

JOHN LOCKE (1632-1704)

The *Two Treatises of Government* appeared anonymously in 1690 written to justify the “Glorious” or “Bloodless” Revolution of 1688 when the throne once again and finally from Catholic to Protestant hands from the Catholic James II to his Protestant son-in-law and daughter, William and Mary more recent scholarship suggests the *Second Treatise* was a revolutionary document whose purpose was not primarily philosophical but rather to furnish a theoretical foundation for the political aims of the Earl of Shaftesbury, Locke’s friend who sought to exclude James from succeeding his brother Charles II

first *Treatise* is a sarcastic and harsh criticism of Sir Robert Filmer’s *Patriarcha* which argued for the divine right of kings

The Second Treatise of Government

begins with the proposition that all men are originally in a state of nature “a state of perfect freedom to order their actions, and dispose of their possessions, and persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other man”

the state of nature, as with Hobbes, is just a philosophical fiction an assumption made to show the nature and foundation of political power difference from Hobbes: it is a state of equality, but not of unbounded license being rational and being a creature bound by God man must be governed by the law of nature

Natural Law

concept of natural law is as old as antiquity flourished in 17th century it supposes that man by the use of reason could know in the main the fundamental principles of morality this differs from the earlier view that such knowledge comes only through Christian revelation

Locke extremely vague on the law of nature in an early essay held that the law of nature rests ultimately on God’s will; but reason discovers it it is not innate; though sometimes his language suggest some kind of innateness “writ in the hearts of all mankind”

the various exponents disagree on just what the law of nature is except that it presupposes the brotherhood of man and human benevolence

State of Nature

in a state of nature Locke holds that all men are bound to preserve peace, preserve mankind, and refrain from hurting one another—differs radically from Hobbes’ conception

if anyone violates the law of nature in the state of nature
they put themselves in a state of war with others, who then may punish the offender

Social Contract

there are certain inconveniences in a state of nature
the inclination on the part of some to violate the rights of others
remedy for this is civil government
men by common consent form a social contract and create a single body politic
the contract is not between ruler and ruled
but between equally free men
the aim of the contract is to preserve the lives, freedom, and property of all
whoever attempts to gain absolute power over others
puts himself at war with others
thus, when a ruler becomes a tyrant he puts himself in a state of war with the people
the people may then, if no redress is possible, may revolt
this power to revolt is but an extension of the right of each to punish an aggressor in the state of nature
unlike Hobbes, Locke holds that men are capable of judging when they are unjustly treated
since the reason for entering the contract is a state of war
the contract is broken when the sovereign puts himself into a state of war with the people

Slavery

curiously Locke justified slavery on the grounds that those who became slaves were originally in a state of wrongful war with those who conquered them
being captive, they forfeited their freedom
apart from being bad history, this argument ignores the rights of children of slaves

Property

property was an idea which Locke used in both a broad and narrow sense
men have a right to self-preservation, and therefore to such things as they need for subsistence
each man possesses himself absolutely
and therefore whatever he mixes with his labor becomes his property
justified Protestant work ethic
no man has original, exclusive rights to the fruits and beasts of the earth
but through the labor of his body and the work of his hand he gains right to property
with labor, man removes things from a state of nature and makes them his property
without labor, the earth and things in general have little value

but only so much as a man improves and can use belongs to him
a man may not deprive another of the means of self-preservation by overextending his reach for property

though the right to property is grounded in nature, it is not secured in the state of nature
one of the primary ends of the state is to preserve the rights of property
as well as to make laws governing the use, distribution, and transference of property

Political Society

Locke first establishes several rights and duties belonging to men by nature
then shows inconveniences and disadvantages of the state of nature
then turns to establishment of political society

the first society consists of the family
in political society each man gives up his Executive power over others and assigns it to the public
in the social contract men give up, not all their rights, but only the legislative and executive right
they originally had under the state of nature
the purpose of this transfer of power is
“The mutual preservation of the lives, liberties and estates”

each man must voluntarily consent to the contract either explicitly or implicitly
any individual of proper age who remains in the community tacitly consents to the contract
since the compact is made between members of the community
sovereignty remains with the people
the sovereign, in the form of a legislative body
is the agent and executor of the sovereignty of the people

the community can act only by the rule of the majority, and everyone is bound by it
for an agreement of unanimity is impossible
it is the people who establish the legislative, executive, and judiciary powers
thus an absolute monarch is incompatible with civil society

Locke’s theory is compatible with either monarchy, oligarchy, or democracy
as long as ultimate sovereignty lies with the people
believed a constitutional monarchy with executive power
including the judiciary, in the hands of a monarch, and legislative powers in a parliamentary
assembly elected by the people was the best form of government

whenever the executive violates the trust the people gave him, he may be deposed
the legislature may also violate this trust, though Locke considered this less likely; if this does
occur, the people have the right to dissolve the legislature and establish a new government
thus, a regularly elected legislative body is desirable

Rebellion

Locke explicitly recognized, as the events of his lifetime had shown
that men may become tyrants to those whom they are bound to serve
in such cases the people have the right to rebellion if no other redress is possible

this right to rebellion is warranted only in the most extreme conditions
where all other means fail
Locke did not believe that men would easily resort to rebellion, but would endure much before
resorting to rebellion

the people transfer to the government the right to make and execute law
and the right to make war and peace
but they do not give up the natural light of reason
by which they judge good and evil, right and wrong, justice and injustice

if a long train of acts shows a tyrannical course
then, the people, judging that the sovereign has put himself into a state of war with them
may justly dethrone the tyrant

but the legislative and executive power can never revert to the people unless there is a breach of trust

the dissolution of government is not the dissolution of society
the aim of revolution is the establishment of a new government,
not a return to the state of nature

foremost cases for revolution:

- 1) when the arbitrary will of a single person or prince is set in place of law
- 2) when the prince hinders the legislature from due and lawful assembly
- 3) when there is arbitrary change in elections
- 4) when the people are delivered into subjection by a foreign power
- 5) when the executive neglects and abandons his responsibility

in all such cases sovereignty reverts to the people
the people then have the right to act as the supreme power and continue the legislature
or erect a new government
but the power that the people gave the society cannot revert again to individuals