

Discussion Guide, Advanced

Episode 4

Freedom, equality, property rights, and government by consent—each of these ideas figures prominently in contemporary political thought. And each idea was central to the political thought of John Locke.

Perhaps the best way to begin a discussion of Locke is to consider his views on two important questions: (1) how can private property be justified? and (2) what makes a government legitimate?

The Justification of Private Property

According to Locke, God gave the world to mankind in common. Even so, Locke thinks that people can (and perhaps did) come to have natural rights to *private* property, even before the institution of government.

For Locke, a thing becomes a person's private property when he "mixes" his labor with it, provided that the following two conditions are respected. First, the person must not take so much that it will spoil, since God did not make anything to be spoiled. Second, the person must leave "enough and as good" for other people, since God made the earth and its fruits for the benefit of everyone.

In your discussion, try to evaluate Locke's account of legitimate appropriation.

1.

Is mixing your labor with something unowned sufficient to make it your property? If you build a house with your own hands, do you have a reasonable claim to it as your property?

2.

If you go to the forest and cut down a tree, are you now the legitimate owner?

3.

What if you “mix your labor” with the Atlantic ocean by building a fence around it, or by mixing a can of your homemade tomato juice with it? Does the ocean immediately become your property?

4.

Is labor necessary for someone to have a claim to private property? What if a disabled person needs a wheelchair but can't build one herself? Does she have a right to the wheelchair anyway? If so, what is the basis of this right?

5.

Is there more than one justification for property?

6.

Locke thinks that legitimate appropriation must not lead to spoilage and must not make other people worse off. However, he thinks that both provisos are easily satisfied once people “consent” to the use of money. After all, money does not spoil, and an economy based on money creates more wealth than an economy based on barter.

Is Locke right to think that people “consent” to the institution of money when they take money as payment? Is Locke right to think that such consent makes even unlimited appropriation legitimate?

The Nature of Legitimate Government

The purpose of Locke's *Second Treatise of Government* is to establish the nature of legitimate government. To that end, Locke imagines a "state of nature," before the institution of government. In the state of nature, everyone is free and equal. Everyone is also bound by the "law of nature," which commands (1) self-preservation and (2) preserving other people's lives when this does not conflict with your own self-preservation.

The state of nature is full of "inconveniences," according to Locke, because it lacks a judge to settle disputes about the law of nature and police officers to enforce the law of nature. To remedy the situation, people decide to leave the state of nature by agreeing to enter into "civil society." But since they are trying to make their condition better, not worse, they agree only to a *limited* government that protects their natural rights to life, liberty, and property.

Notice that Locke's story about the state of nature functions as an argument about legitimate government: a government is legitimate only if people in a state of nature could agree to it without violating the law of nature and without making their own condition worse. Absolute monarchy, for instance, is illegitimate because it gives the monarch more power than the people have a right to give and because it makes them worse off than they would be in a state of nature, with no government.

Critical to Locke's argument is the idea of "unalienable rights." Yes, people are free by nature, but "liberty" is not "license." After all, the law of nature commands people to preserve themselves. Therefore, they must never commit suicide, sell themselves into slavery, or consent to be ruled by an absolute monarch. Their rights to life, liberty, and property are unalienable; they cannot be given away.

1.

Consider the idea of unalienable rights and the role they play in Locke's

argument. Why is it that we must not commit suicide or sell ourselves into slavery? God and the law of nature seem to play a big role in Locke's answer. Is that a problem? Is there some other reason why we must not commit suicide, sell ourselves into slavery, or voluntarily give up other basic rights?

2.

In general, what is the difference between liberty and license? Is it possible to abuse a freedom that one has a right to?

3.

Locke thinks that, to be legitimate, government must be by consent. But what counts as consent? Must every single person agree to be governed? What if some people hold out unreasonably?

4.

Is a government legitimate if everyone *could* agree to it? What if you never in fact agreed to it, but just happened to find yourself living here? Does merely living somewhere count as consent? If not, is it enough that the government protects your rights? What if you never get to have a say?

5.

Locke says that government, once it is set up, should be guided by the principle of majority rule. However, he also says that the purpose of government is to protect people's unalienable rights, including their right to property. What if these two goals conflict? What if a poor majority wants to tax a rich minority?