

Chapter 2

Natural Freedom

[L]iberty is, to be free from restraints and violence from others; which cannot be, where there is no law: but freedom is not, as we are told, *a liberty for every man to do what he lists*: (for who could be free, when every other man's humour might domineer over him?)

John Locke (1689/1980), *Second Treatise of Government*: §57

The main goal of this chapter is to spell out Locke's understanding of freedom and highlight how it differs from the view that freedom is a matter of doing whatever one wants to do. Locke, as a classical liberal, holds that everyone has a right to freedom—but not a right to do whatever one wants to do.

Hobbes and Locke *seem* to agree that all individuals (who have reached the age of reason) are naturally equal and free. However, for Hobbes, this natural equal freedom is a matter of no one being naturally subject to any other person or to any constraining principles of law or justice. For Hobbes, to be free is to be able to do whatever one desires to do. Any constraint on how one may act constitutes a denial of freedom. In contrast, Locke holds that our natural equality and freedom is a matter of each of us having a natural right against being subordinated to the will of others. Our freedom consists in others not subordinating us to their will. The freedom of others is not compromised when they are required not to subordinate us to their will—even if they desire to engage in such subordination. The freedom of others is compromised only if they are subordinated to our will. A corollary of each person's right to freedom is each other person's obligation not to infringe upon that freedom.

Locke tells us that there is, “nothing more evident, than that creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another

without subordination or subjection” (*ST* §4). Echoing Rumbold’s scaffold speech, Locke adds that the only thing that could overturn the natural hypothesis that creatures who are born to the same species, advantages, and faculties are born to equal status and freedom would be if God, “the lord and master of them all [would] by ... manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty” (*ST* §4). God, however, has not made any such “manifest declaration”. He has not, for example, arranged for some people to be born with saddles on their backs and others born with boots and spurs to ride them. Hence, the plausible hypothesis of natural equality and freedom among all persons stands.

Still, this natural equality is not an equality of “virtue” or “excellency” or “merit”. Rather, our natural equality consists in “that equal right, that every man hath, to his natural freedom, without being subjected to the will or authority of any other man” (*ST* §54). We are all “born to” this freedom, not born with it (*ST* §55). We each come into possession of our full moral rights when our reason matures to the point that we are able to appreciate and conform to the law of nature (*ST* §59).

If one turns back to the Locke passages at the outset of chapter 1, one is reminded that, for Locke, “a state of perfect freedom” is a state in which persons can “order their actions, and dispose *of their possessions and persons*, as they think fit” (*ST* §4, emphasis added). For each person, freedom is his “*liberty* to dispose, and order as he lists, his person, actions, possessions, and his whole property, within the allowance of those laws under which he is, and therein not be subject to the arbitrary will of another, but freely follow his own” (*ST* §57). Freedom is not, as Hobbes (and Filmer) hold, “*a liberty for every man to do what he lists* [that is, desires]” (*ST* §57).

Bea is rendered subject to Abe’s will and, hence, is rendered unfree if (without her consent) Abe cuts off her head for the fun of it. For this action on Abe’s part deprives Bea of discretionary control over her own person. However, on Locke’s understanding of freedom, Bea does not subject Abe to her will and, hence, does not render Abe unfree if Bea flees from Abe and thereby avoids having her head cut off. Bea’s flight does not deprive Abe of discretionary control over his own person or possessions. Bea’s flight merely denies Abe discretionary control over Bea.

Consider another example that similarly illustrates Locke’s distinction between actions that deprive another of freedom and actions that do not.

Suppose Abe enslaves Bea (without asking her leave and receiving her permission). On Locke's understanding of freedom, Abe's act deprives Bea of freedom, for it precludes Bea doing as she sees fit with her own person. Now suppose that Bea escapes from Abe's enslavement. Is this exercise of her freedom a denial of Abe's freedom? According to the Hobbesian conception of freedom, the answer is, yes. For Bea's escape precludes Abe's doing what he desires to do, *viz.*, continue to control and exploit Bea. However, on Locke's understanding of freedom, Bea's escape does not infringe upon Abe's freedom. For, Bea's escape—like Bea's flight in our previous example—does not deprive Abe of discretionary control over his own person. It merely denies Abe discretionary control over Bea. Since Bea does not impose restraint or violence on Abe when she flees from head-hunting Abe or escapes from the enslaving Abe, he cannot legitimately complain that Bea's flight or escape diminishes his freedom. If one agrees that Abe cannot legitimately complain that Bea's escape comes at the expense of his liberty, one should accept Locke's understanding of liberty.

Locke points out that, if liberty is a matter of doing whatever one wants to do, then each person's right to liberty would make it permissible for that person to deprive others of liberty whenever that person desires to do so. For instance, Abe's right to liberty would make it permissible for Abe to cut off Bea's head for the fun of it and to enslave Bea whenever he wants to do so. Locke argues, however, that no individual can genuinely possess freedom, if it is permissible for every other person to deprive that individual of freedom whenever that other person wants to do so.

As Locke rhetorically asks, "who could be free, when every other man's humour might domineer over him?" (*ST* §57). Locke concludes that freedom is not "*a liberty for every one to do what he lists, to live as he pleases, and not to be tied by any laws*" (*ST* §22). Rather, "*where there is no law, there is no freedom*" (*ST* §57). More specifically, "[t]he *natural liberty* of man is to be free from any superior power on earth and not to be under the will or legislative authority of man, but to have only the law of nature for his rule" (*ST* §22).

We must be very careful here about how we understand Locke's pronouncements about the nature of freedom. Locke may seem to be endorsing the doctrine that each individual's freedom consists in that individual abiding by the law of nature (or the enacted legislation that accords with the law of nature). On this view, one's freedom paradoxically consists in one's obedience! However, the crux of Locke's view is that one is free to the extent that *others*

abide by the law of nature (or enacted legislation that accords with the law of nature) in their conduct towards one. For liberty “is, to be free from restraints and violence *from others*; which cannot be, where there is no law” (*ST* §57, emphasis added).

The crucial point here is that your respect for my freedom requires only that you leave me to the peaceful enjoyment of my own person and possessions. To respect my freedom, you do not have to submit to my chopping off your head for the fun of it or to my enslaving you or to my seizing one of your possessions because I want to do something that requires my use of that possession. If I have a right to freedom, that right requires only that you leave me in peace to do as I see fit with what is mine. My right not to be subjected to your will is not a right to subject you to my will.

We are now in position to appreciate more fully the striking difference between Hobbes and Locke concerning life in the state of nature. For Hobbes, each person’s natural freedom to do whatever he sees fit is pervasively in conflict with each other person’s freedom to do whatever she sees fit. At root, the war of all upon all is a manifestation of this pervasive clash of our natural freedoms. Hence, the root solution to the war of all upon all requires the elimination of our natural freedoms and our subjugation to the artificial rules that an absolute sovereign will pronounce and enforce.

In contrast, for Locke, each person’s natural freedom to do as he sees fit *with his own person and possessions* is compatible with each other person enjoying her like freedom. Whatever conflict and disorder may exist in the state of nature will be less deeply rooted than Hobbes’ war of all upon all; for that conflict and disorder will not be rooted in our natural freedom as such. For Locke, natural freedom is not the core human problem. Indeed, our natural freedom provides the initial framework for peaceful and cooperative relations among individuals even if (as Locke maintains) individuals have to enter into political society to further codify and secure that framework.

However, before examining what Locke calls the “inconveniences” of the state of nature and the ways in which our freedoms can be better delineated and protected by exiting the state of nature, we must examine in chapter 3 the arguments that Locke offers for why all individuals are born to a natural right to freedom and in chapter 4 the account that Locke provides for people’s acquisition of *just* possessions, that is, for property rights.