

Locke on Christianity and Rights

Matthew Simpson

Luther College

Prepared for

The Fourth Annual Lilly Fellows Program National Research Conference

In political philosophy today, many of the thinkers who are most interested in political liberty and human rights are also those who are most suspicious of religion. One example is John Rawls, who is by a long shot the most influential contemporary political philosopher in the English-speaking world. Although Rawls' view on religion and politics seem to have shifted a little during his career, his basic point remained the same. The success of liberal democracy relies on its citizens sharing certain beliefs about the nature of persons and the world; yet religion often challenges these beliefs, and thus is inimical to freedom. To be more specific, he argues that liberal democracy leans on three basic commitments: first that society should be a fair system of cooperation, second that citizens are free and equal persons, and third that that everyone should accept, and know that everyone else accepts, the same conception of justice.¹ As various versions of various religions may challenge these assumptions themselves or at least the Rawlsian interpretation of their content, he is dubious about the place that religion should have in the public life of a free society. Indeed there is debate among Rawls' scholars as to whether his theory even allows believers to appeal to their own religious views in public debate over matters of policy.²

Many people of deep religious commitment are for their own part equally skeptical of liberal democracy. One of the most common criticisms of liberal societies is that they promote freedom at the expense of virtue. This is Plato's well-known argument against democracy in the *Republic*: democracies tend to value freedom over all else; and as freedom spreads morals contract.³ While this is not an explicitly religious criticism, the same general line of argument has been taken over by many religious political philosophers since. This is especially relevant today because the tension between freedom and religious morality is a tenant of the Islamist critique of western civilization. Sayyid Qutb, for example, argues that the basic problem with America is that its governmental institutions allow people to exchange virtue for freedom, whereas the proper purpose of the state in his view is to enforce religious morality. Thus, the idea that religion and liberty are fundamentally at odds is a pervasive assumption of our age, one that is shared by many liberals and religious believers alike.

For this reason it is instructive in our time to return to the thinker who is perhaps the most influential of all philosophers of individual liberty: John Locke. As every one knows, Locke's theory of human rights was the foundation for Thomas Jefferson's *Declaration of Independence*; but Locke's arguments have also been used by people interested in individual liberty all over the world, from Mexico, to Ireland, to India. Indeed, Locke's influence on the development of modern politics and political theory is almost impossible to measure. One hears its echoes in everything from documents like the U.S. Constitution and the Universal Declaration of Human Rights to groups such as Amnesty International and Human Rights Watch. Human rights are, so to speak, the name of the game today; a fact that Locke is much responsible for. I believe that Michael

Walzer is right in saying, “Liberal theory now seems to have a power over and against real life that has been granted to few theories in human history.... The language of individual rights—voluntary association, pluralism, toleration, separation, privacy, free speech, the career open to talents, and so on—is simply inescapable.”⁴

While Locke’s influence on political thought today is enough reason to study him, there is something more to the story. Locke was not only a liberal, he was a Christian. In fact, he was a liberal *because* he was a Christian. What I mean is that his theory of human rights and the political philosophy that follows from it are based on his views about God and God’s relationship to humanity. This is significant because it shows that there is something overly simplistic in the supposed incompatibility of religion and liberty. At very least it proves that there is no inherent contradiction between religious commitment and liberal politics. Locke’s philosophy suggests that people like Rawls and Qutb are both wrong. Liberals have no necessary reason to fear the influence of religion on politics, and similarly those interested in religion and religious morality need not be opposed to liberalism. I would like first to show how Locke’s liberalism follows from his Christian beliefs, and then to discuss some consequences of his theory for the current conversation on religion and human rights. Before getting to that, however, it is necessary to say something about the interpretation of Locke’s political philosophy in our time.

The Scholarship on Locke

In the years since the second World War, two books above all have framed the debate on Locke's political philosophy. On one side is Leo Strauss's *Natural Right and History*.⁵ This work contends that the apparently religious foundation of Locke's political philosophy as presented in the *Two Treatises of Government* is a rhetorical veil over an atheistic and hedonistic theory very similar to that of Thomas Hobbes. Locke's professed Christianity should thus be viewed as an exercise in what Strauss calls "caution." He is not very clear about the reasons for Locke's prevarications, whether it was to protect himself from persecution or to convince his audience of falsehoods that he regarded to be useful; but the conclusion is the same in either case: wise readers should not take Locke at his word when he says that each human being's natural rights are based on the "manifest will of God" and the "law of nature." So, while Strauss does insist that to understand the American political experience one must return to the rights theories of the early modern period, he denies that religion is essential to Locke's theory.

On the other side is John Dunn's seminal work *The Political Thought of John Locke: An Historical Account of the Argument of the 'Two Treatises of Government'*.⁶ Instead of arguing as Strauss does that the real meaning of the "Two Treatises" was intended to go over the heads of most readers, Dunn reads the books as a deliberate and somewhat polemical response to the Exclusion Crisis of the late 1670's and early 1680's. He takes Locke's professed religious views to be sincere and important, the result of which is a richly contextual and nuanced understanding of the Christian foundations of his political thought. However, by placing Locke so completely within the political and theological disputes of his time, Dunn makes it difficult to see what Locke could mean to us today. He goes so far as to say, "I simply cannot conceive of constructing an analysis

of any issue in contemporary political theory around the affirmation or negation of anything which Locke says about political matters.”⁷ Although he later retracted this statement, one can see its motivation throughout his work, and in that of the many scholars he influenced. In sum, one side said that Locke is relevant but not religious, while the other said he is religious but not relevant.

Two years ago, however, Jeremy Waldron published a study that indicates how much the character of Locke scholarship has changed in the last few years, and which did much to effect that change.⁸ Waldron argues for two bold theses, first that Locke’s political philosophy is based entirely on his theology, and second that modern philosophers must take his lead and return to religion as a foundation for theories of human rights. While I believe that Waldron overreaches especially on the second count, there is something important in the turn that he gives to the study of Locke, because he takes Locke’s religious commitments serious while also arguing that his views are relevant to contemporary political theory. I suggested above the relationship between religion and liberty is one of the most significant issues for contemporary political thought, and Waldron’s study helps us to see what Locke can contribute to this conversation.

Religion and Liberty

Now I would like to turn to Locke’s theory itself. The basis of his theory of human rights is the idea of natural equality. Although people are obviously different in dispositions and abilities, they are “created equal” in the moral sense that they are all

creatures of supreme deity who gave no one natural sovereignty over anyone else. He says that the state of nature is,

*A State also of Equality, wherein all the Power and Jurisdiction is reciprocal, no one having more than another: there being 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, unless the Lord and Master of them all, should be 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.*⁹

After establishing the natural equality of all humans, Locke goes on to say that there is natural law, dictated by reason, stating that equal beings should not harm one another. “The State of Nature has a Law of Nature to govern it, which obliges every one: And Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions.”¹⁰ Thus, since people are by nature equal, and equal beings should not harm one another, Locke concludes that all people have a natural right not to be harmed, or in other words a right to be safe in their life, liberty, and property. Because these natural rights have little natural sanction, however, he goes on to say that government should be thought of as a contract that individuals enter in order better to protect the rights that they have independently of that contract.

The important point is that in Locke's view natural rights are derivative of the will of God and the natural law. To this extent Waldron is right that Locke's political theory is based on his views about religion. At the same time Locke is a liberal, by which I mean he thinks the purpose of the state is to protect people's rights or freedoms, not to enforce a particular religion, morality, or way of life; he famously argues for wide toleration in matters of religion and most everything else. So, while the foundation of his political theory is a very specific religious outlook, he is led by it to a liberal theory of the state according to which it has no business enforcing a specific religious morality.

The list of philosophical questions raised by his political theory is long and generally well known. The most obvious of them concern the issue of how, on the basis of his empiricist theory of knowledge, it is possible to know the will of God and the natural law. I do not intend to address these here. The significant issue for the present topic is that, on this interpretation, Locke is both a Christian and the author of one of the greatest philosophical defenses of individual liberty; and this is not a matter of coincidence. Because he believed that God created people equal to one another, and because he believed there is a natural law of reason stating that equal beings should not harm one another, he is led to the conclusion that each person has a right not to be harmed in their life, liberty, or possessions. This shows at very least the falsehood of the view that religious conviction and individual liberty are inherently at odds—for Locke, just the opposite is the case. This only gets one so far, of course, because certainly there are theological doctrines that lead to illiberal theories of politics. But there are atheistic or agnostic doctrines that also lead to illiberal theories of the state, such as those of Plato

and Hobbes. The more important issue is that the supposed tension between religion and liberty is in many cases an illusion.

Consequences

Aside from demonstrating that religious conviction is compatible with liberal politics, Locke's political philosophy is significant for other contemporary issues regarding religion and human rights, especially those having to do with what is called "post-metaphysical liberalism," or "liberalism without foundation." This is the name given to the kind of political theory proposed by the thinkers such as the later Rawls (on some interpretations) and Richard Rorty (on all interpretations), according to which liberalism is best when it is not given foundations in metaphysics or theology. Their reasons are a little different, for Rawls thinks we should avoid foundations because we will never agree, while Rorty thinks that the whole pursuit of foundations is mistaken. But the consequence is the same, namely that the task for political philosophy today is to define a theory of rights that does not lean in comprehensive, metaphysical world view.

This philosophical enterprise, which it is still defended today, has been criticized from many different perspectives, which we need not discuss here. But Locke's theory suggests two further problems with post-metaphysical liberalism, one practical and one moral. Let me discuss the practical one first. Even if one accepts the view that we should not try to defend liberalism with a comprehensive doctrine but should instead appeal simply to the "overlapping consensus" according to which people do have rights and governments should treat them equally, some procedure is still needed to apply

abstract rights to concrete cases. In other words, even if we all agree that human rights exist, we still must decide how to answer concrete questions about the scope and limits of those rights. For example, should couple's of the same gender be allowed to marry? Should religious groups be allowed to use hallucinogenic drugs? Does the right to freedom of expression protect "hate speech"?

The mere appeal to the shared assumption that rights exist does not do the job here, because it does not explain how to apply them. It is in response to this problem that Rawls develops his theory of "public reason." But many scholars doubt whether this instrument can perform the task it is designed for. Although the details are beyond this paper, the underlying problem is easy enough to explain. How is it possible to define the scope, nature, and meaning of rights without a comprehensive, metaphysical theory of what exactly rights are and where they come from? This is a problem that plagues liberalism today. Political theorists continually write articles asking questions of the form, "What should a liberal say about issue x," where x is an issue such as minimum wage, or slavery reparations, or universal health care. The problem is that theorists sometimes fail to see that the answer to such questions depends on what kind of liberal one is. A Lockean liberal will likely answer differently from a Kantian, who will answer differently from a Millian, who will answer differently from or a Rawlsian. Locke's theory reminds us that how one specifies the scope and limits of rights depends on where one thinks those rights come from.

An obvious example in Locke of where the metaphysical source of rights defines the scope of those rights is in his view that even though the state should allow for extraordinarily wide freedom of conscience, it may discriminate against atheists. A more

interesting example, however, concerns his theory of the right to property. The fifth chapter of the second *Treatise* famously argues for the natural right of each individual to own and dispose of property, which it is the state's obligation to protect. Yet in the fourth chapter of the first *Treatise* he says, "As Justice gives every Man a Title to the product of his honest Industry...; so Charity gives every Man a Title to so much out of another's Plenty, as will keep him from extreme want."¹¹ While this passage is much debated, one thing is clear enough. In the extreme case, the divine command to be charitable overrides the natural right to property.

While this may appear to be a contradiction in Locke's theory of rights, it is in fact a necessary consequence of that theory. As natural rights derive from the divine will and the natural law to begin with, those rights must give way to that same will and law. And as Locke believed the Lord has commanded us to be charitable, it would be absurd to claim exemption from that commandment on the basis of a natural right to property that derives from God in the first place. While the purpose of the state is not to enforce a specific religious doctrine, the state is supposed to protect rights that can be known to exist only on the basis of a specific religious doctrine, and this doctrine in turn defines the meaning and limits of those rights. One implication of his way of looking at politics, however, is that if people's exercise of their natural rights somehow became incompatible with the will of God, the will would trump the rights, because the rights derive from that will, and without the divine will according to which all people are equal, there would be no natural rights of the kind there are.

The second problem regarding "liberalism without foundations" that Locke's theory suggests is a moral one. As I mentioned before, Rawls turns to an "overlapping

consensus” after giving up metaphysical foundations for his theory of rights. This means that the only foundation that rights have is our shared assumption that certain things are true about the world, the most important of which are the three that I named at the beginning of this paper: that society should be a system of cooperation, that persons are free and equal, and that there should be a shared, public conception of justice. This raises the obvious question of what to do with people who do not buy in to one or more of these assumptions, or into their generally accepted interpretation. Rawls’ answer is that they cannot be part of the liberal, democratic society that is to be formed on the basis of the overlapping consensus. While may sound fine, it raises a serious problem. The Rawlsian state, it appears, will be forced to punish people who fail to submit to certain propositions that Rawls himself refuses to argue for. I suggest simply that this is immoral, especially for a liberal who is committed to the freedom and equal dignity of all persons.

But there is more to this problem. For Rawls is right that some of the people who refuse to accept his liberal recommendations refuse for religious reasons. Indeed, as I suggested, the Islamist criticism of liberalism could be seen as a refusal to accept some of the consequences that Rawls squeezes out of his three fundamental principles, even if those thinkers might accept the principles themselves in the abstract. So how is the dialogue between these views supposed to proceed if all the Rawlsian liberal has to say is, “This is our overlapping consensus and you don’t fit in it.” It seems to me that in this circumstance a theory like Locke’s is both more interesting and more useful. It is more interesting because it offers an explanation of what rights are and how they should be interpreted; and it is more useful because in appealing to theological foundations it finds a common vocabulary with some of the most staunch opponents of liberalism.

Notes

¹ John Rawls, *Justice as Fairness: A Restatement* (Cambridge: Harvard University Press, 2001) 5f.

² The literature is wide: see Robert Audi, “The Separation of Church and State and the Obligations of Citizenship,” *Philosophy and Public Affairs*, 18 (1989) 259-96; and Kent Greenawalt, *Religious Convictions and Political Choice* (Oxford: Oxford University Press, 1988).

³ Plato, *Republic* 555b-562a.

⁴ Michael Walzer, “The Communitarian Critique of Liberalism,” *Political Theory*, vol. 18 no. 1 (February 1990) 10.

⁵ Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1950).

⁶ John Dunn, *The Political Thought of John Locke: An Historical Account of the Argument of the ‘Two Treatises of Government’* (Cambridge: Cambridge University Press, 1969).

⁷ Dunn, x.

⁸ Jeremy Waldron, *God, Locke and Equality: Christian Foundations in Locke’s Political Thought* (Cambridge: Cambridge University Press, 2002).

⁹ John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1960) 269.

¹⁰ Locke, 271.

¹¹ Locke, 170.