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Hypothetical Necessity and the Laws of Nature: John Locke on God's Legislative Power

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A thesis submitted in partial fulfillment of the requirements for the Doctor of Philosophy degree in Philosophy

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HYPOTHETICAL NECESSITY AND THE LAWS OF NATURE:
JOHN LOCKE ON GOD'S LEGISLATIVE POWER

(Thesis format: Monograph)

by

Elliot Rossiter

Graduate Program in Philosophy

A thesis submitted in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy

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Abstract

The focus of my dissertation is a general and comprehensive examination of Locke's view of divine power. My basic argument is that John Locke is a theological voluntarist in his understanding of God's creative and providential relationship with the world, including both the natural and moral order. As a voluntarist, Locke holds that God freely imposes both the physical and moral laws of nature onto creation by means of his will: this contrasts with the intellectualist perspective in which the laws of nature emerge from the essences of things. For Locke, there are no intrinsically necessary laws in the created order: both physical and moral laws are arbitrary determinations of the divine will. While these laws are not intrinsically (or absolutely) necessary, they are hypothetically necessary. Hypothetical necessity involves things that could have been otherwise, but which are necessary based on the supposition of a free action and other relevant conditions pertaining to the actor. Concerning God, we can understand hypothetical necessity in the following way: $\square [(X \ \& \ P) \rightarrow Y]$. X is a variable that ranges over a subset of contingent propositions about actions. 'P' is the proposition 'God is perfect'. And Y is any proposition that is a necessary consequent of both X and P . In any possible world in which God (understood as a perfect being) performs X , it is the case that Y will obtain. Supposing that God decides to create beings like us, God must of necessity craft the moral laws of nature in a way that harmonizes with our nature. What grounds this necessity is that God must act consistently with the perfection of the divine nature: to give us a different law would be less than perfect. Furthermore, I argue that certain physical laws of nature – those that help to realize our nature – are also hypothetically necessary.

Keywords

John Locke, Ethics, Natural Philosophy, God, Laws of Nature

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Introduction

i) Two Debates:

In recent years, there have been two debates about Locke's voluntarism, one concerning his natural philosophy and the other his moral philosophy, both of which ultimately touch on Locke's conception of God's power and interaction with the world. Does Locke think that the laws of nature, both physical and moral, are metaphysically necessary features of the world or does he think that they are arbitrary determinations of the divine will?

The first debate, sparked by Margaret Wilson, occurred in a discussion of the limits of mechanical explanation in Locke's natural philosophy.¹ A pure mechanist would argue that all the powers of bodies are fully explicable in terms of material structures and impulse, much like the functions of a clock are fully explicable in terms of the structure and movement of its mechanical parts. And while generally sympathetic to the 'new mechanical philosophy', Locke seems to waver from a full-fledged commitment to mechanism by holding that God arbitrarily annexes secondary qualities to bodies and that it lies within the divine power to superadd thought to matter. Furthermore, Locke also acknowledges that gravity is inconsistent with pure mechanism and that we must reason about it simply as a determination of God's positive will.² Now while this debate has focused on what a commitment to mechanism should involve, it has also dealt with divine providence in the

¹ Margaret Wilson, 'Superadded Properties: The Limits of Mechanism in Locke', *American Philosophical Quarterly* 16.2 (1979): 143-150. Since the publication of Wilson's article, among the principal contributions to this debate have been the following: Michael Ayers 'Mechanism, Superaddition, and the Proof of God's Existence in Locke's Essay', *The Philosophical Review* 90.2 (1981): 210-251; Margaret Wilson 'Superadded Properties: A Reply to M.R. Ayers', *The Philosophical Review* 91.2 (1982): 247-252; Edwin McCann, 'Lockean Mechanism', *Philosophy, Its History and Historiography*, ed. A.J. Holland, Reidel, 1985: 209-231; J.R. Milton, 'Lockean Mechanism: A Comment', *Philosophy, Its History and Historiography*, ed. A.J. Holland, Reidel, 1985: 233-239; Michael Ayers, 'God, Nature, and the Law of Nature', *Locke* (vol. II), Routledge, 1991: 131-204; Struan Jacobs and Allan McNeish, 'Locke, McCann, and Voluntarism', *Pacific Philosophical Quarterly* 78 (1997): 349-362; Matthew Stuart, 'Locke on Superaddition and Mechanism', *British Journal for the History of Philosophy* 6.3 (1998): 351-379; Rae Langton, 'Locke's Relations and God's Good Pleasure', *Proceedings of the Aristotelian Society* (2000): 75-91; Marleen Rozemond and Gideon Yaffe, 'Peach Trees, Gravity, and God: Mechanism in Locke', *British Journal for the History of Philosophy* 12.3 (2004): 387-412; Walter Ott, *Causation and Laws of Nature in Early Modern Philosophy*, Oxford, 2009: 159-190.

² *Some Thoughts Concerning Education*, §192, eds. J.W. and J.S. Yolton, Oxford: Clarendon, 1989: 246. (All subsequent references to *Some Thoughts Concerning Education* will be to this edition.)

natural order. Is Locke a strict voluntarist, who thinks that the connections between powers and bodies are arbitrarily determined by the divine will, or is he more of an intellectualist, who thinks that these connections emerge from the nature of matter and are metaphysically necessary?

There is a related debate concerning the foundations of the natural law in Locke's moral philosophy, and this debate was generated by the 1954 publication of Locke's *Essays on the Law of Nature* [1664], a hitherto unpublished manuscript in the Lovelace collection. Given the few passages that Locke devotes to discussing the natural law in his published work, these early *Essays* have facilitated a more substantial scholarly investigation of Locke's natural law doctrine. Similar to the first debate, there is a divide over the question of whether Locke is a voluntarist, who thinks the principles of the natural law are arbitrarily determined by the divine will, or an intellectualist, who thinks that they are metaphysically necessary.³

ii) The Plan:

Following the suggestion by G.A.J. Rogers that, for Locke, there is a common ancestry of both physical and moral laws in the question of the relationship between God and the created order⁴, I will examine the nature of divine power and the character of the laws of nature in Locke's thought in order to address the debates described above. A sustained and comprehensive treatment of this issue is the distinctive contribution that this monograph

³ Some of the main contributions to this debate have been the following: Wolfgang von Leyden, 'Introduction', *Essays on the Law of Nature*, Oxford, 1954: 1-94; John W. Yolton, 'Locke on the Law of Nature', *The Philosophical Review* 67 (1958): 477-498; Francis Oakley and Elliot Urdang 'Locke, Natural Law and God', *Natural Law Forum*, Notre Dame (1966): 92-109; John Colman, *John Locke's Moral Philosophy*, Edinburgh, 1983; David E. Soles, 'Intellectualism and Natural Law in Locke's *Second Treatise*', *History of Political Thought* 8.1 (1987): 63-81; W. Randall Ward, 'Divine Will, Natural Law and the Voluntarism/Intellectualism Debate in Locke', *History of Political Thought* 16.2 (1995): 208-218; Stephen Darwall, *The British Moralists and the Internal 'Ought': 1640-1740*, Cambridge, 1995; J.B. Schneewind *The Invention of Autonomy*, Cambridge, 1997; Francis Oakley, 'Locke, Natural Law and God - Again' *History of Political Thought* 18 (1997): 624-651; Alex Tuckness, 'The Coherence of a Mind: John Locke and the Law of Nature', *Journal of the History of Philosophy* 37.1 (1999): 73-90; Terence Irwin, *The Development of Ethics: A Historical and Critical Study* (vol. 2), Oxford, 2008; and Andrew Isaacs, 'God, Mixed Modes, and Natural Law: An Intellectualist Interpretation of Locke's Moral Philosophy', *British Journal for the History of Philosophy* 21.6 (2013): 1111-1132.

⁴ G.A.J. Rogers, 'Locke, Law, and the Laws of Nature', *John Locke: Symposium Wolfenbüttel 1979*, ed. R. Brandt, De Gruyter, 1981: 147.

makes to Lockean scholarship. The basic argument of my dissertation is that Locke is a theological voluntarist in his understanding of God's creative and providential relationship with the world. This understanding emerges from what he has to say about both ethics and natural philosophy. As a voluntarist, Locke holds that God freely imposes the moral and physical laws of nature onto creation by means of his will: this contrasts with an intellectualist perspective in which the laws of nature emerge from the essences of things. While these laws are not logically or absolutely necessary, they are hypothetically necessary. Hypothetical necessity involves things that could have been otherwise, but which are necessary based on the supposition of a contingent action and other relevant conditions pertaining to the actor.

In the first chapter, I examine the nature of theological voluntarism. I contend that a more precise formulation of this position is needed in order to properly understand the concept – the concept being appropriately understood, we can properly classify Locke's understanding of God's power. As I show in this chapter, current definitions of theological voluntarism run into difficulty with characterizing moderate forms of theological voluntarism. As I argue in subsequent chapters, Locke is best understood as a moderate voluntarist. The definition I offer is that a voluntarist holds that there is no possible world in which God does not exist, but the laws of nature do. The intellectualist, however, asserts that such a possible world exists. For the voluntarist, the laws of nature, both physical and moral, are superadded to the world by God. The intellectualist, however, asserts that the laws of nature emerge from the very essences of things. One advantage of this definition of theological voluntarism is that it applies equally well to both moral and physical laws. In later chapters, I argue that Locke is a voluntarist, when voluntarism is understood according to the definition above.

In the second chapter, I discuss the concept of hypothetical necessity and argue that the employment of this idea by theological voluntarists like Samuel von Pufendorf has the effect of moderating their conception of God's determination of the laws of nature. Concerning God, we can understand hypothetical necessity in the following way: $\Box [(X \& P) \rightarrow Y]$. X is a variable that ranges over a subset of contingent propositions about actions. 'P' is the proposition 'God is perfect'. And Y is any proposition that is a necessary consequent of both X and P . In any possible world in which God (understood as a perfect being)

performs X, it is the case that Y will obtain. Supposing that God decides to create beings like us, God must of necessity craft the moral laws of nature in a way that harmonizes with our nature. God's wisdom and benevolence implies that God cannot but fashion laws that are commodious to our nature (as to do otherwise would violate these perfections). What grounds this necessity is that God must act consistently with the perfection of the divine nature: to give us a different law would represent a less than perfect form of providence.

In the third chapter, I explore Locke's early writings on the laws of nature, and argue that they represent a voluntaristic account of divine providence, despite the inclusion of some seemingly intellectualistic sounding passages. I assess the debate about the nature of Locke's *Essays on the Law of Nature* and argue that Locke is a voluntarist, albeit a moderate voluntarist who thinks that the moral laws are hypothetically necessary. Locke does say that God does not have the power to make beings like us without the natural law and certain commentators have taken this to indicate a commitment to intellectualism. I argue that what grounds the limits to divine power here is not any metaphysical necessity concerning human nature but rather the hypothetical necessity of the natural law. Furthermore, I show that Locke's theory of obligation, expressed in the *Essays*, clearly reflects a commitment to theological voluntarism concerning the moral laws of nature.

In the fourth chapter, I argue that Locke's conception of the natural law in his mature work is continuous with his earlier voluntarist writings. Locke holds the same basic understanding of the natural law in the years between writing the *Essays* in 1664 and releasing the *Two Treatises* and the *Essay concerning Human Understanding* in 1689, despite his changing views of the magistrate's authority and his adoption of a hedonistic account of moral motivation. I look at these two major works, in turn, and argue that a voluntaristic account of the natural law is present in both, and that, furthermore, it is possible to see these works as a coherent whole: the moral epistemology of the *Essay* can be applied to the *Two Treatises*. I conclude by looking at the account of natural law given in Locke's later theological works, especially the *Reasonableness of Christianity* and the *Paraphrases on St Paul's Epistles*. In these later works, Locke gives an explicitly covenantal account of the natural law. In making a covenant, God binds Godself to maintain the moral law by promising to uphold it. God is not bound by anything intrinsic to the law itself, but by the perfection of the divine character (as breaking a promise would be an imperfection). In other

words, God must act consistently with attributes of the divine nature (perfect benevolence, wisdom, etc). Human beings can have confidence in their knowledge of the moral laws of nature in knowing that God is a perfect being who always keeps promises. As I argue, the act of forming a covenant represents a form of hypothetical necessity.

In the fifth and final chapter, I explore the theological aspects of Locke's writings on natural philosophy. I argue that Locke thinks that a science of nature is something that is possible, though he thinks that it is unrealizable in our present state. While Locke thinks that we are ignorant of the physical laws of nature, as we have little knowledge of the true natures of bodies, he does think of the natural order as essentially law-governed. And the order of nature, as Locke understands it, is determined by the divine will, according to God's good pleasure. Locke's account of the physical laws of nature is voluntaristic. I show that in his view, certain laws, namely those which are psycho-physical (i.e. those which concern the connection between primary and secondary qualities), have a teleological dimension. Given this dimension, I argue that psycho-physical laws are hypothetically necessary as there is a necessary connection between certain actions and pleasures or pains, even though these secondary qualities are superadded. Finally, I conclude this chapter by exploring the role that laws and hypothetical necessity play in both a demonstrative science of nature and ethics in Locke's philosophy.

Chapter 1

1 Theological Voluntarism and the Laws of Nature

In this chapter, I develop precise definitions of theological voluntarism and intellectualism that can be applied to understanding important differences in early-modern moral philosophy. Despite general agreement about the extensions of the terms, the definitions that have been developed have a hard time capturing figures who are generally considered moderate voluntarists or moderate intellectualists. I first discuss the received definitions of these terms and formulate a more precise distinction between theological voluntarism and intellectualism in regard to the natural moral law. I then show how it helps to understand the differences between Francisco Suárez's moderate voluntarism and Hugo Grotius' moderate intellectualism. Finally, I show how this definition can also be applied to voluntaristic and intellectualistic views of the natural order in figures like Robert Boyle and Henry More.

1.1 Toward a Definition of Theological Voluntarism and Intellectualism

1.1.1. Adams' Spectrum Understanding of Voluntarism and Moral Properties

According to Robert Adams, it is best to understand theological voluntarism about morality as a set of views on a spectrum, ranging from extreme to moderate.⁵ And likewise, theological intellectualism also consists in a set of views ranging from extreme to moderate. Extreme theological voluntarism holds that no moral properties obtain prior to an act of divine willing.⁶ Moderate theological voluntarism holds that some moral

⁵ Robert Adams, 'Voluntarism and the Shape of a History,' *Utilitas*, 16 (2004): 127-128. In the article, Adams also deals with metaethical voluntarism and distinguishes it from theological voluntarism. Metaethical voluntarism broadly conforms to an anti-realist view of moral properties. While one may be both a theological and a metaethical voluntarist, neither position is necessarily implied by the other.

⁶ This leaves open the question about whether or not human beings could will some form of morality into existence independent of a divine act of willing. While this is an interesting question to consider and concerns topics such as what gives the civil law its binding force, it is one that can be bracketed at present. This question will, though, to some extent be addressed in chapter 3.

properties, though not all, obtain prior to an act of divine willing. Francisco Suárez, for instance, thinks that some moral properties are independent of God's will; there are things that are intrinsically good and evil. But moral properties like obligation require the command of a sovereign, this being an act of will, in order to be morally binding. Adams thinks that extreme theological intellectualism holds that all moral properties obtain prior to an act of divine willing. And moderate theological intellectualism holds that only some moral properties, though not all, obtain prior to an act of divine willing.

We have, so far, viewed theological voluntarism and intellectualism from the perspective of the nature of moral properties, i.e. whether or not they obtain prior to an act of divine willing. But related to this is a view of the divine psychology. In Adams' estimation, the basic distinction between theological voluntarism and intellectualism is that the former position holds that the divine will is prior to the understanding in the creation of moral properties and that the latter holds that the understanding is prior to the will. For the voluntarist, God understands what is good and evil in reference to what has in fact previously been decreed to be good or evil by God's will. The intellectualist, however, holds that God understands the nature of good and evil without reference to any act of will. We can also apply Adams' spectrum view here and admit moderate forms of voluntarism and intellectualism: the former holds that God understands some moral properties without reference to an act of will and the latter holds that there are some moral properties that can only be understood in reference to an act of will.

While Adams' discussion of a spectrum helpfully allows us to discriminate between different degrees of voluntarism and intellectualism, it is unclear what constitutes the distinction between moderate theological voluntarism and moderate theological intellectualism and where to draw the line between these two positions. The definition is vague about which moral properties depend on the divine will and which do not. Both views hold that there are some moral properties that obtain prior to an act of divine willing and some that require an act of willing to obtain. Likewise, they both hold that God understands some moral properties, though not all, without reference to an act of will. Consequently, it is not clear whether or not a figure like Suárez – who holds that

only some moral properties require an act of willing to obtain – should be classified as a moderate voluntarist or moderate intellectualist.

1.1.2. The Distinction Between Voluntarism and Intellectualism Concerning Morality

What marks the divide between moderate voluntarism and moderate intellectualism with respect to morality? While both positions hold that some moral properties obtain prior to an act of divine willing, we may say that a moderate voluntarist holds that a certain class of moral properties, namely the obligations present in the duties of the natural law, requires an act of divine willing in order to obtain.⁷ The moderate intellectualist, however, holds that these obligations obtain prior to an act of divine willing (even though she may admit that other moral properties depend on the divine will). This dividing point is properly captured in the impious hypothesis that the moral laws of nature would hold even if, *per impossibile*, God didn't exist. In other words, the intellectualist holds that moral laws of nature would still obtain if human beings and the world existed just as they do, but God did not exist; the voluntarist, on the other hand, denies that this would be true. Of course, most voluntarists and intellectualists admit that nothing would in fact exist, including the laws of nature, if God didn't exist. The impious hypothesis really represents a counterfactual claim about the laws of nature under the impossible situation in which God does not exist but the world does: in other words, what could be said about the laws of nature in the possible world where we exist but God does not?

The voluntarist holds that there is no possible world in which God doesn't exist but the laws of nature still obtain. The voluntarist, though, may hold there are different possible worlds with different laws of nature. The intellectualist, on the other hand,

⁷ A question arises, though, as to why this class of moral properties should be given a prominent role in classifying a given figure's view of morality. The rationale for looking at these properties is that the natural law played a fundamental role in the development of ethics throughout the middle ages into the early-modern period. Thus it largely makes sense to define historical views in this time frame as voluntarist or intellectualist according to the character of the natural law formulated in a given view. The prominence of the natural law, though, is not simply something I will assume: in the course of this dissertation, I will show the foundational role given to the natural law in important figures in the history of moral philosophy in this time period.

accepts that there is a possible world in which God doesn't exist but the laws of nature do obtain. This may be either explicitly admitted, in the case of Hugo Grotius, or implicit in the view that the laws of nature directly follow from the nature of things. To be clear, the impious hypothesis need not entail any commitment to atheism, for it is principally a claim about the character of the natural law. For the intellectualist, human nature on its own generates the natural law: we can conceive of certain actions that carry with them an obligation to either perform them or refrain from them. Accordingly, the intellectualist's view of the character of the natural law makes it the case that in a possible world in which there were human beings, but no God, the natural law would still obtain. But the voluntarist holds that the natural law requires an act of will to obtain (as is the case, for instance, if the law consists in a set of commands understood as determinations of the divine will that certain actions should be performed and others avoided.) This helps to show why a figure like Suárez is best classified as a voluntarist. For while Suárez thinks that certain things are intrinsically good or evil, these things do not, in and of themselves, give rise to the natural law and the obligations to perform or avoid certain actions.

1.2 Theological Voluntarism and Intellectualism in Moral Philosophy

1.2.1. Suárez's Moderate Voluntarism

Concerning the character of the natural law, Suárez takes himself to be steering a middle course between the extremes of both an overly intellectualistic and an overly voluntaristic account of law. The first extreme holds that the natural law is entirely demonstrative (or indicative): in other words, the law merely indicates what is intrinsically good and should be done, and what is intrinsically evil and should be avoided.⁸ In this view, the natural law consists of the set of actions that are in conformity

⁸ *Tractatus de Legibus ac Deo Legislatore* (hereafter DL) II.vi.3. 'On this point, the first opinion which we shall discuss is, that the natural law is not a preceptive law, properly so called, since it is not the indication of the will of some superior; but that, on the contrary, it is a law indicating what should be done, and what should avoided, what of its own nature is intrinsically good and necessary, and what is intrinsically evil.' *Selections from Three Works of Francisco Suárez* (hereafter SFTW), vol.II, Oxford: Clarendon, 1944: 189.

with the rational nature (and which are respectively prescribed or prohibited). Suárez ascribes this view to Gregory of Rimini and others, but his principal target is Gabriel Vásquez, a fellow Spanish Jesuit, with whom he often disagreed.⁹ The second extreme holds that the natural law is entirely preceptive: in other words, the natural law consists entirely of divine commands.¹⁰ The list of figures who hold this view, according to Suárez, include William of Ockham and two of his prominent followers at the University of Paris, Pierre d'Ailly and Jean Gerson. In this view, the natural law is basically divine positive law that is 'natural' only in the sense of being known through natural reason. Suárez's *via media*, though, holds that natural law is simultaneously both preceptive and demonstrative.¹¹ There are actions that are intrinsically good or evil and the set of these actions provides the content of the natural law. But in order for these actions to properly form the subject matter of a law, they must be either be prescribed or prohibited by the

'In hac re prima sententia est, legem naturalem non esse legem praecipientem proprie, quia non est signum voluntatis alicuius superioris, sed esse legem indicantem, quid agendum, vel cavendum sit, quid natura sua intrinsece bonum, ac necessarium, vel intrinsece malum sit.' *Opera Omnia* (hereafter OO), vol.V, Vivés, 1856-78: 104.

⁹ The list of intellectualists is given in DL II.vi.3, but a discussion of Vásquez occurs in II.v.2 and following sections. For a fuller discussion of Suárez's dispute with Vásquez, see J.A. Fernández-Santamaría, *Natural Law, Constitutionalism, Reason of State, and War: Counter-Reformation Spanish Political Thought* (vol.I), New York, Peter Lang, 2005: 97-103.

¹⁰ DL II.vi.4. 'The second opinion, at the opposite extreme to the first, is that the natural law consists entirely in a divine command or prohibition proceeding from the will of God as the Author and Ruler of nature; that, consequently, this law as it exists in God is none other than the eternal law in its capacity of commanding or prohibiting with respect to a given matter.' SFTW, 190.

'Secunda sententia huic extreme contraria, est, legem naturalem omnino positam esse in divino imperio, vel prohibitionem procedente a voluntate Dei, ut auctore et gubernatore naturae, et consequenter hanc legem ut est in Deo, nihil aliud esse quam legem aeternam et praecipientem, vel prohibentem in tali materia.' OO, 105.

¹¹ DL II.vi.5. 'Not only does the natural law indicate what is good or evil, but furthermore, it contains its own prohibition of evil and command of good.' SFTW, 191.

'Lex naturalis non tantum est indicativa mali et boni, sed etiam continet propriam prohibitionem mali, et praeceptionem boni.' OO, 105.

For a similar account of Suárez's *via media*, see Schneewind, *The Invention of Autonomy*, 59-62.

will of a sovereign.¹² A consideration of an action's conformity or non-conformity with our nature is not enough to generate an obligation to respectively perform or avoid that action. An act of will is required in order to impose such an obligation. Accordingly, it is essential to the natural law that it both indicates to us what is good and what is evil and obligates us to perform and avoid these things: God's command thus presupposes the intrinsic goods and evils, but it is the divine will that imposes an obligation.¹³

If we make the impossible supposition that human beings exist, but God does not, it is evident that the natural law would not exist according to Suárez. It is essential to the natural law that it be commanded by God in order for it to maintain its properly legal character. What we might term the 'natural law' in this counterfactual would still retain its directive aspect, but this would only be law in an improper and solely metaphorical sense.¹⁴ Law, strictly speaking, must also be preceptive, but it would lose this aspect without a divine act of will whereby God prescribes and prohibits certain actions. We may then understand Suárez as a voluntarist, according to the definition given above in 1.1. But we may also classify him as a moderate voluntarist, for the concepts of duty (*debitum*) and sin (*peccatum*) would still make sense in the possible world in which God did not make any commands. In responding to the objection that the natural law does not

¹² DL II.vi.7. '[T]he natural law, as existing in man, points out a given thing not only as it is in itself, but also as being forbidden or prescribed by some superior.' SFTW, 193.

'[L]ex naturalis, prout in homine est, non solum indicat rem ipsam in se, sed etiam ut prohibitam, vel praeceptam ab aliquo superiori.' OO, 106.

¹³ DL II.vi.13. '[A]lthough the additional obligation imposed by the natural law is derived from the divine will, in so far as it is properly a preceptive obligation, nevertheless [such action on the part of] that will presupposes a judgment as to the evil of falsehood, for example, or similar judgments.' SFTW, 199.

'[Q]uamvis ergo obligatio illa quam addit lex naturalis, ut proprie praeceptiva est, sit ex voluntate divina, tamen illa voluntas supponit iudicium de malitia, verbi gratia, mendacii et similia.' OO, 109.

¹⁴ Suárez attributes law to animals and insensate things in a metaphorical sense as they are directed but not obligated (which requires promulgation of precepts to rational free agents). But this does not have the character of law, properly speaking. See DL I.iii.8. Jean-François Courtine argues that this attribution represents a central difference between Suárez's and Aquinas' respective views of law, as Aquinas holds a view of law that is essentially directive. For Courtine's discussion of Suárez and Aquinas, see his *Nature et empire de la loi: études suarézianes*, Paris, Vrin, 1999: 91-114. Furthermore, James Gordley has argued Aquinas and Suárez further diverge in their understanding of the natural law in that the former considers the natural law to be set of general principles that we then apply to particular situations while the latter considers the natural law to be fully specified including the particulars ('Suárez and Natural Law', in *The Philosophy of Francisco Suárez*, eds. B. Hill and H. Lagerlund, Oxford, 2012: 209-229).

create an obligation (*obligatio*) but merely assumes it, Suárez makes a distinction between *debitum* and *obligatio*:

[The natural law] assumes the existence of something which pertains to an intrinsic natural duty [*debitum*], since everything has towards in itself, in a sense, the duty [*debitum*] of doing nothing inconsistent with its own nature; but, in addition to this, the law imposes a special moral obligation [*obligationem*], which we speak of as an effect of that law...¹⁵

According to Suárez, the duty to perform or avoid actions that respectively conform or don't conform to our nature is assumed by the natural law and could exist independently of it. But the obligation to perform or avoid these actions is generated by the natural law and could not exist independently of it. If we understand duties (*debita*) as a moral property then Suárez is a moderate voluntarist, for these duties would exist in the possible world where God did not exist but the facts about our nature were the same. And as I will show below, this is the best way to understand Suárez. But it is not immediately clear that a duty in this context is a moral property. While the word '*debitum*' connotes the idea that we ought to perform and avoid certain actions, this 'ought' may not be a moral 'ought'. We might, for instance, think that one ought not to leave the light on in the car overnight, as it may drain the car's battery, but this doesn't seem to be a distinctively moral 'ought', but rather a prudential 'ought'. Indeed, a moral 'ought' seems to involve some kind of culpability if one fails to perform an action that one ought to do. If we accept that this is the case, then we have good reason to think a *debitum* represents a moral 'ought' as it is closely related to a *peccatum* or sin.

Suárez examines the question of whether or not an action that is evil, but not forbidden by God, constitutes a sin. According to Suárez, there are no such actions, as

¹⁵ DL II.ix.4. (STFW, 225-226).

'Simul autem probat, aliquid hanc legem supponere, quod pertinet ad intrinsecum debitum naturae, quia unaquaeque res quodammodo sibi debet ut nihil faciat suae naturae dissentaneum. Ultra hoc vero debitum addit lex specialem obligationem moralem, et hanc dicimus esse effectum hujus legis...' OO, 119.

The translators of the Clarendon Selections of Suárez translate both *debitum* and *obligatio* with the word 'obligation', but this obscures the distinction that Suárez is developing here.

God forbids everything that is intrinsically evil. The question then involves considering a counterfactual, for there are no evils that aren't forbidden by the natural law. In this counterfactual situation, Suárez claims that such an action that was evil but not forbidden would still constitute a sin:

My own reply [with regard to that difficulty] is that in any human act there dwells some goodness or evil, in view of its object, considered separately in so far as that object is in harmony or disharmony with right reason; and that, in relation to right reason, such an act may be termed an evil, and a sin, and a source of guilt ... apart from its relation to law, strictly speaking.¹⁶

An action that is not in accord with our rational nature is an evil (*malum*), but it is also a sin (*peccatum*), for which we are culpable (*culpabilis*). We ought (*debemus*) to avoid actions that are intrinsically evil, and if we fail to avoid these actions then we sin and are blameworthy. Consequently, we can understand *debitum* to be a moral property that may best be translated as 'duty'.¹⁷ This question and response takes the form of a version of the impious hypothesis related to what has been discussed above. The question here is whether or not certain actions would still be sinful even if, *per impossibile*, they were not forbidden by God. And Suárez thinks that certain things are sinful and evil based solely on a consideration of their incongruence with our rational nature. Given this understanding of sin, we might think that violating a prohibition that forbids an action contrary to our nature is equally as wrong as simply acting contrary to our nature. But Suárez rules this out by making a distinction between a sin (*peccatum*) and a transgression (*transgressio*):

¹⁶ DL II.vi.17. (SFTW, 202.)

'Respondeo igitur in actu humano esse aliquam bonitatem vel malitiam ex vi objecti praecise spectati, ut est consonum vel dissonum rationi rectae, et secundum eam posse denominari, et malum, et peccatum, et culpabilem ... seclusa habitudine ad propriam legem'. OO, 110.

¹⁷ Irwin uses this translation in his discussion of Suárez in the *Development of Ethics*, vol. II, Oxford, 2008: 30.

[H]uman actions possess a special good or wicked character in their relation to God, in cases which furthermore involve a divine law, whether prohibitory or preceptive; and in accordance with such laws, these acts may in a special sense be said to be sins or to involve guilt in the sight of God, by reason of the fact that they transgress a true law of God Himself...¹⁸

The distinction between a sin and a transgression lies in the fact that the latter represents a ‘more consummate and perfect’ version of the former.¹⁹ According to Suárez, the will that can impose a moral necessity upon an action that it does not previously have; furthermore, it is only the will that can impose such a necessity.²⁰ The basic idea here is that we are not bound to an action without the expressed will of a sovereign moving us to the performance of that action (DL I.v.15). This movement does not primarily consist in motivating us to perform an action but rather in moving us into

¹⁸ DL II.vi.17. (SFTW, 202)

‘[P]raeter hanc vero habet actus humanus specialem rationem boni et mali in ordine ad Deum, addita divina lege prohibente vel praecipiente, et secundum eam denominatur actus humanus speciali modo peccatum, vel culpa ad Deum, ratione transgressionis legis propriae ipsius Dei...’. OO, 110.

Following from here, Suárez cites Paul’s Letter to the Romans as a proof text and uses the terms ‘*praevericationis*’ and ‘*transgressio*’ as synonyms.

¹⁹ DL II.vi.19. ‘For, admitting the soundness of such a supposition, in the sense explained, nevertheless the natural law, thus viewed, truly and properly forbids anything in human actions which is in itself evil or inordinate; and if no such prohibition existed, that action would not possess the consummate and perfect character (so to speak) of guilt and of an offence against God, which undeniably exists in actions that are contrary to the natural law as such.’ SFTW, 203-204.

‘Nam, admissa illa conditionali in dicto sensu, nihilominus nunc lex naturalis vere et proprie prohibet quidquid secundum se malum seu inordinatum est in actibus humanis, et sine tali prohibitione actus non haberet (ut sic dicam) consummatam vel perfectam rationem culpae et offensae divinae, quae negari non potest in actibus qui praecise sunt contra legem naturae.’ OO, 110.

²⁰ DL I.v.15. ‘[T]he intellect is able merely to point out a necessity existing in [an] object itself, and if such a necessity does not exist therein, the intellect cannot impart it [to the object]; whereas the will endows [the object] with a necessity which did not formerly characterize it...’ SFTW, 66.

‘[I]ntellectus solum potest ostendere necessitatem, quae est in ipso objecto; quod si in illo non sit, non potest ipse eam tribuere: voluntas autem confert necessitatem, quae in objecto non erat ...’. OO, 20.

In DL I.i.8, Suárez makes a distinction between law and counsel and emphasizes that only the former is able to introduce moral necessity.

the condition of being under an obligation.²¹ (This ‘movement’ should be understood in terms of final causes, i.e. God directing us to certain ends through the means of decreeing the law.) What is clear here is that an obligation includes a fuller set of moral reasons for performing an action prescribed by the will of a superior than it does for performing an action that we only have a duty (*debitum*) to perform (insofar as it involves not solely a consideration of what is appropriate to our rational nature but also God’s government of creatures through the natural law). Accordingly, we are more culpable when we act in a way that isn’t consonant with our nature when such an action is explicitly prohibited, for the transgression involves resisting God’s direction of us toward the ends set for us through the means of the natural law.

In the counterfactual situation that God didn’t exist or didn’t legislate, we would still have duties (*debita*) and there would also be sins (*peccata*) in the cases where we failed to perform our duties; but there would be neither obligations (*obligationes*) nor transgressions (*transgressiones*).²² While Suárez maintains that there would still be sins, which constitute evils, in the possible world in which God did not exist (and forbid these actions), he does not think that the natural moral law would obtain in this situation. He, then, should be understood as a moderate voluntarist as some moral properties would still obtain in this situation, though not those concerning obligation. We may object, though, to labelling Suárez a moderate voluntarist if it has the effect of misrepresenting his account of morality. According to Terence Irwin, the natural law does not play a fundamental role in Suárez’s moral theory; he stresses that it is the naturalistic eudaimonistic elements of his view of morality that are essential.²³ While Irwin admits

²¹ For more on this, see Irwin, *The Development of Ethics*, vol.II, 20.

²² Reijo Wilenius notes that while Suárez thinks that certain features of the moral order are independent of God’s will (as expressed in the counterfactual situation that acts would be sinful even if God had issued no commands) this does not commit him to the view that the natural law would still have the same legal character if God did not exist (*The Social and Political Theory of Francisco Suárez*, Acta Philosophica Fennica, 1963: 59-60).

²³ *The Development of Ethics*, vol.II, 67-69. But on the other hand, Pauline Westerman argues that Suárez’s general view of law has the effect of diminishing the role of the eternal law as the foundation of the natural law: the diminishment of this role then undermines the teleological foundation of the natural law. Accordingly, God’s will, and not an immanent teleology, plays a much greater role in Suárez’s ethical

that Suárez disagrees with an intellectualistic, or naturalistic, view of the natural law, he maintains that this should not lead us to characterize him as a voluntarist in ethics:

[Suárez's] disagreement about the role of divine commands in the natural law does not affect his view about the moral foundation of the natural law, and, in particular, does not lead him to maintain that morality depends on divine commands ... [I]n claiming that we are rationally concerned about moral goodness because we aim at our ultimate end, and our ultimate end is realizing our rational nature, he accepts ... [a] combination of eudaimonism with naturalism ... The naturalist and eudaimonist aspects of his conception of natural law, are the essential features of his theory of morality.

Development of Ethics, vol.II, 67

The naturalistic elements (i.e. that there are duties to perform or avoid actions that are intrinsically good or evil) have already been discussed above. And Suárez certainly holds a eudaimonistic view of morality insofar as he thinks that the end set for human beings is the principle of moral actions (*De Fine Hominibus*, disp.1, preface). And acting morally (i.e. consonantly with our nature) helps us to realize our nature and achieve happiness (*beatitudo*) which ultimately consists in the knowledge and contemplation of God. Holding that Suárez is a moderate voluntarist about morality may seem to unduly privilege the importance of the natural law in his moral theory. Irwin, however, underestimates the importance of the legislative aspect of Suárez's view of morality; it should be considered as an essential feature of his moral theory. While it is true that there is some morality independent of divine commands, and reasons why we might want to be moral without them (i.e. in order to realize the end of happiness), the natural law has a perfective character that is closely bound up with divine providence. According to

thinking than it does in Aquinas' thinking. For her argument, see *The Disintegration of Natural Law Theory: Aquinas to Finnis*, Leiden, Brill, 1998: 77-104.

Suárez, the natural law obliges us to refer all of our actions to God as our final end (DL II.xi.2). Furthermore, God's legislative decrees represent the proper form of government toward the realization of our end, namely the knowledge and contemplation of God (DL II.vi.24). God has made us capable of receiving law, and this law helps us toward our end: consequently, God would govern the world imperfectly if God were not to issue legislative decrees. Through obligating us to perform certain actions and refrain from others, God helps to move us toward our perfection as rational beings. All this is to say, the eudaimonistic and legalistic elements of Suárez's moral theory are intertwined.²⁴ The point I ultimately wish to stress here is that God's will plays an important role in Suárez's view of morality, properly speaking. Thus as long as we recognize that there are moral properties independent of divine command in his view, it is more appropriate to hold that Suárez is a voluntarist; and indeed, labeling him a moderate voluntarist is meant to appreciate this fact. It will be helpful now to contrast Suárez with Grotius: while both hold that some moral properties, though not all, would obtain in the counterfactual situation that God did not exist, Grotius is a moderate intellectualist in his understanding of morality.

1.2.2: Grotius' Moderate Intellectualism

Like Suárez, Grotius holds that some moral properties, though not all, are dependent upon the divine will. But we can consider him to be an intellectualist based on his employment of the impious hypothesis:

What we have been saying [about the natural law] would have a degree of validity even if we should concede that which cannot be conceded without the utmost wickedness, that there is no God, or that the affairs of men are of no concern to him.²⁵

²⁴ For more on the importance of the teleological concept of law in Suárez's thinking, see Jean-Paul Coujou, *Philosophie Politique et Ontologie*, vol.I, Paris, l'Harmattan, 2006: 150-51.

²⁵ *De jure belli ac pacis* (hereafter DJBP), Prologomena, xi, Oxford: Clarendon, 1913-1925, vol.II, 13.

'Et haec quidem quae jam diximus, locum aliquem haberent etiamsi daremus, quod sine summo scelere dari nequit, non esse Deum, aut non curari ab eo negotia humana.' (Oxford: Clarendon, vol.I, xxi).

According to Grotius, human nature is ‘the mother of natural law’ (DJBP, Prologomena, xvi). And even if God didn’t exist nor had any providential relationship with us, we would have the same duties and obligations, provided that we had the same nature. To see why, it is important to look at Grotius’ view of human nature. Grotius thinks that an essential trait of human nature is sociability:

[A]mong the traits characteristic of man is an impelling desire for society, that is, for the social life – not of any and every sort, but peaceful, and organized according to the measure of his intelligence, with those who are of his own kind; this social trend the Stoics called ‘sociableness’.²⁶

Grotius cites St John Chrysostom and Marcus Aurelius as his Stoic sources here. And indeed, Grotius uses the Stoic word ‘oikeiosis’ here to refer to our innate drive to form social relationships.²⁷ The basic idea here is that human beings have both a sociable nature and the intelligence to determine what is and is not in accord with that nature.²⁸ And in Grotius’ view, this is the source of law:

[The] maintenance of the social order, which we have roughly sketched, and which is consonant with human intelligence, is the source of law properly so called. To this sphere of law belong the abstaining from that which is another’s, the restoration to another of anything of his which we may have, together with any gain which we may have received from it; the

²⁶ DJBP, Prologomena, vi. (vol.II, 11).

‘[I]nter haec autem quae homini sunt propria, est appetitus societatis, id est communitatis, non qualiscunque, sed tranquillae, et pro sui intellectus modo ordinatae, cum his qui sui sunt generis: quam *oikeiosin* Stoici appellabant.’ (vol.I, xx).

²⁷ For more on Grotius’ use of the Stoic tradition in the development of his natural law doctrine, see Benjamin Straumann, ‘Oikeiosis and appetitus societatis: Hugo Grotius’ Ciceronian Argument for Natural Law and Just War’, *Grotiana* 24/25 (2003/2004): 44-66. And for his use of *oikeiosis* as a refutation of the moral skepticism advanced by Carneades, see Irwin, *The Development of the Ethics*, vol.II, 93-96. Leonard Besselink argues that the Stoic context is important to understanding Grotius’ use of the impious hypothesis; in his view, the impious hypothesis is a claim about the naturalness of the natural law as being part of our sociable nature (‘The Impious Hypothesis Revisited’ in *Grotius*, vol.II, eds. J. Dunn and I. Harris, Elgar, 1997: 524). I agree with Besselink that the impious hypothesis is ultimately about the character of the natural law as being rooted in our sociable and rational nature.

²⁸ See DJBP, Prologomena, ix, for an explicit statement of this idea.

obligation to fulfill promises, the making good of a loss incurred through our fault, and the inflicting of penalties upon men according to their desires.²⁹

Human nature is the mother of the natural law as we have a social nature and the power to discriminate which actions are or are not consonant with this nature.³⁰ Law, properly speaking, consists in this consonance and does not require a command or act of will of a sovereign power in order to obtain. Grotius thinks that it is only because certain actions are intrinsically good or evil that God respectively prescribes and prohibits them:

The law of nature is a dictate of right reason, which points out that an act, according as it is or is not in conformity with rational nature, has in it a quality of moral baseness or moral necessity; and that, in consequence, such an act is either forbidden or enjoined by the author of nature, God.³¹

As we saw in the last section, Suárez maintains that God prescribes and prohibits that which is intrinsically good and evil, respectively. Grotius diverges from Suárez's view, though, in holding that the moral law of nature is generated solely from a simple

²⁹ DJBP, Prologomena, viii (vol.II, 13)

'Haec vero, quam rudi modo jam expressimus, societatis custodia, humano intellectui conveniens, fons est ejus juris, quod proprie tali nomine appellatur: quo pertinet alieni abstinentia, et si quid alieni habeamus, aut lucri inde fecerimus restitutio, promissorum implendorum obligatio, damni culpa dati reparatio, et poenae inter homines meritum.' (vol.I, xx)

³⁰ Owen Anderson argues that it is really human nature and not God which serves as the basis of the natural law in Grotius' view (*The Natural Moral Law: The Good after Modernity*, Cambridge, 2012: 97). Indeed, Grotius' employment of the impious hypothesis supports this argument. And as Westerman argues, this basis represents a break between Grotius and earlier intellectualists such as Aquinas and Vázquez who base the natural law on the eternal law rather than human nature (*The Disintegration of Natural Law Theory*, 145-148). We can accept this distinction between Grotius and others while still maintaining that they all hold an intellectualistic conception of law according to which the natural law emerges from the essences of things and does not require an additional act of will to obtain.

³¹ DJBP I.i.10, §1. (vol.II, 38-39)

'Ius naturale est dictatum rectae rationis indicans, actui alicui, ex ejus convenientia aut disconvenientia cum ipsa natura rationali, inesse moralem turpitudinem aut necessitatem moralem, ac consequenter ab auctore naturae Deo talem actum aut vetari aut praecipere.' (vol.I, 4)

consideration of conformity with our nature.³² Now in the passage just cited, Grotius refers only to the rational nature, but further on in *De jure belli ac pacis*, he is explicit that the law of nature represents things that are consonant with both our rational and social nature.³³ The main point to draw here is that in the case of the natural law the decree of the divine will prescribing or prohibiting the actions that form the content of the law does not change the character of these actions as it does for Suárez. In Grotius' view, the obligation to follow the natural law is the same whether or not it is commanded by God.

³² While acknowledging that Grotius and Suárez have divergent views here, M.B. Crowe surmises that Grotius may have been influenced by Suárez's *De Legibus* in adopting the impious hypothesis (especially in light of some similarities in phraseology). Suárez himself rejects the hypothesis but provides a fairly extensive list of sources who hold the position in his discussion. See Crowe, 'The "Impious Hypothesis": A Paradox in Hugo Grotius?' in *Grotius, Pufendorf, and Natural Law*, ed. K. Haakonssen, Ashgate, 1999: 13-14. It is, though, unclear which similarities in phraseology Crowe has in mind. Above (in note 30) we saw Grotius's formulation of the hypothesis:

Et haec quidem quae jam diximus, locum aliquem haberent etiamsi daremus, quod sine summo scelere dari nequit, non esse Deum, aut non curari ab eo negotia humana.

And here is Suárez's formulation of the hypothesis attributed to Gregory of Rimini and those who follow him (which is the passage that Crowe has in mind):

Atque hi auctores consequenter videntur esse concessuri legem naturalem non esse a Deo, ut a legislatore, quia non pendet ex voluntate Dei, et ita ex vi illius non se gerit Deus ut superior praecipiens, aut prohibens; imo ait Gregorius quem caeteri secuti sunt, licet Deus non esset, vel non uteretur ratione, vel non recte de rebus judicaret, si in homine esset idem dictamen rectae rationis dictantis, verbi gratia, malum esse mentiri, illud habiturum eandem rationem legis, quam nunc habet, quia esset lex ostensiva malitiae, quae in objecto ab intrinseco existit.

DL II.vi.3 (OO, 105)

Both passages involve explicitly venturing the hypothesis as a counterfactual and including the consideration not just of God's non-existence but also an imperfect or absent providence. But beyond this shared content, I can see no further similarities in the passages. It is clear that these claims are in the same family of ideas, but it is probably best to not make any definite claims about Grotius' use of Suárez here without further evidence. And indeed, Besselink argues that it is best to be agnostic about Grotius' use of the medieval tradition in formulating the impious hypothesis given the lack of specific textual evidence and the divergence of a number of medieval figures from one another who employ the hypothesis ('Revisiting the Impious Hypothesis', 518-521).

³³ See I.i.12, §1. Grotius describes the *a priori* method of proving the principles of the natural law according to which an action's necessary agreement or disagreement with a rational and social nature is shown. The *a posteriori* method, and the one on which he principally relies in his subsequent discussion of the natural law, proceeds by seeing which moral principles are commonly held by all peoples. He admits that the latter method yields only probable insight into the principles of the natural law.

It follows that in the counterfactual situation in which God didn't exist, the natural law would still obtain. In this counterfactual, the civil law would also obtain, although this needs to be understood with qualification. Grotius traces a lineage from human nature to the civil law. Human nature is the great-grandmother of the civil law: human nature generates the natural law, which in turn generates the obligation to abide by compacts formed by mutual consent, and this obligation in turn is the mother of the civil law.³⁴ This, though, should be understood with qualification, for Grotius thinks that religion is a necessary foundation for civil society (DJBP II.xx.44, §3-6): for the sake of preserving society, Grotius recommends the punishment of atheists and those who deny divine providence (DJBP II.xx.46, §1-4). Grotius has a fairly minimalist conception of religion that involves believing that God is singular and immaterial and that God has a creative and providential relationship with the world.³⁵ Thus in the counterfactual we've been considering, we would still have a sociable nature, in which the moral law of nature consists, but without a belief in a providential deity we would not be able to effectively form civil societies (presuming that the non-existence of God would yield atheism).

³⁴ Ibid.

'[T]he very nature of man, which even if we had no lack of anything would lead us into the mutual relations of society, is the mother of the law of nature. But the mother of municipal law is that obligation which arises from mutual consent; and since this obligation derives its force from the law of nature, nature may be considered, so to say, the great-grandmother of municipal law.' (vol.II, 15).

'[N]aturalis juris mater est ipsa humana natura, quae nos etiamsi re nulla indigeremus ad societatem mutuam appetendam ferret: civilis vero juris mater est ipsa ex consensu obligatio, quae cum ex naturali jure vim suam habeat, potest natura hujus quoque juris quasi proavia dici.' (vol.I, xxii).

³⁵ DJBP II.xx.45, section 1. Given Grotius's use of the impious hypothesis, we might think that he espouses a secular form of ethics (insofar as moral principles would be the same even if God didn't exist). But given the necessity of religion to society, this view isn't correct. It would be more appropriate to think of Grotius's ethics as non-confessional, as his conception of religion involves a fairly minimal set of beliefs. For more on Grotius' theological minimalism concerning the natural law, see Schneewind, *The Invention of Autonomy*, 66-70. As Jacqueline Lagrée argues, Grotius' theological minimalism reflects a commitment to natural religion (to what can be known about God and morality through the natural light) and that this corresponds to a contemporary need for a universal jurisprudence in light of the European wars of religion ('Grotius: Natural Law and Natural Religion' in *Religion, Reason, and Nature in Early Modern Europe*, ed. R. Kroecker, Kluwer, 2001: 19).

It is quite clear that Grotius maintains an intellectualist position³⁶, insofar as human nature on its own generates the natural law. But Grotius is a moderate intellectualist, as he recognizes the free will of God as another source of law (DJBP, prologomena, §12). According to Grotius, the divine law can be divided into the natural law and the positive (or volitional) law. The former has its origin in the rational and social nature of human beings, but the latter has its origin in the divine will alone. In the divine positive law, a thing is obligatory for the simple reason that God has willed it (DJBP I.i.15, §1). Thus everything given in the divine positive law (i.e. obligations given through revelation beyond what is contained in the natural law) would not obtain in the situation that God did not exist, for these precepts depend on the divine will. But we can easily see how Grotius and Suárez diverge in their understanding of the natural law; and thus we can easily see why it is appropriate to label the former a moderate intellectualist and the latter a moderate voluntarist, despite the fact that both hold that some moral properties depend on the divine will while others do not.

1.3 Theological Voluntarism and Intellectualism in Natural Philosophy

The definition of voluntarism and intellectualism developed above in relation to the moral laws of nature can also be applied to the physical laws of nature.³⁷ We can say

³⁶ We might also use the term ‘naturalist’ as a synonym for ‘intellectualist’, as it is human nature that generates the natural law. These terms are broadly synonymous insofar as the divine will is not required to give the law its character as law. We might, though, wish to make a distinction between intellectualism and naturalism: the former emphasizes that the natural law has its foundation in the divine ideas while the latter emphasizes that it has its foundation in facts about our nature (i.e. what conforms to a rational and sociable nature). The latter view does not make any claim about the nature of the divine essence. As we’ll see, Aquinas is an intellectualist while Grotius is a naturalist. But I have decided to label both as ‘intellectualists’ given that ‘naturalist’ and ‘intellectualist’ can be taken as synonyms for the purpose of my discussion.

³⁷ The focus of some recent scholarship in the early-modern period has been the overlap between conceptions of both the physical and moral laws of nature. While it is possible to conceive of a number of ways of thinking of either the moral or natural order without reference to laws, one of the distinctive features of the early-modern period seems to be the privileging of nomological understandings of nature in both ethics and natural philosophy. For more on this theme, see *Natural Law and Laws of Nature in Early Modern Europe*, eds. L. Daston and M. Stolleis, Ashgate, 2008. As our definition of intellectualism and voluntarism in morality revolves around an understanding of the character of the moral laws of nature, it would be unsurprising if this definition could also be applied to understanding early-modern natural philosophy, given the prominence of a nomological view of the natural order. My contribution to this

that a voluntarist would hold that the physical laws of nature would not obtain in the counterfactual situation that God did not exist but the natural world did. The point to stress here is that the voluntarist holds that the divine will has a necessary role in determining the content of the physical laws of nature. In this view, the physical laws of nature are not generated simply from the essence of matter, however that is understood. But an intellectualistic mechanist view, though, holds that the physical laws of nature arise from the essence of matter, much like the moral laws of nature arise from the rational nature of human beings (in an intellectualistic view of morality). Simple matter in motion is enough to give rise to the physical laws of nature: no distinct act of legislation is necessary on the part of God. Relatedly, this view would hold that it does not lie within the divine power to have fashioned the same matter with different laws. All this is to say, the intellectualist view holds, either explicitly or implicitly, that there is a possible world in which God does not exist, but the physical laws of nature obtain.

An intellectualist may hold that God can change the laws of nature, but only if God changes the material structure of the world: this is compatible with the view that certain laws of nature arise from certain structures and arrangements of matter. The voluntarist, however, denies this tight connection between physical laws of nature and matter. The nature of things on their own cannot give rise to these laws. God's legislative activity is necessary to order the physical laws that follow from the structure of matter. And this is closely related to the idea that God could make the same matter, with the same structure and arrangement, but order it with different laws of nature, such that it expressed different properties. The basic difference between the voluntarist and

research area is to show the conceptual similarities between God's providential and creative power in accounts of both the moral laws of nature and the physical laws of nature. Now there is an obvious disanalogy between moral and physical laws of nature as the former apply only to free and intelligent beings (and which can be disobeyed unlike physical laws). But while this is the case, the voluntaristic view of moral and physical laws is analogous with regard to the impious hypothesis: they both have the same basic characteristic as being superadded by God somehow to the world and would not exist in the possible world in which God did not exist. One interesting question is why the term 'law' gets applied to natural phenomena in the early modern period in a way that was much less prevalent in previous periods. Indeed, Suárez thinks that a law can only apply to non-intelligent things in a metaphorical and not a strict sense. While this is an interesting question, it is beyond the scope of my dissertation to address it here.

the intellectualist is that the former holds that there is no possible world in which God does not exist, but the laws of nature do, while the intellectualist holds that there is such a possible world. The contrast between these two views of natural philosophy can be seen in a comparison between Henry More and Robert Boyle.

1.3.1. More's Intellectualism

More's view of the relationship between God and nature is evident in what he has to say about the Spirit of Nature. According to More, this Spirit represents 'the vicarious power of God ... upon the universal matter of the world' and also 'the great quartermaster-general of divine providence'.³⁸ It is an incorporeal substance that guides and directs both mechanical and non-mechanical phenomena in nature (the latter including things such as magnetic and gravitational activity and the vitality of plants and animals).³⁹ What is important to stress here is that God's providential governance of the natural world is mediated through the Spirit of Nature:

This therefore being a mute copy of the eternal word, (that is, of this divine wisdom that is entirely everywhere) is in every part naturally appointed to do all the best services that matter is capable of, according to such or such modifications, and according to that platform of which it is the transcript, I mean, according to the comprehension and purpose of those ideas of things which are in the eternal intellect of God.

'Preface' in *A Collection of Some Philosophical Works*, xv-xvi

For More, the Spirit of Nature functions as an image of the divine wisdom and is a blueprint for the providential government and arrangement of the natural world.⁴⁰ And

³⁸ *Immortality of the Soul* in *A Collection of Some Philosophical Works*, London, 1712, bk.3, ch.xiii, 228.

³⁹ 'Preface' in *A Collection of Some Philosophical Works*, xv. One of the attractions for More to the idea of the Spirit of Nature is that it can help explain phenomena such as magnetism that are problematic for a pure form of mechanism (see Peter Harrison, 'Laws of Nature in Seventeenth-Century England' in *Divine Order, Human Order, and the Order of Nature*, ed. E. Watkins, Oxford, 2013: 139).

⁴⁰ As Alan Gabbey argues, More employs the Spirit of Nature in his natural philosophy in order to guard against the impious implications that pure mechanism would have on religion, such as the exclusion of spirit from the physical world ('Cudworth, More, and the Mechanical Analogy' in *Philosophy, Science, and*

More is clear that the Spirit of Nature is not a perceptive agent, but merely the transcript of divine reason in the world: he describes it as ‘the lowest substantial activity from the all-wise God, containing in it certain general modes and laws of nature, for the good of the universe’ (‘Preface’ in *A Collection of Some Philosophical Works*, xvi). More recognizes God as the primary cause of natural phenomena, but holds that the Spirit of Nature is a secondary cause through which God governs and orders the natural world. Indeed, this is the best way to understand More’s claim that this Spirit is a ‘vicarious power’. The physical laws of nature, then, have their ultimate source in the divine nature but are proximately determined by the Spirit of Nature. In considering the counterfactual claim in which God did not exist, but the rest of the world did, the crucial claim to consider is whether or not it could still make sense to speak of the Spirit of Nature existing. If it does, then we can consider More to have an intellectualistic view of natural philosophy, for there would be a possible world in which God did not exist but the laws of nature did (as they are contained in the Spirit of Nature). In order to properly consider this possibility, it will be helpful to look at another of More’s works.

In his annotations on George Rust’s *Discourse of Truth*, More asserts that the properties of things flow immediately from their essences (*Annotations on a Discourse of Truth*, London, 1682, 178). Rust’s *Discourse of Truth* is essentially an anti-voluntarist tract. In it, Rust is concerned to show that the denial of the eternal and immutable respects and relations of things in the world leads to a host of unpalatable consequences: God would be neither immutable nor just; there would be no providential government of either animate or inanimate nature; and we could have no knowledge in general, and especially none concerning the happiness of our future state. I won’t go through all of

Religion in England: 1640-1700, eds. R. Kroll et al, Cambridge, 1992: 111). Gabbey’s general argument is that More and the Cambridge Platonists repudiate both mechanical religion (i.e. religion that consists entirely in outward actions) and a mechanical world as spirit indwells both the believer and nature. A further benefit of the Spirit of Nature is that it helps to safeguard the activity of divine providence in More’s estimation: while More was attracted to Cartesian mechanism, he worried that this form of mechanism would lead to materialism. For more on this, see Margaret J. Osler, ‘Triangulating Divine Will: Henry More, Robert Boyle, and René Descartes on God’s Relationship to the Creation’ in *Mind Senior to the World*, ed. M. Baldi, Francoangeli, 1996: 81-83.

Rust's arguments, but simply wish to highlight that More shared Rust's concerns about voluntarism for similar reasons. According to More, the truths of mathematics, physics, and morality are all immutable and necessary.⁴¹ This claim might, at first, seem puzzling, given that More thinks that divine omnipotence extends to everything that doesn't imply a contradiction (*Annotations*, 182). But for More, the properties of all things are determined by their essences. In More's view, the creation of something with a property that is at odds with its essence represents a contradiction; and the essence of a thing is fully determinative of its properties. According to More, the features of all things exist in the divine nature as immutable and eternal ideas. Created things are ectypes of these ideas and represent shadowy copies of the pure ideas (*Annotations*, 265-266). The point here is that the properties of all things, including bodies, follow immediately from their essences. We are now in a position to evaluate the counterfactual situation discussed above. If bodies and their essences existed, but God did not, the physical laws of nature would still obtain, for the properties of things follow from their essences. And if all the same bodies existed, the Spirit of Nature would exist, for the Spirit of Nature is the set of all ectypes. The counterfactual, then, involves separating the ideas, or blueprints, from the divine mind. And what allows us to do this is the fact that the divine will does not determine the order of nature but simply acts as an efficient cause in the creation of the natural world. There is a possible world, then, in which God doesn't exist but the physical laws of nature do exist. Such laws are not imposed on nature: instead, they follow directly from the nature of things. Consequently, More is an intellectualist in his view of natural philosophy.

According to John Henry, another determinant of More's intellectualism is his commitment to the principle that God must create the best world that he can.⁴² It is not immediately clear, though, that this commitment entails an intellectualist view of divine power, for it could be the case that a great number of things in the world are neutral with respect to whether or not this world is better than any other possible world. It could be

⁴¹ *Annotations*, 178. This is echoed on 255.

⁴² 'Henry More vs Robert Boyle: The Spirit of Nature and the Nature of Providence', *Henry More: 1614-1687 Tercentenary Studies*, ed. S. Hutton, Kluwer, 1990: 62. My discussion here is indebted to Henry.

the case that different sets of physical laws of nature could equally yield the best of all possible worlds. If this were the case, the principle wouldn't represent a constraint on the divine will: God could choose to make the best of all possible worlds but still freely choose the set of laws that govern the natural world from a range of options. And in this situation, the divine will would play an important role in determining the content of the physical laws of nature. One could be committed to the principle that God must create the best of all possible worlds but still maintain that in the counterfactual situation that God did not exist there would be no physical laws of nature (for the divine will would be necessary to the determination of these laws).⁴³ In order for the principle that God must create the best of all possible worlds to restrict divine freedom in the creation of the physical laws of nature, it must be the case that these laws have a teleological aspect. In other words, if the best of all possible worlds is the one in which the ends of creatures in the world are best realized, it must be the case that these laws help contribute to the realization of these ends and that another set of laws would be less effective. In this way, the principle that God must choose the best of all possible worlds fully determines the content of the physical laws of nature, and God's will would play no role in the determination of these laws. The possible world in which God did not exist would not be the best world in the estimation of a seventeenth-century theist. Thus it is difficult to consider the impious hypothesis in relation to the best of all possible worlds. But the point of this counterfactual is to consider the character of the physical laws of nature, and whether or not the divine will plays a role in determining the content of these laws. Provided that the best of all possible worlds picks out a unique set of physical laws (i.e. the set that best realizes the ends of creation), we can consider this to contribute to an intellectualist view of natural philosophy. More clearly thinks that God is committed to creating the best of all possible worlds (*Divine Dialogues*, London, 1662, vol. II, 24-25). And both inanimate objects and animate creatures have determinate ends contained within their essences (*Annotations*, 179). The laws of motion, in More's view, have a

⁴³ For the voluntarist, it seems that in the possible world where God did not exist but matter did there would be no activity in material things. This is not simply because God is needed as an efficient cause to get the world going (as the deist would hold), but because the behaviour of matter is prescribed by the laws determined by God.

teleological aspect insofar as they represent the Spirit of Nature providentially guiding and directing the world ('Preface' in *A Collection of Some Philosophical Works*, xvi). As the Spirit of Nature governs the world in the best way possible, the physical laws of nature represent the best set of laws. Since God is committed to creating the best world possible, it does not lie within divine freedom to have chosen a different set of laws.

There is a worry, though, that such a view might hinder divine freedom if God is necessitated to create and govern things in a certain way. In response to this worry, More argues that freedom consists in acting in accordance with one's nature. Since these essences exist as ideas in the divine wisdom, it represents no hindrance of divine freedom to hold that God must create according to these essences, for this simply represents acting in accordance with one's nature (*Annotations*, 261-262). But as we'll see, this account of divine providence, including its view of divine freedom, would be strongly criticized by Robert Boyle.

1.3.2. Boyle's Voluntarism

In the third edition of his *Antidote against Atheism*, included in his 1662 *Collection of Philosophical Writings*, More employed some of Boyle's experimental data about the behaviour of air-pumps to prove the existence of the Spirit of Nature. More later included a more extensive interpretation of Boyle's experiments in his 1671 *Enchiridion Metaphysicum* which similarly defended the Spirit of Nature. Suffice it to say, Boyle was uncomfortable with More's use of his work and explicitly distanced himself from More's views in a number of publications.⁴⁴ In *A Free Inquiry into the Vulgarly Received Notion of Nature*, Boyle is clear that an entity like the Spirit of Nature would take away from the wisdom of God in the providential governance of the natural world:

⁴⁴ For a full account of the controversy between More and Boyle, see Robert Crocker, *Henry More, 1614-1687: A Biography of the Cambridge Platonist*, Kluwer, 2003, 157-166. See also Jane E. Jenkins, 'Arguing about Nothing: Henry More and Robert Boyle on the Theological Implications of the Void' in *Rethinking the Scientific Revolution*, ed. M. Osler, Cambridge, 2000: 153-179. Jenkins argues that while Boyle was content to be agnostic about the existence of a vacuum he disagreed with More's use of his experiments to defend the idea of the spirit of nature and was thus compelled to write a polemic against More (154-55).

[A]s it more recommends the skill of an engineer to contrive an elaborate engine so as that there should need nothing to reach his ends in it but the contrivance of parts devoid of understanding, than if it were necessary that ever and anon a discreet servant should be employed to concur notably to the operations of this or that part, or to hinder the engine from being out of order; so it more sets off the wisdom of God in the fabric of the universe that he can make so vast a machine perform all those many things which he designed it should by the mere contrivance of brute matter, managed by certain laws of local motion and upheld by his ordinary and general concurrence, than if he employed from time to time an intelligent overseer – such as nature is fancied to be – to regulate, assist and control the motions of the parts.⁴⁵

Boyle does not mention More by name in this passage, but it obvious that his explicit target here is More and others who hold that there is a Spirit of Nature. More uses the Spirit of Nature to account for natural phenomena that cannot be explained by inert matter, but Boyle's point is that this derogates from God's creative genius. God can engineer matter and motion to behave in a great many ways according to certain physical laws, and everything not captured by these laws is directly superadded by God. Consequently, there is no need to posit anything like the Spirit of Nature to explain phenomena in nature.

But a further problem with More's Spirit of Nature doctrine is that it restricts God's freedom in providentially governing the world. Boyle has a markedly different conception of God's creative and providential power. According to Boyle, God freely establishes the physical laws of nature and has the power to alter them:

[I]f we consider God as the author of the universe, and the free establisher of the laws of motion, whose general concurrence is necessary to the

⁴⁵ Boyle, *Free Inquiry concerning the Vulgarly Received Notion of Nature in Works of Robert Boyle*, vol.10, eds. M. Hunter and E.B. Davis, London: Pickering & Chatto, 1999: 446-447.

conservation and efficacy of every particular physical agent, we cannot but acknowledge, that, by with-holding his concurrence, or by changing these laws of motion, which depend perfectly upon his will, he may invalidate, if not all the axioms and theorems of natural philosophy.⁴⁶

In contrast to More, Boyle does not think that the relations and respects of things are eternal and immutable. For More, the properties of bodies follow from their essential natures and God does not have the power to give them different properties, lest God perform a contradiction. Boyle, on the other hand, does not think that the operations of bodies follow from their essences:

[I]t is a mistake to imagine ... that what is called the nature of this or that body is wholly comprised in its own matter and its (I say not substantial but) essential form; as if from that, or these only, all its operations must flow.

Free Inquiry, 469

According to Boyle, it is a mistake to consider a body and its properties in abstraction from interactions with other bodies. The great bulk of natural phenomena derive from mechanical bodies interacting with one another according to the laws of motion (*Free Inquiry*, 470). It is not the nature or structure of bodies that principally dictates how they will interact with one another, but rather the laws that govern motion. As we've seen, Boyle thinks that these laws are freely determined by the divine will and that it is possible for God to create other laws that govern the interactions between bodies. Unlike More, the physical laws of nature are not essence-determined. In the counterfactual situation that the world exists but God does not, the physical laws of nature would not obtain, for these laws must be superadded to matter by God and they are determined freely by the divine will. Consequently, Boyle has a voluntaristic understanding of natural philosophy, following the definition given in 1.3.

⁴⁶ Boyle, *Some Considerations about the Reconcilableness of Reason and Religion* in *Works*, vol.4, 161. Osler also cites this text as evidence of Boyle's voluntarism ('Triangulating Divine Will: Henry More, Robert Boyle, and René Descartes on God's Relationship to the Creation', 78).

There is a worry, though, that this may be too quick a reading of Boyle's view of natural philosophy, for he thinks that the physical laws of nature have a teleological component:

The most wise and powerful author of nature, whose piercing sight is able to penetrate the whole universe and survey all the parts of it at once, did at the beginning of things, frame things corporeal into such a system, and settled among them such laws of motion, as he judged suitable to the ends he proposed to himself, in making the world.⁴⁷

The physical laws of nature play a role in realizing the ends that God sets for the created world. If we were to hold that God must create the best of all possible worlds, then it may be the case that only a unique set of laws would be consistent with this world. And if this were the case, God's freedom in choosing the physical laws of nature would be constrained. Boyle's view of divine freedom might, then, turn out to be similar to More's view. Boyle, however, thinks that it is dangerous to deny God the power to have fashioned a better world than this one (*Free Inquiry*, 495). And Boyle explicitly affirms that the teleological aspect of the physical laws of nature does not hinder God's freedom to 'suspend, alter, or contradict those laws of motion, which he alone at first established, and which need his perpetual concurrence to be upheld' (*Disquisition about Final Causes*, 112). Even if it were the case that a unique set of laws corresponded to with a given set of ends, Boyle recognizes that God has the freedom to ascribe different ends to creatures in the world. But in performing miracles in this world, God suspends the laws of nature, so we don't have a reason to think that there is a one-to-one correspondence between a specific system of laws and a specific system of ends. All this to say, it is clear that the

⁴⁷ *Disquisition about Final Causes* in *Works*, vol.11, 111. For more on Boyle's use of final causes in natural philosophy, see Timothy Shanahan, 'Teleological Reasoning in Boyle's *Disquisition about Final Causes*' in *Robert Boyle Reconsidered*, ed. M. Hunter, Cambridge, 1994: 177-192. Shanahan argues that Boyle's use of final causes in natural philosophy reflects the context of the Royal Society of the 17th century in which it was important to resist forms of mechanism that had negative implications for the doctrine of divine providence. For a general account of the problem of mechanism and providence in the Royal Society in the 17th century, see Richard Westfall, *Science and Religion in Seventeenth-Century England*, Yale, 1958: 70-105.

divine will plays a large role in determining both the ends and laws in the natural world. Boyle quite clearly has a voluntaristic conception of natural philosophy.

Chapter 2

2 Theological Voluntarism and Hypothetical Necessity

In the last chapter, we formulated a definition of theological voluntarism according to which the laws of nature, either moral or physical, would not obtain in the counterfactual situation that God did not exist but the world did exist. This definition helped us to see the distinction between moderate theological voluntarists and moderate theological intellectualists who both hold that some moral properties depend on the divine will (and would not obtain in the counterfactual situation described above) while other properties are not determined by the divine will (and would obtain in the counterfactual situation described above): the former hold that the obligations of the moral law require a decree of the divine will while the latter do not. The question that I address in this chapter is how a theological voluntarist can describe the laws of nature as necessary while still maintaining that they would not obtain in the impious counterfactual situation.

My basic argument is that a form of hypothetical necessity is compatible with the voluntarist position. Something is hypothetically necessary if it is the case that it is not strictly necessary, considered by itself, but necessary in virtue of being entailed by something else that is contingent. In the subsequent sections of the chapter, I develop the idea of hypothetical necessity and its relation to both theological intellectualism and theological voluntarism. I suggest that a theological voluntarist can admit a necessity into the laws of nature while still maintaining that they are freely determined. I conclude the chapter by considering the concept of a covenant as a prominent form of hypothetical necessity in the 17th century.

2.1 God and Hypothetical Necessity

Hypothetical necessity involves things that could have been otherwise, but which are necessary based on the supposition of a free action and other relevant conditions pertaining to the actor. Concerning God, we can understand hypothetical necessity in the following way:

$$\Box [(X \& P) \rightarrow Y]$$

X is a variable that ranges over a subset of contingent propositions about actions performed by God. 'P' is the proposition 'God is perfect' which includes the idea that God is omniscient, omnipotent, omnibenevolent, immutable, etc. And Y is any proposition that is a necessary consequent of both X and P. In any possible world in which God (understood as a perfect being) performs X , it is the case that Y will obtain. The proposition Y is hypothetically necessary, as it necessarily obtains supposing that both X and P obtain (where X refers to something contingent). Supposing that God makes a promise, it is necessary that God fulfill that promise, as to do otherwise would represent an imperfection. The act of making a promise is free and contingent: God could have done otherwise (i.e., there are possible worlds in which God does not make the promise). God's benevolence then makes it necessary that the promise will be fulfilled (for it would be less than perfectly benevolent to break a promise). While we are speaking about benevolence in this example, the more basic idea is that God's perfection requires consistency. God must act consistently with the attributes of the divine nature, which include rationality, benevolence, immutability, etc.

In the formulation of hypothetical necessity given above, both X and Y involve possible propositions (i.e. neither are necessary considered on their own). To say that Y is hypothetically necessary in light of X is to say that X and Y cannot occur together. And the reason why they cannot both simultaneously obtain is the perfection of the divine nature. Consider the case in which God promises eternal life to those who keep the law. God is under no necessity to make the promise and God would be under no necessity to give eternal life to those keep the law if God had not made the promise. But by making the promise, God is necessitated to give eternal life to law-keepers, as to do otherwise would be to act inconsistently with the perfection of benevolence. There is no possible world in which God makes a promise but does not fulfill it. In the following sections of the chapter, I will develop and explain the idea of hypothetical necessity in more detail.

The argument that I advance in this chapter is that voluntarists can admit hypothetical necessity into the moral laws of nature and, in this way, they can rightly speak of these laws as being necessary.⁴⁸ I principally focus on Samuel von Pufendorf, as his account of the natural law is conceptually similar to Locke's in important ways, and I explicate his view of hypothetical necessity in the natural law. As I will show, Pufendorf thinks that the natural law is hypothetically necessary, as it is impossible for God to create human beings with a rational and social nature and not furnish them with the natural law. He is nevertheless a voluntarist, insofar as God's command is necessary for the law to obtain. What I argue is that it is consistency and the perfection of the divine nature that makes it the case that the existence of human beings and the absence of the natural law are impossible. The intellectualist likewise thinks that the existence of human beings and no natural law is impossible, but I argue that the grounds of this impossibility in the case of the intellectualist is absolute (or metaphysical) necessity, whereas for the voluntarist it is hypothetical necessity. This is not to say that an intellectualist cannot employ the idea of hypothetical necessity. As we'll see, Thomas Aquinas, an intellectualist, discusses hypothetical necessity in relation to the natural law. But it is ultimately absolute necessity that makes it the case that the natural law accompanies human beings. I discuss Aquinas' position in order to distinguish the role that hypothetical necessity plays in his thinking from that of Pufendorf and argue that the natural law is metaphysically necessary in his view while it is hypothetically necessary in Pufendorf's.

2.2 Theological Intellectualism and Hypothetical Necessity

According to the definition of theological intellectualism developed in the previous chapter, the intellectualist holds that there is a possible world in which the laws of nature obtain but God does not exist. What this means is that the divine will does not play a determinative role in the formation of the laws of nature, either by shaping the

⁴⁸ I discuss hypothetical necessity and the physical laws of nature in chapter five. For now, my purpose is to explain the idea of hypothetical necessity and as this idea is explicitly used in historical discussions of the moral laws of nature, it is appropriate to focus on these laws in this chapter.

content of the laws or by imposing laws on nature. God's will functions effectively as an efficient cause that generates the world, but the world itself contains a certain set of laws that do not require a separate act of creation on God's part. In all the possible worlds where the relevant natures are the same, the laws of nature will be the same, for the laws follow immediately from these natures. In this sense, the laws of nature are necessary. The intellectualist, though, is not committed to the view that the laws of nature are true in all possible worlds. Indeed, in the possible world that God does not create the world, the natural law would not obtain. But in any possible world that God creates human beings, the natural law obtains, as it is metaphysically necessary. And this is consistent with the view that there is a possible world in which God doesn't exist but the laws of nature still obtain (for they arise from human nature).

2.2.1. Aquinas and Hypothetical Necessity

In the *Summa Theologiae*, Aquinas makes a distinction between things that are willed with absolute necessity and those that are willed with hypothetical necessity:

[T]here are two ways in which a thing is said to be necessary, namely, absolutely, and by supposition. We judge a thing to be absolutely necessary from the relation of the terms, as when the predicate forms part of the definition of the subject: thus it is absolutely necessary that man is an animal. It is the same when the subject forms part of the notion of the predicate; thus it is absolutely necessary that a number must be odd or even. In this way it is not necessary that Socrates sits: wherefore it is not necessary absolutely, though it may be so by supposition; for, granted that he is sitting, he must necessarily sit, as long as he is sitting.⁴⁹

⁴⁹ *Summa Theologiae* I, q.19, a.3, Novantiqua, 2008, 244.

'[N]ecessarium dicitur aliquid dupliciter, scilicet absolute, et ex suppositione. Necessarium absolute iudicatur aliquid ex habitudine terminorum, utpote quia praedicatum est in definitione subiecti, sicut necessarium est hominem esse animal; vel quia subiectum est de ratione praedicati, sicut hoc est necessarium, numerum esse parem vel imparem. Sic autem non est necessarium Socratem sedere. Unde non est necessarium absolute, sed potest dici necessarium ex suppositione, supposito enim quod sedeat, necesse est eum sedere dum sedet.'

We can differentiate hypothetical necessity, or *necessitas ex suppositione*, from absolute necessity as the former involves something that could have been otherwise, but is now necessary based on a given supposition.⁵⁰ Supposing that Socrates sits, it is necessary that he is sitting, though it is not absolutely necessary as is the proposition that Socrates is a rational animal. Aquinas applies this distinction to things willed by God:

[A]s to things willed by God, we must observe that He wills some things of absolute necessity: but this is not true of all that He wills. For the divine will has a necessary relation to the divine goodness, since that is its proper object. Hence God wills His own goodness necessarily, and as any other faculty has necessary relation to its proper and principal object, for instance the sight to color, since it tends to it by its own nature. But God wills things apart from Himself in so far as they are ordered to His own goodness as their end. Now in willing an end we do not necessarily will things that conduce to it, unless they are such that the end cannot be attained without them; as, we will to take food to preserve life, or to take a ship in order to cross the sea. But we do not necessarily will things without which the end is attainable, such as a horse for a journey which we can take on foot, for we can make the journey without one. The same applies to other means. Hence, since the goodness of God is perfect and can exist without other things inasmuch as no perfection can accrue to Him from them, it follows that His willing things apart from Himself is not absolute necessary. Yet it can be necessary by supposition, for supposing that He wills a thing, then He is unable not to will it, as His will cannot change.⁵¹

⁵⁰ J.J. MacIntosh argues that Aquinas' notion of absolute necessity is generally used as a contrastive and appears in four settings: '(a) necessity as that whose negation is contradictory; (b) necessity of definition or necessity from the relation of the terms (as opposed to necessity of supposition; (c) necessity *de re* as opposed to necessity *de dicto* and (d) necessity in view of a thing's nature.' See his article 'Aquinas on Necessity', *American Catholic Philosophical Quarterly* 72.3 (1998): 378. My discussion of absolute necessity pertains primarily to the second and fourth uses. For a diagram of the different types of necessity employed by Aquinas, see Joseph M. Hallman, 'The Necessity of the World in Thomas Aquinas and Alfred Whitehead', *Modern Schoolman* 60 (1983): 267.

⁵¹ *Summa Theologiae* I, q.19, a.3, 244.

There are certain things that are not necessary to the end of realizing divine goodness, even though they may be consonant with it. Just as a journey to certain destination may be achieved either on foot or on horseback, God contingently wills things that are not necessary to the realization of God's goodness. Aquinas thinks that the end of the divine willing is the divine essence – or goodness (cf. *Summa Contra Gentiles*, bk.1, ch.74).

While God must will his own being with absolute necessity, Aquinas thinks that God is free to will or not will creation into existence. God has the choice to create because the creation of the world is not necessary for the realization of the divine essence. But nonetheless, Aquinas describes creation as 'befitting God's goodness, though not necessary to it' (*Summa Contra Gentiles*, bk.1, ch.82). Aquinas suggests that this hypothetical necessity implies that God is unable to not will something that God has in fact willed. It is important to be precise about Aquinas means here. It is not the case that God does not have the power to annihilate a creature, or set of creatures, that God has made. Aquinas establishes this claim by describing what is and is not possible for God to do:

If ... we consider the power of God the Maker of things, we must observe that a thing is said to be impossible to God in two ways. First, because it is impossible in itself, in that by its very nature it is outside the scope of any power whatsoever: such are things that involve a contradiction. Secondly,

'Circa divina igitur volita hoc considerandum est, quod aliquid Deum velle est necessarium absolute, non tamen hoc est verum de omnibus quae vult. Voluntas enim divina necessariam habitudinem habet ad bonitatem suam, quae est proprium eius obiectum. Unde bonitatem suam esse Deus ex necessitate vult; sicut et voluntas nostra ex necessitate vult beatitudinem. Sicut et quaelibet alia potentia necessariam habitudinem habet ad proprium et principale obiectum, ut visus ad colorem; quia de sui ratione est, ut in illud tendat. Alia autem a se Deus vult, inquantum ordinantur ad suam bonitatem ut in finem. Ea autem quae sunt ad finem, non ex necessitate volumus volentes finem, nisi sint talia, sine quibus finis esse non potest, sicut volumus cibum, volentes conservationem vitae; et navem, volentes transfretare. Non sic autem ex necessitate volumus ea sine quibus finis esse potest, sicut equum ad ambulandum, quia sine hoc possumus ire; et eadem ratio est in aliis. Unde, cum bonitas Dei sit perfecta, et esse possit sine aliis, cum nihil ei perfectionis ex aliis accrescat; sequitur quod alia a se eum velle, non sit necessarium absolute. Et tamen necessarium est ex suppositione, supposito enim quod velit, non potest non velle, quia non potest voluntas eius mutari.'

because the opposite of that thing is necessary: and this occurs in two ways with respect to an agent. First on the part of a natural active power that is confined to one effect: thus the power of a hot thing is confined to heating: in this way God the Father begot the Son necessarily and cannot but beget him. Secondly, on the part of the ultimate end to which everything tends of necessity: thus man necessarily desires happiness and cannot possibly desire to be unhappy: and likewise God necessarily wills his goodness, and cannot possibly will things that are incompatible with it: for example we say that God cannot lie or wish to lie.⁵²

According to Aquinas, God's power is limited in two ways: first, by what entails a contradiction; and, second, with respect to the opposite of things that are necessary regarding either a power confined to one effect or regarding a certain end. The annihilation of creatures, i.e. no longer upholding them in existence, neither entails a contradiction nor involves an inconsistency with the end of realizing divine goodness. And as God is not confined to producing and maintaining creation through an internal necessity, the annihilation of creation lies within God's power:

Now the simple non-existence of creatures is not in itself impossible as involving a contradiction (else they had existed from eternity: and the reason of this is that they are not their own being): thus in the statement, *The creature does not exist at all*, the predicate is not in conflict with the definition of the subject, whereas it is in the sentence, *Man is not a rational animal*: for sentences of the latter kind imply a contradiction and are

⁵² *Quaestiones disputatae de potentia Dei*, q.5, a.3, vol.II, tr. English Dominican Fathers, Burns & Oates, 1932, 93.

'Si ... recurramus ad potentiam Dei facientis, sic considerandum est, quod dupliciter dicitur aliquid Deo esse impossibile: uno modo quod est secundum se impossibile, quod quia non natum est alicui potentiae subiici; sicut sunt illa quae contradictionem implicant. Alio modo ex eo quod est necessitas ad oppositum; quod quidem dupliciter contingit in aliquo agente. Uno modo ex parte potentiae activae naturalis, quae terminatur ad unum tantum sicut potentia calidi ad calefaciendum; et hoc modo Deus pater necessario generat filium, et non potest non generare. Alio modo ex parte finis ultimi in quem quaelibet res de necessitate tendit; sicut et homo de necessitate vult beatitudinem, et impossibile est eum velle miseriam; et similiter Deus vult de necessitate suam bonitatem, et impossibile est eum velle illa cum quibus sua bonitas esse non potest; sicut dicimus quod impossibile est Deum mentiri aut velle mentiri.'

impossible in themselves. Likewise God did not produce creatures by natural necessity, as though his power were determined to the existence of creatures, as we have proved above. Likewise God's goodness does not depend on creatures, as though it could not be without them: seeing that it gains nothing by them. It remains then that it is not impossible for God to reduce things to nothing: since he is not under the necessity of giving them being, except on the presupposition of his decree and fore-knowledge, in that he decreed and foresaw that he would keep things in existence for ever.⁵³

While Aquinas thinks that God has the power to annihilate creation, a decree of the divine will limits God's power by imposing a necessity into things that are not in their own nature necessary. Aquinas maintains that the divine will is unchangeable: supposing that God has willed to create and maintain the world then God is necessitated to do this in virtue of having an immutable will (*Summa Theologiae* I, q.19, a.7). If this is the case, it seems unclear in what sense God has the power to annihilate creation. In the same section as the passage above, Aquinas makes a distinction between changing one's will and willing a change. God does not change his will, but God can will that certain things will change, and the annihilation of creation is one possible change that God could have willed at the outset when making a decree about the course of creation.⁵⁴

As we saw above, the first class of things that are absolutely necessary contains those things that cannot be denied without contradiction, e.g. a human being has a

⁵³ *Ibid*, 93-94.

'Creaturas autem simpliciter non esse, non est in se impossibile quasi contradictionem implicans, alias ab aeterno fuissent. Et hoc ideo est, quia non sunt suum esse, ut sic cum dicitur, creatura non est omnino, oppositum praedicati includatur in definitione, ut si dicitur, homo non est animal rationale: huiusmodi enim contradictionem implicant, et sunt secundum se impossibilia. Similiter Deus non producit creaturas ex necessitate naturae ut sic potentia Dei determinetur ad esse creaturae, ut in alia quaestione, est probatum. Similiter etiam nec bonitas Dei a creaturis dependet, ut sine creaturis esse non possit: quia per creaturas nihil bonitati divinae adiungitur. Relinquitur ergo quod non est impossibile Deum res ad non esse reducere; cum non sit necessarium eum rebus esse praebere, nisi ex suppositione suae ordinationis et praescientiae, quia sic ordinavit et praescivit, ut res in perpetuum in esse teneret.'

⁵⁴ Of course, as God communicates his goodness to creation, Aquinas thinks we have no reason to suspect that God will cease to do so by annihilating creation even though it lies within God's power.

rational soul. The second class of things that are absolutely necessary contains those things that involve internal necessitation such as the generation of the Son or concern an ultimate end, i.e. God must of absolute necessity will his own goodness. Hypothetical necessity, though, involves things that could have been otherwise, but which are now necessary based on the supposition of a free action and the perfection of the divine attributes. If God creates the world and makes a decree about the course that it will follow, then it is hypothetically necessary for that course to be followed. The ground of this hypothetical necessity lies in the fact that it would be inconsistent with divine immutability for things to happen otherwise. Recall the formulation of hypothetical necessity given in 2.1: $\Box [(X \ \& \ P) \rightarrow Y]$. Let X be the proposition ‘God wills the world to follow a certain course C ’, assume P includes the idea that God’s will is immutable, and let Y be the proposition ‘The world will follow course C ’. Given the conjunction of X and P , it is necessary that Y obtain: the world necessarily follows course C . But God wills the divine goodness with absolute necessity. We can express this symbolically: $\Box (O \rightarrow G)$. O is the proposition ‘The divine goodness is the proper object of the divine will’ and G is the proposition ‘God wills the divine goodness’. What grounds the necessity of the material conditional is the fact that the will cannot but will its proper object. Since O is absolutely necessary it follows that G is likewise absolutely necessary. Given $\Box (O \rightarrow G)$ and $\Box O$, we can assert $\Box G$. This, however, is not something that could be asserted of Y (since X is contingent).

We might be tempted to think that the natural law is merely hypothetically necessary for Aquinas, as God is under no absolute necessity to create human beings and a law that governs them. But this is a problematic inference, for it is not the natural law that is hypothetically necessary but the continued existence of creatures that is hypothetically necessary. The natural law is necessary in a metaphysical sense that corresponds to Aquinas’ notion of absolute necessity.

2.2.2. Aquinas and the Absolute Necessity of the Natural Law

According to Aquinas, God is under no absolute necessity to create the world, including human beings and a law that governs them. In God's creation of the world, there are certain things that follow with necessity:

Whosoever wills a thing, necessarily wills those things which are necessarily requisite to that thing, unless there be a defect on his part, either through ignorance, or because he is led astray from the right choice of means to the end in view, by some passion. But these things cannot be said of God. Wherefore if God, in willing Himself, wills something other than Himself, it is necessary for Him to will all that is necessarily required for what is willed by Him: even so is it necessary for God to will that there be a rational soul, supposing that He wills a man to be.⁵⁵

It might on the surface seem that Aquinas is saying here that the rational soul is not absolutely but hypothetically necessary upon the supposition that God creates a human being. But above, we saw that it involves a contradiction to think of a human being that is not a rational animal.⁵⁶ The best way, then, to interpret what Aquinas is saying here is that the existence of a particular rational soul (or set of rational souls) is hypothetically necessary, as God was under no necessity to create human beings. It is, however,

⁵⁵ *Summa Contra Gentiles*, bk.I, ch.83, Leonine Edition, London, 1923-1929, vol. I, 180.

‘Quicumque vult aliquid, necessario vult ea quae necessario requiruntur ad illud, nisi sit ex parte eius defectus, vel propter ignorantiam, vel quia a recta electione eius quod est ad finem intentum abducatur per aliquam passionem. Quae de Deo dici non possunt. Si igitur Deus, volendo se, vult aliquid aliud a se, necessarium est eum velle omne illud quod ad volitum ab eo ex necessitate requiritur: sicut necessarium est Deum velle animam rationalem esse, supposito quod velit hominem esse.’

⁵⁶ We might, though, think that propositions about human beings are neither true nor false prior to the creation of human beings. This is John Duns Scotus' view (which will be discussed in 2.4.1). If this is the case, there is a sense in which the necessity of human beings being rational creatures is hypothetically necessary since this necessity depends on God's free decision to create human beings. From this it would follow that there isn't as clear a distinction between absolute and hypothetical necessity as I'm making there out to be. But as Brian Leftow argues, it is the divine nature, in Aquinas' view, that serves as the foundation for modal claims and that the divine ideas play an important role here ('Aquinas on God and Modal Truth', *The Modern Schoolman* 82.3 (2005): 187-190). Given that the divine ideas are eternal, it follows that claims about necessity and possibility have a truth-value prior to the creation of the world. We can understand there to be a distinction, then, between hypothetical and absolute necessity in the following way: a proposition that is absolutely necessary is true from all eternity while a proposition that is hypothetically necessary is true sempiternally (i.e. from the moment that the conjunction (X & P) obtains, given $\Box [(X \& P) \rightarrow Y]$).

absolutely necessary for a human being to have a rational soul (even though God is under no necessity to create human beings). The question that we now turn to is whether or not the natural law is absolutely necessary. My basic argument is that, for Aquinas, the existence of the natural law is hypothetically necessary insofar as it obtains in beings whose existence is hypothetically necessary, but the natural law and human nature are joined together with absolute necessity.

God is not necessitated to create human beings. But supposing that God does create them, God must create them with a rational soul governed by the natural law. In Aquinas' understanding, God creates things according to their essences. And these essences are immutable and fixed in the divine ideas: they function as a blueprint that guides God's creative power.⁵⁷ Aquinas holds that ideas are the forms of things and that these ideas exist apart from the things themselves; and the form of something existing apart from that thing can be understood in one of two ways, either as 'the type of that of which it is called the form, or to be the principle of the knowledge of that thing'⁵⁸. In either case, we call these 'ideas'. In the first case, the form pre-exists the thing in some natural fashion, as when a human being generates another human being (or fire, more fire). Here the thing being produced is produced by nature according to a pre-existent form, which is transmitted through the agency of some natural being. In the second case, the form pre-exists the thing produced in the mind of the agent. For instance, the likeness of a house pre-exists the house built in the mind of the builder as a principle of production. Aquinas holds that there exists an idea of the world that exists in God's mind of which the world is a likeness. And the idea of the world is held in the mind of God, as a builder holds the idea of a building in her mind.

⁵⁷ *Summa Theologiae* I, q.15, a.1. Aquinas cites Augustine here as his authority. For an account of Augustine's influence on later medievals and Aquinas concerning the doctrine of the divine ideas, see Vivian Boland, *Ideas in God according to Saint Thomas Aquinas: Sources and Synthesis*, Brill, 1996: 33-47. And for a full account of divine ideas and causality, see Gregory T. Doolan, *Aquinas on the Divine Ideas as Exemplar Causes*, Catholic University of America, 2008.

⁵⁸ *Ibid*, 201. 'Forma autem alicuius rei ipsas res existentes, ad duo esse potest, vel ut sit exemplar eius cuius dicitur forma; vel ut sit principium cognitionis ipsius, secundum quod formae cognoscibilium dicuntur esse in cognoscente.'

Aquinas argues that there must be a multiplicity of ideas. In order for an architect to build a house, she must have the idea of the whole house in her mind. But Aquinas notes that an architect cannot plan a house without knowing what is special to each part of it. Consequently, she must have ideas of each of these special parts. Thus in order for God to create the whole universe, he must have knowledge both of the whole and of the parts (*Summa Theologiae* I, q.15, a.2). Aquinas describes the eternal law as the idea of the whole that orders all the parts: it is the *summa ratio*, which can be translated as ‘supreme idea’ (*Summa Theologiae* I-II, q.93, a.1). The eternal law is an idea that orders all other ideas toward the end of realizing the goodness and essence of God:

Wherefore as the type of the Divine Wisdom, inasmuch as by It all things are created, has the character of art, exemplar, or idea; so the type of Divine Wisdom, as moving all things to their due end, bears the character of law. Accordingly the eternal law is nothing else than the type of Divine Wisdom, as directing all actions and movements.⁵⁹

In Aquinas’ view, law has a directive capacity insofar as it guides and orders things toward their respective ends. Aquinas defines law as ‘an ordinance of reason for the common good, made by him who has care of the community and promulgated’.⁶⁰ And Aquinas defines the natural law as ‘the participation of the eternal law in the rational

⁵⁹ *Ibid*, vol.4, 252.

‘Unde sicut ratio divinae sapientiae in quantum per eam cuncta sunt creata, rationem habet artis vel exemplaris vel ideae; ita ratio divinae sapientiae moventis omnia ad debitum finem, obtinet rationem legis. Et secundum hoc, lex aeterna nihil aliud est quam ratio divinae sapientiae, secundum quod est directiva omnium actuum et motionum.’

⁶⁰ *Ibid*, q.90, a.4.

‘Et sic ex quatuor praedictis (the four preceding articles) potest colligi definitio legis, quae nihil est aliud quam quaedam rationis ordinatio ad bonum commune, ab eo qui curam communitatis habet, promulgata.’ vol.4, 234.

One of the objections to the eternal law is that it can’t properly be law until it is promulgated and so prior to creation the eternal law wasn’t really law. Aquinas deals with this by identifying the eternal law with the second person of the Trinity, i.e. God the Son. The eternal law is thus eternally promulgated between the members of the Trinity. See q.93, a.2, resp.2. For more on the identification of Christ and the eternal law, see Romanus Cessario, O.P., ‘Why Aquinas Locates Natural Law within the *Sacra Doctrina*’ in *St Thomas Aquinas and the Natural Law Tradition*, eds. J. Goyette et al, Catholic University of America, 2004: 80-84.

creature’.⁶¹ The natural law is an image of the eternal law that is instantiated in the world that God has created (cf. *Summa Theologiae* I-II, q.93, a.3). It directs human beings toward their end, which is ultimately beatitude in the presence of God. Aquinas conceives of the natural law as essentially directive in character: it is the image of the supreme *ratio* in the divine mind that guides all things toward their proper ends. While Aquinas could not subscribe to the impious hypothesis in its full form (described in the last chapter), based on his position that the natural law participates in the divine nature, his view is still intellectualistic insofar as it is possible to conceive of a weaker form of the impious hypothesis according to which the natural law still obtains even though God makes no commands. While Aquinas’ metaphysics of participation holds that the natural law participates in the divine essence, it is nevertheless clear that the divine will does not determine the content of the law: this makes it conceptually possible to separate the content of the law of nature from an act of will on God’s part. The full form of the impious hypothesis would seem to involve separating the content of the natural law (what conforms to our rational nature) from the divine nature. And indeed this move gets made in the later Scholastic tradition. Henrik Lagerlund notes that Henry of Ghent introduces a new understanding of the divine ideas according to which a distinction is drawn between the divine ideas themselves and the content of these ideas (which get understood as *possibilia* distinct from the divine nature).⁶² While a lot more work would be needed to establish this claim, it seems that this move enables the consideration of facts about the created order in a manner that is independent of considering the divine nature. For the intellectualist/naturalist, the truthmaker in the necessary relationship between the natural law and human nature is not a feature of the divine essence but rather facts about human

⁶¹ *Ibid*, q.91, a.2. ‘participatio legis aeternae in rationali creatura lex naturalis dicitur.’ vol.4, 237.

⁶² ‘The Turn to Epistemology in the 14th Century: Two Underlying Motives’, in Alexander Hall and Gyula Klima (eds.) *Skepticism, Causality, and Skepticism about Causality*, in *Proceedings for the Society for Medieval Logic and Metaphysics*, Vol. 10, eds. A. Hall and G. Klima, Cambridge Scholars Publishing, 2012: 52. For a larger discussion of Ghent’s innovation here, see L.M de Rijk, *Geraldus Odonis: Opera philosophica. Vol. 2, De intentionibus*, Brill, 2012: 80-84. William of Ockham likewise places these *possibilia* outside the divine nature (see Harry R. Klocker, ‘Ockham and the Divine Ideas’, *Modern Schoolman* 57.4 (1980): 355-360). And it is Gregory of Rimini, an Ockhamist, who advances the impious hypothesis (as we saw in the last chapter). It would be an interesting study to consider the influence of the separation of the *possibilia* from the divine nature and the development of the impious hypothesis (according to which certain facts would be true in the impossible situation that God did not exist).

nature (such as rationality and sociability). As we saw in the last chapter, Grotius considers the natural law to consist in what conforms to a rational and sociable nature and thinks that such a consideration can occur without reference to the divine nature. Admittedly, much more historical and conceptual analysis would be needed to fully argue that Grotius' employment of the impious hypothesis in its full form can be traced back to a change in the doctrine of divine ideas but employment of this hypothesis does seem to involve a consideration of human nature independent of the divine nature. But it is a feature of intellectualism in general that the natural law is absolutely necessary.

In Aquinas's view, the connection between human nature and the rational soul is absolutely necessary and to hold otherwise would represent a contradiction. The next question to address is whether or not the natural law is absolutely necessary to our nature. Aquinas thinks that the natural law comes from our reason:

[L]aw is a rule and measure of acts, whereby man is induced to act or is restrained from acting: for *lex* [law] is derived from *ligare* [to bind], because it binds one to act. Now the rule and measure of human acts is the reason, which is the first principle of human acts ... since it belongs to the reason to direct to the end, which is the first principle in all matters of action, according to the Philosopher (Phys. ii). Now that which is the principle in any genus is the rule and measure of that genus: for instance, unity in the genus of numbers, and the first movement in the genus of movements. Consequently it follows that law is something pertaining to reason.⁶³

The basic idea here is that law consists in reason's direction of actions toward an end. The natural law is the participation of our rational nature in the eternal law and the eternal

⁶³ *Ibid*, q.90, a.1, 229.

'[L]ex quaedam regula est et mensura actuum, secundum quam inducitur aliquis ad agendum, et ab agendo retrahitur, dicitur enim *lex* a *ligando*, quia obligat ad agendum. Regula autem et mensura humanorum actuum est ratio, quae est primum principium actuum humanorum ... rationis enim est ordinare ad finem, qui est primum principium in agendis, secundum philosophum. In unoquoque autem genere id quod est principium, est mensura et regula illius generis, sicut unitas in genere numeri, et motus primus in genere motuum. Unde relinquitur quod *lex* sit aliquid pertinens ad rationem.'

law orders us toward our proper ends. The natural law consists in human reason directing our actions toward the good. And as the natural law consists in human reason, it is absolutely necessary for us to have the natural law as it is absolutely necessary for us to have a rational nature. In all possible worlds in which human beings exist, the natural law also obtains, for there can be no human beings without a rational nature (as to hold otherwise would represent a contradiction). But even in possible worlds in which no human beings exist, it is the case that if human beings were to exist in this world then they would be governed by the natural law. Aquinas certainly thinks that it is possible for God to make a world without human beings.

Aquinas employs a distinction between God's absolute and ordained power in his discussion of whether God could have done otherwise in creating and sustaining the world (*Summa Theologiae* I, q.25, a.5). Aquinas holds that two mistakes have been made concerning the question whether God can do what he does not do: the first is to suggest that God acts from natural necessity, as though the effects found in the created order cannot proceed differently than they do⁶⁴; and the second is to suggest that, while God may not act from natural necessity, his power is restricted to the present order because God's wisdom requires it. In other words, God doesn't have any more ideas than the ones God creates. But this is to unduly limit the divine intellect. Aquinas holds that God's wisdom is not exhausted by the present order. Indeed, the present order is not proportionate to the divine goodness; only if it were would the present order be determined. Instead, the divine goodness immeasurably surpasses the created order.

Aquinas is clear that God's wisdom 'includes the whole potency of the divine power'.⁶⁵ This means that God cannot will anything outside his wisdom. But God's wisdom is not exhausted by the created order. It is perfectly consonant with the divine nature for God to create things other than God does. God's will is bound to realize the goodness in the divine essence but a multiplicity of different created orders are compatible with the realization of this end, as we've seen above. God is not limited to

⁶⁴ Aquinas has Avicenna and his followers in mind.

⁶⁵ *Ibid.*, vol.I, 328. 'divina sapientia totum posse potentiae comprehendit.'

one particular order of creation. God, in the ordained aspect of his power, creates and sustains the present order but God, in his absolute power, could have created differently:

[B]ecause power is considered as executing, the will as commanding, and the intellect and wisdom as directing, what is attributed to His power considered in itself, God is said to be able to do in accordance with His absolute power. Of such a kind is everything which has the nature of being, as was said above (I, q.25, a.3). What is, however, attributed to the divine power, according as it carries into execution the command of a just will, God is said to be able to do by His [ordained]⁶⁶ power. In this manner, we must say that God can do other things by His absolute power than those He has foreknown and pre-ordained He would do. But it could not happen that He should do anything which He had not foreknown, and had not pre-ordained that He would do, because His actual doing is subject to His foreknowledge and pre-ordination, though His power, which is His nature, is not so. For God does things because He wills so to do; yet the power to do them does not come from His will, but from His nature.⁶⁷

God's absolute power extends to everything that is creatable, but God's ordained power refers to the creation of the present order, which is a subset of everything creatable. God was under no obligation to create the world: according to his absolute power, God could have created any number of worlds with a different order, or no creatures at all. Any world that God did create, though, would be created according to

⁶⁶ This edition translates 'ordinata' as 'ordinary'. For reasons that will become clear later on in the chapter, I have chosen to use the word 'ordained'.

⁶⁷ *Summa Theologiae* I, q.25, a.5, resp.1 (vol.I, 329).

'Et quia potentia intelligitur ut exequens, voluntas autem ut imperans, et intellectus et sapientia ut dirigens, quod attribuitur potentiae secundum se considerate, dicitur Deus posse secundum potentiam absolutam. Et huiusmodi est omne illud in quo potest salvari ratio entis, ut supra dictum est. Quod autem attribuitur potentiae divinae secundum quod exequitur imperium voluntatis iustae, hoc dicitur Deus posse facere de potentia ordinata. Secundum hoc ergo, dicendum est quod Deus potest alia facere, de potentia absoluta, quam quae praescivit et praeordinavit se facturum, non tamen potest esse quod aliqua faciat, quae non praesciverit et praeordinaverit se facturum. Quia ipsum facere subiacet praescientiae et praeordinationi, non autem ipsum posse, quod est naturale. Ideo enim Deus aliquid facit, quia vult, non tamen ideo potest, quia vult, sed quia talis est in sua natura.'

the eternal law. The eternal law is the supreme *ratio* that directs and orders all the ideas in the divine mind. The blueprint for creating any given world does not exhaust the set of divine ideas, though the eternal law ultimately orders each blueprint. The natural law represents an image of the eternal law. But it only images those aspects of the eternal law that are realized in creation. Consequently, it is a partial and not an exhaustive image of the eternal law. What this means is that God may have made different creatures governed in different ways. God's absolute power extends to this possibility.

The conclusion that we can draw from all of this is that the existence of human beings and the absence of the natural law in the world are impossible because human nature includes the natural law – they are joined together with absolute necessity. But the continued existence of human beings in the world is something that is hypothetically necessary, for God could have created a world with different creatures or no creatures at all. The ordained power of God is closely related to hypothetical necessity. Supposing that God wills to ordain a certain created order, that order will be necessary, given the immutability of the divine will. In this sense, the continued existence of the natural law in the world is hypothetically necessary as our continued existence is hypothetically necessary. But the connection between our nature and the natural law is absolutely necessary. Aquinas maintains an intellectualistic understanding of divine power, insofar as the natural law would still obtain in the counterfactual situation that God did not command the natural law (for the natural law follows directly from human nature).

2.3 Theological Voluntarism and Hypothetical Necessity

One of the features of Adams' account of theological voluntarism is that the divine will is conceptually prior to the divine intellect in the creation of moral properties: the implication is that the intellect does not determine which moral properties are created and that the intellect understands these properties as contingent decrees of the will. We could also consider this to apply to the physical laws of nature, insofar as they are determined by the divine will (and not by ideas, archetypes, or any kind of essence contained in the divine mind). Given this understanding of theological voluntarism, it would seem that the laws of nature are entirely contingent as they represent a free choice of the divine will. As we've seen above, hypothetical necessity involves a contingent act

that necessitates another. While the theological voluntarist holds that the laws of nature depend upon a free act of the divine will (in such a way that there is no possible world where the laws of nature obtain but God does not exist), she may admit that a free act entails another and that the laws of nature may be hypothetically necessary. An intellectualist thinks that the connection between human nature and the moral laws of nature is absolutely necessary, but as I will argue, the voluntarist thinks that this connection is only hypothetically necessary. In the following subsections, I look at Samuel von Pufendorf's view of the moral laws of nature: first, I discuss his commitment to theological voluntarism; and second, I set out his view of hypothetical necessity. I conclude this section with a consideration of the compatibility of theological voluntarism and hypothetical necessity.

2.3.1. Pufendorf's Voluntarism

According to Pufendorf, actions, in and of themselves, are indifferent. Theft, for example, is not intrinsically evil, prior to an act of divine legislation. To see why, it is necessary to understand Pufendorf's doctrine of moral entities. According to him, morality is not an immanent property of physical things and motions. This is evident in the distinction he makes between physical and moral entities:

Now as the original way of producing physical entities is creation, so the way in which moral entities are produced can scarcely be better expressed than by the word *imposition*. For they do not arise out of the intrinsic nature of the physical properties of things, but they are superadded, at the will of intelligent entities, to things already existent and physically complete, and to their natural effects, and, indeed, come into existence only by the determination of their authors.⁶⁸

⁶⁸ *De Jure Naturae et Gentium* (hereafter DJNG) I.i.4, tr. C.H. and W.A. Oldfather, Oxford: Clarendon, 1934, vol.II, 5-6.

'Porro uti modus originarius producendi entia physica est creatio; ita modum, quo entia moralia producuntur, vix melius possis exprimere, quam per vocabulum impositionis. Scilicet quia illa non ex principiis intrinsicis substantiae rerum proveniunt, sed rebus jam existentibus et physice perfectis,

For Pufendorf, the physical universe is morally neutral. Morality is something that is superadded to things.⁶⁹ The actions involved in theft, such as one rational being knowingly and willfully taking the property of another, are not, in and of themselves, immoral. The moral wrongness of this act must be superadded – or imposed – onto the physical features of this act. Both human beings and God, as intelligent beings, have the capacity to impose moral entities on physical nature. And these entities represent non-natural modes imposed on physical substances and their motions. Pufendorf's understanding of the metaphysics of morality here is quite distinct from that of Grotius. Recall that, for Grotius, moral goodness or badness are intrinsic and inseparable qualities of substances. But for Pufendorf, these qualities – or modes – are superadded to substances and their motions. The natural law does not directly follow from the essences of things.

There is no possible world in which the natural law exists, but God does not, for the natural law must be imposed by the divine will. Pufendorf is quite clear that no morality can exist beyond the imposition of God:

And, indeed, they who set up an eternal rule for the morality of human actions, beyond the imposition of God, seem to me to do nothing other than to join to God some co-eternal extrinsic principle which He Himself had to follow in the assignment of forms of things [at the moment of creation]. All, furthermore, admit that God created all things, man included, of His free will; it must follow, then, that it lay within His own

eorundemque effectibus naturalibus sunt superaddita ex arbitrio entium intelligentum, adeoque unice per eorundem determinationem existentiam nanciscuntur.' (vol.I, 3)

For more on the distinction between moral and physical properties, see Irwin, *The Development of Ethics*, vol.II, 287-289.

⁶⁹ Knud Haakonssen argues that theological voluntarism includes the thesis that moral values are superimposed on nature by divine act of willing. See his article 'Protestant Natural Law Theory: A General Introduction' *New Essays on the History of Autonomy*, eds. Brender and Krasnof, Cambridge, 2004, 96. This thesis is consonant with the idea that there is no possible world in which God does not exist but the natural law still obtains, for the law requires an act of imposition.

pleasure to assign whatever nature He wished to this creature whom He was about to create.⁷⁰

Pufendorf repudiates the intellectualist understanding of divine power as joining God to some ‘co-eternal extrinsic principle’.⁷¹ He, however, thinks that God has the power to fashion human nature in any number of ways according to his pleasure. What follows here is that God could have created human beings to be simply rational or to be both rational and sociable. Rationality on its own is not enough to generate a moral law. He argues that there is no moral difference between the simple actions of a beast and a rational animal such as a human being (without reference to a moral imposition):

For if we consider reason, in so far as it is not imbued with an understanding and sense of law, or a moral norm, it might perhaps be able to permit man the faculty of doing something more expeditiously and adroitly than a beast, and to supply sagacity as an aid to his natural powers. But that reason should be able to discover any morality in the actions of a man without reference to a law, is as impossible as for a man born blind to judge between colours.⁷²

Rationality, on its own, merely provides more effective means for performing certain actions. A human being, for example, has a greater capacity to take the life of another human being than, say, a tiger, by virtue of the ability to plan and reason. But this does

⁷⁰ DJNG I.ii.6, vol. II, 27.

‘Et sane qui extra impositionem divinam moralitatis actionum humanarum aeternam aliquam statuunt regulam, nil aliud mihi videntur agere, quam ut Deo adjungant principium aliquod coaeternum extrinsecum, quod ipse in assignandi re um formis sequi necessum habuerit. Fatentur praeterea omnes, Deum uti omnia, ita et hominem liberrima voluntate creasse; cui consequens est, in beneplacito ejusdem fuisse, qualem ei, quem creaturus erat, naturam vellet assignare.’ (vol.I, 18-19)

⁷¹ See DJNG II.iii.4 for a further repudiation of intellectualism.

⁷² DJNG I.ii.6, vol.II, 28

‘Nam si consideremus rationem, quatenus non est imbuta cognitione et sensu legis, seu normae moralis, potest quidem ista fortasse homini suppeditare facultatem expeditius aut dexterius quid agendi quam brutum, viresque naturales per solertiam adjuvare. Verum ut citra reflexionem ad legem in hominis actionibus moralitatem deprehendere possit, id aequae est impossibile, atque coecum natum discrimina colorum dijudicare.’ (vol.I, 19)

not mean that the action of the tiger or the human being are morally different simply because a human being has a rational nature.

Pufendorf repudiates not only the intellectualistic view that the natural law follows from human nature, but also the moderately voluntaristic view held by Suárez that certain actions are intrinsically noble or base.⁷³ He maintains a jural conception of ethics, according to which things are good and evil only in reference to a law:

For since good repute, or moral necessity, and turpitude, are affections of human actions arising from their conformity or non-conformity to some norm or law, and law is the bidding of a superior, it does not appear that good repute or turpitude can be conceived to exist before law, and without the imposition of a superior.⁷⁴

Pufendorf's voluntarism concerning morality is more extreme than Suárez's, as he thinks that all moral properties are determined freely by the divine will. (In the next chapters, I'll argue that Locke has a similar view of moral properties.) Prior to an act of legislation, all actions are morally indifferent according to Pufendorf. In the possible world in which God did not exist, there would be no moral properties.⁷⁵ But in the following subsection, we'll see that Pufendorf's voluntarism is moderated by his view of hypothetical necessity.

2.3.2. Pufendorf's Use of Hypothetical Necessity

⁷³ Westerman notes this difference between Suárez and Pufendorf and rightly attributes it to Pufendorf's doctrine of moral entities, according to which nature in itself is morally neutral (*The Disintegration of Natural Law Theory*, 193-195).

⁷⁴ DJNG I.ii.6, vol.II, 27. Pufendorf cites John Selden's *De Jure Naturali et Gentium* (bk.1, ch.iv) in support of this jural view of ethics.

'Cum enim honestas sive necessitas moralis, et turpitude sint affectiones actionum humanarum, ortae ex convenientia aut disconvenientia a norma seu lege; lex vero sit jussum superioris; non adparet, quomodo honestas aut turpitude intelligi possit ante legem, et citra superioris impositionem.' (vol.I, 18).

⁷⁵ Pufendorf thinks that the civil law depends on the natural law, for without the natural law we would be under no obligation to act sociably. See *De officio hominis et civis*, ch.iii, §§9-10.

Both Grotius and Pufendorf think that God's power is limited by what entails a contradiction. As we saw in the last chapter, Grotius thinks that certain actions are intrinsically good or evil and that it is contradictory to think otherwise of them. For instance, to say that theft – where one rational and sociable being knowingly and willingly takes the property of another without prior consent – is not evil for human beings represents a contradiction. This is the case because evil actions are those which are inconsonant with our nature, according to Grotius, and theft is inconsonant with the sociableness of our nature since it is an inherently unsociable action. And Grotius thinks that God does not have the power to render intrinsically evil actions to be good (or neutral), as this would involve a contradiction (DJBP I.x.5). Pufendorf, however, disagrees with Grotius about how far the principle of non-contradiction applies:

[I]t is patent that Grotius, *On the Law of War and Peace*, Bk. I, chap.i.10, had not considered this matter thoroughly [i.e. the indifferency of actions with respect to morality], when he refers the wickedness of some human actions to the class of things to which the power of God Himself does not extend, because they involve a contradiction. Twice two, indeed, can only be four, because twice two and four are one and the same thing, differing only in name and in the point of view. It is, however, a contradiction for something simultaneously to be and not to be the same thing. But surely such a contradiction does not appear in the case of actions which are opposed to natural law.⁷⁶

Pufendorf thinks that actions are indifferent prior to the imposition of a law. Accordingly, a bare consideration of the unsociableness of an action that is inconsonant with our nature does not determine whether or not such an action is evil. Consequently, it

⁷⁶ DJNG I.ii.6, vol.II, 30.

'[A]dparet, non satis expendisse hanc rem *Grotium* de J.B.&P.I.I.c.I.§.10. dum inter illa, ad quae divina se potentia non extendit eo quod contradictionem involvant, refert malitiam quorundam actuum humanorum. Equidem non possunt non bis duo esse quatuor quia bis duo et quatuor reipsa sunt unum et idem vocabulis tantum differunt, aut modo concipiendi: manifestissima autem contradictio est, idem simul esse idem, et non esse idem. Ast talis sane contradictio non adparet in actibus juri naturae adversantibus.' (vol.I, 20).

does not represent a contradiction to say that theft is not evil, for things are good or evil not intrinsically but only in reference to the law of a superior. Now while Pufendorf thinks that there are no actions that are intrinsically good or evil, he does think that God does not have the power to command us to perform actions inconsonant with our nature, as this involves a contradiction. In addressing the question of whether or not God could have commanded things like murder, theft, or adultery to be our duties, Pufendorf says the following:

Although it seems idle and childish to inquire what God *might* have done when what He actually did is quite clear, nevertheless, if it suits one's fancy to dispel such vagaries, one can easily make the reply that the question raised above implies a manifest contradiction. For although God was under no constraint whatsoever to create man (and certainly they have a feeble conception of God's power who think that His glory would have been in any way diminished, if He had never created the inhabitants of this earth; see Job xxxviii.7), yet, when once He had decreed to create him a rational and social animal, it was impossible for the natural law not to agree with his constitution, and that not by an absolute, but by a hypothetical necessity.⁷⁷

There is a puzzle here: Pufendorf thinks that Grotius misapplies the principle of non-contradiction to actions like theft, but he also maintains that God does not have the power to prescribe actions like theft on pain of contradiction. In order to solve this puzzle, we need to understand Pufendorf's view of creation and legislation. According to Pufendorf, God constitutes a law for us by making us creatures for whom certain things are not indifferent.⁷⁸ If God had bound us to the opposite duties, then no social animal would be

⁷⁷ DJNG II.iii.4, vol.II, 184.

'Heic etsi supervacuum ac petulans videatur, quaerere quid Deus facere potuerit, cum constet quid fecerit: tamen, si cui etiam vana convellere cordi sit, facile reponere potest, illam dubitationem non obscure contradictionem involvere. Nam etsi nulla necessitas Deum adgerit, ut omnino hominem crearet; (valde enim jejune de potentia Dei sentiunt, qui putant ipsius gloriam in obscuro fuisse haesuram si terricolae nunquam condidisset. Vid.Iobi 38.7) tamen postquam ipsum destinasset creare animal rationale ac sociale, non poterat non lex naturalis ipsi congruere, non ex necessitate absoluta; sed hypothetica.' (vol.I, 126)

⁷⁸ Ibid.

produced but rather some ‘wild and fearful creature’.⁷⁹ God cannot create us as sociable beings while at the same time directing us to not be sociable through the natural law.⁸⁰ This really only entails a contradiction if we understand the coinciding acts of creation and legislation to have a directive purpose. God gives us the end of sociability in creating us as sociable beings (i.e. by constituting us to be in need of society). But God’s legislation also sets up the end of sociability for us by directing us in this fashion through the assignment of duties that promote sociability. Consequently, the legislation of non-sociable duties (i.e. theft, murder, etc.) would yield an end that contradicts the end given through creation. In other words, God’s legislative and creative powers are in harmony with one another. And Pufendorf is explicit about the teleological character of the natural law:

Since [God] so formed the nature of the world and man that the latter cannot exist without leading a social life, and for this reason gave him a mind capable of grasping the ideas that lead to this end, and since He suggests these ideas to men’s minds by the course of natural events as they come from Him as the first cause, and represent clearly their necessary relationship and truth, it is surely to be recognized that He also willed for

‘Nam eo ipso, dum Deus decrevit creare hominem, i.e. tale animal, cui non omnes actus deberent esse indifferentes, legem quoque simul eidem constituit.’

Irwin argues that this undermines Pufendorf’s legislative account of morality, for there seem to be a class of actions – which are not indifferent – that exist simply by virtue of creation and not by an imposition added to creation (*The Development of Ethics*, vol.II, 303). But this is to introduce a separation between God’s legislative and creative acts that Pufendorf rejects. God legislates by creating beings with certain ends. Indeed, as I argue, God’s legislative and creative acts are harmonized. We might, then, think that Pufendorf isn’t a voluntarist if it is the case that the law consists in ends. But this is not the case: Pufendorf is not an intellectualist, for the natural law would not obtain in the possible world in which God did not exist, for it consists not simply in having certain ends but having certain ends given by God.

⁷⁹ Ibid.

‘Si enim is ad contraria officia fuisset adstrictus, non sociale animal, sed alia feri et horridi species animantis fuisset producta.’

⁸⁰ For more on this theme, see Peter Korkman, ‘Voluntarism and Moral Obligation: Barbeyrac’s Defence of Pufendorf Revisited’ *Early Modern Natural Law Theories*, eds. T.J. Hochstrasser and P. Schroder, Kluwer, 2003, pp.205-207.

man to regulate his actions by that native endowment which God Himself appears to have given him in a special way above the beasts. And since this end cannot be attained in any other way than by the observance of natural law, it is understood that man has been obligated also by the Creator to observe this law, as a means not elaborated by the wish of men, and changeable at their pleasure, but as expressly ordained by the Creator Himself to secure this end. For whoever has the authority to enjoin some end upon another is also understood to have obligated such a person to use the means without which that end cannot be secured.⁸¹

In Pufendorf's view, the natural law represents the means through which the end of sociability is realized. We might wonder, though, why God does not have the power to set up an end for a creature but then not provide it the means to realize that end (even though such an action would seem to be malevolent). One response might be to appeal to divine benevolence: insofar as God is perfectly good, God cannot perform a malevolent action (such as setting an end for a creature without giving it the means to achieve that end). Another response, and the one that Pufendorf gives in the texts cited above, is to hold that the act of legislating involves willing certain ends for creatures, which in turn obligates them to use the means necessary to obtain these ends. The end, then, contains certain means without which it cannot be realized. The end of sociability, for instance, requires sociable actions. Accordingly, in setting up the end of sociability for us, God at the same time obligates us to perform sociable actions. God, however, has the power to determine which ends are given to creatures. And it is important to emphasize that

⁸¹ DJNG II.iii.20, vol.II, 217-218.

'Hic cum naturam rerum et hominis ita formarit, ut hic citra sociabilem vitam servari nequeat, eaque de causa eidem indiderit animum, notionum huc inservientium capacem; easque notionem per morum rerum naturalium, ab ipso tanquam primo motore profectum, animis insinuet, earumque necessariam connexionem ac veritatem perspicue repraesentet: intelligitur sane Eundem quoque voluisse, ut homo actiones suas attemperet illi velut indoli, quam vitae hominum prae brutis peculiariter ipse assignasse cernitur. Cum autem non aliter, quam observata lege naturali, id obtineatur; intelligitur quoque a Creatore obligatum hominem ad isthanc servandam, tanquam medium non ex arbitrio hominum inventum, ac ex eorum libidine mutabile, sed expresse ab ipso Creatore huic fini procurando constitutum. Qui enim alicui pro imperio injungit finem, censetur quoque eundem obligasse ad usurpanda illa media, sine quibus finis non potest obtineri.' (vol.I, 150).

Pufendorf thinks that God freely determines the nature of human beings and that God is under no necessity to create human beings with a social nature:

[M]an received [his] social nature not from any immutable necessity, but from the pleasure of God. Therefore, the morality of actions as well, whether they do or do not suit him as a social being, must be derived from the same source. And so morality is fittingly attributed to these actions, not of an absolute necessity, but of a hypothetical necessity, since such a position is posited for man as God freely assigned him above all other creatures.⁸²

In Pufendorf's view, the natural law (i.e. the morality 'fittingly attributed to actions') is hypothetically necessary, based on the supposition that God creates human beings with a sociable nature.⁸³ The grounds of this hypothetical necessity lie in the perfection of the divine nature. It would not be benevolent to give creatures an end without giving them the means to achieve this end. It would also represent a failure of rationality insofar as God's creative and providential relationship to the world would involve the inconsistency of making a rational sociable creature without a law. The existence of human beings with a rational sociable nature and the absence of the natural law are impossible, but the grounds of this impossibility lie in the perfection of the divine nature and not in the

⁸² DJNG I.ii.6, vol.II, 30.

'[S]ocialem naturam homo fortitus est non ex immutabili quapiam necessitate, sed ex beneplacito divino. Igitur moralitatem quoque actionum ipsi, ut sociali, convenientium vel disconvenientum ex eodem fonte derivari par est. Ut adeo ista his attributa sit et competat non ex necessitate absoluta, sed hypothetica, posita ea conditione, quam homini, prae reliquis animantibus Deus libere assignavit.' (vol.I, 21).

⁸³ In his discussion of Pufendorf's moral theory, Schneewind describes this necessity without naming it as such (*The Invention of Autonomy*, 140). He recognizes that it is necessary for God to command certain laws to forward our good, supposing that God has given us a certain nature; but these laws are ultimately contingent as God was under no necessity to create us in a given way. Anderson argues that the contingency here that is contained in Pufendorf's voluntarism makes it the case that God's will is inscrutable (*The Good after Modernity*, 108). It is not entirely clear, however, that this conclusion is warranted. While it is possible that no reason may be given for why God decides to make sociable beings in the first place, we can know why God formulates the natural law in a certain way supposing that he makes certain beings: the natural law is formulated the way that it is in order to help creatures realize the ends given them (and this is explained by divine benevolence).

essence of human nature as it does for an intellectualist. The question that I next turn to is how theological voluntarism is compatible with hypothetical necessity.

2.3.4. Analysis of Compatibility of Voluntarism and Necessity

Above I described hypothetical necessity in the following way: $\square [(X \& P)] \rightarrow Y$. In Pufendorf's view, the variable X represents God's contingent decision to give human beings a sociable nature. And given that the end of sociability requires a law, God sets up a law for us in giving us a sociable nature. (The fact that the end of sociability requires a law can be taken to stand for the variable included on the right side of the conjunction given above.) Supposing then that God decides to give human beings a sociable nature, God is necessitated to create and maintain the natural law and its set of sociable duties. But this necessity is hypothetical, as God could have done otherwise by not creating human beings in such a way.

Despite the fact that Aquinas and Pufendorf both employ the concept of hypothetical necessity, where a contingent action necessitates another, they use it in different ways. As we saw above, Aquinas thinks that hypothetical necessity principally pertains to the continued existence of creation, while the impossibility of the existence of human beings and the absence of the natural law is grounded in absolute necessity. Pufendorf, however, thinks that this impossibility is grounded in hypothetical necessity. The perfection of the divine nature makes it the case that God cannot will a law at cross-purposes with the ends given to human beings in creating and shaping their constitution. In setting up ends for creatures, God at the same time wills a law for them. For God to change the natural law, God must also change human nature:

[I]t was, indeed, within the power of the divine will to produce, or not to produce, an animal such as the law of nature would agree with. But after man had once been created by God, an animal which could not be preserved alive unless he observed the natural law, it is no longer possible to believe that He will annul or change the law of nature so long as He makes no change in the nature of man, and so long as actions enjoined by the natural law make, by natural consequence, for a social order, in which the race of

man finds a temporary happiness, while, by a like necessity, actions contrary to the natural law destroy it; that is, so long as kindness, humanity, fidelity, gratitude, and the like, will have the power to win over the minds of men, while perfidy, injury, and ingratitude will irritate them. And so, on the assumption that the world of nature and man remain constant, the law of nature, even though it was formed in the beginning at the pleasure of God, remains fixed and unmoved.⁸⁴

Pufendorf seems to suggest here that God has the power to issue a different law of nature from the one that currently obtains. But in order to do this, God must change the nature of human beings. The reason why this is the case is that a change in the law without a change in the nature of human beings would represent an inconsistency in God's creative and providential relationship with the world.

Now it might seem that Pufendorf is saying that the natural law is simply found in actions that either agree or disagree with the sociable nature of human beings. If this is the case, then he would be implicitly committed to a form of the impious hypothesis, for the natural law would obtain in the counterfactual situation that human beings with a sociable nature exist but God does not exist. Pufendorf, however, explicitly repudiates the impious hypothesis employed by Grotius, for he thinks that law necessarily presupposes a superior (DJNG II.iii.19). Consequently, there is no possible world in which God does not exist but the natural law obtains, even if there are sociable beings in this world. The key difference between Grotius and Pufendorf is that, for the former, the natural law consists in a bare consideration of the agreeability of actions with the sociable

⁸⁴ DJNG II.iii.5, vol.II, 185.

'[I]n voluntate divina quidem positum fuisse, tale animal, cui lex naturae congrueret, producere, vel non. Sed jam postquam a Deo creatus est homo, animal quod citra observationem legis naturalis salvum esse nequit; inde hautquidquam fas est credere, eundem velle legem naturae tolerare aut immutare, quamdiu naturae humanae nullam mutationem insert; et quamdiu actiones naturali lege praeceptae naturali consequentia ad socialitatem, qua temporaria felicitas humani generis continetur, faciunt, eidemque contrariae pari necessitate hanc destruunt, i.e quam diu beneficentia, humanitas, fides, gratitudo, et similia vim habebunt animos hominum conciliandi; perfidia, injuria, ingratitude eosdem irritandi. Adeoque posita rerum, et humane naturae constantia, etsi ex beneplacito divino illa ab initio sic formata fuerit, lex naturae firma et immota persistit.' (vol.I, 127).

nature of human beings: it is this fact that grounds the impious hypothesis. But for Pufendorf, the character of law requires that it be given by a superior power. Thus the social nature of human beings, considered on its own, is not enough to generate the moral laws of nature.⁸⁵ Accordingly, Pufendorf cannot subscribe to the impious hypothesis, for in the counterfactual situation that God did not exist, but human beings did exist, there would be no law (as this requires positing the will of a sovereign governing creatures toward their end). He maintains a voluntaristic conception of law. But this does not rule out thinking that the moral laws of nature are hypothetically necessary.

Based on the supposition that God chooses to create human beings with a sociable nature, then God is bound by a hypothetical necessity to prescribe duties that promote this nature. But God freely chooses our nature and the ends associated with it: God is only necessitated to create certain laws based on choosing certain natures. The law then depends upon a free determination of the divine will and requires the willing of God as sovereign in order to have its properly legal character. Theological voluntarism about the moral laws of nature essentially includes the fact that the laws are determined by the divine will and cannot be considered apart from this determination. This determination represents a free act on the part of God and hypothetical necessity is the idea that this free determination necessitates something else (such as the creation and maintenance of the natural law).

2.4 Hypothetical Necessity and the Covenant Concept

In this section, I look at the concept of the covenant as a particularly prominent form of hypothetical necessity employed by voluntarists. A covenant consists of a promise on the part of God to do something for us, provided that we perform a certain action (e.g. if we keep the requirements of the law, God will reward us with eternal life).

⁸⁵ The idea of sociability is important to both Grotius and Pufendorf's view of the natural law. But as Darwall notes, Grotius employs sociability as the foundation of the natural law whereas for Pufendorf it is simply the central constituent of the natural law (which follows from God having made us a certain way); for Pufendorf, unlike Grotius, it is God's supreme authority that is ultimately the foundation of the natural law ('Pufendorf on Morality, Sociability, and Moral Powers', *Journal of the History of Philosophy* 50.2 (2012): 215).

Provided that the promise to do a certain thing is freely made on the part of God (i.e. God could have done otherwise), then a covenant involves hypothetical necessity, for God is necessitated to keep that promise, given that a failure to keep that promise is an imperfection (and no imperfection can be predicated of God). I give some historical context to the development of the covenant concept, look at its relation to the laws of nature, and evaluate its role in moderating theological voluntarism.

2.4.1. The Medieval Power Distinction

In the medieval period, an important theological distinction was made between God's ordained and absolute power – the *potentia ordinata* and the *potentia absoluta*. This distinction arose from the question about whether or not God's power extends further than the power he has exercised and presently exercises over the world.⁸⁶ The *potentia ordinata* represents the power that God in fact exercises, while the *potentia absoluta* represents the power that God could have exercised if he chose to do so. These do not represent different powers, but rather God's power considered from two aspects. As scholars like William Courtenay, Heiko Oberman, and Francis Oakley have emphasized, a shift occurred among medieval thinkers in the basic understanding of this distinction from a 'capacity' conception to an 'operationalized' conception.⁸⁷ The capacity understanding of the *potentia absoluta* holds that God's creative power was not exhausted in the act of creation: it is possible that God could have created a different kind of world, or no world at all.

Aquinas maintains this kind of understanding in the *Summa Theologiae*. In discussing whether God can do what he does not, Aquinas presents the objection that God cannot do other than he does, because he cannot do other than he foreordains and he

⁸⁶ For an overview of the development of this distinction in the medieval tradition, see Oakley, *Omnipotence, Covenant, and Order: An Excursion in the History of Ideas from Abelard to Leibniz*, Ithaca, NY: Cornell University Press, 1984, 41-66. Oakley also ties the distinction between powers to the concept of the covenant. See also Lawrence Moonan, *Divine Power: the Medieval Power Distinction up to its Adoption by Albert, Bonaventure, and Aquinas*. New York, NY: Oxford University Press, 1994.

⁸⁷ William J. Courtenay, *Covenant and Causality in Medieval Thought*. London: Variorum, 1984 and Heiko A. Oberman, *The Reformation: Roots and Ramifications*, Grand Rapid, MI: Eerdmans, 1994.

only foreordains what he, in fact, does (*Summa Theologiae* I, q.25, a.5., obj.1). And as we've seen, Aquinas employs the distinction between powers in response. According to his *potentia ordinata*, God wills the creation of this world. But if we consider God's power apart from what he has willed, we see that, in his *potentia absoluta*, God could have created differently. Aquinas maintains a capacity understanding of the *potentia absoluta*. He does not, though, think that God's absolute power extends to the alteration of the order that God creates. According to Aquinas, God is under no absolute necessity to create the world, including human beings and a law that governs them. But supposing that God does create them, God must create them with a rational soul governed by the natural law (as this essentially forms part of human nature). Put another way, there is no possible world in which God creates human beings but does not create the same natural law for them. God is under no obligation to create, but if God does create, God must create things according to their essences. And these essences are immutable and fixed in the divine ideas: as we've seen, they function as a blueprint that guides God's creative power. God's absolute power does not extend to a modification of the essences of created things, such as would be involved in changing the natural law. Aquinas maintains a capacity view of the *potentia absoluta*, as God could have done otherwise in creating the world.

But voluntarists such as John Duns Scotus and others after him maintained an operationalized understanding of God's absolute power. According to Scotus, God does not simply have the ability to have created things differently, but also the ability to intervene in the normal operations of things and change the laws that govern nature. For Aquinas, this is not a possibility, and any miracle or seeming dispensation of the laws of nature really just represents a material change in the object or circumstance in question. So when God commands Abraham to kill Isaac, the Israelites to plunder the Egyptians, or Hosea to marry a prostitute, God modifies these circumstances in such a way that they do not represent a dispensation – or suspension – of the Decalogue, including its proscriptions of murder, theft, and adultery (*Summa Theologiae* I-II, q.94, a.5, resps.). Scotus, on the other hand, thinks that these situations do represent a dispensation of the

laws of nature contained in the Decalogue.⁸⁸ And Scotus employs the distinction between powers in a juridical context:

In everything that acts through an intellect and a will, and is able to act in conformity to right law and yet does not necessarily act in conformity to right law, one has to distinguish its regulated power [*potentia ordinata*] from its absolute power [*potentia absoluta*]. The reason for this is that it can act in conformity to that right law, and in that case it acts in accord with its regulated power (for it is regulated inasmuch as it is a principle of carrying out some things in conformity with right law), and it can also act outside of that law and contrary to it, and here we find its absolute power which goes beyond its regulated power. Consequently, not only in God but in every free agent which can act according to the dictates of right law and also outside of such a law or contrary to it, there is a distinction between its regulated power and its absolute power.⁸⁹

It is possible to speak of the absolute and ordained aspects of the power of every being that is capable of action both within and without a certain legal framework. Ordained power consists in having the power to act in accord with some established law. Absolute power, on the other hand, consists in having the power to act in contravention of that established law. So a normal citizen has the ordinary power to follow certain laws prescribed by the sovereign or the absolute power to break them (i.e. to go outside the

⁸⁸ For Scotus, though, the first table of the Decalogue is natural law, properly speaking, while the second table (that involves human-human interactions) represents law-like statements consonant with the natural law. For more on this, see Hannes Möhle, 'Scotus's Theory of Natural Law' in *The Cambridge Companion to Duns Scotus*, ed. T. Williams, Cambridge, 2003: 315-16.

⁸⁹ *Ordinatio* I, d.44 (translation from *Basic Issues in Medieval Philosophy*, eds. R.N. Bosley and M.M Tweedale, Broadview, 1997: 70)

'In omni agente per intellectum et voluntatem, potente conformiter agere legi rectae et tamen non necessario conformiter agere legi rectae, est distinguere potentiam ordinatam a potentia absoluta; et ratio huius est, quia potest agere conformiter illi legi rectae, et tunc secundum potentiam ordinatam (ordinata enim est in quantum est principium exsequendi aliqua conformiter legi rectae), et potest agere praeter illam legem vel contra eam, et in hoc est potentia absoluta, excedens potentiam ordinatam. Et ideo non tantum in Deo, sed in omni agente libere – qui potest agere secundum dictamen legis rectae et praeter talem legem vel contra eam – est distinguere inter potentiam ordinatam et absolutam.' *Opera Omnia*, Civitas Vaticana, 1950-, vol.6, 363-364.

course of the ordained law). But, to be sure, the ordinary citizen does not have the power to establish new laws for this falls outside the purview of her power. The sovereign, on the other hand, has the ability to create new laws. Indeed, the sovereign is a law unto itself. Scotus applies this analogy to God's power:

... I say that some general laws that dictate rightly have been put in place by the divine will and certainly not by the divine intellect as it precedes the act of the divine will ... because in those laws there is not found any necessity coming from the terms ... but only from the divine will that accepts it, which works according to the sort of laws which it has established (or it suffices here to say that these rules are established by the divine wisdom). But when the intellect sets such a law before the divine will, for example that everyone who is to be honoured must first do some favour, that law is right law if it pleases the divine will; and so it is in the case of other laws.⁹⁰

God is the sovereign lawmaker. When God acts according to the laws that God has established then God acts according to the ordained aspect of divine power; but it is within God's absolute power to order new laws other than the ones presently ordained. The laws that God establishes are not given to the will by the intellect with any sense of their necessity (except those which involve contradictions). Whether a law is to hold true or not is decided contingently by the divine will. Indeed, prior to being decided upon, it is neutral, as fits with the theory of the neutral proposition.⁹¹ God does not have an idea

⁹⁰ Ibid.

'...dico quod leges aliquae generales, recte dictantes, praefixae sunt a voluntate divina et non quidem ab intellectu divino ut praecedat actum voluntatis divinae ... quia non invenitur in illis legibus necessitas ex terminis ... sed solum ex voluntate divina acceptante, quae operatur secundum huiusmodi leges quas statuit; vel sufficit ad propositum dicere quod statuuntur a sapientia divina. Sed quando intellectus offert voluntati divinae talem legem, puta quod 'omnis glorificandus, prius est gratificandus', si placet voluntati suae – quae libera est – est recta lex, et ita est de aliis legibus.' *Opera Omnia*, vol.6, 365.

⁹¹ The theory of the neutral proposition relates to Scotus' discussion of synchronic contingency in *Lectura I*, d.39. Scotus' aim, in this distinction, is to secure freedom for the divine will; this means allowing it to act contingently. The theory of the neutral proposition involves distinguishing three synchronic structural moments in the divine act of willing:

1. The divine intellect presents a neutral proposition to the divine will.
2. The divine will determines the truth-value of this proposition.

of some necessary order. Rather, in Scotus' picture, there are a multitude of ideas of particulars that God can choose, in God's will, to order any way God pleases (so long as a contradiction is not produced). Thus God in his absolute power is free to change the moral order that God has established. We can see that this follows when we consider the fact that the divine ideas, for Scotus, do not involve any real and necessary relations. God's will is free to choose these relations when presented with a neutral assemblage of particulars.

All of this is to say that it is clear that Scotus conceives of God's power in a different way than Aquinas. Whereas Aquinas considered God's absolute power to consist in the capacity to have created more than God actually did, Scotus, in holding that God's absolute power consists in supra-legal action, maintains an operationalized conception of the *potentia absoluta*. One of the interesting features of this shift in the understanding of God's absolute power is that the *potentia absoluta* gets applied beyond the theological doctrine of creation to the doctrine of divine providence. According to Aquinas, discussion of God's absolute power is restricted to considering what God might have created or would have been able to create. But there is no talk of God providing for the world in a different way. Indeed, for Aquinas, God providentially governs the world according to the eternal law. But unlike Aquinas, Scotus holds that it is possible for God to interact with the world in an extra-legal capacity. Within the *potentia ordinata*, God governs the world according to a certain set of regular laws. But God may, in God's absolute power, act above or in contravention to these laws (or God may even change the laws of nature). Now both Aquinas and Scotus maintain a legislative understanding of

3. The divine intellect knows the proposition, its truth-value included, certainly and infallibly.

These moments are synchronic in that they happen at the same time: there is no temporal discursivity here. They are, rather, structurally contained within themselves. The divine intellect presents the will with a proposition *p*. The will then determines if it is true or false and then the intellect knows the truth-value of *p*. This presentation of theory of the neutral proposition is from the edition of *Lectura I*, d.39, Vos et al. 1994, 143-145. This formulation of the theory can also be found in A.J. Beck, 'Divine Psychology' and Modalities: Scotus's Theory of the Neutral Proposition' in *John Duns Scotus: Renewal of Philosophy*, (ed. A. Bos) Amsterdam: Rodopi, 1998, 130-131.

providence whereby God governs the world according to certain laws. But for Scotus, God may intervene in the world and change the laws of nature. This represents an operationalized understanding of the *potentia absoluta*.

2.4.2. Covenant and the Dialectic of Powers

A sceptical worry emerges from the operationalized understanding of the *potentia absoluta*, as the laws of nature seem to lose their stability and dependability if it is a real possibility that God may change them. In fact, this understanding of the *potentia absoluta* may suggest that the present order is subject to arbitrary and capricious change. But the concept of the covenant allows one to maintain both that God has freedom in setting the laws of nature as God pleases and that the order of nature is stable. The stability emerges from God's binding Godself to a certain legislative order in the act of making a covenant. Since breaking a covenant represents an imperfection, we know that God, in God's perfection, will keep God's covenants. Now the concept of covenant is a notion that is basic to both Judaism and Christianity and is captured by the Hebrew term *berith*, the Greek terms *syntheke* and *diatheke*, and the Latin terms *foedus*, *pactum*, and *testamentum*. There is an interesting development behind the use of these terms⁹², but I focus on how certain medieval theologians used the idea as a way of understanding the dialectic between God's absolute and ordained power.

Pierre d'Ailly, a prominent Nominalist of the later medieval period, employed the concept of the covenant in his writings on causality. As Courtenay notes, a covenantal account of causality was primary for the Franciscan tradition and was much discussed by Nominalist theologians (*Covenant and Causality*, 99). William Ockham describes this type of causality by means of an analogy with a king and a leaden coin:

[J]ust as a king ordains that whoever should accept a leaden coin should get a certain reward, and that the leaden denarius is the *sine qua non* cause with

⁹² See Poole, David N.J. *The History of the Covenant Concept from the Bible to Johannes Cloppenburg: De Foedere Dei*, San Francisco: Mellen, 1992.

respect to this gift, so the same obtains in the sacraments with respect to grace...⁹³

A leaden coin does not have any intrinsic value associated with it that allows it to redeem a certain reward from the king. The value of the coin is set by the decree of the king, and in this sense the value is imposed rather than intrinsic.⁹⁴ The coin functions as a *sine qua non* cause in the redemption of the reward, as opposed to an *ex natura rei* cause which is effective from its very nature.⁹⁵ And as Ockham states, this kind of *sine qua non* causality is operative in the sacraments.⁹⁶ The sacraments of baptism or the Eucharist, for example, do not, by their nature, confer grace on the one partaking in these sacraments. But just as a king sets the value of a leaden coin, God ordains the conferral of grace to be associated with various sacramental practices. And furthermore, we can have confidence in the continued efficacy of the sacraments, as the sacramental order forms part of the covenant that God makes with human beings. So while having water poured over one's head in the name of the Father, Son, and Holy Spirit does not, *ex natura rei*, put one in a state of grace, we know that, *ex pacto* – i.e., on the basis of a covenant or agreement – it is effective this way and will continue to be effective. The important point for the voluntarists is that none of this represents some kind of intrinsic order that binds God's power. God binds Godself to a certain order and must maintain it due to the perfection of God's character, as God always keeps God's promises. Pierre

⁹³ Ockham, *Sent.* IV, q.1 (My translation)

[S]icut si rex ordinaret quod quicumque acciperet denarium plumbeum haberet certum donum, et tunc denarius plumbeus esset causa sine qua non respectu illius doni, et sic esset in proposito de sacramento respectu gratiae ... *Opera Theologica*, vol.vii, eds. R. Wood et al, St Bonaventure, 1984: 6.

⁹⁴ See Courtenay, *Covenant and Causality*, for the economic background to this type of causality.

⁹⁵ A *sine qua non* cause represents something that always accompanies a given effect but which does not cause the effect from its very nature (unlike an *ex natura rei* cause).

⁹⁶ This would be contrasted with *ex natura rei* or physical causality. Courtenay points to the continued debate about whether or not Thomas Aquinas maintained that sacramental causes were direct physical causes. See Courtenay, *Covenant and Causality*, 98, n.13.

d'Ailly follows Ockham in this understanding of sacramental causality.⁹⁷ D'Ailly is clear that *sine qua non* causality is restricted to the sacraments. Natural causality, on the other hand, is *ex natura rei* and is distinct from sacramental causality. D'Ailly says the following:

In the proper way of speaking about causes, we say that at the presentation of one thing, another thing follows by its own power and from the nature of the thing; in this way, fire is the cause of heat. But in another less proper way of speaking about causes, we say that at the presentation of one thing another thing follows neither from its own power nor from its own nature but only from the will of another; and in this way, an act of merit is said to be the cause of receiving a reward. Thus a *sine qua non* cause is not said to be a cause. From this it follows that a *sine qua non* cause should not absolutely and simply be spoken of as a cause, since properly speaking it is not a cause.⁹⁸

Fire, by its own power and nature, is the cause of heat. And this, properly speaking, is efficient causality according to d'Ailly. But while *causae sine quibus non* stem from the 'will of another', they do still, loosely and improperly speaking, represent a type of efficient causality. Now while it is clear that sacramental causality is contingent, d'Ailly states that *ex natura rei* causality is likewise contingent. He cites the example of Shadrach, Meshach, and Abednego from the Book of Daniel. These three young men were placed in a blazing furnace but, miraculously, were not burned or even singed. D'Ailly emphasizes that this miracle shows that God has the ability to suspend *ex*

⁹⁷ *Sent IV*, q.1, a.1, fol.225v. 'Sacramenta legis novae primo modo non sunt causae effectivae gratiae sed bene secundo modo et improprie'. As Courtenay notes, the 'bene secundo modo et improprie' really amounts to 'causae sine quibus non'. See *Covenant and Causality*, 111, n.64.

⁹⁸ *Sent IV*, q.1, a.1, fol.225vC-D (My translation)

'Uno modo proprie, quando ad praesentiam esse unius, virtute eius et ex natura rei, sequitur esse alterius, et sic ignis est causa caloris. Alio modo improprie, quando ad praesentiam esse unius sequitur esse alterius, non tamen virtute eius nec ex natura rei sed ex sola voluntate alterius, et sic actus meritorius dicitur causa respectu praemii. Sic etiam causa sine qua non dicitur causa. Ex quo sequitur primo quod causa sine qua non, non debet absolute et simpliciter dicitur causa, quia proprie non est causa.'

natura rei causality (*Sent* IV, fols.225vG-226r). The distinction here between a *sine qua non* cause and an *ex natura rei* cause is that the former is a product solely of the divine will while the latter is a product of the divine will and the natural virtue of the thing. Now while *sine quibus non* causes are clearly *ex pacto* – that is, their efficacy comes from God’s will expressed in a covenantal decree – there is a sense in which all causes, for d’Ailly, are covenantal in nature. Indeed, as Courtenay notes, this can be appreciated by understanding the two basic covenants in Nominalist theology:

According to the first covenant, God commits himself to uphold his created universe and the laws that govern it, in spite of their contingent nature or the sinfulness of man. This is the area of natural causality. According to the second covenant, God commits himself to a process of salvation which, in spite of its contingent nature or the basic unacceptability of man, he will uphold. This is the area of theological causality. Therefore, both the order of nature and the order of salvation are covenants which apply to different situations and persons.

Covenant and Causality, 117

The covenant concept is a notion that is primary to the late-medieval nominalists and one that moderates the dialectic between God’s absolute and ordained power. According to d’Ailly, God in God’s ordained power accepts those with the infused habit of grace as meritorious for salvation, but in God’s absolute power God could reject those with this habit or accept those without it (Courtenay, *Covenant and Causality*, 105). But by means of covenant, God limits God’s power, by committing Godself to a certain order and process of salvation. All causal connections are contingent according to the nominalists, but they maintain a stability and dependability rooted in God’s covenantal providence.

There are a number of studies on the influence of late-medieval thinking on covenant on the covenant theology of the Reformation right up to seventeenth-century

Britain.⁹⁹ Studies of British covenant theology have predominantly focused on Puritan divines such as William Perkins, William Ames, Dudley Fenner and Thomas Cartwright (and the Westminster Confession of Faith). But there is also a strand of covenant thinking in Britain expressed by the Latitudinarians and their predecessors in the Great Tew Circle.

2.4.3. Latitudinarian Covenant Theology

The Latitudinarians were a group of figures in 17th-century Britain, many of whom participated in the Royal Society, but who were united by shared theological commitments, namely an opposition to Puritan theology.¹⁰⁰ Their relevance is that Locke was quite familiar with many of the Latitudinarian writings and traveled in their circles. But before discussing the Latitudinarian strand of covenant theology, it is appropriate to first say a word about the nature of covenant theology in general. The mere mention or employment of the concept of covenant does not make one a covenant theologian. If this were true, virtually every Christian thinker would be a covenant theologian, insofar as the idea of covenant is explicitly mentioned numerous times in the Bible and is a prominent aspect of the Judeo-Christian tradition. Covenant theology employs the covenant concept as an organizing theme around which to understand other themes such as God's redemptive work in the world, the nature and scope of Christ's atonement, and, more broadly, the status of human beings in relation to God. Covenant theology, generally speaking, represents a framework for understanding God's interaction with the world, and it asserts that the theological doctrines of creation and providence are covenantal in nature. There are two principal benefits to be gleaned from an examination of the covenant theology of the Latitudinarians. First, not a great deal of attention has

⁹⁹ Oberman, *The Harvest of Medieval Theology: Gabriel Biel and Late Medieval Nominalism*, Cambridge, MA: Harvard, 1963; Oakley, *Omnipotence, Covenant, and Order: An Excursion in the History of Ideas from Abelard to Leibniz*; David A. Weir, *The Origins of the Federal Theology in Sixteenth-century Reformation Thought*, Oxford: Clarendon, 1990; and David N.J. Poole *The History of the Covenant Concept from the Bible to Johannes Cloppenburg: De Foedere Dei*.

¹⁰⁰ John Spurr, "'Latitudinarianism' and the Restoration Church", *The Historical Journal* 31.1 (1988), p.69ff. Spurr argues that the term 'Latitudinarian' is something of a creation by historians, and that it is not necessarily a commitment to toleration or science that groups together the various figures labelled as Latitudinarians, but rather an opposition to different aspects of Puritanism and enthusiasm (81).

been given to the fact that they have a covenant theology, and more attention would help to dispel the notion that covenant theology is an essentially Puritan or Reformed doctrine. Second, the covenant theology of the Latitudinarians would be most familiar to Locke given his close relationship with many prominent Latitudinarians. This topic, though, will be dealt with in subsequent chapters.

Henry Hammond, one of the prominent figures of the Great Tew circle, wrote a *Practical Catechism*, first published in 1644 and which ran through many editions, as a defense of moderate Anglicanism. The *Practical Catechism*, a handbook admired by Locke, begins with a discussion of the principal doctrines of Christianity. Hammond begins with God's two basic covenants with humankind (*Practical Catechism*, London, 1644, 1). He describes the covenant as a mutual compact between God and human beings (*Ibid*, 2). The first covenant is made with Adam at creation and the second covenant represents the fulfillment of the first covenant by Christ, the second Adam, in whom humankind can once again be covenant partners with God. And interestingly, Hammond identifies the precepts of the natural law as one of the key features of God's covenant with Adam at creation. Indeed, he describes the law written on our hearts teaching us 'the whole duty of man' as first among the things given to us in the first covenant (*Ibid*). Michael McGiffert shows that, in his discussion of covenants, Hammond takes up an Arminian position and distances himself from the Calvinistic accounts of the covenant by the Puritans, which tend to emphasize the total need for divine assistance in human effort.¹⁰¹ McGiffert argues that the Puritans tended to elevate the second covenant above the first covenant, putting grace over works (*Ibid*, 270). The Puritans tend to stress the complete depravity of human beings after the Fall, in which all knowledge of the natural moral law and any ability to satisfy its requirements were lost. Only in the covenant of grace, effected in Christ, can human beings be made regenerate and justified before God. In this view, God's grace does all the work. The Arminian account of justification, however, is more synergistic. To be sure, some kind of prevenient grace is necessary to be able to fulfill the obligations of the moral law, but

¹⁰¹ 'Henry Hammond and Covenant Theology', *Church History* 74 (2005): 262

human beings can choose to follow God's commands; and if we choose to do so, God supplies us with more grace to help us obey him. Both of these schemes involve trusting in God's grace to help us be made right with God, but the Arminians privilege the moral law in a way that the Calvinists do not. According to the Arminians, unregenerate human beings have some knowledge of the precepts of the natural moral law given to us in the first covenant. In other words, the Fall is less damaging to human nature for the Arminians than it is for the Calvinists. This privileging of the moral law is reflected in the Arminian understanding of covenant. The first covenant, in effect, represents a primeval donation of the natural law to human beings. In the Fall, human beings lose the ability to satisfy the demands of the law in their sinfulness, but they do not lose all knowledge of the natural law. The second covenant represents a fulfillment of the first covenant wherein Christ supplies grace to our defective ability to satisfy the demands of the law. Justification, in this picture, involves having faith in Christ and working together¹⁰² with God to fulfill the precepts of the moral law. True religion, then, involves knowing the natural moral law and obeying the commands that make up its content. Indeed, Neil Lettinga has described Hammond's project in the *Practical Catechism* as a defense of the moral law against the Puritanism of Ames and Perkins; Lettinga describes this project as 'Caroline Anglican moralism', in which the moderate Anglican branch of the Church of England in the first half of the seventeenth century sought to stake out its identity in the midst of Roman Catholicism on the one side and Puritanism on the other.¹⁰³ And a large part of this involved defending the moral law in the context of covenant theology.

Lettinga describes the formative influence of Henry Hammond on Latitudinarians such as Simon Patrick, John Tillotson, Edward Fowler, John Moore, and Gilbert

¹⁰² For more on this synergistic account of soteriology and justification in relation to the doctrine of covenant, see Raymond A. Blacketer, 'Arminius' Concept of Covenant in its Historical Context', *Dutch Review of Church History* 80.2 (2000): 206ff.

¹⁰³ For more on this see, Neil Lettinga, 'Covenant Theology Turned Upside Down: Henry Hammond and Caroline Anglican Moralism: 1645-1660', *Sixteenth Century Journal* 24.3 (1993): 653-669.

Burnet.¹⁰⁴ These figures adopted the same basic understanding of covenant theology as Hammond. Lettinga notes that the distinctive contribution of these figures is the use of scientific reasoning in the discernment of the laws of nature captured in the covenant. The Latitudinarians, by and large, adopted an Arminian scheme of justification in opposition to a more Puritan account, so it would be unsurprising if they likewise adopted a similar form of covenant theology. And a predominant feature of this reaction against Puritanism was the worry that extreme Calvinism led to a kind of antinomianism in which following the duties of the moral law played no role in justification as God's grace did all the work. Tillotson, for example, takes on the basic understanding of the two covenants: the first covenant represents an external law given to human beings and the second covenant represents a perfection of the first covenant (Sermon LI in *Works*, London, 1722). Tillotson stresses that the obligations of the moral law are still in effect, and that the grace brought about through Christ can help us to satisfy the requirements of the law. The point here, though, that I wish to stress is that the Latitudinarians hold that God's basic relationship with the world is covenantal in nature, and that the natural law is understood principally as a covenant made with human beings. In their Arminianism, they hold that human beings still maintain the freedom to choose to follow the commandments of God and that we can be synergistic partners with God in our salvation. Locke, as we'll see, expresses similar commitments. But the point that I now wish to address is how a covenantal understanding of divine providence both coheres with and mitigates with theological voluntarism.

2.4.4. Covenant and Hypothetical Necessity

The Latitudinarians generally think that the moral laws of nature represent a covenant made between God and human beings. And in subsequent chapters, we'll see that Locke explicitly identifies these laws with God's covenant with human beings at creation. I conclude this chapter, though, with a discussion of how the covenant concept introduces hypothetical necessity into the laws of nature.

¹⁰⁴ *Covenant Theology and the Transformation of Anglicanism*, PhD Diss., Johns Hopkins University, 1987, 330ff.

First, it is important to state that employing the covenant concept does not necessarily imply an underlying commitment to voluntarism. One could hold that God must create the world in a certain way according to the essences of things, but still acknowledge that God has made a covenant to uphold the laws of nature. In this case, though, the covenant does not, on its own, provide stability to the order of nature, for nature has an intrinsic order and stability in the intellectualist's estimation. We might think of the covenant, in this case, as an extra determinant of stability, as both God's promises and the inherent nature of things guarantee the maintenance of a certain order of laws. But for the voluntarist, the covenant does more work in this regard, for nature carries with it no intrinsic order or stability. But God's binding Godself to a certain order provides the stability that would otherwise be lacking in the natural order. The employment of the covenant concept allows the voluntarist to speak in similar ways as the intellectualist by asserting that the natural moral law is both necessary and eternal. It is necessary in a hypothetical sense that it is not simply contingent upon the act of creation, as it is for Aquinas, but also upon the act of covenanting. Once God has promised to uphold a certain set of laws, then the perfection of God's character has the consequence of making these laws necessary, insofar as God will not break a promise that God has made. This sense of necessity, though, is weaker than logical necessity: it is a hypothetical form of necessity but contingent on more factors than the simple act of creation. The covenant, then, introduces laws that are, properly speaking, sempiternal, as God will not change God's decrees (even though the content of the decree may have been undetermined prior to the act of making the decree). In other words, these laws are generated by the act of making a covenant and begin with this act: while they do not obtain prior to this act, they do obtain at every point afterward.

All of this serves to moderate the scope of activity afforded to the divine will in God's providential government of the world. Even though a voluntarist may maintain an operationalized understanding of God's absolute power, and also maintain that there is a possible world in which God may govern the world differently, there is no possible world in which God makes a promise to govern the world a certain way and then breaks that promise. The covenantal voluntarist accepts this operationalized understanding of the *potentia absoluta*, but also holds that God limits the scope of his power in the act of

making a covenant. Laws enacted in a covenant are hypothetically necessary, for God must maintain these laws on pain of breaking a promise. If God promises eternal life to those who keep the law, then it is necessary for God to fulfill that promise. The making of a promise and failure to fulfill it are impossible in this case not because either action is impossible – indeed, God could refrain from giving eternal life to those who keep the law provided that no promise was made or God could give eternal life to law-keepers without making any promise. The impossibility lies in the fact that God must act consistently with the divine attributes. To break a promise would violate God's perfect benevolence, but God is under no necessity to make a promise.

Chapter 3

3 Theological Voluntarism and Hypothetical Necessity in Locke's *Essays on the Law of Nature*

There has been an ongoing debate concerning the foundations of the natural law in Locke's moral philosophy. While this debate started shortly after the first publication of the *Essay concerning Human Understanding* in 1689¹⁰⁵, it has gained momentum since the 1954 publication of Locke's *Essays on the Law of Nature* [1664], a hitherto unpublished manuscript in the Lovelace collection. Given the relatively few passages that Locke devotes to an explicit discussion of the natural law in his published work, these early *Essays* have facilitated a more substantial discussion of Locke's natural law doctrine. At the heart of the debate is the question of whether Locke is a voluntarist or an intellectualist in his understanding of the natural law.¹⁰⁶ In the course of the next two chapters, we'll look at a number of reasons why commentators have described his moral philosophy as either voluntaristic or intellectualistic. My thesis is that Locke is a voluntarist, albeit a moderate voluntarist who thinks that the moral laws are hypothetically necessary. But in order to gain a proper understanding of Locke's moral philosophy, we must consider its historical development. And so, in this chapter, I focus on Locke's early writings on the laws of nature and, in the next chapter, I'll turn to his more mature work. Finally, this chapter and the next focus primarily on Locke's view of the moral laws of nature. In the fifth chapter, I discuss the physical laws of nature.

¹⁰⁵ Beginning in 1697, Thomas Burnet wrote three pamphlets against the *Essay*, with one of the principal criticisms being that Locke gives an overly voluntaristic foundation to the moral laws of nature. In 1702, Catherine Trotter Cockburn replied to Burnet's criticisms in *The Defence of Mr Locke's Essay concerning Human Understanding*. Locke himself wrote a rather terse reply to Burnet's remarks and also left marginalia in his copies of the pamphlets. Locke approved of Cockburn's defence of his views and gave a stipend to her in appreciation. For more on Cockburn's defence of Locke, see Patricia Sheridan, 'Reflection, Nature, and Moral Law: The Extent of Catharine Cockburn's Lockeanism in her Defence of Mr Locke's Essay', *Hypatia* 22.3 (2007): 133-151. While Cockburn defended Locke's account of a demonstrative theory of morality, she also had her own views that diverged from Locke's. One significant difference is that Cockburn has a more naturalistic account of obligation than Locke's voluntaristic account: as Sheridan shows, she explicitly grounds obligation in teleological naturalism rather than the divine will in her later work and this is refigured in her defence of Locke. For an extended comparison of Locke and Cockburn's respective views of obligation, see *Ibid.*, 144-147.

¹⁰⁶ Some of the main contributions to this debate were given in the introduction.

3.1 Locke's Treatment of Law in the *Two Tracts on Government*

Locke wrote the *Essays on the Law of Nature* during his year as Censor of Moral Philosophy at Oxford in 1664. The *Essays* are written in the scholastic style of disputation and represent Locke's first sustained treatment of the natural law. They do not, though, represent his first thoughts on the matter, for both of his *Two Tracts on Government* – written in the early 1660s against the Nonconformist Edward Bagshaw – concern the natural law as well.¹⁰⁷ The basic question of the debate with Bagshaw is whether or not the authority of the civil magistrate extends to the regulation and determination of adiaphora – things indifferent – in the context of religious worship (such as the wearing of surplices, bowing at the name of Jesus, kneeling at the sacrament, etc.). Locke's defense of the magistrate's authority to regulate these adiaphora rests on his understanding of subordinate forms of law.

In the *Second Tract on Government*, Locke divides laws into four categories: divine, political, fraternal, and private.¹⁰⁸ Divine law represents the highest form of law, which has God as its author, and all other laws are subordinate to it. Political – or civil – laws represent the next highest form of law and they have the magistrate as their author; both the fraternal and the private law are subordinate to them.¹⁰⁹ There are two important senses in which the lower forms of law are subordinate to those which are higher. First, the precepts of a lower law can never legitimately trump the precepts of a higher one. If, for example, the divine law forbids theft, the magistrate cannot authorize a law commanding theft (as such a law would contravene the divine law). Second, the scope of each lesser form of law is the set of things left indifferent by the higher forms of law. The divine law leaves a set of actions neutral (morally speaking), including the outward

¹⁰⁷ Bagshaw and Locke were contemporaries at Christ Church, Oxford. Bagshaw's tract, *The Great Question concerning Things Indifferent*, was published in 1659. For more on their dispute, see Philip Abrams's introduction to *Two Tracts on Government*, Cambridge, 1967: 17-25.

¹⁰⁸ *Second Tract on Government* in *Political Essays*, ed. Goldie, Cambridge, 1997: 63.

¹⁰⁹ The fraternal law is similar to what Locke describes as the law of reputation in the *Essay concerning Human Understanding*: it consists in customary forms of behaviour. The private law has the individual as its author: it, in effect, represents private conscience.

forms of religious worship. It is these actions that lie within the purview of the magistrate's power. According to Locke, the magistrate has responsibility for the care of the community, which includes the power of determining and altering laws in accordance with what the magistrate decides to be best for the common good and the preservation of peace.¹¹⁰ By creating and promulgating laws, the magistrate adds a new set of obligations beyond the divine law. In other words, the civil law decreases the set of things that are indifferent. So if, for example, the magistrate decides that uniformity in public worship best promotes the good of the commonwealth and sets the Book of Common Prayer as the liturgical standard of the nation's church, then liturgical practice no longer represents a thing indifferent, even though the divine law is silent on such particulars. Furthermore, since the individual law of conscience is subordinate to the civil law, the private convictions of citizens about such matters cannot be used as a justification to resist the legislative will of the magistrate – and were it otherwise, so Locke argues, this would essentially subvert and destroy the power of the magistrate (because if this were allowed everyone would, in effect, have the same power as the magistrate).

There are two features of Locke's account of law here that are helpful for understanding what he has to say about the foundations of the natural law in the *Essays on the Law of Nature*. First, the author of a law is above any law she authorizes. Locke states that the 'authors of laws are, by their power, superior to the laws themselves and to the subjects they govern' (*Second Tract*, 63). In this view, the author of a law is capable of supra-legal action¹¹¹, such as altering the law in ways that are not provided for within that system of laws. We might think that only God is capable of this kind of action, but Locke is clear that the magistrate also has the authority to change the civil law within the bounds of providing for the welfare of society:

¹¹⁰ *Second Tract*, 56. Furthermore, Locke is explicit that this responsibility has been given to the magistrate by God (64).

¹¹¹ This represents an action that is beyond the law, and not against it. The point here is that the magistrate has the power to change the law, not to violate it.

But since the responsibility for society is entrusted to the magistrate by God and since on the one hand all the evils likely to befall a commonwealth could not be guarded against by an unlimited number of laws, while on the other to have exactly the same constitution would not always be an advantage to a people, God left many indifferent things untrammelled by his laws and handed them to his deputy the magistrate as fit material for civil government, which, as occasion should demand, could be commanded or prohibited, and by the wise regulation of which the welfare of the commonwealth could be provided for.

Second Tract, 64

There is a sense in which the operationalized understanding of the *potentia absoluta* is present here. As examined in the last chapter, Scotus conceives of God's absolute power as a kind of extra or supra-legal action and that this reflects a voluntaristic conception of providence in which the laws of nature are subject to alteration by the divine will. Now Locke doesn't employ such terms or theological sophistication in his discussion of the divine law-giver. Locke is clear that he thinks that the magistrate is above the civil law as he says that the 'authors of laws are, by their power, superior to the laws themselves and to the subjects they govern' (*Second Tract, 63*). In the *First Tract on Government*, Locke describes the magistrate as having 'an absolute and arbitrary power over all the indifferent actions of his people'.¹¹² The magistrate exercises authority for the sake of the common good, and should the magistrate enact laws designed to advance private interest then the magistrate will be subject to God's judgment. So it is important to emphasize that Locke doesn't mean that the magistrate exercises God's authority according to random determinations of the will: indeed, the magistrate's authority is circumscribed by the natural law (which promotes the common good).

It is worthwhile to compare Locke's and Aquinas's respective understandings of law and authority. According to Aquinas, law represents a promulgated ordinance of

¹¹² *First Tract of Government in Political Essays*, 9.

reason directed toward the common good that is made by one who has care of the community (*Summa Theologiae* I-II, q.90, a.4). Locke, on the other hand, says the following:

By ‘magistrate’ we here understand one who has responsibility for the care of the community, who holds a supreme power over all others and to whom, finally, is delegated the power of constituting and abrogating laws; for this is that essential right of command in which alone resides that power of the magistrate by which he rules and restrains other men and, at will and by any means, orders and disposes civil affairs to preserve the public good and keep the people in peace and concord.

Second Tract, 56

Like Aquinas, Locke thinks that law has its source in one who has care of the community and that law should promote the common good. But Locke does not describe the law as an ordinance of reason: he states that it is the magistrate’s ‘expressed will which establishes obligation’ (*Second Tract*, 62). This is not to say that the law is irrational in Locke’s estimation, but that the relevant and primary faculty in the creation of an obligation is will and not reason. Accordingly, Locke speaks in the language of power and command. Admittedly, Locke does not explicitly state that the will of the sovereign is a necessary condition in the establishment of an obligation; but given that he is explicit about this in the *Essays on the Law of Nature*, written just two years later, it is reasonable to assume that he has the same understanding of the character of law in the *Second Tract*. Indeed, as we’ll see further on in this chapter, the language that Locke uses surrounding law and obligation prefigures his discussion of law in the *Essays*.

In the *Second Tract*, Locke’s discussion of the subdivision of laws suggests that each of these categories are structurally similar (63). Thus there is a certain analogy between the divine legislator and the civil legislator. Just as the magistrate is above the civil law, God is above the divine law and may act supra-legally in the determination and alteration of the divine law. It is important to keep this in mind in approaching Locke’s discussion of divine power in the *Essays* because Locke continues to think that all things

are morally indifferent prior to the establishment of a law. Locke maintains a jural conception of morality in the *Two Tracts* and, as I'll argue in the next chapters, this is something that he continues to maintain throughout the course of his life. What this means is that, prior to an act of legislation, things are neither morally good nor evil; in other words, they are indifferent. Locke says the following:

Now things are said to be indifferent in respect of moral good and evil, so that all things which are morally neither good nor evil are called indifferent. Since, however, moral actions imply a law as a standard of good and evil, against which we ought to measure and test our life and actions (for it is certain that if no law were provided all things and actions would be entirely indifferent and neutral, so that they could be done or left undone at the will of each individual), therefore, in order that indifferent things may be more clearly understood, some account must be given of laws, the general nature of which the learned Hooker describes, [*The Laws of Ecclesiastical Polity*] book I, ch. 2, thus: 'That which doth assign the force and power, that which doth appoint the form and measure of working, the same we term a law'.¹¹³

It is Locke's commitment to the juridical conception of morality that makes it so important to talk about law in the context of adiaphora. Every action is indifferent provided there is no law pertaining to it. But once an appropriate authority makes a law concerning a certain action, that action is no longer indifferent. The magistrate's basic task is to make things that are indifferent into things that aren't indifferent through legislation directed at the common good. In this understanding, the Nonconformist's view that the magistrate should avoid making laws concerned with adiaphora really amounts to the position that there shouldn't be a magistrate. But this is bad, as the argument runs, since anarchy harms the common good. The point I wish to stress here is

¹¹³ *Second Tract*, 62. For more on Hooker's influence on Locke's view of law and adiaphora in the context of debates concerning religious toleration, see Alexander S. Rosenthal, *Crown Under Law: Richard Hooker, John Locke, and the Ascent of Modern Constitutionalism*, Lexington, 2008: 203-209.

that, according to Locke, things and actions are not intrinsically good or evil. It is only an act of legislation that makes something moral or immoral. It is clear that Locke maintains a voluntaristic understanding of the natural law in the *Two Tracts*, for there is no possible world in which God does not exist, but in which the natural law obtains.¹¹⁴ The reason for this is that an act of will on the part of a legislator is necessary to turn an action from something indifferent into something that is morally obligatory. And as I will argue below, this understanding carries over into the *Essays*.

3.2 Law and Providence in the *Essays on the Law of Nature*

3.2.1: The Eternal Law

Locke begins the *Essays on the Law of Nature* with some general remarks about God's providence and the created order:

[A] divine being presides over the world – for it is by his order that the heaven revolves in unbroken rotation, the earth stands fast and stars shine, and it is he who has set bounds even to the wild sea and prescribed to every kind of plants the manner and periods of germination and growth; it is in obedience to his will that all living beings have their own laws of birth and life; and there is nothing so unstable, so uncertain in this whole constitution of things as not to admit of valid and fixed laws of operation appropriate to its nature.¹¹⁵

¹¹⁴ The elimination of the divine law may also have the consequence of eliminating the civil law. In the *Two Tracts*, Locke thinks that the duty to fulfill contracts is a part of the divine law. Consequently, if God made no law about contracts, it would be a matter of indifference whether or not we abide by our contracts. Thus if we invest power in the magistrate, we are under no obligation to follow the magistrate, for it doesn't matter if we break the social contract.

¹¹⁵ *Essays on the Law of Nature* (hereafter ELN) I, ed. and tr. W. von Leyden, Oxford, 1958, 109.

'[N]umen aliquod mundo præsideret, cum caelum perpetua rotatione volvi, terram stare, sidera lucere jussisset, ipsi indomito mari limites posuerit, omni plantarum generi et germinandi et crescendi modos tempestatesque præscripserit, cum animantes omnes illius voluntati morem gerentes suas habeant et nascendi et vivendi leges, nec quicquam sit in tota hac rerum natura tam vagum tam incertum quod ratas fixasque non agnoscat operandi naturae suae convenientes leges.'

Locke continues on to infer that since creation is ordered by laws that it must be the case that human beings are also ordered by laws. Indeed this forms the context of the above quote and represents one of Locke's arguments for the existence of the natural law. And Locke defines law as 'that which prescribes to everything the form and manner and measure of working, is just what law is' (ELN I, 117). He then goes on to cite Aquinas' view that all things are governed by the eternal law. But Locke has a different conception of the eternal law than Aquinas. For Aquinas, the eternal law is the supreme idea in the divine mind which serves as the principle that orders all things to their proper end. The natural law is an image of the eternal law, and has as its archetype this idea in the divine mind. God creates according to these archetypes as a builder builds according to a blueprint. While Locke's discussion of the eternal law makes it clear that he thinks God's providentially governs all of creation, he does not mention the divine ideas. What Locke says in the first *Essay* about the eternal law and its extension into the whole of the created order has parallels with Book I of Richard Hooker's *Of the Laws of Ecclesiastical Polity*. In a general discussion of the nature of law and the created order Hooker says the following:

Moses, in describing the work of creation, attributeth speech unto God: "God said, Let there be light: let there be a firmament: let the waters under the heaven be gathered together into one place: let the earth bring forth: let there be lights in the firmament of heaven." Was this only the intent of Moses, to signify the infinite greatness of God's power by the easiness of his accomplishing such effects, without travail, pain, or labour? Surely it seemeth that Moses had herein besides this a further purpose, namely, first to teach that God did not work as a necessary but a voluntary agent,

A newer edition and translation of Locke's text exists – *Questions concerning the Law of Nature*, eds and tr, R. Horwitz, J. Strauss Clay, and D. Clay, Cornell, 1990 – but it does not represent an improvement on von Leyden's edition. For an overview of the problems with the newer edition, see M.A. Stewart 'Critical Notice of *Questions concerning the Law of Nature*', *The Locke Newsletter* 23 (1992): 145-166. Hannah Dawson and Richard Ellis are currently working to produce a critical edition in the Clarendon Edition of Locke's works.

intending beforehand and decreeing with himself that which did outwardly proceed from him: secondly, to shew that God did then institute a law natural to be observed by creatures, and therefore according to the manner of laws, the institution thereof is described, as being established by solemn injunction. His commanding those things to be which are, and to be in such sort as they are, to keep that tenure and course which they do, importeth the establishment of nature's law. This world's first creation, and the preservation since of things created, what is it but only so far forth a manifestation by execution, what the eternal law of God is concerning things natural?¹¹⁶

According to Hooker, God works as a voluntary agent in the establishment of the created order and the providence of the eternal law extends to the whole of creation.¹¹⁷ Hooker says the following about the eternal law:

The law whereby He worketh is eternal, and therefore can have no show or colour of mutability: for which cause, a part of that law being opened in the promises which God hath made (because his promises are nothing else but declarations what God will do for the good of men) touching those promises the Apostle hath witnessed, that God may as possibly “deny himself” and not be God, as fail to perform them. And concerning the counsel of God, he termeth it likewise a thing “unchangeable;” the counsel of God, and that law of God whereof now we speak, being one. Nor is the freedom of the will of God any whit abated, let or hindered, by means of this; because the imposition of this law upon himself is his own free and voluntary act. This law therefore we may name eternal, being “that order which God before all ages hath set down with himself, for himself to do all things by.”

¹¹⁶ *Of the Laws of Ecclesiastical Polity* I.iii.2, ed. A.S. McGrade, Cambridge, 1989: 59.

¹¹⁷ Hooker, of course, recognizes that there is a difference between the governance of rational and non-rational creatures. Thus, the natural law for human beings takes on a different character than for the natural order, but nonetheless the entire created order is law-governed.

Laws I.ii.6, 57

Hooker's account of the eternal law is different from Aquinas'. Aquinas identifies the eternal law with the second person of the Trinity, and it is a necessary feature of divine nature.¹¹⁸ Hooker is clear that the generation of the Son and the procession of the Spirit are necessary and internal operations of the divine nature, but that these are distinct from the eternal law, which is properly speaking something voluntary (*Laws I.ii.2*). Unlike Aquinas, the eternal law, for Hooker, is something self-imposed: it is an order to which God freely binds Godself. But there is a form of hypothetical necessity at work here. Hooker identifies the law of God, i.e. the eternal law, with the counsel of God and says that these are unchangeable. The law, however, is not unchangeable because it is absolutely necessary. Indeed, Hooker thinks that God's imposition of the law on Godself is a 'free and voluntary act'. Nevertheless, the law is immutable. The most plausible interpretation of Hooker is that the law is hypothetically necessary (for if it were understood otherwise, Hooker's position would be inconsistent). It cannot be absolutely necessary as it depends on a free act, but neither is it purely contingent as it is immutable. Upon the supposition of a free act and the perfection of God, the eternal law will not change. And Hooker specifies that part of this law is revealed in God's promises, i.e., through covenants described in scripture (this idea will be developed more in the next chapter). A fairly standard view is that God must fulfill promises, even though they are freely made, for to do otherwise would be inconsistent with the perfection of benevolence. Further on in this chapter, I will argue that Locke's view of the natural law (the part of the eternal law that applies to human beings) is hypothetically necessary. But first, I argue that Locke has a voluntaristic conception of moral philosophy in the *Essays*.

3.2.2: Locke's Voluntarism in the *Essays on the Law of Nature*

¹¹⁸ In *Summa Theologiae* I-II, q.93, a.2, resp.2, Aquinas states that the eternal law is appropriated to Christ, the second person of the Trinity and God the Word, as there is a kinship between type (*ratio*) and word (*verbum*). See also *Summa Theologiae* I-II, q.93, a.4, resp.2. The upshot to all of this is that the eternal law forms an important and absolutely necessary feature of God's essence and cannot be otherwise (as God wills his own essence with absolute necessity).

Some commentators on the *Essays*, including Wolfgang von Leyden and David Soles, see Locke's discussion of the foundations of the natural law as inconsistent. The problem is that there seem to be both threads of voluntarism and intellectualism running through the work in tension with one another.¹¹⁹ Locke describes the law of nature as the decree of the divine will, the formal cause of law being the decree of a superior; but he also identifies the law with what is in conformity with rational nature:

The law of nature can be described as being the decree of the divine will discernible by the light of nature and indicating what is and what is not in conformity with rational nature, and for this very reason commanding or prohibiting.¹²⁰

While Locke thinks that the natural law has an indicative capacity (i.e., it indicates to us what conforms to our rational nature), he does not think that the law consists in a dictate of reason (*dictatum rationis*), as it is something given to us by a superior power (ELN I). Unlike an intellectualistic understanding of the natural law, a simple consideration of our rational nature does not yield this law. (Reason, however, is important as it is the tool by which we grasp the natural law.) To understand what Locke means here, it is important to discuss the distinction that Locke develops between an effective and a terminative obligation:

[R]egarding obligation, it must be noted that some things bind 'effectively', others only 'terminatively', i.e. by delimitation. That thing binds 'effectively' which is the prime cause of all obligation, and from which springs the formal cause of obligation, namely the will of a superior. For we are bound to something for the very reason that he, under whose rule we are, wills it. That thing binds 'terminatively', or by delimitation, which prescribes the manner and measure of an obligation

¹¹⁹ 'Introduction', ELN, 43 and 'Intellectualism and Natural Law in Locke's *Second Treatise*', passim.

¹²⁰ ELN I, 111.

'[L]ex naturae ita describi potest quod sit ordinatio voluntatis divinae lumine naturae cognoscibilis, quid cum natura rationali conveniens vel disconveniens sit indicans eoque ipso jubens aut prohibens.'

and of our duty and is nothing other than the declaration of that will, and this declaration by another name we call law. We are indeed bound by Almighty God because He wills, but the declaration of His will delimits the obligation and the ground of our obedience; for we are not bound to anything except what a law-maker in some way has made known and proclaimed as his will.¹²¹

In Locke's view, effective obligation refers to the source of an obligation, while terminative obligation refers to the content of an obligation.¹²² A complete obligation, we might say, requires both an effective and a terminative obligation. In order to be bound by the natural law, it is not enough to know that God has willed a law, if we do not know the content of the law; this content must be promulgated in some way. But likewise, knowing some determinate content – i.e. a set of actions that include things we should perform and avoid – does not yield an obligation unless we know that the content is willed into law by God. It follows from what Locke has to say about obligation that he has a voluntaristic understanding of morality.

It follows that in the possible world in which God did not exist but the world did exist, the natural law would not obtain, as we would not be effectively obligated to follow the actions that it prescribes and prohibits. We may be aware of some content relevant to our actions, but this content would have no binding force if we were not able to relate it back to the will of the divine law-maker. Indeed, Locke specifies that the will of the sovereign represents the 'formal cause' of law. Locke's understanding of the character of law diverges from an intellectualist like Grotius, for whom the natural law consists solely

¹²¹ ELN VI, 185-187.

'[D]e obligatione observandum est alia obligare effective, alia solum terminative. Effective id obligat quod est prima causa omnis obligationis et a qua fluit formalis illius ratio, et id est voluntas superioris; ideo enim obligamur ad aliquid quia is sub cuius ditione sumus id velit. Terminative id obligat quod praescribit modum et mensuram obligationis et officii nostri; quod nihil aliud est quam declaratio istius voluntatis, quam alio nomine legem vocamus; a Deo enim optimo maximo obligamur, quia vult, hujus vero voluntatis obligationem et obsequii nostri rationem terminat declaratio, quia ad aliud non obligamur nisi quod legislator aliquo modo notum fecerit et promulgavit se velle.'

¹²² Von Leyden suspects that Locke probably derived this distinction from Robert Sanderson's *De Obligatione Conscientiae*. ELN, 185, n.2.

in what conforms to the rational and social nature of human beings. This is not to say that human nature does not play an important role in our understanding of the natural law, but a simple consideration of our nature yields only the terminative binding force of the law. The effective binding force is provided by recognizing that this content is willed by God into law. Summing up Locke's view of obligation, and arguing for the complementariness of the effective and terminative aspects of the natural law, John Colman writes:

In Locke's theory, then, the will of God is the form of the law of nature; it makes the directives of morality to be laws binding mankind. Human nature provides the necessary terminative element in the law of nature, for what God wills men to do is somehow incorporated in the way He has made them. Locke's theory of moral obligation may be summed up thus: God's will is necessary and sufficient to place men under an obligation; the facts of human nature are necessary and sufficient to delimit the obligations men are placed under. God's will and rational nature, far from being centres for competing theories of the law of nature are complementary features of the one theory.¹²³

Colman thinks that Locke should be classified as a theological voluntarist, given that we can be under no obligation without the will of God.¹²⁴ We might think, though, that considerations of God's will and our nature may yield competing theories of the law of nature, if both the divine will and human nature function as independent sources of obligation. As we saw in the previous chapter, Grotius holds the view that both the divine will and human nature represent distinct sources of law, though it is our nature that is the source of the natural law, properly speaking. If Locke held this view, it would be proper to label him an intellectualist.

¹²³ *John Locke's Moral Philosophy*, Edinburgh University Press, 1983, 42.

¹²⁴ G.A.J. Rogers also thinks that Locke's distinction between effective and terminative binding reflects a commitment to theological voluntarism about the natural law ('John Locke, God, and the Law of Nature' in *Potentia Dei*, ed. G. Canziani, F. Angeli, 2000: 556).

But human nature, for Locke, does not serve as a sufficient foundation for the natural law, for God must will the law in order for it to be effectively binding. We should see God's will and human nature, then, as complementary features of a single theory of obligation. God wills the law of nature according to what is in conformity with human nature. The terminative aspect of the law is supplied by our nature, but the effective aspect is supplied by God's will. The divine will is not superfluous here, for it is necessary to generate an obligation *simpliciter*. Without it, the natural law would not obtain.

Pace Colman, some commentators, such as David Soles, have argued that Locke's position in the *Essays on the Law of Nature* is inconsistent and that Locke really presents two accounts of obligation, one ultimately grounded in the divine will and one ultimately grounded in human nature. Soles thinks that the inconsistency of Locke's view of obligation is illustrated by the following consideration:

Could God keep human nature constant and change the content of the law of nature, that is, impose upon us different sorts of obligations? Put slightly differently, if God willed it, would we be released from the obligation to respect the life, liberty, health and property of others? If not, then the obligatory force of the law of nature is independent of God's will. But this is inconsistent with saying that God's will is the source of our obligation to obey the law.

'Intellectualism and Natural Law in Locke's *Second Treatise*', 104-105

Soles thinks that this is a decisive objection against the consistency of Locke's view of obligation, since Locke is explicit that the natural law cannot be changed while human nature remains the same (ELN VII, 199). Soles argues that this implies that the content of the natural law and the obligation to obey it are both independent of the divine will ('Intellectualism and Natural in Locke's *Second Treatise*', 105). Even if it were the case that the content of the natural law was independent of the divine will, Soles has not shown that the obligation to obey the law is also independent from the divine will, despite the fact that God cannot change the law without changing human nature. Indeed, both

Suárez and Pufendorf, for different reasons, think that God does not have the power to change the law of nature. For Suárez, God cannot change what is intrinsically good or evil, but an obligation requires the command of the divine will. And for Pufendorf, the natural law is hypothetically necessary: God cannot change the law without changing human nature because to do so would represent an inconsistency. (In the next section, I'll argue that Locke holds a view similar to Pufendorf's.) What would represent an inconsistency with a voluntaristic view of obligation is the claim that human nature, on its own, can generate an obligation to perform or avoid certain actions. But Locke nowhere makes this claim.

Furthermore, as W. Randall Ward rightly argues, Locke thinks that the constitution of human nature itself is determined by the divine will ('Divine Will, Natural Law and the Voluntarism/Intellectualism Debate in Locke', 211-212). Ward argues that the principles of the natural law and the constitution of human nature represent an 'integrated expression' of God's creative will (Ibid, 212). But what Ward does not explain is how the principles of the natural law, rooted in human nature, take on a form of necessity if they are determined by the divine will.

3.2.3. Hypothetical Necessity and the Laws of Nature

Colman describes the necessity pertaining to the natural law, in the *Essays*, as hypothetical and not absolute, given that the content of the law depends upon the supposition that human beings are created in a certain way.¹²⁵ Colman is right to describe the necessity this way, but he does not explain hypothetical necessity in detail. In order to understand why Locke thinks that the moral law of nature is hypothetically necessary, it is important to look at the idea of *convenientia*, according to which God harmonizes the natural law with human nature:

[The law of nature] is a fixed and permanent rule of morals, which reason itself pronounces, and which persists, being a fact so firmly rooted in the

¹²⁵ *John Locke's Moral Philosophy*, 43. G.A.J. Rogers makes a similar point in his 'Locke, Law, and the Laws of Nature', 157.

soil of human nature. Hence human nature must needs be changed before this law can be either altered or annulled. *There is, in fact, a harmony between these two*, and what is proper now for the rational nature, in so far as it is rational, must needs be proper forever, and the same reason will pronounce everywhere the same moral rules.¹²⁶

Locke says that there is a harmony – or *convenientia* – between human nature and the natural moral law given by God. And there is a necessity involved in this harmony, for presuming that human nature remains the same, the natural law is immutable. Furthermore, not only is the law immutable, it is also necessary in the sense that it could not have been otherwise (supposing that God creates human nature the way that God has in fact created it):

In fact, this law does not depend on an unstable and changeable will, but on the eternal order of things. For it seems to me that certain essential features of things are immutable, and that certain duties arise out of necessity and cannot be other than they are.¹²⁷

This text, taken on its own, seems to support an intellectualist understanding of the natural law insofar as the law depends on the ‘eternal order of things’ and not on an ‘unstable and changeable will’. We can read the phrase ‘unstable and changeable will’ (*ex fluxa et mutabili voluntate*) in one of two ways: one, Locke is saying that the law does not depend on the divine will *simpliciter*; or two, he is saying that the law does not depend on a will that is unstable and changeable, though it may depend on a will that is stable and immutable. Given what Locke has to say about effective obligation, it would represent a fairly serious inconsistency to think of the law as independent of the divine

¹²⁶ ELN VII, 199. ‘[Lex naturae est] fixa et aeterna morum regula, quam praesenti commodo datum, quam dictat ipsa ratio, adeoque humanae naturae principiis infixum haeret; et mutetur prius oportet humana natura quam lex haec aut mutari possit abrogari; *convenientia enim est inter utramque*, quodque jam convenit naturae rationali, quatenus rationalis est, in aeternum conveniat est necesse, eademque ratio eadem dictabit ubique morum regulas.’ Ibid, 198.

¹²⁷ ELN VII, 199.

‘Non enim ex fluxa et mutabili voluntate pendet haec lex, sed ex aeterno rerum ordine; mihi enim videntur quidam immutabiles esse rerum status et quaedam officia ex necessitate orta, quae aliter esse non possunt.’

will. Thus it is better to think of Locke simply emphasizing that God's will is stable and immutable. And this fits with what Locke says a little bit later:

[T]his natural duty [i.e. the natural law] will never be abolished ... because God certainly would not wish to do so. For since, according to His infinite and eternal wisdom, He has made man such that these duties of his necessarily follow from his very nature, He surely will not alter what has been made and create a new race of men, who would have another law and moral rule, seeing that natural law stands and falls together with the nature of man as it is at present.¹²⁸

There are two claims being made here that are relevant to our discussion of hypothetical necessity. First, Locke is clear that God could alter the natural law by altering human nature, but that it is something that God would not wish to do and will not do. Locke thinks that God will maintain the natural law in the future, given that God in God's wisdom created human nature and the natural law as they are. The continued existence of the natural law, then, seems to be hypothetically necessary: while there was no necessity compelling God to create human beings in the first place (or in a certain way), we know that God, in God's wisdom, chose to create human beings and the law and that this fact requires the continuance of the natural law. While Locke is not explicit about this, the idea here is that it would be less than perfectly wise for God to create a set of creatures with a law to govern them and then later to choose to annihilate those creatures and make a new and different set of creatures with a different law to govern them. Like Aquinas, Locke thinks that the continued existence of the natural law is hypothetically necessary. While Locke, though, stresses divine wisdom instead of divine immutability as the grounds of this hypothetical necessity, we have no reason to think that he would not be sympathetic to thinking of immutability as important here as well. But the main point is

¹²⁸ ELN VII, 201

'[J]us hoc naturale nunquam abrogatum iri ... nec certe Deus velit, cum enim ex infinita et aeterna sua sapientia ita fecit hominem ut haec illius officia ex ipsa hominis natura necessario sequerentur, haud certe mutabit factum et novam producet hominum progeniem, quibus alia sit lex et morum regula, quandoquidem cum humana natura, quae jam est, lex naturae stat simul caditque.'

that the grounds of the necessity here lie in the fact that God cannot act inconsistently with the perfection of the divine nature.

There is, though, a second sense of hypothetical necessity here that is quite similar to Pufendorf's view.¹²⁹ The natural law is necessarily connected to human nature. More precisely, we can say that in Locke's view the law is hypothetically necessary, based on the supposition that God creates human beings with a certain nature. Above we saw that Locke is explicit that 'certain duties arise out of necessity and cannot be other than they are'. And what he says afterwards suggests that the natural law is hypothetically necessary:

For it seems to me that certain essential features of things are immutable, and that certain duties arise out of necessity and cannot be other than they are. And this is not because nature or God (as I should say more correctly) could not have created man differently. Rather, the cause is that, since man has been made such as he is, equipped with reason and his other

¹²⁹ The discussion of Pufendorf in the last chapter drew primarily from *De Jure Naturae et Gentium*, which was first written in 1672. Locke owned a copy of *De Jure*. (See Harrison and Laslett, *The Library of John Locke*, Clarendon, 1971, #2401.) He also highly recommended Pufendorf's work on morality in his discussion of morality in *Some Thoughts concerning Education* (§186, p.239). Furthermore, there are also notes in Locke's commonplace books to indicate the fact that he read a great deal of Pufendorf's published work. If Pufendorf did directly influence some of Locke's thinking in the *Essays*, then one must turn to Pufendorf's 1660 *Elementorum jurisprudentiae universalis*, a work in which he sets out a view of the natural law that he later expands in *De Jure*. Locke owned two editions of the *Elementa*, the original 1660 edition and the subsequent 1672 edition (Harrison and Laslett #2404, 2405) that was published alongside *De Jure*. While there is no conclusive evidence to rule out Locke's acquisition of the 1660 edition after writing his *Essays*, there is good reason to think that Locke had read Pufendorf prior to writing the *Essays* in 1664. Indeed, Pufendorf expresses similar thoughts about the hypothetical necessity of the natural law:

[D]ue note must be made of the fact that, when morality is said naturally to inhere in a certain action, this is not to be understood as though it meant that the morality results from the physical principles of the thing or from the very nature of the action in itself; but that it does not derive its origin from the arbitrary imposition of men, but only from the disposition of God himself, who has so formed the nature of man that particular actions of necessity are or are not congruent with this nature. And, of a truth, that He made man in this fashion and not in another depended entirely upon His own will. (*Elementorum* II.i, tr. W.A. Oldfather, Clarendon, 1931: 7)

Pufendorf maintains the view in both *De Jure* and the *Elementorum* that actions are not intrinsically noble or base. The principles of the natural law (i.e. what is and isn't in conformity with the rational nature of human beings) are not necessary *per se*, but only necessary in virtue of being established by divine imposition. They are hypothetically necessary upon the supposition that God makes human nature a certain way.

faculties and destined for this mode of life, there necessarily result from his inborn constitution some definite duties for him, which cannot be other than they are.¹³⁰

Locke thinks that God is both free to create human beings and to create them a certain way. But if God chooses to make human beings as rational and sociable creatures¹³¹, then God is bound by necessity to will the natural law as befits those creatures. As described earlier, there is a necessary harmony between human nature and the moral law of nature. Locke does not say that it is the perfection of the divine nature that grounds this harmony, but this is the most plausible interpretation of his view of the natural law: the moral law of nature is something that is willed into existence by God, and so it cannot be simply facts about human nature that produce the law.

The moral law of nature is not absolutely necessary because it does not completely follow from human nature. It is an essential and necessary feature of the natural law that God has commanded the precepts of the law through God's will. In the possible world in which we existed but God did not exist, the natural law would not

¹³⁰ *Essay* VII, 199.

'[M]ihi enim videntur quidam immutabiles esse rerum status et quaedam officia ex necessitate orta, quae aliter esse non possunt, non quod natura vel (ut rectius dicam) Deus non potuit aliter fecisse hominem, sed cum ita factus sit, ratione et aliis suis facultatibus instructus, ad hanc vitae conditionem natus, sequuntur necessario ex nativa ipsius constitutione aliqua illius et certa officia, quae aliter esse non possunt.'

Speaking about this passage, Ayers describes the necessity of the law as 'hypothetical, but hard' (*Locke*, vol.II, 189). He continues:

God was free to will what laws he liked in that he was free to create what things he liked, but in creating free and rational beings capable of pleasure and pain he *ipso facto* willed a certain law for those beings; just as, in choosing to create matter, he chose certain necessary laws of motion. (*Ibid*, 189-90)

Ayers does not make a distinction between considering the natural law as identical with human nature or considering it as distinct but harmonized with human nature. Consequently, it is unclear whether or not Ayers means that God creates the moral law of nature simply by creating human beings. Ayers considers the laws of motion to be necessary based on the matter that God chooses to create; God could not create the same matter with different laws (*Ibid*, 163). But this still doesn't help us to determine whether or not the natural law is identified with human nature. This is a point that is unclear in Ayers' treatment of Locke's view of the natural law.

¹³¹ This is implicit in the idea of being equipped with reason, other faculties and suited to certain mode of life. In a 1678 journal entry, Locke is explicit that God has made us with a sociable nature ('Law of Nature', *Political Essays*, 270).

obtain. But nonetheless, the natural law does follow from our nature with necessity. As we saw above, Ward thinks that the natural law and our constitution represent an integrated expression of God's creative will. We can see this integration in the relationship between the ends set for creatures that are evident in their constitution, and the law that God provides to direct creatures toward the ends set for them. To properly understand this relationship, we must look a little at the moral epistemology that Locke presents in the *Essays*.

In order to know the natural law (which we can only get through sense-experience and reason), Locke maintains that there are two facts that we need to grasp:

First, in order that anyone may understand that he is bound by a law, he must know beforehand that there is a law-maker, i.e. some superior power to which he is rightly subject. Secondly, it is also necessary to know that there is some will on the part of that superior power with respect to the things to be done by us, that is to say, that the law-maker, whoever he may prove to be, wishes that we do this but leave off that, and demands of us that the conduct of our life should be in accordance with this will.¹³²

Locke is saying here that knowledge of the natural law requires knowledge of both (1) the existence of a law-maker who has a right to command us and (2) the content of the commands of that law-maker. This, of course, corresponds to the distinction that he develops between the effective and terminative binding force of the natural law in *Essay VI*. Concerning the first aspect of the natural law, Locke provides a proof that uses a combination of teleological and cosmological arguments to show that God both exists and has a right to command us (ELN, 151-157, *passim*). Locke's use of the teleological argument is important, for it relates to how we can have insight into the second aspect of

¹³² *Essay IV*, 151.

'Primo igitur, ut se lege teneri quisquam cognoscat, scire prius oportet esse legislatorem, superiorem scilicet aliquam potestatem cui jure subjicitur. Secundo scire etiam oportet esse aliquam superioris illius potestatis voluntatem circa res a nobis agendas, hoc est legislatorem illum, quicumque is demum fuerit, velle nos hoc agere illud vero omittere, et exigere a nobis ut vitae nostrae mores suae voluntati sint conformes.'

the natural law – namely, the specific duties assigned to us. In designing and creating the world, God sets ends for creatures, including human beings. The question, though, is how we recognize what ends God has set for us. Locke thinks that there are two ways we can go about this. First, God creates the world for God’s own glory: this suggests that we have a duty to promote God’s glory. While Locke is not explicit about this, it seems that the content derived from this consideration would be broadly synonymous with the first table of the Decalogue (i.e. that which involves commands directly pertaining to our relationship with God, such as worshiping only God and refraining from idolatry). Second, we can partly infer the content of the natural law from a consideration of our nature:

[P]artly also we can infer the principle and a definite rule of our duty from man’s own constitution and the faculties with which he is equipped. For since man is neither made without design nor endowed to no purpose with these faculties which both can and must be employed, the duty of man appears from what he is naturally prepared to do.^{133 134}

Locke thinks that our constitution shows us that we are sociable beings, for whom society is necessary in order to preserve ourselves (*Essay IV*). And since God has designed our constitution, we can infer that God has made us to be sociable. From this we infer that we have a duty to be sociable.¹³⁵ Locke thinks that the law that God has

¹³³ Ibid, 157 (with edits). ‘[P]artim etiam officii nostri rationem certamque regulam colligere possumus ex hominis ipsius constitutione et facultatum humanarum apparatu; cum enim nec temere factus sit homo nec in nihilum his donatus facultatibus quae exerceri et possunt et debent, id videatur opus hominis ad quod naturaliter agendum instructus est.’ Ibid, 156. Von Leyden’s translation of the last clause here uses ‘nature’ as a noun, but no agency should be ascribed to nature, for this clause involves the adverb ‘naturaliter’. Von Leyden translates the clause as ‘his function appears to be that which nature has prepared him to perform’. But it is clear from context that God is preparing human nature for certain ends and that ‘opus’ refers to the ‘officium’ mentioned above (thus I have translated ‘opus’ as ‘duty’ rather than ‘function’).

¹³⁴ As Ian Harris points out, one of the major differences between Locke and Hobbes concerning the natural law is that Locke thinks that we can determine God’s purposes in the world; consequently, unlike Hobbes, Locke holds that we can infer the content of the natural law from these purposes and have knowledge of it in the state of nature (*The Mind of John Locke*, Cambridge, 1994, 91-95).

¹³⁵ Once again, while Locke isn’t explicit about this, the duty to be sociable is broadly synonymous with the second table to the Decalogue (i.e. which involves commands that have to do with human-human interactions, such as the prohibition of murder, theft, etc.).

willed can be inferred from the ends set for us and that these ends are evident in our constitution. What undergirds this inference is the idea of *convenientia*, for we know that God will harmonize the natural law with our constitution. Accordingly, we can determine the content of the natural law, i.e. the terminative obligation of the law, from a consideration of our capacities. And as we know that the content derives from God's will, we also have an effective obligation to follow the law.

Underlying the *convenientia* between the natural law and our constitution is the idea that God will not decree a law that frustrates the ends set for creatures. And this idea ultimately appeals to the perfection of the divine nature, for the creation of a law at cross-purposes with the ends and constitution of creatures would be inconsistent with God's perfection. A law that was incommodious to ends would represent a failure of rationality insofar as the ends aimed at in creation would be imperfectly realized. A world in which the laws were not incommodious would more perfectly realize the ends of creatures. Furthermore, a world with incommodious laws would represent a failure of divine benevolence as it seems that God could better provide for creatures by formulating laws that serve rather than frustrate ends given to creatures. The main point is that the perfection of the divine nature implies that the laws of nature, which direct creatures to specific ends, will harmonize with the constitution of those creatures (who are so constituted as to realize those specific ends).¹³⁶

¹³⁶ Alex Tuckness makes a related point in his discussion of Locke's view of the natural law and how certain principles could be ruled out from forming part of the content of the natural law:

Someone claims that a principle P is an enforceable natural law. If it is the case that if all persons attempt to follow P as a law of nature the result is hindering the goal that P was intended to promote, one must infer a lack of wisdom or foresight on the part of the legislator who enacted P. But God, by definition, does not lack wisdom or foresight so the previous reasoning must be false. P cannot, therefore, be a law of nature.

(*Locke and the Legislative Point of View*, Princeton, 2002, 41)

Tuckness' point here is that, for Locke, the law has a teleological aspect. It realizes the end it is set up to promote in the best possible way as God is a perfect legislator. Thus, for instance, if we consider P to be the principle 'commit acts of theft', we can rule this out from the natural law since it does not realize the end of sociability given to us.

We can understand the hypothetical necessity of the natural law in terms of the perfection of the divine nature. The natural law, as it stands now, obtains in any possible world in which there are creatures like us. This follows from the fact that God harmonizes the natural law with our nature, because to do otherwise would represent an imperfection. The duties of the natural law are necessarily joined to our constitution in this sense and cannot be other than they are because the perfection of God's nature requires it. The natural law, then, obtains in this world with a hypothetical necessity, for it is based on the supposition that God makes creatures like us. And what grounds this necessity is the perfection of the divine nature; God will not give ends to creatures, manifest in their constitution, and then give them a law incommensurable to those ends. Locke is a theological voluntarist in his understanding of morality in the *Essays*, for there is no possible world in which God does not exist but the natural law obtains. Nevertheless, he is a moderate voluntarist in the sense that God does not have the freedom to make creatures like us with a different law to govern us for such an action would be inconsistent with the perfection of the divine nature. In the next chapter, I argue that Locke maintains his moderate theological voluntarism in his mature work. I show that the natural law continues to be hypothetically necessary in his understanding and that this is manifest in his covenantal understanding of the moral laws of nature, which is explicit in his later theological works.

Chapter 4

4 Theological Voluntarism, Hypothetical Necessity, and Natural Law in Locke's Later Writings on Morality

Any plausible interpretation of Locke must consider his thought in its development. It is important to not simply ask *what* Locke thought, but also *when* he thought it. So just because Locke held a voluntaristic view of the natural law in the 1660s in both the *Two Tracts* and the *Essays on the Law of Nature*, it doesn't follow that this view is necessarily maintained in his later writings. It could be, then, that a voluntaristic view of the natural law represents the first stage in Locke's development, but that later on Locke moves to a more intellectualistic understanding of the natural law. Indeed, this describes Soles' view that Locke was more attracted to voluntarism in his youth than in his later years. A possible biographical picture to support this would be to see the younger Locke as sympathetic to Puritan theology with its voluntaristic emphasis on divine power. The story would continue with Locke, then, in his later years, abandoning this kind of theology in favour of more rationalistic conceptions of God and morality. But this biographical picture is implausible. While Locke was regularly hearing the sermons of the Puritan divine John Owen, as a student at Christ Church, Oxford, there is no indication in his correspondence or early notebooks that he had any Puritan sympathies.¹³⁷ Locke, for instance, transcribed multiple passages from the work of Henry Hammond, a prominent Arminian, into his notebooks: in one passage, Hammond describes Richard Hooker as an antidote to Calvin, and relates his elation in reading him.¹³⁸ These comments, of course, do not represent substantive theological positions, but they do indicate that the young Locke may have had some doubts about Puritanism. Furthermore, the figures that he gravitates toward, even from a young age,

¹³⁷ For more on Locke's theological reading at Oxford, see John Milton, 'Locke at Oxford', *Locke's Philosophy: Content and Context*, ed. G.A.J. Rogers, Clarendon, 1994: 41-43.

¹³⁸ MS Locke f.14, 42. The transcription comes from *Charis kai eirēnē, or, A pacifick discourse of Gods grace and decrees*, London: R. Royston, 1660: 9.

are those with Arminian sympathies (e.g. Hammond, Boyle, and others).¹³⁹ In his later writings on education, Locke praises Pufendorf's texts as offering the best instruction in morality¹⁴⁰, and these texts are clearly and explicitly voluntaristic. There is no evidence that Locke switched from a voluntaristic to an intellectualistic conception of divine power in his later years. In fact, the evidence seems to be that this is a fairly stable commitment.

In this chapter, I argue that Locke consistently maintains a voluntaristic understanding of the foundations of the natural law in that the law is hypothetically necessary. I show that Locke holds the same basic understanding of the natural law in the years between writing the *Essays* in 1664 and publishing the *Two Treatises* and the *Essay concerning Human Understanding* in 1690, despite his changing views of the magistrate's authority and his adoption of a hedonistic account of moral motivation. I then look at these two major works, in turn, and argue that a voluntaristic account of the natural law is present in both, and that, furthermore, it is possible to see these works as a coherent whole since the moral epistemology of the *Essay* can be applied to the *Two*

¹³⁹ In later years, though, Locke developed an interest in both Unitarian and Socinian writings. For an account of Locke's later attraction to these views, see John Marshall, *John Locke: Resistance, Religion and Responsibility*, Cambridge, 1994: 384-451. Despite being attracted to a range of theological views, including those which were heterodox, Locke consistently opposed himself to Puritan views of theology, some of which denied the value of natural religion (the idea that reason, even in those who were unregenerate, could lead us to knowledge of God's existence and our duties under the natural law). Indeed, in his correspondence with van Limborch, Locke writes appreciatively of van Limborch's view that the unregenerate had the ability to perform acts that were morally good (expressed in *Theologia Christiana* bk.V, ch.viii) – see *Corr.* 1901. Despite having an obvious interest in Socinian and Unitarian writings, I have found no conclusive evidence that Locke committed himself to either position. In his prayerbook, beside the Athanasian Creed, Locke penned in a reference to Romans 10:9 – 'If thou shalt confess with thy mouth the Lord Jesus, and shalt believe in thine heart that God hath raised him from the dead, thou shalt be saved.' The Athanasian Creed holds that one must believe in the Trinity in order to be saved. While one may think that Locke expressed anti-Trinitarian sentiments by inscribing a reference to this verse beside the Creed, it is not at all clear that this implies any disbelief in the Trinity; it could simply fit with Locke's view in the *Reasonableness* that one only need confess that Jesus is the Messiah (and try to live a moral life) in order to be saved. Knud Haakonssen thinks that Locke maintains the Socinian view that Jesus Christ is more of a teacher rather than a divine legislator in his theological writings (*Natural Law and Moral Philosophy: From Grotius to the Scottish Enlightenment*, Cambridge, 1996: 58). While Locke emphasizes that Jesus does reinforce the moral law in his teachings, he does not explicitly commit himself to a Socinian Christology (which denies the pre-existence of Jesus Christ prior to his birth). Locke was certainly interested in a variety of theological opinions, some of which were heterodox, but it is difficult to say which camp he placed himself in. What can be said with certainty is that Locke continuously maintained a commitment to the value of natural religion.

¹⁴⁰ *Some Thoughts Concerning Education*, §186, eds. J.W. and J.S. Yolton, Clarendon, 1989, 239. See also Appendix III, 'Mr Locke's Extempore Advice &c', *Ibid*, 322.

Treatises. I conclude by looking at the account of natural law given in Locke's later theological works, the *Reasonableness of Christianity* and the *A Paraphrase on the Epistles of St Paul*. In these later works, Locke presents an explicitly covenantal account of the natural law.

4.1 The Continued Relevance of the Natural Law in Locke's Mature Work

Locke maintains a natural law view of ethics throughout the course of his lifetime, but it would be a mistake to think that the details in his thoughts on the moral law of nature remained static. There are two major developments in Locke's ethical and political thought that might lead us to think that Locke changed his natural law doctrine in a significant way. First, while Locke originally welcomed the restoration of Charles the II in 1660 and emphasized the power of the monarch to craft laws pertaining to adiaphora in his *Two Tracts on Government*, he later revised his view to limit the powers of the magistrate in this regard. Even though Locke circumscribes the authority of the magistrate, I argue that he maintains the same basic conception of law, as something requiring the will of the sovereign to obtain, even though his views on the toleration of adiaphora change; these views change not as a result of a change in his conception of the magistrate's power but rather as a result of a change in his estimate of the scope to which the magistrate's authority applies. Second, Locke adopts a hedonistic account of human psychology in the 1670s. While some commentators on Locke's moral philosophy argue that his hedonism conflicts with a commitment to a natural law view of ethics, I argue that there is no conflict and that hedonism and natural law play a complementary role in his ethics.

4.1.1. Law and Toleration

As we saw in the last chapter, Locke in the *Two Tracts* subdivides laws into four basic types: divine, political, fraternal, and private. The precepts of a lower type of law are always subordinate to a higher type of law. Prior to any act of legislation, all acts are morally indifferent. The divine law renders a certain class of actions not indifferent (i.e. by assigning an obligation to perform or avoid these actions). Obligations do not emerge

from the nature of certain actions, as though they represent something intrinsically good or evil, but rather come from the expression of some legislative will. In the *Two Tracts*, Locke is clear that the scope of legislation in each of the subordinate types of law includes things left indifferent by higher forms of law. Forms of religious worship are left indifferent by the divine law, and so represent an area in which the magistrate may legitimately exercise authority.

But by 1667, Locke had changed his position on the regulation of religious adiaphora by the magistrate.¹⁴¹ In *An Essay on Toleration* [1667], Locke describes the magistrate's authority as bounded by the 'good, preservation, and peace of men in that society over which he is set' (135). While Locke expresses the same thought in prior writings, he argues here that certain speculative opinions and forms of worship have a right to be tolerated. Such things do not infringe upon the common good and represent a type of adiaphora over which the magistrate has no authority (*An Essay on Toleration*, 137-138). In the *Two Tracts*, Locke accords the magistrate an authority over all things left indifferent by the divine law, but in *An Essay concerning Toleration*, he makes a distinction between two classes of adiaphora – those which concern the common good and those which are neutral concerning it. The magistrate's authority extends to the first class of actions, but not to the second. In fact, as Locke argues, the magistrate is restricted from making laws concerning the second class of actions, since prohibiting people from following their conscience in these things will actually harm the common good. The relevant change involves holding certain religious adiaphora to be outside the class of things that affect the common good.

Locke here is beginning to express Latitudinarian sympathies and suggests that 'latitudinism' – the idea that different forms of worship should be tolerated, while strict laws should be made concerning virtue and vice – is conducive to civil peace (*An Essay*

¹⁴¹ A significant biographical detail relevant to this change is the fact that Locke met Lord Ashley (later created first Earl of Shaftesbury in 1672) in 1666 and joined his household in 1667. Lord Ashley petitioned the King in favour of tolerating *adiaphora*. It is also possible that Locke was becoming disillusioned with the Restoration. Indeed, Locke expresses doubts about *de jure divino* monarchy in his 1667 *Essay on Toleration* that were not present in his earlier writings. See *An Essay on Toleration* in *Political Essays*, 136.

on Toleration, 159). The magistrate's authority is bounded by the common good and is ordained by God. Since we know that a limited toleration furthers the common good, it would seem that there is a limit to the supra-legal action of which the magistrate is capable. While it is true that Locke maintains, in the *Two Tracts*, that the magistrate's authority is circumscribed by the common good, he also thinks that the impact of the regulation of religious adiaphora on the common good is something that falls within the judgment of the magistrate. But in the 1667 *Essay*, this becomes something that does not fall within the judgment of the magistrate. Features of the common good, then, can be determined apart from the judgment of the magistrate and these things limit the authority of the magistrate. This might lead us to think that the command of the magistrate is less important in the civil law, as the common good – which bounds the civil law – can be determined apart from the magistrate. And if this is the case, it might lead us to think that Locke revises his view of law in general to something less voluntaristic: we might, for instance, think that God's command is a less salient feature of the natural law. But while Locke's view of what falls within the scope of the magistrate's authority undergoes changes, his basic conception of the character of law remains the same.

According to Locke, law consists in the promulgated will of the sovereign who maintains both the right to command and the power to enforce the law with rewards and punishments. It does not emerge from the nature of things, but rather is imposed by a legislative will, for all actions are indifferent prior to an act of legislation. Indeed, in a 1676 journal entry, Locke maintains the same basic thesis about adiaphora and the fact that all things are indifferent that are not commanded or forbidden by the divine law, though he is clear that human laws are expressly concerned with the things of this life.¹⁴² The focus of the magistrate is the securement of civil peace and not confessional matters that will properly be judged in the next life. This fits with the argument of Locke's 1667 *Essay on Toleration*. There Locke is clear that the magistrate has the power to command or forbid adiaphora relevant to the common good and that this power is ordained by God (*An Essay on Toleration*, 142, 144).

¹⁴² 'Obligation of Penal Laws', in *Political Essays*, 235-36.

Though Locke's views on toleration change in the 1660s, his basic conception of law does not change. All things are morally indifferent prior to an act of legislation. And so in the possible world in which God did not exist, no morality would exist, for all things would be indifferent. While he moderates the scope of actions to which the magistrate's authority applies (i.e. things left indifferent by the divine law that explicitly pertain to the common good), Locke still maintains a voluntaristic conception of law; indeed, his view of the character of law continues to be that it requires an act of will to obtain. An act of command on God's part is necessary to make something morally obligatory; and likewise, the magistrate must command those things pertinent to the good of the commonwealth (and which are left indifferent by the divine law) in order for them to become obligatory.¹⁴³

4.1.2. Hedonism and the Development of Locke's Thinking on Natural Law

In the 1670s, Locke begins to adopt a hedonistic account of human psychology, according to which things are understood as good and evil depending on their respective propensities to cause us pleasure or pain. In a 1676 journal note, Locke says the following:

In *voluptas* and *dolor*, pleasure and pain, I mean principally that of the mind, there are two roots out of which all passions spring and a centre on which they all turn. Where they are removed, the passions would all cease, having nothing left to wind them up or set them going. To know our passions, then, and to have right ideas of them, we ought to consider pleasure and pain and the things that produce them in us, and how they operate and move us.¹⁴⁴

The contents of this journal entry represent an early draft of parts of the *Essay*: the idea that pleasure and pain represent the foundation of the passions is expressed in *Essay*

¹⁴³ Cf. 'Toleration A', in *Political Essays*, 231. Locke argues here that the magistrate's authority, however, does not extend to religious societies of which he is not a member.

¹⁴⁴ 'Pleasure, Pain, the Passions', in *Political Essays*, 238.

II.xx.3-18; and Locke considers how pleasure and pain motivate and direct us in his chapter ‘Of Power’, *Essay* II.xxi.

Based on his adoption of hedonism, one line of interpretation sees Locke as developing something of a proto-utilitarian position in his middle and later years.¹⁴⁵ And in this interpretation, Locke’s proto-utilitarian views seem to conflict with the commitment to the natural law that Locke expresses in his early *Essays* and the *Two Tracts*. As von Leyden argues, Locke’s emphasis on the importance of rewards and sanctions conceived of in terms of pleasures and pains grows with his increasing commitment to hedonism (‘Introduction’, ELN, 71). James W. Byrne argues that Locke, in fact, undermines the basis of his natural law doctrine by denying that we have knowledge of the real essence of human beings (‘The Basis of the Natural Law in Locke’s Philosophy’, 55). He thinks that Locke does away with any rational basis for the natural law by construing good and evil in terms of pleasure and pain (rather than as conformity or non-conformity to our rational nature); his basic conclusion is that Locke moves in the direction of later utilitarian thinkers and, if Locke were consistent, he would have abandoned a natural law approach to ethics.

In the *Essay*, Locke is clear that we do not have knowledge of the real essences of human beings: we may form the complex idea of a creature with sense and reason that moves voluntarily and has a certain shape, but this merely represents the nominal essence to which we attach the name ‘man’ and it does not yield knowledge of the actual constitution of human beings.¹⁴⁶ On the surface, this seems to generate a problem for our

¹⁴⁵ See James W. Byrne, ‘The Basis of the Natural Law in Locke’s Philosophy’, in *John Locke: Critical Assessments*, vol.II, ed. R. Ashcraft, Routledge, 1991: 52-62 and von Leyden, ‘Introduction’, ELN, 71.

¹⁴⁶ *Essay* III.vi.3. While we don’t know the real essence of human beings, Locke is explicit that God has this knowledge (and angels likely do as well). Our lack of knowledge surrounding the actual constitution of human beings follows from our general lack of knowledge of the real essence of substances. Locke is clearly an anti-essentialist when it comes to our knowledge of substances, but it is unclear whether or not he thinks that nature really is carved up into distinct essences. Robert Pasnau argues that Locke is an anti-essentialist by thinking that the real essence of a thing includes the entirety of its constitution (i.e. there is nothing accidental); and as real essence refers to everything, it in effect refers to nothing (*Metaphysical Themes*, Oxford, 2011, 660-661). Any divisions supposed in nature, then, would be purely conventional. Matthew Stuart, though, argues that Locke really holds two views about this, one bold and one more modest. The first is the view already described that nature has no real divisions and the second is that, even if nature does have some divisions, our kind terms are conventional as we lack knowledge of the real

knowledge of the natural law. If we infer the principles of the natural law from the makeup of our constitution, ignorance of our real essence as human beings entails ignorance of the natural law. But Locke thinks that moral knowledge is possible and he emphasizes that morality ‘is the proper science, and business of mankind in general’ (*Essay* IV.xii.11). And he also thinks that the divine law – promulgated both through reason and revelation – represents the ‘only true touchstone of moral rectitude’ (*Essay* II.xxviii.8). In other words, moral knowledge ultimately consists in the law given to us by God. It would thus be quite a serious inconsistency in the moral epistemology of the *Essay* if knowledge of the natural law depended upon knowing the actual constitution of human beings.

Locke’s view would be inconsistent if it were the case that the real essence of human beings was the only possible signpost of divine intent. In the *Essays on the Law of Nature*, Locke is clear that our constitution gives us evidence of the ends set for us by God (and thus of the terminative obligation of the natural law). But it is really these ends that we need to know in order to have insight into the content of the natural law. Consequently, if we had some other insight into God’s teleological design, we could determine the content of the natural law. As I will argue, it is the providential arrangement of pleasure and pain that provides us with insight into the ends that God has set for us. It is this, and not knowledge of the real essence of human beings, that points toward the terminative obligation of the natural law.

Locke is clear that we can have moral knowledge without substantial knowledge. And it is worth quoting Locke at length here:

Morality is capable of Demonstration, as well as Mathematicks: Since the precise real Essence of the Things moral Words stand for, may be

divisions (*Locke’s Metaphysics*, Oxford, 2013, 154-162). However we understand Locke’s view about this, it is still the case that moral knowledge (at least our moral knowledge) will not involve the real knowledge of substances. Divine or angelic moral knowledge, on the other hand, may include knowledge of substances.

perfectly known; and so the Congruity, or Incongruity of the Things themselves, be certainly discovered, in which consists perfect Knowledge. Nor let any one object, that the names of substances are often to be made use of in Morality, as well as those of Modes, from which will arise Obscurity. For as to Substances when concerned in moral Discourses, their divers Natures are not so much enquir'd into, as supposed; v.g. when we say that *Man is subject to Law*: We mean nothing by *Man*, but a corporeal rational Creature: What the real Essence or other Qualities of that Creature are in this case, is no way considered. And therefore, whether a Child or a Changeling be a *Man* in a physical Sense, may amongst the Naturalists be disputable as it will, it concerns not at all the *moral Man*, as I may call him, which is this immoveable unchangeable *Idea, a corporeal rational Being*.

Essay III.xi.16, 516-17

Moral knowledge does involve real essences, but these are the real essences of mixed modes, to which we can have epistemic access (unlike substances).¹⁴⁷ Locke is well aware that we cannot have true and demonstrative knowledge of morality if it requires adequate knowledge of the real essence of human beings understood as substances. The most plausible interpretation of the ‘moral man’ is that the idea we have of it is a mixed mode; the moral truths that agree with this idea would apply to any creature that was corporeal and rational (including, say, a rational monkey).¹⁴⁸ According to Locke, moral knowledge consists in taking the ideas we have of voluntary actions (these being mixed modes) and comparing them to a rule to see whether or not they agree or disagree with it.¹⁴⁹ (We’ll discuss this in more detail in the next section.) One of the central questions here is how we come to know the rule that God has set for us in the natural law.

¹⁴⁷ Steven Forde notes that there are some close parallels between Locke’s view of morality and mixed modes and Pufendorf’s view of moral entities; given these parallels, Forde thinks it is reasonable to think that Pufendorf had a significant influence on the development of Locke’s moral thinking (“Mixed Modes” in John Locke’s *Moral and Political Philosophy*, 592-597).

¹⁴⁸ *Essay III.xi.16*. Cf. Antonia LoLordo, *Locke’s Moral Man*, Oxford, 2012, 66.

¹⁴⁹ *Essay II.xxviii.4*. See also ‘Of Ethick in General’, §11, in *Political Essays*, 303.

Revelation contains the precepts of the natural law: indeed, in *The Reasonableness of Christianity*, Locke concedes that the Gospel gives us the best insight that we can have into our duties, given that the discovery of moral principles by the natural lights is quite difficult. This, though, doesn't constitute proper knowledge for Locke as revealed texts can only give us probable knowledge: the knowledge of God and our duties to God that we have by the light of nature constitutes natural religion, and Locke thinks it is much clearer than revealed religion (*Essay* III.ix.23). The consequence of this, according to Locke, is that we ought to be more tolerant of different interpretations of revelation and devote more energy to discovering the duties that God has made plain to the natural lights and to living according to them. In 'Of Ethick in General', a draft intended to be the final chapter of the *Essay*, Locke describes what is involved in knowing the duties of natural religion:

To establish morality, therefore, upon its proper basis, and such foundations as may carry an obligation with them, we must first prove a law, which always supposes a lawmaker: one that has a superiority and right to ordain, and also a power to reward and punish according to the tenor of the law established by him. This sovereign lawmaker who has set rules and bounds to the actions of men is God, their maker, whose existence we have already proved [i.e., in IV.x]. The next thing then to show is, that there are certain rules, certain dictates, which it is his will all men should conform their actions to, and that this will of his is sufficiently promulgated and known to all mankind.

'Of Ethick in General', §12, 304

Locke ends 'Of Ethick in General' here, and he does not elaborate on the 'next thing' (i.e. the content of the law of nature); in the preceding section of 'Of Ethick in General', Locke says that he will only suppose that there is a rule 'till a fit place to speak to these, viz. God and the law of nature' (§11, 303). Locke never felt satisfied with his treatment of the natural law, which is evident from the fact that he never published his early *Essays*, despite pleas from his friend James Tyrrell, nor did he develop 'Of Ethick in General' in this regard and include it in later editions of the *Essay*. But given that he continued to

make some attempts at a more substantive discussion of the content of the natural law, it is reasonable to assume that he did not consider moral science to be out of our reach, but simply that he did not consider himself up to the task of developing it.¹⁵⁰ While this was a task that Locke never properly executed, I do think that he made some headway in showing how we can determine the content of the natural law.

My basic argument here is that pleasure and pain can function as signposts of divine intent, in addition to giving us motives to act morally. To be sure, the rewards and sanctions that God annexes to the natural law consist respectively in pleasure and pain¹⁵¹, but the hedonistic elements of our psychology also point toward the ends that God has set us. Pleasures and pains, on their own, don't give us moral knowledge: rather, they indicate features of God's design. Steven Forde notes that, in Locke's view, empirical facts 'are not the source of the moral principles, but are signposts or indications of divine intent'.¹⁵² In the 1676 journal entry referred to above, Locke is explicit that pleasure and pain affect us in ways suitable to God's design:

God has framed the constitutions of our minds and bodies [so] that several things are apt to produce in both of them pleasure and pain, delight and

¹⁵⁰ In a letter to Locke, sent 6 September 1692, William Molyneux pressed Locke for a treatise of morals done according to the demonstrative method of mathematics (*Corr.* 1530). In his reply to Molyneux, sent later that month, Locke admits the difficulty of this task, but promises to apply himself to it:

Every one could not have demonstrated what Mr. Newton's book hath shewn to be demonstrable: but to shew my readiness to obey your commands, I shall not decline the first leisure I can get to employ some thoughts that way; unless I find what I have said in my Essay shall have stir'd up some abler man to prevent me, and effectually do that service to the world. (*Corr.* 1538)

In 1692 and the years following, Locke produced a number of short drafts pertaining to ethics, some of which involved some brief attempts at laying out the lineaments of a demonstrative science of ethics, but they are all unfinished – see 'Ethica B', MS Locke c.28, ff. 141-142 and 'Morality', MS Locke c.28, ff.139^r-140^v (printed in *Political Essays*, 267-269). Goldie dates the 'Morality' fragment to c. 1677-78, but Paul Schuurman suggests that it relates to Locke's discussion with Molyneux and dates it to c. 1692-96. Despite the uncertainty of the date of this paper, it is reasonable to assume that Locke was spurred on by his discussion with Molyneux to reflect on the project of a demonstrative science of ethics.

¹⁵¹ For more on this theme, see Patricia Sheridan, 'Pirates, Kings, and Reasons to Act: Moral Motivation and the Role of Sanctions in Locke's Moral Theory', *Canadian Journal of Philosophy* 37.1 (2007): 35-48.

¹⁵² "'Mixed Modes" in John Locke's Moral and Political Philosophy', 598. Forde gives an example of how this works: the duty of parents does not derive from their desire to procreate, but this desire gives an indication of a divine plan whose fulfillment involves carrying out this duty.

trouble, by ways that we know not, but for ends suitable to his goodness and wisdom.

‘Pleasure, Pain, and the Passions’, 238

What I wish to highlight here is that, from the outset, his adoption of a hedonistic account of our psychology represents an account of how God has designed us. In the *Essay*, Locke is clear that God has annexed pleasure to the actions we should perform and pain to those we should avoid. Indeed, as Victor Nuovo argues, the fact that pleasures and pains are superadded to certain perceptions by God implies that ‘there must be something divinely normative in the affects as well as in our judgments about them’.¹⁵³ In other words, pleasures and pains are not merely natural consequences of certain things but are added to these things according to God’s purposes.

We might, though, think that the case of someone consistently deriving pleasure from unsociable actions would serve as a counter-example to the view. Consider Hieronymus Bosch’s depiction of gluttony in his painting, *The Seven Deadly Sins and the Four Last Things*. In this painting, a corpulent glutton sits at a table feasting while ignoring the pleading of a starving child by his chair. The glutton is so taken by the sensory pleasures of eating that he is oblivious to the suffering of others. If one can derive such pleasure from gluttony (or other vices), then it seems that God has not annexed pleasure to the actions we should perform. Furthermore, we might think that even if we don’t behave as insensibly as the glutton that we still sometimes incur a loss to ourselves by acting sociably. John Colman, for instance, says that ‘it is difficult to see how a regard for others founded in hedonism can extend to actions in which we do good to others knowing it to be at our own loss’.¹⁵⁴ If this is the case, sociable actions may not

¹⁵³ ‘Aspects of Stoicism in Locke’s Philosophy’ in *Christianity, Antiquity, and Enlightenment*, Springer, 2011: 190. While Nuovo draws some parallels between Stoicism and Locke’s views of education and natural philosophy, he recognizes a divergence between their respective axiologies when it comes to moral motivation.

¹⁵⁴ ‘Locke’s Empiricist Theory of the Law of Nature’ in *The Philosophy of John Locke: New Perspectives*, ed. P. Anstey, Routledge, 2003: 118. I should emphasize that I fully agree with Colman’s broader thesis that Locke’s mature work in morality is reconcilable with his earlier treatments of morality and the natural law.

maximize our individual happiness. Locke, though, makes a distinction between pleasures of sensation and pleasures of reflection (a distinction that Colman does not discuss in his essay). It is the latter that produce the most pleasure and that correspond to the duties of the natural law. In an entry in one of his commonplace books (printed as 'Ethica A' in *Political Essays*, 318-319), Locke says the following:

Pleasures are all of the mind, none of the body, but some consist in motions of the body, some in contemplations and satisfactions of the mind separate, abstract and independent from any motions or affections of the body. And these latter are both the greatest and more lasting. The former of these we will for shortness sake [call] pleasures of the senses, the other, pleasures of the soul, or rather, material and immaterial pleasures.

According to Locke, material pleasures subside quickly after the object of sense is gone, but immaterial pleasures last longer. And furthermore, in situations where our senses are pleased, it is really the contemplative aspects of the situation that make it pleasurable, such as when we reflect on the enjoyment of a meal with friends. Locke is clear that immaterial pleasures, or pleasures of the soul, are annexed to sociable actions and loving others:

If then happiness be our interest, end, and business 'tis evident the way to it is to love our neighbour as ourself, for by that means we enlarge and secure our pleasures, since then all the good we do to them redoubles upon ourselves and gives us an undecaying and uninterrupted pleasure. Whoever spared a meal to save the life of a starving man, much more a friend, which all men are to us who we love, but had more and much more lasting pleasure in it than he that ate it. The other's pleasure died as he ate and ended his meal. But to him that give it him 'tis a feat as often as he reflects on it. Next, pleasures of the mind are the greatest as well as most lasting. Whoever was so brutish as would not quit the greatest sensual pleasure to save a child's life whom he loved? What is this but pleasure of thought remote from any sensual delight? Love all the world as you do

your child or self and make this universal, and how much short will it make the earth of heaven?

The glutton, depicted in Bosch's painting, simply enjoys material pleasures that do not last beyond the presence of the object of the senses. The one who forgoes material pleasures for the sake of others obtains immaterial pleasures that are longer-lasting and greater in magnitude than the glutton or libertine. And Locke is clear that the greatest pleasure that can be found in this life comes from loving one's neighbour as oneself; and this principle represents the sum of the natural law of sociability.

Without the perception of pleasure or pain, Locke thinks that we would have no reason to prefer one action to another (*Essay* II.vii.3). And God has annexed them in such a way that is conducive to our preservation and perfection.¹⁵⁵ Furthermore, God has assigned degrees of pleasure and pain in the things with which we are conversant in such a way that the finite amount of pleasure we can experience in earthly things leads us to seek complete happiness (i.e. the highest pleasure) in God (*Essay* II.vii.5). Now Locke admits that we can make wrong judgments about what best promotes our happiness, such as when we sacrifice a greater pleasure for an immediate pleasure (*Essay* II.xxi.63). He thinks that we have the ability to suspend our desires and deliberate about what will truly make us happy. And it is the misuse of this ability for which we justly incur punishment (*Essay* II.xxi.56). If we examine correctly, we will see that the greatest pleasure can be obtained in eternity with God, and so we ought to be virtuous (i.e. follow the duties given to us by God) in order to be rewarded (*Essay* II.xxi.70). But even in this life, the best way to be happy is to be virtuous, for it promotes sociability. Locke is explicit that God has designed us to be sociable creatures and that society is necessary for our preservation.¹⁵⁶ Consequently, social behaviour yields happiness in this life and unsocial behaviour yields misery (in the long run, at least). All of this is to say, we can infer from the fact that we need society to be happy that God has set us the end of being sociable

¹⁵⁵ *Essay* II.vii.4. This idea will be developed more fully in the next chapter.

¹⁵⁶ *Essay* III.i.1. Locke thinks that the principal aim of language is to facilitate society, and much of Book III can be understood as prescriptions for the sociable use of language.

(and from the fact that God has given us language). Given this, we can infer that we have a duty to be sociable. Indeed, Locke thinks that social happiness and the natural law are joined together:

For God, having, by an inseparable connexion, joined *Virtue* and publick Happiness together; and made the Practice thereof, necessary to the preservation of Society, and visibly *beneficial* to all, with whom the Virtuous Man has to do; it is no wonder, that every one should, not only allow, but recommend, and magnifie those Rules to others, from whose observance of them, he is sure to reap Advantage to himself.¹⁵⁷

For Locke, it is the comparison of an action to a rule that makes that action virtuous or vicious ('Of Ethick in General', §11, 303). In the case of the natural law, virtuous actions are those that agree with the rule that God has set for us (which is evident in nature). In the passage above, Locke emphasizes that it is in our interest to be virtuous, the reason being that virtue and happiness are joined together 'by an inseparable connexion'. This 'connexion' is hypothetically necessary, for it is grounded in God's perfection: it would represent an imperfection in God if God required us to perform actions that made us miserable. In a 1680 journal entry, Locke says the following:

For since God is eternal and perfect in his own being, he cannot make use of that power to change his own being into a better or another state; and therefore all the exercise of that power must be in and upon his creatures, which cannot but be employed for their good and benefit, as much as the order and perfection of the whole can allow each individual in its particular rank and station; and therefore looking on God as a being

¹⁵⁷ *Essay* I.iii.6, 69. As Ruth W. Grant argues, this passage shows us that 'interest, duty, and general happiness correspond in such a way that we can recognize what is right and wrong on the basis of experience' (*John Locke's Liberalism*, Chicago, 1987:40). My argument represents an elaboration of this basic claim. While stating that pleasures and pains represent a 'natural foundation for practical principles of social behaviour', Grant recognizes that these pleasures and pains cannot alone provide a foundation for moral knowledge (*Ibid*, 41). Indeed, we have to know that God exists and sets a law for us. In my interpretation, pleasures and pains serve as signposts that direct us to the content of the moral laws of nature.

infinite in goodness as well as power, we cannot imagine he hath made anything with a design that it should be miserable, but that he hath afforded it all the means of being happy that its nature and estate is capable of...¹⁵⁸

If God were to require us to perform actions that made us miserable, this would represent a less than perfect form of benevolence, according to Locke. As God is perfectly benevolent, we know that God will require actions that make us happy rather than miserable. Supposing, then, that God provides obligations to a creature, God is necessitated to make it the case that following these obligations will yield happiness. What grounds this necessity is the perfect benevolence of the divine nature.

While the connection between virtue and happiness gives us a motive to be virtuous, it also gives us insight into the content of virtue. God has annexed pleasure to the actions we ought to perform: since social actions ultimately yield pleasure (see ‘Ethica A’, 318), we know that God requires us to be social (i.e. act broadly in conformity with the second table of the Decalogue). Thus we have some determinate content in the terminative obligation of the natural law. And what grounds our inference from ends to law is the idea of *convenientia*: God harmonizes the natural law with our social nature, this nature being evident in the fact that society best makes for our temporal happiness. And in a 1678 journal entry, Locke says the following:

If [man] finds that God has made him and all other men in a state wherein they cannot subsist without society and has given them judgment to

¹⁵⁸ ‘Of God’s Justice’ in *Political Essays*, 277-278. Paul DeHart takes this journal entry to be an expression of views that are clearly anti-voluntarist because it suggests a limit to the exercise of the divine will (‘Fractured Foundations: The Contradiction between Locke’s Ontology and his Moral Philosophy’, *Locke Studies* 12 (2012): 145). The problem with DeHart’s interpretation is that he conceives of voluntarism and realism (or intellectualism) in a binary fashion that does not admit of degrees within either position. DeHart’s general argument is to show that Locke is committed both to certain voluntaristic claims concerning obligation and to other claims (such as in ‘Of God’s Justice’) that seem to moderate his voluntarism. DeHart concludes that ‘Locke’s ethical theory seems to founder upon the shoals of self-contradiction’ (‘Fractured Foundations’, 135). The main problem with DeHart’s conclusion is that he does not consider the possibility of moderate voluntarism. Indeed, ‘Of God’s Justice’ should be read as a moderation of extreme voluntarism rather than a rejection of voluntarism.

discern what is capable of preserving that society, can he but conclude that he is obliged and that God requires him to follow those rules which conduce to the preserving of society?¹⁵⁹

The inference here, from our social nature to the law of nature, follows the method laid out in the *Essays*. When writing this entry, Locke was already conceiving of human psychology in hedonistic terms, as he had written a journal entry on pleasure and pain two years prior. As I have argued, Locke's adoption of hedonism does not represent a divergence from a natural law view of ethics, but a development of it. Hedonism, for Locke, gives us insight into how we form our ideas of good and evil and the motives we have for obeying the law. It also, though, gives us insight into the ends that God has set for us, as God has providentially annexed pleasure and pain to the actions that God intends us to respectively perform and avoid. And as God harmonizes the law with the ends set for us, we can know the content of the natural law (even without knowledge of substances).

4.2 Locke's Mature Understanding of the Natural Law

4.2.1. Natural Law in the *Essay concerning Human Understanding*

(i) *Morality and Mixed Modes*:

In the *Essay*, Locke stresses the great importance of focusing our attention on moral knowledge. Speaking about this, he says that there is 'no part of Knowledge wherein we should be more careful to get determined *Ideas*, and avoid, as much as may be, Obscurity and Confusion'.¹⁶⁰ And when Locke speaks about the improvement of our knowledge, he argues that morality is 'the proper science and business of mankind' (*Essay* IV.xii.11). Locke supports this claim with the recognition that our intellectual faculties are best suited to have this kind of knowledge, unlike knowledge of the essences of substances. It is in our power, Locke thinks, to have both certain knowledge of the

¹⁵⁹ 'Law of Nature' in *Political Essays*, 270.

¹⁶⁰ *Essay* II.xxviii.4. Cf. *Essay* III.x.12

existence of God and our duty to him. And so we ought to strive to obtain this knowledge. Having a proper knowledge of morality, then, is one of the central focuses of the *Essay*. In order to understand Locke's account of moral knowledge, it is important to first look at what he says about mixed modes.

According to Locke, modes are complex ideas that, unlike ideas of substances, do not represent things that subsist on their own, though they should be considered as 'dependences on, or affections of substances' (*Essay* II.xii.4). A simple mode (e.g. the idea of a dozen) is contained within the bounds of one simple idea, while a mixed mode (e.g. the idea of theft) involves a combination of several kinds of ideas (*Essay* II.xii.5). Locke thinks that the vast majority of the words in divinity, ethics, law, and politics refer to ideas of mixed modes (*Essay* II.xxii.12).

In Locke's view, the addition of a name to a complex idea of a mixed mode fixes its essence:

Every *mixed Mode* consisting of many distinct simple *Ideas*, it seems reasonable to enquire, *whence it has its unity*; and how such a precise multitude comes to make but one *Idea*, since that combination does not always exist together in Nature. To which I answer it is plain, it has its Unity from an Act of the Mind combining those several simple *Ideas* together, and considering them as one complex one, consisting of those parts; and the mark of this Union, or that which is looked on generally to complete it, is one name given to that Combination.

Essay II.xxii.4, 289

The combination of things represented by the ideas in a mixed mode does not necessarily obtain in nature. It is the mind that gives unity to a mixed mode, and not a standing pattern in nature. The act of naming, then, completes this unity; the formation of mixed modes is partially a linguistic act. The name plays a constitutive role in the formation of a mixed mode, and this role is double: first, names give a 'lasting duration' to the essences of mixed modes (*Essay* III.v.10); and second, they give a unity to these essences (*Essay* III.v.11). Without the duration and unity provided by names, the collection of

ideas represented in a mixed mode would disperse in our mind once we ceased giving it our attention (*Ibid*). Furthermore, the generality of the name facilitates abstract discourse about these complex ideas. But all this having been said, it remains possible for us to draw our attention to the complex idea itself, regardless of its name. And the same things will agree with that complex idea whatever name is attached to it.

In creating the mixed modes of adultery and jealousy, Locke says that Adam – used here as an example of the first namer – adds the words ‘*kinneah*’ and ‘*niouph*’ to the respective complex ideas of a woman being overly affectionate with a man who is not her husband and a husband being suspicious of his wife’s loyalty (*Essay* III.vi.44). While it is true that there are no standing patterns in nature that direct Adam’s creation of these mixed modes, it is not in Adam’s power to make different things agree or disagree with certain complex ideas depending on his fancy. For instance, imagine a counterfactual situation in which Adam uses the name ‘fidelity’ to describe the complex idea of a woman being overly affectionate with a man who is not her husband, while still using the name ‘jealousy’ to describe the complex idea of a husband being suspicious of his wife. The sentence ‘fidelity leads to jealousy’ may be true in this situation, but the complex idea, say, of a woman not being overly affectionate with a man who is not her husband will not then agree with the complex idea of a husband being suspicious of his wife.

Locke holds that we know the real essences of mixed modes, in which it is possible to clearly and distinctly perceive the agreement and disagreement of ideas: we can, accordingly, have demonstrative knowledge of mixed modes. But there is a problem here. Locke says that mixed modes are formed ‘very arbitrarily’ by the mind (*Essay* III.v.3). How can we have demonstrative real knowledge of things formed arbitrarily by the mind? What is it that regulates the formation of mixed modes? If we hold that this can’t be regulated, then this seems to rule out the possibility of achieving a demonstrative science. What would stop it from being possible for two different people to form different modal ideas of something like justice? We may allow every individual to have their own demonstration, depending on their own mixed modes, but this violates the ideal of finding a universally valid science. Furthermore, it goes against the civil purpose of language which is to facilitate sociability. We could, however, offer an established

tradition of discourse as the constraint on the formation of mixed modes. I might take the complex idea that most speakers in my community associate with ‘justice’ and label it ‘injustice’, but if I wish to communicate with those in my community and get along with them, then I will have to follow the essences of mixed modes already established.¹⁶¹

There is a further constraint, however, in the formation of mixed modes. In the case of mathematics, Locke suggests that disputes can be resolved by simply looking at the figures in question. If one person defines a triangle as a four-cornered shape, it is not the community’s use of the term ‘triangle’ that regulates this definition, but rather the very idea represented in the figure.

For let a Man make to himself the *Idea* of a Figure with three Angles, whereof one is a right one, and call it, if he please *Equilaterum* or *Trapezium*, or any thing else, the Properties of, and Demonstrations about that *Idea*, will be the same, as if he call’d it a *Rectangular-Triangle*. I confess, the change of the Name, by the impropriety of Speech, will at first disturb him, who knows not what *Idea* it stands for: but as soon as the Figure is drawn, the Consequences and Demonstration are plain and clear.

Essay IV.iv.9, 566-567

According to Locke, the same situation holds in morality, though he acknowledges that it is much easier to resolve definitional disputes in mathematics. Locke continues and says that disputes about names can be resolved so long as we keep to ideas, their relations, agreements, and disagreements.

[T]he *miscalling* of any of those *Ideas*, contrary to the usual signification of the Words of that Language, hinders not, but that we may have certain and demonstrative Knowledge of their several Agreements and Disagreements, if we will carefully, as in Mathematicks, keep to the same precise *Ideas*, and trace them in their several Relations one to another, without being led away

¹⁶¹ See *Essay III.vi.44-45* concerning Adam’s children and *Kinneah* and *Niouph*.

by their Names. If we but separate the *Idea* under consideration from the Sign that stands for it, our Knowledge goes equally on in the discovery of real Truth and Certainty, whatever Sounds we make use of.

Supposing that I decide to add the name ‘justice’ to the complex idea normally associated with ‘injustice’, I will still find that the same things agree and disagree with that idea. What this means is that there is a structure underlying complex ideas that determines the agreement and disagreement of these ideas. We’ll return to the problem of just what this structure is, but it will first be helpful to look at a bit more at what Locke has to say about problems involving morality and mixed modes.

The mind has the ability to create different mixed modes by choosing a certain combination of ideas and then providing this combination with a name. Parricide and murder are similar mixed modes, but the former differs from the latter by including the idea of a father being killed by his offspring. This is helpful, for it has the civil use of allowing us to recognize distinct species of action that we may want to punish more harshly than others. But one of the difficulties that Locke recognizes with moral discourse is that people often attach the same name to different complex ideas.

Hence it comes to pass, that Men’s Names, of very compound *Ideas*, such as for the most part are moral Words, have seldom, in two different Men, the same precise signification; since one Man’s complex *Idea* seldom agrees with another’s, and often differs from his own, from that which he had yesterday, or will have tomorrow.

Essay III.ix.6, 478

Due to the complexity of moral ideas, there is a certain variability with which complex ideas are attached to a given word. The idea that I attach to the name ‘justice’ is different from the idea that others have, and indeed different from the idea I had in the past and will have in the future. Given this variability, it seems that the prospects for achieving a demonstrative science of morality are quite bleak. The remedy for this problem is to attend more carefully to the ideas used in moral discourse:

'Tis not enough a Man *uses* his *Words as signs of* some *Ideas*; those *Ideas* he annexes them to, if they be *simple* must be clear and distinct; if *complex* must be *determinate, i.e.* the precise Collection of simple *Ideas* settled in the Mind, with that Sound annexed to it, as the sign of that precise determined Collection, and no other. This is very necessary in Names of Modes, and especially moral Words; which having no settled Objects in Nature, from whence their *Ideas* are taken, as from their Original, are apt to be very confused.¹⁶²

Locke recognizes that this is a difficult process, but that it must be followed if any progress is to be made toward a moral science. Moral language on its own offers obscurity and confusion. A careful examination of ideas, however, and a perception of their agreement and disagreement with one another offers a way to resolve the problems associated with an excessive and narrow focus on words in moral discourse. It seems, then, that there is some structure here determining our perception of the agreement and disagreement of the essences of mixed modes.

The question, however, is what this structure consists in. Locke thinks that we can form ideas of mixed modes in abstraction from patterns found in nature. We could have demonstrative knowledge of theft, for example, even if there had never been any theft in the world.

No body can doubt, but that these *Ideas* of mixed Modes, are made by a voluntary Collection of *Ideas* put together in the Mind, independent from any original Patterns in Nature, who will but reflect, that this sort of complex *Ideas* may be made, abstracted, and have names given them, and so a Species be constituted, before any one individual of that Species ever existed.

Essay III.v.5, 430

¹⁶² *Essay* III.xi.9, 512-513. One possible alternative to this method, however, may be disputations. But Locke thinks that disputations about morality do more harm than good. See also *Essay* III.x.12.

Locke says that we could, for example, have determinate knowledge about the nature of adultery and sacrilege, even if no adulterous or sacrilegious acts had ever been performed. Whatever knowledge we have of these mixed modes will be true of things in the world corresponding to it.

There seem to be two possibilities for the structure underlying the perception of agreement and disagreement in ideas of mixed modes. First, this structure could simply be ideal. There may be just something about the perceptual capacities of the mind that makes it such that we can only perceive agreement and disagreement in certain ways. Locke, in this picture, would be something of a proto-Kantian. Second, the structure could be a feature of the way that the world is. Emily Carson favours the first interpretation and argues that Locke's account of the ideality of modes and mathematics is similar to Kant's pre-critical views of mathematics.¹⁶³ She emphasizes that there is a deep tension between the ideality and reality of modal knowledge in Locke's view. If our knowledge of mathematics is certain then it cannot be instructive (as it will not be about real objects), but if it is instructive then it cannot be certain (as our knowledge of reality is limited by our perceptual capabilities). Peter Anstey, however, argues that the nominal and real essences of mixed modes are not identical but equivalent; the real essences of mixed modes are grounded in truths about the world, such as the nature of figure, and the nominal essences we have of them are adequate. In this way, knowledge of modes can be both certain and instructive.¹⁶⁴ I tend to side with Anstey's interpretation as Locke is clear that moral knowledge is not purely ideal since it involves knowing the divine law (which is something that is clearly extramental). Just as the nature of figure can serve as a foundation in our mathematical knowledge, the nature of things like murder, adultery, and justice can serve as a foundation in our moral knowledge. In this view, the modes we form are the workmanship of the understanding, but there are limits to our perception of agreement and disagreement. We could not, for instance, make it that the case that the idea of murder agreed with the idea of sociability (just as we cannot make the idea of

¹⁶³ 'Locke and Kant on Mathematical Knowledge', *Intuition and the Axiomatic Method*, eds. E. Carson and R. Huber, Springer, 2006: 3-19.

¹⁶⁴ *John Locke and Natural Philosophy*, Oxford, 2011, 132.

triangle agree with a four-sided object). Locke, however, does not elaborate on the nature of the structure limiting the mind's ability to perceive agreement and disagreement in our modal ideas. It is sufficient, though, to note that there are such limits and that these are relevant to our moral knowledge.

(ii) Morality and the Law of Nature:

According to Locke, moral knowledge consists in comparing actions (i.e. ideas of mixed modes) with a law:

Morally Good and Evil then, is only the Conformity or Disagreement of our voluntary Actions to some Law, whereby Good or Evil is drawn on us, from the Will and Power of the Law-maker; which Good and Evil, Pleasure or Pain, attending our observance, or breach of the Law, by the Decree of the Law-maker, is that we call *Reward* and *Punishment*.

Essay II.xxviii.5, 351

Locke is clear about the distinction between moral good and evil and natural good and evil. The latter is solely a matter of pleasure and pain, and it is pre-moral. It is important to recognize that normativity only comes on the scene, for Locke, once our actions are compared to some kind of law. And law, properly speaking, requires a legislator to set out a rule and to attach rewards and punishments to that rule:

For 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, where-ever we suppose a Law, suppose also some Reward or Punishment annexed to that Law. It would be in vain for one intelligent Being, to set a Rule to the Actions of another, if he had it not in his Power, to reward the compliance with, and punish deviation from his Rule, by some Good and Evil, that is not the natural product and consequence of the Action it self. For that being a natural Convenience, or Inconvenience, would operate of it self without a Law. This, if I mistake not, is the true nature of all *Law*, properly so called.

Essay II.xxviii.6, 351-352

Locke delineates three kinds of law – divine, civil, and opinion – but makes clear that divine law is pre-eminent as it is ‘the only true touchstone of moral rectitude’ (*Essay II.xxviii.8, 352*). And divine law is subdivided into positive law, revealed in Scripture, and natural law, evident to the natural lights.

Now it is not obvious why the knowledge of natural good and evil on its own might not also be knowledge of the natural law, and thus be moral knowledge. If law requires rewards and punishments, it could be that the natural consequences of certain actions represent such rewards and punishments. Knowing, for instance, that excessive drinking has deleterious effects on both health and relationships, I could infer from these consequences that the natural law proscribes drunkenness. But Locke rules this out in the passage cited above. Rewards and punishments attached to a law must be unnatural consequences. Otherwise, we are merely speaking about convenience and inconvenience. It is surely the case, however, that knowledge of natural consequences points us in the direction of the natural law, for it seems that God, in his benevolence, would forbid actions that were naturally harmful and command actions that were naturally beneficial. But still knowledge of natural consequences does not yet rise to the level of knowledge of the natural law. Moral knowledge, for Locke, consists not in comparing my idea of, say, drunkenness with its natural consequences; rather it consists in comparing this idea with a rule established by God. I have moral knowledge when I compare an idea of an action with the rule of an agent who has both the right to make such a rule and the power to enforce it with rewards and punishments.

But it is important to stress that moral knowledge does not simply consist in being aware of the content of a rule. Locke’s thought here is similar to the distinction between effective and terminative obligation, which was discussed in the last chapter. The content of the moral law is supplied by our ideas of natural good and evil, though these ideas on their own do not generate an obligation to promote pleasure and refrain from causing pain. For this, an effective obligation is required, and this must come from the legislative will of the sovereign: in the case of the natural law, this is God. In the *Essay*, Locke

shows that he is a voluntarist about morality. If, *per impossibile*, God didn't exist then there would be no effective obligation to obey the precepts of the natural law.

Moral discourse, for Locke, is essentially legal discourse. Morality is inseparable from law. The essence of 'killing', for instance, as a mixed mode contains a number of constituent ideas, formed by the mind and joined together by its name. But it is not properly moral until it is referred to a rule given by a legislator who has both the right to make this law and the power to enforce it with rewards and punishments. 'Murder' then is distinct from 'killing', for the former involves everything included in the latter but with the addition that the complex idea in the latter is referred to a rule proscribing such actions. Now we may fashion the complex idea of murder to include a proscription that doesn't refer to a law. But Locke says that we're mistaken if we think that this represents morality, properly speaking.

Whoever treats of morality so as to give us only the definitions of justice and temperance, theft and incontinency, and tells us which are virtues, which are vices, does only settle certain complex ideas of modes with their names to them, whereby we may learn to understand others well, when they talk by their rules, and speak intelligibly and properly to others who have been informed in their doctrine. But whilst they discourse never so acutely of temperance, to the observation or breach of which law there are rewards and punishments annexed, the force of morality is lost, and evaporates only into words and disputes and niceties.

'Of Ethick in General', §9, 301-302

Locke goes on to describe moral discourse without reference to law as mere empty words. The above quote represents Locke's criticism of how the Schools go about their discussions of morality by simply quibbling about definitions. In so doing, they obfuscate the true nature of morality which consists in legislative decrees of the divine will. In contrast to this method of discussing morality by focusing on mere definitions, Locke proposes the proper way of going about morality:

But there is another sort of morality or rules of our actions, which though they may in many parts be coincident and agreeable with the former, yet have a different foundation, and we come to the knowledge of them in a different way; these notions or standards of our actions not being ideas of our own making, to which we give names, but depend upon something without us, and so not made by us, but for us, and these are the rules set to our actions by the declared will or laws of another, who hath power to punish our aberrations. These are properly and truly the rules of good and evil, because the conformity or disagreement of our actions with these, bring upon us good or evil.

‘Of Ethick in General’, §10, 302

The rules set to our actions are ‘not made by us, but for us’. The moral laws of nature are given to us by God and they are not mixed modes fashioned arbitrarily by the human mind. In Locke’s estimation, God plays an active role in the creation of moral properties. Indeed, Locke is clear that it lies within God’s power to fashion moral names:

[W]here GOD, or any other Law-maker, hath defined any Moral Names, there they have made the Essence of that Species to which that Name belongs; and there it is not safe to apply or use them otherwise.

Essay IV.iv.10, 567

Morality has its foundation in laws that God establishes to which God adds rewards and punishments. There is a question, however, about the promulgated content of the law of nature. It seems that Locke’s account of morality requires the natural law to be grasped at the level of ideas. Proper moral ideas involve the relation of the complex idea of an action to a rule. This involves a perception of agreement or disagreement amongst ideas. Thus true knowledge of a rule set for us must involve the idea of an action coupled with the normative idea that such an action is either required or proscribed and that it will result in either rewards or punishments (comprised in pleasures and pains).

Legislation, for Locke, involves a legislator having an idea of a species of action in her mind and then formulating a rule that requires or prohibits such actions – and this, of course, could be done even if no such actions have ever been performed (*Essay* III.v.5). A human legislator has the ability to make new mixed modes and then create rules surrounding this new species of action. The legislator may take the complex idea of someone killing another, add the idea of the relation between father and child to it, name it ‘parricide’, and then create a law forbidding it, with its own special punishments. All this can happen, of course, even if no such action had ever existed in the world. But the human legislator is not free to determine what does and does not agree with that complex idea. The human legislator cannot make it the case, say, that this complex idea agrees with the complex idea of filial loyalty.

What this means is that there are limits to the kinds of things that we can perceive. Recall that Locke thinks that disputes in mathematics can be resolved by attending to ideas of figure and that attending to our ideas can also help resolve disputes in morality. Our idea of a right-lined triangle is a mode and Locke thinks that the equality of its angles to two right angles necessarily agrees with this idea. But interestingly for our discussion, Locke says that it does not lie within God’s power to have fashioned triangles differently (and *a fortiori* we are limited in the formation of our modal ideas of triangles):

In some of our *Ideas* there are certain Relations, Habitues, and Connexions, so visibly included in the Nature of the *Ideas* themselves, that we cannot conceive them separable from them, by any Power whatsoever. And in these only, we are capable of certain and universal Knowledge. Thus the *Idea* of a right-lined Triangle necessarily carries with it an equality of its Angles to two right ones. Nor can we conceive this Relation, this connexion of these two *Ideas*, to be possibly mutable, or to depend on any arbitrary Power, which of choice made it thus, or could make it otherwise.

Essay IV.iii.29, 559

Given the frequent parallels that Locke makes between mathematics and morality, it is reasonable to think that the nature of moral ideas is such that certain relations are necessarily fixed. Just as it is impossible to perceive an agreement between the idea of a right-lined triangle and the inequality of its angles to two right ones, it is impossible to perceive an agreement between the complex idea behind parricide and the complex idea behind filial loyalty. More broadly, it would seem impossible to perceive an agreement between certain actions, such as theft, murder, etc, and sociability. The implication here is that God does not have the power to make certain things agree that pertain to morality.

One possible interpretation is that Locke is committed to an intellectualist understanding of morality, according to which moral good and evil are fixed and cannot be other than they are based on the natures of things. In a recent paper, Andrew Israelsen has argued that Locke advances an intellectualist moral philosophy in the *Essay*. Israelsen's argument is that Locke's emphasis on the demonstrability of morality would be incoherent if he maintained that moral concepts depended on the divine will:

If ... moral truths are dependent upon God's will, then it is entirely unclear how we could have pure rational access to them. For while concepts and ideas knowable a priori contain 'certain relations, habitudes, and connexions, so visibly included in the nature of the ideas themselves, that we cannot conceive them separable from them' (E.IV.iii.29), it is unclear whether knowledge of moral concepts, if they originate in God as a type of volitional content, are of this sort.¹⁶⁵

Israelsen does not fully specify what it means for moral truths to be 'dependent upon God's will', but the idea seems to be that God could have made them otherwise since they are contingently and arbitrarily determined by the divine will. I agree with Israelsen's view that God does not have the power to alter the natural law, but this does not mean that Locke maintains an intellectualistic understanding of morality, for

¹⁶⁵ Andrew Israelsen, 'God, Mixed Modes, and Natural Law: An Intellectualist Interpretation of Locke's Moral Philosophy', 1113.

moderate forms of voluntarism also hold that the law is immutable. What grounds the immutability of the natural law is hypothetical necessity and this interpretation best does justice to what Locke says in the *Essay* about morality.

We've already seen that Locke in many places identifies the law of nature with God's will, but he seems to hold that ideas used in morality cannot be other than they are. It cannot be the case, for instance, that the ideas of theft and sociability can be made to agree. But in order to know that theft is morally wrong, the idea of theft must be compared to a rule prohibiting theft. And that rule is given by God as a command of the divine will. We know that if God creates sociable beings that God will give them a law that prohibits theft (and other unsociable actions). This is hypothetically necessary, based on the idea that God's perfection demands it. The analogy between moral and mathematical ideas does not suggest that the things to which moral ideas refer (i.e. the natural law) are absolutely necessary. Indeed, in the *Essays on the Law of Nature*, Locke compares morality to mathematics:

It seems to me to follow just as necessarily from the nature of man that, if he is a man, he is bound to love and worship God and also to fulfill other things appropriate to the rational nature, i.e. to observe the law of nature, as it follows from the nature of a triangle that, if it is a triangle, its three angles are equal to two right angles ...¹⁶⁶

In the *Essays*, we saw that the law of nature, in Locke's view, is hypothetically necessary. The perfection of the divine nature requires God to make the natural law on the supposition that God chooses to create human beings. What is appropriate to our nature is absolutely necessary, just like the equality of the angles of a triangle to two right angles in the nature of a triangle. But the moral law of nature does not consist entirely in what is appropriate to our nature; this yields the terminative aspect of the law but does

¹⁶⁶ ELN, VII, 199

'Mihi enim videtur tam necessario sequi ex natura hominis, si homo sit, quod tenetur amare et venerari Deum, et alia etiam praestare naturae rationali convenientia, hoc est observare legem naturae, quam sequitur ex natura trianguli, si triangulus sit, quod tres illius anguli sunt aequales duobus rectis...'

not yield the effective binding force of the law (which requires a divine command). There is no reason to think that Locke has changed his view of the moral law of nature in the *Essay*. Theological voluntarism is not principally a claim about the alterability of the natural law but rather about the character of the law as requiring the command of God's sovereign will to obtain.

In sum, Locke identifies the moral law of nature with the divine will and he is clear that moral knowledge cannot be had without reference to law. Locke is a theological voluntarist in his understanding of morality as the natural law would not obtain in the possible world in which we existed but there was no God. But this does not mean that God could have made human beings for whom what is now vice was prescribed and what is now virtue was prohibited. If God makes us to be sociable creatures, God cannot command actions that frustrate our sociability, for to do this would be inconsistent with the perfection of the divine nature. All of this suggests that the natural law is hypothetically necessary. (I say more about this in 4.2.3.) In the next section, I argue that the moral epistemology of the *Essay* is coherent with what Locke says in the *Second Treatise* and that the same account of the natural law is present there.

4.2.2. Natural Law and the *Second Treatise*

There has been a debate about whether or not the natural law doctrine of the *Second Treatise* is compatible with the moral epistemology of the *Essay* and some commentators have argued that the two works are incompatible with one another.¹⁶⁷ There are two ways that we might conceive of a tension between the *Essay* and the *Second Treatise*. First, if we accept that the argument of the *Second Treatise* depends upon a natural law conception of ethics, but consider the *Essay* to undermine any such conception by focusing on hedonism, then the two works are at odds with another. As I've argued, however, Locke's adoption of hedonism doesn't represent a divergence from

¹⁶⁷ For the incompatibilist position, see Peter Laslett 'Introduction' in *Two Treatises of Government*, Cambridge, 1988, 79-92. But for the compatibilist position, see Ruth W. Grant: she argues that the two works are compatible since the genre of the *Second Treatise* is demonstrative normative theory, in Locke's estimation, and the defense of this method arises in the *Essay* (*John Locke's Liberalism: A Study of His Political Thought in its Intellectual Setting*, Chicago, 1987: 22-23).

his earlier held views on the natural law, but rather a development of them. The *Essay* is compatible with a natural law view of morality. Second, though, we might think that the natural law doctrine presented in the *Essay* is more voluntaristic than the *Second Treatise*, as Locke emphasizes the divine will as the source of the obligations of the moral law in the former work. But Locke also holds this view in the *Second Treatise*: indeed, he equates the law of nature with God's will.¹⁶⁸

We may worry, though, that a voluntarist account of law undermines the intelligibility of the precepts of the natural law as they depend upon God's will. Indeed, in the *Second Treatise*, Locke identifies the law of nature with the law of reason. Speaking about the law of nature, he says the following:

[I]t is certain there is such a Law, and that too, as intelligible and plain to a rational Creature, and a Studier of that Law, as the positive Laws of Common-wealths, nay possibly plainer.

Second Treatise, §12, 275

What I intend to argue is that the moral epistemology of the *Essay* supports the view held here, even though Locke maintains a voluntarist conception of the natural law.

In the *Second Treatise*, Locke is clear that God has made human beings sociable:

God having made Man such a Creature, that, in his own Judgment, it was not good for him to be alone, put him under strong Obligations of Necessity, Convenience, and Inclination to drive him into *Society*, as well as fitted him with Understanding and Language to continue to enjoy it.

Second Treatise, §77, 318-319

The idea that God makes human beings as sociable creatures is one that Locke expresses in his earlier works and consistently maintains. And in the *Essays on the Laws of Nature*, Locke states that God harmonizes the natural law with human nature. This means that

¹⁶⁸ *Second Treatise*, §135. See also §22.

God creates us in need of society and with a law that obligates us to be sociable (e.g. to refrain from theft, murder, etc.). And Locke also speaks about sociability in the *Essay* at the outset of his treatment of language:

God having designed Man for a sociable Creature, made him not only with an inclination, and under a necessity to have fellowship with those of this own kind; but furnished him also with Language, which was to be the great Instrument, and common Tye of society.

Essay III.i.1, 402

This passage is, of course, quite reminiscent of the quote above from the *Second Treatise*. The key idea here is that God has created human beings with the end of being sociable. And one of the teleological functions of language is to promote sociability. Locke is clear that this is one of the main ends of language. And so, words have a civil use, according to Locke:

By their *civil Use*, I mean such a communication of Thoughts and *Ideas* by Words, as may serve for the upholding common Conversation and Commerce, about the ordinary Affairs and Conveniencies of civil Life, in the Societies of Men, one amongst another.

Essay III.ix.3, 476

Now Locke goes on to assert that words which do not excite the same idea that it does in the mind of the speaker do not really serve the end of communication which is to be understood. The further implication of this is that confusing language frustrates sociability and peace, as it does not serve to tie us together. Meaningful communication involves conveying ideas to one another through language: otherwise, we simply fill each other's heads with noise (*Essay* III.ix.6). Locke acknowledges that the proper use of language is particularly difficult to achieve in moral discourse, for our moral words seldom signify the same complex idea from person to person (or even in the same person at different times). This is aggravated by the fact that there are no standing patterns in nature that correspond to mixed modes, by which we can measure and adjust our use of language. But Locke does suggest that we should try to remedy these defects, by making

sure to use words that signify ideas – if the idea is simple, it ought to be clear and distinct, and if complex, it ought to be determinate (*Essay* III.xi.9). Furthermore, we ought to apply our words to ideas according to common use (i.e. the signification used by the community), and in situations where this is in doubt, we ought to clearly declare our meaning (*Essay* III.xi.8-12). The ideal that Locke sets for moral discourse is to put it on the same footing as mathematical demonstration, in which precise meaning and clear definition ultimately yield certain knowledge.¹⁶⁹ Locke recognizes that a recognition of the defects of language would have positive civil consequences:

But I am apt to imagine, that were the imperfections of Language, as the Instrument of Knowledge, more thoroughly weighed, a great many of the Controversies that make such a noise in the World, would of themselves cease; and the way to Knowledge, and, perhaps, Peace too, lie a great deal opener than it does.

Essay III.ix.21, 489

The controversies that Locke has in mind chiefly concern religion and morality, and his instructions concerning language can largely be seen as seeking to rehabilitate the sociability that is lost through improper uses of language. In this context, Locke recommends the value of natural religion – that is, what can be known of God and our duties through reason alone:

Since ... the precepts of natural religion are plain, and very intelligible to all mankind, and seldom come to be controverted; and other revealed truths, which are conveyed to us by books and languages, are liable to the common and natural obscurities and difficulties incident to works, methinks it would become us to be more careful and diligent in observing the former, and less magisterial, positive, and imperious, in imposing our own sense and interpretations of the latter.

Essay III.ix.23, 490

¹⁶⁹ *Essay* III.xi.16-17. See also *Essay* IV.iii.18.

The problem with strictly revealed truths, given by means of written or oral testimony, is that we can't be certain of their signification, since we don't have clear and distinct or determinate ideas of these truths. Locke is explicit that when the will of God is expressed in words that it is liable to the doubt and uncertainty which 'unavoidably attends that sort of conveyance' (*Ibid*). But Locke continues and says that God's will is intelligible to our reason:

[W]e ought to magnify his Goodness, that he hath spread before all the World such legible Characters of his Works and Providence, and given all Mankind so sufficient a light of Reason, that they to whom the written Word never came, could not (when-ever they set themselves to search) either doubt of the Being of a GOD, or of the Obedience due to Him.

This passage describes the basic character of natural religion. And the value of focusing on natural religion is that it fosters peace, for it allows us to discourse about things that we can properly know (i.e. the knowledge of God and our duty) and to refrain from sectarian strife concerning things that we can't properly know, and about which we really only have probability. Refining our use of language ultimately contributes to natural religion and thus encourages peace and sociability, for our words will be intelligible to one another and we will avoid placing too much confidence in uncertain significations that lead to division. The theory that Locke advances in the *Second Treatise* coheres with the views on moral discourse and natural religion that he presents in the *Essay*.

The *Second Treatise* is a non-confessional work of political theory: it applies to all believers in God (except Roman Catholics committed to a foreign power). The *Second Treatise* is not a work of scriptural politics, but this is unsurprising given the status that Locke accords to natural religion in the *Essay*. What we would expect from Locke in a work of normative and demonstrative political theory would be a discussion that involves knowledge of God and our duty without appealing to revelation for its basic arguments. And this is what he provides in the *Second Treatise*. Indeed, Locke thinks that the knowledge of both the law of nature and ourselves as God's workmanship is evident to reason (*Second Treatise*, §6).

According to Locke, the law of nature obtains in the state of nature. Locke, though, holds the same idea in the *Two Tracts*, as we've seen, for the civil law represents a determination of things left indifferent by the divine law. In the state of nature, it is not the case that all things are indifferent. The basic picture here does not really change, although Locke is clear that the law of nature is difficult to enforce in the state of nature, and so the authorization of civil power is an expedient concern in this regard.

Now the question I wish to examine is how the law of nature can be obligatory in the state of nature. First, in the *Essay*, Locke argues that we can both know that God exists and that we are dependent upon God, so it is clear that we are God's workmanship and that we are 'sent into the world by his order and about his business' (*Second Treatise*, §6, 271). This means that God creates us with specific ends, namely to be sociable and to seek ultimate happiness in God. Indeed, Locke describes God as 'an infinitely wise Maker' prior to saying that we are about his business. It is best to interpret this 'business' as the ends that are set for us since Locke considers it contrary to wisdom to work with no design or purpose.¹⁷⁰ All this is to say that Locke provides the necessary background to the workmanship passage in the *Essay*. We can have demonstrative knowledge here. Second, we can have demonstrative knowledge not only of God but also of our duty under the law of nature. It will be helpful to recall the discussion of terminative and effective obligation. The terminative obligation refers to the content of the natural law and effective obligation to the source of that law. The knowledge we have of the natural law consists in referring our ideas of voluntary actions to the rule of God. As we've seen in the last section, our ideas of natural good and evil represent the content of the natural law, taken with our knowledge of the ends that God has set for us as sociable creatures. And we know that God will harmonize the natural law with these ends. Indeed, Locke describes law as 'the direction of a free and intelligent agent to his proper interest, and prescribes no farther than is for the general good of those under that law' (*Second Treatise*, §57, 305). Natural law, then, has a teleological function, as it directs us toward

¹⁷⁰ For an explicit statement of this view, see ELN IV, 157. Given Locke's continued emphasis on God's design in his later work, it is reasonable to assume that he maintains the same view that wisdom entails purposive action.

the ends set for us. And so, it is entirely consistent that Locke conceives of the first and fundamental natural law as the preservation of society, which in turn governs the civil legislative power.¹⁷¹ All this is to say that we can know the content of the natural law from a consideration of the ends that God sets for us. And we know that we have an obligation to promote these ends because God has set a law to direct us in the achievement of these ends. The law of nature is plain to our reason, provided we endeavour to discover it, Locke thinks.

The final question I wish to deal with here is whether or not, *per impossibile*, all of these things in the *Second Treatise* would still hold even if God did not exist. Soles argues that the *Second Treatise* contains a non-voluntarist derivation of the natural law and should be considered to give an intellectualist account of the natural law. While Soles does not frame the problem in terms of possible worlds, he is in effect saying that the natural law would obtain in the possible world in which God did not exist but human beings did exist. He admits that Locke does not explicitly give an intellectualist account of the natural law, but that this is implicit in a number of premises held by Locke:

[W]hile the intellectualist derivation is not formally deployed in the text, it is a position to which Locke is necessarily committed. He unambiguously states and defends each of the premises: all men are free and equal, equals require an equal measure, each person considers his life, liberty, and property a good to be preserved ... [T]o know that there is a law of nature one need not know that there is a divine lawmaker, the content of the law can be discovered independently of knowledge of God's will, and the source of our obligation to obey the law is grounded in the fact that the maxim that equals must be treated equally is categorically binding.

'Intellectualism and Natural Law in Locke's *Second Treatise*', 112-113

¹⁷¹ *Second Treatise*, §134. Kim Ian Parker notes that Locke's view here distinguishes him from the atomistic view of individuals in Hobbes' *Leviathan* (*The Biblical Politics of John Locke*, Laurier, 2004, 128). Parker argues that a key difference between them is that, for Hobbes, the duty to preserve society is artificial but, for Locke, it obtains in the state of nature.

Soles acknowledges that this account of law diverges from the *Essays on the Law of Nature*, but it also diverges from the account given in the *Essay concerning Human Understanding* insofar as Locke there identifies the law of nature with the will of God. Soles recognizes that Locke often talks about God in his discussion of the natural law in the *Second Treatise*, but he thinks that these remarks should be treated as ‘merely unguarded expressions of Locke’s personal faith and not as representations of his considered position’ (Ibid, 113). If we take these remarks seriously, Soles thinks, then we must attribute two inconsistent accounts of law to the *Second Treatise*. But in my view, there is one account of law in the *Second Treatise* and it is voluntaristic.

Pace Soles, Locke nowhere says that the obligation to follow the law of nature emerges from a simple consideration of our natural equality.¹⁷² What Locke does say is the following:

The *State of Nature* has a Law of Nature to govern it, which obliges everyone: and Reason, which is that Law, teaches all Mankind who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions. For Men being all the Workmanship of one Omnipotent and infinitely wise Maker; All the Servants of one Sovereign Master, sent into the World by his order and about his business, they are his Property, whose Workmanship they are, made to last during his, not one another's Pleasure.

Second Treatise, §6, 271

¹⁷² While Locke thinks that equality is evident to our reason, it is not clear that it is evident without also having knowledge of God’s existence. In his book, *God, Locke and Equality* (Cambridge, 2002), Jeremy Waldron convincingly argues that Locke’s account of equality would be inconsistent if abstracted from a theistic foundation. In Waldron’s view, equality cannot consist in simply being rational creatures, as some human beings have greater powers of reason than others: rather, equality consists in being rational creatures with a capacity sufficient to form abstract ideas and to be able to relate the abstract idea of God to the idea of ourselves and our actions. (See 81-82.) While Waldron is not explicit about this here, the idea is that equality consists in our being creatures capable of having the natural law promulgated to us, and thus to be directed by God. A further point to consider is that Locke thinks that our equality is contingent on our being in a similar relationship to God, though he thinks that God could, by a ‘manifest declaration of his will’, set one person over others; but this is something that God has not done. (See *Second Treatise*, sec. 4.)

In Soles' view, everything after the first full stop in the passage above is irrelevant to Locke's basic understanding of the natural law. Locke says that the law of nature obliges us and he seems to identify the law of nature with reason. It would then seem to follow that reason, recognizing our equality, yields an obligation to refrain from harming others. Locke, however, thinks that the law of nature is promulgated through reason (rather than it being the case that the law of nature is identified with reason).¹⁷³ In his discussion of the foundational role that the natural law plays in civil society, Locke identifies the obligation to follow the law of nature with the divine will:

The Obligations of the Law of Nature cease not in Society, but only in many Cases are drawn closer, and have by Humane Laws known Penalties annexed to them, to inforce their observation. Thus the Law of Nature stands as an Eternal Rule to all Men, *Legislators* as well as others. The Rules that they make for other Mens Actions, must, as well as their own and other Mens Actions, be conformable to the Law of Nature, i.e. to the Will of God, of which that is a Declaration, and the *fundamental Law of Nature* being the *preservation of Mankind*, no Humane Sanction can be good, or valid against it.

Second Treatise, §135, 357-358

In the passage above, Locke discusses the obligations of the law of nature and identifies the law of nature with divine will. The most plausible interpretation of the passage above is that the source of the obligation to obey the law of nature comes from the divine will. While Locke is not explicit about this in the *Second Treatise*, a failure to acknowledge God as the source of the natural law deprives the natural law of its obligatory force. This fits with what Locke says about atheism in 'A Letter concerning Toleration' (which was published in 1689, the same year as the *Two Treatises*):

[T]hose who deny that there is a Deity are not to be tolerated at all. Neither the faith of the atheist nor his agreement nor his oath can be firm

¹⁷³ *Second Treatise*, §12, cf. §57.

and sacrosanct. These are the bonds of human society, and all these bonds are completely dissolved, once God or the belief in God is removed.¹⁷⁴

The idea here is that atheists have no reason to keep their agreements because they deny the existence of God. And without a reason to keep agreements, or promises, then no real society can be formed. This would not make sense if the obligation to keep promises did not somehow depend upon belief in God. But the idea that atheists have no reason to keep promises makes sense if we are only bound by the natural law in recognizing God as the source of it.

Locke is explicit in the *Second Treatise* that God governs human beings through the natural law. First, he specifies that law has a directive purpose:

For *Law*, in its true Notion, is not so much the Limitation *as the direction of a free and intelligent Agent* to his proper Interest, and prescribes no farther than is for the general Good of those under that Law.

Second Treatise, §57, 305

And second, in speaking about transgressions against the natural law, Locke is also clear that the law of nature is a rule that God has set to our actions in order to govern us:

In transgressing the Law of Nature, the Offender declares himself to live by another Rule, than that of *reason* and common Equity, which is that measure God has set to the actions of Men, for their mutual security.

Second Treatise, §8, 272

The law of nature would have no binding force if God did not exist, at least if Locke maintains the same definition of law in the *Second Treatise* that he does in other works. And as Locke considers the law of nature to be God's will, there is no reason to think that he does not maintain the same conception of law. Thus, without God the law of nature would have no obligatory force, and all things would, properly speaking, be

¹⁷⁴ 'A Letter concerning Toleration' in *Locke on Toleration*, ed. R. Vernon, Cambridge, 2010: 37.

indifferent. This means that there would be no obligation to preserve ourselves and society, for the only source that Locke gives to this obligation is the divine will. The obligation does not emerge from a simple consideration of human nature. All of this suggests that Locke maintains a voluntaristic conception of the law of nature in both the *Essay* and the *Second Treatise*. But if Locke is a voluntarist, why couldn't God change the laws of nature? According to the idea of hypothetical necessity, God is bound to maintain the law of nature by virtue of creating a creature with specific ends. For God to do otherwise would be inconsistent with the perfection of the divine nature.

4.2.3. Theological Voluntarism and Hypothetical Necessity in the Natural Law

Theological voluntarism about morality is primarily a thesis about the character of the natural law. For the natural law to obtain, it must be commanded by God's will; hence there is no possible world in which the natural law exists but God does not exist. But this does not mean that God could have made creatures like us but with a different natural law to govern us (e.g. one that condoned theft). This is not because the natural law is absolutely necessary, as though law consisted entirely in conformity to our nature, but because it is hypothetically necessary, as the perfection of the divine nature requires a harmony between our nature and the law. In the *Essay*, Locke thinks that we can have knowledge of God's perfections:

[T]he most advanced Notion we have of God, is but attributing the same simple *Ideas* which we have got from Reflection on what we find in our selves, and which we conceive to have more Perfection in them, than would be in their absence, attributing, I say, those simple *Ideas* to him in an unlimited degree. Thus having got from reflecting on our selves, the *Idea* of Existence, Knowledge, Power, and Pleasure, each of which we find it better to have than to want; and the more we have of each, the better; joyning all these together, with infinity to each of them, we have the complex *Idea* of an eternal, omniscient, omnipotent, infinitely wise, and happy Being.

Essay III.vi.11, 445

We, for example, find in ourselves the idea that it is better to keep one's promises than to lie, and we extend this to God, who in his perfection, must keep his promises; for to do otherwise would represent an imperfection. And this seems to be reflected in the *Second Treatise*, where Locke emphasizes that as God is bound by promises then *a fortiori* princes are bound by their promises:

I will not dispute now whether Princes are exempt from the Laws of their Country; but this I am sure, they owe subjection to the Laws of God and Nature. No body, no Power can exempt them from the Obligations of that Eternal Law. Those are so great, and so strong, in the case of *Promises*, that Omnipotency it self can be tyed by them. *Grants, Promises* and *Oaths* are Bonds that *hold the Almighty*: Whatever some Flatterers say to Princes of the World who all together, with all their People joined to them, are in comparison of the great God, but as a Drop of the Bucket, or a Dust on the Balance, inconsiderable nothing!¹⁷⁵

The perfect being theology that Locke advances in the *Essay* coheres with the above passage: seeing that promise-breaking represents an imperfection, we know that God in his perfection will keep his promises. In the next section, I argue that Locke considers the natural law as a covenant that God has made with human beings. Earlier I argued that the natural law is hypothetically necessary in that God could not make a rational and sociable creature without providing it a law to realize its nature. In order to change the law of nature, God would have to change our nature. The covenant concept, though, shows us that the reward of everlasting salvation for keeping the requirements of the law (which Locke thinks happens in conjunction with faith in Christ) is also hypothetically necessary. While God freely promises these rewards, God is bound by that promise because to break a promise would be an act inconsistent with the perfection of the divine nature.

¹⁷⁵ *Second Treatise*, §195, 395-396. Francis Oakley notes that this passage is echoed in the *First Treatise*, §6. Oakley argues that these passages are suggestive of covenantal themes. See 'Locke, Natural Law and God – Again', *History of Political Thought* 18.4 (1997): 648. Oakley's interpretation is especially plausible in light of the explicit covenant theology that Locke advances in his later works.

4.3 Covenant and Natural Law in Locke's Later Theological Work

4.3.1. Locke's Covenant Theology

In section 2.4.3, we looked at the general features of Latitudinarian covenant theology, the kind of covenant theology that would have been most appealing to Locke.¹⁷⁶ One of the distinctive aspects of Latitudinarian covenant theology is its identification of the first covenant between God and human beings with the moral law of nature. Latitudinarians, keeping with their generally Arminian theology, emphasize the synergistic role that human beings play in their justification before God by following the precepts of the moral law.¹⁷⁷ Arminians recognize that the Fall inhibits our ability to follow these precepts on our own strength. Indeed, some kind of prevenient grace is necessary; but unlike their Puritan and Calvinist opponents, they think that human beings can know the natural law and make some effort to live according to it.

As I argue, Locke maintains a covenant theology akin to the Latitudinarians (described in 2.4.3) that identifies the moral law of nature with God's first covenant with human beings. According to Locke, there are two basic covenants, works and grace:

[T]he Condition of the Covenant whereby they become the People of God, in the Constitution of his Kingdom under the Messiah, is, Believe and repent, and thou shalt be saved, *i.e.* Take Christ for thy Lord, and do sincerely but what thou canst to keep his Law, and thou shalt be saved; in the one of which, which is therefore called the Covenant of Works, those

¹⁷⁶ For more on Locke's connection to the Latitudinarian movement, see John Marshall's 'John Locke and Latitudinarianism', *Philosophy, Science, and Religion in England: 1640-1700*, eds. R. Kroll, R. Ashcraft, and P. Zagorin, Cambridge, 1992: 253-282.

¹⁷⁷ For more on the Arminian and Latitudinarian influence on Locke, especially via Henry Hammond, see Joanne Tetlow, 'Locke's Covenant Theology', *Locke Studies* 9 (2009): 167-199. Dewey R. Wallace, Jr argues that the *Reasonableness* should be understood in the context of the Antinomian controversy ('Socinianism, Justification by Faith, and the Sources of John Locke's *The Reasonableness of Christianity*', *Journal of the History of Ideas* 45.1 (1984): 53). The worry, briefly stated, surrounding antinomianism is that the Puritan view of justification may imply that one can be justified apart from one's obedience to the moral law and that this may lessen one's commitment to follow that law. Locke, however, thinks that following the moral law plays a role in justification.

who were actually in that Kingdom could not attain the everlasting Inheritance: And in the other called the Covenant of Grace, those, who if they would but continue as they began, *i.e.* in the State of Faith and Repentance, *i.e.* in a Submission to and owning of Christ, and a steady unrelenting Resolution of not offending against his Law, could not miss it, and so might truly be said to be saved, they being in an unerring way to Salvation.¹⁷⁸

Locke specifies that the covenant of grace involves two features: trying as much as possible to keep the law and having faith in Christ. Locke is clear that one cannot be justified on the basis of keeping the law, as this is not possible for fallen human beings, but belief in Christ combined with ‘a steady unrelenting resolution of not offending against his law’ will yield salvation. The covenant, or law, of works is summed up in the phrase ‘do this and live’. It is a covenant made with all humanity, both Jews and Gentiles, and one that begins with Adam at the inception of the human race:

[W]hatever God requires any where to be done, without making any allowance for Faith, that is a part of the Law of Works. So the forbidding Adam to eat of the Tree of knowledge was part of the Law of Works.

Reasonableness, 18-19

Following on from here, Locke describes some of God’s commands as being temporary while others are permanent:

Only we must take notice here, That some of God’s Positive Commands, being for peculiar Ends, and suited to particular Circumstances of Times, Places, and Persons; have a limited and only temporary Obligation, by vertue of God’s positive Injunction; such as was that part of *Moses’s* Law, which concerned the outward Worship, or Political Constitution of the Jews; and is called the Ceremonial and Judaical Law, in contradistinction to the

¹⁷⁸ *A Paraphrase and Notes on the Epistles of St Paul*, vol.II, ed. A.W. Wainwright, Clarendon, 1987, 62.

Moral part of it; Which being conformable to the Eternal Law of Right, is of Eternal Obligation; and therefore remains in force still, under the Gospel; nor is abrogated by the *Law of Faith*, as St. *Paul* found some ready to infer, *Rom* iii. 31, “*Do we then make void the Law, through Faith? God forbid; yea, we establish the Law.*”

Reasonableness, 19

The reason that the ceremonial and judaical aspects of the Mosaic law are only of limited scope and duration is that the Gentiles had no part of the transaction between God and the Israelites in the establishment of this law.¹⁷⁹ But the moral aspect of the Mosaic law, represented in the covenant of works, is universal and permanent. The new covenant of grace – or law of faith – brought about in Christ does not repeal or abrogate any of the aspects of the covenant of works, though it does do away with the ceremonial and judaical aspects of the Mosaic law. Locke says the following:

The Rule, therefore, of Right, is the same that ever it was; the Obligation to observe it is also the same: The difference between the *Law of Works*, and the *Law of Faith* is only this; that the *Law of Works* makes no allowance for failing on any occasion. Those that obey are Righteous, those that in any part disobey, are unrighteous, and must not expect Life, the Reward of Righteousness. But, by the *Law of Faith*, Faith is allowed to supply the defect of full Obedience; and so the Believers are admitted to Life and Immortality, as if they were Righteous.

Reasonableness, 19

Remember that the law of works is summed up in the phrase ‘do this and live’. Accordingly, failure to perform any aspect of the law is sufficient to condemn us to death. But the law of faith, in which we confess Jesus of Nazareth to be the Messiah, allows our defects to be covered over so that we may be meritorious for eternal life.

¹⁷⁹ Furthermore, Locke is clear that the Mosaic covenant could not alter the moral requirements contained in the first covenant with all of humanity, as the Gentiles were not party to this covenant. See *Paraphrase*, vol.I, 139.

Christ does not repeal or abrogate the law of works; rather, his sacrifice covers over our defects:

[W]e see our Saviour not only confirmed the Moral Law, and, clearing it from the corrupt glosses of the Scribes and Pharisees, shewed the strictness as well as obligation of its Injunctions; But moreover, upon occasion, requires the Obedience of his Disciples to several of the Commands he afresh lays upon them; With the enforcement of unspeakable Rewards and Punishments in another World, according to their Obedience or Disobedience ... They were required to believe him to be the *Messiah*; Which Faith is of Grace promised to be reckoned to them, for the compleating of their Righteousness, wherein it was defective: But Righteousness, or Obedience to the Law of God, was their great business; Which if they could have attained by their own Performances, there would have been no need of this Gracious Allowance, in Reward of their Faith: But Eternal Life, after the Resurrection, had been their due by a former Covenant, even that of Works; the Rule whereof was never abolished, though the Rigour was abated. The Duties enjoined in it were Duties still. Their Obligations had never ceased, nor a wilful neglect of them was ever dispensed with. But their past Transgressions were pardoned, to those who received *Jesus*, the promised *Messiah*, for their King; and their future slips covered, if, renouncing their former Iniquities, they entred into his Kingdom, and continued his Subjects with a steady Resolution and Endeavour to obey his Laws.

Reasonableness, 129-30

Locke is clear that the covenant of works, i.e. the natural law, is still in effect, but that believing that Jesus is the Messiah is necessary to obtain forgiveness for both past and future transgressions of the law. This belief completes our righteousness, though striving to follow the law is still necessary and we cannot be redeemed without this effort. The covenant of grace, whereby belief in Jesus covers over our moral imperfections, does not

abolish the covenant of works, but rather fulfills it in a different way (a way in which belief and repentance, in addition to striving to follow the law, makes us meritorious).

Covenants, for Locke, are bilateral, and can only be altered by the consent of all the parties involved in the covenant. This is why God's covenant of circumcision with Abraham or the Mosaic law cannot represent alterations to the covenant of works, for the simple reason that the Gentiles, who were transactors in the covenant of works, were not party to these specific agreements with the people of Israel. It seems conceptually possible, in this understanding of covenants, that it might be possible to change the covenant of works, including the natural law, provided that both God and human beings represented by a mediator, in whom all had given their consent, agreed on a change to the covenant. There is, thus, a kind of permanence to the covenant of the works, so long as both parties do not agree to change it. As I argue in the next section, the covenant is hypothetically necessary.

4.3.2. Covenant and Hypothetical Necessity

In a discussion of the necessity of both faith and works for justification, Locke says the following:

Neither, indeed, could it [the fact that faith without works is insufficient for justification] be otherwise; For Life, Eternal Life, being the Reward of Justice or Righteousness only appointed by the Righteous God (who is of purer Eyes than to behold Iniquity) to those who only had no taint or infection of Sin upon them, it is impossible that he should Justifie those who had no regard to Justice at all, whatever they believed. This would have been to encourage Iniquity, contrary to the Purity of his Nature; and to have condemned that Eternal Law of Right, which is Holy, Just, and Good; of which no one Precept or Rule is abrogated or repealed; nor indeed can be, whilst God is an Holy, Just, and Righteous God, and Man a Rational Creature. The Duties of that Law, arising from the Constitution of his very Nature, are of Eternal Obligation; nor can it be taken away or dispensed with, without changing the Nature of Things, overturning the

measures of Right and Wrong, and thereby introducing and authorizing Irregularity, Confusion, and Disorder in the World. Christ's coming into the World was not for such an End as that; But, on the contrary, to reform the corrupt state of degenerate Man; and out of those who would mend their Lives, and bring forth Fruit meet for Repentance, erect a new Kingdom.

Reasonableness, 119

Locke is clear that the natural law is hypothetically necessary in the sense that God could not have made us as we are with a different law. If read on its own, it might be tempting to think that this passage supports the idea of natural law 'arising from our constitution' as having the implication that the natural law arises solely from consideration of our constitution, making God's command unnecessary. But this would be inconsistent with Locke's identification of the natural law with the divine will in the rest of his corpus. But it can be made consistent by being read as meaning that our constitution supplies something like the terminative obligation of the natural law, while recognition of the law being willed by God supplies the effective obligation. But the main point in the passage above is that the purity of God's nature makes it impossible for God to justify those who have no regard for justice. This does not involve a logical contradiction, as though justifying someone who had no regard for justice was to at once say that they were both sinful and non-sinful. Justification, rather, involves being recognized as meritorious for eternal life in God's sight. The point is that someone who disobeys the natural law cannot be recognized by God as meritorious for eternal life; and the reason for this is that such an action would be inconsistent with the perfection of the divine nature. From this we can reasonably infer the converse: God, due to the purity of God's nature, cannot reject someone as meritorious for eternal life who both confesses Jesus as Messiah and has a regard for justice.

It is important to understand the above passage in light of the covenantal account of the natural law that Locke gives in the *Reasonableness*. The natural law is contained within the covenant of works made between God and human beings at creation which is then modified in the covenant of grace whereby God remedies our defects in Christ. One

of the principal reasons why it is impossible for God to reward injustice or reject justice is that such an action would violate the covenant that God has made with human beings in which God promises to give life to lawkeepers (but not to lawbreakers). But this impossibility is based on the hypothetical necessity of God's making a covenant. God was free to make a promise to human beings that consisted in 'do this and live' – in which 'do this' represents keeping the natural law and 'live' involves receiving eternal life – but once God made a promise, God was necessitated to fulfill that promise as to do otherwise would be inconsistent with the perfection of the divine nature (such as benevolence).

Locke thinks that we can trust and know that God will uphold covenants; indeed the purity of the divine nature requires it. The reason that we can know this is that breaking a covenant represents an imperfection: God in his perfection will keep his promises. The covenant that God has made with human beings, which includes the natural law, is hypothetically necessary: while it was freely made by God, it is everlasting and represents something that God will necessarily fulfill as the perfection of God's nature requires it.

Chapter 5

5 Locke, God, and the Order of Nature

In this chapter, I argue that Locke thinks that a science of nature is something that is possible, though he thinks that it is something unrealizable in our present state. Furthermore, I argue that Locke conceives of nature as governed by laws. And in his view, certain laws, namely those which are psycho-physical (i.e. those which concern the connection between primary and secondary qualities), have a teleological dimension. Given this dimension, I argue that psycho-physical laws are hypothetically necessary as there is a necessary connection between certain actions and pleasures or pains, even though these secondary qualities are superadded to objects in the world. Finally, I conclude this chapter by looking at some parallels between physical and moral laws of nature and explore the role that hypothetical necessity might play in both a demonstrative science of nature and ethics in Locke's philosophy.

5.1 Locke and the Limits of Natural Philosophy

Locke's view of natural philosophy can be seen as part of the physico-theological project of certain virtuosi, such as Robert Boyle, John Ray, John Wilkins, and Thomas Sydenham, all of whom were concerned to show that experimental natural philosophy did not lead to atheism, and that, to the contrary, it would actually serve religion by revealing the providential design of God in nature. Physico-theology is not simply natural theology that stresses the design argument. It views the practice of natural philosophy and religion as mutually informing endeavours. The implication of this is that those who practice true religion will be better natural philosophers, and vice-versa.¹⁸⁰ And to legitimize the experimental method for religion, one of the main goals of the physico-theological project was to combine natural philosophy with the study of final causes: for the virtuosi,

¹⁸⁰ Sorana Corneanu argues that physico-theology represents a 'lived physics' in which the study of nature becomes a religious activity. She shows that physico-theology is a transformative exercise of the mind keeping with the *cultura animi* tradition. See Sorana Corneanu, *Regimens of the Mind: Boyle, Locke, and the Early Modern Cultura Animi Tradition*, Chicago, 2011: 169-172.

the doctrine of divine providence provided a way to do this without returning to the Scholastic account of substantial forms. And Cartesian or Epicurean explanations of natural phenomena that exclusively focus on efficient causation are to be avoided. Boyle, for instance, is concerned to refute Epicureanism for its denial of providence. In the *Usefulness of Natural Philosophy*, Boyle labels Epicurus and Lucretius as ‘great Denyers of Creation and Providence’ (250).¹⁸¹ And it is clear that Locke was well aware of this issue, even in his younger days, as he saw fit to copy this description of Epicureanism from the *Usefulness of Natural Philosophy* into the commonplace book that he used while at Oxford.¹⁸²

Locke has much to say about the activity of divine providence in the world and he is clear that God providentially designs us with limited epistemic capacities in order to check our pride and to motivate us to seek perfection in God. One of the effects of these limitations is that a true science of nature is beyond our reach: experimental practice offers the only insight into the nature of bodies that we can obtain in this limited state. Now Locke does not think that a science of bodies is something that is forever out of our reach. He maintains that a true science of nature is possible, but he is pessimistic about the prospects of realizing such a science, given our epistemic limitations. I argue that this seeming tension can be resolved by appreciating that the horizon for obtaining this science is eschatological. Indeed, as I argue in the next section, Locke thinks that we will have a true science of nature in a state of perfection: God will give us superior epistemic and perceptual capabilities and will transform the probable knowledge we have of bodies, in our present state, into certain and comprehensive knowledge.

¹⁸¹ Osler argues that Boyle was influenced by Pierre Gassendi and his ‘baptism’ of Epicureanism – in other words, the employment of both final causes and mechanism in natural philosophy (‘The Intellectual Sources of Robert Boyle’s Philosophy of Nature: Gassendi’s Voluntarism and Boyle’s Physico-theological Project’ in *Philosophy, Science, and Religion: 1640-1700*, 179-182 passim.)

¹⁸² MS Locke f.14, 31. Locke used this notebook from 1659-1667 and was acquainted with Boyle by early 1660. Boyle thinks that the study of nature involves final causes and that providential design is evident in the natural world. He chides those who think too much in terms of secondary causes as having had merely a ‘superficial taste of Philosophy’. A full draught, however, encourages true religion and leads us to appreciate the works of divine providence. See *Usefulness of Natural Philosophy*, 271. Boyle is citing Francis Bacon’s claim in the *Advancement of Learning* that a little philosophy inclines us to atheism but that a proper and full amount of it leads us to religion.

5.1.1. Experimental Philosophy and Epistemic Humility

One of the principal messages of the *Essay concerning Human Understanding* is that our understanding is limited, and so we ought to be modest in our assertions about what we can know. There are, to be sure, both political and scientific implications of this view. Humility about our epistemic abilities encourages toleration, since we are less likely to become embroiled in speculative debates in matters of religion (*Essay* IV.xvi.4). We should also not try to look too deeply into the underlying structure of nature, for it is opaque to us. The experimental method of natural history is best suited to our epistemic capacities. Now one popular interpretation of Locke's views on natural philosophy has focused on the nature of his commitment to mechanism.¹⁸³ But as Peter Anstey has convincingly argued, it is experimental philosophy, and not mechanism, that Locke principally defends in the *Essay*. According to Anstey, Locke is a pessimist when it comes to the prospects of establishing corpuscularianism as a science, but he is impressed by the utility of the experimental method of natural history.¹⁸⁴ And Locke's comments on the limits of our knowledge quite clearly recommend the practice of experimental philosophy as the only source of insight we have into the nature of bodies:

I deny not, but a Man accustomed to rational and regular Experiments shall be able to see farther into the Nature of Bodies, and guess righter at their yet unknown Properties, than one, that is a Stranger to them: But yet, as I have said, this is but Judgment and Opinion, not Knowledge and Certainty. This way of getting, and *improving our Knowledge in Substances only by Experience* and History, which is all that the weakness of our Faculties in this State of *Mediocrity*, which we are in this World, can attain to, makes me suspect, that natural Philosophy is not capable of being made a Science. We

¹⁸³ See Peter Anstey, *John Locke and Natural Philosophy*, 13-16 for an historical overview of scholarship on Locke and mechanism.

¹⁸⁴ For a discussion of Locke's commitment to natural history, see Anstey, *John Locke and Natural Philosophy*, 46-69. While arguing that Locke defends the Baconian method of natural history in the *Essay*, Anstey does note that Locke becomes attracted to the mathematical experimental philosophy of Newton in the years surrounding and following the initial publication of the *Essay*.

are able, I imagine, to reach very little general Knowledge concerning the Species of Bodies, and their several Properties. Experiments and Historical Observations we may have, from which we may draw Advantages of Ease and Health, and thereby increase our stock of Conveniences for this Life: but beyond this, I fear our Talents reach not, nor are our Faculties, as I guess, able to advance.

Essay IV.xii.10, 645

Due to the weakness of human faculties, Locke thinks that a science of bodies is not possible. We do not know the real essences of bodies in our present state. But does Locke think that this is solely a present limitation of human knowledge, and one that may, at some point in the future, be surmounted? The answer to this question depends on what we take Locke to mean by the ‘state of mediocrity’, the state in which we find ourselves with faculties too weak to discover the true nature of bodies. In the passage above, Locke is clear here that the insight we have into the nature of bodies does not reach knowledge, properly speaking, but consists simply in ‘judgment and opinion’. Now in Book Four of the *Essay*, in the section ‘Of Judgment’, Locke speaks again about the ‘state of mediocrity’. And there, Locke describes that state as one in which God has placed us:

[A]s God has set some Things in broad day-light; as he has given us some certain Knowledge, though limited to a few Things in comparison, probably, as a Taste of what intellectual Creatures are capable of, to excite in us a Desire and Endeavour after a better State: So in the greatest part of our Concernment, he has afforded us only the twilight, as I may so say, of *Probability*, suitable, I presume, to that State of Mediocrity and Probationership, he has been pleased to place us in here; wherein to check our over-confidence and presumption, we might by every day’s Experience be made sensible of our short-sightedness and liableness to Error; the Sense whereof might be a constant Admonition to us, to spend the days of this our Pilgrimage with Industry and Care, in the search, and following of that way, which might lead us to a State of greater Perfection. It being highly rational to

think, even were Revelation silent in the Case, That as Men employ those Talents, God has given them here, they shall accordingly receive their Rewards at the close of the day, when their Sun shall set, and Night shall put an end to their Labours.

Essay IV.xiv.2, 652

In this ‘state of mediocrity’, we must rely on judgment in matters such as natural philosophy. Our ideas of bodies are not clear and distinct: any grasp of them we have is in the ‘twilight of probability’. The limits of our knowledge represent a feature of God’s providential design. God has given us these imperfections to check our pride, and a due consideration of them motivates us to improve ourselves and to seek perfection, ultimately in God. This focus on improvement has a dual horizon: we are to use our talents in this life in search of a reward in the next one. And according to Locke, this dual horizon applies to the enterprise of experimental natural philosophy. Locke is clear that the limitations of our faculties show that our chief epistemic concerns ought to consist in the knowledge of God and our duty to him (*Essay IV.xii.11*). But for Locke, this does not mean that the study of nature is of no use to us:

I would *not therefore* be thought to dis-esteem, or *dissuade the Study of Nature*. I readily agree the Contemplation of his Works gives us occasion to admire, revere, and glorify their Author: and if rightly directed, may be of greater benefit to Mankind, than the Monuments of exemplary Charity, that have at so great Charge been raised, by the Founders of Hospitals and Alms-houses.

Essay IV.xii.12, 647

According to Locke, there seem to be two basic uses for the study of nature: first, it gives us the occasion to admire, revere, and glorify God and, second, it helps us to develop technology to alleviate suffering and to improve the quality of human life. And concerning this second use, Locke thinks that technology offers more promise here than simple charity.

Continuing on from here, Locke recommends the practice of experimental natural philosophy as superior to speculation. Natural history, he thinks, gives us the only insights into corporeal substances that we can have, though he does recommend the Newtonian method in the fourth edition to the *Essay* and other later works. Unlike speculative hypothesizing, these insights are useful:

He that shall consider, *how little general Maxims, precarious Principles, and Hypotheses laid down at Pleasure, have promoted true Knowledge*, or helped to satisfy the Enquiries of rational Men after real Improvements; How little, I say, the setting out at that end, has for many Ages together advanced Men's Progress towards the Knowledge of natural Philosophy, will think, we have Reason to thank those, who in this latter Age have taken another Course, and have trod out to us, though not an easier way to learned Ignorance, yet a surer way to profitable Knowledge.

Essay IV.xii.12, 647

Concerning those who have 'taken another course', Locke is most likely making an oblique reference to Bacon, Boyle, and other promoters of the experimental method of natural philosophy. This method produces 'profitable knowledge' and benefits human beings through the production of technology and the improvement of technique.

The point I wish to stress is that there is a teleological aspect to Locke's view of natural philosophy. Locke describes our state on this Earth as a 'pilgrimage', the days of which we ought to spend with 'industry and care' (*Essay IV.xiv.2, 652*). A pilgrim focuses both on her journey and her destination, as these are both essential features of a pilgrimage. Experimental natural philosophy, properly done, helps us to better ourselves in this life and also to achieve perfection by leading us to God. It leads us to the worship of God through admiration of his providential design in the world and it facilitates the development of technology beneficial to human beings (and this represents the use of our talents, for which God will reward us).

5.1.2. Providence and the Limits of Human Understanding

Following other Christian virtuosi, one of Locke's great concerns was to refute atheism. In 'Deus' [1696], an unpublished paper containing a critical examination of Descartes' proof of God's existence, Locke presents the fundamental dispute between theists and atheists as the following:

The Question between the Theists and Atheists I take to be this. viz not whether there has been noething from Eternity but whether the Eternall being that made and still keeps all things in that order, beauty and method in which we see them, be a knowing immateriall Substance or a Sensless material Substance for that something either Sensless matter, or a knowing Spirit has been from Eternity I think noe body doubts.

The problem with Descartes' proof, according to Locke, is that it doesn't show that senseless matter isn't the first eternal being. It is neutral on this issue. But this is a serious problem, according to Locke, since the primary question is whether or not the first eternal being is senseless matter or intelligent spirit.¹⁸⁵ Locke, of course, offers the proof of God as an eternal intelligent spirit in IV.x of the *Essay*. What I wish to highlight in the above quote is that Locke takes it as given that there is order, beauty, and method in the things of this world: this represents an *explanandum* that both the theist and the atheist must deal with in their account of the first eternal being. Given this *explanandum*, it seems clear that Locke thinks that the best *explanans* is a providential deity. This fits with the physico-theological project of showing the evidence of providential design in the natural world. And this involves admitting final causes into the study of nature in order to show that God has wisely designed things to achieve their ordained ends. On this point, physico-theology is at odds with the Cartesian view that final causes in nature can't be known because God's purposes are inscrutable. Locke thinks that this represents a deficiency in the Cartesian approach to natural philosophy. One of the reasons to be suspicious of Descartes is that he shuts 'the Consideration of finall Causes out of his

¹⁸⁵ Like other physico-theologians, Locke recognizes Epicureanism as his opponent here. For a discussion of this theme, along with Locke's complicated relationship with Epicureanism, see Victor Nuovo, 'Locke against the Epicureans' in his *Christianity, Antiquity, and Enlightenment: Interpretations of Locke*, New York: Springer, 2011: 207-33.

philosophie'.¹⁸⁶ Locke's philosophy, on the other hand, leaves a great deal of space for final causes. This is evident in Locke's argument for God's existence.

Locke's theistic proof represents a confluence of the cosmological argument and the teleological argument.¹⁸⁷ The proof begins with the principle that something cannot come from nothing: there must have been something from eternity. And according to Locke, this is something that we know with intuitive certainty (*Essay* IV.x.3). This does not yet decide the question of God's existence in favour of theism. It could be that this first eternal being is senseless matter. The rest of Locke's proof goes on to show that the first eternal being must be cogitative spirit. I won't rehearse all the steps involved in Locke's cosmological proof, but I will highlight the importance that the argument from design plays in the overall proof for God's existence.¹⁸⁸ Locke argues that cogitative being could never have arisen from mere matter in motion (*Essay* IV.x.10). Since it is obvious that there are cogitative beings (namely us), it is clear that matter could not be the first eternal being. But there is a worry here. What if the first eternal being were both cogitative and material? Locke rules out this possibility:

[I]f Matter were the eternal first cogitative Being, there would not be one eternal infinite cogitative Being, but an infinite number of eternal infinite cogitative Beings, independent one of another, of limited force, and distinct thoughts, which could never produce that order, harmony, and beauty which is to be found in Nature.

Essay IV.x.10, 624

Matter is divided and the first eternal being must represent a unity in order to account for the order, harmony, and beauty in nature. The basic argument here is that the order found in nature requires a designer, and that this designer must be a unified intelligent being. A diversity of agents could not produce the order that is evident in the world. The design

¹⁸⁶ 'Deus', MS Locke c.28, ff.119-120. The other reason to be suspicious of Descartes is that he promotes the ontological argument above other proofs for God's existence.

¹⁸⁷ For more on this, see Ayers, *Locke*, vol.II, 176.

¹⁸⁸ For a nice summary of Locke's proof, see Nuovo 'Locke against the Epicureans', 213-214.

argument also comes up in other places in the *Essay*. In Book One, for instance, Locke says the following:

[T]he visible marks of extraordinary Wisdom and Power, appear so plainly in all the Works of Creation, that a rational Creature, who will but seriously reflect on them, cannot miss the discovery of a *Deity*.

Essay I.iv.9, 89

In his discussion of perception, Locke argues that the suitability of each creature's faculty of perception for its condition gives evidence of providential design:

Perception, I believe, is, in some degree, *in all sorts of Animals*; though in some, possibly, the Avenues, provided by Nature for the reception of Sensations are so few, and the Perception, they are received with, so obscure and dull, that it comes extremely short of the quickness and variety of Sensations, which is in other Animals: but yet it is sufficient for, and wisely adapted to, the state and condition of that sort of Animals, who are thus made: So that the Wisdom and Goodness of the Maker plainly appears in all the Parts of this stupendious Fabrick, and all the several degrees and ranks of Creatures in it.

Essay II.ix.12, 148

Locke goes on to mention the oyster and the cockle as specific examples of this providential design. But the greatest and most thoroughly examined example of design in the *Essay* is humankind. According to Locke, God has crafted our epistemic capacities in such a way that best helps us achieve the end of knowing God and doing our duty to him. Locke is explicit that God has providentially designed our perceptual capabilities. In the famous 'microscope eyes' passage, Locke says that if we had more acute senses we might be able to peer more closely into the minute features of bodies (*Essay* II.xxiii.11). But God has given us faculties suited to our condition:

The infinite wise Contriver of us, and all things about us, hath fitted our Senses, Faculties, and Organs, to the conveniences of Life, and the Business

we have to do here. We are able, by our Senses, to know, and distinguish things; and to examine them so far, as to apply them to our Uses, and several ways to accommodate the Exigences of this Life. We have insight enough into their admirable Contrivances, and wonderful Effects, to admire, and magnify the Wisdom, Power, and Goodness of their Author. Such a Knowledge as this, which is suited to our present Condition, we want not Faculties to attain. But it appears not, that God intended, we should have a perfect, clear, and adequate Knowledge of them: that perhaps is not in the Comprehension of any finite Being. We are furnished with Faculties (dull and weak as they are) to discover enough in the Creatures, to lead us to the Knowledge of the Creator, and the Knowledge of our Duty; and we are fitted well enough with Abilities, to provide for the Conveniences of living: These are our Business in this World.

Essay II.xxiii.12, 302

Locke continues by arguing that we would not be able to live well if we had microscope eyes. God has designed us with senses appropriate to our condition: we ought to worship God, do our duty, and provide for our basic needs. The insight that God has given us into the natural world is sufficient to give evidence of his providential design. And we also have insight enough into ourselves to see that God has wisely and benevolently designed us. This is also evident in the way that God has designed us to feel pleasure and pain to make us industrious and ultimately to lead us to seek ultimate happiness in God (see *Essay II.vii.3-6*). If Locke's project in the *Essay* is a natural history of the understanding¹⁸⁹ – and he emphasizes the utility of natural history for revealing evidence of providential design – then it would be surprising if his discussion of the understanding had nothing to do with providence. But a concern for showing the activity of God's providential design runs throughout the *Essay*. The question we now turn to is how this concern sets limits to natural philosophy for Locke.

¹⁸⁹ For a defense of this view, see Victor Nuovo, 'A Portrait of John Locke as a Christian Virtuoso' in *Christianity, Antiquity, and Enlightenment: Interpretations of Locke*, 16ff. See also John Yolton, *Locke: An Introduction*, Blackwell, 1985: 151.

In the *Essay*, it seems that a genuine science of bodies would be broadly in keeping with the principles of corpuscularian mechanism, as the real essence of body is characterized by mechanical affections (see IV.iii.25). But while Locke recognizes that mechanical explanations have the virtue of intelligibility, he is agnostic about whether such explanations constitute a true description of the world.¹⁹⁰ This agnosticism follows from the limits of our perceptual faculties. And God prescribes these limits for our benefit. We cannot get ideas of the internal constitution of bodies in our present state. But we have no need of these ideas to achieve the ends that God sets for us. On the contrary, the perceptual faculties necessary to peer into the nature of bodies would hinder us in going about the business of knowing God, doing our duty, and preserving ourselves and others. Were we to have a science of bodies, we might be tempted to focus too much on the material world and neglect the spiritual world. In *Some Thoughts Concerning Education*, Locke expresses the concern that the study of matter might detract from the study of spirits:

The Reason why I would have [the study of spirits] premised to the *study of Bodies*; and the Doctrine of the Scriptures well imbibed, before young Men be entered in *Natural Philosophy*, is, because Matter being a thing, that all our Senses are constantly conversant with, it is so apt to possess the Mind, and exclude all other Beings, but Matter, that prejudice, grounded on such Principles, often leaves no room for the admittance of Spirits, or the allowing any such things as *immaterial Beings in rerum natura*: when yet it is evident, that by mere Matter and Motion, none of the great Phaenomena of Nature can be resolved.

Some Thoughts Concerning Education, §192, 246

¹⁹⁰ Lisa Downing argues that Locke isn't committed to the truth of corpuscularian mechanism, but that its role is to illustrate the basic notions of real essence and primary quality. See Downing 'Locke's Ontology' in *The Cambridge Companion to Locke's Essay concerning Human Understanding*, Cambridge, 359. For a fuller discussion of this topic, see Downing, 'The Status of Mechanism in Locke's Essay', *The Philosophical Review* 107 (1998): 381–414.

Locke thinks that because the study of matter has the potential of leading to materialism, the study of spirits in reading the Bible¹⁹¹ ought to precede the study of bodies to ward off this troubling possibility. Locke, though, does not think that the study of matter should be avoided, but that it needs to be done in such a way that appreciates divine activity in the world. As we've seen, experimental natural philosophy is well suited to this, in Locke's opinion, because it gives us evidence of providential design.¹⁹² The point to stress here is that, according to Locke, God has given us limited insight into the nature of bodies, and this is for our benefit.

But there is a worry here. Shouldn't better insight into the nature of bodies give us a better appreciation of divine providence? The short answer to this question is that God limits our insight in order to check our pride (which would also seem to have the effect of helping us fulfill the end of sociability given to us since pride leads us away from virtue). Only in a state of perfection would we have increased insight, and our present limitations serve as an incentive to seek perfection in God. Materialism, on the other hand, leads us away from this endeavour as it fills our mind with mundane thoughts and leaves no room for an appreciation of divine providence. As Boyle argues in *The Christian Virtuoso*, this kind of view leads to libertinism. But appreciating divine providence by means of experimental natural philosophy cultivates natural religion and proper religious sentiments, i.e. a sense of awe and wonder at the majesty of God (*Christian Virtuoso*, 292). It is reasonable to understand Locke as a Christian virtuoso who is concerned to show the evidence of providential design in the world.¹⁹³ This concern has a moral dimension to it: materialism leads to atheism and libertinism, but the physico-theological approach to nature cultivates religion and the growth of virtue. And

¹⁹¹ Locke suggests that children should be given a 'short and plain epitome' of the Bible to help them develop a proper notion of spirits. See *Some Thoughts Concerning Education*, §191.

¹⁹² Locke recommends Boyle and Newton as the best examples of profitable natural philosophy, both of whom defend the argument from design. See *Some Thoughts Concerning Education*, §§193-194.

¹⁹³ For more on this, see Victor Nuovo, 'A Portrait of John Locke as a Christian Virtuoso'. And as Sorana Corneanu has noted, Locke read and made comments on drafts of *The Christian Virtuoso* prior to publishing the *Essay*. See Sorana Corneanu, *Regimens of the Mind*, 194.

far from hindering morality, experimental natural philosophy fosters the growth of virtue and religion by leading us to an appreciation of divine providence in the natural world.

5.1.3. Prospects for a Science of Bodies

In our present state of mediocrity, our knowledge of bodies exists in the ‘twilight of probability’ (*Essay IV.xiv.2*). Now in the same section, Locke describes this life as a pilgrimage leading to a state of perfection. The question, then, is what our epistemic capacities will be like in a perfected state. Locke suggests that we will have access to things in a state of perfection that presently escape our grasp:

[I]f I may guess at Things unknown, I am apt to think, that Angels have now, and the Spirits of just Men made perfect, shall have, in a future State, of Thousands of Things, which now, either wholly escape our Apprehensions, or which, our short-sighted Reason having got some faint Glimpse of, we, in the Dark, grope after.

Essay IV.xvii.14, 683

While Locke admits that we can’t be certain of what this state will be like, he does think that we will have greater knowledge in the life to come than we presently have.

In addressing the obscurity of our knowledge of corporeal things, Boyle expresses a similar view:

And if it be a necessary Imperfection of Humane Nature, that, whilst we remain in this mortal condition, the Soul being confin'd to the dark prison of the Body, is capable (as even *Aristotle* somewhere confesses) but of a dim knowledge; so much the greater value we ought to have for Christian Religion, since by its means (and by no other without it) we may attain a condition, wherein, as our Nature will otherwise be highly blessed and advanced; so our Faculties will be Elevated and Enlarged, and probably made thereby capable of attaining degrees and kinds of knowledge, to which we are here but strangers.

Excellency of Theology, 70

Boyle offers a number of biblical proof texts of this view, including 1 Corinthians 13, verse 2: ‘For now we see through a glass darkly; but then face to face: now I know in part; but then shall I know even as also I am known’.¹⁹⁴ In his *Paraphrase and Notes on the Epistles of St Paul*, Locke renders this verse in such a way that makes it evident that he thinks that we will have a more comprehensive knowledge of things in a justified state. He paraphrases the verse in the following way:

Now we see but by reflection the dimm and as it were enigmatical representation of things: but then we shall see, things directly and as they are in themselves as a man sees another when they are face to face. Now I have but a superficial partial knowledg of things, but then I shall have an intuitive comprehensive knowledg of them, as I my self am known and lie open to the view of superior seraphick beings, not by the obscure and imperfect way of deductions and reasoning.

A Paraphrase and Notes on the Epistles of St Paul, 238

The genre of biblical scholarship that Locke uses here involves interpreting a text by means of paraphrase.¹⁹⁵ Locke is reading the text with his own epistemic views in mind, and based on his choice of paraphrase¹⁹⁶, it is clear that he thinks that our knowledge will be greatly enlarged in a state of perfection: indeed, our knowledge of things will be comprehensive and intuitive, just like the angels.

¹⁹⁴ As Jan Wojcik argues, Boyle thinks that God imposes limits to our reason in this life but holds that our epistemic capacities will be improved in the next life (*Robert Boyle and the Limits of Reason*, Cambridge, 1997: 206-211). And as I argue, it is reasonable to think that Locke has the same view.

¹⁹⁵ For more on the history of this genre, see Arthur W. Wainwright’s introduction in Locke’s *Paraphrase and Notes*, Clarendon, 1987, vol. I, 22-25.

¹⁹⁶ Locke’s choice of paraphrase is not entirely idiosyncratic. In the posthumously published 1695 edition of *A paraphrase on the New Testament, with notes doctrinal and practical*, Richard Baxter paraphrases 1 Cor. 13:12 in the following way: ‘For our knowledge now in this body and world, is by imperfect media, as we see things in a glass; and know by riddles, parables, and similitudes, a superficial glimpse: but then we shall know as men that see each other’s faces, by intuition. Now we know but little parts, and outsides, and accidents of things, and nothing adequately: but then we shall know in the world of spirits, as those spirits now know us, which is better than we know ourselves.’

Locke admits that we don't have any distinct or specific ideas of spirits above us, though it is highly probable that there is a realm of spirits above us whose operations and powers exceed our own in perfection.¹⁹⁷ While we don't have distinct ideas of spirits above us, we can make a reasonable guess about the operations and powers of these spirits by considering our own capacities in a higher degree (*Essay* III.vi.11). Concerning the superiority of angels, Locke says the following:

Other Spirits, who see and know the Nature and inward Constitution of things, how much must they exceed us in Knowledge? To which if we add larger Comprehension, which enables them at one glance to see the Connexion and Agreement of very many *Ideas*, and readily supplies to them the intermediate Proofs, which we by single and slow Steps, and long poring in the dark, hardly at last find out, and are often ready to forget one before we have hunted out another, we may guess at some part of the Happiness of superior Ranks of Spirits, who have a quicker and more penetrating Sight, as well as a larger Field of Knowledge.

Essay IV.iii.6, 543

Angels have a superior memory to us; Locke suggests that angels may have the ability to 'constantly set before them, as in one picture, all their past knowledge at once' (*Essay* II.x.9). In the same passage, Locke suggests that a consideration of the prodigious memory of Blaise Pascal – who, reportedly, was able to recall all that he had read, thought, and did – can help to point toward the greater perfections of the ranks of spirits. Locke also thinks that angels know the inner constitutions of things, and thus their real essences. Indeed, he suspects that they may even have an adequate idea of the essence of human beings, much like a clock-maker who understands the mechanism and operations of the Strasbourg clock (*Essay* III.vi.3). Keeping with Locke's empiricism, it is important to stress that angels know the nature of bodies by means of experience. Locke

¹⁹⁷ *Essay* III.vi.11-12. From God's benevolence and design, Locke concludes that there is a chain of being that includes God, in his infinite perfection, at its head, different species of angels underneath, human beings in the middle, and the rest of creation descending downwards. Locke, though, is clear that we don't properly have knowledge of angels and their capacities. See *Essay* IV.iii.27.

thinks that angels have the ability to alter their perceptual organs depending on the objects under their consideration: they are capable of multiple degrees of vision and can frame ideas of all sorts of objects, including the ‘figure and motion of the minute parts of bodies, whereon depend those sensible qualities, we now observe in them’ (*Essay* II.xxiii.13, 304). Locke recognizes all of this as an ‘extravagant conjecture’, but the point to draw is that he thinks that there is a higher level of knowledge of the natural world that corresponds to a higher state of perfection. While Locke thinks that this perfected knowledge is out of our reach in this life, it is not something that is, in principle, forever out of our reach: in a justified state, we will have a more comprehensive and intuitive knowledge of things, including bodies.

Now it is worth considering whether or not Locke’s appreciation of Newtonian science in his later years changes the horizon for realizing a true science of nature. In the fourth edition of the *Essay*, Locke added quite a favourable comment about Isaac Newton’s mathematical approach to natural philosophy:

Mr. *Newton*, in his never enough to be admired Book, has demonstrated several Propositions, which are so many new Truths, before unknown to the World, and are farther Advances in Mathematical Knowledge: But for the Discovery of these, it was not the general *Maxims, what is, is; or The whole is bigger than a part*, or the like, that help’d him. These were not the Clues that lead him into the Discovery of the Truth and Certainty of those Propositions. Nor was it by them that he got the Knowledge of those Demonstrations; but by finding out intermediate *Ideas*, that shew’d the Agreement or Disagreement of the *Ideas*, as expressed in the Propositions he demonstrated. This is the great Exercise and Improvement of Humane Understanding in the enlarging of Knowledge, and advancing the Sciences.¹⁹⁸

¹⁹⁸ *Essay* IV.vii.11, 599. Kenneth Winkler suggests that Locke included this section on Newton in response to his debate with Stillingfleet about the use of mathematics in natural philosophy. See his essay, ‘Locke’s Mathematical Physics’ in *Early Modern Metaphysics: Essays in Honor of Vere Chappell*, eds. Hoffman et al, Broadview, 2008: 235-241.

Locke is here defending Newton's use of principles in natural philosophy, for unlike speculative maxims, they actually increase our insight into the nature of bodies. Locke clearly thinks that Newton is advancing the sciences, but the question, though, is whether or not he considers Newton's *Principia* as an example of a true and demonstrative science of nature.

In *Some Thoughts concerning Education*, Locke remarks that none of the extant systems of physics amount to a certain science, though he hopes that Newton's mathematical approach will in time furnish us with 'more true and certain knowledge in several parts of this stupendious machin, than hitherto we could have expected' (§194, 248-9). In 'Of the Conduct of the Understanding', a draft envisioned as the final chapter of the *Essay*, Locke describes the role of fundamental principles – such as Newton's law of universal gravitation – in enlarging our knowledge:

There are fundamental truths that lie at the bottom, the basis upon which a great many others rest, and in which they have their consistency. These are teeming truths, rich in store, with which they furnish the mind, and, like the lights of heaven, are not only beautiful and entertaining in themselves, but give light and evidence to other things, that without them could not be seen or known. Such is that admirable discovery of Mr. Newton, that all bodies gravitate to one another, which may be counted as the basis of natural philosophy; which, of what use it is to the understanding of the great frame of our solar system, he has to the astonishment of the learned world shown; and how much farther it would guide us in other things, if rightly pursued, is not yet known.

Conduct §43, 248

Concerning natural philosophy, Locke is much more optimistic about the prospects of the Newtonian approach than he is about the possibility of establishing corpuscularian mechanism as a science. Indeed, he speaks of Newton's principles giving us both light and evidence, which would seem to remedy the darkness of our insight into the nature of bodies.

But can bottoming principles help to make natural philosophy into a genuine science? Locke is clear that these principles are inductively derived from empirically observed particulars. He recognizes two problematic approaches concerning the development of principles in natural philosophy: first, there are those who are content with merely assembling a list of particular facts, without attempting to discern any order in them; and second, there are those who are too quick to form general principles without thoroughly reviewing the relevant particulars. But Locke recommends a mean between these extremes:

[T]hose seem to do best, who taking material and useful hints, sometimes from single matters of fact, carry them in their minds to be judged of, by what they shall find in history, to confirm or reverse these imperfect observations; which may be established into rules fit to be relied on, when they are justified by a sufficient and wary induction of particulars.

Conduct, §13, 234

In Locke's estimation, it seems that natural history functions as a kind of a propaedeutic for a science of nature: historical observations provide a catalogue of particular facts from which general principles in natural philosophy can be inductively determined. But if the principles of natural philosophy are based on induction, then how can they be known with certainty? We may be certain of the deductions from these principles, but if the principles themselves are uncertain, then it doesn't seem that we have a truly certain science. Locke recognizes that a comparison of the intelligibility and consistency of the different systems upon which competing hypothetical principles are based, as well as the number of exceptions found with each system, can help us to find true knowledge of nature.¹⁹⁹ But while we may have a method of determining which one of two or more competing hypotheses is superior to the others, we still cannot be certain that our principles constitute a true description of the world. Of course, Locke admits

¹⁹⁹ 'Method', MS Locke c.28, fol. 115r-115v. In a note on method, mounted in a guardbook, Locke expresses some general methodological considerations about the comparison of different philosophical systems. For a discussion of the comparative method that Locke presents in this note, see James Farr, 'The Way of Hypotheses: Locke on Method', *Journal for the History of Ideas* 48.1 (1987): 68-69.

that, when it comes to natural philosophy, we are ignorant of the order underlying particular matters of fact:

The Things that, as far as our Observation reaches, we constantly find to proceed regularly, we may conclude, do act by a Law set them; but yet by a Law, that we know not: whereby, though Causes work steadily, and Effects constantly flow from them, yet their *Connexions* and *Dependancies* being not discoverable in our *Ideas*, we can have but an experimental Knowledge of them.

Essay IV.iii.29, 560

The principles of natural philosophy are not necessarily identical with the laws of nature, but it seems that various physical laws would form a subset of these principles, though we don't have epistemic access to these laws in our present state. Locke's considered position is that our knowledge of the natural world will be obscure in our present state, given our epistemic limitations. And while Locke thinks we are capable of demonstrative reasoning, he recognizes that the principles upon which we build will, at best, be partial. This represents an area in which angels have superior knowledge to us:

The faculty of reasoning seldom or never deceives those who trust to it; its consequences, from what it builds on, are evident and certain; but that which it oftenest, if not only, misleads us in is, that the principles from which we conclude, the grounds upon which we bottom our reasoning, are but a part, something is left out, which should go into the reckoning, to make it just and exact. Here we may imagine a vast and almost infinite advantage that angels and separate spirits may have over us; who, in their several degrees of elevation above us, may be endowed with more comprehensive faculties: and some of them, perhaps, having perfect and exact views of all finite beings that come under their consideration, can, as it were, in the twinkling of an eye, collect together all their scattered and almost boundless relations. A mind so furnished, what reason has it to acquiesce in the certainty of its conclusions!

Conduct, §3, 209

According to Locke, angelic knowledge is superior to our own, for angels have the ability to perceive the inner constitutions of bodies, they are able to hold all of their ideas in view at the same time, and they are able to form certain conclusions from surveying the relations of the bodies that they consider. It would seem, then, that angels are able to have a science of bodies that includes the principles underlying the natural order. Even if God were to change these principles (i.e. the laws of nature), angels would be able to revise their understanding of the principles of nature based on new experience of bodily relations. The certainty of their knowledge consists in the acuity of their perceptions and the completeness of their insight: they have intuitive knowledge of the order of nature.

Locke thinks that angelic knowledge is an ideal that we ought to strive for.²⁰⁰ We have good reason to be pessimistic about the prospects of realizing a science of bodies in our present state of mediocrity, but this is a state in which God has providentially placed us. But it does not represent our final state, in Locke's estimation, as this life is a pilgrimage to a state of greater perfection. And in that state, Locke thinks that our knowledge will be like that of the angels and that we will have a truly scientific understanding of nature. And until we attain perfection, Locke thinks that we should continue to increase our insight into nature as best we can. While he holds that a science of nature is out of our reach in this life, he should not be considered a skeptic about our ever having such a science, for he thinks that, at the end of our pilgrimage, God will perfect us and elevate our faculties to be like that of the angels.

5.2 The Physical Laws of Nature

As we saw earlier in *Essay* IV.iii.29, Locke thinks that we can conclude that observed regularities are governed by a law, even if we are ignorant of the content of this law. Given our epistemic limits, Locke thinks that our principal insight into the order of nature is through natural history, which does not yield properly scientific knowledge of

²⁰⁰ Locke makes this point in a draft mounted in his guardbook containing papers on philosophy and religion: 'We cannot but think that angels', MS Locke c.28, fol. 118r.

the world. We do not have any knowledge of the laws that underlie the order of nature, as our capacities are too weak to have insight into them. It is thus unsurprising that Locke does not really recommend nomological explanation when discussing natural philosophy. Nevertheless, he does think that there are physical laws of nature. In this section of the chapter, I argue that such laws are superadded to matter and I then discuss the nature of psycho-physical laws in Locke's discussion of secondary qualities. In the next section, I argue that psycho-physical laws are superadded to nature, though they are hypothetically necessary given their teleological dimension.

5.2.1. Mechanism, Laws, and Superaddition

There has been an ongoing and fairly extensive debate amongst early modern scholars about the limits of mechanical explanation in Locke's natural philosophy (as described in the introduction). The basic problem is that it seems that a pure mechanist would argue that all the powers of bodies are fully explicable in terms of material structures and impulse, much like the functions of a clock are explicable in terms of the structure and movement of its mechanical parts. And while generally sympathetic to mechanical philosophy, Locke seems to waver from a full-fledged commitment to mechanism by holding that God arbitrarily annexes secondary qualities to bodies, that it is within the divine power to superadd thought to matter, and that we must reason about gravity simply as a determination of God's positive will. The worry here seems to be that Locke's comments about superadded properties mean that he can at best be committed to an impure form of mechanism. But this worry, so I argue, doesn't represent an inconsistency in Locke's thinking, for his aim in the *Essay concerning Human Understanding* is not primarily a defense of mechanism. As scholars like Peter Anstey and Jonathan Walmsley have argued, Locke's greater concern is to defend experimental natural philosophy and the method of natural history.²⁰¹

²⁰¹ Peter Anstey's main theses in support of this claim can be found in *John Locke and Natural Philosophy*, Oxford, 2011: 8-9; and for a defense of the influence of Sydenham's experimental method on Locke, see Jonathan Walmsley, 'Sydenham and the Development of Locke's Natural Philosophy', *British Journal for the History of Philosophy* 16.1 (2008): 65-83.

As Locke is primarily committed to defending the experimental method of natural history in the *Essay*, the debate about the purity of his commitment to mechanism is not central to understanding his view of natural philosophy. But neither is it irrelevant. The question still remains about whether or not Locke's comments on superaddition conflict with his view that it is possible to have a science of bodies (as the angels now have and as we in a state of perfection will have). Locke does not rule out that mechanism may describe reality. But if it is possible that mechanism is true, what would this look like for Locke?

According to Walter Ott, the purity of any commitment to mechanism depends upon being a course-of-nature mechanist: if Locke holds that God may alter the course of nature by simply changing the laws of nature or motion, then he cannot be committed to a pure form of mechanism. Ott is clear that views on mechanism and divine power are connected:

The two questions are intertwined. It should be no surprise that whether Locke is in the end an ontological mechanist turns on whether he is also a course-of-nature mechanist. After all, Boyle's reductive account of powers was ultimately thwarted by his insistence on the role of God in fixing the course of nature. It is important to be clear on this point. Course-of-nature mechanism is perfectly consistent with the deistic view that God must come on the scene to give the material world its initial quantity of motion. In fact, this is precisely the view Locke's argument for God's existence suggests (IV.x).²⁰²

Ott acknowledges that Boyle has a formative influence on Locke but argues that their respective versions of mechanism differ from each other in their different views on divine providence. Boyle, as Ott suggests, is not a pure mechanist, as his view of divine power hinders any reductive account of powers. Locke differs from Boyle by thinking about powers as relations; and relations, while they are mind-dependent entities, have a

²⁰² Ott, *Causation and Laws of Nature in Early Modern Philosophy*, Oxford, 2009: 177.

foundation in nature that is nothing more than the intrinsic properties of bodies. Consequently, for Locke, powers reduce to the mind's act of comparison and the figure, bulk, texture, and motion of bodies that serve as a foundation for that comparison. Pure mechanism, according to Ott, must be course-of-nature mechanism.

Suppose that a certain rock, in ideal conditions, produces in us the idea of green. The power that the rock has to produce the idea of green in us is a secondary quality dependent upon its primary qualities. But suppose that God decides to change the order of nature such that the rock now produces in us the idea of blue, though there are the same surrounding conditions, the same primary qualities, and no change in our perceptual organs. If this is the case, then the power that the rock has to produce the idea of a certain colour in us cannot be reduced to its primary qualities, or so Ott argues. When we admit this form of divine arbitrariness, we sever the connection between powers and their reductive base in primary qualities. Indeed there is no reason why one set of primary qualities gives rise to certain secondary qualities rather than any other: in other words, there is no necessary connection between primary and secondary qualities and so we cannot reduce the powers of bodies to their primary qualities. Thus a voluntarist account of divine power (i.e. where connections between powers and bodily structures are determined by the divine will) conflicts with a commitment to pure mechanism. And so Ott's interpretation of Locke as a pure mechanist requires a deflationary reading of passages where Locke seems to give a voluntarist account of divine power. Consider the following passage from Locke's *Essay*:

Body as far as we can conceive being able only to strike and affect body; and Motion, according to the utmost reach of our *Ideas*, being able to produce nothing but Motion, so that when we allow it to produce pleasure or pain, or the *Idea* of a Colour, or Sound, we are fain to quit our Reason, go beyond our *Ideas*, and attribute it wholly to the good Pleasure of our Maker.

Essay IV.iii.6

Ott considers the above passage to represent nothing other than Locke throwing up his hands in recognizing that he has no plausible hypothesis to explain the connection

between primary and secondary qualities (*Causation and Laws of Nature*, 181). It is true that, in this passage, Locke is certainly clear that we have no conception of how matter in motion could possibly produce ideas of secondary qualities in us. But this can't be all that's going on here, for if so it seems to be a gross *non sequitur* to conclude from the fact that we have no conception of such connections that they are arbitrarily determined by God's pleasure. Locke should simply say that we have no idea what's going on and leave it there.

But if Locke really does have a voluntarist conception of God's power, then the passage above involves a claim about the causal ancestry of these connections: they are determined by the divine will. Locke is not arguing from our lack of knowledge to the conclusion that powers are arbitrarily given to bodies. Rather, Locke's comments about the superaddition of powers to bodies follow from his voluntarist theology. McCann argues that Locke maintains commitments to both pure mechanism and a voluntarist theology, and that it is possible to coherently hold both of these commitments. McCann says the following:

[Superadded powers] are not due to any real, non-mechanical component or constituent of the body; the only causally active qualities of the body are its mechanical affections. It is just that, given the laws God has established, these affections are capable of producing the effects in question.²⁰³

Superaddition involves the idea that the mechanical affections of a body are, on their own, insufficient to give rise to the powers of that body. Laws of nature are further needed to specify which kinds of effects are capable of being produced by certain mechanical affections. What this means is that bodily phenomena are explained both by the figure, bulk, texture, and motion of small and insensible corpuscles and the laws of nature that specify the powers that result from the mechanical structure of bodies and their interactions amongst each other.

²⁰³ McCann, 'Locke's Philosophy of Body', in *The Cambridge Companion to Locke*, ed. V Chappell, Cambridge, 1994: 75. (Cf. Ott, *Causation and Laws of Nature*, 185).

The voluntarist understanding of superaddition holds that the divine will is a necessary determinant in the powers of bodies; without an act of divine willing, a body would have no powers. What this means is that figure, bulk, texture, and motion will not, on their own, give rise to powers. There must also be a law given that specifies which powers will arise from certain arrangements of body. And this law is given by the divine will. Matthew Stuart argues that the physical laws of nature are not purely given by the divine will as the laws are determined partly by the intrinsic features of bodies and partly by God's direct action in the world.²⁰⁴ As an example, Stuart says that the solidity of bodies constrains the behaviour that is possible for them – two bodies cannot be co-located – while God acts to make bodies gravitate, and cohere, and move in certain ways that are not determined by their intrinsic features. I agree with Stuart's interpretation and think that it supports the view that Locke gives a voluntaristic account of laws even if God may be constrained in some ways. Indeed, without God's action, there would not be physical laws of motion (except for fairly simple claims such as 'two bodies cannot co-locate', if we wanted to consider this a law and not merely a description of solidity).

An intellectualistic – or naturalistic – understanding of powers would hold that the powers of bodies arise simply from a given arrangement of matter and motion. Powers are entirely reduced down to properties of matter in motion considered in themselves. The physical laws of nature then simply indicate how bodies behave, rather than prescribing their behaviour.

The voluntarist understanding of powers seems to suggest that, in different possible worlds, a body with the same structure and relation to other bodies could have different powers if it were the case that God had given different laws in these worlds. (As I argue in the next section, however, there are some limits to the kinds of laws that God can prescribe if they have a teleological dimension.) The intellectualist understanding doesn't imply that God is necessitated to create the world or even that God must create it in some unique way. God may have chosen to create a world in which

²⁰⁴ *Locke's Metaphysics*, Oxford, 2013: 293.

bodies have different powers than they do in this world. But to do so, God would have had to create different bodies with different properties. What God cannot do, in the intellectualistic understanding, is create the same bodies with different powers in different possible worlds. Indeed, the reduction that Ott has in mind rules this out. Course-of-nature mechanism entails the view that the same figure, bulk, texture, and motion will have the same powers in all possible worlds: the connections between powers and their reductive bases are necessary, because aside from the input of the mind, powers are nothing more than their reductive bases. Setting aside the contribution that the mind makes, there is, then, a kind of identity between powers and their bases. And this constrains divine power: God is free to choose from amongst a variety of possible worlds, but supposing that God has created a certain order of figure, bulk, texture, and motion then he has, in effect, created the powers that reduce down to that order.

But this is not Locke's view. And this is clear in what Locke has to say about the possibility that God may superadd thought to matter:

We have the *Ideas of Matter* and *Thinking*, but possibly shall never be able to know, whether any mere material Being thinks, or no; it being impossible for us, by the contemplation of our own *Ideas*, without revelation, to discover, whether Omnipotency has not given to some Systems of Matter fitly disposed, a power to perceive and think, or else joined and fixed to Matter so disposed, a thinking immaterial Substance: It being in respect of our Notions, not much more remote from our Comprehension to conceive, that GOD can, if he pleases, superadd to Matter a Faculty of Thinking, than that he should superadd to it another Substance, with a Faculty of Thinking; since we know not wherein Thinking consists, nor to what sort of Substances the Almighty has been pleased to give that Power, which cannot be in any created Being, but merely by the good pleasure and Bounty of the Creator. For I see no contradiction in it, that the first eternal thinking Being should, if he pleased, give to certain Systems of created senseless matter, put together as he thinks fit, some degrees of sense, perception, and thought.

Essay IV.iii.6

While Locke recognizes that the nature of both corporeal and spiritual substance is opaque to us, it is divine omnipotence that makes thinking matter a real possibility. And this is also clear in Locke's correspondence with Stillingfleet. Matter, however arranged, cannot give rise to the power of thought by itself. This is a key premise in the argument that Locke gives for God's existence in IV.x of the *Essay*. What is important to highlight here is that, in one possible world, a system of matter may have the power to think, while in another possible world, that same system may not have this power. The difference is not the arrangement of matter in motion, but rather God's good pleasure. This is clear in the above quote. What this means is that the power to think cannot be reduced to a certain order of figure, bulk, texture, and motion. And this is not because Locke is some kind of dualist: indeed, he thinks that there may such a thing as thinking matter. The reason that such a reduction cannot be made is that Locke, in his voluntarism, holds that God has the ability to give the same systems of matter different powers depending on God's good pleasure. Just after the section from IV.iii.6 in the text above, Locke argues that the connection of primary and secondary qualities are also arbitrarily determined and that it lies within God's power to fashion secondary qualities in such a way that they produce ideas in thinking matter. If, then, we read Locke's views on thinking matter as a robustly ontological thesis then it seems most plausible to consider Locke's statements about secondary qualities in the same vein.

In this interpretation, powers cannot be simply reduced to the mental act of comparison and specific arrangements of figure, bulk, texture, and motion. But this does not mean that powers are occult and floating freely somehow above these arrangements. It just means that powers depend upon both these specific arrangements of figure, bulk, texture, and motion and the laws of nature that govern which kinds of powers result from different arrangements. And these laws govern the ordinary course of nature such that there is both a regular and necessary connection between powers and their reductive base in the properties of body. While Locke states that such things are arbitrarily determined, he acknowledges the following:

The Things that, as far as our Observation reaches, we constantly find to proceed regularly, we may conclude, do act by a Law set them; but yet by a

Law, that we know not: whereby, though Causes work steadily, and Effects constantly flow from them, yet the *Connexions* and *Dependancies* being not discoverable in our *Ideas*, we can have but an experimental Knowledge of them.

Essay IV.iii.29

In the preceding section, Locke refers to these regularities as the ‘ordinary course of nature’. He acknowledges that we have no insight into the content of the law undergirding the ordinary course of nature, but that we can, nonetheless, conclude that such a law exists. Locke does not often use the term ‘law’ in an extra-moral sense, but this is unsurprising given his pessimism about the prospects of achieving a science of bodies. While he thinks that we are limited here to experimental knowledge and the construction of natural histories, he does not rule out the possibility that there may, one day, be a proper science of bodies. But such a science would involve demonstrative knowledge, and so the connections between bodies and their powers would have to be necessary in some sense. This is something that McCann recognizes, and he argues that, in the situation where God decides to change the laws of nature, God would give us a revelation about this so that our science would still be *a priori*. One of Ott’s worries about the voluntaristic interpretation of Locke is that it rules out the possibility of there being any *a priori* science.

Locke does speak about revelation through the voice of reason, whereby an idea that serves as an intermediary between two others in a demonstration is ‘a Revelation from God to us, by the Voice of Reason’ (*Essay IV.vii.11*). So God may harmonize our intellect with the changed reality of the world. And this knowledge would be demonstrative, and thus represent a true science, since we would perceive the connections between the ideas that God reveals to us. But while this may help to solve both the worries about apriority and demonstrability, it is not clear in what sense the laws of nature are necessary, if it lies within God’s power to change them.

5.2.2. Psycho-physical Laws of Nature

Locke states that there is a nomological connection between simple ideas and the powers of external objects:

Our simple *Ideas*, being barely such Perceptions, as God has fitted us to receive, and given Power to external Objects to produce in us by established Laws and Ways, suitable to his Wisdom and Goodness, though incomprehensible to us, their Truth consists in nothing else, but in such Appearances, as are produced in us, and must be suitable to those Powers, he has placed in external Objects, or else they could not be produced in us.

Essay II.xxxii.14, 388

Locke thinks that we have a variety of simple ideas, including those received from sensation, reflection, or both. Two of the principal simple ideas that we receive from sensation and reflection are pleasures and pains (*Essay I.vii.2*). What this means is that there is a nomological connection between objects and the ideas of pleasure or pain that they cause in us: this connection is providentially ordained in being suitable to God's wisdom and goodness. Indeed, Locke is clear that God adds pleasure and pain to objects in order to direct us toward certain ends:

It has therefore pleased our Wise Creator, to annex to several Objects, and to the *Ideas* which we receive from them, as also to several of our Thoughts, a concomitant pleasure, and that in several Objects, to several degrees, that those Faculties which he had endowed us with, might not remain wholly idle, and unemploy'd by us.

Essay II.vii.3, 129

God adds pleasure and pain to objects in order to spur us to action and also to preserve and perfect us (cf. *Essay II.vii.4*). Furthermore, God assigns degrees of pleasure and pain to the things that surround us. In this assignment, God makes it the case that temporal or earthly things yield only an incomplete happiness: this motivates us to seek complete happiness in God (*Essay II.vii.5*).

What this means is that there are laws that specify the connection between physical objects and states of affairs and that God has ordained these laws. Locke is clear that objects have the power to produce ideas in us by their mechanical structure; though in the case of pleasures and pains, these ideas resemble nothing in the object themselves:

Such *Qualities*, which in truth are nothing in the Objects themselves, but Powers to produce various Sensations in us by their *primary Qualities*, *i.e.* by the Bulk, Figure, Texture, and Motion of their insensible parts, as Colours, Sounds, Tasts, *etc.* These I call *secondary Qualities*.

Essay II.viii.10, 135

The ideas of things like colour and pleasure are produced by secondary qualities, and these qualities depend on the primary qualities of objects (i.e. the bulk, figure, texture, and motion of the insensible parts of bodies).²⁰⁵ The ideas of primary qualities differ from the ideas of secondary qualities in that the former resemble patterns that exist in bodies whereas the latter bear no resemblance to the objects that produce them (*Essay* II.viii.15). Given this lack of similitude, Locke thinks that the ideas of secondary qualities are annexed by God to the objects that produced them:

It being no more impossible, to conceive, that God should annex such *Ideas* to such Motions, with which they have no similitude; than that he should annex the *Idea* of Pain to the motion of a piece of Steel dividing our Flesh, with which that *Idea* hath no resemblance.

Essay II.viii.13, 136-137

Furthermore, Locke says later on in the *Essay*:

‘Tis evident that the bulk, figure, and motion of several Bodies about us, produce in us several Sensations, as of Colours, Sounds, Tastes, Smells,

²⁰⁵ But as we’ll see, Locke thinks that the connections between primary and secondary qualities are determined by the divine will. The best explanation of this is that the primary qualities are causally active in the expression of secondary qualities, but the nature of the causal connection is determined by God’s will (e.g. that a certain cluster of mechanical affections produces pain and not pleasure).

Pleasure and Pain, *etc.* These mechanical Affections of Bodies, having no affinity at all with those *Ideas*, they produce in us, (there being no conceivable connexion between any impulse of any sort of Body, and any perception of a Colour, or Smell, which we find in our Minds) we can have no distinct knowledge of such Operations beyond our Experience; and can reason no otherwise about them, than as effects produced by the appointment of an infinitely Wise Agent, which perfectly surpass our Comprehensions.

Essay IV.iii.28, 558-559

Locke admits that the connections between objects and secondary qualities are inscrutable to our faculties, though he does think that these connections are nomological even if we can't frame ideas of them. Indeed, Locke suggests that there is a 'constant and regular connexion' between primary and secondary qualities: following IV.iii.29, Locke thinks that we can conclude that these things operate according to a law, even if we're ignorant of the nature of that law. There are, then, psycho-physical laws that specify the connection between objects and our psychology.

In the case of pleasure and pain, God annexes these ideas to objects for certain ends, such as stirring us to action, preserving ourselves, and leading us to seek God. And as we saw in section 4.1.2, God adds pleasure and pain – at least the best pleasure and the least pain – to the actions that we ought to perform as sociable beings. There are psycho-physical laws that govern the interaction between objects and the ideas of pleasure or pain that they cause in us. In the next section, I argue that these psycho-physical laws are hypothetically necessary.

5.2.3. Hypothetical Necessity and the Laws of Nature

Locke is clear that the connections between primary and secondary qualities are determined by the divine will. We can consider secondary qualities to be powers that are superadded to bodies, and these powers reduce down to the mechanical affections of bodies and the laws that specify how they connect to human psychology. These laws are not absolutely necessary as they would not obtain in the possible world in which the same

mechanical affections and psychology existed but God did not exist and had made no prescriptions about the connection between bodies and the ideas they produce.²⁰⁶ But I argue that they are hypothetically necessary in helping us to achieve certain ends and obtain happiness. As we saw earlier, God ordains connections between objects and their power to produce ideas of pleasure and pain in us according to God's wisdom and goodness. Indeed, Locke thinks that a feature of wisdom is purposive action: God creates and provides for the world keeping with certain ends.²⁰⁷ Consequently, it is the case that the psycho-physical laws ordained by God have a teleological dimension. My argument is that the teleological dimension to these laws makes them hypothetically necessary. In making a creature that requires certain commodious laws to achieve the ends set for them, God is necessitated to create those laws by virtue of the perfection of the divine nature.

Speaking about God's wisdom and goodness, Locke says the following in a 1680 journal entry titled 'The Idea we have of God':

Whatsoever carries any excellency with it, and includes not imperfection, it must needs make a part of the idea we have of God. So that with being, and the continuation of it, or perpetual duration, power and wisdom and

²⁰⁶ In the situation that God did not exist, it seems that objects would not have any powers to produce ideas in us. In the case of secondary qualities, this is true because, unlike primary qualities, there is no resemblance between the ideas of things like colour and the bodies that produce these ideas (*Essay* II.viii.15). Given this lack of resemblance, Locke often describes secondary qualities as annexed to bodies (while they are dependent on the motion of a certain arrangement of primary qualities for their causal efficacy – *Essay* II.viii.13). As the ideas of primary qualities resemble bodies, it seems that God does not annex these qualities to bodies in order for them to have the power to produce ideas of bulk, figure, etc, since God creates these qualities by creating a certain arrangement of matter. Nevertheless, God needs to add motion to bodies in order for them to be able to produce ideas in us (both of primary and secondary qualities): Locke states that bodies produce ideas in us by impulse (*Essay* II.viii.11). And as we saw in *Essay* IV.iii.29, the rules of the communication of motion are determined by the divine will. One of the premises in Locke's argument for God's existence is that matter cannot set itself in motion (*Essay* IV.x.10). God is necessary not just to set things in motion but also to determine the way in which bodies move. Accordingly, it would seem that bodies would not have the ability to produce ideas in us as there would be no prescribed course to their motion or indeed any motion at all. Of course, in the situation that there was no motion, it would also seem that there would be no life (and thus the question of ideas would be moot); but the argument here is that God's activity is necessary for us to have ideas.

²⁰⁷ ELN IV, 157. Cf. *Essay* I.ii.15.

goodness must be ingredients of that perfect or super-excellent being which we call God, and that in the utmost or infinite degree.²⁰⁸

What Locke says here prefigures his discussion of the idea of God in *Essay* II.xxiii.33-35. Locke continues on in the entry to talk about what follows from God's perfect wisdom and goodness:

But yet that unlimited power cannot be an excellency without it being regulated by wisdom and goodness. For since God is eternal and perfect in his own being, he cannot make use of that power to change his own being into a better or another state; and therefore all the exercise of that power must be in and upon his creatures, which cannot but be employed for their good and benefit, as much as the order and perfection of the whole can allow each individual in its particular rank and station; and therefore looking on God as a being infinite in goodness as well as power, we cannot imagine that he hath made anything with a design that it should be miserable, but that he hath afforded it all the means of being happy that its nature and estate is capable of, and though justice be also a perfection which we must necessarily ascribe to the supreme being, yet we cannot suppose the exercise of it should extend further than his goodness has need of it for the preservation of his creatures in the order and beauty of the state that he has placed each of them in.

In the last section, we saw that Locke thinks that the connections between objects and the ideas of pleasure or pain that they cause are ordained for our preservation and perfection. Locke is explicit, in the quote above, that God cannot design us to be miserable, as this would be inconsistent with the perfection of the divine nature. If God makes us to be creatures who are vulnerable to sharp steel objects, then it is necessary for God to annex the sensation of pain to the state of affairs in which such an object pierces

²⁰⁸ 'The Idea we have of God', MS Locke f.4, pp.145-151. This entry is printed in *Political Essays*, 277-278, under the title 'Of God's Justice'.

our skin. To do otherwise would hinder our preservation, and this would represent an imperfection in God's design. Furthermore, God annexes pleasures to things that lead to our perfection as a sociable being in community with both God and other human beings. The pleasures that obtain in sociable states of affairs are necessary in the sense that God would not give us an end but make it the case that the attainment of that end would result in misery.

There is, then, a hypothetical necessity in the psycho-physical laws that specify the powers that bodies have to produce ideas of pleasure and pain in us. While they are superadded, they are designed for our preservation and perfection. In the possible world that God did not exist, the laws would not obtain. But supposing that God makes a creature that is preserved and perfected in a certain way, God cannot but will the physical laws of nature that facilitate these things. It may be the case that some of the physical or psycho-physical laws of nature are indifferent with respect to our perfection and preservation. These laws would be neither absolutely necessary, as they are superadded, nor hypothetically necessary, as it would represent no inconsistency with the perfection of the divine nature for God to fashion them differently. (It might, for instance, make no difference to our preservation if we saw different colours in the presence of bodies that caused the idea of another colour in a different possible world.) But there is a teleological dimension to certain psycho-physical laws, namely those which concern pleasure and pain: God cannot set ends for creatures but furnish them with a law that frustrates these ends. Consequently, these laws are hypothetically necessary.

5.3 Demonstration, Hypothetical Necessity, and the Laws of Nature

5.3.1. Locke's Perceptual Account of Demonstration

According to Locke, knowledge consists in perception of the agreement or disagreement of the mind's ideas, and the highest degree of knowledge is found in intuition:

The different clearness of our Knowledge seems to me to lie in the different way of Perception, the Mind has of the Agreement, or Disagreement of any of its *Ideas*. For if we will reflect on our own ways of Thinking, we shall find, that sometimes the Mind perceives the Agreement or Disagreement of two *Ideas* immediately by themselves, without the intervention of any other: And this, I think, we may call *intuitive Knowledge*. For in this, the Mind is at no pains of proving or examining, but perceives the Truth, as the Eye doth light, only by being directed toward it. Thus the Mind perceives, that *White* is not *Black*, That a *Circle* is not a *Triangle*, That *Three* are more than *Two*, and equal to *One* and *Two*. Such kind of Truths, the Mind perceives at the first sight of the *Ideas* together, by bare *Intuition*, without the intervention of any other *Idea*; and this kind of Knowledge is the clearest, and most certain, that humane Frailty is capable of.

Essay IV.ii.1, 530-531

Locke is clear that the perception of agreement or disagreement in intuition is the foundation of all the certainty of our knowledge. But it is sometimes the case that we cannot immediately perceive the agreement or disagreement between two ideas; in this situation, we must rely on intermediate ideas which function as proofs:

Those intervening *Ideas*, which serve to shew the Agreement of any two others, are called *Proofs*; and where the Agreement or Disagreement is by this means plainly and clearly perceived, it is called a *Demonstration*, it being *shewn* to the Understanding, and the Mind made see that it is so. A quickness in the Mind to find out these intermediate *Ideas*, (that shall discover the Agreement or Disagreement of any other,) and to apply them right, is, I suppose, that which is called *Sagacity*.

Essay IV.ii.3, 532

We are now in a position to sketch out the basic features of Locke's perceptual account of demonstration. Demonstrative knowledge involves both sagacity and illation.

The former, as we've seen above, describes our ability to discover and apply intermediate ideas and the latter describes our ability to order intermediate ideas in such a way that extreme ideas are held together and shown to either agree or disagree (cf. *Essay* IV.xvii.2, 668). And in a demonstration, we intuitively perceive the immediate agreement or disagreement between ideas that are proximate in the chain. While Locke thinks that mathematics furnishes us with an exemplary model of demonstrative knowledge, he thinks that demonstration can be applied to any of our ideas wherein we are able to perceive agreement and disagreement:

It has been generally taken for granted, that Mathematicks alone are capable of demonstrative certainty: But to have such an agreement or disagreement, as may intuitively be perceived, being, as I imagine, not the privilege of the *Ideas* of *Number*, *Extension*, and *Figure* alone, it may possibly be the want of due method, and application in us; and not of sufficient evidence in things, that Demonstration has been thought to have so little to do in other parts of Knowledge, and been scarce so much as aim'd at by any but Mathematicians. For whatever *Ideas* we have, wherein the Mind can perceive the immediate agreement or disagreement that is between them, there the Mind is capable of intuitive Knowledge; and where it can perceive the agreement or disagreement of any two *Ideas*, by an intuitive perception of the agreement or disagreement they have with any intermediate *Ideas*, there the Mind is capable of Demonstration, which is not limited to *Ideas* of Extension, Figure, Number, and their Modes.

Essay IV.ii.9, 534-535

According to Locke, demonstrative knowledge isn't limited to mathematics: it extends to any area where we can perceive the agreement or disagreement of ideas and find appropriate intermediate ideas. Indeed, Locke doesn't think that demonstration is limited to modes of extension, figure, and number. Locke, as we've seen, thinks that we can have demonstrative knowledge in both mathematics and morality; but we lack demonstrative knowledge in natural philosophy, at least in our current state. It is true that the former involve knowledge of modes and the latter involves knowledge of substances.

It is not primarily the fact that mathematics and morality involve modes that makes it possible to have demonstrative knowledge in these areas; rather, it is that our ideas, by virtue of being modal, are perspicacious to us in a way that ideas of substances are not, given the capacities that we have. But there is no in principle reason why an idea of a substance shouldn't be perspicacious: this is simply a result of our epistemic limits – limits that neither angels nor perfected human beings have. I'll say more about demonstration and natural philosophy in 5.3.3, but first it is important to continue discussing Locke's views of demonstration. Locke is clear that demonstrative knowledge can be applied to domains beyond mathematics. Morality is the example of a domain that he most often refers to in the *Essay*. While Locke gives two examples of moral demonstration in *Essay* IV.iii.18, the fullest example he gives is from *Essay* IV.xvii.4.

Locke provides a chain of intermediate ideas to prove the agreement between the proposition that 'men shall be punished in another world' and the proposition that 'men can determine themselves':

In the instance above mentioned, what is it shews the force of the Inference, and consequently the reasonableness of it, but a view of the connexion of all the intermediate *Ideas* that draw in the Conclusion, or Proposition inferr'd, v.g. *Men shall be punished, – God the punisher, – just Punishment, – the Punished guilty – could have done otherwise – Freedom – self-determination*, by which Chain of *Ideas* thus visibly link'd together in train, *i.e.* each intermediate *Idea* agreeing on each side with those two it is immediately placed between, the *Ideas* of Men and self-determination appear to be connected.

Essay IV.xvii.4, 673

Admittedly, Locke only provides the lineaments of a proof here, for there are other things that need to be filled in, such as the fact that God exists and will judge some human beings worthy of punishment, that God's punishment is just, and so on. But the main point is that we see the immediate agreement between ideas that are proximate to one another and that this in turn allows us to see the agreement between the extremes such as

‘human beings’ and ‘self-determining’. Locke has a polemic use for this example: in showing that we reason this way, he takes himself to be showing that that we do not, at bottom, reason in a syllogistic way. He suggests that we might be able to determine the conclusion of self-determination from the punishment of human beings by means of syllogisms but that this would be confusing and artificial. Furthermore, syllogisms don’t enlarge our knowledge in any way: they are, rather, parasitic on the perception of agreement and disagreement. And a failure to recognize this can lead to the construction of meaningless sophistries. Given Locke’s distaste for syllogisms and the scholastic method of disputation, it is unsurprising that he has nothing positive to say about general principles and maxims such as ‘Whatever is, is’ (*Essay* IV.viii.2, 609).²⁰⁹

But Locke was not entirely skeptical about the use of principles in demonstrative knowledge. Indeed, in the first edition of the *Essay*, Locke states that morality is capable of demonstration and that it involves principles:

The *Idea* of a supreme Being, infinite in Power, Goodness, and Wisdom, whose Workmanship we are, and on whom we depend; and the *Idea* of our selves, as understanding, rational Beings, being such as are clear in us, would I suppose, if duly considered, and pursued, afford such Foundations of our Duty and Rules of Action as might place *Morality amongst the Sciences capable of Demonstration*: wherein I doubt not, but from self-evident Propositions as incontestable as those of the Mathematicks, by necessary Consequences, the measures of right and wrong might be made out, to any one that will apply himself with the same Indifferency and Attention to the one, as he does to the other of these Sciences.

Essay IV.iii.18, 549

In the fourth edition of the *Essay*, Locke replaces the word ‘principles’ with the phrase ‘self-evident propositions’. The change may reflect Locke rendering his discussion of

²⁰⁹ And, indeed, Peter Anstey notes that this is in keeping with Locke’s commitment to experimental natural philosophy and repudiation of speculative or innate principles and maxims (*John Locke and Natural Philosophy*, 148).

self-evidence more explicit in the chapter on maxims in the second and subsequent editions of the *Essay*. Locke describes self-evident knowledge as knowledge where the agreement or disagreement of ideas is perceived immediately without the use of any intermediates (*Essay* IV.vii.2). Self-evident knowledge, then, is intuitive knowledge. Locke's characterization of self-evidence fits with his broader rejection of innate ideas, for he is clear that self-evident ideas are not innate. Given that Locke has mostly negative things to say about maxims, it is somewhat puzzling that he suggests that 'the measures of right and wrong' might be made out from self-evident propositions.

In *Essay* IV.vii.11, Locke describes the uses and misuses of maxims. In Locke's view, maxims serve only two purposes: first, they are useful in teaching sciences and, second, they are useful in disputations 'for the silencing of obstinate wranglers' (*Essay* IV.vii.11, 600). This second use seems to be presented ironically given the generally disparaging remarks that Locke makes about the scholastic method of disputation in his subsequent discussion. Locke describes three things for which maxims are ill-suited: first, they can't be used to prove less general self-evident propositions; second, they cannot serve as the foundation on which to build a science; and third, they are of no use in the discovery of unknown truths. Concerning this third thing, Locke notes that Newton has demonstrated propositions that have advanced our knowledge in the sciences, but makes certain to assert that the discovery of these propositions was not by general maxims but by the finding out of intermediate ideas and showing the agreement and disagreement between ideas in a demonstrative chain.

In the quote from *Essay* IV.iii.18 cited above, it may be, then, that Locke thinks that self-evident propositions have a didactic purpose in the teaching of morality. Indeed, if we interpret this quote as implying that self-evident propositions play a foundational role in morality, this would conflict with Locke's discussion of maxims, namely the ill-suitedness of maxims to either found or advance our knowledge. But while Locke does have mostly negative things to say about maxims in the *Essay*, he comes to countenance

the use of foundational principles in the *Conduct*.²¹⁰ And Locke thinks that mathematics furnishes us with the appropriate method for discovering these principles:

[I]n all sorts of reasoning, every single argument should be managed as a mathematical demonstration; the connexion and dependence of ideas should be followed, till the mind is brought to the source on which it bottoms, and observes the coherence all along, though in proofs of probability one such train is not enough to settle the judgment, as in demonstrative knowledge.

Conduct, §7, 222-223

In the *Conduct*, Locke still maintains the same basic idea that ideas are connected together in a demonstrative chain through the perception of agreement or disagreement, but he thinks that there are bottoming principles lie at the root of these chains and that can serve as a foundation for scientific knowledge. Indeed, he describes these principles as ‘teeming truths’ and emphasizes that Newton’s description of universal gravitation serves as a foundational principle in natural philosophy:

There are fundamental truths that lie at the bottom, the basis upon which a great many others rest, and in which they have their consistency. These are teeming truths, rich in store, with which they furnish the mind, and, like the lights of heaven, are not only beautiful and entertaining in themselves, but give light and evidence to other things, that without them could not be seen or known. Such is that admirable discovery of Mr. Newton, that all bodies gravitate to one another, which may be counted as the basis of natural philosophy; which, of what use it is to the understanding of the great frame of our solar system, he has to the astonishment of the learned world shown; and how much farther it would guide us in other things, if rightly pursued, is not yet known.

²¹⁰ Anstey convincingly argues that Locke’s increasing appreciation of Newton led to him altering his views about the use of principles in natural philosophy (*John Locke and Natural Philosophy*, 149).

Conduct, §43, 282

In Locke's view, we begin with an idea and then follow it back to its ultimate foundation. And by means of this foundation we can then discover other truths that rest on it and, in so doing, enlarge our knowledge. While Locke thinks that universal gravitation serves to advance natural philosophy, he also discusses a bottoming principle in morality just after his discussion of Newton:

Our Saviour's great rule, that 'we should love our neighbour as ourselves,' is such a fundamental truth for the regulating of human society, that, I think, by that alone, one might without difficulty determine all the cases and doubts in social morality. These and such as these are the truths we should endeavour to find out, and store our minds with.

Conduct, §43, 282-283

The golden rule – 'love your neighbour as yourself' – is a summary of the second table of the Decalogue, i.e. the portion of the natural law that concerns interactions between human beings. Locke holds that this rule is a bottoming principle that can serve to enlarge our knowledge of morality. The idea is that we can reason from this principle to other more specific features of morality (e.g. that we shouldn't steal) by constructing demonstrations. While it is an interesting question how such a demonstration might function, it is also important to consider how we might arrive at the bottoming principle that we have an obligation to love our neighbour, i.e. to be sociable. Earlier on in the *Conduct*, Locke says that particular matters of fact serve as the foundation for our civil and natural knowledge:

Particular matters of fact are the undoubted foundations on which our civil and natural knowledge is built: the benefit the understanding makes of them is to draw from them conclusions, which may be as standing rules of knowledge, and consequently of practice.

Conduct, §13, 233

It is reasonable to include moral knowledge here, for elsewhere Locke groups moral and civil knowledge together (*Conduct*, §24, 249). As we saw in section 5.1, Locke thinks that there are two errors we are susceptible to in using particular facts in determining these standing rules. It is worth going over Locke's view here again. First, we can be too quick to form general principles by forming them from an insufficient catalogue of particulars. Second, we can be too slow and never make any effort to form principles from these particulars. Locke recommends a *via media*:

Between these, those seem to do best, who taking material and useful hints, sometimes from single matters of fact, carry them in their minds to be judged of, by what they shall find in history, to confirm or reverse these imperfect observations; which may be established into rules fit to be relied on, when they are justified by a sufficient and wary induction of particulars.

Conduct, §13, 234

Recall from above that Locke thinks that every sort of reasoning should be carried on as a mathematical demonstration where we follow the connection and dependence of ideas to the principle on which they bottom. In proofs of demonstration, we need only one train of ideas to find a genuine bottoming principle. It would seem, then, that in this case we could begin with one matter of fact and follow it to its base and be certain in finding the right principle. But in proofs of probability, multiple trains of ideas are necessary to establish a rule; it is unclear how many trains are necessary, but there should be enough to count as a 'sufficient and wary' induction.

Locke thinks that moral knowledge involves comparing ideas of actions to a rule. The question, however, is how we know what rule obtains and what is included in its content. In the last chapter, I argued that pleasure and pain serve as signposts of the rule that God has set for us in the natural law. As we see that pleasure and pain are annexed to certain actions, this gives us reason to suppose that pleasurable actions – at least, maximally pleasurable actions in the long run – are those that are prescribed by the natural law. What I would like to argue is that the idea of pleasure being annexed to

sociable actions ultimately bottoms out in the principle that we have an obligation to love our neighbour as ourselves, i.e. to be sociable. I'll describe this in more detail in section 5.3.3, but for now it is important to consider a difficulty for Locke's view of bottoming principles. The worry is that Locke's commitment to theological voluntarism has the effect of severing the connection between a set of facts and the principles on which they're based since the principles are not necessarily connected to the facts as God could will otherwise. If we think of laws as bottoming principles, then it is not clear that particular matters of fact can be traced to a given law if that law is superadded to the facts in question. If God could superadd any number of laws to the world, it seems that the laws will be underdetermined concerning the facts of that world (e.g. certain mechanical affections of bodies) as one could trace any number of possible laws from those facts.

5.3.2. Superadded Laws and Demonstration

In the account of both physical and moral laws of nature developed in this dissertation, it is clear that laws are superadded to the world by God. They are not an immanent feature of essences in the created order. An intellectualistic understanding of morality holds that the moral laws of nature consist in what conforms to the rational and social nature of human beings. But in Locke's view, all things are indifferent prior to an act of divine legislation. God must will the divine law, including the natural law, into being. Supposing that God decides to create rational and sociable beings, then God must frame commodious laws for these beings. But the laws do not simply follow from the nature of these beings: God must will them into existence and superadd them to things that would otherwise be indifferent. Likewise, the physical laws of nature do not simply follow from the real essences of material objects. These laws specify the ways in which material objects interact and govern the kinds of powers that bodies have. The laws, then, are superadded to bodies, as the structure of bodies does not dictate the way that they behave or the kinds of relations they have with other bodies. The character of both the physical and moral laws of nature includes the idea that they are directly willed by God and not indirectly through the creation of rational and sociable beings or the essences of bodies. There is a worry that if the laws of nature are dependent on the divine will, in that they do not follow directly from the nature of persons or matter, then a

demonstrative science of ethics or natural philosophy may be out of our reach as the arbitrariness in the laws may rule out any *a priori* deduction from essences to laws. We may, then, be tempted to think of Locke as a skeptic when it comes to the prospects of both a science of ethics and a science of bodies if it is the case that laws would play a prominent role in such a science.

This view of laws presents us with a potential reason for being skeptical that demonstrative knowledge is possible in either ethics or natural philosophy:

(i) Skepticism in Ethics:

As the natural law is superadded to the nature of human beings, it seems that we may not be able to reason from facts of our nature to bottoming principles that reveal an obligation to perform or refrain from certain actions. If we consider an extreme form of voluntarism, we can see that we cannot reason from particular facts about our nature to the content of the natural law, for God could apply any number of laws to our condition. For the extreme voluntarist, God could keep our nature the same but change the natural law such that it prescribed theft, murder, and adultery. The same facts about our nature would obtain, but the opposite law would be enjoined upon us. There would be no connection between our nature and the law that applies to us. Consequently, we could not reason from facts of our nature to the content of the natural law. There would be, in effect, no principle on which these facts bottom out. But as I've argued, Locke is not this kind of voluntarist. While he admits that the natural law does not consist simply in facts about our nature, and must be superadded, it is not the case that God could apply any number of laws to our condition. Indeed, supposing that God creates a being with a certain nature, God must fashion a law appropriate to its nature. And what underlies this 'must' is hypothetical necessity. In the next section, I argue that hypothetical necessity facilitates the demonstrative chain between particular facts of our nature to the moral laws of nature. But first I consider some reasons we might have to be skeptical of a demonstrative natural philosophy based on the superaddition of physical laws of nature.

(ii) Skepticism in Natural Philosophy:

Based on our ignorance of the natural world, Locke concludes that it is ‘lost labour’ to seek after a perfect science of natural bodies (*Essay* IV.iii.29). We might be tempted to think that Locke is a skeptic about the prospects of natural philosophy ever becoming a science, even though he admits the value of inductively based principles in enlarging the insight we have into the nature of bodies (*Essay* IV.xii.13). Matthew Stuart argues that Locke’s skepticism about a science of bodies ultimately derives not from the fact that we lack insight into the inner constitutions of bodies: the fundamental problem is that we lack knowledge of the relations between different bodies and the properties that depend upon these connections.²¹¹ The knowledge of inner constitutions does not, on its own, yield insight into the physical laws of nature. But this is unsurprising given that Locke thinks that all the qualities of bodies, beyond extension and solidity, must be superadded by God, for they are not contained in the essence of matter, which is an extended solid substance (‘Second Reply to Stillingfleet’, 460). According to Locke, God has the power to do anything that does not involve a contradiction: the consequence of this view is that God can superadd whatever motion to bodies he pleases. And this is how Locke understands gravity:

The gravitation of matter towards matter, by ways inconceivable to me, is not only a demonstration that God can, if he pleases, put into bodies powers and ways of operation above what can be derived from our idea of body, or can be explained by what we know of matter, but also an unquestionable and every where visible instance, that he has done so.²¹²

While Locke says in the *Essay* that we can only conceive of bodies operating according to impulse (II.viii.11, 136), he emphasizes in his reply to Stillingfleet that it is presumptuous to limit God’s powers to our conceptions. And Locke thinks that we do not have a clear conception of gravitational motion. Indeed, Locke holds that it is impossible to explain gravity ‘by any natural operation of matter, or any other law of

²¹¹ ‘Locke’s Geometrical Analogy’, *History of Philosophy Quarterly* 13.4 (1996): 461.

²¹² ‘Second Reply to the Bishop of Worcester’ in *The Works of John Locke*, vol.4, 467-468. Locke notes that he has been shown this fact by the ‘judicious Mr. Newton’s incomparable book’

motion, but the positive will of a superiour being, so ordering it' (*Some Thoughts concerning Education*, §192, 246). Locke expresses a similar idea concerning the connection of primary and secondary qualities: while he admits that bodies have the power to produce simple ideas in us according to divinely established laws (*Essay* II.xxxii.14), he thinks that we can only attribute these connections to God's arbitrary will (*Essay* IV.iii.28).

The important question here is whether the laws underlying the operations of bodies are, in principle, out of our reach. Locke generally ascribes our ignorance of the natural world to the limits of our epistemic capacities, but it may also be that the arbitrariness of the physical laws of nature gives us a further reason to think that they are inscrutable. If gravity, for instance, is superadded to matter, then it seems that we cannot reason from matter backward to gravity as the arrangement of matter (as Locke would prescribe in reasoning toward bottoming principles). Likewise, if it is the case that the sensation of pain is superadded to the mechanical aspects of a blade piercing flesh, it seems that we cannot reason from the particulars in this case to a general psycho-physical law that obtains between the relevant primary and secondary qualities. In the next section, I argue that hypothetical necessity grounds the inferential chain from particular matters of fact concerning certain primary and secondary qualities to necessary laws governing these qualities. In the case of gravity, I argue that we could, in principle, have demonstrative knowledge of gravity (at least in a state of greater perfection with better epistemic capacities) but that we cannot be certain that God will not change the laws of nature in this case.

5.3.3. Hypothetical Necessity and Demonstration

(i) *Demonstration in Ethics:*

My basic argument is that hypothetical necessity makes the connection between certain facts and principles necessary: an inferential chain can be constructed between these facts and the principles that they bottom out on despite the fact that these principles are superadded. Given that hypothetical necessity depends on features of the divine nature, this means that a demonstrative chain relying on hypothetical necessity will

include ideas of God and the divine perfections. The lineaments of a proof for the natural law would then run as follows:

- 1) God annexes pleasure to actions.
- 2) The greatest pleasure is annexed to sociable actions.
- 3) God annexes the greatest pleasure to sociable actions.
- 4) God annexes the greatest pleasure to the actions that we should perform.
- 5) God intends us to perform sociable actions.

The first proposition can be derived from Locke's proof for God's existence in IV.x.10 of the *Essay*, which includes the idea of God's providential government of all things in the world (including our makeup and the arrangement of things that respectively lead to either pleasure or pain). The second proposition is derived from seeing that the pleasures of reflection are attached to specific other-regarding actions (such as sacrificing a meal for a starving child, etc.) and then abstracting the general principle that these pleasures, which are the highest, are annexed to sociable actions in general. The derivation of the third proposition from the second involves Locke's proof for God's existence and seeing that God has designed the world including the attachment of pleasures and pains to various objects and actions. From the idea of God as designer, we see that God designs the world for certain ends and that these ends reflect the actions that we should perform. This generates the fourth principle, which in turn yields the proposition that God intends us to perform sociable actions. And we know that we have an obligation to perform the actions that God sets for us for we know that God has both the right and power to command us. Consequently, we determine that we have a duty to be sociable: this duty represents the natural laws that apply to interactions between human beings. And as we know some determinate content and the fact that the content derives from God, we have a complete obligation that includes both the terminative and effective aspects of the law. And then from the basis that we have a duty to be sociable – i.e. to love our neighbour as ourselves – we can infer from this bottoming principle further features of morality that

were left unspecified prior to our determination of this principle (which would involve seeing which moral ideas agree or disagree with the duty to be sociable).

As we saw in the journal entry ‘Of God’s Justice’, Locke thinks that it would be inconsistent with the perfections of the divine nature for God to create a being who was obligated to perform actions that would make it miserable. This idea grounds the fourth proposition stated above and makes it necessary that sociable actions are the ones that we ought to perform, for these actions ultimately make us happy. The obligation to sociability is hypothetically necessary: supposing that God makes a being who derives happiness from sociable actions, God must in turn craft a commodious law that obligates us to perform the actions that make us happy. What undergirds this necessity is the perfect benevolence of the divine nature: God cannot act in a way that is inconsistent with this perfection. There is, admittedly, more that should be said here. It would be interesting to attempt a full proof of the natural law that fits with the lineaments sketched above, but my purpose in this section was simply to argue that hypothetical necessity is an important feature in the inference we make from particular facts about us to the principle that we have an obligation to perform certain actions. It safeguards against the disconnect between facts about us and the natural law that occurs in extreme voluntarism: indeed the connection between these facts and the law that governs us is found in the perfection of the divine nature.

(ii) *Demonstration in Natural Philosophy:*

The concept of hypothetical necessity is of more limited use in a demonstrative natural philosophy, for certain physical laws would seem to be unconnected from the perfection of the divine nature.²¹³ In other words, there may be a plurality of laws consistent with the perfection of the divine nature that God could apply to a given possible world. But hypothetical necessity can play a role in demonstrating psychophysical laws that affect our preservation and perfection. The connection between the

²¹³ We might, though, think that the perfection of the divine nature would shape whatever laws were chosen such that they were either immutable, simple, or both.

power that a metal object piercing our skin has by virtue of its mechanical affections to produce an idea of pain in us would seem to be contingent given that it is a superadded power. But we can infer that there is a necessary connection between these primary and secondary qualities, as such a connection is necessary for our preservation. What grounds this necessity, however, is the benevolence and wisdom of God's design: were God to make it the case that such mechanical affections did not yield an idea of pain then this would represent an imperfect design as it would hinder our preservation.²¹⁴ Presuming that God makes beings who require certain psycho-physical laws to be preserved, we can then infer that these laws are necessary. Just as God will issue moral laws that promote our happiness rather than make us miserable, God will also issue psycho-physical laws that do likewise. Even though these laws are superadded, they are hypothetically necessary and can be inferred from particular facts. All of this, though, applies to knowledge that we would have in a greater state of perfection: in our present state, we can neither form perspicacious ideas of the mechanical affections of objects nor grasp the relevant relations that obtain between bodies, and thus we cannot see what agrees or disagrees with those ideas.

While we might think that Locke thinks that it is the arbitrariness of physical laws that makes them inscrutable, the primary reason he gives for our ignorance of the connections between primary and secondary qualities is that bodies operate 'in a way wholly above our weak understandings to conceive' (*Essay* IV.iii.28, 559). And while Locke thinks that the gravitation of bodies is determined by the divine will, he describes the principle of universal gravitation as a teeming truth that enlarges our knowledge of nature. He also praises the Newtonian system for the insight it yields into particular provinces of nature and is optimistic that the application of its method to other areas of nature might yield more true and certain knowledge of the natural world (*Some Thoughts*

²¹⁴ The problem of evil, though, is relevant here. For it seems that in some situations (i.e. leprosy or dropsy), our perception of pleasure and pain does not correspond to the world in such a way that best preserves us. It seems, then, that this could be taken as a failure in God's design of the world. One might attempt some kind of soul-making theodicy wherein God permits these kinds of evils so that we learn to better care for one another and, in so doing, develop better characters. But if we accept this theodicy, this would undermine any necessary connection between primary and secondary qualities relevant to our perception, for God may overturn this connection to yield a situation for us to develop better souls.

concerning Education, §194). So it seems that it is primarily the weakness of our understanding that keeps us from a science of nature, and not the fact that the underlying order of nature is determined by the divine will. While Locke speaks highly of Newton and is optimistic about his method, he doesn't think that Newtonian physics constitutes a certain science (*Some Thoughts concerning Education*, §194). Locke is optimistic that mathematical experimental philosophy will increase our insight in the realm of natural philosophy, but he never gives up the view that our faculties are too weak for us to discover the operations of nature and reduce them into a science (*Some Thoughts concerning Education*, §190). Nevertheless, we have seen that Locke thinks that a science of nature is something that is possible in a greater state of perfection, even though the physical laws of nature are, in a sense, independent of the mechanical structure of bodies. Peter Anstey argues that this does not imply the impossibility of a science of nature:

The fact that God might be able to impose laws (or qualities) on bodies independently of their inner natures (and of the natures of bodies with which they causally interact) does not entail that we cannot, in principle, have a demonstrative science of nature. Should God change the laws, we would have a different science of nature, but a science of nature nonetheless.

John Locke and Natural Philosophy, 166

If we equate laws with bottoming principles, and understand these principles as based on particular matters of fact, then we can have a demonstrative science of nature that may undergo a change if God decides to institute new laws. Presuming that laws specify the kinds of relations that obtain between bodies, this is something that we will have access to in a greater state of perfection, like the angels. As we have already seen, Locke states that angels have 'more comprehensive faculties' that permits them to have a 'perfect and exact view of all finite beings that come under their consideration [and they] ... collect together all their scattered and almost boundless relations' (*Conduct*, §3, 209). Locke then states that such beings have reason to be certain in the knowledge they have of these things. If God, then, changes the physical laws of nature, angels would recognize such a

change and form a different science of nature based on the new relations that obtain between different finite objects. But this requires a constant surveying of the natural world. In the case of laws that are hypothetically necessary, we can be certain that they will continue to obtain, presuming that God does not change the relevant facts of beings to whom they apply. In other words, presuming that God continues to maintain beings like us who depend on certain psycho-physical laws in order to be preserved, we can know that God will also maintain these laws.

Conclusion

Locke and Natural Religion

At the outset of the *Reasonableness*, Locke describes two opposing views of the state of human beings after the fall of Adam – such views being directly related to a view of the redemption of human beings by Christ – and implicitly holds to a middle course:

To understand, therefore, what we are restored to by Jesus Christ, we must consider what the Scriptures shew we lost by Adam. This I thought worthy of a diligent and unbiassed search: Since I found the two Extrems that Men run into on this Point, either on the one hand shook the Foundations of all Religion, or, on the other, made Christianity almost nothing: for while some Men would have all *Adam's* posterity doomed to Eternal, Infinite Punishment, for the Transgression of *Adam*, whom Millions had never heard of, and no one had authorised to transact for him, or be his Representative; this seemed to others so little consistent with the Justice or Goodness of the Great and Infinite God, that they thought there was no Redemption necessary, and consequently, that there was none; rather than admit of it upon a Supposition so derogatory to the Honour and Attributes of that Infinite Being; and so made Jesus Christ nothing but the Restorer and Preacher of pure Natural Religion; thereby doing violence to the whole tenor of the New Testament.

Reasonableness, 5

In this passage, Locke is distancing himself here from two divergent views of human nature. The first concerns the Calvinist doctrine of total depravity, according to which human beings inherit original sin from Adam, can do nothing good in and of themselves, and are subject to punishment for this inheritance. The second concerns the deistic view that there is no redemption of human beings by Christ and that simply following the precepts of natural religion is all that is required. Natural religion consists in unaided

reason recognizing the existence and perfection of God and our duties to both God and other human beings. Recognizing Jesus as the Messiah, however, goes beyond natural religion and is part of revealed religion. As we've seen, Locke thinks that one must confess that Jesus is the Messiah in order to receive salvation: this confession covers over the defects in our ability to follow the natural law. Consequently, Locke does not think that natural religion is sufficient for our eternal happiness, as we must make this confession in order to receive eternal life in heaven.²¹⁵ This does not mean, though, that Locke does not think that natural religion has no value. Indeed, the first extreme described above tends to reject natural religion, as it is not possible for depraved human beings to do any good independently of being regenerated by God. And Locke distances himself from this extreme. His account of salvation has two necessary conditions that are jointly sufficient: first, we must believe that Jesus is the Messiah and, second, we must try to follow the precepts of natural religion (i.e. believing in God and following the natural law). Locke thinks that revelation is necessary for salvation, but this is a fairly minimal account of what we must believe from revelation: indeed, Locke does not think that one needs to accept any other aspects of revelation such as Trinitarianism, or a particular view of predestination, etc, in order to be saved. And natural religion involves believing in a monotheistic God who providentially designs and governs the world with omnipotence, benevolence, and wisdom and that such a God requires certain duties of us (which are discoverable by the natural light). While Locke thinks that revelation furnishes us an easily determinable guide to our duties, he does think that natural religion is a valuable enterprise:

And we ought to magnify his Goodness, that he hath spread before all the World such legible Characters of his Works and Providence, and given all Mankind so sufficient a light of Reason, that they to whom the written Word never came, could not (when-ever they set themselves to search) either doubt of the Being of a GOD, or of the Obedience due to Him.

²¹⁵ For more on this, see Peter Byrne, 'John Locke on the Nature and Necessity of Revelation' in *Natural Religion and the Nature of Religion: The Legacy of Deism*, London: Routledge, 1989: 37-51.

Since then the Precepts of Natural Religion are plain, and very intelligible to all Mankind, and seldom come to be controverted; and other revealed Truths, which are conveyed to us by Books and Languages, are liable to the common and natural obscurities and difficulties incident to Words, methinks it would become us to be more careful and diligent in observing the former, and less magisterial, positive, and imperious, in imposing our own sense and interpretations of the latter.

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Locke was a great student of the Bible, but he recognized that an over-confidence in our interpretations of Scripture could lead to problems such as fractiousness and intolerance in matters of religion. It is unsurprising that he maintained a theological minimalism by holding that the only revealed doctrine necessary to hold for salvation is simply to confess that Jesus is the Messiah. Focusing our attention on natural religion, i.e. on certain knowledge of God and our duties, is better than taking part in controversies based on revelation. Locke focuses on what can be known of God and our duty by means of reason. While Locke is a theological voluntarist, he does not think that this undermines our ability to form demonstrative knowledge of the natural law. And as I've argued, the concept of hypothetical necessity allows us to make an inference from facts of human nature to the content of the duties given by God. God plays an important role in Locke's thinking about the moral laws of nature. Keeping with his commitment to natural religion, this conception of God is a relatively minimal one that is monotheistic and involves the idea of a perfect being creating and governing the world according to a wise and benevolent providence. Differing sects of Christians, and even Muslims and Jews, can agree to this basic concept of God.²¹⁶ But God plays an indispensable role in

²¹⁶ Given the wars of religion in early-modern Europe, one of the politically attractive features of natural religion is the role that it might play as the foundation of a civil society that reaches across confessional divisions. As Ian Hunter argues, Pufendorf's natural law doctrine should be understood within the context of the peace of Westphalia and that it represents a 'desacralization of politics' ('The Love of a Sage or the Command of a Superior: the Natural Law Doctrines of Leibniz and Pufendorf', in *Early Modern Natural Law Theories*, eds. T.J. Hochstrasser and P. Schröder, Kluwer, 2003: 171). It might, though, be better to describe Pufendorf's legal and political thought as 'deconfessionalized', given the important role that God plays in the foundation of the natural law (even if it is a fairly minimal conception of God from a

Locke's thought, for both the moral and physical laws of nature would not obtain in the counterfactual situation that God did not exist. Part of focusing our attention on natural religion involves appreciating the character of God's works and providence. And natural philosophy can serve as a useful tool in this regard.

As mentioned in the last chapter, Locke's comments on experimental natural philosophy reflect a commitment to the project of physico-theology, an endeavour important to many in the early Royal Society, which has as its end the strengthening and illumination of religion by means of investigating the natural world. We should think of Locke as a Christian virtuoso. And the vocational consequence of this view is that it is legitimate for clerics to study the natural world, for true religion is improved by the experimental study of nature.²¹⁷ Any knowledge of nature obtained through experimental natural philosophy ultimately yields knowledge of God's providential government of the world. This strengthens the conviction in us that there is a God who has designed us and that we have a moral duty to obey this God on whom we depend for our existence.

One of the major concerns of certain virtuosi in the Royal Society in the 17th and 18th centuries – i.e. philosophers and scientists like Locke²¹⁸, Robert Boyle, John Ray, and Samuel Clarke – was to refute the idea that experimental natural philosophy leads to atheism. Boyle, for instance, who maintained a close scholarly relationship with Locke during his life, determinedly argued that experimental natural philosophy, far from leading to atheism, actually served to strengthen religion. An exploration of the physical world reveals evidence of design and divine providence: it is manifest in nature that there is a God who has created the world and who wisely and benevolently governs it. One of the key aims of the Christian virtuosi was to secure both a belief in divine providence and

theological perspective). It would be reasonable to consider Locke having similar motives given his experience of the civil war as a youth and other religious controversies in later years.

²¹⁷ For more on this, see Peter Harrison 'Physico-Theology and the Mixed Sciences', *The Science of Nature in the Seventeenth Century*, ed. P. Anstey, Springer, 2005: 177ff.

²¹⁸ Locke was elected a Fellow of the Royal Society in 1668.

a proper appreciation of revelation for the purposes of establishing the duties of the moral law. The Christian virtuosi did not conceive of science, theology, and ethics as separate disciplines, as we now generally do, but rather as mutually informing and connected bodies of knowledge. And one of their prime concerns was to combine an experimental knowledge of the natural world with a demonstrative knowledge of God's existence and our duties to him. The connection that links these two types of knowledge together, in physico-theology, is teleology: the natural world reveals evidence of design, i.e. things acting toward their divinely appointed ends.

Experimental natural philosophy furnishes us with examples of design in the natural world and by analogical reasoning these examples strengthen the confidence that we also have been designed with specific ends. And by regularly providing us these examples, the practice of experimental natural philosophy serves to attune us to the activity of divine providence in the world (i.e. God's government of the world toward the realization of the ends that God sets for all things). In other words, experimental philosophy makes us more aware of God's government of both ourselves and the rest of nature. In the natural world, we see that creatures have been provided with the appropriate capacities and conditions to realize the ends they strive for. In the moral world, we see that human beings have been designed to be sociable creatures and provided with a moral law that obligates and directs them. Human beings can act contrary to their divinely appointed ends, but God, in a wise governance, has fixed both natural and supernatural rewards and punishments to actions that run contrary to the law God has established. Experimental natural philosophy also cultivates what Boyle calls 'modesty of mind'.²¹⁹ And indeed, Locke's epistemic humility is much the same. The study of the natural world shows us that much of nature is opaque to us, though we are able to improve our knowledge in limited ways. An appreciation of this fact leads us away from the pride of thinking that reason can measure the nature of all things and prepares us to accept revealed religion. The moral implication here is that experimental

²¹⁹ Boyle, *The Christian Virtuoso* in *The Works of Robert Boyle* (vol. 11), eds. M. Hunter and E.B. Davis, Pickering and Chatto, 2000, pp.322-323.

study ultimately leads to a humble and reasoned acceptance of our duty to follow both the natural moral law and the precepts of the Gospels. Experimental natural philosophy, in the estimation of the Christian virtuosi, encourages true piety and the development of virtue (understood as obedience to the duties set for us by God). The connection between Locke and the physico-theological tradition is a topic which merits further investigation, though it is beyond the scope of this dissertation: but it is evident that Locke, as one of these virtuosi, presents a picture of the world that emphasizes God's providential and covenantal relationship with the created order.

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