

# 3

## Locke (1632–1704)

TIMOTHY KENYON

### Introduction

In *Two Treatises of Government* (1689) Locke promotes ideas on the rights of the individual and on limited government, since regarded as fundamental to liberal political theory. Locke argues that a government's legitimacy depends upon the origins of its power in individual consent. Individuals possess fundamental rights and sovereignty resides with the people. A free people will only willingly submit to government when it is in their interests to do so. In exercising sovereignty, government is entrusted by the people. A free people will not establish unlimited government. There is a right to resist tyranny. A government is rendered genuinely accountable only when the governed consent to its actions. It is necessary to constrain government through the separation of powers (most obviously into its legislative, executive and judicial functions). When these branches become too closely entwined good government is imperilled. Certain aspects of the human condition, religious conscience for example, should stand apart from governmental interference. The private sphere necessary for human individuality and flourishing should be protected through government's commitment to the doctrine of toleration.

Surprisingly, Locke did not always see things this way. His earlier political writings, such as the *Tract on Government* (1660), were as authoritarian as his view of human potential was pessimistic (see Goldie, 1997). Here he argued for strong government, particularly in defence of the Anglicanism of the Church of England restored as the 'official religion' alongside the Stuart monarchy. But defending authoritarian government generally entails regarding the regime's policies as acceptable. Under the later Stuarts a much-changed Locke found this not to be so.

As he awoke to its increasingly arbitrary and doctrinally intolerant leanings Locke became a radical opponent of the Stuart monarchy. He had good reason to become unnerved. As the monarchy freed itself from parliamentary constraint it revealed its Roman Catholic sympathies. Here lay the fear that motivated the opposition 'Whig faction' led by Locke's patron and mentor the Earl of Shaftesbury. By the early 1680s the Whigs believed that should Charles II's more Catholic brother James become king, England would slide towards absolutism of a kind being brought to its apogee in the France of Louis XIV. Political intimidation eventually drove many leading Whigs, Locke included, into exile in Holland.

The works for which Locke is most remembered were published in the immediate aftermath of the so-called 'Glorious Revolution' of 1688 by means of which James II was replaced by William and Mary. These monarchs co-operated with the constitutional views of the political group that set them on the throne. Locke was afforded the opportunity to return to England. His major philosophical work *An Essay Concerning Human Understanding*, the *Two Treatises of Government* and *A Letter Concerning Toleration* were published (the latter two anonymously) in 1689–90. *Some Thoughts Concerning Education* (1693) and *The Reasonableness of Christianity* (1695) followed. Each element of Locke's analysis of the human predicament is the product of years of intellectual reappraisal. Each is informed by a belief in humanity's overwhelming need to discover salvation through its capacity to exercise rational intellect. In order to achieve this end a degree of personal integrity free from government interference is prerequisite. Locke is the last great political theorist to be preoccupied with the idea that salvation is humanity's fundamental objective.

In *Two Treatises* Locke attacks the absolutist theory of government advanced by the Civil War Royalist Sir Robert Filmer (Filmer, 1991). Filmer's writings (especially *Patriarcha* written circa 1632 but first published in 1680) were resurrected by royalists anxious to undermine consent-based theories of political obligation. Filmer's defence of evidently illiberal propositions assumes mankind's *natural inequality*. Such a notion appealed to many contemporaries as according with the social circumstances of the times. Filmer contends that: (i) political authority cannot be based upon the consent of the governed because successive generations cannot engage in contractual arrangements; (ii) property cannot be derived from some equal natural right of ownership in common because individual ownership would then require the consent of everybody and the problem referred to in (i) would again arise and (iii), following from (i) and (ii), exclusive property rights must therefore be sanctioned by laws representing the will of an

absolute sovereign whose power is derived not from within the political community but extraneously through a grant from God.

Confronting this position, Locke argues that (i) people are *naturally equal* and successive generations can be embraced by a contractual relationship with political authority and (ii) there is no need for any one individual exercising a right of access to the earth in common and establishing a right of ownership to some part of the earth to seek the consent of all. By exercising a right to labour and by observing certain duties constraining what can be taken into private ownership it is possible to accumulate property without transgressing the equal rights of access of others. Crucially, argues Locke, *property*, derived in accordance with natural law, should be *preserved* by government. Government can be justifiably overthrown if it fails in this fundamental duty. In arguing the case for limited government Locke contends that various forms of individual rights, including political rights and rights of ownership, are inextricably connected.

### Problems and Issues

*Two Treatises* is textually messy. It is far from obvious what Locke's *priorities* are. Locke's immediate political concerns are revealed but so too is a more systematic philosophical analysis of government. For example, Locke refers to 'The Fundamental Law of Nature' and states that this requires 'that all, as much as may be, should be preserved' (Locke, 1998, p. 183). However, it is not clear who or what Locke is seeking to have *preserved*, for what reasons and by what means. Troublesome statements of this kind riddle the text. Lack of clarity is particularly pronounced in Locke's consent-based theory of political obligation and his discussion of property.

Locke attempts to overcome Filmer's objections to the idea of government based on consent. Locke's response develops his belief in natural equality. Hence he argues that one generation cannot bind its successors (*ibid.*, p. 116). So Locke is committed to identifying what is to count as a declaration of consent. Too rigid a requirement, with too few opportunities to consent, would limit the extent of the political community. Hence Locke's distinction between 'express' and 'tacit' consent.

'Express' consent is the more explicit, being a voluntary act of submission to government which makes the individual 'a perfect Member of that Society, a Subject of that Government' (*ibid.*, p. 119). But Locke fails to provide explicit instances of express consent (for example, oaths of allegiance). He intimates that acquisition or inheritance of estate, 'upon the Conditions annex'd to the Possession of Land in that Country where it lies' (*ibid.*, p. 73

and see also p. 117) might count as a strong form of consent. However, here Locke is concerned to stress the importance of maintaining the territorial integrity of the state and the consequent conditions placed upon landowners not to secede. It is by no means clear that inheritance constitutes express consent to political obligations. Locke's lack of rigour has enabled interpreters to disagree over whether he took landownership as correlating with express consent (Parry, 1978, pp. 103–6 on Macpherson, 1962, pp. 247–51) or whether instead inheritance can be construed merely as a form of tacit consent (Dunn, 1969, pp. 134–8). In attempting to extend the consenting political community Locke admits that 'the difficulty is what ought to be look'd upon as tacit consent, and how far it binds,' the danger being that there will be 'no Expression of it at all' (Locke, 1998, p. 119). Nevertheless, Locke perseveres, contending that 'every Man, that hath any Possession, or Enjoyment, of any part of the Dominion of any Government, doth thereby give his tacit Consent, ... whether his Possession be of Land, ... or a Lodging only for a Week; or whether it be barely travelling freely on the Highway' (*ibid.*, p. 119).

The problems with these passages are manifold. For example, whereas it might be thought that landowners enjoying the protection of the state are placed under a considerable obligation it is less easy to regard walking down the street as an act of *consent*. This raises the question whether Locke envisaged a two-tiered political community – with different rights and obligations for the expressly-consenting propertied and the tacitly-consenting propertyless. Alternatively, Locke's conceptual imprecision can be taken as counting against such a hard and fast distinction.

Ambiguity is compounded by what Locke says about natural equality and the acquisition of property, particularly in land. On an initial reading it is not immediately clear what purpose Chapter V 'Of Property' serves or whether it is even necessary to Locke's case for limited government. One difficulty is in establishing how Locke's conceptualisation of ownership relates to his more specifically political preoccupations and if and how his concern with the 'preservation of property' is linked to his ideological critique of arbitrary government.

Locke's property theory is rights-based but is also influenced by the background noise of contemporary political economy: reflections upon the commercialization of society, the prosperity owing to the industrious and rational, and so on. Locke contends that government is established for 'the preservation of the property of all the Members of ... Society' (*ibid.*, p. 88). However, it is not always clear what Locke means by 'property'. And so there is uncertainty concerning what Locke wishes government to preserve. On occasions Locke defines property very broadly as 'Life, Liberty and Estate' (*ibid.*, p. 87) and thereby infers that all men are stakeholders and are

somehow part of the political community. But he needs also to account for the acquisition of ‘estate’.

Locke contends that God wills Man’s wellbeing, requiring the pursuit of self-preservation. The earth represents a grant *in common* to all men each of whom has an *inclusive right* of access to its use. In the natural state there is no exclusive private dominion. But this leaves a problem: how is property to be individuated? Or is Man to starve? Locke’s solution turns upon a theory of labour reinforced by God’s will (*ibid.*, p. 32). The rights of labour, and the command to appropriate, accord with the Law of Reason. Here Locke confronts one of Filmer’s most telling arguments (ridiculed by Locke, p. 29). Filmer asks, if the earth is a grant in common to *all* men, how can any one individual acquire a right to any thing without the consent of all others? Locke’s answer is to contend that because men have a property in their own person, of which their labour is part, to labour on what is previously unowned is to create a right to whatever is produced. Through labour the common rights of others are excluded and a distinction is placed between appropriated property and what remains common. But in making this point Locke states confusingly that ‘the Grass my Horse has bit; the Turfs my Servant has cut; and the Ore I have digged in any place where I have a right to them in common with others, become my Property, without the assignation or consent of any body’ (*ibid.*, p. 28).

Locke’s reference to the servant’s labour is bemusing because it raises questions about his position on natural equality, the status of servants and their stake in the political community. Locke offers an insight into his understanding of the master–servant relationship: ‘a Free-man makes himself a Servant to another, by selling him for a certain time, the Service he undertakes to do, in exchange for Wages’ (*ibid.*, p. 85). Evidently, the master gains a temporary power, defined by contract. Service is not slavery and natural rights are not thereby alienated. But these are troublesome passages.

Locke seeks to balance the natural right of all to access the earth’s resources against individual ownership by making appropriation conditional. One restriction is the ‘use’ or ‘spoilage’ limitation – not letting things waste (*ibid.*, p. 31). Another is the ‘sufficiency’ limitation – leaving ‘enough and as good for others’ (*ibid.*, p. 27). But Locke also seeks to account for extensive property-holdings, particularly in land (*ibid.*, p. 46). Several factors contribute to the emergence of large-scale ownership. These include tacit agreements to the introduction and use of money (thus affording the ‘storage’ of wealth to overcome the spoilage limitation), and the commensurate tacit agreement to countenance substantial holdings (*ibid.*, p. 36). Alongside the possibility of storing wealth through the medium of exchange, agreement to ‘disproportionate and unequal Possession of the

Earth' (*ibid.*, p. 50) is a socially useful inducement to the industrious to accrue property. This is justified as promoting economic growth (*ibid.*, p. 37).

Locke travels a long way down the road from emphasising the inclusiveness of the natural right to labour and appropriate to extolling the merits of property-based economic activity. It is by no means clear which part of the story has the greater bearing upon Locke's political theory. He appears aware of this difficulty when he addresses the inter-generational connotation of his position. 'Late-comers', he contends, are not necessarily disadvantaged by there being no common land left for appropriation. Through industry and selling their labour they too are able to share in growing prosperity. And what of the needy? Locke commends moderation of possession and charitable giving.

Locke stands at the dawn of the Enlightenment but *Two Treatises* is influenced by the natural law theory of an earlier epoch. The critical problem thrown up by Locke's political thought is in determining the extent to which his advocacy of liberal ideas (looking forwards to commercial society and modern liberalism) is dependent upon the fundamental, but potentially out-moded, principles on which he drew (looking back to the language of natural law and natural rights). Elsewhere in his writings Locke struggled to demonstrate the credibility of foundational or *a priori* ideas such as eternal natural law and the prevalence of universal natural rights. The interpretation of Locke's political theory turns upon whether he delivered a coherent philosophical system upon which to base his politics and what consequences follow if he did not.

## Why Conflicting Interpretations?

### *Methodology and Conflicting Values*

Just as *Two Treatises* solicits conflict so too a range of interpretations appears plausible. The text is messy, it was drafted over a long period during which Locke became 'politicised', it is not even intact and it was cobbled together belatedly for publication. The difficulty of uncovering Locke's intentions is exacerbated by disagreements concerning the way to go about understanding *Two Treatises*. Furthermore, methodological disagreement has been compounded by conflicts of value amongst scholars either anxious to claim Locke as an adherent of their own political viewpoints or as an advocate of a position with which they take issue (the former is Ashcraft's defence of Locke's liberal credentials, the latter Macpherson's critique of Locke's economic liberalism).

Whereas there is substantial agreement that to understand *Two Treatises* the work must be contextualised, by identifying Locke's background assumptions, there is methodological disagreement over what most influenced Locke: prevailing socio-economic conditions, his political activism or his longer-term philosophical enquiries. But not all interpreters are proponents of the contextual approach. Some commentators believe that to *understand Two Treatises* it is necessary to evaluate the soundness of Locke's arguments.

Dispute often centres upon whether *Two Treatises* forms part of a broader philosophical project and whether Locke's other writings shed light on his politics. But looking beyond *Two Treatises* has often intensified conflict. Even when there is agreement on the significance of Locke's doctrine of natural law, disagreement persists over whether this provides a solid or a fragile basis for his political philosophy.

### *Locke's Foundations*

Locke's thought reflects an age characterised by profound realignments in thinking about the human condition, informed particularly by the impact of scientific and cosmological discoveries upon theology. The retrospective/prophetic elements of *Two Treatises* fuel disagreement over whether Locke's eclecticism is an asset or a hindrance. Some critics (Tully 1980, 1993; Ashcraft, 1986, 1987) see Locke as successfully developing principles founded in natural law theory, such as natural equality, into modern liberalism. Locke thus provides a bridge to the modern world. Others (Dunn 1968, 1969, 1984; Lloyd-Thomas, 1995; Jolley, 1999) see Locke's liberalism as tainted by the failure of 'a priorism' (Porter, 2000): meaning that Locke's foundational principles are insubstantial – to the effect that *Two Treatises* is more a set of policy preferences than a political *philosophy*.

### *Locke's Liberalism*

*Two Treatises* can be read as Locke's defence of basic liberal principle. But a question soon springs to mind. *Why* is Locke so animated to protect a sphere of individual action free from government interference? Possible responses involve attempting to identify what sort of liberal Locke is. These are: (i) Locke is just what he seems, a *political liberal* who emphasised toleration and freedom of individual conscience; (ii) certainly a political liberal but with a specific *ideological* purpose, namely the advancement of the Whig case in opposition; (iii) a *philosophical liberal* who attempted to

develop a political theory from broader theoretical, often theological, foundations and (iv) wittingly or unwittingly an *economic liberal* – an apologist for the political ambitions of an emergent propertied class. Locke's interpreters take one view or another on what sort of liberal Locke is. But often, because they hold strong views on the merits or demerits of certain kinds of liberalism, having identified Locke as a particular type of liberal interpreters differ over whether or not Locke's project is a success.

Locke's theory of property, articulated in *Two Treatises*, supports contradictory appreciations of Locke's liberalism: favouring at the extremes either (i) individualism, highly differentiated exclusive rights of ownership and the minimalist state or (ii) collectivism, some degree of equalitarianism and the intervention of government in pursuit of 'social welfare'. Such disagreement is sustained by Locke's troublesome conceptualisation of ownership (various depictions are advanced by Macpherson (1966), Cohen (1995), Tully (1980, 1993), Nozick (1974) and Waldron (1979, 1982, 1983, 1988)). Locke's position in relation to the rise of capitalism, whether he argues for unlimited property rights (Strauss, 1953; Macpherson, 1966; Wood, 1984; Cohen, 1995; Waldron, 1979, 1982, 1983, 1998) or whether he advocates a version of ownership constrained by moral and social obligations (Dunn, 1968, 1969, 1984; Tully, 1980, 1993; Ashcraft, 1980, 1987) is pivotal to interpretive conflict.

Locke's ideas on property and the legitimacy of ownership often inform present-day debates on 'social justice'. Consideration of issues such as the rights of owners of property to consume, exchange or invest; the rights of labour to a share in the product; or the appropriate bases of 'social welfare' provision, regularly refer back to arguments advanced by Locke. Hence the depth of contention over how to interpret what Locke has to say, or appears to say, about social distribution. And hence, the emergence of conflicting interpretations to support the view that Locke condoned: (i) capitalist expropriation (Macpherson, 1962; Cohen, 1995; Waldron, 1979, 1982, 1983, 1988), (ii) social welfare sustained by a utilitarian 'trickle-down' effect (Tully, 1980, 1993; Ashcraft, 1987) and/or (iii) social redistribution derived from the duty of charity and the rights of access of the excluded property-less (Dunn, 1968, 1969, 1984; Tully, 1980, 1993).

## Conflicting Interpretations

### *Locke's Liberal Legacy*

A commonplace and often popularised view of Locke, held for 250 years after the publication of *Two Treatises*, emphasises his defence of liberal

tenets such as the ‘rights of man’ (Kendall, 1941; Seliger, 1968). This view regards Locke’s political ideas as anticipating and vindicated by Enlightenment political philosophy and the advancement of liberty through the American and French revolutions. Until the mid-twentieth century there was a widespread (and mistaken) assumption that the *Second Treatise* is an apology for the ‘Glorious Revolution’ of 1688. As a result, Locke is depicted by some commentators (Gough, 1950; Franklin, 1978) as a political moderate whose message can be readily extrapolated to serve the liberal cause.

*Locke as Economic Liberal (Strauss, Macpherson, Wood, Cohen)*

By mid-century several critics were advancing the view that to fully understand Locke’s politics it is necessary to regard him as fundamentally an economic liberal. The conservative–republican Strauss (1953) and the radical–democrat Macpherson (1962) share the view that Locke was a ‘bourgeois liberal’ – but differ in their reasons for regarding Locke’s position as objectionable.

Strauss’s interest in Locke stems from his contention that the ‘crisis of modernity’ has been occasioned by the departure from the principles (including ‘natural duties’) of traditional, classical, natural law. Strauss contends that this process involves a slide towards liberal relativism and, ultimately, nihilism. Utility is an insufficient foundation of a moral truth by which to live. Strauss sees Locke as following Hobbes’s lead as an essentially ‘modern’ thinker who recognised mankind as selfish and acquisitive. Mankind may have innate natural rights (of self-preservation) but for Locke there are no natural duties (of charity). So Strauss insists that natural law could not have formed the philosophical basis of *Two Treatises* which should instead be read as an essentially civil work, a pragmatic defence of the Glorious Revolution. On this reading, Locke is seen as promoting the reasonableness of self-preservation and resistance to tyranny.

Strauss claims that Locke adhered only to a ‘a partial law of nature’ and cites his property theory as exemplifying this contention. Whereas prior to entering civil society ownership is constrained by the natural law, once civil society exists men must look to convention and positive law to preserve property. For Locke ‘civil society has no other function but to serve its own creation’ (Strauss, 1953, p. 235). Whereas pre-societally the natural law placed certain constraints upon appropriation, in civil society acquisitiveness is unleashed through market relations and money transactions. Men enter civil society to enlarge their possessions. So Locke defends appropriation devoid of concern for the needs of others. Labouring is not the only

way of establishing property rights. For Strauss, Locke captured the spirit of capitalism and bequeathed a political ideology to the United States.

With much of this Macpherson's 'possessive individualist' interpretation, stressing minimal individual obligation to society, is in sympathy – except that Macpherson castigates Locke's liberalism from a radical socialist perspective. In representing Locke as having advanced the moral basis for capitalism, Macpherson instigated a heated debate that remains central to Lockean scholarship. Macpherson accepts that Locke is a liberal but contends that his thinking must be appropriately contextualised. To Macpherson, the assumption that Locke was simply a defender of liberty against tyranny is too superficial. Instead, Macpherson sees the meaning of *Two Treatises* as residing in Locke's 'unstated social assumptions' (Townshend, 2000). This methodological approach leads Macpherson to contend that Locke's position is influenced by contemporary socio-economic circumstances. According to Macpherson, Locke was witnessing the consolidation of 'bourgeois' property rights within a regime of capitalist exchange. It is hardly surprising, therefore, that far from defending universalisable liberal rights Locke was instead promoting a political doctrine designed to support more specific class-related ownership. Indeed, and very controversially, Macpherson contends that Locke could not have believed in the feasibility of universal rights because he supported a notion of 'differential rationality'. Locke was convinced that exercising reason requires a degree of autonomy and leisure. So, argues Macpherson, Locke must have believed that only the propertied are sufficiently rational to exercise political rights. Only the propertied can be full members of the political community. Thus Macpherson's 'explanatory' theory sees Locke as advancing a position that can be reconstructed as an apology for a conception of the political community, access to which was restricted to the propertied class whose ends government would serve.

Macpherson's development of this interpretation repays serious examination. He focuses on two related and ambiguous aspects of *Two Treatises*: (i) Locke's account of the origins of ownership, and (ii) Locke's line on consent, political obligation and membership of the political community. For Macpherson, these elements of Locke's political philosophy are informed by social presuppositions (for example, the rationality of the propertied and industrious) that led Locke to take the process of capitalist appropriation for granted.

Hence, Macpherson contends that Locke's references to the master-servant relationship presuppose the wage-relation of capitalism. And servants who, on Macpherson's reading can only consent tacitly (by treading the highway), cannot thereby be full members of the political community. They must obey, but cannot influence, political authority.

Macpherson's critics focus particularly upon his contention that Locke did not make his social assumptions explicit because he had no need to do so – the line that Locke's meaning would have been readily understood by contemporaries. Here is a key point of interpretive conflict: are these Locke's social assumptions or is Macpherson imposing his own understanding of the rise of capitalist political economy upon Locke? Miller (1982), Pocock (1985) and Tully (1980, 1993) are to the fore in contending that Macpherson reads into Locke social assumptions not evident until the era of commercialisation of which Adam Smith wrote nearly a century later.

Despite the ferocity of attack upon Macpherson the quasi-Marxist interpretation of Locke has not remained unsupported. Wood (1984), although in certain respects critical of Macpherson, seeks to refine the Macphersonite analysis of Locke's background assumptions by contending that Locke operated within a context of *agrarian* capitalism and Cohen (1995) cites Locke as a proponent of an illegitimate property, and thereby political, regime. Even so, Ryan speaks for many in identifying an essential shortcoming of the 'quasi-Marxist' approach when he accuses Macpherson of erroneously crediting Locke with a degree of coherence that is simply not a feature of *Two Treatises* (1965).

### *Locke's Political Liberalism in Context*

In the words of one prominent advocate of meticulously contextualising Locke 'any interpretation must necessarily place a heavy reliance upon contextual evidence in its portrayal of the development of Locke's political thought' (Ashcraft, 1986, p. 76). The position challenges Macpherson's depiction of Locke as bourgeois. Locke is identified as a political *radical*. Thus *Two Treatises* constitutes the refutation of the 'conservative' Filmer's defence of absolutist and arbitrary government.

The forerunner of this approach is Laslett (1960). Contrary to conventional opinion at the time of writing, Laslett demonstrated that *Two Treatises* was written not as a defence of the Glorious Revolution, nor as a refutation of Hobbesian absolutism. Laslett's detailed reconstruction of the circumstances informing the lengthy gestation of *Two Treatises* focuses on Locke's sympathetic involvement in Whig political circles. Accordingly, and contrary to long-held beliefs (including those of Strauss), *Two Treatises* turns out not to have been written as a defence of the 1688 Whig Revolution, although its publication in 1689 was certainly apposite. Its composition, the bulk of which is seen by Laslett as situated around 1679–80, is a pragmatic justification for Whig opposition to royal prerogative

and constitutes 'a demand for a revolution to be brought about, not the rationalization of a revolution in need of defence' (Laslett, 1998, p. 47). Hence Laslett's contention that *Two Treatises* should be regarded purely and simply as a political *tract* rather than as a systematic work of political or social philosophy. Locke was attempting to come up with specific arguments capable of sustaining the Whig position in opposition (for example on the right of resistance), rather than a general theory extended from his broader philosophical position (for example, a natural rights-based theory of ownership). So an essential feature of Laslett's interpretation is that he presupposes distance between *Two Treatises* and Locke's other works.

The historical revisionist approach has been reappraised and developed, particularly by Ashcraft (1986, 1987). Ashcraft also focuses upon the *exact* circumstances of the composition of *Two Treatises* and what this reveals concerning its meaning but, contra Laslett, asserts that, when prompted by circumstance, Locke produced a defining work of liberal political philosophy – the outcome of prolonged intellectual endeavour (for Laslett's response see 1998, pp. 123–6).

Ashcraft attempts to integrate three broad lines of enquiry: (i) a revisionist historical account of Locke's political activism and of why he wrote *Two Treatises*, (ii) an analysis of the implications of natural rights theories for Locke's intellectual development once he had become politically engaged, and (iii) the case for regarding the philosophical position outlined in *Two Treatises* as fulfilling Locke's purpose. Ashcraft advances his position as representing an eclectic sophistication of approach to the interpretation of Locke, not least because, in linking *Two Treatises* to ideas central to Locke's philosophical development, Ashcraft opens the way to analysis, in which he himself engages, of the overall philosophical coherence of Locke's political philosophy.

Ashcraft identifies ideas available to Locke as he constructed his ideological defence of religious and political dissent to argue that Locke's position is similar to the earlier, radical natural rights theories of the Leveller movement active during the English Civil War. The influence of a radical natural law tradition upon Locke meant that he was able to deploy a theory of practical reason in defence of equal natural rights. Thus, in stark contrast to Strauss and Macpherson, and in alignment with Dunn and Tully (below, 'Locke's philosophical liberalism'), Ashcraft argues that Locke's theory of property is formulated within a context of *moral obligations*. So too is his resistance theory. Locke did not underestimate the difficulty of constructing a theory of popular resistance in which the concept of the 'political community', endowed with the right to exercise resistance, is consistent with 'the people'. But, according to Ashcraft, such is Locke's radicalism

that Macpherson's contention that Locke represented a narrower class interest is effectively undermined. For Locke, government based on popular consent is essential to the realisation in practice of the natural right to toleration. So, the right of resistance amounts to exercising liberty of conscience. This also entails the sort of political equality that Macpherson's Locke, operating with a view of differential rationality, could not contemplate.

Ashcraft concludes that Locke's credentials as a theoretical underlabourer of political liberalism are well founded. But Ashcraft seeks to demythologise Locke and so Locke's political philosophy is interpreted as encapsulating, in embryonic form, the internal tensions of liberalism – not least problems subsequently encountered by liberals in attempting to reconcile egalitarian political principles with economic inequality.

### *Locke's Philosophical Liberalism*

Although acknowledging that his involvement with the Shaftesbury Whigs prompted Locke to produce *Two Treatises*, certain interpreters dig deeper towards the roots of his political philosophy. Thus it is contended that Locke saw himself as engaged in developing a philosophically coherent theory. *Two Treatises* can be understood only by identifying the 'intellectual equipment' (ideas, language, presuppositions about the nature of the world) used by Locke during the course of its composition. *Two Treatises* is, thereby, not so much the issue of Locke's socio-economic or political context but rather a discernibly theological and philosophical work. Hence Locke is regarded as a thinker, engaged in a long-term philosophical project, who put that project to effect in support of a political cause (see also, Harris, 1994).

Advocates of this approach have contested whether or not, in assimilating the radical potential of natural rights theories, Locke successfully developed a political philosophy consistent with natural law's foundational principles. Once it is recognised that Locke struggled in this respect, the way is then opened to questioning the overall coherence of Locke's project – an enterprise exposed by Hume and often savaged by the techniques of 'analytical philosophy' (see below, 'philosophical pitfalls').

Dunn (1969, 1984) stresses that Locke's political thought is intelligible only in terms of his theological commitments and philosophical premises, each of which turn upon Locke's appreciation of humanity's relationship to God. Emphasis is placed upon Locke's belief that, through natural law, the author of the created universe defines rights and duties. This is to presuppose a divine guarantor of moral knowledge, a precept forming the fulcrum of Locke's broader social theory. Crucially, and contentiously, Locke argues

in *An Essay Concerning Human Understanding* that natural law is discernible via the operation of reason. Upon this philosophical edifice Locke's political philosophy stands or falls. Locke's epistemology commits him to a defence of individual autonomy in the religious, moral and social realms. Hence his espousal of natural equality and the toleration of belief and, in politics, hence the sanctity of natural rights. Thus, in his critique of Filmer's view of monarchical rights, it is not difficult to see why Locke advances a theory of property rights originating in natural equality. Dunn argues that Locke the political theorist is motivated by the commitment that only legitimate government can enable men to discharge their duties under natural law – decisively the requirement that men attend to their *self-preservation*. Political obligation becomes, for Locke, a medium for fulfilling a religious duty. The limits of legitimate government, and the right of resistance, are defined in similar terms. Locke's project seeks to reconcile theories of individualism and constitutionalism within the peculiar context of the late seventeenth-century English polity (see also Harris, 1994; Goldie, 1997).

For Dunn, Locke's political philosophy is heavy in terms of ideological enterprise but light in terms of philosophical clout. Locke foreshadows the compelling tragedy of the liberal political project. Witness Locke's fumbling efforts to construct a consent-based theory of political obligation. According to Dunn, Locke's political ideas are fundamentally incoherent because they are insecurely established. Locke's political philosophy stands or falls on the intelligibility of his account of the universal faculty of reason to discern 'natural law'. This enterprise is ultimately flawed, as it was destined to be, by Locke's inability to convince us of the possibility of true 'moral knowledge' (and see below, Jolley).

Amongst interpreters who see Locke as essentially a natural law thinker it is not agreed that Locke's project constitutes a philosophical dead-end. Tully (1980, 1993) argues that, assuming Locke's foundational principles (that is to say the coherence of a natural rights-based political theory), *Two Treatises* represents a substantial achievement in which the natural rights theories of the day are brought to fruition. *Two Treatises* is not merely a refutation, through a defence of natural freedom, of Filmer's theory of natural subjugation. It is more a reworking of a well-established position: natural law theory as developed, in particular, by Locke's predecessors Grotius (1925) and Pufendorf (1934).

Tully recognises Locke's need to show that exclusive rights of ownership and political equality can be both reconciled and explained by reference to the natural law. Through a detailed and ingenious analysis of Locke's property theory Tully seeks to establish precisely what Locke sought to have *preserved* by political society: even to the extent of advocating resistance to arbitrary

government. Locke's themes (property, toleration, revolution) are consistent extensions of his passionate defence of natural liberty. On this reading Locke emerges as a radical whose theory amounts to a defence of the 'natural right to the means of preservation', who sought the preservation of 'property' in the widest contemporary understanding and who regarded natural law as the basis of the public good to the extent of advocating discernibly 'welfarist principles'. Clearly, all this stands in marked contrast to Macpherson's possessive individualist approach which claims that Locke defended extensive rights of individual ownership. According to Tully, developing a theory of ownership based upon the 'natural right of labour power' enabled Locke to successfully counter Filmer's criticisms of the natural law theorists.

Tully's interpretation of Locke's property theory (especially 1993, chapter 4) is, therefore, diametrically opposed to Macpherson's – which places far greater emphasis upon the positive sanction of ownership within civil society. Drawing upon a tradition of *a priori* natural law, Tully's Locke regards the earth as common to all, prior to its occupation. But there is the problem of individuation, the difficulty of establishing, in order to ensure self-preservation, an exclusive right to the use of sufficient property to which the access of others is restricted. Here natural law prescribes a set of rights and duties or mutual obligations. Amongst the rights is the inclusive right of each to access and use of the earth in pursuit of self-preservation. With respect to duty, individuals are not only obliged to fulfil God's purpose by seeking self-preservation but are also required to do so whilst respecting the inclusive rights of others.

According to Tully, Locke's determination to demonstrate that exclusive property rights can be established without the inclusive rights of others being transgressed means that his conception of fixed property rights in estate, particularly in land, is very much more conditional than Strauss and Macpherson recognise. Locke takes the limitations on appropriation detailed in Chapter V, which Macpherson claims were rendered redundant through the introduction of money, more seriously than Macpherson supposes. Nevertheless, Locke is obliged to admit that a difficulty occurs in that a natural rights account of the foundation of property in land runs into trouble when the common land available for appropriation becomes scarce. At this point, exclusive property rights in land must be sanctioned by consent. Crucially, once civil society is established, property rights become conventional but also *conditional*. So, given the natural rights basis of his property theory, Locke is committed to arguing that property, even that legitimately acquired via the process of natural individuation, cannot be retained exclusively once the conditions for natural individuation can no longer be met. For Tully, Locke is able to reconcile individual ownership with social welfare in

several ways. One is his contention that occupation and cultivation enhance fertility and contribute to the general welfare (Locke the utilitarian). Another is more radical and brings to mind Leveller natural rights thinking. Exclusive civil rights, including those of ownership, are conditional upon the fulfilment of social duties derived from *moral obligations*. Here too, according to Tully, Macpherson misses the mark. Locke is not defending unconditional private property. Instead, and here Tully accords with Dunn's interpretation (1968), Locke fully acknowledges the rights of the needy and, thereby, the duty of the propertied to meet those needs through charitable giving.

Given all this, it is not surprising to discover that Tully, in considering controversial passages such as 'the Turfs my Servant has cut' (Locke, 1998, p. 28), is anxious to do further damage to the Macphersonite case by contending that Locke's meaning lies within what was contextually assumed about the social division of labour. On Tully's reading, (and here he follows other of Macpherson's critics), Locke's reference to the master–servant relationship is not to the wage-relation of capitalism. The exchange is instead voluntary: the servant is a free man selling a service rather than his labour. And if this proviso constitutes an obstacle to nascent capitalism then we should not be surprised. Locke's objective is not to defend capitalism but is instead to defend, against the Filmerians, the rights and duties necessary for universal self-preservation.

### *Analysing the Philosophical Pitfalls of Locke's Political Theory*

Some interpreters are less exercised by trying to identify Locke's intentions than by analysing the quality of his broader philosophical project in relation to *Two Treatises*. Locke's position is interrogated conceptually, its coherence is queried and, in certain instances (Nozick, 1974; Sreenivasan, 1995; Kramer, 1997), Locke's arguments are reconstructed. Considering whether *Two Treatises* forms part of a broader philosophical project leads to a concern to demonstrate where these connections hold together and where they do not. Whilst such analysis highlights aspects of Locke's argument that do not hold water (for example, his line on the bases of political obligation), this is not necessarily to rebuke Locke. Instead, such analysis is often undertaken on the understanding that the watertight arguments Locke needed are not actually attainable.

### *Locke on Consent*

The analytical approach often involves taking Locke's text out of its context and subjecting it to critical appraisal in light of issues of continuing

interest (for in-depth analysis see Simmons, 1992, 1993). An accessible version of this method is provided by Lloyd Thomas who professes a self-consciously philosophical approach intended to evaluate the relevance to ourselves of Locke's political theory (1995). In attempting to identify the core of Locke's political ideas, Lloyd Thomas concludes that Locke is primarily concerned to demonstrate that people are morally justified in rebelling against a tyrannical government. Locke is, therefore, most definitely a radical. This evaluation prompts Lloyd Thomas to examine the coherence of Locke's case. His overall conclusion is that Locke's political project is doomed because it is ill-founded. It is not, for Lloyd Thomas, sensible to follow Locke in believing that legitimate political authority rests on the consent of rights-bearers: not least because of the implausibility of Locke's position on tacit consent. Locke's difficulties do, however, help us to see the correct way of perceiving the relationship between the subject and the state which, according to Lloyd Thomas, entails following Hume by taking a consequentialist approach, and focusing on the benefits of belonging to a political community. So, although often flawed, Locke's analysis inadvertently provides important insights into fundamental political problems and their resolution.

### *Locke on Property*

Lloyd Thomas also undertakes an appraisal of 'Of Property'. He brings into further doubt the overall coherence of Locke's project by contending that Locke's property theory is an attempt to justify ownership in the unconditional sense which has little to do with the substance of Locke's political thought. Even as a discreet enterprise Locke's property theory is fallible on a number of grounds. Amongst these are the problem of trying to use the labour theory of value to line up individuals with particular material possessions and the difficulty posed by the rights of successive generations.

From a broadly analytical perspective other critics argue that Locke's property theory is not only central to his overall social theory but also that it constitutes a defining contribution to property theory in general. Nozick's controversial book *Anarchy, State and Utopia* (1974) has spurred much of the analytical reappraisal of Locke's property theory. Heralding 'New Right' thinking, Nozick espouses a bone dry and secular reconstruction of individual and exclusive 'Lockean' property rights to make the case for minimal, unobtrusive government. Although not strictly a contribution to Lockean scholarship, Nozick takes Locke's case on the preservation of 'property', understood in a highly 'traditional' sense, to a logical extreme.

According to Nozick, any form of governmental interference in legitimately acquired property holdings, particularly in support of redistributive systems of social justice, is morally unjustifiable. Hence taxation constitutes the slavery to which Locke is so vehemently opposed.

Waldron's rights-based analysis is prominent not least because it is located more firmly within the mainstream of Lockean scholarship (1988). Waldron provides a secular restatement of Locke's property theory and examines critically whether Locke was successful in what he was attempting to achieve. Waldron contends that *Two Treatises* should not be regarded as one dimension of a wider philosophical project. Instead, the work stands alone and by and large lacks the analytical rigour evident elsewhere in Locke's writings. Thus emphasis is placed upon what Waldron sees as the untenable nature of many of Locke's arguments. In the process of highlighting these shortcomings, Waldron develops an ongoing critique of Tully's 'contextual' reconstruction of Locke's theory of ownership, which Tully takes as integral to Locke's philosophy and through which Tully promotes the thesis that Locke is not defending unconditional private property in land. Waldron attacks Tully's appreciation on several fronts: (i) the 'mixing labour' motif is subjected to analysis to see if it makes sense, and is discovered not to do so (1983); (ii) similarly the 'sufficiency limitation' where, again, Locke is deemed to have committed himself to an implausible position that ties him up in knots (1979); and (iii) in which Tully's position is subjected to particularly vehement criticism, Locke's rendition of 'the Turf's my Servant has cut' is taken apart analytically as Waldron concludes, aligning with Macpherson, that Locke presumes something very much more akin to a potentially exploitative wage relationship (1982).

Waldron's contention is that, just as Locke fails in his attempt to provide the unachievable (a rights-based defence of private property), so too Tully's reconstruction must also be doomed. Crucially, whereas Tully argues that Locke presupposed the conditional and consensual nature of property rights once civil society had been established, for Waldron, Locke is committed to establishing unconditional property rights.

This notwithstanding, two recent contributions (Sreenivasan, 1995; Kramer, 1997) have kept Lockean property theory very much alive by agreeing that important aspects of Locke's position, including his labour theory of value and defence of exclusive rights of ownership, are significantly flawed. But by reconstructing the logic of Locke's argument and by identifying the limits Locke's position places upon rights of ownership what emerges is, it is claimed, not a defence of individualism but rather a persuasively communitarian conception of ownership.

*The Philosophical Basis of Locke's Project*

Jolley has recently undertaken a systematic assessment of Locke's philosophical project and of the place of his political thought within it. He concludes that 'it is more instructive to see difficulties in Locke as arising from an over-ambitious programme than from a series of gratuitous muddles and mistakes' (Jolley, 1999, p. 178). Through considering Locke's political philosophy in relation to his wider philosophical project, Jolley recognises that Locke attempts to derive social obligations from natural law. *Two Treatises* is, therefore, an essentially theological argument about the proper function of the state which attempts to demonstrate that absolutism is not a morally legitimate option. Nevertheless, Jolley concurs with Dunn in regarding Locke's project as thwarted by serious difficulties. In attempting to maintain consistency between his various works Locke is driven into some impossibly tight corners: for example, the need to reconcile his view that there are no innate ideas with his belief that natural law is a guide to reason. Here there are obvious tensions between Locke's epistemological individualism (through which he holds that (i) our knowledge is limited, but also that (ii) human freedom is a central element of the metaphysics of morals) and his commitment to natural law theory. Does Locke provide an account capable of convincing the sceptical reader that natural law *is* the guide to morals and to political conduct? And is that same sceptical reader, Hume for example, going to be persuaded by Locke's attempts to develop a theory of inalienable natural rights from his doctrine of natural law? As Jolley puts it, 'in the *Second Treatise of Government* Locke suggests that the law of nature is not attended with any epistemological difficulties, but we can see that he is merely whistling in the dark' (*ibid.*, p. 202).

**Evaluation**

Disagreement concerning Locke's liberalism is inevitable. Locke grappled with problems (the appropriate weighting of individual freedom and social welfare) that still beset liberal political theory.

Regarding Locke's political thought as a straightforward bequest to liberal constitutionalism distorts Locke's intentions by understating his context. Conversely, attempting to contextualise Locke by identifying his 'background assumptions' carries the risk of narrowing the context in pursuit of a definite explanation of what Locke was about. This is the trap into which Strauss, and more especially Macpherson, fall. Macpherson's contention that Locke's politics can be understood through reference to his socio-economic position has prompted subsequent interpreters to focus

much needed attention upon the ambiguous aspects of Locke's theory – particularly his account of the origins of ownership and the relationship, if any, that Locke assumes to hold between political and economic rights. But Macpherson's interpretation is coloured by his broader critique of liberal democracy's perceived attachment to capitalism and thereby constitutes an example of contextualising by attribution. Macpherson goes too far in reading into Locke essentially secular beliefs about the commercialisation of society and the unlimited nature of property rights.

The historical revisionist response to the 'Macpherson version' enhances our understanding of the circumstances in which *Two Treatises* was composed. But whereas this approach forms a necessary starting point for discerning Locke's intentions, recognising that Locke was writing for a specific purpose provides an incomplete insight into *Two Treatises*. Historical reconstruction cannot tell us *all* we need to know. Laslett's view that *Two Treatises* is philosophically distant from Locke's other writings is persuasively challenged by those (Dunn, Tully, Ashcraft, Jolley) who believe that *Two Treatises* is an important element of Locke's broader project.

Emphasising the significance of Locke's rationalist theology and his concern with natural law and natural rights allows us to appreciate that, whilst historical contextualism is important, there still remains the need to uncover the essence of Locke's political thought. Regarding Locke as essentially a natural law thinker explains why such a self-contained, devoutly Christian personality grew so animated in defence of a political cause (Harris, 1994). Examining the philosophical basis of Locke's thought enables us to enhance our understanding of Locke in several ways. As Tully and Ashcraft show, it is possible to reconstruct Locke's natural rights and property theory to depict him as a social, economic and political radical. But as Dunn and Jolley show, the foundational beliefs identified by these interpreters as essential to Locke's project are not immune to challenge. So Locke's construction of a moral theory of politics is open to criticism. Here we confront the fundamental problem with Locke's political thought. Whereas Locke's theological rationalism constitutes the essential explanatory context to his political thought it also provides insights into the philosophical and analytical deficiencies of his project. Given these impediments, Ashcraft's attempt to provide the analytical substantiation of Locke's political philosophy in context appears over-ambitious.

The Waldron–Tully debate highlights the difficulty of interpreting Locke. If as Tully insists (along, to a degree, with Dunn) Locke advocates curtailing property rights within civil society the possibility arises that Locke could also have countenanced governmental regulation of property for it to serve a 'social function'. But Waldron responds with two commensurate

points: (i) Locke promotes a vigorous, rights-based defence of private property and (ii) Locke fails because his arguments are flawed (see above). Point (i) is particularly intriguing. If Waldron convinces us that the defence of an exclusive and extensive rights-based conception of private property is *essential* to Locke's political philosophy, then Waldron appears to provide credence to *both* the Macphersonite and Nozickian interpretations. So Waldron's robust analytical defence of the view that Locke's political theory is about the preservation of individual property rights against government intervention explains why the interpretation of Locke's political thought has resulted in the sharing of beds by scholars with markedly different values (the radical–socialist Macpherson and the conservative–individualist Nozick).

Any adequate interpretation of Locke's political thought must come to terms with its complexity and, thereby, the recognition that simplifying Locke's position in order to produce a watertight reconstruction of what he meant inevitably results in distortion. A truly convincing interpretation would have to recognise Locke's essential problem – that of deriving his preferred version of a liberal constitutional polity and system of social distribution from a basis in natural equality. Attempts (Tully and Ashcraft) to depict Locke as more socially radical than previously supposed fall short of the mark. Locke is insufficiently radical to be coherent. But had he been more consistent in arguing for conditional ownership Locke would have been forced to address a persistent problem for liberalism – that of how the ongoing social redistribution necessary to secure limited ownership can be managed without sacrificing the desire to limit government.