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# **Liberals**

A civic commitment to virtue

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## CHAPTER 4°: VIRTUOUS LIBERALISM

### 1. KEEPING VIGIL

In March 1681, the Whigs were convinced that this time they were going to impose the Exclusion Bill on the King. One month earlier they had won the elections once again, giving them a third consecutive victory in less than two years. Their triumph over the Tories was complete, in spite of the fact that the latter had taken all measures possible to take away their parliamentary majority. Nevertheless, victory had an unwanted effect on them: it made them overconfident and, politically, they lowered their guard. They felt assured by the firm popular support that they had obtained and they did not foresee the trap that Charles II was preparing for them. They considered the option of active resistance against the King if he continued to refuse an Exclusion Bill, but they never believed it possible that he would dare to oppose it again. As a result, they had no plan to deal with such opposition. With this passivity, they underestimated the Secretary of State, Leoline Jenkins, who had been working for months on a strategy to defeat the Whigs once and for all. When Charles II summoned Parliament on March 21, he had planned for all possible scenarios as well as the responses with which to undo the actions of his adversaries. In this he was assisted by the complicity of the Tories and of France. The former had placed themselves unconditionally on the King's side, wielding a powerful propaganda

apparatus that effectively circulated a pamphlet accusing the Whigs of being radicals, false Protestants, godless, and defenders of Parliamentary tyranny. For its part, France intensely supported Charles II's actions. The French ambassador had warned Versailles that if the Whigs won, England might establish a Puritan republic whose hostility would undermine Louis XIV's political prospects on the continent.<sup>1</sup> In fact, if the Whig strategy triumphed, France could find herself seriously threatened by an Anglo-Dutch alliance that would impede the consolidation of her hegemony in Europe.

During the autumn and winter of 1680-1681, Locke spent most of his time writing the *Second Treatise*. In addition, Shaftesbury had assigned him the task of finding accommodation for the leaders of the Whig party in Oxford, where Charles II had summoned the new Parliament. The job was not an easy one. Oxford was the heart of the most recalcitrant Tory loyalty. Unwilling to support the Whig cause, the city showed its belligerence towards those who wanted to restrict the Crown's authority. With this decision, Charles II succeeded in depriving the Whigs of the rearguard that London had provided them with since they initiated their offensive in 1678. Stripped of the cover that the capital gave them, their arrival in Oxford was fraught with difficulties. They lacked the party network of the Green Ribbon Club and they could not resort to the pressure of street action. They were thus trapped in a strategy that undermined their ability to oppose the King. Moreover, their lodgings were scattered around the outskirts of Oxford, leaving them unable to meet and to answer the King's maneuvers in an organized way. Not even Locke, who was a professor at Christ Church, could overcome these problems. He had to admit to Shaftesbury that none of the Oxford colleges were prepared to accommodate the Whig parliamentarians in their rooms. He finally succeeded in getting his friend, Professor Wallis, to provide his house to the Whig leader and to two or three members of his party, among them Locke himself.<sup>2</sup> In spite of this, the Whigs saw no indication of the gravity of the threat looming over them. Confident of a certain victory, they came armed only with an argumentative narrative that was well woven together thanks to Locke's *Second Treatise*. Though the text of the work was not materially circulated among them, nevertheless there is no doubt that it informed the theses of Shaftesbury and the rest of the party leaders. Locke went back to fulfill his habitual role: to act as the intellectual rearguard of his patron. Thus, as well as collaborating in the preparation of the parliamentary strategy, he maintained contact with the Whig parliamentarians and may have been the author of the famous *Instructions to the Knights of the Country of ... for their Conduct in Parliament*, a document distributed by Shaftesbury to organize and discipline the vote before the opening of Parliament. These Instructions, considered to be the first document accrediting the existence of a modern political party, employed the rhetorical device of putting a reminder addressed to their representatives in the Commons in the voice of Whig voters. They were told that they had been elected to prudently defend the general interests and well-being of the people.

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<sup>1</sup> J. R. Jones, *Country and Court, England 1658-1714*, E. Arnold, London, 1978, p. 214.

<sup>2</sup> R. Woolhouse, *Locke. A Biography*, Cambridge University Press, 2007, p. 170.

They were also urged to support a law that excluded the Duke of York and any other Catholic successor from the throne. And they were called upon to fight to ensure the periodic renewal of Parliament and to work to promote laws that protected the freedoms, lives and properties of the people, all with the aim of securing the Protestant religion and protecting England against the threat of Papism and injustice.<sup>3</sup>

Before analyzing what developed in the Parliament summoned in Oxford in the spring of 1681, it is necessary to study in detail the theoretical content that Locke introduced in the *Two Treatises*, since it transformed the ideas of republicanism, giving it a new basis through natural law and the logic of the social contract. Specifically, it developed — as we will see below — its fight against despotism as well as its defense of the freedom of citizens. For republicans, freedom was the sum of two principles. First, the political condition that Man enjoyed when he was not arbitrarily subject to the will of another man. Second, the fact of being subject only to the rule of law. It is important to remember that the republic was a government of laws, not of men, and those laws applied to everyone equally, including those who governed. Locke further molded these principles with a liberal foundation of the concept of the State based on the social contract and put at the service of the protection of property, which was defined as something preceding an economic right over goods. Locke viewed property as a moral right arising from Man's taking possession of his awareness and his actions, including the results of his work. As we will see in the following paragraphs, the right to property arose within a structure of duties inspired by natural law and the observance of virtue, this being defined as the development of a determined search for moral excellence through the use of freedom and the rational exercise of the understanding. Locke's liberalism acquired the form of a *virtuous individualism* assumed by the republican ideal of a government based on the cooperation of men aware of the value to the community of jointly defending their properties from the injustices of any who attempted to establish a tyranny. Through his linkage with the Whig party, Locke offered a Republican patriotism which, as Viroli maintains, was a civic commitment among those who coexisted peacefully under the rule of laws guaranteed by collective society, this being what ultimately protected the freedom and moral well-being of the people from the arbitrary and despotic will of the King.<sup>4</sup>

## 2. VIRTUE INVOKED

We have already seen in the last chapter how the main objective of the criticism contained in Locke's *First Treatise* was to destroy the thesis of the *Patriarch*. Having justified the denial of the existence of a monarch as an intermediary between God and men, the latter would find themselves strictly subject to God.

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<sup>3</sup> B. Martyn y A. Kippis, *The Life of the First Earl of Shaftesbury, from Original Documents in the Possession of the Family*, vol. 2, Richard Bentley Publisher, 1836, pp. 266-267.

<sup>4</sup> M. Viroli, *For Love of the Country: An Essay on Patriotism and Nationalism*, Clarendon Press, Oxford, 1997, p. 81.

This meant the leveling of the human race under the government of a natural law that would contain the will of the Creator of the universe and that of humanity. Following this, as we know, Locke started writing the *Second Treatise* with the aim of refuting the criticisms that the Tories were beginning to make after 1680 regarding the sinful inclinations of the dissidents in their parliamentary struggle against the King. He explicitly pointed out that “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”<sup>5</sup>. With this argument, Locke counterattacked the Tories, invoking God's authority and appealing to virtue as the foundation of his defense of property and freedom. During the electoral campaign, the Tory propagandists had accused the Whigs of corrupting the direction of government by defending a Parliament that was not representative of the pulse of the nation. In *A seasonable address to both Houses of Parliament concerning the succession, the fears of popery, and arbitrary government by a true Protestant, and hearty lover of his country*, it was expressly stated that England should be managed in accordance with the directions of a party of Presbyterians and republicans who did not represent the body of the nation. This was a thesis that was reiterated by pamphleteers such as John Nalson and Roger L'Estrange when they insisted that Parliament was a tyrannical assembly that sought to ban the Anglican Church and the King.<sup>6</sup> Responding by appealing to natural law and the will of God, Locke sought to refute this argument and demonstrate that the Whigs were defending a parliamentary discourse that placed men under the authority of God, subordinating them to a code of behavior that all men were obliged to answer to, without exception, starting with the King and continuing with members of Parliament. This code came before any other legal obligation. It constrained the conscience and developed on a plane that was higher than that of any human legislator.

With this line of reasoning, Locke reproduced the idea that Calvin had coined in his *Institutio Christianae religionis* when he affirmed that men were obliged to obey God by virtue of the right to creation that He had as architect of humanity. In this way, he impugned the patriarchal authority that the Tories used to justify the policies of the King and he brought to the open an argument associated with the most militant Protestant sensibility. It is impossible to ignore here the influence that Puritanism exercised over Locke. Born in 1632 in Wrington, Somerset, one of the most zealously Puritan counties, he received a Presbyterian education. His father had served as an official in the parliamentary army and his mother had been a fervent Calvinist. On the other hand, his academic career, first at Westminster School and later at Oxford, was sponsored by Puritan connections and parliamentary contacts.<sup>7</sup> These circumstances contributed to his growth in an environment close to Puritan republicanism, which shared with Calvinism

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<sup>5</sup> J. Locke, *Two Treatises of Government*, J. Whiston, London, 1821, p. 191.

<sup>6</sup> M. Knights, *Politics and Opinion in Crisis*, 1678-81, Cambridge University Press, 1994, pp. 307-316.

<sup>7</sup> M. Cranston, *John Locke: A Biography*, Longmans, Oxford, 1957, pp. 1-46.

many of the religious precepts on which English Protestantism was based.<sup>8</sup> Thanks to this religious horizon open to a secular interpretation, Locke employed a political narrative in the *Two Treatises* that invalidated the accusation of false Protestantism and impiety which, as we saw in the third chapter, the Tories made against the Whigs from 1681 onward. This narrative was developed using a language of modernity that could be adopted by the most advanced social groups that backed the revolutionary cause, for whom the work was finally written – the same groups responsible for the economic and scientific progress of a country that sought to free itself from any arbitrary tutelage. But beyond whatever really might have been the influence that Puritanism had over his thought, what is certain is that for Locke, as for the dissidents that constituted the principal support for the militant group in the Whig party, Man was created for a purpose that he had to discover with the intelligence and the senses with which he had been endowed. As he maintained in *An Essay Concerning Human Understanding* and reiterated in the *Two Treatises*, “God in his infinite wisdom has given us senses, faculties, and organs that are suitable for the conveniences of life and for the business we have to do here.” That business is none other than to lead us to “the knowledge of the creator and the knowledge of our duty”.<sup>9</sup>

We saw in the last chapter how, on the great chain of being, Man occupied an intermediate position between angels and irrational creatures. That position was influenced by original sin, a circumstance that weakened the power of the intellect, strengthened its irrational nature and aggravated the condition of dependency on his Creator. In spite of all this, it did not make it impossible for Man to discover his natural obligations. The job was not easy for the Puritan mind of Locke, but neither was it impossible. It required a virtuous discipline. In *Some Thoughts Concerning Education* he warned: “And the great principle and foundation of all virtue and worth is plac’d in this: that a man is able to *deny himself* his own desires, cross his own inclinations, and purely follow what reason directs as best, tho’ the appetite lean the other way.” This power has to be acquired, and is developed through habit, because human nature is directed in such a way that “[t]o make a good, a wise, and a virtuous man, ‘tis fit he should learn to cross his appetite, and deny his inclination to riches, finery, or pleasing his palate”.<sup>10</sup> Endowed with understanding, man could exercise it by adequately cultivating his power of reason. It was not a well-defined and firm power, which was the innatist thesis used by Anglicans, but a weak and fragile faculty that was menaced by sin. It had to be exercised by means of a discipline that assured its laborious and slow development at the service of the ends wished by God. This virtuous support of moral excellence was an argument used by the Whigs against the corrupt disposition of the Tory party and the Court of Charles II. Especially since, after the dissolution of Parliament in November 1680, they went back on the attack, accusing the Whigs of a depraved desire to disrupt the nature of power by altering the rules of succession of the Crown with a radicalized and tyrannical Parliament. In the *Second Treatise* Locke demonstrated that the Whig program

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<sup>8</sup> J. Dunn, *The Political Thought of John Locke*, Oxford University Press, 1988, p. 11.

<sup>9</sup> J. Locke, *Essay Concerning Human Understanding*, ed. Jonathan Bennett, 2010, Essay II, pp. 100

<sup>10</sup> J. Locke, *Some Thoughts Concerning Education*, The Educational Writings of John Locke, ed. John William Adamson, Cambridge University Press, 1922, § 33, § 52.

was inspired by virtue, using it as a political weapon and continuing the tradition of militant Puritanism that during the Civil War had already established a correspondence between sanctity and citizenship. Locke also did not hesitate to lay claim to virtue as an argument within his political thought. According to this argument, if Man dedicated himself to the cultivation of reason and faced up to the task of his moral improvement, the dangers that his negligence could lead to could be avoided by making reason “his only star and compass”.<sup>11</sup>

### 3. PROPERTY AND CONSCIOUSNESS

This is not the place for a detailed analysis of the bases of Locke's empiricism. Suffice it to say that he conceived of knowledge as being an individual acquisition of understanding that favored pluralism, although the sensitive nature of humanity and its disposition towards the use of knowledge guaranteed a final common denominator. The changing experience of men made that denominator evolve, because the mind was initially a *tabula rasa* that had to be filled through individual exercise of the understanding. To assist in this, God had introduced a sensitive nature that moved man towards the avoidance of discomfort,<sup>12</sup> which enabled them to discern what was good or bad. This hedonistic nature was neither mechanical nor deterministic. Man, although he sought to eradicate the most immediate discomforts, could suspend the effort to avoid them and weigh them up, contemplating other futures through the use of the mind. The success of his pursuit of happiness depended on the care he took not to commit hastily to the most raging desires. A virtuous caution that required that a man should perfect himself morally, giving up on the satisfaction of fulfilling desires when reason demanded it. This was only possible after a rigorous regime in which moderation and the restraint of passions were prioritized so that the mind would be as free as possible to examine desires appropriately. This was therefore subordinate to man learning to be guided by virtue, which is no more or less than taking possession of one's own mind.

This is where the essence of freedom lay: in suspending the will, giving the mind time to adequately judge the different desires in conflict. In this regard Locke remarked: “This seems to me the source of all liberty” because “during this suspension of any desire, before the will be determined to action” we have the “opportunity to examine, view, and judge of the good or evil of what we are going to do”.<sup>13</sup> From the misuse of freedom were derived the errors that men committed when they took rash decisions in the determination of their behavior. In identifying it as the property of an intelligent being, freedom consisted of bending the will towards the best, according to the understanding. This was something that the *Second Treatise* associated with the power of reasoning, because if men were born free, it was to the same extent that “we are born

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<sup>11</sup> J. Locke, *Two Treatises of Government*, *op. cit.*, p. 64.

<sup>12</sup> J. M. Lassalle, *Locke, liberalismo y propiedad*, Colegio de Registradores de España, Madrid, 2003, pp. 87-154.

<sup>13</sup> J. Locke, *An Essay concerning Human Understanding*, Routledge and Sons, London, 1894, p. 185. .

rational; not that we have actually the exercise of either".<sup>14</sup> In using reason in his argument and associating it with freedom, Locke made feasible Man's responsibility for his actions. If Man could suspend the determination of the will until the mind had examined the sense of any given behavior, he would then deserve a just punishment. But that possibility was subordinate to that of Man acquiring the virtuous state of *person*, defined as "a thinking intelligent being, that has reason and reflection, and can consider itself as itself"<sup>15</sup> The person was the intimate craftsman of the mind, or (what amounts to the same thing) the psychological subject responsible for the process of idea creation, who experienced the sensations of pleasure and pain caused by behavior. But what allowed a person to recognize himself as such was his *consciousness* of it. This was the seat of the virtue to which the duty of moral improvement, to which human nature was subject, tended. Consciousness was the final nucleus of the "I": what Locke would describe as the "oneself". In it resided personal identity: that which allowed actions to be personalized, to become one's own, feeling oneself to be their author and to answer for them to others, and also to God, to whom the person was indissolubly linked. For Locke, the person was a forensic term "appropriating actions and their merits, and so belongs only to intelligent agents capable of a law, and happiness and misery"<sup>16</sup>

With these thoughts, Locke played a leading role in an intellectual revolution that made consciousness the basis of a virtuous individualism from which emerged the liberalism that the Whigs deployed against the despotic behavior of a king who thought only of protecting the irresistible and irrepressible majesty of his power. Faced with that majesty, which could not be limited by the sum of responsible decisions of the representatives of a people who wanted to defend their freedom of conscience, Locke legitimized the resistance of a collection of personal identities organized on the basis of their common dependence on God. With Locke, conscience transcended its original limits that linked it exclusively with the personal experience of faith, and was transformed into the space where the complex spiritual personality of man resided, from its philosophical and moral dimension to its political and economic dimension. As master of his conscience, Man tried to shape his external life in accordance with his internal imperatives. As G. De Ruggiero says, liberty became "consciousness of oneself, of one's own infinite spiritual value" and from this subjective nucleus of freedom spread a "a force at once of diffusion and of organization which penetrates and vitalizes the whole social and political structure by degrees, only to return at last to its center and enrich its initial liberty through the liberation of an entire world".<sup>17</sup> It is precisely this logic that underlies Locke's *Two Treatises*, a logic that brought about a revolution of unexpected consequences in the history of ideas. Through a philosophical foundation that he projected onto the political narrative of the Whigs, Locke transformed the conscience into the nucleus on

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<sup>14</sup> J. Locke, *Two Treatises of Government*, *op. cit.*, p. 237.

<sup>15</sup> J. Locke, *An Essay concerning Human Understanding*, *op. cit.*, p. 246.

<sup>16</sup> *Ibid.*, p. 256.

<sup>17</sup> G. De Ruggiero, *History of European Liberalism*, Beacon Press, Boston, 1959, pp. 13-14.

<sup>18</sup> J. Locke, *Two Treatises of Government*, *op. cit.*, p. 225.

which liberal thought is constructed. He recovered the discourse of freedom of conscience from the first political writings that he had completed as Shaftesbury's advisor in 1667, and inserted it into his basis for property through the dominion that Man had over his person and his actions. In this way he made conscience an item of moral property that nobody could be deprived of by any human power. This reproduced the theses which we saw in Levellers such as Richard Overton and John Lilburne, and which the *Second Treatise* raised to being the foundation of property when he proclaimed that "man, by being master of himself, and proprietor of his own person, and the actions or labour of it, had still in himself the great foundation of property".<sup>18</sup> Thus, if the King tried to appropriate it he would be guilty of a serious form of impiety since he would be excluding man from his capability to answer for his actions before God, thereby interfering with the moral obligations that linked humans with their Creator.

Locke endowed consciousness, out of which the person was born, with a level of support that was politically unassailable. So much so, that if a decision of the King were to infringe upon it, it would be an injustice so despotic and tyrannical as to justify appealing to Heaven to defend one's right to one's own consciousness. Consciousness metamorphosized into a type of primeval and natural possession from which identity arose, and within which was found a person's *liberty*, since it was linked to the exercise of the understanding and responsibility of that person in relation to his actions. It was an intellectual property which was arrived at after a lot of complex and difficult work, because men were born completely ignorant, and each one of them had to make an effort to transform his sensory experiences through the exercise of reason. The tradition of Puritan republicanism becomes explicit at this point. There is close agreement between Locke's analysis and that of Milton who, in *Paradise Lost* (1667), maintained that original sin had made Man lose a good number of the attributes that God had given him when creating him in his image and likeness. Even though the Fall implied the defeat of reason by passion, Man retained some remainder of his original nature. Thanks to his reason, albeit diminished, together with his understanding and his will, he could face up to his moral renewal. To achieve it he had to persist through a laborious process of improvement that would replace the paradise lost with another internal one that lived in the consciousness.<sup>19</sup> For Milton, Man could correct the result of the defeat that reason had suffered if he persevered in following the dim light that still radiated from the embers of his intelligence. To do this, a sincere obedience to the will of his Creator was required, so that, invested with divine grace, he could defeat sin and recover within him the paradise lost. This also demanded

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<sup>19</sup> C. Hill, *Milton and the English Revolution*, Faber and Faber, London, 1977, pp. 253-267, and W. M. Spellman, *John Locke and the Problem of Depravity*, Clarendon Press, Oxford, 1988, pp. 92-95.

<sup>20</sup> C. Hill, *Milton and the English Revolution*, *op. cit.*, pp. 275-276.

<sup>21</sup> J. Milton, *Paradise Lost*, Hayes Barton, Raleigh, NC, 2007, pp. 160-61.

<sup>22</sup> J. Locke, *Two Treatises of Government*, *op. cit.*, p. 225.

<sup>23</sup> J. W. Yolton, *Locke and the Compass of Human Understanding*, Cambridge University Press, 1970, p. 189.



full control of certain instincts that had been strengthened by original sin, something that could only be achieved by those who toiled laboriously to follow the light of consciousness that was the home of reason, a basic condition for a man to be free.<sup>20</sup> Furthermore, just as perseverance in the cultivation of reason made liberation from sin possible, negligence and neglect of reason made those who so behaved commit new errors that reinforced their final damnation since, in the words that Milton put in the mouth of God after Adam's expulsion from paradise: "Man shall not quite be lost, but saved who will" since "I will renew / his lapsed powers", and place within them "as a guide / My umpire Conscience; whom if they will hear, / Light after light well used they shall attain, / And to the end persisting, safe arrive." He continues: "This my long sufferance, and my day of grace, / They who neglect and scorn, shall never taste; / But hard be hardened, blind be blinded more; / That they may stumble on, and deeper fall; / And none but such from mercy I exclude."<sup>21</sup>

In the *Second Treatise*, Locke did not hesitate to deduce the connection between consciousness and property, identifying both when pointing out that man was "master of himself, and proprietor of his own person, and the actions or labour of it"<sup>22</sup> Viewing actions as a property of the person and the person as a property of oneself, it is not surprising that for Locke, as J. W. Yolton points out, the "person is the starting point for the particular"<sup>23</sup>. From this core of the specific, the liberal theory that Locke put into circulation developed an appropriating dynamic which, based on the rigorous fulfillment of a series of duties, transformed into individual everything which came into contact with the person. As the person extended itself from its original stronghold in the consciousness towards what was outside it, it expanded gradually in successive concentric circles, taking over the body in which it resided, the life that made its existence possible, the thoughts it had and the actions it performed and, finally, the material and moral consequences that resulted from its behavior, including the product of work which, as will be seen later, was the basis of property according to the narrative contained in the *Second Treatise*. Steeped in his Puritan mentality and his party affiliation, Locke connected the political thought of the Whigs with the theological approaches of the dissidents. In doing so he formulated his theoretical design of the state of nature based on the principle that the human species was obliged to obey natural law. But as was the case with all other ideas, knowledge of this was not innate. It required an effort of understanding based on the exercise of reason, this being "enough to lead them to the knowledge of their Maker and the sight of their own duties". Assuming the image of the Puritan pilgrim popularized by John Bunyan in *The Pilgrims Progress*, Locke established the idea that man was obliged to spend "the days of this our pilgrimage with industry and care in the search and following of that way which might lead us to a state of greater perfection". Thus Locke stated that obeying natural law was conditional on man making the decision to obey it or not. After an arduous process of

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intellectual discipline, this then depended on man recognizing himself as the work of a supreme Creator on which his presence in the world depended. “He also that hath the idea of an intelligent but frail and weak being, made by and depending on another who is eternal, omnipotent, perfectly wise and good, will as certainly know that man is to honour, fear and obey God”.<sup>24</sup>

This discovery was achieved with the acquisition of consciousness, thanks to which, Man recognized himself and took possession of his being. Having at his disposal an intellect — the voice that God had left inside him — he was fit to rule, a relationship being established between consciousness, understanding and the ability to control.<sup>25</sup> Created in God’s likeness and image, Man enjoyed the complex features of created and creator at the same time. The ownership that he exercised over his person - and out of which arose property rights over freedom, his body, his actions and the physical things of the world which he acquired through his work - was a form of control, subordinated to the control that God had over it, because Man, having an understanding to direct his actions, was always confined within the limits of the law to which he was subject.<sup>26</sup> The consequence of this sacred view of property by virtue of consciousness led to the person being seen as the portal of a mystical community between man and God that could not be shattered by any human power. This presupposed that a divine current flowed from the individual consciousness into human actions and their results. By cloaking control in this holy mantle, Locke sanctified property based on work, a connection sanctioned by natural law and whose violation implied a very grave impiety as it infringed upon the very principles of nature. This bond is reminiscent of what we saw when we quoted the Leveller Richard Overton in his *An Arrow against all Tyrants*: “To every individual in nature is given an individual property by nature not to be invaded or usurped by any. For every one, as he is himself, so he has a self-propriety, else could he not be himself; and of this no second may presume to deprive any of without manifest violation and affront to the very principles of nature and of the rules of equity and justice between man and man. Mine and thine cannot be, except this be”.<sup>27</sup>

As individuality resided in consciousness, Man was equipped to adapt his behavior to the dictates of natural law. Whether he did it or not was an individual decision that brought its own consequences, both material and moral, because if

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<sup>24</sup> J. Locke, *An Essay concerning Human Understanding*, op. cit., pp. 3; 353-354.

<sup>25</sup> J. Locke, *Two Treatises of Government*, op. cit. 99.

<sup>26</sup> *Ibid.* p. 234.

<sup>27</sup> *An Arrow against All Tyrants*, Online Library of Liberty, Indianapolis, 2010, p. 5.

<sup>28</sup> J. Locke, *An Essay concerning Human Understanding*, op. cit., p. 190.

<sup>29</sup> J. Waldron, *God, Locke, and Equality. Christian Foundations in Locke's Political Thought*, Cambridge University Press, 2002, p. 83.

<sup>30</sup> J. Locke, *Questions concerning the Law of Nature*, Cornell University Press, Ithaca, 2008, p. 111.

<sup>31</sup> J. Dunn, *The Political Thought of John Locke*, op. cit., p. 220.

<sup>32</sup> J. Locke, *Two Treatises of Government*, op. cit., p. 214.

neglect or abuse of the freedom that he had to “examine what would really and truly make for his happiness, misleads him, the miscarriages that follow on it must be imputed to his own election.”<sup>28</sup> Equal as creatures who are subject to natural law, and equal because they were born with a blank mind, they could see this original double equality altered as a result of their decisions. It must not be forgotten that the point of departure was an original egalitarian structure based on the notion of a common intellect for the human species. But the point of arrival did not have to be the same. A laborious exercise of understanding, as we will see later, could establish differences of knowledge about what God demanded.<sup>29</sup> Thus Locke did not have any problem recognizing that only a minority capable of yielding to the “authority of reason” could govern themselves by natural law, because it was sufficient to analyze daily life to conclude that the majority were inclined towards the persuasiveness of immediate pleasure and the impetus of passions.<sup>30</sup> This lack of equality resulted in different levels of assumption of responsibility before God, having an impact on the willingness to achieve the moral improvement that should guide each man to take ownership of his person. This is something that ultimately influenced the result of his actions and the obligation of the human species to rule the world through work that transcended the physical, to become a moral requirement to which the excellence that led to virtue was subordinate.<sup>31</sup> The *Second Treatise* left no doubts. The world was not given to be the victim of the “fancy or covetousness of the quarrelsome and contentious”, but for the exclusive use and pleasure of men who were “industrial and rational.”<sup>32</sup> We will see that this distinction between the legitimate property of the industrious and rational and the illegitimate property of the avaricious, quarrelsome and criminal had its political repercussion, since it was a Whig reminder that projected the Harringtonian thesis that constitutional stability was based on a fair distribution of property. In fact, Harrington thought that the key to stability in England was a mixed government founded on an equitable distribution of property. This equity depended on promoting property acquired through work, rather than that derived from greed and ambition. This is an argument that the Whigs themselves used against the land-owning Tories and the economic abuses of the Court. It must not be forgotten that for the groups that backed the Whig program, the stability of England was subordinate to the need for the Ancient Constitution to be institutionally adapted to the transformations brought about by commercial capitalism and a scientific revolution that ennobled and extolled the value of physical, moral and intellectual work.

Returning to Henry Neville’s reflections quoted at the end of the last chapter, we could venture the hypothesis that Locke used the *Second Treatise* to respond to the requirement of the author of *Plato Redivivus* when he pointed out that although fraud and force could change a government, only property could make it

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legitimate and lasting. In arising from consciousness, property was endowed with divine foundations that protected it from any earthly threat. Not only was it unassailable, but it became the very reason for government, exactly as the Whigs demanded. With this virtuous reinforcement of property that all social sectors linked to Puritanism enjoyed, Locke contrasted the sumptuous and wasteful habits of the Tory landowners and courtiers with the industrious and rational people responsible for the properties enjoyed by those who had made the Whig and the dissident cause their own.

#### 4. FREE AND EQUAL

Locke articulated his theoretical proposal, threading it within a narrative that connected with the intellectual vanguard of his time, since he incorporated the theories of Grotius, Hobbes and Puffendorf regarding Natural Law. He focused his study starting with the state of nature; he then added a transition point, the social contract, and he closed the narration with a destination, the antithesis of the first, which constituted the solution: the civil state.<sup>33</sup> The starting point was a recapitulation of what had been demonstrated in the *First Treatise*, though prefaced with a description of the original state, which he presented as an assumption for his theory regarding the true origin of power. He proposed an analysis of the foundation of society through a hypothesis in which the leading role was played by persons, by men understood from their moral dimension. The objective of his treatise was to understand the true natural origin of power and how men related to it as God's creatures all equally obliged to fulfill their duties towards Him. The state of nature was that hypothetical moment at which men lived as if starting from zero, based on their common physiognomy, stained by the original sin that weakened their powers of reason and that provoked their passions within that hedonistic framework that limited the development of human behavior; a conjectural moment at which men lived without civil laws and without common authority.

With no human power above them (clearly a republican thesis), men enjoyed a state of “perfect freedom to order their actions and dispose of their possessions and persons” as he considered convenient and within the limits imposed by natural law. They lived in a “state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another”.<sup>34</sup> Free and equal by nature, men had before them the possibility of governing their coexistence in “peace, goodwill, mutual assistance and preservation”.<sup>35</sup> This coexistence, unlike what the Tories predicted when they accused the Whigs of wanting to level society following the path of revolutionary violence experienced during the Civil War, was not doomed to disorder, because if they raised the veil covering their frailty, controlled their passions and renounced their inclination towards evil,

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<sup>33</sup> J. I. Martínez, *La imaginación jurídica*, Debate, Madrid, 1992, p. 184.

<sup>34</sup> J. Locke, *Two Treatises of Government*, *op. cit.*, p. 189.

<sup>35</sup> *Ibid.*, p. 202.

they could cooperate with each other, coexist in peace and mutually assist each other, make promises and contracts, transfer rights and contract obligations, and even develop highly centralized forms of coexistence, introducing a commercial and monetary economy, all without having to abandon the state of nature. They needed only to comply with the dictates of natural law. It was an open conjecture that posited that things should be this way, because the behavior of men was conditioned on a framework of duties that they had to fulfill. But this obligatory conditioning did not mean that natural law was an environment of restrictive or coercive rules. In reality it was the opposite: the necessary condition for man to be truly free, since “law, in its true notion, is not so much the limitation, as the direction of a free and intelligent agent to his proper interest,” limited to prescribing the general well-being for those who are under its rule. Locke added to this thought, affirming that “ill deserves the name of confinement which hedges us in only from bogs and precipices”.<sup>36</sup>

Without the existence of natural law, Man would not be free; the *Second Treatise* reiterates throughout that freedom could never be an excuse to do whatever one wishes. Freedom either was responsible or it was not. If it were not exercised with responsibility, it was something else: license or licentiousness. Defined as an attribute of the capacity for reason, it allowed for Man’s full self-determination in accordance with the republican thesis. This meant suspending behavior while determining what was most appropriate, according to natural law. This is why Locke stated flatly that “where there is no law there is no freedom”<sup>37</sup>, since freedom and rationality are two capacities that could not be separated. Meanwhile, equality was also a concept that required the mantle of natural law. Men were equal because they shared a common nature and because they were all subject to divine precepts. All were born with the same advantages and natural faculties, which did not mean that differences would not appear later; such differences, as we saw, resulted from the fact that, being free to choose, men did not all fulfill their obligation to discern the precepts of natural law in the same way. These differences were perfectly consistent with the state of original equality. They resulted from virtue and merit and, as such, they legitimately placed some men above the common level, though this did not affect “that equal right, that every man hath, to his natural freedom”.<sup>38</sup> Since God had not established any competent authority to implement natural law, the conclusion that Locke came to was that it was up to all men to ensure that it was followed. The consequence of this was that everyone had the right to punish transgressors. Why? Because with the power to freely implement natural law came the possibility that there might be men who would not follow it, even though they knew its precepts. The inclination towards evil still existed in the state of nature. It was a feasible hypothesis that there may be men who were deaf to the inner voice of God who would declare themselves ready to “quit the principles of human nature”.<sup>39</sup> This possibility was what in the long-term made the state of

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<sup>36</sup> *Ibid.*, p. 234.

<sup>37</sup> *Ibid.*, p. 234.

<sup>38</sup> *Ibid.*, p. 232.

<sup>39</sup> *Ibid.*, pp. 194.

nature nonviable and, as we will analyze later, made the contractual establishment of government advisable.

## 5. VIRTUOUS INDIVIDUALISM

Before analyzing in greater detail the departure from the state of nature, it is necessary to study how Locke politically theorized the projection of ownership of consciousness over ownership of things. To this end, we must return to the consideration of the Calvinistic influence on Locke's thought. To use Marx's reviled analysis, one could say that in Locke's political theory there comes together a structure of duties that conditions individual rights to the point of describing them as a superstructure whose purpose was to make possible their unavoidable fulfillment. The liberal theory that he promulgated was born with the purpose of ensuring — in spite of power and other people — a well-shielded space for the development of consciousness, a space that would free Man from the domination of other men; a space for self-determination that would allow Man to fulfill that virtuous pilgrimage that should lead to his improvement through the laborious cultivation of understanding. In reality this pilgrimage pursued the full realization of freedom of conscience, because only that way could man fulfill God's will and discern natural law through his individual experience of the world. One can affirm, together with J. Tully, that for Locke and his underlying liberalism, "men have natural rights *because* they have natural duties".<sup>40</sup> To forget this circumstance would be a mistake, at least if one wants to understand the foundational nucleus of liberalism and the repercussions produced by a design for government that was at the service of property and liberty; not a property and liberty as understood in economic terms, but in accordance with a reasoning that was of moral origin.

Liberalism emerged from an honesty of conscience that determined the development of individual activity, an honesty with a Calvinist stamp that directly related liberal ideas with Puritan republicanism. In fact, this constitutes its roots, as we saw in the first chapter with the Levellers and authors such as Milton or Harrington. It is a fairly well-established habit among critics and students of Liberalism to disregard this origin. There are even advocates of liberal ideas who are unaware of it, because they locate the study of liberalism in the 19th century, when a good number of liberal authors allowed themselves to be influenced by a discourse inspired by the Manchester School and utilitarianism, a discourse that prioritized economic questions over moral ones, imbuing liberalism with an economic bias that marked much of their thinking. In this way, the thesis that identified liberalism with a type of possessive individualism was swept aside. However, such a view marginalizes the force of the civic commitment that inspired its emergence over the course of the 17th century and that came into sharp focus during that *liberal moment* in which the Whigs played a leading role

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<sup>40</sup> J. Tully, *A Discourse on Property. John Locke and his Adversaries*, Cambridge University Press, 1980, p. 63.

during the Exclusion Crisis. That is, when significant sectors of English society mobilized politically to attempt to establish a parliamentary and constitutional government committed to Protestantism, which would continue the fight started decades earlier by Puritan republicanism. The theoretical support for this mobilization was based on a civic commitment that pursued the struggle against despotism and arbitrariness through the recognition of certain duties that were in effect before the birth of rights, because without the first, the second could not be granted. As a result, liberalism arose from a virtuous individualism, an individualism that demanded a moral excellence that would defeat unbridled ambition and selfishness, that would contribute significantly to social cooperation and that would result in the responsible development of behavior — political and economic — that was both diligent and rational. This behavior sought individual prosperity but it was subordinate in its implementation to the conservation of humanity as a whole, based on the one hand on the cultivation of industry, frugality, sobriety, thrift, diligence, sound administration and order, and on the other on the repression of unbridled ambition, unrestricted selfishness, laziness, vagrancy, ostentatious expenditure, costly vanity and poor administration.

Following the tradition of Milton and the English republicans, Locke defined virtue as a force linked to freedom of conscience. Just as the strength of the body was linked to resistance to fatigue, strength of spirit was related to resistance to vice, which was nothing other than following one's own inclinations and desires. This resistance had to be exercised by the conscience, which was responsible for the cultivation of virtue. From the conscience emerged merit and excellence, since it consisted in following what reason dictated as being the best, identifying the duties that bound a man and ordering the behavior that directed action to its fulfillment. In this way, freedom of conscience guaranteed the virtuous improvement of man as it favored the performance of duties imposed by natural law. These duties were detected rationally based on the human experience of the world, recognizing through that experience that "everyone, 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".<sup>41</sup> In view of this approach in which freedom acquired a double dimension, positive and negative according to the deductions of Isaiah Berlin centuries later, Locke defended four natural basic duties that no man could be excused from: to preserve oneself; to safeguard the life of others; not to deprive others of life, and not to harm others with respect to their freedom, health, limbs or goods. Added to these duties should be others specified in the *Two Treatises* and in the *Questions concerning the Law of Nature*. From these two works it can be affirmed that the virtuous individualism described by Locke was centered on fulfilling the following duties: to love, respect and worship God; to obey one's superiors; to tell the truth and keep one's word;

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<sup>41</sup> J. Locke, *Two Treatises of Government*, op. cit., p. 192.

to show purity of character, as well as a disposition towards friendship and towards virtues such as speaking in a friendly way to others and not saying things that hurt the reputation and the well-being of another person; not to steal or to kill; to console one's fellow man, help whoever is in difficulties and feed the hungry; to protect humanity as much as possible and, finally, protect, feed and educate one's children, not because they are the work of their parents but because they are the property of God.<sup>42</sup> But among all of these, as a summary and as the basis of all the others, Locke highlighted the duty of preservation of the species, reiterating that this was the fundamental law of nature.<sup>43</sup>

Men were principally and basically obliged to cooperate in the pursuit of the preservation of humanity.<sup>44</sup> As long as his own life was not in danger, it was the duty that required each man to do everything he could for its achievement. In reality, this is a superimposed bundle of interconnected duties rather than a single duty. Since everyone assumed these duties equally, Locke deduced that every man had the individual right to demand that he be allowed to fulfill these duties. It is important to point out here, that nowhere in the *Two Treatises* is the meaning of "right" defined. Nevertheless, based on what he says regarding natural rights, it can be deduced that what he had in mind was a kind of scope of individual freedom which, under the cover of natural law, protected its owner from the action of others. Though in principle this freedom could be interpreted as having a negative character, it is clear, as mentioned above, that by being based on a structure of duties, this freedom was also instrumental and positive, since its object would be to guarantee the fulfillment of duties that a person was bound by before God and his fellows. This duty of preservation did not mean that he could spontaneously tend to his own needs. Men had to play an enriching role in the world since "God commanded, and his wants forced him to labour."<sup>45</sup> The world was well-stocked with resources with which to meet the needs for survival. But they were crude resources that required labor so as to yield abundant fruits and supply what was needed for the welfare and the attention to the comforts that the development of a civilized life imposed upon men. The human race did not have innate resources. This circumstance and the hedonistic motivation that determined human nature fostered a tendency towards action, working against passivity and lethargy. Once again Locke demonstrates here a clear republican and Puritan influence, with an evident exaltation of physical and intellectual work that identified Puritan activism and was related to the incipient capitalism of the commercial and agrarian classes linked to the Whigs. As J. Dunn points out, "the duty of labour was central not only to the capitalist system of production and exchange but also to the Calvinist doctrine."<sup>46</sup> This might be why William Petty, an old Cromwellian Republican who stressed the importance of dissidents

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<sup>42</sup> J. Locke, *Questions concerning the Law of Nature*, op. cit., p. 241, and J. Locke, *Two Treatises of Government*, op. cit., p. 233.

<sup>43</sup> *Ibid.* p. 305.

<sup>44</sup> M. H. Kramer, *John Locke and the Origins of Private Property* Cambridge University Press, 1997, p. 245.

<sup>45</sup> J. Locke, *Two Treatises of Government*, op. cit., p. 215.

<sup>46</sup> J. Dunn, *The Political Thought of John Locke*, op. cit., pp. 250-251.



and nonconformists in England's progress, affirmed that “labour is the father and active principle of wealth, as lands are the mother”,<sup>47</sup> an idea repeated by Locke himself when in the *Second Treatise* he maintained that “of the products of the earth useful to the life of man, nine-tenths are the effects of labour”.<sup>48</sup>

As in the case of the mind, where work was the basis for moral improvement, in the physical world, survival was subject to the development of labor activity. As he later expressly recognized, “its way of operation [is] much-what the same in the material and intellectual world”.<sup>49</sup> To fulfill the duty of survival, Man had to develop a creative activity that would make the normal value of worldly things. As we will see in the next section, for Locke, the conservation that Man was obliged to pursue also required the provision of other comforts: those that guaranteed a structure of well-being. This was because working transcended the status of a mere mode of subsistence to become a productive task, of moral renewal, that virtuously sought to maximize its efforts to improve the world. The objective of work was to achieve both individual well-being and that of the entire human species. Thanks to work, virtuous individualism projected around itself a commitment to the well-being of all. To govern oneself according to reason was not only to assume the task of taking possession of one's conscience. It also had to be a practical and political program that made the person owner of the world, raising the value of things ninety-nine times since only in this way could one successfully fulfill the duty of self-preservation and preservation of the species. The aim of work was not only material profit. The aim of virtuous individualism was for men to obtain from the world the “greatest conveniences of life”.

## 6. PROPERTY AND LABOR

Based on the virtuous individualism that we have just described, Locke justified private property. He did this as a logical continuation. As a starting point he pointed out that although God had given the world to all men in common, he nevertheless “gave it them for their benefit, and for the greatest conveniences of life they were capable to draw from it.” This was not to suggest that it should always “remain common and uncultivated”. Moreover, he gave it to be used by a man who was “industrious and rational, (and labour was to be his title over it) not to the fancy or covetousness of the quarrelsome and contentious”.<sup>50</sup> With this distinction the *Second Treatise* developed the terms of the original proposition, with the support of natural law. At the same time it contrasted two classes of human behavior based on whether the duties that all men were subject to were fulfilled or not. By comparing the rational and industrious man with the quarrelsome and criminal, he introduced a double justification. The first pointed

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<sup>47</sup> W. Petty, *Economic Writings of Sir William Petty*, Online Library of Liberty, Indianapolis, 1899 (2010), vol. 1, p. 94.

<sup>48</sup> J. Locke, *Two Treatises of Government*, *op. cit.*, p. 221.

<sup>49</sup> J. Locke, *An Essay concerning the Human Understanding*, *op. cit.*, p. 108.

<sup>50</sup> J. Locke, *Two Treatises of Government*, *op. cit.*, p. 214.

to the need to abandon the state of nature and institute a government, while the second laid the very foundations for the birth of private property.

Natural freedom and equality could admit the existence of rational and irrational men, hard-working and avaricious men, men who met their obligations and those who were carried away by passion and fantasy down strange paths that led them to stubbornly deny their duty to be persons and owners of their consciences. Because it is “in transgressing the law of nature, the offender declares himself to live by another rule than that of reason and common equity,” and so becomes “dangerous to mankind, the tie, which is to secure them from injury and violence, being slighted and broken by him”.<sup>51</sup> Let us now briefly analyze the first justification, which established the advisability of leaving the state of nature and instituting a government. When someone turned their back on the natural law that was established to live in peace and security within the state of nature, the others were entitled, because of their right of preservation, to repress his behavior. The problem arose when those who were offended led the repression. The survival of the state of nature was then put in danger, since it was not reasonable for victims to be judges. Self-esteem could blind their judgment in such a way that “passion and revenge is very apt to carry them too far” when the time came to punish others. In that case, they would inflict a punishment on the aggressors that would make them themselves transgressors of natural law, becoming in turn subject to the right of reparation of the victim (previously the aggressor), leading to a state of war that would never end. Avoiding this risk, Locke thought, was “one great reason of men putting themselves into society and quitting the state of nature”, because where there is an “a power on earth, from which relief can be had by appeal, there the continuance of the state of war is excluded”.<sup>52</sup>

Now let us return to the second justification, establishing grounds for private property. We have already pointed out that in the *First Treatise* Locke destroyed the authoritarian and monarchic vision that described the world as being the private domain of Adam and his successors, replacing it with an egalitarian vision that represented the world as being at the disposal of all men. In the *Second Treatise* he acknowledge that based on this conclusion he wanted to show “how men might come to have a property in several parts of that which God gave to mankind in common” without the need of an explicit agreement from all men to allow it.<sup>53</sup> He based his argument on work, subordinating it to the acquisition of the greatest possible number of conveniences. The argument was simple: what was in common ownership was divided because the work that men were obliged to do added something that was not originally present in nature. Although the land and its fruits belonged to all, “yet every man has a property in his own person; this nobody has any right to but himself.” In this way, he transferred to the physical world the effects of having previously recognized the existence of a personal ownership of conscience. After recognizing the existence of this

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<sup>51</sup> *Ibid.*, p. 193.

<sup>52</sup> *Ibid.*, p. 204.

<sup>53</sup> *Ibid.*, p. 208.

property, to which only the person had a right, he deduced that “the labour of his body and the work of his hands, we may say, are properly his” because whatever he takes “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”, removing it from its natural state and excluding it from the common ownership of other men.<sup>54</sup> With this foundation, Locke was not referring only to physical work. He was referring to the laborious process that was born in a man's conscience and led him to externalize that capacity for control which, as we know, God had granted to the human race by giving it an intellect and making it in His image and likeness. As we analyzed in the second section, the appropriation of self-awareness unleashed a particularizing dynamic that appropriated states of being, the body in which the person resided, his limbs and physical actions and the material and moral products thereof. In reality, work was the expression of that virtuous discipline that pursued continuous moral improvement, first of man and then of the world, since it was at the service of the fulfillment of natural duties, the most important of which was that of contributing to the survival of the entire human species. As R.H. Tawney recognizes, work was “not merely an economic means, to be laid aside when physical needs have been satisfied. It is a spiritual end, for in it alone does the soul find health, and it must be continued as an ethical duty long after it has ceased to be a material need”.<sup>55</sup> Thus, not every wish to appropriate, based on work, justified ownership, but only that which was framed within the demands of natural law, since the same law “that does by this means give us property, does also bound that property too.”<sup>56</sup>

How was it bound? By the idea that work should aim to “improve [the earth] for the benefit of life, and therein lay out some thing upon it that was his own, his labour”.<sup>57</sup> This obliged Man to use it in a way that increased its original value. But he had to do this while fulfilling a double mandate. On the one hand, the land had to be tilled, sown and cultivated with some profit before it deteriorated, since God did not create anything “for man to spoil or destroy”.<sup>58</sup> On the other hand, this appropriation should not stop others from doing the same. We must not forget that one only had the right to land that we worked on, “at least where there is enough, and as good left in common for others”.<sup>59</sup> If everyone had an equal right over the things of the world, dividing it up could not leave anyone originally without the possibility of acquiring a piece of land that would allow him to fulfill his duty of survival. Nevertheless, this scenario was neither closed nor was it definitive. It described the initial moment of the state of nature, a moment that coincided with the first ages of the world, when no one was worried that a lack of space might hinder the free acquisition of land. In this context, appropriation had a moderate scope. Rudimentary living conditions made rational and industrious

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<sup>54</sup> *Ibid.*, p. 209.

<sup>55</sup> R. H. Tawney, *Religion and the Rise of Capitalism*, P. Smith, Philadelphia, 1962, p. 241.

<sup>56</sup> J. Locke, *Two Treatises of Government, op. cit.*, p. 212.

<sup>57</sup> *Ibid.*, p. 214.

<sup>58</sup> *Ibid.*, p. 213.

<sup>59</sup> *Ibid.*, p. 210.

men's minds dictate to them that their work should adapt to such limits. Otherwise it would be "a foolish thing as well as dishonest to hoard up more than he could make use of".<sup>60</sup> But this situation evolved. It was overcome with the introduction of money and the attribution to it of an exchange value that allowed the accumulation of objects without their being lost.

Money was born out of the mind's effort to solve the discomfort arising from the experience of limiting work and not being able to justify an appropriation that was greater than what could be used. It was an invention that emerged from the need to extract from the land all of its conveniences and to maximize the obligation imposed by natural law to improve individual and collective well-being, a well-being that was associated with the "enjoyment" of the land and the acquisition of "commodities of life".<sup>61</sup> It must not be forgotten that the process of understanding was progressive and cumulative. It adapted itself to the individual experience of the world and evolved in the pursuit of the duties imposed, which also changed depending on living conditions. Locke thought that this led the more industrious and rational men to perceive the inadequacies of a situation that did not allow them to maximize labour and make the most of the land. He linked this fact to the empirical observation of the added value that work gave to things. Did it not increase the well-being of all of humanity and, as result, its preservation, the fact that when a man "appropriates land to himself by his labour, [he] does not lessen, but increase the common stock of mankind"? If there were men who could work more and get more out of their efforts thanks to the added value that money represented, by channeling their surplus towards exchanges with others, could it not be affirmed that the profits "produced by one acre of enclosed and cultivated land, are (to speak much within compass) ten times more than those which are yielded by an acre of land of an equal richness lying waste in common"? The conclusion was obvious: "he that incloses land and has a greater plenty of the conveniences of life from ten acres, than he could have from an hundred left to nature, may truly be said to give ninety acres to mankind".<sup>62</sup>

Far from violating natural law, the appearance of money facilitated its fulfillment. It released a civilizing process that enhanced the well-being of humanity and increased the population, morally compensating for the effects of reducing the supply of available land and the emergence of unequal ownership. Moreover, it facilitated the most efficient implementation of nature's main law: that humanity fulfill the divine mandate to "multiply, populate the earth and subdue it", ensuring at the same time that the well-being of a simple laborer in a civilized country was superior to that of a king in any uncivilized territory where "for want of improving it by labour, [they] have not one hundredth part of the conveniences we enjoy".<sup>63</sup> As a spokesperson for the Puritan activism of his time, Locke reproduced the ideas of the English economic reformers of the 17th century, all of

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<sup>60</sup> *Ibid.*, p. 227.

<sup>61</sup> *Ibid.*, pp. 103, 269.

<sup>62</sup> *Ibid.*, p. 218.

<sup>63</sup> *Ibid.*, p. 222.

whom were linked to the dissident cause and to the groups that backed the Whig party.<sup>64</sup> For these authors, population was the great economic resource. An abundance of raw materials had no value if there was no population to make it bear fruit, a thesis that Locke adopted in the *Second Treatise* in suggesting that the profit that the human species received from an acre of land in England and another in America, with the same intrinsic value, was “five pounds” in the former case, while the latter was “possibly not worth a penny, if all the profit an Indian received from it were to be valued and sold here”. This was because “it is not barely the ploughman's pains, the reaper's and thresher's toil, and the baker's sweat, is to be counted into the bread we eat; the labour of those who broke the oxen, who digged and wrought the iron and stones, who felled and framed the timber employed about the plough, mill, oven, or any other utensils, which are a vast number, requisite to this corn, from its being seed to be sown to its being made bread, must all be charged on the account of labour, and received as an effect of that”.<sup>65</sup> For Locke, money unleashed the enormous vitalizing potential held by the apparently static order of the state of nature; it provided the impulse for the full productive use of the world and its resources and introduced the division of labor by allowing specialization and hired labor, so that the most rational and industrial men were able to extract as many advantages from the world as their “industry could extend to”.<sup>66</sup> With this approach, Locke was almost a century ahead of the theses that Adam Smith and other learned Scotsmen put forward in suggesting that the division of labor underpinned the prosperity and progress of civil societies. This progress, although it was not specified as such, was nevertheless the inspiration behind the industrious creativity of those who sought to enhance the world's riches as much as possible, for their own advantage but also for that of all of humanity.

## 7. SOCIAL LIBERALISM

One cannot overlook the fact that Locke also recognized that Man also had a capacity of “foresight, and an ability to lay up for the future” that allowed him to organize his labor in accordance with his understanding. This foresight and skill, when combined with inventiveness and an effort to maximize both labor and understanding, gave rise to differences in the employment of the former that encouraged specialization and, as a result, its division. It also gave rise to a material inequality that was legitimate because some men, thanks to the excellence of their qualities and their intrinsic merit, were able to place themselves “above the common level” without adversely affecting natural law.<sup>67</sup> This made it possible for some men to employ others and to organize their activities as a business. Hired labor was in agreement with natural law. It consisted of a contractual relationship in which a free man temporarily sold his

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<sup>64</sup> J. O. Appleby, *Economic Thought and Ideology in Seventeenth-Century England*, Princeton University Press, pp. 133-137 and 154.

<sup>65</sup> J. Locke, *Two Treatises of Government*, *op. cit.*, p. 224.

<sup>66</sup> *Ibid.* p. 226.

<sup>67</sup> *Ibid.*, pp. 255, 232.

services in return for daily wages without it meaning anything more than “a temporary power over him”, so that paid labor thus purchased became the property of his employer.<sup>68</sup> This contractual relationship was the consequence of the natural freedom and equality that ruled in the state of nature, and required a fair wage. Otherwise, a violation of natural law would be incurred. Nobody could “make use of another’s necessity”, forcing him to become a vassal or letting him “perish for want of affording him relief out of his plenty”.<sup>69</sup>

The structure of duties that upheld the property rights defended by Locke emerge clearly and demonstrate again that liberalism was born from a virtuous individualism that placed obligations ahead of rights, even when these had an economic character. This liberalism was originally characterized by a social dimension that was opposed to the patriarchal thesis defended by the Tories when they attributed ownership of the world to Adam and his descendents. As he pointed out in the *First Treatise*, nothing was more specious than maintaining “that he that is proprietor of the whole world, may deny all the rest of mankind food, and so at his pleasure starve them, if they will not acknowledge his sovereignty, and obey his will”.<sup>70</sup> It was precisely Locke’s republican belligerence towards arbitrary patriarchal behavior that made him unable to justify an economic domination that would violate the inalienable right to ownership that a person has over his conscience and his freedom, which is what happened when someone took advantage of another’s need and made him his vassal. For Locke, freedom was self-determination. No arbitrary subjugation was legitimate, either in political or economic relations. Thus, when he imposed his vision on economic affairs, he set such rigorous standards of justice that they identify his liberalism as a social liberalism or one with egalitarian roots that recall the positions defended by John Rawls in the 20th century. As Algernon Sidney maintained, freedom was “independency upon the will of another, and by the name of slave we understand a man who can neither dispose of his person or goods, but enjoys all the will of his master”.<sup>71</sup> For this reason, labor relations could not be arbitrary: first, because employment of others was not legitimate if it was born from an employee's need; second, because the employee always had to be compensated with a wage that was at least equivalent to the product that he would obtain if sufficient land were still available; third, because labor relations had to be based on a contract where each party acted freely and under conditions of equality, because it was not acceptable that “he that has more strength can seize upon a weaker” and “force him to become his vassal”; and fourth, because men who had more were bound by a duty of charity towards those in need. Moreover, this duty was transformed into a correlative right of the neediest over the wealthy, because just as “justice gives every man a title to the product of his honest industry, and the fair acquisitions that his ancestors descended to him; so charity gives every

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<sup>68</sup> *Ibid.*, p. 258.

<sup>69</sup> *Ibid.* p. 46.

<sup>70</sup> *Ibid.*, p. 45.

<sup>71</sup> A. Sidney, *Discourses concerning Government*, Liberty Fund, Indianapolis, 1996, p. 51.

man a title to so much out of another's plenty, as will keep him from extreme want, where he has no means to subsist otherwise".<sup>72</sup>

The inequalities and differences that might emerge from the introduction of money and the division of labor were always limited and subject to a certain minimal level of justice and dignity that could not be diminished further. A network of social justice was guaranteed, since one could never create a framework for coexistence that would allow arbitrary behavior, first, because virtuous individualism on which property was founded demanded the observance of certain duties of assistance towards those who needed it, and second, because the most needy who might have erred in the fulfillment of natural law had rights over the surplus of those who had the most. A consequence of all this is that liberalism emerged as a philosophy committed to certain standards of distributive justice that were a consequence of egalitarianism and reciprocal obligations of cooperation that should exist naturally among men. As Locke expressly recognized, "no man could ever have a just power over the life of another, by right of property in land or possessions" adding, as a moral reproach, that it "would always be a sin, in any man of estate, to let his brother perish for want of affording him relief out of his plenty".<sup>73</sup> Employer and employee thus preserved their dignity as people and their ownership of their consciences, and these circumstances demanded certain comparable standards of freedom and equality, because the behavior of those who maximized their obligations to work by employing others was as legitimate as that of those who fulfilled this duty by working for others. This was because, in spite of the differences, employers and employees continued to live in a "state of perfect freedom" and this presupposed that they could "dispose of their possessions and persons, as they think fit, within the bounds of the law of nature".<sup>74</sup> The inequalities that could emerge between men because of a different understanding of how to fulfill their duty to work, justified the possibility that some could rise above the common level, but nothing more. Inequalities were tolerated because they allowed a more rational and industrious fulfillment of natural law. Situations of inequality that encouraged relationships of dependency based on arbitrary behavior were never justified. If some rose above the common level it was due to a greater virtuous self-exertion, something that was fully congruent with the republican tradition in which the democratic base was intermixed with an aristocratic selection founded on virtue, merit, honesty and ability, an aristocracy "open to any member of society, irrespective of his lineage or his fortune".<sup>75</sup> Within Locke's philosophy, this self-exertion obliged them to ensure that their activities were driven by the objective of contributing to collective well-being, since neither selfishness nor avarice justified the status that they held. This presumed that their properties were assigned to a social purpose: to contribute to ensuring that no one would live in a

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<sup>72</sup> J. Locke, *Two Treatises of Government*, *op. cit.*, p. 45.

<sup>73</sup> *Ibid.*, p. 46.

<sup>74</sup> *Ibid.*, p. 189.

<sup>75</sup> R. Ruiz, *La tradición republicana. Renacimiento y ocaso del republicanismo clásico*, Dykinson, Madrid, 2006, p. 31.

situation of extreme necessity and to maximize through work the return and profitability of their properties.

Locke's attachment to a mercantilism that presented significant differences to the one that Colbert defended in neighboring France is interesting. The latter defended the position that national wealth should be encouraged by means of manufacture and the centralized political control of the State. Locke, however, advocated the promotion of a dynamic and highly productive agricultural sector, free of intervention and organized on a competitive basis.<sup>76</sup> In a memorandum written to Shaftesbury in 1668, he laid out a series of considerations that later inspired the rest of his economic writings.<sup>77</sup> The document defended the thesis that land is an interchangeable commodity and the main source of the wealth of the country, and also included a description regarding the behavior that should be followed by property owners who employed others in the exploitation of their lands. Carried by a vision in which land was the basic capital within a mostly agrarian society, Locke proposed the operation of a free market in which owners would develop a business strategy based on specialization, innovation and accumulation under strict rules of competition.<sup>78</sup> The value of land resided in what the labor of men brought to it, this being the main support of the material wealth of the country. Within a civilized society, it turned into circulating currency that flowed through the market as a store of value and a means of exchange. Prosperity depended on the land producing more than what the country needed, channeling the excess towards export. The positive balance of trade resulted in an increase of the amount of money available, which was then reflected in the flowering of the wealth and power of England. Because it was the raw material of economic activity, its exploitation had to be organized according to industrious and rational criteria. Locke believed that the country's economy had to be administered as if it were an estate on which the land was exploited following principles of competitiveness and productivity; on the one hand to encourage industry, frugality, sobriety, thrift, diligence, sound administration and order, and on the other hand to proscribe laziness, vagrancy, lavish spending, costly vanity and poor administration. It was necessary to eradicate those corrupt habits that lead to insolvency and bankruptcy. To do this, the farm owners could not stand back idle with their arms crossed. They had to be constantly concerned with improving their crops and raising their productivity, without forgetting that each person always had to live within their possibilities and manage economic affairs in such a way that in the long term, profits would be increased; Locke concluded from all this that “a farm and a kingdom in this respect differ no more than as greater and less.”<sup>79</sup>

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<sup>76</sup> E. M. Wood, *The Pristine Culture of Capitalism: A Historical Essay on Old Regimes and Modern States*, Verso, London, 1991, p. 11, and N. Wood, *John Locke and Agrarian Capitalism*, University of California Press, 1983, pp. 31-33.

<sup>77</sup> P. H. Kelly, “General Introduction: Locke on Money”, in J. Locke, *Locke on Money*, Clarendon Press, Oxford, 1991, vol. 1, p. 8.

<sup>78</sup> E. M. Wood, “Radicalism, Capitalism and Historical Context: Not Only a Reply to Richard Aschcraft on John Locke”, in *History of Political Thought*, 15, no. 3, 1994, pp. 352-353.

<sup>79</sup> J. Locke, *Locke on Money, op. cit.*, vol. 1, p. 231.



In view of these reflections, we see how Locke understood that the inequalities that justified some people being placed above others were not the result of a selfish appetite and a specific pursuit of profit, but a strict fulfillment of the duties that should inspire the man who employed others in the exploitation of his lands. This presupposed the strict observance of a virtuous individualism based on self-exertion and work, aimed at extracting the greatest convenience to the benefit of humanity. And all this was to be done without going beyond that structure of justice that kept differences from becoming so great that they would condemn employees to a state of neediness and weakness that would result in arbitrary relationships of domination. Locke's political theory is thus originally defined as a social liberalism with a strong republican stamp that promoted the development of prosperity and progress for all based on the virtuous energy of men. This energy was responsible and subordinate to certain minimum requisites of justice that arose from a mutual recognition of men as free and equal, all of them owners of a dignity associated with the mastery of their consciences and persons. Obligated to "preserve the rest of humanity", as long as their own preservation were not put in danger, all men had to contribute their efforts to fostering an environment of social coexistence and cooperation, which would, by transcending differences, allow a "life fit for the dignity of man", thereby overcoming our inability "to live singly and solely by ourselves".<sup>80</sup>

In his reflections on the political order arising from overcoming the state of nature by means of the social contract, Locke assumed that the legal systems that would result from it could fix the precise limits of properties, as well as the institutionalization of a judicial and executive structure that could resolve any disputes and violations that might occur. The moral imperatives that weighed on property were not annulled on entering society but, on the contrary, "in many cases [they] are drawn closer".<sup>81</sup> Among them, ensuring the preservation and the well-being of the whole community could not be forgone. This presupposed that civil laws had to guarantee the workers wages that adequately repaid the value of the product of their honest industry.<sup>82</sup> In a brief essay that he titled *Venditio*, he made it clear that when someone took advantage of their dominating position by threatening the survival of another man, he committed an injustice by gaining an illegitimate benefit from need.<sup>83</sup> In these cases the government could intervene and partially alter the framework of ownership and the inequalities that resulted from it, but only to the extent of guaranteeing fair wages.<sup>84</sup> The government, by virtue of the obligation it assumed to legally ensure the duty-right of charity, could go further and establish redistributive mechanisms, since "charity teaches that those should be most taken care of by the law, who are least capable of taking care of themselves".<sup>85</sup>

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<sup>80</sup> J. Locke, *Two Treatises of Government*, *op. cit.* p. 199.

<sup>81</sup> *Ibid.*, p. 305.

<sup>82</sup> E. R. Gill, "Property and Liberal Goals", in *The Journal of Politics*, 45, 1983, pp. 675-695.

<sup>83</sup> J. Locke, *Locke on Money*, *op. cit.*, vol. 2, p. 498.

<sup>84</sup> J. Waldron, *God, Locke, and Equality. Christian Foundations in Locke's Political Thought*, Cambridge University Press, 2002, pp. 180-181.

<sup>85</sup> J. Locke, *Locke on Money*, *op. cit.*, vol. 1, p. 220.

Committed to justice and human dignity due to its republican and Puritan roots, liberalism emerged in the history of ideas as a system of thought that did not tolerate any form of domination that might pave the road for the arbitrary behavior that was the product of despotism. Free and equal by their nature, men had to live in a social space ruled by a sense of justice inspired by natural law. This space would banish any encouragement of arbitrary behavior, regardless of its scale, and would protect those who received charity for having been less capable of providing for their own well-being. In *A Third Letter for Toleration*, Locke maintained that government should practice “a steady and unrelaxed punishment of all the ways of fraud and injustice” and transform “the irregularities of men’s manners into order, and bring sobriety, peaceableness, industriousness and honesty into fashion.”<sup>86</sup> In justifying the legitimacy of power, in accordance with natural law, he introduced a standard with which to judge the level of justice and injustice of governments and laws. Men had within their reach a canon that allowed them to judge, under the cold objectivity of natural law, either to enforce respect for them or to forcibly abolish them. In the *Two Treatises*, he introduced a test of the quality of the justice of the government’s actions and he did not hesitate to apply it to the despotic politics that Charles II attempted to impose on his people.

## 8. GOVERNMENT OF OWNERS

The peaceful coexistence of men, already difficult in a state of nature, became more so with the introduction of money. As we know, money significantly raised the well-being of men, but it also brought with it the unexpected effect of corruption. Some who until that moment had been virtuous let themselves be dragged down by “vain ambition, and *amor sceleratus habendi*, evil concupiscence”.<sup>87</sup> Thus, there were men who started to disregard the application of the natural law that until then they had strictly observed, either because they questioned the differences and inequalities enjoyed by those who had more, or because there emerged some among the latter who wanted to increase what they had without limit. The climate of the state of nature was destabilized and this resulted in the majority leaving it and seeking refuge “under the established laws of government, and therein seek the preservation of their property.”<sup>88</sup> To deal with the change from the state of nature to government, Locke returned once again to the ideas of the English republican tradition, specifically to those that defended methods of combating the human disposition towards corruption through efficient institutions that could control it through the law and a government responsible for applying that law. The objective was to provide stability to the community by fulfilling the aims of government ordained by God, which were, as Milton suggested, that the people be “flourishing, virtuous, noble and high-spirited.” This impeded the tricks that despotic monarchs used to

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<sup>86</sup> J. Locke, *A Third Letter for Toleration*, in J. Locke, *The Works of John Locke*, A New Edition, Corrected, T. Tegg, London, 1823, reprinted by Scientia Verlag, Aalen, 1963, vol. 6, p. 469.

<sup>87</sup> J. Locke, *Two Treatises of Government*, *op. cit.*, p. 284.

<sup>88</sup> *Ibid.*, p. 297.

subjugate them through the development of a regal prodigality that fostered their desire for wealth, but with the sole aim of making them “softest, basest, viciousest, servilest, easiest to be kept under”.<sup>89</sup>

The establishment of the civil state was seen by Locke as a solution to effectively prevent men from becoming corrupt. This idea linked his thinking to Sidney's thesis when he affirmed that virtue was essential not only for the establishment but also for the preservation of freedom. The author of the *Discourses Concerning Government* did not hesitate to propose that as well as being fundamental for the achievement of true happiness, virtue was indispensable for anyone to be deemed truly free. Quoting Machiavelli, he said that the latter thought “it impossible for a corrupted people to set up a good government, or for a tyranny to be introduced if they be virtuous”.<sup>90</sup> For Locke, the change of scene in moving from the state of nature to the civil state did not alter the moral horizon that framed them both or the validity of the virtuous individualism that made it possible. The purpose of the change was to strengthen it, because the aim of the civil state was not to abolish natural law but to assure it; indeed, this was the conventional purpose of political power in both essence and aim. The choice of the contract as a legitimizing instrument of the government that was born from it was, according to Passerin D'Entreves, “the only possible way left for deducing the existence of social and political institutions once the reason of man was made the ultimate standard of values”.<sup>91</sup> Free and equal by nature and owners of their conscience and of the goods acquired through work, men could only leave the state of nature if they gave their consent. Through the contract, they renounced natural freedom to place themselves within the limits of civil society with the purpose of “comfortable, safe and peaceable living one amongst another, in a secure enjoyment of their properties, and a greater security against any, that are not of it.”<sup>92</sup>

Thanks to the contract, the political power that arose from it and the laws that it created were legitimate. The consent of those who were governed became a condition of legitimacy: “that which begins and actually constitutes any political society, is nothing but the consent of any number of freemen capable of a majority to unite and incorporate into such a society.” Indeed, “this is that, and that only, which did, or could give beginning to any lawful government in the world.”<sup>93</sup> With this theoretical maneuver, the incipient modernity that existed in Locke's thinking shone out, although it was wrapped in the rhetoric of the Old Constitution used by the Whigs. He insisted that “governments must be left again to the old way of being made by contrivance, and the consent of men, making use of their reason to unite together into society.” This strategic combination of turning to the pacts of the past and imbuing it with a contractualist rationality

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<sup>89</sup> J. Milton, *Areopagitica and other Political Writings*, Liberty Funds, Indianapolis, 1999, p: 442.

<sup>90</sup> A. Sidney, *Discourses concerning Government*, *op. cit.*, p. 142.

<sup>91</sup> A. Passerin D'Entreves, *Natural Law: An Introduction to Legal Philosophy*, Trans. Cary J. Nederman. Transaction Publishers, Piscataway, NJ, 1994, p. 58.

<sup>92</sup> J. Locke, *Two Treatises of Government*, *op. cit.*, pp. 269-270.

<sup>93</sup> *Ibid.*, p. 272.

was typical of the Whig program, and was deployed in response to the call for elections after the dissolution of Parliament in 1680. For the Whigs, an argument challenging absolutism was a priority. They accused Charles II of wanting to set up in England a corrupt foreign model imported from France. As Locke warned: "In this last age, a generation of men has sprung up amongst us, that would flatter princes with an opinion that they have a divine right to absolute power," in flagrant disregard for "the laws by which they are constituted, and are to govern". But a government was not made legitimate only because it was born from consent, but because it submitted to the goal of more effectively preserving natural freedom and equality, as well as property. It made no sense that men, behaving in keeping with natural law as they had done from the moment they left the state of nature, should want to change their situation with the aim of worsening it. This was especially relevant in relation to property. In property was condensed the virtual individualism on which all Locke's political theorizing was founded. Owners of their consciences, persons and the fruits of their labor, men were protected under the mantle of government to enable them to grow stronger in the fulfillment of their duties to God. If the aim of government was the preservation of their property, once they entered society, the community recognized for them a right that ensured that "nobody hath a right to take their substance or any part of it from them, without their own consent". Completing the argument with a declaration of principles that connected his ideas with the political situation in England towards the end of 1680, he wrote: "the prince, or senate, however it may have power to make laws, for the regulating of property between the subjects one amongst another, yet can never have a power to take to themselves the whole, or any part of the subjects' property, without their own consent".<sup>94</sup>

But what would happen if, in spite of the above, natural law was violated and there was an attempt to impose decisions on the community that infringed upon the teleological ends of government? The answer cannot be disengaged from the concern inspired by Locke's proposition, which was none other than to prevent the sovereign power arising from the contract from degenerating into arbitrary power. The idea that it could happen was inconceivable. The government was an agent in whom society had entrusted the task of exercising the original powers that had been in its hands since the establishment of the contract that created the civil state. If the government violated this management agreement based on trust, it would be assuming "absolute arbitrary power", a power "without settled standing laws" that could not be consistent "with the ends of society and government". Men would never renounce their freedom to give "any one, or more, an arbitrary absolute power over their persons and estates, and put a force into the magistrate's hand to execute his unlimited will arbitrary upon them." If a situation like this arose, it would constitute a legitimate scenario in which government could be dissolved, having put itself in "a state of war with the people, who are thereupon absolved from any farther obedience".<sup>95</sup> When Locke

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<sup>94</sup> *Ibid.*, pp. 5 and 308-309.

<sup>95</sup> *Ibid.*, pp. 308 and 378.

wrote this thesis, he probably did not think that Charles II would break the trust on which, for the Whigs, the power that the Crown exercised over the people was based. Events proved that the inconceivable could become a reality. From that moment onwards, Locke's intellectual labor was dedicated to the work of justifying the revolution, leading him to re-draft the *Second Treatise* and to develop the theories that had inspired his initial thoughts about government to their final consequences, coinciding with the work developed by other Whig authors, Robert Ferguson and Algernon Sidney.

## REACTION AGAINST REVOLUTION

Having arrived at this point, we must return to the story of the historic events that marked the denouement of the so-called *liberal moment*. This phase started with the failure of the parliamentary strategy to fight the policies of Charles II, leading to a revolutionary development that began with the Rye House Plot of 1683. We had left the story just before the Parliamentary sessions started in March of 1681, when the Whigs and Tories saw each other's faces for the last time in the House of Commons. We already know that the former arrived at the gathering with the certainty that their victory in February's elections gave them an advantage that would upset the balance they had maintained with the King and the Tories since 1678. From the point of view of the Whigs, the circumstances were favorable. They believed that Charles II would have to accept the exclusion of the Duke of York from the throne. Armed with the argument provided by Locke's *Two Treatises*, Shaftesbury again led the confrontation, though his mistake was not foreseeing that his opponent had skillfully prepared for battle. In fact, the latter took the initiative right from the start. As soon as the Parliamentary sessions started, the King offered a way out of the approaching conflict. He proposed that his niece Maria and her husband, William of Orange, should be the regents of England after his death. The Duke of York would be obliged to leave the country and would not be able to reign unless he renounced Catholicism. Nevertheless, the offer was spurned by the Whigs. They interpreted the move as weakness and went on the offensive, overstepping with a tactical move that soon proved to be a mistake. They rejected the King's offer and demanded that the Duke of Monmouth be made the heir. Facing this counterattack, Charles II withdrew his offer and took the position of victim, not without first appealing to the common sense of the Commons not to take the irrational step of altering the Crown's rules of succession against the will of its holder.<sup>96</sup>

Encouraged by what they saw as a definite victory, the most radical Whigs pressed their advantage. The following day they tabled a new Exclusion Bill, raising their position to fever pitch. Sir William Jones, who acted as their spokesperson in the House of Commons, adopted a defiant tone that invoked the people's right to resist a Catholic Prince if he ever came to govern the country.

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<sup>96</sup> G. M. Trevelyan, *England under the Stuarts*, Methuen, London, 1965, p. 399.

But, as we said earlier, Charles II had foreseen the possibilities. Once the bill had been passed on 27 March, his response was immediate. The following morning he dissolved the two Houses in a climate of popular unrest marked by praise for the wisdom of the King vis-à-vis certain parliamentarians who sought to dethrone him and install a Cromwellian Republic because, as was declared in pamphlets and public protests, it was preferable to have a king than to suffer the arbitrary rule of an assembly of 500 tyrants. For the first time since Titus Oates' Popish Plot, the streets were taken by the King's supporters and fear was once again turned against the Whigs. The Tories had learned their lesson. Groups of protesters, protected by the Royal Guard, accused the Whigs of wanting civil war. Pressure from loyalists forced the parliamentarians to make a hasty retreat from Oxford, undoing Shaftesbury's plan to continue meeting to challenge the dissolution of the Commons. While confusion and disarray took hold of the Whigs, Charles II put into action the well-oiled machinery of the Court, which set out to gain popular support, winning to his side not only the Tories, but the entire Anglican Church, which used the pulpits on 8 April to disseminate a declaration from the King that justified the dissolution.

Written by Leoline Jenkins, the Secretary of State, the *Declaration Touching the Reasons That Moved Him to Dissolve the Two Last Parliaments* adopted the predictable style of an angry father reproaching his sons for having unlawfully tried to dispossess him of his paternal authority. He accepted that he had dissolved parliament because of the fanatical and radical obstruction of its members, who had acted arbitrarily in trying to alter the laws of succession to the Crown. With their irresponsible attitude, they had taken things too far, revealing a dangerous impiety that undermined the natural foundations of society in trying to establish a parliamentary tyranny that recalled the events of 1641. Moreover, he asked bluntly: "Who cannot but remember that religion, liberty and property were all lost and gone when the monarchy was shaken off?"<sup>97</sup> In keeping with these arguments, a number of Tory pamphlets in support of the King were published and circulated in great numbers throughout the country. Notable among them was one written by the poet John Dryden, published within a few days of the event and titled *His Majesties Declaration Defended*. In its pages, Shaftesbury was blamed directly for having provoked the dissolution of Parliament; he had used the anti-monarchical party of which he was the leader to make the King a puppet in the hands of the oligarchy of the Commons. Shaftesbury's strategy had consisted in artificially stirring up popular fear of the phantom of Catholicism, a fear that had been used to tie the King's hands and turn him into a kind of Venetian *Doge* with no political power or authority. Fortunately, Dryden concluded, the dissolution ordered by Charles II had thwarted Shaftesbury's plan to establish a republic. His decision had not only been just, but had saved the dignity of the Crown from the crafty maneuvers of a soulless party that had used lies to restore the legacy of Cromwell.<sup>98</sup> As of that moment, Charles II, with the help of the Tories (now converted into a party of the

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<sup>97</sup> K. H. D. Haley, *The First Earl of Shaftesbury*, Clarendon Press, Oxford, 1968, op. cit., p. 639.

<sup>98</sup> M. Knights, *Politics and Opinion in Crisis, 1678-81*, op. cit., pp. 316-328

court that renounced parliamentarianism), succeeded in marginalizing the Whigs. New subsidies from France fed the storm that was unleashed and that increased in intensity as the Whigs, dismayed and ambushed, refused to take up the fight. Accused of instigating a Protestant plot to dethrone the king, the maneuverings of the Court and its Tory allies skillfully cornered them. First, the dissidents were prosecuted with the rigorous application of the Clarendon Code. Its leaders were detained, their properties were confiscated and Puritan services were forbidden in all their parishes. In July, Shaftesbury was accused of high treason and with him, other important members of the party. The High Court judges were removed or bought, while pensions and jobs for life were handed out in the counties and city councils to those willing to be bought over to the Loyalist cause. The Green Ribbon Club was dissolved and most of its members jailed, while the Whig newspapers and printing presses were closed and their most conspicuous and well-known propagandists were detained. Tight censorship was imposed and only Tory pamphlets circulated freely. In spite of all this, London remained untouched. Nevertheless, the Court's pressure slowly undermined its resistance, especially after November, when a jury in the city absolved Shaftesbury of the crimes that he had been accused of.<sup>99</sup>

Locke, who had stayed at the side of his patron until the latter's arrest, continued to be secretly committed to the Whig cause. During the months that Shaftesbury was in jail, he collaborated with Shaftesbury's wife on the development of his defense. His diaries have numerous entries detailing journeys from London to country estates where the most notable Whig leaders had taken refuge, waiting for the persecution to die down.<sup>100</sup> Once Shaftesbury had been freed and the Council of Six — the Duke of Monmouth, Sidney, the Count of Essex, Lord Howard, Lord Russell and Hampden — had been established, the Whigs renewed their opposition undercover, establishing plans to instigate an armed revolution that would place the Duke of Monmouth on the throne. After the summer of 1682, the unease and fear provoked by widespread discontent with the reactionary policies of the King gave rise to new possibilities for its success. The definitive catalyst came in June, when the Tories started an assault on London's government with blackmail and large-scale vote-buying. Their objective gradually succeeded, firstly, by imposing their candidates for the office of Sheriff after having annulled the candidature of members of the Whig party, and later by controlling the appointment of the entire local council and the position of Lord Mayor through coercion. Stripped of the protection of London, the Whigs desperately developed their revolutionary plans, encouraged specifically by Shaftesbury who knew, thanks to his information network, that the government was gathering evidence to detain him again.

There is no doubt that Locke provided the most solid and systematic contribution to the grounds for the plot. He did it by developing to their final consequences the theses of the *Second Treatise*, which, as we know, had served as a basic argument

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<sup>99</sup> G. M. Trevelyan, *England under the Stuarts*, *op. cit.*, pp. 401-404.

<sup>100</sup> P. Milton, «Locke and the Rye House Plot», in *The Historical Journal*, 43, 2000, pp. 647-668.

for the position that the Whigs maintained during the Exclusion Crisis. Now, with revolution in the air, Locke continued his intellectual work. To the original text of the *Second Treatise* he added the final section regarding the dissolution of government when it acquired the character of a despotic government. He dedicated the months after the dissolution of the Oxford Parliament to this work, combining it with his role as liaison for the members of the conspiracy, a role made clear by the fact that he was watched over by the King's agents. He was not alone in this work of theoretical reflection. He shared the efforts with Ferguson and Sidney, who were much more involved than he was in the material preparations for the revolution, but were also authors of individual works that shared the political coordinates sketched out by Locke. The three shaped a common political language that demonstrates that the Whigs articulated a more or less homogeneous network of ideas that they exchanged and made cohesive within their party around a revolutionary ideology that they all adopted.

Robert Ferguson, historically known under the pseudonym of "The Plotter", was one of the most active individuals in the Whig cause.<sup>101</sup> A dissident theologian, Shaftesbury's chaplain and confidant of the Duke of Monmouth and William of Orange, he wrote *No Protestant Plot*, which was published secretly in successive versions over the course of 1681 and 1682. Members of Shaftesbury's circle, Locke among them, helped to write this text, which was an express call to revolution, invoking freedom of conscience.<sup>102</sup> In its pages it defended the Whig leader from the Tory accusations and warned Charles II that his policies had freed his subjects from the duty of obeying him. His determination to back the Duke of York against the will of Parliament and to pursue the dissidents, condemning them to submission and marginalization, had made his government unacceptable in moral terms. Subject to despotic arbitrary behavior that offended against their freedom, the people could legitimately resist their King, since this was the only possible way to stop the papist threat that loomed over the life and freedom of Protestants. Following the same lines as Locke, he developed the thesis that freedom of conscience was never subject to the power of the sovereign since it preceded civil institutions and human laws as it was based on natural law. Therefore, its persecution was abhorrent to reason and justified the right to defend it against any form of power.<sup>103</sup>

Algernon Sidney, the leader of the most republican faction of the Whigs, took a leading role during the planning of the Rye House Plot. A parliamentarian and member of the Council of Six that took over the direction of the party towards the end of 1681, he started writing the *Discourses concerning Government* to justify the rebellion against the King. He did this with the same political language and Puritan background used by Locke. He defended Protestantism and freedom of conscience against the threat of being governed by a Catholic who would

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<sup>101</sup> J. Ferguson, *Robert Ferguson, The Plotter: Or The Secret Of The Rye-House Conspiracy And The Story Of A Strange Career*, David Douglas, Edinburgh, 1887, pp. 1-7.

<sup>102</sup> R. Ashcraft, *Revolutionary Politics, op. cit.*, p. 349.

<sup>103</sup> M. S. Zook, *Radical Whigs and Conspiratorial Politics in Late Stuart England*, The Pennsylvania State University, 1998, pp. 96-97 and 150.



reproduce the brutality which, quoting Bartolomé de las Casas, had been suffered by the American Indians after their conquest by Spain.<sup>104</sup> The starting point of his thinking was that all men were born free and equal due to their common dependency on God. Subject to the natural obligation to reconcile with their creator, men were free to pursue a virtuous life. This was based on a rational self-determination of conscience that ensured that the man would defeat sin and, in the process, that he would be independent of the will of other men. For freedom to be deemed such, a man had to govern himself virtuously, guided by a moral duty that made him independent vis-à-vis others and vis-à-vis his passions, his conduct being guided by a diligent rectitude placed at God's service. Sidney considered that there was a close association between liberty and property because the latter was an "appendage to liberty; and 'tis as impossible for a man to have a right to lands and goods, if he has no liberty".

This connection between virtue and freedom-property was given expression through government. This emerged from the progressive acquisition of kindness, virtue and knowledge brought about by human cooperation until it expressed itself in the concept of a government that ensures that "public safety be provided, liberty and property secured, justice administered, virtue encouraged, vice suppressed and the true interest of the nation advanced".<sup>105</sup>

The result of this was the design of a political architecture that, as was seen in Rome, disciplined men through reason and qualified them to be free under a common law. Just as all tyrannies had started with corruption, and in fact absolute monarchy was based on it since kings tended to be tyrants unless they were controlled, popular governments had been based on a fundamental contract born of virtue and dedicated to the protection of the rights of the people over their "lands, goods, liberties and lives".<sup>106</sup> In his view this meant that the only just government was one that was consented to and created freely by those governed for their common benefit, so that the people that instituted the government could give, regulate and abrogate the power of the governors as "seemed most conducive to their own good". If the people decided to replace the governors, the latter could not classify this act as sedition or rebellion, nor could they oppose it. The accusation of sedition fell upon the government that usurped the freedom of the people by attempting to alter and change its purpose, because that would turn it into a "public enemy" facing which, "every man is a soldier". Whether this happened or not depended exclusively on the level of virtue or corruption of the people. If men were virtuous, they would never consent to the abuses of a prince, since when "hands and swords are given to men, that they only may be slaves who have no courage", and accept that "the rights and liberties of a nation must be utterly subverted and abolished".<sup>107</sup>

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<sup>104</sup> J. Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, Cambridge University Press, 2002, p. 126, and S. A. Nelson, *The Discourses of Algernon Sidney*, Associated University Presses, London and Toronto, 1993, pp. 114-115.

<sup>105</sup> A. Sidney, *Discourses concerning Government*, op. cit., pp. 347 and 379.

<sup>106</sup> *Ibid.*, p. 347.

<sup>107</sup> *Ibid.*, pp. 380 and 441-442.

United by their revolutionary objectives, the Whigs continued with their plans, certain that they were supported by the virtuous rectitude of their decisions. As events unfolded, Locke's involvement came to an end. The reason was Shaftesbury's sudden exile and unexpected death, leaving Ferguson and Sidney from that moment to provide the most direct support for the ongoing revolutionary preparations. The suspicion that he might be detained led Shaftesbury to flee from England in November of 1682. Having been ill since his incarceration in the Tower of London, his exile in Holland barely lasted two months, and he died on 21 January 1683. This event seemed to weaken the rebellion. Ferguson, who had accompanied his patron into exile, returned to England at the end of February and the Council of Six resumed their meetings. Both Ferguson and Sidney had a close relationship with the republicans who were planning the assassination of Charles II and the Duke of York, as well as with the groups who kept the Whig flame alive in London and who would be essential after the assassination for the mobilization of the city in support of the triumph of the revolution, spreading it through the municipalities and counties in which Puritan dissidents were the majority. Although the death of Shaftesbury displaced Locke from the preeminent position that he had maintained at his side, the theses of *Two Treatises* continued to have an influence over the other conspirators, especially Ferguson, with whom Locke maintained a close intellectual and personal relationship, as they shared the same intellectual wavelength.<sup>108</sup>

Locke participated in some of the meetings before the 1<sup>st</sup> of April, the date planned for the regicide, and also later when, after aborting the plan, there were debates over the possible resumption of the preparations. The disdain that he felt for the drift towards despotism and tyranny of Charles II was no different from that of the rest of the conspirators. Thus the *Second Treatise* was clearly in tune with the arguments that both Ferguson and Sidney used to justify the Rye House Plot. For Locke, the Whig revolution was a legitimate response from the people to the government's betrayal of the confidence placed in it. If governments attempt "to take away or destroy the property of the people, or to reduce them to slavery under arbitrary power," they place themselves at war with the citizens, who are therefore free to stop obeying them. If the government acted against its constitutional aims, and, led by "ambition, fear, folly or corruption," made itself absolute and threatened the "lives, liberties and estates of the people", the people would resume their original liberty and could "provide for their own safety and security".<sup>109</sup> Locke did not hesitate to justify the Whig rebellion against Charles II. After referring by way of example to the injustices committed since 1678, he concluded that the revolution was the consequence of "a long train of abuses, prevarications and artifices" that ensured that the despotic aims of the government of the King could no longer be concealed from the people. In view of this situation, it was logical that the people would wake up and "put the rule into such hands which may secure to them the ends for which government was at first

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<sup>108</sup> R. Ashcraft, *Revolutionary Politics*, *op. cit.*, p. 55.

<sup>109</sup> J. Locke, *Two Treatises of Government*, *op. cit.*, p. 378.

erected”; the government was the true rebel for having betrayed their confidence, and the people were entitled to “oppose the unlawful violence of those who were their magistrates”.<sup>110</sup> Indeed, Locke thought, there was no violent irrationality in such behavior, because in the people could not be blamed for being virtuous and fighting a war against the corrupt irrationality of the violation of natural law by those who governed.

After the Rye House Plot had failed and its details had been exposed by the investigation of Secretary of State Sir Leoline Jenkins in June of 1683, the Whig party was definitively disbanded and banned. Locke fled to Holland in August, after the Count of Essex, Lord Russell and Algernon Sidney were arrested. The first committed suicide in the Tower of London under strange circumstances, and the other two were condemned to death. The rest of the members of the Council of Six as well as the majority of the Whig leaders were jailed, prosecuted or placed under arrest.<sup>111</sup> Only the Duke of Monmouth, because he was the King’s bastard son, was exiled to the continent; soon after he was joined by Ferguson, who once again had managed to escape from the persecution of the King’s police. Locke, who knew he was in danger as soon as the government started its investigations, miraculously fled, since his movements had been closely monitored by the government. When the Duke of Monmouth was arrested and brought before his father, the latter — after reproaching him for his betrayal — did not hesitate to mitigate the extent of his blame, saying that it had been a consequence of the bad influence of Locke and Ferguson, who, he concluded, were the ones responsible for his political downfall.<sup>112</sup> Maybe for this reason, two years later, when Charles II died and the Duke of Monmouth tried to raise the English people to arms to stop his uncle becoming king, that influence once again became obvious, not only because Ferguson was at his side heading the Whig rebels, but also because he wrote Monmouth's declaration in which once again Locke's theses were repeated. He alleged that they were fighting against despotism because “our religion, liberty and lives are visibly and undeniably attacked and invaded.” He added that the fundamental contract had been violated because the Duke of York was “actually a traitor” for “having invaded the throne,” and in doing so “having ravished our liberties and properties through the use of fraud and violence” in his desire to establish an “absolute tyranny”.<sup>113</sup>

## LIBERAL APOTHEOSIS

Having fled England, Locke stayed in Holland for six years. During this time he remained at the heart of the conspiracy network that the Whigs maintained under the patronage of William of Orange, the main champion of their cause after the second failure of the rebellion in 1685 which, as we have just seen, was led by the Duke of Monmouth. In the years of Dutch exile, which he spent changing

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<sup>110</sup> *Ibid.*, pp. 382 and 384.

<sup>111</sup> M. S. Zook, *Radical Whigs and Conspiratorial Politics in Late Stuart England*, op. cit., p. 115.

<sup>112</sup> R. Ashcraft, *Revolutionary Politics*, op. cit., p. 375.

<sup>113</sup> *Ibid.*, p. 311.

from one residence and city to another, he dedicated himself first and foremost to study and to the intellectual work that he had left unfinished because of his political activity. Unlike Ferguson, who remained active as an advisor to William of Orange, Locke gave himself entirely to his philosophical pursuits. The deterioration of his health contributed to this, as well as the fact that he was expelled from the faculty of Oxford University by orders of James II, an event that affected both his state of mind and his desire to stay on the front line of politics. He took refuge in the writing of *An Essay concerning Human Understanding* and *A Letter concerning Toleration*, as well as refining the style — but not the main body of content — of the *Two Treatises*, and even began the works that he would publish later after his return from exile: *The Reasonableness of Christianity, as Delivered in the Scriptures* and *Some Thoughts Concerning Education*. Thanks to this decision, Locke's name survived the conspiratorial reputation he had worked on for much of his life. His image as a thinker passed on to posterity, as he became the theorist of the Glorious Revolution of 1688. He passed into history as the designer of liberalism by converting it into a systematic theoretical body of work, solidly argued and with firm philosophical and moral roots based on the republican and Calvinist tradition.

His return to England demonstrates this. He went back when the revolution was being consolidated institutionally after Parliament's approval of the *Bill of Rights*, a text that enshrined the first written declaration of rights that had been inspired by liberal thought. He disembarked in London on 22 February 1689, accompanying Queen Mary and her entourage. He turned down the various offers of employment offered by William of Orange because, as he admitted to the new king, “the most touching displeasure I have ever received from the weak and broken constitution of my health which has so long threatened my life [is] that it now affords me not a body suitable to my mind in so desirable an occasion as serving his Majesty”.<sup>114</sup> Until his death in 1704, he preferred to take an influential but secondary role at the side of the most powerful politicians of the new parliamentary monarchy, discreetly contributing to the reformulation of the old model of the Ancient Constitution and to promoting a liberal government whose journey began after the definitive defeat of the despotism of the Stuarts. The *Two Treatises of Government* were published in December of 1689, after the author added a preface in which he trusted that his pages would be “sufficient to establish the throne of our great restorer, or present King William; to make good his title, in the consent of the people, which [is] the only one of all lawful governments”, and also to extol “to the world the people of England, whose love of their just and natural rights, with their resolution to preserve them, saved the nation when it was on the very brink of slavery and ruin.”<sup>115</sup>

He dedicated the last years of his life to an intellectual battle in pursuit of tolerance, publishing several editions of the *Letter* and arguing with those who were unwilling to support religious and moral pluralism since they saw in it a

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<sup>114</sup> R. Woolhouse, *Locke. A Biography*, op. cit., p. 267.

<sup>115</sup> J. Locke, *Two Treatises*, op. cit., p. vii.

disquieting relativism that would undermine the foundations of society. Carried by his political and epistemological conclusions, and above all by his rigorous defense of freedom of conscience, Locke did not hesitate to repeat again and again that neither a magistrate nor any other person could really know which was the true religion, because the concept of certainty that was inherent to the realm of knowledge could not be projected onto religion. This circumstance imposed an extreme limitation on the ability of the government to act in the world of beliefs. He argued that this world transcended “the jurisdiction of the magistrate” since it depended on “the conscience of every particular man, for the conduct of which he is accountable to God only”.<sup>116</sup> This is why he defended a separation of Church and State, seeing different aims in each of them and forbidding interference of one in the affairs of the other. The intrusion of government into religious affairs was only legitimate if the latter were harming the civil interests that the former had to defend, which were no other than the protection of the lives, liberty and property of its citizens. Locke defended the idea that the government could not impose particular rites, or intrude upon the jurisdiction of the Churches, or forbid forms of worship or beliefs unless they involved infractions of rights that were not tolerated in society.<sup>117</sup>

There is no doubt that Locke's political theory constituted the platform for a set of ideas that fostered the cultural revolution which England experienced during the period of the Restoration crisis and which became the *liberal moment* that prevented the establishment of absolutism on the island. During the period from 1678 to 1688, England experienced a foretaste of the revolutionary changes which, first in the United States and later in France, would transform the political features of the Western world. This period started with the sudden emergence of Shaftesbury's leadership heading a coalition of the social, economic and religious groups that joined together within the Whig party in response to the fear provoked by the threat of the English monarchy turning into a despotic regime inspired by the French. Their efforts had uneven results. The protagonists of this change were a group of politicians, intellectuals, propagandists and conspirators that organized an extraordinarily effective party network that set certain objectives that included the triumph of liberal republicanism, as well as the victory of Parliament over the Crown, the limitation of the power of government and the consolidation of a Protestant religion committed to freedom of conscience, tolerance and the general defense of freedoms and property. The slogans coined by the Whigs, their language, and their party ideas and practices constituted a genuine cultural revolution that connected with the incipient current of Modernity that was shaking the foundations of English society and was widely accepted among the people, stimulating an ideological transformation of the parliamentary republicanism and Puritanism that was a legacy of the Civil War.<sup>118</sup>

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<sup>116</sup> J. Locke, *Letter concerning Toleration*, Hackett Publishing, Indianapolis, 1983, p. 55.

<sup>117</sup> J. I. Solar, *La teoría de la tolerancia en John Locke*, Dykinson, Madrid, 1996, p. 202.

<sup>118</sup> M. S. Zook, *Radical Whigs and Conspiratorial Politics in Late Stuart England*, op. cit., pp. 93-95.

As we have seen, Locke's contribution was decisive. He transformed republicanism into liberalism when he reformulated his theories according to an institutional design firmly entrenched in the political language of Modernity. Maybe because of this, a century later Thomas Jefferson did not hesitate to affirm that John Locke and Algernon Sidney were the pillars on which rested the understanding of the principles of political freedom and human rights that had inspired the United States.<sup>119</sup> Locke provided a theoretical cohesion to the virtuous individualism that the dissidents argued for and constructed a solid political base that intellectually revolutionized his time, becoming the political spokesperson for the Enlightenment and for the historical changes that the North American and French revolutions later solidified. Locke's virtuous liberalism represented a change in the political paradigm that fought the fear of those who felt threatened by the despotism and arbitrariness of a monarchy that sought to violently homogenize the country, fighting the pluralism and tolerance favored by Puritanism, the scientific revolution and capitalism. Its call to the people from the position of a virtuous and egalitarian individualism, as N. Bobbio stated well, ultimately constituted a redemptive discourse: "A fervent argument in defense of the oppressed against the oppressors, of freedom against order, a defense of honest government, a challenge to the corrupt, an affirmation of the sovereignty of the people".<sup>120</sup> These virtuous and egalitarian roots of Locke's liberalism made of it a line of thought committed to an ownership of conscience that subordinated the economic and material consequences of the development of individual freedom and the observance of certain strict moral duties to God and other men. Being bound by these duties, when they saw their fulfillment threatened by a despotism that sought to enslave them by placing its yoke between their direct relationship with God, they did not hesitate to confront Charles II and, later, his successor James II, thereby demonstrating the moral strength of a people who, as Sidney had postulated, would always be willing to wield the sword to defend themselves against those, even if they were their governors, who would make themselves public enemies of virtue.

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<sup>119</sup> T. Jefferson, *Writings*, Library of America, New York, 1984, p.479.

<sup>120</sup> N. Bobbio, *Locke e il diritto naturale*, Giappichelli Editore, Turin, 1963, p. 280.