

**Phil 114, February 15, 2012**  
**John Locke, *Second Treatise of Government*, Ch. 2–4, 6**

**Natural Freedom and Equality:**

“To understand political power right,” Locke opens Ch. II, “we must consider what State all Men are naturally in.” To a first approximation, a state of nature between A and B is a state in which A and B have not agreed to accept some common political authority.

Men are *naturally free*, *not* in the sense that there are *no* rules that legitimately constrain what they do. Even in the state of nature, men have a duty to obey God and to abide by the “laws of nature” that He has set down. The sense in which men are free is that they have (i) *a duty to abide by the law of nature*, but (ii) *no duty to obey other men*. They can do as they think best, within the bounds of the law of nature, without having to ask for any human being’s permission.

Men are *naturally equal* in the same sense as (ii). No one has a duty to obey anyone else and, correspondingly, that no one has a right to rule anyone else.

*Children: a counterexample?*

Problem: There seem to be some “natural” relations of authority and obedience. Isn’t it true that parents have a right to rule over their children—which is precisely what Filmer claims?

Locke’s reply:

- *First*, children are rightly ruled by other people because children lack reason and so can neither know the law of nature or regulate their behavior in accordance with it. (Men are naturally free, recall, only insofar as they are bound by the law of nature.) When children acquire reason, they are no longer rightly ruled by others.
- *Second*, it is parents, in particular, who have a right to rule over their children because parents have a *duty*, commanded by God, to raise their children until their children acquire reason. (The “natural” evidence of this command lies in the fact that parents are naturally inclined to care for their children.) Parents do *not* have the right to rule their children on the grounds they have created them. Such a right, were it to exist, might last the children’s whole lives.
- Granted, children have a duty to *honor* their parents that continues into adulthood. But this is quite a different thing from a duty to obey their parents.
- The important point is that these natural relations of authority and obedience neither undermine Locke’s claim that men are naturally free and equal, nor support Filmer’s specific contention that fatherhood gives rise to a unique, unlimited, unconditional right to do and to command.
  - Parental rights over young children are *conditional*, since they fall away when the child acquires reason.
  - Parental rights over young children are *limited*, since parents have those rights only in order to fulfill their duties to raise their children.
  - Parental rights to be honored by adult children are not really rights to command or to do at all. They’re merely rights to receive certain nice things.

## The law of nature

The idea that all people are naturally free and equal is enshrined in our Declaration of Independence, which as I said was influenced by Locke. “We hold these truths to be self-evident, that all men are created equal, and that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.” When it comes down to deciding what rights people have, we have to figure out what rights God intended them to have.

### *The property argument for the law of nature:*

§6: “The State of Nature has a Law of Nature to govern it, which obliges everyone: And Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions. For Men being all the Workmanship of one Omnipotent, and infinitely wise Maker; All the Servants of one Sovereign Master, sent into the World by his order and about his business, they are his Property, whose Workmanship they are, made to last during his, not one another's Pleasure. And being furnished with like Faculties, sharing all in one Community of Nature, there cannot be supposed any such *Subordination* among us, that may Authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of Creatures are for ours. Everyone as he is *bound to preserve himself*, and not to quit his Station willfully; so by like reason when his own Preservation come not into competition, ought he, as much as he can, *to preserve the rest of Mankind*, and may not unless it be to do Justice on an Offender, take away, or impair the life, of what tends to the Preservation of the Life, the Liberty, Health, Limb, or Goods of another.

- (i) If X creates Y, then Y is X's property.
- (ii) God created all men.
- (iii) Therefore, men are God's property.
- (iv) If Y is X's property, then X has the claim-right to decide whether Y will be destroyed. This is a claim-right. It entails that others have corresponding duties not to destroy Y, unless X consents to their doing so.
- (v) Therefore, God has a claim-right to decide whether men will be destroyed.
- (vi) If God had at some point wished to delegate to some particular man the exercise of this right, then He would have communicated this wish either naturally—i.e., through creation—, or through revelation.
- (vii) The fact that all men are roughly equal shows that God did not communicate this fact naturally.
- (viii) Scripture shows that God not communicate this grant through revelation.
- (ix) Therefore, God has not delegated the exercise of this right to some particular man.
- (x) Therefore, God retains this right.
- (xi) Therefore, everyman has a corresponding duty to God *not to destroy* himself (i.e., “quit his Station willfully”) and then not to destroy other men.
- (xii) Therefore, the law of nature: Everyman has a duty to God to *preserve* himself and a duty to *preserve* other men, unless this duty conflicts with (a) his duty to preserve himself or (b) his duty to enforce the law of nature by punishing violators.

### *More on the argument that God did not delegate his right*

There are two ways of discerning God's intentions. One is by revelation. By witnessing, or hearing testimony of, some "manifest Declaration of his Will," like Moses receiving the Ten Commandments. The other is by nature. We determine what God intended by examining his creation. We're like archaeologists who are confronted with some mysterious artifact. By examining how it was constructed, we try to figure out how its makers intended to use it.

God has not manifestly declared that any man is to rule over others. So any evidence that God intended some man to rule over others must be found in how he made the world. And if God intended some man to rule over others, then he would have made that man superior to the others in his natural abilities. But in fact people are pretty much equal in their natural abilities.

### *Other comments about the property argument:*

- Notice that we owe our duty not (say) to kill one another *to God*, not to one another.
- For Locke, our (liberty-)rights are the consequence of our duties. Why do we have a (liberty-) *right* to preserve ourselves? Because we have a *duty* (to God) to preserve ourselves. If we are *required* to preserve ourselves, then it must be the case that we are *permitted* to preserve ourselves.
- The right to liberty follows from the right to self-preservation (IV, 23). Liberty is a necessary means to our survival. But we might think that liberty has independent value. Can Locke make sense of this?
- Our duty not to kill ourselves limits the kinds of contracts that we can enter into. "This *Freedom* from Absolute, Arbitrary Power, is so necessary to, and closely conjoined with a Man's Preservation, that he cannot part with it, but by what forfeits his Preservation and Life together. For a Man, not having the Power of his own Life, *cannot*, by Compact, or his own Consent, *enslave himself* to any one, nor put himself under the Absolute, Arbitrary Power of another, to take way his Life, when he pleases. No body can give more Power than he has himself; and he that cannot take away his own Life, cannot give another power over it" (IV, 23). The point is not that we have a right to destroy ourselves that is inalienable. We cannot alienate the right to destroy ourselves, *because we have no such right in the first place*. (How is this different is this from Hobbes? How different is it?)

### **The right to punish**

Notice that there is an exception in the law of nature for punishing those who offend against it. We need not do as much to preserve them as we would to preserve innocents. We have a liberty-right to punish. Why?

- (i) The law of nature would be impotent, if there were no means to enforce it.
- (ii) God did not intend for the law of nature to be impotent. (How could He intend that? The law of nature is His will.)
- (iii) Therefore, God intended *someone* to have the right to enforce the law of nature.
- (iv) Since we are all equal, however, we know that God did not intend only some of us to have natural rights that the others lacked.
- (v) Therefore, God intended *each of us* to have the right to enforce the law of nature. (It must, therefore, be a liberty-right, compatible with the liberty-rights of others.)

- (vi) If God intends X to have a right to Y, then X has a right to Y.
- (vii) Therefore, each of us has the right to enforce the law of nature: to punish offenders for the purpose of *restraint* (i.e., deterrence).

“I doubt not but this will seem a very strange Doctrine to some Men,” Locke admits. But he observes that it makes sense of certain of our practices. After all, a judge has the right to punish a foreigner who breaks the law of nature, even though the judge and foreigner are still in a state of nature with one another. The foreigner has not consented to the judge’s authority. So the judge must be exercising a natural right that he has to punish the foreigner.

### **Why keep our promises?**

Whence the duty of fidelity, of keeping contracts? Where is Locke’s analogue to Hobbes’s argument for his third law: to keep covenants made? Clearly, this is important if government is to be established by consent.

### **Can divine will be the basis of morality?**

Even if one accepts, at least for the sake of argument, that God exists, there remains something puzzling about the idea that we are morally required to comply with what God intended for us.

*Locke’s property argument for obedience (?) to God:* Since He alone made men, they are His sole property. And since they are His sole property, He alone has the right to decide what happens to them.

The difficulty is that this argument presupposes that we must respect others’ property: that we shouldn’t mess with stuff that isn’t ours. But where is this moral truth supposed to come from? (Notice that the argument also presupposes the dubious idea that you own whatever you are the ultimate creator of.)

The general lesson is this. In order to explain our duty to do what God commands, we need some moral rule of the form:

If you have relation R to X, then you must do what X says.

For Locke, relation R might be: “being the workmanship, and hence the property of.” For others, relation R might be: “having entered into a covenant with” or “having received great benefits from.” It doesn’t matter which we choose. The point stays the same. We cannot explain our duty to follow this moral rule by saying that God told us to follow this rule and we have a duty to do what God says, because this moral rule is supposed to explain why we have a duty to do what God says in the first place.

### **Review Questions:**

1. Why, according to Locke, must we obey God? How does his answer differ from Hobbes’s answer? Describe a god which we would have a duty to obey according to Locke, but not according to Hobbes. Describe a god which we would have a duty to obey according to Hobbes, but not according to Locke.

2. Both Hobbes and Locke observe that people are roughly equal in their abilities. And both use this observation in support of their claim that people have no obligations to obey without their consent. But they do so in different ways. Describe what the differences are.
3. Many believe that a Spanish court would have been within its rights to try, convict, and punish General Augusto Pinochet (or for that matter U.S. Secretary of State Henry Kissinger) for crimes committed in Chile against Spanish citizens. (As it happens, the British government refused to extradite Pinochet to Spain.) How does this belief support Locke's view about the right to punish?