UNIT 11 LOCKE: NATURAL RIGHTS*

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11.0 OBJECTIVES

The aim of this unit is to familiarise you with the key aspects of English political philosopher, John Locke’s ideas on natural rights. After studying this unit, you should be able to:

- Describe Locke’s conceptualization of state of nature
- Explain Locke’s views on natural rights
- Examine Locke’s justification of property; and
- Evaluate the legacy of Locke’s natural rights discourse

11.1 INTRODUCTION

John Locke is an important English political philosopher whose ideas about natural rights and constitutional government have gone on to greatly influence not just subsequent political thought, but also several constitutions of the world. He is, thus, undoubtedly a central figure in Western liberal political philosophy. Locke was born in England in 1634 CE (died in 1704 CE) to Puritan parents whose religious upbringing would greatly influence his later ideas on natural law and rights. He was studious from childhood and studied diverse subjects including literature, theology, politics and medicine in Oxford. He had the fortune of meeting Lord Ashley in 1665 CE, a rich politician who subsequently

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invited him to London to be his physician. This gave Locke a rare opportunity to observe English politics closely and interact with many key political figures of his time.

Locke lived during one of the most consequential centuries in English political history. 17th century England saw escalating conflicts between the monarchy and the Parliament that resulted in bloody civil wars. It was also a period characterised by religious tensions between rival Christian denominations of Protestants, Catholics and Anglicans. In 1649 CE, the then monarch Charles I was defeated and executed by Parliamentarians. They established an English republic which survived till the restoration of monarchy under Charles II in 1660 CE. This, however, did not end the conflict as the monarchy and the Parliament continued to clash till the Glorious Revolution of 1688 CE which lasted from 1688 CE to 1689 CE. It saw the overthrow of the Catholic monarch James II who was replaced by his protestant daughter Mary and her husband William. More importantly, the new monarch signed the Bill of Rights which gave the Parliament unprecedented powers and this event is now generally considered as a key milestone in the establishment of a Constitutional Monarchy in England. Hence, it is no exaggeration to say that Locke lived during a period of great political churning in English history. He was an avid supporter of the cause of Parliamentarians and this even forced him to live away from England in continental Europe at times for fear of his safety. The eventual success of the Parliamentarians with the Glorious Revolution not only enabled him to return to England, but it also vindicated many of his ideas.

Locke was an empiricist and he explained his empirical understanding of knowledge in one of his famous works, *An Essay Concerning Human Understanding* which was published in 1689 CE. It is in this book that he put forward his famous claim that the human mind is a blank state, a *tabula rasa*, at birth without any innate knowledge. He argued that all knowledge that one gains is a result of sensory experience. This book would influence many enlightenment philosophers like David Hume and remains as one of the key modern texts on empiricism. Locke’s *A Letter Concerning Toleration* was also published in 1689 CE and it discusses his ideas on religious toleration. It was written in the background of the fierce antagonism between Catholics and Protestants in England and the rest of Europe. Locke argued for toleration of different religious denominations and supported peaceful coexistence of people of different religions, thus laying the groundwork for modern toleration of diverse religions within a state. His ideas on toleration will be discussed in more details in a subsequent unit.

Locke’s ideas on legitimate government were explained in his work, *Two Treatises of Government* which was published in 1689 CE, though written much earlier. The first treatise was written in response to royalist Robert Filmer’s influential book *Patriarcha* which had been published in 1680 CE. Filmer had argued in favour of the divine right theory of kings by claiming that monarchs were descendants of Adam who was granted the right to rule by God. Locke, being a supporter of Parliamentarians, rejected this outright by arguing that
Filmer’s ideas would condemn much of humankind to be perpetual slaves to monarchs. He dismissed the divine right theory of Filmer as being merely speculative and devoid of any evidence as it was impossible to trace the lineage of anyone to Adam. Instead of an all-powerful monarch, Locke contended that human beings ought to govern themselves in accordance with natural law. The first treatise, thus, rejects an absolutist monarch, thereby setting the stage for the second treatise, wherein Locke discusses how natural law and natural rights exist and are binding even in the state of nature, i.e. the pre-political society before the emergence of government. Locke goes on to explain his views on legitimate political authority in detail. The second treatise directly influenced many famous democratic, liberal constitutions of the world, including that of the United States and India. It is, thus, one of the most influential books in human history. In this unit, Locke’s views on natural rights are discussed in detail.

11.2 STATE OF NATURE

State of nature, the pre-political society, the fear of which was used by Hobbes to justify an absolutist sovereign, is also used by Locke as the starting point of his social contract theory. However, Locke’s state of nature is not a wholly fearful and dreadful place where no productive activity is possible as it is in the Hobbesian conception. This is largely because of Locke’s optimistic characterization of human nature in comparison to Hobbes. Locke acknowledges that in the state of nature human beings are free, as there is no government or higher human authority. However, Locke contends that this freedom does not mean that state of nature is equivalent to a state of licence to do anything. This is so because Locke argues that human beings in the state of nature are subject to natural law.

11.2.1 Natural Law

State of nature is not lawless for Locke, as it is for Hobbes. For Hobbes, it is the sovereign who can enact laws and therefore, without a sovereign there can be no binding laws in the state of nature. Even the laws of nature specified by Hobbes are only dictates of reason which make human beings escape the lawless state of nature to a lawful political society with a sovereign. In contrast, Locke argues that human beings living in the state of nature are subject to natural law which is binding on them. For Locke, natural law is given by God who is a superior authority, like the Hobbesian sovereign. Hence, the dictates of natural law in his view are binding on all human beings, who are creations of God. Human beings are bestowed with reason by God such that they can perceive natural law and act in accordance with it. Lockean conception of natural law, though ultimately is from God, is accessible by human reason because, both natural law and reason are creations of the same God. Locke explains what this natural law entails in one of the most famous passages of political philosophy -

“The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm
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 authorize us to
destroy one another… Every one, as he is bound to preserve himself, and
not to quit his station wilfully, so by the like reason, when his own
preservation comes not in competition, ought he, as much as he can, to
preserve the rest of mankind, and may not, unless it be to do justice on an
offender, take away, or impair the life, or what tends to the preservation
of the life, the liberty, health, limb, or goods of another” (Locke, Second
Treatise of Government, Chapter II)

As the above passage shows, Locke believes that all human beings haveto
necessarily adhere to natural law which obligates them to not harm each other
with respect to each other’s life, liberty and property. Locke also contends that
since all human beings are God’s creation, they are equal before him and are
therefore, equal in relation to each other. Hence, there cannot be any
subordination of one by another. While each individual has the right to self-
preservation, this right is not absolute and unlimited as it is for Hobbes. For
Locke, each individual has the obligation to preserve others as well, as long as it
does not come in competition with his or own self-preservation. Moreover, Locke
contends that except to penalize an offense committed by someone, no one has
the right to take away the life, liberty and property of others. Locke does
acknowledge that the lack of government in the state of nature means that there is
no common authority or judge to punish violators of natural law. This fact, in
Locke’s view, makes each individual a judge in the state of nature with the right
to punish violators of natural law. They have the right to punish not just
violations of natural law against them, but even violations in general, with an
obligation that the punishment should be in proportion to the offense. Locke
justifies this claim by arguing that even a foreigner who does not come under the
domestic jurisdiction of the sovereign of a country is liable to be punished by him
for crimes because of natural law, which is universal and accessible to all through
reason.

Thus, for Locke, state of nature is not a state of war or lawlessness but is a state
of “peace, goodwill, mutual assistance and self-preservation” without the
presence of a common authority. Locke makes a distinction between state of
nature and state of war. State of nature exists when people live without a
common authority, but abide by reason which means they follow natural law.
people can live full, productive lives in the state of nature. On the other hand,
state of war happens when reason is abandoned and violation of natural law
happens, resulting in someone getting wronged. This would mean the victim is in
a state of war with the offender till justice is served. In a political society with a
judge, such a conflict would have ended with arbitration under the common
authority of a judge. On the other hand, when state of nature descends into state of war because of violations of natural law, it ends only when the offender acknowledges the error and compensates the victim or if the victim manages to punish the offender. Locke insists that one should not think of state of nature and state of war as one and same. This is a key difference between Hobbes and Locke. For Hobbes, state of nature is synonymous with the state of war. In contrast, Locke’s state of nature is characterized by people living peacefully in accordance with natural law, despite the absence of a common authority.

Locke did understand that things are not perfect in the state of nature. Human beings in the state of nature can interpret natural law in different ways, influenced by their own interests. Since there is no neutral authority to arbitrate, this can cause conflicts and violations of natural law. The lack of an impartial judge to adjudicate disputes between two parties can, thus, have adverse repercussions. Moreover, Locke was also aware that in some instances, it might not be possible to punish the violator of natural law because he or she might be strong. It is because of such shortcomings, the state of nature is always under the threat of descending into a state of war. Locke argues that this is a major reason why people prefer to establish a civil society with a common authority. The presence of a common authority established with the consent of the people and functioning within appropriate limits ensures better stability in society. However, what are those limits? It is in this respect that Locke’s discussion of natural rights becomes significant to his social contract theory.

Check Your Progress Exercise 1

Note:  i) Use the space given below for your answer.
      ii) Check your progress with the model answer given at the end of the unit.

1. According to Locke, who enforces natural law in the state of nature?

2. In Locke’s view, what are the differences between the state of nature and the state of war?
A central argument made by Locke is that each individual has a natural right to life, liberty and property, even in the state of nature. These natural rights flow from natural law and are governed by it. These rights are pre-political and are, thus, in effect granted by God and held by every individual from birth. Natural law mandates that everyone respects these natural rights in each other. The only reason for which one can justifiably violate them is when somebody is threatening to violate other’s natural rights. Thus, if someone threatens to take away another person’s life, then that person is justified in taking the offender’s life, to preserve his or her own right to life. Otherwise, natural law demands that everybody respects each other’s natural rights.

Lockean natural rights of life, liberty and property are different from the Hobbesian natural right of self-preservation in several ways. Hobbesian natural right does not impose any obligation on others towards the holder of the right. This is so because Hobbes sees the state of nature as lawless with no sovereign to enforce any obligation. In contrast, Locke argues that natural law obligates that all respect each other’s natural rights. For Hobbes, right to self-preservation means one is at liberty to do anything for its sake. In contrast, Locke would argue that one’s exercise of liberty should be compatible with natural law. Therefore, one is justified in pursuing their rights only to the extent that it does not violate other’s natural rights. Hence, in contrast to Hobbesian natural right, Lockean natural rights framework imposes higher obligations on others and gives less liberty for its holders, because of the existence of natural law. Despite these differences, like Hobbes, Locke also contends that people agree to enter a social contract to preserve their natural rights and therefore, do not give up their natural rights even when they enter civil society. This will be discussed in more detail in the next unit. As noted earlier, life, liberty and property are the three natural rights described by Locke. It is helpful to look at each of them in some detail.

Right to life is synonymous with self-preservation and Locke argues that in the state of nature one has the right to do anything to preserve themselves within the bounds of natural law. One is thus, obligated to respect other people’s right to life as long as it does not come in to competition with one’s own right to life. Further, right to liberty in the state of nature means one should have the freedom to pursue their life, ruled only by natural law and not by dictates of others. This is what Locke calls as natural liberty. Locke contends that a person in civil society has liberty as long as he lives under laws enacted by institutions to which he or she has consented. This is what he calls as social liberty. Hence, right to liberty is a very important right for Locke, in both the state of nature and in society. Locke argues that people cannot in right reason relinquish their right to freedom from arbitrary power even if they wish as it is a right bestowed by God, an inalienable natural right. Thus, for Locke, an institution like slavery cannot be justified on any grounds. Moving further, Locke’s discussion of right to property
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is considered by many as one of his most important contributions to political as well as economic thought. It, thus, deserves a detailed elaboration.

11.3.1 Justification of Property

Locke considers right to property as an inalienable natural right possessed by all individuals. To give a philosophical foundation for the right to property, Locke discusses a theory of property based on labour. His labour theory of property went on to become a foundational principle in classical liberal economics as well as in Marxian understanding of the value of commodities. The fact that such diverse schools of thought came to be influenced by Locke’s theory of property underlines its great significance.

Locke starts with a simple question, if God gave the whole of earth to be enjoyed by all human beings, then what justifies private property? To answer this question, Locke begins by discussing property in a more intimate sense. He argues that one’s life and body i.e. hands and legs are clearly one’s own property. It is this characterization of property that would enable Locke at times to collapse all the rights as encapsulated in the right to property itself as one’s life and liberty are also one’s property. If one’s life and body are one’s own property, then Locke contends that the result of one’s labour with that life and body should also by extension legitimately belong to that person. In effect, this creates a labour theory of property which posits that whatever one creates with the mixing of his or her labour, belongs to that person. Thus, uncultivated land might be common property of humankind, but the moment someone mixes his or her labour to cultivate it, Locke argues that the land has legitimately become the private property of that person. This way, Locke has offered a justification for a natural right to property in the state of nature itself without the need for a government to legitimize claims of property.

Locke’s right to property is qualified with certain conditions or limitations. The first one is self-evident from the above discussion i.e. one can appropriate only that much amount of property as can be utilized by one’s labour. So, if a person can utilize through his labour only for one acre of land, he cannot lay claim to more than that. This is sometimes called as the labour restriction. Locke also suggests that one can only appropriate so much that can be used by a person without any spoilage. For instance, if a person harvests apples from wild trees, since he or she mixed his or her labour in collecting them, those apples are his or her property, but that person should only appropriate as much apples as he or she can consume without them getting spoilt. This is referred to as the spoilage restriction. Lastly, Locke also argues that one should leave sufficient resources for others to survive. One cannot collect all the apples, leaving nothing for others. This is often called as the sufficiency restriction. Locke argues that these three restrictions legitimately limit right to property (Macpherson, 1962).

Locke goes on to argue that human beings in the state of nature create money because it is more efficient than the barter system. Locke is aware that the introduction of money and a monetary system leads to increased accumulation of property and might lead to increased inequalities. Locke insists that having a
monetary system is still justified, because it is consent based and is ultimately still rooted in labour. Moreover, Locke argues that a monetary system encourages efficiency and in comparison to primitive societies which rely on barter system, societies with money develop at a higher rate and thereby increase prosperity for everyone. So much so that a lowly worker in a country with an advanced monetary system has a better standard of living than a clan chief of a primitive society. For Locke, such a monetary system develops in the state of nature itself. As a matter of fact, the increased accumulation of private property that happens as the result of money is one reason people eventually agree to enter into a social contract to protect their property rights. This will be discussed in detail in the next unit.

Check Your Progress Exercise 2

Note:  
1) Use the space given below for your answer.
2) Check your progress with the model answer given at the end of the unit.

1. According to Locke, which are the natural rights and why are they called so?

2. According to Locke, what justifies private property in the state of nature? Are there any restrictions?

11.4 LEGACY OF LOCKEAN DISCOURSE ON NATURAL RIGHTS

Lockean discourse on natural law and natural rights continues to influence many critical debates in political philosophy. Lockean state of nature has been criticized as ahistorical and this criticism is especially pertinent because at places in his writings, Locke does seem to argue that his state of nature is historical. This was probably important for him as an empiricist, but there is no historical
evidence for the kind of state of nature described by him. Locke has also been criticized for starting on an optimistic note about the state of nature while eventually agreeing with the pessimistic outlook of Hobbes. This comes across as a sleight of hand by Locke. There is also considerable discussion among scholars about whether Locke prioritized natural rights or natural law. The former would mean that Locke gave prominence to privileges enjoyed by individuals over duties, while the latter would mean that Locke prioritized duties over individual privileges. Scholars like Strauss (1953) argue that Locke privileged rights over duties as the duties described by Locke are subject to the right of self-preservation of individuals. On the other hand, scholars like Dunn (1969) and Ashcraft (1986) argue that Locke prioritizes natural law and duties over rights, because rights in the Lockean framework largely focus on showing respect for the life, liberty and property of others, as commanded by natural law.

As noted in the introduction, Locke considered himself as an empiricist and rejected the idea of innate ideas. However, he has been criticized for not offering a clear empirical justification for his natural law and natural rights. His contention at places in his writings that natural law and natural rights are given by God and accessed through reason appears to go against his belief against innate ideas. Scholars like Strauss (1953) have concluded from this contradiction that Locke did not actually believe in a truly God given natural law, but was just using God’s name as a safe vehicle to give legitimacy to his reason driven ideas. This would of course make natural law and natural rights arbitrary and not universal as different people’s reasoning can lead to different conclusions. While other scholars like Ashcraft (1986) have tried to reconcile this contradiction in Locke, it has to be admitted that Locke’s theory of natural law and natural rights is not satisfactorily derived, if one removes God from the equation. As a matter of fact, Dunn (1969) argues that because of the theistic assumptions behind Lockean discourse of natural and natural rights, its validity to contemporary society where many of those theistic assumptions are not shared, is somewhat limited.

Locke’s theory of property has been criticized by scholars like Macpherson (1962) of justifying unlimited capitalist accumulation as he accuses Locke of relaxing his own labour, spoilage and sufficiency restrictions on property accumulation with the introduction of money. For example, a person with money can hire workers and through their labour acquire more property, thereby violating the labour limitation. Money itself violates the spoilage restriction as it does not get spoilt and can thus be, hoarded without any limit. A property like land can also be accumulated by a few people through money using hired labour, thereby leaving nothing to own for others and thereby, violating the sufficiency limitation. Hence, as the social contract of Locke emerges to protect natural rights which includes property rights, Macpherson argues that Lockean social contract serves to protect and justify the accumulated property of the rich. However, many scholars have rejected this view and argue that there is no reason to believe that all the limitations suggested by Locke get completely removed with the introduction of money. The spoilage limitation may be is removed fully
by money, but other limitations only get transformed. For example, Sreenivasan (1995) argues that Locke’s argument for sufficiency is about leaving sufficient means of survival for others, not necessarily leaving some of the same commodity for others, like say land. So, even if there is no more land to be owned, people are still paid for their labour which leaves them sufficient income to live. Since accumulation of money is also rooted in labour, using money to hire workers does not necessarily violate the labour restriction. While the spoilage limitation might be violated, the efficiency argument put forward by Locke is a powerful one. Money allows people to utilize more resources with more efficiency. For instance, workers can be hired from far to cultivate more lands which were previously unused. This increases the general prosperity of a society, benefitting everyone, even if inequalities increase. It also has to be kept in mind that the monetary system spoken by Locke is also based on consent and not coercion. Some others have pointed out that when Locke means property, he means both life and liberty, which is not taken into consideration by Macpherson. Also, it has to be kept in mind that Locke’s theory of property, even considering the introduction of money, is ultimately rooted in labour, rejecting aristocratic privileges towards land or other resources, which was common during his period. Lockean discourse on natural rights has shaped the evolution of modern understanding of human rights. The idea that all human beings have certain inalienable rights from birth has captured the imagination of people everywhere, thereby influencing transformative movements towards equality and justice across the world.

11.5 LET US SUM UP

Locke describes the characteristics of the state of nature in a much more optimistic manner than Hobbes. He argues that the state of nature is not equivalent to state of lawlessness. This is so because natural law is operative even in the state of nature. Natural law commands that people respect each other's life, liberty and property and everyone aim to preserve not just oneself, but also others as long as it does come in conflict with one’s own self-preservation. Locke contends that people can live peacefully in the state of nature and live fulfilling lives without the presence of a common authority or judge to adjudicate disputes. The lack of a common judge means, each individual is empowered to enforce natural law and penalize violations of natural law. Locke also argues that people have natural rights in the state of nature. These are rights to life, liberty and property. These impose obligations on the part of others towards the right holders. Liberty is the right to obey only natural law and no other man made law without proper consent. Locke also argues that people gain right to property over something if they had mixed their labour to create it. Mixing of labour is what creates private property. Locke also talks about life and liberty as the property of an individual and thereby, extending the meaning of right to property. Since individuals hold natural rights in the state of nature itself, Locke contends that they enter a social contract to create a civil society to preserve these rights. The lack of a common judge in the state of nature can lead
to instability and inconveniences which is the reason why people eventually agree to set up a civil society.

11.6 REFERENCES


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11.7 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress Exercise 1

1. Your answer should highlight the following points:
   - There is no common judge to enforce natural law in the state of nature
   - Hence, each individual is authorized to act as a judge in case of violations of natural law, both against themselves and general violations

2. Your answer should highlight the following points:
   - In state of nature, people are without a common judge but they live in peace, in accordance to natural law and reason
   - In state of war, violations of natural law happens, leading to conflicts. It ends only when natural law is restored.

Check Your Progress Exercise 2

1. Your answer should highlight the following points:
Right to Life, Right to Liberty and Right to Property are called as natural rights by Locke.

They are natural rights because, they are pre-political and flow from natural law.

2. Your answer should highlight the following points:
   - Mixing of one’s labour is what creates private property.
   - Limitations include – firstly, labour restriction i.e. one has to mix one’s labour to claim something. Secondly, spoilage restriction, i.e. one can only appropriate that much which can be consumed without spoilage. Lastly, sufficiency restriction i.e. one’s appropriation should leave enough for others.