

John locke two
treatises of
government
philosophy essay



**ASSIGN
BUSTER**

The easy will endeavour to assess the cogency of the justifications for state power put forward by John Locke in his “ Two Treatises of Government”.

Mainly the second Treaty emphasises on the inter-relation of property and formation of Government. Locke has provided a mixed conception of property throughout his both treaties. In his social contract theory Locke made property rights central to the formation and development of civil society and democratic governance. Locke’s argument was based on the natural law and where natural law fell short he relied on the Christianity. Locke believed that laws can only be legitimate if they are to promote the common good and that people will as a group do the right thing. According to Locke the reason for people to come under the governmental control was mainly to protect their property.

John Locke in his Two Treatises of Government has not given any clear definition of property and rather given a double meaning which refers to an economic right and a quality of being. Professor Reno, B Jeffrey[2]pointed out that “ Locke offers two revealing statements regarding the nature of property. In the First Treatise, he notes, “ Adam’s property in the creatures was founded upon the right he had to make use of those things that were necessary or useful to his being”[3]. In the Second Treatise, Locke says that property is to be used “ to the best advantage of life and convenience”[4]. It is significant that in the first statement Locke draws a distinction between property as necessary or useful whereas in the second he creates a union between property existing for life and convenience. Life and convenience are not rival goals such that one chooses to advance one or the other. Rather, echoing the empirical interpretation of the Law of Nature, one seeks

preservation at all times and comfort when it is available. It is, however, possible to differentiate between goods that serve the advantage of life itself—necessities—and goods that serve the advantage of convenience—the useful. The need for property to fit such broad characteristics helps to make sense of Locke's strange way of explaining its origin and purpose."

Locke in his Second Treatises argues that property rights are justified because humans have a "right to their preservation" and thus have a right to "meat and drink and such things that Nature affords for their subsistence." [5] Locke further asserts in Section 27 that "everyman has a 'property' in his own 'person'...[and that]...the labour of his body and the work of his hands... are properly his". According to Locke, when a person removes something from the state of nature, he has "mixed his labour with it, and joined to it something that is his own, and thereby makes it his property". Because labour is "the unquestionable property of the labourer," Locke believes that "no man but he can have a right to what [his labour] is once joined to...". Peter Laslett [6] noted that this famous passage, which almost contradicts Locke's first principle that men belong to God, not themselves, together with the general claim that 'tis Labour indeed that put the difference of value on everything" [7] are perhaps the most influential statements he ever made." In this section we find a new element "labour" to his property theory. What follows from this section is that a person's labour and its product are inseparable, and hence ownership of one can be secured only by owning the other. Hence, if a person is to own his body and thus its labour, he must also own what he joins his labour with - namely, the product of his labour. Herman T Tavani [8] explains that Locke After providing

an argument for what is required in the just appropriation of the various kinds of objects that reside in the commons, such as acorns and apples, Locke proceeds to explain how one can justly appropriate portions of the commons itself. He states: As much land as a man tills, plants, improves, cultivates, and can use the product of, so much is his property. He by his labour does, as it were, enclose it from the common[9]. Of course, Locke does not believe that one's right to appropriate objects or to enclose a section of the common is absolute - i. e., without qualifications. For example, he imposes certain conditions and constraints as part of his justification for appropriation. One such constraint is sometimes described as the "no-waste" condition. According to Locke, one may take from the commons only as much as "any one can make use of to the advantage of life before it spoils"[10].

John Willinksy[11]notes that "Locke built his argument on behalf of considerable differences in the property holdings among people in two ways: first, by giving due weight to the productive value of labour, and then by allowing for the authority of majority consent to establish alternative economic arrangements. Yet it is important to note that in what follows, Locke keeps the collective principle of a world held in common in balance with notions of private property."

It was evident from the Locke's social contract that the notion of labour is central to his property theory. But in "Chapter V of Second Treatise illustrate that several conditions need to be taken into account in justifying property rights." [12]Locke had insisted that whenever something is appropriated from the commons, "enough and as good" should be left for others who also wish <https://assignbuster.com/john-locke-two-treatises-of-government-philosophy-essay/>

to appropriate. Thus, Locke never assumed that the mere "mixing of one's labour" with something constitutes a sufficient condition for an individual's right to claim ownership of that thing.[13]

Peter Laslett[14] has pointed out that "Locke's account of the origin of property cannot be intended to cover all meaning of the word. For it is not defined as material possessions, nor in units of the conveniences or necessities of life but much more generally as "Lives, Liberties and Estates, which I call by the general name, Property"[15] Laslett further argues that "for property to Locke seems to symbolize rights in their concrete form, or perhaps rather to provide tangible subject of an individual's powers and attitudes." [16]

Locke's First Treatise lays foundation on the concept of property in Section 86 as "the right Adam's had to make use of those things that were necessary or useful to his being." In the Second Treatise in Section 26 Locke used the notion "to the best advantage of life and convenience." Professor Reno[17] noted that in the first statement Locke draws a distinction between property as necessary or useful whereas in the second he creates a union between property existing for life and convenience. Life and convenience are not rival goals such that one chooses to advance one or the other. Rather, echoing the empirical interpretation of the Law of Nature, one seeks preservation at all times and comfort when it is available. It is, however, possible to differentiate between goods that serve the advantage of life itself-necessities-and goods that serve the advantage of convenience-the useful."

What follows from the plain reading of Section 86 of Second Treatises is that property, both in the narrow and in the extended sense, is insufficiently protected and inadequately regulated in the state of nature and this is the critical inconvenience which induces men to “ enter into Society to make one People, one Body Politick under one Supreme Government..... by setting up a Judge on Earth with Authority to determine all Controversies.”[18]

Locke’s theory of uniting Men under one Society was based on consent as it was in case of acquisition of property. Critiques like Ashcraft, Dunn and many others argued that in fact the reason was based on ingenuity and force rather than consent.

Locke believes that it is consent alone that makes civil society and such society requires political rights and obligations.[19]The political power that Locke refers to is the power to make law for that society but it must all be for the good of society.[20]

It can be argued that governments were originally instituted by force without any agreement, however Locke explicitly says that he must provide an alternative to the view that all governments in the world is the product of force and violence. He admits that some governments are instituted by force and violence but if that were the only form of government he would be denying the distinction between legitimate and illegitimate governments. According to Locke a legitimate government is instituted by the consent of the people being governed.[21]

Grant[22]says that the establishment of government is a two-step approach.

Universal consent is necessary to form a political community and consent to <https://assignbuster.com/john-locke-two-treatises-of-government-philosophy-essay/>

join a community once given is binding and cannot be withdrawn. She goes on to ask who rules and the answer is determined by majority rule. Universal consent is required to establish the political community and majority consent to the answer who is to rule that community.[23]

Radcliffe[24] says that David Hume purified Locke's empiricism by rejecting all supernatural grounds for philosophical principles. He set aside Locke's idea of theological basis for his views and relied solely on evidence that sense experience provides. He asked whether history provides any basis for thinking that political power attains legitimacy through a social contract. [25] Hume concluded that history does not provide any basis for thinking that political power arose through the social contract.

Radcliffe further shows that Hume uncovered another weakness in Locke's social theory. The theory bases the moral obligation to obey civil government on the mutual consent and promise to be governed. However the contract does not offer any basis for the moral obligation to keep such promise.[26]

The political obligation of obedience is on the same moral footing as the obligation to keep a promise. Hume argues that one cannot be based on the other and if the one is sanctioned then the other will also be sanctioned. However this creates its own problem that if there is no moral basis for the duty of fidelity to promises, the contract theory will not provide any moral basis for duties of political obedience.[27]

If there is a moral basis for the duty of fidelity to promises then that duty can also form the basis for political obedience and the social contract is <https://assignbuster.com/john-locke-two-treatises-of-government-philosophy-essay/>

unnecessary.[28]Hume further argues that if all laws come from God's divine will why not at the same time say that governments are established directly by God's will.[29]

Locke in his Second Treatise,[30]gradually unfolded the government and its duties to the people. John Willinksy[31]rightly observed that " Locke was to provide as firm a basis as anyone could imagine for the closely related growth of the empirical sciences, the rise of industrial capitalism, and the gradual unfurling of democratic government."

What was the justification for Governmental control over people?

Locke in his Two Treatises of Government depicted a clear picture of the state of nature. Locke holds that Men choose to leave the state of nature and establish a government. They do this because the enjoyment of their life, health and liberty in the state of nature is uncertain and continuously exposed to the invasion by others.[32]Therefore man in his natural state before money lived in a state of nature where each was producing only what they needed. The value of the goods they needed was determined by the value that the parties placed on the goods being bartered. As goods were perishable man did not retain more than what he needed to survive on. With the advent of money, man was able to hoard more money than he needed for his requirements. Families increased and industry started to retain more than what they required. This increased the inconveniencies to persons. To avoid the increase in quarrels which may lead to war, man agreed on laws to govern their relations and to form a government.

King^[33] argues that the consent to use money has one very important feature that may have been overlooked by Locke. The use of money allows a more complete fulfilment of natural law by promoting preservation and convenience. As it transcends the scarcity put forward by Locke it permits individuals to appropriate more than what they need. Once they have done so they will sell the excess and so assist in providing for the needs of others. King further says that since those who have more can make money they have an incentive to fulfil other's needs and this in turn promotes peace, preservation and convenience.^[34] Since men are rational the existence of money creates the possibility of greater expressions of rational behaviour. King therefore argues that by overcoming the scarcity limits, the possibility for a more complete fulfilment of the law of nature is created as it allows men to engage in rational activity and such activity results in increased quality of life for all.^[35]

Laslett pointed out that Locke's doctrine of property was incomplete, not a little confused and inadequate to the problem as it has been analysed since his day, lacking humanity and the sense of social co-operation to be found in the canonists who had preceded him.^[36] Laslett argued that, contrary to the traditional view that Locke had composed the Two Treatises in order to legitimize the 1688 Glorious Revolution, they were actually written surrounding the Exclusion Crisis a decade earlier.

Conclusion

Hobbes, Locke and Rousseau all stressed that the only way that the state can be justified is to show that everyone would in some way consent to it.

They were all thus social contract theorists. The social contract theory
<https://assignbuster.com/john-locke-two-treatises-of-government-philosophy-essay/>

supposed conception of political justice and obligation that is based on voluntary consent by the people.

That which the people choose to agree to is just and is according to their will.

Kant says that people have a duty to agree to act according to the idea of the original contract.

There is the problem of justification and it is agreed that the way to look at the justification was by looking at the issue heuristically. As pointed out above Rawl has revived the social contract theory.

The concept of property has been changed since Locke but the social contract theory is still applicable to the modern understanding of property. There have been numerous attempts by the academics and modern social theorists to relate Locke's social contract theory with the intellectual property rights and so on.

Word Count: 2492 words.