



Locke's Idea of Civil society and Western Liberalism: A Critique

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Abstract

This essay interrogates early liberal thought critically. It includes ideas of civil society as formulated by early European thinkers. Each of them carved out in a specific manner the concept of civil society within European tradition. However, the attempt here is to critically analyze his conceptions and show how they have been Euro-centric in terms of justifying the imposition of European conceptions concerning morals, politics, and culture and enlightenment ideals on people's conceptions in other parts of the world.

Introduction

This essay drawing from post-colonial scholarship and critical liberals would interpret the work of classical thinkers of European Enlightenment in order to show how their ideas of morals, constitutions and governments have been justified with an eye on colonial expansion. Locke justified modern ideas and practices-property-rights, limited governments, rights etc- by invoking reason. They justified these ideas within the borders of their home nations. When they were confronted with the imperialist project, they did not invoke liberal ideas and practices to criticize colonial expansions. They invented grounds of exception and argued why liberal principles cannot be extended to non-western societies. Their reasoned justification of free governments was confined to home, while the same reason helped in legitimizing imperial rule. Here the Universalist conception of reason led to theoretical justification of free governments at home while justifying colonial governments abroad.

Ideas of civil society have grown in Europe, whereas these were transplanted in non-western societies, which do not have cultural and economic pre-requisites to conceive and build European-type civil societies. Thus, main thrust in the present essay is to track and map these ideas through the writings of Locke and its critical interpretations.

Locke, Civil society and Colonies

In the history of political ideas, Locke has founded many ideas key to European political modernity. He is known for having formulated central ideas of liberalism: distinction between state and (civil) society, negative limits on state authority, inalienable natural rights, idea of private property rights, acquisitive individual, human being as rational, etc. These ideas went on to constitute modern revolutions and institutional matrix set up in post-revolutionary Europe and America. However, the central ideas have been accepted as forming a coherent unity and acting as liberal inspiration to fight feudal regimes and anti-absolutist monarchs.

Of late, critical work has been done linking Locke's theory to England's colonial interests in America. This work was a critical reading of Locke's work in terms of development of Lock's theory and its relationship to colonial interests in the New World, America. Traditionally it has been argued that Locke's theory was instrumental in French and American revolutions which espoused the cause of individual liberty, equality and pursuit of happiness. However, recent critical scholarship pointed to the connections between Locke's doctrines and sustaining colonial interests in America. The key question that shaped Locke's theory of property is, on what basis can the British claim the right to land of the aboriginals or Amerindians. Could it be conquest,

occupation, long use or something else? It has been argued, Locke's theory of property springs from the concern of defending colonial occupation of new world. Similarly Locke's purported dichotomy between state of nature and civil society in which state of nature has to be inevitably transcended in favor of the latter constitutes the unsaid assumption of liberalism. Liberal thought that values liberty, equality, progress and enlightenment miserably failed when people of the non-west claim that these values ought to be extended to the non-west. Liberal thought encompasses at its centre a dichotomy between civilization and barbarism while the former naturally exists in west and the latter describes the conditions of the colony. This dichotomy in a way reflects the dichotomy that is available in Locke's thought in the early days of liberalism between state of nature and civil society. State of nature indicated conditions of the colonized while civil society refers to achievements of Europe.

The colonized had been exempted from the application of civilized principles because they did not have conditions necessary for application of such principles. For instance, it has been argued that Amerindians did not have properly organized territorial nation-states hence they may not be granted with the natural rights. Thus, the structure of liberal thought has been premised on privileging European forms of life while the life of the colonized is pictured as the 'other' in need of reform and improvement. This underlying premise has been responsible for liberalism's association with colonialism. Liberals in the Metropolis who espoused the cause of freedom and equality at home refused to provide the same to the colonized on the grounds of their lack of preparedness.

Locke's ideas on civil society would be critically read to uncover the imperialist prejudice that informed Locke's doctrines. It was guided by his strong involvement in the politics of empire, particularly in the New World.

Norms of Civil society

The following analysis of Locke's theory of civil society is an attempt to interpret his key doctrines in order to yield a picture of civil society as abstracted from specific ideas and practices of Western Europe. It is projected as a generalized and universalized ideal of civilized rule which has to be constructed across the globe irrespective of cultural specificities and level of economic needs. Locke's theory of civil society brings in to existence new ideas which had been available in other thinkers. The ideas are distinction between state and (civil) society, negative limits on state authority, inalienable natural rights, idea of private property rights, acquisitive individual humans as rational, rule by consent, limited constitutional democracy etc.

The key terms are 'state of nature' and 'civil society'. State of nature is described as in opposition to everything that civil society ought to bring about. State of nature is a condition that should be transcended by any means to achieve a condition of civil society that is superior and civilized. Many theorists argue that the term, state of nature, does not refer to any actual historical situation, but it is only a theoretical abstraction. This is an abstraction to posit a certain kind of civil society and state. This argument has been decisively refuted by recent literature¹. It is argued that state of nature is a condition that he assumes to refer to 'savage' life of Amerindians. State of nature has to be inevitably transcended. The idea of reason is important in transcending state of nature. It offers logic of why one has to go beyond state of nature. The idea of reason he invokes rules out many other forms that reason may take. It denies the fact that forms of human reason could be many, depending upon different forms of life and invents a singular reason.

Idea of Private Property

For Locke, the idea of individual property rights is key to his theory of civil society. Nobody before him conceived an autonomous economic sphere which is distinct from the activity of the state. Its driving force is economic which can constitute itself with certain norms. The norms are private property, natural rights and the space for private desire². Civil society, for Locke, has never been constituted by public concerns. It has been

¹Tully, James, *Strange Multiplicity. Constitutionalism in an Age of Diversity*, Cambridge, Cambridge University Press, 2004. and Arneil Barbara, *John Locke and America: The Defence of English Colonialism*, Oxford, Clarendon Press, 1996.

²Ehrenberg, J, *Civil Society: The Critical History of an Idea*, New York, New York University Press, 1999. p.84.

constituted by private desire of acquisition. The idea of private property as conceptualized by Locke is crucial to his theory of civil society.

He was trying to show that a land which belonged to everyone can be privately owned without requiring the consent of all the 'commoners'. The right of private appropriation of earth accrues from individual property in one's own person if an individual mixes his labor with a portion of nature, that portion rightfully becomes his own. Mixing one's labor means leaving one's imprint on it. Locke organized civil society around the idea of preservation and protection of private property.

"Yet every man has a property in his own person. This nobody has any right to but himself the labor of his body and the work of his hands we may say are properly his. What so ever than he removes out of the state that nature hath provided and left in the hath mixed his labor with and joined to it something that is his own and thereby makes it his property".³

Thus mixing one's labor with nature is the key moment when one can appropriate it from nature as his own. The next question that Locke deals with is about the necessity of obtaining the consent of everyone to the other's appropriation of property is not necessary "hath fixed my property in them"⁴.

"Whoever has imploy'd so much labor about any of that kind as to find and pursue her, has thereby removed her from the state of nature, wherein she was common and hath begun a property"⁵.

Thus it is not required to obtain the consent of every one because he makes a distinction between the industrious and lazy. He argues that natural law or law of reason tells that land belong to the industrious.

"He (God) gave it to the use of industrious and rational not to the Fancy or covetousness of the quarrelsome and contentious. He that had as good left for his improvement as was already taken up need not complain, ought not to meddle with what was already improved by another's labor. If he did its plain he desired the benefit of another's pain"⁶.

He brings in the idea of industrious and rational to justify the claim that consent is not necessary to establish that the piece of property as one's own. One need not complain of another's acquisition because there is enough left for him to appropriate for himself. To claim another's acquisition as his own is to claim another's pain⁷. Thus, the industrious and those who rationally use resources have the claim to earth. This elaborate treatment of the idea of private property is required because the idea of foundation of civil society and the state is primarily for preservation and protection of private property and the above discussion offers justification. The justification of the foundation of property is also in crucial ways a justification of the idea of natural rights whose protection is the chief function of the civil society.

This idea of private property has been shown to have roots in justifying colonialism in New England. The idea of private property is not merely to establish a purely economically determined sphere of property and private desire. Its aim is also to justify rights of the Englishman over the lands of Amerindians. "Since there are in a state of nature any person may appropriate uncultivated land without consent as long as there is enough and as good left in common for others"⁸.

Here uncultivated land may mean only those lands Amerindians are not hunting and gathering. Tully argues that this is not the case with Locke.

"Locke stipulates that 'vacant land' is any land that is uncultivated or unimproved. The title to property in land is solely individual labor defined in terms specific to European agriculture, cultivating, filling, improving

³*Ibid*, Pp.287-88.

⁴*Ibid* P.290

⁵*Ibid*

⁶*Ibid*

⁷Tully James, Pp, 73-74.

⁸*Ibid*,

and subduing”⁹. Thus labor implies only labor spent in agriculture. Other forms of labor do not count as labor for Locke since he operates with a specific notion of productive use of labor which mentions labor as being industrious and rational. He privileges settled forms of European agriculture and the labor spent on it because it involves most productive use of land than other forms. Amerindians “roamed freely over land and did not enclose it. It was free, empty, vacant, and wild and could be taken over without their consent”¹⁰. Locke did not consider it as right use. Though some Indians did enclose their land, Locke did not accept it because “for their practice of letting it rot and compost every three years for soil enrichment showed that they did not make a rational use of it” and the problem of Amerindians for Locke was “that they lacked the desire to accumulate wealth, engage in commerce produce for an international market and hence to exploit the earth’s potential to the fullest”¹¹. Thus Locke delegitimized other forms labor and use of land for hunting, roaming for fun and chasing animals as a waste. Therefore, Locke’s idea of property rights has been invented to delegitimize forms of ownership of land native to Amerindians and justify colonial occupations of lands of Amerindians. Secondly, it delegitimizes local forms of hunting and gathering and non-sedentary agriculture of Amerindians. It establishes the superiority of a form of economic life based on private property and commercial agriculture. It not only argues for the superiority of the European form of life due to its rationality in making the best use of potential available in natural resources but also points to benefits accruing from assimilation into the European form of life.

Transcendence of state of nature into civil society is inevitable because it is the most rational thing to do. For Locke, state of nature is a condition of “peace, good will, mutual assistance and preservation”¹². It is a condition of natural freedom to preserve oneself and it is perfect equality of power to do so. However it has to be transcended because of the development of individual interest in state of nature led to enmity and conflict.

“To secure men from the attempts of a criminal who having renounced reason the common Rule and Measure, God hath given to mankind hath by the unjust violence and slaughter he hath committed upon one declared. War against all mankind and therefore may be destroyed as a Lyon or a Tyger, one of those wild savage Beasts with whom men can have no society or security”¹³.

This refers to someone who violated reason, the common Rule and Measure. This is the key reason why one has to transcend state of nature and establish civil society and the state. Individuals may not be able to interpret natural law objectively or they cannot be impartial judges in their own case. They cannot execute law for themselves. They need a civil power to execute laws. It led to establishment of civil society. People are social beings capable of living together without the force of politics which contains an overarching framework. The private interest continues to thrive on its own without the interference of politics. Civil society becomes necessary as people are at an inconvenience to implement natural law. It is rational for the people in state of nature to overcome it and establish civil society.

“Because no political society can be, nor subsist without having in itself the power to preserve the property and in order there unto punish the offences of all those of that society, there an there only is political society. Where every one of the members hath quitted this natural power resigned it up in to the lands of the community in all cases that exclude him not from appealing for protection to the law established by it”¹⁴.

Thus, public power is established where private individuals do not have to preoccupy themselves with resolving disputes. Henceforth it becomes the task of public power to preserve property. Private individuals can pursue acquisition according to norms established by power.

There is by now a very respectable scholarship offering alternatives to dominant interpretation of Locke’s idea of state of nature and its transcendence in to civil society. The interpretations view condition of state of nature as implying the life of Amerindians and the civil society intend to justify newly emerging contemporary

⁹Parekh, Bhikhu, *Rethinking Multi culturalism: Cultural Diversity and Political Theory*, London, Mac Millan Press Ltd ,2000. P.37.

¹⁰*Ibid*

¹¹*Ibid*

¹²Ehrenberg, J.p.85

¹³Locke, John, p.274.

¹⁴Arneil Barbara, p.202.

forms of life like private property, natural rights and territorial nation-state with constitutionally guided representative governments.

“Having adopted (this) basic division between American savagery and English civility, Locke had his own more precisely defined concepts of each. Civil men for Locke is industrious rational and ruled by a government based on the rule of law. Savage man is idle, superstitious, ruled by neither government nor civil law. Both have the capacity for reason, the latter has simply chosen to not to exercise it”¹⁵.

It is important to Locke’s colonial project to describe two different forms of life in this way. The description of the savage man in state of nature as idle and superstitious is to legitimize colonial claim to land in New England. Amerindians claim to land cannot be accepted because they do not practice settled agriculture. Pastoral kind of agricultural practice does not yield effectively and productively. Amerindians is not industrious and productive because he does not have same vision of good life as a European does. Arneil claims that Locke interpreted facts selectively because he wanted to deny natural rights to Amerindians. For instance, Amerindians who were skilled enough to teach English people how to cultivate their land were ignored. This does not fit in to his arguments for rights of Englishman over Amerindians lands.

James Tully¹⁶ argues that Locke sets stages theory of world history in place and identifies aboriginal peoples as the earliest and most primitive members of the human race.

“In the beginning he (Locke) proclaims all the ‘world was America’. America is still a pattern of the first ages in Asia and Europe. European societies by contrast are in the most improved or ‘civilized age’¹⁷. This is the basis of stagist theory of world-historical development which functioned to justify colonialism.

In Locke’s formulation according to Tully the first age represented by America is a ‘state of nature’. There is no nationhood nor territorial jurisdiction at this stage. Amerindians govern themselves on individual and ad hoc basis by applying law of nature and punishing offenders as cases arise¹⁸. “Europeans live in sovereign nations or political societies appropriate to their civilized level of development. They have left the state of nature by delegating their powers of self government to representative governments”¹⁹. Amerindians represent a condition of non-existence of political authority and Europeans live in organized politics. While the former represents natural condition, the latter represents civil conditions. Economically also Locke has been interpreted to show that Amerindians and Europeans belong to two different stages of economic development. “(Amerindians) have property in the fruits and nuts they gather the wild corn they pick, the fish they catch.....but not the land on which they hunt. Thus Amerindians did not have any property rights on the land. By contrast for Europeans the possession of property is determined by positive constitutional laws”²⁰.

Thus, the dichotomy of state of nature and civil society has been used to reinforce the hegemonic relationship between the empire and colony. While the state of nature symbolically represented colony, civil society implied condition of rule by well organized governments. The former condition is to be transcended in to the latter because it is quite rational to do so. The former represents so called ‘inferior’ form of social and political organization while the latter is civilized. Thus the logic of transcendence from state of nature to civil society justifies colonial rule by Europeans over Amerindians.

The idea of universal reason is the mechanism with which the justificatory process has taken place. In every context, specific invocation of reason is read as universally necessary and Locke could not conceive that different forms of life could have different conceptions of reason. Hence it pictured the European as rational and Amerindians as irrational. “He (Locke) uncritically assumed that reason was the highest human faculty and formed the basis of the good life, that it was inherently calculating and result oriented that the earth’s resources should be exploited to the full, that the desire to accumulate wealth signified rationality and civilization. This is a coherent and in parts an attractive view of life but not the only one”²¹.

¹⁵Tully,James, p.71

¹⁶*Ibid*

¹⁷*Ibid* p.72

¹⁸*Ibid*

¹⁹*Ibid*

²⁰*Ibid*

²¹Parekh Bhikhu, p.37

Locke's specific invocation of reason has been universalized, which led to universalizing specific practices of European forms of life as universally valid. Locke considered agriculture as the only right form of labor, that too in the narrow sense that which yields maximum. For him, rational use of land means that specific use which brings maximum output, thereby denying local forms of practice of agriculture of aboriginals and their use of land for other purposes.

The natural man/Amerindian could be transformed to civil condition not by conquest but by the faculty of reason only. The transcendence of natural condition to civil condition is very essential to liberal thought when seen in the colonial context in which it was created becomes a philosophical justification for European global transcendence²². Three issues are mentioned in the above discussion:

- 1) Critique of justification of idea of private property.
- 2) Critique of European ideals of civil society.
- 3) Critique of universal reason.

Conclusion

It has been argued that the foundational argument for private property rights is essential to English expansion in New World. The claim has been justified on the basis of the rational use of land and institution of private property as a sole justification for such a use. It also leads to creation of wealth economic flourishing and produce for international trade. It requires setting up of civil political institutions of nation state that run according to constitutionally guided representative politics. Locke does not recognize other kinds of social political organization as worthy of civil politics. Hence, societies which run on traditional institutions are still considered as in state of nature. This entire theoretical task has been achieved by employing universal monotheistic reason. It is through reason that the economic and ethical rights of the European former are wedded to civilizing necessity of the colonized. The colonized also needs to transform himself into civil society for progress and civilization.

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²²Arneil Barbara, p.210