

John Locke (1632-1704)

*Second Treatise of Government:
An Essay Concerning the True Original Extent and End of Civil Government (1690)*

A. Historical Background:

1. Thirty years war (1618-1648) or religious wars in continental Europe ending with the Peace of Westphalia
2. The rise of European nation states (centralization and absolute monarchy) and competition between them for colonies in America, slave trade, commercial privileges and accumulation of capital
3. Civil war in England (1642-1650), the parliamentary Protectorate (1650-1660)
4. The execution of Charles I (1649)
5. Restoration of the monarchy in England (1660)
6. The “Glorious Revolution” against James II and the accession to the throne of Mary and William III of Orange

B. The life and time of John Locke:

1. Born in 1632 in Somerset, England
2. Education at Westminster School, London
3. Study of Medicine and Philosophy at Christ Church College, Oxford
4. Private physician of the Earl of Shaftesbury, an active political figure of his time resisting Charles II and his brother James
5. Served on the Council of Trade and Plantations (1673-1675)
6. (1679-1683) Work on the *Two Treatises of Government* as an intellectual justification for the resistance of Charles II.
7. In 1683 he fled to Holland, returned after the revolution in February 1689
8. The final version of the *Two Treatises of Government* was published anonymously in 1690 and considered as representing the ideas and ideals of the “Glorious Revolution” of 1688
9. Served as a commissioner of the Board of Trade 1696-1700
10. Invested in various commercial activities like the raw silk trade, plantations in the New World and the Royal Africa Company (involved in the notorious slave trade from West Africa to the Americas)
11. Passed away in 1704 in Essex, England

C. Influential political writings of his time, to which he responded in the current work:

1. Thomas Hobbes, *Leviathan, or the Matter, Form and Power of a Commonwealth Ecclesiastical and Civil* (London, 1651)
2. Robert Filmer, *Patriarcha*, (London, 1680)

D. The State of Nature according to Locke:

“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” (§4); “not a state of license”: “Man has not liberty to destroy himself, or any creature in his possession” (§6).

“A state also of equality”, for men have the “use of the same faculties”, and “are equal one amongst another without subordination of subjection” (§4).

E. The Law of Nature:

“The state of nature has a law of nature to govern it, which obliges every one: **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” (§6).

F. The Rights in the State of Nature:

“The execution of the law of nature is, in that state, put into every man’s hands, whereby every one has a right to punish the transgressors of that law to such a degree, as may hinder its violation” (§7).

G. Property in the State of Nature:

“Every man has a property in his own person, ... the labour of his body, and the work of his hands. ... Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property”(§27).

“the invention of money, and the tacit agreement of men to put a value on it, introduced (by consent) larger possessions, an a right to them” (§36).

H. Why enter into a Commonwealth:

Because there is a need for “an established, settled, known law, received and allowed by common consent to be the standard of right and wrong, and the common measure to decide all controversies between them” (§124);

“a known and indifferent judge, with authority to determine all differences according to the established law” (§125);

“a power to back and support the sentence when right, and to give it due execution” (§126).

I. The Origin and End of the Commonwealth

“The only way whereby any one divests himself of his natural liberty, and puts on the bonds of civil society, is by agreeing with other men to join and unite into a community for their comfortable, safe, and peaceable living one amongst another, in a secure enjoyment of their properties, and a greater security against any, that are not of it.” (§95);

“the great and chief end, therefore, of men’s uniting into common-wealth, and putting themselves under government, is the preservation of their property.” (§124);

“no other end but the peace, safety, and public good of the people” (§131).

J. The Source of Political Power, legislative and executive

“A power to set down what punishment shall belong to the several transgressions” (§88),

“bound to dispense justice, and decide the rights of the subject by promulgated standing laws, and known authorized judges” (§136);

it is the “supreme power of the common-wealth”, “sacred and unalterable in the hands where the community have once placed it”, and “to which all the rest are and must be subordinate” (§135).

It “cannot transfer the power of making laws to any other hands” (§141).

K. The Trust:

“There remains in the people a supreme power to remove or alter the legislative. ... And thus the community may be said in this respect to be always the supreme power” (§149).

“Using force upon the people without authority, and contrary to the trust put in him that does so, is a state of war with the people, who have a right to reinstate their legislative in the exercise of their power” (§155).

L. The Breach of Trust and the Right of Resisting

“The legislative acts against the trust reposed in them, when they endeavour to invade the property of the subject, and to make themselves, or any part of the community, masters, or arbitrary disposers of the lives, liberties, or fortunes of the people. ... By this breach of trust they (the legislators) forfeit the power the people hat put into their hands for quite contrary ends, and it devolves to the people, who have a right to resume their original liberty” (§221-2).