

MACPHERSON'S MISREADING OF LOCKE

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In his early work on Locke, C. B. Macpherson diagnosed “a contradiction in Locke’s account of the state of nature.”¹ Macpherson later relied on this diagnosis to show that Locke’s arguments against Hobbes fail. This paper reconstructs Macpherson’s analysis of Locke’s argument from sections 135 and 137 of *Second Treatise of Civil Government*.² The paper then challenges Macpherson’s interpretation of Locke’s arguments from those sections. In particular, the paper argues that Macpherson’s objections do not defeat Locke’s arguments because Macpherson misinterprets the nature of the arguments Locke is offering. Thus, on the one hand, Macpherson ignores the strictly moral nature of Locke’s argument from §135. On the other hand, Macpherson ignores the nature of the prudential arguments Locke offers in §137. The primary source of this latter confusion is that Macpherson ignores the fact that Locke offers not just one, but three, arguments in section §137.³ The upshot is that the ambiguity in Locke’s characterization of the state of nature does not do in his arguments against Hobbes; or if it does, it does not do so for the reasons Macpherson suggests.

I. MACPHERSON’S CONSTRUCTION OF LOCKE’S ARGUMENTS

The focus of this portion of the discussion is Macpherson’s presentation of two of Locke’s arguments against Hobbes. In the discussion in question, Locke seeks to show that sovereigns could not claim a right to destroy the lives or property of their subjects. Macpherson recognizes that Locke has more than one argument for this conclusion. The first is found in ST §135. Macpherson constructs the argument as follows, “Since individuals by nature do not have arbitrary power over their lives or over the lives and properties of others, they cannot give arbitrary power to society, and therefore society does not have it to give to any government” (xv).

Macpherson then attributes to Locke a second argument for this same conclusion. This argument is found in ST §137. Macpherson puts the argument roughly as fol-

lows. First, society was created for “the protection of the life, liberty, and estate of each member” (xv). If an individual gives away his power to defend himself, he will be worse off than in the state of nature, because at least in the state of nature he can defend himself. Thus, handing over absolute arbitrary power “would be contrary to the very purpose for which society was created” (xv), so “it is inconceivable that the society should ever give absolute or arbitrary power to any government” (xv).

Macpherson says both of these arguments require “the postulate of the peaceable state of nature” (xv). In regards to the first argument, Macpherson writes, “[Locke] has to postulate that the state of nature from which men enter civil society is one in which men do on the whole follow the law of nature, i.e., do not arbitrarily invade the lives, liberties, or properties of others. If they did so act, they would have arbitrary power in the state of nature.”⁴ Thus, on the assumption that individuals are violent in the state of nature, which Locke sometimes makes, the first argument seems to fail.⁵

The second argument requires the postulate of the peaceful state of nature because living under a sovereign with arbitrary power would not *necessarily* be worse than living in a Hobbesian state of nature. A benevolent sovereign, for example, could offer greater security in one’s possessions than one would enjoy in the violent state of nature.

The postulate of the peaceful state of nature is problematic here for the following reason. Locke can sometimes be taken to say that the state of nature is fairly Hobbesian. For example in §123 Locke tells us that in the state of nature man’s property is “constantly exposed to the invasion of others.” So we have a tension between Locke’s requiring the non-Hobbesian state of nature and Locke’s occasional characterization of the state of nature as decidedly Hobbesian. Macpherson thus tells us that Locke wishes both to affirm and deny that the state of nature is Hobbesian. Locke’s arguments against granting the sovereign arbitrary power seem to work only on the assumption that the state of nature is not Hobbesian. We can reconstruct Macpherson’s argument as follows:

Argument A (contra §135)

- A1. Locke says we do not have arbitrary power over ourselves in the state of nature.
- A2. Locke says we cannot justly give what we do not have.
- A3. Thus, we cannot give the sovereign arbitrary power over us.
- A4. But, if some individuals do not obey the moral law, as Locke seems to grant, there are people who exercise arbitrary power in the state of nature.⁶
- A5. So (A1) is false and (A4) contradicts (A3).

Argument B (contra §137)

- B1. Locke says the state exists to protect property.
- B2. In the state of nature, Locke says, we can always protect our property.
- B3. If we grant others arbitrary power, we cannot protect ourselves.
- B4. Thus, from 2 and 3, we cannot be understood to have given others arbitrary power because we would be worse off than in the state of nature.
- B5. But, if the state of nature is violent, as Locke sometimes says it is, we would

not necessarily be better off under a sovereign with arbitrary power.
B6. Thus, (B4) is not necessarily true.

If Macpherson's premises (A4) and (B5) were true, both of Locke's arguments would be undermined, at least if Macpherson constructs the arguments properly. The following section offers an attempt to show that Macpherson has not done so. The aim is to put argument A in its proper context and to show that the argument at which A is aimed is moral in nature. So the factual claim that some people violate the moral law does not undermine A's normative content. Section III turns to argument B and argues that Macpherson misinterprets Locke as offering an argument based on the sweeping premise that life under a sovereign with arbitrary power would be worse than life in the state of nature. In fact, Locke has three arguments to establish that it would be irrational to grant the sovereign arbitrary power. In particular, Locke says there are two salient manners in which life under the sovereign with arbitrary power would be worse than the state of nature; and these reasons turn on the very *raison d'être* of the state.

II. LOCKE'S ARGUMENT FROM SECTION 135⁷

Macpherson claims Locke is unclear in how he wishes his arguments to be understood. Some of the ambiguity Macpherson picks up on stems from Locke's use of "power." And it does seem fair to say that Locke is not always consistent in his use of that term, as he sometimes uses it to connote "moral right" and at others to mean "ability." Despite this inconsistency, it is readily discernable when Locke is using "power" as a moral notion and when he is not. To make this point clear I will first construct Locke's discussion from §135. I will then present the earlier arguments to which Locke is there referring. The goal here is twofold. First, to establish that Locke's argument from §135 is a moral argument, and second, to show that Macpherson's (A4) is irrelevant.

It is important to understand what Locke means by "power" in §135. I suggest the answer is clear when he writes that man "has no such arbitrary over the life, liberty, or possessions of another, but only so much as the law of nature gave him for the preservation of himself, and the rest of mankind." He then tells us the sovereign's power "is limited to the public good of the society. It is a power that hath no other end but preservation." He then concludes §135 by stating that the legislator's rules "must be conformable to the law of nature, and the fundamental law of nature being the preservation of mankind, no human sanction can be good, or valid against it."

It should be clear from the first line cited above that Locke is not simply describing men's physical abilities. We have the ability to perform immoral actions, so Locke could not be arguing that we have only the ability to do what is morally right.

The same is true of the second citation above, viz., that the sovereign's power is limited to the good of society. If Locke is not making a moral claim, he is clearly wrong. During Locke's own lifetime several monarchs used their power for purposes other than preserving life and property.

The final proposition is the clearest of all. Locke tells us the power of the sovereign must accord with the laws of nature; and no human sanctions are valid if they are

against the natural law. Validity is a patently normative concept, as is “natural law.” Locke is clearly presenting a moral argument against granting the sovereign arbitrary power. The argument is essentially that no one has a right to grant the sovereign this power. What we might wonder is why Locke thinks we do not have arbitrary power over ourselves.

The answer is found late in §135 when Locke says it has been proved that men have no arbitrary power in the state of nature. He is here hearkening back to §6 of ST, where he presents his famous workmanship argument. In this section Locke argues that, since God has created us, we “are his property, whose workmanship they are, made to last during his, not one another’s pleasure.” From this, Locke concludes that “there cannot be supposed any such subordination among us, that may authorize us to destroy one another, as if we were made for one another’s uses, as the inferior ranks of creatures are for ours.”

Locke thus establishes very early in ST that we have no *right* to claim arbitrary power in the state of nature. For Locke we are God’s property and claiming arbitrary power over either others or ourselves is to assume that we or others are our property and not God’s.⁸

We can now see why Macpherson’s objection to this argument is beside the point. When Macpherson tells us that some people violate the moral law and thus do exercise arbitrary power, he misses the point. Locke’s argument in §135 is that it is immoral for men to exercise that power. Locke is not here arguing that men are unable to transfer arbitrary power. Instead, he is arguing that men have no right to do so. As Eric Mack observes “the question that primarily concerns Locke is not whether individuals in the state of nature will act in this way but, rather, whether it will be wrongful if they do so act.”⁹ So Macpherson’s (A4), that men do not obey the moral law, does not address Locke’s argument. Thus, if Locke’s argument from §135 fails, it is not for the reasons Macpherson suggests.

III. LOCKE’S ARGUMENT FROM SECTION 137¹⁰

Macpherson’s argument B is aimed at Locke’s discussion from §137, and Macpherson rightly recognizes that in this section Locke *is* making a prudential argument of sorts. Macpherson’s objection in B is that if the state of nature is violent, living under a sovereign with arbitrary power would not necessarily be a worse option. I shall argue that this objection is too broad to address the points Locke makes in §137. Because of this interpretive failure, I argue, Macpherson’s objections do not pose a problem for Locke.¹¹

As one reads §137, one realizes that Macpherson has not appreciated why men cannot be understood to have given the sovereign arbitrary power. Or, put differently, Macpherson has not appreciated the relevant manner in which men would be worse off if they granted the sovereign arbitrary power. Nowhere in §137 does Locke say man’s life would be worse off in all ways under a sovereign with arbitrary power than it would be in the state of nature. Instead, Locke offers two very important manners in which men would be worse off under a sovereign with arbitrary power than they would be in a violent state of nature; and he takes being worse off in these ways to

be most salient because they place men at risk of losing their ability to defend their property. He then offers an argument against the reasonableness of granting arbitrary power to a potentially benevolent sovereign. The three arguments just mentioned work as follows.

In §137, Locke does two things. First, he invites us to assume that the hypothesis of the violent state of nature is correct. Second, he then argues that, even on this assumption, life under a benevolent sovereign with arbitrary power would, in two very significant ways, be worse than in the state of nature.

The first reason Locke offers for this claim is that in the state of nature men always have a “liberty to defend their right against the injuries of others, and were upon equal terms of force to maintain it, whether invaded by a single man, or many in combination.” But arbitrary power, as Locke sees it is “an absolute, arbitrary power one man has over another, to take away his life, whenever he pleases” (§172). And, if we have granted the sovereign that kind of power, we have given away our liberty to defend our life and property; and this would be at odds with the very purpose of entering civil society (§134). Thus, Locke’s first argument is that it makes no sense to give up one’s ability to protect that which is the very motivation for entering civil society. It is better to have the ability to defend oneself and one’s property than it is not to be able to do so—even if one never has to do so. Even on the supposition that a sovereign with absolute power is the only way out of the (Hobbesian) state of nature, Locke seems to take it that granting the sovereign this power would be at odds with the very purpose of entering the state. This is the first argument against granting the sovereign such power.

Locke’s second argument to establish that the violent state of nature is better than living under a sovereign with arbitrary power relies on an empirical claim, but it is a reasonable empirical claim. Locke claims that one man with the power of 100,000 is more dangerous than 100,000 uncoordinated individuals. After all, each of the 100,000 exercises arbitrary power against one another as well. Thus, it is less likely that they will be able to direct an attack at a single person. It is more likely that, if one is attacked, it will not be by the entire 100,000. Thus, one’s odds of winning are higher, even if only marginally so. This is a reasonable empirical suggestion and it is not at all obvious that Macpherson casts doubt on it simply by claiming that it is not necessarily true.

We now have two arguments for Locke’s claim that granting the sovereign arbitrary control over our lives would be to “put [ourselves] into a worse condition than the state of nature” (§137). These arguments do not attempt to show that life under a sovereign with arbitrary power would be worse than life in the state of nature in all conceivable manners. Instead, Locke tries to show that there are two ways in which granting the sovereign arbitrary power is at odds with the goal of protecting one’s life and property; and that, in these ways, it is worse to live under a such a sovereign than it is to live in the state of nature. So, if Macpherson meant to challenge these arguments, he has not shifted the burden of proof to Locke simply by stating that life under a sovereign with arbitrary power is not necessarily worse than life in the state of nature in *all* ways—for Locke never claimed this.

Given that this interpretation of Macpherson’s objection fails, we should consider

an alternative. Perhaps, Macpherson just means that a benevolent sovereign would make life better in general than in the violent state of nature.

However, Locke responds to this objection in the citation offered above. Locke doubts that everyone could know a man well enough to trust him with arbitrary power. And Locke doubts that we could know well enough what arbitrary power will do to a person. The challenge then is not that living under such a sovereign would necessarily be worse than living in the state of nature. Instead, the challenge is to show that it would be rational to trust an individual with such power. Locke doubts this can be done. Even if one individual can rationally trust another with this power, it is unlikely that enough individuals can trust a single individual with that kind of power. The ability to trust someone with that sort of power requires an intimacy it is hard for large number of individuals to have. That is why he says “men cannot be understood” to have given the sovereign arbitrary power. Locke doubts that it could be rational to do so. This is Locke’s third argument from §137.

It should be clear from the previous discussion that Macpherson’s objections in B do not address Locke’s arguments from §137. Locke has two distinct arguments to show how granting the sovereign arbitrary power would make one’s situation worse *in two specific manners* than it would be in the state of nature.¹² Locke has not argued that man’s life would be worse in *all* ways, but only in some. Macpherson’s objection does not touch the relevant ways in which men’s life would be worse. Thus, I conclude that Macpherson’s arguments, at least as they stand, fail to defeat Locke. And, in this sense, the ambiguity Macpherson finds in Locke’s arguments is irrelevant to their success. The task here, however, has not been to show that Locke’s arguments are ultimately defensible. Instead, I wanted only to show that Locke is immune to the criticisms Macpherson raises.

APPENDICES

Appendix A: (Locke’s §135)

Though the legislative, whether placed in one or more, whether it be always in being, or only by intervals, though it be the supreme power in every common-wealth; yet, First, It is not, nor can possibly be absolutely arbitrary over the lives and fortunes of the people: for it being but the joint power of every member of the society given up to that person, or assembly, which is legislator; it can be no more than those persons had in a state of nature before they entered into society, and gave up to the community: for no body can transfer to another more power than he has in himself; and no body has an absolute arbitrary power over himself, or over any other, to destroy his own life, or take away the life or property of another. A man, as has been proved, cannot subject himself to the arbitrary power of another; and having in the state of nature no arbitrary power over the life, liberty, or possession of another, but only so much as the law of nature gave him for the preservation of himself, and the rest of mankind; this is all he doth, or can give up to the common-wealth, and by it to the legislative power, so that the legislative can have no more than this. Their power, in the utmost bounds of it, is limited to the public good of the society. It is a power,

that hath no other end but preservation, and therefore can never* have a right to destroy, enslave, or designedly to impoverish the subjects. The obligations of the law of nature cease not in society, but only in many cases are drawn closer, and have by human laws known penalties annexed to them, to enforce their observation. Thus the law of nature stands as an eternal rule to all men, legislators as well as others. The rules that they make for other men's actions, must, as well as their own and other men's actions, be conformable to the law of nature, i.e. to the will of God, of which that is a declaration, and the fundamental law of nature being the preservation of mankind, no human sanction can be good, or valid against it.

Appendix B: (Locke's §137)

It cannot be supposed that they should intend, had they a power so to do, to give to any one, or more, an absolute arbitrary power over their persons and estates, and put a force into the magistrate's hand to execute his unlimited will arbitrarily upon them. This were to put themselves into a worse condition than the state of nature, wherein they had a liberty to defend their right against the injuries of others, and were upon equal terms of force to maintain it, whether invaded by a single man, or many in combination. Whereas by supposing they have given up themselves to the absolute arbitrary power and will of a legislator, they have disarmed themselves, and armed him, to make a prey of them when he pleases; he being in a much worse condition, who is exposed to the arbitrary power of one man, who has the command of 100,000, than he that is exposed to the arbitrary power of 100,000 single men; no body being secure, that his will, who has such a command, is better than that of other men, though his force be 100,000 times stronger.

NOTES

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1. C. B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes and Locke* (Oxford: Clarendon P, 1962) 241. It should be noted that the misreading I accuse Macpherson of here is distinct from the three James Tully diagnoses in *A Discourse on Property: John Locke and his Adversaries* (Cambridge: Cambridge UP, 1980).

2. John Locke, *Second Treatise of Civil Government* ed. C. B. Macpherson (Indianapolis: Hackett Publishing, 1980). All in-text citations are to this source; those with roman numerals reference Macpherson's famous introduction to that text. I abbreviate this source as "ST" throughout the text.

3. On my reading, Locke generally attempts to overdetermine his moral claims. So we often find Locke presenting first moral arguments to establish what is right, then independent prudential arguments to show why we should be motivated to do what is right. Because of this, it is paramount not to conflate the moral side of Locke's arguments with the prudential side. A refutation of one form of argument is not necessarily a refutation of the other. I do not have

the space to argue for this interpretation here, though I think the present discussion makes the beginnings of a good case in favor of my reading.

4. C. B. Macpherson, *Possessive Individualism* 242.

5. Macpherson reiterates this point in his introduction to the Hackett edition of Locke's *Second Treatise* when he writes, that in the state of nature "men do exercise arbitrary power, so there is arbitrary power to be handed over" (xv).

6. In *Possessive Individualism*, published in 1962, Macpherson seems to suggest that Locke's arguments would require only that "those who violate the law of nature are 'an exceptional few'" (240); but in his preface to the Hackett edition of ST, published 18 years later, Macpherson suggests that if anyone violates the law of nature, Locke's argument from §135 would be undermined. In constructing the argument here, I have adopted Macpherson's later formulation.

7. I reproduce §135 in Appendix A.

8. That this creates tension for Locke's apparent endorsement of self-ownership might go without saying. It is not my task to resolve this difficulty here.

9. Eric Mack and John Meadowcraft, *John Locke* (New York: Continuum International Publishing Group Ltd., forthcoming, 2009) 27.

10. I reproduce this argument in Appendix B.

11. Throughout the *Essay Concerning Human Understanding*, Locke generally uses "power" to mean "ability." For a discussion of Locke's inconsistencies in ST, see Ernest Wolf-Grazo, "Whitehead and Locke's Concept of Power," *Process Studies* 14. 4, (1985): 237-252

12. I am not forgetting Locke's third argument here. The third argument is aimed at a specific response to the two arguments just mentioned.