

John Locke

Second Treatise, Of Civil Government

It is certainly appropriate to begin an introductory text on American government with John Locke. Thomas Jefferson expressed the views of eighteenth century America when he wrote in May of 1790, "Locke's little book on government is perfect as far as it goes." Jefferson incorporated Locke's theory of the social contract in the Declaration of Independence. Citing the "laws of nature and of nature's God," Jefferson wrote: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness." Jefferson's felicitous pen substituted happiness for John Locke's property at the top of the hierarchy of natural rights, but all eighteenth century Americans, including Jefferson, implicitly recognized that the protection of private property was a principal purpose of government.

Locke's *Second Treatise*, first published in 1690, was an eloquent theoretical justification of the Glorious Revolution of 1688, which established parliamentary rule and parliament's right to determine succession to the throne and limit the monarch's power.

A belief in reason and scientific progress characterized the eighteenth century, and Locke's treatise was a precursor to the eighteenth century Enlightenment. Locke believed that natural law was objectively valid, and therefore, once ascertained, governments based on it would have a superior claim to legitimacy. He derived the "best" form of government from natural law and natural rights. Principles of natural law, according to Locke, should control governments created by men.

Locke emphasized that the sovereignty of the people resides in the hands of the legislature, which is bounded by the consent of the people and by the standards of the law of God and nature. Natural law dictates that legislative bodies are "to govern by promulgated established laws, not to be varied in particular cases, but to have one rule for rich and poor, for the favorite at Court and the countryman at plough. Secondly: These laws also ought to be designed for no other end ultimately but the good of the people. Thirdly: They must not raise taxes on the property of the people without the consent of the people given by themselves or their deputies."

Quiz Questions:

1. How does John Locke describe the state of nature? (It is a state of freedom and equality, governed by natural law, which requires in part that since all persons are equal and independent "no one ought to harm another in his life, health, liberty or possessions." The execution of the law of nature is put into every person's hands, "whereby every one has a right to punish the transgressors of that law to such a degree as may hinder its violation.")
2. Why do people leave the state of nature and join a political society by establishing a government? (They form governments because of the uncertainty of the state of nature, and the inability of people to protect their rights due to the lack of a settled, known law, an impartial judge, and sufficient power to force people to conform to the law of nature. People therefore leave the uncertain state of nature and enter into political society and government to protect their property, as well as their lives and liberties.)

