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FOR ERIN AND CYNTHIA

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Preface

My major aim in this book is to recover the meaning which John Locke intended to convey in his theory of property in the *Two Treatises of Government*. Such an exercise seems to me to require situating the text in two contexts. One is the range of normative vocabulary and conventions available to Locke and in terms of which his theory is written. This intellectual matrix is constituted by the seventeenth-century natural law and natural rights 'discourse' to which Locke is a contributor. Therefore, I have sought to use other natural law theories to throw light on Locke's work by illuminating their similarities and dissimilarities.¹ By this method it is possible to make explicit the conventions normally employed in natural law writing and to answer three sorts of questions. First, it enables us to see which aspects of Locke's analysis of property are conventional; where he wishes to endorse or to reassert prevailing beliefs and assumptions. Second, it provides a framework against which to gauge where Locke diverges from the norm and presents his audience with something new and different. Third, this method furnishes the means of isolating the intersubjective beliefs which his audience had no reason to doubt and which thus could function as public criteria for justifying arguments.² The second context is the group of social and political issues Locke addresses in the *Two Treatises*. To understand his intentions, and so his meaning, it seems essential to ask what Locke is doing in deploying the normative vocabulary in the way he does; what social and political action he wishes to condone or to condemn. In this concern, as well as in the former, I am indebted to the methodological writings of Quentin Skinner and John Dunn.³

The study extends, in the same manner, beyond the confines of the natural law discourse to include Locke's major opponent, Sir Robert Filmer, who is not a natural law writer. This in turn affords the opportunity to ask and to answer the question why Locke should choose a natural law argument to discharge his main ideological task: the refutation of Filmer's *Patriarcha*. In adopting natural law Locke rejects, as Skinner points out, 'one of the most widely accepted and prestigious forms of political reasoning available to him': an 'appeal to the alleged

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prescriptive force of the ancient English constitution' (1978: 1, p. xiv). Locke gives reasons for his commitment, and he appeals to his historically minded audience by grounding natural law in more widely held beliefs. By tracing this line of Locke's argument it is possible to reconstruct the constitutive and regulative elements which underpin his theory of property. The central epistemological and theological premisses are embodied in a conceptual model of the relation between God and man which I call the workmanship model. In Chapters One and Two I explore this dimension and attempt to bring to light the connections between the *Essay* and the *Two Treatises*.

In a letter to Richard King in 1703 Locke gave his assessment of his explanation of property: 'property, I have found nowhere more clearly explained than in a book intitled, *Two Treatises of Government*' (1823: x, p. 308). This uncharacteristically immodest appraisal was not shared by his contemporaries; the work met with either silence or abuse.⁴ Since the early nineteenth century, however, Locke's theory of property has played a major and contradictory role in western political thought. The early English and French socialists took it as the major philosophical foundation of modern socialism: the workers' right to the product of their labour and possession regulated by need.⁵ In the twentieth century the tables were turned; Locke became the spokesman for limited private property and, more recently, for unlimited private property.⁶

What I have attempted to do in this study is to replace Locke's argument in its context and to recover its original meaning. His analysis is fashioned within a discourse constituted by many conventions and assumptions we no longer share; and aimed to encourage and discourage forms of social action no longer our own. Indeed, the term 'property' itself has a meaning different from ours. Locke's theory is neither socialist nor capitalist; our modern dichotomy of private and common has no place in it. The mutually exclusive concepts of common and private property divide the modern world into two spheres. By coming to understand a way of thinking about rights in which our opposed concepts do not exist, we can begin to see what is contingent and what is necessary in our predicament.

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Note on the text

I have used the author–date system to give the reference of quotations. At the end of each quotation, or preceding an indented quotation, the author’s name, date of publication and page number appear in brackets. If the author is mentioned in the sentence, his name is omitted from the bracket. There are exceptions to this rule. First, in the case of Locke’s *Essay*, all quotations are from the Nidditch critical edition and only the book, chapter and section numbers are placed in brackets. I have used the Laslett critical edition of the *Two Treatises* and the treatise and section numbers appear in brackets. When the quotation is from a manuscript in the Lovelace collection, the manuscript reference is given and this is followed by a reference to a modern text in which it has been republished. Also, if more than one quotation in a paragraph is from the same author and page or section I have given the reference after the first quotation only, thus avoiding undue clutter.

Many of the early modern works cited are available in several editions. To make the quotations as readily identifiable as possible to readers with different editions at hand, I have cited chapter and section numbers rather than page numbers. In the case of well-known authors, such as Aristotle and Aquinas, I have used the conventional abbreviations to facilitate reference. In addition, when an author is first cited the full title and date of publication is given; and all further references are to that work unless otherwise specified. I have translated all titles into English in the text and given the title in the original language in the bibliography. I have not been able to do away completely with notes. In a few places, where the reference has been too lengthy to place in brackets or the point has been inappropriate for the body of the text, I have placed a note at the end of the chapter.

One of the most important and interesting difficulties which Locke faced is a problem of translation. Property had been discussed in a highly technical manner by the Latin authors; a complex set of linguistic distinctions had been developed to deal with the Latin concepts of *ius*, *proprietas*, *suum* and *dominium*. To deal with these issues Locke developed a set of English locutions to translate the Latin terms. To understand

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Locke's meaning, it is indispensable to read his English terminology in the light of the Latin equivalents. I have adopted two methods to achieve this goal. First, I have used a seventeenth- or early eighteenth-century English translation of a Latin author whenever one is available. This provides the means of reading Locke's text in the light of other attempts to translate Latin terms into English, and thus render his prose less quaint and untoward than it otherwise would be. Much of the misunderstanding of Locke on property stems from wrenching his argument out of its linguistic context and reading it in the light of our quite different vocabulary. Second, to clarify the conceptual distinctions involved in a quotation from a Latin author I have inserted the Latin terms in the quotation and discussed their meaning in the body of the text. Although this method is somewhat cumbersome, it seems essential if Locke's meaning is to be recovered. No doubt Locke's terminology would have been clear to his audience with their classical education; however, it is quite possible that Samuel Johnson, in his extensive use of Locke in his dictionary, was one of the last persons to understand and record the meaning of Locke's rich array of distinctions and technical phrases.

J.H.T.

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