

Anti-Liberal Zealotry Part III: Locke and the Liberal Tradition

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EDITOR’S NOTE: *This is the third of a five-part essay by the Hoover Institution’s Peter Berkowitz on the challenges faced by liberal democracy in America in light of Patrick Deneen’s recent book “[Why Liberalism Failed](#).” Please find Part I [here](#) and Part II [here](#).*

In “Why Liberalism Failed,” Patrick Deneen attributes to John Locke’s liberalism the purpose of emancipating individuals from every imaginable form of constraint. This undergirds Deneen’s thesis that liberalism promulgates false and self-defeating ideas about human nature, morality, and politics. In fact, Locke’s fundamental moral and political premise — that human beings are by nature free and equal — imposes significant limits on individual conduct and government action.

In Chapter 2 of “The Second Treatise on Government” (1689), Locke emphasizes that the “perfect freedom” that inheres in each individual concerns the relations of human beings to one another. “[A]ll Men are naturally in,” he writes, “*a State of perfect Freedom* to order their Actions, and dispose of their Possessions, and Persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other Man” (emphasis in the original). Not absolutely unfettered choice but choice unfettered by one particular sort of constraint — the arbitrary command of one or more human beings — stands at the center of Locke’s conception of freedom.

That no human being is born lawfully subordinate to another does not mean that all values are, or ought to be, created by human beings. Nor could it, since equality in freedom is itself for Locke a fixed and uncreated moral principle, as is the law of nature. Together, they set definite limits. While the state of nature is “*a State of Liberty*,” Locke writes, “it is *not a State of License*” (emphasis in the original). Both the law of nature and Christianity, according to Locke, teach that human beings are free, equal, and created by God, and therefore “no one ought to harm another in his Life, Health, Liberty, or Possessions.” All human beings are equal for Locke in the sense that none is by nature subject to the authority of another while all are subject to basic moral requirements.

To deflate Locke’s accomplishment, Deneen contends that ideas and institutions central to the modern tradition of freedom — such as individual liberty, limited government, and separation of powers — had been developing in the West for centuries before Locke restated

them in the “Second Treatise.” So they had. But Deneen wrongly maintains that what is valuable in Locke is not distinctive, and that what is distinctive in Locke is pernicious.

The conviction that human beings are by nature free and equal serves as the defining idea of Locke’s political thinking — and of the modern tradition of freedom to which he made a seminal contribution. Although deriving support from classical and Christian sources, the conviction was not shared by Plato and Aristotle, who recognized human excellence as the standard for judging political orders, nor was it propounded by medieval Christianity, which rooted political legitimacy in faith and religious authority.

In contrast, Locke reaffirms the case for individual liberty, limited government, and separation of powers on the premise that human reason is capable of discerning that no human being is born with a title to rule over another and that none is born to another’s service. Locke did not impose this premise on a recalcitrant humanity but rather gave moral, political, and even theological expression to the individualism that had been developing in Europe for centuries, in part owing to the interweaving influence of classical and biblical ideas. Since Locke’s time, the proposition that human beings are by nature free and equal has become even more deeply rooted in the beliefs, practices, and associations of the West; it has motivated the American experiment in self-government; and it has given nourishment wherever the hunger for self-government has arisen.

Deneen takes aim at a phantasm when he blasts Locke’s account of the state of nature as initiating a “false anthropology” that, by “radically redefining human nature” in terms of “radical autonomy” authorizes, indeed demands, the liberation of desire and the abolition of constraint. Writing in an era of religious war and of growing doubt about kings’ claims to rule by divine right, Locke did not undertake to reorient human striving, to reinvent political institutions, or, for that matter, to produce a comprehensive treatise on politics. His plainly stated purpose in the “Second Treatise” is highly restricted: He aims to re-ground *political* power — which he believes revolves around protecting rights, particularly those of property and of religion — in the freedom shared equally by all. To accomplish this, he must explain how vulnerable, fallible, and self-interested human beings who are prone to serious differences of opinion about property, happiness, and salvation but share an ability to reason, grasp morality, and behave justly — that is, people like us — can, without routine resort to force and violence, resolve the controversies that inevitably divide them. Political community rightly grounded and political power properly limited is the solution. This enables free and equal individuals to secure the freedom that is theirs by right and concentrate on the pursuit of material prosperity and religious duty. Locke’s account of the state of nature and his doctrine of consent serve his narrow but trailblazing aim.

The state of nature, for Locke, primarily functions as a *juridical* construct. It describes legal relations, or rather the disastrous consequences that arise from their lack. This is manifest in Locke’s assertion that “all *Princes* and Rulers of *Independent* Governments all through the World, are in a State of Nature” (emphasis in the original). That is, they coexist without an

established, settled authority for resolving the disputes that inescapably arise among them, and therefore they live precariously. The state of nature exposes the unavoidable descent into violence, or a state of war, that results from the absence of a clearly agreed-upon authority for deciding controversies among individuals and groups of individuals, who each have an equal right to make judgments about their self-preservation and a shared propensity to interpret justice's demands in their own favor and to discount or disregard the just claims of others. The instability and disorder inhering in the state of nature, as Locke understands it, bring into focus individuals' abiding interest in choosing to limit their freedom by agreeing to political institutions for making, enforcing, and interpreting law.

This limitation on freedom — a double limitation in that it restricts individuals' use of their private judgment in society while confining government's power to the regulation of life, liberty, and property — enhances freedom. Once established, political authority enables individuals to concentrate on caring for themselves and their families; laboring, saving, and enjoying the fruits of their labor; worshipping as reason and conscience dictate; and seeking happiness as best they understand it. Despite Deneen's determined effort to create an unbridgeable gap between them, Locke would agree with Aristotle's observation in Book I of the "Politics" that while human beings form cities, or complete political communities, "for the sake of living," they maintain them "for the sake of living well."

As for consent, Deneen believes it involves a sinister stratagem intended to transform all morality into an expression of human will. In reality, however, the doctrine serves Locke as a mechanism for reconciling the claims of individual freedom with the imperatives of political authority. Consent captures the idea that individuals, being by nature free and equal, can only properly submit to man-made law by an exercise of their own judgment. The form of consent that is politically pertinent, according to Locke, involves agreement with others to establish authoritative political institutions to protect their rights. For the most part, this consent does not, and is not intended to, reflect agreement about the wisdom, enforcement, or interpretation of particular laws. Consent, as Locke conceives it, obliges individuals to obey even laws that they deem flawed or ill-conceived provided those laws emerge from a government and decision-making process they can reasonably see as an expression of their choice. But consent also implies limits. Those who overthrow, or systematically flout and disable, properly established political institutions — including those who hold high office — infringe on citizens' freedom, thwart the purpose of political society, and dissolve citizens' obligations to obey the law.

Apart from immigrants who have acquired citizenship, however, who among us has expressly consented to the Constitution and the laws of the land promulgated under it? In response to that serious if obvious sort of objection, which Deneen treats as devastating, Locke replies that consent is generally "tacit" — that is, expressed by action. Those who enjoy the benefits of living under a regime that protects basic freedoms — and who therefore may leave if they choose — signal their consent by remaining. The doctrine of tacit consent is not without its

problems, but in sharp contrast to the radical ambitions Deneen imputes to Locke, it is a conservative teaching that infers choice from practice and is skewed in favor of inherited ways and gradual reform.

Although one would never know it from the scorn that Deneen heaps on him for supposedly expelling religion and the virtues from political life, Locke vigorously defends religion as man's highest duty, and devotes an entire book to exploring the cultivation of the virtues that underwrite freedom. To be sure, Locke rejects premodern views that the state should establish religion and cultivate virtue, but not out of hostility to either. To the contrary. In "A Letter Concerning Toleration" (1689), Locke stringently limits government power to the protection of life, liberty, and property, in significant measure, to safeguard religion from abuse by worldly authorities, of which history — and the epic events of his own lifetime — provided no shortage of examples. And in "Some Thoughts Concerning Education" (1693), he explores the centrality of the family to forming character. He sets forth in great detail the moral and intellectual virtues that conduce to freedom and the methods by which those virtues are best instilled. Contrary to Deneen's assertion that liberalism originates in the rejection of the classical and Christian view that virtue and freedom depend on the discipline of desire, Locke equates the virtues of freedom with self-rule.

Determined to deny that Locke teaches virtue, Deneen goes so far as to disguise Locke's appeal to the virtues in the "Second Treatise" by rebuking him for it. He charges that Locke introduced invidious standards and paved the way to contemporary inequality by arguing in his classic account of property in Chapter 5 that the "Industrious and Rational," in Locke's words, justly accumulate property while the "Quarrelsome and Contentious" suffer in the pursuit of worldly goods. Why Deneen believes the classical Greek and Christian catalogues of the virtues would not encourage formation of morally and politically relevant distinctions among human beings is unclear.

Locke's ideas are not the only ones Deneen distorts in the attempt to convict liberalism of crimes against the human spirit. To place immoralism at liberalism's core, he conflates it and modernity by treating Machiavelli as a liberal, even though the Florentine does not hold that all human beings are by nature free and equal. To show that the American Constitution, which emphatically establishes a federal government of limited and enumerated powers, is part of a nefarious liberal plot to create a government of "incalculable, hence unlimited power," Deneen cites Hamilton's argument in "The Federalist" No. 34 that presidents possess "indefinite power" to deal with emergencies. But emergencies are by definition the exception; allowances must be made, as Aristotle emphasized in "The Ethics," for the inherent inability of written law to adequately cover all contingencies; and "indefinite" is not a synonym for "unlimited," as has been discovered by many a teenager who failed to heed parents' instructions to return home at a reasonable hour. To demonstrate the terrifying comprehensiveness of liberalism's ambitions, Deneen highlights "Heideggerian theories that placed primacy on the liberation of the will," even though Heidegger belongs among the most resolute and penetrating critics of theories that placed primacy on liberation of the will.

Beyond the misrepresentations of individual thinkers, Deneen also systematically subjects liberalism to a misleading test. Throughout his book he condemns liberal *practice* for failing to meet the highest standards set by classical and Christian teaching. But classical *practice* and Christian *practice* also fall drastically short of classical and Christian teachings' highest standards. Volatility and decadence, to say nothing of slavery, abounded in classical Greek democracy. Medieval Christianity also upheld slavery. And it brought forth the murderous Crusades, practiced far-reaching censorship culminating in the Inquisition, and remorselessly expelled Jews from England and many parts of Europe.

Deneen would be quite right to argue that the vices of classical Greece do not refute the teachings of Plato and Aristotle and that Christian sins do not disprove Christian faith. He should have reasoned similarly when it came to the modern tradition of freedom.

Part IV of "Anti-Liberal Zealotry" will appear next week.

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