

## Phil 144: Second Midterm Assignment

Winter, 2019

### Instructions

Due, as an attachment, via the “Assignments” tool on Canvas, by 11:55pm Monday, March 4 (in PDF or any format easily converted to PDF, e.g. MSWord, OpenOffice, L<sup>A</sup>T<sub>E</sub>X, RTF, plain text).

Answer any *one* of the questions listed below in 2–3 pages (double spaced).

Each question is about some issue raised most centrally in a certain part of the reading. However, you can and should use material from anywhere in the text where it’s relevant to the answer.

Because this is an exam rather than a paper, I will give priority to accuracy over originality in grading. However, all the questions do require some thought; they can’t simply be read out of the texts. Moreover, in many (if not all) cases the “correct” answer is unavoidably a matter of interpretation: in such cases it would be safest to reproduce what I said in class, but it will also be acceptable if you’re clearly following some other reasonable interpretation. And, of course, as usual, your answer must be “original” in the sense that it is your own work. (If you use any outside source — which I *don’t* recommend — you must cite it.)<sup>1</sup>

You can cite the *Second Treatise of Government* by chapter and section number (e.g. 17.197) and the *Essay Concerning Human Understanding* by book, chapter, and section number (e.g. 2.28.6). If you cite an outside source, you may use any citation format you want, just so long as you provide enough information for me to figure out what you are citing.

You can find answers to some commonly asked questions about my assignments and grading in my FAQ (<https://people.ucsc.edu/~abestone/courses/faq.html>).

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<sup>1</sup>If you have any questions about policies on plagiarism and related issues, please see [https://www.ue.ucsc.edu/academic\\_misconduct](https://www.ue.ucsc.edu/academic_misconduct).

## Questions

1. In the *Essay concerning Human Understanding*, Locke writes that, “since it would be utterly in vain to suppose a rule set to the free actions of man, without annexing to it some enforcement of good and evil to determine his will, we must wherever we suppose a law, suppose also some reward or punishment annexed to that law” (Book II, ch. XXVIII, §6). Why would it be “vain” to suppose a law without rewards or punishments? Explain why this means that, wherever there is a law, someone must be authorized to *execute* that law. In a state of nature, who is the executive of the law of nature, according to the *Essay*? According to the *Second Treatise of Government*? Explain how the existence of this executive (in either version) implies the following agreement and disagreement between Locke and Hobbes over the *right* of nature. Agreement: the right of nature is equal in all human beings. Disagreement: according to Hobbes, one human being’s right of nature *always* conflicts with everyone else’s; according to Locke, there is *never* such a conflict.

2. According to Locke, what *property* always belongs to any individual human being (unless they are lawfully enslaved)? How is this original property supposed to explain our ability to acquire “property” in the usual sense (possessions, including land), even in a state of nature? Explain why, according to Locke, the property so acquired will initially be (a) quite limited and (b) more or less equally distributed to everyone. How does the invention of *money*, according to Locke, change both (a) and (b)? That is: why does the existence of money (a) remove the limit on how much property someone can acquire and (b) eventually result in some people’s having much more property than others?

3. Why, according to Locke, does the establishment of a commonwealth (civil society) essentially consist in setting up a *legislative* power? To answer this, you should explain what Locke thinks is the main problem in the state of nature that a commonwealth is supposed to solve. (See especially *Second Treatise*, ch. IX, §§124–6.) Explain why this act of setting up the legislative is a two-step process, in which the first step requires unanimity among the prospective citizens of the new commonwealth, whereas the second step is by majority rule. Why is the resulting legislative limited to making laws that apply to everyone in common (as opposed to giving special commands to, or about, particular individuals)?

4. Suppose a war in which commonwealth A unjustly attacks commonwealth B, and in which B counterattacks and wins. B, in other words, is the victor in a just war against A. According to Locke, what rights does B gain over the soldiers of A who fought against it? Why does this power not extend to: (1) noncombatant citizens of A; (2) any possessions of the soldiers of A? Why do (1) and (2), put together, imply that B has gained no *political* dominion over any current or future citizens of A? Under what circumstances can B, nevertheless, according to Locke, have a right to seize some of the possessions of the citizens of A? What are the limits to this right, according to Locke, and why does he say that, taking these limits into account, B cannot normally claim the right to any new *territory* as a result of this war?

5. According to Locke in the *Essay*, what do we normally mean by the word “man”? (For the purposes of this answer, treat “man” as synonymous with “human being,” i.e. as not excluding members of any gender.) How does our use of “man” to include “idiots” (or “changelings”) — that is, creatures who have the shape and general appearance of human beings, but who never show signs of using reason — help him prove his case? How does the story about Prince Maurice and the (allegedly) rational parrot help? (Why does it not matter whether the story is true or not?) Explain why this means that, according to Locke, the question of whether the law of nature applies or does not apply to some given creature is *not* the same as the question, whether that creature is or is not a “man.”