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Locke's Liberalism and Ideological Domination: A Critical Analysis of Locke's Concepts of
Property, Rationality, Law, and Democracy

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Abstract

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By Carlos Eduardo Paredes-Camacho

This project seeks to analyze critically the notion that Locke's civil society and state of nature are egalitarian and promote the greatest amount of freedom. The project seeks to critically analyze the associations, commitments, and contradictions of Locke's theory of property and rationality. Furthermore, the project seeks to use contemporary interdisciplinary methods such as sociological, economic, and psychological analysis to analyze, in a theoretical lens, the implications of Locke's theories and the underlying intellectual framework constructed by the philosopher. It will be argued that Locke's notion of property leads to inequality and that this development of inequality splits the peoples in the state of nature into two classes: laborers and landowners. From this, there follows a creation of certain actors as rational and industrious and an othering of the laborers as quarrelsome and contentious. It will be shown that this class schism leads to different rights and different rationalities that are constructed for the sake of creating civil society. Furthermore, through contemporary analysis it will be shown that Locke's liberal democracy, when establishing civil society, does not protect the rights of the dominated classes, but instead uses law, rationality, and inequality as a means of furthering the system of domination. The tensions developed by this system pose a threat to liberal democracy and this leads to more democratization which ultimately presents itself in critical mass as a crisis of populism. Populism is a critical junction that will determine the fate of the liberal democracy and whether or not the dominant structure in place will protect the rights of those it dominates or double down on their domination. The project calls into question the notions that Enlightenment thinking has produced freedom and instead argues that reason becomes a tool of domination

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“Palante, Siempre Palante!”

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Introduction: Enlightenment and Domination

The promise of Enlightenment was one of freedom and progress. It is with the use of reason in the age of Enlightenment that humans would harness and dominate nature around them so as to further emancipate themselves¹. This promise is held as the basis of many theories. Humans dominate and control nature around them so as to improve their standings and conditions. But Enlightenment has brought with it not only the domination of nature, but of humans as well. One figure who was prominent in developing the economic and political thought of the Enlightenment is philosopher and political theorist John Locke. His theory of property and the state's responsibility in its protection forms one of the most important aspects not only of Enlightenment thought, but liberal thought as well. It is the significance of Enlightenment's vision which led Theodor Adorno and Max Horkheimer to question the project of Enlightenment as one that produces freedom. In this same vein, one questions whether liberalism's promise of human freedom and emancipation is being fulfilled. I will argue that Locke's liberalism, rather than producing human freedom, produces the domination of the other; the rule of law serves and arises from instances of domination, the idea of property and its protection give rise to inequality in the state of nature and creates a class society; from these class differences there arises a difference in rationality and epistemological systems to justify the division—these forms of domination lead to an inequality that threatens any liberal democracy by its production of tensions and continued domination. Locke's liberalism gives rise to its own self-correction or demise by way of populism and further inclusion in the liberal democracy.

¹ For a further analysis of Enlightenment's domination, see Theodor Adorno and Max Horkheimer's *The Dialectic of Enlightenment*.

First one must question the significance of these theories and whether there is a need to question the emancipating principles of the Enlightenment. Have these notions of property given rise to the spread of Enlightenment values? Sociologist Immanuel Wallerstein, in his book *European Universalism: The Rhetoric of Power*, argues that “The history of the modern world-system has been in large part a history of the expansion of European states and peoples into the rest of the world” (Wallerstein 1). The thought of Enlightenment values has been spread across the globe through capitalism, colonialism, and slavery.

Indeed, the same justification for this expansion is the promise of the Enlightenment: “Those who have led and profited most from this expansion have presented it to themselves and the world as justified on the grounds of the greater good that such an expansion has had for the world’s population” (Wallerstein 1). The horrible practices made possible and committed by Enlightenment thinking are justified at large as providing economic progress, civil liberties, and a wealth of freedom.

But there is a further issue with these ideas. Enlightenment thinking is not merely one way of thought. It believes it has universal truth. Typically, this takes the form of a normative view of progress whereby people can reflect on previous conditions and contend that European Enlightenment brought civilization to the uncivilized, freedom to the unfree, Enlightenment to the unenlightened, and “All of these words have been interpreted as expressions of universal values, encrusted in what is often called natural law” (Wallerstein 1). Indeed, the thinking of Enlightenment claims that it is so universal that its laws are natural in every place and instance.

It is this portion which makes us take issue with Locke’s work. Locke’s theories provide unabashed justifications for inequality and othering. His introduction of money destroys the stability of his state of nature and begins its path towards domination. It is with this inequality

that class differences and tensions begin to rise. From this class difference arises the difference in reason arises. Those who are rational are the propertied capable of carrying out the appropriating commands of reason. This inequality gives rise to a civil society to protect this inequality. But law after this development and establishing of civil society serves rather than amends the system of domination. Laws application is unequal and contingent on differences between individuals. Finally, the system is in danger of reaching a critical mass whereby the forms of domination require the granting of more and more privileges to the dominated groups. The freedom of the dominator gives way to the unfreedom of the dominated; but the continued domination gives way to populism which will either free the dominated or serve as the downfall of civil-society.

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“Every positive, substantially elaborated doctrine of natural law leads to antinomies, and yet it is the idea of natural law which critically maintains the untruth of positive law”

(Adorno, 1973, p. 310)

The Law of the Land

Locke’s political theory makes one focal claim: “The great chief end, therefore, of men’s uniting into common-wealths, and putting themselves under government, is the preservation of their property” (Locke 66). From this quote, Locke establishes a teleology, the final function the civil-society must serve—civil-society must preserve property. When people contract, they do so above all to preserve property. For this purpose of property preservation, tools and structures must be created. One key structure is law. This sets about two conclusions: first and foremost is that those who contract must have an interest in preserving a property of some form, whether of an estate or in the sense of personal property, liberties and rights; secondly, it sets a certain standard for what is and is not considered a commonwealth. If Locke’s political society protects property, and this, according to Locke, is what a political society ought to do, then he can disavow other political systems that don’t place property at the center. I will argue that Locke’s idea of unlimited appropriation, which tends to increase wealth and productivity in a given society, leads not only to an increase in wealth and productivity in a society, but it also leads to an increase in law; the law, I will show, does not apply equally, and therefore the paper will show that the liberal rule of law—the notion that law is applied impartially regardless of socio-economic factors—never has existed in actuality; instead the increase in wealth only leads to an increase in law which leads to a stronger central government and serves to dominate those of lower ranks through the work of sociologist Donald Black.

Donald Black provides an interesting insight into the application of law. Law, Black argues “varies with the ranks of these people (the people in a given society), their integration into social life, their intimacy with each other, their conventionality, memberships, and reputations” (Black 12). Black is saying that, contrary to the traditional liberal ideal of equal rule of law, the law is, in fact, not impartial. He does, in fact, argue that the law and its application is contingent on social relations. One can see that in any given society each person will have different ranks and aspects of their social life. Law, in its application, varies regarding the level of rank that person occupies in their given society. So, a farmer, for example, commanding lower social prestige and wealth than a landlord, might be unable to receive just legal compensation if wronged by the landlord.

The law, it's quantity, as described currently, tends to favor property and propertied people; it applies less to them. The social settings and situations in which the law is applied matters, as well as the status of those who are having law, applied to them. Black states “It has long been recognized, for example, that wealthier people have a legal advantage” (Black 12). But this is not an advantage in the typical sense, where the wealthier individual has access to better legal representation—though this does constitute one of the many ways there is inequity in the application of law. In fact, the advantage is in the way law is applied to wealthier individuals. Fredrich Engels makes precisely the same sort of statement when he argues in his work *The Origin of Family, Private Property, and State*: “In most of the historical states, the rights of citizens are, besides, apportioned according to their wealth, thus directly expressing the fact that the state is an organization of the possessing class for its protection against the non-possessing class” (Marx and Engels 754). Here, Black cites and echoes Engels statement about the nature of states and wealth by arguing, similarly, that the legal advantage is possessed by the wealthy.

Black poses first that law is stratified. Black measures and defines stratification “by the difference in wealth, on the average, between each person or group and every other, and also by the difference between the lowest and the highest among them, or the height of distribution” (Black 13). Law, then, increases, as stratification does. Which means that indigenous societies, which are deeply egalitarian, don’t have much law. There is very little stratification, so there is very little quantity of law applied. Black uses the example of bands and tribes “such as the Eskimos and Plains Indians of North America, the Jibarios of Equador and Per, the Ifugao of the Philippines, the Nuer of Sudan, and the Tiv of Nigeria” (Black 13).

Political Scientist Francis Fukuyama provides an interesting look at the way that political organization developed and existed in the Melanesian societies in Papua New Guinea. The wantoks of New Guinea are one such example of a society that is significantly less hierarchical. The leader of them is the “Big Man.” As Fukuyama notes, however, this title is not a birthright nor one that can be inherited (Fukuyama xi). Rather, the title of Big Man is given to those who most effectively earn the trust of the community and distribute resources most efficiently. If the Big Man cannot distribute wealth, then their authority will soon be lost to someone who can. This might differ quite strongly from systems where say, a person serves for life. The system is less hierarchical and more rooted in customary acceptance.

This is not, however, limited solely to indigenous populations. The Celtic, Germanic, and Scottish tribes of Europe used to organize in this way as did tribes and chiefdoms in Africa and Asia. But, as societies changed, modernize, and “as traditional modes of production and distribution disappear, inequality proliferates across the world and law increases in every way” (Black 15). As societies shift and change through further stratification in resource distribution—

the way that wealth is distributed and the organization of labor and methods of production— inequality increases and so does law.

Rights and the presentation and execution of them are consistently ignored or denigrated based on the wealth of the individuals. An example of this is Ethan Couch, a minor convicted on four cases of manslaughter after he stole beer, as a minor, and then went driving while under the influence, which resulted in the death of four people. He originally received 10 years of parole but broke his parole when, as a minor, he attended a party where alcohol was served, a violation of his parole. After this, he and his mother attempted to flee the country with false identities but were apprehended. Ethan's drunken behavior caused the death of four people, he then broke his parole and attempted to flee the country. Ethan only received three years of prison time. Many cite this as a case of legal inequality because many believe that Ethan Couch's family wealth and rank within the social order afforded him privilege. Martha Neil of the American Bar Association journal argues that: "Although the judge said the youth lacked parental attention and guidance, despite his family's material wealth, critics say he is benefiting unfairly from the family's ability to pay for a top legal defense and private rehabilitation" (Neil). The family was able to provide an alternative to prison time by their willingness and capacity to pay for rehabilitation. So great is the power of wealth that the term Affluenza, described as a psychological condition whereby wealthier people develop different psychological profiles, was used to argue that Ethan Couch needed psychological help rather than prison time.

There is another equally famous case between the rank differences of gender and how the role of one's gender also influences the application of law. Brock Turner, sexually assaulting an unconscious woman with a foreign object to the testimony of two other individuals: "A jury, however, found him guilty of assault with intent to commit rape, sexual penetration of an

intoxicated person with a foreign object and sexual penetration of an unconscious person with a foreign object” (Ortiz, 2018). His family, in response, hired a powerful attorney. Their wealth played a key role in the way that law was applied to Brock. The issue here, however, is also one of gender and the way that gender plays a role in this application. Because Brock victimized someone of a lower rank, as did Ethan Couch, there is little to no repercussion that he might need to worry about. The judge’s rationale, in fact, for not sentencing Brock to a sterner sentence was so as to not endanger his bright future. Turner was released three months early of his six-month sentence.

Philosopher and organizer Angela Davis alludes to how some gains that seem to benefit members of a lower rank actually are created “In the United States and other capitalist countries, rape laws as a rule were framed originally for the protection of men of the upper classes, whose daughters and wives might be assaulted. What happens to working-class women has usually been of little concern to the courts; as a result, remarkably few white men have been prosecuted for the sexual violence they have inflicted on these women” (Davis, 1983, p. 172). Here Davis alludes precisely to the point made in this chapter; namely that laws when established tend to benefit those of higher rank even when appearing to benefit those of lower rank. She also calls into question the notion, quite rightly, that white men might face jail time for the sexual assault of working-class women.

Such an argument can be seen antithetically applied to others of a lower rank due to their race. Frequently, in criminal cases, black men are not afforded the same rationale for their innocence or legal leniency. Instead of looking at people from their future potential, as the judge argues he did for Brock, we see that even though Brock showed a lapse in his morality,

rationality, and self-control, this action is not sufficient to make it so that one could conclude that he is not going to be a productive member of society.

The inverse is true with victims of lower rank due to their wealth, race, or gender. Consider how one action is often sufficient for a black person to receive a harsh sentence with even less evidence. This was the case of the Central Park Five, a group of young black men who were accused of sexually assaulting a woman but were later exonerated when no evidence was found against them. But this did not stop people from calling for their death; the now 45th President of the United States, Donald Trump even went so far as to offer a bounty on these young boys (Laughland).

One might be able to explain the differences in the application of law because of rank. But this poses a more serious issue as to how one conceives of the potential for rank. It seems that Turner's rank, a predictor of his future success, was sufficient to argue for his continued success. The way that law applies to those of lower rank is indicative of how people conceive of the potential of another person by way of their rank. Those of lower rank, such as the Central Park Five, were sentenced to a social death whereby their guilt was conceived and accepted before evidence could arise to establish it. The rank of an individual seems to often be justified by these perspectives that make lawlessness something inherent to people of a certain rank or people who have a significant modifier in this rank—race, gender, economic status—have lawlessness made a part of their rank. It is a justification for a more ruthless application of law.

It has been established here, that as stratification increases, so does law. This means that the more unequal and inegalitarian a society is, the more the quantity of law in that society. Law is still less amongst equal societies and communities “There is less law around neighbors,

colleagues, friends—less wherever people are more equal” (Black 15). But more law is applied to individual depending on the inequalities of their status.

Before entering a further analysis of Black’s theory, it will be useful to explain a central concept further: rank and stratification. Stratification occurs not merely at the level of wealth but can also solidify certain conditions. Chiefly, stratification institutionalizes certain inequalities and begins to rank others in a hierarchy. Here, one meets rank. Rank, once stratification has been established, whether upon racial, economic, or linguistic systems, sees rank taking shape. Rank determines one’s location within the hierarchy. We can see examples of stratification assigning ranks all over the world, such as the Caste system in India which broke people into certain social classes and created ranks for each. For example, the Brahmins, priests, were at the top, followed by the Kshatriyas, the rulers, warriors, and administrators, then there were the Vaishyas, the merchants, and the lowest ranked, the Shudras, the laborers. This is just one of the many systems that stratification develops and how it then creates ranks in relation to the stratified system. This system is not rooted in wealth, but not every stratified system needs to root itself in wealth. Though wealth is a huge factor, as it has been shown, stratified systems can arise where rank is determined divinely based on the will of the Gods as with the caste system, or on the divine-right of the king to divide estates into nobles, clergy, and peasants—the feudal system.

Black’s framework provides another exquisite insight into the machinations of the law when he introduces the concept of “vertical location.” Black says that “If people have uneven distribution of wealth among themselves, or stratification, each person or group is higher or lower in relation to others” (Black 16). Ranks, or vertical statuses, arise as inequalities develop. There are differing vertical ranks in relation to people. There is a sort of hierarchy that begins to develop as there is more stratification. If there is an unequal distribution of some sort of wealth,

then there is also unequal access to it. Black uses the example of credit; if someone lives in a stratified society and is of lower rank in relation to the higher ranks within the given society, then they will have less access to certain goods. Consider how difficult it is for a poor, part-time worker to receive a loan for a small business, but how much easier it may be for a wealthy entrepreneur to receive a loan.

This brings us to yet another of Black's excellent points: "law varies with rank" (Black 17). People who are poorer, and therefore of a lower rank, have not only less access to law, but they even have less access to less law amongst themselves. Consider the following example, two African-American individuals get into a fight and they hurt one another they were less likely to have any law applied to them. But if there is a scuffle between two whites, they may be willing to bring the law, since they tended to rank higher than African-Americans due to restrictive black codes, and other structural issues, that target African-Americans. The key distinction to be noted is their difference in rank. African Americans occupied lower ranks within a given society based upon a combination of racial and economic issues the closer in ranks two individuals are the less likely they are to use law and the less likely they are to even have access to it. This is not to say that race and wealth is the only factor at play, but instead, suggest that those of lower rank will have less access to the law. The example denotes one instance whereby a structural factor that determines rank, namely race, plays a role in the application of law.

The power of law is so absolute that law, then, even reduces people to the status of property. Black points to serfs, African slavery, and in some societies, women and children were also property. People reduced to property do not have access to law "But this does not mean that law has nothing to do with him." Rather, "like other property, he may be protected against theft, injury, and other offenses" (Black 19). As a matter of fact, if the person now reduced to property

were to commit a crime, more often than not their owner is the one responsible for their crime. Thus, there is a potential reduction or elimination of human autonomy by their reduction to property through law.

Even the total wealth of a society predicts the quantity of law in a society (Black 20). Black provides the example of chiefs who actually gained more power from the productivity of their respective tribes. This means that as wealth in a society increases, it creates more social stratification and then more law enters the scene. This is seen in Polynesian societies where “the chief’s authority increased with the productivity of the society as a whole” (Black 21). This led to an increase in the central authority of the government.

One can also see the argument put in simpler terms with examples of new economic boons requiring regulation. For example, Historian Sven Beckert noted that the success of industrialization and increased globalization “required a lopsided distribution of power that allowed statesmen and capitalists to dominate the lives of individuals and families in ways that still eluded elites in much of Asia and Africa” (Beckert 180). Historically, the process of industrialization required laws to ensure that people were made to work. The command of organized labor and the necessity to control it necessitated the development of more power and the greater control of greater numbers of people. Beckert notes that the “discipline was maintained through petty fines and forced forfeiture of contracts” (Beckert 178) ... The law was a tool of social control that made industrialization possible. As the potential for new wealth in any society increased, law rose to meet it and regulate it.

The organization of labor, historically, is one that took a tremendous amount of control and organization. Indeed, one sees that the function of machinery and industrialization structures and guides human labor. It seems like an odd thing to point since “Most of us make a living by

selling our labor for a certain number of hours a day; with the result—our paycheck—we purchase the things we need. And we also take for granted that machines set the pace for human activity” (Beckert, 2015). Liberty is in certain ways restricted. Machines guide, determine, and organize much of human life. The station where workers clock in is just one example. It determines when the worker should clock in and clock out. It develops an organization of life that did not exist in much the same way before the industrial revolution.

Economist Robert J. Gordon of Northwestern University developed an expansive view of the industrial system and its method for mobilizing labor in his book *The Rise and Fall of American Growth*. In it, he develops a wide history of the United States economy and describes the sentiments of workers towards the wage system. Most craftsmen hated the imposition of industrialization and “As had occurred a few decades earlier in England, skilled craftsmen resented the incursion of the machine and, with it, the regimentation of factory life” (Gordon, 2016). The changing conditions of labor themselves give ways to new methods of control and orientation that dictate humans and control their labor. Industrialization created a new way of living and a life that was not fully autonomous but placed individuals under alien powers as their lives were organized by their labor.

With regards to Locke’s theories, in the state of nature—the hypothetical pre-political condition of human beings—there is a limit as to what one may appropriate for themselves; this limit is set in place by natural law. People can reason that they should not appropriate more for themselves than they can use because it will soon spoil. How then does Locke get from this state of nature to a civil society where the appropriation of property is the chief goal of the society?

Locke must first create a way to remove such a limit. Political theorist CB Macpherson in his book *The political theory of possessive individualism* notes that Locke removes this limit on the appropriation of labor by way of money². Locke states:

“But since gold and silver, being little useful to the life of man in proportion to food, raiment, and carriage, has its value only from the consent of men, whereof labour yet makes, in great part, the measure, it is plain, that men have agreed to a disproportionate and unequal possession of the earth, they having, by a tacit and voluntary consent, found out, a way how a man may fairly possess more land than he himself can use the product of, by receiving in exchange for the overplus gold and silver, which may be hoarded up without injury to any one; these metals not spoiling or decaying in the hands of the possessor” (Locke 29).

Locke claims that since gold and silver cannot spoil, as food and other perishables do, and because they are scarce, then the metals may be justly hoarded in the hands of the possessor because such holding of wealth does not violate natural law. This is one of the first tacit acceptances of inequality. Those that have the capacity to appropriate more land have more gold and will, in turn, create more wealth and property for themselves. These propertied individuals will also pay others to work their land and create more money by which they can reproduce the process over and over thus creating greater levels of productivity.

Locke, however, sees this as a perfectly good ordeal. Indeed, Locke argues that the appropriation of land creates more productivity, and “he who appropriates land to himself by his labour, does not lessen, but increase the common stock of mankind” (Locke 23) ... Locke

² This introduction of money might be legitimately considered the birth of capital in Locke’s state of nature. “But we have no need to refer to the origin of capital in order to discover that the first form of appearance of capital is money” (Marx, Karl Marx: A Reader, 1999, p. 81). Through the development of ensuing money relations, money becomes capital.

believes that those who appropriate more and more land through gold and silver actually do a service to humans. He claims that those who concentrate more and more property, who appropriate it, are not only justified in doing so; they are improving the whole of humankind's condition. He also adds that so long as there is enough left for others than all is well. Locke develops a justification for unlimited appropriation, and he has provided a moral justification for its increase. Consider how when one kills a wild pig, they may be killing a sow who could produce more and more pigs for consumption, but, if one were to fence off a pig and breed it, then they will have increased productivity in a way that they would not have been able to do had they merely hunted it, killed it, and then consumed it.

Locke has created, in his state of nature, a quasi-commercial economy enforced not by state law and authority but by a natural law that allows people to enter into morally binding agreements of labor and work; this economy is made possible through the introduction of gold or silver—currency. Thus, once more and more land is appropriated by those who have the means—wealth in the form of gold and silver—there is a greater concentration of wealth in the hands of those who can utilize gold, since they must also be able to profit from the agreement and would not pay the laborer their full value of labor.

In the state of nature, then we have seen that there is already a tacit consent to inequality through the introduction of money. Those who have created tremendous estates through the appropriation of property have created a lack of land for others to use, and they have therefore made those who are now unable to take advantage of the once free and communal conditions of the earth because so much of it has now been appropriated.

This, then, is one of the first needs for civil society. Though Locke's system creates a moral law to obey, there is no one to enforce it effectively. So, for example, if I were a

disgruntled laborer who wanted to kill one of these property owners and take their property, there would not be any positive law, law developed through the institutions or legislators of civil-society, preventing me from doing so. So, there is still an unsafe possession of property in the state of nature. Furthermore, there would be no judge to enforce or adjudicate such a contract in the first place; there is no judge to decide who has had their rights to property violated.

This is one of the reasons the first thing wanting is “an established, settled, known law” (Locke 66). The second desire is to an indifferent judge, because humans are too hot headed and are often partial to themselves. The third cause is the desire to have an enforcer of this law; a power to support the execution of the law. All of these have been shown to only have arisen through inequality or stratification of the societies. Locke believes that individuals must leave this community is due to “the corruption and viciousness of degenerate men” (Locke 67). These degenerate humans give rise to the need for the establishment of civil society. The conditions in the state of nature make enforcing something like a sentence to death for murder something which might be impossible to impose.

Locke does, however, lay out what is to be done for those who commit murder in the state of nature. In the chapter titled “Of the State of War” Locke lays out the necessary punishments prescribed by natural law against murderers. Here, those who do harm to someone else, as in the case of a disgruntled laborer, is to be dealt with when they might perhaps make plans to injure the landowner. In this case, the laborer might be looked upon as someone who has made themselves a threat and “threatens me with destruction” ... (Locke 14). But one might wonder if the laborer is justified in such a practice. As MacPherson has shown, the workers are under the alien power of the landowners in Locke’s state of nature. Locke explicitly states, “that he who attempts to get another man into his absolute power, does thereby put himself into a state

of war with him” ... (Locke 14). It has been shown, then, simultaneously, that the quasi-economy in Locke’s state of nature produces tensions where the landowner seeks to put the laborer under their absolute power³. The laborer is not capable of true freedom. The state of nature is therefore always a state of war by such a definition; furthermore, if the worker is put under the power of the landowner by their dependency they are having their natural rights violated. The laborer’s livelihood is made worse by the continual use of their labor not for their own benefit, but for the benefit of the landowner.

As productivity increases so does law. This was discussed earlier through Black’s legal framework. Locke’s appropriation of land is intended to increase productivity in the long run as Macpherson says: “Private appropriation, in this way, actually increases the amount that is left for others (through an increase in productivity and increased output). No doubt at some point, there is no longer as much left for others” (Macpherson 212). Through this continual accumulation, there is then, eventually, nothing left to be appropriated by others. So, those that are now unable to appropriate their own lands must be reduced to laborers or transgress the natural law in the state of nature. This means the state of nature becomes stratified by the introduction of money.

Locke makes a similar sort of argument about the development of society and the development of its laws: “But as families increased, and industry enlarged their stocks, their possessions enlarged with the need of them; but yet it was commonly without any fixed property in the ground they made use of, till they incorporated, settled themselves together, and built cities; and then, by consent, they came in time, to set out the bounds of their distinct territories,

³ Karl Marx makes a similar point when says: “Each tries to establish over the other an *alien* power” (Marx & Engels, *The Marx-Engels Reader*, 1978, p. 93).

and agree on limits between them and their neighbours; and by laws within themselves, settled the properties of those of the same society” (Locke, 1980, p. 24)... Locke’s notion of how a society develops centers on the development of its economic conditions. Industry enlarged the holdings of the families in question. Industry here is the labor and appropriation of their labor. But the property itself was not fixed to the land; it did not have a property within it. The rampant need to control the rising development—settling together, incorporating communities, and building cities—all such developed societies settle, by laws within themselves, the properties of the same members of the society. The law cements the development of civil society and industry. It hides the contradictory claims to life, liberty, and property that do not fall into the hands of those who are not landed. Positive law hides the contradictions of natural laws and masks their inequitable application and inclusion. It was shown that even before the establishment of such a society, laborers already had their rights violated. With the development of positive law, made possible by the subduing of their labor and the resulting industry, it has cemented the positions of inequality. It makes inequality natural and positive.

The law, however, in the state of nature cannot increase, because there is no authority by which to create or increase law. So, the propertied must create a system by which to assure they can maintain their vast estates. From the beginning, then, the state of nature that necessarily leads to the social contract begins from an unequal position; there is already unequal accumulation in the state of nature, because of money. Therefore, those who are propertied are the ones who will contract. The difficulty in the enforcement of natural law is, in fact, the reason for which positive law must come into existence. C.B Macpherson agrees that these individuals contract because they want to ensure that the natural law is in some way enforceable: “This main difficulty of enforcement is the reason Locke finds for men moving to the second level of consent (the social

contract) and entering civil society” (Macpherson 210). It is the difficulty in enforcing the judgments of natural law and their need for an authority endowed to make such a decision and to punish those who commit this crime.

The laborers, who are not the one’s contracting under favorable and fair terms, must agree to the establishment of civil society, and to the yoke of positive law, because they must consent to its laws and rules in order to be able to subsist, since nearly all the property has been appropriated when civil society is established and is removed from the free state of nature where one can freely consume that which they find and use. Property is cemented through positive law.

Locke’s notion of tacit consent, here, is the chain that most effectively binds the worker to the conditions of civil society⁴: “And to this I say that every man, that hath any possession, or enjoyment, of any part of the dominions of any government, doth thereby give his tacit consent, and is as far forth obliged to obedience to the laws of that government” (Locke 64). The qualification in this statement is telling. One must bear every burden of the society they inhabit, regardless of how little they may benefit from it. When Locke uses the word any, it does not provide a qualifier for the degree of benefit and enjoyment one must adhere to. Rather, they are bound to observe the laws regardless of the oppressive nature. One might consider the way that racist voting laws prevented African-Americans in the southern states from voting. Under the issue of tacit consent, they are obligated to observe the laws regardless of how little the benefit is. As Locke said, the adherence to the law of the country one inhabits is generally absolute and “This holds, whether the land is the owned property of himself and his heirs forever, or he only lodges on it for a week. It holds indeed if he is only travelling freely on the highway; and in

⁴ It is important to note that the worker would likely not be part of Locke’s “people” those who wield the sovereign power when they contract.

effect it holds as long as he is merely in the territories of the government in question” (Locke 64).

The worker in the state of nature would not want to establish a civil society that would cement their conditions. They are instead workers who, because of the continual appropriation of property, no longer have any way to appropriate any for themselves. The social contract begins then from Locke’s original teleological position: “The great chief end, therefore, of men’s uniting into common-wealths, and putting themselves under government, is the preservation of their property” (Locke 66).

Jean Jacques Rosseau, proposed an idea as to why people might want to contract unfavorably. He says, about the establishment of a political society and how laws relate to it in when he said: “All ran to meet their chains thinking they secured their freedom, for although they had enough reason to feel the advantages of a political establishment, they did not have enough experience to foresee its dangers” (Rousseau 159-160). Rather than knowingly contracting under fair conditions, those who were the most vulnerable in the state of nature ran towards the chains of political establishment under the guise that they would be better served by this establishment. One can see how such a notion might appeal to a worker, whom, under the alien and arbitrary power of the landowner and under the guise of a better, more resounding possibility of rights, was made to believe that the establishment of political society would be to their benefit. Here, the workers ran towards their own oppression. Once laws are made manifest in this political establishment, we see the establishment of a society that will use law as a tool of social control— for example giving way to industrialization requiring a system of fines and contracts enforceable by courts and Black’s theory of law showing that law has a far heavier burden on those with lower rank: power, wealth, and social prestige. The establishment of

political society, as Rousseau has claimed, was a great rouse developed for further tying laborers and chaining them to their meager, wretched conditions.

We see an example of a great rouse and the failure to protect rights equally with the English revolutions of the 17th century which historian Howard Zinn notes: “brought representative government and opened up discussions of democracy” (Zinn 74). But this development in democracy did not come to the benefit of the masses, rather, it established a change in the government that granted a greater benefit to the people of property this because “The kind of arbitrary taxation that threatened the security of property was overthrown, monopolies were ended to give more free reign to business, and sea power began to be used for an imperial policy abroad, including the conquest of Ireland” (Zinn 74). Historian Christian Hill also noted that parliamentary government gave a greater benefit to men of property (Zinn 74). Political movements that sought equality were quashed by the revolution.

Howard Zinn also makes clear who “the people” were in this revolution. He states that “One can see the reality of Locke’s nice phrases about representative government in the class divisions and conflicts in England that followed the Revolution that Locke supported” (Zinn 74). The following years saw many class conflicts from laborers who were paid meager wages and could afford to scarcely feed themselves. Initially, one might think that the freedom of the people is being violated in that they are subjected to restrictive conditions, they are under the control of an alien power for the very need to sustain themselves because they cannot buy bread which endangers their very life. But, Zinn notes that the people who fell under Locke’s notion of people, of those who are sovereign and those that society exists for, were not workers. Instead, a member of the English Parliament expounded precisely, Zinn argues, exactly who the “people” refers to and he does not ‘mean the mob.... I mean the middling people of England, the

manufacturer, the yeoman, the merchant, the country gentleman...’ (Zinn 74). These positions are all those of landed individuals or individuals who possess some measure of inequality over the “mob.”

Furthermore, one need not hypothesize about the sort of society Locke would have created if given the chance. Historians Howard Zinn and Nancy Isenberg have both painted exquisite sketches of what Locke’s constitution for the Carolinas looked like. According to Zinn “Locke’s constitution set up a feudal-type aristocracy, in which eight barons would own 40 percent of the colony’s land, and only a baron could be governor” (Zinn, 2015, p. 47). According to Isenberg “The fundamental constitutions did more than endorse slavery. It was a manifesto producing a semi-feudalistic and wholly aristocratic society” (Isenberg, 2016, p. 44). According to Isenberg, the ruling body was composed of the eight barons and had complete veto power over laws. The grand council that was run by the local nobility and proprietors; the impoverished masses had no say in this government. Isenberg states that “the constitution made clear that power rested at the top and that every effort had been made to ‘avoid erecting a numerous democracy’” (Isenberg, 2016, p. 44).

The notion that law is used as social control was also evident from Locke’s “court of heraldry...added to this strange brew: in overseeing marriages and maintaining pedigree, it provided further evidence of the intention to fix (and police) class identity” (Isenberg 45). Here we see rank being reinforced by law in Locke’s own desired society. But this is the mere iceberg of Locke’s use of law to maintain domination. Locke attempted to make class quite literally hereditary. His invention was the ‘Leet-men’ (Isenberg 45). Leet-men “were encouraged to marry and have children but were tied to the land and to their lord. They could be leased and hired out to others, but they could not leave their lord’s service...The heirs of estates inherited

not land, buildings, and belongings, but the hapless Leet-men as well” (Isenberg 45). Locke intended to use law to reduce people to mere property that could be passed down and inherited. It is no surprise that Locke would suggest such a system given his contempt for the poor. Locke saw the Leet-men as a solution to poverty by making them “a permanent and potentially productive peasant class—yet definitely an underclass” (Isenberg 45). Poor people were moral failures for Locke. They would have to be made industrious and productive.

Locke’s handwriting is also found in amending certain laws over Africans. Locke wrote that not only should slave owners have not only absolute power over their slaves, but they should also have ‘absolute power and authority’ (Robert Bernacosi, 2019). Locke used law to reduce others to property and to grant people absolute power and authority. This absolute power and authority translates to power over the life and death of the slave. At every turn, the natural rights of the “negro slave” are violated in the constitution of the Carolinas.

The initial thesis, then, is now confirmed. The propertied are the ones who establish a civil society. As productivity increases, so must the need for a government and a civil society that can support the existing inequality in the state of nature. But without a central authority to enforce and decide that certain agreements have been transgressed, then the state of nature, and the fragile quasi-economy enforced only by natural law, is also constantly under threat of collapse due to the existing instability from inequalities.

This civil society, by Locke’s own logic, has cemented the appropriate and optimal use of land because so much of it has been appropriated for the improvement and increased development of productivity must also lead to an increase in law, as Black noted. Macpherson confirms that the reason for the development of civil society is to ensure that natural law is not transgressed, and if it is transgressed, that the prevailing authorities will correct the

transgressions. Positive law arises, in the civil societies whose teleology is to preserve property, to ensure that the inequalities in the state of nature are not transgressed but are preserved and increased. The terrifying conclusion, which can be drawn when we use Black's framework, is that as Locke's society increases in productivity because the unequal productive forces have been solidified by society, then positive law must also increase, which, as stated previously, is developed through Locke's theory to preserve inequality established first by the invention of money and appropriation of property in the state of nature, and then to develop more and more law as the productivity increase from the exertion of positive law on the non-proprietary. Law will continue, then, to apply more harshly to those that are not proprietary, and it will increase as productivity does. Law is not intended to correct injustices, but rather to preserve them; this preservation occurs through the apparatus of law.

The conclusion that can be drawn conclusively from this is as follows: Locke's political theory lays the moral and economic grounds for increased development in civil society. Following from Locke's own logic, the productivity of any given state, whether in civil-society or not, leads to stratification, therefore it leads to the allocation of goods more concentrated in the hands of others. This means that as wealth is bound to increase, the need for positive law, and the strength of the landowners in the state of nature already sees the forming of stratification that gives way to more inequality and therefore law. Once civil-society is to be established, there are already inklings of inequality and a strong tendency towards domination, which can be defined as the subjugation of a certain group for the maintenance of another.

Real world institutions arise based on the necessity to obtain labor from others and reproduce the daily conditions of the world and the given society (Althusser). The authority of the governing body now increased, it can now exert the influence of law even further as system

that penalizes and rewards. Institutions of immensely complex organization are now made possible. To conceptualize this in concrete terms, one can conceive of the prison industrial complex. With regards to the prison systems origin in American law, Professor Lawrence M. Friedman said, “It was expected, above all, either to earn profit or at least leave the tax burden light” (Friedman 462). The prisons system was conceived of in order to generate profit. It had to denigrate individuals and necessitates conditions where there can be punishable crimes. Inequality creates a systemic effect that relies on institutions to reproduce these inequalities.

When colonial legislatures “began in the 1650’s to systematically define residents by color and lineage” (Blackmon). The intentions of the legislature were to create a system that would place slave labor as the chief economic constructor of the colonies and to create a sort of rationalization for excluding Africans from “European” notions of human rights by removing their humanity. This was done by counting anyone who had a droplet of Indian or African blood as a literal non-human; a non-white and sub person (Blackmon 40-41). In this instance the positive law provided a sort of right for dehumanizing non-whites. Positive law exerted its influence and found justification through forms of natural racism.

The inferiority of non-whites in American legal systems was to be taken as both natural and positive. Such an argument is once again buttressed by Friedman’s analysis of American legal systems: “Control of sin had certainly been a factor in all of the blue laws of the seventeenth century. Servant codes and slave law were aimed at sin, too; and also had the job of keeping social lines distinct, maintaining order in the lower ranks” (Friedman 36). Indeed, Black’s theory is upheld by Friedman’s analysis of slave and servitude laws. One of the important uses of laws, and of this law in particular, is to socially organize and maintain ranks. The law ensures a rigidity to the social order by bearing down more stridently at the bottom and

acting leniently with those of higher rank. Since the law exists to preserve the ranks within a given society, then it expressly benefits those of a higher rank and therefore ensures the reproduction of their ranks and the reification, or static nature of the rank system. The law prevents a dynamic organization of rank. By its notion of controlling sin, the law rooted itself in a place of natural organization. It purports not to act positively, but to be a machine guided by the natural law itself.

Civil society, now assuring the safety of property, but failing to fight against the continual unlimited appropriation of wealth, will tend towards an enforced monopoly of land. From Locke's own logic, the wealth of society will increase as more and more people appropriate to increase the productive powers of all that can be appropriated. This means that law will continually increase as the apparatus of law rises more and more to meet economic development, thus showing from Black's original idea that Locke has developed a state that will only increase in power as it preserves property. Law, as has been shown, favors those of greater vertical location, those who have more wealth and are in general of a higher rank. So, the quantity of domination rises as law does as well as the poverty increases from the lack of capital that is now situated in the hands of fewer and fewer people; this means that as law increases it will be more and more applied to the poorest members of this civil society. Therefore, economic development leads to the increase of law, which leads to an increase in domination—the exploitation of one group for the benefit of another. In Locke's society, the quantity of all these increases as a result of its social organizations and apparatuses of state power; meaning that Locke's society is one that is not egalitarian, but rather focuses on creating these inequalities and preserving them. Instead, the fate of the workers is the antithesis of Locke's notions of life,

liberty, and property. The workers' true conditions are best stated by Beckert and his analysis of industrialization. The workers "worked hard, lived in poverty, and died young" (Beckert 179).

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“Knowledge, which is power, knows no limits, either or in its enslavement of creation or in its defense to the worldly masters” (Horkheimer and Adorno, *Dialectic of Enlightenment* 2).

Rationally Irrational

Locke develops several different aspects of his social contract theory. Among the several different systems he lays out—social, economic, and moral—there is one system that might be overlooked but is deeply essential to understanding his epistemological developments that are in the *Second Treatise*. One such underlying assumption is that the working class are different in rationality. But this translates not only to a system of epistemic power but one of moral superiority. In Locke’s theory, those that are industrious are not only more rational, as we have seen the laborers cannot be, but are also more moral. I will argue, that once Locke develops a system of rationality, those who are more rational—the land owners, whereas the workers are seen as “quarrelsome and irrational” are now also created as rational and irrational subjects and how this conception of reason influences the developments of epistemic systems in a given society.

First, one must note what MacPherson noted: “We have seen that Locke assumed in his own society a class differential in rationality which left the labouring class incapable of a fully rational life, i.e. incapable of ordering their lives by the law of nature or reason” (MacPherson). Locke assumed this class differential by designating those who work the land to be working under the command of reason. This reason produced industry (Locke 21-22).

“God gave the world to men in common; but since he gave it to them for their benefit, and the greatest conveniences of life they were capable to draw from it, it cannot be supposed he

meant it should always remain common and uncultivated” (Locke 21-22). The earth, then, to Locke, was not meant to remain uncultivated. It was something that provided necessities to humans before the development of inequality. As it was shown, to Locke, the earth was held in common. Everyone could partake of its bounty. The issue is the to Locke God did not give the earth for the mere content and simple satisfaction. Therefore, the phrase “the greatest conveniences” is so essential. It is not enough to be content with the immediate. There must be a search for more. Productivity must increase, and it can only be done through labor.

Who, then, is meant to cultivate the earth and increase its bounty and conveniences? Locke states quite explicitly to whom the earth was granted, and he stated that God “gave it to the use of the industrious and rational, (and labour was to be his title to it;) not to the fancy or covetousness of the quarrelsome and contentious. He that had as good left for his improvement, as was already taken up, needed not complain, ought not to meddle with what was already improved by another's labour”... (Locke 21-22). Locke states clearly that the share of the earth was given to the appropriation of the “industrious and rational.” This creates a double bind. Locke makes a statement explicitly about who is allowed to and who is not allowed to have this land. He ties up being industrious with being rational. Consider that to be rational is to be industrious. This is presented even in the brief quote when one considers the way that Locke states that since the industrious ones are the ones the earth was given to, then they are the ones exercising their reason by way of their industry. This is because reason has a certain utilitarian value in Locke's notion of rationality. It is under the command of reason that one knows how to be industrious. In many ways, there is a presumption that those who are not irrational are not meant to possess the earth and increase its yield.

How can one reconcile the claim between the use of rational and industrious? First one must note the role of reason in the development of industry. Locke makes clear that it is first rationality that makes industrious appropriation possible: “God and his reason commanded him to subdue the earth, i.e improve it for the benefit of life, and therein lay out something upon it that was his own, his labour” (Locke 21). Industry does not arise from nothing; rather, it is a product of reason. In this instance, the subject in question is commanded by God and reason to subdue the earth. Reason, then, gives way to industriousness. To subdue the land, one must be able to reason that is the proper course of action. In fact, it is this reason that even allows one to appropriate things, as Locke states when he provides the example that it is the command of God and reason that allows one “therein lay out something upon it that was his own, his labour” (Locke 21). Industriousness and appropriation are only accessible to those who have the reason necessary to follow through with it.

It appears that one, under Locke’s system, cannot be industrious without being rational, for it is the access to this reason that gives someone the knowledge of how to behave in an industrious manner⁵. Furthermore, if reason is a prerequisite for industry, then one cannot also be industrious without being rational. The two terms become inseparable because Locke has made rationality a prerequisite for industriousness. If one has reason, then one will be industrious; if one is industrious, then one has reason. Locke creates a circular reliance on the terms in a double bind fashion. He makes it so that reason gives way to this industrious method of labor appropriation and creates a system of requisites that necessarily follow from the last. Therefore, if one does not behave in this manner of being industrious, one is also not rational. But this

⁵ A similar notion of reason was held by St. Augustine where he argued that the power of reason requires the illumination of God. To Locke, reason is said to be present if industry is produced. Industry is the litmus test of God’s command to be rational and industrious. One affirms the existence of the other (Cassirer 10).

distinction is not as relevant because industriousness cannot exist without an already present reason that commands it. It is not that earth was given to the rational and industrious, but rather that Locke has crafted his argument in such a way so as to make it that the earth can only be given to those who already possess the command of reason to appropriate and be industrious; if one is behaving industriously they are necessarily rational and if one is behaving rationally they are necessarily industrious.

The issue, here, is not only the unlimited appropriation made possible but also the fact that this unlimited appropriation cannot be contested. Locke states clearly that appropriation through labor, regardless of how unequal it is, cannot be disputed (Locke 20). Therefore, he says that labor is the title to the earth. Those who had the good sense to cultivate the earth, work it, and create wealth from it are the rational ones. But this means that the rationality of a person is bound up insofar as they can exercise the right of unlimited appropriation.

This unlimited appropriation, as Locke and MacPherson each state, leads to a class society where there are those who own land and those who do not; it's a situation where some may be left out of any chance of being industrious and therefore are excluded from being rational. The land monopoly, then, to Locke, is not only a monopoly on land but a monopoly on reason. Locke cleverly defines rationality in a way that makes it inseparable from being industrious. But the chief key to being industrious is to subdue nature and make it yours through your labor. Those who cannot own land, who rather work the land of someone else, cannot hope to claim the land another claimed with their labor first and so they are excluded from rationality.

This sort of issue creates differentials in who is and is not rational and industrious. As MacPherson noted it is the initial developments of rationality which applied to all people, chiefly the desire to subdue and tame nature to make it more productive. However, as we have seen, the

laborers who have been left out of this initial appropriation of land do not appropriate their labor. Rather, it is alienated from them; their capacity to appropriate is stripped of them by their lack of land. This lack of land is, once more, the consequence of unlimited appropriation by the landowners who have taken so much that they have left nothing for anyone else.

These workers, then, are under an alien power. Their rationality and capacity to be industrious are restricted because they cannot appropriate the products of their labor. So, instead of becoming owners of the land they work, they are made dependent upon it. They cannot simply take what was once held in common, because more and more land is frequently appropriated until the land that was once common for all to subsist off is no longer an opportunity for rationality but the source of their irrationality.

Because they cannot appropriate these lands, they cannot be rational and industrious because of the unlimited appropriation that they have been left out of; because they are not industrious they must not be rational. Here, there is the notion that those who cannot operate within the natural method of appropriation; through the lack of industry, those who cannot act in such a fashion are not capable of full rationality. Furthermore, “when this unlimited accumulation becomes rational, full rationality is possible only for those who can so accumulate” (Macpherson 232). The laborers, being now made incapable of any accumulation by the landowners’ monopoly on land, are left fully incapable of rationality. By defining and developing rationality as something that leads to industry, because to appropriate is to be working under the command of God and reason, then those who are not industrious are not rational. The monopoly, then, is not merely one on land, but one in which rationality is also monopolized.

Initially, one might say that these landowners have violated the cardinal rule of appropriating more than one can use, but in fact, they have not. As the introduction of money allowed the spoilage principle to be removed, a different sort of system of accumulation developed in which there did not need to be any limits imposed on accumulation. This shift is justified by the notion that those landowners create more productivity through their rational control of the property—they give way to industriousness. Consider this argument phrased in modern terms. The laborer has no right to control that which the landowner has made bountiful, because the landowner, through their sharp, entrepreneurial mind had the foresight to appropriate and increase the productivity of such resources. To many, it would be absurd to think that a worker could run Amazon as effectively as the ever-rational mind of Jeff Bezos. Furthermore, by Locke's own admittance, it makes no difference whether the worker wishes to struggle against the landowner's productivity, because the way property is accumulated makes it so that no one needs to agree that they own the land, rather, the natural law has dictated it to be the case. This law exists outside the desires or concerns of the laborer; therefore, inequality in possessions led to inequality in rationality.

This system, then, creates different rationalities in different classes. The landowners are rational and industrious, but the laborers are not. One might consider this, initially to be a descriptive and arbitrary distinction with no real consequence, but this is not the case. This creates a "rational authority." The rational authority is someone who many will deem to be a worthy source to follow; someone who is an authority because of their grasp of reason. We can see some common examples of this when someone perhaps argues that the workers should control the means of their production and take the profit they generate and keep it for themselves. The common argument is that the means of production do not belong to the worker,

but to the capitalist. Furthermore, the brilliance of the capitalist is what made the initial success possible, so why would anyone argue that clearly less clever workers should own the means of production. The landowner is the most rational, and therefore the authority in all matters due to their rationality.

One need not look far for a real-world application of a “rational authority.” The Milgram experiments will provide just such an example. Consider the following, you have signed up for a memory study of some sort. The task seems simple enough, you are testing the capacity of someone else to learn by way of punishment (Cialdini 206-208). When the test subject is strapped into the chair, one begins to note that they may not be doing a good job of recollecting the phrases spoken to them and then spoken back, so the scientist says to turn up the voltage on every word the person being shocked makes a mistake on. The actor begins to make many mistakes. At each mistake, the voltage is turned up. At some point, the voltage becomes too much for the test subject to handle and you hesitate to turn the voltage higher. But the rational authority, the scientist, tells you to do so. You agree and continue to turn the voltage higher.

Such an experiment was carried out. The test subjects’ gender, pre-existing medical conditions—for example, one actor claimed they had a heart condition that might kill them if the voltage were to be increased—all failed to stop the person administering the voltage to turn the shocks off. Many have tried to argue that Milgram’s subjects were sadistic and twisted, but Psychologist Robert Cialdini shows that none of this is true, the age groups and people selected were all different and would not have had a predisposition to hurt others. Cialdini claims that Milgram’s answer is as follows: “It has to do, he says, with a deep-seated sense of duty to authority within us all” (Cialdini 213). There are many reasons to think that authority symbols guide and control our thinking.

Cialdini says: “Titles are simultaneously the most difficult and the easiest symbols of authority to acquire. To earn one normally takes years of work and achievement. Yet it is possible for someone who has put in none of this effort to achieve one and adopt this mere label and achieve a sort of automatic deference” (Cialdini 222). The mere title of rational is enough to do the work. But one can conceive of taking this further. In the corporate world, one may take the title of CEO, COO, or head of advertising to make their title something which commands this authority. Cialdini notes anecdotally, that a colleague of his who uses the title “professor” goes from having stimulating conversations where the views in discussion are considered quite deeply to shifting to a mere adherence: “People who have been spontaneous and interesting conversation partners for the prior half hour become respectful, accepting, and dull” (Cialdini 222) . Cialdini talks about one instance where a visitor from Cambridge University is presented in several ways—a student, a demonstrator, a lecturer, senior lecturer, and a professor. This person was presented to different groups with a different title at each turn. With each change in status there was a perceived increase in size (Cialdini 223).

At first, this increase in size seems arbitrary, but Cialdini shows that size has a correlation to value with coins. Children, for example, value larger coins more than their actual value and phenomena apparent in adults (Cialdini 223). An experiment was conducted in which college students drew cards with different values printed on them: “Even though all cards were exactly the same size, those that had the more extreme values—positive or negative—were seen as physically larger” (Cialdini 223). Cialdini says that thanks to this correlation it is possible for certain individuals to benefit from the perception of size and authority rather than the actual thing itself. Cialdini points to animals, for example, increasing the appearance in their size to then attribute this to greater power. Cats, for example, will bristle their coats and arch their backs

to show their size and dominance. This is quite often sufficient to send many challengers into a state of retreat (Cialdini 223). This leaves the seemingly larger and more powerful contestant free from contest. It aids additionally, in the perception that the wealthier someone is, the larger the amount of wealth in their possession, the more rational they are seen to be, and the more they command authority.

These titles may be counterfeited or may be manufactured, as Locke does with his point of rationality. He argues that certain people are entitled to this notion of rational and industrious; because of their productivity, they have given credence to the reason that produces industry. This mere adherence to rationality created by the belief that industriousness is a product of following one's reason is enough to warrant a manufacturing of these titles. Simply conceiving of someone as more rational might be enough to warrant their increase in authority. By claiming that someone is more rational by virtue of their wealth production, this creates a falsehood of authority; one conceives of someone wealthier than them as more rational when considering Locke's definition of rationality. In this way, a wealthy demagogue might easily pass themselves off as being wiser than everyone else when all evidence might point to the contrary.

Titles are just one falsifiable aspect that we see today, but the clothes make the liar. Cialdini notes that "a second kind of authority symbol that can trigger our mechanical compliance is clothing" (Cialdini 226). Clothing, a symbol afforded to the wealthiest. The very garments of authority give way to adherence. Even an aesthetic dimension is granted to authority figures to see them as more rational. Cialdini provides the example by an experiment conducted by social psychologist Leonard Bickman (Cialdini 226). In this experiment, Bickman's "procedure was to ask passerby on the street to comply with some sort of odd request..." (Cialdini 226). In many instances, the person who posed the request, whom we shall refer to as

the requester, was to make some odd request of the passerby. The requester was dressed differently in each instance. In one instance they wore simple street clothes. In another, they dressed as a security guard. In either instance, the person more likely to be obeyed was the person in the security outfit.

In the instances where the person garbed in security attire posed a request, the people who were asked to follow through complied even in the instance where the authority figure was absent. The requester urged the passerby to carry out a rather selfless act. They asked someone to put a dime into the parking meter of someone who was overparked but didn't have any change to pay for the parking⁶. In these instances, the requester left, but the passerby still followed through. This sort of phenomena was observed to have a similar effect when the requester was dressed in a nice, expensive suit (Cialdini 227).

In the instances of the person wearing a “well-tailored suit business suit” (Cialdini 227). This also evoked a desire to comply with the requests of the requester. In such an instance, the thirty-one-year-old man violated the law by crossing the street regardless of how the traffic signal indication. They wore two different attires. In the first instance, it was the well-groomed business attire; in the second it was the work attire of an average laborer (Cialdini 227). In the case were the worker broke the law and crossed before the signal indicated they could, some people, but when the individual dressed in the fine suit crossed, three times the number of people

⁶ It is interesting to note that when Bickman asked college students what the percentage of people listened to either the worker or the security guard, they gave a close estimate of 42 percent vs the actual number of 50 percent with regards to how many people followed the instructions of the worker. They were drastically off when asked about the percentage of people that would comply when asked by a security guard. The students estimated 63 percent—The actual number was 92 percent.

followed the well-dressed individual. This means that people think it is fine to violate the law if someone they see as being wealthier and having more rationality does it.

Cialdini points to another way in which such appearances can be used to steal money from others. Typically, the con artists that are likely to go after the elderly as their preferred marks, but anyone else will do. The scheme involves two people—first an examiner who dresses in a fine three-piece suit and masquerades as a banker. They will arrive at the door of the mark, the person they attempt to swindle out of their wealth and say that there has been some sort of bank error and that they need them to withdraw their money, so the issue can be inspected. The key thing that Cialdini stresses is the way the expensive and fine clothes create the belief that this is truly an authority: “The white shirt is stretched; the wing-tip shoes glow deeply. His suit is not trendy but classic: The lapels are three inches wide—no more, no less; the cloth is heavy and substantial, even in July; the tones are muted, business blue, business gray, business black” (Cialdini 228). The emphasis on the colors, style, and make of the suit are all essential towards providing the guise of an authority figure. One who clearly is in a position to be more knowledgeable than the mark. The con artist explains to the person that they’re a bank examiner and that there might have been fraudulent activity related to their account. They say that they have a hunch as to who it might be. But they need the mark to withdraw all their money, so the transaction can be traced in real time.

Naturally, the mark complies. One might wonder why the marks don’t call the bank to confirm the validity of such a claim. Cialdini notes that power of authority and the ruse itself is so convincing that almost no one ever thinks to double check. The bank examiner then concludes that their account was not being tampered with and, since it is now after hours and the bank is closed, that they will have a security guard they have brought with them, another con artist,

safely return the money that was withdrawn to the bank. The bank examiner then speaks to the mark for a few more minutes to thank them and then both leave with the victim's money in hand.

Cialdini notes that the power of uniform, however, is not limited to simply uniforms but is extended to clothes, automobiles, and jewelry (Cialdini 229). This is important to note because this means there is a tendency to comply with those in these wealthy "trappings." One such experiment compared the tendency of motorists to honk their horns at two different kinds of cars. The first car was a luxury vehicle, and, in this instance, motorists waited a significantly longer amount of time when compared to the time they waited to honk at the economically valued, more affordable car. In fact, the economy model car had horns honked at them several times and some people even rammed its bumper.

Of further interest were the questions the researchers conducting the experiment posed to college students. They asked what they would have done in such a situation. The students: "consistently underestimated the time it would take them to honk at the luxury car. The male students were especially inaccurate, feeling that they would honk faster at the prestige—rather than the economy-car driver; of course, the study itself showed just the opposite" (Cialdini 229).

It seems that there is an adherence to these authorities based on their title, uniform, and trappings. All these factors correlate directly to wealth in a society. Consider the title of CEO, or in Locke's case "rational and industrious." I argue that Locke's theory not only creates the two classes of laborers and landowners but that it also provides the means for their reproduction within the individual subjects in the society itself. We see titles granted to the wealthy, such as reasonable and industrious, imbuing them outright with a title that monopolizes a certain kind of behavior, wealth production, with rationality. The instance of uniform displays the way that one adheres to figures developed to reinforce the existing social order—officers and judges, for

example. But the most damning example comes from the blatant display that wealth creates greater adherence to authority as displayed by the bank examiner scheme and the experiment with the two cars—one luxury, one economy.

Additionally, Donald Black also claims that law applies more to individuals who are unemployed than those who are not. “A crime by an unemployed man is more serious than a crime by an employed man” (Black 51). The historical example that comes with the dissolution of the feudal system allowed for a serf to wander united to land. As a result, laws arose to control them. The law seems in part to apply less to people who are perceived as industrious: “Among women, a mother is treated more leniently than a woman without children. Among young people who do not work, a student is more likely to be given another chance, and all the more if he participates in athletics or other school activities” (Black 51). The industriousness of a given individual determines the application law. Many laws were established across the world to control and organize labor. Russia had “antiparasite” laws to control people who were avoiding work considered socially useful (Black 51). The perceived industriousness of a person plays into the application of law.

Locke’s notion of rational and industrious also seems to play a role in early arguments for colonialism and racism. There is also a further example advanced by the early father of taxonomy, Linnaeus, says Zygmunt Bauman, when he discusses the racial lens by which Africa was viewed by Linnaeus. Rather than acknowledging other causes for the difference between what he has deemed as western civilization, Linnaeus instead argues that it is due to the positive qualities inherent in the white man that establishes the great success he enjoys over other non-whites. He makes inherent to whites the qualities of having ingenuity, of being orderly, and having the capacity to be governed by laws. These qualities are inherent to the races, argues

Linnaeus. He then goes on to argue that it is all the antithetical qualities inherent in Africans which makes lazy, devious, and unable to govern themselves (Bauman).

One can begin to contrast the relationship of rational and industrious with the qualities made inherent to whites and made antithetical to black populations. The case where the positive qualities are highlighted one notes similarities in the arguments as to why others need to be governed. For example, the same argument employed with regards to why landowners will need political protection is because the irrational and quarrelsome may do harm to their property⁷. The need to govern and control them with political power is to be done, because there is an assumption that they cannot control and organize themselves. When the work ethic of non-whites is doubted, then the natural conclusion is not simply that they lack industriousness, but that they are in fact in quarrelsome and contentious and therefore not industrious, therefore not rational. Indeed, such a trope was used to justify the control of non-whites because of their inability to govern themselves.

The way that such an ordeal occurs is quite simple when one takes into account how these notions of rational and industrious can be formed as a base and then expanded. In America, *Race Traits and Tendencies of The American Negro*; its thesis, according to Yale philosopher Jason Stanley, is “that black Americans are uniquely violent, lazy, and prone to disease” (Stanley 121). Further books were published in America that dealt with making laziness and an inability to self-govern and develop self-control to non-whites, particularly blacks. Their quarrelsome and

⁷ Philosopher Ernst Cassirer notes in his book *An Essay on Man* that irrational in mathematics “means a thing not to be thought of and not to be spoken of” (Cassirer 59). In much this same way, these irrational subjects are not of real political thought and consideration. They are only considered politically and thought of by way of the rational which bestows upon them their irrationality. Their irrationality need not be referred to as irrationality. Instead, merely pointing out their lack of rationality is enough to warrant the label of irrational which is the antithesis of rationality.

contentious nature is used as an excuse for their control. The belief that this nature was not simply a social construction but something that could become innate and shifted towards people of lower ranks as an ideological tool to justify the control of a group of people.

One development of racial category is known as “Super predator theory” (Stanley 123). In super predator theory, there was an attempt to argue in favor of juvenile sentencing by claiming that these super predators ‘kill, rape, maim, and steal without remorse.’ One sees the comparisons in that these super predators seem to transgress all of Locke’s natural laws. Such a development of women as property was presented by Angela Davis and how rape laws were framed in the context of protecting the daughters and wives of wealthy men. Super predators transgress all these laws; they kill and do harm to another, they harm permanently, they transgress property and so with no concern for conventions of morality. Unsurprisingly, Stanley argues that the theory leads to draconian legal practices to protect people from these super predators. Even more unsurprisingly, “a 2012 Sentencing Project report shows that 940 of the 1579 survey respondents serving life without parole for crimes committed as juveniles were black” (Stanley 125).

It is not too difficult to say who is and who is not the authority under these grounds. Racism can be justified by racists as the result of the difference between whites. They are irrational because if they were rational they would have produced industry. The notion also is used to attack predominantly non-white nations as being “backwards.” A normative judgment or claim is made about non-whites’ ability to govern themselves.

Furthermore, with regards to native Americans, Locke provides a similar argument about the state of a native American politics there is a similar line of thought and conception of the Americas as being left to waste.

“For I ask, whether in the in the wild woods and uncultivated waste of *America*, left to nature, without any improvement, tillage or husbandry, a thousand acres yield the needy and wretched inhabitants as many conveniences of life, as ten acres of equally fertile land do in *Devonshire*, where they are well cultivated” (Locke 24).

The statement itself makes a clear judgment of the quality of land because of its interactions with its inhabitants, and how Locke only conceives of commonwealths existing if they preserve property. Locke claims that it is left to nature. This statement is in many ways a direct undermining of indigenous political structures as lacking in development and existing in an almost pre-modern state. The possibility of a political society existing among them does not seem to be possible. Rather, their land is left to waste. But this conclusion can be made about all of the Americas, as Locke does, if you place the deficit not with the land, but with the cultivation of it in a certain way and under a certain political system; furthermore, it is unlikely that without the need to protect property in the first place, in the way Locke has described it, that they would even need political society. It is precisely a view of the political systems of native Americans due to their lack of exercising rationality. This rationality would command them to use their reason to subdue nature and yield greater produce. This is made possible by the use of Locke’s own theories of property. They have not produced industry, the natural byproduct of rationality, then they are not fully rational in the eyes of Locke.

The ideal individual, to Locke, is the individual who is rational and industrious. These individuals create the state by driving towards the initial conflicts of property that will necessitate the establishment of political society. It is, in a Lacanian and Freudian sense, like the

great taboo of incest in the transition to civilization⁸: the desire to break the law provide the very conditions that necessitate its establishment. This need is created by the development of unlimited accumulation which leaves none left for others. The rational and industrious individual creates a state not to control themselves, but to control the quarrelsome and industrious. The state must be rational and industrious as the individuals that are the people of it. The state must not only have the good reason and logic to protect the property of the industrious, but it must govern those who are quarrelsome and not capable of self-governance. The land that the native Americans cultivated and worked could not truly have been property for Locke because there is only one correct way to be rational and it is only by exercising a certain kind of industriousness.

Indeed, reason in Locke's social orientation seems to take on a utilitarian dimension; reason is worth having not purely on the grounds of reason, but on the grounds that it produced a positive effect—industriousness; and that reason allows one to refer to and know the laws of nature. It is this at the scale of the individual that is then replicated in the state. The institutions within the state that Locke establishes seem to necessitate reason to preserve industry. It is then possible that the structure of these institutions and its internal logic are not value-free, but instead orients itself towards ensuring productivity on some level. It must preserve industry. This industry is made possible by those who are rational enough to act on the commands of it. So, the institutions are shaped by these rational actors to preserve their property—their industry—against this quarrelsome and irrational bunch.

One additionally sees the development of categories that are useful to the dominant reason of the society. Indeed, critical theorist Max Horkheimer develops just such a critique

⁸ "The law, in other words, is founded upon that which it seeks to exclude, or, to put it another way, the desire to break and transgress the law is the very precondition for the existence of the law itself" (Homer 58). See page 58 of Sean Homer's *Jacque Lacan* for a detailed origin of the desire to transgress the law.

when he considers traditional theory. Traditional theory is the theory employed in the scientific process. Horkheimer argues that pragmatists and positivists consider “the prevision and usefulness of results to be a scientific task” (Horkheimer 196). The application of reason is merited and encouraged if it produces a discernable benefit. Knowledge ceases to be good for its own sake and instead becomes good for its usefulness. This usefulness is not derived or developed for the sake of itself, but rather to maintain the status quo; this is why the Savant’s—, the traditional theorist—role “In the social division of labor...is to integrate facts into a conceptual framework and to keep the latter up-to-date so that he himself and all who use them may be masters of the widest possible range of facts” (Horkheimer 196). As such, the scientist’s knowledge serves not to discover truths, but to influence the status quo of the given society and sustain it. Science serves the ends of industrial societies in a similar way that Locke’s rationality serves the benefit of producing industrious behavior. Any form of rationality that does not produce the behavior prescribed by Locke can be safely called irrational and quarrelsome. This is not to say that science in no way is a valid epistemological system, but rather under the relations of reason and industriousness it necessarily comes into conflict with industry when it produces results undesirable to the industrious and rational state and epistemology.

Such ideas are exemplified by the continual denial of climate science and its prediction of a destructive relationship between industrial society and its output. Al Gore’s notion of an inconvenient truth defines precisely the sort of knowledge actively ignored by industrial society because it refuses to categorize itself in a way that sustains the given economic order. Climate change is one of the most significant scientific phenomena of the past century. It shows decisively the way that those of the dominant society and dominant political order deny the validity of such a discovery, because it does not fit into the conceptual framework of facts that

justifies scientific and industrial progress. Rather than becoming a useful fact that calls for the reconsideration of the entire societal framework—mass pollution, industrial progress, and rapid production of contributors to this destructive effect—the politicians of the United States have famously denounced it as a plot to destroy the industrial productivity of the United States and provide a favorable position to opposing states. The inconvenient truth is not denied because of its implausibility; indeed, the basic chemical and physical processes of the Greenhouse effect can be seen in a greenhouse and are quite evident, but rather than being the cause of reconsideration, it is discarded and ignored because it would shatter the relations of rationality and industriousness.

The role of traditional theory under such an instance is not pushed in this inconvenient truth, but to produce alternatives to the destruction it may cause so it can be sustained. Many scientists are now looking for alternatives to the natural resources destroyed by industrial society and its obsession with progress. For example, bees are now being wiped out an alarming rate. This is a serious and destructive process due to the significance of bees in an eco-system as pollinators; in response, scientists have instead turned towards the development of robotic bees that may replace the piece of nature destroyed by industrialization⁹. This concrete example shows how a rationality that must be defined in relation to its industriousness and its capacity for increasing production, as Locke defined, creates a system of knowledge that seeks merely to sustain the social order regardless of the ensuing decay and decline of such industrial societies.

The relationship Locke presents with rationality and industrious productivity associates the two in such a way that to be, as Macpherson noted, industrious is to be rational. This

⁹ For more information see article published by NPR:
<https://www.npr.org/sections/thesalt/2017/03/03/517785082/rise-of-the-robot-bees-tiny-drones-turned-into-artificial-pollinators>

rationality is granted to others when we see that they have things that might conclude that they are industrious—suits, cars, or titles. One does not need to look further for an example of this than the 2016 Presidential election for the United States of America. Donald Trump. A man with no political experience whatsoever, Donald Trump ran for, and won, the presidency of the United States. One supporter said when discussing support for Trump: “He is obviously, a very successful businessman. He wouldn’t have gotten to where he’s at by making bad decisions, in my opinion, and, you know, he’s really the only one running that represents, in my opinion, the interests of the taxpayers and not the special interests” (USA TODAY). Donald Trump, much like the bank examiner schemer, has managed to have a certain rationality vested in him. He is seen as capable of performing a job he has never even been related to. This is where the “rational authority” is at its strongest. Trump is seen as so rational due to his industriousness that he is also seen as capable of running a country. When one considers why people might not be conscious that they’re explicitly stating that they think because he’s rich he’d make a good leader, one need only point to the example with the luxury and economic automobile—the trappings of authority. People are much less conscious of their adherence to a rational authority than they think they are. The distinctions and developments of inequality create an issue in reason and who is truly rational; rationality may be fabricated and diminished all at once.

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“I need only remark that it is by no means unusual, upon comparing the ss thoughts which an author has expressed in regard to his subject, whether in ordinary conversation or in writing, to find that we understand him better than he has understood himself. As he has not sufficiently determined his concept, he has sometimes spoken, or even thought, in opposition to his own intention” (Kant 310).

The End of Democracy and the Birth of Populism

Locke’s system, as laid out in the previous chapters, is hierarchical. The creation of a society that solidifies a division into two classes: laborer and landowner. The following creation of certain people as rational and industrious and others as irrational and quarrelsome as further designations for actors. All of this is made possible by Locke’s introduction of property, which, though initially constrained by the spoilage principle, is allowed to run loose when he introduces money which cannot spoil. This is where the desire to transgress natural law begins. Locke brilliantly creates the need for political society by introducing a fault into the state of nature. It seems, then, that Locke’s system creates hierarchies, rather than the belief that it is developing a liberating state, it rather establishes positions of domination where one person is always ordered above another by their utility. There is, however, an issue with such a system. A system of domination cannot be maintained without some sort of concessions being made¹⁰ (Beckert). I will argue that the hierarchical system created by Locke’s political organization, when combined with increased wealth development and disproportionate accumulation of wealth creates a fault in democracies that leads to populism and the control of the now wealthy, powerful state-apparatuses falling into the hands of those can use its powerful tools for anti-democratic goals and rapid regime change.

¹⁰ Sociologist and creator of world’s systems theory Immanuel Wallerstein argued that: “The world has become increasingly democratized as a result of both popular pressure and the need to appease this popular pressure by meeting some of the material demands of the world’s working strata” (Wallerstein 58).

One must first acknowledge in what ways Locke's system, which is posited as egalitarian, is actually rigid. First, one must know that "The history of liberal citizenship—of equality under the law—has generally been one of expansion, gradually encompassing people of all races, religions, and genders, to name a few examples" (Stanley), argues philosopher Jason Stanley of Yale University. However, it is also true that these concessions do not occur by mere chance. Instead, it is the organization and mutual interests of groups working together towards something which leads to this sort of progress. One such example was the gradual winning of workers rights during the industrial revolution through mass protest and organization (Beckert 198). Therefore, the inclusiveness of Liberal society is not merely a gradual shift devoid of social organization, but one that requires groups to behave in a way that is "irrational and quarrelsome." Indeed, such labels are often applied to other protesting groups as a way of delegitimizing them, something which Dr. Stanley points to happened to the Black Lives Matter protests when people on the right began arguing that these were riots (Stanley 37).

Of course, freedom of speech was not a right respected and reserved for the use of all, nor truly possible by all. When considering the framework of Donald Black—the quantity of law applied to any individual has a correlation to their rank within that society—one sees how the right to free speech is a right that privileges some speech over other speech. Stanley notes that where there is freedom of speech, the opposing speech must present the speech which challenges the status quo as "irrational and quarrelsome." Stanley notes that "Where speech is a right, propagandists cannot attack dissent head-on; instead they must represent it as something violent and oppressive (a protest therefore becomes a 'riot')" (Stanley 37). The label that Locke developed creates itself as a tool of delegitimization in liberal democracies.

Such features of the system lend themselves very well to very hierarchical systems of political organization—fascism, oligarchy, aristocracy. Stanley argues that it is fascists who argue that “nature imposes hierarchies of power and dominance that are flatly inconsistent with the equality of respect presupposed by liberal democratic theory” (Stanley 79). However, Stanley is correct in his use of the word presupposes.

Locke’s system creates natural laws knowable by reason. It is this rationality which itself forms the basis of industry in Locke’s society. Locke argues that one knows to appropriate things by their labor because: “God and his reason commanded him to subdue the earth, i.e improve it for the benefit of life, and therein lay out something upon it that was his own, his labour” (Locke 21). This creates many hierarchies; it creates the hierarchy of property wherein one cannot appropriate without limit through the development of money and the command of reason to do so; it also creates the separation into rational and irrational; furthermore, because the irrational are irrational, they cannot use reason to refer to natural law and consult the best course of action. This irrationality translates to a moral deficit. This separation is made possible by the distinction of industry. One cannot be industrious without the command of reason, for it is reason that commands one to lay their labor upon something. According to Stanley: “Hierarchy is a kind of mass illusion, one readily exploited by fascist politics” (Stanley 79).

The delusions of these hierarchies serve as “legitimation myths.” These are myths which serve to create a legitimizing myth for why society is structured in such a way. One particularly famous example of this in George Orwell’s *Animal Farm*. In the novel, the key legitimizing myth is that all animals are equal. But, after many changes and changes, typically more wealth and power for those who control the reigns of the government, the slogan changes to suit a change in the hierarchy. By the end of the novel, the legitimizing social myth is amended to “All

animals are equal, but some are more equal than others” (Orwell 149). The organization of groups through hierarchies is one typical to all societies. This is known as Social Dominance Theory: “Regardless of a society’s form of government, the contents of its fundamental belief system, or the complexity of its social and economic arrangements, human societies tend to organize as group-based social hierarchies in which at least one group enjoys greater social status and power than other groups” (Felicia Pratto). Stanley himself admits that it is this tendency to organize socially that fascist ideology takes advantage of. It is this typical appeal to the laws of nature and to a natural hierarchy beyond simple human construction that Stanley says is characteristic of fascist politics (Stanley 80).

What, then, makes Locke’s system any more dangerous than any other system which imposes hierarchy? It is the issue of monopoly. The monopoly, in Locke’s society, is one that grants the dominant class a monopoly on three things—land, rationality, and industry. The monopoly from land creates the monopoly of rationality, and the monopoly of industry is made possible by the monopoly on reason. The tendency of wealth to accumulate in the hands of a select few is made clear by Locke’s failure to account that at some point all available land would be owned since there is no limits on the ownership. This, then, creates a social-group that owns all the land, these are the landowners. These landowners, then, have their ownership justified by way of their superior reason, and it is this superior reason which allows them to heed the command of reason to appropriate things by their labor. The workers, by contrast, are left as—landless, irrational, and quarrelsome. If one considers Black’s concept of rank and law, then the dominant class enjoys a great advantage over the subordinate or dominated class, because they control the means of production and possess a monopoly on the legitimacy of reason and industry; whereas the workers are unable even to use reason to consult natural law.

Indeed, such arguments of counterproductivity are often invoked against many recipients of welfare. Stanley notes that Trump himself ranked certain Americans as “deserving” or “undeserving” (Stanley 83). Consider the way the way that such a notion might be applied to Locke’s system. One cannot contest the appropriation of land, because this land has been appropriated by the reason and industry of another. They are objectively deserving of such a privilege. This sort of logic is often invoked to justify disproportionate wealth inequality.

Such natural hierarchies, Stanley argues, have no real basis in nature. Instead, there is an attempt to establish them through “religious edict or scientific investigation” (Stanley 85). Such a religious edict is also found in Locke’s appeal to how one behaves industriously. That it is the command of God and reason which makes one industrious. Locke’s system is on a level theologically justified. In other words, it is justified both through religious command and using reason to discern its causes, a sort of classification on the theological level and on the level of reason and nature.

Locke’s system, through its tendency, as he claims, to increase wealth and productivity, also leads to the accumulation of wealth in the hands of a few. This means that there is a disproportionate amount of dominance that can be exercised by those who are of the socially dominant order. The amount of law applied to them is far lower than that of the subordinate group due to wealth being one of the factors of rank and therefore influencing the application of law. However, as productivity increases, so too does democratic emancipation, this is because to quell the fear of rising inequality, governments had to give them an “institutional guarantee.” This guarantee comes in the form of voting emancipation. It is a need to cede ground to a working class that is considerably more and more the wealth of the society, because otherwise there is a tendency for movements to arise against the established dominating class.

Critical race theory has established just such a theoretical position known as “interest convergence” (Delgado and Stefancic 21). Interest convergence is a theoretical position developed by lawyer and critical race theorist Derrick Bell (Delgado and Stefancic 22-23). It holds that rights and civil advancements gained are not done so out of the goodwill to protect and defended the subservient groups of lower rank. Instead, “Derrick Bell argued that civil rights advances for blacks always seemed to coincide with the changing economic conditions and the self-interest of elite whites” (Delgado and Stefancic 22). Bell uses this theory to explain how *Brown v Board of Education*, a landmark case that dealt with the ramifications of school segregation, was a decision made not to emancipate and liberate, but rather because it did not serve the interest of the United States to have exposure to a clearly racist, and oppressive regime. The United States needed to present itself a force of freedom and equality, an appearance that was made difficult to maintain with every lynching, denial of voting rights, and flagrant segregating practices from schools to water fountains. The concession of rights was made possible by groups organizing and bringing awareness of this issue, but the potential for emancipation was in the hands of the elite-whites.

One can see a contemporary example of groups gaining rights due to interest converging with the political career of populist Huey Long and his influence on Franklin Delano Roosevelt. In *the Populist Explosion*, John Judis provides an analysis of Long’s populism and its ability to rally tremendous support among the masses. Long was deeply popular. He boasted at length about his considerable mailing list—7.5 million people. Long’s popularity was unprecedented. But his support did not come from the poorest base; instead, Long received support from middle-class individuals who worried they would be made poor by the depression (Judis 31). Worried by the possibility of Long’s election and a potential Republican win if Long was to run—

stemming from a vote split on the Democratic ticket—the Democratic party and Roosevelt passed “the Second New Deal” which, “Unlike the first, it dealt with the issue of economic inequality that Long had repeatedly raised” (Judis 31). Roosevelt soon began to argue for less severe, but similar, economic justice as Long had done. Long criticized the reforms for being too “weak.” Roosevelt and the Democratic party, however, were no longer at risk of losing their political power because of Long; this is because in September of 1935 Huey Long was assassinated in Baton Rouge (Judis 31-32).

In order to quell the popular resistance to inequality in a time of economic turmoil, FDR had to make concessions to mitigate the effects of inequality. The more voters could influence elections, the more of a threat populists were. Political Scientists Steven Labitzky and Bryan Ziblatt discuss another contemporary example where institutions became more democratic due to popular unrest. The incident in question took place in 1968, after the nomination of Hubert Humphrey by many gatekeepers who controlled and oversaw the process of nomination. Rather than the modern system of nomination that allows for very popular democratic involvement, party politics back in 1968 employed a series of gatekeeping mechanisms to keep out radicals and populists. But this system came under assault in 1968 when protesters marched on the convention that had just nominated Humphrey without popular support. The nomination system had not been sufficiently democratic, and people of the time were facing terrible conditions: the Vietnam war, the assassination of Martin Luther King Jr., the assassination of Robert Kennedy. The protesters were upset with the system of domination and wanted change and political power to change it. They received their changes; after the protest, the Democratic party adopted a system of super delegates that still allowed for party control while being more inclusive, but the GOP “Opted, fatefully, to maintain a more open democratic system” (Steven Levitsky 51).

It is evident, then, that systems which are democratic but produce inequality are under threat by their very nature. One way to conceive of such a brutality might be to consider the way that the apparatuses of the state and their increasing authority allow for an ever-greater degree of control and organization. When, then, the state's apparatuses¹¹ are assumed by a given individual. Regime changes can mean a massive shift in the way the society is organized given the degree of control and organization made possible under a system of unlimited appropriation that creates and designates identities to actors.

The apparatuses of state power can be conceived of concretely after our analysis of law. The methods of coercion put in place by state power regulate and control what one can and cannot do. The displacement of authority by means of inequality assigns great adherence to the commands of the people in control of these apparatuses of state power. The designation of positive law as the continuation of natural law further solidifies this hierarchy. The need to control the quarrelsome and contentious and police them is a further justification.

One initially thinks that the control of these systems and the actions of horror and suffering are possible under only the most wicked regimes. But the Milgram experiment and the analysis of hierarchy and authority has shown that there does not need to be a group of evil geniuses all the way down the chain of command. Sociologist Zygmunt Bauman makes a similar point that "We know already that the institutions responsible for the Holocaust, even if found criminal, were in no legitimate sociological sense pathological or abnormal" (Bauman 19). Indeed, the notion that the Nazis were in some way pathologically all sick does not hold water for Bauman.

¹¹ For a detailed analysis of state apparatuses, see V.I. Lenin's *State and Revolution* and Louis Althusser's *On the Reproduction of Capitalism*.

As we have seen, individuals under the guise of a “rational authority” are capable of transgressing moral laws that might be considered evidently immoral—the Milgram experiment provides such an example. Bauman enlists Kelman to argue this point that “the violence is *authorized* (by official orders coming from the legally entitled quarters), actions are *routinized* (by rule governed practices and exact specification of roles), and the victims of the violence are *dehumanized* (by ideological definitions and indoctrinations)” (Bauman 21).

Rationalized authority is a key aspect of organization: a designation of certain actors as rational and others as irrational. From these designations the emphasis of such a system points to a desire to identify with the whole and the belief that those who are rational authorities in some way. The need to adhere to an authority is seen as one of the highest moral goods. It is a form of self-sacrifice that is paramount to a greater struggle. It additionally requires a strict and rigid system of rank and organization by which actors allocate themselves. The law serves as one key example of how this mechanism might occur. Freidman noted that law produces the added effect of maintaining the organizational structure of rank. It is this legitimate authority which legitimizes and upholds rank.

The systems of rank make the practice of routinization simpler. The practices and development of roles are made possible the invention of these roles, for example, rational and industrious, and the acceptance of these roles through the continued pressures of law. The law establishes a system of practices governed by rules. The example of individuals crossing at a stop walk when the sign clearly indicates they shouldn't be is one instance of rule-based organization. Their roles as pedestrians tell them when they should and should not cross. But this is easily broken under the guidance of a rational authority as Cialdini showed.

The role of dehumanization needs to occur through indoctrination and an ideological situation suitable towards such an ordeal. Individuals or groups must be made the antithesis or the other of the society. They must be seen as individuals that are not capable of fitting into the ideal molds of the given society. Indeed, when one sees the analogies made by Nazi officers as being “part of a machine” of refusing to judge whether or not they were in a position to judge the issues of morality or immorality. Their moral guidance was surrendered to the higher authority. The issues of authority stand at the center of this and authority can be taken or fabricated. One can other them so as to make them of a different rationality. In doing so, they establish them as an other.

Titles may be fabricated, and positions of power can be taken. Such an example is seen with the rise of populism which allows for populist movements to place others in positions of power. But does populism truly have control over the individual placed in office? Or did the populist candidate create a situation whereby they now hold a central role and a strong grasp of authority? This question is important to consider when one reflects on the increased capacity and rapidness of regime change in societies where the central authority of the government, its increase made possible by productivity, is one that increases in size and scope.

Indeed, professor Timothy Snyder’s initial prescription towards the avoidance of tyranny is “Do not obey in advance” (Snyder). The adherence towards authority is a strong tendency once institutions have been set in place and the law has reified social relations. The adherence to the structures of law and authority meant that “Nazis and communists alike realized they could move quickly towards a full regime change” (Snyder 18). Indeed, once such systems are in power, one sees how the individuals are organized by the expected wishes of their superiors.

When Germany invaded the Soviet Union, mass killings were organized in accordance with the anticipated desires of Adolf Hitler and the Nazi regimes. The SS received no orders to kill, instead, they acted in accordance with the anticipated desires of their superiors. It is the very same Milgram experiment which Snyder goes on to use as the example of an adherence to an authority which orders immoral and dangerous actions. But this point is made more apparent when one notes that certain people do not need to be commanded to follow this authority, as the SS wasn't told to carry out this act. Instead, this authority works in the mind without the need of a direct command. It captures and changes the moral landscape of an individual's mind as they anticipate the wishes of the new authority.

Institutions do not defend themselves under such circumstances. Snyder argues that far from being automated defense systems; "We tend to assume that institutions will automatically maintain themselves against even the most direct attack" (Snyder 23). Instead, the institutions are the very thing, this paper argues, that are usurped for the purposes of mass control and destruction. It is the usurpation and diminishing of certain institutions which allow for this sort of organization. The Nazis rather than destroying these institutions turn them to the favor of the new regime so as to gird and reinforce the new regime. This was termed *Gleichschaltung* by the Nazis (Snyder 24).

It seems that the liberal system prescribed by Locke creates issues of populism in its natural progression that allow for an entrance into the body politic to usurp power. Democracy may soon turn to populism and give way for the development of a highly authoritarian state. The issues of inequality present themselves as ripe for communist or fascist control and seizure. The machinations of the state allow for a rapid and sudden regime change by alterations to the structures of the state. It is this very seizure of state power that Vladimir Ilyich Lenin insisted

would result in the emancipation of the proletariat through its use and control (Lenin 23). For Lenin, it is the wielding of this very structure that is the means of emancipation for: “The exploited classes need political rule in order to completely abolish all exploitation” (Lenin 22).

The swiftness of regime changes now made possible by the increased power of the state means that the possibility of a populist candidate taking the reins of state power could be catastrophic. Philosopher Giorgio Agamben makes an important distinction between two forms of dictatorship conceptualized by legal theorist and Nazi jurist Carl Schmitt. The type of dictatorship known as Sovereign dictatorship is the form of dictatorship that is typically the most scaremongered. Agamben says that this form of dictatorship “aims at creating a new state of affairs in which it becomes possible to impose a new constitution” (Agamben 194). The chief concern comes from the possibility of a sudden and overwhelming regime change. The nature of liberal democracy is doomed to antagonize fascists or communists. On one level, as Stanley has noted, liberal democracy must include more and more people into its democratic process. This poses a huge issue in so far as this inclusion is irritable to members of the society who wish to maintain their privilege and not have it fall through.

Simultaneously, the inequalities in the liberal democratic state make antagonism a regular occurrence. Those who take issues with the dividing class structures can find themselves in a system which directly produces the cause of these antagonisms—class differentials, right differentials, a society made for the propertied that must enfranchise more and more people to sustain itself. Indeed, the system falls short of sustainable.

Derrida’s notion of autoimmunity proves to be a helpful concept by which to understand this sort of mechanism. Michael Naas argues that this concept of democracy is autoimmune because democracy, as a concept, “is undecidable” (Naas 133). It is different from other such

systems because “unlike other political regimes such as monarchy, timocracy, or plutocracy, democracy is, we might say, structurally or constitutionally undecidable or autoimmune” (Naas 133). Additionally, we see Derrida make the same point about the democratic desire to be inclusive; it “has always wanted, on the one hand, to welcome only men, and on the condition that they be citizens, brothers, and compeers” (Derrida 63) while it includes, democracy is also “excluding all the others, in particular bad citizens, rogues, noncitizens, and all sorts of unlike and unrecognizable others” (Derrida 63). Derrida points out how democracy both includes and excludes. But this is the contradictory nature whereby democracy also desires “to open itself up, to offer hospitality, to all those excluded” (Derrida 63). It seeks to exclude but it also wants to include and be inclusive. The autoimmunity is not a total failure of democracy. Instead, it allows for an exposure to the other that might otherwise be excluded. As such, autoimmunity allows for a sort of self-criticism.

Democracy must open itself up and include, but when it is set up in such a way as to also include elements of liberalism. Particularly, Locke’s liberalism contains notions of private accumulation that create more productivity, then this democracy is no longer working with the strength of a child, a weak and incapable authority where the government is decentralized. Instead, it is made stronger by the increasing productivity and it is made more capable of sudden and rapid change because the authority and amount of law in place has also increased due to productivity. Such a system invites the potential for others to seize this state power through a need to include previously excluded others in the democratic framework. But the seizure of state power will now result in more severe regime change and its capacity for destructiveness and social change is now elevated. It is by including the other, as democracy tends to do, and by its use of a liberal framework where inequality can exist, and individuals may appropriate all they

please that the antagonism of the newly enfranchised other can be used to change regimes drastically.

Who might the other be of Locke's democracy? The answer is rooted in the class differentials which give way to right differentials and differentials in rationality. Political theorist Francis Fukuyama argues that "Like Hobbes, Locke emphasizes the equality of political rights, but goes on to acknowledge that there are important differences between 'the industrious and rational' and the 'quarrelsome and contentious' in their ability to mix their labor 'with the mere things of Nature' and turn them into private property" (Fukuyama 5). The other of Locke's democracy and society is created by these distinctions. It seems that the inability is not merely one of an unnatural and created inequality but is presented by Fukuyama and by Locke as things which might limit equality of outcomes with regards to wealth. But this is, once again, a constructed category. There are not human beings born with these qualities, but rather human beings created and vested with this identity as the analysis of Locke's work has shown. It is the emphasis on property, Fukuyama, argues leads Locke to conclude that "the industrious and rational will need political protection of their wealth, both from the state and from others who might unjustly take it away from them" (Fukuyama 5). The key issue is that the state is not an immediate threat before it is founded. Rather, the state of nature knows one threat to property—the quarrelsome and contentious. In the initial state, then, political protection becomes necessary not as a protection from the state, but as protection by the state. It seeks to create structures and systems which can exclude the others and protect the established system of property.

These differentials are made to seem natural rather than created. It is this unequal protection of the ability to acquire property that James Madison argued is "the first object of government'...the protection of the unequal ability to acquire property" (Fukuyama 5).

Madison's point presents us with a theoretical and real application of Lockean ideals. In fact, philosopher Charles Mills described the notion that enshrines the inequalities of the state of nature and insists on their preservation the "Lockean Insistence" (Mills 32). As one of the founding fathers of the United States, Madison's influence upon American norms and practices is unparalleled, and he played a direct role in the shaping of the United States Constitution.

Indeed, Mills work focuses in great part on the ways in which the inequalities of race created in the liberal polity are not actually natural. He develops the notion of "a *Herrenvolk* Lockeanism, where whiteness itself becomes property, nonwhites do not fully, or at all, own themselves, and nonwhite labor does not appropriate nature" (Mills 96). These categories are created by a simple shifting of Locke's hierarchy so as to shift the constructed categories onto non-whites and argue against their rationality, industriousness, and as justification for their continued oppression. Non-whites are excluded from the necessary rationality to appropriate and they are deemed to be quarrelsome and contentious. Like the laborer, their labor does not appropriate; rather the labor of non-whites is an extension of white labor. It is this way that the servant who labors cutting grass and tilling the soil will never appropriate it. Rather than necessitating or reducing people on these grounds by economic means, the categories and terms simply need a rebranding, and such a rebranding may create the conditions attributed to non-whites. These stereotypes and categories are then given the backing of law and create these conditions (Stanley 164). This way, the myth may become a material reality. The notion that non-whites are more prone to crime may be fulfilled by the very assumption of their guilt or violent irrational status makes the statement something which will manifest itself materially.

Plato subscribed to a similar notion with the myth of metals as a grounding potential to justify the rank system in his society. The caste system envisioned by Plato sees the division of

the three classes of the city: The rulers, the auxiliaries, and the laborers. The inequality, in some way, corresponds to a certain internal quality. The rulers have gold mixed into their souls, the auxiliaries have silver in theirs, and the laborers have bronze in their souls, but Plato acknowledges, through Socrates, that this is a “spell.” The myth of metals is not true, but Socrates talks about the power of this spell and its usefulness. With Plato, even a similar desire to use this myth as a tool for ideological control and maintenance of rank is apparent when Socrates discuss what ought to be done if a ruler produces an offspring that does not have gold mixed into them, “they must not pity him in any way, but give him the *rank* (my italics) appropriate to his nature and drive him out to join the craftsmen and farmers” (Plato 1051). The nature within the person will determine their rank. They must instead organize the person and place them in a situation where their nature is most usable. It is an internal quality that is given as a lie for organizing people in this way. It is one of the oldest “noble myths” for the purpose of founding and keeping a society structured.

Populism is not entirely opposed to Locke’s theories. Indeed, the right to revolution is central in Locke’s theory, but it is not likely that it can be taken in the current context. Rather, the people for Locke were not simply everyone in any given society. The people were those who could vote and were wealthy. Locke did not intend, either in the *Treatise* or in his own time, to allow common people to vote. But the sovereignty to overthrow government, in Locke’s eyes: “whenever the legislators endeavour to take away, and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any farther obedience, and are left to the common refuge, which God hath provided for all men, against force and violence” (Locke 111). This quote initially refers to “the people” in Locke’s society who had the right to vote. But, as has

been shown, democratization, particularly as Stanley argued, liberal democratization, seeks to be more inclusive of minority groups.

Cas Mudde and Cristobal Rovira Kaltwasser note that populism may have both positive and negative effects in a liberal democracy. Populism can positively grant a voice to those who do not feel represented by political elites, it can mobilize excluded groups in a society, it can provide policymakers with better responsiveness to the issues of marginalized groups, and it can increase the accountability in a democracy by placing issues about policy into the political arena (Cas Mudde 82). But populism is Janus-faced; it can also be a negative force. Populism, in its negative aspects, might use the notion of majority rule to oppress and circumvent the rights of the minorities, it can erode institutions that protect rights or take them and repurpose them for oppression, stable political coalitions come under threat by populism or are impeded, and it can lead to a politics that is so moralized that consensus becomes impossible (Cas Mudde 82).

Locke's philosophy, when extended to its natural conclusions as a system that preserves property and sets up a political society where reinforcing of rank by law and develops a hierarchy of authority creates tensions within that society. The freedom of the dominated group is never assured, but the continued dependence on them makes it so that some concessions must be made so as to prevent full-on revolution. So, democratization occurs, but as the oppressive power of law and the authority of the government increases, more and more tensions arise. These tensions are initially alleviated through concessions being made as groups organize to have their natural and civil rights affirmed and protected, which Black has shown is often not the case. Democratizing and enfranchising people is one way to grant a concrete concession and solidify a sense of progress. But, as has been shown this may lead to populism as more and more people are enfranchised. Populism, being Janus-faced, may have positive effects, but it can also provide

the grounds for political disasters. There is the potential for backlash by those of higher ranks. This may result in authoritarian-socialism, fascism, oligarchy, plutocracy, and any other number of rigid regimes. But, the people, now expanded by liberal democracy and those enfranchised into it are granted the right of resistance to fight this. It is through Locke's own work that one discovers that when legislators violate the property of "the people" they put themselves in a State of war against the people. Locke's unfreedom leads to the possibility of resistance and the potential for populism as a means of correcting the injustices, or revolution as a means of stopping them.

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Conclusion: What is to be done?

Locke's theories are not in a vacuum. They formed the basis of The Declaration of Independence and influenced the thoughts of James Madison. Locke's thought and justifications still pervade to this day and affect the people in any given society due to global influence of American global power and hegemony. America's course of development, for example, has solidified a lot of institutions that hurt the poorest people and place us behind the development of other nations. Rather than reiterating the previous criticisms of Locke, I will refer to economist Robert J. Gordon's book *The Rise and Fall of American Growth* and his conclusion that posits real policy solutions to fight inequality in America.

Gordon's conclusion is that America is becoming more unequal. There are several institutions and practices that America did not adopt. Regarding income inequality, for example, Gordon notes that "The share of income earned by the top 1 percent almost tripled, from 8 percent in 1974 to 22 percent in 2014, and the share of the top 0.01 percent quintupled over the same period, from 1 percent to 5 percent" (Gordon 644-645). A policy suggestion would be the introduction of more progressive taxes. Gordon suggests "'Super bracket' tax rates applicable to those making more than \$10 million" (Gordon 644). Gordon also suggests making the tax rates on dividends and capital gains equal to normal tax rates. Meaning that capital and its income will be taxed.

Gordon also recommends the raising of the minimum wage. This would have the added benefit of increasing the income at the bottom and then increasing spending. Though it is typically seen as something that would have a negative impact on the economy and result in unemployment "However, a substantial body of economic research indicates little or no

employment effect” (Gordon 645). A better paying wage is not susceptible to the fears everyone typically alludes to: increased unemployment.

Incarceration is another of America’s inequality pitfalls. The United States boasts an imprisonment rate that “is eight to ten times higher than in the largest European countries” (Gordon 646). Those who are sent to prison, as our theoretical framework predicted, “is an issue that relates to inequality, for those sent to prison are primarily ill-educated and poor” (Gordon 646). The prison system is a social death sentence that impedes your ability to find employment in the future, causes labor skills to corrode, has a generational impact on the family of the incarcerated, and is built around a cash bail system that favor the wealthy. Such a system “is estimated to cost taxpayers \$74 billion per year, using up government revenue that could otherwise be used to address a host of measures directed at inequality” (Gordon 646).

Criminalization of drugs is something which makes the incarceration rate skyrocket. Estimates project that drug prohibition costs the United States \$88 billion dollars annually (Gordon 646). Drug legalization provides one less avenue whereby individuals can lose their labor skills and be brought into a system that extracts wealth from them. Furthermore, through legalization the first half of the \$88 billion would be covered because there would be less spending on drug policing. The other half comes from imposing a tax on the previously criminal substances that now provide a source of revenue which could be invested into other social programs to offset poverty and inequality.

The other key point is the investment into the schools and educational system of the United States. The United States lacks free pre-school programs which places it behind the rest of the world in terms of educational development at a young age. The system whereby the budgets of the schools are determined by the property values of the neighborhood where the

school is situated leads to a vicious cycle of poverty. Poorer neighborhoods continue to receive worse and worse educational outcomes; whereas wealthier neighborhoods can maintain their programs and institutions. Even college debt and the inaccessibility of higher education are things which hold back the potential for economic equality.

Populism presents itself as a critical place for liberal democracy. It is this opportunity that allows for liberal democracy to change and reflect upon itself. This critical moment is pivotal to the success and political stability of a regime. It is this and its relation to inequality that must be considered moving forward.

Rather than presenting a retrospective look at Locke again, one sees how his ideas still affect liberal democracy today. Rather than looking towards systemic causes of poverty and inequality, Locke presents these points as the natural outcomes and failures of those who are less rational and industrious. But one must remember that looming threat inequality plays in a liberal democracy. It is important to address the inequality before it reaches its critical mass and threatens the safety of the society at large. To quote philosopher Karl Marx: “The philosophers have only interpreted the world, in various ways; the point however, is to change it” (Marx and Engels 145).

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