

RESEARCH ARTICLE

Property and international relations: lessons from Locke on anarchy and sovereignty

Nancy Bertoldi 

Department of Political Science, University of Toronto, 100 St. George Street, Toronto, Canada M5S 3G3
Email: nancy.bertoldi@chass.utoronto.ca

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Abstract

Property has a ubiquitous presence in international practice, but its implications for theorizing world order are not adequately explored. I remedy this by showing how property constitutes the core concepts of anarchy and sovereignty in international relations (IR) as overlapping spaces of right-based governance. I develop my account of a property-based world order in relation to the work of John Locke. Locke is generally overlooked as a core IR thinker, with the unfortunate consequence that anarchy and sovereignty are conceptualized as polar opposites under the enduring shadow of Hobbes. Even prominent critics of Hobbesian anarchy rely on Hobbesian notions of sovereignty, resulting in minimalist conceptions of international society and international ethics. To counter these Hobbesian legacies, I turn to Locke's limited, plural, and fluid accounts of anarchy and sovereignty and show how they are grounded in a normative notion of property that mutually constitutes them. This provides an alternative to the Hobbesian absolutist conceptions of anarchy and sovereignty that many IR theorists still operate with. The result is a distinctly normative vision for IR that condemns the twin evils of conquest and tyranny.

Keywords: property; anarchy; sovereignty; international society; international ethics; world order; global justice

Property is a foundational building block of our modern world order in international practice. Not only does it heavily shape international interactions, it is also regarded as a cornerstone of peace and prosperity by prominent international actors. As an example, consider how the World Bank has great expectations from property for eliminating poverty, decreasing inequality, protecting rights, addressing climate change, and reducing conflict.¹ These presumed benefits have led senior World Bank analysts to propose that securing property rights should be 'lifted to the top of the global agenda'.² The example illustrates the perceived importance attached to property in international practice and points to its role in shaping conceptions

¹World Bank 2020.

²Tuck and Zakout 2019.

of good governance in an anarchic world order. Yet, despite this ubiquitous presence in practice, property has received limited theoretical attention from international relations (IR) scholars. I remedy this by exploring how property permeates the core IR concepts of anarchy and sovereignty. To do so, I turn to John Locke's seminal conception of property and articulate its implications for theorizing world order. I offer a reconstruction of Locke's limited, plural, and fluid accounts of anarchy and sovereignty and show how they are grounded in a normative notion of property that mutually constitutes them. This provides an alternative to the Hobbesian absolutist conceptions of anarchy and sovereignty that many IR theorists still operate with.

Locke has been generally overlooked by IR scholars with problematic implications for the development of the field. When international theorists do engage with Locke, they often dismiss him as not being particularly helpful for conceptualizing an anarchic world order. Even prominent critics of Hobbesian anarchy turn to classical international lawyers like Grotius and Pufendorf instead of Locke to provide an alternative to Hobbesian IR. This is unfortunate, because classical international lawyers continue to rely on Hobbesian absolutist assumptions about sovereignty in their critiques of Hobbesian anarchy. As a result, anarchy and sovereignty are cast as polar opposites in IR theory. The possible co-existence of anarchy and sovereignty as continuous and overlapping spaces of right-based governance gets obscured, leading to impoverished conceptions of international society and international ethics.

To counter these Hobbesian legacies, I explore the role that property plays in mutually constituting anarchy and sovereignty as overlapping spaces of right-based governance in Locke's work. I argue that a limited, plural, and fluid conception of sovereignty can be found in Locke that sharply contrasts with Hobbesian absolutist characterizations of sovereignty. Lockean sovereignty is limited because political authority shapes the forms that property takes, while property simultaneously grounds and limits legitimate political power. Lockean sovereignty is plural because it is grounded in multiple justificatory narratives about property that can be realized in multiple institutional arrangements. A wide range of economic and political regimes are compatible with this understanding of sovereignty. Lockean sovereignty is fluid because neither property nor sovereignty is rigidly exclusive in ways that we often take for granted today: property does not point to a singular model of legally registered private entitlements and territorial rights do not entail the rigid immigration controls that we typically associate with sovereignty. Both can be overridden in circumstances of severe human need and deprivation. Finally, Lockean anarchy and sovereignty co-exist and overlap as spaces of right-based governance, with important normative implications for world order. A firm anti-conquest rule specifies the moral architecture of anarchy, while the conception of right-based sovereignty that constitutes anarchy leads to a global denunciation of tyranny. The result is a distinctively normative vision for IR that condemns the twin evils of conquest and tyranny.

Reimagining anarchy in IR theory

Anarchy is a central ordering concept for IR. Prominent political and international theorists have called it 'a foundational truth',³ a 'first assumption',⁴ and 'a

³Ashley 1988, 227.

⁴Mearsheimer 2001, 30.

controlling metaphor'.⁵ Most IR theorists take anarchy as the starting point of their investigations, even when they disagree about its implications for global conflict and cooperation. Thus, neorealists argue that anarchy leads to self-help among like units⁶; neoliberal institutionalists question neorealist accounts by exploring how cooperation is possible under anarchy⁷; constructivists show how differentiated role identities in anarchy can lead to varying dynamics of conflict and cooperation⁸; and critical theorists 'ask *how* it works, *how* it gains significance in our culture, *how* it comes to be recognized as a powerful representation of a predicament so compelling and so self-evident that it seems to command attention'.⁹ While there is some disagreement about when anarchy has become so essential for IR,¹⁰ it nevertheless remains a central frame of reference for most international theorists today.

Given its enduring importance for IR, the theoretical underpinnings of anarchy deserve more scrutiny, yet its conceptual contours are often taken for granted.¹¹ Zaheer Kazmi captures this predicament well when he writes that 'while theorizing *around* the idea of anarchy is ubiquitous, theorizing *about* anarchy itself (in a form other than within a modality of negativity or constraint) is limited'.¹² More specifically, the constitutive dependence of anarchy on prior conceptions of sovereignty is not examined in adequate depth. Richard Ashley's classic formulation of the 'anarchy problematique' in IR astutely observes how anarchy is produced by a heroic discourse of sovereignty, but Ashley does not interrogate the type of sovereignty that must be assumed for the discourse of anarchy to work in the ways IR theorists posit.¹³ Anarchy is depicted as the absence of a presence, but the character of the presence that produces an absence of a certain kind is not explored further.¹⁴

Against this background, I argue that anarchy, as an ideational construct of IR theory, is constituted by an underlying conception of absolute sovereignty that comes from Hobbes. Not only does a Hobbesian state of nature provide the standard metaphor for international anarchy, but the absence of a Hobbesian absolutist state is what international anarchy is predicated upon. These Hobbesian assumptions are reflected in what Tanja Aalberts calls 'the most popular definition of sovereignty in IR theory'¹⁵ associated with F. H. Hinsley. Sovereignty, Hinsley tells us, is 'the idea that there is a final and absolute authority in the political community'. The corollary of this idea in international affairs, Hinsley continues, is 'the thought

⁵Armitage 2013, 1172.

⁶Waltz 1979.

⁷Keohane 1984; Oye 1985; Milner 1991.

⁸Wendt 1999.

⁹Ashley 1998, 228.

¹⁰For example, Brian Schmidt argues that anarchy has been the primary concept of IR since its inception as a field (Schmidt 1998), while Jack Donnelly maintains that it has acquired dominance only in the aftermath of the neorealist turn (Donnelly 2015).

¹¹Havercraft and Prichard 2017.

¹²Kazmi 2012, 5.

¹³Ashley 1998.

¹⁴The relationship between anarchy and sovereignty is disputed in IR. To illustrate, Schmidt holds that 'state sovereignty is the constitutive principle of international anarchy' (Schmidt 1998, 45), but Donnelly considers this to be an 'anachronistic imposition' that 'elides important differences between anarchy and sovereignty' (Donnelly 2015, 406).

¹⁵Aalberts 2016, 3.

that no final and absolute authority exists elsewhere than in the community'.¹⁶ Hence, sovereignty is identified with absolute dominion in internal affairs and complete freedom from restraint in external affairs. The mighty Leviathan, that absolute authority which admits of no resistance within borders, defines the internal dimension of sovereignty. How else would it be possible to emerge from a Hobbesian state of nature where life is nasty, brutish, and short?¹⁷

Alternatives to anarchy like hierarchy,¹⁸ heterarchy,¹⁹ or heteronymy²⁰ have recently received a lot of attention in IR theory, but these rival formulations of world order do not problematize the presupposed relationship between anarchy and Hobbesian sovereignty. David Lake's important work on hierarchy in IR provides an explicit example of how even contemporary alternatives to anarchy are grounded in widespread Hobbesian assumptions about sovereignty. As Lake puts it:

Following Hobbes, nearly all scholars presume that world politics is anarchic, or lacking in any authority superior to that of states... Even as the nature of states interacts with the state of nature to determine the meaning of anarchy, virtually all scholars agree that relations between states are anarchic and that this is one of the most unique, important, and enduring features of world politics.²¹

Lake's formulation usefully highlights how our ideas about the global state of nature depend on our prior notions about the nature of the state. Anarchy, as an absence, is constituted by the prior presence of a Hobbesian absolutist state that admits of no authority superior to itself in its international relationships.

Hobbes's characterization of the state of nature has been widely criticized in IR, but not enough attention has been given to considering possible alternatives to the absolutist Hobbesian state that underwrites it. To address this lacuna, I turn to Locke's limited, plural, and fluid conceptions of anarchy and sovereignty. Unfortunately, IR theory has suffered from a general neglect of Locke, with problematic consequences for the development of the field. I suggest that not engaging seriously with the Lockean alternative to Hobbesian sovereignty has given rise to impoverished conceptions of international society and international ethics. By contrast, Locke shows us how anarchy and sovereignty are mutually constituted by property in a right-based global order. This overcomes the normative minimalism that results from predicating anarchy on Hobbesian sovereignty even among leading critics of Hobbesian anarchy such as Hedley Bull, Alexander Wendt, and Charles Beitz.

Bull's groundbreaking conception of international society offers a striking illustration of the unfortunate consequences of dismissing Locke too quickly in theorizing IR. Bull's work is rightly celebrated for highlighting the importance of shared institutions and values in creating world order even under conditions of anarchy.

¹⁶Hinsley 1966, 1.

¹⁷Hobbes 1991, 89.

¹⁸Lake 2009; Mattern and Zarakol 2016; Barder 2017; Zarakol 2017.

¹⁹Donnelly 2006; Donnelly 2021; McConaughy *et al.* 2018.

²⁰Haldén 2017.

²¹Lake 2009, 1–2.

For Bull, the possibility of international society goes hand in hand with the rejection of a Hobbesian state of nature. Contra Hobbes, Bull points out that states in the actual international state of nature are capable of commerce, property, industry, and cooperation; they enjoy a degree of self-sufficiency; they are not as vulnerable to violent attack; and they are not assumed to be naturally equal.²² On these grounds, Bull concludes that a Lockean state of nature seems more appropriate for theorizing IR.²³ Surprisingly, Bull does not pursue this insight further and leaves Locke aside when he develops his preferred conception of an anarchic international society. ‘Locke’s speculations about the life of men in anarchy will leave us dissatisfied’, he claims, without explaining the reasons for his dissatisfaction. ‘Certainly, if it is a profound analysis of international society we are in search of, it is to Grotius and Vattel that we have to turn’²⁴ he concludes. Hence, Bull’s preferred alternative to Hobbes becomes Grotius.

Yet, it is not clear that Grotius provides a satisfactory alternative to Hobbes for purposes of theorizing international society. As Bull explicitly admits: ‘Indeed, there is warrant for the idea often expressed that Grotius, in his view of the relationship between man and the state, was an “absolutist” or “Hobbesian”’.²⁵ The reason for the similarity between Hobbes and Grotius lies in their shared conceptions of sovereignty. Specifically, Bull makes the following observations about Grotius: ‘The subjects of the state, he says, have no right of rebellion by natural law. Sovereignty, he says, does not reside in the people. The desire of a subject people for freedom, he tells us, is not a just cause for war’.²⁶ Bull concludes that ‘it would be quite mistaken to view Grotius as the champion of “human rights”’ given these Hobbesian undertones.²⁷ This culminates with Bull’s eventual abandonment of solidarism in favour of a more minimalist positivism.²⁸ It is unfortunate that Bull never develops his earlier intuitions about the preferability of a Lockean state of nature, since this would have provided an antidote to the difficulties Bull associates with Grotius. As Bull explicitly acknowledges: ‘Grotius appears very remote from the doctrine of Locke and his disciples among the American and French revolutionaries, that individuals enjoy “natural rights” against government’.²⁹

Bull’s normatively minimalist conception of international society gets reproduced in other classic works of international theory. Wendt’s famous critique of Hobbesian anarchy suffers from a similar neglect of Locke with similar conceptual consequences. In his rejection of a singular logic of anarchy, Wendt argues that ‘anarchy can have at least three kinds of structure at the macro-level, based on what kind of roles – enemy, rival, and friend – dominate the system. Adapting language from the English School’, Wendt calls ‘these structures Hobbesian, Lockean,

²²Bull 1995a, 87–89; 1977, Ch. 2.

²³Bull 1995a, 85.

²⁴Bull 1995b, 202.

²⁵Bull 1990, 85.

²⁶Ibid.

²⁷Ibid.

²⁸Concerned with the lack of agreement on just causes, Bull eventually sides with positivist and pluralist formulations of international law. Bull 1966, 71–73.

²⁹Bull 1990, 85.

and Kantian' cultures of anarchy. While it is striking that Wendt chooses Locke over Grotius in naming the culture of anarchy that most resembles our familiar conceptions of international society, he is also explicit that 'in doing so I claim no close adherence to their views; the labels are intended merely as metaphors or stylized representations'.³⁰ Indeed, in fleshing out these distinct cultures of anarchy, Wendt relies not on the ideas of the named thinkers, but acknowledges that he 'builds directly on Bull's' formulation of the three traditions.³¹ It is no surprise then that Wendt's Lockean culture of anarchy replicates the core characteristics of Bull's Grotian conception of international society: it is characterized by a 'live and let live logic'³² associated with the role structure of rivalry; it is populated by 'competitors who will use violence to advance their interests but refrain from killing each other'³³; it involves an orientation to behave in ways that support the status quo³⁴; and perhaps most importantly, as Wendt explicitly recognizes, it is grounded in the mutual recognition of an absolutist conception of sovereignty³⁵ that treats the state as 'the supreme locus of political authority in society'³⁶ and posits 'the absence of any external authority higher than the state'.³⁷ Like Bull before him, Wendt abandons Locke in developing his 'Lockean' culture of anarchy and relies on Hobbesian premises about sovereignty instead.

Similarly, an explicit turn away from Locke characterizes Beitz's pioneering account of international ethics and leads to a normatively minimalist formulation of international society. Like Bull, Beitz pays lip service to Locke in presenting what he calls the morality of states view associated with international society. He writes: 'The position I have sketched as an alternative to Hobbes's is a reconstruction of that taken by many writers of the natural law tradition. The most familiar of these is Locke'.³⁸ Again like Bull, instead of developing this intuition, Beitz quickly abandons Locke and turns to classical international lawyers like Pufendorf instead, claiming that 'Locke paid little attention to the specific requirements of the law of nature as applied to international relations'. Finding Pufendorf 'far more instructive on the application of natural law to nations'³⁹ than Locke, Beitz concludes: 'If the Hobbesian view of international relations is the dominant one in the Anglo-American tradition, then the view represented by Pufendorf is the most widely favored alternative'.⁴⁰ Locke is excluded.

Yet, the international ethics that Beitz derives from Pufendorf remains problematic. In Beitz's rendition, the morality of states is specified by 'the principle of state autonomy' and the 'absence of any principle of international distributive justice'.⁴¹

³⁰Wendt 1999, 247.

³¹Ibid., 253.

³²Ibid., 279.

³³Ibid., 258.

³⁴Ibid., 282.

³⁵Ibid., 280.

³⁶Ibid., 206.

³⁷Ibid., 208.

³⁸Beitz 1999, 59.

³⁹Ibid.

⁴⁰Ibid., 65.

⁴¹Ibid., 65–66.

Given this minimalist characterization, Beitz rejects the morality of states in favour of a maximalist cosmopolitanism that globalizes a single society's conception of domestic justice without much regard for pluralism.⁴² As Beitz puts it, 'while Pufendorf rejects Hobbes's skepticism about the possibility of international morality, he proposes international principles that are very weak'.⁴³ This is not an acceptable alternative to Hobbes for Beitz, since: 'There would be little difference, in practice, between following Pufendorf's principles and Hobbesian prudence'.⁴⁴ As in the case of Bull, the normative minimalism of the morality of states that Beitz derives from Pufendorf is the direct result of presupposing Hobbesian sovereignty. There is no room in Beitz's Pufendorffian ethics for resistance to the absolute autonomy attributed to states, nor is there any possibility to attend to moral concerns beyond the borders of the state in an anarchical society defined by the absence of absolute sovereignty.

I have argued that an assumption of anarchy is ubiquitous in international theory, but that the concept remains undertheorized even among scholars who propose alternatives to it. While anarchy need not entail a singular Hobbesian logic, it is often premised on a singular Hobbesian account of absolute sovereignty that leads to the characterization of anarchy and sovereignty as polar opposites. Even leading proponents of international society and international ethics who resist Hobbesian characterizations of anarchy like Bull, Wendt, and Beitz rely on such absolutist formulations of sovereignty, with disappointing consequences for theorizing international society and international ethics. Locke offers an excellent corrective for the normative minimalism of these Hobbesian legacies in IR theory by providing limited, plural, and fluid conceptions of anarchy and sovereignty that are mutually constituted in relation to an overarching idea of property.

Rethinking sovereignty with Locke

Property is a foundational concept for theorizing anarchy and sovereignty. How we conceptualize property directly colours how we think about both anarchy and sovereignty. Exclusive and absolute conceptions of property lead to exclusive and absolute conceptions of sovereignty, which in turn result in depictions of anarchy as an absence. By contrast, Locke is the prophet of limited property and limited sovereignty, which provides the foundation for a right-based anarchic world order. Furthermore, Locke's complex and multifaceted accounts of property and sovereignty are neither rigid nor necessarily exclusionary. This allows for pluralism and fluidity in their justificatory narratives and institutional forms. Recognizing the centrality of property for theorizing limited sovereignty also showcases how anarchy need not be understood as the absence of an absolute sovereign, but instead can be better characterized as the related presence of a co-existing and overlapping space of right-based governance.

⁴²Beitz's cosmopolitanism allows for only limited pluralism in cases of underdevelopment and low levels of education. *Ibid.*, 98. Furthermore, Beitz considers divergence from his preferred institutions to be 'misguided'. *Ibid.*, 195–96.

⁴³*Ibid.*, 65.

⁴⁴*Ibid.*

Locke's justification of property proceeds in two parallel conceptual universes: the state of nature and political society. It is common to characterize the state of nature as pre-political in IR, but I suggest that this is not accurate. As John Simmons has persuasively argued, the defining feature of a Lockean state of nature is not its pre-political character but rather its lack of shared citizenship,⁴⁵ which in turn leads to the lack of a common authoritative judge.⁴⁶ Citizens remain in a state of nature with respect to the rest of humanity, which for Locke includes 'all other States or Persons out of its Community'.⁴⁷ Accordingly, 'all *Princes* and Rulers of *Independent Governments* all through the World, are in a State of Nature',⁴⁸ characterizing intergovernmental relations as a subset of a global state of nature. Governments are in a state of nature not only with other governments, but also with individuals and other entities they interact with in the world.⁴⁹ Furthermore, individuals who are members of particular political societies are in a state of nature with all other individuals from other political societies, just like 'a *Swiss* and an *Indian*' who are 'perfectly in a State of Nature, in reference to one another'.⁵⁰ Thus, Locke describes a complex, multifaceted global state of nature that includes individuals, states, and multiple other associations, who all co-exist without sharing citizenship.

Locke's conceptualization of the state of nature is firmly contrasted to the state of war. Locke writes that the two have often been confused, but that this is a grave mistake, given their stark conceptual differences:

And here we have the plain *difference between the State of Nature and the State of War... Want of a common Judge with Authority, puts all Men in a State of Nature: Force without Right, upon a Man's Person, makes a State of War, both where there is, and is not a common Judge.*⁵¹

The difference between the state of nature and the state of war for Locke is one of right versus might. Both the state of nature and political society are sites of right-based relations, even if their institutional forms differ. By contrast, might without right leads to a state of war, whether wrongful force is introduced into the state of nature or into political society. 'For wherever violence is used, and injury done, though by hands appointed to administer Justice, it is still violence and injury, however colour'd with the Name, Pretences, or Forms of Law', which makes it 'hard to imagine any thing but a *State of War*'.⁵²

I have emphasized that for Locke, the state of nature is not a pre-political predicament that exists prior to political society and that ends once political society is introduced. Instead, political societies co-exist within an overlapping and ever-present global state of nature. Both the state of nature and political society are modalities

⁴⁵Simmons 1989.

⁴⁶*Second Treatise of Government* (Locke 1988), II §89.

⁴⁷*Ibid.*, II §145. Subsequent citations are to the same source. All italics are in the original.

⁴⁸II §14.

⁴⁹II §9.

⁵⁰II §14.

⁵¹II §19.

⁵²II §20.

of right-based governance, and as such, they contrast to the state of war, which can impinge equally upon both. The main difference between these two spaces is institutional and not normative. In the state of nature, *'the State of War, once begun, continues'* for want of a common authority to appeal to. By contrast, in political society, *'when the actual force is over, the State of War ceases* between those that are in society... because then there lies open the remedy of appeal for the past injury, and to prevent future harm'.⁵³ This, for Locke, *'is one great reason of Mens putting themselves into Society and quitting the State of Nature'*.⁵⁴

It is against this conceptual background that Locke develops his famous account of property. Property, for Locke, refers not only to possessions, but more broadly to rights. On repeated occasions in the *Second Treatise*, Locke justifies the transition from common humanity to shared citizenship in terms of the better protection of *'Lives, Liberties, and Estates, which I call by the General Name, Property'*.⁵⁵ As James Tully observes, *'the specific groups of people in England (and France) who Locke believes had their rights and property violated, and so had the right to resist, were not capitalist landowners but oppressed religious minorities'*.⁵⁶ This lends further contextual support for a wide reading of Locke's conception of property as corresponding broadly to rights. While both the state of nature and political society are spaces of right-based governance, the establishment of a common authority facilitates the settlement of conflicts over rights. Accordingly, property provides a motivation for entering political society and simultaneously serves as a model for political authority as a bounded modality of governance grounded in multiple justificatory narratives.

In the absence of shared citizenship, the key question about the justification of property for Locke concerns how to differentiate what originally belongs to all humanity in common to best preserve humanity. Locke's answer emphasizes that differentiation must proceed in accordance with the laws that regulate the conceptual space of the state of nature.⁵⁷ *'The State of Nature has a Law of Nature to govern it, which obliges everyone'*,⁵⁸ he writes, by way of *'which Law common to them all, he and all the rest of Mankind are one Community'*.⁵⁹ This cosmopolitan law of nature serves as *'the common bond whereby humane kind is united into one fellowship and societie'*⁶⁰ and *'willeth the Peace and Preservation of Mankind'*.⁶¹ The law of nature guides differentiation in the state of nature in accordance with these aims. Locke suggests that while the world and its resources belong to all humans in common in the state of nature, *'there must of necessity be a means to appropriate them some way or other before they can be of any use, or at all*

⁵³II §20.

⁵⁴II §21.

⁵⁵II §123. See also II §87.

⁵⁶Tully 1993, 3.

⁵⁷Locke asks how persons *'come to have a property in several parts of that which God gave to Mankind in common, and that without any express Compact of all the Commoners'*. The lack of compact is key in that it emphasizes the absence of shared citizenship. II §25.

⁵⁸II §6.

⁵⁹II §128.

⁶⁰II §172.

⁶¹II §7.

beneficial to any particular Man'.⁶² Accordingly, 'the Condition of Humane Life', Locke concludes, 'necessarily introduces *private Possessions*'.⁶³

Several features of Locke's justification of private property in the state of nature are important for my present purposes. First, Locke's account of differentiation rests on a multiplicity of complex justificatory narratives. Locke presents at least three rival narratives for differentiating what was originally held in common into private possessions. These are the narratives of need, labour, and use.⁶⁴ What used to belong to all in common can become rightfully private when individuals need it to subsist and flourish (need narrative). A particular possession can become rightfully private when individuals mix their labour into what nature has provided to all in common, since labour is an extension of personhood (labour narrative). What individuals appropriate from the commons can remain rightfully private when used in accordance with the purposes of the law of nature which wills the preservation of humanity (use narrative). I do not discuss the complexities of these rival justificatory narratives and the myriad tensions they contain, but simply note that they co-exist in the text and provide multiple and shifting grounds for Locke's justification of private possessions. Together, these multiple narratives provide Locke's answer to the question that 'seems to some a very great difficulty, how anyone should ever come to have a *property* in any thing... and that without any express Compact of all the Commoners'.⁶⁵

Second, Locke's account of differentiation presents a limited and fluid conception of private property in the state of nature. The limits of property are given by the law of nature which governs the state of nature. 'The same Law of Nature, that does by this means give us Property', Locke writes, 'does also *bound* that *Property* too'.⁶⁶ Accordingly, rightful property titles are limited to 'As much as any one can make use of to any advantage of life before it spoils';⁶⁷ as long as 'there is enough and as good left in common for others'.⁶⁸ The limits set by the law of nature 'confine every Man's *Possession*, to a very moderate Proportion'.⁶⁹ Furthermore, the private property entitlements that result from the application of the law of nature are not rigid for Locke, as captured by the interplay of what he calls 'the great Maxims of *Justice* and *Charity*'.⁷⁰ As Locke puts it:

As *Justice* gives every Man a Title to the product of his honest Industry, and the fair Acquisitions of his Ancestors descended to him; so *Charity* gives every Man a Title to so much out of another's Plenty, as will keep him from extream want, where he has no means to subsist otherwise...⁷¹

⁶²II §26.

⁶³II §35.

⁶⁴These rival narratives are discussed by Simmons 1992 (labour), Tully 1993 (use), and Waldron 2002 (need). I do not take a position between them but flag their co-presence in Locke's thought.

⁶⁵II §27.

⁶⁶II §31.

⁶⁷II §31.

⁶⁸II §27. See also II §33.

⁶⁹II §36. I do not discuss the erosion of these limits in the state of nature after the introduction of money, for which Locke's response is the introduction of citizenship.

⁷⁰II §5.

⁷¹I §42.

On this account, even when rightful property titles exist, they can be eroded in the face of the extreme want of others, because the claims of a needy fellow human ‘cannot justly be denied him, when his pressing Wants call for it’.⁷² As Jeremy Waldron has observed, recognizing the significance of charity in the justification of private property leads to the conclusion that a person ‘in need has “a Right” to another’s surplus goods: indeed Locke twice talks of his having “a Title”, in a way that suggests that this too is to be regarded as a property entitlement’.⁷³ Consequently, even just claims to private property established by the narratives of need, labour, and use may be overridden when the survival claims of others require it.

Locke’s account of property in the global state of nature sets the stage for Locke’s conceptualization of sovereignty by providing both the rationale for and limits of government. The preservation of property is the ‘great and *chief end*’ of ‘Mens uniting into Commonwealths and putting themselves under Government’ as Locke famously puts it.⁷⁴ Once property disputes arise, the state of nature suffers from certain inconveniences for their peaceful resolution. More specifically, the state of nature lacks ‘an *establish’d*, settled, known *Law*’, which clarifies the dictates of the universal law of nature in particular cases, ‘a *known and indifferent Judge*’, and a ‘*Power* to back and support the Sentence when right, and to *give* it due *Execution*’.⁷⁵ In such circumstances, the enjoyment of property, understood broadly as rights, can become uncertain.⁷⁶ Political society becomes the proper remedy for these inconveniences. ‘For the Law of Nature’ writes Locke, ‘serves not, as it ought, to determine the Rights, and fence the Properties of those that live under it, especially where every one is Judge, Interpreter and Executioner of it too, and that in his own Case’.⁷⁷ Citizens who ‘separate from the rest of Mankind’ give up their natural powers of judgement and punishment⁷⁸ in favour of what Locke calls the municipal law of their political society, so ‘that they may have the united strength of the whole Society to secure and defend their Properties and may have *standing Rules* to bound it, by which every one may know what is his’.⁷⁹

In this way, Locke’s notion of municipal law gives specific political content to rights in the context of shared citizenship. Without municipal law, persons do not even know in any concrete or enforceable manner what their rights are; it is the conventional laws of political societies that determine and settle rights.⁸⁰ The actual content of those rights can take many different forms. ‘For in Governments the Laws regulate the right of property’, writes Locke, ‘and the possession of land is determined by positive constitutions’.⁸¹ A wide array of political and economic regimes may ensue. ‘By *Common-wealth*, I must be understood all

⁷²I §42.

⁷³Waldron 2002, 180.

⁷⁴II §124.

⁷⁵II §124, II §125, II §126.

⁷⁶II §123.

⁷⁷II §136.

⁷⁸II §128.

⁷⁹II §136.

⁸⁰II §42, II §45.

⁸¹II §50.

along to mean, not a Democracy, or any Form of Government, but *any Independent Community*.⁸² Locke writes, since political representatives ‘might set up what form of Government they thought fit’.⁸³ The form of the government to be adopted is at the discretion of the people, to be chosen according to what they think is good for themselves. Similarly, despite his defence of private appropriation in the state of nature, Locke recognizes that some political societies may decide to hold designated lands in common.⁸⁴ Furthermore, Locke observes that the municipal laws of different countries may vary greatly on how they settle questions of private property such as inheritance.⁸⁵ In that respect, Locke foreshadows contemporary legal theories of property that highlight how even within a given country, different jurisdictions may differ substantially on how they determine what rightfully belongs to whom.⁸⁶

Just like the justification of property in the state of nature, Locke’s pluralist account of municipal law yields a limited, plural, and fluid conception of sovereignty. Municipal law strives to strike a delicate balance between at least two rival justificatory narratives: the narratives of individual rights and the common good. On the one hand, property, understood as individual rights, provides the ultimate end of political society and limits the rightful exercise of political power.⁸⁷ On the other, property acquires concrete meaning and specific political and economic forms through its specification by the municipal laws of particular political societies in accordance with the society’s understanding of its common good. As Locke puts it, a citizen ‘authorizes the Society, or which is all one, the Legislative thereof to make Laws for him as the publick good of the Society shall require’.⁸⁸ At the same time, while the legal specification of property is compatible with a wide range of political and economic regimes, the acceptable pluralism of municipal laws remains bounded by a cosmopolitan law of nature. Unlike property in the state of nature, municipal law is established conventionally. Nevertheless, this conventional specification cannot violate cosmopolitan law, no matter what the form of government.⁸⁹ ‘Thus the Law of Nature stands as an Eternal Rule to all Men, Legislators as well as others’ concludes Locke, ‘and the *fundamental Law of Nature* being *the preservation of Mankind*, no Humane sanction can be good, or valid against it’.⁹⁰

I have suggested that the global state of nature and political society are spaces of right-based governance that co-exist and overlap for Locke. Property, understood broadly as rights, connects the two conceptual domains by providing a limited, plural, and fluid model of sovereignty grounded in multiple justificatory narratives that can be actualized through a variety of institutional forms, including common ownership by consent in the context of shared citizenship. I have emphasized the limited, plural, and fluid dimensions of Locke’s conception of sovereignty, which

⁸²II §133.

⁸³II §106. See also II §132.

⁸⁴II §35. For Locke, the commons ‘remain so by Compact’ among citizens. II §28.

⁸⁵I §90.

⁸⁶Heller and Salzman 2021.

⁸⁷II §124. See also II §94, II §135.

⁸⁸II §89.

⁸⁹II §142.

⁹⁰II §135.

differentiate it sharply from its Hobbesian absolutist counterpart commonly used in IR theory. Sovereignty is limited for Locke because it is grounded in a limited account of property which simultaneously justifies and bounds it. Sovereignty is plural for Locke because a variety of political and economic institutions can realize its normative aspirations in relation to multiple justificatory narratives. Sovereignty is fluid for Locke because rights are not rigidly exclusive and political society always exists within and alongside a global state of nature encapsulating overlapping interactions between persons, associations, and governments. Finally, the law of nature, which aims for the preservation of humanity, provides a cosmopolitan moral code that all right-governed spaces must observe and against which no conventional laws can be valid.

Moving beyond international minimalism with Locke

I have proposed Locke has a lot to offer IR theory to redress the normative minimalism of influential formulations of international society and international ethics that arises from the presumption of Hobbesian sovereignty even by critics of Hobbesian anarchy. Instead of casting anarchy and sovereignty as polar opposites, Locke shows us how they are mutually constituted as overlapping spaces of right-based governance connected by property. The limited, plural, and fluid conceptions of anarchy and sovereignty that Locke makes available sharply contrast to the state of war that Locke defines as a condition of ‘*Force without Right*’,⁹¹ wherever this occurs. Whether the state of war impinges upon the global state of nature or political society, Locke’s response is to posit a firm right to forcefully resist. Accordingly, it is no coincidence that Locke places his discussions of conquest and tyranny together in almost direct succession in the *Second Treatise*, since both concern the re-introduction of a state of war into spaces of right-based governance.⁹² As Locke explicitly highlights: ‘The People’s Right is equally invaded, and their Liberty lost, whether they are made slaves to any of their own, or a Foreign Nation’.⁹³ I argue that Locke’s parallel discussions of conquest and tyranny must be read together to illuminate the normative architecture of a right-based global order.

Conquest introduces a state of war into the global state of nature. The primary target of Locke’s discussion of conquest is the waging of unjust war.⁹⁴ The unjust use of force can never procure rightful title for Locke even when force momentarily prevails. Locke elegantly defies Grotius and Hobbes on this issue by pointing out that ‘many have mistaken the force of Arms ... as one of the Originals of Government’.⁹⁵ By contrast, Locke considers unjust conquerors to be aggressors and insists that they can never acquire any rights over the conquered:

⁹¹II §19.

⁹²Locke inserts a short chapter on usurpation between his chapters on conquest and tyranny, which he considers to be ‘a kind of Domestick Conquest’. II 197.

⁹³II §239.

⁹⁴I focus on Locke’s condemnation of unjust conquest here, but Locke also differentiates between just and unjust conquest and offers a sophisticated theory of just war that emphasizes the territorial rights of the conquered even after just conquests. Lee Ward offers an excellent treatment of this. Ward 2010.

⁹⁵II §175. Laslett points out that the position Locke criticizes finds its parallels in the views of Hobbes, Grotius, and the Grotian conquest theorists of 1688–89. Locke 1988, 385 fn.

That the *Aggressor*, who puts himself into the state of War with another, and *unjustly invades* another Man's right, *can*, by such an unjust War, *never* come to *have a right over the Conquered*, will be easily agreed by all Men, who will not think, that Robbers and Pyrates have a Right of Empire over whomsoever they have Force enough to master; or that Men are bound by promises, which unlawful Force extorts from them.⁹⁶

Whether the aggressor is a robber or a king does not matter for Locke; indeed, the offense of a king is even graver than that of a robber. As Locke puts it: 'The Injury and the Crime is equal, whether committed by the wearer of a Crown, or some petty Villain. The title of the Offender, and the Number of his Followers make no difference in the Offence, unless it be to aggravate it'.⁹⁷

Locke's response to aggression in the global state of nature is to posit a right to forcefully resist unjust conquest. Those who are unjustly conquered and their descendants 'who were forced to submit to the Yoke of a Government by constraint, have always a Right to shake it off... till their Rulers put them under such a Frame of Government, as they willingly, and of choice consent to'.⁹⁸ This right to resist an unjust conquest remains unaffected by the passage of time. As Locke famously asks: 'Who doubts but the Grecian Christians descendants of the ancient possessors of that Country may justly cast off the Turkish yoke which they have so long groaned under when ever they have the power to do it?'⁹⁹ The example of the Grecian Christian is particularly striking, given Locke's general reticence about applying his ideas to historical cases. In the case of the Grecian Christians, Locke insists that their right to resist remains intact even after more than two centuries had passed from the original aggression.

Locke's support of a firm anti-conquest rule in the global state of nature goes hand in hand with his condemnation of tyranny in political society. Just like unjust conquerors, tyrants are aggressors for Locke. '*Tyranny is the exercise of Power beyond Right*' he writes, 'which no Body can have a right to'.¹⁰⁰ Like unjust conquerors, tyrants 'put themselves into a state of War with the People'¹⁰¹ through their transgressions. Given the plural character of Locke's theory of sovereignty, the precise shape of tyranny depends 'upon the Form of the Government in which it happens'.¹⁰² Regardless of the specific characteristics of a given regime, however, Locke's goal is to ensure that those who suffer from tyrannical abuses of power 'have not only a Right to get out of it but to prevent it'.¹⁰³ This grounds Locke's famous right to revolution, whereby the people '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'.¹⁰⁴ In the execution of

⁹⁶II §176.

⁹⁷II §176.

⁹⁸II §192.

⁹⁹II §192.

¹⁰⁰II §199.

¹⁰¹II §222. See also II §204, II §205, II §207, II §226, II §227, §232.

¹⁰²II §213.

¹⁰³II §220.

¹⁰⁴II §222. See also II §204, II §205, II §207, II §226, II §227, §232.

this right, 'all former Ties are cancelled, all other Rights cease, and every one has a Right to defend himself, and to resist the Aggressor'.¹⁰⁵

Locke's revolutionary call to forcefully resist aggression in the face of tyranny constitutes a radical challenge to the abusive political practices of his time. Locke does not expect the path of resistance to be easy and explicitly acknowledges the possibility of civil war that revolution entails. While expecting actual instances of revolution to be rare,¹⁰⁶ he nevertheless insists that even civil war is to be preferred to an unjust peace that 'consists only in Violence and Rapine; and which is to be maintain'd only for the benefit of Robbers and Oppressors'.¹⁰⁷ He further maintains that resistance would occur independently of a right to resist aggression and regardless of regime type, since 'the ferment for frequent Rebellion' occurs 'when the People are made miserable, and find themselves exposed to the ill usage of Arbitrary Power'.¹⁰⁸ Finally, he reiterates that the limited sovereignty that the right to revolution upholds is 'the best fence against Rebellion, and the probablest means to hinder it'.¹⁰⁹

Locke's parallel rebukes of unjust conquest and tyranny rest upon the attribution of collective rights to political societies within a global state of nature.¹¹⁰ Aggression, whether it takes the form of unjust conquest or tyranny, invades the collective rights of 'peoples' to govern themselves for Locke. In the example of unjust conquest just discussed, it is the collective rights of the Grecian Christians to govern themselves as a people that is violated under the Turkish yoke.¹¹¹ In the case of tyranny, it is again 'the People' who 'are made miserable, and find themselves exposed to the ill usage of Arbitrary Power'.¹¹² Property serves as a model for the collective rights of peoples to govern themselves free from aggression. The Grecian Christians are described as 'descendants of the ancient possessors of that country'.¹¹³ The territorial rights associated with collective possession are further consolidated by consent in the global state of nature, just like property rights are clarified by municipal law within political society. Thus, Locke envisages compacts among sovereigns to conventionally solidify their territorial rights vis-a-vis each other. 'The Leagues that have been made between several States and Kingdoms, either expressly or tacitly disowning all Claim and Right in the others Possession, have, by common Consent, given up their Pretences to their natural common Right, which they originally had to those Countries, and so have, by positive agreement, settled a Property amongst themselves, in distinct parts and parcels of the Earth'¹¹⁴ he maintains. In this formulation, sovereign rights of territorial

¹⁰⁵II §232.

¹⁰⁶II §225.

¹⁰⁷II §228.

¹⁰⁸II §224.

¹⁰⁹II §226.

¹¹⁰I do not address the question of how peoples are constituted here.

¹¹¹II §192.

¹¹²II §224.

¹¹³II §192.

¹¹⁴II §45.

possession are conventionally confirmed to facilitate collective self-government for peoples.¹¹⁵

Given the limited, plural, and fluid character of Locke's conceptions of property, sovereignty, and anarchy that I have developed, it should come as no surprise that the collective territorial rights I attribute to Locke are also limited, plural, and fluid. This differs in significant ways from dominant understandings of territorial rights associated with sovereignty today. Following David Miller, many contemporary political theorists characterize territorial rights as involving the right to jurisdiction within a territory, the right to control resources within the territory, and the right to control the movement of persons and goods across borders.¹¹⁶ This formulation attributes absolute authority to sovereigns across a variety of domains, including the control of jurisdiction, resources, and immigration. By contrast, the collective territorial rights that emerge from my interpretation of Lockean property are limited, plural, and fluid. Accordingly, the just territorial claims of sovereigns continue to be limited by a cosmopolitan law that aims for the preservation of humanity; they can be manifested in plural institutional arrangements in relation to rival justificatory narratives; and they need not be rigidly exclusive. While a full exploration of territorial rights is beyond the scope of this article, the question of border controls helps illustrate their limited, plural, and fluid character. Accordingly, sovereigns do not have an absolute right to control the movement of persons across borders, especially in circumstances of pressing human needs.¹¹⁷ If more open immigration policies can help address severe human deprivation in the world, they are to be preferred to closed borders. This is consistent with the policy positions Locke himself advocated. As Brian Smith has recently suggested, far from advocating border controls, Locke welcomed immigration into Britain and saw it as a sign of a healthy political society.¹¹⁸

I have highlighted the simultaneous and sometimes uneasy presence of collective rights and human rights in Locke's limited, plural, and fluid conceptions of anarchy and sovereignty. This differs from recent Lockean defences of territorial rights in political theory. Lockean justifications of territorial rights take two main forms: individualistic renditions of Lockean acquisition have construed territorial rights as arising from the aggregation of the prior private property holdings of individuals who consent to the jurisdiction of the state,¹¹⁹ while collectivist versions of Lockean acquisition have posited that groups that meet certain conditions acquire territorial rights over the particular lands they transform through their collective labour for the central purpose of administering justice.¹²⁰ The problems with individualistic defences of territorial rights in Lockean terms have been discussed extensively.¹²¹

¹¹⁵Bas Van der Vossen similarly suggests that jurisdictional rights arise in a two-stage process that combines the justification of political authority for citizens with treaties that settle boundaries vis-a-vis foreigners. Van der Vossen 2015.

¹¹⁶Miller 2011a.

¹¹⁷Michael Doyle similarly concludes that in a world of rampant poverty and starvation, barriers to immigration are 'suspect in this Lockean ethic'. Doyle 1997, 223.

¹¹⁸Smith 2021.

¹¹⁹Simmons 2001; Steiner 1996; Steiner 2005; Steiner 2008.

¹²⁰Nine 2012.

¹²¹Stilz 2009; Miller 2011b; Moore 2015.

I share the generally expressed concern that individualistic theories of Lockean acquisition reduce jurisdiction to property, without paying adequate attention to the ways in which jurisdiction shapes and defines property, which is a central part of my reconstruction of a mutually constitutive relationship between property and sovereignty.

In contrast to individualistic acquisition theories, my reading of Locke emphasizes collective self-government, but unlike collective acquisition theories, my limited, plural, and fluid account of sovereignty does not privilege narrow conceptions of comparative efficiency that can erode the valid territorial claims of political communities that are deemed less efficient. A comparison with Cara Nine's influential collectivist account of territorial rights is instructive here. Nine draws attention to how jurisdictional authority transforms the land by creating 'unique systems of resource use' that incentivize particular forms of land development¹²² and argues that 'a system of rights to land that makes most efficient use of the land is to be preferred'.¹²³ While Nine does not intend this to be 'an argument for appropriating the rights to others' lands', she nevertheless insists that 'one does have to be using the territory without spoilage'.¹²⁴ The consequence of Nine's appeal to efficiency in transforming the land is to significantly weaken the justified territorial rights of political societies whose land-use systems may be less efficient. As Nine puts it: 'If a land is not utilized, but is capable of providing goods like food, shelter, and a place to assemble, and there is a people who has no food, shelter, or place to gather, then there is a reason from efficiency to allow the people access to the unutilized land'.¹²⁵

Two examples demonstrate the problematic consequences of Nine's reliance on comparative efficiency in her construal of territorial rights. The first concerns the stripping of colonized peoples of their territorial rights. Because of changed circumstances, Nine writes, 'the descendants of colonists in North America and in Australasia are not obligated to return territorial rights to the land's original inhabitants. They are justified in maintaining territorial sovereignty without having, it seems, historical claims to the land'.¹²⁶ The second example involves the territorial claims of what Nine calls 'ecological refugee states'. 'An ecological refugee state', she writes, 'is a state whose entire territory is lost to ecological disaster'.¹²⁷ Nine argues that ecological refugee states become 'candidate as sovereign over some other land even if they have no historical claim to that land'.¹²⁸ The problem is that other political societies already have valid territorial rights to these lands. Nine resolves this conflict by appealing to efficiency, writing that 'ecological refugee states may have a stronger case regarding a claim over these lands'.¹²⁹ Thus, the changed circumstances of ecological disaster weaken the legitimate territorial entitlements of

¹²²Nine 2012, 82.

¹²³Ibid., 87.

¹²⁴Ibid., 89.

¹²⁵Ibid., 89.

¹²⁶Ibid., 170.

¹²⁷Ibid., 163.

¹²⁸Ibid., 164.

¹²⁹Ibid., 178.

existing political societies for Nine, especially if they are considered to have inefficient land-use practices.

In the context of climate disasters, Nine is correct to emphasize the limited nature of existing territorial rights and the rival claims arising from severe human need. Where she goes too far is in overriding pre-existing legitimate territorial claims. A better route for addressing the plight of climate refugees in a Lockean framework without undermining existing legitimate territorial claims is through open immigration. While Nine rightly notes that open immigration by itself would not automatically enable collective self-government for the citizens of former refugee states, this is only true if we understand territorial rights in terms of a Hobbesian absolute conception of sovereignty. Given the limited, plural, and fluid conception of sovereignty I have developed in Lockean terms, autonomy arrangements for sharing jurisdiction with climate refugees could be explored to realize their valid collective self-government claims through more open-ended and fluid institutional paths.

I have argued that Locke's limited, plural, and fluid conception of property grounds a normatively robust global order that rests on the joint condemnation of conquest and tyranny. Affirming an anti-conquest rule as part of the moral architecture of anarchy attributes limited territorial rights to sovereigns to protect collective self-government, albeit not in the rigidly exclusive manner we take for granted today, especially in the domain of border controls. Specifically, Locke's emphasis on a cosmopolitan law of nature that aims for the preservation of humanity implies the need for more open immigration policies when pressing human needs are present.¹³⁰ This limited, plural, and fluid interpretation of Lockean territorial rights presents human rights and collective self-government rights as complementary in an anarchic world order.¹³¹

An objection to the Lockean vision of anarchy I have proposed comes from post-colonial readings of Locke that present him as an apologist for British expansion in America.¹³² A version of this argument has recently been revived by Sinja Graf, who suggests that Locke's account of a universal law of nature provides the moral basis for imperial conquest. While a full consideration of the historical and conceptual relation between Locke's thought, colonialism, and imperialism is beyond the scope of my present analysis, Graf's imperial reading of Locke is important to address, because she reaches entirely different conclusions about the implications of Locke's cosmopolitan law for conquest.¹³³ For Graf, the idea

¹³⁰Unlike contemporary views about the ethics of immigration, my position does not differentiate between refugees and economic migrants.

¹³¹On both the value of collective occupancy and the question of immigration, my reading of Locke parallels Margaret Moore's position on territorial rights. Moore 2015.

¹³²Arneil 1996; Armitage 2004; Tuck 2001; Tully 1993, 1995.

¹³³I focus specifically on the question of imperial conquest instead of addressing the broader question of colonial settlement. Locke's relationship to the British colonial project is complex and beyond the scope of this article, but I argue here that his theory clearly condemns imperial conquest. More generally, I think that while an awareness of Locke's positionality is important, ultimately his ideas must stand or fall on their own merits. Locke's close association with his patron and employer Lord Shaftesbury has not prevented him from having an immense impact on the historic development of central aspects of the liberal tradition and from being appropriated as the intellectual inspiration for grand historical events like the American and French revolutions.

of universal crime constructs hierarchies of humanity that legitimate disciplining interventions against those who are depicted as regressive or undeveloped.¹³⁴ She argues that Locke casts Indigenous Americans as universal criminals for failing to enclose land and thus erases their property and sovereignty, turning them into appropriate subjects of just imperial conquest.¹³⁵

In constructing the case for the obliteration of Indigenous territorial rights, Graf makes two moves: first, she reduces sovereignty to priorly held private property in ways that echo individualistic Lockean acquisition theories. Second, she invokes a narrowly construed standard of comparative efficiency to characterize certain economic practices as wasteful, which, as I have shown, also colours collectivist Lockean acquisition theories. 'Locke maintains that jurisdiction over territory *ensues* from the establishment of property in land' Graf writes, which 'enables the argument that they hold no property over their lands due to their purported lack of agricultural practices. The denial of indigenous dominium attends Locke's obliteration of Native American sovereignty, as he maintains that jurisdiction can be exercised only over land that has been appropriated via cultivation'.¹³⁶ If, as Graf holds, 'individuals must enclose portions of the earth as their private property via agricultural labor' to preserve humanity, then the Indigenous American can be construed 'as a hunter and gatherer who violates the natural law's spoilage prohibition to the detriment of mankind by letting the earth's productive potential go to waste'.¹³⁷ Graf concludes: 'Locke thereby not only erases indigenous property claims in America by insisting on agricultural labor as the means to land ownership, but also presents the Native American as an offender against natural law, as a universal criminal. Moreover, the denial of indigenous property (dominium) also entails the denial of indigenous sovereignty (imperium)'.¹³⁸

Several points cast doubt on the validity of Graf's depiction of the relationship between property, sovereignty, and criminality. First, Locke does not derive territorial rights from the aggregation of prior private property holdings. While property, understood broadly as rights, plays an important role in the justification of legitimate jurisdictional authority for Locke, rights acquire their concrete form and meaning in the conventional laws that sovereigns enact, which enable citizens to know what their rights are. Second, Locke allows for the possibility that conventional laws can designate certain lands to be held in common, but these lands are not available for appropriation by non-citizens, because 'though it be Common, in respect of some Men, it is not so to all Mankind, but is the joint property of this Country, or this Parish'.¹³⁹ The variation Locke envisages in property regimes goes hand in hand with his broad recognition of constitutional pluralism. Third, while Locke does subscribe to a narrow conception of comparative efficiency to differentiate between wasteful and productive uses of land, there is no evidence to suggest that this justifies conquering countries with less efficient economic practices. Interestingly, Locke's primary example of waste in the *Second Treatise* is not

¹³⁴Graf 2021, Ch. 1.

¹³⁵Ibid., Ch. 2.

¹³⁶Ibid., 71.

¹³⁷Ibid., 50.

¹³⁸Ibid.

¹³⁹II §35.

America but Spain, but he never suggests this as a reason for conquering Spain.¹⁴⁰ As Lee Ward also points out, ‘in contrast to later liberal international lawyers such as Vattel, Locke does not refer to leaving land undeveloped as a violation of the natural law that is in any way punishable by another party’.¹⁴¹ As for America, while Locke did consider Indigenous patterns of land use to be less efficient, he was also well aware that they were not wasteful, given his intimate involvement in British colonial administration in the Carolinas. As Vicki Hsueh notes, Locke knew that Indigenous peoples cultivated land, had an abundance of crops, and had legitimate ownership and jurisdictional rights to their lands.¹⁴²

It could be suggested that while Locke articulates a plural conception of sovereignty for countries with European constitutional forms, he does not extend this to Indigenous peoples in America who he does not recognize as sovereign, and who consequently become appropriate subjects for conquest. This view does not withstand scrutiny. Locke repeatedly refers to Indigenous peoples as nations and Indigenous rulers as kings in the *Two Treatises*. As Peter Laslett notes, Locke wrote in his journal that Indigenous kings were ‘rather obliged by consent and persuasion than compulsion, the public good being the reason of their authority’.¹⁴³ While Indigenous peoples lacked European constitutional forms, Locke nevertheless described indigenous political institutions as ‘elective’¹⁴⁴ and suggested that they were ‘most obvious’ for their circumstances. As Hsueh points out, Locke was also well-acquainted with the treaty-making practices that the British typically engaged in with Indigenous peoples in America, who they regarded as sovereign and lawful owners of their land and as possessing the ability to make treaties, conduct diplomacy, and give consent.¹⁴⁵ If Locke’s plural account of sovereignty is capable of recognizing Indigenous territorial rights, as I believe it is, then the characterization of Native Americans as universal criminals who can be conquered for refusing to enclose land becomes implausible. Accordingly, the Lockean condemnation of conquest and tyranny in a right-based global order remains intact in America.

Conclusion: towards a Lockean global agenda

I have argued that IR theorists would do well to learn from Locke’s limited, plural, and fluid conceptions of anarchy and sovereignty. Locke is often overlooked as a core thinker for IR, with the unfortunate consequence that some of the most central concepts of the field have been constructed under the enduring shadow of Hobbes. In the Hobbesian framework that many IR theorists have relied on, anarchy and sovereignty are characterized in absolutist terms and presented as polar opposites. This makes it hard to theorize limits to the rightful exercise of power in relation to fellow citizens and in the world. Unfortunately, even prominent critics of Hobbesian anarchy like Bull, Wendt, and Beitz who pay lip service to Locke in

¹⁴⁰II §36.

¹⁴¹Ward 2010, 282.

¹⁴²Hsueh 2010, 71.

¹⁴³Locke 1988, 338 fn.

¹⁴⁴II §106.

¹⁴⁵Hsueh 2010, 74.

their classic works quickly dismiss his potential for theorizing IR. As a result, they rely on Hobbesian assumptions of absolute sovereignty, which in turn lead to impoverished accounts of international society and international ethics.

To counter these Hobbesian legacies, I have repositioned Locke as a prominent international thinker. Locke shows us how anarchy and sovereignty are mutually constituted by an underlying idea of property. Identifying anarchy with a Lockean global state of nature highlights the ways in which anarchy is a space of right-based governance construed by limited territorial rights. Recognizing the ways in which property serves as a model for sovereignty emphasizes the limited, plural, and fluid nature of sovereignty, opening the door to imagining new institutional possibilities for organizing, sharing, or pooling political power. Multiple and shifting justificatory narratives ground property and sovereignty in a co-constitutive relationship that firmly emphasizes their limited, plural, and fluid character. Even just property titles are not rigidly exclusive and can be overridden in the face of pressing human needs. Sovereignty can never be absolute, for if it was, Locke insists that ‘Mankind will be in a far worse condition than the state of nature’.¹⁴⁶

I have also suggested that a distinctive feature of Locke’s theories of property, sovereignty, and anarchy is institutional pluralism: a variety of economic and political regimes can realize Lockean ideals. Not all property arrangements need be private, and no specific political regime is associated with sovereignty. Anarchy and sovereignty co-exist and overlap in a right-based global order that firmly condemns the twin evils of conquest and tyranny. As such, anarchy is not a modality of negativity in Lockean international theory, but a conceptual space for rightful relationships between actors who do not share citizenship. Co-existence, overlap and complex interactions imply that anarchy can include various governance arrangements for ordering property relations. Hierarchy, heterarchy, and heteronomy can simultaneously exist and operate under the umbrella of an anarchic world order and are equally subject to moral scrutiny for the inequalities they produce.

In developing my Lockean alternative to Hobbes for international theory, I have engaged with relevant debates in political theory with the specific purpose of highlighting the mutually constitutive relationship between property, sovereignty, and anarchy and to emphasize the limited, plural, and fluid character of these core concepts in Locke’s thought. I have leveraged interpretive disagreements in political theory to flesh out my claims about Locke’s limited, plural, and fluid conceptions of sovereignty and anarchy. I have highlighted the presence of multiple justificatory narratives in Locke’s account of property and treated their co-existence as instructive, instead of attempting to argue for the analytical superiority of one position. I have also emphasized the compatibility of Locke’s ideas with a variety of political and economic regimes and celebrated this as a distinguishing aspect of the richness of his theory of sovereignty. I have positioned my presentation of Locke’s right-based conception of anarchy among rival interpretations of Lockean territorial rights to underscore the limited, plural, and fluid character of a Lockean world order.

Methodologically, I think we can learn from noticing the presence of nuance in central works of political thought where this is warranted, instead of always trying

¹⁴⁶II §137.

to provide a definitive overarching argument about the one correct interpretation of a given thinker. This requires that we get comfortable with the potential presence of productive ambiguity in our foundational texts and that we resist the temptation to assimilate them into existing binaries. Locke is the perfect interlocutor for this methodological approach, as his ideas have been interpreted in significantly different ways by subsequent generations of political thinkers and activists. Over the last three centuries, Locke has been treated as a founding figure for capitalism, socialism, and mercantilism; he has been regarded as a dangerous revolutionary and a supporter of the status quo; he has simultaneously been celebrated as an icon of liberty and condemned as an apologist for imperialism; he has been explicitly invoked both to dispossess Indigenous peoples and to defend Indigenous rights.¹⁴⁷ The radically divergent political agendas that Locke's ideas have inspired illustrates the productive potential and political significance of his limited, plural, and fluid conceptions of property, sovereignty, and anarchy and the myriad of political purposes that they can advance. This rich and complex history of appropriation reiterates the utter importance of scrutinizing contemporary political uses of Locke's ideas in international practice and contemplating alternative institutions of global governance that can better realize the normative purposes of his non-absolutist conceptions of property, sovereignty, and anarchy.

I have not tried to address all the questions that arise from treating Locke as a prominent international theorist. For example, while Locke strongly champions pluralism in political and economic regimes, he also insists that conventional laws cannot violate a cosmopolitan law of nature. This calls for a closer examination of the relationship between natural and positive law, the limits of pluralism in sovereign law, and the respective roles of empirical and normative considerations in international law. Similarly, Locke's justification of sovereignty rests on balancing multiple justificatory narratives concerning individual rights and the common good among those who share citizenship, and the narratives of labour, need, and use among those who do not, which raises questions about how these balances are to be struck in particular contexts, how they have emerged over time, and how they can be reformed to better serve the primary purpose of preserving humanity. A Lockean theory of property, sovereignty, and anarchy cannot answer all these questions in the abstract, but it provides an excellent theoretical framework for starting empirically informed conversations about them without presuming singular answers.

Ultimately, a Lockean global agenda entails an invitation to scrutinize how property operates in our contemporary world order given its ubiquitous presence. IR theory lags behind international practice in this domain and would do well to catch up. The territorial rights embedded in Locke's conception of limited, plural, and fluid conception of property are far too often actualized in unlimited, singular, and rigidly exclusive terms in practice, but this need not be the case. Political theorists have noticed this, drawing attention to the problematic consequences for human rights of the resource and borrowing

¹⁴⁷For overviews of rival interpretations of Locke, see Goldie 2014 and Tully 1993, 96–99. For discussions of Locke's subsequent uses in America, see Goldie 2016 and Fitzmaurice 2014. For a comprehensive account of the complex historical reception of Locke, see Goldie 1999.

privileges that we all too easily associate with sovereignty,¹⁴⁸ and IR theorists should follow suit. Locke himself subscribed to narrowly construed notions of comparative efficiency about property, which were taken up by subsequent generations of thinkers to justify colonial dispossession. IR theorists should take this as a cautionary tale about the potential dangers of relying on efficiency in the generation of property claims and ask whether the mutual understandings upon which our current global property regimes rest serve the central normative purpose for which property exists, which is the preservation of humanity in a right-based global order. The specification of who should have what, when, and why, and the circumstances under which this can be overridden is at the heart of a Lockean global agenda and should provide the inspiration for future work in international theory.

Competing interest. None.

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