

John Locke (1632 AD-1704 AD)



John Locke, the most influential thinker of the Enlightenment Age. He is known as **father of liberalism**. Political liberalism is a theory of limited state. Rights of the citizens limit powers of state.

Theory of Rights

1. Customary rights : Based on customs and traditions.
2. Legal rights : Law/State is a source of right.
3. Natural rights : Source of rights in nature and not the state.

Locke is a scholar of capitalist class. He has given justification for **absolute right to property**. Hence, he is also the **scholar of 'possessive individualism'**. Locke has given theory of

1. Separation of powers.
2. Principles of toleration.
3. Representative democracy.

Locke belongs to the tradition of **social contract**.

Locke belonged to England and witnessed, 'Glorious revolution' (1688). Since he has witnessed peaceful change, he develops more **balanced view of human nature**.

Locke's major work

The Two Treatises on Civil Government.

Content of the 1st Treatise

He was contemporary of Hobbes. It is said that he wanted to challenge Hobbes' theory of absolute state. However, Hobbes' work became controversial and was prohibited by Church. Hence, he chose to challenge **Filmer's book PATRIARCHA**. Filmer was critic of theory of social contract and thus criticized it on two grounds:

1. *It is not a logical theory of the authority of the state. If authority is based on the will of the man, it is illogical to accept that future generations are bound to the contract entered by forefathers.*
2. *With respect to right to property, heredity rather than contract is a more logical basis of right to property.*

According to Filmer, state is PATRIARCHA. Which means a big family of God. Adam was the first king, Adam was son of God. All successive kings are the heirs of Adam. Since Adam had absolute authority, kings also have absolute authority.

*Filmer supported patriarchal basis of authority . **Since , patriarchal authority is absolute , political authority is analogous to paternal authority.** God's grant to Adam was unconditional . Any attempt to restrict absolutism will lead to anarchy . Men are not born free . They are born into families and hence subjected to authority of father. Similarly, citizens are subjected to the authority of the state.*

Contractualists believe that property was given to all men in common, is problematic . It will raise the spectre of communism . It would not be possible to defend private property . Government based on consent fails to establish :

1. *Morally acceptable basis of authority.*
2. *Rightful possession of property .*

Locke's Criticism of Filmer

He rejects the theory that state is created by God. Even if we believe Adam was the first king, but such event happened in a very remote period of history. At present there are so many kings, how to identify who is the genuine heir of Adam?

Hence he suggests to look for the new basis of the authority of the state rather than the basis of the Adam's theory (God created state).

Locke also rejected the theory of absolute authority of the state. He argues that authority of the state cannot be absolute. State is not a family, rather family of families. Authority of king cannot be at par with the authority of patriarch or father. Father's authority is absolute in the family because children are completely dependent on father. Citizens are adults, they are dependent on state only for few matters. Hence authority of state cannot be absolute. Locke gives the labour theory of property. Property belongs to that person, who has put his labour.

Locke's views are very similar to the views of Aristotle. In the words of Aristotle, "The authority of masters differs from the authority of statesman."

2nd book of Locke

In the second book he has given theory of government by using social contract.

Locke's view on Human Nature

Every thinker is child of his times. We can see the impact of his times on his description of human nature. If Hobbes has seen the troubled phase of British history and gives the pessimistic view, Locke has seen the stable period and so gives 'balanced view'. Locke is not as logically consistent like that of Hobbes. Locke's theories are more based on common sense. Just like Plato is logically consistent, but Aristotle's theory is based on common sense.

Characteristics of Human Nature.

Locke takes the view of enlightened self interest. According to him, man is self-centered but it does not mean that man is not capable of taking care of the interest of others. In man reasons and passions are present in balanced form. In the words of Locke, "**reason in man guides him, not to harm the other in his life, liberty, health and property.**" Thus, man is rational enough to understand that if he respect the life, liberty, property of other person, other person will also respect his rights.

State of nature

It is hypothetical concept. Unlike Hobbes, where the state of nature is the state of war because man does not have sufficient reason, the state of nature in Locke is the **state where peace, mutual assistance and goodwill prevail**. In the state of nature, people are enjoying natural rights. They are able to do so because of the presence of reason. i.e. the natural law .

Comparison between Hobbes and Locke.

Hobbes	Locke
Man is dominated by passions	Passions and reason are in balanced form
State of nature is that of war.	State of nature is peaceful
No rights.	Natural rights
Believes in positive law	Believes in natural law

Reason of contract in Locke

Though peace and goodwill is prevailing in state of nature, yet it is not rational to leave things on the goodwill of man. **If man has reason, man also has passions. It may happen that passions dominate over his reason . Hence, man requires insurance against such a scenario. Since man can lead a good life even without state, there is no need for giving absolute powers to the state.**

Locke also mentions certain **inconveniences in the state of nature. Absence of common authority to make law, execute law and adjudicate law.** In the state of nature, common

authority was absent hence everyone was interpreting the natural law according to his own preference. We cannot expect a person who kills his brother to proclaim himself as guilty. Common sense also suggests one cannot be lawyer and judge at the same time. **To remove these inconveniences, and to ensure that peace and goodwill continues to prevail, man enters into the contract.** The main purpose behind the contract is **the creation of common authority.** This common authority is government.

Locke's contract

In Locke, there are two contracts, whereas in Hobbes there is a single contract.

First Contract and Civil society.

Outcome of 1st contract – Civil society.

Institutions excluding family and government are called as civil society. Civil society independent of the govt. or free from govt. is a feature of liberal democratic societies.

According to Locke, civil society was formed in first contract. In the state of nature, man was enjoying rights, but there was no formal recognition or guarantee.

Hence, in the first contract, people have guaranteed each other's rights by giving formal recognition.

Second Contract

Second contract leads to the formation of government.

People have transferred three of their natural rights to the government.

1. Right to make law.
2. Right to execute law.
3. Right to adjudicate law.

Hence, emerged the common authority with three organs. Legislature, Executive, and Judiciary. Man has not transferred its right to life, liberty and property. It is irrational to assume that any person can live life without these rights. They are very fundamental to the existence of man. These are inalienable rights.

Locke gives the **concept of government by consent**, means elections of the person who are going to run the government. Those who will get majority will form the government. Thus Locke supports **majoritarian model of democracy.** Consent represents the free will of man.

There are two types of will

- 1. Explicit***
- 2. Tacit***

For those who form the government, majority has given explicit consent and minority has given tacit consent. It means that once the government is formed, all are supposed to follow the laws. No one can claim that "I will not follow because I have not voted for the party in power."

Powers of the government.

*Since government is not a necessity, it is just a matter of convenience, unlike Hobbes, who gives absolute powers, Locke gives only limited rights. Power of government is limited by the natural rights i.e. Right to life, liberty and property. Thus, government cannot take away these rights. It cannot make any such law which deprive a person from his life, liberty and property. It cannot be expected that any reasonable person ever willing to transfer his right to life, liberty and property. It also means that government has no original powers. Government has only delegated powers, which means it cannot act on his own will. It has to act according to the will of the people. It means **government is a trust and people are trustees**. Government has to act according to the wishes of trustees.*

What if government does not act according to the wishes of the trustees?

People will have right to revolt. There is no need of violence because people are rational. Hence the problems can be resolved through dialogue. Thus, for liberals freedom of speech and expression is a necessary component of democracy. Revolution in simple sense means change in the set of persons ruling.

What are the conditions when people have right to revolt?

- 1. When government act against the wishes of the people.*
- 2. If executive does not allow legislature to function.*
- 3. If executive does not implement the laws passed by legislature.*
- 4. If executive puts people under the rule of foreign prince or government.*
- 5. Elections and the ways of elections are altered without consent.*
- 6. When government establish its arbitrary will in place of laws.*

Locke's Theory of Rights & Property

He was the first person to give theory of natural rights. According to Locke nature is a source of right. In state of nature, man was able to enjoy natural rights because man has reason and reason guides not to harm the life, liberty and property of others.

In the state of nature, man was able to enjoy natural rights because of the presence of natural law i.e. reason. It implies that the ultimate guarantee for the protection of rights is reason in man.

Locke	Hobbes
No law, no liberty.	Liberty is where law is silent
Natural law	Positive law
Natural Rights	Legal Rights

“No law, no liberty”

Locke has established that reason(Natural law) is the ultimate guarantee for the enjoyment of liberty. In the state of nature, man was enjoying the natural rights. In the words of Locke, **“reason in man guides him not to harm the life, liberty, health and property of the other.”** Hence reason/ natural law ensured that the state of nature is a state of peace, mutual assistance and goodwill.

Liberties of man remain protected even after the creation of government. Law made by government has to affirm the law of reason i.e. due process of law. Man has not transferred his right to life, liberty and property. Hence state cannot make any such law which deprives man from his natural rights. If state makes any such law, such law has no validity. It cannot be treated as reasonable, fair and just. In such situations, people will have right to revolt. Thus, it is mandatory that the law made by government affirms to the principles of reason. Government is a trust, people are trustees. Government has no original powers, government has only delegated powers. Reason or natural law is a guarantee of peace and hence **“no law (reason), no liberty”**. It also indirectly implies that to be able to enjoy liberty, man has to be reasonable.

The concept of due process of law is found in Indian constitution in Art 19, according to which, government can impose only reasonable restrictions. In Maeneka Gandhi case SC held that even in Article 21, the concept of due process of law is present in the doctrine of procedure established by law.

Locke’s theory of Natural right to property.

“The sole purpose for the formation of commonwealth is the protection of property.”

Locke is a scholar of possessive individualism (Macpherson). Hence , he justifies man’s absolute rights over his property.

*Property is the product of one's labour. Labour is a part of man's personality. Man should have absolute rights over the product of his labour. If state takes away the property of a person, it violates the dignity of that person. It commits the act of aggression. Man should have absolute right over property. According to Locke, person has absolute right over **his labour, the labour of his slave and labour of his horse**. Thus he justifies absolute right to property. Out of all rights, property is the most important right. Hence, at times, Locke uses the term right to property to include life and liberty.*

Origin of property according to Locke.

Initially property was held in common. It is common sense that property can never remain in common. Those who were industrious, enterprising became the owners. Those who were lazy, quarrelsome, and day dreamers remained poor.

According to Locke, God has created apple, milk, meat, to eat and drink and not to sacrifice. Thus Locke is also utilitarian. Those who are industrious will be able to lead good life.

Limitations on right to property.

Locke has given three limitations.

1. **Labour limitation**
2. **No right to deprive others of their right to property.**
3. **No right to spoil property.**

Thus, the limitations are actually no limitations. They all favour the capitalist class.

"Sole Purpose for which state is created is protection of property."

Locke is known as scholar of possessive individualism. He is known as scholar of possessive individualism because of the justification of the absolute right to property. He established property as a sacred institution. God has created property so that man can lead good life. God has not created property so that man destroys it. Man has natural right to property. Right to property is most important of all rights, as it includes right to life and liberty. Man has not transferred his right to property.

State cannot make any such law which deprives a person from his absolute right to property. If State deprives a person man has right to revolt. State has been created, not to limit the property but to protect the property.

*Man has absolute right over the property because property is the product of the labour of man. It is entitlement of man. One should have absolute right over one's personality. Thus, Locke justifies absolute right to property, though he puts limitations like labour limitation, spoilage limitation. He suggests that the **role of state is just like that of a night watchman** i.e. to safeguard the property.*

Locke on toleration

Locke recommends state to adopt the principle of toleration towards the followers of different religion. (Hobbes does not provide even religious freedom and state can dictate in the matter of religion.) According to Locke, no one listens to the magistrate in the matters of conscience. However he suggests state to tolerate the people following any religion but state should not tolerate Atheists. State should throw them out.

Assessment of Locke

“Locke is an individualist out and out.”

For individualists, self is prior to whole. Origin of individualism dates back to sophism. Individualism emerged as a prominent philosophy in modern times. Locke is also individualist in both methodological sense as well as normative sense. He also builds his social contract on the individualistic nature of man. However individual in Locke is more enlightened than individual in Hobbes. Since individual is more enlightened, Locke creates limited state. Locke is normative individualist as

1. He gives the theory of natural rights of man.
2. He suggests consent as the basis of authority.
3. Government has no original powers.
4. People have right to revolt.
5. He gives absolute right over property hence he is also called as the scholar of ‘possessive individualism’.

Thus, Locke is also individualist. Hobbes is known as greatest of all individualist. Whereas Locke is called as individualist out and out (throughout). Lock is called as ‘individualist out and out’, because unlike Hobbes, who does justify that absolutism of the state, Locke nowhere talks about absolutism of the state. e.g. If it is said that Hobbes begins as an individualist but ends as absolutist (Macpherson), but Locke remains individualist throughout.