

# Locke on Relations, Identity, Persons, and Personal Identity

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## Abstract

This essay examines Locke's chapter "Of Identity and Diversity" (*Essay* 2.27) in the context of the series of chapters on ideas of relations (*Essay* 2.25–28) that precede and follow it. I begin by introducing Locke's account of how we acquire ideas of relations. Next, I consider Locke's general approach to individuation and identity over time before I show how he applies his general account of identity over time to persons and personal identity. I draw attention to Locke's claim that "person" is a forensic term and analyse his arguments for why the sameness of a human being and the sameness of a substance or soul are neither necessary nor sufficient for personal identity. Instead, Locke argues that personal identity consists in sameness of consciousness. Locke regards persons as moral agents who are accountable for their actions. If a person now is held accountable for a past action it is important that the person now is the same person as the person who did the action. This means that moral accountability presupposes personal identity. Additionally, it will be important to consider whether the person deserves reward or punishment for the action. Locke's account of moral relations, which he develops in *Essay* 2.28, addresses this issue and I show how it supplements his account of persons and personal identity.

**Keywords:** John Locke, relations, identity, individuation, persons, personal identity, consciousness, moral accountability, moral relations

## 1. Introduction

Soon after the publication of the first edition of Locke's *An Essay concerning Human Understanding* in 1690 this major work was widely discussed in intellectual circles of his day. For instance, the Irish philosopher William Molyneux praises the *Essay* in the Dedication of his own work, *Dioptrica Nova*, which first appeared in 1692. Locke and Molyneux start corresponding soon afterward and discuss various philosophical themes from the *Essay* in their letters.<sup>1</sup> As Locke starts preparing a second edition of the *Essay* he reaches out to Molyneux for advice "about the mistakes and defects of it" (CS 1538:4, 522) and asks him whether he can recommend any new topics that could be included in the second edition. In response Molyneux suggests among other things that Locke could offer a more detailed treatment of "the Principium Individuationis" (CS 1609:4, 650). This prompted Locke to write a new chapter with the title "Of Identity and Diversity." He added it as chapter 27 of Book 2 to the second edition of the *Essay*, which was first published in 1694. This chapter examines philosophical questions of individuation and identity and in the second half of the chapter Locke turns to persons and their identity over time. Locke examines closely what the idea of a person stands for and how the idea of a person differs from other ideas such as the idea of a human being (or 'man' as Locke calls it) or the idea of a substance or soul.<sup>2</sup> On this basis, he turns to the question of what makes a person the same over time and argues that personal identity consists in sameness of consciousness. In Locke's view, a person's continued existence over time does not have to coincide with the continued existence of a human being or a substance and he is convinced that his account of persons and personal identity can better accommodate moral and religious questions than other competing theories.<sup>3</sup>

My aim in the following is not only to take a close look at Locke's discussion of identity, persons, and personal identity in his chapter "Of Identity and Diversity", but also to investigate why Locke decided to place his new chapter within a series of chapters on ideas of relations. We can assume that Locke, when he drafted this new chapter, considered where in Book 2 would be the ideal place to include it. Book 2 of the *Essay* begins with an examination of simple ideas before

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<sup>1</sup> See Boeker (2022a) for further discussion of the correspondence between Locke and Molyneux.

<sup>2</sup> It may be worth noting that when Locke speaks of a "soul" or "spirit" he refers to a thinking substance, irrespective of whether it is material or immaterial. He makes this explicit in LS 33–7.

<sup>3</sup> For detailed further discussion of Locke's account of persons and personal identity, see Boeker (2021b, 2021a), Strawson (2014), Thiel (2011, 1998b), Weinberg (2011), and Wörner (2022).

turning to complex ideas, which Locke divides into ideas of modes, ideas of substances, and ideas of relations (E 2.12.3:164). Why did Locke add the chapter to a series of chapters on ideas of relations (E 2.25–28:319–62), rather than to a series of chapters on ideas of modes (E 2.13–22:166–295) or ideas of substances (2.23–24:295–318)? Furthermore, why did he add it after the chapters “Of Relation” (E 2.25) and “Of Cause and Effect, and other Relations” (E 2.26) and before the chapter “Of other Relations”, which became chapter 28 in the second edition? Locke does not explicitly comment on these questions, but I believe that he thought about them. In my view, Locke’s chapter “Of Identity and Diversity” primarily focuses on the *relation* of identity and he is mainly concerned with explaining under what conditions two things, or more precisely, two members of the same kind, stand in the identity relation to each other. In *Essay* 2.25.4 and 2.25.8 Locke argues that we can have a clear idea of the relation between two things, even if we have only obscure and imperfect ideas of the things that stand in this relation.<sup>4</sup> He illustrates this point with the example of the relation between dam and chick as follows:

Thus having the Notion, that one laid the Egg, out of which the other was hatched, I have a clear *Idea* of the Relation of *Dam* and *Chick*, between the two Cassiowaries in St. *James's* Park; though, perhaps, I have but a very obscure and imperfect *Idea* of those Birds themselves. (E 2.25.8:323)

If we apply these considerations to the relation of identity, then it may be possible that we can make claims about identity relations between two things, even if we lack clear and distinct ideas of the things that stand in this relation to each other. This may be of particular relevance in cases where we are not in a position to explain in detail what the metaphysical constitution of the two things under consideration is.

Since Locke’s general account of relations provides helpful background for understanding his discussion of identity in *Essay* 2.27, I begin by outlining his understanding of relations and how we form ideas of them (section 2). On this basis, I turn to Locke’s views about individuation and identity and explain how he approaches questions of identity over time (section 3). Next, I show how he applies his general account of identity over time to persons and personal identity (section 4). This discussion will highlight that moral considerations such as questions of moral accountability are at the heart of Locke’s account of persons and personal identity. Furthermore, I will investigate whether and how his account of moral relations, which he presents in the

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<sup>4</sup> See also Locke, E 2.28.19:361–2.

immediately following chapter (*Essay* 2.28), supplements his discussion of persons and personal identity (section 5).

## 2. Ideas of Relations

According to Locke, we acquire ideas of relations when we compare one thing with another under a certain respect (E 2.25.1:319). We can compare one thing in several different ways to other things. For instance, we can compare two (or more) things with regard to their size and form ideas of the bigger or smaller relations; or we can consider a woman in relation to her child and form the idea of being a mother. According to Locke, things, whether they be ideas, substances, modes, or relations, are capable of being related to other things in “*almost an infinite number of Considerations*” (E 2.25.7:321). He writes:

One single Man may at once be concerned in, and sustain all these following *Relations*, and many more, *viz.* Father, Brother, Son, Grandfather, Grandson, Father-in-Law, Son-in-Law, Husband, Friend, Enemy, Subject, General, Judge, Patron, Client, Professor, European, English-man, Islander, Servant, Master, Possessor, Captain, Superior, Inferior, Bigger, Less, Older, Younger, Contemporary, Like, Unlike, *etc.* to an almost infinite number: he being capable of as many Relations, as there can be occasions of comparing him to other things, in any manner of agreement, disagreement, or respect whatsoever” (E 2.25.7:321–2)

Locke argues that “*the nature ... of Relation*, consists in the referring, or comparing two things, one to another; from which comparison, one or both comes to be denominated” (E 2.25.5:321). He notes further that “if either of those things be removed, or cease to be, the Relation ceases, and the Denomination consequent to it” (E 2.25.5:321). With regard to the relation of being a mother that holds between a woman and her child, this means that this relation ceases as soon as either the mother or her child dies.

Locke draws attention to another feature of our ideas of relations and claims that our ideas of relations “are often clearer, and more distinct, than of those Substances to which they belong” (E 2.25.8:322). For instance, he writes, “the Notion we have of a Father, or Brother, is a great deal clearer, and more distinct, than that we have of a Man” (E 2.25.8:322). This is relevant, because it

shows that the “*Ideas then of Relations are capable at least of being more perfect and distinct in our Minds, than those of Substances.*” (E 2.25.8:322)

In chapter 26 Locke discusses several instances of ideas of relations and pays special attention to the relation of cause and effect and relations of time and place. In chapter 27 he turns to another instance, namely relations of identity and diversity, which I address in the next and subsequent sections. Chapter 28 focuses on four types of relations, namely proportional, natural, instituted, and moral relations. I will take a closer look at Locke’s account of moral relations in section 5.<sup>5</sup>

### 3. Identity and Individuation

In chapter 27 Locke examines the identity and diversity relations. We may be interested in investigating whether a thing that exists at one particular place and time is identical with a thing that exists at another time and possibly also another place. By comparing things at different times and places, Locke argues, we form ideas of identity and diversity.

Locke is particularly interested in understanding how things continue to exist over time. His approach to questions of identity over time departs from the views of several of his predecessors and contemporaries. One view that several other philosophers endorse is that things continue to exist in virtue of the continued existence of a substance. Locke does not share this view and argues that it is not the “Unity of Substance that comprehends all sorts of *Identity*” (E 2.27.7:332). Instead, he believes that before we can answer the question of whether a thing continues to exist over time, we must consider what kind of being it is. To illustrate Locke’s point, let us consider a cherry tree and the mass of matter which composes the tree.<sup>6</sup> The cherry tree was once a small sapling and is now a big tree. During spring it blossoms and grows new leaves, during summer the cherries ripen, in the autumn its leaves change colour, and by the time winter starts the tree has lost all its leaves. Locke accepts that a cherry tree can undergo these and various other changes and nevertheless remain the same cherry tree. However, he also acknowledges that the mass of matter, namely all the material particles that compose the tree at a certain time, has changed multiple times over this period. Locke believes that as soon as a material particle is added to or

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<sup>5</sup> For further scholarly debate concerning Locke’s account of relations and our ideas of relations, see Langton (2000), Ott (2009, 2017), Rickless (2014, ch. 8; 2017), and Stuart (2013, 24–32).

<sup>6</sup> Locke offers a similar example in E 2.27.3–4:330–1.

subtracted from a mass of matter, the mass of matter is not any longer the same as it was before. More generally, he argues that it is possible that a thing that exists at time  $t_1$  can be the same tree as a thing that exists at a later time  $t_2$  even if the mass of matter that composed the thing at  $t_1$  is different from the mass of matter that composes the thing at  $t_2$ . Locke further wants to convince us that similar considerations apply to persons and human beings and that the continued existence of a person does not have to coincide with the continued existence of a human being. I will explain his arguments for this claim in more detail in the next section, which focuses closely on Locke's views about persons and personal identity.

It may be worth turning for a moment to the question of why Locke's chapter focuses not merely on identity, but also on diversity. Assume you are interested in the question of whether the cat that is in your garden now is the same as the cat that was in your garden yesterday. To address this question, you will need to consider what the persistence conditions for cats are, namely the conditions that explain what makes a cat at one time identical with a cat at another time. However, understanding how cats continue to exist over time is not enough; you will also need to consider what makes this cat that you see in your garden now distinct from all the many other cats. To address this latter issue, you will need what Locke and his contemporaries call a principle of individuation. More generally, if we want to consider whether one thing is identical with another, we not only need to consider how things of this kind continue to exist over time, but we also have to consider what makes a thing of this kind distinct from other members of this kind. That is why Locke thinks that questions of identity cannot be addressed without also considering questions of individuation or diversity.<sup>7</sup>

Let us consider Locke's version of the principle of individuation.<sup>8</sup> In his view "the *principium Individuationis*" consists in "Existence it self, which determines a Being of any sort to a particular time and place incommunicable to two Beings of the same kind" (E 2.27.3:330). Putting this differently, his view is that each member of a kind of being exists at a particular place and time and its existence at this particular place and time is sufficient to make it distinct from all other members of the same kind. More concretely this means that if there is a rabbit at a particular place and time, then it is not possible that there is another rabbit at this same place and time.<sup>9</sup> However,

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<sup>7</sup> For further discussion of how Locke regards individuation and identity as different though closely related issues, see Boeker (2021b, ch. 2) and Yaffe (2007).

<sup>8</sup> For further discussion see Adriaenssen (2022) and Thiel (1998a).

<sup>9</sup> One issue of interpretive dispute concerns the question of what counts as a kind of being for Locke. For a good overview of different interpretive options, see Gordon-Roth (2015). In my view, it is unlikely that Locke has (only) the three sorts of substances, namely God, finite intelligences, and bodies, that he mentions in *Essay* 2.27.2:329 in mind when he speaks of kinds of being in *Essay* 2.27. Rather I regard it as more likely that for Locke nominal essences pick out kinds of being. For a different proposal, see Bolton (1994).

Locke's principle of individuation does not tell us how members of a kind continue to exist over time. To answer these questions, we have to supplement his principle of individuation with his approach to questions of identity over time.

When Locke addresses questions of identity over time, he believes that it is first of all important to select a kind of being that one wants to consider. For example, it is important to decide whether one wants to consider the kind that is referred to by the name "cherry tree," "cat," "rabbit," "table," or "man." Furthermore, it will be important to spell out what characteristic features (or Locke would say "abstract idea" or "nominal essence") are associated with this kind of being. On this basis, one can then in a further step consider what the persistence conditions for members of this kind are.<sup>10</sup> One implication of this approach is that the persistence conditions vary depending on the kind of being under consideration. As we have seen above, the persistence conditions for cherry trees vary from the persistence conditions for masses of matter. In this sense we may call Locke's approach to identity over time "kind-dependent."<sup>11</sup>

#### 4. Persons and Personal Identity

Having outlined Locke's general approach to questions of identity over time, let us now consider how he applies it to persons and personal identity. Before we can specify what personal identity consists in, Locke argues, we have to clarify what we mean by "person." Although, in principle, there are many different ways in which the term "person" could be defined, Locke first introduces the meaning of "*Person* ... [as] a thinking intelligent Being, that has reason and reflection, and can consider it self as it self, the same thinking thing in different times and places" (E 2.27.9:335). Toward the end of the chapter, Locke offers a further characterization of a person and claims that "*Person* ... is a Forensick Term appropriating Actions and their Merit; and so belongs only to intelligent Agents capable of a Law, and Happiness and Misery" (E 2.27.26:346).<sup>12</sup>

Why does Locke claim that "person" is a forensic term and what does he mean by this? To say that "person" is a forensic term means that it is relevant in moral and legal contexts. Locke understands morality in terms of laws and argues in *Essay* 2.28 that human actions are judged or

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<sup>10</sup> See Locke, E 2.27.7:332, 2.27.15:340.

<sup>11</sup> For a more detailed analysis of Locke's kind-dependent approach to identity over time, see Boeker (2021b, ch. 2). For further discussion of ongoing interpretive controversies, see Boeker (2021b, ch. 3), Conn (2003), Chappell (1989), Gordon-Roth (2015), Kaufman (2007), Stuart (2013, ch. 7), and Wörner (2019, ch. 6).

<sup>12</sup> For a detailed analysis of how Locke's two characterizations of a person in *Essay* 2.27.9 and 26 relate to each other, see Boeker (2014; 2021b, ch. 4).

evaluated on the basis of three types of laws, namely divine law, civil law, and the law of opinion or reputation (see E 2.28.7:352). I will discuss these three types of law further in the next section. At this stage, it may be worth adding that Locke regards divine law as “the only true touchstone of *moral Rectitude*” (E2–5 2.28.8:352).<sup>13</sup> This is relevant, because it can happen that someone is unjustly punished in a civil law court for an action. In such a case, Locke believes the unjust civil punishment can be rectified by a divine judge.<sup>14</sup> To sum up, Locke’s claim that “person” is a forensic term intimates that he regards persons as moral beings who are and will be held accountable and rewarded or punished for their actions.

To take stock, so far we have seen that Locke characterizes persons as thinking intelligent beings, who have reason and reflection, who can consider themselves as themselves and as the same thinking things in different times and places, and as moral and intelligent agents, who are accountable for their actions, who are capable of a law—meaning that they can understand moral laws and understand that they are meant to act in accordance with the moral laws—and who are capable of happiness and misery. Now it remains to consider how we can specify persistence conditions for persons. Locke’s answer to the question of what makes a person the same over time is well known. He argues repeatedly that personal identity consists in same consciousness (see E 2.27.9–26:335–45). However, it is worth examining more closely how Locke argues for his view that the only plausible account of personal identity is that it consists in same consciousness.

To begin, it can be helpful to turn to Locke’s discussion of examples of sleepwalking and drunkenness.<sup>15</sup> Locke believes that if a sleepwalker does an action at night that the daytime person in the same body is not conscious of, then the sleepwalker and the daytime person are two different persons and it would be unjust to hold the daytime person accountable for the deeds of the sleepwalker. Locke illustrates this point with his hypothetical example of waking and sleeping Socrates:

If the same *Socrates* waking and sleeping do not partake of the same *consciousness*, *Socrates* waking and sleeping is not the same Person. And to punish *Socrates* waking, for what sleeping *Socrates* thought, and waking *Socrates* was never conscious of, would be no more of Right, than to punish one Twin for what his Brother-Twin did, whereof he knew nothing, because their outsides were so like, that they could not be distinguished; for such Twins have been seen. (E 2.27.19:342)

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<sup>13</sup> Here I cite text that was added to the second edition and not further altered in subsequent editions. I give the page number of Peter H. Nidditch’s edition.

<sup>14</sup> See Locke, E 2.27.22:343–4.

<sup>15</sup> See Locke, E 2.27.19–20:342–3, 2.27.22–3:343–5; CS 1685:4, 767, 1693:4, 785–6.



For Locke it is important that a person *from a first-personal perspective* is able to be conscious of any present or past action for which she is to be held accountable and rewarded or punished, because this ensures that a person is in a position to understand the justice of reward and punishment.

Locke argues that similar considerations apply to cases where a drunkard commits a crime while so intoxicated that he is unable to be conscious of his deed afterwards. Assume that you enjoyed a night out and had a few more drinks than ideal. On your way home you do not notice that one of your neighbours is on the street and you bump into him and he breaks his leg. The next morning you have absolutely no recollection of this accident and the question arises whether you can be held accountable for the fact that your neighbour has a broken leg. Locke acknowledges that you may be punished for a criminal deed like this in a human law court, even if you are now unable to remember it, because a human judge cannot look into your mind and “cannot distinguish certainly what is real, what counterfeit” (E 2.27.22:344). This means that a human judge is not in a position to know whether you truthfully claim that you are unable to remember the criminal deed in question or whether you merely pretend not to remember it and hope to get off the hook. However, Locke believes that ultimately it is not just to hold you accountable for an action that you are unable to remember. More specifically, Locke believes that “in the great Day, wherein the Secrets of all Hearts shall be laid open, it may be reasonable to think, no one shall be made to answer for what he knows nothing of” (E 2.27.22:344).

Locke’s views about drunkenness were challenged by his contemporaries.<sup>16</sup> For instance, William Molyneux accepts Locke’s reasoning about sleepwalking, but believes that drunkenness is different, because, at least in most cases, one voluntarily chooses to get drunk and thus one should also be responsible for any consequences. In this vein, Molyneux writes to Locke that “Drunkenness is it self a Crime, and therefore no one shall alledge it in excuse of an other Crime” (CS 1685:4, 767). Locke received Molyneux’s letter before the second edition went into press and could have changed the controversial passage, but did not do so. Instead Locke insists on his view that punishment presupposes sameness of consciousness. In response to Molyneux he puts this point as follows:

This reason, how good soever, cannot, I think, be used by me, as not reaching my case; for what has this to do with consciousness? nay, it is an argument against me, for if a man

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<sup>16</sup> For example, Leibniz criticizes Locke’s view in his *New Essays* (Leibniz 1996, 2.27.9:236, 2.27.22:243). See also Boeker (2021b, ch. 4) and Thiel (2011, 127–31, 172–5).

may be punish'd for any crime which he committed when drunk, whereof he is allow'd not to be conscious, it overturns my hypothesis. (CS 1693:4, 785)

Locke further supports his view by inviting Molyneux to consider a case where a drunkard gets a fever and then commits a crime while not only being extremely drunk but also in a frenzy caused by the fever. He writes:

For I ask you, if a man by intemperate drinking should get a fever, and in the frenzy of his disease (which lasted not perhaps above an hour) committed some crime, would you punish him for it? If you would not think this just, how can you think it just to punish him for any fact committed in a drunken frenzy, without a fever? Both had the same criminal cause, drunkenness, and both committed without consciousness. (CS 1693:4, 785–6)

In Locke's view there is no principled way to distinguish a crime that was committed by a drunkard with or without a fever.

Locke's discussion of sleepwalking, drunkenness, and illness sheds light on his thinking about moral responsibility. These examples reveal that, according to Locke, one prerequisite for moral accountability is that the person was conscious at the time when the action under consideration was performed. Another prerequisite is that the person is still able remember the action as her own at a later time when it is considered whether or not the person is accountable for it. This shows that Locke regards sameness of consciousness as necessary for moral accountability. If we further accept that the subject that is held accountable now for the action in question is a person and must be the same person as the subject that performed the action, then it follows that sameness of consciousness is a necessary condition for personal identity.<sup>17</sup>

So far, I have given an explanation for why Locke regards sameness of consciousness as necessary for personal identity. Let us turn to the further question of whether sameness of consciousness is also sufficient for personal identity. Throughout his discussion of personal identity, Locke argues that the continued existence of a human being or the continued existence of a soul or substance are not required for personal identity. To shed further light on his reasoning, it is helpful to turn to some of his examples. First, let us consider why Locke holds that the continued existence of a human being is neither necessary nor sufficient for personal identity. Locke invites us to consider the example of a prince and a cobbler and to imagine that all present and past conscious experiences of the cobbler have been erased so that there is just the body of

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<sup>17</sup> I argue at greater length for this view in Boeker (2021b, ch. 4)

the cobbler left without a mind (see E 2.27.15:340). Locke further assumes that the mind of a prince together with all the past and present conscious experiences of the prince has been removed from the prince's body and enters the body of the cobbler. This example raises the question of whether the individual that is composed of the cobbler's body and the prince's mind is the same person as the former prince or the former cobbler. Locke believes that the new individual is the same person as the former prince, although he acknowledges that other people may not recognize that he is the same person as the former prince from an external third person-perspective. This example is meant to show that sameness of body or human being is not necessary for personal identity.<sup>18</sup>

In another example Locke comments further on the possibility that personal identity does not have to coincide with the continued existence of a human being:

Could we suppose two distinct incommunicable consciousnesses acting the same Body, the one constantly by Day, the other by Night; ... I ask ... Whether the *Day* and the *Night-man* would not be two as distinct Persons, as *Socrates* and *Plato* (E 2.27.23:344)

In such a case where two entirely unconnected consciousnesses inhabit the same body at different times, Locke argues that two distinct persons inhabit the same human body at different times, because each of these two persons has absolutely no access to the conscious experiences of the other person just as Socrates has no access to Plato's conscious experiences. For Locke this shows that the continued existence of a human body or human being is not sufficient for personal identity.

Next, let us consider whether sameness of substance is necessary or sufficient for personal identity. Locke turns to this question in *Essay* 2.27.12. In his words, "the Question is, whether if the same Substance, which thinks, be changed, it can be the same person, or remaining the same, it can be different Persons" (E 2.27.12:337). At this stage it is worth noting that Locke believes that our various thoughts and experiences cannot be freely floating around, but rather require the presence of an underlying substance in which they inhere. However, Locke also argues that due to our limited cognitive capacities we are not in a position to know whether the substance in which the thinking takes place is material or immaterial. This means that when Locke speaks of a "thinking substance", which he also calls "soul" or "spirit," he leaves open whether this thinking

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<sup>18</sup> Locke also argues for this claim in *Essay* 2.27.23:344–5. In this section he introduces two cases: the first is meant to show that the continued existence of a human being is not sufficient for personal identity and the second case that sameness of a human being is not necessary for personal identity.

substance is material or immaterial.<sup>19</sup> The question that Locke poses at the beginning of section 12 concerns thinking substances, which could be material or immaterial. Locke first considers the possibility that the thinking substance is material, or as he puts it that “Thought [is placed] in a purely material, animal, Constitution, void of an immaterial substance” (E 2.27.12:337). If this is the case Locke believes that there will be “no Question” (E 2.27.12:337) and that it will be obvious that a person can continue to exist despite a change of material thinking substance. Locke does not intend to establish whether this “Supposition be true or no” (E 2.27.12:337), but rather his point is that anyone who accepts that thinking substances are material will “conceive personal Identity preserved in something else than Identity of Substance; as animal Identity is preserved in Identity of Life, and not of Substance” (E 2.27.12:337). This leads Locke to restrict the discussion to immaterial thinking substances for the remainder of sections 12–14.

In section 13, he turns to “the first part of the Question, Whether if the same thinking Substance (supposing immaterial Substances only to think) be changed, it can be the same Person” (E 2.27.13:337). Here Locke considers whether it is possible that consciousness can be transferred from one immaterial thinking substance to another. He believes that we cannot rule out such transfers of consciousness because our understanding of the metaphysical constitution of substances is extremely limited.<sup>20</sup> If we grant the possibility of transfer of consciousness, then we must also accept that the continued existence of an immaterial substance is not necessary for personal identity.

In section 14, Locke turns to “the second part of the Question, Whether the same immaterial Substance remaining, there may be two distinct Persons” (E 2.27.14:338). Here Locke examines whether it is possible that you now have the same immaterial soul as Socrates had multiple centuries ago. Although Locke accepts that we cannot rule out that this could happen, his point is that this is irrelevant with regard to considerations of personal identity if it is impossible for you now to access any of Socrates’s experiences. Thus Locke believes that the continued existence of an immaterial substance is not sufficient for personal identity.

Several of the examples that Locke presents to illustrate his views about personal identity seem far removed from our daily experience and may appear like far-fetched science fiction scenarios. Locke does not introduce these examples to suggest that persons regularly swap bodies

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<sup>19</sup> See Locke, LS 33–7. In this respect, I distance my view from Wörner’s claim that the “soul, for Locke, is an immaterial substance” (2022, 246).

<sup>20</sup> Locke’s discussion of transfer of consciousness from one immaterial substance to another raises a number of complex philosophical questions and specifically his statement concerning “fatal Error” (E 2.27.13:338) has prompted much discussion in the secondary literature. I lack the space here to discuss these matters in detail, but refer readers interested in these debates to Flew (1951), Garrett (2003), Helm (1979), Mackie (1976), Strawson (2014), and Winkler (1991).

or souls, but rather his point is that human understanding is so limited that we are not in a position to rule out such possibilities. Moreover, Locke was a religious believer who wanted to make sense of the possibility of the afterlife.<sup>21</sup> He explicitly mentions “the Resurrection” (E 2.27.15:340, 2.27.21:343) and considers how persons will be rewarded or punished at “the great Day” (E 2.27.22:344, 2.27.26:347). This intimates that Locke intended to offer an account of personal identity that was not only meant to explain how a person continues to exist in this life, but also in the life to come.<sup>22</sup> He was aware that it is not possible to demonstrate that there will be an afterlife and a resurrection, but rather he regards these beliefs as highly likely on the basis of faith rather than knowledge.<sup>23</sup> If we turn to the question of how we can explain that a person continues to exist in the afterlife, Locke’s view that personal identity consists in sameness of consciousness has advantages in comparison with the views of his predecessors and contemporaries who argue that personal identity requires the continued existence of the whole embodied human being or of a soul or substance.<sup>24</sup> Anyone who identifies a person with an embodied human being will face the difficulty of explaining how the whole human body is recreated in the afterlife. Locke does not have to worry about this problem, because his view only requires sameness of consciousness, but not the recreation of the whole human body.<sup>25</sup> Hence, his view can better explain a person’s continued existence in the afterlife. Contrary to philosophers who identify a person with a soul or substance, Locke believes that the continued existence of a substance is irrelevant.<sup>26</sup> Moreover, if one solely focuses on the continued existence of a substance, the view could lead to injustice. For instance, assuming that you now have the same soul as Socrates had a long time ago, why should you be held accountable for a criminal deed done by Socrates if you have no conscious access to any of Socrates’s experiences?

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<sup>21</sup> For detailed discussions of Locke’s Christian beliefs, see Lucci (2021) and Nuovo (2011, 2017).

<sup>22</sup> This is further supported by an early manuscript note from 1682. See Locke (1936, 121–3). For further discussion, see also Boeker (2021a; 2021b, chs. 7–9), Hamou (2018), Lähtenmäki (2018), and Thiel (2011, 133–4; 2012).

<sup>23</sup> See Locke, E 4.18.7:694.

<sup>24</sup> For further details, see Boeker (2017; 2021b, ch. 7).

<sup>25</sup> Locke considers it to be likely that a resurrected being will have a body, but this body might be different from the body that the same person had Earth before death. Moreover, he was a careful reader of the Bible and notes that Scripture only speaks of the resurrection of the dead but not of the resurrection of the same body. See Locke, SRS 303–4, 326–9, 333–4. For instance, he writes: “Not that I question, that the dead shall be raised with bodies: but in matters of revelation, I think it not only safest, but our duty, as far as any one delivers it for revelation, to keep close to the words of the scripture” (SRS 334). He makes a similar remark in “Resurrectio et quae sequuntur”: “They shall be raised that is said over & over, But how they are raised or with what bodys they shall come the Scripture as far as I have observed is perfectly silent” (Locke 2002, 237).

<sup>26</sup> For further discussion, see Lähtenmäki (2018) and Waldow (2012).

At this stage it may be worth pausing and summarizing the results so far. We have seen that moral considerations and specifically Locke's particular thinking about moral accountability explain why he regards sameness of consciousness as necessary for personal identity. Moreover, we have considered various examples that Locke offers to show that sameness of human being or sameness of substance are neither necessary nor sufficient for personal identity. Locke's religious views and his Christian belief in an afterlife offer additional support for why he prefers to explain personal identity in terms of sameness of consciousness rather than sameness of human being or sameness of a soul or substance. All these considerations suggest that he regards sameness of consciousness not only as necessary for personal identity, but also as sufficient. However, not all of his contemporaries and early critics were convinced that Locke has successfully argued for his consciousness-based account of personal identity. One challenge with evaluating the success of his account lies in the difficulty of spelling out what exactly he means by same consciousness.

Ever since Thomas Reid (2002 [1785], Essay 3, ch. 6, 277) accused Locke of confounding consciousness with memory, it has been common to interpret his claim that personal identity consists in sameness of consciousness in terms of memory. Often this proposal is fleshed out as follows: a person  $P_2$  at time  $t_2$  is identical with a person  $P_1$  at an earlier time  $t_1$  if and only if  $P_2$  can remember (or actually remembers) some (or all)<sup>27</sup> of  $P_1$ 's experiences.<sup>28</sup> Locke discusses consciousness of past thoughts and actions repeatedly in *Essay* 2.27 and memory certainly plays an important role in his consciousness-based account of personal identity. However, there are several problems with interpreting Locke's consciousness-based account of personal identity solely in terms of memory.<sup>29</sup> A Lockean person is not only conscious of her past experiences but also of experiences in the present moment. Moreover, Locke holds that consciousness can extend into the future (E 2.27.10:336, 2.27.25:345). Since it does not make sense to explain consciousness of present or future experiences in terms of memory, we have reason to assume that Locke's consciousness-based account of personal identity cannot be reduced to memory.

Some interpreters have proposed that rather than interpreting Locke's account of personal identity in terms of memory it is more plausible to interpret his view in terms of appropriation.<sup>30</sup>

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<sup>27</sup> Most interpreters accept that it is sufficient if a person remembers (or can remember) some rather than all her past experiences, though they may add that a person must (be able to) remember a sufficient number of past experiences.

<sup>28</sup> Stuart (2013, ch. 8) has given a recent and very detailed defence of a memory interpretation.

<sup>29</sup> Memory interpretations have been criticized among others by Atherton (1983), Boeker (2021b, 88–92), Gordon-Roth (2019, 15–21), Rickless (2014, ch. 8), Strawson (2014, ch. 9; 2015, 111, 130–132), Thiel (2011, 109, 121–126), Weinberg (2012; 2016, ch. 4), and Yaffe (2007, 2011).

<sup>30</sup> Such interpretations can be traced back to Law (1769). More recently LoLordo (2012, ch. 2) has argued for an appropriation interpretation, which explains the persistence conditions for persons in terms of appropriation. Yaffe (2007) and Wörner (2022) mention appropriation interpretations as an alternative to memory interpretations. Appropriation is also discussed by Mackie (1976) and Winkler (1991), though it

When Locke mentions appropriation of actions in *Essay* 2.27.16 and 2.27.26 he has in mind that we make an action our own by appropriating it. This can create a stronger sense of ownership of the action than, for example, just passively perceiving how others walk along the street. It is plausible that appropriated actions play a more significant role in the context of moral considerations of accountability than the contents of perceptions that have been passively perceived. However, it is questionable that Locke meant to explain personal identity over time, namely the persistence conditions for persons, solely in terms of appropriation. Had Locke meant to offer such an appropriation interpretation, he could have said that personal identity consists in appropriation. The fact that he does not do so speaks against appropriation interpretations that explain the persistence conditions for persons in terms of appropriation.

What else could Locke mean when he speaks of sameness of consciousness? There are several passages where Locke mentions how consciousness unites different thoughts and actions not just at a time but also over time, and can even unite different bodily parts and substances (E 2.27.10–11:336–7, 2.27.14:339–40, 2.27.16:340, 2.27.23–25:344–6).<sup>31</sup> A person does not merely have isolated thoughts and actions, but commonly experiences her different thoughts and actions as unified within a self. This does not have to entail that one experiences all the different thoughts as coherent, but rather that there is a certain sense of togetherness insofar as all the experiences belong to one self or person at a time and over time.

Moreover, Locke observes “that this *self* has existed in a continued Duration more than one instant, and therefore ’tis possible may exist, as it has done, Months and Years to come, without any certain bounds to be set to its duration; and may be the same *self*, by the same consciousness, continued on for the future” (E 2.27.25:345). If we take Locke’s remarks about a self’s duration seriously, it is plausible that for Locke different experiences are not only unified within a self but also temporally ordered.<sup>32</sup>

A close examination of Locke’s discussion of sameness of consciousness in *Essay* 2.27 reveals that it cannot be reduced solely to memory. For Locke it is important that a person is conscious of past, present, and possibly also future thoughts and actions. Memory plays an important role in reviving past experiences, but Locke’s consciousness-based account of personal identity does not merely focus on the contents of mental states, but also takes into consideration

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is less clear that they understand persistence conditions for persons in terms of appropriation. For a critical discussion of appropriation interpretations, see Boeker (2016; 2021b, 92–103).

<sup>31</sup> Interpreters who draw attention to this unifying aspect of sameness of consciousness, include Atherton (1983), Boeker (2021b, 103–11), Garrett (2003), and Weinberg (2012; 2016, ch. 4).

<sup>32</sup> Yaffe (2011) offers an interpretation of Locke’s account of personal identity that takes duration seriously. Duration is also discussed in Boeker (2021b, 111–21) and Weinberg (2012, 392–3; 2016, ch. 4).

the structural relations among different conscious states insofar as Locke believes that different experiences are unified within a self at a time and over time and that they are temporally ordered.

The question of how we can best understand what Locke means by sameness of consciousness continues to be a matter of controversial debate among Locke scholars.<sup>33</sup> If we move beyond memory interpretations and acknowledge that for Locke sameness of consciousness is more complex than commonly assumed, he may have resources to respond to objections such as the problems of circularity and transitivity that have repeatedly been raised against his theory.<sup>34</sup>

## 5. Moral Relations

The considerations so far have brought to light that moral questions such as questions of moral accountability play an important role in Locke's account of personal identity. To assess whether I am now accountable for a past action, it is first of all important to consider whether the action in question is my action and not the action of some other person. This means that it is important to consider whether the person who did the action is the same person as I am now. In this regard personal identity is a necessary condition for moral accountability. At this stage it may be worth noting that personal identity is not sufficient for moral accountability. Additionally, it is important that the action in question was done freely.

When Locke turns to considerations of moral accountability, he is not merely interested in the question of whether a person did a past action and whether she acted freely, but also in the question of whether the person deserves reward or punishment for the action. To examine how Locke addresses this further question, it is helpful to turn to his account of moral relations in *Essay* 2.28. As we will see the views that he develops there supplement his discussion of persons and personal identity in *Essay* 2.27.

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<sup>33</sup> For further discussion of Locke's account of consciousness and his consciousness-based account of personal identity, see Boeker (2021b, chs. 5–6), Coventry and Kriegel (2008), Lähtenmäki (2011), Thiel (2011, chs. 3–6), and Weinberg (2016).

<sup>34</sup> I lack the space to discuss these objections here, but since there is much discussion of them in the literature, I direct readers to the following sources: Joseph Butler's version of the problem of circularity is best known (Butler 1897 [1736], 1:318–19), but before him John Sergeant also criticized Locke's view as circular. For further discussion of the problem of circularity, see Boeker (2021b, ch. 6), Garrett (2003), Strawson (2014, chs. 12, 17), and Thiel (2011, 190–210). Reid (2002 [1785], *Essay* 3, ch. 6, 276) is often given credit for having raised the problem of transitivity, but Berkeley (1950 [1732], 3:299) and an anonymous author (Anon. 1769) raised the problem before him. For further discussion, see Boeker (2021b, ch. 8), Gordon-Roth (2019), Mackie (1976, 180–3), and Thiel (2011, 210–21). Not all interpreters regard failure of transitivity as a problem. For instance, Strawson (2014, chs. 7, 10–11) and Stuart (2013, ch. 8) argue that it is a feature of Locke's view.



In chapter 28 of Book 2 Locke continues the discussion of ideas of relations that he started in chapter 25. In chapter 28 he pays particular attention to moral relations. According to Locke, moral relations concern “the Conformity, or Disagreement, Men's voluntary Actions have to a Rule, to which they are referred, and by which they are judged of” (E 2.28.4:350).<sup>35</sup> Locke understands morality in terms of laws or rules and believes that in order to judge whether a voluntary action is morally good or evil we have to compare it to some law. If the action conforms with the law, it is morally good, if it disagrees with it, it is morally evil. He elaborates on this point as follows:

Good and Evil, as hath been shewn, B.II.Ch.XX. Sect. 2. and Ch.XXI. Sect. 42. are nothing but Pleasure or Pain, or that which occasions, or procures Pleasure or Pain to us. *Morally Good and Evil* then, is only the Conformity or Disagreement of our voluntary Actions to some Law, whereby Good or Evil is drawn on us, from the Will and Power of the Law-maker; which Good and Evil, Pleasure or Pain, attending our observance, or breach of the Law, by the Decree of the Law-maker, is that we call *Reward* and *Punishment*. (E 2.28.5:351)

According to Locke, there are three types of laws to which we can compare our voluntary actions and judge whether they are right or wrong, namely divine law, civil law, and the law of opinion or reputation (E 2.28.7:352). By the relation actions bear to the first type of law, Locke argues, “Men judge whether their Actions are Sins, or Duties; by the second, whether they be Criminal, or Innocent; and by the third, whether they be Vertues or Vices” (E 2.28.7:352).<sup>36</sup> Locke believes further that whenever there is a law, there also has to be a law-maker who can enforce the law by means of reward and punishment (E 1.3.12:74, 1.4.8:87, 2.28.5:351).<sup>37</sup> Like he distinguishes three types of law, he acknowledges three different law-makers and three different types of reward and punishment. Let us examine these different types of law and the associated rewards and

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<sup>35</sup> One may wonder why Locke uses the term “man” rather than “person” in this context. His account of moral relations was already included in the first edition of the *Essay* before he wrote the chapter “Of Identity and Diversity” (E 2.27). In the first edition of the *Essay* he does not clearly distinguish between the idea of a person and the idea of a man as he does in *Essay* 2.27. The only place in the first edition where Locke mentions “person” in a sense that anticipates his discussion of persons and personal identity in *Essay* 2.27 is in *Essay* 2.1.11–15:110–12. In some other places he distinguishes between a moral man and a physical man (see E 3.11.16:516–17), which can be seen as a precursor to his later distinction between the ideas of a person and man. For further discussion, see LoLordo (2012) and Mattern (1980).

<sup>36</sup> For further discussion of Locke’s three types of law, see Boeker (2022b) and Sreedhar and Walsh (2016).

<sup>37</sup> See also §12 of Locke’s essay “Of Ethic in General”, in Locke (1997, 304).

punishments more closely and consider what role they play in his account of persons and personal identity.

Locke introduces divine law as “that Law which God has set to the actions of Men” and “whereby Men should govern themselves” (E 2.28.8:352). In order to be able to govern ourselves by a law, it is important that we are in a position to come to know what the content of the law is. Locke accepts this point, but he leaves open whether we come to know divine law on the basis of reason<sup>38</sup> or on the basis of revelation (E 2.28.8:352).<sup>39</sup> Locke believes that it is undeniable that God has set up rules by which we should govern our actions and argues further that:

[God] has a Right to do it, we are his Creatures: He has Goodness and Wisdom to direct our Actions to that which is best: and he has Power to enforce it by Rewards and Punishments, of infinite weight and duration, in another Life: for no body can take us out of his hands. (E 2.28.8:352)

Locke believes that divine law “is the only true touchstone of *moral Rectitude*” (E2–5 2.28.8:352). This means that divine law can override judgements in civil lawcourts. For instance, if someone has been unjustly punished in a civil law court this can be rectified in a divine law court. We have good textual evidence that Locke’s account of persons and personal identity is ultimately directed towards divine justice.<sup>40</sup> As we have already seen, in *Essay* 2.27.22 he acknowledges that a human judge is not in a position to look into someone else’s mind to check whether the individual accused of a crime is conscious of the deed in question or lacks consciousness of it. However, he is not too worried by such limitations of human judges, since he believes that these problems can be overcome and rectified in a divine law court (E 2.27.22:343–4, 2.27.26:346–7). Locke believes that in the great day “[t]he Sentence shall be justified by the consciousness all Persons shall have, that they *themselves* in what Bodies soever they appear, or what Substances soever that consciousness adheres to, are the *same*, that committed those Actions, and deserve that Punishment for them” (E 2.27.26:347). In this context, a person’s actions will be compared to divine law and on this basis it will be judged whether a person deserves reward or punishment.

Although divine law will ultimately be relevant for deciding whether a person deserves reward or punishment for her action, civil law and the law of opinion and reputation also play a role in the moral development of persons. Civil law has been established by civil societies and is

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<sup>38</sup> Locke’s own term is “light of Nature” (E 2.28.8:352).

<sup>39</sup> See also Locke, ELN; Locke (1997, 303–4).

<sup>40</sup> For further discussion, see Thiel (1998b, 892–6).

used in civil law courts to decide whether actions are criminal or not. Civil law, Locke argues, helps “protect the Lives, Liberties, and Possessions, of those who live according to its Laws, and has power to take away Life, Liberty, or Goods, from him, who disobeys; which is the punishment of Offences committed against this Law” (E 2.28.9:352–3). Despite the fact that civil law can in certain circumstances conflict with divine law, it often supplements divine law. For instance, if a person has lost sight of her long-term happiness and is not sufficiently motivated by the prospect of divine reward and punishment, civil law and the punishments associated with it may be more effective in preventing individuals from engaging in criminal activities such as stealing someone else’s possessions.

Additionally, the law of opinion or reputation, which Locke also calls the “Law of Fashion” (E 2.28.12:357, 2.28.13:357, 2.28.15:359), focuses on how social communities use praise and blame to communicate their approval or disapproval of certain actions.<sup>41</sup> In ideal circumstances, Locke notes, the law of opinion or reputation would coincide with divine law, but he is also aware that there is variation across different societies or communities which actions are praised as being virtuous and which are condemned as vicious. He writes:

Thus the measure of what is every where called and esteemed *Vertue* and *Vice* is this approbation or dislike, praise or blame, which by a secret and tacit consent establishes it self in the several Societies, Tribes, and Clubs of Men in the World: whereby several actions come to find Credit or Disgrace amongst them, according to the Judgment, Maxims, or Fashions of that place. (E 2.28.10:353)

In Locke’s view esteem, praise, and blame play an important role in the upbringing of children.<sup>42</sup> This suggests that Locke regards the law of opinion and reputation as important during the early stages of children’s development while they develop their reasoning and other cognitive capacities, which will enable them at a later age to become fully developed persons or moral agents who can understand divine law and to know that their actions should conform to divine law.

## 6. Conclusion

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<sup>41</sup> Sreedhar and Walsh (2016) propose that this third type of law may also be called “social law,” even though Locke does not use this term.

<sup>42</sup> See Locke, STCE. For further discussion of how the views that Locke develops in *Some Thoughts concerning Education* supplement his discussion of persons and personal identity in the *Essay*, see Waldow (2020, ch. 2). See also Boeker (2023).

Locke's account of persons and personal identity has been widely discussed since it was first published in 1694. Much attention has been paid to the questions of whether Locke succeeds in establishing a consciousness-based account of personal identity and whether other metaphysical options such as substance-based accounts or bodily accounts are more suitable in explaining the metaphysics of personal identity. In this chapter I considered Locke's chapter "Of Identity and Diversity" (E 2.27) in the context of the series of chapters on ideas of relations that precede and follow it. This made it possible to see not only how his discussion of identity and personal identity builds on his account of relations, but also how moral considerations such as questions concerning moral accountability that play a central role in his thinking about persons and personal identity are supplemented by his account of moral relations in chapter 28. In Locke's view, persons, rather than human beings or substances, are held accountable for their actions. Moral accountability presupposes personal identity and since Locke thinks that a person should be able to understand from the inside why she is held accountable and rewarded or punished for an action he regards sameness of consciousness as a necessary condition for moral accountability. Although personal identity is necessary for moral accountability it does not settle whether a person deserves reward or punishment for the actions in question. Locke's account of moral relations provides the resources for judging whether actions deserve reward or punishment. Thereby it supplements Locke's account of persons and personal identity and sheds further light on Locke's moral concerns.

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