UNIT 7 JOHN LOCKE

Structure

7.1 INTRODUCTION

A profound and extensive study of John Locke has been one of the most remarkable achievements of recent philosophical scholarship. Perhaps no other political thinker, excep' his great senior contemporary, Thomas Hobbes, has received greater attention at the hand: of historians of thought within the last fifty years or so than the author of the *Two Treatises* of *Government* and *An Essay Concerning Human Understanding,* The discovery of a wealth of new material in Lovelace collection and a large number of critical commentaries based on it, have vastly added to our knowledge about Locke's life and thought. And yet, curiously enough, there is today a greater divergence of opinion about the real spirit or the "hidden meaning" of Locke's political theory than ever before. A beginner is almost sure to be lost in a maze of motley interpretations—from Straussian esotericism claiming for Locke a thoroughgoing Hobbism, a consistently egoistic and utilitarian ethics, to a deontological view of Locke's ethic put forth by Raymond Polin, representing him as a classical natural law thinker; from Vaughan's characterisation of Locke as a "prince of individualists" to Kendall's interpretation of him as a collectivist of Rousseau's brand; from "liberal constitutionalism" of Locke in Martin Seliger's analysis to Macpherson's exposition of it as a theory of "capitalist appropriation" and "the dictatorship of the bourgeoisie". Perhaps there is some truth in each of these interpretations, but when Locke's philosophy is subjected to a Procrustean technique of interp etation and is made to conform to a particular philosophical label, it suffers heavy disto tion and loses, not only its richness and catholicity, but also its identity. The paradoxical situation which thus emerges is best illustrated by coinparing Taylor-Warrender's Hobbes, as a deontological proto-Kantian moralist and a philosopher of Natural Law and Divine command theory with Locke as interpreted by Leo Strauss and Richard Cox, as a perfect psychological egoist and ethical relativist, or covert Hobbist. This has been ironically described by J.W.W. Watkins in these wards, "This situation is painful for examination candidates, liable to be asked to 'compare and contrast' Hobbes and Locke. *So* let us all agree to the following compromise: Hobbes was a moralising natural lawyer in Hooker tradition, while Locke preached a mixture of egoism, fear and authority, and Locke wrote The *Second* Treatise, while Hobbes wrote *Leviathan.*

7.2 LIFE AND WORKS

Locke's life (1632-1704) coincided with one of the most significant epochs of British history that saw the transformation of absolute monarchy into parliamentary democracy. It was a period

of the Glorious Resolution of 1689 with which Locke was closely associated along with Lord Ashley, the first Earl of Shaftesbury, Loclte's friend and patron, who was charged with conspiracy to exclude Charles II froni acceding to the throne. Locke, suspecting persecution, went into voluntary exile in Holland and remained there till the final overthrow of the Stuart despotism in 1689. He welcomed William of Orange, as the 'Great Restorer' and lawful ruler. Locke published his ***Two*** *Treatises of Government* in *1690.* The same year saw the publication of his famous philosophical work *The Essay Concerning Human Understanding.* Locke's other important writings were the *Letters Concerning Toleration (1689, 1690* and 1692) and *Some Thoughts Concerning Education (1693).* Locke's early essays on the Law's Nature were published with an English translation by W. von Leyden in 1959 (Oxford University Press).

The *Two Treatises of Government* consists of two parts—the first is the refutation of Filmer and the second, the more important of the two, is an inquiry into the "True original, Extent and End of Civil Government." Tlie work was ostensibly written to justify the Glorious Revolution, "to establish the throne of our Great Restorer, Our present King William, to make good his Title, in the Consent of the People, which being the only one of all lawful Governments, he lias more fully and clearly than any Prince in Christendom: And to justifie to the World, the People of England, whose love of their Just and Natural Riglits, with their Resolution to preserve them, saved the Nation when it was on the very brink of Slavery and Ruine." This historical linkage has been challenged by modern scholars. Peter Laslett has argued that the *Second Treatise* was written at least as early as 1681 and tliat it was written first, and Locke later added the First to it. The First Treatise is not generally considered to be of great philosophical importance. Tlie ideas of Filmer vis-a-vis Locke have been another subject of controversy. All scholars do not agree with Laslett regarding tlie date and tlie order of composition of the Two Treatis. Richard Ashcraft and John Dunn have discussed these questions in detail. We may set aside this historical controversy for our present purpose and pass on to more theoretical issues.

7.3 SOME PHILOSOPHICAL PROBLEMS

The first and foremost controversy about the philosophical foundation of Locke's political theory relates to the alleged conflict, or flat contradiction between his empiricist theory of knowledge as expounded in his Essay *Concerning Human Understanding* and the rationalist view of Natural Law adumbrated in tlie Second *Treatise* of *Civil Government* as the corner-stone of his political theory.

Critics like C.E. Vaughan, George H. Sabine and Peter Laslett have argued that the notion of natural law cannot be reconciled with the overall empiricism of Locke which shows itself in his criticism of innate ideas and his theory of origin of knowledge in sense-experience and reflection. But a careful analysis of Locke's epistemology leads to the conclusion tliat the blanket label 'empiricist' is not properly applicable to Locke and his theory contains important rationalist elements. He expressly says that his criticism of innate ideas should not be understood to imply the rejection of natural law. Moreover, only sense experience cannot provide us with certain knowledge, that is knowledge,' in the true sense, without the creative participation of mind. His tlieory of knowledge, at least in its broad perspective and aim, closely resembles, the critical philosophy of Kant, and it lias to be clearly distinguished from the atomistic sensationalism of the British empiricists who followed him.

Another element of Locke's theory which is supposed t oimpair the coherence and integrity of his notion of Natural law and its intuitionist overtone is his psychological hedonism. To be sure, a hedonistic motivation to morality cannot be denied in Locke. But it must be remembered that

though he defines good and evil in terms of pleasure and pain, these are to him only consequences of a morally right action; they do not constitute its essence. A moral law is eternal and universal and it is obligatory independently of its pleasurable consequences. "Utility", says Locke, "is not the basis of the law or the ground of obligation, but the consequence of obedience to it." Locke's moral theory, therefore, is essentially deontological rather than utilitarian and consequentialist. In legal theory similarly he is more of an intellectualist than a voluntarist. There is, therefore, no conflict between natural law postulated in the *Second* Treatise and the ethical and epistemological theory of the Essay. Locke is a consistent Natural Law theorist.

7.4 THE STATE OF NATURE AND NATURAL RIGHTS

We thus see that Natural Law constitutes an integral part of Locke's moral and political theory. It is central to his conception of the state of nature as well as of civil society. The state of nature, as we know, is the stock-in-trade of all contract theories of the state. It is conceived as a state prior to the establishment of political society. In Locke's version it is pre-political, though not pre-social, for men are essentially social by nature. The state of nature, far from being a war of all is a state of "peace, goodwill, mutual assistance and self-preservation." It has law of nature to govern it. This Law "obliges everyone: and reason, which is that law, teaches ail mankind, who will but consult it, that being all equal and independent, no one ought to harm one another in his life, health, liberty, or possessions, for men being all the workmanship of one omnipotent, and infinitely wise maker; all the servants of one sovereign master, sent into the world by his order, and about his business; they are his property, whose workmanship they are, made to last during his, not one another's pleasure : and being furnished with like faculties, sharing all in one community of nature, there cannot be supposed any such subordination among us, that may authorise us to destroy one another, as if we were made for one another's uses, as the inferior ranks of creatures are for ours." In the state of nature men have natural right to life, liberty and property. These rights are inalienable and inviolable for they are derived from the Law of Nature which is God's reason. Every one is bound by reason not only to preserve oneself but to preserve all mankind, insofar as his own preservation does not come in conflict with it. Again, men are free and equal and there is no commonly acknowledged superior whose orders they are obliged to obey. Every body is the judge of his own actions. But though the natural condition is a state of liberty, it is not a state of licence. Nobody has a right to destroy himself and destroy the life of any other men, "but where some nobler use than its bare preservation calls for it." Because there is no common judge to punish the violation of natural law in the state of nature, every individual is his own judge and has the executive power of punishing the violators of the law of nature. This violation may be against him or against mankind in general. But when men are judges in their own case, they cannot be impartial. There are also other inconveniences in the state of nature—there is no established, settled, known law, to be the standard of right and wrong; there is no impartial judge to decide cases of dispute; and finally, "in the state of nature there often wants power to back and support the sentence when right, and to give it due execution." In other words, there are three lacunas or 'inconveniences' in the state of nature—want of a legislature authority to declare law, of an impartial judge lo decide cases of violation of law and lack of an impersonal executioner of the law. Thus we find that the state of nature, while it is not a state of war, is also not an idyllic condition and, therefore, it has to be superseded sooner or later. Conflicts and uncertainties are bound to arise on account of the selfish tendencies in human nature. The state of nature is always in danger of being transformed into a state of war. Where every one is the judge in his own case and has the sole authority to punish, peace is bound to be threatened.

Though Locke sometimes draws upon historical evidence to support his concept of the state of nature, the idea is essentially a rational construct, a hypothesis to explain the nature and

foundation of political society. A more controversial point that emerges from Locke's account of the state of nature is its dual character. Writers like Leo Strauss and Richard Cox have argued that basically Locke's theory is a restatement of the Hobbist view of human nature disguised and couched in a more palatable language (Leo Strauss, 1960). These writers believe that the state of nature in Locke which is described as a state of "peace, good will, mutual assistance and preservation" turns out on analysis to be a state of war on account of the operation of passions, a situation for which the only remedy is the creation of civil society. They charge Locke not only of inconsistency, but also of hypocrisy and of having "hidden meaning". Professor Macpherson has found two conflicting notions of Locke's state of nature, one before and the other after the invention of nioney, accusing Locke of bourgeois mentality. These interpretations, however, are highly selective and too restrictive. They ignore the real spirit of Locke and go against his clearly expressed opinions. They have rightly been rejected by Aarsleff, Ashcraft and Seliger, scholars who have written on Locke without any ideological bias or philosophical presupposition and self-professed esoteric methodology.

Another important concept in Locke's political philosophy is that of natural right to life, liberty and property. These natural rights are derived from natural law and are limited by it. "The freedom of man and liberty of acting according to his will is grounded on his having reason, which is able to instruct him in that law he is to govern himself by, and make him know how far he is left to the freedom of his own will". "The end of law is not to abolish or to restrain, but to preserve or enlarge freedom, for in all the states of created beings, where there is no law, there is no freedom."

Right to property is intimately connected with right to life and liberty as its necessary consequence. Sometimes Locke sums up all natural rights in the right to property. But property is not his exclusive concern. Life and liberty are more important. Man creates property by mixing his labour with the objects of nature. In the beginning, all things were held in common. But common ownership is not sufficient to provide men with means of life and satisfy their needs. Man must mix his labour with the resources provided by nature to enable him to make use of them in a more efficacious and profitable way. Since man owns his own person, his body and limbs, the object with which he mixes his labour becomes his own property by right. This is the origin of the famous labour theory of value common to both the classical and the Marxian economics. Locke does not believe that man has an unlimited right of appropriatioii. There are three important limitations on ownership of property. The first, called "labour-limitation", is that one can appropriate only that much of common resources with which he has mixed his labour. The second limitation, the "sufficiency limitation" enjoins man to appropriate only as much as is required by him and leave "enough and as good for others." The third limitation; known as a 'spoilage limitation', requires that man should acquire a thing only if he can make good use of it, since nothing was made by God for man to spoil or destroy. If one takes more, he "invades his neighbour's share" which is prohibited by the law of nature.

Many critics have found these limitations mostly verbal which are rendered quite otiose in the later stage of the state of nature, especially after the invention of money. About the supposed 'labour limitation', Macpherson's critique is that it was in fact never seriously entertained by Locke but has been read into his theory by those who have approached it in the modern tradition of humanist liberalism. The introduction of wage labour, that is the right to purchase the labour of others on payment of wages, makes it possible and rightful for a man to appropriate the product of other men's labour. Then Locke also gives a man the right to bequeath his property. This is, according to Macpherson, "an indication of his (Locke's) departure from the medieval view and acceptance of the bourgeois view expressed so tersely by Hobbes." Introduction of money which allows men to exchange goods for money, removes the limitation

imposed by the non-spoilage principle. Macpherson concludes that Locke not only justifies the right to unequal property but approves of unlimited individual appropriation. Locke is thus presented as an ideologue of "possessive individualism", of market economy and the "dictatorship of the bourgeoisie." He is seen as a typical representative of the "spirit of capitalism."

Plamenatz's criticism is based more on logical than ideological grounds. He points out three major defects in Locke's theory of property:

"In the first place, the limits he sets on appropriation, the injunction to let nothing spoil or go to waste, is either irrelevant or inadequate, for it makes sense only under conditions which are in fact rare; secondly, the right to bequest, which Locke tactly includes in the right of property, does not derive either from the right to preserve life and liberty, or from the right to set aside for your own, exclusive use what you have mixed your labour with; and thirdly, it does not follow, even if your mixing your labour with something gives you a right to use it to the exclusion of people who have not mixed their labour with it, that your being the first to mix labour with something gives you tlie right not to share it with anyone who subsequently mixes his labour with it"(George Plamenatz, 1963, p.242).

The ideological interpretation of Locke in terms of capitalist economy and the dictatorsliip of the bourgeoisie have been challenged by Isaiah Berlin, Alan Ryan, Martin Seliger, Richard Ashcraft, I-Ians Aarsleff, John Dunn and others. They argue that Macpherson's view overlooks the overriding role of Natural Law and the idea of common good that it implies. Locke is too much of a medievalist and believer in God to ignore the dictates of Divine Reason and to espouse unabashedly tlie cause of the rising capitalist class whose ethos is cut-tliroat competition for wealth accumulation resulting in class conflict and misery for the have-nots. George H. Sabine is perhaps more to the point when he says: "He left standing tlie old theory of natural law with all its emotional connotation and almost religious compulsions, but he completely changed, without knowing it, the meaning which the term had in writers like Hooker. Instead of law enjoining the common good of society, Locke set up a body of innate, indefeasible, individual rights which limit tlie competence of the community, and stand as bars to prevent interference with the liberty and property of private persons" (G.H. Sabine, 1963, p.529). "Macpherson paid as little attention as Strauss did to the fact that no one among Locke's contemporaries read or understood his argument from their postulated standpoints, or to the fact that Locke personally subscribed to and identified his own position with those religious beliefs he was presumably advancing as a sop to lesser minds, or thaf he was writing in defence of revolutionasy political action and religious dissent-positions adhered to by a very small minority of his contemporaries—which did not appeal to the established property-owners whose interest he was supposed to be looking after (Ashcraft). Equally damaging to Macpherson's case was his failure to provide the liistorical and sociological evidence necessary to establish his claims regarding tlie kind of society 17th Century England was, since the more inappropriate the 'model' or society formulated by Macpherson is as a descriptive characterisation of Locke's environment, the more difficult it becomes to associate that model with Locke's intentional purposes in writing the *Two* Treatises" (Richard Ashcraft, 1987, pp.301-302). In a similar vein Martin Seliger argues that limitations on private property mentioned by Locke are never rendered illusory either by the invention of money or by the admission of landed property in the interest of more efficient production. "We cannot ascribe to Locke the view that due to a contrivance for the more effective exercise of rights of property, positive law could not contain property accumulation in accordance with natural law. The right of property is the prototype of all natural rights. They are freedoms sanctioned by natural law, and freedom is protected and bounded by positive law in all spheres of action"(Martin Seliger, 1968, pp.166-167).

Professor John Dunn in his remarkable work *The Political Thought of John* Locke has offered an interpretation of Locke which is diametrically opposed to Macpherson's account. According to Dunn: "tlie Lockean social and political theory is to be seen as the elaboration of Calvinist social values, in tlie absence of a terrestrial focus of theological authority and in response to a series of popular challenges"(John Dunn, p.259). "Locke saw the rationality of human existence, a rationality which he spent so much of his life in attempting to vindicate, as dependent upon the truths of religion"(John Dunn, p.263). Elaborating further, Dunn (1980, 1983a) observes: "In contrast with tlie alienated modern conception of tlie context of political agency and the predominantly instrumental view of its character which dominate modern political thinking, Locke combines a radically individualist conception of both the human significance and the rationality of political agency with a wholly unalienated conception of its social context. Because this conception of political agency depends for its structure and stability on a personal relation between the indiviclual human agent and the deity, it can scarcely be adopted as a basis for grounding modern political identities".

In a carefully argued and exhaustive study, A. John Simmons comes to the conclusion that Locke "certainly condemns covetousness (contrary to the claims of Strauss, *Natural* Rights, 247), and there is no indication that he intends to defend a right of *unlimited* accumulation. But neither does lie take the use of money and its creation of substantial inequality to be contrary to God's will, or to end all legitimate appropriation under tlie rules of natural propel-ty" (A. John Simmons, 1994, p.305). Locke, says Simmons, occupies "the middle ground, calling neither for unfettered accumulation of property nor for radical redistribution of holdings".

Locke's theory of property seems to oscillate between large accumulation consistent with sufficient amount of regulation and determination of land ownership by political authority in the interest of equitable distribution. Though one cannot attribute to him a doctrine of differential rationality socially and politically favoring the propertied classes, it can hardly be denied that tlie whole tenor of his argument goes in favour of those who own large property as compared with ordinary citizens. A neat summary of Locke's theory can be given as follows in tlie words of Peter Laslett:

"Even tlie minutest control of property by political authority can be reconciled with the doctrine of Two Treatises, and as Professor Viner has pointed out, Locke no where complains against the complicated regulations of his 'mercantilist' age in terms of property rights. If not complete communism, certainly redistributive taxation, perhaps nationalisation could be justified on the principles we have discussed: all that would be necessary is tlie consent of the majority of the society, regularly and constitutionally expressed, and such a law would hold even if all the property owners were in the minority." Laslett further says that "it is gratuitous to turn Locke's doctrine of property into the classic doctrine of the 'spirit of capitalism', whatever that may be" (Peter Laslett, p.104-105).

"In fact, of course, Locke was neither a 'socialist' nor a 'capitalist' though it is fascinating to find elements of both attitudes of ours in his property doctrine, more, perhaps, in what he left out or just failed to say than in the statement themselves. He was not even an advocate of land and land ownership as the basis of political power to be 'represented' in a nation's counsels. For all liis enormous intellectual and political influence in the 18th Century he was in this respect a barren field for anyone who wished to justify what once was called Whig obligatory. But lie did use his property doctrine to give continuity to a political society, to join generation to generation"(Peter Laslett, p.105).

7.5 SOCIAL CONTRACT AND CIVIL SOCIETY

What drives men into society, according to Locke, is tliat God put them "under strong Obligations of Necessity, Convenience, and Inclination." Political power is a "Right of making Laws with Penalties of Death, and consequently all less Penalties, for the Regulating and Preserving of Property, and of employing the force of the Community, in the Execution of such Laws, and in the defence of the Common-wealth from Foreign Injury, and all this only for the Public Good". And "men being, as has been said, by Nature, all free, equal and independent, no one can be put out of this Estate (i.e. state of nature), and subjected to political power of another without his own consent." Therefore, the problem is to form civil society by common consent of all men and transfer their right of punishing the violators of Natural Law to an independent and impartial authority. For all practical purposes, after the formation of civil society this common consent becomes the consent of the majority; all parties must submit to the determination of the majority which carries tlie force of the community, for that is tlie only way of political action. So all men unanimously agree to incorporate themselves in one body and conduct their affairs by the opinion of the majority. After they have set up a political or civil society, the next step 'is to appoint a government or 'legislative' to declare and execute tlie natural law. This Locke calls tlie 'supreme' authority established by the commonwealth or civil society. Here we have two separate acts—one by which the civil society is established and the other which creates the government. While the first is the product of a contract, the second is "only a fiduciary power to act for certain ends", and there remains "still in the people a supreme power to remove or alter the legislative, when they find the legislative act contrary to the trust reposed in them." The relationship between society and the government is expressed by the idea of trust because it obviates making the government a party to the contract and giving. it an independent Status and authority. Professor Ernest Barker and J.W. Gough have placed great emphasis on the technical implications of tlie trust theory, which makes the community both tlie trusted and tlie beneficiary, having no duties as regards the trustee, that is the government. Laslett (p.115), on the other Iiand, interprets it in a non-legal sense "intended to make it clear tliat all actions of governors are limited to the end of government, which is the good of the governed, and to demonstrate by contrast that there is no contract in it, that is all".

Besides the 'legislative' which is the supreme authority, Locke mentions two other powers of the commonwealth, the executive and the federative. The federative power of the government is concerned with what we now call foreign affairs. What Montesquieu later on called the judicial power is included in tlie executive. The executive power is subordinate to the legislative and is responsible to it.

Though the legislative is the supreme power, it is not arbitrary. It exists for common good which is the preservation of freedom and protection of property. "The Law of Nature stands as an Eternal Rule to all Men, Legislators as well as others. The Rules that they make for other Men's Action, must . . . be conformable to the Law of Nature, that is to the will of God, of which that is a Declaration, and the 'fundamental law of Nature being the preservation of Mankind, no Human Sanction can be good, or valid against it." Secondly, the Legislative or the Supreme Authority cannot rule by extemporary, arbitrary decrees, but only by duly promulgated and established laws. Thirdly, the supreme power cannot take from any man any part of his property without his consent. And lastly, "the legislative cannot transfer the power of making laws to any otlier hands, for it being but a delegated power from the people, they who have it cannot pass it over to others" (Second Treatise, sec. 141).

The above restriction on the 'supreme' authority of the legislative body has tended to obscure Loclte's view of sovereignty. C.E. Vaughan has categorically declared that "Locke had no

theory of sovereignty at all, the true sovereign of Civil *Government* is tlie individual" (Vaughan, p.185). And according to Ernest Barker: "Loclce had no clear view of tlie nature and residence of sovereignty" (Barker, 1958, Introduction). This is unfair to Locke. It is to identify the notion of sovereignty with only one of its variants, tlie Hobbesean-Austinian version which conceives sovereignty in terms of the will of an absolute power. The other view which regards sovereignty not as power, but authority and an expression of a transcendent reason, natural law or Divine Order, adniits tlie limitations of a Higher Law on the power of the state without denying its competence and authority in relation to positive law. This is the tradition on which Locke was fed and it is the bed-rock of all constitutional government. It harks back to St. Thomas Aquinas through Hooker and Bodin and is represented by writers like Eliot, Phillip Hunton and Sir Mathew Hale in Locke's own time. Loclte admits that behind the authority of the legislature there is an ultimate sovereignty of people wliicli later writers termed as popular sovereignty. "...And thus the community perpetually retains a supreme power of saving themselves from the attempt and designs of anybody, even of their legislators, whenever they shall be so foolish or so wicked as to lay or carry on designs against the liberties and properties of the subject" (Second Treatise, sec. 149). But the community exercises this power "not as considered under any form of government, because this power of the people can never take place till the government be dissolved" (sec. 49), and "in all cases, while the government subsists, the legislative is the supreme power" (sec. 150). The doctrine of popular or national sovereignty cannot be properly ascribed to Loclce. Tlie ultimate source of all authority in his theory is the Law of Nature. But sovereignty in the technical sense resides only in tlic law-making body. "This legislative is not only the supreme power of tlie commonwealth, but sacred arid unalterable in tlie hand where tlie community have once placed it; nor can tlie edict of any one else, in whatsoever form conceived, or by what power soever backed, have the force and obligation of a law which has not its sanction from the legislative wliicli the public has chosen and appointed; ....and tlierefore all the obedience, wliicli by tlie most solemn lies any one can be obliged to pay, ultimately termines in tlie supreme power..." (Second *Treatises*, see 134).

In a penetrating criticism of Locke, George H. Sabine points out four levels of authority in *Two* Treatises, the last three being represented as successively derivative from tlie first. But Loclte seems to attribute "a kind of absoluteness to each of tlie four." First, there is the individual and his rights, the foundation of the whole system. Secondly, there is the community; the custodian of individual right and the authority standing behind tlie government, Thirdly, there is the government or the 'legislative' wliicli is constitutionally tlie 'supreme power', And finally, we have the executive, or the King, wliicli also enjoys some kind of independent status and discretionary power while remaining subservient to the 'legislative', or parliament. Tliis, however, far from being a criticism, may be taken as a commendation. Locke was fully conscious of tlie complexity of political system and he was attempting to present a phenomenology of political' institutions without adopting a reductionist methodology which seeks to explain all things in terms of a single ultimate entity, irreducible social atoms or abstract entity like the community or people. He was neitlier a pure nominalist nor a perfect realist. Being a conceptualist, he is nearer to Aristotle than either to Plato or to the Protagoras or the Sophists. His state is not a 'fictitious corporation' like that of Hobbes, but it is also not Hegel's 'concrete universal'. Locke wants to maintain balance and harmony among different organs of government under the supreme majesty of Natural Law.

7.6 CONSENT, RESISTANCE AND TOLERATION

Government based on consent is tlie fundamental principle of Locke's theory of political obligation. The idea of consent, however, is not properly explained and it remains one of the

most vulnerable features of Locke's theory. John Plamenatz subjects it to a searching critique and comes to the conclusion that it serves no useful purpose. The notion ,of Tacit Consent introduced to make the concept applicable to cases wliere express consent is wanting makes it all the more questionable and dispensable. As Plamenatz pithily puts it: "If you begin by assuming that only a consent creates a duty of obedience, you are only too ready to conclude that whatever creates that duty must be consent"(John Plamenatz, p.22). "We consent to obey by obeying. Obedience creates the obligation to obey. But this is absurd." (p.230). John Dunn also finds fault with the notions of consent as the basis of freedom in the state.

"The ***Two*** *Treatises* is an attempt to argue for limitations on the possible scope of political obligation. The notion of consent is a key term in the expository structure of this argument, but it is not a term which exerts any very precise control over the application of the argument to particular cases in the world. Its role is as a formal component of the logical structure of the argument, not as a practical criterion of its applicabitity in particular cases. Consent is a necessary condition for tlie legitimacy of a political society, but the consent which creates such legitimacy is not a sufficient condition for the obligatory force of any particular act of authority in such a society"(John Dunn, p.143).

It is generally believed that Locke is above all an apologist of the Glorious Revolution, perhaps the most conservative of all revolutions. As such, resistance or a right to rebellion—Locke seldom uses tlie word 'revolution'—is an essential part of his political philosophy. A ruler who usurps power or forfeits the trust of the people and acts according to his own arbitrary will in contravention of the law of nature and against tlie good of the people has no legitimate authority to govern and can be removed, if necessary, by force. Government is dissolved also in case of conquest by a foreign power, in tlie event of assembly being prevented from meeting and deliberating by the prince or on a dislocation of legislative authority. The dissolution of government, however, does not involve dissolution of society. As to who has a right of rebellion or resistance, Locke does not give a clear answer. Generally, it is only the majority which has a right to revolt. Though Locke was the champion of revolutionary action, he was essentially a conservative by temperament. He was of the view that revolution was to be resorted to only in extreme cases. According to Sabine, in spite of his insistence on right to revolutions, Locke was not a revolutionary. Many critics have held the view that Locke gives the right of revolution only to the aristocratic class, that is, the owners of property. "It seemed natural to him, as it seemed nearly to all his contemporaries, that the right to resist rulers who have abused their authority should in practice be confined to the educated and propertied classes, to the section of the community alone capable of an intelligent and responsible judgement in such a matter"(John Plamenatz, p.250).

Aslicraft does not agree with this view and finds in Locke a more radical revolutionary spirit. In this connection he notes tlie difference between Locke and the Whig oligarchy which was behind the Revolution of 1688. "Resistance to tyranny is everyone's business", says Ascliraft summing up Locke's views on tlie subject (Ashcraft, p.228)

Religious toleration was a topic of great importance in Locke's time, and in consonance with his general philosophy and political theory he placed great emphasis on it. Conscience, he held, cannot be a subject of external control. A man is free to profess any religion he likes. The state should not in any case resort to religious persecution. It should not enforce practices relating to faith. However, Locke imposes certain limitations on religious tolerance. "No opinion, contrary to human society, or to those moral rules which are necessary for the preservation of civil society are to be tolerated by tlie magistrate." Again, atheists should riot be tolerated because "promises, covenants, and oaths, which are tlie bonds of human society, can have no hold upon an atheist. The taking away of God, though but even in thought, dissolves all."

7.7 THE LOCKEAN LEGACY

John Locke is one of the central figures in modern European political thought. The most characteristic term for this thought is liberalism, though this term has both conservative and radical implications. The concept liberalism has undergone several changes during the coarse of time. There is a classical form of liberalism and also one which we call neo-liberalism. Locke's liberalism contains both conservative and radical elements. Its original inspiration is tlie metaphysical idea of Natural Law and Divine Reason rooted in tlie classical tradition of philosophy represented by Roman lawyer—St.Thomas Aquinas and Richard Hooker. Its modem version as emphasised by Locke himself in the form of individual natural rights to life, liberty and property and resistance to arbitrary political power became part of general political discourse and practice during the 18th Century and inspired thinkers like Tom Paine, Jefferson and Rousseau. On the more empirical and pragmatic side it influenced tlie English Utilitarians and also in some way thinkers like Hume and Adam Smith. With the growth of positivist sciences and empiricist methodology the rationalistic aspect of Locke's theory, belief in a transcendent deity and Natural Law, was relegated to the limbo of metaphysics, but his views about natural rights, especially tlie right of property, were incorporated in the libertarian liberalism of tlie 19th and 20th centuries. Writers like Rawls, Dworkin and Nozick, especially the last one, bear clear imprint of Locke's thinking and profess affinity to him. But this affinity of Locke to modern liberal thinkers is established only at the cost of ignoring the religious and metaphysical aspect of his thought. Here it would be pertinent to refer to tlie sober reflections of Professor Raymond Polin :

> We have tried to show, on the contrary, that freedom for him is nothing but the means given by God to human creatures capable of intelligence, reason and society to incorporate themselves into the order of this world, when they grow mature enough to discover and understand its meaning. Freedom as such is always to bc understood as correlative with order. The human being, Locke discovers, as a being capable of freedom and reason, is bound to tlie divine order of the world through an obligation, the obligation to make himself actually free and reasonable, either in the order of the relations he establishes with other men, or in liis relations with tlie reasonable order of the world. For Locke, freedom exists and is meaningful only if it is bound to the obligation to achieve a reasonable order and a moral one. This principle lies at the bottom of any true and efficient liberalism. (Raymond Polin in JW Yolton, pp.17-18).

7.8 SUMMARY

John Locke has been interpreted differently by different people. One controversy relates to the alleged conflict between his empiricist theory of knowledge in his 'An Essay Concerning Human Understanding' and the rationalist view of Natural law in the Second Treatise of Civil Government. It has been argued that the notion of natural law cannot be reconciled with the overall empiricism of Locke which shows in his theory of origin of knowledge in experience and reflection.

The Natural Law constitutes an integral part of Locke's political theory. For him, it is pre-political and not pre-social as men are social by nature. The state of nature is a state of peace, good will, mutual assistance and self-preservation. It has the law of nature, which is God's reason, to govern it. Another important concept of Locke's is the natural right to life, liberty

and property, derived from natural law and limited by it. Man does not have unlimited right of appropriation. They are limited by labour limitation, sufficiency limitation and spoilage limitation.

Since men are by nature, free, equal and independent, no one can be subjected to political power of another without his own consent. Thus common consent is required lo form civil society after which a government or legislative has to be established to execute natural law. This authority or the legislative is the supreme authority. Besides this, there are two other powers of the commonwealth, the executive (includes judicial power) and the federative (concerned with foreign affairs). The executive is answerable to the legislative. The legislative cannot rule by arbitrary decrees but only through promulgated and established laws. On sovereignty, Locke states that behind the authority of the legislature, there is an ultimate sovereignty of the people which was later termed as popular sovereignty.

Locke has been criticised for not explaining the concept of consent even though the fundamental principle of his theory is based on consent. He has also been described as an apologist of the Glorious Revolution. Rebellion or resistance is an essential part of his philosophy but he does not clearly state who has the right to rebel. And critics even say that he gave that right only to the landed aristocracy, but this has been debated.

7.9 EXERCISES

1) Critically examine the limitations on the ownership of property as defined by Locke.

2) Write a short note on John Locke's ideas on Consent, Resistance and Toleration.

3) What were Locke's views on Sovereignty?