

An Unjust Treatment of Locke

Michael Harding
Montgomery College

The Virtue of Nationalism

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In addition to possessing an eloquence rare in academic writing, Hazony's *The Virtue of Nationalism* is a valuable contribution to thinking about the current nationalist moment in Western politics. The book has many virtues—too many for me to go into in any detail here. The discussions of Kant are particularly valuable for understanding contemporary debates about globalism and “liberal imperialism” (3).¹ I will limit my comments here to a discussion of Hazony's presentation of Locke.

Early sections of the book portray Locke as one of the significant, if perhaps unwitting, villains of Hazony's world-historical drama, suggesting that the globalist pole in the globalist/nationalist debate can be traced back to his political teachings. In what follows, I briefly sketch Hazony's critique of Locke (which follows often familiar lines). Then I present a defense/alternate reading of Locke, which is, I claim, more grounded in Locke's text.

Hazony identifies individual freedom as being at the core of the “liberal construction” (31).² He identifies Locke's *Second Treatise* as one of the classic expressions of this idea, ultimately inaugurating “a dream-world, a utopian vision, in which the political institutions of the Jewish and Christian world – the national state, community, family, and religious traditions – appear to have no reason to exist” (33). Hazony claims that Locke's *Second Treatise* “offers a rationalist view of human political life that has abstracted away every bond that ties human beings to another other than consent. ... Locke means that the individual becomes a member of

a human collective only because he has agreed to it, and has obligations toward such collectives only if he has accepted them” (31).

We find a more detailed presentation of Hazony’s reading of Locke in the endnotes. There, he claims that Locke is making a historical claim about the state of nature. Hazony’s Locke asserts that “prior to the establishment of government, men exist in a state of nature,” and that this state is characterized by “perfect freedom” and “perfect equality” (246, fn 36). It is governed by the law of nature which is reason itself, teaching “all mankind, who will but consult it.”³ From here, Hazony moves to the conclusion that this “universal reason” leads human beings to leave the state of nature by consenting to enter political society (34–35).

We can begin where Locke begins. Hazony’s objection to Locke begins with the view that the state of nature is not a historical fact. This is a familiar critique, but unpersuasive; furthermore, Locke anticipates this objection and responds to it. Does Locke view the state of nature as a historical fact or the *Second Treatise* as a work of political history? Not quite. The state of nature is a condition in which men live in accordance with reason (i.e., liberty or rational freedom rather than license).⁴ It is a juridical concept, and while it may not be historical fact it *is* a permanent possibility for human beings in the absence of governing authority. Locke responds to readers (such as Hazony) who might think he is making a historical claim about the state of nature in Chapter VIII of the *Second Treatise*. There, he notes two things: first, that the origins of most societies are simply forgotten, and second, that in primitive times people did not understand political right.⁵ Consequently, they thoughtlessly drifted into paternalistic monarchy—they were used to being ruled by the father in childhood and continued as such in adulthood. But there is more to say in regard to Locke’s teaching. *Second Treatise* XVI is of crucial importance for understanding Locke rightly, and it reveals a Locke very different from that presented by Hazony. There, Locke modifies or corrects the idealistic view that Hazony ascribes to him, whereby, in the past, governments emerged from a social

contract. Locke's point is that most governments begin with conquest, not consent. Nevertheless, such unjust foundings can transform themselves into just or morally legitimate foundings. Attention to this chapter further confirms that Locke is not making an assertion about how governments have historically originated; rather, it suggests what a government must do in order to *become* morally legitimate. One realizes that for Locke no contemporaneous regimes are actually legitimate, but this chapter lays out the means by which the unjust foundations of actual regimes can be overcome and existing regimes can become just regimes.⁶

Hazoný describes the *Second Treatise* as offering “a rationalist view of human political life that has abstracted away every bond that ties human beings to one another other than consent” (31). A close reading does not support this claim and leads to the second difficulty with Hazoný's presentation of Locke. Hazoný omits discussion of what the law of nature actually is or what it teaches. He simply suggests that Locke thinks some sort of “universal reason” will lead human beings to contractually establish society (34). The natural law teaches that human beings are naturally free and equal.⁷ By this, Locke means that we are not naturally subject to the absolute, arbitrary will of another.⁸ This does not mean that one is born as an isolated individual, nor is it a denial that one is born into a network of duties, responsibilities, and obligations. Even if one were born in the state of nature it would not mean this.

Locke's denial that man is by nature *political* is not an abstraction away from all ties to other human beings. Hazoný's objection is that Locke is a social atomist; i.e., the individual is something anatomically distinct, bearing rights, perhaps, but certainly not duties, obligations, or relations. It is a familiar critique of Locke but ultimately unpersuasive. Additionally, what Hazoný describes as an “anarchical political order” is simply a *prepolitical* form of order.⁹ To say that political association derives from convention is not to say that *all* associations derive from conventions or that all association is political—the political has a narrower scope.¹⁰ Ultimately, Hazoný's view of the state of nature teaching seems to read Rousseau's much more radical account into Locke.¹¹ Locke's claim

is that consent grounds *political* associations, or, more precisely, that it is the only morally legitimate ground of political associations.

There are all sorts of associations that are not political. Locke writes that the human being, by nature, exists

under strong obligations of necessity, convenience, and inclination to drive him into society, as well as fitted him with understanding and language to continue and enjoy it. The first society was between man and wife, which gave beginning to that between parents and children; to which, in time, that between master and servant came to be added: and though all these might, and commonly did meet together, and make up but one family, wherein the master or mistress of it had some sort of rule proper to a family; each of these, or all together, *came short of political society*, as we shall see, if we consider the different ends, ties, and bounds of each of these.¹²

This leads us to the family: Hazony's Locke founds the family on "free choice and consent," which "generates no ... obligations" (32). Does Locke really think that the family is simply grounded in consent? No, of course not. The natural law applies in the family as well; hence, an abusive parent, or one that neglects parental duties, abrogates the duties of the offspring toward said parent.¹³ Locke's point is that mere begetting does not grant parental power; the discharge of the parents' natural duties and obligations to the child establish the right of parental power. Further, Locke notes that "whatever obligation Nature and the right of generation lay on children" applies equally to the mother as to the father—the obligations of children to parents are grounded, then, in nature, not consent.¹⁴ The ground of parental authority is nothing more than "the duty, which is incumbent upon them, to take care of their offspring, during the imperfect state of childhood."¹⁵ Elsewhere, these duties to the child impose an explicit limitation on the rights

of the parents to dispose of their property as they see fit.¹⁶ Later, Locke is explicit that divorce is forbidden by the natural law until the child is capable of caring for himself or herself.¹⁷ Finally, he is clear that the obligations of parents and children to one another stem not from consent but from the fact of their relationship.¹⁸

The most fundamental difficulty with Hazony's reading of Locke becomes apparent when he writes "there is only one principle at the base of legitimate political order: individual freedom" (30). This is certainly not Locke's view. The principle at the base of political order for Locke is the *natural law* and the protection of natural rights. As the somewhat cursory discussion above indicates, the natural law is the ground not only of rights but also of duties. While the law of nature teaches the preservation of all mankind as a secondary duty, Locke presents the implications of that duty in terms of restrictions on action.¹⁹ However, "the obligations of the law of Nature cease not in society, but only in many cases are drawn closer"; i.e., their scope is narrowed.²⁰ Government exists to protect the natural rights of the citizens; Locke writes that the "[f]undamental law of nature and government" requires that "as much as may be all the members of the society are to be preserved."²¹ This view is simply incompatible with the liberal imperialism Hazony discusses.²² Rather than a proponent of the imperialist impulse, Locke is an opponent: risking the lives of one's fellow citizens for anything other than their own immediate interests is a violation of the natural law and thus unjust.

Notes

1. The lack of a similar discussion of Hegel is somewhat perplexing, especially in light of Hegel's view of the role of the state in universal history.
2. He admits that Locke's teaching was *intended* "to strengthen" the Protestant political order.
3. John Locke, *Second Treatise of Government*, §6.
4. *Ibid.*, §6.
5. On the first point, see *Second Treatise*, §100; on the second, see *Second Treatise*, §103 and §104.
6. Cf. *Ibid.*, §192.

7. Cf. *Ibid.*, §6.
8. This is not say that other factors might not impose upon that natural equality. Locke notes that “age or virtue may give men a just precedency: excellency of parts and merit may place others above the common level: birth may subject some, and alliance or benefits others, to pay an observance to those to whom nature, gratitude, or other respects, may have made it due: and yet all this consists with the equality, which all men are in, in respect of jurisdiction or dominion one over another; which was the equality I there spoke of” (*Second Treatise*, §54).
9. By “anarchical political order” Hazony means a “loose hierarchy of families, clans, and tribes without a standing government or ruler” (90). These are not yet, for Locke, political orders; cf. *Second Treatise*, §14, in which there are other compacts, i.e., other associations, which are coextensive with the state of nature while not yet being political.
10. We may, in this regard, usefully recall Locke’s definition of political power: it is “a right of making laws with penalties of death, and consequently all less penalties for the regulating and preserving of property, and of employing the force of the community, in the execution of such laws, and in the defence of the commonwealth from foreign injury; and all this only for the public good” (*Second Treatise*, §3). Hazony’s reading of Locke seems to neglect the important limitations Locke is placing on his inquiry. The *Second Treatise* is not meant to give a comprehensive account of human life; it is meant to identify the legitimate origin of political power, i.e., a ground for authority other than strength.
11. Cf. Rousseau’s *Discourse on the Origins of Inequality*, especially his discussion of sexual reproduction in his state of nature. See also Hazony, (247, fn 41)—he does not read Rousseau as a critic of Locke.
12. *Second Treatise*, §77; emphasis added.
13. *Ibid.*, §65.
14. *Ibid.*, §52.
15. *Ibid.*, §58.
16. *Ibid.*, §65.
17. *Ibid.*, §83.
18. *Ibid.*, §72.
19. *Ibid.*, §6; Locke writes “Every one, as he is bound to preserve himself, and not to quit his station willfully, so by the like reason, when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind, and *may not*, unless it be to do justice on an offender, *take away, or impair the life, or what tends to the*

preservation of the life, the liberty, health, limb, or goods of another”
(emphasis added).

20. Ibid., §135.

21. Ibid., §159.

22. There is much more to be said on this topic; one might look to Locke’s implicit recognition of the rights of peoples in his analyses of revolution and conquest, for instance.