power – lack all means of resistance. Unable to own his own body, the idiot has no recourse to justice.

Insofar as idiots are “never free” and cannot own property – including their own bodies – they resemble Locke’s treatment of slaves. Like slaves, the idiot is may still be subject to political power. In the *Essay*, for example, drunkenness and madness both fragment personal identity, but these less than sovereign states fail to absolve the magistrate from procuring civil order. Locke maintains that magistrates should hold drunkards responsible for their actions because “want of consciousness cannot be proved.”<sup>103</sup> In the case of the drunk who has committed a crime, it is well to assume him sober, for it cannot be proven that he was indeed unconscious. Elsewhere in the *Essay*, Locke similarly suggests that discerning the ranks and levels of consciousness is no clear matter.

’Tis an hard Matter to say where Sensible and Rational begin, and where  
Insensible and Irrational end: and who is there quick-sighted enough to determine  
precisely, which is the lowest Species of living Things, and which the first of  
those which have no Life?<sup>104</sup>

Although deficiencies in consciousness may logically preclude a man from civil law, the empirical difficulty of discerning unconsciousness requires that all persons be treated as fully sovereign to prevent the law from being perverted. This curious state of being both outside and within the law ensnares Locke’s idiot: his cognitive deficiency absolves his moral standing but the law forbids no any absolution.

Consequently, Locke’s treatment of criminals is analogous to his treatment of idiocy. Both are often compared to beasts. Even while Waldron qualifies Locke’s bestialization of criminals – arguing that Locke had in mind tyrannical magistrates and not the poor<sup>105</sup> – he

acknowledges that it mars Locke's theory of equality. According to Locke, when a man commits a crime, he "so far becomes degenerate, and declares himself to quit the principles of human nature, and to be a noxious creature."<sup>106</sup> In the chapter on the state of war, Locke describes the treatment of men who, because of their failure to conform to the state of nature, should be treated like animals.

[One] may destroy a man who makes war upon him, or has discovered an enmity to his being, for the same reason that he may kill a *wolf* or a *lion*; because such men are not under the ties of the commonlaw of reason, have no other rule, but that of force and violence, and so may be treated as beasts of prey, those dangerous and noxious creatures, that will be sure to destroy him whenever he falls into their power.<sup>107</sup>

Likewise, emergent from the *Second Treatise* and the *Essay* is the enfolding of idiots into the control of full persons, entirely erased from the purview of justice, and debased to the status of nonhuman animals. In the *First Treatise*, Locke firmly establishes that God has given man dominion over animals. By comparing criminals and idiots to animals, Locke denies them of "being all equal and independent," and thus dissolves the natural law that "no one ought to harm another in his life, health, liberty, or possessions."<sup>108</sup>

Criminals and idiots, however, lose human status for very different reasons. The criminal, according to Locke, "declares himself to quit the principles of human nature, and to be a noxious creature" (Ch. 2 § 10). He willingly and knowingly transgresses the law of reason. The idiot, in contrast, never fathoms the law of reason. In addition, Locke compares criminals to violent animals, such as lions and tigers, who threaten the well-being of men.<sup>109</sup> In contrast, Locke's discussion of idiots is more apt to be accompanied with discussions of baboons, parrots, or dogs

– comparisons that aim to challenge the normative division of species. In the *Treatise*, animals are marked by violence, but in the *Essay*, they are marked by the absence of abstraction. For these reasons, the shared bestialization of criminals and idiots will likely lead to different outcomes: the criminal subject to penalties of death whereas the idiot suffers the refusal of life.

Returning to Waldron, although he considers Locke’s theory of equality the best foundation that liberalism has to offer, his own analysis of the consequences of human and nonhuman inequality should make liberals uneasy. According to Waldron, abstraction is crucial to Locke’s theory of equality because it establishes a relationship between God and man, a relationship that entails certain requirements. Waldron illustrates the kind of moral behavior God requires:

When I catch a rabbit, I know that I am not dealing with a creature that has the capacity to abstract, and so I know that there is no question of this being one of God’s special servants, sent into the world about his business. But if I catch a human in full possession of his faculties, I know I should be careful how I deal with him.<sup>110</sup>

Despite the fact that Waldron is seemingly *defending* Locke’s theory of equality, his illustration of the rabbit should make us suspicious of the well-being of idiots – and anyone else with questionable mental faculties. To rephrase Waldron’s claim, If I am the guardian of an idiot, and “I know that I am not dealing with a creature that has the capacity to abstract, and so I know that there is no question of this being one of God’s special servants,” there is little reason why I should extend the principle of charity, or goodwill, or little else to an idiot. Nor shall I face any civil or spiritual consequences because God has rightly given me dominion over nonhuman creatures.

Here we see the political problem of the idiot. Confined to the private realm but still subject to the law; potentially victimized by cruelty but with no recourse to justice. Recognized as human if he transgresses the law, but seen as less than a brute when he needs the law's protection. Trapped as he is, Locke's idiot – while unlike Hobbes fool – would, if he could, similarly declare: “The fool hath said in his heart, there is no such thing as justice.”<sup>111</sup>

Locke's theory of human equality, consequently, looks significantly less humane. Not only does Locke exclude the idiot, but he encodes within his theory of equality a mechanism of exclusion that, at times, engulfs slaves, criminals, children, lunatics, women, savages and the old. Bodily difference, insofar as it affects the faculty of thinking, patrols the border between human and nonhuman, circumscribing justice. Locke's technology for inequality succeeds because it is difficult to discern. According to Locke, “'Tis an hard Matter to say where Sensible and Rational begin, and where Insensible and Irrational end.”<sup>112</sup> While it may be difficult, the attempt to find bodily or genetic differences between humans maintains its appeal. Indeed, the history of idiocy confirms that the ranks of the irrational are both porous and unpredictable, as the category itself shifts in size, shape and membership. Not confined to issues of cognitive disability, bodily difference – whether real or imagined – has discredited the political and human standing of women, nonwhites, non-Western, the poor, and more. The imprecision of discerning bodily difference is exactly that which accords it so much power and ultimately undermines Locke's theory of human equality.

#### **IV. Conclusion: Rethinking Equality**

Analysis of Waldron's defense of Locke tends to focus on his contentious claim of equality's religious underpinnings, but this article has argued that – with or without God – Locke's commitment to rationality anchors equality to a treacherous foundation. Failure to pass a

threshold level of cognitive capacity results not only in political exclusion, but also dehumanization. Although Locke acknowledges vast gradations in human understanding, he also constructs a sharp divide between those who can learn and those who cannot.<sup>113</sup> Because rationality is neither universal to all human beings nor constant across any human life, Locke creates a theory in which no person is entirely or continuously human. If rationality fails to secure human equality for liberalism, does Locke offer any alternative foundation? Although infrequent and inconstant, Locke accords significance to human birth. More precisely, he argues that the promise of human equality is bestowed on us when we are born. In this last section, I gesture towards Locke's inconsistent treatment of human birth as a way to find a more inclusive and meaningful account of human equality.

In relation the *Essay*, Locke dismisses human birth as significant because of monstrous births, such as changelings, and interspecies productions. According to Locke,

Nor let any one say, that the power of propagation in animals by the mixture of Male and Female ... keeps the supposed real *Species* distinct and entire ... for if History lie not, Women have conceived by Drills; and what real *Species*, by that measure, such a Production will be in Nature, will be a new Question.<sup>114</sup>

Locke attests that he has observed the offspring of a cat and rat, thereby proving interspecies possibilities. While Waldron reviews both of these reasons in his defense of Locke, he fails to adequately interrogate their merit. Both of Locke's doubts – changelings and interspecies – are premised on prejudicial and unsound beliefs. Discounting children based on disability is cruel and myths of cross-breeding have generally been fueled by the worst of human fears surrounding race, colonialism and difference. Locke may have thought these legitimate concerns, but we can resist them as poorly cloaked phantasms of racism, sexism and ableism fused together.

Waldron also cites another passage, however, in which Locke dismisses the significance of birth because it attaches a question to each human-like creature: was it humanly born? Under this rubric, we are forced to doubt, question and trace the genealogical roots of anything resembling the human species.<sup>115</sup> Insofar as this problem strongly resembles the possibility of interspecies productions, it can be dismissed. If, however, we interpret the problem as the possibility of constant doubt, then it seems no worse than the threshold account offered by Waldron in which we are forced to always ask: is this person sufficiently rational? Moreover, the questioning fails to stop at the borders of the human community, but rather unsettles the standing of nonhuman animals: Are dolphins sufficiently rational? Apes? Canines? Locke suggests that a rational monkey capable of abstraction is under the law, but not children or changelings.<sup>116</sup> If the problem with basing human equality on birth is its promotion of doubt, then the threshold account similarly plunges us into endless interrogation.

If the *Essay* disregards birth, the *Second Treatise* revives it. In several places, Locke argues that human equality is endowed at birth. “Man being *born*, as has been proved, with a title to perfect freedom”<sup>117</sup> and “Every man is *born* with a double right”<sup>118</sup> And again, Locke states that “*Children*, I confess, are not born in this full state of *equality*, though they are born to it.”<sup>119</sup> In the passage in which Locke bases equality on equal human faculties, he likewise declares, “that creatures of the same species and rank, *promiscuously born* to all the same advantages of nature.”<sup>120</sup> On the one hand, these passages speak to a kind of equality promised, but withheld at birth – the kind of equality hinged to the acquisition of reason. On the other hand, Locke’s repeated reference to birth beckons to a kind of equality that is not conditional, but instead immediate.

Rationality guarantees moral status because it presumably implies a distinct relationship between men and God which enables men to understand and abide by moral codes. But human birth similarly entails moral standing. For example, Eva Feder Kittay rethinks equality away from equality of capacities and towards the fact that each of us is “some mother’s child.”<sup>121</sup> For Kittay, this signifies that each person must be invested with a high amount of carework in order to survive and live in society. In addition, by emphasizing the fact that we are all born to human mothers, Kittay’s insight means that we share a certain kind of relationship with one another that we never share with nonhuman animals. We are all born into a human community and, as Waldron rightly points out, “our concept of human may be partly shaped by our commitment to equality.”<sup>122</sup> What it means to be human is in part shaped by the commitment of being born into equality – not an equality of political duty, equal treatment or comparable capacities – but an equality of respect and dignity. An equality that proposes – despite any differences in birth – “no one ought to harm another in his life, health, liberty, or possessions.”<sup>123</sup>

A theory of equality based on human birth requires fuller elaboration that cannot be contained in this article, the primary purposes of which have been to show the significance of Locke’s treatment of idiocy and thereby trouble Waldron’s defense of Locke’s theory of equality based on rational capacity. But future work should aim to safeguard a concept of human equality universal to all humans not only because it is theoretically compelling, but also because it carries considerable political import. Waldron recognizes this. Equality is a “background commitment that underlies many different policy positions.”<sup>124</sup> Understanding the relationship between theories of equality and policy consequences should heighten our sense of alarm when we realize that Locke’s concept disregards the cognitively disabled and paves the way for more expansive

exclusions. A theory of equality that is complicit with the exclusion of the cognitively disabled renders policy decisions in their favor dubious. As Kittay points out,

whether we are speaking of paying for personal assistants or curb cuts, funding for the disabled will be competing with funding for medical care, public education, museums and other cultural institutions, wilderness preservation, clean air, street repairs, and so forth. Choices will have to be made and priorities set.<sup>125</sup>

When we start with a theory of equality that carries with it a mechanism of dehumanization, we should be anxious about its political consequences. Locke's own theorizing was motivated by the likelihood of abuse when political power is in the hands of an arbitrary and unchecked authority. To preserve Locke's essence of human equality – that all humans deserve equal protection in their life, liberty, health and possessions – it should be encased from his foundation of equality.



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<sup>1</sup> Jeremy Waldron, *God, Locke, and Equality: Christian Foundations of John Locke's Political Thought*, (Cambridge, MA: Cambridge University Press, 2002).

<sup>2</sup> Cécile Fabre, "Review: *Jeremy Waldron, God, Locke and Equality: Christian Foundations in Locke's Political Thought*," *Modern Law Review* 66 (May 2003): 470-473, 472. See also *The Review of Politics* Symposium on Waldron's *God, Locke and Equality* 67 (Summer 2005) in which scholars focused mainly on the religious aspects of both Locke and Waldron's analysis.

<sup>3</sup> Barbara Arneil, "Disability, Self Image, and Modern Political Thought," *Political Theory* 20 (April 2009):1-25, 24.

<sup>4</sup> John Locke, *The Two Treatises of Civil Government* (Indianapolis, IN: Liberty Fund, Inc., 1689), 2.4.

<sup>5</sup> Locke, *Second Treatise*, 2.6.

<sup>6</sup> Martin Halliwell, *Images of Idiocy: The Idiot Figure in Modern Fiction and Film* (Burlington, VT: Ashgate, 2004), 2.

<sup>7</sup> William Little, H.W. Fowler and J. Coulson, *The Shorter Oxford English Dictionary on Historical Principles 3rd Edition*, (Oxford: Clarendon Press, 1973), 952.

<sup>8</sup> Online *Oxford English Dictionary*. Accessed July 15, 2011

<http://www.oed.com/view/Entry/91049?rskey=9oBNs8&result=1&isAdvanced=false#eid>.

<sup>9</sup> C.F. Goodey, "The Psychopolitics of Learning and Disability in Seventeenth-Century Thought," in *From Idiocy to Mental Deficiency: Historical Perspectives on People with Learning Disabilities*, ed. David Wright and Anne Digby (London, UK: Routledge, 1996), 93-117.

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- <sup>10</sup> Richard Neugebauer, "Mental Handicap in Medieval and Early Modern England: Criteria, Measurement and Care," in *From Idiocy to Mental Deficiency: Historical Perspectives on People with Learning Disabilities*, ed. David Wright and Anne Digby (London, UK: Routledge, 1996), pp. 22–43, 26.
- <sup>11</sup> Neugebauer, "Mental Handicap," 26.
- <sup>12</sup> Sir Edward Coke, "Beverley's Case of Non Compos Mentis," in *The Reports of Sir Edward Coke, knt: in thirteen parts*, (London, UK, 1826), 568-78.
- <sup>13</sup> Jonathan Andrews, "Begging the Question of Idiocy: The Definition and Socio-cultural Meaning of Idiocy in Early Modern Britain: Part II," *History of Psychiatry* 9 (June 1998): 179-200, 75.
- <sup>14</sup> Peter Rushton, "Lunatics and Idiots: Mental Disability, the Community, and the Poor Law in North-East England, 1600-1800," *Medical History* 32 (January 1988): 34-50.
- <sup>15</sup> D. Christopher Gabbard, "From Idiot Beast to Idiot Sublime: Mental Disability in John Cleland's *Fanny Hill*," *PMLA* 123 (March 2008): 375-389.
- <sup>16</sup> Sandra Billington, *A Social History of the Fool* (New York, NY: Harvester Press, 1984), 17.
- <sup>17</sup> C.F. Goodey, "What is Developmental Disability? The Origin and Nature of Our Conceptual Models," *Journal on Developmental Disabilities* 8 (2001): 1-18, 9-10.
- <sup>18</sup> Sarah R. Cohen, "Chardin's Fur: Painting, Materialism, and the Question of Animal Soul," *Eighteenth-Century Studies* 38, no. 1 (Fall 2004): 39-61, 45.
- <sup>19</sup> Thomas Willis, *Two Discourses Concerning the Soul of Brutes, which is that of the Vital and Sensitive of Man*. (Gainesville, FL: Scholars' Facsimiles & Reprints, 1971).
- <sup>20</sup> Gabbard, "From Idiot Beast," 380.

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- <sup>21</sup> Alan Bewell, *Wordsworth and the Enlightenment: Nature, Man, and Society in the Experimental Poetry* (New Haven: CT: Yale University Press, 1989), 58.
- <sup>22</sup> Bewell, *Wordsworth*, 25.
- <sup>23</sup> Jonathan Lowe, *Routledge Philosophy Guidebook to Locke on Human Understanding* (New York, NY: Routledge, 1995).
- <sup>24</sup> John Dunn, *Locke: A Very Short Introduction*. (Oxford, UK: Oxford University Press, 2003), 74.
- <sup>25</sup> John Locke, *An Essay Concerning Human Understanding* (Oxford, UK: Oxford University Press, 1975), 1.3.20.
- <sup>26</sup> Locke, *ECHU*, 1.2.5.
- <sup>27</sup> Locke, *ECHU*, 1.3.27.
- <sup>28</sup> John Locke, *Locke: Political Essays* (Cambridge, UK: Cambridge University Press, 1997), 99.
- <sup>29</sup> Locke, *Locke: Political Essays*, 113.
- <sup>30</sup> Locke, *ECHU*, 709, 4.20.5, emphasis added.
- <sup>31</sup> Locke, *ECHU*, 2.15.12.
- <sup>32</sup> Locke, *ECHU*, 2.11.15.
- <sup>33</sup> Locke, *ECHU*, 2.11.10.
- <sup>34</sup> Locke, *ECHU*, 2.11.12.
- <sup>35</sup> Locke, *ECHU*, 2.11.13.
- <sup>36</sup> Locke, *Second Treatise*, 5.49
- <sup>37</sup> A phrase used by George Berkeley when explaining that Locke's definition of human species membership hinges on the rational capacity of abstraction. *A Treatise Concerning the Principles*

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of *Human Knowledge* (1734), Sec. 11. Accessed July 15, 2011,

<http://www.mnstate.edu/gracyk/courses/web%20publishing/BerkeleyTreatiseIntro.htm>

<sup>38</sup> Locke, *Second Treatise*, 2.4.

<sup>39</sup> Locke, *ECHU*, 1.1.1.

<sup>40</sup> Locke, *ECHU*, 2.1.2.

<sup>41</sup> Locke, *ECHU*, 2.1.3.

<sup>42</sup> Locke, *ECHU*, 2.1.4.

<sup>43</sup> Locke, *ECHU*, 2.7.2.

<sup>44</sup> Locke, *ECHU*, 2.7.2.

<sup>45</sup> Locke, *ECHU*, 2.2.2.

<sup>46</sup> Locke, *ECHU*, 1.4.19.

<sup>47</sup> Locke, *ECHU*, 2.21.8.

<sup>48</sup> Locke, *ECHU*, 2.21.11.

<sup>49</sup> Locke, *ECHU*, 2.21.9.

<sup>50</sup> Locke, *ECHU*, 2.21.11.

<sup>51</sup> Locke, *ECHU*, 2.21.11.

<sup>52</sup> Locke, *ECHU*, 2.10.8.

<sup>53</sup> Locke, *ECHU*, 2.1.21.

<sup>54</sup> Locke, *ECHU*, 2.10.14.

<sup>55</sup> Locke, *ECHU*, 2.10.14.

<sup>56</sup> Locke, *Second Treatise*, 2.14.

<sup>57</sup> Locke, *ECHU*, 3.6.26.

<sup>58</sup> Locke, *ECHU*, 2.27.8.

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<sup>59</sup> Locke, *ECHU*, 3.3.12.

<sup>60</sup> Locke, *ECHU*, 2.27.6.

<sup>61</sup> Locke, *ECHU*, 2.27.9

<sup>62</sup> Locke, *ECHU*, 2.27.23.

<sup>63</sup> Locke, *ECHU*, 2.27.17.

<sup>64</sup> Locke, *ECHU*, 4.10.2.

<sup>65</sup> Locke, *ECHU*, 4.17.1.

<sup>66</sup> Locke, *Locke: Political Writings*, 93.

<sup>67</sup> Locke, *ECHU*, 3.10.5.

<sup>68</sup> *Oxford English Dictionary*. Accessed July 15, 2011

<http://www.oed.com/view/Entry/30479?redirectedFrom=changeling#eid>.

<sup>69</sup> Locke, *ECHU*, 4.4.16.

<sup>70</sup> John W. Yolton, *A Locke Dictionary* (Oxford, UK: Blackwell, 1993), 36.

<sup>71</sup> Christopher Hughes Conn, *Locke on Essence and Identity* (Boston: Kluwer Academic Publishers, 2003), 44.

<sup>72</sup> Anthony Krupp, *Reason's Children: Childhood in Early Modern Philosophy* (Lewisburg: Bucknell University Press, 2009), 80. See also Goodey, C. F., and Tim Stainton, "Intellectual Disability and the Myth of the Changeling Myth," *Journal of the History of the Behavioral Sciences* 37, no. 3 (2001): 223-40.

<sup>73</sup> Locke, *ECHU*, 4.4.15.

<sup>74</sup> Locke, *ECHU*, 4.4.15.

<sup>75</sup> Locke, *ECHU*, 4.4.16.

<sup>76</sup> Locke, *ECHU*, 2.27.17.

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- <sup>77</sup> Locke, *ECHU*, 4.4.13.
- <sup>78</sup> Locke, *ECHU*, 3.6.22.
- <sup>79</sup> Locke, *ECHU*, 3.6.22.
- <sup>80</sup> Locke, *ECHU*, 4.20.5.
- <sup>81</sup> Locke, *ECHU*, 3.6.41, 3.6.12.
- <sup>82</sup> Locke, *ECHU*, 4.4.14.
- <sup>83</sup> Locke, *ECHU*, 4.4.14.
- <sup>84</sup> Locke, *ECHU*, 4.4.14.
- <sup>85</sup> Waldron, 73.
- <sup>86</sup> Waldron, *God, Locke, and Equality*, 4.
- <sup>87</sup> Waldron, *God, Locke, and Equality*, 4.
- <sup>88</sup> Locke, *Second Treatise*, 8.98.
- <sup>89</sup> Locke, *Second Treatise*, 16.176.
- <sup>90</sup> Locke, *Second Treatise*, 16.176, emphasis added.
- <sup>91</sup> Locke, *Second Treatise*, 6.59.
- <sup>92</sup> Locke, *Second Treatise*, 6.60.
- <sup>93</sup> Locke, *Second Treatise*, 6.59.
- <sup>94</sup> Locke, *Second Treatise*, 6.60.
- <sup>95</sup> Locke, *Second Treatise*, 6.60.
- <sup>96</sup> Arneil, "Disability, Self-Image," 22.
- <sup>97</sup> John Rawls, *Political Liberalism* (New York, NY: Columbia University Press, 2005), 21.
- <sup>98</sup> Locke, *ECHU*, 4.16.4.

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<sup>99</sup> For an analysis of Locke on class, children and family life, see Nancy J. Hirschmann, “Intersectionality before Intersectionality was Cool: The Importance of Class to Feminist Interpretations of John Locke.” In *Feminist Interpretations of John Locke*, ed. N. J. Hirschmann and K. M. McClure (University Park, PA: The Pennsylvania State University Press, 2007), 155-186, 163.

<sup>100</sup> Locke, *Second Treatise*,

<sup>101</sup> John Locke, *Some Thoughts Concerning Education* (Dover Publications: Mineola, NY, [1693] 2007), 32.

<sup>102</sup> Locke, *Thoughts Concerning Education*, 33

<sup>103</sup> Locke, *ECHU*, 2.27.22.

<sup>104</sup> Locke, *ECHU*, 4.16.12.

<sup>105</sup> Waldron, *God, Locke, and Equality*, 150.

<sup>106</sup> Locke, *Second Treatise*, 2.10.

<sup>107</sup> Locke, *Second Treatise*, 3.16.

<sup>108</sup> Locke, *Second Treatise*, 2.6.

<sup>109</sup> Locke, *Second Treatise*, 2.11.

<sup>110</sup> Waldron, *God, Locke and Equality*, 80.

<sup>111</sup> Thomas Hobbes, *Leviathan*, (Oxford: Oxford University Press, 1968), Ch. 15.

<sup>112</sup> Locke, *ECHU*, 4.16.12.

<sup>113</sup> In this interpretation, I part company with C.F. Goodey and Tim Stainton who argue that idiots are, for Locke, more like the working poor and thus similarly situated along a spectrum of capacity. See Goodey and Stainton, “Intellectual Disability,” 237.

<sup>114</sup> Locke, *ECHU*, 3.6.23.

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<sup>115</sup> Waldron, *God, Locke, and Equality*, 65

<sup>116</sup> Locke, *ECHU*, 3.11.16.

<sup>117</sup> Locke, *Second Treatise*, 7.87, emphasis added.

<sup>118</sup> Locke, *Second Treatise*, 16.190, emphasis added.

<sup>119</sup> Locke, *Second Treatise*, 6.55.

<sup>120</sup> Locke, *Second Treatise*, 2.4.

<sup>121</sup> Kittay, Eva Feder, *Love's Labor: Essays on Women, Equality, and Dependency* (New York: Routledge, 1999), 24.

<sup>122</sup> Waldron, *God, Locke, and Equality*, 48.

<sup>123</sup> Locke, *Second Treatise*, 2.6.

<sup>124</sup> Waldron, *God, Locke, and Equality*, 2.

<sup>125</sup> Eva Feder Kittay, "Disability, Difference, and Discrimination: Perspectives on Justice in Bioethics and Public Policy." *Hypatia* 17 (2002): 209-213, 212.