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978-0-521-54890-8 - John Locke and the Origins of Private Property: Philosophical
Explorations of Individualism, Community, and Equality

Matthew H. Kramer

Excerpt

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Part I

Introduction

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1 A philosophical approach to philosophy

Sustained encounters with political theories involve protracted labor. In a study of John Locke's political thought, we thus do well to train our attention on the Lockean view of the just rewards for toil. Locke's labor theory of ownership has helped to win a place for its formulator among the great thinkers in Western civilization. That theory has correctly been viewed by sundry commentators as one key means by which Locke grappled with many of his most pressing concerns. It has also helped to give Locke a reputation as an eloquent spokesman for political individualism – a reputation that lingers widely in the face of some partial challenges during recent years. Therefore, by concentrating on the nexus that Locke postulated between work and ownership, I aim to probe the fundamentals of his political thinking.

More exactly, this book tries to ferret out the reversals which Lockean individualism undergoes – reversals based on precisely the individualistic line of thought which they undo. In some respects, this study will countenance the conventional view of Locke as a supporter of economic and political atomism. In most salient respects, however, my critique will cast grave doubt on that conventional judgment; and the doubts posed here are more worrying and wide-ranging than those raised by several other recent interpreters of Locke. In the course of laying stress on the individualistic theses which Locke upheld, this book will demonstrate that those theses undermine the integrity of individualism. Whereas previous re-evaluations of Locke have classified his perspective as a *composite* or *blend* of individualism and communitarianism, the present study shows that Locke's individualism must *reduce* itself always to a thoroughgoing communitarianism (under which the rights of the individual in the state of nature were but facets or offshoots of humankind's collective ideals and purposes).¹ Though staunchly individualistic, Locke precluded himself from being individualistic. Or so this book argues.

¹ As should be clear from my preface's statement of the conception of communitarianism that is operative in this book, I am not attempting to associate Locke with the modern "communitarianism" of writers such as Charles Taylor, Jean Bethke Elshtain, Michael Sandel, and Alasdair MacIntyre. Although there is some considerable overlapping between present-day communitarianism and the communitarianism discussed in this

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In other words, I focus on the complete interpenetration of communitarianism and individualism, and thus refrain from positing a mere mixture of those values. Far from discovering simply that Locke tempered his sociopolitical atomism with a weighty dose of collectivism, we shall see that his atomism was itself utterly collectivistic. We shall find that a blending of values was out of reach, for one value engulfed the other entirely. My conclusions will deal with theses to which Locke's arguments are logically committed, as well as with theses which his arguments directly proclaim. As will become evident, Locke overturned his positions through the very reasoning he employed to advance them.

Before scrutinizing the labor theory of property, however, this book presents three chapters with other foci. After chapter 1 articulates the methodological guidelines and concerns that inform the rest of the book, chapter 2 will clarify some of the central concepts on which my critique of Locke must draw. Next, chapter 3 explores Locke's reflections on the basic equality of people. His conception of equality has played a large and praiseworthy role in the development of the most enlightened political assumptions that obtain in the modern West; but his efforts to justify and expound his stance were bestrewn with blunders that still ensnare many theorists. By chastising Locke for arrant non sequiturs and other instances of confusion, I warn against some mistakes that have largely gone undetected. Finally, chapters 4–6 peruse the complexities of my main topic: the acquisitive rights and powers that were attained or exercised through human work in the state of nature.

A philosophical focus

As the title of this chapter indicates, my book will train its scrutiny on the philosophical merits and failings of the theories which Locke propounded. I do not venture to highlight the concrete circumstances that surrounded the drafting and the reception of the *Two Treatises of Government*. No one will find here any lengthy analysis of Locke's motives or of the rivalries and the altercations on which his renowned political texts would leave their enduring imprint. Not only will the tussles of religious and political jockeying remain unexplored, but so will the high-flown intellectual frays that pitted Locke against men such as Hugo

book, the two are not identical, and I am certainly not endeavoring here to expound or join the modern controversy. (For my own laconically expressed doubts about modern communitarianism, see Matthew Kramer, "Our longest lie: irreligious thoughts on the relation between metaphysics and politics," 37 *Philosophy Today* 89, 93–4 [1993]; Matthew Kramer, *Critical Legal Theory and the Challenge of Feminism* [Lanham: Rowman and Littlefield, 1995], 10–12.) As I observe in my preface, I have chosen "communitarianism" as a label because it accords with Locke's patterns of usage, rather than because of its connotations in substantive political debates among my contemporaries.

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Grotius and Robert Filmer and Thomas Hobbes. Instead of focusing on the practical and intellectual contexts of Locke's writings, this book devotes its attention to the soundness of his arguments. Rather than judge his lines of reasoning on the basis of their serviceability in particular quarrels, I judge how well they fare when they have been lifted out of those quarrels and assessed for their lasting strength.

Of course, any interpretation of a text must depend upon a host of semantic and rhetorical assumptions; and assumptions built on copious knowledge of the relevant historical settings can forestall smug anachronisms and easy oversimplifications and sheer bemusement. An extensive familiarity with the uses of vital terms and broader patterns of discourse in a multitude of related texts should hone the sophistication of one's interpretive stance. Much the same can be said about an extensive familiarity with the institutional conflicts and controls that structured the site of a text's emergence. When coming to grips with Locke's *Two Treatises of Government*, for example, a critic stands to profit immensely from a learned awareness of the great natural-law tradition in Western thinking and also from a learned awareness of the acrimonious struggles in Britain during the seventeenth century. To be sure, a wide knowledge of intellectual currents and religious/political forces cannot guarantee that one's encounters with any specific text will be fertile and illuminating. Yet, while no assurances are available, a thorough acquaintance with the pertinent contexts will indeed supply leverage for fruitful readings.

All the same, to underscore the advisability of apprehending a text's location in a throng of ideas and social matrices is not to imply that every fitting analysis must dwell on those ideas and matrices. One can rely upon a knowledge of history without invoking the details of one's knowledge expressly, and in fact without highlighting the circumstances of history at all. Such an approach, indeed, will characterize this book.

While an awareness of the interaction between arguments and their contexts is extremely useful for understanding the arguments' specificities, a gauging of their soundness must proceed not by looking at their furtherance of some ends in their original times and places, but by checking how well their premises support their conclusions when detached from those original sites. What interests the philosophical reader is the lasting power or speciousness of an argument, in contrast with the time-bound endeavors which the argument was fashioned to serve. Hence, a philosopher will typically be inclined to discuss the worldly impacts of theories with great brevity, if at all.

Historical knowledge, handy though it may be for improving the adroitness and subtlety of one's readings, does not supplant the methods and skills required for the philosophical evaluation of texts. It merely helps to refine one's overall understanding of any argumentation on

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which one's philosophic techniques are then brought to bear. By itself, historical knowledge will serve the philosopher only as a preliminary footing for judgments about the soundness and the logical implications of theories. One's alertness to the contexts of history will not predecide the nature of one's approach to the paths of reasoning that emerged in those contexts. More specifically, it does not oblige one to call attention to the influence of those contexts upon those paths. One can omit to highlight that influence, and can appositely discuss instead the logical rigor of the influenced argumentation.

Intersections between philosophy and history

Until now, this chapter has emphasized the differences between history and philosophy; the time has arrived for me to underscore some interrelations and similarities between those two disciplines. The utility of the former discipline in the service of the latter has already become clear. On the one hand, when a philosophical theorist mulls over the virtues of sundry arguments by constructing and refining those arguments without engaging in sustained interpretations of other people's works, the historian's approach to texts is quite obviously beside the point. But, on the other hand, a philosophic dissection of argumentative routes can stem also from an effort to interpret some writings that develop those routes. Philosophic analyses in the form of critical expositions and jousting are as widespread as are independent musings that remain aloof from explicit confrontations with other texts. *John Locke and the Origins of Private Property*, for example, will assess a number of far-reaching arguments via an extensive interpretation of Locke. Thus, for the present study and for broadly similar studies, the value of pertinent historical information is great indeed – because an acquaintance with various historical currents will tend to improve the sensitivity of one's grasp of the theories that were shaped by those currents.

Among the ways in which historical information can redound to one's benefit is that it sharpens one's linguistic acuity. When we take cognizance of words' historically varied uses, we can better perceive that words which look familiar may carry strange meanings. Critics of the *Two Treatises of Government*, for instance, should recognize the diverse meanings that Locke and his contemporaries attached to the word "equality"; unless we are aware of the several meanings presupposed by Locke, we shall plunge into oversimplifications. At a level more far-reaching than that of individual terms, a knowledge of historical contexts will strengthen one's ability to divine the presence and roles of certain general patterns of discourse. Modes of argument and ways of construing problems gain a visible import when the interpreters who confront them are prepared to discern

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them. (Likewise, the *absence* of some specific argumentative modes and some specific ways of construing problems will gain a visible import when interpreters are prepared to notice that such features are missing.) More broadly still, a profound awareness of history can help an analyst sometimes to make sense of highly perplexing doctrines by seeing them as maneuvers in political and social debates. Such an awareness, furthermore, can help to avert any comically ahistorical censure or praise of a classic theory.

At many levels, then, from the uses of individual words to the deeper patterns of language to the general influence of society on theoretical outlooks, the importance of history for the texts of philosophy is prodigious; anybody engaged in an analysis of those texts should therefore become attuned to their historical circumstances. No philosopher should neglect the capacity of historians to illuminate the theories and arguments of which the philosopher then judges the merits. (To be sure, as I have contended, the important bearing of history on the views of philosophers does not mean that every worthwhile exegesis has to discuss overtly the interweaving of historical situations and particular texts. One's knowledge of intellectual and political currents can inform one's interpretations without being highlighted therein. One's knowledge can suitably remain helpful background knowledge. Moreover, an acquaintance with intellectual and political settings is *per se* clearly not enough for a philosophical verdict on the soundness of any line of reasoning. To arrive at such a verdict, an analyst has to employ techniques and consider problems that lie beyond the techniques and problems of historical studies.)

If someone taking a philosophical approach to philosophy can benefit from historical learning, somebody who takes a historical approach to philosophy can benefit likewise from some philosophical acumen. Although many of the questions facing the historians of philosophy are empirical and not metaphysical or deductive, some of the questions do belong to the realm of metaphysical speculation. Let us briefly look, for example, at the issues that will arise when a historian asks if such and such a theorist did genuinely espouse two views that may seem to be at odds. Very likely, the most important question that will have to be raised is whether the particular theorist deemed the patently clashing views to be reconcilable and conjoinable. Or perhaps the question that should be raised is whether the theorist simply overlooked the egregious conflict between the views (and thus held blithely to both of them). Or maybe the most pertinent question is whether the theorist showed a Whitmanian insouciance about contradictions between his tenets. If the answer to one of these inquiries is plainly "yes," the historian will harbor no reservations about detecting incompatible standpoints in the work of a single writer. Now, notice that each of the suggested inquiries is indeed a historical

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inquiry, which concentrates on the attitudes of a given theorist. We descry those possible attitudes – which, insofar as they can be known, are gleanable solely from the theorist’s germane writings and from other people’s accounts – by plumbing some appropriate texts, and not by abstract argumentation that can render its verdicts a priori. But notice as well the philosophic assumption which generates the foregoing three inquiries: the assumption that certain views do indeed conflict with each other.

Detecting the disharmoniousness or the harmoniousness of the relation between two viewpoints is a philosophical exploit. For such a task, an interpreter must make judgments about the logical implications and the logical boundaries of each viewpoint. Exactly such judgments underlie the three inquiries that were broached above. After all, if a historian has not concluded that certain standpoints jar with each other – if she has no grounds for presuming that the logical implications of one such standpoint conflict with those of another – she will scarcely need to determine why a theorist would not have shunned the inconsistencies between the two standpoints. Hence, only by having marked the logical bearings of particular doctrines can a historian feel a need to explain why somebody chose to support doctrines that collide with each other. And only by having knowingly or unknowingly marked the logical bearings of particular doctrines can a historian see *no* need to explain why somebody failed to regard the doctrines as uncombinable.

When an exegete asks why someone would embrace incompatible stances, he has concluded that the propositions entailed by either stance are logically incompatible with those of the other. When an exegete does not consider two stances to be at odds, and when he has therefore not been taken aback by somebody’s joining of those stances, he has concluded that the propositions entailed by either stance are logically compatible with those of the other. So, whether a historian doubts the possibility or takes for granted the possibility of reconciling two theses, he commits himself to a philosophical verdict on the nature of each thesis. In that respect, a historian of philosophy cannot avoid being a philosopher. Thus, given that a reliance on philosophical judgments is inescapable, the historian is well advised to make such judgments reflectively and observantly – rather than precipitately or by default.

The philosophic perspective and the explanation/understanding dichotomy

The dyad of “explanation” and “understanding” is a potential source of confusion, both because its categories approximate the perspective of this book while significantly diverging therefrom, and because those categories often have been entangled with other foci. As here construed, a

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project of “understanding” seeks to describe a writer’s arguments and positions from the writer’s own vantage point. Instead of tracing a thinker’s outlook to deep psychological or social determinants of which the thinker would have been unaware or only dimly aware, an exploit of “understanding” involves the faithful reconstruction of any viewpoint along lines that would be familiar and congenial to the person holding the viewpoint. Understanding, then, consists in trying to see an author and her opinions in the way that she saw herself. It proceeds by taking a writer’s nonironical utterances at face value, and therefore disdains to treat her outlook principally as an epiphenomenon that instantiated some broader forces which the writer largely or wholly failed to discern.

Now, we should avoid two glaring misconceptions that might impede our grasp of what a project of understanding entails. First, we should not think that such a project must sympathize with the aims of the writer(s) whose beliefs it examines; we ought not to overlook countless motives that can spur one’s attempts to reconstruct the doctrines of any theorist. To expound the convictions of an author in the author’s own terms is not perforce to approve of those convictions; having elaborated an author’s views in ways which the author would have recognized and endorsed, an analyst may then harshly denounce those views for moral reasons or political reasons. When one understands a writer as the writer would understand himself, one has an efficacious point of departure for an onslaught against his attitudes. Thus, for instance, when certain scholars have tried to understand Locke’s theory of property in Indian-disparaging terms which Locke himself knew and favored, they have clearly done so in order to bewail the express chauvinism of the *Second Treatise of Government*.²

Second, we should not presume that a project of understanding must

² Among the analyses that I have in mind here are those of Wilcomb E. Washburn, “The moral and legal justifications for dispossessing the Indians,” in James Morton Smith (ed.), *Seventeenth-Century America* (Chapel Hill: University of North Carolina Press, 1959), 15, 22–3; Wilcomb Washburn, *Red Man’s Land/White Man’s Law* (New York: Charles Scribner’s Sons, 1971), 38, 143; William Cronon, *Changes in the Land* (New York: Hill and Wang, 1983), 78–9; Peter Hulme, “The spontaneous hand of nature: savagery, colonialism, and the Enlightenment,” in Peter Hulme and Ludmilla Jordanova (eds.), *The Enlightenment and its Shadows* (London: Routledge, 1990), 16, 25–34; Robert Williams, Jr., *The American Indian in Western Legal Thought* (New York: Oxford University Press, 1990), 228–9, 246–9, 300; James Tully, *An Approach to Political Philosophy: Locke in Contexts* (Cambridge: Cambridge University Press, 1993), chapter 5; and Barbara Arneil, “The wild Indian’s venison: Locke’s theory of property and English colonialism in America,” 44 *Political Studies* 60 (1996). See also Chester Eisinger, “The Puritans’ justification for taking the land,” 84 *Essex Institute Historical Collections* 131 (1948); James Axtell, “Through a glass darkly: colonial attitudes toward the native Americans,” 1 *American Indian Culture and Research Journal* (1974), 17–18; Peter Thomas, “Contrastive subsistence strategies and land use as factors for understanding Indian-white relations in New England,” 23 *Ethnohistory* 1, 4–5 (1976); Nicholas Griffin, “Aboriginal rights: Gauthier’s arguments for despoliation,” 20 *Dialogue* 690 (1981).

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exclude attentiveness to historical backgrounds. Consistent with fierce rebukes, the objective of understanding is equally consistent with a focus on the occurrences and debates that structured the scene wherein a text evolved. On the one hand, admittedly, an emphasizing of historical contexts can be a route for attributing the main concerns of a theorist to forces that hardly entered his consciousness. On the other hand, such an emphasis can likewise be used for fleshing out the preoccupations that absorbed a theorist's mind. If the arguments in a text were fashioned chiefly as a response to well-defined positions in other texts or to well-defined happenings in the broader world, then a good acquaintance with those happenings or those other texts will clearly prove vital for an effort to understand the responsive argumentation. Though an explicit highlighting of the other texts or the affairs in the broader world is always forgoable – as this chapter has previously affirmed – it can bring a lot of rewards. And, again, whether invoked squarely or left implicit, a *knowledge* of the relevant other texts and the relevant worldly circumstances is crucial; we never can come to grips with anyone if we know very little about the problems to which he was reacting. Hence, not only will the training of one's attention on history be compatible with one's striving to understand the outlook of any theorist, but it also can very often aid such striving immeasurably.

Quite different from a project of understanding is a project of explanation. While a project of the former sort is an endeavor to rehearse views in the ways that their exponents themselves perceived them, a project of the latter sort is an endeavor to *account for* views by pointing to a variety of determinants, which shaped and governed the consciousness of theorists but lay beyond their ken. An explanatory approach does not accept anybody's verdicts and reasoning at face value; it pierces through them as the epiphenomena or signals of deeper causes. Those causes are to be found outside a theorist's writings, in the muddy roots of the theorist's psyche or in the vectors of social institutions and conditions. Those deep causes have gone unrecognized in the theories which they have engendered – or, at most, they have been only obliquely recognized. They have contributed hugely to the creation of texts despite the fact that their formativeness has not been apparent to the authors of the texts. In sum, whereas a project of understanding will treat an author's positions as *replies*, a project of explanation will treat them as *results*.

Some frequent mistakes about the posture of explanation are invertedly parallel to the frequent mistakes about the posture of understanding. An explanation does not necessarily set out to impugn the worthiness of the theories which it explains; nor does it invariably proceed via a focus on historical contexts. To be sure, a proposed explanation of someone's

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views can seek to discredit her lines of thought by showing that they were spawned by unattractive determinants. A Marxist critique that highlights the class-based origins of political values, and a Nietzschean attempt to trace religious piety to shame and fear, are obvious examples. Nonetheless, such hostile explanatory accounts are not the lone options. Hosts of neutral or supportive accounts will coexist with any jaundiced appraisals. A charting of the connections between a theory and the theory's surroundings can enable admirers to applaud the ingenuity or the well-adjustedness of the theory; and the drawing of such connections likewise can allow an impartial analyst to enjoy a richer sense of the theory's station. To explain is not ineluctably to deride.

Perhaps not so evident is the sunderability of explanatory theses from historical foci. If an explanation consists in marking the ties between a theoretical viewpoint and some factors beyond the viewpoint, does it thus have to plight its troth to the concerns and methods of historians? Our response to this question should be negative, as the stimuli that are deemed germane for explanatory purposes can transcend all specific contexts. Think, for example, of a Freudian who wants to explain a creed with a reference to the profound yearnings in the psyche of the creed's major spokesman. As portrayed by unabashed Freudians, such yearnings are timeless elements of the human condition rather than distinctive outgrowths of specified periods and places. An equal slighting of historical currents will attend a geographic determinism that ascribes the outlook of a philosopher to the nearly unchanging facets of his or her environment. In short, one's choice between explanation and understanding does not predecide one's position in the debates over the relative merits of contextualizing and noncontextualizing approaches.

Such, then, are the categories of explanation and understanding. How does the present volume's analysis relate to each of those two endeavors? First, it aligns itself with projects of understanding in its acceptance of Locke's key principles and terms at face value. This book eschews the explanatory aim of accounting for the tenor of Locke's positions by reference to some forces or promptings that inspired those positions from without. Neither a historical explanation nor any other species of explanation will emerge in this book to highlight the extrinsic causes that shaped the *Two Treatises of Government*. Moreover, I address some of the specific problems which Locke addressed, and I make no effort to ignore the basic postulates that structured his theory. Instead of wishing that Locke had tackled some other questions, this book will concentrate on the questions that did absorb him. And instead of disregarding his prime axioms, we shall grant those axioms *arguendo*. In these respects, and furthermore in my abstention from any searching for some unacknowledged