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HSS2: Texts and Contexts

April 25, 2021

Equality and Justice: Assessing John Locke's Depiction of the State of Nature in the *Second Treatise of Government*

With the recent spark in the global movement for racial equality and justice, John Locke's *Second Treatise of Government*, and more specifically the "state of nature" and what it entails, could not be more topical. Hence arose the desire to explore the assumptions made by Locke when depicting his "state of nature" and to test the legitimacy of this depiction through scrutiny of two particular features, namely equality and justice. In the *Second Treatise*, "civil society" is shown to be derived from the "state of nature" that mankind is born into and that is governed by the law of nature. This law dictates that all men are equal, and so by being equal, each individual is his own executioner of the right to preserve mankind. Locke uses this principle of equality to also introduce justice, whereby the victim is given the right to punish the offender and reciprocate the offence. These two attributes, equality and justice, are the main, defining characteristics of Locke's depiction of the state of nature. This paper will claim that the assumptions on which Locke bases the state of nature when arguing about equality and justice reduce the legitimacy, and instead create an unrealistic depiction, of the state of nature.

Looking at the first of the two chosen tenets of the state of nature, Locke posits equality as a state in which same-species inhabitants have equal power and enjoy the same benefits that their habitat has to offer. Between them, there is no "... subordination or subjection..." (*Second Treatise*, Ch. II, § 4; Macpherson 8). The existence of equality in this state of nature arises from Locke's assumption that the origin of mankind is God. Locke was a devout Christian, frequently peppering allusions to the Creator throughout his work, such as "... the lord and master of them all..." (*Second Treatise*, Ch. II, § 4;

Macpherson 8), or “... for men being all the workmanship of one omnipotent, and infinitely wise maker...” (*Second Treatise*, Ch. II, § 6; Macpherson 9). His religious beliefs, therefore, influence his argument for equality, calling upon the reasoning that since we all have the same holy origin, “... all the servants of one sovereign master, sent into the world by his order, and about his business; [they] are his property...” (*Second Treatise*, Ch. II, § 6; Macpherson 9), and sharing a common planet with an abundance of resources and property, mankind can live in a state of nature, a state of “... peace, good will, mutual assistance and preservation...” (*Second Treatise*, Ch. III, § 18; Macpherson 15). Locke’s second assumption is that by being God’s children, we are to follow His will; which Locke presumes to be that we are made to live without using each other with the goal of subverting or gaining power from others, “... workmanship [they] are, made to last during his, not one another's pleasure ... 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 our's.” (*Second Treatise*, Ch. II, § 6; Macpherson 9). Locke has founded his argument for equality on two critical assumptions: the existence of a God who has created us, and the intentions that the Creator has for us; neither of which have been definitively and scientifically refuted or proven. Consequently, the aspect of equality in the portrayal of the state of nature is rendered theoretical and based on religious beliefs.

These same beliefs drive Locke to introduce justice in the state of nature and forge a link between the two attributes, equality and justice. When administering justice, mankind must uphold the law of nature, by treating everyone equally and being “... bound to preserve [himself] ...” and the “...rest of mankind...” (*Second Treatise*, Ch. II, § 6; Macpherson 9). The individual has the “... power to execute that law...” (*Second Treatise*, Ch. II, § 6; Macpherson 9). By the equality of all men and the need for at least one individual to be the executioner of the law of nature for the preservation of this state of nature, “... the execution of the law of nature is, in that state, put into every man’s hands...” (*Second Treatise*, Ch. II, § 7; Macpherson 9). Locke’s justice in the state of nature takes shape as each is made his own judge of the law. Equality and justice are shown to be mutually inclusive, with justice originating from the right to equality. When formulating this concept of justice derived in the state of nature, Locke

assumes that the majority of mankind is inherently good to an extent of being “.... restrained from invading others rights, and from doing hurt to one another which willeth the peace and preservation of all mankind ...” (*Second Treatise*, Ch. II, § 7; Macpherson 9). This assumption is taken further through Locke’s belief that, with the power of being your own judge, you can only punish for “... reparation and restraint ... for these two are the only reasons, why one man may lawfully do harm to another, which is that we call punishment.” (*Second Treatise*, Ch. II, § 8; Macpherson 10). So, not only is the victim expected to abide by these two, sole reasons for punishment, but also to refrain from being blinded by his emotions. He must only punish to an extent which reciprocates the offences bestowed upon him, “... no absolute or arbitrary power, to use a criminal... according to the passionate heats, or boundless extravagancy of his own will; but only to retribute to him, so far as calm reason and conscience dictate, what is proportionate to his transgression” (*Second Treatise*, Ch. II, § 8; Macpherson 10). The fundamental assumptions on which Locke’s principle of justice in the state of nature are based, namely that man is inherently good, will punish for two reasons only and will control his emotions to avoid disproportionate punishment, are better fit to a utopian world and detract from the legitimacy of the state portrayed by Locke.

Locke’s belief that retribution must not, as stated above, be disproportionate to the offence caused, appears to be heavily based upon this belief that man will control his emotions and be able to remain calm and reasonable. However, the author himself appears to contradict this very belief, as he later acknowledges man’s tendency towards an intentional administration of heavier retribution due to emotion, “... self-love will make men partial to themselves and their friends: and on the other side, that ill nature, passion and revenge will carry them too far in punishing others... therefore God hath certainly appointed government to restrain the partiality and violence of men.” (*Second Treatise*, Ch. II, § 13; Macpherson 12). Locke presses this point further by expressing that such vengeful behavior would actually transform the state of nature into a state of war, in other words a state of “... enmity, malice, violence and mutual destruction ...” (*Second Treatise*, Ch. III, § 19; Macpherson 15). Nonetheless, this fine line between the two states is identified by the author, as he articulates that a state of nature, with

"...every the least difference is apt to end ..." (*Second Treatise*, Ch. III, § 21; Macpherson 16) in a state of war. The idyllic picture of the state of nature painted by Locke up until Chapter 2 is henceforth blackened into becoming a hostile state in which the author warns, "...though in the state of nature he hath such a right ... the enjoyment of it is very uncertain, and constantly exposed to the invasion of others... the enjoyment of the property he has in this state is very unsafe, very unsecure...however free, is full of fears and continual dangers ..." (*Second Treatise*, Ch. IX, § 123; Macpherson 66). Thus, the state of nature is portrayed in a more realistic light as Locke strips away the assumption that man will be driven by impartiality and will be just because he is good by nature. Moreover, this bleak description of a state of nature characterized by fear and vulnerability is dissonant with the single definition given by Locke, of "...peace, good will, mutual assistance and preservation ..." (*Second Treatise*, Ch. III, § 18; Macpherson 15) and is closer to being a state of war.

As the lines between the state of nature and the state of war become blurred, so too does the legitimacy of Locke's depiction of the state of nature weaken. Equality and justice, two particular features that Locke has used to portray his state of nature that "... all men are naturally in..." (*Second Treatise*, Ch. II, § 4; Macpherson 8), are founded on assumptions that rather than augment, reduce the legitimacy of the author's state of nature. Equality is based on religious beliefs that do not proffer a means for validation, whilst justice is in turn based on equality and thereby also inherently driven by the same beliefs and characterized by the same limitations. Further, justice is founded on the assumptions that man is inherently good, will punish for two reasons only and will control his emotions to avoid disproportionate punishment. The ease by which Locke's state of nature can turn into the state of war demonstrates that such assumptions can regrettably only hold true in an idealistic setting envisioned by the author, where peace and cooperation can coexist and where man is motivated by the wish to preserve mankind. Locke's depiction of the state of nature is not found to be legitimate, but rather more akin to ideologies found in Thomas More's *Utopia*.

Work Cited

Macpherson, C. B., ed. *John Locke. Second Treatise of Government*. Hackett Publishing Co., Inc., 1980.