Classical Theories of Liberty

Lecture 2: Locke

§1. Recap: Hobbes

§2. The State of Nature

Like Hobbes, Locke has a normative conception of freedom.

X has the freedom to φ if and only if X has the right to φ.

Again, like Hobbes, Locke is interested in the question how much of this freedom we have in the state of nature.

T1 ‘To understand Political Power right, and derive it from its Original, we must consider what State all Men are naturally in, and that is, a State of perfect Freedom to order their Actions, and dispose of their Possessions, and Persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any another Man. || A State also of Equality, wherein all the Power and Jurisdiction is reciprocal, no one having more than another…’

(Second Treatise, §4, p.269)

T2 ‘The State of Nature has a Law of Nature to govern it, which obliges every one: And Reason, which is that Law, teaches all Mankind, who will but consult it, that… no one ought to harm another in his Life, Health, Liberty, or Possessions… Every one as he is bound to preserve himself, and not to quit his Station wilfully; so by the like reason when his own Preservation comes not in competition, ought he, as much as he can, to preserve the rest of Mankind…’

(Second Treatise, §6, p.271)

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<th>Law of Nature</th>
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| X has an obligation not to kill or injure him or herself. | X has an obligation not to kill or injure him or herself. X has an obligation not to kill or injure others. X has an obligation not to interfere with the possessions or freedom of others.
T3 ‘…that all Men may be restrained from invading others Rights… and the Law of Nature be observed… the Execution of the Law of Nature is in that State, put it into every Mans hands, whereby every one has a right to punish the transgressors of that Law to such a Degree, as may hinder its Violation…every Man hath a Right to punish the Offender, and be Executioner of the Law of Nature…I doubt not but this will seem a very strange Doctrine to some Men: but before they condemn it, I desire them to resolve me, by what Right any Prince or State can put to death, or punish an Alien, for any Crime he commits in their Country.’

(Second Treatise, §7-9, p.271-273)

X has a right to punish those that he or she judges to be rights-violators.

Where do these rights come from? Or, what justifies Locke’s claim that we have these rights in the state of nature?

§3. Freedom and property

Locke justifies his claims about the normative freedom that we have in the state of nature on the basis of claims about God.

T4 ‘…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 anothers Pleasure.’

(Second Treatise, §6, p.271)

P1 My body is God’s property.
P2 If X is the property of Y then only Y has the right to damage or destroy X.
C Only God has the right to damage or destroy my body.

This may appear to conflict with Locke’s commitment to self-ownership.

T5 ‘Though the Earth, and all inferior Creatures be common to all Men, yet every Man has a Property in his own Person. This no Body has any Right to but
himself. The Labour of his Body, and the Work of his Hands, we may say, are properly his.’

(Second Treatise, §27, p.287-288)

P1 My body is my property.
P2 If X is the property of Y then only Y has the right to damage or destroy X.
C Only I have the right to damage or destroy my body.

T6 ‘The Earth… is given to Men for the Support and Comfort of their being. And though all the Fruits it naturally produces, and Beasts it feeds, belong to Mankind in common, as they are produced by the spontaneous hand of Nature… yet being given for the use of Men, there must of necessity be a means to appropriate them some way or other before they can be of any use, or at all beneficial to any particular Man. The Fruit, or Venison, which nourishes the wild Indian… must be… so his… that another can no longer have any right to it, before it can do him any good for the support of life.’

(Second Treatise, §26, p.286-287)

P1 I have a duty not to damage or destroy the bodies of others.
P2 If I take away the food, drink, shelter, etc. that someone is using to preserve him/herself, then his/her body will be damaged or destroyed.
C I have a duty not to take away the food, drink, shelter, etc. that someone is using to preserve him/herself.

Notice that this is a justification of the right to property in general, as opposed to a justification of the right to property in a particular thing.


§4. The Social Contract

What does Locke think the state of nature is like? There is an optimistic answer and a pessimistic answer. According to the pessimistic answer, the right to punish those we judge to be rights-violators will turn the state of nature into a state of war, because (a) people will disagree about what constitutes a rights-violation, (b) people will disagree about when and by whom rights have been violated, (c) people will disagree about the appropriate punishment.

T7 ‘…there, and there only is Political Society, where every one of the Members hath quitted this natural Power [to preserve the Property, and in order thereunto punish the Offences of all those of that Society], [and] resign’d it up into the hands of the Community… And thus all private judgement of every particular Member being excluded, the Community comes to be Umpire…’

(Second Treatise, §87, p.324)
‘...though every Man who has enter’d into civil Society... has thereby quitted his power to punish Offences against the Law of Nature, in prosecution of his own private Judgment; yet... he has given a right to the Commonwealth to imploy his force, for the Execution of the Judgments of the Commonwealth, whenever he shall be called to it... And here we have the original of the Legislative and Executive Power of Civil Society...’

(Second Treatise, §88, p.324-325)

X no longer has a right to punish those that he or she judges to be rights-violators.

The community has a right that X assists it in the punishment of those that it judges to be rights-violators.

What are the implications of this theory of political obligation for the duties that we have to the community? Does the community, or its representative, violate my rights when it uses some of my income to fund the arts and sciences, or to insure me against ill health?

‘The Supream Power cannot take from any Man any part of his Property without his own consent... Hence it is a mistake to think, that the Supream or Legislative Power of any Commonwealth, can do what it will, and dispose of the Estates of the Subject, Arbitrarily, or take any part of them at pleasure.’

(Second Treatise, §138, p.360-361)

‘Hence it is evident, that Absolute Monarchy... is indeed inconsistent with Civil Society, and so can be no Form of Civil Government at all. For the end of Civil Society, being to avoid, and remedy those inconveniences of the State of Nature, which necessarily follow from every Man's being Judge in his own Case...; where-ever any persons are, who have not such an Authority to Appeal to, for the decision of any difference between them, there those persons are still in the state of Nature. And so is every Absolute Prince in respect of those who are under his Dominion.’

(Second Treatise, §90, p.326)

§5. Conclusion

Bibliography