

### Background

- 1600s: exclusion crisis, Locke writes during a time of British political turmoil.
- Locke is a "wig," who are not friends of King Charles => King is apprehensive of Locke, does everything he can to exclude them from positions of power, for example by executing them for treason.
- When King Charles dies, Catholic King James II takes over => his wife gives birth to son, this is worrisome for populace who do not want a Catholic King.
- He is forced to leave the throne, replaced by William and Mary of Orange, orchestrated by Parliament => Parliament retains their control over politics permanently, which leads to the Glorious revolution.
- Interestingly, Locke writes about the inherent right of everyone to take up arms against an unwanted/tyrannical King. His text is a means to give as much legitimacy as possible for William and Mary and attempts to convince as many readers as possible that the new powers possessed by Parliament is legitimate and for the greater good (pg. 5).
- Locke does believe that he has a full-fledged political theory to offer the realm of political knowledge.

### First Treatise

- An answer to Robert Filmer, a man who defended absolute monarchy and divine rights of Kings => essentially PR work on behalf of the Tories.
- Lock attacks Filmer's belief that political power is the same as paternal power: absolute and cannot be challenged => Locke argues absolutism is completely illegitimate. His argument consists of comparison between families and kingdoms.
  - **Locke (p. 31):** paternal power is not absolute, mother also has power => also only temporary power
- Filmer believes that we not born equal. Locke argues when come of age of 21, paternal authority ends => son and father are indisputable equals.
  - Children still always must respect their parents; youth always have at least one reason to always respect parents: inheritance of estate (p. 36). Concern with money helps raise morals.
  - The authority of all Kings on earth is derived from Adam, or first ruler.

### Locke's State of Nature

- Chapters 2, 3, 9.
- In order to understand how government is established, we must analyze the state of men without government (anarchy), largely a giant thought experiment called the state of nature.
- Strip men of all the institutions of civil society and analyze their behaviour (described on pg. 8)
  - 1) Men are by nature perfectly free: absolute freedom and liberty (Hobbes).
  - 2) SON is a state of perfect equality (Hobbes).
  - 3) SON is a state of liberty, but not a state of license => state of nature has law of nature to govern which obliges everyone, in order to preserve the rest of mankind (pg. 9) (vs. Hobbes).
  - 4) Limits to perfect freedom: preserve ourselves and preserve the rest of mankind (*law of nature*).
  - 5) Not necessarily state of war (vs. Hobbes)
  - 6) Possibility for friendship, industry, trade, and much comfort => maybe even money and property.
- Law of nature states that man cannot harm another in his life, liberty, or possessions. Furthermore, violations of the law of nature, then the rest are obligated to restrain him.
- Punishment of violators: avoid punishment in the heat of anger, and only the amount of violence that is dictated by calm reason and conscience => should only be as violent as necessary to cause violator to repent and deter others from violating laws of nature (pg. 12).
- The right to restrain violator is in all of us, but the right to decide what is needed for reparation rests only within the injured party.
- When violence becomes involved, the amount of violence used against a violator can be extreme such a death penalty, because of the impossibility of being sure how much he violator would have had used originally if he hadn't been stopped.
- Problem of Partiality (p. 12): men are ineffective executioners of the law of nature: they could either be partial to one another, such as in the case of friends, or they might be enemies of the violator and punish him worse than he deserves.

### The State of War

- State of nature is not necessarily state of war (unlike Hobbes' theory).
- *State of nature*: state of peace, goodwill, mutual assistance, preservation / *state of war*: state of enmity, malice, violence, and mutual destruction.
- Slavery: being under the absolute and arbitrary power of someone else, a clear violation of natural freedoms => his targets are individuals like Hobbes who argue that absolute sovereignty is rational and legitimate.
  - To submit himself to an absolute sovereign is to turn oneself into a slave, which is irrational to Locke who believes that putting your freedom in the hands of another is akin to death => question of feasibility: impossible to give yourself up to an absolute sovereign because humans are already property of God, and therefore cannot give themselves up.
  - Interesting side note: Locke made very high profits in the slave trade...hypocrisy => while cannot sell yourself into slavery, you can give yourself to a wage, however low that wage may be. Slaves that were obtained through conquest (p. 95) are legitimate slaves:

conqueror has right over **lives** of those who fought against him, **but not to their estates or their property**\*\*\*

### Property => Capitalism

- How do humans acquire property (referring to certain items as theirs) if "God gave the world to men in common?" How is the notion of private property legitimate in this context.
- Because the first and utmost goal of humanity is to answer or basic needs and preserve yourself, and people are entitled to anything that is on the Earth to ensure their survival.
- The principle of labour is what determines some forms of ownership => in order to pick an apple, must climb a tree and put in your own labour in order to obtain it; therefore, it is yours.
- Limit: cannot take, for example, a thousand apples. There limits in what can be claimed in ownership:
  - 1) **Scarcity**: Right to take for himself "at least where there is enough and as good left in common for others."
  - 2) **Spoilage**: Man can only take what he can consume before it spoils; whatever is beyond this belongs to others (spoilage limit) (p. 20).
  - 3) **Labour**: Man can only claim property if personal labour has been mixed in with the property; if another has worked on the property, it cannot be claimed for another.
- Locke sees no wrong in unlimited property acquisition (seems to initially go against limits above) => uses coin money as means to move from limited acquisition to unlimited acquisition. For example, having bought thousands of apples in exchange for coins, spoilage doesn't apply because it is possible to trade and circulate the product.
- Locke believes in constant investment of money, rational use of money that will help multiply the fruits of the earth for *everybody*, such as buying large quantities of land.
- "He who appropriates land for himself, increases stock of mankind," appropriating large quantities of land *solves* the problem of scarcity and will help multiply the fruits of the Earth. Land cannot remain common and uncultivated => land was given by God "especially to the industrious and the rational."
- Limit of labour: money allows corporations/individuals to give workers a wage => their labour become his property, which is beneficial for the planet as a whole, even workers who create the property with their labour. Locke's explanation (p. 25): even though the wage paid often to workers may be low, they are still living lives that are better than those who live in unindustrialized, non-capitalist societies.
- Remark: when humans allowed for the creation of money, allowed it into societies, they immediately consented to inequality => unavoidable that some will eventually own more, much more, than others.
- Locke was the first to centre the formation of government around private property => ensuring that the hard work of the industrious and the rational is protected with appropriate laws and institutions.
- "The increase of lands and the right employment of them is the great increase of government...the great end of men uniting in the commonwealth is the preservation of their property, including life and liberty, etc."

\*SON (peace) => property, invention of money => SON (conflict) => political society

### Political Society

- Fair deal of uncertainty in the state of nature (resented) => SON a place "full of fears and continual dangers."
- Locke explains the move to civil society with the complications created by the invention of money as a means to purchase and sustain property and labour (p. 66).
- This results in a state of nature that is not peaceful as intended, but rather full of conflict => transition into political society in order to protect our private property.
- Transition:
  - 1) An established, settled, known law that has been allowed by common consent => law of nature is insufficient.
  - 2) A known and impartial judge who has the authority to arbitrate in people's disputes according to the established law, execute sentences.
- It is therefore rational for humans to get out, and stay out, of the state of nature.
- Enter into commonwealth is with the creation of a contract that consents to the commonwealth => begins "and constitutes any political society is nothing but the consent of any number of free men capable of a majority to unite under a society."
- *Social Contract Theory*:
  - Locke uses the examples of Rome and Venice for voluntary contracts.
  - Most human beings will never be at liberty to actually consent to a government and create a constitution in a meaningful fashion => most are born into an already existing government, therefore insignificant for people to discuss these origins.
  - Locke's answer: due to increasing number of states, revolutions, and regime changes, new contracts are being created very often. As well, simply being born into a country doesn't immediately make someone a citizen: you still have to consent to, for example, Canadian contract and Canadian laws. Ex/ father's consent to Canadian citizenship does not bind child, and this is especially true when children come of age.
  - Consent is TACIT for Locke: not expressed, but matters; consent comes with humans benefiting from a particular state's protection and provision of basic necessities => contract.
- **Legislative power** must have **limits** (vs. Hobbes) (p. 95)

- Limited to whatever concerns the public good, and cannot reach into all areas of our lives => not absolute.
- Cannot rule by decrees or arbitrarily => has to legislate with establishes, clear, known laws, with impartial judges to implement and interpret them in cases of dispute.
- Legislative power cannot take from man any property without his consent, such as taxing, etc.
- Power of making laws cannot be transferred to some other political body or particular individuals that have not been consented by the general public to govern.
  - Above the legislative power, there is a higher (highest) authority: the people, the multitude => the people are supreme and always have the right to remove the legislative and replace it with a new one when they feel that their property and liberty are not safe (Hobbes).

### Right of Revolution (ch. 12)

- Powers ought to be divided: legislative power cannot be in the same hands as the executive power (vs. Hobbes: powers divided mutually destroy one another) => all human being will be inevitably tempted to enact and execute laws that would be to their own advantage.
- Prerogative: the right for a ruler to act in a Hobbesian manner (indirect relation), with absolute discretion and without any concern for established laws => ONLY for the sake of the public good.
  - Emergency measures are an example of this universal and arbitrary implementation of power, again though only for the sake of the public good.
  - Also valid where the law is silent (such as for technologies created after the constitution has been written).
- The people are the judge of whether the sovereign is using his universal powers for the public good => can appeal to prospect of revolution, which is the most **effective limit on the use of prerogative**.
- To be considered tyrannical, the actions of the sovereign must be considered outside the law, and the actions are done for the sake of the private advantage of the ruler (vs. Hobbes).
  - If tyrant is discovered, populace has a right to revolution.
- Remark: revolutions will not happen as often as it seems they would, having been given this right, because of several reasons:
  - Until we feel personally threatened by an abusive ruler, not much action will be taken.
  - If harm is done only to a minority that does not have much sympathy from majority, there will be no mobilization against him.
  - Harm done by a tyrannical regime has to be a long-term train of abuses before it is translated into a revolution => could be accepted or ignored, and therefore wouldn't lead to revolution.
  - Most men are likely to first appeal to the law before taking up arms => generally will succeed in addressing the concern at hand. Resort to force only when appeals to the law have failed.
    - Doctrine of right to revolution is NOT an encouragement, and should instead be seen as a deterrent