

Study Sheet for Final Exam

Short Answers: *You'll have to answer 10 out of 15 questions for 3 points each.*

1. Which King of England did Locke think illegitimate? Which king did Locke want to take his place? What were the respective religions of these two kings? What was Locke's religion?
2. Define "political power" (as it is defined in handout #1 on Locke).
3. Which philosopher or theologian does Locke argue against in the first of his two Treatises on Government?
4. Locke says that the "state of nature" still exists today in two different contexts. Describe them.
5. Locke thinks there is one main "inconvenience" that leads people to agree to a social contract that takes them out of the state of nature. Describe this main inconvenience.
6. Locke argues that there is only one sort of case in which one person may justly enslave another. Explain his reasoning on this issue.
7. Describe the "condition of abundance" that, according to Locke, limits property right in the state of nature.
8. Describe the "condition of thrift" that, according to Locke, limits property right in the state of nature.
9. Greene argues that the colonists were de facto independent of England in seven major respects prior to 1765. Describe two of these forms of independence.
10. Pamphlets from the pre-revolutionary period show that the colonists often complained of corruption in the English (or British) homeland government. Breen attributes these complaints to five main factors. Describe two of these sources of complaint.
11. According to Breen, a dramatic rise in "British" nationalism was actually English in character alienating the Scottish, Welsh, Protestant Irish and colonial American British. "As Adams well understood when he wrote as Ploughjogger, the simple New England farmer, ordinary Americans were not particularly interested in crafting a separate identity, at least not in the mid-1760s. It was the English who had projected a sense of difference and inferiority upon the colonists." Describe some of the evidence on which Breen rests his claim that the homeland English "projected" an American identity on the colonists.
12. Breen argues that racism informed the colonists' reaction to the Stamp Act and other attempts by the English government to tax and control them. The colonists could not stomach the English thinking of them in the way that they (i.e. the colonists) looked at slaves of African descent. Describe two pieces of evidence on which Breen basis this assessment.
13. Define "radical coherentism."
14. Define "self-evidence" in the technical sense lent that expression by epistemologists.
15. List three principles that Locke thought of as self-evident.
16. State the instrumental principle (either its articulation as a normative claim or its articulation as a modal statement of psychological impossibility will do.)

Short Essay Questions: *You'll have to answer 2 out of 3 questions for 15 points each.*

- (1) Explain Filmer's theological argument for the legitimacy of King James II and three of Locke's criticisms of it.
- (2) Locke says that before the formation of civil societies through contract, people live in a state of relatively equal *political* power resulting from their mutual appreciation of their relatively equal *natural* powers.

A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another, there being nothing more evident than that creatures of the same species and rank, promiscuously born to all the same advantages of Nature, and the use of the same faculties, should also be equal one amongst another, without subordination or subjection, unless the lord and master of them all should, by any manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty.... 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 respect of jurisdiction or dominion one over another, which was the equality I there spoke of as proper to the business in hand, being that equal right that every man hath to his natural freedom, without being subjected to the will or authority of any other man (§54).

Is it true that people are relatively equal “in nature” in the way Locke describes? Is there no one so obviously superior in virtue or wisdom or managerial skill that we see him or her as a “natural leader” who is owed political power on the basis of these merits? Imagine yourself in a small group without a leader living together in an untouched wilderness. (Imagine too that you are not family, so that the natural inequalities between father and children that Filmer exploits when arguing for monarchy are not relevant.) What powers or virtues would another member of the group have to manifest before you would conclude that he or she ought to lead without deferring to the will of the majority (or some similarly democratic procedure)? What powers or virtues would you need to possess before you would conclude that *you* ought to lead (again regardless of majority sentiment)? Are these virtues or powers akin to those that distinguish us from the other animals (so that if you had them you would relate to us in the way we relate to sheep or some other domestic animal)? In arguing that humans are equal in the state of nature, does Locke mean no more than that they are equally human? What then does “equality” add to the claim of common humanity?

(3) Locke says,

It is not at all to be wondered that history gives us but a very little account of men that lived together in the state of Nature. The inconveniencies of that condition, and the love and want of society, no sooner brought any number of them together, but they presently united and in corporated if they designed to continue together. And if we may not suppose men ever to have been in the state of Nature, because we hear not much of them in such a state, we may as well suppose the armies of Salmanasser or Xerxes were never children, because we hear little of them till they were men and embodied in armies. Government is everywhere antecedent to records, and letters seldom come in amongst a people till a long continuation of civil society has, by other more necessary arts, provided for their safety, ease, and plenty.... reason being plain on our side that men are naturally free; and the examples of history showing that the governments of the world, that were begun in peace, had their beginning laid on that foundation, and were made by the consent of the people; there can be little room for doubt, either where the right is, or what has been the opinion or practice of mankind about the first erecting of governments.

Critically assess this passage. Is it an adequate reply to those who argue against the historical reality of the state of nature and Locke’s theory of the social contract? If the nations we recognize today were not the result of naturally equal parties agreeing to a social contract of the sort Locke describes, might the idea of a social contract still play an important role in our efforts to describe the sort of polity we ought to have? How can we best adjudicate between different conceptions of an ideal state, polity or government?

(4) Locke says,

From these two distinct rights (the one of punishing the crime, for restraint and preventing the like offence, which right of punishing is in everybody, the other of taking reparation, which belongs only to the injured party) comes it to pass that the magistrate, who by being magistrate hath the common right of punishing put into his hands, can often, where the public good demands not the execution of the law, remit the punishment of criminal offences by his own authority, but yet cannot remit the satisfaction due to any private man for the damage he has received. That he who hath suffered the damage has a right to demand in his own name, and he alone can remit.

Explain Locke's theory of the social contract and the powers given the magistrate by those who agree to the social contract and therein put an end to the state of nature. Which natural rights does Locke think are transferred to the magistrate when the social contract takes effect? Which natural rights are retained by the contractors even after the social contract is in place? Is social contract theory a good way to think of: (a) the proper function of the criminal justice system, (b) its proper powers, and (c) the limits properly placed upon it? If not, how one might argue for a set of obligations a criminal justice system must fulfill and a set of limitations it mustn't transgress? Can one argue for the relevant obligations and limitations without appealing to the idea of a social contract that (tacitly) stipulates these obligations and limitations?

(5) Locke says

Though the earth and all inferior creatures be common to all men, yet every man has a "property" in his own "person." This nobody has any right to but himself. The "labour" of his body and the "work" of his hands, we may say, are properly his. Whatsoever, then, he removes out of the state that Nature hath provided and left it in, he hath mixed his labour with it, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state Nature placed it in, it hath by this labour something annexed to it that excludes the common right of other men. For this "labour" being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least where there is enough, and as good left in common for others.

Explain and critically evaluate Locke's theory of property rights in the state of nature. What conditions does Locke think need to met before one can justly acquire property by mixing one's labor with it? Is Locke's account relevant to the justification of your right to whatever property you claim to own? Do you have a "natural right" to this property? If a war or revolution brought an end to the United States, the State of California and the relevant municipal governments would you (or your parents/care givers) still have a legitimate claim to your home, car, bike, clothing etc? How might one defend these rights without appealing to a theory like Locke's?

(6) According to White,

J.S. Mill and J. Dewey thought that appealing to self-evidence and intuition was hardly compatible with being prepared to defend one's views to all mankind...both Mill and Dewey identified the appeal to intuition and self-evidence as conservative, undemocratic, and authoritarian because it implied the existence of a faculty which was employed by a few who might seek to impose their views on the many.

Is the idea of self-evident rights really antithetical to democracy in the way Mill and Dewey allege? When answering this question make sure to distinguish intuitive truths from indefensible knowledge of these truths. If those in government have one evidential or epistemological basis for their belief in the validity of the state's laws and institutions, and yet provide a different

(perhaps simpler) basis for these laws and institutions when justifying or explaining these laws and policies to the citizenry, does that undercut the Democratic character of the state? Defend your answers with reasoning.

Longer Essay Questions: *You'll have to answer 2 out of 3 questions for 20 points each.*

(1) Locke says

The dens of lions and nurseries of wolves know no such cruelty as this: these savage inhabitants of the desert obey God and nature in being tender and careful of their offspring: they will hunt, watch, fight, and almost starve for the preservation of their young; never part with them never forsake them, till they are able to shift for themselves. And is it the privilege of man alone to act more contrary to nature than the wild and most untamed part of the creation? doth God forbid us under the severest penalty, that of death, to take away the life of any man, a stranger, and upon provocation? and does he permit us to destroy those he has given us the charge and care of; and by the dictates of nature and reason, as well as his revealed command, requires us to preserve? He has in all the parts of creation taken a peculiar care to propagate and continue the several species of creatures, and makes the individuals act so strongly to this end, that they sometimes neglect their own private good for it, and seem to forget that general rule, which nature teaches all things, of self-preservation; and the preservation of their young, as the strongest principle in them, over-rules the constitution of their particular natures. Thus we see, when their young stand in need of it, the timorous become valiant, the fierce and savage kind, and the ravenous, tender and liberal.

Explain this passage and how Locke infers parental obligations from God's design of parents, which design is in turn inferred from observations of the ways humans and other animals behave with their offspring. Describe some of the duties or obligations you think parents have for their children. Are they the kinds of obligations Locke infers from his reading of God's intention in constructing humans? Is Locke's conception of natural law a good way to think about the duties parents have toward their children? If not, what are some alternatives?

(2) Locke says,

God planted in men a strong desire also of propagating their kind, and continuing themselves in their posterity; and this gives children a title to share in the property of their parents, and a right to inherit their possessions.... Every man is born with a double right. First, a right of freedom to his person, which no other man has a power over, but the free disposal of it lies in himself. Secondly, a right before any other man, to inherit, with his brethren, his father's goods.

Explain this argument for inheritance, and the role that is played in it by idea of a "natural law" discernable through observation of the "strong desires" of humans and other animals. Is this a good way to argue for a child's right to an inheritance? Make sure to explain in ordinary terms what Locke means by a "natural law" and a "natural right." Do children have a "natural right" to an inheritance? If you think so, explain how you might argue for that view on less theological grounds than those Locke provides. If you think not, describe your view of what parents actually owe their children and the grounds for these (perhaps minimal) obligations.

(3) Locke says,

Man had a right to an use of the creatures, by the will and grant of God: for the desire, strong desire, of preserving his life and being, having been planted in him as a principle of action by God himself, reason, "which was the voice of God in him," could not but teach him and assure him that pursuing that natural inclination he had to preserve his being, he followed the will of his

Maker, and therefore had a right to make use of those creatures which by his rear son or senses he could discover would be serviceable thereunto. And thus man's property in the creatures was founded upon the right he had to make use of those things that were necessary or useful to his being.

Explain this argument for the rights of humans to use and own other animals. Make sure to explain the role played by our “strong desire” for self-preservation, the idea of reason as “God’s voice”: i.e. the cognitive abilities we use to discern God’s intent or design, and the relation of these concepts to Locke’s conclusion that we have a natural right to use and own other animals. Do humans have a “natural right” to use and own other animals? If you think so, explain how you might argue for that view on less theological grounds than those Locke provides. If you think not, describe your view of the kinds of relationships humans ought to bear to other animals and the (relatively non-theological) grounds for these obligations.

(4) Locke says,

The state of Nature has a law of Nature to govern it, which obliges every one, and reason, which is that law, teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty or possessions; for men being all the workmanship of one omnipotent and infinitely wise Maker; all the servants of one sovereign Master, sent into the world by His order and about His business; they are His property, whose workmanship they are made to last during His, not one another's pleasure. And, being furnished with like faculties, sharing all in one community of Nature, there cannot be supposed any such subordination among us that may authorise us to destroy one another, as if we were made for one another's uses, as the inferior ranks of creatures are for ours. Every one as he is bound to preserve himself, and not to quit his station wilfully, 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 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.

Explain this argument for: (a) the immorality of suicide, (b) the immorality of harming other people except in self-defense or as punishment for their harmful acts, and (c) the immorality of starting wars of conquest. Make sure to explain the role that Locke’s ideas of natural law and natural right play in this argument. Do humans have a “natural obligation” to respect and preserve their own lives and the lives of other humans? If you think so, explain how you might argue for that view on less theological grounds than those Locke provides. If you think not, describe your view of the ways in which humans ought to treat themselves and other humans and the (relatively non-theological) grounds for these obligations.

(5) According to Breen, “During the 1760s and early 1770s, colonial writers repeatedly invoked the authority of John Locke, and even when the name of the great philosopher did not appear, his ideas still powerfully informed popular public consciousness.” According to White, “The philosophy of the rebellious colonists was one causal factor in a conjunction that led to the Revolution...we shall not be able to explain the Revolution unless we understand that philosophy.”

Explain Locke’s theory of natural right, natural law and the social contract wherein a certain number of natural rights are transferred to a sovereign power for specific, limited purposes. Explain how Thomas Jefferson articulated these ideas in his Declaration of Independence. Based on your understanding of the events leading up to the American Revolution describe the role that Locke’s philosophy did and did not play in the instigation of that revolution.

(6) Describe the 9th and 10 Amendments to the US Constitution. Explain Locke's theory of natural right, natural law and the social contract wherein a certain number of natural rights are transferred to a sovereign power for specific, limited purposes. Can we make sense of the 9th and 10th Amendments without believing in natural (i.e. pre-political) rights? Can we make sense of natural rights without believing in a God who endowed us with these rights? Defend your answers with reasoning.

(7) Huxley says,

It is probably true that the earliest men were nomads. But among a body of naked wandering savages, though there may be no verbally recognised distinctions of rank or office, superior strength and cunning confer authority of a more valid kind than that secured by Acts of Parliament; there may be no property in things, but the witless man will be poverty-stricken in ideas, the clever man will be a capitalist in that same commodity, which in the long run buys all other commodities; one will miss opportunities, the other will make them; and, proclaim human equality as loudly as you like, witless will serve his brother. So long as men are men and society is society, human equality will be a dream; and the assumption that it does exist is as untrue in fact as it sets the mark of impracticability on every theory of what ought to be, which starts from it.

Is Huxley's belief that innate inequalities account for inequality in political/economic powers any more plausible than Rousseau's idea that we can use government action to establish a (large) society of moral/political equals? Aren't *meritocracy* as Huxley imagines it and truly egalitarian democracy (as Rousseau imagines it) equally inaccessible? Which ideal is more far-fetched? Which is more attractive to you?

(8) According to what we've been calling **The Optimistic Narrative**, Locke elaborated basic rights to life, liberty and property justly acquired or received, where property right is limited by obligations to take care of those suffering from poverty. The "liberty" of which Locke wrote included religious freedom, freedom of movement, freedom of assembly, freedom of expression, etc. And Locke used the idea of a social contract to argue for the incorporation of democratic ideals into governmental structures by arguing from said contract to limitations on state power, a ban on taxation without representation, a division of powers within the government and so on. These Lockean political ideals were articulated in our founding documents—the Declaration of Independence and the US Constitution—because they were an important part of the motives that drove the colonists to revolt. Though Lockean natural and political rights were initially limited to relatively wealthy European men, through the struggles of slaves, women, native peoples and their descendants, these rights were eventually expanded to realize the promise of "equality under the law" that Locke conceptualized.

According to what we've been calling **The Pessimistic Narrative**: The main function of Lockean ideas in early American history was a rationalizing one. The colonists revolted against British rule for reasons that had little to do with the idea of natural rights, the social contract and the normative political principles Locke derived from these philosophical constructs. Proclamations of the natural, pre-civil rights of men to life, liberty and the pursuit of happiness were really "lipstick on the pig." The pig is a metaphor for slavery and the economic interests that drove the founders to argue for revolution and then the unification. The history of America is most accurately described as the use of Lockean rhetoric to help conceal capitalist, anti-Lockean, anti-Democratic practice. The early Americans were not united by a social contract in Locke's sense, but a racial contract in Charles Mills' sense: an application of Lockean ideals to a limited group of men united by a common racial and socioeconomic identity.

Describe the evidence in favor of each narrative. Which account is closer to the truth? Which played a greater role in the founding of the United States: (a) belief in the universal rights of men to life and liberty, (b) or an ideology of white nationalism?