Locke’s State of Nature

Philosophy 322: Modern Philosophy
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THE STATE OF NATURE IN THE SECOND TREATISE

1. Recall that a state of nature argument requires both an account of human nature, and an account of the circumstances in which humans naturally find themselves. Locke’s conception of the state of nature bears superficial similarity to Hobbes’s, but underneath the surface, it is quite different. Like Hobbes, he says that people are equal by nature, and that the state of nature is a state of freedom. But what he means by these things is quite different from what Hobbes meant.

2. Natural equality.

(a) Hobbes’s idea of natural equality of ability was purely descriptive. But Locke claims that people have a kind of normative or moral equality. He describes the state of equality as one “wherein all the power and jurisdiction is reciprocal, no one having more than another” (4). By “power and jurisdiction” he does not simply mean physical or mental strength or ability, but rightful authority. In the state of nature, it’s not (merely) that no one can be the boss (as Hobbes held), it’s that no one is entitled to be the boss. This is a form of egalitarianism: the claim that people are morally or politically equal.

(b) What justifies this egalitarian assumption? Locke says that it is “evident” that “creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection” (4). It is not clear why Locke thinks that this descriptive claim justifies the normative one; this is a topic of great scholarly debate. One influential account says that the key is that people are capable of abstract, rational thought, which in turn enables them to use reason to understand their relationship to God and his creation.1

(c) What are the boundaries of this group of natural equals? It depends how we define “rank,” “advantages of nature,” and “faculties.” Presumably some degree of variation (particularly in natural advantages and faculties) is compatible with moral equality. But how much? An optimistic answer would be: all human beings have the relevant

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features to make them moral equals. A pessimistic answer would be that only some do; one can imagine sexist, racist, and ableist versions of the pessimistic answer.

3. Freedom under the law of nature.

(a) Hobbes’s idea of natural liberty was that in the state of nature, each man could use his own power to preserve his own life, however he judged best, with no “external impediments.” Locke also believes that people are in a “state of perfect freedom to order their actions” in the state of nature: they are free to act “as they think fit” without asking anybody for permission, nor “depending on the will of any other man” (4).

(b) However, Locke endorses a very important limitation. He says we are naturally free to act only “within the bounds of the law of nature” (4). The state of liberty is not, Locke says, “a state of licence” (6): there are rules governing what we may freely do, even in the absence of any society or government.

(c) Hobbes also had a “law of nature,” but for him, the laws of nature concern solely how to act in one’s self-interest (Leviathan, 14.3). Hobbes’s law of nature comprises principles of instrumental rationality. Locke’s law of nature yields moral rules concerning our duties and obligations to ourselves, others, and ultimately to God.

(d) Here are the basic tenets of the law of nature, according to Locke:
   i. You may not “destroy [your]self”
   ii. You may not “harm another in his life, health, liberty, or possessions”
   iii. You must do as much as you can “to preserve the rest of mankind”
   iv. You must not “impair ... what tends to the preservation of the life, the liberty, health, limb, or goods of another”

(e) The law of nature is prior to any conventional laws or moral customs; indeed, Locke identifies the law of nature with reason itself.

(f) We know the law of nature because “reason, which is that law, teaches all mankind, who will but consult it” (6). Everyone in the class of equals is able to use reason, and so is capable of understanding their natural rights and duties.

(g) The ground of the natural law is our relationship with God. We are all “the workmanship of one omnipotent, and equally wise maker ... sent into the world by his order, and about his business.” Moreover, we are God’s “property,” and hence we exist at his discretion, not our own. This is why we are not permitted to kill ourselves or anyone else, or prevent others from getting what they need to preserve their own lives. (Locke says that “by the like reason” we are “to preserve the rest of mankind,” but it’s not entirely clear how this works — it’s clear why we have a duty not to destroy God’s property, but not so clear why we have a duty to care for God’s property.)

4. The Right to Punish.

(a) Locke says that all those in the class of equals are not only bound by the law of nature, but are tasked with its “execution” as well. In particular, he thinks, each of us has “a right to punish the transgressors of that law,” and thereby “preserve the innocent and restrain offenders” (7).
(b) Locke gives two arguments for the natural right to punish. The first goes like this:
   i. Somebody in the state of nature must have the right to restrain offenders, since
      otherwise the law of nature would “be in vain” (7);
   ii. Since people are morally equal in the state of nature, if one person has the right
      to restrain offenders, all people in the state of nature have that right.

   It’s worth asking what Locke means by the first premise here. He justifies the claim by
   analogy with human laws, but is that an apt comparison? Why must the law of nature
   (which, recall, is reason itself) be enforced by human beings in order to be efficacious?

   (c) The second argument for the right to punish goes like this:
   i. Whoever transgresses against the law of nature “declares himself to live by another
      rule” than the law of nature;
   ii. Someone who lives by another rule than the law of nature is dangerous to mankind;
   iii. The law of nature requires that we preserve mankind in general;
   iv. So, we may “restrain, or where it is necessary, destroy” those who transgress against
      the law of nature (8).

   Note that this argument rests on the idea of punishment as a form of defense against
   danger (“for restraint, and preventing the like offense” (11)) – and not as a form of
   retribution for wrongdoing.

   (d) In addition to the right to punish for the purpose of restraint and prevention, there
   is also a natural right to obtain reparation for harm or injury. Unlike the first right to
   punish, which belongs to everyone equally in the state of nature, the right of reparation
   belongs only to the injured party (though others who “find it just” may join the injured
   party and “assist him” in obtaining satisfaction from the offender (10)).

THE STATE OF WAR

1. For Hobbes, in the absence of a sovereign, the state of nature inevitably becomes a state of
   war. Locke says that in what is “properly the state of nature,” people live together according
   to reason, without any sovereign (19). However, a “state of war” can develop between parties;
   Locke defines this as a state of “enmity and destruction” (16).

2. Locke gives three conditions that are sufficient for a state of war between two parties:
   (a) Threats to life. When one person “declares a sedate and settled design upon another
       man’s life” (16).
   (b) Threats to liberty. When one person “attempts to get another man into his absolute
       power ... i.e., make [him] a slave” (17).
   (c) Threats to property. “…a thief, who has not in the least hurt him, nor declared any design
       upon his life,” nonetheless enters into a state of war with him from whom he designs
       to steal (18).

3. When an aggressor enters into a state of war with you by threatening your life, liberty,
   and property, you may kill him “for the same reason [you] may kill a wolf or a lion” (16).
   Aggressors declare themselves to be unrestrained by the law of nature, but rather ruled by
   force and violence, and so may be treated as “beasts of prey”.

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4. When a state of war arises in the state of nature, it continues “until the aggressor offers peace, and desires reconciliation on such terms as may repair any wrongs he has already done” (20). Until then, you may treat the aggressor as a beast of prey.

5. When a state of war arises in “society,” you may kill the aggressor who is actively threatening your life, liberty, or property, but once the “actual force” is over, the state of war ceases, and you must defer to the common authority to punish the aggressor and seek reparation.

6. Locke’s discussion of the state of war brings out two important features of his overall view:

   (a) First, the state of nature is not just a hypothetical scenario meant to justify Locke’s political philosophy. He thinks that you are actually in a state of nature with respect to another party, whenever there is no common authority to settle your disputes.

   (b) Second, the possibility of the state of war explains why “men put themselves into society, and quit the state of nature”: when there is a common authority to settle disputes, the state of war ceases.

SLAVERY

1. As mentioned at the beginning of this handout, Locke was involved in the slave trade, both as an advisor and policymaker for the British colonial enterprise, and as a personal stakeholder in the Royal African Company and other ventures with a financial stake in the slave trade. He was co-author of the Fundamental Constitutions of Carolina, which granted to every freeman “absolute power and authority over his Negro slaves.” However, in Chapter 3 of the Second Treatise, he presents a view of slavery that would make it hard to see how colonial slavery could have been justified.

2. The notion of freedom in the state of nature was defined in chapter 2. Locke now turns to the idea of freedom “in society” and “under government”. He will develop these notions much more later (particularly in Chapter 9). For now, he introduces the crucial idea that freedom in society involves being “under no other legislative power than that established, by consent”; he goes on to characterize “freedom under government” as consisting in:

   (a) “A standing rule to live by, common to every one of that society”

   (b) “A liberty to follow my own will in all things, where the rule prescribes not”

   (c) “Not to be subject to the inconstant, uncertain, unknown, arbitrary will of another”

3. It is notable that these notions of freedom are defined by contrast with slavery. The fact that the liberal conception of freedom emerged in part from a discussion of slavery, by someone who was directly involved in the slave trade, merits reflection.

4. Slavery is a condition where someone else has absolute power over your life. Hence the second and third conditions of freedom under government are lacking for the slave.

5. You have no power to enslave yourself to anyone. Being God’s property, you don’t have power over your own life, and hence can’t grant power over it to someone else (23, 24).
6. The law of nature forbids slavery, with one important exception: if you have forfeited your own life by “some act that deserves death,” the person you’ve injured may “delay to take it, and make use of [you] to his own service” (23). This is no injury to you, because you can always bring the death penalty you deserve upon yourself by resisting the will of your master. (If you get tired of being a slave, there is always a way out.) A “perfect condition of slavery” is a “state of war continued, between a lawful conqueror and a captive” (24).

7. How might Locke have justified the practice of colonial slavery?

(a) **Punishment.** Perhaps Locke thought that enslaved Africans were transgressors of the law of nature who deserved death. One problem with this rationalization is that it does not explain why enslaved Africans could be bought and sold. Nor would it justify the large number of enslaved women and children (Locke would allow that women and children can deserve death, but it is implausible to think that he would claim that all or even most enslaved women and children had committed acts that would merit it). And it provides no basis for explaining the hereditary element of the institution of colonial slavery: children born to slaves were slaves themselves, and Locke explicitly (in Sec. 182) prohibits enslaving children for the crimes of their parents.

(b) **Racism.** As the institution of slavery developed in the century after Locke, it came to be rationalized in terms of white supremacy. Though Locke was writing before the full development of the racialized rationale for slavery, Locke might have thought that enslaved Africans lacked some of the essential features required to belong to the class of equals described in Chapter 2 of the *Second Treatise*. If so, then they would simply not have counted for the purposes of the discussion of slavery in Chapter 4.

(c) **Hypocrisy.** Locke may have understood that his philosophical views undermined the legitimacy of colonial slavery, but been led by his material and political interests to adopt an attitude friendly to that institution.