

John Locke

I GENERAL INTRODUCTION

John Locke (1632-1704), late seventeenth-century English philosopher, is regarded the 'father of liberalism'. He was the son of a parliamentarian. As a child, he was placed under strict discipline, yet he was granted a reasonable amount of freedom. He studied at Oxford where he became familiar with the philosophy of René Descartes (1596-1650), French philosopher, and scientific wisdom of Robert Boyle (1627-91), Anglo-Irish scientist. He worked as a minor diplomat, tutor to Lord Ashley (who later became the Earl of Shaftesbury), and Secretary to the Council of Trade and Plantations. He also visited many parts of Europe during his varied career.

Locke's most important works include *Two Treatises of Civil Government* (1689-90), *An Essay Concerning Human Understanding* (1690) and *Thoughts on Education* (1693). C.B. Macpherson (*The Political Theory of Possessive Individualism*; 1962) observes: "Locke was indeed at the fountain-head of English Liberalism." According to M. Seliger (*The Liberal Politics of John Locke*; 1968), "John Locke was the first political philosopher to elaborate modern liberalism as a comprehensive and influential system of thought." Locke's system of thought closely corresponds to the basic tenets of liberalism, such as

- (a) He believed that man is by nature a rational being;
- (b) He thought that human reason was superior to the knowledge of history;
- (c) He recognized the natural rights of man;
- (d) He treated private property as the epitome of individual rights consecrated by the law of nature, *i.e.* natural law;
- (e) He conceived 'contract' as the juridical basis of the state;
- (f) He regarded civil society as an artificial contrivance invented for the convenience of man; and

- (g) In his view, political authority was not indivisible, and he recognized people's right to resistance against the established political authority.

Natural Rights

Natural rights refer to the set of rights of human being derived from nature. These rights are not dependent on their recognition by the state or their acceptance by the long standing custom. Natural rights exist before the formation of the state itself. Like the Natural Law, these can be discovered by the application of human faculty or reason.

John Locke (1632-1704), English philosopher, identified the right to 'life, liberty and property' as Natural Rights. He postulated that the state itself was created for the protection of Natural Rights of man.

Natural Law (Law of Nature)

Natural law refers to a set of rules of good conduct which exist independently of conventional law. These are directly derived from nature which can be discovered through moral intuition and by the application of human faculty of reason. Champions of natural law regard it superior to any other law.

According to John Locke (1632-1704), English philosopher, the law of nature commands that 'no one ought to harm another in his life, health, liberty or possessions'. It follows that the right to 'life, liberty and property' are the Natural Rights of man. Locke maintained that the law of nature was a moral precept absolutely binding upon man at all times.

Man... hath by nature a power... to preserve his property — that is his life, liberty, and estate — against the injuries and attempts of other men.

John Locke (*Second Treatise of Civil Government*; 1690)

In his *First Treatise of Civil Government* (1689), Locke sought to refute the particular version of the theory of divine right of king, propounded by Robert Filmer (1588-1653). In his *Second Treatise of Civil Government* (1690), he postulated that by nature human beings are equal and therefore nothing can put anyone under the authority of anybody else without his own consent. Locke has elaborately distinguished political authority from other familiar relations of dominance, viz. master and servant, man and wife, parent and child, victor and the vanquished, etc. He asserts that all other relationships are confined to a particular function or to particular circumstances; the realm of political authority is fairly wide, and it is by no means analogous to any of those relations.

Divine Right of King

The theory of Divine Right of King holds that the authority of the sovereign is derived from God; hence obedience to the King is as imperative as obedience to God. In Europe, this theory was developed during the ascendancy of monarchy. Its chief exponent was Robert Filmer (1588-1653), English political theorist.

II

CONCEPT OF THE SOCIAL CONTRACT

Men being... by nature all free, equal, and independent, no one can be put out of this estate, and subjected to political power of another, without his own consent.

John Locke (*Second Treatise of Civil Government*; 1690)

Locke sought to reformulate the concept of the social contract introduced earlier by Thomas Hobbes (1588-1679), English political philosopher, and transformed it from the philosophy of absolutism to that of liberalism. This theory treats the state as the product of the mutual agreement of men, created with a definite purpose, to serve their specified needs. At the outset, it implies that there was a time when men lived or would have lived without any recognized civil law, and without the authority of the state. This stage or life pattern of men is described as the 'state of nature'. At this hypothetical stage, men lived and behaved according to their innate nature. This stage became intolerable due to various reasons, and then men decided to set up the civil society or the state by voluntary agreement of all individuals. Different exponents of the social contract — Hobbes, Locke and Rousseau (1712-78) — have given different accounts of the 'state of nature', the 'terms of the contract', and the character of the sovereignty which came into existence as a consequence of the formation of the state. It is important to note that the whole theory of the social contract is based on speculation. It seeks to trace the origin of the state through logic, and not through historical or scientific evidence. Locke refers to a historical fact to illustrate his point: the Mayflower Compact (1620) — an agreement drawn up by the passengers aboard the 'Mayflower' (the ship), designed to unify the enterprising Europeans who intended to settle in the newly found American Continent. This compact was intended to provide a temporary government based on the will of the majority. This historical event was recalled for the purpose of illustration, but illustration is no historical evidence of the incidence of the conclusion of the social contract at the primitive stage of human civilization.

Sovereignty

Sovereignty refers to the supreme legal authority which is an essential element of the state. It is by virtue of this authority that a state can make binding laws, command obedience to its orders, and punish those who fail to obey its orders. Only a sovereign state can enter into a treaty with other states for mutual benefit, and conduct war against enemy states.

THE STATE OF NATURE

Hobbes had drawn a gloomy picture of the state of nature where life of man is 'solitary, poor, nasty, brutish and short'. On the contrary, Locke draws an entirely different picture of the state of nature. In his view, it is not a state of constant warfare. On the

contrary, it is a state of 'peace, goodwill, mutual assistance and preservation'. It is a state of liberty, not a state of licence. The majority of people at this stage obey the law of nature, that is the law of inward morality. Men are by nature rational beings, impelled by their inner nature to treat humanity — whether in their own person or in that of any other person — in every case as an end, never as a means only. But still there are a few persons who set aside the rules of morality in pursuance of their self-interest. In the absence of any established authority in the state of nature, it becomes very difficult to deal with such offenders. If men become judges of their own cases, justice would not be secured. In this respect, the state of nature proves to be inconvenient. In order to rectify this defect, men abandon the state of nature and enter into civil or political society by means of a contract.

Natural law, according to Locke, consists in the rules of morality implanted in the human conscience. Natural rights consist in the 'perfect freedom and equality' of every man 'not only to preserve his property, that is his life, liberty and estate, against the injuries and attempts of other men, but to be the judge of, and punish the breaches of natural law' committed by others. When men enter into political society, they surrender their natural right to be the judges in case of breaches of law. This power is now vested in the community, not in individuals. But they still retain their natural rights to 'life, liberty and property'.

Man... hath by nature a power... to preserve his property—that is, his life, liberty, and estate—against the injuries and attempts of other men.

John Locke (*Second Treatise of Civil Government*; 1690)

TERMS OF THE CONTRACT

Hobbes had postulated a single contract whereby the state and society come into existence together. This implied that if the state is dissolved, society is also dissolved, and men revert to the state of nature — a state of total anarchy and the consequent insecurity. In order to obviate this possibility, Hobbes had contemplated absolute sovereignty.

Locke tries to overcome this difficulty by postulating several stages of the contract. As Jeremy Waldron has elucidated: "Contract and consent have three stages in Locke's description: first, men must agree unanimously to come together as a community and pool their natural powers so that they can act together to uphold one another's rights; second, the members of this community must agree by a majority vote to set up legislative and other institutions; third, the owners of property in a society must agree, either personally or through their representatives to whatever taxes are imposed on the people" (*The Blackwell Encyclopaedia of Political Thought*, edited by David Miller; 1987). This theory of several stages of the contract marks a clear departure from Hobbes's position. Hobbes postulates that society and state are formed together; they are dissolved together. On the contrary, Locke believes that society and state were created in different steps: creation of society is the primary step; setting up of the government is a secondary step. So, if the government is dissolved, society does not

disintegrate. Order will be restored by setting up another government in its place.

In Locke's system of thought, the nature of government resembles a 'trust'. In other words, a government, like a trust, is bound to act within the terms of its constitution. By drawing a distinction between the process of formation of society and state, Locke places government under the control of society. This leaves no scope for absolutism. As Waldron has significantly observed: "Absolutism of the kind Thomas Hobbes envisaged is ruled out on the grounds that people hold their natural rights to life and liberty as a sort of trust from God and therefore cannot transfer them to the arbitrary power of another. Since government is set up to protect property and other rights, and not to undermine them, the government may not take or redistribute property without consent!" (*ibid.*).

While Hobbes creates absolute sovereignty, Locke evolves a constitutional government. Hobbes postulates an unconditional surrender of natural liberty to the sovereign, because in his system of thought natural liberty is the source of constant conflict and consequent anarchy. Locke postulates conditional and partial surrender of natural rights, because some natural rights are fundamental; they cannot be given up because they are the cornerstone of human freedom. According to Locke, people give up their natural right to 'judge of and punish the offenders of natural law' in their own case or in the case of other persons. This right is now vested in the community, the 'common power' or the government which assumes the role of 'umpire'. But this right is surrendered on the condition that their rights to 'life, liberty and property' will be protected and kept intact. Society retains the authority to watch whether the government is exercising its powers strictly in accordance with the terms of the contract or not.

Absolutism

Absolutism refers to a form of rule in which all powers of governance are held by a single entity. These powers are not restricted by any legal, constitutional, customary or moral limitations. The subjects are required to submit to the decision or command of the ruler; they have no opportunity to question or resist his command.

Constitutional Government

Constitutional government refers to a form of government in which powers of governance (legislative, executive and judicial powers) are exercised by those who are appointed through the prescribed procedure, in a prescribed manner and under regular legal and political restraints provided by a Constitution. A constitution in this context denotes a set of rules, procedures, practices and conventions which prescribe structures, functions, powers and responsibilities of different organs of government; the procedure of their formation, working and dissolution; relation between the state and its citizens, etc.

This implies: (a) in the first place, that government must govern with the 'consent of the people'. It is the people who are endowed with the faculty of 'reason' — conscience, sense of morality, knowledge of right and wrong. Government is created by the will of the people, but as an artificial device it cannot embody 'superior reason'; and (b) secondly, if in any case the government falters from its duty, the people have

the right to overthrow that government and set up another government in its place. Thus, Locke recognizes the people's right to resistance or revolution. It is on this basis that he justifies the 'bloodless' or 'Glorious' revolution of 1688, which had led to the flight of James II from England and the establishment of William and Mary on the throne.

Glorious Revolution

In the history of England, the Glorious Revolution refers to the momentous event of 1688 when King James II (1633-1701) was dethroned. In his place, his daughter Mary and her husband William of Orange were enthroned. James was an absolutist; Mary and William accepted the condition of ruling with the advice of Parliament. In this bloodless revolution, an absolute monarchy in England was replaced by a constitutional monarchy.

The end of law is not to abolish or restrain, but to preserve and enlarge freedom.

John Locke (*Second Treatise of Civil Government*; 1690)

According to Locke, men create the state by exercising their faculty of reason. When the state comes into existence, the faculty of reason is not transferred to the state; it is retained by the men themselves. They must constantly use this faculty to ensure that the instrument created by them continues to function properly. The relation between men and the state may be likened to that between a mechanic and the machine. Again, men are like a householder who employs a nightwatchman to guard his house. Then he himself remains constantly vigilant to see that the nightwatchman neither neglects his duty nor cheats the householder.

III

JUSTIFICATION OF THE RIGHT TO PROPERTY

In Locke's system of thought, property is treated as a natural right. Locke shared the view of his predecessors, Hugo Grotius (1583-1645), Dutch jurist, and Samuel Pufendorf (1632-94), German natural law philosopher, that the earth and its fruits were given by God to men in common. But he rejected their claim that the distribution of this common heritage to individuals should be determined by convention. He argues that apportionment of natural resources among men should be determined by the amount of labour each man mixes with these resources. Thus Locke is the chief exponent of the theory of property as the 'fruit of labour'. Locke argued that every man by nature has a property in his own person: the labour of his body and the work of his hands are properly his own. Whatsoever then he removes out of nature and mixes with his labour becomes his property, 'at least where there is enough and as good left in common for others' (*The Second Treatise of Civil Government*; 1690). The authors of the American Revolution (1776) and the French Revolution (1789), who defended the institution of property so ardently, looked upon it primarily as the 'fruit of labour'.

But the exponents of this theory failed to bring it to its logical conclusion. As Morris Ginsberg has pointed out:

Locke recognizes that in his view a person is only entitled to such products of his labour as he can use and that everything beyond this is 'more than his share and belongs to others'...But instead of using his theory as a basis for criticizing the existing inequalities, he accepts and justifies them (*On Justice in Society*; 1965).

Locke attributes these inequalities to the consent of men, and argues that nature provides no principles for regulating inequalities. C.B. Macpherson (*The Political Theory of Possessive Individualism*; 1962) has termed Locke's view regarding the right to property as a typical expression of the idea of 'possessive individualism'. According to this view, man—the individual — is the absolute natural proprietor of his own capacities, owing nothing to society for them. He is, therefore, free to use his capacities in search of satisfactions, provided he does not harm others. Freedom is identified with domination over things as manifested in ownership or possession thereof. Accordingly, society is seen as an aggregate of free and equal individuals related to each other through their possessions, and not as those held together by reciprocal rights and duties. The relation of exchange, or market relation, is recognized as the fundamental relation of society. Finally, *political society is seen as a rational device for the protection of property of individuals where life and liberty are also reduced to their possessions.*

Possessive Individualism

The term 'Possessive Individualism' was coined by C.B. Macpherson (1911-87), contemporary Canadian political philosopher, to describe the underlying assumption of liberal theory. It implies that individual is the sole proprietor of his own person or capacities for which he owes nothing to society. He is, therefore, free to use his capacities in search of personal satisfactions provided he does not harm others. Freedom is identified with domination over things as manifested in ownership and possession thereof. Accordingly, society is seen as an aggregate of free and equal individuals related to each other through their possessions, and not as those held together by reciprocal rights and duties.

Macpherson argues that Locke has recognized three restrictions on the accumulation of property by any one. But he has also found the way to transcend these restrictions. In the first place, one may appropriate as much as one may use before it spoils. Secondly, one may ensure that 'enough and as good' is left for others. Finally, one may acquire property only through one's labour. The first restriction becomes irrelevant with the invention of money. The value stored in gold, silver or other forms of money does not decay. The second restriction is transcended when the property acquired by any one is diverted to productive uses (e.g. by setting up an industry), because in that case it makes more things available to others. Finally, Locke assumes that one's labour can be alienated and sold in the market. When labour is sold, its product becomes the property of its buyer. In short, Locke's political theory paves the way for unrestricted accumulation of the capital and smooth development of capitalism.

Capitalism

Capitalism refers to an economic system of the modern age largely based on industrial production where means of social production (land, buildings, mines, forests, machinery and capital), distribution and exchange are owned by private entrepreneurs, a large number of workers are employed on wages at the market rate, and economic activity is primarily devoted to private profit. Here workers are free to work anywhere according to their skills and capacities as well as market demand.

It is, thus, evident that Locke starts with a progressive idea regarding the genuine basis of the right to property, but ends up with expediency, instead of bringing that idea to its logical conclusion. Once even minor inequalities are sought to be justified, larger inequalities automatically find their way. These inequalities gave rise to the conditions where capitalism could flourish.

In a nutshell, Locke's justification of the right to property was intended to promote the interests of the newly emerging *bourgeoisie*, that is the owners of wealth under the capitalist system. In fact, protection of *bourgeois* interests is the keynote of Locke's political philosophy including his theory of the natural rights as well as his hypothesis of the social contract. Apparently, Locke concedes that every man is a 'rational being', yet his line of argument implies that 'haves' are more rational than 'have-nots'. His concept of the state is designed to defend the present property as well as future acquisitions of the *bourgeoisie*. In essence, he is a spokesman of *bourgeois* man.

A CRITICAL APPRAISAL

It is worth noting that Locke's philosophical and political beliefs represent the basic tenets of early liberalism which paved the way for the rise of capitalism. Locke particularly promoted a line of thinking which was designed to protect the economic interests of the then newly emerging merchant-industrialist class, and pleaded for vesting political power in this class. This viewpoint implied two things: Firstly, political power is not a gift from God, but the product of rational nature of man. Secondly, it focused on an urgent demand for the transfer of power from the feudal class (*i.e.* the land-owning class of the Middle Ages) to the capitalist class of the modern age.

However, Locke's methodology for determining the basis of authority had an enduring effect. Two contemporary American political philosophers, *viz.* John Rawls (1921-2002) and Robert Nozick (1938-2002), adopted this methodology to investigate the principles of justice, although they arrived at different conclusions.

Locke also laid the foundations of constitutionalism that became the order of the day.

Locke's vindication of the right to property with consequent economic inequalities is no longer held valid. However, he advanced this view at a juncture when it was necessary to promote the newly emerging capitalism. Locke sought to make the right to property so sacrosanct and so powerful that it subsequently became the main issue of conflict between the property-owning and propertyless classes.