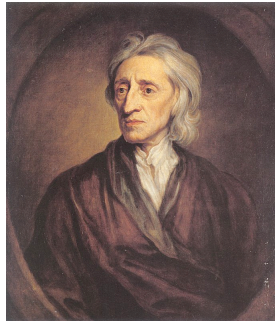


Locke



Locke's State of Nature

- Natural condition of humankind is a state of complete liberty
 - Free to conduct one's life as one sees fit
 - Free from interference from others
 - Living among others according to reason
- One is not free to do as one pleases or to infringe upon another's rights and liberties
- State of Nature is pre-political, but not pre-moral

Locke's State of Nature

- Is Locke's state of nature optimistic or pessimistic with regard to human nature?
- In the State of Nature, are we peaceful or warmongering?
- What incites us to war?

State of Nature

- Not a state of individuals (unlike Hobbes)
- State of Nature is a state of small family units bound together by their desire to stay together
- Family agreements to stay together, raise children, and protect each other is a moral, not political, agreement

Locke's State of War

- State of war occurs when one man tries to get
 - “another into his absolute power”
 - and, “there is no common superior on earth to appeal to for relief”
- Avoiding a state of war is the prime motivation for joining a society and leaving the state of nature

What is a right?

- A right is a justified claim to something, usually implying that others have duties to the holder of the right
- Locke thinks that in the State of Nature we have certain inalienable rights, rights that cannot be taken away
 - These rights include right to life, liberty, health, and possessions
- How does Locke's view of rights differ from Hobbes's?

Duty Not to Harm Others

- Law of Nature is the basis for morality
- Should not harm other's life, liberty, health, or possessions (6)
- Laws of Nature and the restrictions it places on human behavior mean that State of Nature is a peaceful state
- Locke held a Natural Law Theory

Three parts of Natural Law Theory

1. The first element of Natural Law theory views the world as an ordered system with values and purposes being an essential part of the laws of nature. For Christian thinkers, the values and purposes inherent in nature reflect God's divine plan.
 2. The theory views the laws of nature not only as describing how things are but how they ought to be. Morality, then, derives from the laws of nature.
 3. Moral laws arising from the laws of nature are laws of reason, accessible through reason because God gave us that capacity. The right action, then, is one which has the force of reason behind it.
- A law is just if it conforms to natural law and unjust if it doesn't

Implications of Rights

- If we have these inalienable rights, then the state cannot take them away
- Government is created to protect these rights
 - Rights do not come into existence with the social contract
 - Rights are not surrendered to the government
 -
 - How does this view of rights compare to Hobbes?

Political State

- Political state arises when representatives from each family agree to band together to create a larger “family” or society
- Political state results when the smaller families hand over the power to enforce the Law of Nature to a centralized authority
- In leaving the State of Nature, the smaller family units submit themselves to the state and agree to submit themselves to the decisions of the majority

Disputes over Property

- Disputes over property can turn into war
- State of War begins when two or more parties declare war on each other:
 - War is declared when one takes another’s property
 - War is declared when one man tries to make another his slave
- Once state of war begins, it is likely to continue since there is no authority

Role of Property

- Property arises when one adds one’s labor to nature’s raw materials
- In taming a horse, it becomes one’s property. In tilling the soil, the land becomes one’s property.
- How does Locke understand property? What things does he call property?

Limits to Property Ownership

- Not allowed to take more than one can use
- Implication is that one should leave resources for others and not hoard them for oneself
- Nature given to humans by God, so one should take one's fair share

Justification for State Authority

- Justification for state authority arises from the need to have authorities decide property disputes
- State given authority by individuals who contract together to form a government to protect life, liberty, and property
- Issue of protecting one's property, including oneself, is the key to Locke's justification of state authority

Government Creation of the People

- Government is a creation of the people to protect their rights
- Government makes life "convenient"
- So, government is intended to serve the populace and reflect the populace's will

- How does this differ from Hobbes?

Locke's Liberalism

- Locke: the government actions are "to be directed to no other end but the peace, safety, and public good of the people."
- Classic Liberalism: idea that government should only have as much power as is necessary to protect our rights where and when we are unable

What Does One Gain?

- One gains three things in a Political State
 - Laws: standards of right and wrong and measure to settle disputes
 - Judges: impartially settle disputes
 - Enforcer: Power to enforce the laws

Commonwealths

- Humans enter into commonwealths to protect their property, rights and liberties
- The power given to the commonwealth is no greater than what each man possesses individually
- State authority does not have absolute power
- When one enters the commonwealth, one's property comes under the laws of that commonwealth

Problem of Consent

- What constitutes consent? If one has not explicitly agreed to enter a contract with a government, then how can one say that person has consented?
- One gives tacit consent, if
 - one has any possessions, or
 - utilizes any benefit of the government
- Once tacit consent is given, then one is obliged to obey the laws of that government

Exiting the Contract

- If one has merely tacitly agreed to live under a commonwealth, then one can leave that commonwealth or exit the contract once one has sold one's lands within the territory of that commonwealth
- If one has explicitly contracted with a commonwealth, then one is "perpetually and indispensably obliged to be, and remain unalterably a subject to it, and never be again in the liberty of the state of nature...." (section 121)

Return to a State of Nature

- Subjects are justified to return to a State of Nature if the government becomes tyrannical and denies the members their rights, liberties, and property
- Failure to allow subjects to make their own laws would be justification
- If government fails to protect that which it was created to protect, then the government's authority can be resisted
- It appears that Locke wants to admit that not only do subjects have the right to resist, but also the moral obligation to resist when government fails its duty

Differences Between Locke and Hobbes

- Differ in their view of human nature
- Differ in their view of origins of morality
- Differ in their view of property and property rights
- Differ in their view of reasons behind the start of a government
- Differ in their view about the role of government once started

Dissolving Government from Within

- Altering the legislative
- Ruler prohibiting legislative from timely assembly
- Altering power of ruler or legislative without consent of people
- Delivery of people into subjection under a foreign power
- When the executive ruler abandons or neglects his charge
- What is another way governments can be dissolved?

Questions

- Assuming you are a social contract theorist, what events or conditions would have to happen or exist for you to claim that the contract had been broken? In other words, when would a political revolution be justified?
- Suppose all governments were created as the social contract theory suggests. Would this make the theory more plausible? Do a government's origins justify its current legitimacy? Could a government have been unjustly imposed on a populace sometime in the distant past, but serve the populace justly today and be considered legitimate by the populace?

Questions

- The nature of the original contract, conjugal society
 - Who was it between?
 - What was the relationship?
- Nature of the liberal individual
 - Prototype for humanity?
 - Context?
- Racial contract
 - Is there a different contract for members of different races?