

## Drudgery, Not Slavery: How and Why John Locke's Stays True to Exodus 21 in "Of Slavery"

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*Abstract— John Locke's philosophy of slavery has been oft-disputed; despite arguing against the persistence of slavery as an institution in his political philosophy, Locke was involved in colonial projects that legalized slavery. While many scholars have attempted to analyze this contradiction, relatively few have examined Locke's use of biblical allusion in his seminal work on slavery, the aptly named "Of Slavery." Though Locke's mention of "slavery among the Jews" in this essay seems at first to be haphazard, by analyzing Locke's textual fidelity and potential personal motivations for it one can see the lasting rhetorical and social impact of the story of Exodus on later religious groups and their own philosophical understandings of slavery. Overall, we see that despite the obvious differences in context between ancient Egypt and Locke's seventeenth century England, Locke's personal identification with the story of the Hebrews moved his arguments on slavery towards a more biblical understanding.*

The Hebrew Bible and its associated faith traditions are so expansive that they can justify nearly any opinion. Whether for reformative progressive social movements, nationalist revolutions, or assassinations, individuals in the Abrahamic world have consistently relied upon this socio-religious text to both justify and promote their actions and beliefs. With this in mind, it is profoundly unsurprising that John Locke, who was one of the foremost European social critics of the seventeenth century and a Protestant theologian, cited the narrative of Exodus 21, which detailed the laws pertaining to the Hebrew slave, to legitimize his philosophy of slavery.<sup>1</sup>

If we want to preserve the integrity of Exodus as a religious and literary text, it is essential to identify dishonest and potentially damaging use. Since authors as widely read as Locke have major sway on perceptions of source

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<sup>1</sup> Peter Hayes, "Locke, John," In *Encyclopedia of Modern Political Thought*, ed. Gregory Claeys (CQ Press, 2013); *New Oxford Annotated Bible with Apocrypha*, Exodus 21.

texts in the popular imagination, it magnifies the importance of contextualizing a source's use.<sup>2</sup>

Locke's rhetorical use of Exodus came in his chapter "Of Slavery," part of his *Second Treatise on Government*. In his *Second Treatise*, Locke described his beliefs about the "state of nature," the primeval but peaceful environment in which humans acted independently but respected each other without the need for laws, while also covering such topics as war, property, and the role of government.<sup>3</sup> Slavery, the title of the chapter, was a relevant topic to Locke not only because of how common it was during his life, but because of Locke's understanding of the "natural law." This "natural law," which stated that every person was entitled to be in control of their own destiny, was obviously challenged by the existence of slavery, and, living in the seventeenth century, Locke was compelled to address the contradiction.

In "Of Slavery," Locke directly attacked this issue, distinguishing between the "perfect condition of slavery," which he categorized as a "state of war" in which the egalitarian "state of nature" was suspended, and all other less intense forms of slavery, which, unlike extreme slavery, adhered to the "state of nature."<sup>4</sup> With regards to the more intense "perfect condition of slavery," Locke argued that, as an extension of the "state of nature," an individual could not sell themselves into this state because it would represent an intentional violation of one's humanity. It was here that Locke felt moved to address Exodus, as he attempted to reject the potential counterargument that the slaves described in Exodus 21 willingly entered into a compromised state of freedom.

On a basic level, Locke successfully used the Exodus quote. In Locke's view, the protections afforded to Hebrew slaves in Exodus 21 made it "drudgery" rather than "slavery," and thus the fact that Exodus described a situation where one sold themselves into slavery did not contradict his principle.<sup>5</sup> But for the critical reader the story does not end there. The central question of Locke's use of Exodus 21 revolves around how specific Locke actually needed to be when choosing an example, and whether he only chose the example because of his affinity for the Hebrew Bible and the story of the Exodus. Based on a close reading of Locke's wording in "Of Slavery," analysis of the slavery section of Exodus 21 in its biblical context, and a historical consideration of Locke's life and broader religio-political philosophy, it is clear that Locke referenced Hebrew slavery both because the specific protections for Hebrew slaves outlined in Exodus aligned with

<sup>2</sup> Kim Ian Parker, *The Biblical Politics of John Locke*, Editions SR, v. 29 (Waterloo, Ont: Published for the Canadian Corporation for Studies in Religion by Wilfrid Laurier University Press, 2004), 1.

<sup>3</sup> Kristina L. Rioux, "Locke, John," In *Encyclopedia of American Government and Civics*, by Michael A. and Han Genovese, and Lori Cox (2nd ed. Facts On File, 2017).

<sup>4</sup> John Locke, "Of Slavery" in *Political Writings*, ed. David Wootton (Indianapolis: Hackett Publishing, 2003), 272-273.

<sup>5</sup> *Ibid.*, 273.

his philosophy of the “state of nature” and because he saw the Exodus story as reflective of his experience in the political turmoil of seventeenth-century England.

An analysis of Locke’s view on slavery must grapple with inconsistencies. Even assuming that Locke remained consistent in his beliefs on the matter throughout his *Second Treatise on Government*, it is well known that Locke was involved in establishing the laws of colonial rule in the American colonies when he served as a secretary to the First Earl of Shaftesbury.<sup>6</sup>

The specific document that historians point to in this regard is *The Fundamental Constitutions of Carolina*, which granted relatively broad religious toleration in the new colony, but endorsed slavery. This document stated, “Every freeman of Carolina shall have absolute power and authority over his negro slaves, of what opinion or religion [*sic*] soever.”<sup>7</sup> This law is a clear contradiction of “Of Slavery,” in which Locke argued that “freedom from absolute, arbitrary power” was a necessary precursor to any civilization. Some scholars have disputed Locke’s role in *Fundamental Constitutions* by pointing to other documents (including, but not limited to *Second Treatise*) that showed Locke’s anti-slavery bent.<sup>8</sup>

Whatever the ultimate conclusion of the debate over Locke’s connection to *Fundamental Constitutions*, even those scholars who have disputed Locke’s role in *Fundamental Constitutions* do not claim that he was not at least peripherally involved in the British colonial project.<sup>9</sup> With that necessary context available, it is clear that analyzing Locke’s views on slavery completely holistically is impossible. Still, so long as we acknowledge that “Of Slavery” represents one version of Locke’s philosophy of slavery, his reference to “slavery among the Jews”<sup>10</sup> in “Of Slavery” is still relevant to an understanding of religious texts as philosophical justifications for morally problematic actions.

Moving into the details of biblical analysis, one of the protections for Hebrew slaves built into Exodus 21 was the six-year term limit for servitude, detailed in the very first verse of the section that discusses the matter. The verse stated: “When you buy a male Hebrew slave, he shall serve six years, but in the seventh he shall go out a free person, without

<sup>6</sup> Hayes, “Locke, John,” in *Encyclopedia of Modern Political Thought*.

<sup>7</sup> *The Fundamental Constitutions of Carolina* [Constitution (1669)] (London: 1682), <http://ezproxy.cul.columbia.edu/login?url=https://www.proquest.com/books/fundamental-constitutions-carolina/docview/2248561064/se-2>.

<sup>8</sup> Holly Brewer, “Slavery, Sovereignty, and ‘Inheritable Blood’: Reconsidering John Locke and the Origins of American Slavery,” *The American Historical Review* 122, no. 4 (October 1, 2017): 1038–78, <https://doi.org/10.1093/ahr/122.4.1038>.

<sup>9</sup> *Ibid.*, 1052.

<sup>10</sup> “Among the Jews” is an anachronistic term that reflects Locke’s association of the Hebrew Bible with people observing Talmudic Jewish law at his time, rather than with ancient Hebrews.

debt.”<sup>11</sup> Locke referred to the content of this verse in “Of Slavery,” when he noted the impermanence of Hebrew slavery as one reason to discount its harshness.<sup>12</sup> For Locke, who argued that it was impossible to forfeit one’s entire existence to another, or to use Lockean terminology, to voluntarily enter a “state of war,” the fact that Hebrew slaves were freed after six years would seem to be a compelling proof.

It is here where Locke’s choice wording in “Of Slavery” illustrated his knowledge and careful consideration of Exodus. Locke actually did not use the “free after 6 years” rule, even though it was the first and most obvious protection for slaves listed in *Exodus* 21. Rather, to justify his argument that “slavery among the Jews” was not true slavery, Locke framed manumission more generally, writing that in Exodus, a master was obligated to free his Hebrew slave “at a certain time.”<sup>13</sup> By leaving this ambiguous, Locke acknowledged that some Hebrew slaves may have chosen to remain slaves (see Exodus 21:5-6), but that even they had to be freed in the jubilee year. Since this longer term was still inherently limited (to 50 years), Locke’s argument that the existence of voluntary slavery in Exodus did not break down his distinction between the “state of nature” and the “state of war” held true, even in this extreme case.

Exodus 21 delineated a strange requirement for the male Hebrew slave who chose to remain after six years; this slave was mandated to have his ear pierced by a door bolt. Locke did not address this odd practice whatsoever, which is contradictory, because at face-value, it gives a level of cruel power to the master over the Hebrew slave, which Locke was seemingly opposed to.<sup>14</sup> However, there are some defenses of this practice that help align it with Locke’s theology. A recent example of one such defense was in Joshua Berman’s book, *Created Equal: How the Bible Broke with Ancient Political Thought*. Berman, a contemporary biblical commentator who is known for defending the divinity of the Hebrew Bible by embracing modern anthropological and archeological tools, wrote:

The inclusion of such a stipulation in the biblical codes stems from its theology. Man is truly meant to be free; debt-servitude represents an anomaly, and should be viewed only as an exigency, a temporary state of affairs. The slave's preference for servitude represents a rejection of the freedom he has been accorded by the Exodus; he must therefore declare his desire to remain in servitude “before God” (21:6).<sup>15</sup>

For Locke, Berman’s analysis of the issue is partially helpful. If Berman is correct, and Exodus was framing the Hebrew slave’s choice to reject

<sup>11</sup> Ibid., 273; *New Oxford Annotated Bible with Apocrypha*, Exodus 21:2.

<sup>12</sup> Locke, “Of Slavery,” 273.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Joshua A. Berman, “Egalitarianism and Assets: God the Economist,” in *Created Equal: How the Bible Broke with Ancient Political Thought*, (Oxford University Press, 2008), 105.

freedom and remain a slave pejoratively, the moral issue of despotic power is softened. However, Berman's argument has soft spots. Berman made a controversial choice by translating "*el ha-Elohim*" (Exodus 21:6) as "before God." By translating the word "*Elohim*" as "God," instead of by its alternative translation, "judges," Berman implicitly argued that piercing the slave's ear was a quasi-divine action, rather than merely a judicial one. If Berman was right, his interpretation would move this "abuse" from the purely interpersonal realm into a divine category. Then, it would presumably cease to be a significant issue for Locke, whose arguments against physical abuse in "Of Slavery" only referred to "superior powers on earth," a phrase clearly meant to exclude God.<sup>16</sup> But, the word's meaning is ambiguous.

Many traditional biblical commentators, like Ibn Ezra and Rashi, two eleventh-century titans of biblical exegesis, translated "*ha-Elohim*" by its alternate translation, "the judges." Ibn Ezra furthered his point that translating the word as "judges" makes more sense in context, since it was customary for judges of walled cities to sit in the gates of the city at doors that had bolts (which, he claimed, was why the practice involved a bolt and a doorpost).<sup>17</sup> This debate is one potential way to show that Locke mischaracterized slavery in Exodus 21, but there are plenty of commentators who supported Locke by translating "*ha-Elohim*" as "God." These commentaries crossed the ideological and religious spectrum, from Nahmanides,<sup>18</sup> a traditional biblical exegete steeped in the mystical tradition, to the aforementioned Berman, a contemporary Orthodox biblical scholar, to a litany of other (less theologically inclined) modern biblical critics.<sup>19</sup> Therefore, the issue of physical abuse in the form of forced ear piercing can be explained away sufficiently by couching it in divine terms, keeping Locke's fidelity to a version of the original intent of Exodus afloat.

One last category of protections for slaves that is mentioned in Exodus 21 are those for young women who were sold into servitude by their fathers. The question of why this morally objectionable practice was not altogether outlawed is a far more complex question than can be addressed here. That said, Exodus 21 did provide certain protections for the female slave, namely that she could not be subjected to slaveholders who did not give her the designated rights of a wife (food, clothing, conjugal status), and that "if she [did] not please her master," she had to be "redeemed."<sup>20</sup> But protections

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<sup>16</sup> Locke, "Of Slavery," p. 272.

<sup>17</sup> Rashi, Exodus 21:6; Ibn Ezra, Exodus 21:6.

<sup>18</sup> Nahmanides, "Exodus" in Commentary on the Torah by Ramban (Nahmanides), trans. Charles B. Chavel (New York: Shilo Pub. House, 1976), Exodus 21:6.

<sup>19</sup> Berman, "Egalitarianism and Assets: God the Economist" in *Created Equal: How the Bible Broke with Ancient Political Thought*, 105; Victor (Avigdor) Hurowitz, "Marking Slaves in the Bible in Light of Akkadian Sources," *Proceedings of the American Academy for Jewish Research* 58 (1992), 48.

<sup>20</sup> Exodus 21:8.

aside, Locke's theory of natural rights was irreconcilable with the fact that the female Hebrew slave had no say in being sold into slavery to begin with. This lack of agency was a clear violation of the "natural law," and would seem to be a prime example of Locke misusing Exodus and mischaracterizing its portrayal of slavery.

However, in a twisted manner, Locke escaped accusations of misusing Exodus by being misogynistic. In Locke's entire section of "Of Slavery," and in fact in all of *Second Treatise*, the figure in question is "a man." Some quick examples: Locke mentions "freedom of *men* under government," details how "one *man* comes to power over another," and situates his discussion of the state of nature by noting that he will first consider what "what state all *men* are naturally in."<sup>21</sup> So, the issue of Hebrew women being sold into slavery by their fathers actually does not represent a lapse in analytical rigor from Locke, though if Locke had explicitly shown awareness of the Exodus verses referencing women his grasp on the text would be more unimpeachable. Nonetheless, through his exclusion of the Exodus verses regarding the female Hebrew slave's rights, it is clear that when Locke used masculine language when discussing those who have "natural rights," he was staying true to the text of the Hebrew Bible, and (independently) referring exclusively to men.

While I have argued so far that Locke did not textually misuse Exodus in "Of Slavery," answering why he cited Exodus at all, as opposed to simply using a general example of this version of slavery, reveals much about Locke's religious and political ideologies. In the second half of the twentieth-century, there was a raging debate between several schools of academic thought regarding the extent to which Locke's philosophy relied upon theological underpinnings.<sup>22</sup> Leo Strauss, a German-Jewish neoconservative philosopher who consistently argued for a return to the ethics expressed in ancient texts like Plato, Aristotle, and notably, the Hebrew Bible, led one side of this debate.<sup>23</sup> With regards to Locke's theological motivations for citing biblical texts, Strauss argued that Locke actually wanted to counter reliance on religion, and that he wrote to a specific audience of readers who could understand that he aimed to establish a basis for society that was independent of religious revelation.<sup>24</sup> This strain of thought classified Locke's use of religious texts as "esotericism,"<sup>25</sup>

<sup>21</sup> Locke, *Second Treatise of Government*, 262, 264, 272.

<sup>22</sup> Yechiel Leiter, "The Hebraic Roots of John Locke's Doctrine of Charity," *Jewish Political Studies Review* 20, no. 3/4 (2008), 142.

<sup>23</sup> Martin J. Plax, "Strauss, Leo (1899–1973)," In *Culture Wars in America: An Encyclopedia of Issues, Viewpoints, and Voices* (Routledge, 2013), edited by Roger Chapman, and James Ciment, 2nd ed.

<sup>24</sup> Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1968); Leo Strauss, *Persecution and the Art of Writing*, (Glencoe: The Free Press, 1952).

<sup>25</sup> Egil Asprem, "Esotericism," In *The SAGE Encyclopedia of the Sociology of Religion* eds.

claiming that, because of the harsh political climate of seventeenth-century England, Locke used texts like Exodus to subtly reject them.<sup>26</sup>

For example, a potential esoteric reading of “Of Slavery,” would be that Locke’s reference to “slavery among the Jews” was meant to suggest that since Locke could place this version of slavery within his philosophical framework of the “state of nature,” it was not ordained by God. Alternatively, contemporary political theorists like John Dunn used more recently exposed versions of Locke’s writing to argue that Locke intended all of his biblical references (New Testament and the Hebrew Bible) to be taken as literal rhetorical arguments.<sup>27</sup> The choice to do so, however, implied that Locke’s writings were quasi-theological, rendering them irrelevant to secular contemporary political philosophy. Recently, other scholars have tried to solve this tension, but, despite some creative readings that neutralize part of this issue, they have still been unable to totally fit Locke’s use of religious texts into a single purposeful narrative that maps across his many writings and aligns with what is known about his life.<sup>28</sup>

One possible alternative reading could be to understand Locke’s biblical references from a political perspective, rather than a theological perspective. Focusing on Locke’s aforementioned reference to Exodus 21, one reason that Locke used a biblical reference here may be that as a knowledgeable (though maybe a questionably theologically passionate) reader of Exodus, Locke saw his life and the political fortunes of England in the late-seventeenth century as a reflection of the story of the Israelites in Exodus. Though this claim may seem fanciful, socio-political revolution movements, especially those with nationalist roots in Christian or Jewish contexts, have used the Exodus story as legitimization for their political systems since at least the seventeenth century. Examples include the Dutch Republic at the beginning of the seventeenth century, the American Revolution, the twentieth-century American civil rights movement, and, according to philosopher Michael Walzer,<sup>29</sup> the English Puritans of the 1640s, a group that Locke is closely associated with during his lifetime.<sup>30</sup>

Locke, like many other English Puritans at his time, likely saw his own exile from England (from which he returned just before writing *Second Treatise*) and the events of the Glorious Revolution as parallel to the exile and redemption of the Hebrews in Exodus.<sup>31</sup> Since Exodus 21 listed many

<sup>26</sup> Adam Possamai and Anthony J. Blasi (Sage UK, 2020); Leiter, “The Hebraic Roots of John Locke’s Doctrine of Charity,” 142.

<sup>27</sup> John Dunn, *The Political Thought of John Locke: An Historical Account of the Argument of the “Two Treatises of Government”* (London: Cambridge U.P., 1969).

<sup>28</sup> Leiter, “The Hebraic Roots of John Locke’s Doctrine of Charity,” 142.

<sup>29</sup> Michael Walzer, *Exodus and Revolution* (New York: Basic Books Publishers, 1985), 6.

<sup>30</sup> Lea Campos Boralevi, “Classical Foundational Myths of European Republicanism: The Jewish Commonwealth,” (Cambridge: Cambridge University Press, 2002), 249.

<sup>31</sup> Hayes, “Locke, John” in *Encyclopedia of Modern Political Thought*.

of the laws that the Hebrews used to govern themselves immediately after leaving Egypt, in light of the English Puritans' strong identification with the Exodus story, Locke's positive portrayal of "slavery among the Jews" may have been a political attempt to tie these laws to the aftermath of the Glorious Revolution, rather than a theologically motivated one.

Overall, we can say that in "Of Slavery" Locke used Exodus 21 honestly, even while noting his controversial translation. However, understanding Locke's motivation for using this text is much more difficult, as the two most common threads of analysis have focused on a theological motivation, characterizing Locke as either fully committed to the theological basis of the Hebrew Bible, or as an esotericist hiding his irreligious beliefs in convoluted rhetoric. In understanding Locke's use of religious texts primarily as a political statement about the Glorious Revolution, rather than as religious one, one avoids these extremes of analysis and places Locke within his own political context.

Despite the major changes in the political sway of religion from Exodus's time to Locke's time to now, the instinct to use the Hebrew Bible for justification of one's personal beliefs (philosophical or otherwise) continues.<sup>32</sup> Due to this persistence, understanding potential examples of this phenomenon that were foundational to the development of Western nation-states, like Locke's "Of Slavery," makes us more aware citizens, and also leads us to question our own use of ancient texts outside of their original contexts.

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<sup>32</sup> Jon Levenson, "On Confusing One's Own Views with the Bible's," *Mosaic*, accessed December 18, 2022, <https://mosaicmagazine.com/response/religion-holidays/2020/04/on-confusing-ones-own-views-with-the-bibles/>.