CHAPTER 6

‘Life, Liberty and Estate’: The Political Thought of John Locke

Radicals like the Levellers effected a revolution in political theory and set the agenda of political debate from then on; but in practice they were roundly defeated, as Cromwell turned against the radical alliance which had brought him to power while frightening away the bulk of the parliamentary classes. With that betrayal, the Commonwealth lost the wider social base that might have sustained the republican revolution; but the irony is that even this was not enough to reassure more conservative and nervous parliamentarians. The experience of civil war, with the revolutionary forces it unleashed, ended by reuniting the propertied class, not behind the parliamentary project that had driven them to conflict with the king in the first place but, on the contrary, behind the restoration of the Stuart monarchy. Anything, even a renewal of the absolutist threat, was evidently better than a ‘world turned upside down’.

The Restoration was not, of course, the end of the matter. It simply postponed until 1688 the realization of the parliamentary project begun in 1641. The years between 1660 and 1688 saw renewed and growing conflicts not so very different from the ones that had brought about the Civil War. By the late 1670s, there had emerged a parliamentary opposition ready to take on the king yet again, and another decade of crisis finally ended in success. The so-called Glorious Revolution ended Stuart rule, bringing William and Mary of Orange to the throne, and with them, as historical convention informs us, the kind of constitutional monarchy and parliamentary supremacy that remains in place today – the kind of political order, in other words, that the ruling class in Parliament had sought in 1641.

John Locke (1632–1704)

In the renewed conflicts between Parliament and Crown, there was another recurring theme too. Among the aristocrats who led the parliamentary opposition in the 1670s and early 1680s, there were, again, some who were prepared to further their cause by forging alliances with radical forces, especially in London. The most important leader of these radical Whigs, as they came to be called, was Anthony Ashley Cooper (1622–83), first Earl of Shaftesbury, employer, patron and friend of the philosopher, John Locke. A wealthy capitalist landowner who was also deeply involved in colonial trade, Shaftesbury represented interests very similar to those of the great landed aristocrats who had led Parliament in 1641. He was keenly interested in managing and ‘improving’ his vast landed estates and was also an expert on commerce. His own political career, while it was certainly remarkable for its frequent, not to say opportunistic, tacks and turns, nicely tracer the changing political interests of the landed aristocracy through the upheavals of the seventeenth century: a royalist turned parliamentarian during the Civil War, he supported Cromwell for a while and sat on his Council of State, then came out as an advocate of Restoration. Elevated to the peerage in 1661, he served Charles II for 13 years, reaching the height of his career as Lord Chancellor, only to become one of the monarch’s fiercest opponents and one of the most radical Whig leaders. Though never a democrat and always a supporter of aristocracy against both absolute monarchy and democracy, he was one of the main instigators of an alliance with popular radicals in opposition to the king, particularly in the campaign to prevent the succession of James II, in the so-called ‘Exclusion Crisis’ of 1679–81.

Shaftesbury is a figure of some interest to historians of political thought not as a thinker in his own right but because of his relationship with Locke. The association between the two men was very close, and Locke appears to have been actively involved in Shaftesbury’s political activities, especially during the Exclusion Crisis. Their dealings with radicals have persuaded some commentators that Locke’s true sympathies lay with the radicals, and they have interpreted his political writings, specifically his famous Two Treatises of Government, on that assumption. But Locke’s relationship with radical ideas is more complicated than that and requires closer scrutiny.

Locke, born in 1632 the son of a country attorney and small landowner on the fringes of the lesser gentry, began his career as an Oxford don. Although he started as a lecturer in Greek, rhetoric and moral philosophy, he began to study medicine informally. In 1666, he met Shaftesbury and soon joined his household as secretary, family tutor and physician – in which capacity he saved his employer’s life by removing an abscess of the liver. Before and after his mentor’s death in 1683, Locke held various government posts having to do with the colonies, plantations and trade, matters in which Shaftesbury, Lord Chancellor for a time in the 1670s, was keenly interested. Locke managed to amass a tidy, if moderate, fortune, from his inheritance, his government salaries and various
investments in lucrative commercial ventures. Because of his – or at least his patron’s – involvement in subversive activities, he cautiously removed himself to Holland for a time in the 1680s, returning after the ‘Glorious Revolution’ and serving the new government.

Locke’s intellectual interests were many and varied. He published significant works on economics and theology; an influential work on education, *Some Thoughts Concerning Education* (1693); and the ground-breaking *Letter on Toleration* (1689), a powerful plea for religious toleration. He was keenly interested in agriculture, and this interest, as we shall see, is reflected in the theory of property which is one of the most important aspects of his political thought. Probably his most famous work, which became one of the most widely read books of the eighteenth century and a major influence in the Enlightenment, was *An Essay Concerning Human Understanding* (1690), a treatise on the origins and nature of human knowledge.

The *Essay* was addressed in part to the rejuvenation of the gentry which Locke believed was in decline: self-indulgent, extravagant and slothful. Among his aims was to show how ordinary literate people might become more ‘industrious and rational’ – in the words of his *Second Treatise of Government*. Locke was writing a kind of ‘natural history’ of the human psyche, in the tradition of Francis Bacon’s ‘natural histories’ of plants, animals and various human practices and institutions. Like Bacon, Locke urges his readers to purify their minds by freeing themselves from the yoke of custom, fashion and received opinion. Then, as autonomous, self-directed individuals, they should reason about their own ideas and those of others. Gentlemen are warned that without self-improvement, they will eventually be replaced by those of lower condition who surpass them in knowledge.

Locke’s argument is based on the by now familiar concept of the mind as a *tabula rasa*, a blank slate, at birth, on which sensations from the natural and social environment are imprinted. His view that knowledge derives from sense experience is the basis of so-called ‘empiricist’ theories of knowledge, but it also has larger, social and even political implications. One of the implications of Locke’s *tabula rasa* is that most human differences are due not to heredity but to different circumstances and education. In principle, this represents a significant challenge to notions of natural, hereditary or perhaps even racial superiority; but Locke never presses this egalitarianism to its logical conclusion. Throughout his works, although cherishing the self-made man, he seems to be convinced that the rich and poor will always be with us and that the former will always dominate the latter. Not only does he take for granted the relations between ‘master’ and ‘servant’, he even justifies slavery. Still, the ruling class, if only out of prudent self-interest,
is indeed a theorist of a ‘rising’ capitalism and that the argument of the Two Treatises was ideally suited to the class interests of a ‘progressive’ landed aristocracy engaged in capitalist agriculture and colonial trade: in short, to the interests of men like Shaftesbury. This does not mean that Locke was not, in the context of his time and place, some kind of ‘radical’; but his radicalism, as we shall see, had more politically in common with Cromwell or Ireton than with the Levellers. What makes his political theory especially complex and interesting is that he arrives at Ireton’s conclusions (though without any hint of repudiating monarchy) while starting from Leveller premises. He adopts radical ideas to make the strongest possible case against absolutism but is always careful to limit their most democratic implications.

The Two Treatises of Government

The First Treatise, less commonly read than the second, is a detailed refutation of the case for royal absolutism in Patriarcha, written by Sir Robert Filmer decades earlier but resurrected and published by supporters of the king in the monarchy’s new conflicts with Parliament. In painstaking detail, in language dripping with irony and ill-disguised contempt, Locke takes apart Filmer’s ingenious and idiosyncratic argument that royal power descends from Adam and the patriarchal power bestowed on him by God. Locke’s efforts here are devoted less to laying out a coherent political theory of his own than to challenging Filmer’s logic, as well as his biblical scholarship, by demonstrating (sometimes unfairly) the absurdities and inconsistencies in Patriarcha; but the fundamental premises of the First Treatise, though spelled out more systematically in the Second, are clear: men are naturally free and equal, and no free man can be bound to obey a government without his own consent, so that no absolute government can be regarded as legitimate.

In the Second Treatise Locke is no longer just debating with one specific author, and he constructs a systematic and more or less coherent political theory. Like Hobbes he begins with a ‘state of nature’ and outlines the conditions that make civil society necessary and desirable. But where Hobbes concludes that any government capable of maintaining order – and, more particularly, an absolute government – is better than the ‘state of war’ which would exist in its absence, Locke’s purpose is precisely to deny the legitimacy of the kind of government Hobbes advocates. For Locke, a government’s capacity to keep the peace is not enough to compel obedience to it, and something more is required to explain how men, born free and equal, acquire an obligation to obey.

Locke’s argument is not always easy to follow. His concept of the state of nature is especially ambiguous. He is, to begin with, very keen to dissociate his conception of the state of nature from Hobbes’s state of war. The state of nature, he insists, is a condition governed by certain laws of nature, certain divinely ordained moral precepts, which human reason can discover. Locke’s account of human nature also seems far less grim than that of Hobbes. Human beings, it seems, are capable of living together without government, and they even take pleasure in each other’s company. If Hobbes bases civil society on the worst in human nature, Locke finds it on the best of human qualities, reason and the capacity to live by moral rules. Yet this version of the state of nature appears to be less an account of some historical reality than a kind of moral ideal. Its main purpose is to serve as a standard against which to judge what counts as a legitimate government, a true civil society. Just as Hobbes’s worst case scenario was designed to emphasize the necessity of absolute government, Locke’s optimistic portrait is meant to rule out all absolutist forms as contrary to natural liberty, equality and reason.

At the same time, there seems to be another state of nature in Locke’s theory, not just a moral ideal but something like a historical condition, if not an actual historical stage in human development then at least what the world would really be like without government. In this real world, it turns out that society without government is not so idyllic after all. Here, the emphasis seems to be on human selfishness, perhaps based on a belief in original sin. If men really could live together governed only by their own reason and by the laws of nature, Locke now makes clear, civil society would be unnecessary.

In the end, Locke’s ‘real’ state of nature is not a million miles away from Hobbes’s state of war. Society without government is fraught with uncertainties and ‘inconveniences’. In particular, in the state of nature, where the only laws are natural laws, and where every man must execute the laws himself, there is no impartial judge to whom people can appeal in case of conflict, so each man must be judge in his own case. Such conditions are inevitably unstable, and no one can be certain that the smallest conflict will not end in war. Since Locke, as we shall see, imagines the (historical) state of nature as a form of social organization in which private property already exists, the likelihood of conflict is, of course, that much greater. So men (and it is indeed men) have found it useful, even necessary, to establish civil society.

Locke’s account of the state of nature may not be as clear and consistent as it could be, but his message here is reasonably unambiguous: free, equal and rational men agree to establish civil society in order to avoid the inconveniences of the natural state,
just as they do in Hobbes's version of the story. But since rational men can never be understood as having agreed to something that would worsen their condition, much depends on how their 'natural' condition is presented. For Hobbes, any form of government capable of maintaining peace and order is better than the state of war. In Locke's case, what men are trying to avoid is not – or not simply – a state of war but a condition in which their obedience to natural law is made too uncertain and unsafe by the absence of a common and impartial judge.

This has important implications in establishing the criteria of legitimate government. Against the background of Locke's state of nature, free men can never be understood as having agreed to an absolute government, a government not subject to the rule of law. In relation to a ruler who is above the law, people would still be in the state of nature, comparable to their relations with other men at a time when there was no impartial judge to settle conflicts between them. The ruler would here be judge in his own case. In fact, in such circumstances the government's use of its coercive powers on its own subjects – the use of its official powers of enforcement and punishment – would be 'force without right', and therefore nothing better than a state of war.

Locke's civil society too is established by agreement among free men, but unlike Hobbes's government founded by consent, the agreement to establish civil society is not simultaneously a transfer of power. Men, according to Locke, first agree to form a society and then, in a separate act, they establish some form of government, not by unconditionally handing over their powers but as a kind of trust. Government, in other words, is entrusted, but only on certain conditions, with the powers each man enjoyed in the state of nature. If those conditions are violated, power returns to the people. They do not, however, thereby return to the state of nature. The dissolution of government does not, as seems to be the case with Hobbes, mean the disintegration of society. This account of the state of nature and the formation of civil society for Locke means, among other things, that men do have a right of revolution, a right to resist and overthrow a tyrannical or unlawful government; and they can do so without fear of dissolving society itself.

In the end, the differences between Hobbes and Locke have less to do with fundamental disagreements about human nature, or about what the world would be like without government, than with politics and strategy. Hobbes's objective is to legitimize absolute government, whether in the hands of a Stuart king or a Cromwellian 'Protector'. Locke is seeking to justify resistance to a Stuart king and the establishment of parliamentary supremacy. Both men make use of radical ideas and arguments, Hobbes to turn them on their head in defence of absolutism, Locke to strengthen his anti-

absolutist case. But if Locke's anti-absolutist argument is more consistent with radical principles than is Hobbes's absolutism – more consistent, for example, with the Leveller view of 'self-propriety' and rights – his use of radical ideas is, in its own way, no less complex and ambiguous than Hobbes's.

One way of looking at Locke's political theory as outlined in the Second Treatise is to think of it as a theoretical expression of the alliance between the Whig aristocracy and London radicals, a mobilization of radical ideas in order to advance the interests of the propertied classes. It is also useful to keep in mind that when Locke was writing, England was no longer in the throes of civil war, popular radicalism had been effectively suppressed and the threat from below was less immediate than the threat from above. This may have given him the confidence to appropriate revolutionary ideas which radical parliamentarians in the 1640s – men like Cromwell and Ireton – had rejected and feared. But the fact that Locke adopts the very Leveller concepts that Ireton, in the Putney Debates, so forcefully refutes does not by itself make Locke a Leveller. A major part of Locke's theoretical strategy is to adapt such radical ideas for the sole purpose of making the strongest case for Parliament against the king, and for the right of revolution, while at the same time depriving those ideas of their most democratic implications.

Readers will remember that in the Putney Debates, Ireton warned against the consequences of adopting a conception of natural right. Followed to its logical conclusion, he insisted, it would end by endangering all property. Yet Locke adopts precisely such an idea of natural right. He even bases it on the Leveller principle that every man has a property in his own person, from which follow certain inalienable rights. Locke cannot have been familiar with the transcript of the Putney Debates, even if he knew about Leveller ideas; but his argument proceeds uncannily as if his object were to demonstrate that Ireton's fears (like Filmer's warnings) were unfounded. He seems to be saying that a doctrine of natural right, based on the Leveller concept of 'self-propriety', can be construed in such a way that it argues for a right of revolution against an absolute monarch but without any 'levelling' consequences, any danger to property, or any threat of popular democracy.

Ireton (like Hobbes and many others) took it for granted that the surest way to sustain the interests of the propertied classes was to insist that property, or at least its existing form and distribution, was simply a human convention, not derived from natural right but upheld by constitution and tradition. Locke takes a different view. He sets out to demonstrate that property itself does indeed exist by right of nature, and he not only denies that the notion of natural right represents a threat to the existing social order but even turns
the concept of natural right into the main defence of property and inequality.

We shall return to Locke’s theory of property in a moment. But there are also other ways in which he adapts something like Leveller ideas to something like Ireton’s politics. At the heart of Locke’s political theory is his doctrine of consent. Again, no free man can be obliged to obey a government to which he has not consented. Much, then, depends on what is meant by consent – and, as we have seen, it could, in seventeenth-century England, mean almost anything. For the Levellers it meant that free men must have the right to vote. For Hobbes it meant that men have effectively consented to any existing government capable of staying in power and keeping the peace. So in one case it meant something approaching democracy, while in the other it meant absolutism. What, then, does it mean for Locke? We can perhaps deduce something from the fact that he cites Richard Hooker’s view of consent with great respect and apparent agreement. Readers will recall that in the previous century Hooker had a notion of consent which, though it meant something less extreme than it did for Hobbes, implied that men were bound by agreements made in the distant past; and Locke actually cites Hooker on this with approval. But Locke is far more concerned than Hooker to rule out absolute government, so there is obviously more to be said about his doctrine of consent. We can probably learn more about Locke, again, by reading the Second Treatise against the background of the Putney Debates.

In response to the Leveller question whether any free man can be obligated to a government to which he has not given his individual consent – a consent requiring constant renewal in the form of the franchise – Ireton replied that of course there are cases in which people are obliged to obey without consenting by means of the vote: foreigners, who certainly do not enjoy the right to vote, are expected to obey the law. By contrast, men with a ‘fixed, permanent’ interest in the form of property cannot easily get up and leave; so their political obligation must be based on consent. Those without property, who merely have the ‘interest of breathing’, are more like foreigners in this respect. They are ‘here today and gone tomorrow’ and require no special rights apart from the right to depart.

Locke, at first glance, appears to be on the Levellers’ side, with his insistence on the universal right of all free men to be governed only by their own consent. Yet he finds an ingenious way of making universal consent consistent with Ireton’s less democratic conclusion. Locke, like Ireton, cites the example of the foreigner who visits our shores. Locke, like Ireton, points out that such a person, indeed anyone who uses our highways and breathes our air, is expected to obey our laws. But there is one interesting and significant
difference between Ireton and Locke: while Ireton cites this as a case of obligation without consent, Locke suggests that even in such cases consent has actually been given after all. The point is simply that there are two kinds of consent, ‘express’ and ‘tacit’, the latter probably derived from Hooker’s notion of a ‘secret’ consent and the idea that people can give their consent even without knowing that they do so. Anyone who lives and breathes within our borders has given tacit consent to our government and has thus accepted the obligation to obey.

So Locke has shown how, even with Leveller premises, we need not arrive at Leveller conclusions or suffer the consequences feared by Ireton. Ireton and the Levellers both argued on the basis that consent meant the franchise, so Ireton was compelled to demonstrate that obligation did not require consent. Locke adopts a different strategy: obligation does require consent but consent does not necessarily require the franchise. For that matter, Locke’s argument is not inconsistent with the view that an individual can be ‘represented’ in Parliament without the right to vote, just as propertyless men could, according to Thomas Smith or Richard Hooker, be ‘present’ in Parliament or (as later thinkers would describe it) ‘virtually’ represented.

Locke never tells us in so many words what he thinks about the franchise, except for one passage (II.158) that appears to propose nothing more than the correction of the notorious anomalies in the voting system, in much the same way that Ireton himself had suggested. We need to remember, too, that throughout the seventeenth century, regulations on the franchise fluctuated constantly, as the ruling class shamelessly manipulated the right to vote, its generosity growing whenever it needed popular support against the Crown, as was the case during the Exclusion Crisis. It is possible that Locke would have advocated this tactical expansion of the franchise at such a critical moment. But it remains significant that, with the doctrine of tacit consent, he neatly severed the connection between consent and the franchise which both Ireton and the Levellers had taken for granted.

Locke seems to have a more elastic idea of consent than does Ireton. In fact, had he not already laid a foundation for excluding absolutism as a legitimate form of government, his ‘tacit’ consent might come dangerously close to Hobbes’s view that the mere existence of a functioning government implies consent. But however easily, even unconsciously, people may give their consent according to Locke, there are, again, only certain kinds of government to which free men can be understood as having consented, and these do not include absolute monarchy, because such a government defeats the very purpose for which civil society was established in the first place.
When a ruler acts not according to the law but by his own arbitrary will, or when he interferes with a properly constituted legislative body or tries to change the means of electing it, when the government subjects the state to a foreign power (all of which the Stuart kings could be accused of doing), or when government, including legislative bodies, violates the trust reposed in it by invading the liberties and properties of the subjects, government is dissolved and the people have a right to constitute a new one. In general, as long as a properly constituted legislative power - Parliament, in England - exists and is allowed to go about its business without undue interference, it can be assumed that no right of revolution exists, though there may be times when even legislators can act contrary to their trust. In any case, if the normal processes of changing government have been denied to the people, they have a right to rebel and set up a new one by extra-parliamentary means.

It should be emphasized here again that granting people the right of 'revolution' need not entail granting them more normal, everyday political rights, as we already know from Cromwell and Ireton, who granted some people the right to fight against a government but not the right to vote for one. We also know that the most radical convictions about natural equality need not be expressed in equally radical views of political equality. The view that men are naturally free and equal was, in the seventeenth century, consistent with everything from radical democracy to royal absolutism, everything from Winstanley to Hobbes - and Locke seems to stand somewhere between these extremes.

The disconnection between natural and political equality is even more vividly demonstrated in what Locke has to say about women. He may not go as far as Hobbes in explicitly granting the equality of women; but in his argument against Filmer's patriarchal defence of royal absolutism, Locke goes quite far in asserting joint parental or even maternal powers in the family against the kind of absolute paternal right on which Filmer bases his case for the absolute power of kings. Locke does not deny the superiority of fathers, or the 'foundation in nature' of the husband's authority over his wife. But he goes some distance in denying a divine command that subjected Eve to Adam, or women to men, and accuses Filmer of substituting his own 'fancies' for divine truths. Yet none of this has implications for the political rights of women. So much does Locke, like virtually all his contemporaries - including, apparently, women - take for granted the exclusion of women from the political sphere that, in giving them a more exalted role in the household, he senses no political danger, no possibility of being misunderstood as proposing to admit women into the realm of politics.

So Locke, beginning with the Leveller idea of 'self-propriety' and natural right, ends in a political position perfectly consistent with Ireton's more oligarchic stance. He does, to be sure, seem to hold a fairly radical view on the right of revolution in extreme emergencies, a right he is prepared to grant to the 'people' in general (that is, perhaps, to all free male heads of households), and not just to their representatives in Parliament. This was a view shared only by the most radical Whigs. But, as the example of Cromwell and Ireton dramatically demonstrates, even a more radical view of revolution did not, in seventeenth-century England, necessarily rule out the exclusion of many free men from more normal political rights. After all, the rank and file of the New Model Army had been accorded a right of revolution in no uncertain terms, but the very same army grandees who had mobilized them insisted on denying them the simple right to vote for their representatives in Parliament.

Locke's Theory of Property

Although the chapter on property seems to have been added to the Second Treatise after its original composition, it certainly plays a significant part in Locke's political theory. It is here that he fleshes out the theory of natural right which forms the basis of his anti-absolutist argument. He does so by elaborating the principle that every man has a property in his own person from which other rights follow. But if for Locke as for the Levellers the property that men have in their persons entails certain inalienable natural rights, it does not, as we have seen, necessarily entail all those political rights envisaged by the Levellers. A closer look at Locke's distinctive elaboration of 'self-propriety' and how it differs from that of the Levellers reveals a great deal about both his theory of property and his politics.

Locke begins his discussion of property with an observation that sounds very much like Winstanley: God, says Locke, 'hath given the World to Men in common' (II.26). Yet instead of concluding, as Winstanley did, that this common possession invalidates the institution of private property, Locke sets out to demonstrate not only that men's common ownership of the earth is compatible with private property but that such property is grounded in natural right. Here he puts to brilliant use the idea of 'self-propriety'. 'Though the Earth, and all inferior Creatures be common to all Men', Locke begins, 'yet 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' (II.27). Self-ownership, and the property that every man has in his own labour, then become the source of property in things and land. Anything in which a man 'mixes his labour', anything which, through his labour, he removes or changes from its natural state,
anything to which he has added something by his labour, becomes his property and excludes the rights of other men. This is how private property grows out of common ownership, not by common consent but by natural right – as an extension of a man’s person and his labour, in which he has an exclusive right by nature. In any case, although God did give the earth to men in common, he did not give it to them in order to waste it. He gave it to the ‘industrious and rational’ for the sake of ‘improvement’, to add to its value, usefulness and productivity by means of labour.

Are there, then, any limits to the amount of property a man is entitled to accumulate by means of his own labour? And how is it that some men have so much and some so little? Is the industry of some and the laziness of others enough to account for these differences, and can inequalities that go beyond such differences be justified? Locke maintains that there are certain limits on accumulation established by natural law. The most obvious – apart from the physical limits of the capacity to labour – is that no man should accumulate so much that he cannot consume it and let it go to waste or spoil. Nor should he accumulate so much that he damages the interests of his fellows. He must leave enough, and good enough, to respect everyone else’s right to subsistence. These ‘spoilage’ and ‘sufficiency’ limitations seem to mean, then, that a man’s own capacity for labour together with that of his family, and his own capacity for consumption together with that of his household, set strict natural – and moral – limits on what he can accumulate. So it is hard to imagine how large accumulations and vast inequalities of wealth can be consistent with natural law.

Locke, however, has a simple answer. There is one development in human society that changes everything: the invention of money. To put it simply, money makes it possible for people to accumulate more than they themselves can consume without violating the natural law prohibition against spoilage. The decision to attach some kind of value to gold or silver as a medium of exchange means that wealth can be accumulated in a form that keeps indefinitely. It also permits exchange and profitable commerce, which in turn create an incentive for increasing productivity and wealth. Without money and commerce, there would be neither possibility nor motivation for ‘improvement’ and accumulation.

The improvement of land encouraged by money and commerce also means that less land can support more people. On the one hand, this might be taken to mean that, although people now can accumulate more without violating the spoilage limitation, they have no need to do so in order to live well. They can produce more wealth, and they can therefore leave more for others. Locke has indeed been interpreted as opposing large concentrations of property in this way. On the other hand, Locke suggests that money, commerce and ‘improvement’, by making land more productive and giving it more value, actually add to the ‘common stock’ of humanity. This means that people can accumulate more without depriving others and without violating the ‘sufficiency’ limitation. In fact, a man who accumulates and improves large holdings, far from violating the rights of others, actually enhances their well-being.

In such conditions, furthermore, many people can even live without any property at all, because they can exchange their labour for a wage. It turns out that the labour which gives a man a right to property may be someone else’s labour. Locke clearly takes for granted that some will have large properties and others none at all. Indeed some will create the wealth of others by working for them. ‘Master and Servant’, he writes, ‘are Names as old as History’ (II.85), and servants (a term that, in the seventeenth century, included many wage labourers) can sell their labour without losing their natural liberty, as long as the relation between master and servant is a contractual one, not an unconditional and permanent alienation but a sale of labour for a certain time. (Locke also justifies slavery, but on different grounds: a man who loses his liberty by conquest in a lawful war may be spared his life in exchange for his permanent servitude.) And where land is ‘improved’ and profitably utilized, even the servant may be better off than the owners of unimproved land.

Nor does Locke stop there, for the invention of money has yet another implication. Since money has value only because men have consented to it, it also implies that they have consented to its consequences: ‘it is plain, that Men have agreed to disproportionate and unequal Possession of the Earth, they having by a tacit and voluntary consent found out a way, how a man may fairly possess more land than he himself can use the product of ...’ (II.50). Although specific laws and constitutions regulate specific systems of property, the inequality to which men have consented is not dependent on any such specific laws. It applies wherever money exists. This appears to mean that no government can override that agreement by seeking to alter the conditions of inequality to which men have agreed. So the invention of money and everything that follows from it changes conditions so radically that natural law, together with man’s natural freedom, equality and common possession of the earth, become consistent not only with private property but also with gross inequalities. And all of this has the legitimacy that comes from free consent.

That, then, is Locke’s theory of property. He was not the only, or even the first, to suggest that property originates in labour; but he was certainly the first to elaborate this principle so systematically, both as a theory of property and as a theory of natural right. Locke’s conception of natural right is central to his argument
against absolutism; but, as may already be clear, the implications of his theory of property go well beyond his anti-absolutist politics. Here, again, we can learn a great deal about Locke by considering his theory against the background of the Putney Debates.

Readers may recall Major William Rainsborough's remark at Putney that 'the chief end of this government is to preserve persons as well as estates, and if any law shall take hold of my person, it is more dear than my estate'. The Levellers certainly believed in the right of private property, but Major Rainsborough was here giving the person priority over property, and this was precisely the principle that Ireton most feared. Here, as elsewhere, Locke finds a way of circumventing this consequence of Leveller doctrine.

Locke states unequivocally that the 'chief end' of civil society 'is the preservation of Property' (II.85). This seems unambiguous enough, and at first glance appears to leave no room for rights that inhore in the person as distinct from property. Yet when, in his controversial chapter on property, he defines property itself, Locke often uses a broad definition which includes 'life, liberty and estates'. Formulas such as 'life, liberty and property', or 'persons, liberties and estates' had, as readers may recall, become conventional in asserting the rights of the subject since the Petition of Right, appearing, for example, in the Grand Remonstrance. Locke often finds it convenient to include all these rights in the single category of 'property'. On the one hand, this certainly implies that the purpose of government is, as Major Rainsborough insists, 'to preserve persons as well as estates', that every man, even one without 'estates', possesses something that government is obliged to preserve, and that therefore such a person has certain basic rights. On the other hand, this broad definition, at least as Locke uses it, seems to place 'estates' on a level with life and liberty, apparently giving property (in its narrow, conventional sense) or 'estates' the same kind of inviolable sanctity as the person. This formulation seems not to allow the kind of distinction between estate and person proposed by Major Rainsborough, or the priority he gives to the person.¹ Locke, in other words, has managed to avoid the hazard foreseen by Ireton and has, yet again, made Leveller principles consistent with Ireton's politics.

There are other, perhaps even more fundamental differences between Locke and the Levellers on the question of property. It turns out that, although Locke appears at first to build his theory of property on the Leveller conception of self-propriety, he has something different in mind. When he describes property as a natural right, he seems to mean something rather different from what the Levellers intended, or more particularly, he is answering a different question.

Let us look again at the debate between Rainsborough and Ireton. Both parties seem to agree that the institution of private property is divinely ordained (though this does not preclude the belief that in the beginning the earth was given to men in common). For example, in response to the accusation that the doctrine of natural right endangers all property, Rainsborough insists that he has no such intention and that the demand for a voice in government certainly does not imply the destruction of property. Property, in fact, exists by divine law: 'The law of God says it, else why God made that law, thou shalt not steal?' Although Ireton repudiates the idea of natural right as the basis of property, he does not deny this divine commandment, nor does he suggest that property as such has no divine authority. But this, for him, is not the main issue. The question is whether the existing distribution of property, and, more particularly, the distribution of political rights that goes with it, are legitimate.

Ireton argues that the institution of property in general may exist by divine law, but the particular right of any individual to any particular property is no more divinely ordained than is the right to elect Parliament. 'Divine law', he says, 'extends not to particular things.' It 'does not determine particulars but generals, in relation to man and man, and to property, and all things else'. Any connection between divine law and a particular man's property is very remote, and 'our property descends from other things...'. Particular rights to property, no less than political rights, derive from convention and historical precedent. If we challenge those conventions and precedents by appealing to some transhistorical natural right, we shall endanger all property. After all, if every man has a natural right to whatever he needs for his subsistence, then surely no private property can be secure.

Colonel Rainsborough does indeed invoke some kind of natural right, though he denies any intention of endangering private property. But the significant point is that neither he nor the other Levellers invoke natural right as a way of explaining how people come to have a property in some particular thing. Certainly the Levellers dispute the legitimacy of the historical and constitutional precedents invoked by Ireton to support the existing distribution of property and political rights. The Levellers offer different historical precedents, and they claim certain 'native' rights which have been violated by the Norman Conquest. They do call on a notion of natural right or self-propriety to support their historical claims; but the main object of that notion is liberty, not private property.

The Leveller argument was most clearly laid out by Richard Overton in his pamphlet, An Arrow Against All Tyrants, whose eloquent and frequently cited definition of 'self-propriety' we
quoted in Chapter 4. Overton certainly insists that ‘mine and thine’ could not exist if men had no inviolable property in their own selves, but he simply means that no man can securely enjoy what he possesses if his natural freedom is subject to usurpation and his person to arbitrary violation. As to the origin of material property itself, Overton says nothing; but we can get some sense of what he thinks from his reference to the principles of Magna Carta, repeated in the Petition of Right, and his quotation from Sir Edward Coke’s commentaries:

No man shall be disseised, that is, put out of seison [have taken from him], or dispossessed of his free-hold, that is, lands or livelihood, or of his liberties or free customs, that is, of such franchises and freedoms, and free customs, as belong to him by his free birth-right; unless it be by the lawfull judgements, that is verdict of his equals (that is of men of his own condition) or by the Law of the land ... by the due course and processes of law.

The relevant property rights here are various civil and customary rights, recognized by statute or customary law (freehold tenures, the ‘freedom’ of corporations, ‘franchises’ or licences to conduct business, and so on). Overton says nothing about the natural origin of property. He only insists that a man’s natural freedom gives him an inalienable right to ‘the due course and processes of law’ and that no interference with his property is legitimate without such processes. The emphasis, again, is not on property as such but on liberty and the illegitimacy of arbitrary power.

The Leveller argument seems to be something like this: every man has a property in his own person. From this follow certain liberties: the liberty not to be subject to anyone else’s authority without consent, the liberty to follow one’s own religious beliefs, and, indeed, the liberty to enjoy one’s possessions without unlawful interference, that is, without interference by any power not properly constituted, accountable and acting according to the due processes of law.

Certainly the Levellers dispute the legitimacy of the historical and constitutional precedents invoked by Ireton, and certainly they do so by claiming ‘native’ rights which have been violated by the Norman Conquest. The argument based on self-propriety certainly makes clear what the Levellers think about legitimate power, but it does not explain how some people come to have legitimate possessions. It does mean that political rights cannot be based on property in the sense of ‘estates’. These rights belong to the person. And it also means that the existing distribution of property represents little more than theft, acquired by conquest and preserved by illegitimate power. The Levellers want to dissociate political power from wealth and privilege, and they want to protect small property from unjust and oppressive interference. But there is nothing in their arguments that would be inconsistent with Ireton’s principle that particular properties exist by convention. The point is simply that some conventions are legitimate and others not, depending on whether they respect or violate natural liberty.

If demonstrating the natural origin of particular properties was not the objective of radicals like the Levellers, John Locke’s purpose is rather more complicated, though the issue has been somewhat confused by commentators who emphasize the continuity between Leveller ideas of self-propriety and the Lockeian theory of property. Locke sets out precisely to answer the difficult question of particulars: ‘how any one should ever come to have a Property in any thing’ (II.25). His reasons are complex, as we shall see. One clear objective is to strengthen the inviolability of property by making it independent of, and prior to, civil society: if men have a right to property before and apart from civil society, which belongs to them by nature and not by grant from government or the community, that simply reinforces the principle that no government can interfere with property unlawfully.

Locke is also undoubtedly trying to meet, yet again, a challenge from Filmer. In support of his claim that political power and property descended from God’s grant to Adam, Filmer takes issue with all those who claim — and this, in one way or another, includes thinkers as diverse as Hobbes and Ireton, and perhaps even the Levellers — that property exists by the consent of men, because this implies that possession of the earth was originally common. Filmer simply argues that, if this were so, private property would be an unimaginable sin against God’s will; and, at the very least, it would have required the universal consent of mankind, of which there is absolutely no evidence. Locke, in his refutation of absolutist theory in general and Filmer’s in particular, takes on this argument too. He demonstrates how it is possible for private property to be consistent with God’s grant of the earth to men in common, ‘how Men might come to have a property in several parts of that which God gave to Mankind in common, and that without any express Compact of all the commoners’ (II.25).

But there is more to Locke’s conception of natural right than its role in his case against absolutism, as becomes evident when we compare him, again, to the Levellers. We may begin to understand the differences between Locke and the Levellers by considering one simple fact: the Levellers had no strong incentive to accept Ireton’s argument that natural right was an enemy to custom and convention. They certainly wanted to repudiate some conventions and customs, those that established the current system of power and privilege. But one of their main objectives was to protect certain customs, the
customary rights and tenures of ordinary ‘free-born’ Englishmen which were being attacked by the dominant classes. So the Levellers were not really interested in demonstrating that natural right took precedence over custom in general. What they wanted to show was that certain customary rights had the support of more universal, even natural principles, and that the extinction of these rights without due processes of law and by an illegitimate government was a violation of natural liberty.

Locke appears to have no comparable attachment to customary rights. His theory of natural right does indeed endanger custom and convention, but not in the sense feared by Ireton. Locke’s theory of natural right threatens not the properties of landlords like Shaftesbury but the customary rights of commoners. At any rate, Locke adapted and modified the Leveller idea of ‘self-propriety’ in an ingenious way, again preserving the delicate balance which is characteristic of his political theory in general: on the one hand, a radical anti-absolutism, and on the other, a careful limitation of its democratic implications.

Locke’s theory of property, then, gives substance to the notion of natural right which he deploys so powerfully in his attack on absolutism. To invoke a natural and inalienable right to ‘life, liberty and estate’, which no government is entitled to violate, certainly adds strength to the case against absolutism. The argument that property is rooted in an individual right which belongs to every man was also designed, again, to counter Filmer’s claim that all political power and property are derived from God’s grant to Adam and not from some universal (male) human right.

There may be other political reasons for Locke’s argument too. It has, for instance, been suggested that the chapter on property, and the importance Locke attaches to labour as the source of property, represent a gesture to the ‘industrious’ classes whom Shaftesbury’s party was courting in its attempts to forge an oppositional alliance during the Exclusion Crisis. At the same time, the chapter on property also helps to neutralize some of the more democratic possibilities inherent in the radical conception of natural right. The theory of property includes a neat justification of gross inequality which makes Locke’s revolutionary theory compatible with the existing distribution of property in England.

In all these ways, the chapter on property has an important political meaning for Locke, but it also has implications that go far beyond its consequences for his theory of politics. The chapter represents a major rethinking of the whole idea of property; and this redefinition tells us something about real historical processes that were taking place in England, the development of capitalism and its distinctive property relations.

**Improvement**

Locke’s whole argument on property turns on the notion of ‘improvement’. The theme running throughout the chapter is that the earth is there to be made productive and that this is why private property, which emanates from labour, trumps common possession. Locke repeatedly insists that most of the value inherent in land comes not from nature but from labour and improvement: ‘tis labour indeed that puts the difference of value on everything’ (II.40). It is clear, too, that the ‘value’ he has in mind is exchange or commercial value. He even offers specific calculations of value contributed by labour as against nature. ‘I think’, he suggests, ‘it will be but a very modest Computation to say, that of the Products of the Earth useful to the Life of Man, 910 are the effects of labour’, and then immediately corrects himself: it would be more accurate to say that 99100 should be attributed to labour rather than to nature (II.40). An acre of land in unimproved America, which may be as naturally fertile as an acre in England, is not worth 11000 of the English acre, ‘if all the Profit an Indian received from it were to be valued and sold here’ (II.43). Unimproved land is waste, so that a man who takes it out of common ownership and appropriates it to himself – he who removes land from the common and encloses it – in order to improve it has given something to humanity, not taken it away.

There is, of course, something attractive about Locke’s idea that labour is the source of value and the basis of property, but it should be clear by now that there is something odd about it too. We already know, for example, that there is no direct correspondence between labour and property, because one man can appropriate the labour of another. It now appears that the issue for Locke has less to do with the activity of labour as such than with its profitable use. In calculating the value of the acre in America, for instance, he does not talk about the Indian’s labour, his expenditure of effort, but about the (lack of) profit he receives. The issue, in other words, is not the labour of a human being but the productivity of property and its application to commercial profit.

In a famous and much-debated passage, Locke writes that ‘the Grass my Horse has bit; the Turfs my Servant has cut; and the Ore I have digg’d in any place where I have a right to them in common with others, become my Property...’ (II.28). Much ink has been spilled on this passage and what it tells us, for example, about Locke’s views on wage labour (the labour of the servant who cuts the turfs). But what is truly striking about this ‘turfs’ passage is that Locke treats ‘the Turfs my Servant has cut’ as equivalent to ‘the Ore I have digg’d’. This means not only that I, the master, have appropriated the labour of my servant, but that this appropriation is in principle no
different from the servant’s labouring activity itself. My own digging and my appropriating the fruits of my servant’s cutting are, for all intents and purposes, the same. But Locke is not interested in simply *passive* appropriation. The point is rather that the landlord who puts his land to productive use, who improves it, even if it is by means of someone else’s labour, is being *industrious*, no less – perhaps more – than the labouring servant.

This is a point worth dwelling on. One way of understanding what Locke is driving at is to consider common usage today. When the financial pages of the daily newspaper speak of ‘producers’, they do not normally mean *workers*. In fact, they are likely to talk about conflicts, for example, between automobile ‘producers’ and trade unions. The employers of labour, in other words, are being credited with ‘production’. We have become so accustomed to this usage that we fail to see its implications, but it is important to keep in mind that certain very specific historical conditions were required to make it possible. Traditional ruling classes, in a pre-capitalist society, passively appropriating rents from dependent peasants, would never think of themselves as ‘producers’. The kind of appropriation that can be called ‘productive’ is distinctively capitalist. It implies that property is used *actively*, not for ‘conspicuous consumption’ but for investment and increasing profit. Wealth is acquired not simply by using coercive force to extract more surplus labour from direct producers, in the manner of rentier aristocrats, nor by ‘buying cheap and selling dear’ like pre-capitalist merchants, but by increasing labour productivity (output per unit of work).

By conflating ‘labour’ with the production of profit, Locke becomes perhaps the first thinker to construct a systematic theory of property based on something like these capitalist principles. He is certainly not a theorist of a mature, industrial capitalism; but his view of property, with its emphasis on productivity, already sets him apart from his predecessors. His idea that value is actively created in production is already vastly different from traditional views which focus simply on the process of exchange, the ‘sphere of circulation’. (Only William Petty, often called the founder of political economy, had suggested anything like this ‘labour theory of value’ in the seventeenth century.) Locke in his economic works is critical of those landed aristocrats who sit back and collect rents without improving their land, and he is equally critical of merchants who simply act as middlemen, buying cheap in one market and selling at a higher price in another, or hoarding goods to raise their price, or cornering a market to increase the profits of sale. Both types of proprietor are, in his view, parasitic. Yet his attack on proprietors of this kind should not be misread as a defence of working people against the dominant classes. He certainly has good things to say about industrious artisans and tradesmen, but his ideal seems to be the great improving landlord, whom he regards as the ultimate source of wealth in the community, what he calls the ‘first producer’ – a man like Shaftesbury, capitalist landlord and investor in colonial trade, a man who is not only ‘industrious’ but whose vast property contributes greatly to the wealth of the community.

Locke’s view of property is very well suited to the conditions of England in the early days of agrarian capitalism, described in Chapter 1. It clearly reflects a condition in which highly concentrated land ownership and large holdings were associated with a uniquely productive agriculture (productive not just in the sense of total output but output per unit of work). His language of ‘improvement’ echoes the scientific literature devoted to the techniques of agriculture which flourished in England at this time, especially emanating from the Royal Society and the groups of learned men with whom Locke and Shaftesbury were closely connected. More particularly, his constant references to common land as *waste*, his praise for the removal of land from the common, and indeed for enclosure, had very powerful resonances in that time and place.

We need to be reminded that the definition of property was, in Locke’s day, not just a philosophical issue but a very immediate practical one. A new, capitalist definition of property was in the process of establishing itself, challenging traditional forms not just in theory but in practice. For example, the idea of overlapping use-rights in the same piece of land (common lands with rights of pasturage, or privately owned land where others had the right to collect wood or the residue of harvests, and so on) was giving way in England to *exclusive* ownership; and from the sixteenth to the eighteenth century, there were constant disputes over common and customary rights. Increasingly, the principle of ‘improvement’ for profitable exchange was taking precedence over other principles and other claims to property, whether those claims were based on custom or on some fundamental right of subsistence. Enhancing productivity itself became a reason for excluding other rights.

What better argument than Locke’s could be found to support the landlord seeking to extinguish the customary rights of commoners, to exclude them from common land, to turn common land into exclusive private property by means of enclosure? What better argument than that enclosure, exclusion and improvement enhanced the wealth of the community and added more to the ‘common stock’ than it subtracted? And indeed, there are in the seventeenth century already examples of legal decisions, in conflicts over land, where judges invoke principles very much like those outlined by Locke, in order to give exclusive property precedence over common and customary rights. In the eighteenth century, when enclosure would accelerate rapidly with the active involvement of
Parliament, reasons of 'improvement' would be cited systematically as the basis of title to property and as grounds for extinguishing traditional rights.

This is not the only way in which Locke's theory of property supported the interests of landlords like Shaftesbury. We have already alluded to Locke's justification of slavery. It is worth adding that his views on improvement could easily be mobilized in defence of colonial expansion and the expropriation of indigenous peoples, as his remarks on America and its native peoples make painfully obvious. If the unimproved lands of the Americas represented nothing but 'waste', it was a divinely ordained duty for Europeans to enclose and improve them, just as 'industrious' and 'rational' men had done in the original state of nature. 'In the beginning all the World was America' (II.49), with no money, no commerce, no improvement. If the world – or some of it – had been removed from that natural state at the behest of God, anything that remained in such a primitive condition must surely go the same way.