

# **‘A BURTHEN TOO HEAVY FOR HUMANE SUFFERANCE’: LOCKE ON REPUTATION**

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**Abstract:** Locke emphasised that a concern for reputation powerfully shaped the individual’s conduct. Most scholarship suggests that Locke portrayed this phenomenon in negative terms. This article complicates this picture. A concern for reputation served a constructive role in Locke’s theory of social development, which offered a powerful alternative explanation of the origins of moral consensus and political authority to Hobbes’. Locke nonetheless suggested that misunderstandings engendered in Christian commonwealths regarding the nature of political and religious authority had impacted negatively on the moral regulation of societies. The forces governing society, which once habituated individuals in beneficial ways, now led them astray.

**Keywords:** law of nature, civil law, divine law, sovereignty, political obligation, conscience, toleration, moral obligation, John Locke, Thomas Hobbes, atheism, Jesus Christ.

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In *An Essay concerning Human Understanding* (1689), John Locke declared that ‘he who imagines Commendation and Disgrace, not to be strong Motives on Men, to accommodate themselves to the Opinions and Rules of those, with whom they converse, seems little skill’d in the Nature, or History of Mankind’. It was ‘a Burthen too heavy for humane Sufferance’ to ‘live in Society, under the constant Dislike, and ill Opinion of his Familiars, and those he converses with’ (*E* 2.28.12).<sup>3</sup> For Locke, the concern to secure the good opinion of one’s neighbours was among the most powerful of human desires, and profoundly shaped the individual’s sense of self. Locke’s persistent concern with how the individual is shaped by and through his<sup>4</sup> interactions with others in society, as much recent scholarship has observed, casts doubt on the once-hegemonic interpretation of Locke as primarily ‘a philosopher of

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<sup>3</sup> *An Essay concerning Human Understanding*, ed. P.H. Nidditch (Oxford, 1975). References are provided in brackets in the text, in the following format: Book, Chapter, Section.

<sup>4</sup> In his writings Locke does not employ gender-neutral language. For reasons of clarity I follow his practice, given that this article combines lengthy citation with extended textual exposition.

atomised and abstracted individuals’.<sup>5</sup> Few serious students would now agree with John Plamenatz’s sweeping statement that, in his writings, Locke ‘does not trouble to enquire how [individuals] living together affects them psychologically and morally’.<sup>6</sup> Indeed, this verdict has been reversed by Hannah Dawson. ‘Far from controlling culture’, she suggests, on Locke’s account ‘individuals draw breath from it’.<sup>7</sup>

Much stimulating scholarship has focused on precisely this tension in Locke’s thought between his emphasis on the cognitive and ethical autonomy required for selfhood, political judgement and (most importantly) salvation, and his dynamic representation of the shaping of the human personality by conventional practices of social discipline and linguistic usage as inculcated through education, habit and repetition. Consequently, Locke has emerged as a rather more ‘equivocal’, ‘ambivalent’, ‘anxious’ and ‘disturbing’ figure in the history of philosophy than was once suspected – courageously (or foolishly) raising unsettling questions and far-reaching doubts, but unwilling (or unable) to offer any ‘easy solutions’ to them.<sup>8</sup> This more sceptical Locke was also keenly aware of the creative, constitutive power of language – which in part explains his declared hostility to the arts of rhetoric and eloquence as powerful tools of deception (*EHU* 3.10.34). Locke, however, was no stranger to those arts.<sup>9</sup> The pedagogical tone and intent of Locke’s writings on education have been identified and foregrounded in

<sup>5</sup> The phrase is James Tully’s: *A Discourse on Property: Locke and His Adversaries* (Cambridge, 1980), p. 24. The canonical interpretations in this regard – notwithstanding their significant divergences – are C.B. Macpherson, *The Political Theory of Possessive Individualism* (Oxford, 1962); and L. Strauss, *Natural Right and History* (Chicago, 1953), pp. 202-51.

<sup>6</sup> J. Plamenatz, *Man and Society: Political and Social Theories from Machiavelli to Marx* [1963], rvd edn (3 vols., London, 1992), i, p. 344.

<sup>7</sup> H. Dawson, *Locke, Language and Early-Modern Philosophy* (Cambridge, 2007), p. 297.

<sup>8</sup> The adjectives are drawn, respectively, from K.M. McClure, *Judging Rights: Lockean Politics and the Limits of Consent* (London, 1996), p. 287; J. Dunn, “‘Bright Enough For All Our Purposes’”: John Locke’s Conception of a Civilised Society’, *Notes and Records of the Royal Society of London*, 43 (1989), pp. 133-53 (on 153); U.S. Singh, *The Anxiety of Freedom: Imagination and Individuality in Locke’s Political Thought* (London, 1992); G. Schochet, ‘Toleration, Revolution, and Judgment in the Development of Locke’s Political Thought’, *Political Science*, 40:1 (1988), pp. 84-96 (on 95); and Dawson, *Locke, Language*, p. 276.

<sup>9</sup> For Locke’s appreciation of the creative power of language, see Dawson, *Locke, Language*, pp. 239-76; K.M. McClure, ‘Cato’s Retreat: *Fabula*, *Historia*, and the Question of Constitutionalism in Mr. Locke’s Anonymous *Essay on Government*’, in K. Sharpe & S.N. Zwicker (eds.), *Reading, Society and Politics in Early Modern England* (Cambridge, 2003), pp. 317-50; and T. Shanks, *Authority Figures: Rhetoric and Experience in John Locke’s Political Thought* (Pennsylvania, 2014).

recent readings of his epistemological, religious and political works.<sup>10</sup> Locke sought to cultivate his reader, and to encourage them to exercise their judgement on questions which ought to be of greatest concern to them as members of political and religious societies founded theoretically upon their voluntary consent and kept in check solely by their vigilance and capacity for informed critique. Locke, we are told, aimed to introduce a new ‘reasonable’ language of political justification founded upon probability. Precisely because Locke recognised the manner in which individuals are insensibly shaped by the societies in which they live – and the authoritative institutions dominant within them – any such reform *had* to be cultural as well as political.<sup>11</sup>

This article builds upon this recent body of Locke scholarship. The interpretation offered nonetheless diverges from it in significant ways, and offers an alternative perspective on Locke’s treatment of man’s desire for esteem and reputation. Locke scholars continue to suggest that, by and large, Locke considered the individual’s pervasive concern for esteem to be a negative characteristic of human nature. It allowed false (or at least unverifiable) opinions to be foisted on the individual’s mind from childhood. For this reason Locke exhorted the individual to ‘remake himself by methodological and disciplined action’ and thereby to reclaim his cognitive autonomy.<sup>12</sup> Reason and custom were in conflict for almost all individuals, who had not been fortunate enough to have been educated according to Locke’s blueprint.<sup>13</sup> Insofar as Locke reconceptualised men’s concern for reputation in more constructive and positive ways, indeed, he did so in his educational theory, the originality of which is to be found in his advice to parents to strengthen and manipulate their child’s concern for praise and

<sup>10</sup> See especially M. Button, *Contract, Culture, and Citizenship: Transformative Liberalism from Hobbes to Rawls* (Pennsylvania, 2009), pp. 87-172; S. Corneanu, *Regimens of the Mind: Boyle, Locke, and the Early Modern Cultural Animi Tradition* (London, 2011), pp. 141-68; R. Grant, *John Locke’s Liberalism* (Chicago, 1987); N. Tarcov, *Locke’s Education for Liberty* (Chicago, 1984); and L. Ward, *John Locke and Modern Life* (Cambridge, 2010).

<sup>11</sup> D. Casson, *Liberating Judgment: Fanatics, Skeptics, and John Locke’s Politics of Probability* (Princeton, 2011); and J. Smith, ‘Custom, Association, and the Mixed Mode: Locke’s Early Theory of Cultural Reproduction’, *English Literary History*, 73:4 (2006), pp. 831-53.

<sup>12</sup> C. Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA, 1989), pp. 159-76 (on 159).

<sup>13</sup> R. Grant, ‘John Locke on Custom’s Power and Reason’s Authority’, *The Review of Politics*, 74 (2012), pp. 607-29. For a long durée account of (largely negative) depictions of custom in the western philosophical tradition, cf. Donald R. Kelley, ‘“*Altera Natura*”: The Idea of Custom in Historical Perspective’, in J. Henry & S. Hutton (eds.), *New Perspectives on Renaissance Thought* (London, 1990), pp. 83-100.

aversion to blame as a means to habituate them to virtuous conduct.<sup>14</sup> In general, however, and in marked contrast to a later generation of philosophers such as Adam Smith, Locke's confidence in the mechanisms of social reproduction in an increasingly commercialised society was decidedly brittle.<sup>15</sup>

There is much truth to this. Locke does indeed urge his reader to wage war against the effects of education, custom and fashion, which have inculcated a way of thinking ('orthodoxy') that supports existing, often illegitimate structures of social power and cultural authority. This is especially true of Locke's later planned revisions to the *Essay*, including *Of the Conduct of the Understanding* (1706). As I hope to show, however, this is not the whole story. Locke was profoundly pessimistic about the individual's willingness and ability to detach himself from society in order to cultivate a 'love of Truth' and 'indifferency' for the opinions of others.<sup>16</sup> Paradoxical though it may appear, this pessimism was a necessary consequence of the highly *constructive* role Locke accorded to an all-pervasive desire for the good opinion of one's peers in his account of the origins and development of society.

If we are to grasp this point, we need first to recognise that Locke was as concerned as his contemporaries by Thomas Hobbes' startling account of the origins of society and human fellowship. Locke was profoundly preoccupied by the question of how men might arrive at knowledge of the law of nature without the need for magisterial imposition, given his thoroughgoing denial of innate ideas or man's natural predisposition to the good.<sup>17</sup> In his writings – including his private papers – Locke gestures towards a more naturalistic account of how individuals acquire moral knowledge, and a sense

<sup>14</sup> M.E. Brady, 'Locke's *Thoughts* on Reputation', *The Review of Politics*, 75 (2013), pp. 335-56; Ian Harris, *The Mind of John Locke* (Cambridge, 1994), pp. 280-89; Tarcov, *Education for Liberty*, pp. 96-107; and the editors' introduction to Locke, *Some Thoughts Concerning Education*, ed. J.W. Yolton & J.S. Yolton (Oxford, 1989).

<sup>15</sup> J. Dunn, 'From Applied Theology to Social Analysis: the Break between John Locke and the Scottish Enlightenment', in I. Hont & M. Ignatieff (eds.), *Wealth and Virtue: the Shaping of Political Economy in the Scottish Enlightenment* (Cambridge, 1983), pp. 119-36 (on 132-3). Even Smith remained committed to offering a theory of 'natural jurisprudence', which did not reduce the rules of morality and justice to mere social convention and utility: see *The Theory of Moral Sentiments* [1759], ed. A.L. Macfie & D.D. Raphael (Indianapolis, 1982), 7.4.37.

<sup>16</sup> *Of the Conduct of the Understanding* (1706), in *The Works of John Locke* (9 vols., London, 1794; repr. London, 1997), ii, p. 384. The *Conduct* was initially intended for the *Essay*, and would have made 'the largest chapter' in the work: Locke to William Molyneux, April 1697, in *The Correspondence of John Locke*, ed. E.S. de Beer (8 vols., Oxford, 1976-89), vi, #2243.

<sup>17</sup> As Kirstie McClure notes, Locke rephrased 'the question of natural law as a question of epistemology' (*Judging Rights*, p. 39).

of moral obligation, by living together in society.<sup>18</sup> Men's concern for reputation plays a central role in this story: it offered a powerful means of explaining how mutual co-operation – and hence the establishment of some degree of consensus as to right and wrong, good and ill – had been possible prior to government, which consequently remained accountable to this pre-existing moral community. In this regard, a desire for esteem potentially served a providential purpose: it allowed individuals, driven to judge and act largely by their self-regarding passions, nonetheless to take pleasure in actively assisting (and pleasing) others. In other words, a concern for reputation facilitated an (imperfect) harmony between private interest and the needs of the community, thereby encouraging men to perform their duties as enshrined in the (divinely-ordained) law of nature. This is certainly not to claim that Locke was willing to accept that morality had its origins in human convention and utility. This was, indeed, a claim he was determined to overthrow throughout his life, by arguing that genuine morality has an authority antecedent to political society and independent of its social utility. Yet Locke's emphasis on the relationship between men's desire for esteem and their (potentially beneficial) habituation in virtue in society remains an unmistakeable, innovative and largely neglected aspect of his thinking, and one that rewards closer analysis.

The first section of this article will examine the nature of Hobbes' challenge. The second explores how a (largely beneficial) concern for reputation occupies a crucial place in Locke's alternative explanation of the origins and development of society. The third section will explain why, for Locke, since the Christianisation of the Roman Empire a concern for reputation had largely ceased to play its positive function in guiding the individual into the path of virtue. Locke, in other words, offers a story of how reason and custom had come to be in conflict – something which had not previously been the case to the same extent – largely on account of the Christian magistrate's fundamentally misplaced desire to impose 'true' speculative moral and religious opinions on his subjects. This, in part, explains the

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<sup>18</sup> For a complementary discussion of this point, see H. Dawson, 'Natural Religion: Pufendorf and Locke on the Edge of Freedom and Reason', in Q. Skinner & M. Van Gelderen (eds.), *Freedom and the Construction of Europe* (Cambridge, 2013), pp. 115-33.

agonised strain of Locke's repeated call for individuals in specifically *Christian* societies to free themselves from the opinions imposed upon them through education, custom and fashion – and his pessimism that they would be willing or able to do so. Here the close relationship between Locke's writings of the 1680s is foregrounded: the *Essay*, *Treatises* and *Epistola de Tolerantia*. The final section will offer some concluding remarks, which indicate how the recovery of Locke's powerful yet complex evaluation of men's concern for reputation and its relationship to moral conduct further reinforces the insight of recent scholars that Locke's intellectual bequest to the eighteenth century was as stimulating as it was ambivalent.

## I

Locke's claim in 1697 that he had not read Hobbes with any degree of attention, and was unfamiliar with the arguments to be found in *Leviathan*, must be taken with a large pinch of salt.<sup>19</sup> Locke's earliest writings – the 'Two Tracts on Government' (c.1660-2) and his lectures on the law of nature (c.1663-4) – evince a familiarity both with Hobbes' arguments and with those of critics who had recently sought to formulate responses.<sup>20</sup> This is unsurprising. Locke's circle of acquaintances at Oxford, such as Gabriel Towerson and Robert Boyle, was deeply concerned to challenge the conclusions drawn by Hobbes from basic philosophical and theological premises which were broadly shared.<sup>21</sup> In late 1660 we find Locke exchanging papers with Towerson, fellow of All Souls, on the question which had been set centre-stage by the internecine strife which had plagued England from the 1640s, and which Hobbes had addressed in distinctive and troubling fashion: that of the foundations of the moral consensus

<sup>19</sup> *A Second Vindication of the Reasonableness of Christianity* (1697), in *Works*, vi, pp. 421-3. Locke's claim has implicitly been endorsed by commentators who, *contra* Strauss et al., have denied that Locke engaged directly with Hobbes at any point: P. Laslett, 'Introduction', to *Two Treatises of Government*, ed. P. Laslett (Cambridge, 1988), pp. 67-92. For a balanced reassessment of the Hobbes-Locke relationship, see Harris, *Mind of Locke*, pp. 4, 83-92; and T. Stanton, 'Hobbes and Locke on Natural Law and Jesus Christ', *History of Political Thought*, 29:1 (2008), pp. 65-88.

<sup>20</sup> Locke circulated his 'Tracts' and lectures in manuscript among acquaintances, but they remained unpublished in his lifetime: *Two Tracts on Government*, ed. P. Abrams (Cambridge, 1967); and *Essays on the Law of Nature*, ed. W. von Leyden (Oxford, 1954) [hereafter *ELN*].

<sup>21</sup> J. Parkin, *Taming the Leviathan. The Reception of the Political and Religious Ideas of Thomas Hobbes in England, 1640-1700* (Cambridge, 2007), pp. 200-237. This was also true for the Royal Society, to which Locke was elected in 1668: N. Malcolm, 'Hobbes and the Royal Society', in G.A.J. Rogers & A. Ryan (eds.), *Perspectives on Thomas Hobbes* (Oxford, 1988), pp. 43-66.

which was a precondition for all civil peace and order.<sup>22</sup> This was a question which continued to preoccupy Locke throughout his life.<sup>23</sup>

Hobbes argued that, because the individual's ideas of what was good or true were dictated by self-interest (what caused pleasure or pain) and custom (the teachings of self-interested others), consensus and mutual co-operation were impossible in the absence of undivided political authority. Reason did not afford man privileged access to a law of nature which, enshrining objective moral truths which were obligatory on every individual, provided the basis for consensus and civil society. Hobbes argued that the 'Democraticall principles' which had been espoused to ruinous effect by those who had challenged the royal supremacy derived from their reading of ancient Greek and Roman philosophers.<sup>24</sup> 'Of doctrines that dispose men to sedition', Hobbes declared in *De Cive* (1642), 'the first, without question is: *that knowledge of good or evil is a matter for individuals*'.<sup>25</sup> Society and civil peace were only possible once men recognised their duty to submit their private judgment to that of 'the publique Conscience': that is, once they surrendered their claim to identify moral and religious truths for themselves and submitted to the sovereign.<sup>26</sup> Hobbes argued that mankind, by reason alone, could know only of God's omnipotence, not of His attributes or will: the 'light of Nature' was silent on the question of eternal sanctions. As Hobbes famously declared in *Leviathan* (1651), 'God has no Ends': in a very real sense mankind had been left to its own devices.<sup>27</sup> Law, expressing in a clear and comprehensible manner the 'will' of a superior possessed of attributes which entitled him to command others, could only derive from the 'mortal God' (the sovereign). Consequently natural law, as with all laws, could only be said to have acquired legislative status – that is, it only gained its obligatory force – when promulgated '*by Word, Writing, or other sufficient Sign of the Will*' by the magistrate and accompanied by the sanctions of the

<sup>22</sup> See letters 104, 106, 115 and 118 (Oct. 1660–Apr. 1661) in *Correspondence of Locke*, i. For Locke's exchange with Towerson and a discussion of Locke's subsequent lectures, see Harris, *Mind of Locke*, pp. 75–107.

<sup>23</sup> G. Forster, *John Locke's Politics of Moral Consensus* (Cambridge, 2005).

<sup>24</sup> See, for one example, *Leviathan*, ed. N. Malcolm (3 vols., Oxford, 2012), ii, [Pt.] 2. [Ch.] 21, pp. 334–5.

<sup>25</sup> *De Cive*, ed. R. Tuck & trans. M. Silverthorne (Cambridge, 1998), [Ch.] 12. [Para.] 1, p. 131.

<sup>26</sup> *Leviathan*, ii, 2.29, p. 502.

<sup>27</sup> *Ibid.*, ii. 2.31, pp. 554–74 (on p. 564).

civil law. In the absence of sovereign authority, there was no law: ‘just’ and ‘unjust’ lost all meaning, and men’s ideas of right and wrong remained irretrievably subjective and mutually-contradictory.<sup>28</sup>

There is every reason to suggest that Locke largely accepted many of Hobbes’ insights which, it should be said, were by no means unique to Hobbes, who drew on broader currents of European sceptical (and absolutist) thinking.<sup>29</sup> Locke’s earliest correspondence betrays an unmistakable pessimism regarding the human condition. Locke declared that ‘tis our passions, that brutish part, that dispose of our thoughts and actions’, and agreed with Hobbes that men only defended as ‘true’ those claims which ‘suit with our affections’. All men’s professed ‘knowledge’ was mere ‘opinion moulded up between custom and interest, the two great luminaries of the world, the only lights they walk by’.<sup>30</sup> In the ‘Two Tracts’, Locke drew similar conclusions to Hobbes from these insights into human psychology when it came to political and religious authority. The ‘interests of both public peace and the growth and dignity of religion’, Locke argued, could only be secured by a prudent, caring, but ultimately unaccountable sovereign and a trusting and obedient citizenship.<sup>31</sup> The civil magistrate was no less fallible than his subjects when it came to identifying moral and religious truth. Yet he alone was able to provide an authoritative standard of good and ill, sacred and profane by which all of his subjects could agree to abide.<sup>32</sup>

By 1663-4, Locke had already adopted an empiricist position on knowledge acquisition. The ‘souls’ of men were ‘empty tablets’ at birth, which were afterwards ‘to be filled in by observation and reasoning’

<sup>28</sup> *Ibid.*, ii, 2.26, pp. 414-50, esp. p. 430: ‘For though it be naturally reasonable; yet it is by the Sovereign Power that it is Law: Otherwise, it were a great error, to call the Lawes of Nature unwritten Law’. For discussion, D. Undersrud, ‘On Natural Law and Civil Law in the Political Philosophy of Hobbes’, *History of Political Thought*, 35:4 (2014), pp. 683-716.

<sup>29</sup> Hobbes was familiar with the sceptical writings of Montaigne, Charron and Gassendi (among others), which similarly developed a hedonic account of human psychology and emphasised the diversity of moral practice. On moral scepticism in this period, see R.H. Popkin, *The History of Scepticism from Savonarola to Bayle*, rvd edn (Oxford, 2003); and R. Tuck, *Philosophy and Government 1572-1651* (Cambridge, 1993), pp. 26-36; and D. Carey, *Locke, Shaftesbury, and Hutcheson: Contesting Diversity in the Enlightenment and Beyond* (Cambridge, 2006), pp. 34-68.

<sup>30</sup> Locke to ‘Tom’, 20 Oct. 1659, in *Correspondence*, i, pp. 122-4. De Beer identified the ‘Tom’ in question as Thomas Westrowe, who had studied at Christ Church with Locke in the 1650s, but the evidence for this attribution is limited.

<sup>31</sup> ‘Second Tract on Government’ (c.1662), in *Two Tracts*, p. 218.

<sup>32</sup> The fallibility of the magistrate is discussed in a Latin manuscript of c.1661-2 denying the need for (or existence of) an infallible interpreter of Scripture – whether the Pope or the civil magistrate: PRO, Shaftesbury Papers, 30/24/47/33.



on the data of sense-experience (*ELN* 137). This led Locke to reject the doctrine of innate ideas: that is, the common claim that eternal ethical and religious truths were imprinted on men's minds, and elicited by an active exertion of the will.<sup>33</sup> Locke's lectures betray his extensive reading of travel literature, which indicated the sheer diversity of the moral and religious ideas and practices entertained by different societies, and showed how custom and public authority had sanctified the most shameful moral codes in even the most apparently civilised of nations (*ELN*, 160-79). This evidence also underpinned Locke's rejection of the doctrine of universal consent (*consensus omnia*), to which natural law theorists had recourse in claiming that all the wisest of men in all ages had arrived at fundamental, objective moral and religious truths.<sup>34</sup>

Locke's lectures of 1663-4 nonetheless indicate important disagreement with Hobbes on two particular points. First, Locke maintained that the law of nature enshrined eternal moral precepts which, obligatory on all mankind, were in principle accessible to every individual. This claim rested on the assumption that reason was sufficient to establish the legislative capacity and will of God (His 'Ends') – and the gratitude owed to him by His creatures – rather than merely His existence and power (as for Hobbes).<sup>35</sup> Reason, which Locke referred to as 'natural revelation', could verify the divine origin of the Scriptures; and, working in tandem, reason and Scripture allowed for sufficient knowledge of God's attributes and commands, and of the sanctions which rendered the duties He imposed on mankind obligatory (a future state of rewards and punishments).<sup>36</sup> Second, and in contrast to his position in the

<sup>33</sup> J. Colman, 'Locke's Empiricist Theory of the Law of Nature', in P.R. Anstey (ed.), *The Philosophy of John Locke: New Perspectives* (London, 2003), pp. 106-26; Harris, *Mind of Locke*, pp. 81-2; and J.W. Yolton, *John Locke and the Way of Ideas* (Oxford, 1956).

<sup>34</sup> Carey, *Contesting Diversity*, pp. 34-68.

<sup>35</sup> Contrast to Hobbes, *Leviathan*, ii, 2.31, p. 558: 'The Right of Nature, whereby God reigneth over men, and punisheth those that break his Lawes, is to be derived, not from his Creating them, as if he required obedience, as of Gratitude for his benefits; but from his *Irresistable Power*. [...] To those therefore whose Power is irresistible, the dominion of all men adhaereth naturally by their excellence of Power; and consequently it is from that Power, that the Kingdome over men, and the Right of afflicting men at his pleasure, belongeth Naturally to God Almighty; not as Creator, and Gracious; but as Omnipotent.' M. Ayers, *Locke: Epistemology and Ontology* (2 vols., London, 1991), ii, pp. 192-3 & n. 124, observes that Locke sought to reject Hobbes's position on this fundamental point.

<sup>36</sup> In his lectures, Locke claimed that 'even if God and the soul's immortality are not moral propositions and laws of nature, nevertheless they must necessarily be presupposed if natural law is to exist', a stance Locke maintained throughout his mature writings (*ELN*, 173). Many commentators present Locke as initially confident that reason *alone* could acquire these cardinal moral-theological truths, only to suffer a 'private failure of nerve' late in life which saw him

‘Two Tracts’, Locke cautioned that men ought not meekly to follow the opinions of others – potentially including the civil magistrate – on moral and religious questions. Their ultimate accountability was to their Creator and divine legislator, not to Hobbes’ ‘mortal God’. Locke adopted a position which he would develop in all of his subsequent writings: the individual had to employ his ‘labour’ to acquire knowledge of natural law, which alone might offer normative ‘rules by which to live’. This required the critical evaluation of those ‘opinions [which] have crept into our minds with but little attention on our part’ (*ELN*, 143). In Locke’s final lecture, he noted that ‘the rightness of an action does not depend on its utility; on the contrary, its utility is a result of its rightness’ (*ELN*, 215). This claim – whatever is useful is so because of its accordance with truth, not *vice versa* – hints at the teleological dimension of Locke’s thinking, which would become more apparent when he returned to this point in the *Essay*. As the next section will show, ‘utility’ nonetheless occupies a crucial place in Locke’s attempt to offer a more comprehensive response to Hobbes on the origins of moral consensus and political authority, and on the relationship between human and divine (natural) law.

## II

At the outset of the *Essay*, Locke identified ‘three Sorts’ of ‘Moral Rules, or Laws’ that had been established by philosophers to explain men’s sense of obligation to adhere to compacts. Each ‘Law’ was accompanied by its own sanctions. The first, and for Locke the only true law was that of the Christian: God required it of His created beings, and would hold the individual accountable for his moral actions on the Day of Judgment. The second law was that of the ‘Hobbist’: ‘because the Publick requires it, and the *Leviathan* will punish you, if you do not’. The third law was provided by ‘the old *Heathen*

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turn to revelation (J. Dunn, ‘Justice and the Interpretation of Locke’s Political Theory’, *Political Studies*, 16 (1968), pp. 68–87 (on 84)). There is an extensive literature on this subject, and insufficient opportunity to engage properly with it here. It is, however, unclear that Locke saw things in as binary terms as modern, secular commentators. It is surely worth noting that, as early as 1661/2, Locke warned that ‘the greatest caution should be taken lest, having trusted too much in our reason, we neglect faith, and, by not having given due regard to the mysteries of the gospel, we embrace philosophy instead of religion’ (PRO 30/24/47/33; translation from Mark Goldie (ed.), *Locke: Political Essays* (Cambridge, 1997), p. 209). In a similar vein, in his journal of 1677 we find Locke declaring that ‘[t]he knowledg we acquire in this world I am apt to thinke extends not beyond the limits of this life. The beatific vision of the other life needs not the help of this dim twilight’ (MS Locke f. 2, p. 107 (3 April 1677)).

philosophers', most notably the Stoics, who argued that to do so was honest, and suitable to the dignity and perfection of a rational creature (*EHU* 1.3.5). The first rule was denominated 'the *Divine* Law', and concerned itself with sin and duty; the second 'the *Civil* Law', demarcating crimes and innocence; and the third was originally termed by Locke 'the *philosophical* Law', but from the second edition (1694) was renamed the 'Law of *Opinion* or *Reputation*', and was preoccupied with virtue and vice (*EHU* 2.28.7-10). The sanctions enforcing the 'Law of *Reputation*' were praise and blame. These were in practice the most powerful of all in shaping men's conduct. Regrettably few individuals reflected upon God's laws and the terrible punishments of a future state. Even those who did might 'entertain Thoughts of future reconciliation, and making their Peace for such Breaches'. When it came to 'the *Civil* Law' upon which Hobbes placed such emphasis, men 'frequently flatter themselves with the hopes of Impunity'. Yet 'no Man escapes the Punishment of Censure and Dislike, who offends against the Fashion and Opinion of the Company he keeps, and would recommend himself to'. Few could bear the burden of living in disrepute (*EHU* 2.28.12).

A number of scholars have discussed Locke's 'three laws', and noted the emphasis he placed on the efficacy of the 'Law of *Reputation*'.<sup>37</sup> James Tully offers the most concerted, stimulating – and provocative discussion of the work these 'Rules, or Laws' are made to do in Locke's account of moral conduct.<sup>38</sup> Locke's innovation, Tully suggests, was to 'translate humanism, its virtues and vices and motives of honour, praise, glory and reputation, into his juridical framework'. Tully suggests that no parallel to this 'remarkable conceptual innovation' can be found in the seventeenth century. This supports his overall argument that Locke was a leading architect of the modern conception of the individual 'self' as the product of assiduous self-discipline on pain of external disapproval (if also, for

<sup>37</sup> Ayers, *Locke*, ii, pp. 185-7; Brady, 'Locke's *Thoughts*', pp. 345-50; Dawson, *Locke, Language*, pp. 218-38, 272-4; McClure, *Judging Rights*, pp. 215-47; and T. Stanton, 'Authority and Freedom in the Interpretation of Locke's Political Theory', *Political Theory*, 39:1 (Feb. 2011), pp. 6-30.

<sup>38</sup> J. Tully, 'Governing Conduct', in E. Leites (ed.), *Conscience and Casuistry in Early-Modern Europe* (Cambridge, 1988), pp. 12-71, reprinted in *idem*, *An Approach to Political Philosophy: Locke in Contexts* (Cambridge, 1993), pp. 179-241. For further scattered remarks – not always consistent with the interpretation in 'Governing Conduct' – see *Locke in Contexts*, pp. 62-8, 281-314.

Locke, for fear of eternal punishment).<sup>39</sup> Yet as Tully observes, Locke's emphasis on the tyrannical reach of the 'Law of *Reputation*' reflected a concerted meditation on the subject from the mid-1670s. During his first tour of France, in 1675-7, Locke translated three of the French Jansenist Pierre Nicole's recently-published *Essais de Morale* (1671). In the third of these essays, 'A Treatise concerning the Way of Preserving Peace with Men', Nicole similarly foregrounded the desire for reputation in explaining why men felt obligated to adhere to the moral codes which prevailed in their societies: that is, he similarly placed the humanist virtues and vices within a juridical framework, a point ignored by Tully.<sup>40</sup> As would Locke in the *Essay*, Nicole distinguished between three types of law. The first was God's law [*lois de justice*], which was absolute, inflexible and followed solely by the regenerate few. The second type was civil law [*lois expresses*], which was strictly limited in its scope and reach. The third type of law was in practice the most important in regulating men's conduct in society. This was 'the law of decency [*lois de bienséance*]', which is founded on the common consent of men, who have agreed to condemn those, who offend against it'. This law, firmly of man's own making, enforced a code of civility ('les devoirs de civilité') which encouraged many of those virtues that were enjoined by Christian charity (generosity, humility, temperance).

Nicole's Augustinian theological commitments shaped his profoundly negative evaluation of the *lois de bienséance*.<sup>41</sup> True virtue inhered in moral actions performed from a sincere love of God, which only recipients of divine grace possessed. Yet this law was followed for entirely the opposite reason (self-love), rewarding well-bred men ('les honnêtes gens') with the praise of their neighbours and punishing those who transgressed with scorn and contempt. Almost all men were motivated to perform their

<sup>39</sup> Tully, 'Governing Conduct' (1993), pp. 210, 213; the essay is offered *in memoriam* of Michel Foucault, which partly explains the distinctive perspective it adopts.

<sup>40</sup> 'A Treatise concerning the Way of Preserving Peace with Men', in *John Locke as Translator: Three of the Essais of Pierre Nicole in French and English*, ed. J.S. Yolton (Oxford, 2000), pp. 115-259, where the French original is presented alongside Locke's translation. Locke split the essay (as Nicole did not) into two, with separate paragraph numbering. Locke's translation has received relatively little historical attention, but see Ayers, *Locke*, ii, pp. 186-7; Harris, *Mind of Locke*, pp. 282-8, 384-7; and J. Marshall, *John Locke: Resistance, Religion and Responsibility* (Cambridge, 1994), pp. 131-7, 178-86.

<sup>41</sup> For contextual treatments of Nicole's moral theory, see E.D. James, *Pierre Nicole, Jansenist and Humanist: A Study of his Thought* (The Hague, 1972), pp. 99-136; N. Keohane, *Philosophy and the State in France* (Princeton, 1980), pp. 262-317; and M. Moriarty, *Disguised Vices: Theories of Virtue in Early Modern French Thought* (Oxford, 2011), pp. 241-52.

duties by a concern for the good opinion of others ('the insipid considerations of the creatures'), and this 'cannot but render his performances lesse acceptable to his creator'. Society engulfed men further in sin and self-idolatry.<sup>42</sup> Nicole was nonetheless willing to accept that even as 'the virtues purely humane are but weaknesses', these impure motives might be considered within the context of what he termed God's 'grâce générale'.<sup>43</sup> This was the means employed by God to lead men to act responsibly in their dealings with others, even as they deserved no credit whatsoever for having done so. Ultimately, however, Nicole's understanding of sin and redemption led him to consider the 'law of decency' to lead men away from, rather than towards God and moral truth.<sup>44</sup> Nicole reinforced a rigid (and, in the absence of grace, unbridgeable) distinction between moral action and motive, and between 'honnêteté humaine' (acquired, natural virtue) and 'honnêteté parfait' (the virtue of the elect).

Locke's eventual presentation of the 'three laws' in the *Essay* differed markedly from Nicole's; and this divergence invites an alternative – but not necessarily conflicting – interpretation to that offered by Tully. Locke, in short, offered a far more positive evaluation of the *lois de bienséance*. For Locke, there was no necessary conflict between the three laws, all of which potentially led men to the performance of their duties under natural law (to oneself, God and one another). There is no mention by Locke of the need for an infusion of divine grace for men to lead a truly moral life.<sup>45</sup> Men's desires no less than their reason constituted a crucial part of their divinely created nature. Almost all men considered a good reputation to be essential to their happiness in this life; and this was a verdict which Locke, unlike Nicole or Pascal, neither denied nor considered to be irreconcilable with Christian soteriology. Locke's journal entries from the later 1670s offer us a privileged insight into the development of Locke's

<sup>42</sup> 'Preserving Peace', in *Locke as Translator*, 2.82-91; 2.42-3.

<sup>43</sup> 'A Discourse on the Weaknesse of Man', in *ibid.*, pp. 43-113: [para] 61.

<sup>44</sup> This tension within Nicole's moral theory is discussed in illuminating fashion by J. Herdt, *Putting on Virtue: The Legacy of the Splendid Vices* (London, 2008), pp. 249-61.

<sup>45</sup> In his third lecture of 1663-4, Locke noted that the question of the Fall 'does not particularly concern philosophers', a position he would maintain even as he might have remained torn on the issue throughout his life (*ELN*, p. 139). For Locke's position on the question of original sin, compare and reconcile I. Harris, 'The Politics of Christianity', in G.A.J. Rogers (ed.), *Locke's Philosophy: Content and Context* (Oxford, 1994), pp. 197-215; Marshall, *Religion and Responsibility*, pp. 141-6; V. Nuovo, *Christianity, Antiquity and Enlightenment: Interpretations of Locke* (London, 2011), pp. 21-52; and W.M. Spellman, *John Locke and the Problem of Depravity* (Oxford, 1988).

thinking on this head. They show Locke preoccupied with working through the implications for morality of a hedonic psychology, and particularly focused on the strength and consequences of man's craving for esteem. Here Locke betrayed his close reading of French authors such as Nicole and Pierre Gassendi.<sup>46</sup> Another important interlocutor, however, was the Anglican theologian Richard Hooker – Locke observed that Book I of his monumental *Laws of Ecclesiastical Polity* (1594), by 'inlarging' the conventional 'sense' of law, termed 'any kinde of rule or Canon whereby actions are framed a law'. This enlargement perhaps vindicated Locke's own subsequent presentation of opinion as a 'law'.<sup>47</sup> By 1678, Locke's conception of the 'three laws' was in place.<sup>48</sup>

In a journal entry of 1675, Locke reaffirmed Nicole's emphasis on the superior efficacy of a concern for reputation over a love of God: 'The 1<sup>st</sup> Question, every man ought to aske in all things he doth, or undertakes; is, how is this acceptable to God? But the first Question most men ask, is, how will this render me to my Company, and those, whose esteeme I value?'<sup>49</sup> Locke returned to this point in 1678: 'The principle spring from which the actions of men take their rise, the rule they conduct them by, & the end to which they direct them seeme to be credit and reputation'. So powerful was this concern that he who 'wou[ll]d governe the world well had need consider rather what fashions he makes then what laws & to bring anything into use he need only give it reputation'.<sup>50</sup> Yet this law of opinion, Locke argued, served a useful, even indispensable role in a variety of respects, precisely because it could *not* be imposed or easily manipulated by the civil magistrate. Locke's explanation of the functioning of the 'Law of Opinion' was, for want of a better description, 'bottom-up' rather than 'top-down'. 'There are', Locke observed in 1677, 'several things to be introduced by custom & fashion which are of great use

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<sup>46</sup> Locke's development of a hedonic theory of motivation was almost certainly informed by Pierre Gassendi's writings on the subject. For the most forceful statement of Locke's intellectual debt to Gassendi, see T.M. Lennon, *The Battle of the Gods and Giants: The Legacies of Descartes and Gassendi, 1655-1715* (Princeton, 1993), pp. 149-90.

<sup>47</sup> Locke's journal from 1680 shows that he purchased the *Ecclesiastical Polity* on 13 June; his reflections on Hooker's conception of law can be found in an entry dated 26 June: MS Locke f.4, pp. 67, 73-7 (on 74). The 'judicious Hooker' is a similarly presiding presence in Locke's discussion of law in the second *Treatise* (TT II: §15).

<sup>48</sup> See the Latin manuscript entitled 'Lex Triplex', MS Locke f.3, p. 201 (15 July 1678); reiterated at f.5, pp. 86-7.

<sup>49</sup> MS Locke c.27, f.30<sup>r</sup> (1675).

<sup>50</sup> MS Locke f.3, pp. 381-2 (12 Dec. 1678).

and yet cannot be well established by laws'.<sup>51</sup> Those virtues which made life in society pleasurable – such as 'civility, charity, liberality', which Locke valued very highly indeed – necessarily existed independently of retributive justice and could not be dictated or enforced by civil law.<sup>52</sup> In the far from Utopian commonwealth outlined in journal entries entitled 'Atlantis', Locke further noted the efficacy and importance of the communal enforcement of moral discipline in a manner which might have chimed with his early-modern English readers, who were well-acquainted with the extensive practice of neighbourhood self-government.<sup>53</sup> 'Every man being a watch upon his neighbour', Locke argued, 'faults will be prevented, which is better than that they should be punished'. 'More things', he continued, 'for the good of the publique are to be introduced by custome & fashion then by law & punishment'.<sup>54</sup>

Locke's commonplace book from 1679 also reveals his keen interest at this time in the quintessential humanist guidebook to good breeding, Baldassare Castiglione's *Libro del Cortegiano* (1528). Locke was drawn to the psychological insights it offered – not least that 'we all love commendations & very hardly defend our selves from flattery'.<sup>55</sup> Here it is important to note Locke's conviction that human nature could, properly examined, reveal information about God's 'Ends'. As he noted in 1676, 'God has [so] framed the constitutions of our minds and bodies that several things are apt to produce in them pleasure and pain, delight and trouble, by ways that we know not, but for ends suitable to his goodness and wisdom'.<sup>56</sup> Locke's thought was structured at every level by a divine teleology: this point is essential for an understanding of why Locke's evaluation of men's desire for others' approval was far more

<sup>51</sup> British Library Additional Manuscripts [BL Add. MS] 15,642, p. 22 (22 Feb. 1679).

<sup>52</sup> MS Locke c.28, f. 140<sup>v</sup> (c. 1677-8). For Locke's (entirely conventional) regard for these virtues, see Harris, *Mind of Locke*, pp. 17-44, 252-89; and Marshall, *Religion and Responsibility*, pp. 157-204, 292-326.

<sup>53</sup> As noted by McClure, *Judging Rights*, pp. 137-43. For local government in this period, C. J. Clover, 'Law and the Order of Popular Culture', in A. Sarat & T.R. Kerns (eds.), *Law in the Domains of Culture* (Ann Arbor, MI, 1998), pp. 97-119; and Steve Hindle, *The State and Social Change in Early Modern England, c. 1550-1640* (New York, 2000), pp. 94-115.

<sup>54</sup> MS Locke f.2, pp. 297-8 (14 Oct. 1677); c.42B, p. 36 (1679).

<sup>55</sup> MS Locke d.1, p. 57 (1679), though cf. p. 29 (on friendship) and p. 65 (on *sprezzatura* as the product of imitative repetition and self-discipline). Locke owned three editions of the work, one in Italian (1547) and two in Latin (1577, 1619): *The Library of John Locke*, ed. J. Harrison & P. Laslett, 2nd edn (Oxford, 1971), nos. 626-627a. For the remarkable European influence of the *Cortegiano* in the early-modern period, see P. Burke, *The Fortunes of a Courtier* (Cambridge, 1995).

<sup>56</sup> MS Locke f.1, pp. 325-6 (16 July 1676). This entry is in shorthand, and I use Von Leyden's transcription in *ELN*, p. 265.

positive than Nicole's (or indeed any other contemporary moral theorist).<sup>57</sup> God, Locke repeatedly insisted, did nothing in vain, and to reflect on human nature and man's natural desires was to gain an understanding of His purposes for His created beings: 'we can infer the principle and a definite rule of our duty from man's own constitution and the faculties with which he is equipped' (*ELN*, 157).<sup>58</sup> Castiglione recognised the craving for esteem to be among the strongest of human desires; and Locke, in turn, provided an explanation of how it led mankind to serve the ends for which they had been created.

In an important journal entry of 1681, Locke noted that men were moved solely by a desire for pleasure and aversion to pain, and that their passions were overwhelmingly self-regarding.<sup>59</sup> In their natural state men were inherently solipsistic, and considered as 'good' whatever advanced their immediate interests. Yet 'since men in society are in a far different estate than when considered single and alone, the instances and measures of virtue and vice are very different'. In explaining this, the desire for esteem was crucial. Locke observed that a good reputation was advantageous to the individual – a point made strongly by Castiglione as by Cicero (on whose *De Officiis* and *De Oratore* the *Cortegiano* was modelled).<sup>60</sup> It furnished him with 'a sort of moral strength, whereby a man is enabled to do, as it were, by an augmented force, that which others, of equal natural parts and natural power, cannot do without it'. The lack of esteem, conversely, 'makes a man incapable of having the authority, and doing the good, which otherwise he might'.<sup>61</sup> If this was something of a humanist commonplace, however, the novelty of Locke's interpretation lay in his emphasis on its social function. A concern for reputation led men to

<sup>57</sup> For discussion, see T. Stanton, 'Natural Law, Nonconformity, and Toleration: Two Stages on Locke's Way', and I. Harris, 'John Locke and Natural Law: Free Worship and Toleration', in J. Parkin & T. Stanton (eds.), *Natural Law and Toleration in the Early Enlightenment* (Oxford, 2013), pp. 25-57, 59-105.

<sup>58</sup> This point is well expressed by Forster: 'Because human nature was made by God, it can show us God's moral plan for humanity' (*Moral Consensus*, p. 11); see, too, Ayers, *Locke*, ii, p. 187; Dawson, *Locke, Language*, pp. 278-9.

<sup>59</sup> MS Film 77, pp. 10-11 (1681).

<sup>60</sup> J. Richards, 'Assumed Simplicity and the Critique of Nobility: Or, How Castiglione Read Cicero', *Renaissance Quarterly*, 54:2 (2001), pp. 460-86. For Locke's abundantly testified reverence for Cicero, see Marshall, *John Locke*, pp. 157-204, 292-326; and Phillip Mitsis, 'Locke's Offices', in J. Miller & B. Inwood (eds.), *Hellenistic and Early Modern Philosophy* (Cambridge, 2003), pp. 45-61. For Locke's broader engagement with humanist rhetorical techniques and arguments for toleration, see G. Remer, *Humanism and the Rhetoric of Toleration* (Pennsylvania, 1996), pp. 203-48.

<sup>61</sup> MS Film 77, pp. 10-11 (1681).



take pleasure (and so find their interest) in ‘civility, charity, liberality’, as they basked in the warm glow of others’ admiration. As Locke had commented in 1663-4, ‘a great number of virtues, and the best of them, consist only in this: that we do good to others at our own loss’ (*ELN*, 150). ‘Reputation’, Locke observed, ‘I finde every body is pleased with’; and this provided Locke with a means of explaining *why*, in practice, men might be motivated to ‘do good to others’. Locke made no bones about it: individuals were motivated to the ‘best’ of the virtues by self-interest – even if the truly virtuous did so from a love of their Creator – and there was nothing inherently wrong with this. ‘If then happinesse be our interest end & business’, Locke declared in 1692, ‘tis evident the way to it is to love our neighbour as our self, for by that means we enlarge & secure our pleasures, since then all the good we doe to them redoubles upon our selves & gives us an undecaying & uninterrupted pleasure’.<sup>62</sup> Any ‘loss’ incurred by the virtuous man was more than compensated for by the pleasure derived from esteem.

This process, Locke emphasised, was an overwhelmingly good thing: ‘if well considered, [it] will give us better boundaries of virtue and vice than curious questions stated with the nicest distinctions’. A case in point was female ‘modesty’. ‘Many things’, Locke argued, ‘naturally become vices in society, which without that would be innocent actions’. Female promiscuity was not clearly proscribed by either ‘nature or reason’: ‘modesty, the great virtue of the weaker sex, has often other rules and bounds set by custom and reputation, than what it has by direct instances of the law of nature or in a solitude or an estate separate from this or that society’. It was solely her concern to avoid ‘any blemish on her reputation’ that led a woman to take pleasure in a monogamous relationship, thereby dedicating herself to ‘the chief end of her being, the propagation of mankind’ (a fundamental duty emphasised in the *Treatises*).<sup>63</sup> This illustrated how the individual’s sense of their ‘interest’ and ‘happiness’ altered significantly and beneficially in society. Meanwhile the conventional and communally-enforced ‘Law of Reputation’ was contingent, and evolved – quite naturally – according to what was found to be in the public good, as Locke observed in 1678: ‘That vertue is but the name of such actions as are most

<sup>62</sup> MS Locke c.42B, p. 224 (1692).

<sup>63</sup> MS Film 77, pp. 10-11 (1681); see, too, BL Add MS 15,642, p. 22 (1679).

conducing to the good of society & are therefor by the society recommended by all meanes to the practise of the people seems to me very plain'.<sup>64</sup>

Locke's thinking about the 'Law of *Reputation*' was given its fullest expression in the *Essay*. In an early (1671) draft of this work, prior to his development of the concept of a 'law' of opinion, Locke had noted that even 'if there were noe law noe punishment noe obligation humane or divine, yet there must & would be in the societys of men notions of virtues & vices Justice temperance & Fortitude &c'.<sup>65</sup> This is what the 'Law of *Reputation*' allowed Locke, in 1689, to explain. Locke agreed with Nicole that ideas of virtue and vice denominated 'nothing else, but that, which has the allowance of publick Esteem' (*EHU* 2.28.10-11). Yet the 'Law of *Reputation*' was not arbitrary: it developed on the basis of what a particular society found beneficial and advantageous in furthering its own ends. It followed that moral distinctions differed between societies separated in space and time, since practices that were found necessary and advantageous to one might prove disastrous to another. In 'Of Ethick in General', originally composed as a chapter to be included in the *Essay*, Locke reduced these variations to a 'generall rule'. 'Those actions are esteemed virtuous', Locke declared, 'which are thought absolutely necessary to the preservation of societys, & those that disturb or dissolve the Bonds of community are every where esteemed ill & vitious'.<sup>66</sup> At this point in his argument Locke returned to the question of the relationship between utility and truth, and human and divine law, with which he had ended his lectures of 1663-4. Locke argued that God in his goodness had, 'by an inseparable connexion, joined *Virtue* and publick Happiness together; and made the Practice thereof, necessary to the preservation of Society, and visibly *beneficial* to all, with whom the Virtuous Man has to do' (*EHU* 1.3.6). Locke emphasised that there was 'nothing that so directly, and visibly secures, and advances the general Good of Mankind in this World, as Obedience to the Laws, [God] has set them, and nothing that breeds such Mischiefs and Confusion, as the neglect of them' (*EHU* 2.28.11). As a consequence of God's design, in

<sup>64</sup> MS Locke f.3, pp. 266-7 (26 Aug. 1678).

<sup>65</sup> 'Draft A' (1671), in *Drafts for the Essay concerning Human Understanding, and Other Philosophical Writings*, ed. P.H. Nidditch & G.A.J. Rogers (Oxford, 1990), §25, p. 41.

<sup>66</sup> MS Locke c.28, f. 148.

seeking collectively to improve their lot in this life men in society invariably behaved in ways broadly conformable to the laws ‘set’ for them by God.

To be sure, Hobbes was quite right to conclude that ‘Men’s Appetites’ would, ‘if left to their full swing, [...] carry Men to the over-turning of all Morality’. Locke, in the *Essay* and the first *Treatise*, presented innumerable ‘tales of the wandering undead, cannibalistic rituals, and castrating fathers’ to make precisely this point.<sup>67</sup> Yet the ‘Law of *Reputation*’ could nonetheless serve effectively, insensibly and quite naturally to render men’s sense of their own interest broadly conformable to that of the society of which they were a part, so concerned were they to win the approval of others. It was by this means that Locke was able to explain, as against Hobbes, how a degree of consensus and mutual co-operation had been possible prior to the instantiation of positive law. This powerful desire to win the esteem of others (‘glory’) was considered eminently dangerous by Hobbes, as the quest to have others recognise one’s superiority was one cause of conflict between men in their natural state.<sup>68</sup> In marked contrast it allowed Locke to explain how society had been possible prior to – and without the need for – political authority.<sup>69</sup> It rendered the Lockean individual pliable, and ensured that his estimations of what was pleasurable or painful were shaped in socially-beneficial ways through his interaction with others.

Locke’s understanding of the crucial role played by the ‘Law of *Reputation*’ in leading men to perform their duties under natural law impacted upon his understanding of the jurisdiction and role of political authority in important ways. Locke argued that men’s largely pre-reflective sense of what could contribute to their temporal happiness was infallible. ‘As to their present Happiness, or Misery’, Locke noted, ‘when that alone comes into Consideration, a Man never chuses amiss’, because ‘Things in their present enjoyment, are what they seem; the apparent and real good are, in this case, always the same’ (*EHU* 2.21.58). Locke evidently considered the same to be true for entire societies so long as moral

<sup>67</sup> Shanks, *Authority Figures*, p. 85, who offers a perceptive interpretation of the purpose of Locke’s grotesque and fabulous tableaux.

<sup>68</sup> ‘In the nature of man, we find three principall causes of quarrel. First, competition; Secondly, Diffidence; Thirdly, Glory. The first, maketh men invade for Gain; the second, for Safety; and the third, for Reputation’: *Leviathan*, 1.13, p. 192.

<sup>69</sup> Locke’s concern to ‘explain society in terms that were independent of government’ is emphasised by I. Harris, ‘The Legacy of *Two Treatises of Government*’, *Eighteenth-Century Thought*, 3 (2007), pp. 143-68 (on p. 157).

distinctions were permitted to develop naturally according to what was found to be publicly beneficial. In a journal entry of 1681, Locke similarly noted that knowledge of government, like that of natural bodies, was to be gleaned only from ‘history & matter of fact’. The way of discovery in natural philosophy ought similarly to inform the political prudence required of legislators.<sup>70</sup> Rather than searching for speculative truths, the magistrate ought solely to concern himself with practical knowledge of what courses of action proved to be publicly beneficial: on the latter issue he could ‘scarce err’, whereas on the former such error was inevitable.<sup>71</sup> Thus understood, the ‘*Civil Law*’ supplemented the moral codes which had already recommended themselves to the ‘*Law of Reputation*’: it did not, as for Hobbes, constitute them. This is not to say, of course, that Locke did not attach great importance to justice, and hence to civil law: from the moment the invention of money had inflamed man’s desires and disturbed peaceful co-existence in the state of nature, political authority was essential (*TT* II: §45-51).<sup>72</sup> For this reason, justice was ‘the greatest and difficultest duty’; once established, ‘the rest will not be hard’.<sup>73</sup> Instead, it is to make the point that, for Locke and unlike Hobbes, a sense of common interest and moral obligation nonetheless existed independently of government. Collectively, in political society these two laws led men to the performance of their duties under natural law.

An important corollary of Locke’s position was that societies might collectively act in ways which were consistent with natural law, even if they failed to understand why they *ought* to do so. Locke distinguished between moral motivation and obligation in a manner which is highly distinctive, not least when compared with Nicole and Hobbes.<sup>74</sup> ‘It must be allowed’, Locke argued, ‘that several Moral Rules, may receive, from Mankind, a very general Approbation, without either knowing, or admitting the true ground of Morality’ (*EHU* 1.3.6). In a journal entry of 1693, Locke made this point particularly

<sup>70</sup> As James Tully argues, Locke draws ‘a definitive division between political theory and empirical political science’, and in the *Treatises* seeks primarily to offer the former: *A Discourse on Property*, pp. 28-30.

<sup>71</sup> MS Locke f. 5, pp. 77-83 (26 June 1681); ‘An Essay concerning Toleration’ (1667), in *Political Writings*, pp. 191-2.

<sup>72</sup> *Two Treatises of Government*, ed. P. Laslett (Cambridge, 1988). References to the relevant *Treatise* and paragraph number are provided in brackets in the text, as above.

<sup>73</sup> MS Locke c.28, f. 140<sup>r</sup> (c. 1677-8). For comprehensive discussion of the invention of money as perpetuating a moral-epistemological crisis only overcome through the construction of political institutions and civil law, see McClure, *Judging Rights*, pp. 156-87.

<sup>74</sup> Stanton, ‘Hobbes and Locke’, p. 77; Ayers, *Locke*, ii, p. 194.

clearly: ‘There be two parts of Ethicks, the one is the rule which men are generally in the right in (though perhaps they have not deduced them as they should from their true principles). The other is the true motives to practice them and the ways to bring men to observe them, & these are generally either not well known or not rightly applyd’.<sup>75</sup> The ‘true ground of Morality’ could only be grasped by those who recognised the existence of a divine creator who governed the world, imposed duties on men, and would reward or punish them on the Day of Judgment. Locke expressed doubt in the *Essay* that these cardinal, but complex ideas could be established on grounds more firm than probability on the basis of reason alone. It had, as the Gospels suggested, taken Christ’s revelation to make men wise unto salvation (2 Tim. 1:10), a central theme of the *Reasonableness of Christianity* (1695). Locke nonetheless provided two examples of how, if societies developed naturally, men were led to behave in ways broadly in accordance with the law of nature despite their ignorance of true grounds of their obligation to do so. The first example was historical (late republican, pre-Christian Rome), the second more theoretical (the depiction of social development in the *Second Treatise*).

‘Even in the Corruption of Manners,’ Locke declared, ‘the true Boundaries of the Law of Nature, which ought to be the Rule of Vertue and Vice, were pretty well preserved’ (*EHU* 2.28.11).<sup>76</sup> Given what he goes on to say, it seems clear that here Locke has a distinctly advanced and ‘civilized’ heathen society, ancient Rome, primarily in mind. Rome offers an example of how, in well-regulated heathen societies, those actions that ‘*visibly*’ contributed to ‘publick Happiness’ were denominated virtues, and those that exercised a contrary effect were denounced as vices. On account of God’s guarantee of a harmony between public utility and truth, Roman ideas of virtue thus developed in ways which were broadly consistent with the law of nature. In ‘old Rome’, speculative philosophers had fundamentally

<sup>75</sup> MS Locke c.28, f. 113<sup>r</sup>.

<sup>76</sup> This comment, it must be noted, flatly contradicts what Locke says elsewhere. When he wants to emphasise the bewildering diversity of moral practice – and to show, *contra* Filmer, how the authority of fathers can lead to egregious acts of inhumanity – Locke emphasises the routine flouting of natural law by heathen societies. In contrast, when Locke is exploring the capacity of societies to cohere independently of government, heathen communities such as the native Canadians possess a purer, seemingly intuitive understanding of morality and the purpose of political government (cf. MS Locke c.33, f. 11 (25 March 1679)), and ‘the Woods and Forests’ offer instructive lessons to ‘those that call themselves Civil and Rational’ (*TT*, I: §58). There is no indication that Locke himself discerned a tension between these two positions: Hobbes and Rousseau might, it seems, be reconciled.

misunderstood the ‘true ground of Morality’, concocting erroneous theories of moral obligation and man’s true end (the *summum bonum*) (EHU 2.21.55).<sup>77</sup> Yet in practice, the failings of the heathen philosophers had been of negligible consequence. It was not to ‘these learned Disputants’ but rather to ‘Statesmen that the Governments of the World owed their Peace, Defence, and Liberties; and from the illiterate and contemned Mechanick (a Name of Disgrace) that they received the improvements of useful Arts’ (EHU 3.10.9).<sup>78</sup> The dogmatic philosophers were left to bicker on the margins of a civil society to which they contributed nothing. Meanwhile the national (pagan) religion had nothing to say regarding morality, and its teachings were not held accountable to reason: it simply offered a means by which the credulous multitude might allay their fears regarding the gods’ vengeance and secure their favour.<sup>79</sup> The civil magistrate in Rome perfectly understood his commission as being confined to the security and well-being of his society – a central theme in Locke’s *Reasonableness* – and had no interest in imposing particular speculative opinions in either religion or morality. Locke observed in his journal in February 1676 that ‘heathen politics’ showed that ‘there can be noe other end assigned’ to government ‘but the preservation of the members of that society in peace & saf[e]ty together’, and this ‘give[s] us the rule of civil obedience’.<sup>80</sup> The Roman magistrate’s (correct) grasp of the scope and end of his authority ensured that the ideas of virtue and vice entertained by the society at large were permitted to evolve quite naturally, according to what was found to be in the public interest. In this regard custom (the ‘Law of Reputation’), the ‘Civil Law’ and ‘Divine Law’ (as yet largely unknown to men) remained in some degree of harmony. It was, indeed, due to ‘the wonderful Providence of God’ that Christ was

<sup>77</sup> Locke’s mockery of the moral philosophy of the ancients bears a striking similarity to Hobbes’: compare the passage referred to above with *Leviathan*, ii, 1.11, p. 150. Locke made this point even more strongly in the *Reasonableness of Christianity*.

<sup>78</sup> This passage first appears in ‘Draft B’ (1671) in *Drafts for the Essay*, §88, p. 196.

<sup>79</sup> Cf. MS Film 77, p. 93 (1698). For the absence of any rational examination of the truth-claims of pagan religion, see the ‘Discourse of Miracles’ (c.1702) in *Writings on Religion*, ed. V. Nuovo (Oxford, 2002), p. 45: ‘it is an astonishing Mark of how far the God of this World has blinded Mens Minds, if we consider that the Gentile World receiv’d and stuck to a Religion, which, not being derived from Reason, had no sure Foundation in Revelation’.

<sup>80</sup> MS Locke f.1, pp. 124-5 (25 Feb. 1676).

made flesh in an age and place where the scope and jurisdiction of human law was properly understood (RC 120).<sup>81</sup>

In the *Second Treatise*, Locke similarly hints at this separation between moral motivation and obligation. One archetypal truth underpinning the *Treatises* was that the ‘Law of Nature [...] 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’. There is a distinction between this claim, and the subsequent explanation Locke provided as to why men ought not to do so. They are ‘all the Workmanship of one Omnipotent, and infinitely wise Maker’, every individual is ‘his Property’, and therefore every man is ‘bound to preserve himself’ as well as ‘the rest of Mankind’ (T II: §6). The latter provides the true (normative) ‘Rule’ that establishes why men ought to perform their duties, and respect one another’s inalienable rights. As Jeremy Waldron and others have noted, however, there is no suggestion that, in practice, it was the rational comprehension of this rule that led men to behave in ways conformable with the law of nature.<sup>82</sup> Instead Locke offers a more naturalistic, anthropological story which is broadly consistent with his hedonic psychology and sceptical epistemology in the *Essay*. Locke’s emphasis rests on men’s ‘needs’ and ‘wants’, which in society naturally led them to act in accordance with ‘the voice of reason confirmed by inspiration’ (the Scriptures), with ‘God and his Reason’, with ‘the Law of God and his nature’. God ‘directed’ man in his natural state ‘by his Senses and Reason’ to ‘make use of those things, that were necessary or useful to his Being’ (T I: §86). Two elements are combined in the *Treatises* – the explanatory, and the normative – without any apparent tension. The unity between the two (men’s desires and needs, and God’s commandments through revelation) is ensured by God’s authorship of both.<sup>83</sup>

<sup>81</sup> The envious Jews insinuated that Christ’s claim to kingship threatened Caesar’s authority, but Pilate recognised such a claim to be specious: ‘for a Kingdom in another World, *Pilate* knew that his Master at *Rome* concerned not himself’ (RC, 118-9).

<sup>82</sup> J. Waldron, ‘John Locke: Social Contract Versus Political Anthropology’, *Review of Politics*, 51:1 (1989), pp. 3-28; Casson, *Liberating Judgment*, pp. 223-33; McClure, “‘Cato’s Retreat’”; and Shanks, *Authority Figures*, pp. 87-111.

<sup>83</sup> Harris, ‘Legacy of the *Two Treatises*’, pp. 163-7.

Men following the ‘Dictates of the Law of Reason which God had implanted in him’ were led into society for the sake of ‘Necessity, Convenience, and Inclination’ (*T II*: §77). Here the individual’s sense of his own interest was beneficially and providentially altered by ‘the mutual Influence, Sympathy, and Connexion’ he experienced with others (*T II*: §212). Definitions of virtue were shaped by what was found to be advantageous to that society as a whole, as the example of ‘*Conjugal Society*’ showed; and this process allowed that society to further the ends for which it was constituted (‘nothing being necessary to any Society, that is not necessary to the ends for which it is made’) (*T II*: §83).<sup>84</sup> Men’s desires were moulded in society in a manner that encouraged them to act in ways broadly conformable to the ‘law of nature’ (made synonymous with ‘*Divine Law*’). The ‘Law’ established in civil society by ‘tacit Agreement’ is the ‘*Rule of Propriety*’, a term used interchangeably with the ‘Law of *Reputation*’ in the *Essay* (*EHU* 3.7.7; *T II*: §36). All is guided by a concern for ‘*the Conveniency of Life*’ and the pursuit of temporal happiness. Even as they failed to comprehend the true ‘Rule’ explaining why they ought to do so, men’s divinely-implanted desires naturally led them into society and, once there, the craving for esteem led them collectively to serve the purposes for which they had been created.<sup>85</sup> It was for this reason that Locke rendered utility and virtue synonymous (‘it was useless, as well as dishonest [...]’) (*T II*: §36; §51). This was precisely the point made regarding certain pre-Christian societies in the *Essay*.

In the *Treatises* Locke is less interested than in the *Essay* in exploring how men’s living together ‘affects them psychologically and morally’.<sup>86</sup> The identification of the ‘*Rule of Propriety*’ with the *Essay*’s ‘Law of *Reputation*’ nonetheless offers a means of better understanding a ‘Doctrine’ which Locke thought his reader would find ‘very strange’. This was his foundational claim that, in the state of nature, every man has the ‘right’ to punish those who transgress the law of nature, and hence to assist their neighbours to

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<sup>84</sup> In this regard the great error of Filmer’s patriarchal account of the origins of political obligation was qualitatively identical to that of the ‘Arch-Philosopher’ Aristotle and the Stoics in their moral theory: he took a practice that had developed on the basis of its utility—conjugal society, and a respect for the ‘*Authority and Government*’ of one’s father—as true in itself (and, in Filmer’s case, divinely commanded) (*T II*: §74-5).

<sup>85</sup> On the origins and implications of human sociability, see MS Locke f.3, p. 202 (15 July 1678).

<sup>86</sup> Plamenatz, *Man and Society*, i, p. 344.



preserve their lives and possessions (*T* II: §7-9).<sup>87</sup> The *Treatises* establish the theoretical grounds of this right, which was nothing but the performance of the individual's duty under natural law to '*preserve the rest of Mankind*'. In the absence of a firm rational grasp of their normative duties, however, we might ask what could have motivated self-interested men *in practice* to exercise themselves on others' behalf? Even as Locke was not required to offer such an explanation in a work of political theory, it is nonetheless arguable that he had the conceptual resources at his disposal to do so had he felt it necessary. Men's ability to agree on a '*Rule of Propriety*', and their sense of obligation to adhere to it, was ultimately a consequence of their mutual desire for the good opinion of others. This craving for admiration and esteem, in turn, provides a compelling reason why individuals might *actively* assist their neighbours to enforce a '*Rule*' which had been found conducive to their common advantage. John Dunn observes that in the *Treatises* Locke simply assumes that men had never lived, as Hobbes suggested, in an 'ethical vacuum' out of which political society had to be created. For Dunn, this point illustrates that Locke was addressing a quite different 'problem' to Hobbes; consequently comparing his work to Hobbes' 'is *not* the way to approach the study of Locke'.<sup>88</sup> Yet Locke's apparently untroubled assumption in his political theory that an understanding of justice and charity exists – and is felt to impose obligations on men – in their pre-political state *assumes* what Locke had elsewhere worked out and *explained*, in large part as a means of responding to Hobbes. When read in the context of Locke's social theory and moral philosophy as a whole, the *Treatises* offer us an individual who is beneficially, providentially and irreversibly shaped by the society of which he is a part.

### III

Locke's claim that properly-regulated heathen societies, and pre-political society in the *Treatises*, had developed in ways broadly consistent with 'the true Boundaries of the Law of Nature' stood in marked contrast to 'the schisms, separations, contentions, animosities, quarrels, blood and butchery, and all the

<sup>87</sup> For the distinctive nature of Locke's theory of popular sovereignty, see Tully, *Locke in Contexts*, pp. 15-29, 299-300.

<sup>88</sup> J. Dunn, *The Political Thought of John Locke* (Cambridge, 1969), pp. 77-9.

train of mischiefs, which have so long harassed and defamed Christianity'.<sup>89</sup> This raised the vexed question of 'how it comes to pass that the Christian religion hath made more factions, wars, and disturbances in civil society than any other'.<sup>90</sup> In his writings on toleration, Locke made it clear that Christianity as it had been practiced in the world had subverted the natural (providential) harmony that ought to exist between human and divine law. It was for this reason that Locke recognised the superficial plausibility – though not the truth – of the disquieting suggestion that 'truly the Christian religion is the worst of all religions, and ought neither to be embraced by any particular person, nor tolerated by any commonwealth'.<sup>91</sup> Why had the historical consequences been so catastrophic for those societies which professed to follow Christ, and thereby to advance the cause of true religion and morality? Given its deleterious effects, which he was willing quite graphically to describe, how could Locke sincerely argue for Christianity's 'reasonableness', let alone its necessity? One response to this question, most forcefully developed by Leo Strauss and his followers, is to deny that Locke *was* sincere: for those with ears to hear, Locke's Christian apologetic was nothing of the sort.<sup>92</sup> As John Dunn emphasised decades ago, Locke's private papers as well as published writings quite simply render this interpretation insupportable.<sup>93</sup> Indeed, in an entry in his journal of 1675 (where Locke could speak his mind freely), he declared: 'Far be it from anyone to think Christ the author of those disorders, or that such fatal mischiefs are the consequence of his doctrine, though they have grown up with it'.<sup>94</sup> Any answer to this conundrum, then, will be considerably more complex.

Locke's *Treatises* indicated that reason was able to identify the legitimate scope and end of civil government as confined to the advancement of the shared temporal interest and well-being of the

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<sup>89</sup> *Second Vindication*, p. 358.

<sup>90</sup> 'Essay concerning Toleration', p. 209.

<sup>91</sup> *A Letter concerning Toleration* (1689), in *Political Writings*, p. 431.

<sup>92</sup> Strauss, *Natural Right*, pp. 202-51. For three (of many) recent reformulations of this Straussian reading, see P.C. Myers, 'Locke on Reasonable Christianity and Reasonable Politics', in D. Kries (ed.), *Piety and Humanity: Essays on Religion and Early Modern Political Philosophy* (Lanham, MD, 1997), pp. 145-80; M.S. Rabieh, 'The Reasonableness of Locke, or the Questionableness of Christianity', *Journal of Politics*, 53:4 (Nov. 1991), pp. 933-57; and S. Zinaich, Jr., *John Locke's Moral Revolution: from Natural Law to Moral Relativism* (Lanham, Md., 2006).

<sup>93</sup> Dunn, *Political Thought of Locke*.

<sup>94</sup> MS Film 77, pp. 125, 270-71 (c. 1675).

community. Locke's writings on toleration similarly suggested that reason was able to ascertain the jurisdiction and limits of religious authority. This concerned men's salvation in a world to come. Men were free to enter and leave particular religious societies (churches) voluntarily, in order to continue to 'praise, honour and glory' God publicly (a duty under natural law: *ELN*, 157) in ways which seemed to them most fitting. As we have seen, it was crucial for Locke that the two manmade laws – 'Civil Law', and the 'Law of *Reputation*' – continued to be guided by temporal utility. Here, the language of political justification mattered. Insofar as the civil law enforced moral precepts and practices, it legitimately did so purely and unequivocally on account of their observable public utility, not their speculative truth. This was a point laboured by Locke, even as he recognised that it might (once again) seem 'strange' to his contemporary reader. The magistrate ought 'to have a great care that no such laws be made, no such restraints established *for any other reason* but because the necessity of the state and the welfare of the people called for them'.<sup>95</sup> Locke argued that 'the law-maker hath nothing to do with moral virtues and vices': 'the magistrate commands not the practice of virtues because they are virtues [...] but because they are the advantages of man with man, and most of them the strong ties and bonds of society, which cannot be loosened without shattering the whole frame'.<sup>96</sup>

If the magistrate behaved as Locke argued he ought, his laws would invariably build upon and reinforce the ideas of virtue and vice which had similarly developed within his society according to public utility. The sanctions of civil law would complement rather than compete with those of praise and blame; and both would encourage men to conduct themselves in ways which conduced to the common good of the community. To the extent that he departed from this exclusive concern for the public good, it was the magistrate who was truly '*guilty of Rebellion*' (against God and mankind), not those who were

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<sup>95</sup> 'There was one 'heathen polity' which *had* had been instituted for a rather different purpose, 'the preservation and propagation of true religion'. This was Mosaic Israel, a theocracy under the sovereignty of the Almighty: *Letter concerning Toleration*, pp. 418-9.

<sup>96</sup> 'Essay concerning Toleration', pp. 193-5 (italics added).

compelled to resist his authority (*T* II: §227).<sup>97</sup> It is important to note, however, that Locke envisaged a scenario in which, on certain questions, the ‘Law of *Reputation*’ might similarly cease to be guided by the fluctuating demands of public utility. Locke described this in terms of a separation between ‘Custom’ and ‘Reason’. Customary practices and ideas had their origins in public utility, Locke explained. Yet ‘Things of this World are in so constant a Flux, that nothing remains long in the same State’. A practice which may once have been beneficial might now prove harmful. This explains why, in the *Treatises*, Locke accords extensive powers of prerogative to the magistrate. ‘Private Interest often keeping up Customs and Privileges, when the reasons of them are ceased’, it might require an act of executive prerogative to override a convention to which common opinion remained irrationally attached: ‘*Prerogative* being nothing, but a Power in the Prince to provide for the publick good’ (*TT*, II: §156-7). This also explains why Locke, in the *Second Treatise*, denied that the civil magistrate was in all cases beholden to the customary, fundamental laws of the realm in the manner argued by many Whig legal theorists who constructed their arguments against the Crown on the basis of England’s ancient constitution.<sup>98</sup> Manmade laws, for Locke, had to evolve according to the contingent demands of public utility. It was their practical utility and convenience, rather than their antiquity, which made the manmade laws which regulated political and religious societies consistent with ‘reason’ (*TT*, II: §103; I: 57-8). If laws were ‘reasonable’ in this sense, they were likely to be in conformity with God’s general will and design, and authoritative as a consequence.<sup>99</sup>

<sup>97</sup> In this sense Locke’s theory of rebellion departed from classic Calvinist resistance theory in important respects. For discussion, see Tully, *Locke in Contexts*, pp. 15-29; and Ward, *Locke and Modern Life*, pp. 79-86.

<sup>98</sup> For Locke’s notable lack of engagement with ancient constitutionalism, see J.G.A. Pocock, ‘Negative and Positive Aspects of Locke’s Place in Eighteenth-Century Discourse’, in M.P. Thompson (ed.), *John Locke und Immanuel Kant: Historische Rezeption und Gegenwärtige Relevanz* (Berlin, 1991), pp. 45-61; M.P. Thompson, ‘Significant Silences in Locke’s *Two Treatises*: Constitutional History, Contract and Law’, *Historical Journal*, 31:2 (1988), pp. 275-94; and Tully, *Discourse on Property*, pp. 33-54. Harris makes a similar point, but with an important qualification: it is not inconceivable that Locke discussed fundamental law in the lost section of the *First Treatise* (*Mind of Locke*, p. 202). Even if true, however, Locke clearly thought that his argument as presented in the published *Treatises* was adequate as it stood.

<sup>99</sup> Locke made much the same point in his ‘Defence of Nonconformity’ (c.1681-2) regarding religious societies, where Christ had left it to his followers to determine the particular form of government and rules of worship which they felt most conducive to the ends for which such societies were established (edification, public worship, and the propagation of Gospel truth). As circumstances changed over historical time, so too might the consequences of these forms and rules: what might once have been beneficial might have become harmful. A ‘great respect for the first establishers of any thing’ precluded the re-adjustment of means to ends which was periodically necessary, and ‘leaves no room for

In the *Epistola*, Locke touched upon two themes which he would develop at greater length in the *Reasonableness*. Christ had affirmed, even as he had enlarged upon and explained the obligatory character of, the moral ideas which men had naturally formed as they pursued their collective happiness in society (that is, moral precepts founded upon temporal utility). Meanwhile Locke emphasised that Christ had ‘instituted no commonwealth’, and his law ‘hath not at all meddled’ with the ‘ancient forms of government’ that had been retained by those ‘cities and kingdoms that have embraced the faith of Christ’. There was, in short, ‘no such thing, under the Gospel, as a Christian commonwealth’, and no need for Christianity to interfere with either the ‘Law of *Reputation*’ or the ‘*Civil Law*’.<sup>100</sup> Obedience to Christ did not, and could not, demand that men break the compacts they had naturally formed with one another and with the civil magistrate in order to pursue their happiness (and thereby to perform, if unknowingly, their duties under natural law). Yet this depended upon the sovereign continuing to concern himself solely with the temporal happiness and prosperity of his society. In a Christian age, the birth of the chimerical concept of the ‘Christian commonwealth’ indicated that he had ceased to do so. This in large part explained the central paradox identified by Locke – why the harmony between the three ‘Laws’ had been subverted in a specifically *Christian* age (these ‘disorders’ had ‘grown up with’ Christianity).<sup>101</sup>

With Constantine’s endorsement of a specifically doctrinal (Trinitarian) form of Christianity at Nicaea (325 AD), the civil magistrate, misled by philosopher-priests, considered it essential to public happiness that men possess ‘orthodox’ speculative opinions.<sup>102</sup> Religion and virtue had become ‘a Businesse of State’: truth took the place of utility, and abstract speculation replaced experience and observation.<sup>103</sup>

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improvement’: MS Locke c.34, pp. 34-5. For the character and importance of this document – the most important of Locke’s manuscripts to remain unpublished – see T. Stanton, ‘The Name and Nature of Locke’s “Defence of Nonconformity”’, *Locke Studies*, 6 (2006), pp. 143-72.

<sup>100</sup> *Letter concerning Toleration*, pp. 418-19. Locke laboured the same point in the *Reasonableness* (RC 113-21).

<sup>101</sup> MS Film 77, pp. 125, 270-71 (c. 1675).

<sup>102</sup> The etymology of ‘orthodox’ itself helps to explain Locke’s vehement hostility to the concept, as it makes a claim regarding speculative truth: from *ὀρθός*, *orthos* (‘right’, ‘true’, ‘straight’), and *δόξα*, *doxa* (‘opinion’ or ‘belief’).

<sup>103</sup> See Locke’s comment in the ‘Defence of Nonconformity’ that ‘[once] the temporal authority came to be mixt with Ecc[lesiast]ecall jurisdiction, & force was made use of contrary to the nature of the thing to make men Christians, or of this or that Church whether they would or no, Religion became a Businesse of State’: MS Locke c.34, p. 102. Locke’s

Men's temporal happiness, the pursuit of which the civil magistrate legitimately sought to facilitate, was conflated with their eternal happiness, which was the concern of the individual alone. This had made it possible for civil magistrates, including Charles II and James II, to be misled into acts that were 'contrary to the end for which [civil societies] were constituted'. Supported by ecclesiastics – the other-worldly character of whose motives was questionable – the magistrate had employed the threat of divine and civil sanctions in order to compel men to conform to particular speculative precepts, in religion as in morality. It was on account of this disastrous 'confounding' of 'temporall authority' with 'ecclesiastical jurisdiction', in naked defiance of Christ's teaching, that 'the Christian religion is accused of so many disorders in the world'.<sup>104</sup>

The consequences for the moral regulation of communities of this fundamental misunderstanding of the (discrete) purposes and ends of civil and religious authority were profound and deleterious. In a lengthy passage in the *Epistola*, Locke discussed them with reference to the abject practices of the Spanish in the New World. He could just as well have been referring to the transition between tolerant heathen Rome and that of the Christian emperors (a narrative later offered by Edward Gibbon):

An inconsiderable and weak number of Christians, destitute of everything, arrive in a pagan country. These foreigners beseech the inhabitants, by the bowels of humanity, that they would succour them with the necessaries of life. Those necessaries are given them; habitations are granted; and they all join together and grow up into one body of people. The Christian religion by this means takes root in that country, and spreads itself; but does not suddenly grow the strongest. While things are in this condition, peace, friendship, faith, and equal justice are preserved amongst them. At length the magistrate becomes a Christian, and by that means their party becomes the most powerful. Then immediately all compacts are to be broken, all civil rights to be violated, that idolatry may be extirpated. And unless *these innocent pagans, strict observers of the rules of equity and of the law of nature, and no ways offending against the laws of the society*, I say unless they will forsake their ancient religion, and embrace a new and strange one, they are to be turned out of the lands and possessions of their forefathers, and perhaps deprived of life itself. Then at last it appears what zeal for the Church, joined with the desire of dominion, is capable to produce;

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private papers are replete with negative references to the Constantinian moment: for two examples, see MS Locke c.27, fos. 29 (1674) and 32-3 (1675). The disastrous consequences of Constantine's headship of the church were explored by many of Locke's contemporaries and friends who advocated toleration, not least Phillip von Limborch and Jean Le Clerc: J. Marshall, *John Locke, Toleration and Early Enlightenment Culture* (Cambridge, 2006), pp. 618-46.

<sup>104</sup> MS Locke c.34, p. 101 (1681-2).

and how easily the pretence of religion, and of the care of souls, serves as a cloak to covetousness, rapine, and ambition.<sup>105</sup>

This passage contains a number of important assumptions, germane to our discussion but in need of unpacking. First, the ‘innocent pagans’ are ‘*strict* observers of the rules of equity and of the law of nature’: this is a more forceful recapitulation of the claim in the *Essay* that heathen societies developed moral ideas broadly in conformity to the law of nature (*EHU*, 2.28.11). They did so because both of the laws which regulated their society – the ‘Law of *Reputation*’ and the rudimentary ‘*Civil Law*’ – developed according to the dictates of observable public utility.<sup>106</sup> This is despite the fact that these pagans had no rational grasp of the true grounds of morality (‘*Divine Law*’) as lying in the will of a God, to whose existence and providential plan for mankind their natural faculties had not yet led them. With the advent of supposedly Christian magistracy (‘the pretence of religion’), in sharp contrast, the temporal well-being of the community had been sacrificed at the altar of eternal bliss (‘the care of souls’) to an extent previously unimaginable. The concern of the Christian magistrate to enforce virtue *as* virtue, and religious precepts as *true*, saw heterodoxy presented as a more egregious crime than theft or even murder, which could be justified in the name of extirpating idolatry.<sup>107</sup>

This, Locke argued, had inevitably resulted in the subversion of the ‘Law of *Reputation*’. As Locke’s educational writings suggested, men’s desire for praise and aversion to blame rendered them malleable in ways which could habituate them in vicious habits as easily as virtuous ones. In late republican Rome, the conquered Spanish lands in the New World and the early stages of society in the second *Treatise*, the desire for praise and aversion to blame had largely led men to conduct themselves in ways which benefited the society of which they were members. This showed how the desire for reputation was, like a respect for one’s parents, an ineffaceable part of man’s divinely-created nature, and hence served a providential purpose: both, working as they ought, attested to God’s ‘Ends’ and goodness in

<sup>105</sup> *Letter concerning Toleration*, pp. 416-17 (italics added).

<sup>106</sup> As in the case of the native Canadians discussed above, p. 21 n.75: MS Locke c.33, f. 11 (25 March 1679).

<sup>107</sup> Again, the etymology is revealing: from *éτερο*, *hetero* (‘other’) and *δόξα*, *doxa* (‘opinion’).

creating man as He had. With the emergence of commonwealths devoted to the inculcation of ‘true’ religion, however, this had ceased to be the case. Men were encouraged to esteem their neighbours less on account of their contribution to the common good and more on the basis of their professed speculative principles. A desire for esteem encouraged men to conform to social norms – which explained why, in ‘Christian commonwealths’, intolerance and the inhumane acts to which it led could have become so ubiquitous, and men reduced below the level of beasts.<sup>108</sup>

Here Locke’s account is once again diametrically opposed to Hobbes’. In *Leviathan*, Hobbes argued that the sovereign was both *rex et sacerdos*.<sup>109</sup> In making this case he had recourse to a medical metaphor, in a chapter entitled ‘Of a Christian Commonwealth’ (precisely the political entity the legitimacy of which Locke denied): ‘For it is with the mysteries of our Religion, as with wholesome pills for the sick, which swallowed whole, have the vertue to cure; but chewed, are for the most part cast up again without effect’.<sup>110</sup> Locke inverted Hobbes’ metaphor, the better to establish the absolute nature of the conceptual distinction between politics and religion which Hobbes had denied. Men in ‘Christian commonwealths’ were forced to ‘swallow down Opinions, as silly People do Empirick Pills, without knowing what they are made of, or how they will work, and have nothing to do, but believe they will do the Cure: but in this, they are much more miserable than they, in that they are not at liberty to refuse swallowing, what perhaps they had rather let alone’. As a result, men in professedly Christian societies grew up ‘cooped in close, by the Laws’. They were prevented from developing their moral ideas naturally: that is, on the basis of what was found in practice to further the temporal happiness both of themselves and of the society in which they lived (*EHU* 4.20.4).<sup>111</sup>

Locke was no consequentialist: as has been discussed, actions were not to be judged virtuous or vicious by either the actor or observer merely on account of their practical consequences. It was simply not

<sup>108</sup> Seen in this light, Martha Nussbaum’s claim that Locke did not possess even a basic grasp of moral psychology, as attested by his complete lack of interest in ‘the psychological underpinnings of intolerance’, seems curious indeed: ‘Radical Evil in the Lockean State: The Neglect of the Political Emotions’, *Journal of Moral Philosophy*, 3:2 (2006), p. 162.

<sup>109</sup> J. Rose, *Godly Kingship in Restoration England: The Politics of the Royal Supremacy, 1660-1688* (Cambridge, 2011), pp. 203-28.

<sup>110</sup> *Leviathan*, iii, 3.32, p. 578.

<sup>111</sup> This passage was, once again, already written by 1671: ‘Draft A’, in *Drafts for the Essay*, §39, p. 69.



possible, Locke repeatedly emphasised, to ‘bottom’ or ‘ground’ moral or political obligation – and so to denominate any actions as genuinely *moral* – unless one first accepted the existence of the Creator, His commands and sanctions. The distance between Locke and Hume must not be underplayed.<sup>112</sup> Locke responded intemperately to those critics who accused him of a dangerous relativism in his intimation that all moral and religious knowledge was to be explained in terms of custom, education and utility.<sup>113</sup> Rather, if an action proved useful in advancing mankind’s collective interests – such as the care and preservation of one’s children, or a respect for another’s property and livelihood – it was because God had ordered the world in such a way that His commands through revelation (go forth and multiply; replenish the earth; do unto others) had already recommended themselves to men on account of their utility. They were true and obligatory not because they were useful or desirable, but because they represented God’s will and command.<sup>114</sup> The true philosopher, Locke argued, would recognise that the ideas of virtue which prevailed in any given society represented nothing more than rules of convenience. From this starting point, however, he would go further: he would use his ‘Reason to *understand* those *Truths*, which have given them reputation’ in the first place (*EHU* 1.4.23), and seek the higher law for which the ‘Law of *Reputation*’ was (at best) but an unreliable if necessary proxy.

Here Locke’s position stands in marked (and revealing) contrast to that of another leading proponent of religious toleration in the 1680s: Pierre Bayle.<sup>115</sup> In his *Pensées Diverses sur la Comète* (1680; 1683), Bayle famously declared that atheists could lead moral lives. Bayle’s reasoning was similar to Nicole’s in his *Essais*: terrestrial pressures – a concern for reputation, and the sanctions of civil law – were sufficient to

<sup>112</sup> A point made forcefully by J. Dunn, ‘What is Living and What is Dead in the Political Theory of John Locke?’, in *Interpreting Political Responsibility: Essays 1981-1989* (Cambridge, 1990), pp. 9-25. Yet, as Dawson has recently remarked, it is nonetheless possible that scholars have underplayed the extent to which ‘the naturalising figures of the Enlightenment, such as Hume, learned as much as they rejected’ from forbears such as Locke: ‘Natural Religion’, p. 133. This question is explored in some detail in Tim Stuart-Buttle, *From Moral Theology to Moral Philosophy: Cicero and Visions of Man from Locke to Hume* (forthcoming: Oxford, 2017).

<sup>113</sup> This was a common criticism of the *Essay*. See, for example, Thomas Burnet, *Remarks on an Essay concerning Humane Understanding* (London, 1697); James Lowde, *A Discourse concerning the Nature of Man* (London, 1694); Henry Lee, *Anti-Scepticism* (London, 1702), esp. pp. 55-60; and Sir Isaac Newton to Locke, 16 Sept. 1693, in *Correspondence of Locke*, iv, pp. 727-8.

<sup>114</sup> Tully, *Discourse on Property*, pp. 46-7, puts this point well.

<sup>115</sup> On Locke’s engagement with Bayle, see Harris, *Mind of Locke*, pp.190-1, 280-9; Marshall, *Early Enlightenment Culture*, pp. 618-719; and P. Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton, 2003), pp. 240-88.

explain moral conduct, given the extent of post-lapsarian human depravity. This implied that morality could be discussed in an entirely secular idiom.<sup>116</sup> On one level, Locke was willing to agree: after all, his invocation of pagan (and even atheist) nations suggested that tolerable moral conduct was possible in the absence of true (or any) religious knowledge. Yet for Locke this very fact attested to divine wisdom, goodness and design. God ensured that worldly utility and divine truth existed in a harmonious relationship, even as mankind had repeatedly disturbed this harmony. Bayle had terminated his enquiries too soon. By asking the further question of *why* men were drawn to the useful and agreeable, one would recognise that human nature as it revealed itself in society attested to the existence and goodness of a divine legislator and embodied His ‘Ends’ for mankind.<sup>117</sup> It was for this reason that atheists who denied *a priori* the existence of God – as opposed to ‘innocent Pagans’ or those who had yet to arrive at any idea of divinity – were not to be tolerated. Such speculative atheists ruled out the possibility or necessity of employing their God-given natural faculties in the manner intended by their Creator: to understand the true foundation of their moral duties in God’s will and command, and (for Christians) to recognise the most compelling incentive to perform them in Christ’s offer of righteousness.<sup>118</sup>

For Locke even those who were not inclined to the act of philosophy, but who were fortunate enough to live in properly-regulated societies, might still possess ideas of good and ill, virtue and vice which were broadly consistent with truth, because they acquired those ideas through their participation in communities regulated by the dictates of public utility. This had one further, very important implication, which Locke explored at greatest length in the *Reasonableness*. It was for this reason that, as the Gospel message ‘suits the lowest Capacities of Reasonable Creatures, so it reaches and satisfies, Nay, enlightens the highest’ (RC 201). Christ built upon men’s knowledge of good and ill, which all

<sup>116</sup> For the importance of Bayle’s claim for the broader development of eighteenth-century moral philosophy, see J. Robertson, *The Case for the Enlightenment: Scotland and Naples 1680-1760* (Cambridge, 2005).

<sup>117</sup> Locke’s divine teleology taken as a whole, one might argue, reflects or even relies upon his lack of interest in—or strenuous avoidance of—those thorny problems of theodicy which Bayle mined exhaustively and with evident relish.

<sup>118</sup> ‘Essay concerning Toleration’, p. 188; *Letter concerning Toleration*, p. 426. On Locke’s distinction, nowhere expressed explicitly in these terms, between innocent and speculative atheism, see J.K. Numa, ‘Locke on Atheism’, *History of Political Thought*, 34:2 (2013), pp. 252-72.

(even ‘the lowest’) had acquired through pursuing happiness *in* society. On the other hand philosophers (‘the highest’) had been unable to establish the existence of a divine law accompanied by sanctions (a future state) – and hence the ‘true ground of Morality’ – with any degree of clarity or certainty. Locke turned to his favourite ancient philosopher, Cicero, to make this point.<sup>119</sup> Consequently Christ’s revelation also enlightened even those who had laboured the hardest to cultivate their reason in the search for rules by which to live. Alerting men to its true grounds and sanctions, Christ’s teaching merely ‘enforces morality the stronger’, and offers additional (and compelling) incentives to live righteously beyond the pleasure derived from a good reputation.<sup>120</sup> The essential point here is that, for Locke, all men ought to recognise the Scriptures to be reasonable and necessary precisely because its teachings resonated with those moral ideas which had been generated in their society on the basis of the public utility of the practices they commended. For the socialised individual habituated in ‘the solid pleasures of knowledge and reputation’, the Scriptures simply revealed how ‘conscience, *reason* and pleasure go together’.<sup>121</sup> Reason and revelation, knowledge and faith, utility and truth were not separated by a chasm, as for Bayle; they lay on a continuum, on account of God’s providential design and ongoing care of His creatures.<sup>122</sup> The individual’s experience in a morally-ordered cosmos had prepared them for an understanding of God’s revealed plan for mankind. Heathens, once led by their faculties to an idea of God and subsequently introduced to the Gospels without coercion or impediment, might recognise the latter to speak of truths which accorded with their moral ideas even as they enlarged upon them (exponentially, in some cases). The step from performing one’s duties because

<sup>119</sup> Locke’s decidedly agnostic discussion of the immateriality of the soul in the *Essay* was, as he confessed to Edward Stillingfleet, drawn directly from Cicero’s discussion of the subject in *Tusculan Disputations: A Reply to the Bishop of Worcester’s Answer to his Second Letter...* (1699), in *Works*, iii, p. 489.

<sup>120</sup> MS Locke c.42B, p. 224 (1692).

<sup>121</sup> MS Locke c.28, fos. 144<sup>v</sup> (c. 1686-8), 113 (1693: my italics).

<sup>122</sup> R. Ashcraft, ‘Faith and Knowledge in Locke’s Philosophy’, in J.W. Yolton (ed.), *John Locke: Problems and Perspectives* (Cambridge, 1969), pp. 194-223.

one found them useful and agreeable, to doing so from a just understanding of oneself as God's 'Property' need not be a particularly troubling one.<sup>123</sup>

This, however, had ceased to be the case. In the pagan nations discussed by Locke (and the analogous state of nature), even if they lacked even the most rudimentary knowledge of '*Divine Law*' men had not been actively coerced into error by professing to understand what they did not. The dogmatic philosophers in ancient Rome, who alone claimed to teach 'true' speculative knowledge, exercised negligible influence in the public square. It was 'the illiterate and contemned Mechanick' and the 'Statesman', both concerned to advance the public good of the commonwealth, who exercised by far the greater influence (*EHU*, 3.10.9). In 'Christian commonwealths', in contrast, it was the philosopher-priest and the philosopher-king (Hobbes' *rex et sacerdos*), both of whom professed a duty to inculcate and defend 'true' precepts, who predominated. This forced and illegitimate intrusion of philosophical and political theology into the public square had positively 'obscured and perplexed the material Truths of Law and Divinity' that, in a heathen age, even the illiterate 'mechanick' or 'plough man' had in some sense understood (*EHU* 3.10.8).<sup>124</sup> This process had been expedited by the culture as well as ideology of *jure divino* monarchism: the 'luxury of the Courts' set a pernicious example for 'inferior grandees' to imitate, esteeming 'idle and useless employments' and bringing 'honest labour in useful and mechanical arts wholly into disgrace'.<sup>125</sup>

The 'Father or Schoolmaster, the Parson of the Parish, or such a Reverend Doctor' now exercised a tyrannical authority over men, the consequence of the Christian magistrate's erroneous conviction that the well-being of the commonwealth in some sense depended upon true speculative opinions. These men 'cram their Tenets down all Men's Throats, whom they can get into their Power, without

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<sup>123</sup> See the remark in the 'Fundamental Constitutions of Carolina' (1667) – which Locke probably had a hand in drafting – that the native pagans should be left to 'acquaint themselves with the truth and reasonableness' of the Gospels without impediment or coercion: *Political Writings*, p. 229. For a discussion of Lockean toleration as expressive of his 'commitment to Christian mission', and underpinned by his supreme confidence that 'within the setting of free and open intellectual exchange the Gospel's truth and beauty would inexorably triumph', see J. Turner, 'John Locke, Christian Mission, and Colonial America', *Modern Intellectual History*, 8:2 (2011), pp. 267-97.

<sup>124</sup> A point made particularly strongly by Locke in his later discussion of error: MS Film 77, pp. 320-21 (1698).

<sup>125</sup> MS Film 77, p. 310 (1693).

permitting them to examine their Truth or Falsehood; and will not let Truth have fair play in the World, nor Men the Liberty to search after it' (*EHU* 4.3.20). Locke's self-appointed task in the *Essay* was, as a consequence, to '*be employed as an Under-Labourer in clearing the Ground a little, and removing some of the Rubbish, that lies in the way to Knowledge*'.<sup>126</sup> This was an act which Locke similarly exhorted his adult reader to undertake in the *Conduct of the Understanding*, and *Some Thoughts concerning Education* was primarily concerned to show how parents might ensure that their children were not led into the path of error in the first place.<sup>127</sup> The latter task required that parents exercise caution in exposing their children to the winds of fashion and custom, which now actively foisted erroneous ideas on men's minds to an extent not true of non-Christian societies. 'The world' as presently constituted, Locke noted, 'is apt to cast great blame on those who have an indifferency for opinions, especially in religion'.<sup>128</sup> Yet 'the surest and safest way' for the individual to pursue truth 'is to have no opinion at all till he has examined [a question] and that without the least regard to the opinions or Systems of other men about it'. The individual in the modern age was not allowed to 'see what he himself can, sincerely searching after truth, find out'.<sup>129</sup>

This had serious implications for what both the magistrate and the philosopher-priest now claimed jointly to superintend: the care of the Christian's soul. Only if individuals were permitted to cultivate their natural faculties without undue (and illegitimate) impediment might they be in a position truly to apprehend both the reasonableness and necessity of Christ's revelation. Revelation was 'reasonable' because it enlarged upon the moral ideas men would *naturally* develop through living in a morally-ordered world. This harmony between mankind's collective pursuit of happiness in this world and Christ's terms for entrance into His kingdom had been interrupted, and hence obscured from view, in Christian commonwealths. Christ's revelation was 'necessary' because it explained what philosophy

<sup>126</sup> *EHU*, 'Epistle to the Reader', p. 10.

<sup>127</sup> The relationship between the works is discussed concisely in the editors' introduction to *Some Thoughts concerning Education and Of the Conduct of the Understanding*, ed. R.W. Grant & N. Tarcov (Indianapolis, 1996).

<sup>128</sup> *Conduct of the Understanding*, p. 348.

<sup>129</sup> *Ibid.*, p. 382.

alone could not, despite the claim of scholastic Christian philosophers of all persuasions to be able to ‘explain things necessary to salvation more clearly than the Holy Ghost, the eternal and infinite wisdom of God’.<sup>130</sup> This was the ‘true ground’ and obligatory character of morality as God’s legislative will and command which, as the *Reasonableness* suggested, the Gospels explained in a language all could understand.

#### IV

This article suggests that Locke’s social and moral thought is both more compelling and more troubling than is often appreciated. The desire for esteem provided a means of conceptualising how, in society, men became sociable creatures and moral agents: almost all felt obligated to abide by a shared moral code which expressed a common, necessarily contingent, but broadly accurate sense of their collective interest. This represents a strikingly original aspect of Locke’s thought. The desire for approval rendered the individual malleable: a point recognised but regretted by Augustinian moralists such as Nicole and Bayle. Locke argued that this indelible feature of human nature was, as with all others, no accident, and not in itself a cause for regret. Man had been created in this way, and God did nothing in vain. The desire for the good opinion of others had served God’s purposes by acting as a mechanism which allowed for the solipsistic Hobbesian individual’s view of the good and useful to be harmonised with those of his neighbours, without the need for – and theoretically prior to – the instantiation of political authority. The feasibility of pre-political community was essential to Locke’s political theory, which conceived of sovereignty as entrusted and revocable. A concern for reputation thus enabled Locke to accept many of Hobbes’ fundamental premises – his hedonic psychology, nominalism and legislative view of morals – whilst nonetheless powerfully challenging his conclusions. The ‘Law of *Reputation*’ partially displaced Hobbes’ civil law in Locke’s explanation of the origins and development

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<sup>130</sup> *Second Vindication*, p. 295: this was true, Locke argued, even of the Socinians, who ‘pretend most to freedom’. On the corruption of the true ‘sense’ of the Gospels by philosopher-priests, who obscured a message originally delivered in a language which was readily comprehensible to the ‘vulgar’, see Samuel Bold to Locke, 11 April 1699, in *Correspondence of Locke*, vi, #2567, pp. 591-7; and Locke’s reply of 16 May in *ibid*, #2590, pp. 626-30.

of society. Due to Locke's emphasis on the divinely-ordained harmony between these man-made laws and the law of nature, God replaced the sovereign as the author of all law, upon whom men were ultimately dependent.<sup>131</sup> To deny this dependence was to deny the existence of all law properly so-called, which was the command of a superior (God) who legitimately promulgated rules for mankind which were disclosed through both 'natural revelation' (men's senses and reason) and the Scriptures. It was for this reason that speculative atheists could not be tolerated.

As many scholars have emphasised, Locke forcefully exhorted his readers to free themselves from the 'creedal chains' of their upbringing.<sup>132</sup> Myriad passages from Locke's educational and epistemological writings could be adduced to substantiate this claim. Locke's revisions to the *Essay* – notably his account of personal identity (*EHU* 2.21), free will (*EHU* 2.27), and the association of ideas as a theory which explained epistemological error and ingrained prejudice (*EHU* 2.33) – further support the point.<sup>133</sup> By failing to note the constructive role afforded by Locke to the forces of socialisation in his moral and political philosophy, however, commentators have overlooked just how difficult Locke himself recognised this process to be, and failed to explain precisely *why* he was so adamant that his contemporaries ought to attempt it. Here Locke's theory of toleration informed other areas of his thought in profound ways. Locke offered a narrative which explained how the desire for esteem, which had once shaped men in a morally beneficial manner, had been subverted with the advent of the 'Christian commonwealth'. Society might act as a school of virtue, but had instead become a prison. This, paradoxical though it may seem, made it more imperative for men in *Christian* societies to '*examine their own Tenets*', because those '*Tenets*' all too frequently blinded men from identifying the path to happiness – in this life and the next. Yet those (few) willing to do so faced an arduous task, given that one of the 'Principles' now inculcated in individuals from birth was that 'Principles ought not to be questioned' (*EHU*, 1.3.25).

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<sup>131</sup> Harris, *Mind of Locke*, p. 229.

<sup>132</sup> Dunn, 'From Applied Theology to Social Analysis', p. 123.

<sup>133</sup> The first two of these chapters were added to the second edition of 1694, and the third to the fourth edition of 1700.

The institutions which exercised social and political power in Christian commonwealths ‘will not let Truth have fair play in the World, nor Men the Liberty to search after it’ (*EHU*, 4.3.20). The case had been quite different in ‘Tiberius’s Rome, where the magistrate had not concerned himself with speculative opinions unless they actively undermined the bonds of society. In this regard, Locke proposed a *reformation*, removing those false ideas (*‘Rubbish’*) regarding the purpose, scope and limits of human authority – social, religious and political – which had led Christian societies away from a proper understanding of mankind’s ‘great Concernments’ of morality, religion and justice (*EHU*, 2.23.12). In this regard Locke cast Filmer (and, implicitly, Hobbes) as a ‘Reformer of Politicks’; the *Treatises*, conversely, sought to re-establish the ‘old way’ of understanding the origin, scope and limits of political and religious authority (*TT* I: §106; II: §6).<sup>134</sup> It was the claim that all moral order relied upon undivided political sovereignty and was inevitably undermined by plurality and diversity – a translation to the realm of political theory of the principles of ultramontane Catholicism – which Locke took to be novel (and disastrous). Only with this *‘Rubbish’* once removed might manmade laws once again be permitted to evolve according to the demands of public utility. Only then might professedly Christian societies once again establish a harmony between human and divine law. This, in turn, would permit their citizens genuinely to recognise the reasonableness and necessity of the Saviour’s promise to mankind, and unaffectedly to follow Christ rather than those interpreters who usurped his authority and ‘turned and bent’ the Scriptures to suit their particular, worldly purposes.<sup>135</sup>

Locke’s epistemological writings combine a hectoring tone – men *must* labour for truth – with an unmistakeable pessimism when it came to the likelihood of them doing so. In part this certainly reflects Locke’s unflattering verdict that most men, particularly those among the wealthy and educated classes, were irretrievably lazy. As this article has attempted to show, however, there is more to Locke’s pessimism than this. Precisely because Locke emphasised the irreversible and profound effects of society in shaping the individual, he was hardly optimistic when it came to the likelihood of individuals

<sup>134</sup> Tully, *Locke in Contexts*, p. 286.

<sup>135</sup> *Second Vindication*, p. 295.



remaking and reforming a society which had been corrupted, and the forces of which held them captive. Insofar as Locke appealed to the ideal of the atomised and dissociated individual, upon which scholars have frequently focused their attentions, he did so less as a way of explaining how society had come into being, than as the only means of uncovering – and perhaps returning it to – its original, providentially-instituted principles. Yet as Locke recognised only too well, the individual, on account of God’s design, was neither dissociated nor atomised – a theme which he explored, and a point which he laboured, more powerfully and comprehensively than any of his contemporaries. Along with many of Locke’s critics, the third earl of Shaftesbury recognised (and deplored) the extent to which his one-time tutor’s moral philosophy and theory of social development seemed to render the individual the product of the forces governing society.<sup>136</sup> The neglected aspects of Locke’s thinking recovered in this article – the intersubjective and contingent nature of the moral code which regulates society, the manner in which God’s attributes and will might nonetheless be elicited from the analysis of human nature as it revealed itself in social settings, and the deeply troubling historical consequences of Christianity – helped to set the terms of eighteenth-century philosophical debate in ways we are only just beginning to appreciate.

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<sup>136</sup> See Shaftesbury’s claim that ‘after having found out other sorts of laws, [Locke] wanted a law for fashion and opinion. And this according to him was virtue and honesty’: Shaftesbury to General James Stanhope, 7 Nov. 1709, in B. Rand (ed.), *The Life, Unpublished Letters and Philosophical Regimen of Anthony, Earl of Shaftesbury* (New York, 1900; repr. London, 1992), p. 416. For further discussion, see Tim Stuart-Buttle, ‘Shaftesbury Reconsidered: Stoic Ethics and the Unreasonableness of Christianity’, *Locke Studies*, 15 (2016), pp. 161-211.