

Review Essay: Edward Feser's *Locke* and Eric Mack's *John Locke*

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1. Introduction

There's an obvious sense in which libertarian and Objectivist thought get their bearings from the philosophical theorizing of John Locke. Both Murray Rothbard and Robert Nozick explicitly built their respective political philosophies on Locke's conception of self-ownership, property, and political legitimacy, and both conceived of their theories in different ways as the workings-out of Lockean arguments. Ayn Rand was less explicit about what she got from Locke in the way of philosophical insight, but was explicit about Locke's positive influence on political philosophy and political history: "It took centuries of intellectual, philosophical development to achieve political freedom," she wrote (in 1962, in the context of a discussion of Algeria's independence from France). "It was a long struggle, stretching from Aristotle to John Locke to the Founding Fathers."¹

Given this, it's become natural in libertarian and Objectivist circles to appeal to Locke as a sort of all-purpose authority on or placeholder for the idea of freedom as such. Open almost any libertarian policy analysis or polemic, and you'll find at least one obligatory reference to Locke, "whose ideas about the protection of private property and other rights underlie the Declaration of Independence and the Constitution of the United States"²—and more specifically, whose ideas can be deployed in defense of the free-market side in contemporary arguments about jurisprudence and public policy.³ The

¹ Ayn Rand, "Theory and Practice: Blind Chaos," in Ayn Rand, *Capitalism: The Unknown Ideal*, Centennial Edition (New York: Signet, 1966), p. 150.

² James V. DeLong, *Property Matters: How Property Rights Are Under Assault—And Why You Should Care* (New York: Free Press, 1997), p. 24.

³ The *locus classicus* is probably Richard Epstein's *Takings: Private Property and the Power of Eminent Domain* (Cambridge, MA: Harvard University Press, 1985), but a full list of scholarly work would include hundreds if not thousands of books and articles.

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name “Locke” has thereby come to give free-market views the sort of respectability one gets by having a pedigree connected to a great philosopher. However, anyone who appeals to Locke in this way has to deal with the fact that the preponderance of the scholarship on Locke is written not by libertarians or Objectivists but by authors unsympathetic to both, sometimes explicitly so. This mainstream (and usually left-leaning) Locke is often unrecognizable as a forerunner of either libertarian or Objectivist doctrine, and his doctrinal commitments raise questions about the authenticity of the connection between Locke’s theory and its contemporary free-market instantiations.

The books under review are two welcome exceptions to the left-leaning near-monopoly on Locke scholarship. Edward Feser’s *Locke* is a clear and well-written overview and critique of the whole of Locke’s philosophy by a well-regarded conservative philosopher with libertarian sympathies and interests in Scholasticism and the philosophy of mind.⁴ Eric Mack’s *John Locke* is an equally clear and well-written discussion of Locke’s political philosophy by a prolific rights theorist with an interest in Objectivism.⁵ Though Feser and Mack ultimately disagree with one another and cover somewhat different ground, their books have complementary strengths, and constitute a valuable first step toward the creation of a libertarian/Objectivist literature on Locke.

2. Feser’s *Locke*

According to Feser, Locke is the “quintessential modern philosopher” whose theorizing embodies the tensions and contradictions of modern life (p. 1). It’s an old and perhaps discredited reviewer’s trick to convey the contents of a book by quoting its first and last sentences, but in the present case, it’s hard to think of a better method. “Of all modern philosophers,” Feser writes on the book’s first page, “John Locke has had the profoundest influence on the world we live in, and most embodies its guiding principles.” And yet, we learn in the book’s last sentence, “It is no longer possible (if it ever was) to be a Lockean” (p. 172). It’s fair to say that the book is an attempt to explicate Locke while explaining the puzzle conveyed by those two sentences.

After setting out the essentials of Locke’s biography and the Scholastic and rationalist philosophical context in which he operated, Feser moves to a longish discussion of Locke’s metaphysics and epistemology, a somewhat shorter discussion of his political philosophy, a very brief account

⁴ Edward Feser, *Locke* (Oxford: OneWorld Publications, 2007).

⁵ Eric Mack, *John Locke* (London and New York: Continuum Publishing, 2009).

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of his views on religious toleration, and a few concluding pages on what he calls “Locke’s Contestable Legacy.” Though in some ways sympathetic to Locke’s political philosophy, Feser’s book is in effect an Aristotelian-Scholastic polemic against the coherence of Locke’s philosophy as a whole. Interestingly, his essentially negative assessment resembles the one expressed in orthodox Objectivist writing. In metaphysics and epistemology, Rand once claimed, “Locke was disastrous. He departed from Aristotle and denied that we can perceive reality. In this respect, he opened the gate to a lot of trouble from modern philosophers.”⁶ In *The Ominous Parallels*, Leonard Peikoff describes Locke’s philosophy as “an eclectic shambles” all but waiting to be “ripped apart.”⁷ At face value, at least, Feser agrees with this assessment: his Locke, like the Objectivist one, is a philosophical failure whose incoherences can be traced to an ill-considered rejection of the best of the Aristotelian tradition. Accordingly, the first hundred pages or so of *Locke* is precisely a ripping apart of the “eclectic shambles” of Locke’s metaphysics and epistemology. The implicit message is that whatever is valuable in Locke would better have been defended from within an Aristotelian-Scholastic perspective than from Locke’s peculiarly modern rejection of it.

The bulk of Feser’s critique of Locke focuses on Locke’s *Essay Concerning Human Understanding* (1689). As Feser puts it, the *Essay* is “the most important and influential exposition in the history of philosophy of an empiricist epistemology,” and “has shaped the modern conception of the nature of scientific inquiry more than any other philosophical work” (pp. 31-32). And yet, it is “conceptually imprecise in a way that has a significant impact on the ultimate defensibility of the arguments and positions presented within its pages, with crucial distinctions that should be obvious often going unmade” (p. 31). Feser makes short work of every major tenet of Locke’s empiricism. Lockean empiricism requires a contrast between nativism and a *tabula rasa* conception of mind, with a rejection of the former in favor of the latter. But as Feser shows, the contrast Locke draws between nativism and the “blank slate” is remarkably unclear, and his arguments against innate ideas are ultimately quite weak (pp. 34-41). Empiricism tells us that “there is nothing in the mind which is not first in the senses,”⁸ but Locke’s indirect realism about

⁶ *Ayn Rand Answers: The Best of Her Q&A*, Centennial Edition, ed. Robert Mayhew (New York: New American Library, 2005), p. 149.

⁷ Leonard Peikoff, *The Ominous Parallels: The End of Freedom in America* (New York: New American Library, 1982), p. 113.

⁸ Feser attributes the quotation to Aristotle (p. 39), but though the slogan accurately expresses Aristotle’s view, I don’t think there’s a quotable Aristotelian text that makes the claim.

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perception leads on Feser's account to a "corrosive skepticism" that denies the very possibility of perceptual knowledge (p. 56). Empiricists are supposed to be defenders of the truth-conducivity of natural science, but Locke's skepticism about real essences sits uneasily with his self-conception as an underlaborer clearing the ground for scientific inquiry (pp. 46-56). An empiricist theory of knowledge requires an account of concept-formation as a bridge between perceptual and propositional knowledge. But Locke's theory of ideas is vitiated both by the overbreadth of his conception of an "idea," and by his commitment to an imagistic sort of conceptualism about universals (pp. 41-46). Ultimately, Feser concludes, Locke's epistemology is an incoherent attempt to combine radical empiricism with ad hoc "elements of the Scholastic inheritance" (p. 87). And Locke's metaphysics doesn't fare much better.

Considering how much Locke got wrong, it's tempting to wonder why he was ever as influential as he's been. According to Feser (who follows Gilbert Ryle on the point), the answer is reductively extra-intellectual: "the ultimate import of the seemingly abstruse metaphysical and epistemological doctrines developed in Locke's *Essay* is practical and political" (p. 100).⁹ More crudely put, Locke has had the influence he's had not because his views are true or well-argued, but because they seem to provide the support for a politics to which many people have understandably been attracted. In making this claim, Feser rejects "[t]he trend among contemporary Locke scholars,"

⁹ It's not clear *how* reductive Feser intends this claim to be, but on the whole I think he does a good job at finding the mean between historicist and ahistorical extremes. On the one hand, his view contrasts with historicists like Richard Ashcraft (and *a fortiori* psycho-biographic radicalizers of Ashcraft's views, like Jeffrey Friedman), who claim that Locke's political aspirations make the truth of his philosophical views, whether political or otherwise, irrelevant to an examination of the *Second Treatise*. As Friedman puts it in a discussion of Ashcraft's work: "Ashcraft has, through sheer accumulation of detail about the anxieties and rhetoric of Shaftesbury's Whigs, pretty well buried the notion of Locke as abstract political philosopher"; see Jeffrey Friedman, "Locke as Politician," *Critical Review* 2, nos. 2-3 (Spring/Summer 1988), p. 69, discussing Ashcraft's *Revolutionary Politics & Locke's Two Treatises of Government* (Princeton, NJ: Princeton University Press, 1986). As Feser reasonably points out, though, we need to distinguish an "accumulation of detail about . . . anxieties and rhetoric" from an argument for historicism (pp. 107-8); bad metaphors aside, the route from the former to the latter is hardly obvious. On the other hand, and from the reverse direction, Feser's view contrasts with Alvin Plantinga's confident assertion that in reading Locke's *Essay*, "*pace* Foucault, there is no reason to think we will uncover a hidden political agenda" in it; see Alvin Plantinga, *Warrant: The Current Debate* (Oxford: Oxford University Press, 1993), p. 11. On Feser's view, there are good reasons for thinking that we *will* uncover a hidden agenda, and equally good reasons for thinking that the agenda is overt (pp. 92-100).

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who focus less on the specific arguments that Locke offers than on the way in which Locke's various claims fit together to form a systematic whole (p. 97). On this mainstream view, read charitably, "Locke was successful enough that it should be no surprise that his philosophy has been as influential as it has been" (p. 97). Feser rejects the mainstream interpretation on the grounds that it ignores Locke's misrepresentations of Scholastic philosophy, and minimizes the problematicity of Locke's views (pp. 97-99).

Though there's something to Feser's claims, he's offered an extremely uncharitable interpretation of Locke that says almost nothing about how Locke's views might, on a more charitable interpretation, be reconstructed in a defensible fashion. He thus dismisses the "contemporary trend in Locke scholarship" without discussing what it has to say in defense of itself or of Locke. He also has a tendency to use the terms "Aristotelian," "Scholastic," and "Aristotelian-Scholastic" in ways that exaggerate the doctrinal unity conveyed by these labels, and that skew their meaning in the direction of a very specific kind of Aristotelianism—namely, a certain brand of Thomism. But as Alasdair MacIntyre aptly puts it, a "systematic history of Aristotelianism would be an immense undertaking populated by a great variety of rival Aristotles,"¹⁰ and the Aristotle that populates the best of contemporary scholarship holds views strongly at variance with Feser's Scholasticized Aristotelianism.¹¹

¹⁰ Alasdair MacIntyre, "Rival Aristotles: Aristotle against Some Renaissance Aristotelians," in Alasdair MacIntyre, *Ethics and Politics: Selected Essays, Vol. 2* (Cambridge: Cambridge University Press, 2006), p. 3. See also MacIntyre's "Rival Aristotles: Aristotle against Some Modern Aristotelians," in MacIntyre, *Ethics and Politics*, pp. 22-40.

¹¹ Consider, for example, Feser's treatment of causality and explanation in the Aristotelian tradition. In an explication of what he takes to be a generically Aristotelian account of causality and explanation, Feser describes the four Aristotelian causes (formal, material, efficient, and final) and then suggests that on Aristotle's account, every explanandum is not only susceptible of but *requires* explanation by all four causes: "In general complete explanation of a thing entails the specification of its four causes" (p. 13; also see p. 55). Having made this claim, Feser then infers that every explanandum ("thing") must have a final (or teleological) explanation, which suggests in turn that an Aristotelian conception of explanation leads relatively quickly to a cosmic teleology in which everything exists for the sake of something else, until we come to a terminus that exists for itself. Valid as the latter inference may be, however, the quoted premise is not Aristotle's view, and given the point of Aristotle's theory, not authentically Aristotelian. Aristotle goes out of his way to *deny* that every explanandum is susceptible of (much less requires) a teleological explanation (see, e.g., *Generation of Animals* V.1); indeed, the canonical Aristotelian argument for teleology at *Physics* II.8 turns on a contrast between teleological and obviously non-teleological explananda (cf. Terence Irwin, *Aristotle's First Principles* [Clarendon:

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When Feser tells us, then, that “some of Locke’s objections to Scholastic views seem to rest on misunderstandings or uncharitable readings of those views” (p. 97), he raises issues to which he cannot and does not do justice in his book. For one thing, he makes no attempt to discuss the possibility that Locke was accurately attacking degenerate forms of Scholasticism prevalent in his milieu. For another, he makes no attempt to discuss possible affinities between Locke’s critique of Scholasticism (degenerate or otherwise) and contemporary Aristotelian rejections of Scholastic doctrine, or between Locke’s empiricism and contemporary Aristotle-inspired empiricisms.¹² In the absence of such discussions, his rejection of “the contemporary trend” is both overly narrow and premature—overly narrow for its failure to make contact with contemporary Aristotle studies, and premature for its failure to discuss the “contemporary trend” in Locke studies itself.

In this light, what I previously called Feser’s “face-value” agreement with Objectivism diminishes significantly. Rand and Feser agree that Locke’s metaphysics and epistemology suffer for his (i.e., Locke’s) rejection of “Aristotelianism.” They differ on the identity of Aristotelianism, and by implication what it means to reject it. If Feser is right to think that “Locke’s *Essay* simply cannot properly be understood without a basic grasp of the Scholastic concepts and methods he is attacking” (p. 9), it might well be that a “systematic history of Aristotelianism” is a precondition for writing a fully systematic account of Locke. Locke’s legacy is contested because Aristotle’s is.

As we’ve seen, on Feser’s view, the “ultimate import” of Locke’s metaphysics and epistemology “is practical and political” (p. 100). The attraction of Locke’s politics is his valorization of an individualism based on the need for independent judgment, and on the corollary need to put those

Oxford University Press, 1990], pp. 522-23 n.18). For an example of the decidedly un-Scholastic Aristotle to have emerged from contemporary Aristotle scholarship, see the work of Allan Gotthelf, starting with his “Aristotle’s Conception of Final Causality,” in *Philosophical Issues in Aristotle’s Biology*, ed. Allan Gotthelf and James G. Lennox (Cambridge: Cambridge University Press, 1987), pp. 204-42.

¹² Feser makes much of Peter Geach’s well-known critique of abstraction (p. 39), but it seems to me that Geach’s main argument—that abstraction of a property requires the possession of the concept for that property—has conclusively been answered. See David Kelley, “A Theory of Abstraction,” *Cognition and Brain Theory* 7, nos. 3-4 (Winter 1984), pp. 329-57; and Allan Gotthelf, “Ayn Rand on Concepts: Another Approach to Abstraction, Essences, and Kinds,” accessed online at: <http://www.bristol.ac.uk/metaphysics/science/naicpapers/gotthelf.pdf>. Kelley and Gotthelf go out of their way to stress the differences between the Lockean and Objectivist theories of abstraction, but the similarities are obviously there.

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judgments into practice in the service of human survival and comfort (p. 34). Closely related to that core are Locke's basic doctrinal commitments in politics: an uncompromising defense of rights of self-ownership, self-defense, and private property (jointly prefiguring the right to abortion); a consent-driven conception of political legitimacy and defense of a limited state; an unsqueamish defense of the right of revolution (and of divorce); and a rejection of the claims of religious fanaticism, with a corresponding endorsement of toleration and voluntarism in matters of belief. Some version of this package has won the allegiance of millions if not billions of adherents from the Glorious Revolution to the Cedar Revolution, millions of whom have fought and died for it, but few of whom have ever worried about its justificatory foundation.

According to Feser, the justificatory foundation is straightforward: an appeal to God. On Feser's view, Locke's politics is essentially theological in nature: Locke's political philosophy rests squarely and explicitly on belief in a divine craftsman, who has crafted human beings according to His purposes. As it happens, Locke's God intends for each of us to be Lockean individualists: He wants us to own ourselves, to preserve ourselves and others within the context of a capitalist political economy, to respect the rights of others, to form limited governments, to foment revolution against tyrants, and to tolerate one another's non-coercive religious beliefs. But as Feser reads Locke, this appeal to God, though necessary for a successful justification of a rights-based politics, is in Locke's version defective in those respects in which it departs from the Scholastic natural-law tradition: "In short, in rejecting the epistemology and metaphysics of Scholasticism in particular and Aristotelianism in general, Locke rejected also the foundations of the medieval approach to natural law, and with it any possibility of using that approach to ground a doctrine of natural rights" (p. 110). Since, on Feser's view, Locke either fails to supply a foundation or supplies a defective one, it follows that his political philosophy is ultimately lacking in any justification. And since, Feser implies, the medieval approach to natural law is the right one, the contemporary Lockean faces a dilemma: either espouse Lockeanism without foundations, or reject Lockeanism for Scholasticism. Hence the book's suggestion that it is no longer possible to be a Lockean.

Much of the latter third of Feser's book consists of an eminently clear (though not uncontroversial) summary of the main elements of Locke's views on rights, property, consent, revolution, and toleration. Readers familiar with this material will admire the clarity and organization of Feser's presentation (even as they look askance at this or that interpretation), and readers unfamiliar with it will get the overview that they need. Likewise, much of the latter part of the book consists of Scholastically inspired critiques of Locke, or discussions of the (genuine) tensions between Locke's metaphysics and epistemology, on the one hand, and his political philosophy,

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on the other. Two of Feser's criticisms stand out for their subversive potential: (1) Locke's skepticism about our knowledge of real essences undermines what he has to say in defense of natural rights (pp. 117-21). (2) The defects in Locke's theory of personal identity undermine his justification of private property (pp. 121-23). These criticisms, and others like them, should force us to think more carefully about the relationship between Locke's *Essay* and his political works, and will undoubtedly keep Locke scholars busy for some time.

Feser ends the book, as previously remarked, with a provocative chapter on "Locke's Contestable Legacy." One bonus of the discussion is a very interesting (and in my view, correct) application of Locke's views to international politics in the post-9/11 world (pp. 167-68). Feser's main point, though, is that taken as a whole, Locke's philosophy offers us a package deal of incompatible elements, so that "[t]hose who seek to appropriate Locke's legacy today must decide which part of it they value most, for they cannot coherently have it all" (p. 172). Even if one thinks, as I do, that Feser occasionally lets his Scholastic polemics overshadow his examination of Locke's theorizing, he is right to push the reader to some such decision. Whether such a reader will be pushed from Lockeanism to Feser's Scholasticism is another matter, but there's no question that some pushing is in order, and that Feser's *Locke* does an excellent job at supplying it.

3. Mack's *John Locke*

Eric Mack's *John Locke* has a narrower focus than Feser's *Locke*, and despite some passing points of resemblance, gives us a markedly different assessment of the cogency of Locke's project. The book, Mack writes, "aims to present a systematic account of John Locke's political philosophy" (p. 3). He adds:

If my reading of Locke is correct, he stands as the historically most salient expositor of a *rights-oriented* classical liberalism because his case for liberty and its protection by a narrowly circumscribed government and for resistance against tyrannical government is propelled by contentions about rights. My working hypothesis in this work is that Locke provides an impressive, if not decisive, philosophical case for the key tenets above—except for his doctrine of consent. (p. 4)

Like Feser, Mack's is a non-historicist Locke, to be treated in effect as a colleague in a common practical and theoretical enterprise. Though anti-historicist, Mack (like Feser) is appropriately sensitive to the historical context in which Locke theorized, offering a nice thumbnail sketch of Locke's biography, his political milieu, and the views of his chief polemical

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adversaries, Thomas Hobbes (1588-1679) and Robert Filmer (1588-1653). Unlike Feser, however, Mack is principally interested in what Locke has to say about rights in abstraction from the metaphysical and epistemological topics Locke discusses in the *Essay*. Hence, Mack's attempted vindication of Locke's "philosophical case" is less a vindication of the overall coherence of Locke's views than a vindication of the cogency of his specifically ethico-political vision.

On the one hand, this narrowing of focus might seem puzzling, for we might well wonder how Mack can offer a verdict on Locke's "philosophical case" for rights while prescinding from an assessment of Locke's views (such as they are) on the theoretical foundation for rights in metaphysics and epistemology. To the extent that one worries about these deeper foundational issues, Mack's verdict will seem premature, and the claims of his book will seem pre-empted by Feser's critique of Locke's *Essay*. On the other hand, however, the relative narrowness of the scope of Mack's book is clearly a strength as well: it allows him to focus on the nuances and details of Locke's political views in ways that Feser's book does not. Given Mack's sympathy for Locke's project, his book offers a useful dialectical corrective to the slash-and-burn aspects of Feser's Thomistic juggernaut. What we see here in full focus is the proto-libertarian and proto-Objectivist Locke—the Locke whose views can be seen as prefiguring Nozick's libertarianism and Rand's Objectivism. This Locke's political views may well need a deeper foundation of some kind, but make perfectly good sense as stated; there's no need to get bogged down in the *Essay* to understand them.

As we've seen, Feser holds the view that Locke's political project is irrefragably theological: take God out of Locke's text, and you're left with nothing. As Mack makes clear (and as A. J. Simmons argued decades ago¹³), however, this can't be right. Indeed, it would probably be more accurate to say that Locke's insistence on putting God *in* the *Second Treatise* is what adds a fifth wheel to his argument. For Feser, the fundamental premise of the *Second Treatise* is the claim that we have rights because God owns us; we have rights because we are God's property. But as Feser is forced in the next breath to admit, this claim contradicts the very point of Locke's theory.¹⁴ If God owns us, and ownership implies exclusion, then we do *not* own ourselves. If, as Locke claims, self-ownership is the basis of world ownership

¹³ A. J. Simmons, *The Lockean Theory of Rights* (Princeton, NJ: Princeton University Press, 1993), pp. 36-46.

¹⁴ Feser, *Locke*, p. 111. I don't mean that Feser concedes the contradiction; I mean that he is forced to take notice of it. His initial attempt to resolve the contradiction merely appeals to the fact that "we" do not speak as though a contradiction obtains—but that begs the question.

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(i.e., of private property), and the protection of property is the basic function of a legitimate government, then the claim that God owns us subverts the whole of Locke's political philosophy. Feser makes an awkward attempt to bypass this problem by insisting that God "leases" us in ways that permit ownership, but the claim has no basis in Locke's text, and even if we were *ex hypothesi* to grant it, we have no access to the supposed "lease agreement" that gets us from the premise "we're leased by God" to the claims about property that Locke actually makes.¹⁵ Arguably, the point of Locke's polemic against Filmer in the *First Treatise* and of his frequent references to the Old Testament story of Jephtha and the Ammonites in both *Treatises*, is that no such access is possible.¹⁶

By contrast, Mack suggests that we can distinguish two distinct (and incompatible) "programs" in Locke's writings,¹⁷ what he calls the "Divine Voluntarism Program" (DVP) and the "Inborn Constitution Program" (ICP). According to the DVP, "God's commands—and not features of our nature—impose on us the law and obligations that precede the pronouncements of political authority" (pp. 29-30). Meanwhile, the ICP is based not on theological but on anthropological or moral-psychological premises about "the nature of man" and what follows from it. Whatever the exact relation between these two programs, and whatever Locke intended in presenting them

¹⁵ Feser, *Locke*, pp. 111-12.

¹⁶ It's worth noting that neither Feser nor Mack pay much attention to Locke's use of Scripture, but this seems to me a notable omission, and one badly in need of remediation by scholars with libertarian interests. For more Bible-conscious approaches, see Kim Ian Parker, *The Biblical Politics of John Locke* (Waterloo, ON: Wilfrid Laurier University Press, 2004); and Eric Nelson, *The Hebrew Republic: Jewish Sources and the Transformation of European Political Thought* (Cambridge, MA: Harvard University Press, 2010).

¹⁷ I register here some discomfort with both Feser's and Mack's substantial reliance on Locke's unpublished *Essays on the Laws of Nature* (1663-64) to explicate Locke's published political writing. As the editor of Locke's *Political Essays* suggests: "A caveat should be entered about this volume. Locke wrote these texts over a span of a half a century and generally without any intention to publish"; see Mark Goldie, "Introduction," *Locke: Political Essays*, ed. Mark Goldie (Cambridge: Cambridge University Press, 1997), p. xiii. And again, in the preface to the *Essays* themselves: "Locke never published his essays, though James Tyrrell urged him to do so" (Goldie, p. 80). Precisely because we lack evidence to suggest that Locke wanted to publish his *Essays*, we lack a reason to think that they represent his considered view, and so lack a reason for explicating his published works by way of them. At the very least, it seems to me that use of the *Essays* requires a more explicit justification than either Feser or Mack give.

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side by side, the fact remains that they are distinct, that they are discussable in autonomy of one another, and that it is the ICP that does the “heavy lifting” in Locke’s argument. On this view, the fundamental premise in Locke’s political philosophy is not a theological one but one about the requirements of human survival, rationality, industry, and happiness. The point is not that we have rights because we are God’s workmanship, but that we have rights because, given our nature, respect for rights is a necessary condition—perhaps the crucial necessary condition—of self-preservation.

Locke’s implicit argument (covered *passim* in the second and third chapters of Mack’s book) is something like this. Human beings are distinctive in their mode of survival: they survive by rational judgment. This mode of survival functions best when the capacity for judgment is left untrammelled by coercive interference. Rights mark the boundaries within which rationally judging agents function best, and are to be respected because we have an obligation to preserve ourselves, and in the absence of conflicts with self-preservation, to preserve the conditions of human survival generally. Since on Locke’s view, conflicts between self and other occur where the dangers to *self* are greatest (i.e., in the State of Nature), our reasons to preserve ourselves and our obligation to preserve others will mostly or typically (though not invariably) coincide. Whether or not one finds this view plausible as the truth about rights, the fact remains that in one form or another, it is the view that Locke actually appeals to throughout the *Second Treatise*. In focusing on it and developing it at some length in Chapters 2-3 of his book, Mack does justice to Locke’s arguments in ways that Feser in my view does not.

This doggedly secular approach to Locke serves Mack well in his illuminating and libertarian-friendly discussion of Locke’s theory of property (pp. 55-74). Nothing about our being God’s workmanship explains why we *need* a right to property—*ex hypothesi*, God created a lot of things that don’t need it—but on Mack’s interpretation, something about *human* nature *does* explain it, whether that nature is of divine workmanship or not: “Locke thinks we need to get beyond mere permissible use and appropriation [of physical objects in the world] because, at least for the most part, men need property in what they are using or what they have appropriated if that use or appropriation is reliably to serve their ends” (p. 57). And again: “The very actions that must be permissible if men are to preserve themselves by making use of the earth also generate rights to the holdings which result from those actions” (p. 59).

On Locke’s view, then, we have rights to action-types that are morally right by the standard of everyone’s (equal right to) self-preservation. This self-preservationist rationale for property rights gives them their content, scope, and structure, and also serves to limit them in certain ways: “Since the liberty to engage in self-preserving action is at the base of the case for private property rights, the structure of rights which arises from that base must not deny any individual the liberty to use or appropriate in ways that are necessary

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to his self-preservation” (p. 63). The teleological structure implicit in this claim gives a rationale to the famous provisos that govern appropriation in Locke’s theory, namely, that no one appropriate what would spoil in his possession, and that appropriations from nature leave “enough and as good” for others. Such provisos make “clear that these rights are not to be construed so as to deny that basal liberty of self-preservation” (p. 63). Mack has a great deal more to say about Locke on property, which I commend to the reader’s attention. Particularly commendable is his refusal simply to *assume* (as so many interpreters, including Feser, do¹⁸) that the provisos on appropriation cease to apply either after initial appropriation or after the adoption of money; his view here is provocative, complex, and well worth reading (pp. 61-72).¹⁹ The main point, however, is that Mack’s sympathy for Locke’s project, and his rejection of the vacuities of Locke’s theology, gives him a unified and coherent interpretation of the best features of Locke’s theory, something the reader won’t find in Feser’s book.

Mack ends his discussion of Locke’s theory of property with a brief account of Locke’s later views on poverty, as expressed in his problematic “Essay on the Poor Law” (1697), which prescribes compulsory redistribution,

¹⁸ Feser, *Locke*, pp. 127-28.

¹⁹ I should add that I wasn’t in the end *convinced* by Mack’s interpretation, which seems to me to underplay the role of both provisos in Locke’s theory, and thereby fails to indicate the gap between Locke’s relatively constrained conception of property rights and the less constrained one taken for granted by contemporary libertarians and Objectivists. At one point Mack asks, in what seems intended as a quasi-*reductio* for Locke: “If John loves the odor of putrefying venison, does his holding on to it until it rots violate the spoilage proviso?” (p. 155 n. 5). Given Locke’s view, the answer strikes me as an obvious “yes.” But the answer seems an obvious “yes” for ostensibly harder cases than that. Suppose that John loves the sound of white noise and appropriates 88.3 Mhz on the radio spectrum for the exclusive purpose of broadcasting nothing on it but white noise. Does his broadcasting violate the spoilage proviso? Again, on Locke’s view, I think it obviously does. In fact, Locke’s spoilage criterion, if applied to a monetary economy, seems to provide a perfectly Lockean rationale for “blight” as a rationale for eminent domain (though not as broad or vague a rationale as has actually operated in American law; cf. the footnote to the majority decision in the U.S. Supreme Court Case, *Berman vs. Parker* [1954]), and the “enough and as good” proviso offers one for antitrust law. Examples of the preceding sort suggest that there is a rationale for a sort of “left Lockeanism,” and that non-left Lockeans have their work cut out for them in differentiating non-left Lockeanism from its left-wing counterpart. For a good example of the sort of work that’s required, see Eric Mack, “The Self-Ownership Proviso: A New and Improved Lockean Proviso,” in *Contemporary Political and Social Philosophy*, ed. Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul (Cambridge: Cambridge University Press, 1995), pp. 186-218.

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corporal punishment, compulsory schooling, imprisonment (of the idle), and forced labor as remedies for poverty (pp. 72-74). It's a difficult but crucial question what one is to make of this at times cold-blooded and even vicious essay.²⁰ Three interpretive options suggest themselves. One is that the "Essay's" prescriptions flatly contradict Locke's theory of rights. A second is that the "Essay" shows us that Locke's theory of rights is too indeterminate to rule out the "Essay's" prescriptions. A third possibility is that the "Essay" is meant to offer prescriptions to a non-ideal context that wouldn't apply in the ideal one which the normative theory addresses. Perhaps there are other possibilities. In any case, no option is entirely satisfactory, and I wasn't ultimately sure which option Mack would take, or why. But if we assume that Locke's views have significance for contemporary politics, some airing-out of the difficulties is in order. As the debates about welfare reform from the mid-1990s suggest, any attempt to apply Lockean ideas to contemporary issues in public policy is likely to face problems analogous to those Locke discusses in the "Essay." If Lockean theory is to have any relevance to such debates, we need to confront the possibility that the *prima facie* conflict between the *Second Treatise* and the "Essay" indicates a mismatch between Lockean theory and practice, not just for Locke but for us. This, I suspect, is one of the issues that divides "left-wing" from "right-wing" Lockeanes, and it's worth remembering that the disagreement arises from ambiguities within the Lockean texts themselves.

Since I'm now in complaining mode, I suppose I should make my other complaint with Mack's book, namely, his discussion of Locke on consent and political legitimacy (ch. 4), which I found somewhat confusing. The basic idea in Locke is that consent is what legitimizes government. To see this, we're to imagine ourselves in a State of Nature prior to government, and then to imagine the steps by which we would consent to be governed by a government limited in its functions to the protection of individual rights.

The initial steps of Mack's discussion of Locke's theory are clear enough (pp. 75-85): in the State of Nature, he explains, we lack an effective means of executing the law of nature by force; hence, we have reason to escape the "inconveniencies" of that state by forming a government that governs by the rule of a single monopolistic code of law. To do this, we somehow consensually transfer our right to execute the law of nature—essentially our right to use force—to what Locke calls "political society," which (respecting our rights all the while) forms a government that rules by majority rule. One complication, of course, is that consent comes in many

²⁰ Unlike the *Essays on the Law of Nature* (see n. 17 above), the "Essay on the Poor Law" was, though in one sense unpublished, still a written memorandum written "by Locke in his capacity as Commissioner on the Board of Trade," and so can fairly be thought to represent Locke's considered views on the subject (the quotation comes from Goldie's editorial preface in *Locke: Political Essays*, p. 182).

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varieties, so that we need to know what counts as consent sufficient for the purpose at hand. Another complication is that where there is consent there is presumably the possibility of dissent, so that we need to know what happens when (or if) those in the State of Nature *don't* consent to be governed.

Mack makes heavy weather of what he regards as the mysteriousness of “political society,” but I wasn't able to make out the mystery (pp. 77 and 102). Given the radical character of the move from the State of Nature to a fully fledged government as Locke conceives it, it seems natural to imagine the move as taking place via a transitional phase. I'm not sure why “political society” can't play this role. Mack later suggests that Locke's view would be more “streamlined had he cut out the middleman” of political society (p. 104), but it would also have been less plausible. Individuals in a state of nature need somehow to “gather” and form a unity before they can set up a government. Mack imagines that individuals might “directly” contract with government (p. 104), but this misses the fact that Locke is explaining how governments arise *ab initio: ex hypothesi* on Locke's story there is no pre-existing government with which to contract.

As Mack notes, Locke's theory of consent is a juggling act involving two pairs of concepts (pp. 85-86): *full membership in* versus *subjection to* political society, and *express* versus *tacit* consent. Mack continues:

It is natural to think that express consent and only express consent makes an individual a member of society (and by implication subject to the law) while tacit consent and only tacit consent merely makes one subject to the law. However, Locke's actual position is more complicated and more confused than this. (p. 86)

Mack takes a few pages to set out what he regards as the complications and confusions in Locke's view (pp. 86-89), but I didn't see what was *that* confused about it. Locke's view, it seems to me, goes something like this: Both express and tacit consent are multiply realizable, and there may well be borderline cases between them. In all their various forms, however, *express* consent makes for *full* membership in the political community, with all of the privileges and responsibilities of full membership (including taxation). At the other extreme, tacit consent makes merely for an obligation to obey the law—the law being the public and authoritative specification of the *natural* law in a given geographic location, such that violations of it are to be regarded as a threat to political society itself. But tacit consent, being merely tacit, makes for mere subjection to law, so that tacit consenters are candidates neither for the privileges nor the responsibilities of full membership in the political community (including taxation). They are thereby left in the State of Nature, where they enjoy all of the natural rights of the State of Nature, lacking only the “right” to set up law-like executors of the laws of nature that might

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compete with the government, but free of the responsibility to support it.²¹ I suspect that Mack's difficulty with this view arises from empirical assumptions about *how many* express consenters there will be; he seems to assume that there wouldn't be a sufficient number of express consenters to pay for the political community, given the larger number of free riders who would benefit from it without paying (pp. 88 and 103). That isn't obvious to me, and I don't think it was obvious to Locke, either.

Mack ends the book with a brief discussion of religious toleration, and a final chapter on "the reception and philosophical legacy of Locke's political philosophy." The first part of this latter chapter, on the historical reception of Locke's political thought, is exceptionally good (pp. 131-38). As Mack explains, throughout the 1960s and 1970s, a revisionist view of Locke prevailed in historiography, portraying "Locke as a largely peripheral figure" in the intellectual history of the Glorious and American Revolutions, and playing up non-Lockean (communitarian, civic republican) influences on both events (p. 132). "Contrary to this attempted scholarly marginalization of Locke," Mack writes, "my cautious judgment is that the correct view is a more nuanced version of the old standard view" that made Locke central to both events (p. 132). Mack ably synthesizes the historical scholarship in defense of this judgment, including most prominently the work of Mark Goldie, Richard Ashcraft, Michael Zuckert, and Hans Eicholz.

Much of the rest of the chapter puts Locke's views in dialogue with contemporary libertarian theory, with Nozick (and implicitly Rothbard) taking center stage (pp. 138-52). Though well worth reading, I think Mack's discussion might have been improved by pursuing parallels between Locke's views and Ayn Rand's, which strike me as more philosophically illuminating than those with Nozick. Like Locke (and unlike Nozick), Rand sees a crucial connection between rights, rational judgment, and *survival*. Like Locke (and again, unlike Nozick), Rand generates rights out of the need for survival via a need to protect the conditions of rational judgment, and takes private property to be an instantiation of this need. Like Locke (unlike Nozick), Rand thinks that we primarily have the right to do what it is *right* to do, but also thinks that rights so construed generate legal protections for irrational actions as well.²² Like Locke (unlike Nozick), Rand asserts that we have strong property rights

²¹ The Palestinian philosopher Sari Nusseibeh seems to have endorsed *some* such view as a resolution to the Israel/Palestine conflict. See especially his comments on the annexation of the West Bank by Israel in "Sari Nusseibeh: A Palestinian State Has Become Impossible," accessed online at: <http://www.israeli-occupation.org/2010-01-20/sari-nusseibeh-a-palestinian-state-has-become-impossible/>.

²² Compare Mack's discussion (p. 59) with Rand's account in her "Man's Rights," in Rand, *Capitalism*, p. 370.

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but also insists that these rights are circumscribed by teleological provisos that limit acquisition and use.²³ Like Locke (unlike Nozick), Rand has a rather hawkish understanding of the right of self-defense: both explicitly compare aggressors to predatory animals, and both suggest that their would-be victims have the right to “destroy” them.²⁴ Finally, like Locke (unlike Nozick), Rand insists that membership in the political community requires explicit consent while also regarding the (duly limited) state as a glorious source of human benefaction.²⁵ Given Mack’s long-standing interest in Objectivism, I’d have been interested in what he had to say about these parallels.

Criticisms to one side, however, *John Locke* is without question *the* book I would put in the hands of anyone looking for an overview of Locke’s political philosophy, especially someone looking for an overview that shows how and why Locke is indeed a proto-libertarian or proto-Objectivist rights theorist. Alas, no such book existed two decades ago when I first turned the pages of the *Second Treatise* and got hooked on Locke. It’s a pleasure to be able to say that the times have changed for the better, and to acknowledge Eric Mack’s contribution to the change in intellectual climate.

4. Conclusion

So are Objectivists and libertarians entitled to invoke Locke as the theoretical ancestor of their political philosophy? All things considered, the books under review suggest that the answer is “yes.” But if so, Locke’s *Second Treatise* is in effect the Isaiah of the Free Market Gospel: Locke stands to Objectivist and libertarian political theory, we might say, as the Old Testament stands to the New—with all the friction and complexity that such a relationship involves.²⁶

²³ Compare Mack’s discussion of Locke’s provisos on appropriation (pp. 61-72) with Rand’s discussions of the Homestead Act of 1862 (see her “The Property Status of Airwaves,” in Rand, *Capitalism*, pp. 132-33) and the (British) Copyright Act of 1911 (see her “Patents and Copyrights,” in Rand, *Capitalism*, p. 144).

²⁴ Compare Locke, *Second Treatise* paras. 16-19 with Ayn Rand, “The Objectivist Ethics,” in Ayn Rand, *The Virtue of Selfishness: A New Concept of Egoism* (New York: Signet, 1964), pp. 25-26 and 35-36.

²⁵ Compare Locke, *Second Treatise*, paras. 122 and 138 with Rand, “The Nature of Government” and “Government Financing in a Free Society,” in Rand, *The Virtue of Selfishness*, pp. 125-34 and 135-40, respectively.

²⁶ I credit Roderick Long with starting the trend that inspired the (admittedly ridiculous) analogy in the text. For its (equally ridiculous) ancestor, see Long’s comparison of Aristotle to John the Baptist and Ayn Rand to Jesus Christ in his *Reason and Value: Aristotle Versus Rand* (Poughkeepsie, NY: The Objectivist Center, 2000), p. 5.

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Though there is a gap of sorts between Locke's politics and laissez-faire capitalism, libertarians and Objectivists certainly have a better claim to the Lockean legacy than, say, Rawlsian egalitarians—despite the latter's attempts to appropriate it. "My aim," Rawls writes near the beginning of *A Theory of Justice*, "is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract found, say, in Locke, Rousseau, and Kant."²⁷ But as Feser and Mack make clear, there's no plausible construal of Rawls's Difference Principle that is consistent with Locke's theory of property, no construal of Rawlsian contractarianism compatible with Locke's theory of consent and political legitimacy, and no construal of the Rawlsian state compatible with Locke's insistence on limited government. Ironically, when Rawls tells us that he intends to carry Locke's theory "to a higher level of abstraction," he seems to have adopted the worst features of Locke's theory of abstraction: having stripped away every essential attribute of Locke's theory and found its supposed common denominators with Rousseau and Kant, he is left at last with a supposedly Lockean theory that says nothing distinctively Lockean.

That said, libertarians and Objectivists have to tread carefully in invoking Locke, taking the discontinuities between his claims and theirs at least as seriously as the continuities. As Feser suggests, there is no way to take Locke seriously until we acknowledge that Locke took religion seriously. If so, secular Lockeans will have to offer more than handwaving to disentangle Locke's politics from his theology. And as Mack suggests, unlike many contemporary libertarians, Locke is a teleologist about rights for whom the structure of rights arises from the requirements of self-preservation, and is constrained by it as well. If so, deontological Lockeans will have to rethink the axiom that libertarian rights are "side-constraints" on the pursuit of valuable goals. Finally, as both Feser and Mack make clear, one needn't be a historicist to worry about the yawning historical gap between Locke's milieu and our own: there are no easy inferences from what Locke says about events in his context to what a Lockean ought to say about events in ours. But perhaps it's salutary that Locke forces us to tread more carefully in political life. The need to think things through may well slow us down, but as a great philosopher once said, "that ill deserves the name of confinement which hedges us in only from bogs and precipices."²⁸

²⁷ John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: Harvard University Press, 1999), p. 10.

²⁸ Locke, *Second Treatise*, para. 57.

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