

# Natural Rights and John Locke

**Are there any such things as natural rights? Discuss with respect to the political thought of John Locke.**

## INTRODUCTION TO NATURAL RIGHTS

Rights are normative fundamental rules that delineate what people are allowed to do and what is owed to the people. These demarcations are carried out on the basis of some ethical theory, legal system or some kind of social convention. The domain of rights spans legal, social and ethical principles of entitlement and freedom. Rights in themselves are considered fundamental to civilisation and are taken as pillars of culture and social living. There are a number of different perspectives on rights that have evolved over time and are now used to deal with this issue. One of these perspectives on rights is that of natural rights that has gained currency over centuries.

Any rights that are not dependent on laws, beliefs, culture, customs, government or other such features and are thus universal and inalienable in nature are better known as natural rights. These rights stand in contrast to legal rights that are bestowed on an individual through the authority of the law or through a political or legal framework. In this sense, these legal rights are relative and specific within the context of the culture and government implementing them. Natural rights on the other hand are universal and inalienable and do not require any frameworks to support themselves (Strauss, 1953).

The domain of natural law is closely associated and is considered an extension to natural rights. The theory of natural law was used to challenge the

divine rights of kings during the Age of Enlightenment. The domain of natural rights was used to provide justification for and to establish government, social contract as well as positive law that in turn provided for legal rights through classical republicanism. Anarchists have used the idea of natural rights to confront the legitimacy of establishments of all kinds (Rothbard, 2003) (Rothbard, 2006).

Some schools of thought have related human rights closely to natural rights while other schools of thought tend to recognise no difference between human rights and natural rights. Although there are common features between both domains but some thinkers have kept both domains separated in order to eliminate association between both (Jones, 1994). In particular the domain of natural rights are considered to be beyond the authority of any establishment such as governments or international bodies such that these establishments cannot dismiss these rights. Natural rights have been enshrined into international soft law through the use of instruments such as the Universal Declaration of Human Rights. In the twentieth century, the domain of natural rights has attracted the interests of philosophers and legal scholars alike. There has been added interest in the natural rights of animals especially in recent decades. It must be kept in mind that the natural rights of human beings are distinct from the natural rights of animals (Dershowitz, 2004).

This text will attempt to track the evolution of natural rights from antiquity to the political thought of John Locke who can be seen as a prominent proponent of natural rights. The perspectives on natural rights will be elaborated and then compared to the political philosophy of John Locke in order to gauge a fair comparison.

## **EVOLUTION OF NATURAL RIGHTS**

Throughout history legal rights have had an undeniable existence as all societies possessed some form of legal frameworks to keep social order in check. In a similar manner the idea that certain rights are bestowed by nature and are inalienable date back to antiquity to at least the age of the Stoics from late Antiquity. The domain of natural rights figured prominently in Catholic law during the early part of the Middle Ages and can be seen as evolving through the Protestant Reformation as well. This evolution continued through the Age of Enlightenment and into the modern day (Zuckert, 1994).

### **1.1. ANTIQUITY**

The concept of natural rights has been in circulation for a very long time and its oldest mention can be traced back to Greek times. The Stoic school of thought held the belief that no individual was a slave through individual nature. Instead, the Stoics believed that slavery was imposed externally on a person and this position juxtaposed with the internal freedom held by the soul. In this respect Seneca the Younger noted that slavery could not be considered as consuming the entirety of a person at all. Instead, slavery could only be imposed on the body of a person and not on the mind of the person because the mind remained free even though it is confined within the physical confines of the body itself (Seneca, 2005).

The ideology behind the natural rights of human beings was furthered by the idea of natural human equality which can be seen as carrying fundamental importance for the concept. The prominent historian A. J. Carlyle noted that no change in political theory was as significant as the change from the Aristotelian ideas to the ideas of both Seneca and Cicero. He has also stated that this change of ideas

could not be exemplified better than within the context of the theory of equality of human nature (Carlyle, 1903). In much similar manner Charles H. McIlwain has observed that the thought behind the equality of men is the single most profound contribution of the Stoic school of thought to politics. In addition it was observed that the greatest influence of the idea of human equality was borne on law which was changed in part due to this concept (McIlwain, 1932). It is also pertinent to note that Cicero has argued in *De Legibus* that human beings are born for the sake of justice and that rights are based not on people's opinions but rather on Nature itself (Cicero, 1928). Other than the Western school of thought, the Confucian school of thought has held a firm belief that all men are born at an equal level.

## **1.2. MODERN HISTORY**

The Stoic idea that the "inner part cannot be delivered into bondage" (Davis, 1966) was reintroduced during the Reformation phase in the shape of the liberty of conscience. This can be seen as a direct reclamation of the doctrine of natural rights. In this respect Martin Luther declared that every man was free to choose his faith for himself because such choice would lead them to either heaven or hell. He argued that just as he could not choose either heaven or hell for other people, neither could he choose if they wanted to have faith or not. Hence, it can be seen that Martin Luther was a proponent of personal freedom of faith based on the ideas of natural rights whereby a person could not be constrained to do one thing or the other.

A number of different ideas connected to natural rights emerged after Martin Luther especially as the Age of Enlightenment gained greater momentum. A number of prominent thinkers emerged on the philosophical stage who heralded the idea of natural rights again. One of the more prominent thinkers of the time was John Locke

who defined natural rights and discussed them at great length in his works. Locke has identified the natural and inalienable rights of human beings as being composed of “life, liberty and estate”. The basic contention in Locke’s school of thought is that human beings cannot be made to surrender these rights to ensure compliance to the social contract because these rights are in themselves natural and inalienable. The American War of Independence that emerged as a means to liberate the American colonies from the yoke of the British Empire banked on these ideas and on their preservation in order to claim independence and freedom from the Crown (Maier, 1993).

## **JOHN LOCKE AND NATURAL RIGHTS**

John Locke was born in an age that was setting the ground for universal freedom. The American War of Independence came through in 1776 and the French Revolution was commissioned in 1789 at the popular demand of the people but the thought required to provoke these revolutions emerged from people such as Locke. Prominent thinkers of the age included Thomas Hobbes and Thomas Paine as well as John Locke. These thinkers were all in favour of natural rights that were inalienable and could not be taken away through the use of any laws or other frameworks of governance. Though the basic idea remained the same but there are subtle differences between the natural rights prescribed by each thinker along with the extent and application of these natural rights to political life (Grant, 1987). This text will remain confined to discussing the theory of natural rights prescribed by John Locke along with its political repercussions.

### **1.3. LOCKE'S DEMARCATION OF NATURAL RIGHTS BOUNDARIES**

Unlike Thomas Paine, the ideas of John Locke are more highly concerned with the framework of the social contract. The primary rights delineated as natural rights by Locke are three – life, liberty and property. In simpler terms these rights can be better understood as:

- Life: every person is warranted the right to live once they have been granted life;
- Liberty: every person is warranted the right to execute any action so as long as those actions are not opposed to the first right;
- Property: every person is warranted the possession of anything they create or get through trade or other means so as long as those objects or gaining them does not interfere with the previous rights.

As per Locke the social contract can be seen as an agreement between the members of society to create an acceptable system of governance that is regulated using an accepted system of laws. Any form of government that is created results from the collective decisions of the involved persons in whatever capacity they act collectively. Whatever form of government is created, it is set up in order to protect the three natural rights related above. However, if the established form of governance and the resulting government fails to protect the three natural and inalienable rights of the people then the people are justified in removing or overthrowing the government (Aarsleff, 1982). Supporters of the Locke school of thought used this justification in order to justify the American War of Independence and the French Revolution as well as other such events but only Locke's ideas cannot be accepted as the sole justification (Forde, 2001). Instead, the entire domain

of natural rights as expounded by Thomas Paine, Thomas Hobbes, John Locke and other such thinkers can be seen as creating justification for such revolutions and related activity. In order to differentiate the ideas of Locke from other political thinkers it is relevant to explore these ideas in more detail. Locke's political ideas were contained in his two texts that were *The First Treatise on Government* and *The Second Treatise on Government* which are known better as the *Two Treatises on Government* (Alexander, 1985). The ideas presented by Locke on natural rights contained in these texts are discussed below in detail.

As related before Locke bases his political philosophy on a state of nature that provides for natural rights and natural law. The state of nature delineated by Locke declares all men to be free, independent and equal to each other. Locke delineates in Chapter Two of *The Second Treatise of Government* that within the state of nature all men are essentially free, equal and are at liberty to do as they please so as long as their actions lie "within the bounds of the law of nature" (Arneil, 1996). What separates Locke and other similar thinkers is the prescription of limits in pursuing personal interests. While Locke provides limits on the individual in pursuing interests but other prominent thinkers failed to demarcate any limits at all. It has also been argued that in the "state of nature" that Locke spoke of there were no duties to respect the rights of other human beings. This lack of respect in turn led to a state of war between human beings. Hence, the state of nature would ultimately result in a state of war and was thus unwanted (Bennett, 1971).

In contrast, Locke argued that all individuals had a moral duty to respect the rights of other people even when placed inside the state of nature. It could therefore be surmised that other natural rights and natural law thinkers provided that there were no limits in natural rights and law but Locke believes that there are limits in the

state of nature. Locke further argues that the limitations placed on human beings in the state of nature result from natural law (Locke, 1980).

In order to create a socially sustainable and acceptable system, Locke promotes the idea of “social contract” much similar to Hobbes. According to Locke, the social contract allows people to act collectively in order to govern each other. The resulting government is thus a covenant between the people who have come to such an agreement (Jolley, 1999). Hence, government is essentially a product created by the people and then should be subservient to the people.

Above everything else Locke argues that a government must respect the rights of the people namely the right to life, liberty and property. When Hobbes and Locke are compared on a one to one scale, it becomes obvious that Locke is far more ardent in defending people’s rights and in doing so is a greater supporter of limited government (Mandelbaum, 2002).

In terms of property, Locke has argued that man has the right to own property within the state of nature. Furthermore, other than owning property man has the duty to respect the property of other people. Again this tends to differentiate Locke and other prominent thinkers of the era who held that man could own property in the state of nature but had no duty to respect the property of other people. Locke reasserts that natural law mandates that it is necessary to protect the right to property of other human beings (Locke, 1980).

Given the assumption that men had no need to respect the property of other made the issue of property controversial. Other thinkers from the natural rights school of thought relegated property because it would promote conflict in society but

practically the modern economic order promotes property in order to motivate people to achieve excellence (Uzgalis, 2007).

Another major controversy that surrounds the Locke school of thought as per natural rights is the issue of demarcation of natural rights as per individuals. The first right expounded by Locke is life. Every individual in society has a right to protect his or her life but the question is if such protection costs another person's life, then is such a right justified? It is common knowledge that people tend to act violently in order to preserve their life such as during armed conflict. On the one hand it is up to the individual to protect his or her right to life but on the other hand the individual cannot threaten another person's life. During periods of civil strife or armed conflict or other such political failure the involved parties are out to take each other's lives. The involved parties on all sides claim that they are acting in order to preserve their natural right to life while extinguishing the claims of other involved persons or parties. In this sense the fundamental fabric of Locke's argument is flawed and unable to account for practical human behaviour.

If this problem is viewed from the perspective of peacetime living there are certain flaws that are noticeable. A person who has committed a grave wrongdoing such as first degree murder is still under social contract. The fundamental principle of this contract is that the legal framework and governance defend the person's right to life even though he has violated another person's life. This exposes another loophole in the thinking developed by Locke which allows a person to take another person's life while still claiming defence under natural rights and natural law (Yaffe, 2000). This therefore leads to the conclusion that Locke's system of reasoning as per natural rights is fundamentally flawed in many respects that limit its practical application to everyday living. Locke's ideas may have been highly relevant to the

age of revolutions but the application of these ideas is not highly relevant in the modern world.

## **EXISTENCE OF NATURAL RIGHTS**

The question of existence of natural rights is undeniable given the widespread recognition these ideas have received over time. The first hint at natural rights and thus natural law emerges from late Antiquity from the Stoic school of thought and continues to the modern day without interruption. There are a number of different views that have emerged regarding natural rights and natural law but the persistence of the basic framework indicates that this mode of thinking has strongly founded basis. Over time the dimensions of natural rights have been redefined and augmented but the basic idea has been consistent. Hence, the existence of natural rights is undeniable.

## **CONCLUSION**

Locke defended the tradition of natural law although this was considered as an archaic tradition dating back to ancient Jewish history. The natural law tradition rested on the premise that the rulers of government could not just do anything that they wanted to do because certain natural laws applied to situations. These natural laws were meant to protect the three natural and inalienable rights of people. However, certain fundamental loopholes present in Locke's system of thinking make his school of thought practically unacceptable and inapplicable. Thus, the Locke school of thought needs to be augmented through other means in order to make it more practically viable and socially acceptable. Similarly, the political aspects of Locke's ideas need to be bolstered in order to make them practically applicable and more relevant to the overall "social contract".

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