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Reflection, Nature, and Moral Law: The Extent of Catharine Cockburn's Lockeanism in her *Defence of Mr. Locke's Essay*

PATRICIA SHERIDAN

This essay examines Catharine Cockburn's moral philosophy as it is developed in her Defence of Mr. Locke's Essay on Human Understanding. In this work, Cockburn argues that Locke's epistemological principles provide a foundation for the knowledge of natural law. Sheridan suggests that Cockburn's objective in defending Locke's moral epistemology was conditioned by her own prior commitment to a significantly un-Lockean theory of morality. In exploring Cockburn's views on morality in terms of their divergence from Locke's, the author hopes to underscore the extent of Cockburn's intellectual independence and her philosophical creativity.

In this essay, I will discuss aspects of the moral theory of eighteenth-century philosopher Catharine Trotter Cockburn. Cockburn introduced her theory in *The Defence of Mr. Locke's Essay on Human Understanding*—a work she wrote in response to Thomas Burnet's critique of the moral epistemology of John Locke's *Essay*. My aim in what follows is to assess Cockburn's *Defence* as an attempt to express "orthodox" Lockean doctrine. Cockburn's defense of Locke against Burnet's criticism was predicated on the thesis that "reflection"—that is, the epistemological faculty that, for Locke, afforded knowledge of the operations of our own minds—provides an adequate basis for the knowledge of natural law. On Cockburn's account, Lockean reflection yields knowledge of human nature as such, and both the content and obligatory force of natural law are grounded in the nature of human beings as rational and sociable creatures. As we shall

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see, Cockburn took measures to show that this anthropocentric account of natural law is compatible with the traditional understanding of natural law as an expression of the divine will. She also suggested that the moral theory she expresses in the *Defence* is attributable to Locke. In what follows, I argue that there are serious obstacles to this attribution. However far Cockburn succeeds in grounding natural law in “the nature of God and Man,” her approach to the matter differed from Locke’s in the degree of its anthropocentrism. Whereas Cockburn viewed the normativity of natural law as consisting in its connection with human nature, Locke saw it as consisting in its divine authorship. In elaborating upon this contrast, I hope to suggest that Cockburn’s infidelity to the Lockean precedent was, at the same time, a mark of her intellectual independence from the thinker she championed. Cockburn’s defense was not spurious: she was strongly invested in the adequacy of Locke’s *epistemological* principles as a foundation for the knowledge of natural law. However, the theory of natural law in aid of which she invoked these principles is, in important respects, un-Lockean.

Since Cockburn is relatively unknown to philosophers, I provide in the first section of this essay a general overview of her philosophical career and the prominent themes found in her philosophical work. In the second section, I turn to the central issues of the *Defence*, beginning with a consideration of Burnet’s fundamental disagreements with Locke on the issue of moral foundations. The remainder of this section is devoted to considering Cockburn’s attempt to demonstrate the sufficiency of Lockean principles as an epistemological foundation for natural law. Finally, in section 3, I examine Cockburn’s central divergence from Locke regarding the foundations for the normativity of natural law and the role of God’s sovereign will.

1. COCKBURN’S PHILOSOPHICAL CAREER: AN OVERVIEW

Catharine Trotter Cockburn (1679–1749) is notable among philosophical women of her period for the quality and quantity of writings she published in her lifetime. In addition to authoring several published philosophical and theological works, Cockburn was also a well-known playwright. During her late teens, while she was establishing her name as a dramatist, Cockburn became deeply interested in Locke’s *Essay* and the critical reactions it provoked. Her first philosophical work was *The Defence of Mr. Locke’s Essay*, which she published in 1702 at only twenty-two years old. This work earned her a strong endorsement from Locke himself, who wrote in a letter to Cockburn dated December 30, 1702, “Give me leave . . . to assure you that as the rest of the world take notice of the strength and clearness of your reasoning, so I cannot but be extremely sensible, that it was employed in my defense. You have herein not only vanquished my adversary, but reduced me also absolutely under your

power” (Locke 2002, 309). Cockburn’s work also captured the attention of other leading intellectuals of her day. John Toland, famous for his Deist treatise *Christianity Not Mysterious* (1696), wrote of her as “absolute Mistriss of the most abstracted speculations in the Metaphysics, and who with an easy Turn of Stile and Argument has defended Mr. Lock’s *Essay*” (1704). G. W. Leibniz also saw fit to praise Cockburn’s philosophical abilities, after receiving a copy of the *Defence* from Thomas Burnet of Kenmay, a mutual friend of his and Cockburn’s. In his letter to Burnet of May 26, 1706, Leibniz wrote, “Miss Trotter argues very well that [morality] arises from the nature of God and is not arbitrary. The nature of God is always founded in reason.”¹ He continued this praise in his work, *New Essays of Human Understanding*, where he commented, “I enjoyed reading a defense of [Locke] by a judicious and insightful young lady” (Leibniz 1981, 69). Cockburn followed the *Defence* with both dramatic and theological works, but her philosophical endeavors were for a lengthy period curtailed by financial difficulties brought on by her husband’s loss of his London curacy as a result of his refusal to take the oath of loyalty to George I.

In the late 1720s, after her husband relented, Cockburn returned to philosophical writing. In 1739, she wrote her *Remarks upon some Writers in the Controversy concerning the Foundation of moral Duty and moral Obligation*, which she published anonymously in 1743 in the serial publication *History of the Works of the Learned* ([Cockburn] 1743). In this work, Cockburn responded to various critics of Samuel Clarke’s moral fitness theory. We have little information on the reception of this work. However, one of the writers whom Cockburn critiqued at length in the *Remarks* was William Warburton, a theologian well renowned at the time for his anti-Deist polemics. We know from Cockburn’s correspondence that Warburton actually wrote to applaud the work, describing it as “the strongest and clearest piece of metaphysics, that was ever written” (Cockburn 1751, 321).² Warburton was so impressed that he arranged for the publication in 1747 of Cockburn’s final work, *Remarks upon the Principles and Reasonings of Dr. Rutherford’s Essay on the Nature and Obligation of Virtue* (for which he wrote the preface). In this work, Cockburn presented a critique of Rutherford’s *Essay on the Nature and Obligations of Virtue* that was strongly critical of Clarke’s moral theory. In her lifetime, Cockburn’s work attracted sufficient attention that she was approached by well-known biographer Thomas Birch to aid in editing a volume of her collected works, including her correspondence. She aided in this project, but did not live to see its publication in 1751. She died in May 1749 at age seventy-one.

The *Defence* came at an early stage of Cockburn’s philosophical career and is less than fully revealing of her mature philosophical orientation. Thus, placing the *Defence* against the backdrop of Cockburn’s broader commitments before and at the time of its writing will help clarify the scope of her Lockean investments as they emerge in that work.

Cockburn was committed to the view that both the content and obligatory force of moral imperatives arise as a function of human nature. For Cockburn, the natural world exhibited a teleological order: Every created thing has a specific nature that dictates its appropriate activities in relation to all other things, and the fact of God's wisdom guarantees that created beings will be led to their right ends by their natures. Human beings are also created with natures that determine proper ends, and it is humanity's natural endowment as rational and sociable beings that determine the specifically moral character of these ends. Though Cockburn's commitment to this view of morality is (as we shall see) prefigured in her defense of Locke, it becomes far more pronounced in later writings, especially those dedicated to the defense of Clarke's moral theory. In these works, Cockburn embraces Clarke's view that the essences of human and divine nature dictate relations of "fitness" among humans themselves and between humans and God. Moral duties are determined by these fitness relations. Cockburn's writings in defense of Clarke clearly express both her teleological naturalism and the specific turn given to this view by Clarke's theory of fitness relations. In *Remarks upon Some Writers*, Cockburn sought to prove "that the obligation to *moral virtue* is ultimately founded on the *eternal and immutable nature of things*" (382). In the same work, Cockburn maintained "that virtue is the law of [our] nature, and that it must be [our] duty to observe it, from whence arises *moral obligation*" (413). In her *Remarks upon . . . Dr. Rutherford's Essay*, Cockburn explained the grounds of moral obligation explicitly in terms of natural fitness relations: "That the perception we have of the essential difference of things, with the fitnesses and unfitnesses resulting from thence, and our consciousness of right and wrong, have a *tendency* to direct us to virtue, and a *right* to influence our practice, seems to me as clear and certain, as it is, that we are reasonable beings, and moral agents: and that therefore they are both *true causes or grounds of moral obligation*" (35).

We must recognize the degree to which Cockburn's theoretical outlook involves a naturalistic account of moral obligation. Though Cockburn was committed to the view that the moral requirements resulting from human nature are, at the same time, expressions of divine will, she clearly viewed nature as preceding divine decree in the explanation of normativity. For Cockburn, while the actual creation of any "system of beings" was purely a matter of God's will, the relations of fitness and unfitness that such a system realizes can only be determined the natures of the beings that the system comprises.

Whether God will bring into actual existence a particular system of beings, of any determinate nature, depends undeniably on his sole will and pleasure; but whether that system of beings shall have such and such relations, from whence certain fitnesses and unfitnesses must result, depends not on his will, but on the

nature of the beings he is determined to create. To suppose, that [God] may will them to have other relations, &c. is to suppose, that he may will them to be another kind of beings than he determined to create; for if they are the same, the relations and fitnesses resulting from their nature, are necessary and immutable. (405)

The priority of nature over divine will that Cockburn emphasized in this general explanation of fitness relations was central to her understanding of the human capacity to recognize moral law as the expression of God's will, since only if God's will is constrained by the same immutable law that governs nature can there be any assurance of coincidence between divine volition and the moral disclosures of our own rational nature.

If the law, which God has *set to himself to work by*, were of an *arbitrary* nature, depending merely on his *will*, and changeable at pleasure, there might be room for such doubts as these: we could not in that case know by what law God governed his own actions, nor consequently, whether he expected, that we should observe the same: but since the law, to which he constantly conforms, is immutable, and founded on the nature of things; it cannot be peculiar to the divine nature, but must necessarily oblige all reasonable beings; and therefore we may be certain, that God expects we should guide our actions by the same rule. (89)

For Cockburn, then, natural law obliges God with the same force as it does his creatures, and it is this that ensures that God's will is not opaque to naturally rational beings. God's will governs what will be created, but God cannot alter the fundamental relations that must arise from the natures of created beings. God is therefore bound to concur in the fitness relations that arise from human nature and that morally constrain human behavior: "Virtue therefore does not acquire its fitness from *command*: But God commanded it, because he saw, that it was absolutely right and fit, the indispensable duty of a rational and social being" (423).

Martha Brandt Bolton has ably demonstrated the centrality of Cockburn's teleological naturalism to the polemical (and indeed political) ambitions that animated her work. Bolton points out that an enduring theme of Cockburn's philosophical polemics was the endeavor to combat theological voluntarism—that is, the view that moral imperatives are determined by the unconstrained will of God. A close ally of this kind of voluntarism was the view that the obligatory or motivational force of morality derives entirely from the prospects for reward and punishment that attend compliant and in compliant behavior.

Bolton shows that in defending both Locke and Clarke against their critics, Cockburn was asserting her teleological naturalism in opposition to voluntarism's view of the arbitrary nature of morality and the associated identification of obligation with self-interest (Bolton 1996, 145–46). Bolton suggests that Cockburn's commitment to a theistic moral theory free of voluntarist elements also served the political purpose of promoting the harmony of morality and theology against those that would appeal to God's will in justifying moral outrages (154). In the next section, we shall see how the issue of theological voluntarism emerged in the context of Cockburn's defense of Locke. However, before proceeding to the details of the *Defence*, let's consider a further aspect of Bolton's interpretation—one that helps illuminate the character of Cockburn's investment in Locke's philosophy.

One of the central ambitions of Bolton's work is to combat the idea that the formulaic description of Cockburn as a mouthpiece for Locke and Clarke conveys "the sum and substance" of her philosophical contribution (Bolton 1996, 140). In this connection, Bolton argues that Cockburn's commitment to "Clarkean" moral fitness theory is apparent as early as her defense of Locke, a work she authored some three years in advance of Clarke's own presentation of the theory in his 1705 Boyle lectures. As Bolton points out, the presence of this view in the *Defence* suggests, at the very least, that Cockburn did not *learn* the theory from Clarke (145–47). While this observation must surely temper any tendency to view Cockburn as a mere mouthpiece for Clarke, it also serves to complicate the picture of Cockburn's commitment to *Lockean* doctrine at the time of the *Defence*, since (as I argue in section 3 below) there are significant respects in which the proto-Clarkean view of moral obligation that Cockburn endorsed disagreed with Locke's.

2. COCKBURN'S *DEFENCE OF LOCKE*

Cockburn wrote *The Defence of Mr. Locke's Essay on Human Understanding* (originally published in 1702, hereafter referred to as the *Defence*) in response to Thomas Burnet's critique of the moral epistemology of the *Essay*. Burnet had set forth a series of criticisms of Locke's moral theory in his anonymously published *Remarks upon an Essay concerning Humane Understanding* (followed by the *Second* and *Third Remarks*).³ The critique took issue with two aspects of Locke's moral epistemology: first, Burnet disputed the adequacy of Locke's theory of ideas as an account of the origin of moral concepts and, second, he challenged Locke's view of moral knowledge as a species of demonstrative knowledge. With regard to the theory of ideas, Burnet argued that no adequate account of our capacity to discern moral distinctions is likely to arise from ideas of sensation: "As to Morality, we think the great Foundation of it is, the Distinction of Good and Evil, Virtue and Vice, Turpis & Honesti, as they are usually call'd: And I do

not find that my Eyes, Ears, Nostrils, or any other outward Senses, make any Distinction of these Things as they do of Sounds, Colours, Scents, or other outward Objects" (1984, 5). For Burnet, Locke's view that all knowledge is ultimately built up from simple ideas of sensation and reflection was obscure when considered in light of specifically *moral* concepts.

For Burnet, the explanatory shortfall of Locke's empiricism was all the more troubling in light of Locke's explicit commitment to natural law theory. Burnet questioned whether Locke even so much as *presented* an unambiguous ground for natural law. He asked of Locke whether the intended foundation for natural law is "the Arbitrary Will of God, The good of Men, or the intrinsick Nature of things themselves" (1984, 6). Burnet suggested that Locke's theory, at its clearest, would seem to point to "the Will and Power of the Law-Maker" as the basis for natural law. But this too raised troubling questions, for one could still wish to know whether "the Will of the Law-Maker [had] no Rule to go by," and whether a rule to the divine will would be "a Rule also to ours" (6). Burnet's critique here reflects his concern that Locke's theory associated with a kind of theistic voluntarism according to which the imperative to be just, for example, derives entirely from the fact that God has *commanded* justice (where he could equally well have commanded *injustice*) and attached rewards and punishments to actions that fall under the command (Bolton 1996, 141). However, it is reasonable to suppose that Burnet viewed voluntarism as just one possible development (however unfortunate) of a natural law theory for which, in the *Essay* at least, Locke failed to provide a coherent, explicit grounding. In the *Essay*, Locke had argued that morality could be known with intuitive certainty by the process of demonstrative reasoning exemplified in mathematics. Both mathematical and moral concepts are examples of what Locke called "mixed modes." Their modal character consists in their being arbitrary human constructs—complex ideas that are unconstrained to copy any external reality. Any such idea is "referred to nothing else but it self, nor made by any other Original, but the Good-liking and Will of him, that first made this Combination" (Locke 1975, 2.31.3).⁴ But Locke also maintained in the *Essay* and elsewhere that moral knowledge is concerned with natural law, where natural law is expressed through God's commands in order to guide rational beings in their moral deliberations. According to Locke, natural law is "that Law which God has set to the actions of Men, whether promulgated to them by the light of Nature, or the voice of Revelation" (2.28.8). Thus Locke's views on morality seem to vacillate between the conventionalism of his theory of mixed modes and a more robust theistic realism. In light of this duality, it is hard to deny that there is some point to Burnet's questions concerning the intended foundation of moral law in Locke's philosophy.

In contrast to Burnet, Cockburn believed that Locke's moral rationalism and the demonstrative model of morality associated with it were compatible with his

pronouncements on natural law. Though she noted the somewhat programmatic character of Locke's expressions of the theory, she regarded Locke's prospects for bringing the project to completion optimistically and she expressed the hope that her own work would inspire Locke to further efforts. However, what chiefly concerned Cockburn in the *Defence* was the task of making clear to critics like Burnet the extent to which Locke's epistemological principles *already* provided a sufficient basis for moral knowledge at the level of foundations. She claimed that "whatever we can know at all, must be discoverable by Mr. Locke's principles; for I cannot find any other way to knowledge, or that we have any one idea not derived from sensation and reflection" (53).

To begin, Cockburn noted that Burnet's comments on Locke's fundamental epistemological principles focus almost exclusively on the inadequacy of *sensation* as a basis for recognizing moral distinctions, with little consideration given to Lockean *reflection*. After citing Burnet's observation that the outward senses yield no information about moral distinctions, Cockburn commented, "In which words, he says, he thought he had taken in enough to comprehend both Mr. Locke's principles of knowledge, *sensation and reflection*, which I should not have thought; but since he owns he designed them to do so, we will suppose both expressed and proceed with him" (53). Cockburn's main strategy for responding to Burnet involved showing that any apparent deficiencies in Locke's moral epistemology were made good when due consideration was given to Lockean reflection as an avenue to moral knowledge. A central thesis of Cockburn's defense of Locke is that "men by reflection discover that law, which is to be the rule of their actions" (96).

One way to approach Cockburn's appeal to reflection in accounting for natural law is to see it in connection with Locke's appeal to reflection in natural theology. In the *Essay*, Locke characterized the idea of God in terms of an extrapolation from our ideas of reflection—that is, in terms of an enlargement of the ideas we possess of the operations of our own minds. In Book 2 of the *Essay*, Locke claimed,

The complex *Ideas* we have both of God, and separate Spirits, are made up of the simple *Ideas* we receive from *Reflection*; v.g. having from what we experiment in our selves, got the *Ideas* of Existence and Duration; of Knowledge and Power; of Pleasure and Happiness; and of several other Qualities and Powers, which it is better to have, than to be without; when we would frame an *Idea* the most suitable we can to the supreme Being, we enlarge every one of these with our *Idea* of Infinity; and so putting them together, make our complex *Idea* of God. (2.23.33)

Locke appealed to reflection again in Book 4, this time in accounting for our *knowledge* of God. Locke argued that the existence of a God possessing the

faculties of “perception” and “knowledge” is a necessary causal condition for the existence of human minds possessed of the same faculties. Locke summarized his demonstration of God’s existence as follows: “Thus from the Consideration of our selves, and what we infallibly find in our own Constitutions, our Reason leads us to the Knowledge of this certain and evident Truth, That *there is an eternal, most powerful, and most Knowing Being*” (4.10.6).

Cockburn made interesting use of Locke’s characterization of reflection as a basis for theological knowledge. Where one might have expected an appeal to Lockean reflection as a direct approach to establishing the divine origin of natural law, the immediate lesson that Cockburn took was, rather, that both moral law and moral distinctions must be anthropocentric in origin. Cockburn commented, “It must be then by reflecting on our own nature, and the operations of our minds, that we come to know the nature of God; which therefore cannot *be to us* the rule of good and evil; unless we argue in a circle, that by our notion of good, we know the nature of God, and by the nature of God, we know what is good” (*Defence*, 58). Cockburn’s suggestion that the nature of God could not (on pain of circularity) be supposed the rule of good and evil “to us” underscored a central assumption of her account of natural law, namely, “*that the nature of man is the ground or reason of the law of nature; i.e. of moral good and evil*” (57). If neither God’s nature nor God’s moral attributes can be known independently of human nature and human moral concepts, then theology cannot furnish an independent ground for moral knowledge. Rather, the moral character of God must be ascertained from reflection upon our own nature, and human nature must therefore be treated as a standard unto itself in any philosophical explanation of moral knowledge.

Cockburn saw this anthropocentric account of morality as adequately answering Burnet’s worries about the Lockean grounds of natural law. For Cockburn, natural law is an outgrowth of human nature, and our capacity to know what natural law requires is of a piece with our reflective knowledge of that nature. However, Cockburn did not deny that natural law is, at the same time, an expression of God’s will, and she took measures to reconcile her anthropocentric view of morality with Locke’s own pronouncements on the divine origin of natural law. For Cockburn, their compatibility is readily established once it is acknowledged that humanity’s possession of a “rational and sociable” nature is itself an expression of God’s will:

The nature of man, and the good of society, are *to us* the reason and rule of moral good and evil; and there is no danger of their being less immutable on this foundation than any other, whilst man continues a *rational and sociable creature*. If the law of nature is the product of human nature itself . . . it must subsist as long as human nature; nor will this foundation make it the less sacred,

since it cannot be doubted, that it is originally the will of God, whilst we own him the author of our nature, of which this law is a consequence. (58)

Cockburn thus drew on Locke's view that our knowledge of God can be demonstrated by reflection upon the operations of our own minds, in order to arrive at the metaphysical basis upon which a realist natural law theory may stand. Knowledge of our own natures provides the grounds for a morality that is appropriate to beings such as we are, and our knowledge of God provides the guarantee that this foundation is universal and immutable. Cockburn commented on the interweaving of moral epistemology and metaphysics involved in her own theory by again harkening to the character of Locke's natural theology: "Having by the *effect* [that is, human nature] found out the *cause* [that is, divine nature], we may then conclude the nature of God to be the arch-type of ours, because we cannot suppose the most perfect Being can will anything contrary to his own nature" (59).

Cockburn argued that Lockean reflection suffices as an epistemological grounding both for the understanding of moral distinctions and (potentially, at least) for the varieties of moral demonstration that Locke had alluded to in the *Essay*. Cockburn answered Burnet's claim that moral distinctions—such as, for example, the distinction between justice and injustice—are discovered by "natural conscience" by arguing that both reasoning and reflection are necessary for their discernment:

I do not know what it is, to perceive the *morality and immorality* of these things *without any ratiocination*. *Justice and injustice*, I think, depend upon the rights of men, whether natural, or established by particular societies; and therefore to know what they are, it is necessary to know what right is, which sure requires some *reflection*. But to know, that *injustice* is *evil*, without any reflection, seems to me no more than to know, that the term *injustice* stands for something that we do not know, which is evil; unless it will be said, that we may know it to be detaining of anyone's right, without knowing what right is, which will be a very insignificant knowledge. (54)

In pointing to the dependency of the distinction between justice and injustice upon the notion of *right*, Cockburn was attempting to exhibit the kind of intuitive agreements and disagreements of ideas that would inform Lockean moral demonstrations. She characterized the distinction between justice and injustice as consisting in "a perception of the disagreement of these two ideas, of one man's having a right to a thing and another's having a right to take it away" (55). It is equally evident that Cockburn saw the first principles of moral

demonstrations as consisting in reflective knowledge, where such knowledge is taken to give the content of primitive moral concepts (for example, that of *right*). Cockburn was not entirely forthcoming as to how she saw reflective knowledge of human nature as providing such content. However, her discussion makes clear that she saw moral content in general as having a basis in *natural* good and evil, which, following Locke, she equated with pleasure and pain (including the “advantages and disadvantages of the mind”): “All *moral good* consisting in doing, willing, or chusing, for one’s self or others, whatever is a *natural good*; and all *moral evil* in doing, willing, or chusing, whatever is a *natural evil*, to one’s self or others” (57). Cockburn claimed that from the connection between moral good/evil and natural good/evil, “it is plain, *that the nature of man is the ground or reason of the law of nature*” (57).

Cockburn did not explicitly address the issue of Locke’s characterization of moral concepts as “mixed modes” in the *Defence*. As such, there are perhaps grounds for suspecting that her attempt to found Lockean moral demonstrations upon reflective knowledge of human nature parted company with Locke’s own views in some significant way. However, considered in relation to Locke’s own commitment to a realistic natural law theory, and given the fact that Locke himself provided no satisfactory account of how this commitment was to be reconciled with his account of moral concepts as mixed modes, Cockburn can be credited with having formulated a definite answer to Burnet’s questions concerning what Locke’s *Essay* affords in the way of epistemological grounds for natural law. Moreover, Cockburn’s answer to Burnet integrates a number of disparate strands in Locke’s explicit approach to morality, including his natural theology, his rationalism, and his emphasis on the moral significance of natural good and evil. As noted earlier, this earned Cockburn a strong endorsement from Locke himself. For all that, there remain some serious grounds for questioning Cockburn’s faithfulness to the Lockean model in moral theory. Considering some aspects of Cockburn’s and Locke’s respective accounts of moral obligation will help us understand why this is so.

3. OBLIGATION IN COCKBURN AND LOCKE

My central contention in this section is that Cockburn and Locke diverged significantly in their views of the normativity of natural law. Locke relied on a strictly *juridical* account of natural law according to which the *moral obligation* to obey is a function of the authoritative will of the lawmaker.⁵ On this conception, moral obligation is itself a strictly juridical notion. By contrast, Cockburn distinguished between the moral obligation and the juridical dimensions of natural law. Unlike Locke, Cockburn accounted for moral obligation in terms of her teleological conception of human nature and, in a sense to be discussed below, divine nature, both of which she treated as theoretically independent

of divine volition. Cockburn wished to absolve Locke of the charge of religious voluntarism by arguing that while divine commands, along with associated rewards and punishments, are what give morality the *force of law*, they are not what establish the obligatory force of moral imperatives.

Locke's juridical conception of moral obligation is most pronounced in his *Essays on the Law of Nature*. In this work, Locke explained that "all the requisites of a law are found in natural law," and he continued by elaborating his view of the requirements of law as such: First, law must be founded on the will of a superior. Second, it must perform the function of establishing rules of behavior. Third, it must be binding on humans, since there is a duty of compliance owed to the superior authority that institutes the laws (1997, 82–83). For Locke, natural law was *law* by virtue of its possessing these characteristics. Both in the *Essays* and in later works, Locke suggested that the very notion of morality is closely tied to the authority structure of law. For instance, in the *Essay*, he described moral good and evil as "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" (2.28.5). This point is also elaborated in the comparatively late essay *Of Ethic in General*, where Locke explained that the obligatory force of morality depends upon its embodiment in law. Were the rules of morality to lack the status of law, Locke argued, they would be nothing more than social conventions, carrying no obligatory force or moral significance. According to Locke,

Without showing a law that commands or forbids [people], moral goodness will be but an empty sound, and those actions which the schools here call virtues or vices may by the same authority be called by contrary names in another country; and if there be nothing more than their decisions and determinations in the case, they will be still nevertheless indifferent as to any man's practice, which will by such kind of determinations be under no obligation to observe them. (1997, 302)

Thus, for Locke, morality would have no obligatory force in the absence of God's authoritative commands. Even if Locke is taken to have believed, as Cockburn suggested, that moral laws derive their content from human nature, and are thus proper objects of reflective knowledge, Locke held that the *obligation to obey* these laws arises from the fact that they have their origin in the divine will.

A cursory reading of Cockburn's *Defence* might appear to suggest that, at the time, Cockburn endorsed Locke's view of divine authority as grounding the normativity of natural law. In her response to Burnet, she wrote,

The Remarker [Burnet] cannot deny, whatever he thinks, *the first grounds of good and evil*; or however clearly we may see the

nature of these things, we may approve or condemn them; but they can only have the force of *law* to us, considered as *the will of the Supreme Being*, who can, and certainly will, reward the compliance with, and punish the deviation from that rule, which he has made knowable to us by the light of nature. (61)

Cockburn clearly agreed with Locke that moral rules must be issued and enforced as divine commands in order to have “the force of law.” However, there are good reasons to believe that even at the time she wrote the *Defence*, Cockburn was departing from Locke in her understanding of the relationship between law and moral obligation.

We saw above (in the first section) that Cockburn explicitly rejected, at least in her later writings, the view that morality derives its obligatory force from divine command. Again, in the *Remarks upon Some Writers* Cockburn maintained that “Virtue does not acquire its fitness from command: But God commanded it, because he saw, that it was absolutely right and fit, the indispensable duty of a rational and social being” (423). The view is echoed in the *Remarks upon . . . Dr. Rutherford’s Essay*, in which Cockburn maintained that the ends to which our nature is fitted “must *oblige* us to the practice of virtue, though there was no explicate command or reward appointed for it” (423). Cockburn also argued that the promulgation of natural law through divine command “added [for each person] a new *motive* to the performance of their duty, but no new *foundation* of it,” since the duty to act according to the dictates of natural law is founded in “the immutable nature and necessary relations of things” (414). A footnote inserted into the edition of the *Defence* appearing in Cockburn’s collected works—which Cockburn aided Birch in preparing—responded to unidentified commentators who claimed that these later pronouncements constituted a shift away from the view of moral obligation Cockburn had propounded in the *Defence*.⁶ The note, however, denies that there was any such shift. While the *Defence* did not *explicitly* address the question of the grounds of moral obligation, “the nature of God, or the divine understanding, and the nature of man, [were] all along supposed to be the true grounds of it.” It is further claimed that the terminology of “fitness,” “essential differences,” “relations” resident in her elaboration of the Clarkeian framework all derive their significance from the conceptions of human and divine nature Cockburn had implicitly taken as the grounds of moral obligation in the *Defence*. The note also reaffirms Cockburn’s view that the divine commands and associated rewards and punishments are necessary to morality “as it has the force of law,” but the point is glossed in terms of a distinction between “real laws,” which are described as obliging us as a result of superior decree, and “natural laws” which obligate us as “reasonable,” rather than “dependent,” beings. Even the Supreme Being, “who is subject to no [real] laws, and accountable to none,” is nevertheless obliged as a rational being to do what is right and fit according to natural law.

These considerations provide strong grounds for supposing that even at the time of the *Defence*, Cockburn's view of the necessity of divine decree for imbuing morality with "the force of law" was something different from the Lockean view that *moral obligation* is constituted in superior decree. Cockburn's view is that divine command, and the associated rewards and punishments, *supplement* the obligatory force of natural law without thereby *constituting* it. Cockburn apparently believed that Locke concurred in her own conception that morality, both in content and in obligatory force, originates in the nature of rational beings, taking the following quote from the *Essay* as a basis for the attribution:

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 ourselves, as understanding rational creatures, 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 among the sciences capable of demonstration. (61)

I would suggest that the above observations in this section concerning Locke's view of moral obligation cast serious doubt on the legitimacy of Cockburn's attribution. Locke's juridical conception of morality ensures that there can be no notion of moral obligation prior to or independent of "real law" and the divine decrees upon which it is founded. Indeed, the very quote that Cockburn selected in support of her reading of Locke is strongly suggestive of the authority structure that Locke treated as requisite for establishing the normativity of moral rules, stressing as it does God's supremacy, power, and wisdom as well as humanity's dependence upon him. I now wish to address the question of why Cockburn was unable (or perhaps unwilling) to view Locke in this light.⁷

Cockburn may simply have been ignorant of Locke's commitment to grounding moral obligation in divine authority. Although there are ample hints of this commitment in the *Essay*,⁸ the view is much more pronounced in Locke's earlier *Essays on the Law of Nature*, and there is no reason to think that Cockburn had access to these works, which remained unpublished in her lifetime. This, coupled with Cockburn's contention that Locke was distinguishing between moral obligation proper and those features of morality that imbue it with "the force of law" (that is, rewards and punishments), may well have prevented her from appreciating the degree to which Locke saw duty as arising from authoritative decree. It strikes me as at least possible that Cockburn was unaware (culpably or otherwise) of this aspect of Locke's moral philosophy. However, there is, I believe, a more interesting way of approaching Cockburn's divergence from the letter of Lockean moral doctrine.

Whether or not Cockburn was ignorant of Locke's considered view of the grounds of moral obligation, it is plausible to suppose that she was at least *selective* in her view of what was most worth defending in Locke's *Essay*. First, it should be stressed that Cockburn's *Defence* is primarily concerned with Locke's *epistemological* principles. Burnet's critique of the *Essay* had challenged the adequacy of these principles as a basis for moral knowledge. As we have seen, Cockburn's response sought to show that Locke's principle of reflection, construed as the faculty responsible for our knowledge of human nature, supplies the kind epistemological basis for morality that Burnet saw as lacking. Second, Cockburn clearly espoused Locke's approach to natural theology, according to which our rational capacity to know God is itself an outgrowth of our reflective knowledge of human nature. As we have seen above, it is on this basis that Cockburn sought to establish the harmony between God's will and the moral imperatives to which our nature gives rise. These are, by far, the most prominent *Lockean* commitments to emerge in Cockburn's *Defence*. Neither individually, nor taken together, do they entail Locke's view of moral obligation, so Cockburn's investment in these aspects of Locke's epistemology did not commit her to this view. Moreover, the aspects of Locke's epistemology that Cockburn fastened on were well suited to support her own aims of (a) grounding moral obligation in human nature and (b) establishing the compatibility of morality with divine will. If, as Cockburn maintained, moral obligation arises as a function of our nature, then it stands to reason that our capacity to *know* our moral obligations coincides with our capacity to discover (through reflection) what our nature comprises. And insofar as our knowledge of God is itself grounded in reflective knowledge of human nature, there can be little basis for the worry that God might wish us to act otherwise than in accord with the moral imperatives that reflection discloses.

In light of these considerations, I think it plausible to suppose that Cockburn's objective in defending Locke was conditioned by a prior commitment to the anthropocentric view of morality that emerged in her work. While there is evidence to suggest that Cockburn viewed Locke as sharing this view of morality, the grounds for thinking that she *derived* the view from Locke are slim indeed.

BEYOND LOCKE

In his entry on Cockburn in the *Dictionary of National Biography*, Leslie Stephen commented that "it is not much to the credit of [Cockburn's] philosophical acuteness that she does not perceive [Clarke's theory] to be inconsistent with the theories of her old teacher Locke" (1959–1960, 639). Though there is perhaps some foundation for this view in that Cockburn did not acknowledge the degree to which her own "Clarkean" view of moral obligation (which there is

reason to think she endorsed well in advance of Clarke himself) departed from Locke's view, Stephen's remark is nevertheless extraordinarily uncharitable. As Bolton has suggested, there are dangers in equating Cockburn's philosophical contribution with her efforts on behalf of the famous men whose views she championed. It is no comment on Cockburn's philosophical acuteness that she embraced a moral theory (consistently, and throughout her career, it would seem) that diverged in important respects from Locke's. I have argued that Cockburn's defense of Locke was mainly geared toward the vindication of Locke's *epistemological* principles—in particular his principle of reflection as a basis for moral knowledge—and that this ambition did not commit her to the Lockean view of moral obligation from which her own theory diverged. In response to Stephen, I would suggest that Cockburn's appeal to Lockean epistemology in grounding her own naturalistic account of moral obligation indicates a degree of intellectual independence that is simply missed if we assess her narrowly in terms of her fidelity to Lockean precedent in moral theory. As Cockburn herself wrote in response to Burnet's concerns over the obscurities of Locke's moral philosophy, "The question is not what Mr. Locke thinks, but what may be proved from his principles" (60). It was undoubtedly a challenge for a woman of Cockburn's time to undertake even the modest kind of philosophical accounting that this statement implies. That Cockburn could assess Locke's epistemological principles as vindicating a moral theory as significantly un-Lockean as the one she in fact endorses is, I would suggest, an indication of the depth of her intellectual creativity, rather than a knock against her philosophical acumen.

Another respect in which we do Cockburn's *Defence* a disservice is by treating it as a mere vehicle for the promulgation of Locke's moral philosophy. Cockburn's natural law theory was "theistic" to the extent that it sought to establish harmony of morality and divine purpose. However, unlike Locke, Cockburn did not reduce the normativity of morality to divine volition. Her route to establishing their harmony consisted, rather, in the suggestion that God's will, no less than humanity's conduct, is constrained by objective laws inherent in nature. In this respect, Cockburn's philosophical orientation exhibits (in a way that Locke's does not) tendencies in the direction of the secular objectivism animating much present-day moral realism. For example, Nicholas Sturgeon has defended a naturalistic moral realism that holds moral facts "to be metaphysically as well as conceptually independent of our subjective indicators for them" (1986, 117). If Sturgeon's "subjective indicators," which include "moral conventions coordinated by individual intentions," are extended so as to encompass the individual intentions of God, Cockburn's theory invests moral law with precisely the kind of metaphysical independence from convention and intention that moral realism (so construed) requires. In a slightly different vein, Peter Railton has propounded a moral realism that "gives us a way

of understanding how moral values or imperatives might be objective without being cosmic,” suggesting that such values or imperatives “need be grounded in nothing more transcendental than facts about man [sic] and his [sic] environment” (1986, 201). Cockburn’s project is evocative of these contemporary realist schemes insofar as it envisions a foundation for moral objectivity that is both naturally accessible and independent of subjective interests—God’s or anyone else’s. Though Cockburn did not aim at a secular conception of morality, a tendency in this direction quite naturally arises in the context of her response to the theistic voluntarism that she opposed. Even modern formulations of natural law theory, which are by no means as free of theistic investment as the secular realisms just mentioned, have tended to weaken the traditional association of moral law with divine command.⁹ To the extent that we view moral realism, in both its secular and not-so-secular guises, as a going concern in the contemporary landscape of ethical theory, it is arguable that Cockburn’s moral philosophy is simply more modern than Locke’s. This too we miss if we approach her merely as a mouthpiece for Lockean moral philosophy.

NOTES

1. My translation; the original French reads: “Mlle Trotter remarque fort bien qu’elle [that is, justice et injustice] vient de la nature de Dieu et n’est point arbitraire. La nature de Dieu est toujours fondée en raison.” Quoted in Kelley (2002, 169n).

2. Unless otherwise noted, in-text references to Cockburn’s works are from Cockburn 1751.

3. The pamphlets are titled, in chronological order, *Remarks upon an Essay concerning Humane Understanding* (1697), *Second Remarks upon an Essay concerning Humane Understanding* (1697), and *Third Remarks upon an Essay concerning Humane Understanding* (1697).

4. Standard notation to Locke’s *Essay* is (book, chapter, section). In this essay, all in-text citations that use this notation format come from Locke 1975.

5. For a useful discussion of the juridical character of Locke’s moral theory, see Darwall 1995.

6. Though Cockburn helped Birch in editing the *Works*, as noted above, she died before it was completed. For this reason, coupled with the fact that this note does not clearly indicate first-person authorship, we cannot be certain that it was Cockburn, rather than Birch, who authored the note. However, since it is clearly intended to express the views of the author of the *Defence*, and since Birch would have gained intimate acquaintance with Cockburn’s views in the time of their collaboration, it seems safe to presume that the note expresses Cockburn’s opinion. As Bolton comments, “The fact that Birch included the [note] certainly gives us his assurance that [it expresses] Trotter’s own views” (1996, 158).

7. Bolton also expresses reservations concerning the degree to which Cockburn’s quotation of Locke establishes her claim that Locke shares her view. Bolton states, “It

does not seem to me that the passage *does* show that Lock subscribed to [Cockburn's] strategy of deriving the law of nature and divine command from a teleological perspective on the nature of rational and sociable creatures" (1996, 144). However, Bolton does not pursue the issue. More generally, she does not undertake to compare Cockburn's and Locke's respective moral theories. I therefore think my own analysis of Cockburn's relationship to Lockean moral theory goes some way toward substantiating Bolton's reservations concerning the import of the quotation.

8. See, for example, *Essay*, 1.3.6, where Locke claims that "the true grounds of morality . . . can only be the will and law of a God, who sees men in the dark, has in his hand rewards and punishment, and power enough to call to account the proudest offender."

9. For a useful discussion of the status of theism in modern natural law theory, see Moore 1996.

REFERENCES

- Bolton, Martha Brandt. 1996. Some aspects of the philosophical work of Catharine Trotter Cockburn. In *Hypatia's daughters: Fifteen hundred years of women philosophers*, ed. Linda Lopez McAlister. Bloomington: Indiana University Press.
- Burnet, Thomas, John Locke, and Noah Porter. 1984. *Remarks upon an essay concerning humane understanding, five tracts*. New York: Garland.
- [Cockburn, Catharine Trotter]. 1743. *Remarks upon some Writers in the Controversy concerning the Foundation of moral Duty and moral Obligation*. In *History of the works of the learned*. London: Printed for T. Cooper.
- Cockburn, Catharine Trotter. 1751. *The works of Mrs. Catharine Cockburn, theological, moral, dramatic, and poetical*. Ed. Thomas Birch. London: J. and P. Knapton.
- Darwall, Stephen. 1995. *The British moralists and the internal "ought."* Cambridge: Cambridge University Press.
- Kelley, Anne. 2002. *Catharine Trotter: An early modern writer in the vanguard of feminism*. Hampshire, England: Ashgate.
- Leibniz, G. W. 1981. *New essays on human understanding*. Ed. Peter Remnant and Jonathan Bennett. Cambridge: Cambridge University Press.
- Locke, John. 1975. *An essay concerning human understanding*. Ed. P. H. Nidditch. Oxford: Oxford University Press.
- . 1997. *Locke: Political essays*. Ed. Mark Goldie. Cambridge: Cambridge University Press.
- . 2002. *John Locke: Selected correspondence*. Ed. Mark Goldie. Oxford: Oxford University Press.
- Moore, Michael. 1996. Good without God. In *Natural law, liberalism, and morality*, ed. Robert P. George. Oxford: Oxford University Press.
- Railton, Peter. 1986. Moral realism. *Philosophical Review* 95 (2): 163–207.
- Stephen, Leslie. 1959–1960. *Dictionary of national biography*. Volume 4. London: Oxford University Press.

- Sturgeon, Nicholas. 1986. What difference does it make whether moral realism is true?
Southern Journal of Philosophy 24, supp.: 115–40.
- Toland, John. 1696. *Christianity not mysterious*. London: Sam Buckley.
- . 1704. *Letters to Serena*. London: Bernard Lintot.