

second treatise of civil government

second treatise of civil government stands as a cornerstone of Western political thought, profoundly influencing revolutions and democratic ideals across the globe. John Locke's seminal work, published in 1689, meticulously dissects the origins and purpose of legitimate government, offering a powerful counterpoint to the divine right of kings. This treatise explores the fundamental rights inherent in individuals, the concept of a social contract, and the conditions under which rebellion against tyrannical rule becomes a justified recourse. Understanding Locke's arguments in the Second Treatise provides crucial insight into the foundations of modern liberal democracy, the protection of individual liberties, and the ongoing debate about the limits of governmental authority. This article will delve into the core tenets of Locke's philosophy, examining his theories on the state of nature, natural law, property rights, the formation of civil society, and the right to revolution.

Understanding the State of Nature in Locke's Second Treatise

John Locke's exploration of the state of nature is fundamental to his entire political philosophy as presented in the Second Treatise. Unlike Hobbes, who famously described it as a "war of all against all," Locke envisions a state of perfect freedom and equality, governed by the law of nature. This natural state is not one of license, but rather a condition where individuals are free to order their actions and dispose of their possessions and persons as they see fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man. This initial condition is crucial for understanding the subsequent development of civil society and the justification for governmental power.

The Law of Nature and its Implications

For Locke, the law of nature is God-given and discoverable by reason. It dictates that no one ought to harm another in his life, health, liberty, or possessions. This natural law serves as a moral compass in the state of nature, establishing inherent rights and responsibilities that precede any formal legal system. The ability to enforce this law, however, is vested in every individual, leading to potential conflicts and inconveniences, which ultimately motivate the formation of government.

Inconveniences of the State of Nature

While the state of nature possesses its own law, Locke acknowledges its inherent drawbacks. The primary inconveniences stem from the lack of an established, known law, accepted by common consent, and the absence of an impartial judge to settle disputes. Furthermore, there is often no power to enforce the execution of the law when it is transgressed. These deficiencies create an unstable and insecure environment, making individuals vulnerable and their rights less protected than they could be under a structured political system.

The Formation of Civil Society and the Social Contract

Driven by the desire to remedy the inconveniences of the state of nature and to better secure their property, individuals voluntarily consent to enter into a social contract. This agreement is not about surrendering all their natural freedoms, but rather about delegating certain powers to a governing body for the collective good. The formation of civil society is thus a deliberate act of individuals seeking to establish a more ordered and protected existence.

The Concept of Consent in Government

Locke places immense emphasis on the principle of consent as the bedrock of legitimate government. He argues that no man can be subjected to the political power of another without his own consent. This consent can be express, where individuals explicitly agree to be governed, or tacit, where individuals enjoying the benefits of a society are presumed to have consented. This notion of consent is a radical departure from earlier theories of inherited power and directly underpins the idea of popular sovereignty.

The Purpose of Political Society

The primary purpose of individuals entering into political society is the preservation of their property, which Locke broadly defines to include life, liberty, and estate. Government is established to provide a stable framework for protecting these natural rights, which are often precarious in the state of nature. The goal is to create a system where disputes can be resolved fairly and laws are impartially applied, thus fostering peace and security for all members of society.

The Nature and Limits of Legislative Power

Central to Locke's argument is his detailed examination of the legislative power, which he deems the supreme power in any commonwealth. However, this power is not absolute and is subject to significant limitations designed to protect individual liberties and the social contract itself. Locke meticulously outlines these boundaries to prevent governmental overreach and tyranny.

Inalienable Natural Rights

Locke asserts that individuals do not surrender their natural rights when they enter into civil society. The legislature cannot take from any man any part of his property without his own consent, for the preservation of property is the end for which men enter into society. This fundamental principle ensures that even the most powerful government cannot arbitrarily infringe upon the basic rights of its citizens. The legislature's power is derivative, stemming from the people and accountable to them.

The Supreme Power of the Legislature

Despite its limitations, the legislative power is considered supreme within its defined sphere. It is responsible for enacting laws that govern the society, and these laws must be promulgated and made known to the people. The legislature is also tasked with ensuring justice and punishing transgressors. However, its authority is bound by natural law and the trust placed in it by the people. It cannot make laws that violate these fundamental principles.

Limitations on the Legislative Power

- The legislature cannot rule by arbitrary decrees, but must govern by established and promulgated laws.
- Laws must be designed for the good of the people, not for the private advantage of lawmakers.
- The legislature cannot take property from any man without his consent.
- The legislature cannot transfer its power to any other hands, as this power is delegated by the people.

The Right to Revolution and the Dissolution of Government

Perhaps the most revolutionary aspect of Locke's Second Treatise is his articulation of the right to revolution. He argues that when a government acts contrary to the trust placed in it by the people, or when it systematically infringes upon their natural rights, the people have the right to resist and, if necessary, to dissolve that government. This provides a crucial safeguard against tyranny and reinforces the idea that governmental authority ultimately derives from the governed.

When Government Acts Against the Trust

Locke identifies several scenarios where government is considered to have acted against the trust of the people. These include attempts to invade the property of the subjects, to enslave them, or to subvert the constitution by force. In such cases, the government forfeits its legitimacy, and the people are released from their obligation to obey. The aim is not to create chaos, but to restore a just and legitimate form of governance.

Forms of Government Dissolution

Locke distinguishes between the dissolution of society and the dissolution of government. The dissolution of society occurs when the fundamental bonds that hold people together are broken, perhaps through external conquest. The dissolution of government, on the other hand, can happen without the destruction of society. This can occur through external force, such as an invasion, or through the legislature acting contrary to its trust, leading to the people's right to re-establish their legislative and executive powers.

The Power of the People

Ultimately, Locke places the supreme power in the hands of the people. Even when they establish a government, they retain the right to alter or abolish it if it becomes destructive of their ends. This inherent power of the people serves as the ultimate check on governmental authority, ensuring that rulers remain accountable to those they govern. The Second Treatise, therefore, provides a powerful justification for constitutionalism and the protection of individual liberties against the potential abuses of power.

Frequently Asked Questions

What is the central argument of Locke's Second Treatise of Civil Government?

The central argument is that legitimate government arises from the consent of the governed and exists to protect natural rights, primarily life, liberty, and property. It posits that individuals possess these rights in a state of nature and voluntarily surrender certain powers to the government in exchange for security and order.

What is the 'state of nature' according to Locke?

Locke's state of nature is a condition of perfect freedom and equality, where individuals are governed by the law of nature, which dictates that no one ought to harm another in his life, health, liberty, or possessions. It is not a state of war, but rather a state where individuals have the executive power of the law of nature.

How does Locke justify the right to revolution?

Locke justifies the right to revolution when the government acts against the trust placed in it by the people and becomes tyrannical. If the government systematically violates the natural rights it was established to protect, or if it dissolves the legislative and usurps the power of the people, the people have the right to resist and establish a new government.

What is the role of consent in Locke's political philosophy?

Consent is foundational. Locke argues that individuals enter into civil society and establish government through express or tacit consent. Express consent is a clear agreement to join, while tacit consent is implied by enjoying the benefits of a society, such as owning property within its borders.

How does Locke define 'property'?

Locke defines property as not just land and possessions, but also the fruits of one's labor. He argues that individuals have a right to their own person and the labor of their body. By mixing their labor with natural resources, they transform those resources into their own property.

What are 'natural rights' as understood by Locke?

Natural rights, according to Locke, are inherent, inalienable, and divinely endowed. The most prominent are the rights to life, liberty, and property, which exist prior to the formation of any government and which government is instituted to protect.

What is the purpose of government for Locke?

The primary purpose of government is to preserve the natural rights of its citizens. This includes protecting individuals from the 'inconveniences' of the state of nature, such as the lack of an established law, an impartial judge, and the power to enforce judgments.

How does Locke's Second Treatise contrast with Hobbes' Leviathan?

While both thinkers start with a state of nature, Hobbes believes it's a brutal 'war of all against all' necessitating an absolute sovereign to maintain order. Locke, conversely, sees the state of nature as governed by natural law and emphasizes limited government based on consent to protect individual rights, rather than surrendering all power to an absolute ruler.

What is the concept of 'fiduciary power' in Locke's work?

Fiduciary power refers to the trust placed in the government by the people. The government holds this power not as its own, but on behalf of the people. If the government betrays this trust, the people have the right to reclaim it.

What is the significance of Locke's emphasis on limited government?

Locke's emphasis on limited government is profoundly significant because it laid the groundwork for modern constitutionalism and democratic theory. It advocates for checks and balances, separation of powers, and the idea that governmental authority is not absolute but derived from and accountable to the people.

Additional Resources

Here are 9 book titles related to Locke's Second Treatise of Civil Government, along with short descriptions:

1. Locke's Two Treatises: A Critical Guide

This book offers a comprehensive analysis of John Locke's foundational work on political philosophy. It delves into the historical context, key arguments, and enduring influence of both the First and Second Treatises. Readers will find detailed explanations of Locke's concepts of natural rights, property, consent, and the right of revolution.

2. The Social Contract: From Hobbes to Rawls

Tracing the evolution of social contract theory, this volume examines how thinkers like Hobbes, Locke, Rousseau, and Rawls have conceptualized the origins and legitimacy of government. It highlights the distinct contributions of Locke's Second Treatise in establishing the idea of government by consent and the protection of individual liberties. The book explores how subsequent philosophers built upon, critiqued, or departed from Locke's framework.

3. Natural Law and the Foundations of Modern Rights

This work investigates the concept of natural law as articulated by philosophers, with a significant focus on John Locke's theories. It demonstrates how Locke's notion of natural rights, derived from natural law, provided the bedrock for modern conceptions of human rights and civil liberties. The book explores the implications of this philosophy for legal systems and political structures worldwide.

4. Consent and Legitimacy in Political Authority

This scholarly exploration centers on the crucial concept of consent as the basis for legitimate political power. It extensively analyzes Locke's arguments in the Second Treatise regarding how individuals voluntarily surrender certain freedoms to form a civil society governed by consent. The book examines the various interpretations and critiques of Lockean consent and its ongoing relevance in contemporary political discourse.

5. The Right to Revolution: Historical Precedents and Philosophical Justifications

This book provides a historical and philosophical examination of the right of revolution, drawing heavily on Locke's Second Treatise. It explores when, and under what circumstances, citizens are justified in resisting or overthrowing tyrannical governments. The volume analyzes key historical events and thinkers who have engaged with Locke's controversial yet influential ideas on popular sovereignty and resistance.

6. Property and Political Power: Locke's Legacy

This title scrutinizes the intricate relationship between property rights and political authority as presented in Locke's Second Treatise. It unpacks Locke's justification for private property and how it forms a cornerstone of his theory of government, aiming to protect individuals' possessions. The book assesses the lasting impact of Locke's property theory on capitalist economies and liberal political thought.

7. Liberalism's Forefather: John Locke's Enduring Influence

This biography and intellectual history positions John Locke as a pivotal figure in the development of liberal thought. It focuses on the Second Treatise as a primary source of liberal principles, including limited government, individual freedom, and the rule of law. The book demonstrates how Locke's ideas have shaped political institutions and ideologies across centuries and cultures.

8. Constitutionalism and the Limits of Power

This volume delves into the historical and philosophical underpinnings of constitutionalism, with a strong emphasis on Locke's contributions. It explains how Locke's Second Treatise laid the groundwork for the idea of a government constrained by law and dedicated to preserving natural rights. The book explores how Locke's concept of the separation of powers and checks and balances influenced the design of modern constitutional systems.

9. Tyranny and the State: Locke's Critique and Modern Responses

This critical analysis examines Locke's definition and condemnation of tyranny as presented in the Second Treatise. It contrasts Locke's understanding of governmental overreach with contemporary challenges to political authority. The book explores how Locke's framework for identifying and resisting tyranny continues to inform debates about the responsibilities of the state and the rights of citizens.

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