John Locke
Who should legitimately rule a country?

Natural Law: The Right to LIFE, LIBERTY, and PROPERTY
The purpose of government was to preserve its citizens’ rights, to pursue the public good, and to punish people who violated the rights of others. Law Making was its principle function.

Liberalism: Laws are enacted to protect ‘Liberty’, “Where there is no law there is no freedom”. Therefore, laws are needed both to constrain and enable freedom. That freedom, however, is not the ability to live totally unrestrained in the State of Nature, “for who could be free when every other man’s humour might domineer over him?”

Constitutionalism: Locke rejected Absolutist Monarchy, and wanted “the rule of law, not the rule of men” He argued against taxation, without representation, an idea that heavily influenced the American Revolution. If power was to be handed over by citizens (as in the ‘social contract’), if they felt that power was being abused, the citizens reserved the right to overthrow the government. Legitimate government depended upon the “consent of the governed”.

Religious Toleration: In the highly charged environment of the ‘Exclusion Crisis’ Locke realized that forcing religious uniformity (i.e. everyone must practice the same religion) “leads to far more social disorder than allowing diversity”. Man’s relationship with God was a strictly personal matter, outside the bounds of state control.

State of Nature: Unlike Hobbes, Locke felt that people could coexist in relative harmony, just with no political power to neutrally judge disputes. His more optimistic take was that “men living according to reason, without a common superior on Earth to judge between them, is properly the state of nature.” This need not descend into Hobbes’s ‘war of all against all’, but can be a state where reason and tolerance are to the fore.

Thinking about the Right to Property:
Locke’s reasoning behind the right to property was motivated by a desire to deny the right of a monarch to arbitrarily (without consent) seize the property/possession of his/her subjects (even when for the ‘public good’ in the monarch’s opinion)
But for Locke, ‘property’ was also a way of expressing the idea of ‘human entitlements’. His ‘labour theory of property’ argued that “Labour is what distinguishes what is privately owned from what is held in common; the labour of a man’s body and the work of his hands. Labour is the unquestionable property of the labourer; and by mixing his labour with material object – hunting, gathering, but also cultivating the ground – a man acquires the right to what he has worked on and to what he has made of this material”

As always there were exceptions; you could only ‘possess’ such land as you could use, only if there was enough and as good remaining in common for others, and as long as it didn’t deny others the right to physical subsistence (the ability to feed oneself and family) – this overrode considerations of private property.

*** Now think back to 2nd year History class when you learned about the Agricultural Revolution and the ‘Enclosure Act’ – it seemed weird and irrelevant at the time, but now do you get why it was important???

Thinking about the Right to Revolt:
If we accept that ‘sovereignty’ remains with the people, then there are a number of scenarios where opposition to illegitimate rule is acceptable.

- If elected representatives of the people were denied the right of assembly (i.e. not allowed to meet in parliament and represent their electors)
- If foreign powers were bestowed (given) authority/power over the people
- If election procedure were changed without the consent the citizens
- If the rule of law is not upheld
- If the government seeks to deprive citizens of their rights

Locke saw ‘illegitimate’ government as being equivalent to slavery, and even considered regicide (killing the king – as in 1649) as a suitable remedy to a ruler who breaks the social contract, under certain very limited conditions. However, all other ways of resolving the issue should be tried before revolution is considered.

*** All things are a matter of ‘degrees’. Ask yourself “at what point of any of these transgressions (breaking of the rules) would you feel compelled to overthrow a government. Bear in mind that these ideas were put forward long before the modern electoral systems were in place. Are these remedies still valid today?
How Locke's Ideas are relevant today...

Look at how the Irish Constitution views property rights:

Art. 40.3: 1. The State guarantees in its laws to respect and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen. 2. The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen.

Art. 43.1: 1. The State acknowledges that man, in virtue of his rational being, has the natural right, antecedent to positive law, to the private ownership of external goods. 2. The State accordingly guarantees to pass no law attempting to abolish the right of private ownership or the general right to transfer, bequeath, and inherit property.

Art. 43.2: 1. The State recognises, however, that the exercise of the rights mentioned in the foregoing provisions of this Article ought, in civil society, to be regulated by the principles of social justice. 2. The State, accordingly, may as occasion requires delimit by law the exercise of the said rights with a view to reconciling their exercise with the exigencies of the common good.

How much of this would John Locke recognize and approve of?

Have you ever seen what happens when you give a toy as a present to a 2-year-old child, and another child tries to take it away? Does that 2-year-old have an innate (in-build) sense of his right to property? (Don't try this at home... trust me...)

How are people to survive in their old age if they can't accumulate enough wealth to 'subsist' when weak and unable to work?

Look more closely at the ideas of 'social justice' in Article 43.2:1 above? What 'social justice' considerations do you think would justify the overturning of somebody's natural property rights?

How many of the UN Declaration of Human Rights (or the ECHR) follow from these 3 basic rights? Draw up a list...

Challenging the relevance of Locke's ideas today...

How do Locke's ideas about property help us to understand issues in Irish life, particularly the current homeless crisis, or the actions of 'Vulture Funds'? Have you come across the #takebackthecity protests, or the numerous homelessness charities? How would they view these ideas?

What if you're not somebody who values wealth accumulation? How would you feel if you were a native American in the 18th Century and Locke's ideas of 'property' were being used to justify colonists taking your land simply because you didn't cultivate it in the same way as the English did? Do you remember studying the Brehon Law system of Celtic Ireland? How would a Brehon/Judge differ in his opinions with Locke?

For some people Liberalism doesn't go far enough. It will be important to understand the links between 'Classical Liberalism' and 'Libertarianism' where many centuries later, another key thinker (Robert Nozick) takes these ideas to their full conclusion.

For others thinkers like Marxists the idea of private property is abhorrent. (“All property is theft”). Investigate how these ideas helped to bring about the Communist Revolution in Russia in 1917 and the impact that ideas such as 'Land Collectivization' had on how society operated. Which side would you support in such a struggle?

If 'mixing of one's labour' with something is central to 'property' then how could this be applied to something like 'intellectual property'? Many of the proponents of the early internet argued that knowledge should be free and accessible to all (think of 'open source code'), but how would that contradict Locke's view of property? What impact did that view of intellectual labour have on people like recording artists? If I 'labour' to produce a 'bootleg' copy of a film, does that make it my property too?
Thinker’s Background

Locke was born in 1632 and grew up in the environment of the violence of the English Civil War. Think of his life as having three broad phases

- Firstly, his academic career. Educated in Westminster and Oxford, he was a ‘Don’, and pursued the study of science and medicine (being friends with Robert Boyle, Isaac Newton and many others)
- Secondly, his political phase in the household of the Earl of Shaftsbury (a major, but occasionally controversial political figure)
- Thirdly, his greater commitment to philosophical understanding, when he developed his main ideas and wrote his major works like An Essay Concerning Human Understanding, and the Two Treatises of Government

He was a committed empiricist. Unlike Hobbes’ rationalism he believed that all knowledge comes from experience. This approach made him a key figure in the Enlightenment

Like Hobbes, he spent significant time in exile. This was partly because some believed he was involved in a plot against the king in the lead up to the ‘Exclusion Crisis’

He ideas helped to inform the Exclusion Crisis, and ultimately the Glorious Revolution of 1688 with its Bill of Rights

He died as one of the most famous and well respected thinkers of his age in 1704

You would do well to remember his broad range of interests from Economics and interest rates, to medicine, science, theology, education, and political theory.

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Personal Response

(A.) What aspects of other LC subjects might this be relevant? (Which specific aspects of History, Geography, Religion, English….?)

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- (B.) To what aspects of your daily life might the ideas of John Locke be relevant?

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Links to other aspects of the course

List different aspects of the course to which you think Locke might be relevant. (can you list 3-4)

This list will not be definitive, but can be added to over time…! Consider those who both agree and disagree with him.

- Nationalism: Although Locke may not have wanted it applied that way, one of his contemporaries (William Molyneux) used the idea of the ‘Consent of the Governed’ to argue that the English Protestant Gentry in the Dublin Parliament had no right to impose their rule on the native Irish Catholic majority. Return to this idea after studying Benedict Anderson!

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Look up the meaning of the words highlighted in bold type above:

‘Exclusion Crisis’ – 1679-81 – a Constitutional crisis in England that sought to avoid the Protestant King Charles II being succeeded by his Catholic brother (James II). Protestant feared Catholic absolutism as practiced by Louis XIV in France and a loss of their ‘liberty’.

Reading Tip: If you want to get to the horse’s mouth, the opening pages of Chapter 2 of the 2nd Treatise give a really clear and logical explanation of Locke’s idea of the ‘State of Nature’. When you’ve looked at that, compare and contrast it with what Hobbes thought...

Favourite Moment: Like many things in life, contradictions are evident in Locke’s Theories. While he was a proponent of (strongly in favour of) ‘LIBERTY’, he also a stockholder in the slave-trading Royal Africa Company. Think too of Thomas Jefferson, who wrote of “Life, Liberty and the pursuit of happiness” while also being a slave owner…?
Kildare farmer Thomas Reid lodges fresh objection in ongoing battle with Intel

Reid has long been a thorn in the side of the US multinational in the planning arena.

In 2016, Intel secured planning permission for the first phase of the ‘fab’ facility valued at $4 billion and the new application, which is an extension of the original plan, represents an additional investment of $4 billion. In total, the $8 billion (€7bn) investment—which will employ 6,000 construction workers at peak and 1,600 full time jobs on completion—will represent the largest single private investment in the history of the State on one project if given the go-ahead by Intel globally.

Consultants for Intel have told Kildare County Council that the firm has already invested $12.5 billion (€11bn) on its site at Leixlip and the firm is seeking a 10 year planning permission for its new application.

However, Reid of Hedsor House, Blakestown, Carton, Maynooth, is seeking to frustrate the multi-national’s plans after lodging a two-page hand-written objection against the new application. The objection will now entitle Reid to appeal any decision to grant permission by Kildare County Council to An Bord Pleanála.

‘Centre of excellence’

In his objection, Reid claims that the planning application is contrary to the proper planning and development of the area. In the objection, Reid – subject of an award-winning documentary last year over his successful Supreme Court battle with the IDA – stated that he is calling on Kildare County Council to refuse the application outright.

Former Labour TD, Emmet Stagg has lodged a submission, but in favour of the Intel application stating that the proposed development will reinforce the Leixlip site as a centre of world class excellence in the knowledge based economy.

Reid unsuccessfully opposed the $4 billion first phase of the ‘fab’ plan in 2017 when lodging an objection against the application and then appealing the Council decision to An Bord Pleanála. In 2015, Reid emerged victorious in his battle with the IDA where a unanimous Supreme Court found that the IDA making of a Compulsory Purchase Order (CPO) for Reid’s 72-acre farm adjacent to the Intel campus had been in excess of the IDA’s powers.

The five-judge court overturned an earlier High Court decision, which would have cleared the way for IDA to purchase the site, for development, against Reid’s wishes. The costs associated with the case left the IDA with a bill of €1.375 million.

Kildare County Council is due to make a decision on the Intel application before the end of this month.

Questions: Look up all of the words highlighted in Bold and try and establish what connection, if any, the organizations/terms have.

Do you think that this is a biased or an objective account of the case? Explain your answer.

Imagine you were in charge of deciding between Emmet Stagg’s support and Thomas Reid’s objection to the proposed development. What decision would you make? Explain your position bearing in mind the following headings: ‘Employment’ ‘Power of the State’ ‘Economic Development’ ‘Sustainability’ ‘Private Property Rights’ ‘CPOs’ ‘Public Good’ ‘Authoritarianism vs Liberalism’

Identify TWO other sources of information on this case and establish whether their perspectives are less or more favourable to the Thomas Reid’s position.

What judgment would Thomas Hobbes and John Locke make in this case? Justify your answer.

In what ways is this case similar or different to the Apple Data Centre planning application?