

Phil 144: Second Midterm Assignment

Spring, 2022

Instructions

Due, as an attachment, via the “Assignments” tool on Canvas, by 11:55pm Wednesday, May 11, , in MSWord format or in a format easily convertible to MSWord (e.g., Open Office, plain text, or RTF).

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 have any questions about what plagiarism is or how to avoid it, you can ask me, or consult the resources listed on the Library website.¹ For possible consequences of plagiarism, see the Academic Misconduct Policy.²

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.

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¹<https://guides.library.ucsc.edu/citesources/plagiarism>.

²https://www.ue.ucsc.edu/academic_misconduct.

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>).

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? (Hint: suppose there are no rewards or punishments associated with the “law,” and that someone nevertheless does what the “law” commands. Why did they do that, according to Locke? Did it have anything to do with the “law”?) 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) means that Locke, like Hobbes, thinks the *right* of nature (note: not the same as the *law* of nature) is equal in all human beings. Explain why, on the other hand, according to Locke, there is never conflict between one human’s right of nature and anyone else’s (whereas, according to Hobbes, there is *always* such a conflict).
2. In the state of nature, according to Locke, all things originally belong to everyone in common. Why does this appear to mean that Locke must agree with Hobbes, that there is no *property* in the state of nature? (Hint: what does it mean to say that something is my “property”?) What property does Locke nevertheless argue that every individual always has, both originally in the state of nature and every afterwards (unless they are lawfully enslaved)? Explain why, according to Locke, this original property is sufficient to enable any individual to appropriate (make proper to themselves, make into property) some of the things that were originally in common. How can we tell that the law of reason enables them to do so without getting everyone else’s consent?
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 recall that Locke, unlike Hobbes, doesn't think the state of nature is a state of war of all against all; nor does he think there can be no property, no contracts, no security, etc., in a state of nature. So what *does* Locke think 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 commonwealth 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 unauthorized to give commands to, or about, particular individuals? That is: why can it legislate only in universal terms?

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* when we say the word “man,” we normally mean an animal of a certain shape and general appearance (stands on two legs, no feathers, etc.). (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.”