

## *Resurrecting Locke's Ethics*

Although Locke's ethics in *Two Treatises of Government* has greatly influenced politics worldwide, its influence in modern ethics waned through the 19th century. According to some scholars, the many inconsistencies in *Two Treatises of Government* are why its influence dwindled. In this book, I attempt to demonstrate that this view warrants re-examination and I defend Locke's ethics with a new interpretation of *Two Treatises of Government*.

Chapter 1 illustrates Locke's natural rights theory. Locke begins his *Two Treatises of Government* with a description of the state of nature, which is a state without any government. In the state of nature, based on the law of nature, all individuals are equal and have natural rights to their own life, liberty, and property. Moreover, in accordance with the law of nature, individuals in this state must not injure or threaten others' natural rights.

Chapter 2 focuses on the idea of the state of nature, and attempts to counter the oft-cited view that this idea is historically false. Locke emphasizes repeatedly that, in reality, the idea of the state of nature is not an historical one and he defines the state of nature as the human relations that obtain amongst those who share no common government. The idea of the state of nature is, in a word, a relational one and it resides, therefore, not only in the past, but also in the present and future.

Chapter 3 deals with the problem of the law of nature. Some scholars argue that, late in his life, Locke found it impossible to discover the law of nature through reason and turned instead to revelation, which is the opposite of reason. In this chapter, I examine this view. In *An Essay concerning Human Understanding*, Locke holds that there are three laws with which to judge people's actions: Divine Law, Civil Law, and the Law of Opinion or Reputation. According to Locke, the third type coincides with Divine Law. It goes without saying that Divine Law is the law of God, which, in *Two Treatises of Government*, means the law of nature. Thus, we can deduce the content of the law of nature from the law of opinion or reputation by means of reason. Therefore, it is shown that Locke does not abandon the idea of discovering the law of nature through reason.

Chapter 4 deals with the interpretation of Locke's contract theory. After the Second World War, many scholars argued that Locke's contract theory was a hypothetical contract theory like that of Rawls. However, this interpretation may be deemed invalid, as it is based solely on his "Second Treatise of Government." Thus, in this chapter, I demonstrate that, on the contrary, based on his "First Treatise of Government," Locke's contract theory must be an actual contract theory.

Chapter 5 concerns the problem of consent. Locke states that there are two ways of giving consent: express consent and tacit consent. Locke's account of tacit consent presents many problems that scholars have not solved, one of which is whether or not one may become a member of a commonwealth by tacit consent. Most interpreters think that tacit consent is not a condition of membership, but this interpretation is not satisfactory,

since Locke argues at times that not only express consent but also tacit consent can make one a member. In this chapter, I try to offer a new solution to this problem. I argue that, firstly, tacit consent can commonly be inferred as express consent in some usual situations, and, secondly, that if Pufendorf, who greatly influenced Locke, admitted that tacit consent often plays the same role as express consent, then Locke himself must have accepted Pufendorf's idea. Therefore, one may become a member by tacit consent.

In chapter 6, I focus on the problem of Locke's defense of the People's rights of resistance. In order to protect this right, Locke identifies the People with society and distinguishes between government and society. Moreover, he argues that if the government acts contrary to the trust of society, it dissolves. However, he claims that society can still exist and establish a new government. It is often said that this distinction of Locke's is inconsistent, as some sections of his text state that the dissolution of government causes society to return to the state of nature. This inconsistency has been discussed by many scholars. Here, I reconsider this inconsistency and assert that Locke is not inconsistent, by clarifying the concept of dissolution of government and the concept of consent given by all members who enter into society. First, the dissolution of government gives rise to a state of war between government and society and this state of war is, in Locke's thought, equal to the state of nature, for the state of nature means the relationship between those who do not share the same government. Second, that consent is valid even in the state of nature. People still have an obligation to be one unit of society because, upon

entering into society, they consented to be so. When the government dissolves, the society returns to the state of nature. Nevertheless, returning to the state of nature does not mean the dissolution of society.

The purpose of chapter 7 is to discover a new possibility in Locke's contract theory by examining the controversy relating to the natural duty of justice. There are two differences between Rawls's contract theory and that of Locke. First, Rawls's contract theory is not actual but hypothetical. Second, Rawls uses the concept of contract not to justify the duty of obedience to government, or so-called political obligation, but to justify the principle of justice. To justify the political obligation, Rawls introduced another concept, natural duty of justice, which, according to Rawls, applies to all individuals and means they must obey their own just government. However, I point out that natural duty of justice cannot explain the specific relationship between people and their own government; in other words, it cannot satisfy the "particularity requirement." Therefore, it can be said that, even now, on the problem of political obligation, Locke's contract theory might not die out.