

05. John Locke, *Second Treatise of Government*

September 26 & 28, October 3, 2000

Announcements:

- Paper due Thursday. Any questions?

Upcoming response paper: October 3, on Locke chaps 15-19 and DoI [What is Locke's influence on the DoI? Is the Declaration a defense of private property?]

2/03
- a slightly updated version of
+ this is in PHI 224 with a survey
- Concept 224 does not contain stA on
Machiavelli (I-II, pp 1-2
4 lines)

I. Is *The Prince* an act of deceit? Is it in itself a strategy to overthrow the prince rather than to show him how to rule?

[From Mary G. Dietz, "Trapping the Prince: Machiavelli and the Politics of Deception," APSR 80:3 (Sept. 1986): 777-799]

A. Mary Dietz argues that *The Prince* is not a job application. Nor is it actually an advice book designed to show a prince how to rule. In actuality, it is "an act of political deception" designed to overthrow Lorenzo de Medici by mixing in bad advice with the good. Machiavelli's true aim in *The Prince*, she argues, is to give Lorenzo advice that will lead to his downfall and the restoration of republican government in Florence.

B. Evidence

1. Machiavelli's politics

a. Machiavelli comes from a strong republican family that stretches back several generations.

b. Also, he was well-known for his anti-Medicean sentiments.

c. The *Discourses* and *The History of Florence* are strongly pro-republican books.

d. Machiavelli had a talent and a proclivity for deception. He writes in a letter to a friend, "For some time I have never said what I believe and never believed what I said, and if I do sometimes happen to say what I think, I always hide it among so many lies that it is hard to recover." 777 A wise political actor must know how to be a fox as well as a lion.

2. Where a prince should live

a. Machiavelli says that the best way for a prince to hold a republic he's captured is to live in the city. But if the people of a free city love their liberty more than anything else, wouldn't living in the city make it easier for patriots to find and kill the prince than if he lived in a country villa (like the Medicis always did)?

3. How a prince should behave

a. Machiavelli says a prince should try to gain the favor of the people and be wary of the power of the nobles. But the Florentines did not like Lorenzo de Medici; they wanted their republic back. The nobility would be an obvious source of support for Lorenzo.

b. He also says a prince should be miserly and not generous. But the Medici's heavy spending and generosity is what had lulled the Florentines into accepting their rule and dulled their republican fervor.

4. Whom a prince should arm

a. Machiavelli says a prince should arm his subjects, but when you've just done a hostile takeover of a republic, do you really want to arm your enemy? Arming the people can possibly create the citizen's militia that will overthrow you. Further, Lorenzo's grandfather stayed in power by *disarming* the Florentines.

5. Don't build fortresses

C. Thus, Dietz argues we should read *The Prince* not as the ultimate book on *realpolitik* by a patsy wanting a job but as a work of "crafty assault" by a radical republican wanting to restore the Florentine Republic. **The book is a political act in itself, "a bold attempt to change existing conditions."** 781

D. **Q:** Is her argument convincing?

E. Machiavelli's fortuna

1. Lorenzo de Medici never read *The Prince*, as far as we know, in part because the same day Machiavelli delivered it to the palace Lorenzo had received another gift, a pack of greyhounds, that he was much more interested in. Fortuna ironically undid Machiavelli's plan, Mary argues.

2. Further, as a result of his apparent fawning over the Medicis, Florentine republicans lost respect for him, so he couldn't get his old job back after Lorenzo was overthrown.

II. A problem with Machiavelli's politics

A. Machiavelli's politics may be more realistic than Plato's, but it has problems of its own. It assumes an inherently unstable, self-interested, almost anarchic society that can only be brought under control by a savvy prince. This conception of politics seems especially appropriate for foreign relations between nations, i.e. between two political bodies with no higher authority to appeal to, but does it make sense for the domestic politics of a country? After all, **don't citizens answer to a higher political authority than their interests or naked force?**

B. In other words, what brings together all the various interests of people together into a sense of a common life? **Mach. never explains how the *realpolitik virtú* (ability/prowess) of the Prince leads to a common consciousness to offset the disorder and flux and strife of factional politics. Without a common consciousness, is there going to be any stability in the principality?**

C. **Q:** Is there a political authority we can appeal to besides the philosopher-king or the prince, i.e. besides an idealist conception of justice or naked power?

1. This is the question Locke attempts to answer.

III. John Locke (1632-1704)

A. Early life

1. Born into a fairly well-off middle class family
2. Went to Oxford, where he eventually taught philosophy and received a medical degree.
3. Was the personal physician to the Earl of Shaftesbury, who was a political radical at the time and even jailed for his beliefs and plots to prevent James from becoming king of England after his brother Charles II died in early 1680s. Called the **exclusion controversy**.
4. 1680s were a time of great struggle between the English nobility and the middle class. Middle class (of the Whig party) wanted to limit the king/queen's authority and to make parliament the supreme political power of the country. This would enable them to make policies (especially economic ones) in their favor, not in the king's favor. Locke was very much on the side of the middle class.
5. He wrote the *Second Treatise of Government* during this time. However, it wasn't immediately published because the king was spying on him and cracking down, so Shaftesbury and Locke fled to Holland in 1683. Returned six years later, and *Second Treatise* was finally published in 1690, though anonymously because he didn't want to get in trouble for it. Shows that it was seen as a dangerous and revolutionary work.

B. Purpose of *Second Treatise*

1. **Q:** See the note before the preface on page 3. It says this "is an essay concerning the true original extent and end of civil government." What is "the true original extent and end of civil government?"
2. Purpose of *Second Treatise*: to determine where proper political authority lies and to justify revolution against improper authority, i.e. authority that has violated the trust of the people.

IV. *First Treatise of Government*

- A. Is a response to Sir Robert Filmer's book *Patriarcha*. Filmer, a Tory, argues that the king's power comes from divine right and that the king has paternal power over his subjects similar to the power God has over all His creatures. **Political authority for Filmer is like the authority of a father.**
- B. Locke argues that **political authority is different from rule by a Father or father**. Political power cannot be paternal power. 7
- C. The question Locke has to answer then, is if political power doesn't come from God, where does it come from?
 1. **Q:** What's his answer? [Hint: it relates to LoN and SoN]
 2. A: The **consent** of men.

V. The state of nature (chap. 2)

A. To understand political power, Locke argues, we first have to know the original state of humans, or men, in his language. Without laws, without civilization, without society, without social influences, what are people like? What is their true nature and situation? We have to try to imagine this through a thought experiment. What would the world be like if all differences among humans were stripped away? All that would be left would be our **reason**. Following other philosophers, Locke calls this a **state of nature**.

B. The state of nature for humans, Locke argued, was a **state of perfect freedom** and a **state of equality**. Everyone is free to do as he sees fit, and no one has more power than another (8).

C. The law of nature

1. But, he says, this state of liberty is not a state of license. The state of nature is governed by a **law of nature** which all people are bound to respect. **The law of nature is reason**, and what it says is that **no one ought to harm another's life, health, liberty, or possessions**. This law is a universal law; everyone in the SoN knows it. It's intuitive.

2. **Humans are the property of God**, and therefore we can't abuse another because that would be abusing God's property. Likewise, we can't abuse ourselves (suicide, selling ourselves into slavery) because we don't own ourselves, God does.

3. Not only does everyone in the SoN know the LoN, **everyone also has a right to execute the LoN, and to punish transgressors**. 9-10 There is also a **right to reparations** for those who have been done wrong. 11

D. **Q:** How does the SoN compare with Plato's kallipolis?

1. For Plato, politics is hierarchical. Rulers rule, followers follow—ruling is a craft to be practiced by those with the most knowledge.

2. Locke denies there is a hierarchical relationship between those who "know" the LoN and those who don't. Everyone knows it just as well; it's just that some choose not to obey it. Ruling is not like a craft for him as it is for Plato.

3. **Q:** How does the SoN compare to he principality?

VI. The State of War (chap. 3)

A. So in the SoN people are governed solely by reason, and it is reason that should guide us and lead us to not harm others. The only problem with this is that when everyone in the SoN has a right to execute the SoN, this tends to lead to disorder because people out of "self-love" are naturally going to be partial to themselves and to friends and harsher on others when punishing transgressions against this law. This can lead to unfairness and confusion and disorder. **Read 12**

B. Because not everyone obeys the SoN and because the LoN is often partially executed the SoN can easily devolve into a **state of war**.

1. Anyone who violates the LoN puts himself in a state of war with the victim of his violation. When one tries to take away the freedom or the life of another, one is essentially trying to enslave another, and that is a SoW.

2. "Want of a common judge with authority, puts all men in a state of nature: force without right, upon a man's person, makes a state of war, both where there is, and is not, a common judge." 15

3. The SoN is not violent or chaotic but it has no protection from slipping into a state of war because there is no authority to appeal to in the case of conflicts. 16 By "authority" he means government.

C. Because of these "inconveniences" of the SoN, people join together and leave the SoN in order to form **civil society**. Read 16

1. The purpose of government for Locke, then, is to protect persons and their property. This leads us to the chapter "Of Property."

2. Q: Did the SoN ever exist?

a. In a sense, yes, in **absolute monarchies!** One man can judge his own cases and exercise the LoN however he sees fit. Until men come together and by their own consent create a civil society they are essentially in the SoN. 13-14

b. **America** is about as close as it gets. ("Thus in the beginning all the world was *America*," 29) But in general, **think of the SoN as hypothetical**. It's a thought experiment to help him come up with new principles of the basis of government.

c. In a sense, the SoN is kind of like the Noble Lie because it's hypothetical or a myth. It comes to the exact opposite conclusions, though: the Noble Lie is used to justify human inequality whereas the SoN is used to assert human equality, since all humans possess reason.

VII. Of Property (chap. 4)

A. The purpose of government is to protect our lives and possessions. But if in the SoN we are all free and equal and further, if God gave the earth to mankind in common, **how did private property emerge, and how is it right that it exists?** God gave the earth to mankind in common; how did some people come to possess parts of this land without the consent of the rest of mankind?

a. Q: How is property acquired according to Locke?

B. To answer this, Locke considers again the SoN. First, **God gave humans two things:** a) the world and b) reason. We use our reason to make use of the earth to sustain us and for our "convenience." Further, though the earth is held in common by humanity, **we all possess a property in ourselves**, because God has given it to us to put to use for his work. **We have the property of owning our own labor.**

C. **Because we own ourselves and our own labor, we can own property.** We do this by taking something from nature and mixing our own labor with it. When we add our labor to common property, we make that common property our own, we appropriate it. Read par. 27, p. 19

1. Eg. picking an apple makes the apple yours, drawing water from a fountain makes that pitcher of water yours. Read para 28, p. 19

2. **Labor is what makes an object of nature my property.** I own myself, therefore I can own things around me, i.e. that which I've mixed my labor with.

Possessive individualism (Macpherson).

3. Furthermore, you also own the property of your animals' or servants' labor.
[par. 28, pp. 19-20]

a. **Q:** How come the servant doesn't own that which she has mixed her labor with? Why does it go to the master?

b. This little point, which Locke barely mentions in passing, is going to be crucial for Marx.

D. Two limits to acquiring property

1. **Q:** But can a person accumulate as much property as he wishes? What are the limits on acquiring property?

2. **You must leave enough, and as good** in common for others.

3. You can only acquire as much property as possible up to the point of **spoilage**. 20-21

4. **Locke then extends this argument from the fruits of the land to the land itself.** As much land as a person can cultivate and "improve" belongs to him. His labor on the land takes the land out of humankind's common holdings and makes it his own. But this is for the betterment of mankind. God commanded man to work the land, and our sustenance depends on it. Therefore, **if a person works the land and makes the land produce, he improves it**, and this is for the benefit of all mankind and is in accordance with God's will. If anything, private property acquired by labor takes precedence over land held in common because it is labor that puts value in everything. Therefore, so long as enough and as good land is left, and as long as no private land goes unused, private property is a person's right, and society benefits from it.

E. **Q:** Would a king like this theory of property?

1. Remember the context: Locke is arguing here against arbitrary, absolute power, of the idea that the king owns his subjects. We are all Children of God, Locke says, and God has given us the earth in common for the "support and comfort" of our being. Since "every man has a property in his own person" that no one has a right to but himself, what we appropriate is ours. **Owning property is therefore not the sole right of the monarch**, as was a belief at the time. All people should have an equal right to acquire property.

2. You see how this theory of property is going to be a lot more popular among the rising middle classes than among the aristocracy.

F. The invention of money

1. **Question:** What overcomes these two limits on acquiring property, according to Locke?

a. Answer: The invention of **money**.

b. With the invention of money *and* its **tacit acceptance** by humans as something valuable, people can acquire as much as they want because nothing will spoil. [Read end of par. 36, p. 23] Money allows people to acquire more property than they can individually use or consume.

2. Cf. para. 46, p. 28. It's foolish and dishonest to possess so many plums that they rot, but it's not foolish to trade them for nuts that will last all year long. Using the same logic, neither is it dishonest to trade them for a shiny piece of metal or a green piece of paper that will last indefinitely and that can be accumulated without harming the common stock.

skip
a/12/01 →

3. Once men, by mutual consent, agree to place value on a shiny piece of metal, they can enlarge their possessions as much as they are able to, and thus increase their wealth.

4. One of the natural results of this is that, due to the different levels of “industry” of mankind (some folks work harder than others) **money will be accumulated unevenly**, and some folks will become richer than others. Thus, with the rise of property and especially the rise of money comes the rise of inequality among humans.

a. **Q:** Does Locke object to this?

b. No: Some folks are more industrious than others and so they deserve to own more. Further, rewarding the industrious is ultimately for the common good, because it provides them with an **incentive** to develop more land and an **investment** worth protecting.

5. **Q:** Is Locke happy or ambiguous about the emergence of money (and thus the emergence of inequality in possessions)?

G. Remember, this whole story about the development of private property and the use of money happened in the SoN, not in civil society. Cf. par. 59 & p. xvii.

H. **Q:** Why does Locke want to defend property rights? [Hint: It’s part of his desire to show the “true origin and extent of civil government”?]

I. **Q:** Does the right to own property include the right to own humans as property?

1. Locke had significant investments in the Royal Africa Company, the British slave company.

2. **Q:** How can a philosopher who advocated individual liberty and limited government participate in the slave trade?

September 28, 2000

Chaps 7-11

Announcements:

- Next team discussion is Tuesday
- **Response paper #5: Due October 3**

I. Summing up Locke

A. Summing up the argument so far

1. Purpose of *Second Treatise*: "the true original extent and end of civil govt."
2. State of nature, ruled by law of nature
3. From SoN to state of war
4. We all possess a property in ourselves. Own ourselves, thus our labor
5. We thus can own property when we mix our labor with it
6. Two limits on property: leave enough and as good for others. Spoilage
7. Money and its tacit acceptance overcomes these limits
8. A result of this is that money will be accumulated unevenly: there will be rich and there will be poor.

B. **Q:** Does Locke object to this?

1. No: Some folks are more industrious than others and so they deserve to own more. Further, rewarding the industrious is ultimately for the common good, because it provides them with an **incentive** to develop more land and an **investment** worth protecting.

skip?
II. Political or civil society vs. private society (chap. 7)

A. Filmer and the monarchists argue that government is simply an extension of patriarchal relations, in which the father is the king and his subjects are his children. Locke rejects this view. **Political or civil society is different from the private realm of family relations** (i.e. husband/wife, parent/child, master/servant). Private or family relations are necessarily ~~(but temporarily)~~ hierarchical. In political society, all are equal, because all have surrendered their right to execute the law of nature to the community, or the **commonwealth**. Thus, "the community comes to be umpire" (46, para 87). It creates standard rules that apply equally to all, is impartial, and it receives its authority from the community.

B. Note how this distinction of society into **public and private realms** is similar and different to the distinction between the *polis* and the *oikos* for the Greeks.

1. **Similarities:** Political power is in the public realm, all are equals in that realm, ultimate power resides there. Private realm of household and economy is free from government control.

2. **Difference** (according to Marx, anyway): Where does real power lie in Locke's model, in the public or private realms? Locke says the public, but Marx will argue in "OJQ" that real power actually resides in the private realm.

C. **Absolute monarchy is "inconsistent with civil society"** (48, para 90). Executive power doesn't lie in the commonwealth but in one person's hands. His rule is arbitrary and partial, and doesn't come from the consent of the community. It's thus very similar to the SoN; in fact, it *is* a SoN (49, para 91).

III. The rise of political society

A. Leaving the SoN

1. Because the SoN is inconvenient and insecure (we're all judge, jury and executor of LoN) and because of the conflicts over money and the desire for property, we want to leave the SoN. **We are willing to exchange some of our freedom** (i.e. our right to execute the LoN) **for security** and lack of fear.

2. What men do, then, is join with others and create **political society**.

3. **Q:** How is political society created from a SoN?

4. By entering into an agreement with other men to form "one body politic" ruled by the majority.

B. The social contract

1. Government, for Locke is not granted to us by God, as Filmer argues. Nor is it something that belongs to the most wise or powerful, as Plato and Machiavelli argue. **Government is created through the consent of the governed.** Sound familiar?

2. Men come together and voluntarily form a compact or a **social contract**: They all surrender their right to individually execute the LoN and they grant that right to the government. When a majority of men in a community do that, **they create civil or political society**.

3. **Civil society is ruled by the majority of its members.** The consent of the majority serves as the consent of the whole. **Read para 99, p. 53.**

C. Express and tacit consent

1. **Q:** Does this make sense? Does the US government exist today because you said you consent to it? Did any of you explicitly consent to this society? Most of us were born into this society; only immigrants, it seems, consent to live under this government. **Locke wants to assert that govt. is based on the free consent of the governed but yet few of us ever give this consent openly. How does get out of this conundrum?**

2. **Express consent:** Giving explicit consent to a govt. Like a loyalty oath.

3. **Tacit consent:** By living in the society, you enjoy the protection of its govt. and therefore grant tacit consent to that government and to living under its laws. **Read 64.**

4. **Q:** If we agree to our government just by living in it, how can we dissent from government? Does Locke leave any room for dissent with his concept of tacit consent? [Could there be such a thing as tacit dissent?]

IV. The purpose of government

A. Locke has now finished his thought experiment. So far, he has used it to assert the equality and autonomy of individuals, to justify the principle of majority rule (i.e. rule by property owners), to justify the accumulation of private property, and to prove that govt. is legitimate only through the consent of the governed.

1. After doing all this he is finally ready to explain the "true original extent and end of civil government," as he promised in the dedication page.

2. **Q:** Why does he feel the need to explain the origins of private property in the SoN, especially if the purpose of the book is to show the purpose of govt.?

3. Q: What's the role of government, then?
4. Read para 123-24 pp. 65-66.
5. We all leave the SoN and enter CS by agreeing to surrender our right to execute the LoN. That role is assumed by the government. **The role of govt. is to defend the LoN, i.e. to protect men's property.**

B. Property

1. Q: What is property for Locke?
2. It's not just material possessions. It's **life, liberty, and estate**. All three of these things are what Locke defines as property. Keep that in mind.

C. Men leave the SoN and enter civil society for the mutual preservation of people's lives, liberties, and estates. The **main purpose of government**, then, is to **protect a person's property: life, liberty, estate**. Again, sound familiar?

2. Representative govt. is a "fence to [people's] properties." (112) It must therefore be freely chosen and act in the public good.

3. We leave the SoN because of its inherent insecurity. We can't adequately protect our property (life, liberty, estate) when everyone has the right to execute the LoN. So we surrender that right, enter CS, and form govt. by the majority. In exchange the govt. promises to protect our property. **Read para 127, pp. 66-67.**

D. A government ruled by the consent of the majority does four things life under the SoN or an absolute monarchy:

1. It creates a **legislature** to make laws that define the right and wrong for everyone. It creates a **separation of powers** between the legislature, not the executive, and the judiciary. It also creates a **separation of powers** between the legislature, not the executive, and the judiciary.
2. It creates a **legislature** to make laws that define the right and wrong for everyone. It creates a **separation of powers** between the legislature, not the executive, and the judiciary. It also creates a **separation of powers** between the legislature, not the executive, and the judiciary.
3. It can enforce the laws.
4. It places the **executive, since the legislature is the supreme power, in a separation of powers** from the executive.

E. Q: Does Locke's theory of government justify the right to own property?

1. **Macpherson** argued that Locke's theory of government is a **disguised defense of the right to own property**. He felt that preservation of property is the main purpose of government. (It might be closer to the truth than the major work in political philosophy, *Two Treatises of Government*.)
2. Another school of thought (**Ryan, Skinner et al.**) argues that this is not true. Locke's arguments have been used by others to justify capitalist property relations, but Locke himself wasn't trying to do that. His purpose was to find the true end of government and to justify revolution, not the right to accumulate property.

F. Q: Does the right to own property include the right to own humans as property?

1. Locke had significant investments in the Royal Africa Company, the British slave company.
2. Q: How can a philosopher who advocated individual liberty and limited government participate in the slave trade?

G. **If time:** Go over "rise of capitalism" notes

skip rest? a/redo

9/11
 - 45 an essay assign?
 - put up Bakker readings
 - Sol → Siw → SC → CS
 - enslave gov. thru capital
 - perfect gov: life, lib, estate
 - right to fab
 - DoI + Locke
 - Locke + slavery
 - Locke + liberalism

Next class
 - free govt. VI. security: nec
 - contract? Modern man forgotten (discovery, sidewalk, etc.)
 - Is CS for all or for a particular class?

October 3, 2000

Chaps 15-19, Declaration of Independence

Announcements:

- Papers back next week
- Start on Marx Thursday. Read OJQ twice and consider the following Q's: What is Marx's critique of "political emancipation"? Is Marx an anti-Semite?
- Response paper #6: Due October 10, on *Communist Manifesto* [How does the bourgeoisie produce its own grave-diggers, according to Marx and Engels? What is their conception of freedom?]
- Check out "A recent use of the Declaration" on the Materials page of the web site

I. Locke on slavery

from James Farr, "'So Vile and Miserable an Estate': The Problem of Slavery in Locke's Political Thought," PT 14, no. 2 (May 1986): 263-89.

A. Locke's involvement in slavery

1. Locke helped write the *Fundamental Constitutions of Carolina* in 1668, which, among other things, guaranteed every freeman in the colony "absolute power and authority over his negro slaves."

2. Locke was a big investor in the Royal African Company, which had a monopoly on the English slave trade. He profited off of slavery

3. As a government official dedicated to colonial matters, Locke had intimate knowledge of colonial life, slavery, and the slave trade, more so than most Englishmen. He was fully knowledgeable and complicit.

B. Locke's "just war" justification of slavery does not justify African slavery, Farr argues.

1. It is consistent with his theory of natural rights (i.e. the slave was free, but entered into a state of war with his master and lost, and slavery is a just result), since he justifies slavery according to the actions of an individual, not by the individual's nature, original sin, or by contract. 270-271

2. However, it cannot justify African slavery, since Africans were not enslaved as losers in a "just war." 274

3. Farr argues that Locke's uses his just-war theory of slavery to attack theories of royal absolutism, not to justify slavery. 281, 283 Slavery is largely a metaphor for absolute monarchy for him and other Whigs.

4. Yet Locke had to know, given his position on colonial boards that set slave policy, that African slavery violated his "just war" justification of slavery. 274

C. Locke's predicament (justifying freedom and accomplice to slavery) as the defining contradiction of Anglo-American political thought.

1. Locke never said anything about this apparent contradiction between his theory and his practice. Why not?

2. Farr says it's because Locke's goal in his writings was to criticize absolute monarchy. His political activism was aimed at undermining royal absolutism in England, not analyzing African slavery. He simply ignored that question, whatever his involvement in the slave trade and whatever he said about "slavery." "for Locke

and his comrades... the shores of Africa and America were out of sight and out of mind." 284-85

3. **Locke's theory and practice only become contradictions when slaves and antislavery advocates make it one in the late 18th century.** Contradictions don't become contradictions until someone makes them contradictions.

II. The right to revolution

A. Kings and tyrants

1. In chapter 18, Locke distinguishes between a king and a tyrant. A king rules within the bounds of law for the good of all. The tyrant rules with no regard for law and out of self-interest.

2. "Where-ever law ends, tyranny begins." para. 202 p. 103.

Q: What does Locke mean by this?

3. Q: What would Machiavelli make of such a distinction?

4. **Machiavelli makes no distinction between the prince and the law.** Good laws are the result of good arms, he says. I.e. good law is a product of a strong prince. Thus, **the notion of a prince or king who acts outside of the law doesn't make any sense in Machiavelli's thought, because the prince is the law.** All a prince has to fear is the hatred of the people or nobles, not the law.

B. The dissolution of society vs. the dissolution of government

1. The dissolution of society only happens when humans are thrown out of society (e.g. by foreign conquest). Thus, society is rarely dissolved, and only in extreme circumstances.

2. Governments (but not society) are dissolved when the legislature's power is usurped. In such cases, men have the right to form a new government.

C. The right to revolution

1. Men form CS in order to preserve their property. When government fails to protect men's property and tries to take it away or destroy their life, liberty, or estate, it has violated the LoN and has put itself into a "state of war with the people." The people thus are under no obligation to obey that government and may defend themselves by overthrowing that govt. and instituting a new one. **Read para 222, p. 111.**

2. Q: But won't people end up overthrowing the govt. for petty reasons? Couldn't we overthrow the government now, since we're being overtaxed by the Democrats or forced to pay for a massive military by the Republicans? Why won't the people, who are constantly dissatisfied and complaining about their govt., just keep on overthrowing it over and over again (e.g. like in Italy today).

3. This won't happen, Locke says, because **people are slow to change.** They won't want to overthrow a government unless they really have to. The people will only revolt after a "**long train of abuses.**" **Read para 225, p. 113.**

4. Q: Are militias and freemen within their rights to revolt against the U.S. government, per Locke? When would the people have that right?

D. Rebellion vs. revolution

1. Locke distinguishes between rebels and revolutionaries. **Rebels are those that try to take away people's life, lib, or estate.** They're the ones who have created a state of war, not the people who overthrow them.

2. People who overthrow that government are revolutionaries in the strict sense of the word: **they want to "revolve back" and return govt. to its original purpose—protect property.** They are restoring a former arrangement rather than creating something new.

3. **Revolution is not about creating a new society** for Locke but restoring the original purpose of society.

4. **Draw diagram:**

SoN → SoW₁ → SC → CS → govt. violates LoN → SoW₂ → Revo
(back to civil society)

III. The Declaration of Independence and Locke's impact

A. **Q:** What are some of Locke's influences on the DoI?

1. An appeal to **natural law**/ "Laws of Nature"

2. **Natural equality.** All men are created equal

3. **Purpose of government:** to preserve life, liberty, and estate/pursuit of happiness.

4. Government must be **government by consent.** This includes the right to have a say in how your property is taxed (No taxation without representation—e.g. Locke 74-75). The DoI thus establishes the principle of **popular sovereignty.** The people should be self-governing. The basis of legitimate government lies in the legislature. Consent is institutionalized through representative government, which the king has denied.

5. **Right of revolution:** When the govt. no longer protects life, liberty, and happiness and no longer rules according to consent, the people "it is the Right of the People to alter or abolish it, and to institute new Government," after a "long train of abuses."

6. The purpose of the Declaration is **restoration** of civil society. The charges argue that King George has presided over the corruption and decay of the polity and its obligation to protect individuals' rights. The task of the DoI is to restore that polity. The DoI is as much about restoration as it is about creating a new nation.

B. **Q:** What is different about the Declaration from Locke? →

1. The stuff borrowed from Locke, especially on the purpose of government, implies a defense of negative liberty.

2. But the list of charges against King George imply that his main crime is denying the colonists their right to participate in government in order to create a **common good.** Just government is government by consent, but George has consistently denied the colonists their right to self-govt. Thus, the DoI implies a form of **positive liberty** as well: the right to participate in public affairs.

a. **Q:** Does Locke provide for this in his notion that just government rests on the consent of the governed, or is there something different there?

1. "estate" v.
"happiness!"
what's the
implication
of the
word
change?

3. Liberalism vs. republicanism

a. The DoI is a statement of the specific crimes committed by King George and Great Britain that proves his violation of republican principles of self-government and virtuous government.

C. The radical nature of the DoI

1. **Q:** Is the Declaration a radical document?
2. Note the **Panthers'** use of the DoI in their 10 pt. Program.
3. **Q:** What does the Panther's use of the DoI say about the document?
4. They reinvigorate the document; **making it a fighting document again.**

Q: Could the DoI be used to promote socialist rev?

D. Historical context of the DoI [from Goldfield, *Color of Politics*]

1. With the end of the **Seven Years' War** (1754-1763), Great Britain's debt was very great. The Crown attempted to eliminate it by squeezing extra profits out of its colonies. It raised taxes, sharply limited commerce with other nations, etc. E.g. the **Stamp Act** in 1765.

2. To enforce these new taxes, Britain sent more troops to the colonies. But then it did a double insult to colonists: it made the colonists provide room and board for the very soldiers that were repressing them. (the **Quartering Act**, 1765).

3. The decades leading up to the War of Independence also saw the proliferation of mobs, led by the working class (including seamen, freed slaves, and others), that rioted against British domination and in demand of liberty. These mobs would radicalize the colonial elites, such as Samuel Adams, who came around to the independence cause.

4. As the Am Rev approached, **Black struggles for freedom also intensified:** slave revolts, etc.

a. During the Rev, some fought for the British, who promised freedom to some slaves if they fought for the empire, and some fought for independence, expecting freedom and equal rights once independence was achieved.

5. Because of the universal character and radical nature of the DoI, in conjunction with these forms of Black self-activity, the **"contagion of liberty" put great pressure on American society to abolish slavery**, thus even slaveholders like Jefferson contemplated its end, something no slaveholder of the 1830s would even consider.

6. However, this movement wasn't strong enough to overcome defenses of slavery and white supremacy, and when the cotton gin was invented in 1793, any hope of a gradual manumission was lost.

IV. Locke and liberalism

A. **Liberalism:** An ideology that promotes the freedom of the individual in religious, political, and economic matters.

B. Tenets of liberalism

1. Basis of society: the individual
2. All humans are free and equal
3. All humans have a right to private property
4. Govt's role: protect property and person
5. Govt. should be representative
6. Individual rights (speech, assembly, religion)
7. Economic system: capitalism

C. Locke establishes a key tenet of liberalism, the **right of autonomy** for individuals. I rule myself, within the bounds of nature, unless we all agree, voluntarily, to rule each other in some other way.

D. He's also setting up the basis for **limited government**: Humans are to be free of arbitrary power. The only power we should submit to is the power we grant over us through our consent. The **purpose of government** is to protect individual's liberty and estate (i.e. "property" in Locke).

E. The liberal conception of limited government

1. From this conception of the purpose of government, we can see what kind of government the early liberals wanted, and who should participate in it.

a. **Q**: First of all, who should participate in government?

Property owners, of course.

b. **Q**: Second of all, what kind of government do they want?

One based on **popular sovereignty** and **ruled by representatives** who defend the lives and property of people.

2. If the role of government is to protect private property and an individual's right to acquire it rather than, say, to defend the privilege of kings or to serve the interests of the poor, **it's a quick step to argue that the role of government is to sustain and support capitalism** (if only by keeping out of the economy and only protecting private property).

F. **Q**: Is representative government democratic government? Is liberalism inherently democratic?

1. **Democracy is not necessarily a part of liberalism.** Democracy came much later, mostly at the demand of the working class and poor farmers/peasants (who used both socialist and liberal ideas to demand democratic government). Early liberals wanted representative government, but only for those who owned property. Did not necessarily want universal suffrage, and fought it successfully for many years. (White men got it in the US in 1830s, in England in the 1880s. Black men got it in 1860s but lost it until 1960s, women didn't get it until 1920s, and Native Americans until 1930s. Women didn't get right to vote in Switzerland until 1970s.) Only when white men received the vote did liberalism and democracy become associated.



National Archives and Records Administration

The Declaration of Independence

A Transcription

IN CONGRESS, July 4, 1776.

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

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. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

The 56 signatures on the Declaration appear in the positions indicated:

[Column 1]

Georgia:

Button Gwinnett
Lyman Hall
George Walton

[Column 2]

North Carolina:

William Hooper
Joseph Hewes
John Penn

South Carolina:

Edward Rutledge

ie. there's
been a long
trad
about the
fig leaf
usurper
the people's
power

Thomas Heyward, Jr.
Thomas Lynch, Jr.
Arthur Middleton

[Column 3]

Massachusetts:

John Hancock

Maryland:

Samuel Chase
William Paca
Thomas Stone
Charles Carroll of Carrollton

Virginia:

George Wythe
Richard Henry Lee
Thomas Jefferson
Benjamin Harrison
Thomas Nelson, Jr.
Francis Lightfoot Lee
Carter Braxton

[Column 4]

Pennsylvania:

Robert Morris
Benjamin Rush
Benjamin Franklin
John Morton
George Clymer
James Smith
George Taylor
James Wilson
George Ross

Delaware:

Caesar Rodney
George Read
Thomas McKean

[Column 5]

New York:

William Floyd
Philip Livingston
Francis Lewis
Lewis Morris

New Jersey:

Richard Stockton
John Witherspoon
Francis Hopkinson
John Hart
Abraham Clark

[Column 6]

New Hampshire:

Josiah Bartlett
William Whipple

Massachusetts:

Samuel Adams
John Adams
Robert Treat Paine
Elbridge Gerry

Rhode Island:

Stephen Hopkins
William Ellery

Connecticut:

Roger Sherman
Samuel Huntington
William Williams
Oliver Wolcott

New Hampshire:

Matthew Thornton

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URL: <http://www.nara.gov/exhall/charters/declaration/declaration.html>

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A recent use of the Declaration

Can you guess where this selection, which quotes extensively from the Declaration of Independence, is from? What does it say about the Declaration?

10. WE WANT land, bread, housing, education, clothing, justice and peace. And as our major political objective, a United Nations supervised plebiscite to be held throughout the black colony in which only black colonial subjects will be allowed to participate, for the purpose of determining the will of black people as to their national destiny.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

WE HOLD these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable 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 abolish it, and to institute a 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. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.

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Background to Locke

I. The rise of capitalism and the demand for "economic liberty"

A. Rise of capitalism

1. The way European societies and economies were organized began to fundamentally change in the 17th and 18th centuries. **Went from feudalism to capitalism.**

2. **Feudalism:** Largely rural society in which most people are engaged in agricultural production, both for their subsistence and for the benefit of a clergy and an aristocracy. Most people worked the land, to sustain themselves, and the nobility skimmed off the top of peasants' production in the form of rent or part of the crop. **People worked not out of economic compulsion (to earn money) so much as they did out of political compulsion, i.e. out of compulsion by the landlord.** Trade and markets did exist, but they were small and generally limited to the cities. Did not dominate the economy like it does under capitalism. [can you find a better definition elsewhere?]

3. But feudalism began to change in 1500 and 1600s. With the conquest of the New World, European countries competed against each other to claim land and mine it for resources. The thinking of the time was that a country could become economically more powerful only at the expense of other countries. Countries would establish colonies, exploit their resources and labor, and only allow the colonists to trade with the "mother country" (early colonialism). Countries also set high tariffs (taxes) on imported goods to discourage imports. This system is sometimes called **mercantilism**. One defender of mercantilism at the time described mercantilism in this way: "We [France] must have money, and if we have none from our own productions, then we must have some from foreigners." (Montchretien in Baud 37).

4. But mercantilism had its drawbacks, even for the mother country. It made kings and queens very rich, but it led to economic disputes and real warfare between nations as they fought over colonies in the New World. Furthermore, because these economies were set up like state monopolies, some groups of people in the mother countries didn't like the system because they weren't allowed to participate in it. This group was the growing European middle class (between the nobility and the serfs) of bankers and merchants, or the **bourgeoisie**.

5. **The bourgeoisie opposed restrictions on their ability to compete for profits.** This led them into competition with the nobles and to push for a breakup of the feudal state's monopoly on wealth.

C. Barriers to the bourgeoisie

1. **Religious conformity:** The state often imposed religious conformity, either by creating its own church (Church of England) or by an alliance with the Catholic Church. **The Church's favored status and vast wealth (in landholdings especially) made it a bulwark of the feudal system, and a major obstacle to those who wanted a more open society.** One way to fight the Church's power was to fight religious conformity, and argue for freedom of religion.

a. This is what Locke argued for in *Letter Concerning Toleration*, where he argued that it is wrong for governments to force their subjects to conform to a particular religion. Locke said that religious belief is a private matter and not a proper subject for government interference. Therefore, governments should tolerate religious diversity.

b. However, Locke didn't believe that Catholicism should be tolerated (they can't be trusted citizens because they owe their first loyalty to a foreign monarch, the Pope), nor should atheists (anyone who denies the existence of God and salvation/damnation can't be trusted at all).

2. **Ascribed status:** The belief that some people are naturally born better than others. At the time, the nobility had "blue blood," its population was by nature superior to the poor. The poor were poor because that's their lot in life; likewise, it is the role of the nobility to rule and to live off the serf's labor.

a. This view of human nature obviously hindered social advancement, especially for the middle class, so **they countered the notion of ascribed status with the notion that all humans are fundamentally equal**, and that social advancement should be based on one's individual abilities and achievements, not birth. This is what sociologists call **achieved status** now.

3. **The rule of the nobility:** The aristocracy (the king and his court) controlled the feudal state, and therefore they set state policies in their advantage.

a. In opposition to this, the bourgeoisie advocated a more open and representative government that was more limited in its powers. Opposed political **absolutism** with the demand for **constitutional government**. All citizens (which they defined, not surprisingly, as all those who owned land) should be able to take part in the state, but the state's power must also be limited and not infringe on individual liberty, especially with regard to economic liberty.

D. Capitalism

1. **Economic liberty:** For the middle class not born into the nobility, the only avenue of social advancement was to acquire wealth. But aristocratic governments often blocked economic opportunities with limits on charging interest, placing restrictions on manufacturing and commerce, mercantilism, and by the decentralized nature of feudalism, which led to tons of tolls, taxes, and sets of rules, according to each noble's whim. The bourgeoisie argued that economic exchanges should be seen as a private matter between persons seeking profits, and thus the government should generally stay out of it. Furthermore, they argued that the best way to promote the good of the entire society is to let people pursue their private economic interests. **These middle class folks therefore demanded economic liberty, a) for themselves and b) for the good of society.**

2. This is **capitalism:** "an economic system in which the major means of production are privately owned and operated for the profit of the owners or investors," and in which labor is bought and sold. (Ball/Dagger 252)