



Münchener Beiträge zur Politikwissenschaft

herausgegeben vom
Geschwister-Scholl-Institut
für Politikwissenschaft

2016

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**Uneasy Liberty. John Locke's
Political Theory in Relation to
his Argument about Free Will**

Bachelorarbeit bei
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SoSe 2016

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1. Introduction

For centuries, the question of the free will has occupied human thoughts. Can we decide, direct, self-determine what we want and desire, what we will? In Catholic theology, Augustine of Hippo has prominently addressed this question, attempting to explain the existence of evil in the world in the face of an almighty and omniscient, but also graceful God. Augustine presupposed the existence of free will as a gift that was given from God to humans and deemed the wrong exercise of it to be the source of evil (Dilman, 1999: 1). Its rightful exercise on the other hand, was to be the source of good. It is only when the will is disconnected from the good, Augustine argued, that evil occurs in the world. The authorship of everything that is bad in the world was thus attached to humans and their misuse of God's gift of the free will (Dilman, 1999: 81). Of course, there was a problem for that argument looming, one that Augustine only seemingly solved with his doctrine of a free human will: If God were almighty and omniscient as well as the creator of life, then he must have also created humans' will and thus, their mistaken exercise of it. Therefore, the human ability to sin and do evil would simply be a creation of God, which is the very point that Augustine had attempted to avoid. The Christian debate on the topic built on top of the ethical considerations that were brought forward in ancient Greece and preceded an age of more scientific thinking, in which, as Dilman (1999: 256) has said, the concept of God's foreknowledge had "lost its currency". Thinkers of that later period, the Enlightenment, were concerned with discussing the possibility of the human will as an origin of earthly occurrences and therefore as the beginning of a causal relation (Dilman, 1999: 256). Later thinkers regard distinctive patterns in the behavior of every individual as an indicator for one's predetermination of behavior (Dilman 1999: 2), further interpreting the liberty of will in a scientific, explainable manner.

The problem of free will is still pertinent. Today, both positions still challenge us: Can I "decide" what to will? Or am I in some way predetermined in what I will? Modern science and technology have expanded on philosophy and we have moved on to a level on which we can in some instances explain or even observe how and when a will is formed in our minds (Mele, 2011). But regardless of what findings neurochemistry and neurobiology can present us

with, philosophy aims to find an answer as to what role our will may play in all aspects of human life. Criminal law is possibly the most obvious field of our modern existence in which the liberty of will plays a decisive role; put simply, the punishment by society's institutions of someone who we can reliably identify as unable to have freely willed her actions can be regarded as questionable. But even in everyday life we judge other people's actions on the basis of the alternative that they might have pursued; we blame someone for the lie that they have told, evaluate students on the basis of what they have or have not achieved, and try to force ourselves away from the things that are not healthy or in any other way good for us.

But one of the most essential situations in which we (seemingly) exercise free will is in politics. Today, in many countries, this occurs through elections in which voters must choose a government that represents them and acts on their behalf in societal matters. This concept of a government, as an agent of the people, instituted by their will and consent, is closely associated with John Locke. As one of the most influential thinkers in the history of liberalism and its political revolutions (Laslett, 1988: 3), Locke theorized that society is built on a contract, agreed upon by its consenting members and from which authority is derived. This doctrine is one that is built on free choice and the consent, i.e. voluntary agreement, of its participants. As such, the question arises whether Locke himself has addressed the issue of free will and can thus help us to understand its importance and implication for the political idea of liberal democracy. Could his idea of a social contract withstand the consequences of a pre-determined mind? While this is in part simply an issue of one's normative outlook, assessing his thoughts also means to assess some of the most essential principles of liberal democracy. Therefore, this thesis aims to discuss Locke's political theory in light of his philosophy of human behavior and, specifically, of the free will.

To do so, we must therefore start with a discussion about the contents of both of his theories. Locke's work on the free will can be found in his *Essay Concerning Human Understanding* (in the following: *Essay*). The book is an extensive discussion on the sources and limits of human knowledge and understanding as well as a general theory on the way the human mind, including language, operates (Uzgalis, 2016). My focus will therein lie on the *Essay's* chapter of *Power*, which is of particular interest for our question

because in it, Locke discusses the extents and limits of humans as acting agents and of their mind as their faculty. This includes a comprehensive discussion about the topic of whether we are free when it comes to the will. In it, Locke eventually concludes that we are hedonistic by nature, determined in our will through the many feelings of “uneasiness” that we constantly endure and wish to satisfy.

In the first chapter of this thesis, Locke’s argument will be explained in detail; this includes lexical explanations of the terms he employs. As Locke uses the specified terms quite strictly according to his own definitions throughout the *Essay*, this will be important for understanding his subsequent argument about the will and the means and ends of human behavior. To present said argument will be the task in the second part of the first chapter.

Armed with our knowledge of Locke’s theory on will and behavior, we will then proceed to see what he envisioned for the field of politics. Locke has formulated his theory in the *Two Treatises of Government* of which only the second is of importance to us. As will again be outlined later during our discussion of the matter, the first of the *Treatises* is concerned with disproving the work of Robert Filmer including, importantly, his argument for why humans do not possess any naturally given rights. Although these rights are certainly important as an assumption for the later argument, the reasoning in favor of them is not of central relevance to our core question, which is concerned with the (in-) coherencies within Locke’s core theory of politics, that is, logically after he has made his assumptions. With regard to our question about the connection of Locke’s political theory to his concept of the human will, we will therefore focus on the core of the theory itself, contained in the second *Treatise*.

Locke’s social compact theory has been extremely influential and is a core component of modern political philosophy. In short, it is the concept of a liberal democracy, arisen out of the need for the protection of life and liberty. Locke argued that in a natural state, everyone possessed basic and equal rights as well as limitless freedom. This state of nature however leads to a situation of danger and chaos and thus eventually causes humans to exercise their freedom and consensually sign a contract that unites them in a polity that will protect them and their naturally given rights. We will, for the

purpose of this work, not proceed to explain how in particular Locke constructs the political system that follows from the contract. It must suffice to say that he envisions a government with majority rule, which is based on the consent of its citizens and restraint in its authority by the separation of its powers.¹

Locke's political theory contains the idea that humans must be able to freely choose one thing over another and, especially choose, i.e. consent to, the polity that Locke argues for. In the last and central part of our analysis it must thus be determined, in accordance with what Locke considered to be free or freely willed, whether this is so. Essentially, we must compare the definitions of liberty and the liberty to will from the *Essay* with his theory in the *Treatises* and determine whether the two positions are coherent. Is human behavior as described in the political theory consistent with the determinants of it described in the *Essay*? Specifically, do we will and act as free or not free in the *Treatises* as has been described in the *Essay*? This will lead us to our final discussion in which we shall attempt to summarize what we have learned and discuss its implications. In particular, due to Locke's influence, this thesis will also assess some of the core problems of liberal democracy in general.

Peter Laslett has argued that the two parts of Locke's work, i.e. his philosophical writing in the *Essay* and his political theory in the *Treatises*, are best kept apart. He claims that "Locke is, perhaps, the least consistent of the great philosophers" and that he himself sometimes seemed to be unaware of that fact (Laslett, 1988: 82). The unfairness that lies in the approach of this thesis, inherent to the attempt of analyzing the incoherency of a philosopher who apparently did not strive for consistency, may then be forgiven only by Locke himself; but on the matter of the still remaining relevancy of my work two things may be said: First, in response to Laslett's assessment of Locke's coherency, that the fact that he did not write one "single, synthetic system" (Laslett, 1988: 86) simply makes it even more important and more interesting to discuss the discrepancies that lie within it. Second, both Locke's theory of the free will and his political theory would alone be

¹ Locke's theory on government can be found in the chapters X – XIX of the second *Treatise*. For an overview, see *Locke on Government* by D.A. Lloyd Thomas.

significant enough to be compared to each other, regardless of who their author was. Therefore, the question of coherency is rather a means of assessing the different implications for Locke's thoughts, than a witch-hunt for mistakes that he may have made when it comes to the coherency of his writing. It is also important to note that both Laslett himself (1988: 83) and, in more depth, Neal Wood (1983: 176 – 182) have argued for the political implications and relevance of the *Essay* in addition to the *Treatises*, which lies in Locke's radically individualistic and anti-authoritarian anthropology. Thus to make such a connection within Locke's work is to add to its better understanding.

Besides Peter Laslett, who has consolidated the first critical edition of Locke's *Treatises* (1988: ix), and who has therein given an invaluable introductory comment on the book, a number of other authors have helped me to form an opinion on the matters in this thesis. Despite the fact that I attempted to write about Locke solely on the basis of his own words, my additional reading has been very essential in forming my own analysis and interpretation. Leo Strauss, himself an influential political philosopher, has written extensively on the topic of liberalism and his book *Natural Right and History* was especially helpful for an assessment of Locke's concept of a state of nature. Other authors of special relevance to Locke's work and his political theory are John Dunn, who was particularly interesting due to his exciting analysis of the concept of consent, and James Tully, who has written on Locke's idea of property and his concept of natural law (Tuckness, 2016). I must also mention Neal Wood's very exciting book *The Politics of Locke's Philosophy*, which is about the political implications implicit in Locke's *Essay*. I have also taken great advantage of the *Stanford Encyclopedia of Philosophy*, in particular articles written and edited by Alex Tuckness, William Uzgalis, Edward N. Zalta and Samuel Rickless. The *Encyclopedia* has allowed me to gain an overview and a sense of direction for the topics included in my thesis and was useful when it came to putting parts of Locke's thought into the context of his larger work. Quite helpful in a similar way was John Yolton's *Locke Dictionary*, which provides an idea of every major concept in his opus. To provide references, I have attempted to coherently use the Harvard Style following each information, thought, or argument that did not originate from me in order to rightfully designate other people's work as their own. To make

it more transparent in the face of the many different editions of Locke's work, I have used the abbreviations *Essay* for *the Essay Concerning Human Understanding* and *TT* for the *Two Treatises of Government*² to reference his two herein relevant books, followed by the respective chapter number and paragraph. Concerning the editions of the two books, which is an important point due to the changes Locke made over time, I have used the fifth edition of the *Essay*, re-published in 1706 not too long after his death, as well as the critical edition of the *Treatises* provided by Peter Laslett in 1970.

² In three instances, I have quoted Immanuel Kant, namely *Perpetual Peace* (zum Ewigen Frieden), which I referenced as *FR*, and *On the Old Saw* (Über den Gemeinspruch), which I referenced as *GE*, followed respectively by the page numbers of the original Academy Edition.

2. Whether Man's Will be Free, or No

2.1. Essential Terms of Locke's Theory of the Free Will

Power

To possess power, for Locke, is “in one thing the possibility of having any of its simple Ideas changed, and in another the possibility of making that change”. This relates to his concept of a simple idea and means that to possess a certain power over something means to have the ability to change that something's basic, distinguishing features, its simple ideas; likewise, power is also the ability of the thing being changed to be changed. This dualistic definition of power being split between a subject and an object leads Locke to differentiate between active and passive powers, the first being the ability to change something's simple ideas the second being the ability of something to have its simple ideas changed (*Essay*, II.XXI, § 1 – 2).

Will & Volition

One such power is the will, for according to Locke (*Essay*, II.XXI, § 5) it is the power of the mind “to order the consideration of any Idea, or the forbearing to consider it, or to prefer the motion of any part of the body to its rest, and vice versâ in any particular instance”. In other words, it is the power to prefer thinking or doing one thing to thinking or doing another. Going back to the definition of power it must be asked: Why is will a power then? What is it that can be changed by the will in its simple idea? It is the volition (or willing), which is the actual action of making use of the power to will. Locke defines volition simply as the “directing” or “forbearing” of an action. The two terms are important to keep apart, as they do not belong to the same category: The will is a power which something possesses, while a volition is an action, namely the action that may follow from the power to will. This difference is crucial for Locke's subsequent arguments, as we will see later on.

Liberty & Necessity

Writing about the mind's control over humans' will, Locke argues, one must ask about liberty and necessity. According to him, liberty is the power “to do or forbear any particular action, according to the determination or thought of the mind”. Therefore, whenever a person is equally unrestrained to act or not

to act in a manner, this person possesses liberty with regard to that action. If, even though the will demands it, either the forbearing or execution of that action is not possible to that person, then that person is at necessity to act in a respective manner and is not at liberty. It is important to understand this concept from an external perspective: Not the volition, determined by the mind's power to will, is what is causing the necessity; it is a restraint from outside the agent that causes her not to be free. The famous example given by Locke himself is a man locked inside a room with a person he desires to be with. This man may be in the room voluntarily because of his wish to be with that person; yet regardless of his volition and his mind's determination, he would not be at liberty to leave the room, but is by necessity restrained to remain in it (*Essay*, II.XXI, § 8 – 10). Just as our bodily actions, Locke argues that our thoughts may also be restrained and compelled from external influences. A passion or feeling of pain may have us consider ideas that have not originally been willed to be considered; however, the mind may regain its power to will after such an event (*Essay*, II.XXI, § 12).

<i>Agent</i>	<i>Power</i>	<i>Action</i>
<i>Mind</i>	<i>Will & Liberty</i>	<i>Volition/Willing</i>

Locke's typology from *of Power* (author's own table)

2.2. Locke's Argument about the Determination of the Human Will

Uneasiness as the Determination of the Will

Following the typology we have seen so far, Locke argues that the question "whether man's will be free, or no" is in fact "altogether improper". How does he arrive at that conclusion? Essentially, he believes that the question is a mistake of categories. Because both liberty and will are powers, they cannot be possessed by one another; only an agent like the mind or "Man" may have the power of being free in something, i.e. an action. For Locke, they are simply two powers that are independent, but which may be used alongside

one another: “Liberty, [...] is the power a Man has to do or forbear doing any particular action, according as its doing or forbearance has the actual preference in the mind, which is the same thing as to say, according as he himself wills it.” He admits then, that liberty and will are not entirely independent, yet only because they are both powers possessed by the mind, exercised by it shortly after one another (*Essay*, II.XXI, § 14 – 19).

Thus having established that it is not proper to ask whether the will is free, Locke says that the actual question at hand is “whether a man be free” or, more specifically, “whether a man be free to will”; that is, whether humans have the ability to freely choose whether they want to exercise their power to will. Again, he denies this. His argument is quite simple: Whenever the choice of acting one or the other way is presented to a person, this person necessarily has to will acting in one way or the other; even if that person determines to pursue no action whatsoever, she must still will not to act (*Essay*, II.XXI, § 23 – 24). If we think back to Locke’s definition of liberty, that person then does not have the power “to do or forbear” the action at hand and thus, does not possess liberty in this matter (*Essay*, II.XXI, § 8). In other words, one is not free to will because one is not able to forbear willing; never can a person be able not to will with regard to an action (*Essay*, II.XXI, § 24).

Having dismissed the questions about the liberty of the will and the freedom to will, because the will is no agent but a power, Locke turns to another inquiry: What is it then, that determines the will if we must definitively will but when it is not the will which determines itself? The short and easy answer is, the mind. As the agent possessing the power of will, it must be the mind, which determines it or rather, its subsequent action, which is volition. Of course to some degree, this simply follows from logic if Locke’s theory is to be consistent; if the will is a power and volition an action then something has to own the one and exercise the other. How as opposed to what determines the will still remains unclear though. Locke therefore proceeds to explain this very point. He claims that every continuation of an action or a current state merely constitutes satisfaction with it. What does that mean? Essentially that whenever we do not change a circumstance, then we are content with it, as otherwise we would act to alter it. But every circumstance that does indeed concern us is subject to our urge to change it. Therefore, we engage to

address our feeling, which is the feeling that we would like to alter what we are not content with. Thus, “the motive to change is always some uneasiness [...]. This is the great motive that works on the mind to put it upon action, which for shortness sake we will call determining of the will” (*Essay*, II.XXI, § 29). The argument, so far, is quite simply stated then: The human mind being an agent with the power to will, is the sole authority determining it; as such, it is itself determined by a desire for the feeling of satisfaction or rather, the (impending) lack thereof, which is called uneasiness.

The Greater Good

Locke explains that what does not determine our mind in its power to will however is the greater good. Colloquially, and perhaps generally, the meaning of the term is of course immediately associated with some sort of a higher normative objective like social justice or peace. This is not what Locke meant by the term with regard to the will. Instead, Locke was referring to a greater good on an individual level. According to Locke, the greater good is “by the general consent of all Mankind” considered to be what determines the will. What he means is that humans are generally considered to act in a way that is likely to result in something that is somehow objectively good for them. Although we will see later that he believes humans can indeed act in such a way, at this point Locke seemingly denies this. He counters it with the example of a “drunkard” who knows that his life will likely take a more negative turn if he keeps drinking, yet continues to go to a “tavern” and enjoy nightlife. Against better judgment, and although he is aware of the negative consequences, the drunkard will again succumb to the feeling of uneasiness that is a result of not drinking and will decide to join his friends in the “tavern”. Of course nowadays this example is somewhat inappropriate, especially considering that alcoholism and substance addiction are regarded as serious mental illnesses (WHO, 2016) and not a personal character flaw. Locke provides other examples³ that are arguably less eloquent yet mean to prove the same point, namely that it is the uneasiness of the moment, rather

³ The two other examples are a man who cannot be convinced to behave in a virtuous way, thus not seeing the greater good that would be inherent in a change of his behavior, and a poor man who does not see the merits of escaping his status.

than our better judgment of the great scheme of things in our life, that determine us with regard to how and what we will. Being free of that uneasiness is what “we all aim at in all our actions” and the prerequisite of human happiness. Thus, “when the uneasiness to miss his [the drunkard’s] accustomed delight returns, the greater acknowledged good loses its hold” (*Essay*, II.XXI, § 35).

It appears that the discussion of the greater good is an attempt by Locke to separate the human ability to act in accordance with some sort of reason or at least contemplation from their predetermination through mere urges. We will however later see that he does put reason and deliberation back into the equation of the determination of the will. This brings us to the two last points of our examination: Locke’s concepts of desire and suspension.

The Uneasiness of Desire

Desire is a particular uneasiness, which Locke says is a feeling fixed on the want for a presently absent good in our minds; perhaps, one could say that he means to describe a “long-term” uneasiness. Being constantly in pursuit of what we desire, every uneasiness of the moment derives itself from that pursuit. Thus, it appears that he believes that we have desires, which we follow in the longer term but which nevertheless determine what makes us uneasy at the present moment. Seemingly, Locke aims to differentiate between the thought of a present discontent with a particular circumstance (e.g. hunger, thirst), expressed immediately in the mind as uneasiness, from the things that we desire in the mid- or long-term; yet at the same time, he believes that such desires shape what sort of uneasiness we may feel in the present moment. He calls this idea the “uneasiness of desire, fixed on some absent good, either negative, as indolence to one in pain; or positive, as enjoyment of pleasure.” He argues that this forms the course of our actions, as it sets out all our successive actions, which follow alongside the lines of the pursuit of our desire (*Essay*, II.XXI, § 31 – 33). Locke takes this as the reason for why desire and will might often be confused with another; he claims that the will “seldom orders any action, nor is there any voluntary action performed, without some desire accompanying it”. Thus, being always accompanied by a desire, the will is mistaken for it (*Essay*, II.XXI, § 39).

It appears that desire is viewed by Locke as some sort of ordering force for the many feelings of uneasiness that we possess. Interestingly, at this stage, he all but ignores the question of how one form of uneasiness takes precedent over another. Locke simply argues that people will attempt to address the uneasiness that is most “pressing” and most attainable first because if humans were to try to achieve something unattainable, “that would be to suppose an intelligent being designedly to act for an end, only to lose its labor” (*Essay*, II.XXI, § 40). This argument is insufficient and its logic is twisted: At first, Locke does not provide us with an explanation as to why an uneasiness might be pressing and then naïvely exchanges what is unattainable with what is merely difficult to attain for the sake of his argument. If something were difficult to attain, but attainable, it would be impossible for Locke to argue that this would be less likely to be attempted due to the loss of labor, because there would be no such loss. In fact the result, i.e. an end to the uneasiness, would eventually be achieved even if it means more hardship. Arguably, from a perspective of Locke’s philosophy, it would instead have been more convincing to claim that there are qualities to the different feelings of uneasiness, and that the stronger one such feeling is, the more urgently we aim to satisfy it. It must be assumed that Locke either did not see his fallacy or that for some reason, he sacrificed consistency for another agenda. However, especially with regard to his theory about happiness, which we will now discuss, it is quite inconceivable what that agenda might have been. In fact, Locke’s theory of happiness does not order actions by their attainability and instead entails a utilitarian principle of desire, which orders actions based on the desirability of their result.

Locke claims that happiness “in its full extent is the utmost pleasure we are capable of” while its opposite, misery, is “the utmost pain”. This conception of happiness is quite individual for Locke, as it differs from person to person. Thus, someone may concede that a thing is to be regarded as very pleasurable without personally desiring it and, importantly, without being unhappy in its absence. Every person thus receives happiness, i.e. the feeling of pleasure, from something else and will then desire in accordance to what that happiness is: “Happiness (...) every one constantly pursues, and desires what makes any part of it” (*Essay*, II.XXI, § 41 – 43). Let us follow back Locke’s argument to our original question about whether the will is free in his way of

thought. Of course liberty has not been mentioned here, but it remains important to clarify how the argument he makes about happiness fits into his concept of the will. If all our desires are determined by what pleases us, i.e. gives us happiness, then all our uneasiness equally derives from what makes us happy, or rather, unhappy. As our uneasiness in turn determines the will, it must be clear that it is our general struggle for happiness and content, which forms what we will.⁴ That being said, we are a step closer to Locke's views of the matter and have seen his arguments about the determinants of the will, but we have yet to hear the last of it when it comes to how much liberty we possess in all of this. It must suffice to say for now, that Locke closely links the pursuit of what makes us happy to how free we are in our lives.

Suspension

The will according to Locke is determined by our various feelings of uneasiness, which derive from our pursuit of happiness. At this point, Locke introduces another element with which he turns back to the discussion of liberty in the context of the will. This element is the human ability “to suspend the execution and satisfaction of any of its desires, and so all, one after another, is at liberty to consider the objects of them, examine them on all sides, and weigh them with others.” He argues that the liberty to consider before willing is precisely what is commonly (and improperly) referred to as free will and that all liberty derives from it, because if there were anything else than our own judgment that settles the will, this would necessarily mean that there is no liberty in its determination. Thus “to deny, that a man's will, in every determination, follows his own judgment, is to say, that a man wills and acts for an end that he would not have at the time that he wills and acts for it.” Interestingly, Locke also claims that the power to suspend is the reason why we sometimes make wrong decisions, saying that “from the not using it right comes all the variety of mistakes” as we “engage too soon before due examination” (*Essay*, II.XXI, § 47 – 48). Locke later (*Essay*, II.XXI, § 58 – 64) elaborates on the source of our mistakes and explains that our

⁴ A graphical explanation of the entire chain of determination can be found at the beginning of chapter four.

judgment of more immediate pleasures and pains is more sound and that we can therefore better determine whether they are constructive to our happiness. Thence, whenever something is more distant, we wrongly evaluate what will make us happy, causing our uneasinesses to develop in a way contrary to what would actually have made us happy. Again, he returns to an example involving alcohol, claiming that hardly anyone would drink it if the immediate effect would involve the pain of “that sick stomach, and aking head”.

Locke’s argument is quite curious: so far, we have seen that he believes the mind to be determining the will according to the uneasiness it presently endures. However, in his suspension doctrine, he claims that such determination of the will depends only on “one’s own judgment” or otherwise there would not be any liberty in its determination, as “some other than himself” would determine it (*Essay*, II.XXI, § 48). It must follow then, that when he talks about one’s own judgment, what he means is the mind, or a process within it, as it is what he claims to usually determine the will in accordance with any present uneasiness. Therefore, if the mind both immediately determines the will to address an uneasiness and also re-determines the will after suspending the act of willing (volition), then we must ask: why was it previously, or is it usually, not determined by “due examination”, but by our feelings of uneasiness, as Locke claims throughout his entire argument up to this point? Of course it is arguable that the power to suspend is in fact applicable to the act of willing, i.e. that we may suspend to will to do something and that thus the whole theory of suspension fits easily into his theory of the will. However, even after exercising the power of suspension, we must then eventually will, and must therein be either determined by an immediate uneasiness or re-determined due to our ability to reason and examine. In short, one may wonder: Why is the mind at one time determined by a feeling of uneasiness and at another time, by its own contemplation?

It can be said in Locke’s defense that he did not include acts of willing that are immediately necessary and present to us into his theory of suspension, possibly because they cannot be examined beforehand due to their urgency and thus, willing to do or forbear them in one way or another cannot be

suspended. To this, Locke simply says that the mind has the power to suspend “in most cases” (*Essay*, II.XXI, § 47). As we have already seen, he also believes that those pleasures and pains that are more immediate can be more clearly perceived and evaluated by us, thus causing us to be able to know which action is the preferable one whenever it is more closely present to us (*Essay*, II.XXI, § 58). For now, this argument presents only a small comfort, as it does not really help to solve the underlying problem of uneasiness versus any sort of human reason as determinant of the will; ultimately, one can hardly argue that in a more urgent situation, consideration is entirely unable to operate and comes not into play while in another, in which there is more time available, we calmly examine and evaluate our choices, notwithstanding our uneasinesses. However, the apparent inconsistency we are presented with here is in actuality quite a coherent part of his theory. First, it should be said that Locke does not explicitly call the determinant of the will after suspension “reason” in the sense of a rational ability to evaluate. Thus, it could very well be said that he simply means to say that we can reevaluate our desires and thereby our current feelings of uneasiness, eventually deciding that the one rather than the other is more pressing, if only we have more time due to the suspension of action. In his argument, the suspension that we are capable of is simply a means to consider our outlook on happiness and on the order of the uneasinesses we feel; while withholding our decision on an action, we realign its potential consequences with what we believe to bring us happiness and thus newly determine what we desire, and whose absence will make us feel uneasy. That Locke intended his theory to be interpreted this way is especially apparent considering that he starts his discussion about suspension with the question about which uneasiness will take precedence.

Locke thus presents us with a human being driven by a hedonistic nature and urges that are in need to be fulfilled in order to achieve happiness, our most superior goal. Importantly however, this creature seems to be able to duly contemplate about its desires, weighing the advantages of attempting to achieve the one, or the other, eventually re-determining what it wills. The freedom in this ability appears to lie in the independence from outside influences rather than in the freedom to entirely control what one wills by the

power of one's mind. Ultimately, the mind as presented by Locke, will follow one of its feelings of uneasiness when determining what it wills. In this, it is free from anything else.

3. Political Theory

The State of Nature

John Locke begins his political philosophy by refuting all claims that political power can derive its legitimacy from being inherited from the first man, Adam, and thus from God. In fact, his entire first treatise is an attack on the work of Robert Filmer, who argued in favor of absolute monarchy on the basis of a hereditary principle going back to the first human. Locke aimed to disprove Filmer's theory by attacking its core: that we are by nature not free (Uzgalis, 2016). This, as Locke believes, is not valid as the genealogy Filmer presents as an argument for his theory cannot possibly be proven and even if it could, would not suffice to legitimize political power (*TT*, I, § 1). Instead, Locke asks the reader to "consider what estate all men are naturally in", namely one in which they have complete liberty, independent of others' will and in control of all their belongings. In this state of nature, all are equal, as they are of the same species and thus possess the same abilities and characteristics (*TT*, II, § 4). However, a law of nature, which forbids everyone to harm themselves, their property as well as one another, governs this state. The law must, by lack of a central authority, be executed by everyone. Any offender who transgresses the law of nature and thus leaves the ground of "reason and common equity" is to be punished accordingly. Such punishment is the only lawful power one person may have over another and may only be used in proportion to a crime; moreover, from the crime, two different rights derive themselves: The right of the person harmed by the crime to claim reparations through the punishment and the right to punish regardless of one's own being harmed in the crime in order to discourage and restrain future offences (*TT*, II, § 6 – 8).

This line of thought may seem oddly inconsistent and even naïve and has indeed been criticized not only in modern times, but also by contemporaries of Locke. Laslett (1988: 80) discusses in some length how James Tyrell challenged Locke on the topic and holds himself that "throughout his political work, the expression natural law is used with suave assurance, as if there could be no doubt of its existence, of its meaning, of its content in the mind of author and reader." Leo Strauss explains in *Natural Right and History*

(1953: 202) that Locke claimed the natural law to be deductible from reason with almost mathematical precision, but that he failed ever to do so. Almost mockingly, Laslett (1988: 81) observes that despite his claim of its certain existence “it seems that it was always ‘beside the present purpose’ for Locke to demonstrate the existence and content of natural law”. The debate around the topic focuses to a large part on whether the state of nature and the law of nature were meant by Locke to be mere thought-experiments rather than an actual description of a law or a historical circumstance of humans living in a pre-societal situation (Tuckness, 2016). We will address this specific matter again when we discuss the natural law as portrayed in *the Treatises* with regard to its possible relation to human will and liberty in the *Essay*. For now, we must return to the more general line of argument in Locke’s theory. Ignoring the possible fallacies in Locke’s theory of the law of nature and viewed from a perspective of eloquence and effective narration, Locke quickly turns his apparently insufficient theory around and, in a cunning twist, transforms it into an attack on absolute rule.⁵ After anticipating the obvious counter-argument against the practicality of his natural law, namely that humans are incapable judges, driven by emotions and partiality, he admits that only a disorderly and chaotic system will arise from the state of nature he describes. Thus “God hath certainly appointed government to restrain the partiality and violence of men. I easily grant that civil government is the proper remedy for the inconveniences of the state of nature (...). But I shall desire those who make this objection to remember that absolute monarchs are but men; and if government is to be the remedy of those evils (...), I desire to know what kind of government that is, and how much better it is than the state of nature, where one man commanding a multitude has the liberty to be judge in his own case, and may do to all his subjects whatever he pleases” (*TT*, II, § 13). Although this is not the place, and the debate about Locke’s state of nature quite another topic, it may be theorized that the apparently implausible state of nature is but a criticism of the underlying assumptions of autocratic rule and, in line with other interpretations of Locke, a mere thought experiment (Tuckness, 2016). Locke admits that in a state where any

⁵ Strauss (1953: 229, see below) supports the view that the law of nature is, due to its inconsistency, merely a theorem for arguing in favor of the social contract.

human can, without restraint, be the judge over another, chaos will arise, which must be remedied by the institution of a government; but because a single ruler is nothing more than a person that governs and judges without restraint, it is questionable whether such a polity would be the right cure for the deficits of human nature. This is the heart of Locke's political theory and raises one of its central questions: If human nature is prone to violence, how can a government be formed that guarantees liberty and protection from such violence if that government is itself a human one and thus, potentially evil?

The Social Contract

Because all humans are free and independent in the state of nature, Locke argues, they must not be put under the power of another. Only by their consent and in agreement with others can they "join and unite into a community for their 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." In such a newly formed political body, people curtail some of their previously existing liberty and accede power to the community, or rather, to its majority, which from then on assumes power to act on behalf of the rest and the group at large (*TT*, VIII, § 95 – 96).

Why would people form a contract with one another instead of remaining as free and equal as in the state of nature? Locke argues that because everyone has the same unlimited freedom by nature, that this situation is also one of danger. Because there is no authority that could execute the laws of nature, one could be overstepping the law of nature and harm another at any given time. Thus, mutually threatened people form a society and, "not without reason", agree to let go of some of their former liberty in order to achieve "the mutual preservation of their lives, liberties and estates", the three components of what Locke calls property. But such a contract between people will not only engender protection; Locke believes that by common consent, a society will establish a system of what is right and what is wrong, providing a basis for deciding on all differences that might occur between its members. Locke claims that this is necessary since the law of nature, which had been in place before, was not ably functioning as a binding law, being broken constantly due to personal interests. Judges will be instituted to decide on controversies, while an executive force will be necessary to guarantee that

such decisions are respected. In face of the inconveniences that come with the state of nature, primarily the uncertainty that is a result of the constant exercise of power over others, humans seldom remain in the state of nature. “It is this”, Locke says, “that makes them so willingly give up every one his singly power” (*TT*, IX, § 123 – 127).

Importantly, in order to sign the contract, consent is necessary. In the *Treatises*, Locke himself addresses this issue to a considerable extent. Specifically, he points to two problems that arise from the doctrine: First, that no such situation in which humans did actually found a new polity by signing a contract is known; second, that those who have already been born under a government are unable to object to that government and thus, cannot give their consent. To the first he responds (*TT*, VIII, § 101) that records of a state of nature preceding a social contract have simply not been preserved and that just because we have no knowledge or definite proof of it, we must not assume that it did not exist. This is especially so, since “Government is everywhere antecedent to records” (*TT*, VIII, § 100 – 122).

It should, as we will see later, be of more interest to our endeavor whether there can be consent in an already established society. Locke appears to directly link this to a right to resist, which he however explains more explicitly at a later point (*TT*, XIX, § 222). Locke claims (*TT*, VIII, § 113) that whenever there is someone who is subject to the power of someone else, that this person could just as well unite with others to form a new polity; therefore, no one will live in a society to which no consent was given because then, that person would simply sign a new contract and join another polity. Locke commences his argument by asking “How so many lawful monarchies [came] into the world” and seems thereby to be hinting at the arbitrariness of political power.⁶ The fact that a single person can claim to possess power of an entire society implies that power can never be rightfully obtained in that

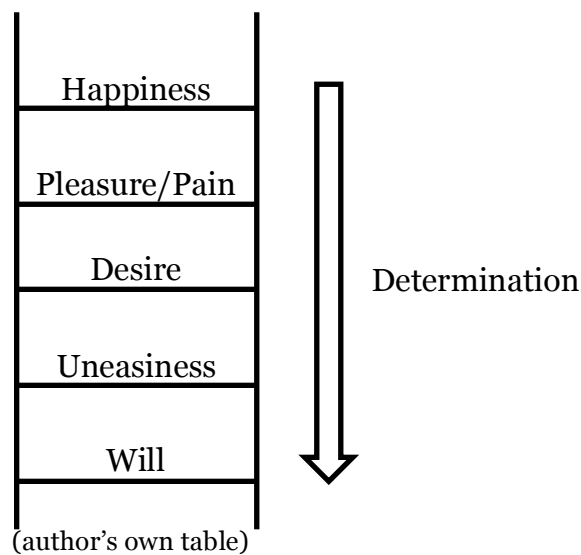
⁶ Unfortunately, this is not the place to discuss Locke’s stance on the arbitrariness of political power. It would indeed be exciting, especially due to Locke’s importance in political theory, to reconstruct his opinion on the matter and evaluate how it corresponds to more recent philosophy on the topic. Nietzsche in particular emphasized how it is language and convention that form power (*Über Wahrheit und Lüge im außermoralischen Sinn*, 1873) and laid the foundation for later post-structuralist theories from the 1960s and 1970s, which remain influential until today.

way. For Locke, the only legitimate source of power is the consent of the governed. From the right to resist and form a new government derives, and so Locke concludes (*TT*, VIII, § 119 - 122.), that there is a distinction between explicit and tacit consent. The former is expressed in an obvious way, for instance by willingly joining a society through the signing of a contract. The latter derives itself implicitly from the enjoyment of any of the advantages an already established society may provide, such as protection or roads to travel on. Thus, whenever someone is born into a political society, this person automatically consents “prima facie” by not resisting the previously established order (Dunn, 1967: 181). Simply put, the lack of unwillingness to be part of a society is consent sufficient enough for Locke to make someone a signatory of his social contract.

4. Political Theory in Relation to Free Will

4.1. Hedonistic Signatories

We have seen that Locke believes humans to be essentially hedonistic, determined in what they will by the uneasinesses they feel, which in turn is derived from whatever makes them personally happy. This is the most basic principle of his theory about our behavior and we must now apply it to Locke's political theory. To do so, let us climb down the ladder of thought from happiness until will.



As we have already learned, Locke defines happiness as the presence of pleasure and the absence of pain (*Essay*, II.XXI, § 42). What can we identify as the happiness his signatories are seeking when they are signing the contract? He believes them to be seeking security for their property (*TT*, IX, § 123), that is, their life, liberty and estates. Thus, their pleasure must derive from the presence of the security that the social contract promises them. Accordingly, the state of nature causes people to feel pain and misery due to its constant danger. It follows that in the state of nature they have first a desire for the stability of society, then feel uneasiness due to the absence of society and, therefore, have a will determined to sign the contract. Humans will establish a legal and legislative system, thereby eliminating vigilantism and the chaos that results from violence and the transgression of power by unlimited liberty. As a consequence, their uneasiness is satisfied and thus is

people's desire and so, after having joined society, they eventually receive sufficient pleasure for it to be added to their happiness.⁷ Put simply, Locke's signatories of the social contract reduce the pain of living in uncertainty and danger, while maximizing their pleasure through the stability of a protected life.

For a brief moment, let us return solely to the *Essay* and see how Locke himself makes a connection between the pursuit of happiness and the possession of liberty. After having defined happiness, he argues that our seeking of it is a prerequisite for and the "foundation of liberty". Essentially, Locke appears to believe that the more focused we are on pursuing what makes us happy, the more free we are in its pursuit. Considering his definition of liberty, that necessarily implies that we are more free from external restraint and thus able to do or forbear as we please, whenever we strongly hold on to what makes us happy. This is again apparent when he argues that the more we are bound to "an unalterable pursuit of our happiness in general, (...) the more we are free from any necessary determination of our will". Here, the use of the term "necessary" suggests that Locke means to say that the pursuit of happiness is the path to liberty as it frees us from any necessities that externally restrain our actions. Only after having our happiness clearly determined are we entirely free, as without such determination, which follows from suspension, we do not to our full ability achieve the power to do or forbear without restraint, the fullest achievement of happiness being only possible after having precisely determined our will (*Essay*, II.XXI, § 51).

What can we say about this in connection with Locke's political theory? Certainly, and following what we have said previously, that by agreeing to the contract, the signatories are following their pursuit of happiness and that this, just as Locke declared the pursuit of happiness would do, leads them directly to their liberty; the liberty being possible because of the fact that they have left the restraints of the state of nature behind them and engaged in a society that protects their power to do or forbear in accordance with the determination of their mind. In humans' hedonistic pursuit of their own

⁷ Following Locke's definition, this is not to say that they are then and therefore happy. However, there will then be additional pleasure present, which will add to happiness.

happiness, and here Locke's two theories are quite coherent, we can find their ability to pursue a free life within society.

4.2. Voluntary or Necessary Consent?

Locke's contract theory of a political society is based on the consent of those that form it. Because everyone is free in the state of nature, their consent is necessary in order for them to yield their liberty to a government. In other words, it needs to be voluntary for the contract to be agreed upon. In the *Essay*, Locke's thinking on the topic of voluntariness is essential to his understanding of liberty; we have seen that he believes it is only possible for a person to be free if her ability to act is entirely unrestrained by external influences, meaning that it is voluntary. At any given time in which this is not the case, a person's action is no longer voluntary, but necessary (*Essay*, II.XXI, § 8 – 10). Thus, if Locke claims that the social contract comes into existence through the free (think: voluntary) choice of its signatories, then they must have been under no necessity, that is, without any external restraint that would have forced them to sign in one way or another.

Let us now determine whether this is so. In the state of nature, humans are entirely free "to order their actions" (*TT*, II, § 4). In this then, Locke strictly and almost literally follows the definition that is originally given in the *Essay* of what constitutes liberty. But, despite being free, said humans are not, as Locke says, "in a state of licence"; instead, they are restricted by the law of nature (*TT*, II, § 6). From a hasty reading of the *Treatises*, this line of thought may seem perfectly clear: humans are, in the state of nature, entirely free except if they transgress the law of nature. But considering that to fulfill the definition of liberty in the *Essay* they must be free of external restraint, we are obliged to ask if the natural law constitutes such external restraint in any way. This brings us to the question of who is to enforce the natural law in Locke's theory. Strauss has argued (1953: 222) that "in order to be a law, the law of nature must have sanctions", meaning that the law of nature must be enforced by someone. Locke explicitly agrees (*TT*, II, § 7): "for the law of Nature would, as all other laws that concern men in this world, be in vain if there were nobody that in the state of Nature had a power to execute that law". He goes on to draw the inevitable conclusion from this, namely that if

everyone is perfectly equal, then everyone is also entitled to punish another. Strauss believes (1953: 229) that the state of nature is therefore not the portrayal of an actual historical circumstance, but a thought-experiment. It “formulates the conditions of peace or, more generally stated, of ‘public happiness’” and thus, when it is not in effect, “public misery” is the result, for which the cure is the social contract Locke envisions. How can we relate this to the decision about the signing of the contract, the liberty of which we are currently trying to determine? While the authority of the law of nature, especially following Strauss’ interpretation, is certainly no external restraint on liberty, the “public misery” may indeed constitute such an external restraint, thus limiting the essential liberty with which the contract is signed. This may seem counter-intuitive, as the danger that arises from the state of nature is the very reason why the signatories agree to the contract and not a restraint on their decision; but, as we will now see, the absence of an alternative due to external danger and thus the absence of a real choice in the matter is exactly what constitutes necessary as opposed to voluntary consent as Locke defines it.

At a first reading, Locke is very clear on the voluntariness of the signatories’ decision, claiming that only because they are free, can they waive their liberty and join the political body; therefore, when someone is signing the contract, this individual “seeks out and is willing to join in society”. What makes a person possess the will to give personal power and liberty up to a larger societal body is, as we have heard, the disorder in the state of nature (*TT*, IX, § 123). However, as previously suggested, this chaotic state of nature is indeed an external circumstance which is determinant of the decision to join society. Therefore we need to ask, whether what may seem voluntary and thus free, really does fulfill Locke’s definition of being at liberty in an action. One of Locke’s examples in the *Essay* to portray what he means by liberty is a man falling of a bridge after it broke apart under him. In this scenario, the man may will not to fall and thus be at liberty when it comes to volition; however, he is not free to end his fall and rise again, but must keep falling. Thus, he is not falling voluntarily, although theoretically, he very well could be if he were to will for him to fall down the bridge (*Essay*, II.XXI, § 9). If we compare this example with the contract signed to establish society, we can identify the man as the signatory, the fall as the signature and the earth’s

gravity, pulling down the man, as the disorder in the state of nature, which drives one into joining a political body.

The remaining question then is, whether this comparison is valid. If the disorder of the state of nature is not as determining as gravity is in the case of a man falling off a bridge, then it is not. Intuitively, one might say that, a human in the state of nature might simply walk away from the contract and not sign it; then, this person would continue to live freely, even if threatened by others in life, liberty and estates. Does Locke provide us with any evidence of this scenario being a possibility? In fact he does and even acknowledges that there may be those who do not live in a political society. But, again, he argues that this will never be the case for a prolonged time, as such people will be “quickly driven into society” by the many inconveniences they must endure due to the transgressions of power by others in the state of nature (*TT*, IX, § 127). It appears then, that the determinant that drives one to sign Locke’s social contract, the disorder in the state of nature, is not an immediate restraint on an otherwise voluntary decision, but nevertheless forces humans to sign it in the long run. To a certain extent, Locke introduces an element of inevitability to his theory and the concept of a contract. In terms of how much this may pose a serious challenge to his argument will be discussed later; but first, let us remain with the question about how and when an agreement can be expressed about Locke’s contract or, in other words, when a signatories consent can be regarded as given.

In academic literature, it has been widely discussed how literal the concept of consent is actually meant and how Locke responds to the objection that historically, consent has hardly ever actually been given to any government (Tuckness, 2016). As we have already seen, he establishes a distinction between explicit and tacit consent. Of course, the explicit consent is easily explained, although rarely seen, and we have discussed why humans enter the social contract, which is the ideal situation of consent as envisioned by Locke. With the tacit consent it is another matter; it is of a wholly different nature yet still needs to fulfill many of the characteristics of the explicit consent in order to be plausible. Importantly, the tacit consent needs to be just as freely given and thus, voluntary. It might already have become apparent to the reader that this is the next potential point of weakness in

Locke's thought: It is not all too hard to imagine how one could be quite involuntarily give tacit consent for fear of the consequences of doing the opposite. If we employ Locke's theory of the human will, which he claims is aligned to happiness, i.e. the multiplication of pleasure, the incoherency becomes clear. From a practical perspective, the effort of resistance that Locke demands of the unwilling members of a society would potentially be dangerous, thereby threatening their pleasure and thus, the happiness they are pursuing. Similarly, the social relations one has, all potential determinants of pleasure, may be severely impaired by one leaving an existing society. Surely, Locke would accept that this might be so, but that it is of less importance as the pleasure received from the signing of a new contract exceeds the pleasure that can be derived from the current situation. Therefore, this would only be a situation of conflicting wills, one in which the more pressing uneasiness would win out. However, whenever the will would be so determined as to cause such a reluctant person to stay in the polity, it can hardly be argued that the individual in that situation would thereby cease to disagree with said society. From the hedonist perspective Locke presents us with in the *Essay*, it is perfectly arguable that someone may receive more pleasure from remaining in a society than from resisting it; but it is at the very least unrealistic, if not entirely implausible, that such a person would be giving any political consent that can be regarded as providing legitimacy. In that case, the consent is no longer voluntary but necessary as a result of that person's circumstances. It is thus no longer free and the tacit consent that was given is being dispossessed of its original argumentative purpose, namely to legitimize the political power that must remain to be exercised under the government theorized by Locke. Dunn (1967: 176) has argued that the consent Locke means is not interchangeable with submission and that consent implies a choice. This is essentially Locke's own argument of voluntarism. Realistically though, it does not solve the problem of those members of a polity who will to remain as it is the less negative of two choices; Dunn refers to a presupposed external restraint that would make a real choice impossible. However, our argument here has been that the choice can be without restraint with regard to whatever outside restraint, but that only because one has willed for the polity out of the contemplation that it is the better option does not mean that said person believes it to be a good one,

let alone one that is compatible with one's pursuit of happiness. This is especially problematic for Locke's political theory because in it, consent legitimates power and is the only way for power to be morally wielded over someone. A member of society who consents because it is the better of two bad options, must certainly feel uneasy with being subject to political power she *barely* wills. In light of Locke's theory of the will then, we can argue that it is incoherent with the doctrine of tacit consent; a doctrine that it is, practically speaking, much more relevant than that of explicit consent.

4.3. Liberty through Suspension

We shall now return to our original question about the will in Locke's thought. So far, it has become clear that Locke believes humans to be generally free in their willing, in the sense that they are determined in it not by external forces, but by the uneasinesses they experience as a result of their desires. When it comes to the social contract and humans' agreement to sign it, we have seen that Locke is indeed coherent and implicitly follows his explanation from the *Essay* as to why humans behave in the one or the other way: their hedonistic nature causes them to feel uneasy about the disorder in the state of nature and thus determines their will to sign the contract. But does such a thorough contemplation and foresighted decision not contradict Locke's argument about the greater good, which is that humans are inherently unable to consider the longer-term outcomes of their actions, instead focusing on addressing present and urgent uneasinesses? One could indeed argue that the social contract is a greater good as defined by Locke. In fact, to sign the social contract, the signatories will have to overcome and waive the liberty they possessed prior to joining society, which would certainly be a severe present uneasiness. Following Locke's own argument, the human will would in such a situation be determined to decide for addressing the more apparent uneasiness, which would arguably be that of the loss of their liberty. Thus, the potential signatories would shy away from the contract. This of course relates to our previous discussion about the problem within Locke's argument of present and immediate determinations of the will as opposed to those that occur after due contemplation. Now, this issue resurfaces at the very heart of Locke's political theory.

The ability to consider an action before executing it can be found as an idea in Locke's doctrine of suspension. At its first mention in the chapter of *Power*, Locke does not immediately link this doctrine to the problem of the greater good. It is only later in his argument that he claims the suspension of an action in order to consider a greater good is the only way one may be at liberty to will, i.e. that it is the only situation in which one may forbear to will. In the case of the contract we can thus say that a potential signatory may suspend signing the contract in order to duly contemplate it first. Then, after having reached the conclusion that a greater good can be achieved through it, said signatory's will may change and prefer the act of signing and thus entering a political body to the act of remaining in the state of nature. Locke contends that during this process of consideration we essentially re-determine our objective of happiness, evaluating what choices will create the most pleasure and the least pain for us. Thus consideration drives us to new desires and, eventually, lets us perceive new and different uneasinesses, which then determine our will in a manner different than before (*Essay*, II.XXI, § 56).

In addition to enabling us to recognize the greater good, the power of suspension is also the source for the mistakes that we make, according to Locke. We have previously theorized that he perhaps does not quite allow for an alternative to the social contract; thus, and because he must think his own theory superior and therefore argue in favor of it, Locke must also hold that not agreeing to the contract is a mistake. How does such a mistake come into being if suspension will help us realize the greater good, that is, the contract? Locke claims (*Essay*, II.XXI, § 56) that if one is too hasty in a decision after he has suspended it, "wrong measures of good and evil" may be used and, eventually, happiness is not achieved due to miscalculated decision and the action that followed it. The mistake of not agreeing to the social contract would then simply be a misreckoning that occurred after the potential signatory had suspended the action of agreeing or disagreeing in order to contemplate about it more appropriately. In this case though, wrong criteria were applied for the decision and people may have failed to recognize what would have made them happy.

At this point, we have a much clearer picture of how the decision to sign or not to sign Locke's contract can be aligned with his philosophical work in the

Essay. Although the initial uneasiness about the signature may, in some cases, be immediately more urgent and cause us to will against the contract, suspension allows for the greater good to take precedence and readjust our uneasinesses, eventually causing us to enter into the political body. However, that same mechanism of suspension may also give birth to the (possibly rare) mistake of choosing to remain in the state of nature, as suspension equally allows for miscalculation and fallacies. In this lies, as was previously suggested, but must again be underlined here, the liberty with regard to the act of willing for Locke; humans are free to will one way or the other, as only their own uneasinesses can determine what their minds prefer. It should be obvious then, that when combined and compared, Locke's two theories from the *Treatises* and the *Essay* present us with a human being that freely chooses and indeed always must freely choose, the political system she enters into and does so according to whatever uneasiness she perceives and thus, what she wills. This freedom of choice is, arguably, one that is determined internally. The circumstances surrounding an individual may change and thus the uneasiness of an individual will also change. But suspension and everyone's individually different understanding of what leads to happiness allow the mind to remain at liberty when exercising its power to will. In this, as we have seen, Locke argues coherently; however, external aspects may restrict the power of liberty and this adds another layer to our discussion. Despite a liberty present in the determination of the will, no liberty can exist in signing the contract where restraint external factors prevents one from doing or forbearing in accordance with the will.

5. Conclusion

With regard to what we have found about the comparison between the *Essay* and the *Treatises*, we must now address again the essential difference between being at liberty when willing and being generally at liberty at something. It has become clear that Locke is partially coherent with regard to the freedom to will the contract: The uneasiness of the state of nature will certainly cause the signatories to perceive an uneasiness that determines their will so that they are convinced to sign it. In short, their hedonism and self-interest will lead them to pursue what is best: the safe and protected life of the new polity; in this, the *Essay* and the *Treatises* paint the same picture. Even further, the immediate uneasiness they could possibly feel due to the loss of their natural liberty can be overcome by the doctrine of suspension with which humans can withhold a decision and consider a greater good. In fact, Locke believes himself that through suspension, greater liberty can be achieved.

However, Locke's theory of the liberty of volition does not quite cohere with his doctrine of tacit consent. It can be argued that a person who is already part of a polity decides to remain in it out of self-interest, yet chooses this as the better of two bad options and thus, becomes a member of society that only formally consents; given that the meaning of consent is to provide legitimacy for the power a state has over its citizens, such weak consent is hardly plausible to provide legitimacy.

Now let us turn to the general liberty of joining: It has been shown that there is indeed an external restraint on the action of joining, which is the chaos and danger in the state of nature. Locke seems to be unable to accept that anyone would live outside a society for a prolonged period of time and thus, introduces a certain inevitability to his concept of the signatories' consent. This relates of course to their freedom to will the signature as well; however, the external restraint signifies that the necessity of signing is possibly even stronger than just forcing new uneasiness on the mind, meaning that it is an inescapable scenario of the natural state. With this, we arrive (back) at a problem that connects Locke's theory in the *Essay* with his political theory: Humans may be free to will the signing of the contract, but the disorder that drives them into signing it, all but proves that they also act under necessity

and are thus not voluntary or free actors. This also connects to the problem of the tacit consent and here we can find the liberty to will and the general liberty enjoined: The external restraint that results from an existing polity stands in the way of our pursuit of happiness and thus we choose not to resist, giving, almost unwillingly, tacit consent. Essentially, tacit consent is equivalent to the person in the room that is locked: the stay may be willing, but it is never voluntary. In fact, this particular problem is one of greater gravity than might be expected and potentially goes beyond Locke's work. The issue is an argumentative one: If the contract is to be an adequate point in the case for the legitimacy of the polity Locke envisions, then it must be a free choice. Why is that so? Because only the freedom of the signatories to choose the contract can allow the society that follows from it to take away the boundless liberty that existed in the state of nature and that humans naturally possess. This is simply the theory of consent of the governed. We have seen however, that Locke indeed presents the contract as somewhat inevitable and thus, the freedom of signing it is quite disputable at least with regard to how voluntary it is. Strauss' interpretation of the state of nature supports this notion: If the law of nature is a thought-experiment for explaining why a social contract is necessary, namely because the law will be transgressed eventually, thus requiring a polity to enforce it, then the signing of the contract is indeed all but inevitable. Possibly, Locke was as a narrator forced to construct his argument in this manner: on the one hand, the attempt to write a convincing theory required him to illustrate the necessity of a contract to the extent that it is almost inevitable. On the other hand, this has caused him to weaken the essential liberty of choice, which constitutes the (explicit) consent given by the signatories to the newly established polity.

What does this tell us about liberal democracy, a political system that was largely a result of John Locke's theoretical work? It tells us that if we assume a self-interested individual, humans will always find themselves in some sort of polity because such a structure will protect them and their rights. But, just like any other government, to provide that protection and, in fact, to be a stable political body, it must enforce its rules on its members. Inherent in Locke's political theory is the problem of making his political vision convincing and inevitable at the same time. The main issue here is the

tension between Locke's vision of a state, which claims to be built on consent, and the fact that the same state must still execute power over its subjects. Locke's way of escaping from that problem, namely the idea that we may freely give consent, is in so far insufficient as it can never be expected to be given by all members and without constraint. Therefore, some will be subject to power that they do not wish to be a subject to. Our application of Locke's philosophy to his political theory has shown as much, as it demonstrated the inherent difficulties of defining humans as free agents while at the same time arguing for their willing subjection to a state (or anything for that matter).

Regarding how liberalism post-Locke addressed this problem it may be briefly said that Immanuel Kant argued against a right of resistance and thus against the necessary consent of citizens (GE, 299 – 300), saying that those who make use of it place their own happiness above that of the rest of society (GE, 302 – 303). This, of course, sounds at the same time reminiscent of his deontological ethics but also of Locke's construction of a self-interested individual that must align their choices with their pursuit of happiness. Perhaps contrary to intuition however, Kant did not believe that only citizens' moral beliefs and their exercise of good ethics was the cure for this fallacy of liberalism. Instead, he famously argued that even a "people of devils" could build a good polity provided that they apply reason. All they need to do is to create and strictly abide by laws that balance private interest against each other (FR, 366 – 367). This solves Locke's problem in so far as it argues for the irrelevance of the personal conviction of the members of society (even to the extent that they might be devils) and that the "goodness" of a society really only depends on how well it is designed in terms of its laws.

Notwithstanding the challenges that were inherent in Locke's philosophy and besides its historical influence, it also brought two radical changes: a new concept of anti- authoritarianism and the idea of social equality. The former can be found in many parts of his work (Aarsleff, 1997: 258) and we have seen it especially in his *Treatise*. Hans Aarsleff has argued (1997: 258) that a new human autonomy became possible through Locke's empiricism and his attack on the principle of innate ideas. This was a direct renunciation of the valid understanding of the world at that time and "by banishing all thought of innate culpability and natural inferiority that had to be relieved by the intercession of traditionally sanctioned authorities, Locke gave mankind total

autonomy in the conduct of its affairs in this world”.

The latter change, the equality of all, although presumably already evident in his doctrine of natural rights, is one that can also be deduced from the anthropology of Locke’s *Essay*: Wood has argued (1983: 176) that the construction of humans as roughly of equal ability at birth has enabled their empowerment as equal in worth. This is a central thought and consequence of the enlightenment and it is inherent in Locke’s thought. The anti-authoritarianism and belief in natural equality is perfectly obvious to every reader not only of the *Treatises*, where it is explicitly stated, but also of the chapter of *Power* in the *Essay*. The hedonistic individual, satisfying its every uneasiness on the path to happiness, eventually achieves liberty through exactly that: pursuing happiness. In this, we may find a solution for Locke’s problem of the state that cannot be always consented to by everyone: If that is not possible, at least it can put the protection and cherishment of the individual and its free choices in the center of its purpose.

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