

# LOCKE'S POLITICAL THEORY AND ITS "EPISTEMOLOGICAL FOUNDATIONS" I

Kiyoshi Shimokawa\*

*This article constitutes PART I of a discourse which attempts to clarify the relationship between Locke's political theory and his epistemology. PART II will appear separately in the next issue of this journal. PART I (A CRITIQUE OF THE FOUNDATIONALIST PROJECT) tries to undermine the claim that Locke's epistemology is the basis of his political theory. PART II (PROLEGOMENA TO ANY FUTURE META-DISOURSE) tries to establish the claim that his political theory and his epistemology are united by common, non-epistemological links. These two parts form a continuous discourse. It defends the view that Locke's political theory and his epistemology are united by common ties, though one is not supported by the other.*

## **PART I. A CRITIQUE OF THE FOUNDATIONALIST PROJECT**

### **1. INTRODUCTION**

Some may wonder whether neo-Kantianism really has a strong hold on the minds of scholars who specialize in Locke. But the fact remains that quite a few Locke scholars are still tempted to discuss "epistemological foundations". In recent years, three commentators have tried to search for the "epistemological foundations" of his theory of property. Their project is of philosophical interest, for it purports to elucidate what goes on within his political theory while at the time trying to link it to his epistemology. Upon careful consideration, however, I have reached the conclusion that their project is systematically misguided, and the claims advanced within it are entirely unfounded. The project breeds, and is bred by, an illusory view of the relationship of Locke's *Two Treatises of Government* (political theory) to his *Essay concerning Human Understanding* (epistemology). I shall vigorously criticize the project, and show that Locke's political theory does not rest on the epistemological foundations he lays in the *Essay*. My immediate purpose is destructive. But the ultimate purpose of my destructive arguments is to liberate us

---

\*Department of Liberal Arts and Sciences—Philosophy

from illusion.

The three commentators I discuss are Max Milam, John Yolton, and James Tully. The following writings are relevant to my discussion: Milam's article, "The Epistemological Basis of Locke's Idea of Property"; a chapter of Yolton's book, "Property: A Mixed-Mode Analysis"; and a chapter of Tully's book, "The Contribution of the *Essay*", which deals with the "philosophical underpinnings" of Locke's theory of property.<sup>1</sup> Although their specific claims differ, they are engaged in a common project. Their project is to discover in the *Essay* the epistemological basis of Locke's theory of property; or to reconstruct its epistemological basis out of some doctrines of the *Essay*. Discovery and reconstruction are closely connected in their project, because Locke's writings do *not immediately* exhibit any specific connecting link between his political theory and his epistemology.

I should like to make a few clarificatory remarks before I embark on a critique of their project. First, the phrase "Locke's theory of property" (which I have used above) should be understood in a flexible sense. Although Milam is almost exclusively concerned about the account of the origin of property which Locke offers in Chapter 5 of the *Second Treatise*, Yolton and Tully deal with larger segments of the *Two Treatises* where he makes various claims about property. So "Locke's theory of property" means *either* a set of claims Locke makes about property in Chapter 5 of the *Second Treatise*, *or* those claims he makes about property in that chapter and elsewhere in the *Two Treatises*. This expands the meaning of the "theory of property" indefinitely. The "theory of property" can acquire even a broader meaning and become almost synonymous with Locke's "political theory", if we grant his statement that "Lives, Liberties and Estates, ... I call by the general Name, *Property*" (*ST*, 123). In spite of the ambiguity noted above, we can settle the meaning of the "theory of property" within a particular context of our discussion. What we should note is that the three commentators' discussions are not strictly confined to Locke's account of the origin of property.

Secondly, the foundations which the three commentators try to discover or reconstruct are called "epistemological" in the broadest sense that they concern our ideas and knowledge. Their project does not demand a more strict use of the term "epistemological". Yolton, who links Locke's doctrine of "mixed modes" with his theory of property, speaks about the meanings of mixed-mode words. Thus he seems to bring in a semantic doctrine. But since "a mixed mode" for Locke is a particular kind of complex idea (*Essay*, II, xxii, 1), Yolton can be said to link his "epistemological" doctrine (in the broadest sense noted above) with his theory of property.

Thirdly, I intend to use the expression "the foundationalist picture of philosophy" below, to designate a particular metaphilosophy. "The foundationalist picture of philosophy", as I use the expression, contains the following views about the role and status of philosophy. First, philosophy furnishes foundations for other branches of knowledge and human culture. Secondly, philosophy is predominantly an epistemological discipline where a philosopher works out basic principles and doctrines about ideas and knowledge. Thirdly, we can apply, and should apply, these basic principles and doctrines to another discipline such as political theory. Fourthly, these principles and doctrines are the "foundations" of another discipline such as political theory, in the sense that they may provide a legitimate method of inquiry, or demarcate a legitimate domain of discourse for another discipline, or justify the basic premises from which a philosopher can argue (deductively or otherwise) to defend the claims he makes in another discipline. These are four main elements of the foundationalist picture of philosophy. People who are accustomed to this metaphilosophy do not necessarily have a clear idea of its constitutive elements. They often have an unanalyzed image of a base or support rather than a clearly defined concept.

The foundationalist picture of philosophy is shared by quite a few academics in the English-speaking world today. I mention this metaphilosophy because Milam, Yolton, and Tully rely on it in interpreting Locke's writings. They are well-accustomed to it as a result of their profession, and assume that Locke also has this metaphilosophy. Milam and Tully unambiguously hold the foundationalist picture of philosophy, and apply it to his works. This is clear from their talk about "the epistemological basis" (Milam) and "the philosophical underpinnings" (Tully). Yolton is free from foundational metaphors, and he has a picture of philosophy as a conceptual analysis. As we shall see later, he even grants at one point that Locke is not a systematic philosopher of the foundationalist kind. Yet Yolton also retains the foundationalist metaphilosophy, and he interprets Locke as a foundationalist who applies his doctrine of "mixed modes" to another discipline.

## 2. A Critique

Anyone who approaches Locke's works with the aid of the foundationalist metaphilosophy is likely to suffer from *systematic confusion*. Milam, Yolton, and Tully do not make one or two isolated false claims. They make a series of false claims which hang together in an oblique way. What is non-existent in Locke's writings appears to them as existing. What is fictitious to him appears real to them. What he says about property

appears to them to be an account of the idea of property. These are some of the symptoms of a peculiar philosophical illness. To put it in a Marxian manner: real Lockean objects appear in a mystified, inverted form in the minds of alienated men who are addicted to the foundationalist metaphilosophy (i.e., the opium of the intellectuals). Or to use a Wittgensteinian metaphor: those who try to interpret Locke by relying on the foundationalist metaphilosophy are “captives” of a particular “picture” of philosophy, and they struggle to fly out of their “fly-bottle” in searching for the epistemological foundations of his political theory.<sup>2</sup> We shall see below how our commentators on Locke put his thought in a inverted form, and how they struggle to fly out of their fly-bottle.

### 2.1 Milam's Fanciful Use of the Idea of a Secondary Quality

In his article “The Epistemological Basis of Locke’s Idea of Property”, Milam defends the following thesis: “to Locke, a person may be said to have ‘property’ in real estate (and in ‘life’ and ‘liberty’) in the same sense and for the same reason that any natural object may be said to have secondary qualities or ‘properties’”.<sup>3</sup> Notice that Milam ignores, from the start, the distinction between the meaning of the word “property” and the (justificatory) reason for having property. It is also obvious that his thesis, if taken literally, is impossible to defend. For instance, Locke speaks of “property” as “a private Dominion, exclusive of the rest of Mankind” (ST, 26) in Chapter 5 of the *Second Treatise*, whereas the “sense” of an exclusive right is absent from Locke’s discussion of “secondary qualities”. According to Locke, men acquire property “for the reason” that they labour, take pains to obtain external goods, and improve their environment. This “reason” is missing from the discussion of a natural object having “properties” or “secondary qualities”. Thus from the start, it appears that Milam’s thesis is hopelessly indefensible. But let us take a closer look at what he actually claims.

The gist of the argument which purports to support Milam’s thesis is as follows: Locke sees the relationship of primary qualities, power, and secondary qualities (or what he sometimes calls “properties”) in a particular way. On Milam’s interpretation of Locke’s view, when an object A exerts power over another object B, A alters B’s primary qualities and causes the ideas of new secondary qualities in our mind. In this case, says Milam, “the active power involved is actually that of the first object” (emphasis in the original).<sup>4</sup> For instance, if fire (A) exerts power over wax (B), it alters the primary qualities of wax and causes the idea of a new colour (i. e., the idea of a new “quality” or “property”) in our mind. In this process of change, the power involved is actually that of

fire. Milam then applies this account of how we receive the idea of a new "quality" or "property" to Locke's account of "property" in Chapter 5 as follows. If a man (A) exerts his labour-power over a piece of land (B), it alters the primary qualities of land and causes the idea of cultivated land in our mind. The idea of cultivated land is the idea of a new "quality" or "property", and in the process effected by human labour, the power involved is actually that of the labourer. From this, Milam concludes that in Locke's view, a man has a property in land "in the same sense and for the same reason" that any natural object has secondary qualities or properties.

In offering this curious account, Milam takes for granted what he intends to prove. The account I have summed up presupposes that "a secondary quality" of the *Essay* is equivalent in meaning to "(a) property" of the *Second Treatise*. But since this is what he wants to prove, he only argues in a circle. He presents a picture of *what Chapter 5 would look like if we applied* Locke's account of how we receive the idea of a new secondary quality in the process of change. Yet this is not to prove that Locke himself used his account of the production of the idea of a new secondary quality as "the epistemological basis" of his account of the origin of property.

Besides the fallacy of circular reasoning, there are a number of objections we can raise. I shall mention a few. First, we should note that Milam's attempt to equate "(a) property" of the *Second Treatise* with "a secondary quality" of the *Essay* is probably connected with Locke's own confusion. In Chapter 5, Locke himself suffers from what Hutcheson called "confused imagination", and loosely associates property with a quality created by an action.<sup>5</sup> At times, he seems to forget the strict meaning of property (i.e., a man's exclusive right of disposal, or an object of this exclusive right), and becomes a victim of the loose association of ideas. Milam deepens Locke's confusion by equating "property" with "a secondary quality". Secondly, Locke's account of appropriation in the *Second Treatise* is not an account of the origin of *the idea of property*, but an account of the origin of *property*. He does not explain how we come to have the idea of property; he explains "how Men might come to have a *property* in" distinct portions of the God-given world (ST, 25). Milam confuses the idea of a thing with the thing itself. Thirdly, Milam fails to show that there is a significant causal link between Locke's account of appropriation and his account of the origin of the idea of a new secondary quality. Locke might have given the same account of appropriation even if he had not had the notion of a secondary quality. Fourthly, the analogy Milam draws between fire exerting its power over wax and a man exerting his labour-power over land breaks down, if we treat whiteness as the property of *wax* (rather than of fire) and treat cultivated land as the property

of the labourer (rather than of the land itself). Finally, Milam fails to explicate Locke's view that property is a right.

While the fallacy of circularity is a fatal blow to a defence of Milam's thesis, these objections tear his account to pieces. His account rests on the belief that the epistemological basis of Locke's theory of property can be found in the *Essay*. Yet Milam fails to discover any such basis in the *Essay*. He reinterprets Locke's account of the origin of property, only to transform it into an account of the origin of an idea.

## 2.2 Yolton's Mixed Feelings about "a Mixed Mode"

Yolton makes another attempt to link Locke's epistemology with his theory of property. His book, *Locke and the Compass of Human Understanding*, contains a chapter entitled "Property: An Example of Mixed-Mode Analysis". In this chapter, Yolton maintains that significant portions of Locke's *Two Treatises* are concerned with "conceptual" problems rather than "justificatory" or "empirical" problems. He also claims that Locke's account of property, as well as his refutation of Filmer's view of property, is "an example of mixed-mode analysis". By this, he does not simply mean that Locke's account of property, or his refutation of Filmer, is an example of the analysis of the concept classified as "a mixed mode" in the *Essay*. He also implies that Locke is primarily concerned with "conceptual" problems concerning property because he grants a particular epistemological status to the concept of property in the *Essay*. If this is true, Locke's theory of property can be said to be supported by his classification of ideas in the *Essay*; or more specifically, by his epistemological doctrine about "mixed modes".

But how does Yolton defend the view that Locke's doctrine about mixed modes supports his theory of property? In fact, he makes only a half-hearted attempt at defence. His halfheartedness appears as intellectual vagueness in one of his footnotes. Yolton says, in the footnote:

I do not mean to suggest that *Two Treatises* is in any detailed way an application of epistemic and methodological principles established in the *Essay*. Locke is not a systematic philosopher—his writings do not present a system—in that traditional sense. It is wrong to assume that because he holds to certain doctrines in the *Essay*, he will conclude thus and so in other works. Nevertheless, one of the features of Locke's work which mark him out as a philosopher ... is his constant interest in clarity and conceptual connexions. This feature of his science of signs, the analysis of mixed-mode concepts, occurs in all his writings.<sup>6</sup>

In this passage, Yolton maintains that the *Essay* renders *some* support to Locke's polit-

ical theory. The *Two Treatises*, he says, is "not" an application of the epistemological doctrines of the *Essay* "in any detailed way". But at the end of the passage, he affirms that Locke's "analysis of mixed-mode concepts" "occurs in all his writings", assuming that his doctrine about mixed modes is in some way (if not "in any detailed way") supportive of his political theory. Thus it seems that Locke's doctrine about mixed modes, according to Yolton, is connected with his political theory in a rough (rather than "detailed") way.

Let us see Yolton's account of the connection between Locke's doctrine about mixed modes and his theory of property. Some of Yolton's passages will be marked by letters — (a), (b) & (c) — for the sake of a later discussion. What dominates Locke's thought, says Yolton, is "his notion of mixed modes as concepts made arbitrarily by the mind 'without patterns, or reference to any real existence'".<sup>7</sup> In the *First Treatise*, Locke points out Filmer's misreading of the Bible by a "conceptual" rather than "empirical" method. The reason for this, according to Yolton, is the following:

- (a) since the concepts of right, sovereignty, ruling, property, etc. are mixed modes, the major test of claims made that employ such concepts must be conceptual, not empirical.<sup>8</sup>

Yolton's point is that given the concept of property being "a mixed mode", the major test of the claims which involve the use of the word "property" must be "conceptual". He goes on to explain what the major test is. As a result of "the arbitrariness of the meanings of moral words", anyone involved in a dispute over the meanings of moral words must appeal to common meanings, or moral principles, in order to settle the dispute. This is the only way to settle the dispute in a non-arbitrary way:

- (b) The only basis for making non-arbitrary claims about moral words would be some firm and unalterable rules of right and wrong. Controversy over moral concepts can be settled by agreeing on common meanings or by reference to moral principles. For Locke, the laws of God, nature and reason contained the principles of right and wrong by reference to which controversy over those concepts could be settled.<sup>9</sup>

Yolton, then, cites passages from the *First Treatise* to show that Locke is involved in "controversy over moral concepts" with Filmer, conceding that Locke does "not always" appeal to common meanings or moral principles to settle the controversy. Finally, Yolton turns to Chapter 5 of the *Second Treatise* to drive home the point that Locke's predominant concern is with "conceptual" problems concerning property rather than justificatory or empirical problems. Yolton states:

(c) He [Locke] was not much concerned in *Two Treatises* ... to establish the rights he claims. He was rather concerned to point out the conceptual failings of Filmer and in the case of the concept of property itself, to work out some of the conceptual problems to which that concept gave rise.

The main concern ... of the chapter on property in the second Treatise, ... is with explaining how private property of individual men can arise out of the common property of all men. ... The working out of the answer to this problem is largely a conceptual matter for Locke, how particularisation of the common is possible.<sup>10</sup>

I have summarized Yolton's account of the relationship between "mixed modes" and Locke's theory of property. He suffers from conceptual confusion three times, once in each marked passage. Since his confusion is deep-seated, I shall trace his confusion backward by referring to passage (c) first, and then to (b) and (a).

First of all, if Yolton were to establish a link between Locke's doctrine of mixed modes and his account of property in the *Second Treatise*, he would have to show that Locke's Chapter 5 deals with "conceptual" problems *in the sense* that it deals with controversy over the meaning of the moral word "property". In Yolton's view, if a concept is classified as "a mixed mode", this special status requires that we should settle a dispute over the meaning of that concept or that moral word, in a non-arbitrary way (as Yolton specifies in (b)). However, Locke's account of "how men might come to have a *property* in several parts of that which God gave to Mankind in common" (ST, 25) is *not* an attempt to settle the controversial meaning of the word "property". In Chapter 5, Locke takes for granted that the reader would understand the meaning of the word "property". In passage (c) above, Yolton loosely speaks of the "conceptual" matter. It is a "conceptual" matter in the sense that it requires the exercise of intellect and some skill in conceptual thinking to write the kind of account which Locke produced, but *not* in the sense which is required for Yolton's attempt to establish a link between Chapter 5 and the *Essay*. Besides, as far as Locke's Chapter 5 is concerned, it is an attempt to write a half-empirical, half-justificatory account of the conversion of the original community of things into the world of property. Locke is not performing a transcendental deduction of the *concept* of property in the manner of Kant.

The alleged connection between Chapter 5 and the epistemological status of the concept of property is thus nonexistent. Next let us turn to passage (b). In this passage, Yolton claims that "controversy over moral concepts can be settled ... by reference to moral principles". This is a bizarre claim, and Locke nowhere advances a claim of this sort. Take the fundamental precept of Locke's law of nature, for instance: "No one ought

to harm another in his Life ..." (ST, 6). Can we settle the meaning of the moral word "ought" by reference to *this* principle, *this* law of God? No, we cannot. We may appeal to this moral principle if we want to settle a dispute about *substantive* morality, i.e., a dispute about what is substantively moral. We cannot settle our controversy over moral concepts (or the meanings of "moral words", as Yolton sometimes puts it), by reference to the very rule that makes use of those moral concepts or moral words. In short, Yolton conflates two types of controversy in passage (b): controversy over moral concepts or moral words, and controversy over what is substantively moral.

By this conflation, Yolton abolishes the distinction between how to settle the meanings of moral words and how to settle conflicting claims couched in moral words. Needless to say, the claims Locke makes in the *Two Treatises* contain such words as "rights", "property", and "law". But it is one thing to settle the conflicting claims which are substantively moral, while it is quite another to settle the meanings of the moral words which make up those claims. But again, Yolton conflates these two distinct things. This confusion can be found in his passage (a), where he says that since the concept of property is "a mixed mode", the "major test" of the "claims" which employ moral words must be conceptual rather than empirical. If the "claim" in question is a claim about the meaning of a moral word, then the epistemological status of the word as "a mixed mode" may be relevant to the settlement of a dispute over the meaning. But the "claim" Yolton has in mind is not of this kind. He refers to Locke's "controversy" with Filmer; specifically to his attempt to refute the claim that Adam originally had private dominion over God's creation, to the exclusion of the rest of mankind. Filmer's claim is a substantively moral claim, and he rejects this claim by appealing to biblical evidence (FT, 24, 29, 30, 40). Additionally, it is even arguable that Locke's appeal to biblical evidence is an "empirical" method rather than a "conceptual" method—in the sense that he quotes relevant passages from the Bible and presents them as the empirical evidence for his claim.

Yolton is of course correct in pointing out that Locke uses an analytical method in exposing Filmer's obscure meanings and inconsistencies. However, he offers no convincing proof that Locke's use of the analytical method is a consequence of the particular classification of moral words as "mixed modes". Locke certainly is a philosopher who is sensitive to subtle distinctions, but he exhibits his analytical skill in most of his controversies whether they involve moral words or not. Why did he meticulously examine Filmer's meanings, and try to expose his inconsistencies by the analytical method? The reason has nothing to do with the epistemological status of moral words. Rather, it has a great deal to do with the fact that Locke knew of the effectiveness of the analytical

method in combatting the degenerate, propagandistic method of spreading false doctrines. Locke states in the Preface to the *Two Treatises*:

*I should not have Writ against Sir Robert, or taken the pains to shew his mistakes, Inconsistencies, and want of ... Scripture-proofs, were there not Men amongst us, who, by crying up his Books, and espousing his Doctrines, save me from the Reproach of Writing against a dead Adversary.*

I have dissected Yolton's account of the connecting link between Locke's doctrine of "mixed modes" and his theory of property. I have shown that it is a confused account. If we push Yolton's view to its logical conclusion, the *Two Treatises* is predominantly a discourse on the concept of property or a discourse on moral and political concepts. His mistake is to treat the book primarily as a work on political concepts, and secondarily as a work on political problems. Yolton himself is vaguely aware that this is an error. Hence, at the very end of his discussion, he qualifies his approach by stating that the *Second Treatise*, with the exception of its Chapter 5 and early chapters, is "not" "mainly or largely" intended for "conceptual clarification of the civil and moral mixed modes".<sup>11</sup> In making this statement, Yolton deceives himself with the belief that he has avoided making a mistake. However, he has already treated significant portions of the *Two Treatises* as a second-order inquiry into moral or political concepts. In taking this approach to the work, Yolton follows the customary treatment of political philosophy by analytic philosophers of the present century. He also does not discard the conventional view that epistemology is the foundation of political theory. In these respects, he falls victim to the habit which (according to Locke) is the chief cause of "the association of ideas", or the psychological mechanism which is just as opposed to "reason" as "madness" is (II, xxiii, 4).

Yolton's mistakes are not easy to detect. His qualifying statements make it difficult for us (and for himself) to detect his mistakes. As we have seen at the beginning, he puts a qualifying statement in his footnote, and denies (not wholeheartedly) that Locke applies his epistemological principles systematically. Again, as we have seen in the preceding paragraph, Yolton says that the *Second Treatise*, with the exception of Chapter 5 and other early chapters, is not primarily concerned with conceptual clarification. We cannot take these statements seriously, however. They reflect Yolton's confusion and ambiguity. Since he is well acquainted with Locke's writings, he instinctively feels that it is wrong to treat the *Two Treatises* as an application of the epistemological doctrine Locke worked out in the *Essay*. Hence, he grants that Locke is not a systematic philos-

opher. But Yolton retains the foundationalist picture of philosophy, and projects this metaphilosophy onto Locke. So he cannot completely discard the idea of a systematic philosopher. Furthermore, Yolton is committed to another metaphilosophy which might be called the "conceptualist" picture of philosophy. This metaphilosophy, according to which the primary task of philosophy is to clarify conceptual muddles, predisposes Yolton to interpret Locke's problems as "conceptual". But again, when he becomes aware that this line of interpretation conflicts with what Locke actually says in the *Second Treatise*, he feels the need to qualify his treatment of Locke as a conceptualist. Thus Yolton's approach to Locke's works becomes very ambiguous. He has mixed feelings about what he says about "mixed modes".

### 2.3 Tully's Historical Revisionism, and the Collapse of "Philosophical Underpinnings"

Although Yolton half-heartedly searched for the epistemological foundations of Locke's theory of property, James Tully obtains a clue from Yolton and wholeheartedly involves himself with the project of searching for the foundations. One chapter of his book, *A Discourse on Property*, is entitled "The Contribution of the *Essay*". In this chapter, Tully claims that certain portions of the *Essay* are the "philosophical underpinnings" of Locke's political theory in general, and his theory of property (i.e., his account of the origin of property) in particular. Tully tries to validate this claim by relying on one historical source, the writings of Jean Barbeyrac. He also performs a reconstructive task to confirm that certain parts of the *Essay* are indeed supportive of Locke's political theory. I shall concentrate on Tully's use of Barbeyrac first, and later comment on his reconstructive discussion.

Barbeyrac was a French legal theorist who translated and annotated Grotius' *De Jure Belli ac Pacis* and Pufendorf's *De Jure Naturae et Gentium*. He was thoroughly acquainted with their works, and he can rightly be regarded as the best 18th-century European commentator on the modern tradition of natural law and natural rights. Furthermore, Barbeyrac was a great admirer of Locke. He carefully read Locke's works, admired him for a fine combination of intellect and wisdom, and corresponded with him for a short period of time before Locke's death. His letters to Locke show the extent to which this young French scholar admired Locke's works and England. Barbeyrac was an Anglophile before Voltaire. Locke sent him the Bible and an English dictionary. In his thankful reply, he wrote: "Plus on médite votre Ouvrage, et plus la lumière, qui y brille de toutes parts" (*Correspondence*, VII, 6 January 1703; cf. Barbeyrac's letter to Locke in

*ibid.*, VII, May/June 1702, No. 3141). Given this historical background, it is possible to make a reasonable use of Barbeyrac's writings to construct a new historical picture of Locke.

Yet Tully's use of Barbeyrac is far from being reasonable. He tries to extract claims Barbeyrac never made from two of his writings; first, from the extensive notes which he added to Pufendorf's *De Jure Naturae et Gentium*, and secondly, from Barbeyrac's long discourse on the history of the science of morality. Barbeyrac's discourse is prefixed to Pufendorf's work, and it is entitled "An Historical and Critical Account of the Science of Morality, and the Progress it has made in the World, from the earliest Times down to the Publication of this Work". (I shall henceforth call this "Account" Barbeyrac's discourse.)

Tully summarizes what Barbeyrac said in his discourse and notes, without quoting directly from them. According to his summary:

Barbeyrac isolates three main lines of the *Essay* ... which are ... underpinnings of Locke's own political theory. First, he takes Locke's workmanship model [i.e., the model of man as being the workmanship of God] to be the ground of natural law theory in general .... Second, Locke's work on modes and relations is said to be propaedeutic and necessary in understanding natural law political theory. Third, Locke's analysis of real essences is responsible for putting political theory definitely on a superior footing (pp. 4-5, 10-13).

The aspect of Locke's political theory of which these lines of the *Essay* are supportive is Locke's theory of property (p. 5; 1729: 4.4.2n, 4.4.3n, 4.4.6n, 8.1.3n).<sup>12</sup>

The references to Barbeyrac's discourse and his notes to Pufendorf's work are indicated by Tully parenthetically in the above passage. However, those references are not at all helpful in clearly locating Barbeyrac's passages or sentences. Since Tully himself does not report what Barbeyrac actually said, I shall examine his use of Barbeyrac by directly quoting from an English translation of his discourse and notes.<sup>13</sup> Barbeyrac's writings are not easily accessible to modern readers, so I shall present below the details of what he actually said. It will become apparent that Tully radically misinterprets Barbeyrac, and invents various non-existing connections between the *Essay* and the *Two Treatises*.

Barbeyrac, says Tully, "isolates three main lines of the *Essay*". What Tully has in mind is Section 2 of Barbeyrac's discourse. In Section 2, Barbeyrac tries to defend the thesis, proposed by Pufendorf and Locke, that the science of morality is capable of demonstration. By the science of morality, or morality, Barbeyrac means "not only what is commonly so call'd; but also *The Law of Nature*, and *Politicks*: In a word all that it is necessary for the Conduct of a Man's Self, according to his Estate and Condition".<sup>14</sup>

Though Barbeyrac is a great scholar, he is not a philosopher of Locke's stature. Hence, in his attempt to defend the thesis, he quotes Locke's view on the matter as definitive and authoritative, adding a few remarks of his own. This is the use which Barbeyrac makes of Locke's *Essay* in Section 2 of his discourse. He is not at all interested in "isolating" any line of thought from the *Essay* to show the "underpinnings of Locke's own political theory".

Let us take a closer look at what Barbeyrac says in Section 2 of his discourse, and rescue it from Tully's misrepresentation. Section 2 is entitled "[The Science of Morality] is capable of Demonstration", and Barbeyrac tries to explain why the science of morality can be made into demonstrable science like the science of geometry. He begins by expressing the optimistic, 17th-century belief of ethical rationalism. Barbeyrac refers to Pufendorf's *Elementa Jurisprudentiae Universalis*, and states the following: it is "very improbable" that God, who has "given us Faculties sufficient to discover and demonstrate with entire certainty abundance of speculative Things", especially "mathematical Truths", has not also made us capable of knowing, and establishing with the same evidence, the Maxims of Morality".<sup>15</sup> Then Barbeyrac claims that there is a philosophy which shows that morality is indeed capable of demonstration. The philosophy is Locke's. According to Barbeyrac, Locke's chief contribution lies in the fact that he has shown that moral knowledge can be built on our comparison of human actions to a certain rule, independently of our knowledge of the real essence of substances. Barbeyrac summarizes Locke's chief contribution:

It is no Part of the Business in Morality to know the *real Essence* of *Substances*; which is what has been attempted without Success, and in all probability will never be brought about; as a great Philosopher of this Age has made appear: All that is requir'd here, is only to examine and compare with Care and Diligence certain *Relations*, which we conceive between *human Actions* and a certain *Rule* (emphasis in the original English translation of Barbeyrac's discourse).<sup>16</sup>

Then Barbeyrac quotes passages from the *Essay*. First, he quotes the famous passage in IV, iii, 18 where Locke states that if we duly compare the idea of God as a supreme being who made us and the idea of ourselves as rational beings, then we might place "*Morality amongst the Sciences capable of Demonstration*". Secondly, he quotes from III, xi, 16 & 17 the passages where Locke says that it is possible to have perfect knowledge of the precise real essence of the objects which moral words stand for. Thirdly, he quotes from IV, iv, 8, 9, 10 Locke's statements that moral knowledge is as capable of

“real” certainty as mathematics, and that the truth and certainty of moral discourses are not dependent on the actual lives of men. Barbeyrac fills two pages, nearly a half of Section 2 of his discourse, with direct quotations from the *Essay*. The quoted passages naturally contain such technical terms as “modes”, “relations”, and “real essences”. After quoting extensively from Locke, Barbeyrac praises him: “See how this great philosopher reasons”. Then he closes Section 2 by adding a remark of his own that the demonstration of speculative principles is “much more compounded, and depend[s] on a much greater Number of Principles” than the demonstration of practical principles.<sup>17</sup>

Thus it is clear that Barbeyrac is using Locke’s remarks about “modes”, “relations”, “real essences”, etc. to defend the thesis of demonstrable morality. He is not trying to “isolate three main lines of the *Essay* ... which are ... underpinnings of Locke’s own political theory”, as Tully claims. Barbeyrac does not even mention Locke’s own political theory, i.e., the theory he presents in the *Two Treatises*. Nor does he refer to any other political theory of the 17th century (e.g., Pufendorf’s) in quoting Locke’s remarks about “modes”, “relations”, “real essences”, etc. In fact, the thesis of demonstrable morality has nothing to do with any *existing* political theory. It is a thesis about the theoretical possibility of acquiring the knowledge of “morality” (in the broadest sense of all rules of conduct) by the method of demonstration. Like Pufendorf and Locke, Barbeyrac is seeking for an intellectually reliable method of unfolding the contents of “morality” whose core is the will of God, and rejecting “revelation” as a secure method of unfolding them. This is why Barbeyrac states at the beginning of his discourse that if we are “instructed in this Science” of morality, “there will be no occasion to mount up to Heaven; or to have from thence any extraordinary Revelation for that purpose”.<sup>18</sup> The immediate purpose for which he defends the thesis of demonstrable morality is to silence the proto-Humean scepticism of Montaigne. Barbeyrac deals with Montaigne’s view that moral laws and justice are “the very Emblem of human Infirmary; so full ... of error and Contradiction”, and that universal approbation is the only test of the existence of the law of nature.<sup>19</sup> Against scepticism of this sort, Barbeyrac argues with the help of Locke that if we diligently apply our intelligence, we can demonstrate the contents of God-given morality by a chain of logical consequences. Barbeyrac’s defence of the thesis of demonstrable morality and his reliance on Locke’s *Essay* have nothing whatsoever to do with the supposed “underpinnings” of Locke’s own political theory, or other 17th-century political theories.<sup>20</sup>

Tully is not justified in using Barbeyrac’s discourse to establish a link between the *Essay* and the *Two Treatises*. How does he use Barbeyrac’s notes? As I quoted

already, Tully claims: "The aspect of Locke's political theory of which these lines of the *Essay* are supportive is Locke's theory of property". He indicates that this claim is based on Barbeyrac's notes. Yet this claim is not at all Barbeyrac's, but Tully's own. In his notes to Pufendorf's work, Barbeyrac refers to Locke. He refers to Locke's view of property explicitly in two of his notes, and implicitly (i.e., without mentioning Locke's name) in one of his notes. In note 4 to Bk. 4, Ch. 4, Sect. 1 of *De Jure Naturae et Gentium*, Barbeyrac sums up what is essentially Locke's account of the origin of property, and complains about the obscurity of Pufendorf's reasoning. This implicit reference becomes explicit in note 4 to Bk. 4, Ch. 4, Sect. 4. In this note, Barbeyrac disagrees with Pufendorf's view that the origin of property rests on the tacit, or explicit, compact of all men. In the same note, he also presents a concise summary of Locke's account of the origin of property as a correct alternative to Pufendorf's compact theory of property. The only other reference relevant to Locke's view of property occurs in note 3 to Bk. 4, Ch. 4, Sect. 4, where Barbeyrac mentions Locke's refutation of Filmer's claim about Adam's exclusive dominion. Thus Barbeyrac does not even drop a hint that Locke's epistemological doctrine might support his theory of property.

I have examined Tully's use of Barbeyrac by reporting the details of what Barbeyrac actually said. It is clear that his use is a misuse. Anyone who reads Barbeyrac can see that Tully's "historical" method is far removed from the relevant historical material. But the chief cause of Tully's mistake is that he has become a "captive" of the foundationalist picture of philosophy. Just like Milam and Yolton, he has an unexamined, deeply-held belief that some epistemological doctrine of the *Essay* supports Locke's political theory. Tully further reinforces this belief by a misjudgement that Yolton's earlier attempt is a successful one.<sup>21</sup> The reinforced belief leads him to misuse or misinterpret Barbeyrac's writings.

Finally, I shall comment on Tully's reconstructive discussion. As I said in the beginning, he not only relies on Barbeyrac, but undertakes to reconstruct the philosophical underpinnings of Locke's political theory. Tully obtains clues from Barbeyrac, and tries to make explicit what is implicit in him by reconstructing parts of the *Essay*. His reconstruction is misguided since his reading of Barbeyrac is wrong in the first place. I shall select two points from his lengthy reconstructive discussion, and comment on them.

First, Tully says that Locke's distinction between "archetype and ectype idea" is the "basis" of his political theory. It is the basis in the sense that by virtue of the distinction between the two types of ideas, Locke distinguishes his political theory from "empirical political science", and treats the former as a second-order inquiry into politi-

cal concepts.<sup>22</sup> Here Tully makes a mistake similar to Yolton's. Locke's political theory is not a theory about political concepts, but a theory about political power or government. The descriptive title of the *Second Treaties* is "An Essay concerning the True Original, Extent, and End of Civil-Government", rather than "An Essay concerning the True Original, Extent, and End of the Concept of Civil-Government". His political theory deals with a general branch of politics which concerns "the original of societies, and the rise and extent of political power" (*Some Thoughts concerning Reading and Study for a Gentleman, Works*, III, p. 296). It goes without saying that Locke clarifies, from time to time, the concepts he uses in the *Two Treatises*. But his clarification is intended to solve problems about *property and government*, rather than any problem about the *knowledge* of politics or the *idea* of property. It is in the *Essay* that Locke addresses problems about ideas and knowledge. Like Milam and Yolton, Tully conflates idea and things. They mix up the idea-of-property and property, or the knowledge-of-government and government.

The second point Tully makes is the following: Locke has a "maker's theory of knowledge" according to which a man is capable of knowing what he has made, and he is incapable of knowing what he has not made.<sup>23</sup> This "maker's theory of knowledge" provides "the philosophical underpinnings for normative political theory, establishing its epistemological superiority over the natural sciences".<sup>24</sup> This claim appears to be the main conclusion of Tully's reconstructive discussion. But is this conclusion convincing?

To begin with, it is doubtful whether Locke really has such a "maker's theory of knowledge". According to Locke, a man is capable of knowing his own existence with the highest degree of certainty (*Essay*, IV, ix, 3) though it is God who made a man in the first place. Also, although moral knowledge consists of "mixed modes" which are made actively by the mind, the mind is completely passive in receiving the simple ideas which make up a mixed mode. But I shall leave these points aside. We can assume, for the sake of argument, that Locke has something like the "maker's theory of knowledge". Then the crucial question is how this theory of knowledge is related to Locke's political theory. As I quoted already, Tully says that this theory of knowledge provides "the philosophical underpinnings for *normative political theory*" (emphasis added). What is this "normative political theory"? This is *not* Locke's own political theory, but the general discipline which Barbeyrac and Locke call the science of "morality" (in the broad sense of ethics, law and politics). So Tully still has to show how the "maker's theory of knowledge" underpins the political theory of the *Two Treatises*. Does he show it? No. He does not even mention Locke's own political theory in this context. He confuses moral knowledge in general with Locke's political theory in particular. Thus even if we grant that Locke

has the maker's theory of knowledge, he is not in a position to claim that it supports Locke's political theory.

I now conclude my critical discussion of Tully by offering general considerations on the relationship between the epistemological status of moral knowledge and his own political theory. The relationship is one of mutual irrelevance. Locke's claims about the status of moral ideas and moral knowledge in the *Essay* are not at all connected with his own political theory. To make this apparent, let us consider his thesis of demonstrable morality (instead of the maker's theory of knowledge which is probably not his own). Locke advances his thesis of demonstrable morality, without having the slightest intention to use it as a basis of his own political theory. It is a fact that he wrote the *Two Treatises* while he was also working on the *Essay*; hence, without completing the supposed "philosophical underpinnings". His letter to Molyneux, written about two years after the publication of the *Essay* and the *Two Treatises*, clearly shows that his thesis of demonstrable morality is irrelevant to his own political theory. Locke says:

Though by the view I had of moral ideas, whilst I was considering that subject, I thought I saw that morality might be demonstratively made out, yet whether I am able to make it out, is another question. (*Correspondence*, IV, p. 524.)

By the time Locke wrote this letter, he had already completed his political theory. The thesis that we can have a demonstrative system of morality is a theoretical dream he did not fulfil. It is simply supported by "the view I had of moral ideas", and it is irrelevant to his political theory.

This irrelevance is not surprising. Locke's discussion of the demonstrability of moral knowledge is the kind of methodological discussion which is entirely divorced from what he actually does as a *practitioner* of the science of morality. His discussion remains *abstractly methodological*. It is divorced from the practice which has developed within the science of morality, and from any practical concern with the application of a method. This abstractly methodological spirit resembles the spirit of those post-Millian philosophers who discuss the "inferior" state of moral or social sciences. Since the time of J. S. Mill, quite a few philosophers have put forward the abstract claim that "moral" or "social" sciences are as capable of "prediction" as the science of physics is. The 17th-century version of this abstract claim is that the science of "morality" is as capable of "demonstration" as the science of geometry is. Participants in this type of methodological discussion seek for certainty, and they honour moral or social sciences by disregarding the practice which has grown or is likely to grow in particular areas of those sciences. It

is in this abstractly methodological spirit that Pufendorf wrote about "the certainty of the moral sciences", and presented himself as fighting against the Aristotelian attitude toward practical knowledge.<sup>25</sup> Locke follows in the footsteps of Pufendorf. He is abstractly methodological when he suggests that "morality" might one day be placed "amongst the sciences capable of demonstration". *Qua* practitioners of the science of "morality", however, neither Pufendorf nor Locke actually constructed a political theory by the method of demonstration.<sup>26</sup> They went ahead to construct their political theories, regardless of the truth or falsity of the thesis of demonstrable morality. So Barbeyrac was perfectly right in *not* treating Locke's epistemology as the basis of his political theory. Tully misread Barbeyrac, and then engaged in the misguided project of reconstruction.

I have shown the failure of the foundationalist project in which Milam, Yolton, and Tully engaged. In PART II (PROLEGOMENA TO ANY FUTURE META-DIS-COURSE), I shall consider the possibility of conducting a successful discourse about Locke's discourses by showing how his political theory and his epistemology are *really* connected.

## NOTES

I should like to express my gratitude to the following people who read and commented upon earlier versions of this paper, rendering helpful advice: Prof. Robin Downie (Glasgow University), Mr. Paul Brownsey (Glasgow University), and Mr. Peter High (Chubu University).

1. Max Milam, "The Epistemological Basis of Locke's Idea of Property", *Western Political Quarterly*, XX, 1 (1967). John Yolton, *Locke and the Compass of Human Understanding* (London: C. U. P., 1970), Chap. 8. James Tully, *A Discourse on Property* (Cambridge: C. U. P., 1980), Chap. 1.
2. The metaphors I use here are all too famous, and the point of my use will become clear in the course of my discussion. For the sources of the Marxian metaphor, see various writings of Marx; for instance, his *Doctoral Dissertation* where a religious man is said to be "a victim of fictions and abstractions", or his *Introduction to the Critique of Hegel's Philosophy of Right* where a man in an "inverted world" is said to hold on to illusory happiness". Quoted from *Writings of the young Marx on Philosophy and Society*, trans. & ed. Easton and Guddat (New York: Doubleday Anchor, 1967), p. 65 & pp. 250ff. Or see *Capital*, Chap. 1, Sect. 4, "The Fetishism of Commodities and the Secret thereof".

As for Wittgenstein, see his *Philosophical Investigations* (New York: Macmillan, 1953), sects. 115 & 309. "A picture held us captive" (sect. 115); and "What is your aim in philosophy? To shew the fly the way out of the fly-bottle" (sect. 309).

3. Milam, *op. cit.*, p. 22.
4. *Ibid.*, p. 24.

5. Francis Hutcheson, *A System of Moral Philosophy* (Glasgow: R. & A. Foulis, 1755), p. 318.
6. Yolton, *op. cit.*, p. 184 n.
7. *Ibid.*, p. 184.
8. *Ibid.*
9. *Ibid.*, p. 185.
10. *Ibid.*, p. 187.
11. *Ibid.*, p. 195.
12. Tully, *op. cit.*, p. 7.
13. I shall quote from the fourth edition of Pufendorf's work, *Of the Law of Nature and Nations*, which contains Barbeyrac's discourse. The descriptive title of the work is the following: *Of the Law of Nature and Nations. Eight Books. Written in LATIN by the Baron Pufendorf .... / Done into ENGLISH by BASIL KENNETT .... / The Fourth Edition, carefully corrected./ To which is now prefixed M. Barbeyrac's Prefatory DISCOURSE, CONTAINING An Historical and Critical Account of the SCIENCE of MORALITY, and the Progress it has made in the world, from the earliest Times down to the Publication of this Work. / Done into English by Mr. Carew ... LONDON, Printed for J. and J. KLAPTON, J. Darby, ... MDCCXXVIII.*

I thank the staff of the Special Collection Room of Edinburgh University Library for permitting me access to this work. Barbeyrac's Discourse was originally published as a preface to his French translation of Pufendorf's work (Amsterdam, 1706).

14. Barbeyrac, *Discourse*, Sect. 1, p. 1.
15. *Ibid.*, Sect. 2, pp. 3f.
16. *Ibid.*, Sect. 2, p. 4.
17. *Ibid.*, Sect. 2, p. 5.
18. *Ibid.*, Sect. 1, p. 1.
19. *Ibid.*, Sects. 3 & 4, pp. 6ff. Barbeyrac replies to Montaigne that our perplexities about moral laws arise from "Interest", "Prejudices of Infancy, Education, or Custom", though moral laws themselves are "not obscure at all" (p. 6 & p. 8). He also quotes Locke, one of "the most able philosophers", in order to reject the claim that morality cannot be demonstrated because of "the great Diversity of Opinions amongst Men" (Sect. 4).
20. Tully also makes an illegitimate use of Barbeyrac, in order to connect 17th-century natural-law political theories with Locke's epistemology and a "new" 17th-century epistemology.

He ascribes to Barbeyrac the view that "the superiority of the seventeenth-century natural law writers rests on their reconstruction of political theory on the basis of a new epistemology introduced by Francis Bacon" (Tully, *op. cit.*, p. 6). But Barbeyrac does not discuss the significance of Bacon's "epistemology". What he says is that Bacon tried to improve the imperfect state of philosophy, and that "we have Reason to believe, that 'twas the reading of the Works of this great Man, that inspir'd *Hugo Grotius*, with the Thoughts of attempting the first to compose a System of the Law of Nature" (Barbeyrac, *op. cit.*, p. 79). All Barbeyrac is claiming is that Bacon's scientific spirit, or his spirit of systematic treatment, probably inspired Grotius. Barbeyrac's comment in this context has nothing to do with a "new epistemology" of the 17th century. He only mentions Bacon, and refers to Grotius as "the first who broke the Ice" in a systematic treatment of morality. Then he goes on to say that though Hobbes created many enemies, "no one had ever yet penetrated so far into the Foundations of

Civil Polity" (*Ibid.*, p. 80). What Barbeyrac is describing is the development of a systematic treatment of "morality" in the broadest sense of ethics, natural law, and politics, and *not* its epistemological foundations. See Barbeyrac's *Discourse*, Sect. 39, "Of the most celebrated Moral Writers of the Seventeenth Century, (when Morality was much improv'd beyond what it had ever been before, and reduc'd into a System)". Additionally, Barbeyrac makes no mention of Locke in this section because the "celebrated moral writers" he discusses are those who theorized *before* the publication of Pufendorf's *De Jure Naturae et Gentium*.

Tully also tries to connect Locke's discussion of modes and relations with his (and the 17th century's) systematic treatment of "morality" by the wildest method imaginable. He quotes from Barbeyrac the following remark: "In a system of the Law of Nature an author ought, without Dispute, to begin with instructing his Reader in the Nature of Moral Entities or Beings" (Tully, *op. cit.*, p. 9). Then he mysteriously believes that this remark establishes a connection between Locke's epistemology and his, and the 17th century's, political theory. Barbeyrac's remark, quoted by Tully, has nothing to do with epistemology, let alone Locke. The point of Barbeyrac's remark is that whereas Pufendorf begins his systematic treatment of "morality" by explaining "the Nature of moral Entities", "the Principles and different Qualities of human Actions", etc., "we meet with scarce any Thing in *Grotius*, relating to all these Matters". Grotius "saw what was the fundamental Principle of the Law of Nature". But he "only points this out in his Preface and in such a way as to make readers to suspect that Grotius' ideas on this matter are not clear". (Quotations are from Barbeyrac, *op. cit.*, p. 84.) The fundamental principles of the law of nature rather than epistemological foundations ought to be stated at the beginning of any systematic treatise on the law of nature; and since Grotius fails to do this, Barbeyrac thinks it is a defect of his work. No epistemology is at issue. No connection with Locke is mentioned or hinted at.

21. Tully believes—wrongly—that "Yolton has already broken turf in this area [of establishing a link between Locke's epistemology and his political theory] with his excellent discussion of Locke's theory of property as an application of the kind of conceptual analysis recommended in the *Essay*" (*op. cit.*, p. 8).
22. Tully, *op. cit.*, p. 28.
23. *Ibid.*, pp. 22ff.
24. *Ibid.*, p. 33.
25. See *De Jure Naturae et Gentium*, Bk. 1, Ch. 2.
26. About Pufendorf, one would have to take into account the difference between his mature work, *De Jure Naturae et Gentium*, and his early work, *Elementa Jurisprudentiae Universalis*. I have the former work in mind when I say Pufendorf did not actually construct his political theory by the method of demonstration. With respect to the latter work, the method of presentation (or arrangement) is mathematical or quasi-mathematical. Nevertheless, it is questionable whether the method by which Pufendorf *constructed* his theory is mathematical.