

## Phil 2, March 29, 2010

### *Natural Freedom and Equality in Locke*

Men are *naturally free and equal* in that, prior to some decision that they make, they have (i) *a duty to abide by the law of nature*, which is God's will, 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.

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

- (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. X's right is not a mere "liberty": an absence of a duty to refrain from destroying Y, like's Hobbes's "right of nature."
- (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.

### *Comments on the property argument:*

- Notice that we owe our duty not (say) to kill one another *to God*, not to one another.
- 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). (How is this different is this from Hobbes? How different is it?)

*The argument for the right to punish*

- (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.