

Social Philosophy & Policy

Natural Rights Individualism and Progressivism in American Political Philosophy

CONTENTS

THOMAS G. WEST	The Ground of Locke's Law of Nature	1
PAUL A. RAHE	Montesquieu's Natural Rights Constitutionalism	51
CRAIG YIRUSH	The Idea of Rights in the Imperial Crisis	82
C. BRADLEY THOMPSON	On Declaring the Laws and Rights of Nature	104
ERIC MACK	Lysander Spooner: Nineteenth-Century America's Last Natural Rights Theorist	139
JAMES W. CEASER	Progressivism and the Doctrine of Natural Rights	177
ELDON J. EISENACH	Some Second Thoughts on Progressivism and Rights	196
TIFFANY JONES MILLER	Freedom, History, and Race in Progressive Thought	220
JAMES W. ELY, JR.	The Progressive Era Assault on Individualism and Property Rights	255
ADAM MOSSOFF	Saving Locke from Marx: The Labor Theory of Value in Intellectual Property Theory	283
RONALD J. PESTRITTO	Roosevelt, Wilson, and the Democratic Theory of National Progressivism	318
MICHAEL ZUCKERT	On the Separation of Powers: Liberal and Progressive Constitutionalism	335

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THE GROUND OF LOCKE'S LAW OF NATURE

BY THOMAS G. WEST

I. INTRODUCTION

What is the foundation of John Locke's political philosophy? This question is controversial among scholars, to be sure, but it is also relevant for political life today. America's constitutional democracy was originally based on Locke's political teaching, but few would say that his teaching is sufficient to sustain a sound constitutional democracy. Conservatives such as Daniel Mahoney argue that the "principle" of American democracy is "the [Lockean] liberty and equality of human beings," a principle that has become in our time "an unreflective dogma eroding the traditions, authoritative institutions, and spiritual presuppositions that allow human beings to live free, civilized, and decent lives."¹ Liberals follow the claim of Progressive-Era intellectuals such as Herbert Croly, who asserts that the "Jeffersonian principle" of individual rights has caused "the inequalities of power generated in the American economic and political system."² Scholars and public intellectuals of all persuasions are therefore constantly on the lookout for some non-Lockean doctrine as an adequate ground for political life in the twenty-first century. My essay is meant to revive a willingness to examine Locke as if he might be right. I do not commit the absurdity of claiming to have demonstrated the truth of Locke's teaching. But I will show that his theory is much more plausible than we have been led to believe.

My contention here is that the foundation of Locke's moral and political theory has long been misunderstood. It provides a far more satisfactory basis for political and moral life than has been acknowledged. Before we can consider the question of whether Lockean political thought is worthy of being revived, however, we need to understand what his view is. The present essay is meant to show that Locke's teaching on the law of nature is not based on divine revelation,³ or a juridical doctrine of individual

¹ Daniel J. Mahoney, *The Conservative Foundations of the Liberal Order: Defending Democracy against Its Modern Enemies and Immoderate Friends* (Wilmington, DE: ISI Books, 2010), xiii, 36.

² Herbert Croly, *The Promise of American Life* (1909) (Boston: Northeastern University Press, 1989), 190.

³ This is the position of Jeremy Waldron, *God, Locke, and Equality: Christian Foundations in Locke's Political Thought* (Cambridge: Cambridge University Press, 2002), 13. Waldron doubts that "one can even make sense of a position like Locke's . . . [on] basic equality . . . apart from the specifically biblical and Christian teaching that he associated with it." Later in the chapter I will show that Waldron is partly correct, although not because of Locke's Christian commitments.

rights,⁴ or self-ownership,⁵ or self-preservation,⁶ or reasoning from premises that are not rooted in the empirical world.⁷ I will argue, on the contrary, that the real ground of Locke's teaching is found in his understanding of the conditions of human happiness.

This conclusion, however, is far from evident on the surface of Locke's writings. Locke draws his reader into an amazingly complex line of reasoning, scattered up and down in several of his books, leading finally to the real basis of his teaching on the law of nature. Locke engages the reader in a dialogue, in which initially plausible arguments are put forward, then implicitly questioned, leading to new arguments, which again are questioned, and so on. Along the way, one's understanding of the subject constantly deepens as one follows what Locke calls the "long and sometimes intricate deductions of reason"⁸ which are necessary to reach the ultimate ground of the law of nature. Locke writes treatises, not Platonic dialogues. But his treatises are written in such a way that the reader will have a hard time penetrating them if he does not follow Locke's *logos* wherever it leads. Locke says that understanding the epistles of St. Paul requires "sober inquisitive readers" who bring "stubborn attention, and more than common application" to the task.⁹ The same goes for reading Locke himself. As we will see, a dialogical thread will take us from one of Locke's books to another, until we put together all the relevant passages to show the complete picture of his argument.

Most scholars agree that Locke's arguments for a law of nature are insufficient. It is a "fact," writes John Dunn, "that such a demonstration is not in principle possible and that the development of Locke's ideas had drawn the difficulties of such an effort sharply to his attention." Dunn also remarks, "There is, however, little agreement among interpreters of

⁴ A. John Simmons, *The Lockean Theory of Rights* (Princeton: Princeton University Press, 1992), 3, speaks of "the theory of rights on which his philosophy rests."

⁵ Michael P. Zuckert, *Natural Rights and the New Republicanism* (Princeton: Princeton University Press, 1994), 285–86, argues that the foundation of Locke's doctrine of rights, which is more fundamental than his doctrine of natural law, lies in the right of self-ownership. I will show that the law of nature is more fundamental than the self-ownership doctrine, although I agree with Zuckert that its origin is not "transcendent."

⁶ Thomas L. Pangle, *The Spirit of Modern Republicanism: The Moral Vision of the American Founders and the Philosophy of Locke* (Chicago: University of Chicago Press, 1988), esp. 198–209.

⁷ Peter C. Myers, *Our Only Star and Compass: Locke and the Struggle for Political Rationality* (Lanham, MD: Rowman & Littlefield, 1998), calls this the "conventionalist" position. See Eugene Miller, "Locke on the Meaning of Political Language: The Teaching of the *Essay Concerning Human Understanding*," *Political Science Reviewer* 9 (Fall 1979): 163–93; cf. Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), 250–51.

⁸ John Locke, *The Reasonableness of Christianity, As Delivered in the Scriptures* (1695), ed. John C. Higgins-Biddle (Oxford: Clarendon Press, 1999), chap. 14, 266 (pagination of the first edition, printed in the margin). The same pagination is found in the margin of the reprint of Higgins-Biddle's *Reasonableness* in John Locke, *Writings on Religion*, ed. Victor Nuovo (Oxford: Clarendon Press, 2002).

⁹ Locke, "The Preface: An Essay for the Understanding of St. Paul's Epistles by Consulting St. Paul Himself," in *A Paraphrase and Notes on the Epistles of St. Paul* (1707), ed. Arthur W. Wainwright (Oxford: Clarendon Press, 1987), 1:107, 111.

Locke's thought on the significance that should be attached to these facts."¹⁰ This is my point of departure.

I begin with the *Second Treatise*, because that is where most readers begin.¹¹ Hardly anyone reads the *First Treatise* today, and, as far as I can tell, ever did. The *Second Treatise* is where Locke lays out most of the political doctrines that he is famous for. At the beginning of chapter 2, Locke gives us two arguments that profess to explain how we know that we are governed by the law of nature, and part of what that law requires of us.

First, "creatures of the same species and rank, . . . born to all the same advantages of nature, and use of the same faculties, should also be equal one amongst another without subordination."¹² Second, "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, . . . they are his property, whose workmanship they are, made to last during his, not one another's pleasure."¹³ In a word, Locke's first argument appears to be that all human beings possess "the same advantages of nature," and the second is that we are all God's property and therefore we may not harm each other.

II. THE *SECOND TREATISE* ARGUMENT FROM EQUAL TALENTS

The first argument claims that creatures "promiscuously born to all the same advantages of nature, and the use of the same faculties" have no natural right to rule each other. How do we know that human beings do in fact share the "same advantages of nature"? Locke adds this explanatory remark: "unless the lord and master of them all should, by any manifest declaration of his will, set one above another, and confer on him by an evident and clear appointment an undoubted right to dominion and sovereignty."¹⁴ But this addition does not prove that all human beings share "the same advantages of nature." It says only that there is no "undoubted right" to rule, a claim that is obviously true, since there are many who will doubt any purported claim to "dominion and sover-

¹⁰ John Dunn, *The Political Thought of John Locke: An Historical Account of the Argument of the Two Treatises of Government* (Cambridge: Cambridge University Press, 1987), 187. Leo Strauss agrees in "Locke's Doctrine of Natural Law, chap. 8 of *What Is Political Philosophy? And Other Studies* (Glencoe, IL: Free Press, 1959).

¹¹ John Locke, *Two Treatises of Government* (1690), 2d ed., ed. Peter Laslett (Cambridge: Cambridge University Press, 1970). In my quotations from Locke, I have modernized capitalization, punctuation, spelling, and italics. Books I and II of the *Two Treatises* are commonly called (as I will call them) the *First Treatise* and *Second Treatise*, although those are not Locke's titles.

¹² Locke, *Second Treatise*, chap. 2, sec. 4.

¹³ *Ibid.*, chap. 2, sec. 6.

¹⁴ *Ibid.*, chap. 2, sec. 4.

eighty." But what is the evidence that people actually share the same natural advantages? Locke provides none in the *Second Treatise*.

The same argument from equality also appears in the *First Treatise*: "man has a natural freedom, . . . since all that share in the same common nature, faculties, and powers are in nature equal, and ought to partake in the same common rights and privileges."¹⁵ But in the *First Treatise* Locke provides no more evidence that all share "the same . . . faculties, and powers" than he does in the *Second*. In the *First Treatise*, this statement occurs in a summary of the whole argument of the *Treatise* up to that point. Strangely, however, this particular explanation of a right to "natural freedom" is brought up in the *First Treatise* for the first and only time in this single statement, unprepared by what precedes it, and unsupported by what follows.

I emphasize the absence of evidence in the *Two Treatises* because the most obvious difficulty with these extreme statements of human equality of talents is that according to Locke himself, in many other passages, human beings are emphatically not "creatures" sharing "promiscuously" in "all the same advantages of nature." In fact, in the *Second Treatise* passage in question, Locke does not quite say that human beings are "born to all the same advantages of nature." He says only that "creatures [assuming any such creatures exist] of the same . . . rank promiscuously born to all the same advantages of nature" should be "equal one amongst another." Locke seems to use this coy formulation as a way of quietly distancing himself from the absurd view that human beings naturally possess equal talents ("advantages of nature").

Locke tells us forthrightly at the beginning of chapter 6 of the *Second Treatise* that human beings are *not* in fact "born to all the same advantages," for "excellency of parts . . . may place [some people] above the common level."¹⁶ In other words, some have more of the "advantages of nature" than others. What Locke means by "excellency of parts" may be seen in the section entitled "Parts" in his book *Conduct of the Understanding*:

There is, it is visible, great variety in men's understandings, and their natural constitutions put so wide a difference between some men in this respect that art and industry would never be able to master, and their very natures seem to want a foundation to raise on it, that which other men easily attain unto. Amongst men of equal education there is great inequality of parts.¹⁷

¹⁵ Locke, *First Treatise*, chap. 6, sec. 67.

¹⁶ Locke, *Second Treatise*, chap. 6, sections 6 and 54.

¹⁷ Locke, *Of the Conduct of the Understanding* (1706), in *Some Thoughts Concerning Education and Of the Conduct of the Understanding*, ed. Ruth W. Grant and Nathan Tarcov (Indianapolis: Hackett, 1996), sec. 2. *Conduct* was originally intended to be the longest chapter in an expanded edition of his *Essay Concerning Human Understanding*. Locke never found time to complete it. He left instructions for his literary executor that *Conduct* was to be dealt with

If this "great inequality" lies in "their *natural* constitutions," "their very *natures*," then obviously human beings are born very unequal in regard to the "advantages of nature" that they enjoy.

In the *Essay Concerning Human Understanding*, Locke states bluntly how huge this inequality is: "There are some men of one, some but of two syllogisms, and no more. . . . [T]here is a greater distance between some men and others [in regard to their understandings] . . . than between some men and some beasts." In this passage of the *Essay* Locke refuses to say whether this "distance" is due to "the dullness or untractableness of those faculties, for want of use; or, as some think, in the natural differences of men's souls."¹⁸ But in the passage of *Conduct* just quoted, Locke leaves no doubt that nature is a source of substantial inequality in intellectual capacity.¹⁹

Even when people have sufficient natural talent to develop their reason, they frequently fail to do so. "[M]en of low and mean education, who have never elevated their thoughts above the spade and the plow," Locke writes, are "no more capable of reasoning than almost a perfect natural." Yet this is the condition of most people in regard to "matters of concernment, especially those of religion." So Locke asks whether human beings are "rational animals." He answers: not necessarily, and not usually: "though we all call ourselves so, because we are born to it if we please, yet we may truly say nature gives us but the seeds of it; . . . it is use and exercise only that makes us so, and we are indeed so no further than industry and application has carried us."²⁰

III. THE *SECOND TREATISE* ARGUMENT FROM EQUAL CAPACITY OF KNOWING THE LAW

In chapter 6 of the *Second Treatise*, we find that Locke's awareness of inequality of "parts" leads him to revise the ground of the teaching of the law of nature regarding "the equality, which all men are in, in respect of

"as you think fit." It was published shortly after his death. See Roger Woolhouse, *Locke: A Biography* (Cambridge: Cambridge University Press, 2007), 386, 458.

¹⁸ Locke, *An Essay Concerning Human Understanding* (4th ed., 1700), ed. Peter H. Nidditch (Oxford: Clarendon Press, 1975), bk. 4, chap. 20, sec. 5. Also sec. 3: "[A] great part of mankind are, by the natural and unalterable state of things in this world, and the constitution of human affairs, unavoidably given over to invincible ignorance" of the most important matters of their lives.

¹⁹ Waldron, *God, Locke, and Equality*, 72, acknowledges that Locke discerns "enormous differences in reason and rational ability among those we are accustomed to call human." This leads Waldron to the conclusion that Locke's human beings do not clearly constitute a single species, and that there can therefore be no fundamental human equality, unless God is brought into the argument to guarantee the oneness of humanity (81 and elsewhere). Beginning with this same observation ("enormous differences in . . . rational ability"), my argument goes in a different direction.

²⁰ Locke, *Conduct of the Understanding*, sec. 6. A "natural," in Locke's sense, is an idiot, someone grossly deficient in the usual intellectual powers.

jurisdiction or dominion one over another.” Now he says that people are equal insofar as each possesses “such a degree of reason, wherein he might be supposed capable of knowing the law, and so living within the rules of it.” Children “are not born in this full state of equality, though they are born to it.” When they reach the age of reason, when they can be presumed to know the law they are under, they are set free from the authority of their parents. Locke remarks that in England, a “capacity of knowing that law . . . is supposed by that law, at the age of one and twenty years, and in some cases sooner.” Only those who are rational should be free. Otherwise, they will harm themselves. Others who have reason need to will for them. “To turn [a child] loose to an unrestrained liberty, before he has reason to guide him, is not the allowing him the privilege of his nature, to be free; but to thrust him out amongst brutes, and abandon him to a state as wretched, and as much beneath that of a man, as theirs.”²¹

This limited argument for equality in regard to jurisdiction or dominion—that people are equal in regard to their presumed ability to know the law they are under—seems plausible with respect to people living in civil society. In that case, the law is easy to know at the age of twenty-one because it is published by the government. The difficult question is whether most adults can also be presumed to know the law *in the state of nature*, when they are “only . . . under the law of nature.”²²

Locke sometimes gives the impression, as in chapter 2, that it is easy to know the law of nature in the state of nature, “so plain was it writ in the hearts of all mankind.” Locke also says there that the law of nature is as “intelligible and plain to a rational creature, and a studier of that law, as the positive laws of commonwealths, nay possibly plainer; as much as reason is easier to be understood, than the . . . municipal laws of countries.”²³ But the impression left by these words is belied by the words themselves. The law of nature is *only* known to “a rational creature, and a studier of that law.” How many people in the state of nature are “studiers”? In chapter 9, Locke gives an unequivocal answer: “though the law of nature be plain and intelligible to all rational creatures; yet men . . . [are] ignorant for want of study of it.”²⁴ Few if any know the law of nature in the state of nature.

If we read the passage in chapter 2 in light of the statement just quoted from chapter 9, we understand that Locke is only saying that the law of nature is “as intelligible and plain” as the municipal law *only* “as much as reason is easier to be understood” than that law. But the later passage makes clear that reason is *not* “easier to be understood” than the municipal law. Therefore, since reason is less easily

²¹ Locke, *Second Treatise*, chap. 6, sections 54–55, 59, 60, 63.

²² *Ibid.*, chap. 6, sec. 59.

²³ *Ibid.*, chap. 2, sections 11, 12.

²⁴ *Ibid.*, chap. 9, sec. 124, my emphasis.

understood (because of “want of study”), the municipal law of the country is more easily understood.²⁵

Leo Strauss explains how some people could know the law of nature in the state of nature in this way:

But only such men could know the law of nature while living in a state of nature who have already lived in civil society, or rather in a civil society in which reason has been properly cultivated. An example of men who are in the state of nature under the law of nature would therefore be an elite among the English colonists in America rather than the wild Indians. A better example would be that of any highly civilized men after the breakdown of their society [e.g., after the collapse of British authority in 1774 but before the formation of new constitutions in 1776].²⁶

The civilized survivors of a plane crash living on an uninhabited island in the South Pacific would also “know” the law of nature in the sense that they would remember, and habitually continue to follow (at least for a time), the basic rules of conduct established by the civil law they previously lived under. If they had come from a well-governed society, the civil laws would have been to a significant degree the same as the law of nature (e.g., do not use coercion to dominate others). But this would not be knowledge of the law of nature, since it would merely be *belief* about what should and should not be done. Only a highly educated elite few—if any—would have actual knowledge of the law of nature. One is reminded of Rousseau’s complaint against “the moderns” such as Locke: “it is impossible to understand the law of nature and consequently to obey it without being a great reasoner and a profound metaphysician.”²⁷ It seems that Rousseau was right.

We are compelled to conclude, first, that according to Locke himself, human beings are not born equal in regard to talents (this is the argument for equality in the *Second Treatise*, chapter 2), and second, that in a state of nature, they are not naturally equal in regard to knowledge of the law they are under (the argument for equality in chapter 6). The unavoidable conclusion, on the basis of Locke’s own arguments, is that unless adults are living in political society, where they are “capable of

²⁵ Quite a few scholars have noted that Locke’s law of nature is unknown in the rude state of nature, e.g., Zuckert, *Natural Rights and the New Republicanism*, 274: “in the state of nature . . . human beings are ‘ignorant’ of the law of nature (II 124).” Fewer scholars have noticed the shockingly anti-egalitarian implications of that ignorance in light of the argument in chapter 6 for “equality . . . in respect of jurisdiction or dominion.”

²⁶ Strauss, *Natural Right and History*, 230.

²⁷ Jean-Jacques Rousseau, *Discourse on the Origin and Foundations of Inequality among Men* (1755), Preface, in *The First and Second Discourses*, ed. Roger D. Masters (New York: Bedford/St. Martin’s, 1964), 94.

knowing the law, and so living within the rules of it," they are not in the "full state of equality" that they are supposedly "born to."²⁸ Being ignorant of the law, they have no more right to liberty than "lunatics or idiots."²⁹

This, of course, is a version of the classic argument for rule by the rational and wise over the irrational and unwise, without the consent of the governed. Locke states explicitly that "he that is not come to the use of his reason, cannot be said to be under this law [of nature]; and Adam's children, being not presently as soon as born under this law of reason, were not presently free."³⁰ Children are governed without their consent because their parents, having reason, know the law they are under. Children do not. But in a rude state of nature, the adults are in the same irrational condition as the children. Since "where there is no law, there is no freedom"³¹ no one in that state has a right to liberty except those rare persons, if any can be found, who know the law of nature. Locke's teaching on equality in chapter 6, it seems, paradoxically legitimates the rule of a minority of wise men (who know the law of nature) over the multitude (who are ignorant of the law of nature). Only in political society, where most adults know the law they are under, can a general right of freedom be established on the basis of the present argument.

This line of argument makes us attentive to the "aristocratic" implications of this remark of Locke in chapter 5:

God gave the world to men in common; but since he gave it them for their benefit, and the greatest conveniences of life they were capable to draw from it, it cannot be supposed he meant it should always remain common and uncultivated. He gave it to the use of the industrious and rational (and labour was to be his title to it), not to the fancy or covetousness of the quarrelsome and contentious.³²

Locke implies that in a state of nature, only the rational and industrious have property rights in land. How "rational" does one have to be to qualify? Is it enough merely to mix one's labor with something outside of oneself? Or must one also be "rational" in the sense of chapter 6, "knowing the law, and so living within the rules of it"?³³ Even the beasts have the ability to mix their labor with their environment. Birds seize worms and build nests. It would seem that a more robust rationality is required. But that would lead us back to the difficulty just discussed.

²⁸ Locke, *Second Treatise*, chap. 6, sec. 55.

²⁹ *Ibid.*, chap. 6, sec. 60.

³⁰ *Ibid.*, chap. 6, sec. 57.

³¹ *Ibid.*

³² *Ibid.*, chap. 5, sec. 34.

³³ *Ibid.*, chap. 6, sec. 60.

Locke's acknowledgment of what Strauss calls "the special right of the more reasonable men"³⁴ is especially noticeable in his discussion of prerogative later in the *Second Treatise*. For what is prerogative but the rule of the wise over the unwise without their consent? "Prerogative is nothing but the power of doing public good without a rule."³⁵ By violating the written law and instead following "the fundamental law of nature and government, [that] . . . all the members of the society are to be preserved,"³⁶ he who exercises prerogative elevates his own rational insight above the law established by the legislative to which the people have consented. Locke argues that the purpose of civil society is to enable men to escape the state of nature by creating a society, ruled by general laws, grounded in the consent of the governed. When government officials operate outside the law, when they "rule by extemporary arbitrary decrees,"³⁷ it puts men back into the state of nature—ordinarily, an undesirable condition. Yet we learn in the chapter on prerogative that "a good prince, who is mindful of the trust put into his hands, and careful of the good of his people, cannot have too much prerogative, that is, power to do good."³⁸ In other words, when faced with a choice between the rule of law based on the consent of the governed, and the rule of the wise man exercising prerogative based on his own judgment of the public good, Locke unhesitatingly sides with the rule of the wise against the rule of the majority. "Such God-like princes indeed had some title to arbitrary power, by that argument that would prove absolute monarchy the best government, as that which God himself governs the universe by: because such kings partake of his wisdom and goodness."³⁹

Could this really be Locke's opinion about human inequality? Locke tells us that "one may destroy a man who makes war upon him . . . for the same reason, that he may kill a wolf or a lion; because such men are not under the ties of the common law of reason, . . . and so may be treated as beasts of prey."⁴⁰ People who "quit the principles of human nature,"⁴¹ i.e., the "common law of reason," are in this decisive respect no different than wild beasts. If they are not actually subhuman, they act as if they were.

In his own subdued way, Locke is as much of an "elitist" as Plato or Aristotle before him. But unlike these men, and in spite of everything I have written in this paper so far, Locke wants to promote a society that is based on the conviction that all human beings really are by nature equal. Locke knows that the lawless rule of the wise by prerogative is danger-

³⁴ Strauss, *Natural Right and History*, 233.

³⁵ Locke, *Second Treatise*, chap. 14, sec. 166.

³⁶ *Ibid.*, chap. 14, sec. 159.

³⁷ *Ibid.*, chap. 11, sec. 136.

³⁸ *Ibid.*, chap. 14, sec. 164.

³⁹ *Ibid.*, chap. 14, sec. 166.

⁴⁰ *Ibid.*, chap. 3, sec. 16.

⁴¹ *Ibid.*, chap. 2, sec. 10.

ous. Right after the “God-like prince” statement just quoted, Locke mentions the popular saying “that the reigns of good princes have been always most dangerous to the liberties of their people” because they create a “precedent” that enables bad princes to assert a fictitious “right in them to do, for the harm of the people, if they so pleased.”⁴² For Locke, the rule of law, based on consent of the governed and the equality of all members of the society, should prevail most of the time.

We will consider later additional reasons why Locke, being fully conscious of the huge differences among human beings, would not want to ground the good society on aristocratic or monarchical rule—even though he concedes in theory, and to some extent in practice, that the rule of the wise is best.

IV. THE *SECOND TREATISE* ARGUMENT FROM DIVINE OWNERSHIP

We must now consider Locke’s second argument for the law of nature at the beginning of the *Second Treatise*: that human beings are God’s property, being produced by God’s “workmanship,” and therefore may not harm each other.

In the *Second Treatise*, Locke provides as little evidence for his divine workmanship argument as he does for his argument from equal talents.⁴³ The claim that men are forbidden from harming God’s property, which he repeats in chapter 6 in regard to parental duties to children (children also being God’s workmanship), is a bare unsupported assertion. One can perhaps grant that reason is able to say that all human beings are God’s workmanship (as is everything in the world), if we understand by the word “God” a supreme being or principle, whatever it may be, that orders the natural world. In the *First Treatise*, Locke shows that fathers cannot claim the right to rule their children as their “workmanship,” since God or nature does almost all of the “work.” Fathers (and mothers) supply merely the material seeds, not the design and shaping of the matter into a human form.⁴⁴ Even an atheist might be willing to grant the existence of divine workmanship in this sense, which would equate God with nature or the principle of nature. In Locke’s *Essay on Human Understanding*, this is the only kind of God that reason can even pretend to prove the existence of. Locke argues there that human reason can discover the existence of “a God” who is “the most powerful” being (not necessarily omnipotent) and who is a “knowing intelligent being” (not necessarily omniscient).⁴⁵ I leave aside the question of whether Locke’s proof of God’s existence in the *Essay* is alto-

⁴² *Ibid.*, chap. 14, sec. 166.

⁴³ Again, the point is well known to scholars, e.g., Simmons, *Lockean Theory*, 17: “The law [of nature] binds us, we are told, because we are all God’s ‘workmanship’, although no real explanation of that claim is offered.”

⁴⁴ Locke, *First Treatise*, chap. 6, sections 52–54.

⁴⁵ Locke, *Essay*, bk. 4, chap. 10, sections 1, 4, and 5.

gether cogent.⁴⁶ I merely note that his proof, such as it is, has no moral dimension at all. A most powerful and knowing God is one thing. A God who issues commands and prohibitions to human beings is another. Obviously the Biblical God, known by divine revelation, does issue such commands. But the question here is whether reason unaided by faith can demonstrate that the mere idea of divine workmanship implies the existence of divine commandments. Let us posit that a God created or made the world. Let us add that it follows that God owns everything in the world. How, then, would we know that we may not make use of any of his property without his permission? Perhaps God made the world and set its creatures free to act as they think best. God might be like the gods of Lucretius, uncaring about what human beings do.

There is another weakness in Locke’s workmanship argument. Assuming we have the right to use inferior creatures as we wish, why should not human beings who know the law of nature use ignorant human beings as they wish? In chapter 2 of the *Second Treatise*, Locke repeats the claim he had made (or rather vaguely suggested) two sections earlier, saying that men possess “like faculties, sharing all in one community of nature.”⁴⁷ But here we meet the same problem we met with Locke’s argument from equality. Some men are greatly inferior to other men. Nature may be “one community,” but that community includes beings of many different ranks. Again, if Locke is not confused, he must have another argument in mind for the equal right to life and liberty.

To complicate things further, Locke applies the workmanship argument to parents in chapter 6 of the *Second Treatise*: “by the law of nature, [parents have always been] under an obligation to preserve, nourish, and educate the children they had begotten, not as their own workmanship, but the workmanship of their own maker, the Almighty.”⁴⁸ This assertion is even more puzzling than the one in chapter 2, which spoke of our obligation to all mankind indiscriminately (everyone is “bound to preserve himself, and . . . as much as he can, to preserve the rest of mankind”).⁴⁹ In chapter 6 we are told that beyond this general obligation to preserve all others, parents have a particular obligation to their own children as God’s workmanship, an obligation that includes not only their mere preservation, but also their nourishment and education. Here too no argument is supplied to link the fact that their children (like all men) are products of divine workmanship, and the special parental duty to this particular tiny group.⁵⁰

⁴⁶ William T. Bluhm, Neil Wintfeld, and Stuart H. Teger, “Locke’s Idea of God: Rational Truth or Political Myth?” *Journal of Politics* 42, no. 2 (1980): 414–38.

⁴⁷ Locke, *Second Treatise*, chap. 2, sections 4, 6.

⁴⁸ *Ibid.*, chap. 6, sec. 56.

⁴⁹ *Ibid.*, chap. 2, sec. 6.

⁵⁰ Scholars sometimes neglect or underemphasize the passages in the *Second Treatise* where Locke speaks of positive duties to other men and of parents to children. For example, Steven Forde, “Natural Law, Theology, and Morality in Locke,” *American Journal of Political Science* 45, no. 2 (April 2001): 401–2, 408 (“Locke’s rights . . . entail duties on the part of others. . . .

I conclude that the argument in the *Second Treatise* for the law of nature on the basis of the claim that men are God's property or workmanship—an argument, by the way, which seems to have resonated hardly at all with later admirers of Locke such as the American Founders—is an assertion unsupported by reason.

V. WHY LOCKE USES BAD ARGUMENTS

We have seen that Locke uses defective arguments in the *Second Treatise*. This raises three questions. Was Locke aware that he was using bad arguments? If so, why did he use them? Third, how could the *Second Treatise*, one of the most influential books ever written, have been so persuasive to its readers, if it is really built on such a flimsy foundation? For almost the whole edifice of the *Second Treatise*—the social compact origin of government, the purpose of government (securing the equal right to life, liberty, and estate), the need for representation of the public in the legislative, the right to revolution—is built on the initial foundation of liberty and equality established by the law of nature.

There is evidence that Locke was fully aware of the weakness of the arguments for the law of nature in the *Second Treatise*. As many scholars have observed, Locke is the kind of writer who is willing to allow his less attentive readers to rest satisfied with inadequate arguments if they find such arguments persuasive.⁵¹ In Harvey Mansfield's memorable formulation, Locke "leaves one trail for the sceptical and another for the pious, the latter more plainly marked but leading in circles, so that eventually the pious will have to follow the sceptics' trail if they wish to get anywhere."⁵² In a letter to one of his critics, Locke admits that he made deliberate use of a weak argument in the *Essay on Human Understanding* in his proof of the existence of God:

[T]hese are purely negative, duties to do no harm. . . . The *Second Treatise* appeals to very little beyond immediate self-interest.") In his long discussion of Lockean natural law in *Natural Rights and the New Republicanism*, 187–288, Zuckert similarly focuses almost exclusively on Locke's doctrine of natural rights as opposed to the duty of everyone to preserve others and of parents to care for their children. If the objection is raised that Locke's duty to others is conditional—only "when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind" (*Second Treatise*, chap. 2, sec. 6)—one may respond that no major classical or medieval philosopher teaches, as a natural right or natural law duty, that one is obliged to sacrifice one's own life to preserve another's.

⁵¹ Locke's use of the technique of esoteric writing—concealing things from inattentive readers through the use of various literary devices such as the use of deliberately inadequate arguments, and indicating his real meaning "between the lines"—has been well documented by Strauss, *Natural Right and History*, 206–9; Pangle, *Spirit of Modern Republicanism*, 137–38; Michael P. Zuckert, *Launching Liberalism: On Lockean Political Philosophy* (Lawrence, KS: University Press of Kansas, 2002), 82–106.

⁵² Harvey C. Mansfield, "On the Political Character of Property in Locke," in Alkis Kontos, ed., *Powers, Possessions, and Freedom: Essays in Honor of C.B. Macpherson* (Toronto: University of Toronto Press, 1979), 29.

I look upon the argument there spoken of [in *Essay*, bk. 4, chap. 10], as not conclusive. . . . And since not all, nor the most of those that believe a God, are at the pains, or have the skill, to examine and clearly comprehend the demonstrations of his being, *I was unwilling to show the weakness of the argument there spoken of*; since possibly by it some men might be confirmed in the belief of a God, which is enough to preserve in them true sentiments of religion and morality.⁵³

Having willingly made use of a defective argument in the *Essay*, Locke would obviously be willing to do the same in the *Two Treatises*, if he thought it would promote "true sentiments of . . . morality" in his readers. It is reasonable to conclude that Locke may have done just that, for the law of nature is Locke's basic moral law. The "fundamental law of nature [is that] man [is] to be preserved as much as possible," and "the preservation of all mankind, as much as in him lies, . . . is *everyone's duty*, and the true principle to regulate our religion, politics, and morality by."⁵⁴

Locke explains his view of the problem of communication of one's thoughts at the beginning of his *Essay on Human Understanding*. He addresses himself there to two kinds of readers. One he calls the "hunter." The mind's "searches after truth, he explains, are a sort of hawking and hunting," and the hunter is someone "who has raised himself above the alms-basket, and, not content to live lazily on scraps of begged opinions, sets his own thoughts on work, to find and follow truth." The other kind of reader is the one who takes his thoughts "upon trust from others." This reader is "not following truth, but some meaner consideration; and it is not worth while to be concerned, what he says or thinks, who says or thinks only as he is directed by another."⁵⁵

Locke explains that he started writing the *Essay* "for my own information, and the satisfaction of a few friends, who acknowledged themselves not to have sufficiently considered it [namely, the human understanding]." Two pages later, he continues: "I plainly tell all my readers, except half a dozen, this treatise was not at first intended for them." In other words, his initial audience was that "half a dozen" who, like Socrates, "acknowledge themselves not to have sufficiently considered," i.e., who know that they do not know. These are the hunters. But Locke eventually decided to "let it go abroad" to the general public.⁵⁶ That creates a problem, because most people "live lazily on scraps of begged opinions," as

⁵³ Locke, A Letter to the Right Rev. Edward Lord Bishop of Worcester, in *The Works of John Locke in Ten Volumes* (1801) (Elibron Classics, 1991), 4: 53–54, my emphasis.

⁵⁴ Locke, *Second Treatise*, chap. 3, sec. 16; Locke, *Some Thoughts Concerning Education* (5th ed., 1705, but corrected on the basis of earlier editions), ed. John W. and Jean S. Yolton (Oxford: Clarendon Press, 1989), sec. 116, emphasis added.

⁵⁵ Locke, *Essay Concerning Human Understanding*, "Epistle to the Reader," 6–7.

⁵⁶ *Ibid.*, 7, 9.

Locke explains at length in the second-last chapter of the *Essay*.⁵⁷ He therefore had to write his book in a way that would reach both the hunters and the lazy. “I desire it should be understood by whoever gives himself the pains to read it,” he writes. Wishing to be “as useful as I may, I think it necessary to make what I have to say, as easy and intelligible to all sorts of readers, as I can.”⁵⁸

But it is not easy to make a book intelligible to “all sorts of readers”:

We have our understandings no less different than our palates; and he that thinks the same truth shall be equally relished by everyone in the same dress, may as well hope to feast everyone with the same sort of cookery: the meat may be the same, and the nourishment good, yet everyone not be able to receive it with that seasoning; and it must be dressed another way, if you will have it go down with some, even of strong constitutions.⁵⁹

How then does one “dress” the truth differently for different readers, so that it will “go down” without aversion? Locke discusses that topic, using the same swallowing metaphor, at the beginning of the *First Treatise*.

Locke speaks explicitly there of the need to conceal one’s real opinions in order to be persuasive to all readers. He does so by discussing the manner of writing of Robert Filmer, the advocate of absolute monarchy who is Locke’s target in the *First Treatise*. Locke observes that Filmer “commits the fault that he himself . . . objects to” in another writer, a certain Hunton, who, as Filmer complains, fails to define monarchy. Locke notes that just as Hunton fails to define monarchy, so also Filmer fails to define fatherly authority, which is the foundation of his whole argument for absolute monarchy. Locke concludes that Filmer made an intentional blunder, because he, Filmer, is aware that his real view of fatherly and kingly authority

would make a very odd and frightful figure, and very disagreeing with what either children imagine of their parents, or subjects of their kings, if he should have given us the whole draft together, in that gigantic form he had painted it in his own fancy; and therefore, like a wary physician, when he would have his patient swallow some harsh or corrosive liquor, he mingles it with a large quantity of that which may dilute it, that the scattered parts may go down with less feeling, and cause less aversion.⁶⁰

⁵⁷ Locke, *Essay*, bk. 4, chap. 20.

⁵⁸ Locke, *Essay*, “Epistle to the Reader,” 9.

⁵⁹ *Ibid.*, 8.

⁶⁰ Locke, *First Treatise*, chap. 2, sec. 7, my emphasis.

Let us apply Locke’s observation about Filmer to Locke himself. As we have seen, he fails to provide the real foundation of his doctrine of the law of nature in the *Second Treatise*—at least in the passages we have discussed so far. Perhaps there is something “odd and frightful” in Locke’s true understanding of the law of nature. Locke compares Filmer to a “wary physician,” who presents his “harsh” argument in a way that conceals its real import, so that it will “go down with less feeling, and cause less aversion.” Locke was a practicing physician, and he was certainly “wary.” He follows Filmer’s example himself, as we see in the quotation from the *Essay*, where he admits that he too uses arguments that have been “dressed” to make them “go down” more easily. Later in the *Essay*, Locke writes, “’Tis evident how much men love to deceive, and be deceived.” People live in delusion—Plato’s cave—and they like it that way. “And ’tis in vain to find fault with those arts of deceiving, wherein men find pleasure to be deceived.”⁶¹

I conclude that Locke was aware of the limitations of the arguments for the law of nature in the *Second Treatise*. He seems to have thought them “useful” as long as they were persuasive, thereby confirming his readers in “true sentiments of religion and morality.” The law of nature is a moral doctrine and, so far as God is the author of nature, it is also a religious doctrine. We will consider presently additional reasons why Locke did not wish to state explicitly the true ground of his argument for the law of nature, especially in the *Second Treatise*, probably the one book of his that would most likely be read by those who are content with opinions lazily acquired from the “alms basket.”

Locke’s arguments for a natural law right to liberty from equality of talents and equal knowledge of the law are likely to appeal to people who are not born into the ruling elite of a society, and whose spirited pride inclines them against the view that some people are born to rule and others born to submit. And the divine workmanship argument is likely to be attractive to religious believers among Locke’s readers. Here, perhaps, we get a glimpse of part of Locke’s strategy: to persuade Christians that their faith supports the idea of the law of nature, and to persuade non-Christians that reason, in this respect, does not conflict with the teachings of faith.

VI. THE *FIRST TREATISE* ARGUMENT FROM STRONG NATURAL PASSIONS

Given the absence of a rational foundation for the law of nature in the *Second Treatise*, Locke drives us back to the *First Treatise*. At first glance, the *First Treatise* is both boring and irrelevant, so one is tempted to ignore it. It is *boring* because much of it consists of long-winded arguments

⁶¹ Locke, *Essay*, bk. 3, chap. 10, sec. 34.

against a position (divine-right absolute monarchy) that no one takes seriously anymore. It seems *irrelevant* because the question of the law of nature, supposedly discovered by reason, seems to be unrelated to the faith-based claims discussed in the *First Treatise*.

However, Locke does address the law of nature in chapter 9. The chapter begins with a tedious discussion of whether, according to the Bible, Adam's supposed right to absolute monarchy does or does not pass on to his heirs. To explain his own understanding of children's right of inheritance, Locke suddenly turns to an argument from reason alone:

God, I say, having made man and the world thus, spoke to him, (that is) directed him by his senses and reason . . . to the use of those things, which were serviceable for his subsistence, and given him as the means of his preservation. And therefore . . . man had a right to a use of the creatures, by the will and grant of God. For the desire, strong desire, of preserving his life and being, having been planted in him as a principle of action by God himself, reason, which was the voice of God in him, could not but teach him and assure him, that pursuing that natural inclination he had to preserve his being, he followed the will of his maker.⁶²

In this passage, the term "God" is used as an equivalent to "nature," for God "spoke" to man through his nature, his senses and reason.⁶³ God planted in human nature a strong desire for self-preservation, from which reason concludes "that pursuing that natural inclination . . . he followed the will of his maker, and therefore had a right" to make use of the things in the world to preserve himself. This strong desire of self-preservation, Locke continues, "is the foundation of a right to the creatures for the particular support and use of each individual person himself."⁶⁴

The argument here promises to be the explanation of Locke's divine workmanship argument that we looked for in vain in the *Second Treatise*. Locke's claim ("I say") is that if our "maker" planted in us a "strong desire," it must be permissible to act on that desire and to appropriate the things we need ("food and raiment"⁶⁵) to achieve the object of that strong desire for self-preservation.

Applying the argument to the question at hand, Locke then asks on what ground children have a right to inherit their parents' property. He answers that it must be something "natural": "God planted in men, and wrought into the very principles of their nature," a second "strong desire," namely, "propagating their kind, and continuing themselves in their posterity, and

⁶² Locke, *First Treatise*, chap. 9, sec. 86.

⁶³ Accordingly, Locke uses the phrase "God and nature" twice in the pages immediately following the passage quoted here (*ibid.*, chap. 9, sections 90 and 93).

⁶⁴ *Ibid.*, chap. 9, sec. 86.

⁶⁵ *Ibid.*

this gives children a title to share in the property of their parents, and a right to inherit." He adds this explanation: "men being by a like obligation bound to preserve what they have begotten, as to preserve themselves, their issue come to have a right in the goods they are possessed of."⁶⁶

The sentence just quoted is obscure. Locke is saying that there is a "like obligation" to preserve oneself and to preserve one's offspring. What makes the obligation "like"? In the case of self-preservation, we were told in section 86 that the obligation follows from the "natural inclination he [man] had to preserve his being." In the case of preserving one's offspring, the obligation is "like" because it too follows from a natural inclination, namely, of "continuing themselves in their posterity." From the point of view of the parent, the child is another self. A few pages later, Locke mentions that parents are "taught by natural love and tenderness to provide for them [their children], as a part of themselves" (my emphasis).⁶⁷

In both cases—self-preservation and procreation—Locke repeats the phrase "strong desire." Considering the "strong desire" for self-preservation, reason concludes that there is a right to "property in the creatures," for example in animals that we kill and eat. Locke implies that reason's similar assessment of the "strong desire" for self-perpetuation leads to the conclusion that parents have a right to generate and provide for their offspring, whom they regard "as a part of themselves." In both cases, what is a right from one point of view—that of the person who wants to preserve or to perpetuate himself—is an obligation from another. If life is good, we have an obligation to acquire "things fit for food and raiment" to avoid the evil of death.⁶⁸ By parallel reasoning, the parents' right to provide for their offspring is also an obligation. From the child's point of view, the parents' obligation is a right to be cared for, including a right to inherit. "[T]his right of being nourished and maintained by their parents, . . . God and nature has given to children, and obliged parents to as a duty."⁶⁹ In a nearby passage, Locke links this discussion of rights and duties explicitly to the law of nature: children "have, by the law of nature, and right of inheritance," a title in their parents' goods after they die.⁷⁰

In one case Locke derives a self-interested right (to eat meat) from a self-interested passion (to survive). In the other case Locke derives an apparently unselfish duty (to care for one's child) from a selfish passion (to perpetuate oneself through one's offspring). Both are equally grounded in strong passions of the individual, ultimately rooted in the desire for self-preservation.

⁶⁶ *Ibid.*, chap. 9, sec. 88.

⁶⁷ *Ibid.*, chap. 9, sections 88, 97

⁶⁸ *Ibid.*, chap. 9, sections 86, 88, 92.

⁶⁹ *Ibid.*, chap. 9, sec. 90.

⁷⁰ *Ibid.*, chap. 9, sec. 91.

Locke's treatment of the parental desire to have children—"propagating their kind, and continuing themselves in their posterity"⁷¹—is similar to Aristotle's. He too argues that the desire to produce offspring arises "from a natural striving to leave behind another that is like oneself."⁷² Aristotle also anticipates Locke's description of parental love of their children in terms of self-love. Aristotle writes that poets love their poems for the same reason that benefactors love to benefit people and parents love their children: "we exist by means of activity (for this consists in living and acting). And in his activity, the maker of something somehow *is* the work; he therefore feels affection for the work because he feels affection also for his own existence."⁷³ For Locke, "natural love and tenderness" leads parents to provide for children "as a part of themselves."⁷⁴ Locke and Aristotle both know well that parents sometimes sacrifice themselves for their offspring, but for both men, that apparent selflessness is animated by a more fundamental self-love.

To return to Locke's argument, it seems that the *strength* of the two strong passions (self-preservation and self-perpetuation) is the sole ground of the natural *right* (permission) to eat meat and to procreate, and therefore also of the obligation (duty) requiring us to preserve ourselves and our children. But if that is Locke's position, what about other strong passions that are given to us by nature, such as the love of domination? Later in the *First Treatise*, Locke speaks of "man's *natural* ambition, which of its self is but too keen" (my emphasis).⁷⁵ He also stresses both the strength and naturalness of this passion in *Some Thoughts Concerning Education*: "children love liberty. . . . I now tell you they love something more: and that is dominion. . . . This love of power and dominion shows itself very early. . . ." ⁷⁶ Does Locke's argument legitimize tyrannical ambition?

The answer is no. Locke's argument is that *reason* infers the right to eat meat from the passion for self-preservation. Locke evidently means that if the desire is to be the foundation of a right and an obligation, reason must evaluate the desire and pronounce it to be good. It must lead toward things "necessary or useful to [one's] being."⁷⁷ Locke is speaking here not merely of things "necessary" for mere existence, but also things "useful to his being," "for the subsistence *and* comfort of his life," that is, for his well-being, his good.⁷⁸

⁷¹ *Ibid.*, chap. 9, sec. 88.

⁷² Aristotle, *The Politics*, trans. Carnes Lord (Chicago: University of Chicago Press, 1984), bk. 1, chap. 2.

⁷³ Aristotle, *Nicomachean Ethics*, trans. Robert C. Bartlett and Susan D. Collins (Chicago: University of Chicago Press, 2011), bk. 9, chap. 7, 1168a7–9.

⁷⁴ Locke, *First Treatise*, chap. 9, sec. 97.

⁷⁵ *Ibid.*, chap. 11, sec. 106.

⁷⁶ Locke, *Some Thoughts Concerning Education*, sec. 104.

⁷⁷ Locke, *First Treatise*, chap. 9, sec. 86.

⁷⁸ *Ibid.*, chap. 9, sec. 92, my emphasis.

If reason must first evaluate a desire before it can be rightly followed, it follows that there may be some "strong desire[s]" that reason will pronounce to be *not* good. Two such desires condemned by Locke are "vain ambition, and *amor sceleratus habendi*, evil concupiscence," which "corrupt . . . men's minds into a mistake of true power and honour." "[E]vil concupiscence" leads men to appropriate goods by fighting instead of labor, while "man's natural ambition," if unchecked, is "but too keen [and] lay[s] a sure and lasting foundation of endless contention and disorder." Both passions lead to the "state of war," which is "a state of enmity and destruction." Those who are "rational" are not "quarrelsome and contentious."⁷⁹

But we need to consider more precisely Locke's understanding of how reason should evaluate the passions. How do we know that war and violence are bad? Perhaps Achilles was right in rejecting obscure longevity and choosing instead a glorious life in the state of war, ending in violent death.

VII. WHY NATURE IS TOO AMBIGUOUS TO BE THE STANDARD

One plausible answer to the question—how does reason know what is right?—is that there is a standard established by nature that reason discovers. The very expressions "law of *nature*" and "*natural* right" seem to confirm that suggestion. But in fact, Locke shows that nature by itself is too ambiguous to guide human life.

Locke takes up the question whether nature can be a standard in chapter 6 of the *First Treatise*. This chapter is a critique of Filmer's assertion that fathers rightfully have unlimited power over their children. In the course of his discussion, Locke remarks that even wolves "obey God and *nature* in being tender and careful of their offspring," but that human fathers sometimes murder their own children. Locke calls this the "most *unnatural* murder, human nature is capable of" (my emphasis).⁸⁰ Locke then offers the reader a lurid account of Peruvian Indians who "made their captives [taken in war] their mistresses, and choicely nourished the children they had by them, till about thirteen years old they butchered and ate them; and they served the mothers after the same fashion, when they grew past child bearing, and ceased to bring them any more roasters."⁸¹ Quoting Psalm 106, Locke recalls that even in the Bible the Israelites "shed innocent blood, even the blood of their sons and of their daughters, when they sacrificed unto the idols of Canaan."⁸²

⁷⁹ Locke, *Second Treatise*, chap. 8, sec. 111; *First Treatise*, chap. 11, sec. 106; *Second Treatise*, chap. 3, sec. 16;

⁸⁰ Locke, *First Treatise*, chap. 6, sec. 57.

⁸¹ *Ibid.*, chap. 6, sec. 56.

⁸² *Ibid.*, chap. 6, sec. 58, quoting Psalm 106:38.

Considering such terrible practices, Locke remarks that one might “have reason to think, that the woods and forests, where the irrational untaught inhabitants *keep right by following nature*, are fitter to give us rules, than cities and palaces, where those that call themselves civil and rational, go out of their way, by the authority of example” (my emphasis).⁸³ He implies that human beings could avoid such savage cruelty if only they would “follow . . . nature.” In the next paragraph, Locke continues with his argument that nature can guide reason: “adultery, incest, and sodomy” are “sins,” he says, because “they *cross the main intention of nature*, which willeth the increase of mankind, and the continuation of the species in the highest perfection, and the distinction of families, with the security of the marriage bed, as necessary thereunto” (my emphasis).⁸⁴

These passages suggest that reason should be guided by nature in its judgment of the several human passions. The desire for self-preservation and parental love of offspring would be right because these desires follow “the main intention of nature.” Murder of children and cannibalism would be wrong because they are “unnatural.”

Locke himself indicates the problem with this suggestion by raising this question: “Is it the privilege of man alone to act more *contrary to nature* than the wild and most untamed part of the creation?” (my emphasis).⁸⁵ If “man alone,” acts “contrary to nature,” it seems that nature itself, human nature, is the source of this “unnatural” conduct. The problem, as Locke describes it, is that the imagination, together with the passions, lead human beings to make up and believe in “fashion” and “custom” (what the Greeks called *nomos*) that lead them astray. Man is

a creature whose thoughts are more than the sands, and wider than the ocean, where fancy and passion must needs run him into strange courses, if reason, which is his only star and compass, be not that he steers by. The imagination is always restless, and suggests variety of thoughts, and the will, reason being laid aside, is ready for every extravagant project; and in this state, he that goes farthest out of the way, is thought fittest to lead, and is sure of most followers: and when fashion hath once established what folly or craft began, custom makes it sacred, and it will be thought impudence, or madness, to contradict or question it.⁸⁶

Human beings are creatures of “fancy and passion,” with restless imaginations. That is their nature. True, they have the capacity for reason, but,

⁸³ Ibid.

⁸⁴ Ibid., chap. 6, sec. 59.

⁸⁵ Ibid., chap. 6, sec. 56.

⁸⁶ Ibid., chap. 6, sec. 58. This aspect of Locke’s analysis of human nature is well analyzed by Myers, *Our Only Star and Compass*, chap. 4.

as we saw earlier, in the discussion of human inequality, most make little use of it. By nature, reason is weak and passions are strong. Reason is generally “laid aside.” Most people blindly follow supposedly “sacred” customs whose real origins lie in “folly or craft.” One such custom is the Peruvian Indian cannibalism of one’s own offspring. Another is the “fashionable” child sacrifice practiced by the ancient Israelites. Man cannot be guided by nature alone because human nature itself leads human beings into actions that Locke calls “unnatural” and “cross the main intention of nature.” The root of the problem lies in human nature itself, as Locke states with perfect clarity in his *Education*: “the most shameful nakedness” in children is “their natural wrong inclinations and ignorance.”⁸⁷

Locke says that *reason*—not nature—is our “only star and compass.”⁸⁸ Reason cannot follow nature because nature—meaning human nature—points in two directions. First, nature itself is the source of “fancy and passion,” which lead to the bizarre or destructive customs that “it will be thought impudence, or madness, to contradict or question.”⁸⁹ But nature points in a more civilized direction when it teaches parents “by natural love and tenderness, to provide for [their children], as a part of themselves.”⁹⁰ Nature leads parents to love and defend their children to the death; but because of the weakness of reason, nature also leads parents to kill or eat their own children.

One sees the same tension inherent in nature in regard to despotic government. Locke argues that is it not good for people to be ruled by governors with unlimited power over them. Yet human nature itself leads people to submit without complaint to governors of that kind. Locke admits, in fact, that people are not *naturally* inclined toward political liberty and living according to the law of *nature*. Instead, “in the beginning of things,” they experienced as children “the father’s government of the childhood of those sprung from him . . . , [which] accustomed them to the rule of one man. It was no wonder,” Locke continues, “that they should pitch upon, and *naturally* run into, that form of government, which from their infancy they had been all accustomed to” (my emphasis).⁹¹ The law of nature, discovered by reason, must counteract the tendency of human beings to “*naturally* run into” absolute monarchy.

Locke’s famously ambiguous presentation of the state of nature in the *Second Treatise* is another example of the difficulty under discussion. Near the beginning of that *Treatise*, Locke tells us that the state of nature is “a state of perfect freedom” and “also of equality,” and that state “has a law of nature to govern it.”⁹² At the beginning of chapter 3, he leaves the

⁸⁷ Locke, *Some Thoughts Concerning Education*, sec. 90.

⁸⁸ Locke, *First Treatise*, chap. 6, sec. 58.

⁸⁹ Ibid.

⁹⁰ Ibid., chap. 9, sec. 97.

⁹¹ Locke, *Second Treatise*, chap. 8, sec. 107.

⁹² Ibid., chap. 2, sections 4, 6, 7.

reader with the strong impression that the state of nature is “a state of peace, good will, mutual assistance, and preservation.”⁹³ As a matter of fact, “properly” or strictly speaking, Locke does define the state of nature that way: “Men living together according to reason, without a common superior on earth with authority to judge between them, is *properly* the state of nature” (my emphasis).⁹⁴ The state of nature would surely be a state of peace if people really did live together “according to reason,” refraining from harming each other, respecting each other’s property, helping each other in time of need, and conscientiously nurturing and educating their children.

However, as we saw earlier, in chapter 9 Locke states explicitly that the law of nature is mostly unknown and unenforced in the state of nature. The consequence is that each person is “constantly exposed to the invasion of others.” Since most people are “no strict observers of equity and justice, . . . this state is very unsafe, very insecure.” The state of nature is “full of fears and continual dangers.”⁹⁵ “Properly” or by strict definition, then, the state of nature is a condition of peace governed by reason and law (the law of nature). But if the state of nature is understood as people living together without a government to enforce rules against mutual injury, then that state is likely to be violent and lawless.

Both accounts of the state of nature are true, but the term *nature* is used differently in each case. Carl Becker has a plausible suggestion:

The eighteenth century had to appeal, as it were, from nature drunk to nature sober. Now the test or standard by which this appeal could be validly made was found in nature itself—in reason and conscience; for reason and conscience were parts of man’s nature too. . . . Natural law, as a basis for good government, could never be found in the undifferentiated nature of man, but only in human reason applying the test of good and bad to human conduct.⁹⁶

Locke’s twofold account of the state of nature—what Becker calls “nature drunk” and “nature sober”—corresponds to what we have observed about the dual face of nature in the *First Treatise*.

Becker’s suggestion is tempting, but there is a big problem with it, if he means to say that this is Locke’s view.⁹⁷ Man is emphatically *not* by nature rational, according to Locke. Only one man—Adam—was rational from the start. The rest of us begin life as irrational babies, and we acquire

⁹³ *Ibid.*, chap. 3, sec. 19.

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*, chap. 9, sec. 123.

⁹⁶ Carl L. Becker, *The Declaration of Independence: A Study in the History of Political Ideas* (New York: Knopf, 1948), 60–61.

⁹⁷ In *ibid.*, 62–73, Becker argues that Locke is in substantial agreement with the “eighteenth century.”

reason only through education and effort. “Adam was created a perfect man, . . . and so was capable from the first instant of his being to . . . govern his actions according to the dictates of the law of reason. . . . [But other human beings] are all born infants, weak and helpless, without knowledge or understanding.”⁹⁸ They are in need of parental care and education, without which they cannot become rational. Further, most human beings acquire at best only the rudiments of reason, as we saw earlier in the paper. Therefore, Becker cannot be correct, at least not with regard to Locke, when he says that “reason . . . [was] part of man’s nature too.”

VIII. IS NATURE WORTHLESS?

Although nature as such cannot be a guide to life for Locke, one should not make the mistake of concluding that nature is altogether worthless. Some scholars attribute that view to Locke. Leo Strauss initiated this approach in *Natural Right and History*. In his presentation of Locke in that work, nature is all bad: “the negation of nature is the way toward happiness.” Nature gives man almost nothing of value. “According to Locke, man and not nature, the work of man and not the gift of nature, is the origin of almost everything valuable.” Mis-paraphrasing Locke, Strauss says, “nature and the earth furnished only the worthless materials, as in themselves.” Locke actually writes “almost worthless”; Strauss thereby overstates Locke’s negative stance toward nature.⁹⁹

It is unlikely that Strauss himself believed this caricature of Locke. Strauss’s other major published statements on Locke—chapter 8 of *What Is Political Philosophy?* and chapter 2 of *Liberalism*—are much more respectful.¹⁰⁰ Neither chapter includes the implausible assimilation of Locke to Hegel (“freedom is negativity”) found in *Natural Right and History*, or the absurd claim in the first chapter of *What Is Political Philosophy?* that Locke believed that he had found “an immoral or amoral substitute for morality” in “acquisitiveness[.] . . . an utterly selfish passion.”¹⁰¹ If acquisitiveness really were an adequate substitute for morality, Locke would have seen no need for a law of nature imposing on parents the duty to nourish and educate their children. Nor would Locke have written that “No doctrines adverse and contrary to human society, or to the good morals that are

⁹⁸ Locke, *Second Treatise*, chap. 6, sec. 56.

⁹⁹ Strauss, *Natural Right and History*, 248–51. The mis-paraphrase is from Locke, *Second Treatise*, chap. 5, sec. 43.

¹⁰⁰ Strauss, *What Is Political Philosophy?*, chap. 8, and Strauss, *Liberalism: Ancient and Modern* (New York: Free Press, 1968), chap. 2.

¹⁰¹ Strauss, *Natural Right and History*, 251; *What Is Political Philosophy?*, 49. Strauss treats Locke and Hegel as if they are in agreement in *Natural Right and History*, 250–51: “labor is, in the words of Hegel, a negative attitude toward nature. . . . [F]reedom is negativity.”

necessary to the preservation of civil society, are to be tolerated by the magistrate" (my emphasis).¹⁰²

Why would Strauss deliberately misrepresent Locke? I cannot prove here what I am about to say, but I will offer a suggestion. His motive seems to have been pedagogical. Strauss's lifelong agenda was to restore philosophy in the modern world. Since recent versions of modern philosophy had led to the reigning positivism and historicism, both of which deny the possibility of philosophy (in the sense of ascending from opinion to knowledge), Strauss seems to have decided that the philosophers most likely to appeal to modern readers were the Greek classics. Plato's Socratic dialogues in particular could be presented as non-dogmatic and therefore as less vulnerable to the critique of those who dismiss philosophy as such because it is dogmatic. Strauss therefore wanted to instill in his readers, as their first reaction to his work, a moral revulsion against modernity, so that they would be more open to the attractions of classical political philosophy. But Strauss clearly wanted his more attentive readers, on mature consideration, to give Locke his due, as one may see especially in chapter 8 of *What Is Political Philosophy?*

By deliberately exaggerating Locke's hostility to nature, it was rhetorically easier for Strauss to situate him on the slippery slope leading from Machiavelli, who abandoned virtue as the end of politics, to Heidegger, who embraced radical historicism and Hitler. In order to give his readers an incentive to return to the classics, Strauss had to exaggerate the continuity within the history of modern philosophy in order to show, or rather to suggest, how the entire modern philosophic enterprise led to historicism and political irresponsibility. In Strauss's narrative, modernity did so in two ways. First, the early moderns supposedly rejected the idea that human nature is naturally oriented toward the good. To promote that view, Strauss found it useful to overstate the early modern opposition to the Socratic idea of philosophy and the permanence and goodness of nature. Second, by making the early moderns seem unconcerned with human excellence and preoccupied with what is low but solid, he made Rousseau's revolt against the Enlightenment in the name of virtue seem more plausible. Strauss's first point overstates the affinity between the "first wave" of modernity (which includes Locke) and the "second wave" (Kant, Hegel, Marx), thus giving the superficial reader the impression that modernity is a straight-line descent from Machiavelli to Heidegger and Hitler. The second point gives a somewhat moralistic account of why the "second wave" (starting with Rousseau) broke with the first without abandoning the ground it shared with the first.

In reality, however, the "first wave" did not abandon nature altogether as a source of good things and, properly understood, as a guide

¹⁰² Locke, *Epistola de Tolerantia* ("Letter on Toleration") (Gouda, Netherlands: Justum ab Hoeve, 1689), 73, my translation.

to life; the "second wave" did. For example, in Kant, happiness is no longer the end of human life (as it still is for Hobbes and Locke); morality and freedom are. For Marx, nature is simply to be conquered in the course of the historical process, but nature remains a source of good for Locke.¹⁰³

In spite of these and other difficulties with Strauss's public or popular doctrine, it has been taken to heart by quite a few of his readers. Pierre Manent, for example, argues that modern politics (in part established by Locke) "is founded on the emancipation of the will." Manent attributes to modern philosophy the view that human beings have every right to liberate themselves from the tyranny of any limitation, orientation, or seeming necessity imposed by God or nature.¹⁰⁴ This claim contradicts Locke's explicit denunciation of the doctrine of *pro ratione voluntas*, "putting will in the place of reason."¹⁰⁵ Peter Lawler argues that Locke would have had no objection to same-sex marriage,¹⁰⁶ although Locke says the "chief end" of marriage is "procreation," which is impossible for same-sex "spouses." Besides, Locke explicitly criticizes "sodomy" (it "cross[es] the main intention of nature, which willeth the increase of mankind") and opposes divorce when the children are too young to shift for themselves (marriage "ought to last, even after procreation, so long as is necessary to the nourishment and support of the young ones").¹⁰⁷

These scholars are correct, of course, when they say that according to Locke, God and nature do not spontaneously provide for the needs of human life, and that human beings therefore have much to do on their own. Has any philosopher ever said otherwise? Human labor does have to transform the materials given by nature, many of which are, as Locke rightly says, "almost worthless, as in themselves" because they stand in need of cultivation and improvement before they can become useful for human life. But Locke distinguishes between the value of materials "as in themselves" and their value in regard to potency. Nature provides us with the crucial capacity for reason. In a passage quoted earlier, Locke writes, "we all call ourselves [rational], . . . yet we may truly say nature gives us but the seeds of it; . . . it is use and exercise only that makes us so, and we are indeed so no further than industry and application has

¹⁰³ Strauss presents the deliberately exaggerated teaching sketched in the last two paragraphs in *What Is Political Philosophy?* chap. 1, part III. It is no accident that this chapter of that book, because of its title, is one of the first things that Strauss's readers are likely to encounter. It was in my case.

¹⁰⁴ Pierre Manent, *Modern Liberty and Its Discontents*, ed. Daniel J. Mahoney and Paul Seaton (Lanham, MD: Rowman & Littlefield, 1998), 105, 99.

¹⁰⁵ Locke, *First Treatise*, chap. 6, sec. 51. The entire *First Treatise* is a refutation of the doctrine that will should take the place of reason. See especially chap. 6, sec. 58 ("reason, his only star and compass").

¹⁰⁶ Peter Augustine Lawler, "Natural Law, Our Constitution, and Our Democracy," in Ronald J. Pestritto and Thomas G. West, ed., *Modern America and the Legacy of the Founding* (Lanham, MD: Lexington Books, 2006), 213.

¹⁰⁷ Locke, *First Treatise*, chap. 6, sec. 59; *Second Treatise*, chap. 7, sec. 78.

carried us.”¹⁰⁸ These indispensable “seeds” of reason are “the gift of nature,” not “the work of man” (to use Strauss’s expressions quoted in the first paragraph of this section of the essay). Locke would therefore agree with a remark that Strauss makes in a different context: “Man’s creative abilities, which are more admirable than any of his products, are not themselves produced by man: the genius of Shakespeare was not the work of Shakespeare.”¹⁰⁹

Locke calls reason the “candle of the Lord,”¹¹⁰ a metaphor that captures perfectly the ambiguity of his conception of nature. God and nature give us the candle, but the means to light the candle—the matches—have to be found out by human art and effort. It is not the “negation of nature,” as Strauss maintains, but the cultivation, *cultura*, of nature’s “seeds,” that makes us rational. Nature also beneficently provides human beings with the experience of pleasure and pain, without which, says Locke, “we should have no reason to prefer one thought or action to another; . . . And so we should neither stir our bodies nor employ our minds. . . . In which state man, however furnished with the faculties of understanding and will, would be a very idle unactive creature, and pass his time only in a lazy, lethargic dream.”¹¹¹ This means that nature would not be beneficent if it provided us with everything we need, if we were not forced to respond to the absence of pleasure or the presence of pain. Paradoxically, scarcity and want are the condition of human virtue and excellence. Franklin Roosevelt was fond of saying, “Necessitous men are not free men.”¹¹² Locke held the opposite view: were it not for necessity, we would be unfree. The “penury of his condition” in the state of nature “forced [man] to labour.”¹¹³ Without that spur, the seeds of his reason would have lain fallow, and he would never have cultivated it or his other talents. He would have been “idle,” “unactive,” “lazy,” and “lethargic,” like a pig wallowing contentedly in the muck. He would have been unfree, “enslaved in that which should be the freest part of man, the . . . understanding.”¹¹⁴

Locke is not a Platonist. But Plato anticipates Locke’s assessment of what human life would be like in the absence of appropriate cultivation of the natural materials of human nature and the external world. In book 3 of the *Laws*, the Athenian stranger describes the barely rational

¹⁰⁸ Locke, *Conduct of the Understanding*, sec. 6.

¹⁰⁹ Strauss, *Natural Right and History*, 92.

¹¹⁰ Locke, *Reasonableness of Christianity*, chap. 14, p. 253.

¹¹¹ Locke, *Essay*, bk. 2, chap. 7, sec. 3.

¹¹² Franklin D. Roosevelt, Acceptance Speech for the Renomination for the Presidency, June 27, 1936, in *Public Papers and Addresses of Franklin D. Roosevelt*, American Presidency Project, www.presidency.ucsb.edu; repeated in State of the Union Message to Congress, January 11, 1944, *ibid.*

¹¹³ Locke, *Second Treatise*, chap. 5, sec. 32, 35.

¹¹⁴ Locke, *Essay*, bk. 4, chap. 20, sec. 4. Compare the philosophic poet Virgil: God “willed that our way be hard,” but the harshness of nature had the beneficial effect of compelling us to undertake “pitiless hard labor,” leading to the invention of “the various arts one by one.” *Georgics*, bk. 1, lines 119–67, trans. Karl Maurer, in an email from the translator.

primitive condition of man. He is full of “naive simplicity” and “inexperienced in the many beautiful things that go with urban life” prior to the development of the productive arts and education.¹¹⁵

In the context where Locke speaks of the “almost worthless materials, as in themselves,” he does not say or imply that all of nature is worthless or hostile to human life. He is speaking very specifically of breadmaking. It requires the “plowman’s pains, the reaper’s and thresher’s toil, and the baker’s sweat,” along with many other things which he lists. From the point of view of what it takes to get a loaf of bread ready for the customer, it is simply a fact, and not a break with the premodern philosophic tradition, that the unimproved materials supplied by nature are “almost worthless.”

Locke gives a judicious assessment of the value of nature’s gifts in *Conduct of the Understanding*:

even most of those excellences which are looked on as natural endowments will be found, when examined into more narrowly, to be the product of exercise, and to be raised to that pitch only by repeated actions. . . . I do not deny that natural disposition may often give the first rise to it; but that never carries a man far without use and exercise, and it is practice alone that brings the powers of the mind as well as those of the body to their perfection.¹¹⁶

“[U]se and exercise” would have no effect without the original “natural endowments.” As noted earlier, Locke holds that deficiencies in “their natural constitutions,” “their very natures,”¹¹⁷ makes it impossible for some people to become rational in any significant degree.

Locke himself seems to have been partly responsible for some readers’ misunderstanding of the important ways in which nature is both good and bad for man, and not wholly bad or indifferent. In the *Second Treatise*, Locke lists three things that “labor makes the far greatest part of the value of,” namely, bread, wine, and cloth.¹¹⁸ But although “bread” and “clothing” are “more useful commodities . . . than acorns . . . [and] leaves, skins, or moss,” wine is different. Putting wine in the middle of this list of three quietly draws attention to Locke’s deliberate exaggeration, in the chapter on property, of the value of labor and the worthlessness of nature.¹¹⁹ Wine is cer-

¹¹⁵ *The Laws of Plato*, trans. Thomas L. Pangle (New York: Basic Books, 1980), bk. 3, 677a–678b, 679c.

¹¹⁶ Locke, *Conduct of the Understanding*, sec. 4.

¹¹⁷ *Ibid.*, sec. 6.

¹¹⁸ Locke, *Second Treatise*, chap. 5, sec. 42.

¹¹⁹ Locke, *Reasonableness of Christianity*, 247–48: a writer sometimes puts something in the center of a list in order to indicate its importance. Locke’s example is the Biblical letter of Paul to the Hebrews: “This description of faith (that we might not mistake what he means by that faith, without which we cannot please God, and which recommended the saints of old) St. Paul places in the middle of the list of those who were eminent for the faith.”

tainly more valuable than water in the sense that it is more expensive. But wine is less useful to human life than water. If we had only wine to drink, we would live short lives as drunkards and die young. True, wine adds pleasure to life, but only by making us more imaginative and less rational. That is appropriate for recreation, but not for the important business of life. That requires reason, and water is more supportive of that than wine.

In an article on interest rates, Locke states explicitly that water is more valuable than wine:

What more useful or necessary things are there to the being, or well being, of men, than air and water? And yet these have generally no price at all, nor yield any money: because their quantity is immensely greater than their vent, in most places of the world. But, as soon as ever water (for air still offers itself everywhere, without restraint, or inclosure, and therefore is nowhere of any price) comes any where to be reduced into any proportion to its consumption, it begins presently to have a price, and is sometimes sold dearer than wine.¹²⁰

Locke adds that “the bounty of providence has made their production large.” In regard to air and water, and in many other cases, “providence” or nature really is bountiful. So much for Locke’s supposed view that nature is “almost worthless.”

Why would Locke have deliberately understated the worth of nature in the *Two Treatises*? Perhaps he exaggerated nature’s hostility to man “because he had to wean us . . . from millennia-old pampering (softening) due to belief in creation and providence.” (Strauss applied this expression to Nietzsche,¹²¹ but I believe it describes part of Locke’s intention precisely.) Like Machiavelli and Shakespeare before him, Locke wanted us to man up, showing that we can solve at least some of the problems of human life if we adopt a more assertive posture toward nature and make better use of our talents. Providence made woman “bring forth her children in sorrow and pain,” but it would not be “sinful” to invent “a remedy for it.”¹²² Locke anticipates modern anesthetics. Machiavelli laments that many “still have the opinion that the things of the world are in a mode governed by Fortuna and God, that men with their prudence are unable to correct them . . . and . . . that it does not do to sweat much over things but to let them go to be governed by chance.” But although

it could be true that Fortuna is the arbiter of half our actions, . . . she lets the other half, or nearly that, be governed by us. And I liken her

¹²⁰ Locke, *Some Considerations of the Lowering of Interest and Raising the Value of Money* (1691), in *Works of John Locke*, 5: 41.

¹²¹ Strauss to Karl Löwith, June 23, 1935, in Strauss and Löwith, “Correspondence Concerning Modernity,” *Independent Journal of Philosophy* vol. 5/6 (1988): 183.

¹²² Locke, *First Treatise*, chap. 5, sec. 47.

to one of those violent rivers which, when they become angry, . . . destroy trees and buildings. . . . [I]t does not follow that men, when there are quiet times, cannot therefore make provisions with defenses and embankments.¹²³

Shakespeare’s comic heroes likewise show how prudent management of affairs can thwart the incipient tragedies that are always at hand to wreck our aspiration for happiness.¹²⁴

IX. HAPPINESS AS REASON’S STANDARD

But if human nature cannot guide reason, where does reason find its guide? Locke gives us an important or rather decisive clue to his reasoning on the ground of the law of nature in an apparently casual remark in the *Second Treatise*, chapter 6. “Law, in its true notion,” he writes, “is not so much the limitation as the direction of a free and intelligent agent to his proper interest, and prescribes no farther than is for the general good of those under that law. Could they be happier without it, the law, as an useless thing would of itself vanish.”¹²⁵ True law—and this would obviously include the law of nature—directs those under it to their “proper interest,” their “general good,” that is, to what makes them “happier.” Happiness is the standard, not nature, and certainly not the strength of the passions of self-preservation and self-perpetuation through offspring. Since Locke also says that “reason . . . is that law,”¹²⁶ i.e., the law of nature, we may infer that the law of nature is a set of rules or rather guidelines, discovered by reason, “for the general good of those under that law.” If those under it “could be happier without it,” it would “of itself vanish,” because reason would declare it harmful. A reasonable assessment of what promotes happiness, then, is, in this passage, Locke’s sole standard for law “in its true notion.” The self-interest of all, understood not as immediate self-interest or mere self-preservation, but rather as the good or happiness of all, is Locke’s ultimate standard for reason, and it is the real basis of the law of nature. This is confirmed explicitly in a parallel passage in the *First Treatise*: “the positive laws of the society [should be] made conformable to the laws of nature for the public good, i.e. the good of every particular member of that society, as far as by common rules, it can be provided for.”¹²⁷

We will have to consider later the reasons why Locke thought it best to conceal or rather to de-emphasize happiness as the basis of the law of

¹²³ Niccolò Machiavelli, *The Prince* (1513), trans. Leo Paul S. de Alvarez, 2d ed. (Long Grove, IL: Waveland Press, 1989), chap. 25, 146–47.

¹²⁴ Two such comedies are *Measure for Measure* and *The Merchant of Venice*.

¹²⁵ Locke, *Second Treatise*, chap. 6, sec. 57.

¹²⁶ *Ibid.*, chap. 2, sec. 6.

¹²⁷ Locke, *First Treatise*, chap. 9, sec. 92.

nature and the end that reason should look to. The most obvious point is that a merely consequentialist argument for morality—do it because you will be happier—is not likely to be a sufficient incentive to perform one's obligations when they conflict with one's apparent self-interest.

Locke leaves unanswered the question of the relation between the passions for self-preservation and procreation, on the one hand, and happiness on the other. Why would Locke suggest (in the passages in the *First Treatise* discussed earlier) that the law of nature is grounded in such common passions, if its real standard is something higher and seemingly nobler, happiness and our "*proper* interest," as opposed to something low, mere preservation and production of offspring? And how does reason know that human beings are better off if they follow these commonplace desires, as opposed to the rare ambition of those who aspire to do great things, even if at the expense of their less able fellow men?

To answer these questions, we must turn to Locke's only extended consideration of human happiness, in book 2, chapter 21, of his *Essay on Human Understanding*. Happiness is the goal of human life. It is that "which we all aim at in *all* our actions"¹²⁸ (my emphasis). In other words, the pursuit of happiness is the fundamental natural inclination—not self-preservation, as is often said of Locke.¹²⁹ "Nature, I confess, has put into man a desire of happiness, and an aversion to misery: these . . . influence all our actions without ceasing: these may be observed in all persons and all ages, steady and universal."¹³⁰ Locke defines happiness as "the utmost pleasure we are capable of."¹³¹ In *Some Thoughts Concerning Education*, Locke repeats the thought: "The happiness that all men so steadily pursue consist[s] in pleasure."¹³² That is because the good for human beings is pleasure. "Things then are good or evil, only in reference to pleasure or pain. That we call good, which is apt to cause or increase pleasure, or diminish pain in us."¹³³

Locke seems to be (but is not) advocating a doctrine of crude hedonism. Anything that happens to give us pleasure, it might appear, is without further ado to be called good. The more we have of any random pleasures, it would seem, the happier we will be. Locke's argument seems to

¹²⁸ Locke, *Essay*, bk. 2, chap. 21, sec. 36.

¹²⁹ Pangle, *Spirit of Modern Republicanism*, 206, argues that the *Essay's* "emphasis on the pursuit of happiness" and not self-preservation is to be contrasted with the emphasis in the *Two Treatises* on "self-preservation and property" and corresponding de-emphasis on the pursuit of happiness. So far I agree. But Pangle draws a conclusion that the evidence does not support: that there is "a clear ascent from the former [*Essay*] to the latter [*Two Treatises*]." In the end, Pangle maintains, "preservation is the regulatory principle for happiness" in Locke's argument. My argument is the opposite: happiness is the regulatory principle for preservation, because happiness is the end of human life, and preservation is only part of the means.

¹³⁰ Locke, *Essay*, bk. 1, chap. 3, sec. 3.

¹³¹ *Ibid.*, bk. 2, chap. 21, sec. 43.

¹³² Locke, *Some Thoughts Concerning Education*, sec. 143.

¹³³ Locke, *Essay*, bk. 2, chap. 20, sec. 2.

equate the ways of life of the noblest and the most despicable human types—the statesman, the philosopher, the poet, the lowly bourgeois, the thief, the drug addict, and the mass murdering tyrant—as long as the life in question is pleasant.

But that is not what Locke means. He rejects the equation of happiness with the enjoyment of any and every pleasure. He does so because our present choices for pleasure (or for the relief of pain) will lead to future pain if we choose wrongly. "[A]s to present pleasure and pain," Locke writes, "the mind . . . never mistakes that which is really good or evil; that which is the greater pleasure, or the greater pain, is really just as it appears." The problem is that "when we compare present pleasure or pain with future (which is usually the case in the most important determinations of the will), we often make wrong judgments."¹³⁴ We fail to anticipate, and therefore to be moved by, the future pain that will follow our present wrong indulgences: "Were the pleasure of drinking accompanied, the very moment a man takes off his glass, with that sick stomach and aching head, which, in some men, are sure to follow not many hours after; I think nobody, whatever pleasure he had in his cups, would, on these conditions, ever let wine touch his lips; which yet he daily swallows."¹³⁵

Locke explains this paradox by arguing that what "determines the will in regard to our actions" is not any remote consideration of happiness and misery, but rather the unease of present desire. "For desire being nothing but an uneasiness in the want of an absent good, in reference to any pain felt, ease is that absent good" (sec. 31). We feel the present pain (desire), and we are stirred to be rid of it (ease), not noticing or considering the more remote consequences of achieving that short-term "ease." "Nothing, as we passionately think, can exceed, or almost equal, the uneasiness that sits so heavily upon us" (sec. 64). And so "that absent [long term] good . . . seldom is able to counterbalance any uneasiness . . . which is present" (sec. 65). Consequently, people are foolishly "apt to take up with any pleasure at hand, or that custom has endeared to them" (sec. 68):

[L]et a drunkard see that his health decays, his estate wastes; discredit and diseases, and the want of all things, even of his beloved drink, attends him in the course he follows; yet the returns of uneasiness to miss his companions, the habitual thirst after his cups, at the usual time, drives him to the tavern, though he has in his view the loss of health and plenty, and perhaps of the joys of another life. (sec. 35)

¹³⁴ Locke, *Essay*, bk. 2, chap. 21, sec. 63.

¹³⁵ *Ibid.* In the rest of this section, I will put all references to *Essay*, bk. 2, chap. 21, in the text, where I will provide only the section number.

This leads Locke to lament the “weak and narrow constitution of our minds” and “our narrow souls” (sec. 64) as the cause of this fundamental human problem: although happiness is our deepest and constant longing, we constantly do things that make us miserable.

But this gloomy state of affairs has a remedy, and that is reason. Reason *can* change the mistaken bias of our passions and direct them to “true happiness.” “[T]he forbearance of a too hasty compliance with our desires, . . . so that our understandings may be free to examine, and reason unbiased give its judgment” is “that whereon a right direction of our conduct to true happiness depends.” Consequently,

it is in this we should employ our chief care and endeavours. In this we should take pains to suit the relish of our minds to the true intrinsic good or ill that is in things, and not permit an allowed or supposed possible great and weighty good to slip out of our thoughts . . . till, by a due consideration of its true worth, we have formed appetites in our minds suitable to it, and made ourselves uneasy in the want of it, or in the fear of losing it. (sec. 53)

The use of reason in our choices is consequently of the greatest importance for our happiness or misery. This is above all why reason should be our “only star and compass.”¹³⁶ For “the highest perfection of intellectual nature lies in a careful and constant pursuit of true and solid happiness.” We must take care “that we mistake not imaginary for real happiness” (sec. 51). A man who by a “too hasty choice” does something that will likely lead to misery “has imposed on himself wrong measures of good and evil. . . . He has vitiated his own palate, and must be answerable to himself. . . . The eternal law and nature of things must not be altered to comply with his ill-ordered choice” (sec. 56). Everything depends on the competent use of reason to enable us to assess the probable consequences of our actions and so to make the right choices.

This conclusion brings us back to the question of the status of nature. If happiness is Locke’s standard, then nature is vindicated. Although man constantly mistakes his true interest and pursues happiness incompetently—because of the inadequacy of nature to guide him rightly—nevertheless it is the same nature that “has put into man a desire of happiness, and an aversion to misery,” a desire that Locke admits to be man’s defining “innate practical principle.” If all goes well, reason, for which nature provides the seeds, working together with that fundamental natural desire, determines a man’s choices in life. In this sense Locke continues to follow the standard of living according to nature.

¹³⁶ Locke, *First Treatise*, sec. 58.

X. LOCKE’S DENIAL OF A SINGLE HIGHEST GOOD

We seem finally to have reached the desired explanation for Locke’s claim, in the *First Treatise*, that reason approves of the passions of self-preservation and procreation. We would only have to fill in the details of how the choices following from these passions produce happiness. Locke’s hedonism properly understood would then lead human beings, by consequentialist reasoning, to a moral law that promotes parental care of offspring and mutual respect for each other’s life, liberty, and estate.

But a major obstacle stands in the way of that conclusion. In one of the most famous passages of the *Essay*, Locke denies the existence of a highest good for human beings: “the philosophers of old did in vain inquire, whether *summum bonum* consisted in riches, or bodily delights, or virtue, or contemplation: and they might have as reasonably disputed, whether the best relish were to be found in apples, plums, or nuts, and have divided themselves into sects upon it.” Since different people have different palates, what is pleasant to the taste of one may be repulsive to another. “Cheese or lobsters, . . . though very agreeable and delicious fare to some, are to others extremely nauseous and offensive.”¹³⁷

Locke appears to endorse a simplistic relativism in this almost shocking statement. He seems to be contradicting everything we have just discussed. If people are so different from one another, it would seem that there can be no intelligible account of the human good. Yet in the passages quoted on the past few pages, we have seen that Locke emphatically asserts that “the highest perfection of our intellectual nature” is something that really exists, and that it “lies in a careful and constant pursuit of true and solid happiness.”¹³⁸ How can we reconcile Locke’s apparent relativism with his insistence that happiness is something “true and solid” that reason is able to discover? In spite of his assurances to the contrary, is Locke preparing the way for that well-known pronouncement of the U.S. Supreme Court, that there is a fundamental right to “define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life”?¹³⁹

Locke clarifies his argument against a *summum bonum* with a revealing image: “Men may choose different things, and yet all choose right; supposing them only like a company of poor insects; whereof some are bees, delighted with flowers and their sweetness; others beetles, delighted with other kinds of viands. . . .”¹⁴⁰ In Locke’s metaphor, human beings are like two categories of insects: bees seeking the sweetness of flowers, and bee-

¹³⁷ Locke, *Essay*, bk. 2, ch. 21, sec. 55.

¹³⁸ *Ibid.*, bk. 2, ch. 21, sec. 51.

¹³⁹ *Lawrence v. Texas*, 539 U.S. 558, 574 (2003) (majority opinion of Justice Anthony Kennedy).

¹⁴⁰ Locke, *Essay*, bk. 2, chap. 21, sec. 55. The context of Locke’s remark is the assumption, which he verbally denies in the passage in question, that there is no pleasure or pain in a life after death. My argument in the text does not depend on the existence or nonexistence of an afterlife, because Locke’s contrast holds good either way.

tles living on other kinds of food, unnamed by Locke. (Beetles often feed on decaying organic matter such as feces.) At the beginning of the *Essay*, in the “Epistle to the Reader,” Locke describes himself as a “hunter” after truth. The hunter’s delight is said to be “greater and more constant” than any other: “the UNDERSTANDING . . . as it is the most elevated faculty of the soul, so it is employed with a greater and more constant delight than any of the other[s]. . . . [E]very moment of . . . [the hunter’s] pursuit will reward his pains with some delight.”¹⁴¹ In the dedicatory epistle to the *Essay*, Locke compares his book to a “basket of flowers,”¹⁴² thereby connecting the hunter’s way of life with that of the flower-seeking bees.

Locke’s simile suggests that there are two human types: “bees” and “beetles.” A few pages earlier, Locke had mentioned as examples two human types: the “studious man” and the “epicure.” The “studious man” aims at “the delight of knowledge,” like the hunter of the “Epistle to the Reader.” But the epicure places “his satisfaction in sensual pleasures.”¹⁴³ In his discussion of the epicure and the studious man, Locke remarks that, as “for the pleasures of sense, they have too many followers” for anyone to doubt their existence.¹⁴⁴ Is this the human equivalent of dung-eating beetles? Could Locke be suggesting that most people are “beetles,” who, if they were free to indulge their hearts’ desire, would seek out nothing but degraded sensual pleasures? Locke makes no explicit judgment on whether bees make a better dietary choice than beetles. Both eat the food that is suitable for them. But the difference between sweet-smelling flowers and foul excrement suggests that the bees have the better of it. One is reminded of Machiavelli’s famous letter to Vettori: “On the coming of evening, I return to my house and enter my study. . . . I enter the ancient courts of ancient men, where, received by them with affection, I feed on that food which only is mine, and which I was born for, where I am not ashamed to speak with them . . . ; and they in their kindness answer me.”¹⁴⁵ Few are born for the food of the greatest minds.

But is it really true that in Locke’s writings, mankind faces the stark choice between the heights of intellectual insight (“bees”) and the depths of degraded sensuality (“beetles”)? If we look at the works in which Locke treats education, we find not just two but three major human types, corresponding to his three kinds of education. For the vulgar, Locke advocates a religious education, discussed in *The Reasonableness of Christianity*. Locke explains there that the “bulk of mankind” needs religious instruction because using reason to determine how to live requires “long, and sometimes intricate deductions. . . . Such trains of reasonings the

¹⁴¹ Locke, *Essay*, “Epistle to the Reader,” 6.

¹⁴² Locke, *Essay*, “Epistle Dedicatory,” 3.

¹⁴³ Locke, *Essay*, bk. 2, chap. 21, sec. 43.

¹⁴⁴ *Ibid.*

¹⁴⁵ Machiavelli, letter to Vettori, Dec. 10, 1513, in *Machiavelli: The Chief Works and Others*, trans. Allan Gilbert (Durham: Duke University Press, 1965), 2: 929.

greatest part of mankind have neither leisure to weigh; nor, for want of education and use, skill to judge of.”¹⁴⁶ He continues,

The greatest part of mankind want leisure or capacity for demonstration; nor can they carry a train of proofs. . . . And you may as soon hope to have all the day-labourers and tradesmen, the spinsters and dairy maids perfect mathematicians, as to have them perfect in ethics this way. Hearing plain commands, is the sure and only course to bring them to obedience and practice. The greatest part cannot know, and therefore they must believe. . . . [G]iving plain and direct rules of morality and obedience . . . [is] likelier to enlighten the bulk of mankind, and set them right in their duties, and bring them to do them, than by reasoning with them from general notions and principles of human reason.”¹⁴⁷

The second kind of education is that of gentlemen, described in *Some Thoughts Concerning Education*. Their pleasure lies especially in living in accord with that which is honorable, or, as the Greeks called it, *to kalon*. The gentlemen are to be taught by appealing to their love of honor and abhorrence of disgrace, by habituation through praise and blame:

[C]hildren [should] . . . be brought to conceive, that those that are commended and in esteem for doing well, will necessarily be beloved and cherished by everybody, and have all other good things as a consequence of it. . . . In this way the objects of their desires are made assisting to virtue. . . . If by these means you can come once to shame them out of their faults, . . . and make them in love with the pleasure of being well thought on, you may turn them as you please, and they will be in love with all the ways of virtue.¹⁴⁸

Love of pleasure (“the pleasure of being well thought on”) is gradually transformed into love of “all the ways of virtue.” The goal of this education is an internalized sense of the noble and base that can never thenceforth be erased:

It is virtue then, direct virtue, which is the hard and valuable part to be aimed at in education. . . . This is the solid and substantial good, which . . . the labour and art of education should furnish the mind with, and fasten there, and never cease till the young man had a true relish of it, and placed his strength, his glory, and his pleasure in it.¹⁴⁹

¹⁴⁶ Locke, *Reasonableness*, chap. 14, 266.

¹⁴⁷ *Ibid.*, chap. 14, 279–80.

¹⁴⁸ Locke, *Some Thoughts Concerning Education*, sec. 58.

¹⁴⁹ *Ibid.*, sec. 70.

Locke's third education is the "conduct of the understanding," that is, the education of the human mind toward philosophic reason and insight, discussed in his book of the same name.

These three kinds of education correspond to the three kinds of human beings discussed by Aristotle in his *Nicomachean Ethics*. First are "the many and crudest," who "appear altogether slavish," "choosing a life of fatted cattle." These are Locke's "epicures" or "beetles." Next are those who "pursue honor, so that they may be convinced that they themselves are good; at any rate, they seek to be honored by the prudent, . . . and for their virtue." These correspond to Locke's gentlemen, whose dominant principle is love of honor and the honorable. Finally, there is the "contemplative (*theoretikos*) life," that of the philosopher.¹⁵⁰ This is Locke's "studious man" or "hunter," who, "not content to live lazily on scraps of begged opinions, sets his own thoughts on work, to find and follow truth."¹⁵¹

Locke's teaching on the *summum bonum* might be acceptable to an Aristotle or a Plato, if explained in the following way. Each person has his or her own "palate," talents, and disposition, and is therefore fundamentally limited in life choices likely to be beneficial to himself. For that reason, the philosophic life cannot be the *summum bonum*, the highest good, for everyone. Only by considering a person's nature, the range of its passions and its tastes, its intellectual strengths and weaknesses, can a rational path to happiness for each person be found. No classical philosopher would advocate the philosophic life for someone whose inclinations lead him to the life of a farmer or businessman. Locke's book on education describes how parents should cope differently with children of different temperaments. "Some men by the unalterable frame of their constitutions, are . . . tractable or obstinate, curious or careless, quick or slow. . . . These native propensities, these prevalencies of constitution, are not to be cured by rules, or a direct contest; . . . though with art they may be much mended. . . ." And in another place he writes, "If it be any father's misfortune to have a son . . . [who is uneducably] perverse and untractable, I know not what more he can do but pray for him."¹⁵² If a person does not have the talent and inclination for it, trying to live the philosophic life, or even the life of a gentleman, will be a waste of time, a painful labor that produces frustration, anxiety, and boredom. It will not be pleasant. It will lead to misery, not to happiness. We have already quoted Locke's sober observation that "their natural constitutions put so wide a difference between some men in this respect [namely, in their understandings] that . . . their very natures seem to want a foundation to raise on it that which other men easily attain unto."¹⁵³

¹⁵⁰ Aristotle, *Nicomachean Ethics*, bk. 1, chap. 5, 1095b14-1096a5.

¹⁵¹ Locke, *Essay*, "Epistle to the Reader," 6.

¹⁵² Locke, *Some Thoughts Concerning Education*, sec. 101-2, 87.

¹⁵³ Locke, *Conduct*, sec. 2.

Plato is no less aware of this obstacle to the philosophic life. In the *Republic*, Socrates remarks: "those steady, not easily changeable dispositions, which one would be inclined to count on as trustworthy and which in war are hard to move in the face of fears, act the same way in the face of studies. They are hard to move and hard to teach, as if they had become numb, and they are filled with sleep and yawning when they must work through anything of the sort."¹⁵⁴

If one adopts the idea of a single highest good for all human beings, one is more or less compelled to accept the harsh conclusion of Leo Strauss: "If striving for knowledge of the eternal truth is the ultimate end of man, . . . the man who is merely just or moral without being a philosopher appears as a mutilated human being."¹⁵⁵ Strauss tentatively attributes that view to the classics in the passage from which this line is quoted. Locke resists this conclusion. He implies that belittling the nonphilosopher in this way is like criticizing a beetle for not being a bee. It is not in the nature of a beetle to be a bee. Aristotle says that "nature is an end: what each thing is—for example, a human being, a horse, or a household—when its coming into being is complete, is, we assert, the nature of that thing."¹⁵⁶ Are we then to conclude that everything in the world that falls short of perfection is mutilated or unnatural? As Strauss's remark implies, that would lead to the absurd or repellent conclusion that almost the whole human race—everyone that we would call "normal" in daily life—is "mutilated."

Locke's passage mocking the classical search for the *summum bonum* is famous and often quoted. But later in the *Essay*, in a passage that is noticed far less often, Locke writes that human beings "are both concerned and fitted to search out their *summum bonum*."¹⁵⁷ In this passage Locke admits that there *is* a *summum bonum*—not one single good for everyone, to be sure, but a genuine highest good for each person. We quoted earlier Locke's remark that "the highest perfection of intellectual nature lies in a careful and constant pursuit of true and solid happiness."¹⁵⁸ The way of life that leads to happiness is indeed relative to each person, but there is also a highest good, a "true intrinsic good,"¹⁵⁹ that is unique to each person. Each of us must "search out" that good by the use of reason and observation.

Locke is certainly a relativist in the sense that the path to happiness is not the same for everyone. But he is not a relativist in the usual meaning of that term. Far from agreeing with the U.S. Supreme Court that each person may "define [his] own concept of existence, of meaning, of the

¹⁵⁴ *The Republic of Plato*, trans Allan Bloom (New York: Basic Books, 1968), bk. 6, 503c-d.

¹⁵⁵ Strauss, *Natural Right and History*, 151.

¹⁵⁶ Aristotle, *Politics*, bk. 1, chap. 2.

¹⁵⁷ Locke, *Essay*, bk. 4, chap. 12, sec. 11.

¹⁵⁸ *Ibid.*, bk. 2, chap. 21, sec. 52.

¹⁵⁹ *Ibid.*, bk. 2, chap. 21, sec. 53.

universe, and of the mystery of human life,"¹⁶⁰ Locke is reaffirming an insight that we find in the classics: that the philosophic life is best for those few who have the talent and inclination for it. To be sure, unlike the classics, Locke practices the virtue of civility ("a gentle, courteous, affable carriage towards the lower ranks of men")¹⁶¹ by his reticence concerning his opinion that he enjoys a life superior to that of others. Locke does not trumpet his conclusion that he lives with the sweetness of flowers while most others are content to eat dung. Does it really make sense to crow that the life of the mind is best, when most have no capacity or desire for it? Locke refuses to insult those whose natures or conditions make them incapable of such a life. Besides, if they are not capable of it, that life really is not the highest good *for them*.

XI. CAN THERE BE A COMMON GOOD?

The upshot of Locke's chapter on happiness in the *Essay* seems to be that there cannot be a common good for society, for the same reason that there cannot be a single highest good (*summum bonum*) for everyone. People are different, and reason must search out the individual good for each. However, we recall the earlier quotations from the *Two Treatises* affirming the existence of a common or public good.¹⁶² In the *First Treatise*, when the law of nature is enforced by "the positive laws of the society," it promotes "the good of every particular member of that society, as far as by common rules, it can be provided for."¹⁶³ In the *Second Treatise*, Locke ties the common or "general good" to individual happiness ("his proper interest," "happier"): all law, "in its true notion, is . . . the direction of a free and intelligent agent to his proper interest, and . . . is for the general good of those under that law. Could they be happier without it, the law, as an useless thing, would of itself vanish."¹⁶⁴

One might wonder whether the law of nature truly promotes the happiness of every single person at all times and in all conditions. Locke alludes to this difficulty when he notes that there are times when death may be preferable to life, such as a condition in which "the hardship of his slavery outweigh[s] the value of his life."¹⁶⁵ Homer's Achilles had no doubt that a brief, violent life of war is far preferable to a long, uneventful existence at peace. Locke perhaps acknowledges the point when he says

¹⁶⁰ *Lawrence v. Texas*, 574.

¹⁶¹ Locke, *Some Thoughts Concerning Education*, sec. 117.

¹⁶² Locke uses the expression "common good" in *Second Treatise*, chap. 9, sec. 131; the equivalent phrase "public good" appears more frequently, e.g., chap. 1, sec. 3; chap. 7, sec. 89.

¹⁶³ Locke, *First Treatise*, chap. 9, sec. 92.

¹⁶⁴ Locke, *Second Treatise*, chap. 6, sec. 57.

¹⁶⁵ Locke, *Second Treatise*, chap. 4, sec. 23.

that civil laws made in conformity with the laws of nature only promote the good of everyone "as far as by common rules, it can be provided for." If Locke was thinking of the "palate" of the "great butchers of mankind"¹⁶⁶ such as Alexander the Great, he is perhaps tacitly proposing an alliance between the philosophers and the people who are not thirsting with ambition to be conquerors. For the members of this alliance—which would include the vast majority of mankind—the laws of nature would be unambiguously good. The happiness of the Achilles-Alexander-Caesar types must be sacrificed to that of the philosophers and the people. There is no perfect solution to the human problem.

There are many passages, in the *Two Treatises* and elsewhere, in which Locke goes beyond these abstract formulations and names specific things that are good for everyone, for example, life and property,¹⁶⁷ generating and raising children,¹⁶⁸ liberty,¹⁶⁹ and friendship.¹⁷⁰ Virtue is spoken of throughout the *Education* as something without which we cannot be happy, in part because it is an indispensable condition of love and friendship. Virtue makes a person "valued and beloved by others, acceptable or tolerable to himself. Without that, I think, he will be happy neither in this nor the other world."¹⁷¹ (The parallel passage in Aristotle's *Ethics*: "The base person, therefore, does not appear to be disposed in a friendly way even toward himself, because he possesses nothing lovable. If, therefore, to be thus disposed is to be extremely miserable, a person must . . . attempt to be decent, since in this way he would both be disposed toward himself in a friendly way and become a friend to another.")¹⁷²

How do we reconcile this seeming contradiction between the denial of a highest good in the name of idiosyncratic hedonism and the affirmation of a common good that sounds strongly moralistic? Locke's answer is not explicit, but it can be easily inferred. His argument about human diversity is only part of the truth. Human beings are also alike in important respects. To that extent they share a common nature and therefore belong to the same species. To that extent there *can* be a common good beneficial to each. The chapter on happiness in the *Essay* highlights the ways in which human beings are different, leading to the conclusion that happiness is relative to the individual. In the *Two Treatises*, in contrast, the focus is on those elements of human nature that are common to all. This is the real basis of the difference noted by Pangle that was quoted earlier¹⁷³: happiness is an explicit theme of the *Essay*, while preservation and property come to the fore in the *Two Treatises*. The fact that human beings share

¹⁶⁶ Locke, *Some Thoughts Concerning Education*, sec. 116.

¹⁶⁷ Locke, *First Treatise*, chap. 9, sec. 86.

¹⁶⁸ *Ibid.*, chap. 9, sec. 88.

¹⁶⁹ Locke, *Second Treatise*, chap. 3, sec. 17.

¹⁷⁰ Locke, *Some Thoughts Concerning Education*, end of "Epistle Dedicatory" and sec. 96.

¹⁷¹ *Ibid.*, sec. 135.

¹⁷² Aristotle, *Nicomachean Ethics*, bk. 9, chap. 4, 1166b25–29.

¹⁷³ Pangle, *Spirit of Modern Republicanism*, 206, quoted in note 129 above.

some important common qualities makes possible a general agreement about some (but not all) of what contributes to human happiness.

In a well known passage of the *Essay*, Locke appears to raise doubts about the existence of species because of the difficulty of finding a definition that includes all whom we call (for example) “human beings.” “[O]ur boundaries of species are not exactly conformable to those in nature.” How then can Locke consistently speak of a common human nature? But Locke also admits that although the boundaries of species “whereby men sort them” are artificially made by us and therefore somewhat arbitrary, nevertheless nature does produce things with persistent common characteristics.¹⁷⁴ Locke’s analysis of the imperfect rationality of human nature, discussed earlier in this paper, is part of his effort to classify the human species more accurately than has been customary. In spite of differences in regard to rationality, human beings do share enough common characteristics to make it possible to speak of a partial common good.

Reason is the link between the two complementary treatments of happiness in the two books. In the *Essay*, reason makes possible choices particular to each person that are more likely to lead to happiness and away from misery. In the *Two Treatises*, reason is equated with the law of nature, which is a collection of rules or principles that enable human beings in general to be “happier” when they follow it. In both cases, reason enables people to make choices that serve their “proper interest.”¹⁷⁵

The human nature that is common to all includes the body along with the passions that seek preservation of life and species. Providing for the body’s needs, and restraining and directing the destructive passions, is therefore good for everyone and belongs to the law of nature. One should try to preserve oneself and, if it is not dangerous to oneself, also to preserve others,¹⁷⁶ for we benefit from the existence of others who are willing to live peacefully with us. Quarreling with them unnecessarily leads to war, violence, and death. Further, procreating and raising children belongs to the law of nature, for every society needs to produce and raise future citizens, and parents generally take pleasure in perpetuating themselves. Locke mentions children and friends as an example of things that are the source of pleasure not only once but all the time: “Thus the being and welfare of a man’s children or friends, producing constant delight in him, he is said constantly to love them.”¹⁷⁷ That can only happen if people have children and raise them sufficiently well to shift for themselves. Therefore, the law of nature includes the institution of marriage as a compact that exists for the procreation and nourishing of children, in which no-fault divorce is ruled out as long as there are children

¹⁷⁴ Locke, *Essay*, bk. 3, chap. 6, sections 30, 37.

¹⁷⁵ Locke, *Second Treatise*, chap. 6, sec. 57.

¹⁷⁶ *Ibid.*, chap. 2, sec. 6.

¹⁷⁷ Locke, *Essay*, bk. 2, chap. 20, sec. 5.

who need their parents’ care.¹⁷⁸ Adultery, homosexuality, and incest are to be discouraged, because they “cross the main intention of nature” by interfering with procreation or the integrity of “the marriage bed.”¹⁷⁹

Supplementing these fundamental rules in the *Two Treatises*, Locke’s *Education* adds others, following the same principle—preservation of oneself and all mankind—that we find in the *Treatises*: “And truly, if the preservation of all mankind, as much as in him lies, were everyone’s persuasion, as indeed it is everyone’s duty, and the true principle to regulate our religion, politics, and morality by, the world would be much quieter and better natured than it is.”¹⁸⁰ In that book, some of the rules or rather virtues promoting that end are honesty, industriousness, justice, moderation, generosity, courage, and civility. Preservation and self-perpetuation, along with friendship and the other blessings that follow those things, are goods that everyone can enjoy—as opposed to the austere delights of the studious man investigating the nature of the human mind. It is not the strength of the passions for life and offspring, but their actual contribution to the happiness of everyone, that makes them part of the law of nature.

If we follow these rules of reason, we will generally live longer. We will be more likely to live in peace with our fellow human beings. We will have a kind of bodily access to eternity through our children. Marriage and property will enable us to enjoy the sensual pleasures in due measure, i.e., in such a way that we can continue to enjoy them in the future. We will have a greater abundance of material goods, thus escaping the penury and pains of the primitive state of nature. And finally, we will possess the kind of character that will enable us to enjoy the pleasures of love and friendship, especially with our children.

In the *Letter on Toleration*, Locke offers a “consequentialist” presentation of his political teaching, in which the ultimate end of human life, happiness, is explicitly named as its basis:

Besides the immortal soul, the life of a human being is also in this world, precarious, in fact, and of uncertain duration. To sustain it he must work for earthly conveniences, which he will acquire, or has already acquired, by labor and industry. For the things necessary for *living well and happily* [my emphasis] are not born spontaneously. Hence a human being, because of these matters, has another care. The wickedness of human beings is such that most prefer to enjoy the fruits of other men’s labor rather than work to provide for themselves. Therefore, to protect a human being’s acquisitions, such as riches and talents, or the things that furnish them, such as liberty of

¹⁷⁸ Locke, *Second Treatise*, chap. 7, sections 77–81.

¹⁷⁹ Locke, *First Treatise*, chap. 6, sec. 59.

¹⁸⁰ Locke, *Some Thoughts Concerning Education*, sec. 116.

body and strength, one must enter into society with others, so that by mutual help and combined forces, each may have private and secure possession of these things useful for life. . . . But human beings entering into civil society, by a mutual compact of assistance for the defense of the things of this life, may nevertheless be deprived of their own things, either by the robbery and fraud of citizens, or by the hostile attack of outsiders. For the latter evil, the remedy to be sought is in arms, riches, and multitude of citizens; for the former, in laws. And the care over all these matters, and the power, are entrusted by society to the magistrates. The legislative, which is the supreme power in every commonwealth, has this origin, is constituted for these uses, and is circumscribed by these bounds, namely, that it look out for the private possessions of the individuals, as well as the whole people and its public interests, and that it prosper and increase in peace and wealth, so that by its own strength it may be safe against the invasion of foreigners as far as possible.¹⁸¹

I quote the entire passage to show that in this overview of the teaching of the *Second Treatise*, Locke altogether avoids the language of the law of nature or natural rights. The explanation is wholly in terms of what is useful for human happiness (“living well and happily”). In the *Second Treatise* he defends the same political order in juridical or natural-law terms, keeping the consequentialist reasoning of the passage just quoted in the background. What the law of nature adds to the quoted overview from the *Letter on Toleration* is the language of moral obligation. In the next section I will explain why this rights-and-duties language is indispensable for Locke’s project.

The fact that human beings share a common nature in part, but also differ in important ways, points to one of the characteristic features of the Lockean political order: limited government. If government seeks to provide the complete happiness of the citizens, as opposed to the conditions of happiness, it is trying to do more than it can do well. Government should aim at preserving each person’s life and promoting its continuation through marriage and family. But the individual’s own pursuit of happiness, which is largely left to private choice, will necessarily go beyond those minimal conditions.

XII. THE LIMITS OF REASON AND THE NEED FOR MORAL LAW

If, as Locke argues, the choice of the best way of life for oneself depends on accurately evaluating and shaping one’s desires, then it is up to each person to find out what choices are best for him or her. This is the task of reason. However, as we have already seen, Locke believes that the bulk of

¹⁸¹ Locke, *Epistola de Tolerantia* (“Letter on Toleration”), 68–69, my translation.

mankind is irredeemably ignorant. Reason should be, but mostly is not, our “only star and compass.”¹⁸²

In the second last chapter of the *Essay on Human Understanding*, Locke explains more fully why it is impossible for most people to use reason to guide their lives. First, they lack the opportunity for the necessary study and meditation, because “the greatest part of mankind . . . are given up to labor. . . . [A]ll their whole time and pains is laid out to still the croaking of their own bellies and the cries of their children.” Second, many people are simply too dull to be able to think capably: “there is a difference of degrees in men’s understandings . . . to so great a latitude, that one may . . . affirm that there is a greater distance between some men and others in this respect, than between some men and some beasts.”¹⁸³ Third, those who have the time and talent to cultivate their reason are often unwilling to do so:

Their hot pursuit of pleasure, or constant drudgery in business, engages some men’s thoughts elsewhere, [as does] laziness . . . or a particular aversion for books. . . . [Others,] out of fear that an impartial inquiry would not favour those opinions which best suit their prejudices, . . . content themselves . . . to take upon trust what they find convenient and in fashion.”¹⁸⁴

Fourth, those who do cultivate their reason often refuse to listen to its conclusions. Some of our opinions, going back to childhood, we revere as sacred. Sometimes rational insights conflict with our pride or other passions: “a learned professor, [will hardly allow] his authority of forty years standing, wrought out of hard rock, Greek and Latin, with no small expence of time and candle, and confirmed by general tradition and a reverend beard, [to be] in an instant overturned” by the arguments of a young “upstart.” But what “keeps in ignorance or error more people than all the other [causes] together” is blind deference to “common received opinions, either of our friends, or party; neighborhood, or country.”¹⁸⁵

Perhaps most surprising of all, Locke concludes his chapter on error by noting that most people are not even in error about “those doctrines they keep such a stir about” because they have no opinions at all about them. Few of “the partisans of most of the sects in the world” have any clear idea of what it is they supposedly believe in, and for which they are perhaps ready to fight and die. Most “are resolved to stick to a party that education or interest has engaged them in; and there, like the common soldiers of an army, show their courage and warmth as their leaders

¹⁸² Locke, *First Treatise*, sec. 58.

¹⁸³ Locke, *Essay*, bk. 4, chap. 20, sections 2, 5.

¹⁸⁴ *Ibid.*, sec. 6.

¹⁸⁵ *Ibid.*, sections 9, 11, 17.

direct, without ever examining, or even so much as knowing, the cause they contend for.”¹⁸⁶

In *The Reasonableness of Christianity*, Locke applies the lesson of this penultimate chapter of the *Essay* to the specific problem of the law of nature. He argues there that it is “too hard a task for unassisted reason to establish morality in all its parts upon a true foundation, with a clear and convincing light.” It takes “long and sometimes intricate deductions of reason to be made out to them. Such trains of reasoning the greatest part of mankind have neither leisure to weigh; nor, for want of education and use, skill to judge it.”¹⁸⁷

But the problem does not lie merely in the difficulty of discovering the precepts of the law of nature. Locke admits that some of the ancient philosophers did more or less discover the law of nature: “there were up and down scattered sayings of wise men, conformable to right reason. The law of nature, was the law of convenience too: and ’tis no wonder that those men of parts, and studious of virtue, . . . should by meditation light on the right, even from the observable convenience and beauty of it.” But the usefulness or beauty of rules for the ordering of society does not make them morally binding. The classical moral teaching “could never rise up to the force of a law.” Why not? Because “a morality, whereof the world could be convinced . . . must have its authority either from reason or revelation. ’Tis not every writer of morals, or compiler of it from others, that can thereby be erected into a lawgiver to mankind.”¹⁸⁸

Locke is saying that philosophers (like himself) have long known the basics of the law of nature. The content of that law—refraining from mutual injury, the requirements of the family, the cultivation of the conditions of civic and personal love and friendship—has long been understood. Precisely because human beings are so unreasonable, Locke is saying, it was unreasonable for the philosophers to have expected their reasonable moral teachings to be accepted without backing them up with a doctrine of a lawgiver who rewards and punishes. Locke suggests that philosophers such as Aristotle were deficient in this important respect: “[T]he philosophers who spoke from reason made not much mention of the deity in their ethics. They depended on reason and her oracles, which contain nothing but truth. But yet some parts of that truth lie too deep for our natural powers easily to reach, and make plain and visible to mankind, without some light from above to direct them.” In *Reasonableness*, where Locke modestly if only temporarily submits himself unquestioningly to the authority of Scripture, the “lawgiver to mankind” who rewards and punishes, the “deity” providing “light from above,” is God, speaking

¹⁸⁶ *Ibid.*, sec. 18.

¹⁸⁷ Locke, *Reasonableness of Christianity*, chap. 14, 265–66.

¹⁸⁸ *Ibid.*, chap. 14, 270–71.

through Jesus Christ. Among other things, what makes Christianity reasonable, in Locke’s argument, is its acknowledgment, as it were, of the irrationality of the “illiterate bulk of mankind.” This acknowledgment can be seen in its blunt and simple teaching that human beings must submit to God’s commandments, backed up with “something solid and powerful to move them,” namely, a “view of heaven and hell.” “Hearing plain commands, is the sure and only course to bring them to obedience and practice. The greatest part cannot know, and therefore they must believe.”¹⁸⁹

Another thing that makes Christianity “reasonable” is its content: “under the [Christian] law of works is comprehended also the law of nature, knowable by reason. . . . [T]he eternal law of right is of eternal obligation, and therefore remains in force still under the gospel.”¹⁹⁰

XIII. THREE KINDS OF MORAL LAW

Happiness depends on following reason. But since most people are incapable of understanding their own interest through their own reason, nothing is left but to appeal to their irrational passions, their fear of punishment and hope of reward. A parent governs his young child because “[h]e that understands for him, must will for him too.”¹⁹¹ Most adults, like children, also need commands issued by someone, divine or human, who is reasonable. The conclusion is inevitable. They may not be able to foresee the long term consequences of their foolish choices, but they can certainly be made to listen to a lawgiver offering rewards or threatening punishments.

From the argument of *Reasonableness*, one might expect Locke to conclude that all that is needed is Christianity. This impression seems to be confirmed in the *Essay*: “the true ground of morality . . . can only be the will and law of a God who sees men in the dark, [and] has in his hand rewards and punishments.”¹⁹² Insofar as the law of nature is merely a compendium of what is generally useful or convenient for human life, it is not a law in the proper sense. By adding rewards and punishments, Christianity takes the content of the mere “law” of nature and turns it into a real moral law.¹⁹³

¹⁸⁹ *Ibid.*, chap. 14, 276, 269; chap. 1, 2; chap. 14, 288, 279.

¹⁹⁰ *Ibid.*, chap. 3, 18–19.

¹⁹¹ Locke, *Second Treatise*, chap. 6, sec. 58.

¹⁹² Locke, *Essay*, bk. 1, chap. 3, sec. 6, my emphasis.

¹⁹³ I leave aside the question of whether there are significant conflicts between the commandments of Jesus in the New Testament and the law of nature. Locke’s general procedure, following the example of Thomas Aquinas, is to write as if there is a complete agreement, while occasionally allowing the attentive reader to notice that this is not always the case. Locke indicates several such conflicts in *Reasonableness*, chap. 12, most obviously on 218–19. See Pangle, *Spirit of Modern Republicanism*, 151–58. To the extent that there is a conflict, it seems that Christianity stands in need of being understood in light of reason.

However, later in the *Essay*, Locke deepens or modifies his apparent view that divine law, backed with heaven and hell, is the only effective kind of moral law. In book 2, chapter 28, we learn that there are three kinds of moral law. First, the divine law, in Locke's presentation there, is made known to us "by the light of nature, or the voice of revelation." It is "the only true touchstone of moral rectitude."¹⁹⁴ Whether we learn it from revelation or reason, it requires us to obey the law of nature.

But the divine law, even when backed by divine rewards and punishments, is not sufficient. "The penalties that attend the breach of God's laws, some, nay, perhaps most men, seldom seriously reflect on; and amongst those that do, many, whilst they break the law, entertain thoughts of future reconciliation."¹⁹⁵ There is the additional problem of unbelief, since the threatened punishments do not take place in this life. There is a need for more immediate enforcement than the promise of a remote prospect of heaven or hell.

Civil law, therefore, is a second and more effective kind of moral law. "This law nobody overlooks, the rewards and punishments that enforce it being ready at hand." But there are two problems with civil law. One is that its content is determined not by reason, but by the will of the law-giver, who, in most times and places, is not very rational. In the *Second Treatise*, Locke shows how a government *can* be established whose civil law enforces the law of nature. But he cannot show that such a government is very likely to be established. In fact, most governments that currently exist, or existed in the past, fail to measure up to the high standard of Locke's civil society, which requires explicit consent to join, a strict rule of law, and periodic elections of part of the lawmaking body.¹⁹⁶ The second defect of civil law is that although its penalties are certainly impressive and "ready at hand," they are not always effective. "[A]s to the punishments due from the laws of the commonwealth, . . . [people] frequently flatter themselves with the hopes of impunity," as we see in the long list of crimes committed daily.¹⁹⁷

That brings Locke to the third kind of moral law, the "law of opinion, or reputation." This is the most powerful moral law of all: "no man escapes the punishment of their censure and dislike, who offends against the fashion and opinion of the company he keeps. . . . [T]he greatest part [of mankind]," he continues, "govern themselves chiefly, if not solely, by this law of fashion; and so they do that which keeps them in reputation with their company, [and pay] little regard [to] the

¹⁹⁴ Locke, *Essay*, bk. 2, chap. 28, sec. 8.

¹⁹⁵ *Ibid.*, sec. 12.

¹⁹⁶ Locke, *Second Treatise*, chap. 8, sec. 122; chap. 11, sections 136–37; chap. 11, sec. 138 (government cannot take "property," i.e., life, liberty, or estate, without the consent of the people in person or through elected representatives: Locke implies that laws imprisoning or fining criminals—depriving them of "estate" or life—must receive this consent).

¹⁹⁷ Locke, *Essay*, bk. 2, chap. 28, sections 10, 12.

laws of God, or the magistrate."¹⁹⁸ This "law of fashion" is so effective because everyone needs friends or at least associates. No one wants to live alone. The approval or disapproval of others will determine invitations to parties, decisions to hire and fire, the possibility of love or marriage, and the ability to make friends. Affectionate smiles, hugs, praise, and terms like "cool" and "nice guy," and on the negative side, smiles of contempt, insults, pretending not to see someone, refusal to shake hands, terms like "jerk," and simply treating a person as a "nobody"—these are among the rewards and weapons with which the law of fashion is enforced. Fashion, of course, is as arbitrary as the civil law, because both depend on mere will, and will may or may not be informed by reason. The law of fashion, even more than divine or civil law, must conform to the law of nature, if enforcing obedience to that law is to be achieved.

Locke's book on education teaches parents to make use of the law of fashion to instill into children a sense of honor and shame as the most effective means of getting them to acquire moral virtue. If the parents' law of fashion prevails, the children will be more likely as adults to resist the peer pressure that might lead them into self-destructive courses. But it is not only parents who can shape the law of fashion. Writers too can also have a big effect, as Locke laments in the case of Filmer in the *Two Treatises*.¹⁹⁹ All of Locke's books are devoted to changing the "law of fashion" among his readers. He aims to create a climate of moral opinion that will shame the immoral, the quarrelsome, and the contentious, and honor the decent, the rational, and the industrious. In particular, Locke's books are designed to change elite opinion, which in turn shapes common opinion: "if those of that rank [the gentlemen] are by their education once set right, they will quickly bring all the rest into order."²⁰⁰ The leading men will form a consensus promoting sensible opinions about divine law (as sketched in Locke's *Reasonableness, Toleration, and St. Paul*), sound politics for promoting a civil law based on the law of nature (*Two Treatises, Toleration*), and the kind of moral fashion in society that will make people "better natured" (*Some Thoughts Concerning Education*). Locke succeeded to a remarkable degree, as one can see over the course of the eighteenth century, especially in the English colonies in America.

The conclusions of reason concerning rules promoting the public good—the law of nature—can become real moral laws if they come to be commanded by government and by one's family, friends, and associates, and if they are believed to be commanded by God. In regard to its content or precepts, the law of nature has its ground in an argu-

¹⁹⁸ *Ibid.*, sec. 12.

¹⁹⁹ Locke, *Two Treatises of Government*, Preface.

²⁰⁰ Locke, *Some Thoughts Concerning Education*, "Epistle Dedicatory."

ment from common convenience or interest. To the extent to which the law of nature is enforced and obeyed, the happiness of the members of society is promoted. But that law would remain undiscovered if the reason of mankind in general were to be relied upon. And when the philosophers do discover the precepts of the law of nature, these precepts remain ineffectual. The law of nature, founded in reason's judgment of what is useful for human life, has force only when it takes on a juridical or legal character. So although the mere law of nature is not a moral law in the strict sense (because "that which is . . . necessary and essential to a law [is] a power to enforce it"),²⁰¹ it can become a moral law when its content is incorporated into divine revelation, civil law, or the law of fashion.

People who live in a society that has a sound religious doctrine, with the right kinds of political laws, and a sensible social consensus about right and wrong, have a good chance to attain personal happiness, within the limits of their own nature, because they will be compelled by these three kinds of moral law to do at least part of what their reason would have told them to do, if only they had been able or willing to use it.

XIV. CONCLUSION

I sum up the path we have followed in this essay. In the *Second Treatise*, Locke argues that we know what is commanded by the law of nature (that no one should take away another's liberty or harm him in his person or property) by considering the implication of the equality of human faculties, or by seeing that it is reasonable to allow people their freedom if they have equal knowledge of the law that they are under. But this argument fails because according to Locke himself, the disparity among human beings, in regard to the capacity to reason, is too great.

Locke also uses an argument from divine ownership—that God owns everything because he created it; that God forbids human beings from harming each other, although he permits them to harm animals and plants. But in the *Second Treatise*, at any rate, this argument is asserted with hardly any evidence.

I suggested that Locke's explanation for writing differently for attentive and non-attentive readers—the "hunters" and the "lazy"—can help to account for the deficiencies of these arguments of the *Second Treatise*.

Going a little deeper, we find in the *First Treatise* that Locke justifies the right to use the things of the world for life, and the obligation to care for one's offspring, by reason's approval of the strong passions for self-preservation and for self-perpetuation through children. But he cannot mean that the strength of the passions gives them their legitimacy, because he frequently condemns the strong passion for domination.

²⁰¹ Locke, *Essay*, bk. 2, chap. 28, sec. 12.

At first it appears that Locke's standard in the *First Treatise* for judging the rightness of these two passions is that they are "according to nature." But nature, as Locke understands it, cannot provide a standard for reason, because the same human nature that causes parents to love their children also leads parents, through their irrational but natural imaginations, to think it is right to cannibalize or sacrifice their own children.

Locke's real standard for reason's judgment of human conduct is happiness, as is briefly indicated in the *Two Treatises*, but is argued for at length in the *Essay on Human Understanding*. When reason is doing its proper job, it suspends the immediate indulgence of our desires, and stops to evaluate possible objects of desire with a view to long term pleasure and pain. Locke denies that there is a single common good for all human beings. But he insists that for each person, there are better and worse choices, depending on the particular qualities of the individual in question.

This notion of an idiosyncratic path to happiness for everyone would seem to exclude the possibility of a common good for each. But Locke says that the law of nature benefits all who are under it. There must, then, be something that human beings have in common, in spite of all their differences, that makes it possible for a set of common rules to promote the individual good of all. These common goods—such as life and procreation of offspring—are elements or conditions of happiness, but cannot constitute complete happiness, because of the reality of human differences in other respects.

Locke acknowledges, however, that rules promoting a common good are not necessarily moral commandments. That is a problem because most people do not reason well enough to discover the law of nature on their own. Nor, even if they did know the content of the law of nature, would they obey it consistently. In order for the law of nature to be known, and to be understood as morally binding, there is a need for a lawgiver who first promulgates it and then provides for rewards and punishments. Locke's analysis of the three kinds of moral laws shows us how the provisions of the law of nature can become popularly accepted as well as properly enforced: as a law of God, as required by government, and as sustained by the moral consensus of society in private life. If all three moral laws can sustain the conclusions of reason in this way, the bulk of mankind will be more likely to attain the happiness they long for.

Locke's several books contribute, each in its own way, to his complete argument on the law of nature. I know of no philosopher except Plato who directs his readers so pointedly from one book to another as they follow the thread of a complex argument that appears to be merely "scattered up and down in his writings"²⁰² but is in fact carefully arranged from start to finish.

²⁰² Locke, *First Treatise*, chap. 2, sec. 9.

Locke's reasoning on the law of nature leads us to conclude that he has a far richer understanding of the limits of reason, and the importance of nonrational features of society such as religion and customs, than he is generally credited with. Locke's critics sometimes reproach him for his failure to understand these things. Locke was far ahead of them.

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