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JOHN LOCKE NATURAL RIGHTS TO LIFE, LIBERTY, AND PROPERTY

August 1996 • Volume: 46 • Issue: 8 • Print This Post • 94 comments Mr. Powell is editor of *Laissez Faire Books* and a senior fellow at the Cato Institute. He has written for the New York Times, the Wall Street Journal, Barron's, American Heritage, and more than three dozen other publications. Copyright © 1996 by Jim Powell.

A number of times throughout history, tyranny has stimulated breakthrough thinking about liberty. This was certainly the case in England with the mid-seventeenth-century era of repression, rebellion, and civil war. There was a tremendous outpouring of political pamphlets and tracts. By far the most influential writings emerged from the pen of scholar John Locke.

He expressed the radical view that government is morally obliged to serve people, namely by protecting life, liberty, and property. He explained the principle of checks and balances to limit government power. He favored representative government and a rule of law. He denounced tyranny. He insisted that when government violates individual rights, people may legitimately rebel.

These views were most fully developed in Locke's famous Second Treatise Concerning Civil Government, and they were so radical that he never dared sign his name to it. He acknowledged authorship only in his will. Locke's writings did much to inspire the libertarian ideals of the American Revolution. This, in turn, set an example which inspired people throughout Europe, Latin America, and Asia.

Thomas Jefferson ranked Locke, along with Locke's compatriot Algernon Sidney, as the most important thinkers on liberty. Locke helped inspire Thomas Paine's radical ideas about revolution. Locke fired up George Mason. From Locke, James Madison drew his most fundamental principles of liberty and government. Locke's writings were part of Benjamin Franklin's self-education, and John Adams believed that both girls and boys should learn about Locke. The French philosopher Voltaire called Locke "the man of the greatest wisdom. What he has not seen clearly, I despair of ever seeing."

It seems incredible that Locke, of all people, could have influenced individuals around the world. When he set out to develop his ideas, he was an undistinguished Oxford scholar. He had brief experience with a failed diplomatic mission. He was a physician who long lacked traditional credentials and had just one patient. His first major work wasn't published until he was 57. He was distracted by asthma and other chronic ailments.

There was little in Locke's appearance to suggest greatness. He was tall and thin. According to biographer Maurice Cranston, he had a "long face, large nose, full lips, and soft, melancholy eyes." Although he had a love affair which, he said, "robbed me of the use of my reason," he died a bachelor.

Some notable contemporaries thought highly of Locke. Mathematician and physicist Isaac Newton cherished his company. Locke helped Quaker William Penn restore his good name when he was a political fugitive, as Penn had arranged a pardon for Locke when he had been a political fugitive. Locke was described by the famous English physician Dr. Thomas Sydenham as “a man whom, in the acuteness of his intellect, in the steadiness of his judgement, . . . that is, in the excellence of his manners, I confidently declare to have, amongst the men of our time, few equals and no superiors.”

FAMILY BACKGROUND

John Locke was born in Somerset, England, August 29, 1632. He was the eldest son of Agnes Keene, daughter of a small-town tanner, and John Locke, an impecunious Puritan lawyer who served as a clerk for justices of the peace.

When young Locke was two, England began to stumble toward its epic constitutional crisis. The Stuart King Charles I, who dreamed of the absolute power wielded by some continental rulers, decreed higher taxes without approval of Parliament. They were to be collected by local officials like his father. Eight years later, the Civil War broke out, and Locke’s father briefly served as a captain in the Parliamentary army. In 1649, rebels hanged Charles I. But all this led to the Puritan dictatorship of Oliver Cromwell.

Locke had a royalist and Anglican education, presumably because it was still a ticket to upward mobility. One of his father’s politically connected associates nominated 15-year-old John Locke for the prestigious Westminster School. In 1652, he won a scholarship to Christ Church, Oxford University’s most important college, which trained men mainly for the clergy. He studied logic, metaphysics, Greek, and Latin. He earned his bachelor of arts degree in 1656, then continued work toward a master of arts and taught rhetoric and Greek. On the side, he spent considerable time studying with free spirits who, at the dawn of modern science and medicine, independently conducted experiments.

Having lived through a bloody civil war, Locke seems to have shared the fears expressed by fellow Englishman Thomas Hobbes, whose *Leviathan* (1651) became the gospel of absolutism. Hobbes asserted that liberty brought chaos, that the worst government was better than no government—and that people owed allegiance to their ruler, right or wrong. In October 1656, Locke wrote a letter expressing approval that Quakers—whom he called “mad folks”—were subject to restrictions. Locke welcomed the 1660 restoration of the Stuart monarchy and subsequently wrote two tracts that defended the prerogative of government to enforce religious conformity.

In November 1665, as a result of his Oxford connections, Locke was appointed to a diplomatic mission aimed at winning the Elector of Brandenburg as an ally against Holland. The mission failed, but the experience was a revelation. Brandenburg had a policy of toleration for Catholics, Calvinists, and Lutherans, and there was peace. Locke wrote his friend Robert Boyle, the chemist: “They quietly permit one another to choose their way to heaven; and I cannot observe any quarrels or animosities amongst them on account of religion.”

LOCKE AND SHAFTESBURY

During the summer of 1666, the rich and influential Anthony Ashley Cooper visited Oxford where he met Locke who was then studying medicine. Cooper suffered from a liver cyst that threatened to become swollen with infection. Cooper asked Locke, apparently competent, courteous, and amusing, to be his personal physician. Accordingly, Locke moved into a room at Cooper's Exeter House mansion in London. Locke was about to embark on adventures which would convert him to a libertarian.

Cooper was born an aristocrat, served in the King's army during the Civil War, switched to the Puritan side, and commanded Puritan soldiers in Dorset. But he was dismissed amidst Puritan purges. He was arrested for conspiring to overthrow the Puritan Commonwealth and bring back the Stuarts. King Charles II elevated him to the peerage—he became Lord Ashley, then the Earl of Shaftesbury—and joined the King's Privy Council.

Soon Cooper, Earl of Shaftesbury, spearheaded opposition to the Restoration Parliaments, which enacted measures enforcing conformity with Anglican worship and suppressing dissident Protestants. He became a member of the four-man cabinet and served briefly as Lord High Chancellor, the most powerful minister. Shaftesbury championed religious toleration for all (except Catholics) because he had seen how intolerance drove away talented people and how religious toleration helped Holland prosper. He invested in ships, some for the slave trade. He developed Carolina plantations. Locke is believed to have drafted virtually the entire Fundamental Constitutions of Carolina, providing for a parliament elected by property owners, a separation of church and state, and—surprisingly—military conscription.

Shaftesbury's liver infection worsened, and Locke supervised successful surgery in 1668. The grateful Shaftesbury encouraged Locke to develop his potential as a philosopher. Thanks to Shaftesbury, Locke was nominated for the Royal Society, where he mingled with some of London's most fertile minds. In 1671, with a half-dozen friends, Locke started a discussion group to talk about principles of morality and religion. This led him to further explore the issues by writing early drafts of *An Essay Concerning Human Understanding*.

Shaftesbury retained Locke to analyze toleration, education, trade, and other issues, which spurred Locke to expand his knowledge. For example, Locke opposed government regulation of interest rates: "The first thing to be considered is whether the price of the hire of money can be regulated by law; and to that, I think generally speaking that 'tis manifest that it cannot. For, since it is impossible to make a law that shall hinder a man from giving away his money or estate to whom he pleases, it will be impossible by any contrivance of law, to hinder men . . . to purchase money to be lent to them. . . ."

Locke was in the thick of just about everything Shaftesbury did. Locke helped draft speeches. He recorded the progress of bills through Parliament. He kept notes during meetings. He evaluated people considered for political appointments. Locke even negotiated the marriage terms for Shaftesbury's son and served as tutor for Shaftesbury's grandson.

Shaftesbury formed the Whig party, and Locke, then in France, carried on a correspondence to help influence Parliamentary elections. Shaftesbury was imprisoned for a year in the Tower of London, then

he helped pass the Habeas Corpus Act (1679), which made it unlawful for government to detain a person without filing formal charges or to put a person on trial for the same charge twice. Shaftesbury pushed “exclusion bills” aimed at preventing the king’s Catholic brother from royal succession.

COUNTERING STUART ABSOLUTISM

In March 1681, Charles II dissolved Parliament, and it soon became clear that he did not intend to summon Parliament again. Consequently, the only way to stop Stuart absolutism was rebellion. Shaftesbury was the king’s most dangerous opponent, and Locke was at his side. A spy named Humphrey Prideaux reported on Locke’s whereabouts and on suspicions that Locke was the author of seditious pamphlets.

In fact, Locke was contemplating an attack on Robert Filmer’s *Patriarcha, or The Natural Power of Kings Asserted* (1680), which claimed that God sanctioned the absolute power of kings. Such an attack was risky since it could easily be prosecuted as an attack on King Charles II. Pamphleteer James Tyrrell, a friend whom Locke had met at Oxford, left unsigned his substantial attack on Filmer, *Patriarcha Non Monarcha* or *The Patriarch Unmonarch’d*; and Tyrrell had merely implied the right to rebel against tyrants. Algernon Sidney was hanged, in part, because the king’s agents discovered his manuscript for *Discourses Concerning Government*.

Locke worked in his bookshelf-lined room at Shaftesbury’s Exeter House, drawing on his experience with political action. He wrote one treatise which attacked Filmer’s doctrine. Locke denied Filmer’s claim that the Bible sanctioned tyrants and that parents had absolute authority over children. Locke wrote a second treatise, which presented an epic case for liberty and the right of people to rebel against tyrants. While he drew his principles substantially from Tyrrell, he pushed them to their radical conclusions: namely, an explicit attack on slavery and defense of revolution.

EXILE IN HOLLAND

As Charles II intensified his campaign against rebels, Shaftesbury fled to Holland in November 1682 and died there two months later. On July 21, 1683, Locke might well have seen the powers that be at Oxford University burn books they considered dangerous. It was England’s last book burning. When Locke feared his rooms would be searched, he initially hid his draft of the two treatises with Tyrrell. Locke moved out of Oxford, checked on country property he had inherited from his father, then fled to Rotterdam September 7.

The English government tried to have Locke extradited for trial and presumably execution. He moved into one Egbertus Veen’s Amsterdam house and assumed the name “Dr. van der Linden.” He signed letters as “Lamy” or “Dr. Lynne.” Anticipating that the government might intercept mail, Locke protected friends by referring to them with numbers or false names. He told people he was in Holland because he enjoyed the local beer.

Meanwhile, Charles II had converted to Catholicism before he died in February 1685. Charles's brother became King James II, who began promoting Catholicism in England. He defied Parliament. He replaced Anglican Church officials and sheriffs with Catholics. He staffed the army with Catholic officers. He turned Oxford University's Magdalen College into a Catholic seminary.

In Holland, Locke worked on his masterpiece, *An Essay Concerning Human Understanding*, which urged people to base their convictions on observation and reason. He also worked on a "letter" advocating religious toleration except for atheists (who wouldn't swear legally binding oaths) and Catholics (loyal to a foreign power).

Catholicism loomed as the worst menace to liberty because of the shrewd French King Louis XIV. He waged war for years against England and Holland—France had a population around 20 million, about four times larger than England and 10 times larger than Holland.

On June 10, 1688, James II announced the birth of a son, and suddenly there was the spectre of a Catholic succession. This convinced Tories, as English defenders of royal absolutism were known, to embrace Whig ideas of rebellion. The Dutchman William of Orange, who had married Mary, the Protestant daughter of James II, agreed to assume power in England as William III and recognize the supremacy of Parliament. On November 5, 1688, William crossed the English Channel with ships and soldiers. James II summoned English forces, but they were badly split between Catholics and Protestants. Within a month, James II fled to France. This was the "Glorious Revolution," so-called because it helped secure Protestant succession and Parliamentary supremacy without violence.

Locke resolved to return home, but there were regrets. For example, he wrote the minister and scholar Philip van Limborch: "I almost feel as though I were leaving my own country and my own kinsfolk; for everything that belongs to kinship, good will, love, kindness—everything that binds men together with ties stronger than that of blood—I have found among you in abundance. . . . I seem to have found in your friendship alone enough to make me always rejoice that I was forced to pass so many years amongst you."

Locke sailed on the same ship as the soon-to-be Queen Mary, arriving in London, February 11, 1689. During the next 12 months, his major works were published, and suddenly he was famous.

A LETTER CONCERNING TOLERATION

Limborch published Locke's *Epistola de Tolerantia* in Gouda, Holland, in May 1689—Locke wrote in Latin presumably to reach a European audience. The work was translated as *A Letter Concerning Toleration* and published in October 1689. Locke did not take religious toleration as far as his Quaker compatriot William Penn—Locke was concerned about the threat atheists and Catholics might pose to the social order—but he opposed persecution. He went beyond the *Toleration Act* (1689), specifically calling for toleration of Anabaptists, Independents, Presbyterians, and Quakers.

"The Magistrate," he declared, "ought not to forbid the Preaching or Professing of any Speculative Opinions in any Church, because they have no manner of relation to the Civil Rights of the Subjects. If a Roman Catholick believe that to be really the Body of Christ, which another man calls Bread, he does no injury therby to his Neighbour. If a Jew do not believe the New Testament to be the Word of God, he does not thereby alter any thing in mens Civil Rights. If a Heathen doubt of both Testaments, he is not therefore to be punished as a pernicious Citizen." Locke's Letter brought replies, and he wrote two further letters in 1690 and 1692.

LOCKE'S TWO TREATISES ON GOVERNMENT

Locke's two treatises on government were published in October 1689 with a 1690 date on the title page. While later philosophers have belittled it because Locke based his thinking on archaic notions about a "state of nature," his bedrock principles endure. He defended the natural law tradition whose glorious lineage goes back to the ancient Jews: the tradition that rulers cannot legitimately do anything they want, because there are moral laws applying to everyone.

"Reason, which is that Law," Locke declared, "teaches all Mankind, who would but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions." Locke envisioned a rule of law: "have a standing Rule to live by, common to every one of that Society, and made by the Legislative Power erected in it; A Liberty to follow my own Will in all things, where the Rule prescribes not; and not to be subject to the inconstant, uncertain, unknown, Arbitrary Will of another Man."

Locke established that private property is absolutely essential for liberty: "every Man has a Property in his own Person. This no Body has any Right to but himself. The Labour of his Body, and the Work of his Hands, we may say, are properly his." He continues: "The great and chief end therefore, of Mens uniting into Commonwealths, and putting themselves under Government, is the Preservation of their Property."

Locke believed people legitimately turned common property into private property by mixing their labor with it, improving it. Marxists liked to claim this meant Locke embraced the labor theory of value, but he was talking about the basis of ownership rather than value.

He insisted that people, not rulers, are sovereign. Government, Locke wrote, "can never have a Power to take to themselves the whole or any part of the Subjects Property, without their own consent. For this would be in effect to leave them no Property at all." He makes his point even more explicit: rulers "must not raise Taxes on the Property of the People, without the Consent of the People, given by themselves, or their Deputies."

Locke had enormous foresight to see beyond the struggles of his own day, which were directed against monarchy: "'Tis a Mistake to think this Fault [tyranny] is proper only to Monarchies; other Forms of Government are liable to it, as well as that. For where-ever the Power that is put in any hands for the Government of the People, and the Preservation of their Properties, is applied to other ends, and made use of to impoverish, harass, or subdue them to the Arbitrary and Irregular Commands of those that have it: There it presently becomes Tyranny, whether those that thus use it are one or many."

Then Locke affirmed an explicit right to revolution: “whenever the Legislators endeavor to take away, and destroy the Property of the People, or to reduce them to Slavery under Arbitrary Power, they put themselves into a state of War with the People, who are thereupon absolved from any farther Obedience, and are left to the common Refuge, which God hath provided for all Men, against Force and Violence. Whosoever therefore the Legislative shall transgress this fundamental Rule of Society; and either by Ambition, Fear, Folly or Corruption, endeavor to grasp themselves, or put into the hands of any other an Absolute Power over the Lives, Liberties, and Estates of the People; By this breach of Trust they forfeit the Power, the People had put into their hands, for quite contrary ends, and it devolves to the People, who have a Right to resume their original Liberty.”

To help assure his anonymity, he dealt with the printer through his friend Edward Clarke. Locke denied rumors that he was the author, and he begged his friends to keep their speculations to themselves. He cut off those like James Tyrrell who persisted in talking about Locke’s authorship. Locke destroyed the original manuscripts and all references to the work in his writings. His only written acknowledgment of authorship was in an addition to his will, signed shortly before he died. Ironically, the two treatises caused hardly a stir during his life.

AN ESSAY CONCERNING HUMAN UNDERSTANDING

Locke’s byline did appear with *An Essay Concerning Human Understanding*, published December 1689, and it established him as England’s leading philosopher. He challenged the traditional doctrine that learning consisted entirely of reading ancient texts and absorbing religious dogmas. He maintained that understanding the world required observation. He encouraged people to think for themselves. He urged that reason be the guide. He warned that without reason, “men’s opinions are not the product of any judgment or the consequence of reason but the effects of chance and hazard, of a mind floating at all adventures, without choice and without direction.” This book became one of the most widely reprinted and influential works on philosophy.

In 1693, Locke published *Some Thoughts Concerning Education*, which offered many ideas as revolutionary now as they were then. Thomas Hobbes had insisted that education should promote submission to authority, but Locke declared education is for liberty. Locke believed that setting a personal example is the most effective way to teach moral standards and fundamental skills, which is why he recommended homeschooling. He objected to government schools. He urged parents to nurture the unique genius of each child.

Locke denounced the tendency of many teachers to worship power. “All the entertainment and talk of history is,” he wrote, “of nothing almost but fighting and killing: and the honour and renown that is bestowed on conquerors (who are for the most part but the great butchers of mankind) further mislead growing youth, who . . . come to think slaughter the laudable business of mankind, and the most heroic of virtues.”

Locke was asked by his new patron, Sir John Somers, a member of Parliament, to counter the claims of East India Company lobbyists who wanted the government to interfere with money markets. This resulted in Locke’s first published essay on economics, *Some Consideration of the Consequences of the*

Lowering of Interest, and Raising the Value of Money (1691), which appeared anonymously. He explained that market action follows natural laws and that government intervention is counterproductive. When individuals violated government laws like usury laws restricting interest rates, Locke blamed government for enacting the laws. Locke warned against debasing money and urged that the Mint issue full-weight silver coins. His view prevailed.

Locke helped expand freedom of the press. He did this by twice opposing renewal of the Act for the Regulation of Printing. The second time, in 1694, he was successful. He stressed the evils of monopoly, saying "I know not why a man should not have liberty to print whatever he would speak."

Despite his love of liberty, Locke supported the establishment of the Bank of England in 1694. Its aim was to help the government finance wars against Louis XIV. It loaned money to the government in exchange for gaining a monopoly on dealing in gold bullion, bills of exchange, and currency. Locke, financially comfortable thanks to Shaftesbury's investment advice, became an original subscriber.

In 1696, King William III named Locke a Commissioner on the Board of Trade, which included responsibility for managing England's colonies, import restrictions, and poor relief. As far as the poor were concerned, according to one friend, "He was naturally compassionate and exceedingly charitable to those in want. But his charity was always directed to encourage working, laborious, industrious people, and not to relieve idle beggars. . . ." Locke retired from the Board of Trade four years later.

LOCKE'S FINAL YEARS

Sir Francis Masham and his wife, Damaris, had invited Locke to spend his last years at Oates, their red brick Gothic-style manor house in North Essex, about 25 miles from London. He had a ground-floor bedroom and an adjoining study with most of his 5,000-volume library. He insisted on paying: a pound per week for his servant and himself, plus a shilling a week for his horse.

Locke gradually became infirm. He lost most of his hearing. His legs swelled up. By October 1704, he could hardly arise to dress. He broke out in sweats. Around 3 o'clock in the afternoon, Saturday, October 28, Locke was sitting in his study with Lady Masham. Suddenly, he brought his hands to his face, shut his eyes, and died. He was 72. He was buried in the High Laver churchyard.

During the 1720s, the English radical writers John Trenchard and Thomas Gordon popularized Locke's political ideas in *Cato's Letters*, a popular series of essays published in London newspapers, and these had the most direct impact on American thinkers. Locke's influence was most apparent in the Declaration of Independence, the constitutional separation of powers, and the Bill of Rights.

Meanwhile, Voltaire had promoted Locke's ideas in France. Ideas about the separation of powers were expanded by Baron de Montesquieu. Locke's doctrine of natural rights appeared at the outset of the French Revolution, in the *Declaration of the Rights of Man*, but his belief in the separation of powers and the sanctity of private property never took hold there. Hence, the Reign of Terror.

Then Locke virtually vanished from intellectual debates. A conservative reaction engulfed Europe as people associated talk about natural rights with rebellion and Napoleon's wars. In England, Utilitarian

philosopher Jeremy Bentham ridiculed natural rights, proposing that public policy be determined by the greatest-happiness-for-the-greatest-number principle. But both conservatives and Utilitarians proved intellectually helpless when governments demanded more power to rob people, jail people, and even commit murder in the name of doing good.

During recent decades, some thinkers like novelist-philosopher Ayn Rand and economist Murray Rothbard, and Politician Ron Paul have revived a compelling moral case for liberty. They provided a meaningful moral standard for determining whether laws are just. They drew the clearest possible line beyond which neither a ruler, nor a majority, nor a bureaucrat, nor anyone else in government could legitimately go. They inspired millions as they sounded the battle cry that people everywhere are born with equal rights to life, liberty, and property. They stood on the shoulders of John Locke.

1. John Locke is considered the creator of the foundation of many early American political thinkers. The introduction generalizes his influence. How would you sum up this influence?
2. What events or people influenced John Locke in his early life? Explain one significant influence.
3. Name three political beliefs that Locke formed under the Earl of Shaftesbury.
4. Locke wrote his 1st and 2nd Treatise in response to the power of King Charles Stuart II. In short, what radical conclusions did he reach?
5. What was the difference between a *Whig* and a *Tory*? Which was Locke? Explain why.
6. Attach these concepts to Locke:
 - a. Natural Law
 - b. Property
 - c. Sovereignty
 - d. Revolution
7. Now attach these:
 - a. Reason
 - b. Education
 - c. Teachers
 - d. Government's relation to markets
 - e. The Press
 - f. Banking
 - g. Poor Relief
8. In what American Documents was Locke Influential? How about French?

At Home tonight, read a description of an event in American history known as the Whiskey Rebellion. Assume you are a citizen with full Lockean principles and write a one page letter to President George Washington showing your view of his response to this rebellion. Use the above material to form your thoughts in response.

