

Daniel Eggers, Does status matter? The contradictions in Locke's account of the state of nature (final manuscript)

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The concept of the ‚state of nature‘ is a characteristic feature of the major works of seventeenth-century political philosophy. It is used by Grotius, though he may not make use of the term; it is established by Hobbes; and it is employed by Spinoza, Pufendorf and Locke as well as by a series of less influential writers.¹ The relevance of the concept, however, by no means ceases with the end of the seventeenth century: Rousseau and Kant provide influential state of nature accounts in the second half of the eighteenth century; and while the concept may be less prominent in the nineteenth and the first half of the twentieth century, it is forcefully reintroduced to moral and political philosophy by John Rawls, Robert Nozick and James Buchanan in the 1970s.

As different as these various state of nature accounts are, they have often raised the same question: how to understand the ontological *status* of the depicted natural state. Is the state of nature meant to represent an early, pre-political stage in human history? Or is it merely an ahistorical theoretical device, a ‚fiction‘ or ‚thought experiment‘ whose function it is to highlight certain features of human existence by abstracting from the structures and institutions of civil society? These questions have already been asked by seventeenth-century contemporaries, and they have never really ceased to occupy commentators.²

In the case of John Locke, the discussion has not only perpetuated, but very much picked up in the second half of the twentieth century. This is due to some purported contradictions in Locke's account of the natural state. In the 1950s and 1960s,

¹ For an overview see Sim/Walker 2003. For the view that the concept of the state of nature has been established by Hobbes, see Tuck 1999, 6ff. Tuck even claims that Hobbes coined the term ‚state of nature‘ (see also Harrison 2003, 70) and that the idea of the state of nature is a „creation“ of the seventeenth century. In contrast, Quentin Skinner claims the invention of both concept and term to be an achievement of the sixteenth century (see Skinner 1978, 155), while Johann Sommerville follows term and concept back to Jean Gerson (Sommerville 1992, 37)

² The status debate can be said to have started from objections against Hobbes's theory that were raised by contemporaries such as Bramhall, Tenison and Filmer (see Bramhall 1655, 107; Tenison 1670, 132; and Filmer 1991b, 187f.). More recent contributions to the debate have focused on the theories of Hobbes, Locke and Rousseau. For Locke, see Pollock 1904, 241; Yolton 1958, 493; Strauss 1952, 485; Ashcraft 1968, 898ff.; Dunn 1969, 97; Aarsleff 1969, 100ff.; Medick 1973, 98ff.; Batz 1974, 663f.; Goldwin 1976, 126ff.; Winfrey 1981, 425f.; von Leyden 1982, 99f.; Ashcraft 1987, 97f.; Grant 1988, 49; Simmons

Locke commentators such as Strauss, Macpherson, Cox and Jenkins claimed that Locke does not provide a consistent account of the state of nature in the *Two Treatises*, but two distinct and, indeed, irreconcilable accounts – depicting the state of nature first as a peaceful state of affairs, but then as an „ill condition“ resembling Hobbes’s ‚state of war‘.³

While unanimous about the nature of the contradictions in Locke’s account, Strauss, Macpherson, Cox and Jenkins offered different explanations for these contradictions. For Macpherson, the inconsistencies in Locke’s account were the unconscious result of Locke’s ambiguous comprehension of his own society that led him to an ambiguous view of human nature.⁴ For Strauss and Cox, they were the outcome of Locke’s deliberate attempt to hide the Hobbesian character of his theory.⁵ And for Jenkins, they were the result of two contradictory requirements Locke’s account had to meet: to provide a ‚social‘ picture of the natural state in order to make absolute government seem dispensable, and to provide a less social picture of the natural state in order to account for the general need of civil society.⁶

The interpretations of Strauss, Macpherson, Cox and Jenkins revived the discussion about the status of Locke’s state of nature in that they gave rise to attempts to dissolve the apparent ambiguities in Locke’s account by distinguishing between different ‚states of natures‘ or different theoretical perspectives on the natural state. Thus Richard Ashcraft, John Dunn and Hans Aarsleff claimed that Locke’s ‚peaceful‘ state of nature ought to be seen not as a description of the actual, but as one of the ‚moral‘ or ‚jural‘ state of affairs. According to this interpretation, the ‚peacefulness‘ of the natural state is only an expression of the fact that the state of nature is governed by natural law and does not say anything about how people actually behave in the absence of government.⁷ However, while this reading has found many followers, numerous commentators still charge Locke with inconsistency, and the number of studies still published on the sub-

1989, 499; Waldron 1989, 409f.; den Hartogh 1990, 193ff.; Rogers 1998, 82; Dunn 2001, 43f.; Forster 2005, 239ff.; Kelly 2005, 26f.; and Hindess 2007, 1ff.

³ See Strauss 1952, 480f.; Macpherson 1954, 13f.; Cox 1960, 75ff.; and Jenkins 1967, 149f. and 153. See already Pollock 1904, 8.

⁴ See Macpherson 1954, 15.

⁵ See, for instance, Cox 1960, 21.

⁶ See Jenkins 1967, 152f.

⁷ See Ashcraft 1968, 903ff.; Dunn 1969, 110f.; and Aarsleff 1969, 101f. See also Dunn 1984, 46f. For a similar suggestion, see already Yolton 1958, 494f.

ject and the underlying status question indicates quite clearly that the issues at stake have never satisfactorily been resolved.⁸

In the present paper, therefore, I want to examine the status of the state of nature in Locke's *Second Treatise of Government* and ask whether differentiations between theoretical perspectives on the state of nature can help to overcome the problems of Locke's account. To be absolutely clear about the different perspectives from which the natural state may be described seems indispensable for normative political theorists who want to make systematic use of the state of nature-theorem or critically assess the state of nature theories of the leading figures in political theory. It seems just as indispensable for historians of political thought who only aim at an appropriate understanding of these theories and their background. In the case of Locke, the status question becomes even more pressing, given that Locke's position has come under attack in a much more fundamental way than the accounts of, say, Hobbes or Rousseau: If distinguishing between different perspectives on the state of nature allows us to free Locke from the fundamental charge of logical inconsistency, we should certainly do so.

I consider it useful to distinguish three such perspectives, that is, three general types of state of nature accounts: a) *historical*, b) *anthropological*, and c) *ethical* accounts. I take state of nature accounts to be ‚historical’ if they are meant to describe how people *have* lived, or *do* live, in the absence of political power and positive laws. These accounts may be conjectural or hypothetical in that they draw on speculation (especially if they try to depict a past state of affairs). However, they are not *fictional*, that is, hypothetical in the stronger sense of being mere thought experiments with no claim to historical truth.

Since commentators on Locke's state of nature have often used the terms ‚historical’ and ‚anthropological’ synonymously,⁹ it is important to draw a clear line between these two designations. What I will subsequently refer to as ‚anthropological’ accounts of the state of nature can be characterised by the questions ‚how would human beings behave in the absence of political power and positive laws?’, or ‚what form would life in a state of nature assume, given the natural inclinations of mankind?’. Thus, anthropological accounts of the state of nature, just as historical accounts, try to describe the empirical relations between human beings. Unlike historical accounts, however, they do

⁸ Views similar to those of Ashcraft, Dunn and Aarsleff can be found in Simmons 1989, 459f.; and den Hartogh 1990, 344. See also Zuckert 2002, 5f. Commentators who still see Locke's account as contradictory include Mabbott 1973, 143ff.; Batz 1974, 667ff.; and Grcic 2006, 102f.

⁹ See Batz 1974; and Grant 1988.

not necessarily imply any claim of historicity, but can be merely fictional attempts to picture life in the absence of political power.

The ethical perspective on the state of nature can, finally, be characterised by the question ‚what are the moral relations of human beings in the absence of government’ or ‚are there any natural laws and natural rights, and what do they look like’.¹⁰ It needs to be emphasized at this point that the three perspectives thus described do by no means exclude each other. On the contrary, the aims associated with the different perspectives can sensibly supplement each other, and with regard to the most famous state of nature theories of the seventeenth and eighteenth century, the combination of anthropological and ethical analysis even appears to be the standard case.

In his essay on Locke’s state of nature, Ashcraft suggests that there is a further perspective on the state of nature beside the ones already mentioned, namely the legal perspective. According to Ashcraft, this perspective is taken if men in the state of nature are described as being in a state where there is no common superior authority to impartially execute law.¹¹ However, there are good reasons to view this „legal statement”¹² of the state of nature not as one perspective among and on the same level with others, but as a general characterisation of the concept ‚state of nature’. Whether the state of nature is understood as a past or present fact of human history, as an anthropological hypothesis or as an ethical device: It is characterised by the lack of a common superior power and positive laws, and it is just this feature that makes the depicted state a state of nature in the first place.

In what follows, I will first present evidence that Locke indeed shares this general notion of the state of nature and defend my characterisation against two competing views, the first one taken by the adherents of a ‚legalistic definition’ of Locke’s state of nature (section I), the other one taken by A. John Simmons (section II). In section III, I will then summarize Locke’s *ethical* account of the state of nature as it is developed in his discussion of natural law and natural right in the first chapters of the *Second Treatise*. In section IV, I examine Locke’s peaceful characterisation of the state of nature, as it appears in the chapter ‚Of the state of war’, and try to demonstrate that the ethical or normative character of Locke’s previous discussion does not by itself fully justify this

¹⁰ Some commentators prefer to call these ‚ethical’ or ‚moral’ accounts of the state of nature ‚juridical’ accounts. At some other place, I have followed this usage myself (see Eggers 2008, 32). However, I now consider this way of talking misleading, given that in other contexts, the term ‚juridical’ is used to describe the positive rights of civil society and to *distinguish* them from moral rights. In view of this usage, it may sound confusing to describe accounts of natural moral rights as ‚juridical’.

¹¹ See Ashcraft 1968, 901.

¹² Ashcraft 1968, 901.

peaceful description because the description essentially includes anthropological and therefore empirical claims. In section V, I show that the anthropological descriptions of the state of nature in later passages of the *Second Treatise* contradict these earlier claims and conclude that the distinction between different perspectives on the state of nature does not help to resolve the contradictions in Locke's account since these are, after all, located within his anthropological account. Before summarizing the overall results of the analysis in section VII, I additionally address the question of whether Locke also provides a historical account of the state of nature and views the described natural state as a state of affairs that actually existed or even still exists (section VI).

I.

If we turn to Locke's account of the state of nature in the *Second Treatise*, it seems most important to first of all make sure that Locke shares the general understanding of the term 'state of nature' sketched above. There is ample evidence that he does. At the beginning of the *Second Treatise*, Locke explicitly states that he intends to provide an alternative account of the „rise of Government“, a different „Original of Political Power“ (§1) than the one provided by Filmer; and the fact that he starts his inquiry into the „True Original, Extent, and End of Civil Government“ by picturing the state of nature, shows clearly that this state is, in the first place, a state in which there is no such power. Moreover, there are numerous passages in the *Second Treatise* in which Locke explicitly opposes the state of nature and civil society or characterises the state of nature by the lack of a common political authority.¹³

The clearest exposition of Locke's general concept of the state of nature, however, can be found in chapter IX. One purpose of this chapter is to describe the defects of the state of nature and to outline the reasons for the institution of government. Yet,

¹³ See, for example, § 21 („To avoid this State of War (...) is one great *reason of Mens putting themselves into Society*, and quitting the State of Nature.“); § 83 („For all the ends of *Marriage* being to be obtained under Politick Government, as well as in the state of Nature...“); §87 („Those who are united into one Body, and have a common establish'd Law and Juridicature to appeal to, with Authority to decide Controversies between them, and punish Offenders, *are in Civil Society*, one with another: but those who have no such common Appeal, I mean on Earth, are still in the state of Nature, each being, where there is no other, Judge for himself, and Executioner; which is, as I have before shew'd it, the perfect *state of Nature*.“); §89 („And this *puts Men* out of a State of Nature *into* that of a *Commonwealth*, by setting up a Judge on Earth, with Authority to determine all the Controversies, and redress the Injuries, that may happen to any Member of the Commonwealth; which Judge is the Legislative, or Magistrates appointed by it.“); and §94 („*No Man in Civil Society can be exempted from the Laws of it*. For if any Man may do what he thinks fit, and there be no Appeal on Earth, for Redress or Security against any harm he shall do; I ask, whether he be not perfectly still in the state of Nature, and so can be *no part or Member of that Civil Society*: unless any one will say, the state of Nature and Civil Society are one and the same thing, which I have never yet found any one so great a Patron of Anarchy as to affirm.“).

apart from the evaluation, paragraphs §§124-26 read as a description of the general features that constitute the natural state.

First, There wants an *establish'd*, settled, known *Law*, received and allowed by common consent to be the Standard of Right and Wrong, and the common measure to decide all Controversies between them. [...]

Secondly, In the State of Nature there wants a *known* and *indifferent Judge*, with Authority to determine all differences according to the established Law. [...]

Thirdly, In the state of Nature there often wants *Power* to back and support the Sentence when right, and to *give* it due *Execution*.

The state of nature is thus largely defined by what it is not: It is the absence of civil society and the absence of the political and legal structures by which civil society is characterised.¹⁴

Yet, before we can examine the use to which Locke puts this general concept, two objections against the above analysis must be addressed. On the one hand, it has been suggested that Locke's general concept of the state of nature is more minimalistic than the one just outlined because Locke defines the state of nature *solely* by the absence of a common judge with authority, without making any reference to the other features of civil society.¹⁵ According to this view, people would be in the state of nature wherever there is no common judge to decide controversies, no matter whether this happens outside or inside civil society, no matter whether there are any positive laws or whether there is political power. On the other hand, it has been claimed that Locke's general concept of the state of nature is even more discriminating than our analysis admits. Thus John Simmons holds that Locke's definition of the state of nature does not oppose state of nature and civil society *simpliciter*, but state of nature and *legitimate* civil society.¹⁶ According to this interpretation, human beings remain in the state of nature as long as they are not part of a society that meets the conditions of legitimacy that Locke describes in the later chapters of the *Second Treatise*.

Now it has to be admitted that a case can be made for both of these interpretations. The reason why the first interpretation may seem plausible is that Locke not only strongly emphasises the lack of a common judge in the state of nature, but sometimes

¹⁴ For similar statements, see Mabbott 1973, 142; Goldwin 1976, 126; Colman 1983, 177f.; Grant 1988, 50; Zuckert 2002, 3; and Kelly 2007, 26. Moreover, it can be assumed that most of the commentators who do not explicitly address this question simply take this fact for granted.

¹⁵ This seems to be the view of both Strauss and Cox (see Strauss 1952, 485; and Cox 1960, 73).

even seems to make it the state of nature's defining condition. Thus in §19, where Locke is trying to distinguish between the state of nature and the state of war, he says „Men living together according to reason, without a common Superior on Earth, with Authority to judge between them is *properly the State of Nature*“. The intimate connection between the lack of a common judge and the state of nature reappears a little later when he emphasises „Want of a common Judge with Authority, puts all Men in a State of Nature“. ¹⁷

However, there still remains a reasonable basis for rejecting the legalistic reading. There is surely evidence that Locke views the lack of a common judge with authority as a *necessary* condition for men's being in the state of nature. Thus in §20, Locke stresses that in the state of nature, the state of war, if once begun, continues. The reason he gives for this is the lack of a common judge to appeal to which appears here as a necessary characteristic of the natural state:

But when the actual force is over, the *State of War ceases* between those that are in Society, ... because then there lies open the remedy of appeal for the past injury, and to prevent future harm: **but where no such appeal is, as in the State of Nature, for want of positive Laws and Judges with Authority to appeal to, the State of War once begun, continues...** (my emphasis)

That Locke understands the lack of a common judge as a characteristic element of the state of nature is also suggested by his description of the defects of the natural state in §§124-26. It is hard to reconcile Locke's statement that „In the State of Nature there wants a known and indifferent Judge, with Authority to determine all differences according to the established Law“ with the view that the lack of a common judge is only a *possible* feature of the natural state and not in any way necessary for this state to obtain.

However, many reasons speak against interpreting the lack of a common judge as in itself *sufficient* for men's being in the state of nature, even if Locke's statements in §19 may suggest just this. ¹⁸ First, as has already been pointed out, there are a couple of passages in which Locke opposes the state of nature not with a state in which there is a common judge, but with civil society, thereby suggesting that the lack of a common

¹⁶ See Simmons 1989, 450ff. John Hasnas has followed Simmons' analysis recently (see Hasnas 2005, 112f.).

¹⁷ See also §§ 89-91 where Locke makes a similar point.

¹⁸ That the lack of a common judge is a sufficient condition for men's being in the state of nature is not only suggested by the adherents of the legalistic definition but also by Simmons who only rejects the legalistic interpretation because he denies that the lack of a common judge is also a necessary condition for the state of nature to obtain (see Simmons 1989, 452f.).

judge might not be the only condition for men's being in the state of nature. Secondly, if the lack of a common judge were sufficient to put men into the state of nature, Locke's general description of the defects of the state of nature in §§124-126 would be misleading. It would then only apply to one *particular* form of the state of nature – a state of nature in which besides a common judge there are also other things wanting. However, Locke does by no means suggest that he only intends to highlight the defects of one state of nature among others. And, thirdly, even if Locke's description were not intended as a description of *the* state of nature: It is surely a description of that state of nature which is most relevant to his political argument. Thus, even if the lack of a common judge were a sufficient condition for any state of nature to obtain,¹⁹ it is not a sufficient condition for that state of nature to obtain which provides the background for most of Locke's theory.

This latter point can be strengthened by pointing out that in talking about the 'state of nature', Locke only takes up a term which has already been used before, most notably in the writings of Thomas Hobbes. While Hobbes views the state of nature as a state which, among other things, lacks a common judge with authority, he surely has a more general understanding of the term 'state of nature' and uses it to refer to a state of affairs which is characterized by the absence of the characteristic structures and institutions of civil society.²⁰ Interpreting Locke as embracing the supposed legalistic definition of the state of nature, therefore, amounts to assuming that he takes up a term already established, discusses it for the most part in accordance with its prior, prototypical meaning, but gives it his own, slightly modified definition – without actually making too much use of this definition and without highlighting his definitional departure appropriately.

One last, but equally important point is that Locke not only refrains from making much use of his supposed legalistic definition, but even sets up his argument in a way contrary to it. If the lack of a common judge were a sufficient condition for men's being in the state of nature, we should expect Locke to present individuals as being in a state of nature situation wherever there is no such judge. This, however, is not what Locke does. A counterexample can be found in Locke's discussion of prerogative in chapter XIV. After justifying the prerogative right of the holders of executive power – as being required for the good of society – Locke considers a possible objection against his account, namely „the old Question“ (§168) of who shall judge whether prerogative power

¹⁹ Locke's statement in §19 („Want of a common Judge with Authority, puts all Men in a State of Nature“, my emphasis) might perhaps be read in this way.

is really used for the good of society and hence legitimately. Locke's answer consists in the concession that „Between an Executive Power in being, with such a Prerogative, and a Legislative that depends upon his will for their convening, there can be no *Judge on Earth*“. Now if Locke embraced the legalistic definition of the term ‚state of nature‘, he would be forced to admit that in this case, the ruler and the people remain in the state of nature with regard to each other. This would mean that a political structure of this kind were not an example of civil society or political government at all – as, according to Locke, is also the case with absolute arbitrary government. However, Locke is far from drawing this conclusion, and he even presents the arrangement in question as an example of „well-framed Governments“ (§159). The only way to make sense of this is to concede that in order for individuals to be in a Lockean state of nature, the lack of a common judge is not by itself sufficient.

II.

The legalistic interpretation of Locke's general concept of the state of nature is, therefore, inappropriate: The lack of a common judge is a necessary, but not a sufficient condition for men's being in the state of nature. Hence the element is part of the general concept of the state of nature, but not identical to it. Yet, what remains to be done is to consider Simmons' interpretation of Locke's concept which is itself developed in critical discussion of the legalistic definition. According to this interpretation, only legitimate forms of political government put an end to the state of nature, which means that despite the existence of effective political structures and institutions, people can still be in the state of nature.²¹

The main evidence for Simmons' interpretation comes from chapter VII²² where Locke discusses the nature of political society and emphasises „that *Absolute Monarchy*, which by some Men is counted the only Government in the world, is indeed *inconsistent with Civil Society*, and so can be no Form of Civil Government at all“ (§90). Locke's claim is based on the idea that civil society presupposes the existence of a common judge to appeal to in cases of controversy. In absolute monarchies, however, there is no such judge – at least not when the controversy is between the subjects and the absolute

²⁰ See my discussion in Eggers 2008, 27ff.

²¹ See Simmons 1989, 450f.

²² Surprisingly, Simmons refers to §§17-20 as containing the most important evidence for his interpretation (see Simmons 1989, 450f.). In §§17-20, however, Locke is for the most part discussing the distinction between the state of nature and the state of war, and while he may refer to life under tyrannical govern-

ruler. What follows from this, for Locke, is that an absolute ruler and his subjects remain in the state of nature with regard to each other, notwithstanding existing political structures and institutions.

As Simmons rightly points out, the morally flavoured concept of political society that Locke develops in his polemic against absolute monarchy results in a morally flavoured view of the state of nature. If only legitimate political societies are to be counted as political societies, then all illegitimate forms of government remain examples of the state of nature. The opposite of the state of nature, then, is not effective government, but legitimate government, which means that the state of nature cannot be defined without reference to certain conditions of political legitimacy.

However, this interpretation of Locke's general concept of the state of nature is, in the end, no less problematic than the legalistic interpretation, and one of the arguments used against the latter can also be used against the former. It is true that with the statements in chapter VII, Locke somewhat narrows down his concept of civil society and is thereby led to a wider notion of the state of nature. However, the concept of the state of nature thus arrived at is simply not the one Locke has used throughout the *Second Treatise* – and most prominently in the chapter actually entitled 'Of the State of Nature'. In the major part of the *Second Treatise*, Locke clearly uses the term 'state of nature' – and likewise the terms 'political society' and 'government' – in a purely descriptive, not a morally flavoured fashion. His general concept of the state of nature, therefore, appears in no way different from the prototypical concept as it is found in Hobbes and other writers.

Simmons seems to concede this by admitting that in the earlier chapters of the *Second Treatise*, Locke's statements on the state of nature refer only to a specific form of the state of nature, namely to a state of nature in which there is no effective government at all. Besides distinguishing between the general concept of the state of nature and the moral or social characterizations of the state of nature, therefore, Simmons ultimately allows for another, independent concept, the „original“²³ state of nature. It is this concept which, according to Simmons, is the main subject of Locke's discussion, and it seems to have much in common with what we have termed the prototypical concept of the state of nature.

However, it is not clear whether by adding these qualifications, Simmons can really make his analysis more attractive. Since he still maintains that Locke's general con-

ment in §20, such life is not presented as an example of the state of nature, but as an example of the state of war.

cept or definition of the term ‚state of nature’ is the morally flavoured concept that results from Locke’s rejection of absolute government, he is forced to see many of Locke’s statements and the entire structure of his state of nature analysis as confused. Thus he is forced to admit that Locke, although departing from the state of nature tradition by having a different understanding of the general concept of the natural state, fails to disentangle himself from this tradition and, instead, analyses the state of nature for the most part in line with a concept he actually rejects.

To interpret Locke’s discussion of the prototypical concept of the state of nature as the result of such confusion on Locke’s part, however, does not seem appropriate. There are two aspects of this discussion which suggest that Locke’s reliance on the traditional concept is not as coincidental and confused as, according to Simmons, it should be. The first is Locke’s obvious desire to distance himself from the state of nature theories of some of his predecessors. In rejecting the Hobbesian view that the state of nature is a state of war, Locke clearly criticizes the specific characterizations Hobbes offers of the natural state, but not Hobbes’s general concept. To the contrary, Locke’s criticism and his own alternative characterizations of the state of nature can only hit their target if they are based on a shared understanding of what the term ‚state of nature’ means, because otherwise, he and the Hobbesians would just not be speaking about the same thing.

The second aspect is Locke’s discussion of the historicity of the state of nature. Locke explicitly considers the objection that there never was a state of nature and thus obviously takes this to be an objection which needs to be addressed. However, if his concept of the state of nature were the normative-laden concept Simmons endorses, the objection would not be relevant at all or could at least be answered in a much easier way. If the term ‚state of nature’ referred to all human conditions in which no *legitimate* form of government exists, the objection could easily be waved aside by pointing out that many governments in human history were illegitimate. This would be enough to prove the historical reality of the state of nature, and the point that people have always lived under some sort of political organisation would lose its force. That Locke does not answer the objection in this way and discusses it at length provides further evidence for that he shares the general concept of the state of nature which makes the objection potentially damaging in the first place.

Given that Simmons’ interpretation runs into these difficulties, an interpretation of Locke’s concept of the state of nature along the following lines seems preferable:

²³ Simmons 1989, 456.

Locke starts from the prototypical concept of the state of nature as it is found in Hobbes, and it is this concept of the state of nature which he employs in his description of the natural state and his discussion of alternative views and possible objections; in his discussion of absolute government, however, Locke's political interests prompt him to develop a normative concept of civil society which allows him to make a polemical point against Filmer and the advocates of absolute government; this normative-laden notion of political society implies a different and wider concept of the state of nature, a concept, however, which is not developed any further and remains more or less irrelevant to Locke's general argument.

It can be concluded, then, that the two objections against our previous analysis can be rejected. As intimated before, Locke's 'state of nature' can be taken to signify the absence of civil society. The fact that Locke employs this prototypical concept of the state of nature, however, still leaves open whether his inquiry into the „Original, Extent, and End“ of government will turn out to be an ethical, historical or anthropological enterprise. Locke's first explicit description of the state of nature as „the state all men are naturally in“ (§4) does not provide much help in clearing this point, either. The statements immediately following this introductory definition, however, provide a first clarification: There can be no doubt that what Locke develops in the remainder of the chapter entitled ‚Of the State of Nature‘ is primarily an ethical account of the state of nature, a theory of natural law and natural right.²⁴

III.

Locke starts to develop his ethical account of the state of nature by describing the natural state as a state of „perfect Freedom“ and „Equality“ (§4). While in other contexts this could be part of a historical account or an anthropological analysis, here it is clearly an ethical statement. The freedom which characterises the state of nature is men's freedom „to order their Actions, and dispose of their Possessions, and Persons as they think fit ... without asking leave, or depending upon the Will of any other Man“. Accordingly, Locke's natural equality is not an actual equality, but a moral equality that finds expression in the fact that there is no natural subordination among human beings.

While Locke stresses the natural freedom of mankind, he is also keen to emphasise that this natural freedom does not turn the state of nature into a „State of Licence“

(§6). In reply to Filmer,²⁵ Locke points out that although men are naturally free with regard to one another, they have nevertheless a strict obligation towards God. This obligation finds its expression in men's obligation towards the law of nature. According to Locke, the fundamental law of nature prescribes the preservation of mankind. This implies on the one hand a strict obligation of human beings to preserve themselves, and on the other hand an obligation not to harm any other man in „his Life, Health, Liberty, or Possessions“ (§6).

Locke leaves no doubt that all men are in principle capable of knowing the prescriptions of natural law by the use of reason.²⁶ Nevertheless, he extensively considers the case that some men transgress the law of nature and violate the rights of others. He emphasises that in this case, every man has a natural right to punish the transgressor. The argument Locke puts forward to justify this „strange Doctrine“ (§9 and 13) is that the law of nature would be in vain if nobody had the office and right to execute it. Since, however, in the state of nature, there is no common authority which could function as the executor of natural law, and since there is no natural subordination among the human beings, either, the power of execution must lie equally in the hands of *all* individuals (see §7).

As has rightly been pointed out by many commentators, the reason why Locke pays so much attention to the natural right of punishment and tries hard to dispell possible objections against his doctrine is that it is this right which provides the justificatory basis for the right of resistance against arbitrary political power which Locke grants to the citizen in the later chapters of the *Second Treatise*. Thus it is surely not a coincidence that some of the terms which Locke uses in order to polemically describe the transgressors of natural law, who „quit the Principles of Human Nature“ (§10) and may rightfully be put to death – namely „Lyon“, „Tyger“, „Savage Beasts“ (§8) –, recur in those passages in which Locke rejects absolute sovereignty as illegitimate.²⁷

IV.

Locke's doctrine of natural law and natural right has given rise to a debate even more extensive than the debate over Locke's state of nature account and its status. This debate

²⁴ That Locke's state of nature account is, first and foremost, an enquiry into the natural rights and duties of men is also emphasised in Kendall 1941, 90; Dunn 1969, 106; Dunn 1984, 46f.; Grant 1988, 50; Dunn 2001, 43f.; Zuckert 2002, 6f.; and Forster 2005, 239f.

²⁵ See Filmer 1991c, 275 („true liberty is for every man to do what he list, or to live as he please, and not to be tied to any laws“). Locke explicitly refers to this passage in §22.

²⁶ See, for example, §6 and §12.

has mostly focused on the question of whether Locke provides a voluntarist or an intellectualist account of natural law, or whether he provides no consistent account at all.²⁸ The more important question in the present context, however, is whether the fact that Locke's argument is – so far – mainly ethical may help us to resolve some of the ambiguities of his overall account of the natural state.

As noted before, some commentators have pointed out that in the first half of the *Second Treatise*, Locke provides a harmonious picture of the state of nature, but that he directly contradicts his own account in the later chapters. Now the crucial passage for Locke's 'peaceful' description of the natural state follows immediately after the chapter just examined, in Locke's discussion 'Of the State of War'. Locke is anxious to emphasise that the state of nature is not a state of war, and his desire to distinguish between the two states takes him to describe the state of nature in the following fashion:

And here we have the plain *difference between the State of Nature, and the State of War*, which however some Men have confounded, are as far distant, as a State of Peace, Good Will, Mutual Assistance, and Preservation, and a State of Enmity, Malice, Violence, and Mutual Destruction are one from another.

Men living together according to reason, without a common Superior on Earth, with Authority to judge between them, is *properly the State of Nature*. But force, or a declared design of force upon the Person of another, where there is no common Superior to appeal to for relief, *is the State of War*....

While Strauss, Macpherson, Cox and Jenkins interpret these remarks as claims concerning the actual behaviour of individuals in the state of nature, i.e., as anthropological statements, other commentators hold that Locke wants to stress the point that the state of nature is governed by a clear and accessible law, and that it hence *can* in principle be a state of general peace.²⁹ According to this latter view, the remarks would still be part of Locke's ethical analysis.

Now the passage in question is almost certainly directed against Hobbesian accounts of the state of nature. Filmer, the primary, and most visible, target of Locke's argument, had not only rejected the notion of a state of nature altogether. He had doubted that the state of nature, if it had existed, would have assumed the form of a state of

²⁷ See §93.

²⁸ See, for example, von Leyden 1956; Yolton 1958; Oakley/Urdang 1966; Drury 1980; Soles 1987; Simmons 1992; Ward 1995; Oakley 1997; and Tuckness 1999.

²⁹ See Ashcraft 1968, 903 and 906f.; Dunn 1969, 106; Aarsleff 1969, 101f.; and den Hartogh 1990, 199f.

war.³⁰ Therefore, Locke can hardly be thinking of him at this point, but must be thinking of Hobbes and his followers. If one compares Locke's ethical account with Hobbes's account, it can quite easily be seen that Locke's state of nature is characterised by a harmonious moral order which Hobbes's state of nature lacks. The fact that Hobbes's natural law is overridden or qualified by the natural right to self-preservation and that this right assumes the form of a 'right to every thing' leads to the result that an individual can rightfully attack another one while the individual so attacked can just as rightfully resist. It seems to me an overstatement to describe these conflicts as conflicts *of* right and to view this part of Hobbes's argument as an anticipation of the essential features of Kant's theory of the state of nature.³¹ However, the crucial fact remains that even if all individuals in Hobbes's state of nature behave rationally and stay within the measure of natural right and natural law, the state of nature can still be a state of war. In Locke's theory, in contrast, there will be no war in the state of nature unless at least one individual behaves unjustly. Moreover, since the natural right of punishment applies only in cases where a transgressor of natural law has lost the protection of this law, there can be no actual violent conflict in Locke's state of nature in which both participants act rightfully.

Given this, it can legitimately be held that Locke's state of nature is *by right* a state of peace, whereas Hobbes's state of nature is *by right* a state of war.³² To interpret the passage in question as an ethical statement, is, therefore, not wholly implausible. After all, however, the ethical reading does not really fit Locke's actual characterisation of the state of nature. The remark that natural men are living together „according to reason“ might, with some effort, be interpreted as simply saying that reason provides the measure for life in the state of nature, not as saying that all men *actually recognize and observe* what reason prescribes. However, the statement that the state of nature is as far from a state of war as a state of „Good Will“ and „Mutual Assistance“ is not an ethical, but clearly an empirical statement. Thus §19 is to a certain extent a statement concerning the actual behaviour of men in the state of nature, and the gist of the statement is that they behave peacefully.

In trying to resolve the contradictions between this characterisation of the state of nature and the characterisations that are to follow in later paragraphs of the *Second Treatise*, some commentators have argued that in §19, Locke is describing an ‚ideal‘

³⁰ See Filmer 1991b, 188.

³¹ This view has, for example, been taken by Noel Malcolm (see Malcolm 2002, 31f.). For a more extensive account see Geismann/Herb 1988; Herb 1989; and Hüning 1998. For a more detailed critical discussion, see Eggers 2008, 158ff.

state of nature, that is, describing how the state of nature would be if all individuals observed natural law.³³ Others have claimed that Locke only describes a *possible* state of affairs and tries to show that the state of nature *need* not be a state of war, but can also be a state of peace.³⁴ However, both of these views cannot sufficiently account for what Locke says and for why he says it at all.

If Locke meant to first sketch an ideal state of nature in which everyone follows natural law, his characterisation would, indeed, not be inconsistent with his later descriptions which are clearly meant to provide a non-ideal, realistic picture of the natural state. Such an idealized vision of the state of nature, however, would be of no use in arguing against Hobbes and his followers which, as we have seen, is the main purpose of §19. It would be futile to reject the Hobbesian claim that the state of nature necessarily assumes the form of a state of war by sketching an ideal state of nature which is not a state of war because it is simply defined in this way. If Locke wants to really distance himself from Hobbes, he has to refer to the *actual* state of nature and to claim that this actual state of nature is not characterised by enmity and violence, and this is exactly what Locke does in the passages cited above.

The view that Locke's 'peaceful' characterisation of the natural state only describes a *possible* state of affairs fares a little better with regard to the dynamics of Locke's argument. Since Hobbes not only assumes that the state of nature can be a state of war, but suggests that it will necessarily be a state of war, Locke could already make a certain point against Hobbes if he could show that the state of nature *can* be a state of peace. The problem with this interpretation, however, is that Locke says much more in §19. The structure of the first sentence suggests quite strongly that the characterisation „State of Peace, Good Will, Mutual Assistance, and Preservation“ refers to the state of nature while the characterisation „State of Enmity, Malice, Violence and Mutual Destruction“ refers to the state of war. It seems misleading, therefore, to claim that both characterisations are meant to describe possible states of nature or to describe „the best and the worst that the state of nature can be“³⁵. Moreover, in thus contrasting the state of nature and the state of war, Locke not only points out that the state of nature need not be a state of war. If this was his intention, we should expect him to say that the state of nature and the state of war *can* be as far distant as a „State of Peace“ and a „State of Enmity“. What he does say, however, is that the state of nature and the state of war *are*

³² For a similar view, see Zuckert 2002, 3ff.

³³ See, for instance, Medick 1973, 103 and 106; Colman 1983, 182f.; and Rogers 1998, 82.

³⁴ See, for example, Ashcraft 1968, 902f.; Simmons 1989, 459; den Hartogh 1990, 344; and Kelly 2007, 55.

in fact as far distant as a „State of Peace“ and a „State of Enmity“. By saying this, Locke makes peacefulness a characteristic feature of the natural state: What characterises the state of nature is that it is not a „State of Enmity“.

V.

As already indicated above, Locke’s ‚peaceful’ characterisation of the state of nature in §19 stands in contrast to many other passages in which Locke describes the natural state from an anthropological perspective. Anthropological statements concerning life in the state of nature can be found in various paragraphs throughout the *Second Treatise*. Nevertheless, it would hardly be appropriate to say that Locke provides a complete and well-rounded anthropological state of nature account. Rather, his anthropological analysis consists of a series of scattered remarks about whether human beings in the state of nature will observe natural law.

The first of these remarks can be found in chapter II. One might hold that in considering transgressions of natural law in §§7-12, Locke is only discussing the mere possibility of such transgressions, without saying anything about whether they will in fact occur. In §13, however, Locke turns to men’s actual observance of natural law, and his position is, at this point, undoubtedly pessimistic. In the passage in question, Locke considers the possible objection that human beings were not suited to be executors of natural law because „self-love will make Men partial to themselves and their Friends“ and „Ill Nature, Passion and Revenge will carry them too far in punishing others“. Locke does not try to meet this objection by denying that such „inconveniences“ will occur. On the contrary, he even concedes that they will „certainly be great“, and that, for this reason, the state of nature has to be overcome. He only points out that the inconveniences under an absolute and arbitrary political power are far greater, and that, therefore, not every form of government can provide „the proper Remedy“ for these disadvantages of natural liberty.

These two points – a) that life in state of nature will be characterised by a series of inconveniences, and b) that civil society’s end is to provide a remedy for these inconveniences – are repeated a couple of times in the following chapters.³⁶ They are most prominent, as already mentioned, in chapter IX. In describing the defects of the natural state, Locke goes as far as to concede that „the greater part“ of the individuals will not

³⁵ Simmons 1989, 459.

³⁶ See, for instance, §90, §91, §101 and §136.

strictly adhere to the prescriptions of natural law, and that the state of nature will, therefore, be a state „full of fears and continual dangers“ in which everyone’s lives, liberties and estates will be „very unsafe“, „very unsecure“, and „constantly exposed to the Invasion of others“ (§123).

The reasons given by Locke in order to explain these frequent transgressions of natural law are ambiguous. On the one hand, he points out that men will be ignorant of natural law „for want of study of it“ (§124). On the other hand, he suggests that men will just as well break the natural law if they have conceived of it, because they will be biased by self-interest or carried away by passion, and he even refers to the „corruption and vitiousness of degenerate Men“ (§128) as the grounds of the inconveniences of the state of nature and the necessity to overcome it.

The image of state of nature sketched in these passages is indeed quite similar to the one provided by Hobbes, and if we look back to Locke’s statements in his discussion of the state of war, it cannot be denied that Locke’s anthropological account of the state of nature is inconsistent. According to the remarks just reviewed, the state of nature is at best a state of uncertain peace, continual danger and frequent transgressions of natural law. Even if this may not qualify it as a perpetual state of war, it is hardly a „State of Peace, Good Will, Mutual Assistance, and Preservation“. That there is, then, a much closer connection between the state of nature and the state of war than Locke wants to admit in §19 is also clear from §21 where Locke points out that „one great reason“ for leaving the state of nature is the avoidance of the state of war, that is, of that condition which according to his earlier remarks should usually be absent from the state of nature.

To a great extent, therefore, the criticism of Strauss, Macpherson, Cox and Jenkins is justified. It has to be emphasised, however, that Locke’s harmonious image of the state of nature in §19 is not only contradicted by the descriptions that follow in later chapters of the *Second Treatise*, but that it is already backed up poorly by the time he sketches it. Locke’s extensive discussion of the natural right of punishment in §13 already suggests that in the absence of a common political power, the laws of nature will not generally be followed. In accordance with this, Locke explicitly admits at this early stage of his argument that the state of nature is characterised by serious inconveniences which ask for its abolition. Locke’s anthropological account of the natural state, then, does not so much fall into two contradictory halves, but consists rather of a series of consistent remarks with one prominent statement that is incompatible with the rest.

VI.

One last question which deserves to be addressed at least briefly is whether Locke also provides a historical account of the state of nature, that is, whether he views the state of nature as a state of affairs that actually existed or still exists. Some commentators, most notably John Dunn, have vehemently denied this.³⁷ Recently, however, more and more commentators have departed from the view that the classic state of nature theories of the seventeenth century are merely theoretical fictions or thought experiments and have stressed that theorists such as Hobbes and Locke viewed the state of nature as a state that once existed or even as a state that will, in a sense, always exist.³⁸

In Locke's case, this view is well-founded. Just as Locke deals, albeit shortly, with the anthropological question of whether individuals in the state of nature will be inclined to follow natural law, he also devotes himself to the question of the historicity of the state of nature. Given that one of Filmer's central arguments against the state of nature theorists consists in the claim that there never actually *was* a state without a common political authority on earth,³⁹ Locke could hardly ignore this question completely. As in case of his anthropological discussion, however, his treatment consists of a series of remarks spread across the *Second Treatise* rather than of a systematic and exhaustive account.

The first relevant statements can be found in chapter II. In considering the 'strangeness' of his doctrine of natural right, Locke points out that by exactly the same natural right, princes can punish foreigners who have committed a crime in the country they are visiting (§9). He already suggests thereby that the relation between members of different commonwealths is that of a state of nature. This view is taken up a couple of paragraphs later, where Locke explicitly deals with the „mighty Objection“ (§14) that there might never have been a state of nature and emphasises that all princes of different countries are in a state of nature with one another. As Locke infers from this, „the World never was, nor ever will be, without numbers of Men in that State“.⁴⁰

³⁷ See Dunn 1969, 97 and 103; Dunn 1984, 48; and Dunn 2001, 43f. The historicity of Locke's state of nature is also questioned, albeit more cautiously, in Kendall 1941, 75; Aarsleff 1969, 103; and Grant 1988, 49.

³⁸ This general trend is exemplified, for instance, by Tuck's discussion of the state of nature (Tuck 1999, 7f.). That Locke's state of nature is more than just a thought experiment is emphasised in Batz 1974, 663; Goldwin 1976, 126; Winfrey 1981, 425; von Leyden 1982, 100; Colman 1983, 178; Ashcraft 1987, 145; den Hartogh 1990, 339f.; Forster 2005, 242; Grcic 2006, 103; Kelly 2007, 26; and Hindess 2007, 3f. and 14. See already Pollock 1904, 241; Strauss 1952, 485; Cranston 1957, 209f.; and Ashcraft 1968, 898.

³⁹ See Filmer 1991b, 187f. See also Filmer 1991a, 2ff.,

⁴⁰ For similar statements, see §145, §183 and §184.

However, it can still be asked whether the existing commonwealths themselves originally emerged from a state of nature, and it is this question that Locke is addressing in chapter VIII, in order to deal with the problem that there are no historical instances of men that consented to set up a government in the way sketched by him in §§95-99. Locke's answer is threefold. First, he claims that there are in fact historical records of the state of nature and mentions Rome, Venice and America as examples (§102). Secondly, he emphasises that in all other cases, the natural state was simply antecedent to the historical records because men had soon been driven out of it by the inconveniences adhering this state (§101). Thirdly, he points out that even if most governments had not emerged from a state of nature, this would not be an argument against the natural right to freedom, since historical facts do not have, in themselves, any normative force (§103).

These passages leave no doubt that Locke holds the state of nature to be a historical fact, not only with regard to the relations of members of different societies. He also claims that at least the major part of the existing governments originally emerged from such a state. Locke's statements are important because they reveal two things. First, they show why he was forced to address the anthropological question of whether individuals in the state of nature will in fact observe the law of nature. If Locke wanted to claim that the state of nature had existed, he had to provide an answer for why people left this state, given the fact that most people were now living in commonwealths and the fact that there were none or only few historical records of people living outside commonwealths in earlier times as well. Thus Locke had to emphasise that there are good reasons for leaving the state of natural liberty and that these reasons were apt to drive people out of the state of nature quite quickly.

Secondly, the passages confirm that Locke's primary interest is to inquire into the ethical aspects of the state of nature, and they indicate why this is the case. Locke saw quite clearly that historical facts lack normative force. Locke's overall political purpose, however, was to refute the legitimacy of absolute, arbitrary government and to justify a right of resistance against any ruler who exceeded his legitimate political power. Given that the state of nature account had the function to provide the basis for these political claims, it had most of all to be an inquiry into natural law and into the natural rights of men.

VII.

The results of our analysis of Locke's account of the state of nature can be summarized as follows. The main purpose of Locke's state of nature account is to provide an *ethical* account of life in the absence of political power. The ethical discussion represents the most exhaustive and systematic state of nature account of the *Second Treatise* and covers the major part of the chapter actually entitled 'Of the State of Nature'. Moreover, it is this perspective on the state of nature which provides the basis for Locke's political argument.

Even if Locke does not provide an extensive historical account of the state of nature, he definitely claims that the state of nature actually existed and will, in some sense, always exist. It is false, therefore, to claim that Locke's state of nature has „no transitive empirical content whatsoever“⁴¹. It can be conceded, however, that Locke is not particularly interested in the question of the historicity of the state of nature and that he only addresses it because he is forced to do so by Filmer's objections.⁴²

As well as addressing the question of the historicity of the state of nature, Locke enters into the anthropological question of whether individuals in the state of nature will observe the law of nature. This fact, however, is far from providing a sufficient basis for the view that Locke's state of nature argument is essentially an inquiry into the nature of man.⁴³ At no point in the *Second Treatise* does Locke develop a theory of human motivation, the human will or the human passions, and his statements on man's rational abilities consist merely of a few scattered remarks.

Again, a concession can be made here, namely the concession that, given the purpose behind the *Two Treatises*, there was no real need to enter into these questions, either. Locke's primary purpose was not to prove the necessity of political power since this necessity had equally been admitted by all of his philosophical and political opponents. What Locke wanted to prove instead was that all lawful government is strictly limited, and in this context, the natural rights of human beings are of far greater importance than their natural capabilities and inclinations.

However, it may be suggested that a more thorough analysis of human nature and the probability of violent conflict in the natural state might have presented Locke with problems he wanted to avoid. One might think, for example, of the question of

⁴¹ Dunn 1969, 103.

⁴² See Dunn 1969: 101f. and Grant 1988: 49f.

⁴³ See Aarsleff 1969, 100. The relevance of anthropological questions for Locke's theory is also overstated by Medick, Colman and Kelly (see Medick 1973, 64; Colman 1983, 177; and Kelly 2007, 27). For a rejection of these views, see also Simmons who rightly emphasises that the different role of anthropological issues marks one of the important differences between Locke's theory and the theory of Hobbes (see Simmons 1989, 463).

whether the aim of self-preservation can require pre-emptive violence in the state of nature and whether such violence would be covered by the natural right. It is these questions that are very much responsible for the peculiarity of Hobbes's doctrine of natural law and natural right and they represent, to borrow a term of Martyn Thompson, „significant silences“ in Locke's account of the state of nature.

The most important result of the above analysis, however, is that the distinction between different theoretical perspectives on the state of nature does not help to resolve the contradiction between Locke's ‚peaceful‘ and his ‚warlike‘ description of the natural state because this contradiction is part of Locke's anthropological account. Our analysis, therefore, vindicates and strengthens the criticism of Strauss, Macpherson, Cox and Jenkins with the help of exactly those instruments that were originally meant to undermine it: Distinguishing between different perspectives on the state of nature allows to locate the inconsistency in Locke's description more precisely and to thereby make the position of Strauss, Macpherson, Cox and Jenkins immune to the objections raised by Ashcraft, Dunn and Aarsleff. The most prominent defense of the coherence of Locke's state of nature account, then, fails: Although status clearly does matter, both for understanding and assessing Locke's rather complex theory of the state of nature, it does not matter as crucially as Ashcraft, Dunn and Aarsleff claim because it does not allow to free Locke from the fundamental charge of inconsistency.

Concerning the question of why Locke is led to his inconsistent picture of the natural state, our analysis tends to provide further support for the view advanced by Jenkins. It demonstrates how strongly the course of Locke's argument is generally determined by the attempt to meet his opponents on their own ground and rebut their actual and possible objections. The most plausible explanation of the inconsistencies in Locke's account, therefore, seems to be one that interprets Locke's account as some sort of moving target, trying to evade possible challenges: As an account that is meant to provide an answer for why men left the state of nature at an early historical stage and, at the same time, meant to leave unaffected the idea that God could have sensibly entrusted men with the execution of natural law. While Locke's ‚warlike‘ state of nature answers the first question, his ‚peaceful‘ state of nature provides a last bit of foundation for the latter idea.

References:

Aarsleff, H. 1969. „The State of Nature and the Nature of Man in Locke“. In: *John*

- Locke: Problems and Perspectives. A Collection of new Essays*. Ed. J. W. Yolton. Cambridge: Cambridge University Press, 99–136.
- Ashcraft, R. 1968. „Locke’s State of Nature: Historical Fact or Moral Fiction?“. *American Political Science Review* 42, 898–915.
- Ashcraft, R. 1987. *Locke’s Two Treatises of Government*. London: Allen & Unwin.
- Batz, W. G. 1974. „The Historical Anthropology of John Locke“. *Journal of the History of Ideas* 35, 663–70.
- Bramhall, J. 1655. *A Defence of True Liberty from Antecedent and Extrinsicall Necessity, being an answer to a late Book of Mr. Thomas Hobbes of Malmsbury, intituled, A Treatise of Liberty and Necessity*. London: Crook.
- Colman, J. 1983. *John Locke’s Moral Philosophy*. Edinburgh: Edinburgh University Press.
- Cox, R. 1960. *Locke on war and peace*. Oxford: Oxford University Press.
- Cranston, M. 1957. *John Locke. A Biography*. London; New York: Longmans.
- den Hartogh, G. 1990. „Made by contrivance and the consent of men: Abstract principle and historical fact in Locke’s political philosophy“. *Interpretation* 17, 193–221.
- Drury, S.B. 1980. „John Locke: Natural Law and Innate Ideas“. *Dialogue* 19, 531–45.
- Dunn, J. 1969. *The Political Thought of John Locke. An historical account of the argument of the ‘Two Treatises of Government’*. Cambridge: Cambridge University Press.
- Dunn, J. 1984. *Locke*. Oxford: Oxford University Press.
- Dunn, J. 2001. „The contemporary political significance of John Locke’s conception of civil society“. In *Civil Society. History and Possibilities*. Eds. S. Kaviraj and S. Khilnani. Cambridge: Cambridge University Press, 39–57.
- Eggers, D. 2008. *Die Naturzustandstheorie des Thomas Hobbes. Eine vergleichende Analyse von The Elements of Law, De Cive und den englischen und lateinischen Fassungen des Leviathan*. Berlin; New York: de Gruyter.
- Filmer, R. 1991a. „Patriarcha“. In Filmer, R. *Patriarcha and other writings*. Ed. J. P. Sommerville. Cambridge: Cambridge University Press, 1–68.
- Filmer, R. 1991b. „Observations concerning the originall of government“. In Filmer, R. *Patriarcha and other writings*. Ed. J. P. Sommerville. Cambridge: Cambridge University Press, 184–234.
- Filmer, R. 1991c. „Observations upon Aristotles Politiques“. In Filmer, R. *Patriarcha and other writings*. Ed. J. P. Sommerville. Cambridge: Cambridge University Press, 235–286.

- Forster, J. 2005. *John Locke's Politics of Moral Consensus*. Cambridge: Cambridge University Press.
- Geismann, G./ Herb, K. (Eds.). 1988. *Hobbes über die Freiheit. Widmungsschreiben, Vorwort an den Leser und Kap.1-3 aus 'De Cive' (lt.-dt.). Eingel. und mit Scholien versehen*. Würzburg: Königshausen & Neumann.
- Goldwin, R. A. 1976. „Locke's state of nature in political society“. *Western Political Quarterly* 29, 126–35.
- Grant, R. W. 1988. „Locke's Political Anthropology and Lockean Individualism“. *Journal of Politics* 50, 42–63.
- Grcic, J. 2006. „Locke and Rawls on Natural Law and the Social Contract“. *Prima Philosophia* 19, 93–114.
- Harrison, R. 2003. *Hobbes, Locke, and Confusion's Masterpiece. An Examination of Seventeenth-Century Political Philosophy*. Cambridge: Cambridge University Press.
- Hasnas, J. 2005. „Toward a theory of empirical natural rights“. *Social Philosophy and Policy* 22, 111–147.
- Herb, K. 1989. *Rousseaus Theorie legitimer Herrschaft. Voraussetzungen und Begründungen*. Würzburg: Königshausen & Neumann.
- Hindess, B. 2007. „Locke's state of nature“. *History of the Human Sciences* 20, 1–20.
- Hüning, D. 1998. *Freiheit und Herrschaft in der Rechtsphilosophie des Thomas Hobbes*. Berlin: Duncker & Humblot.
- Jenkins, J. J. 1967. „Locke and Natural Rights“. *Philosophy* 42, 149–154.
- Kelly, P. 2007. *Locke's „Second Treatise of Government“: A Reader's Guide*. London: Continuum Books.
- Kendall, W. 1941. *John Locke and the Doctrine of Majority-Rule*. Urbana: The University of Illinois Press.
- Leyden, W. v. 1956. „John Locke and Natural Law“. *Philosophy* 31, 23–35.
- Leyden, W. v. 1982. *Hobbes and Locke. The Politics of Freedom and Obligation*. New York: St. Martin's Press.
- Locke, John. 1960. *Two treatises of government*, edited with an introduction and notes by P. Laslett. Cambridge: Cambridge University Press.
- Mabbott, J. D. 1973. *John Locke*. London: MacMillan.
- Macpherson, C. B. 1954. „The Social Bearing of Locke's Political Theory“. *Western Political Quarterly* 7, 1–22.
- Malcolm, N. 2002. „Hobbes and Spinoza“. In N. Malcolm. *Aspects of Hobbes*. Cambridge: Cambridge University Press, 27–52.

- Medick, H. 1973. *Naturzustand und Naturgeschichte der bürgerlichen Gesellschaft. Die Ursprünge der bürgerlichen Sozialtheorie als Geschichtsphilosophie und Sozialwissenschaft bei Samuel Pufendorf, John Locke und Adam Smith*. Göttingen: Vandenhoeck & Ruprecht.
- Oakley, F./ Urdang, E. W. 1966. „Locke, Natural Law, and God“. *Natural Law Forum* 11, 92–109.
- Oakley, F. 1997. „Locke, Natural Law and God – again“. *History of Political Thought* 18, 624–51.
- Pollock, F. 1904. „Locke’s Theory of the State“. *Proceedings of the British Academy* 2, 237–49.
- Rogers, G. A. J. 1998. „John Locke’s State of Nature as utopian Ideal“. *Anglophonia* 3, 77–87.
- Sim, S./ Walker, D. (Eds.). 2003. *The Discourse of Sovereignty, Hobbes to Fielding: The State of Nature and the Nature of the State*. Aldershot: Ashgate.
- Simmons, A. J. 1989. „Locke’s State of Nature“. *Political Theory* 17, 449–470.
- Skinner, Q. 1978. *The Foundations of Modern Political Thought. Vol. II: The Age of Reformation*. Cambridge: Cambridge University Press.
- Soles, D. E. 1987. „Intellectualism and Natural Law in Locke’s *Second Treatise*“. *History of Political Thought* 8, 63–81
- Sommerville, J. P. 1992. *Thomas Hobbes. Political ideas in historical context*. London: MacMillan.
- Strauss, L. 1952. „On Locke’s Doctrine of Natural Right“. *Philosophical Review* 61, 475–502.
- Tenison, T. 1670. *The Creed of Mr. Hobbes Examined, in a feigned Conference between Him and a Student in Divinity*. London: Tyton.
- Tuck, R. 1999. *The rights of war and peace. Political thought and the international order from Grotius to Kant*. Oxford: Oxford University Press.
- Tuckness, A. 1999. „The Coherence of a Mind: John Locke and the Law of Nature“. *Journal of the History of Philosophy* 37, 73–90.
- Waldron, J. 1989. „Social Contract versus Political Anthropology“. *The Review of Politics* 51, 3–28.
- Ward, W. R. 1995. „Divine Will, Natural Law and the Voluntarism/Intellectualism Debate in Locke“. *History of Political Thought* 16, 208–18.
- Winfrey, J. C. 1981. „Charity versus Justice in Locke’s Theory of Property“. *Journal of the History of Ideas* 42, 423–38.

Yolton, J. W. 1958. „Locke on the Law of Nature“. *Philosophical Review* 67. 477–98.

Yolton, J. W. 1985. *Locke. An Introduction*. Oxford: Blackwell.

Zuckert, M. P. 2002. *Launching Liberalism. On Lockean Political Philosophy*.

Lawrence: University Press of Kansas.