

Updated 10 Oct 2024

Arts & Science 2A06 / Social and Political Thought

## Study Notes for John Locke's *Second Treatise on Civil Government*



Portrait of Charles 1 by Anthony van Dyck (1736). King Charles 1 believed deeply in the “divine right of kings,” and sought throughout his reign (1625-1649) to limit the power of parliament (or the “legislature,” the law-making part of government). The English and Scottish Parliaments tried in vain

to make him answerable to the law, inviting him to lead a constitutional rather than absolute monarchy, but he refused--prompting a violent civil war that led, finally, to Charles' trial and execution in 1649. Locke was a teenager at the time—the public execution of a king who claimed to be accountable only to God left a strong impression upon the young student.



Engraving by Nicolas Langlois (1640–1703) depicting King Louis XIV of France welcoming James II, the King of England and Ireland. Deeply at odds with the wishes of parliament, James II was deposed in 1688 and fled into exile in France in January, 1689. The engraving is conspicuous for depicting the two authoritarian monarchs almost as mirror images of each other. The British liked to characterize their land as unique because their government emerged under the ancient and abiding aegis of “the Magna Carta,” the royal charter from 1215 that supposedly guaranteed basic personal liberties for individuals and that held the monarch accountable to the law and thus, in some sense, to his or her people. But this painting puts the lie to that favorite myth, suggesting that, in reality, the

king of England is as despotic as the king of France: that's why they look like mirror images here. Louis XIV, the "Sun King," ruled France for more than 72 years, then the longest reign of a monarch in European history. He exemplified absolute and unquestioned royal power, something James II had tried and failed to reintroduce in England before he was deposed. The exile of James II made it possible for William of Orange and Mary Stuart to ascend to the throne in England. Hoping that the new dual royal authority would be properly kingly rather than tyrannous in nature, Locke returned from exile in Holland in 1688. Within a year of his return he published his two *Treatises of Civil Government* as well as his blockbuster study of knowing and practices of knowledge, the *Essay Concerning Human Understanding*, all work that he had perfected while working far from home. But perhaps hedging his bets, and unsure of what the future of government would look like in England, Locke published these works anonymously.

\*\*\*\*\*

Below are brief summary statements of many of the central points of John Locke's *Second Treatise on Civil Government*. This summary is by no means exhaustive: this text *brims* with suggestive claims and turns, all well worth exploring on your own.

The next step, and the most important step, in terms of putting these Study Notes to use, is *yours*—i.e., to match every one of the 18 points raised here *to a specific passage or group of passages* in Locke. Joining these summary points to Locke's actual claims will help you consolidate your understanding of the material.

1. Human beings are born free and equal, not *un*-equal and bound absolutely to the arbitrary wishes of the sovereign, as was the case with feudal society, in which individuals belonged to different, unchangeable strata of society—the peasantry, the nobility, the merchants, the clergy, but each beholden to the king. Human beings, in other words, possesses a natural liberty, i.e., a right to autonomy and freedom simply by virtue of being born. This "liberty" though is not "license:" we are free to be and do what we like . . . as long as that freedom doesn't impinge upon the freedom of others, doesn't *harm another in his life, health, liberty, or possessions.*"
2. As the Cree lawyer, author, and activist, Harold R. Johnson argues, Locke may well have glimpsed what a free, non-feudal society looked like in accounts of Indigenous communities that were flowing back from the "Americas." Those same accounts described worlds not centred on the ownership and protection of private property, but for Locke, securing private property is what makes a human being truly human, beginning with the property that one has in one's own person. So he characterizes lands

that have not been converted into property as “wastelands” awaiting Europeans who will invest their labour into those lands and, as it were, increase their value by making something of them. Locke acknowledges that these so-called “wastelands” are inhabited, but because they are not developed according to a distinctly European notion of “development” they remain empty. *All the world was once America*, he says. What does he mean when he says this?

In Chapter III, Locke notes that “the plain difference between the state of nature and the state of war, which however some men have confounded, are as far distant, as a state of peace, good will, mutual assistance and preservation, and a state of enmity, malice, violence and mutual destruction, are one from another.” In other words, the state of nature is not, as Thomas Hobbes had argued, a condition of perpetual warfare but, quite to the contrary, one of lasting peaceableness. Locke may well have heard of that peaceful condition from reports of “the Great Peacemaker,” the originator of the Iroquois Confederacy or *Haudenosaune*. The Great Peacemaker was the political and cultural leader who brokered goodwill among six nations of Indigenous peoples, probably in the 1400s, although some scholars date this accord as far back as 1100. Several of the founding fathers of the United States praised the accomplishments of the Great Peacemaker, and treated the Confederacy as a democratic model for the new American republic.

3. Locke’s extraordinary emphasis on property, the ways it determines what constitutes a human being, how its protection determines what a good civil government is and what a bad government is, points to how much his philosophy emphasizes *individuals*, their needs and requirements. Yet his philosophy also makes a powerful case for forming and sustaining communities and for ensuring that “the commonwealth” and “the common good” remain fundamental features of a just social and political life. Where does Locke speak of these things? How does he define them?
4. Locke lays the groundwork for contemporary understandings of social and political life under capitalism. The Canadian political scientist, C.B. Macpherson, for example, argued in the 1960s that capitalism emerges at the same moment as the phenomenon of “possessive individualism,” his phrase to describe how human beings in a market or property based economy are essentially discrete atoms who possess strengths and talents for which they are solely responsible and who have relatively few obligations to a larger society or public. As the British Prime Minister, Margaret Thatcher, once said, “there is no such thing as society,” meaning that in the final analysis the world under capital is an assemblage of individual interests and

hardly anything more. According to this understanding of social and political life, the individual experiences and describes themselves as owners of themselves, free from relations with others except those that the individual enters voluntarily with a view to their own interest. In other words, “society” is composed of individuals who cooperate with other individuals mostly to get what they want and need. The role of government in this particular setting is never to stand in the way of those individual interests. So, the return to a point I made earlier, Locke’s emphasis on property can be said to *individualize* social and political life in this way. We can look ahead here to Marx, for whom the landless poor are not allowed to be political subjects because they have no property, or rather, they possess but one thing, namely their labour, which they sell for an always precarious security. Wollstonecraft points out that women are denied the ownership of property, except the property of their own bodies, which they exchange for security . . . thereby making late 18<sup>th</sup>-century Britain into an enormous brothel. Those who are treated as chattel slaves are characterized as property but they are denied the possibility of owning property, especially property in themselves. The great abolitionist thinker, Ottobah Cuguano, the first person to introduce Africana philosophy into Europe, points out in the 1780s that Europeans are irrational and incoherent about property: they affirm the sanctity of human beings having property in themselves but deny that property to millions of enslaved individuals. It is Europeans who prove to be incapable of reason, he reasons, not the Africans who they so often claimed lacked the faculty of reason.

5. Human beings are born equal because they are each the handiwork of the same benevolent creator. To violate a human being, to steal their property or to destroy the property that they have in themselves, is nothing less than a crime against the creator—and thus deserving of the most serious punishment.
6. Human beings come into the world bearing natural rights, living under the aegis of “the law of nature,” which guarantees that their “life, health, liberty, and possessions” are untouched by others.
7. Locke vehemently opposes “the divine right of kings,” a social and political doctrine that declared that royal power was authorized by God and that that power flowed through bloodlines extending back to the first person in the Judeo-Christian tradition, namely Adam. Under the aegis of this very powerful idea, sovereigns were “unmoved movers,” i.e., they ruled their subjects but were not accountable to those subjects. One of great sources of political unrest in Locke’s day was the conflict between those who insisted that sovereign had to be accountable and sovereigns who either showed no interest in being accountable or declared that they were accountable but did so only for show. Locke had spent the entire *First Treatise on Civil Government* dismantling the argument of Sir Robert Filmer, whose almost

fanatical defense of absolute royal authority in a posthumously published text with the inauspicious title, *Patriarcha* (1680), argued that human beings in fact crave sovereign, unaccountable authority, and are purpose-built to be ruled. Locke sees human beings in a very different light. As the title of Filmer's text hints, many supporters of absolute sovereign power thought of kings as "fathers" to the nation. Locke says that that is a misnomer: paternal power is not the same thing as sovereign power. And fathers don't have absolute authority, in any case. They have a very great deal of authority over their wives and children, to be sure, but not limitless power, which he says must be shared with mothers. Paternal authority, moreover, ends when children come of age and can reason for themselves, at which point they are in a position to give or deny consent to authority. Locke feels compelled to revise paternal authority to disrupt the use of the metaphor of the "father" being used to justify absolute kingly power.

8. Life in "the state of nature," a pre-political condition, is not ruthlessly chaotic, as Thomas Hobbes had argued in his influential text, *Leviathan* (1651), because "the law of nature" is in effect and because, for Locke, human beings are naturally sociable, powerfully inclined towards forming communities, not bloodthirsty creatures seeking only to gratify their own desires. The world is made for the rational and industrious not the quarrelsome and vexatious, he says. For Hobbes, human beings are naturally vicious to each other. Because of that violence, they must hand themselves over to a powerful sovereign, who will act to control that violence, imposing order on an otherwise "animalistic" life.
9. And yet life in "the state of nature" is not without significant problems, not least the fact that under those conditions each person is the judge of their own case. There is no third party, no disinterested or neutral party, to adjudicate offences. Neither is there a secure and consistent means to penalize offenders.
10. So human beings must move out of "the state of nature" into what we might call—Locke does not use this term—*culture*, i.e., the social and political world that is more familiarly human to a European like Locke. In that world, there is order, the rule of law, and the legal-constitutional protection of "life, health, liberty, and possessions."
11. But the question is how did property come into existence, i.e., how did human beings move from holding the world "in common" to individuals and communities possessing parcels of the world? Locke's powerfully influential thesis is that when you invest your labour in objects in the world, they become your property. The "industrious and the rational," those who have the foresight and opportunity to work the world, investing their labour and talents in its substance, intensify its value and take possession of it. Investing labour in the world transforms it utterly and in

multiple ways, as his account of what goes into a simple loaf of bread suggests. As we shall see in our course, Marx agrees . . . but comes to very different conclusions than Locke.

12. Locke's political philosophy is often said to be the cornerstone of modern capitalism, valuing as it does acquisitiveness and accumulation . . . and thus devaluing all other cultures that do not share the same values. Yet he also insists of limits to growth: no one should acquire more than they can make use of; no one should spoil or waste anything; intensifying the value of part of the planet should benefit the entire community, not just individuals. These are the bases for what are called "the Lockean provisos," the moral checks on unlimited acquisition. Money was invented, Locke argues, as a way to mitigate against waste, since gold and silver preserves value and cannot degrade. (But Locke simplifies the meaning of money: he knew perfectly well that closely related financial instruments, like stocks and bonds, for example, can and do sharply rise and fall in value.)
13. But everywhere Locke looks, not least in Britain, he sees states governed by sovereigns or "princes" and "kings" (as he puts it) who fail to respect the right of individuals to their "life, health, liberty, and property." These sovereigns are the true "rebels," for they violate the law of nature. When a king violates this law, they selfishly "un-king" themselves (a term he borrows from Shakespeare, who was fascinated by sovereigns who compromised themselves and their stations), i.e., abdicate their responsibilities to ensure that the "life, health, liberty, and possessions" of citizens, and the greater needs of "the commonwealth" are protected. A sovereign who behaves in this manner may be deposed, Locke argues, under certain conditions that he is careful to outline. Although a British king had been deposed and executed when Locke was a teenager, the idea of removing a king remained a scandalous idea . . . and a very dangerous idea, punishable by death. (As I note in remarks about Hobbes at the end of this document, Locke nevertheless adopts a voice in this text that makes it sound like deposing a king is perfectly reasonable. Part of the power of Locke's writing lies in his uncanny ability to come across as so sensible!) Merely to be associated with those associated with the idea was dangerous enough for him to flee the country.
14. What form of government will most likely protect individuals and communities? Locke makes a case for a republic, a polity in which the various nodes of power are separated one from the other ("the subordination of powers," he calls it), acting as checks and balances of each other: the executive power (or "king"), the legislative power (the body that makes laws, parliament, for example), and the judiciary (the magistrates who apply the law and punish transgressors). Conspicuously missing from this diagram of the just polity or commonwealth is the Church. Locke's model

is secular, even though he was himself a devout Christian and treated the law of nature as a law authorized by a Christian God.

15. Ultimately for Locke power should mostly be concentrated in the legislative body, which seems to him most in contact with the wishes and needs of the citizenry and who have the health and well-being of “the commonwealth” and “the common good” most in mind.
16. There are exceptions, though: executive power may be exercised freely in the case of prosecuting war with other nations or in the case of some sort of emergency. Later social and political thought will call this curious way in which the law-making legislature may be suspended by the executive *the state of exception*. There is a long history of states calling for emergency measures and the institution of a state of exception that in fact never ends.
17. Locke devotes a chapter to the question of slavery, but what is odd and telling is that he does not speak of *chattel slavery* or *saltwater slavery*: the particularly cruel and immensely profitable traffic in mostly African-born human beings who, in Locke’s lifetime, were transported by force to work to their deaths in the plantations of the Caribbean, among other areas. Chattel slavery was in Locke’s day fueling Britain’s economic and geopolitical growth, and Locke himself had investments in the Royal Africa Company, the monopoly that enslaved Africans. He also helped compose the constitution of the Carolinas, then British colonies, enshrining enslavement in those documents. You would think that the champion of human freedom would find chattel slavery completely repugnant. But he did not. His text is symptomatically blind to chattel slavery—in the place of talking about actual enslaved individuals, those whose coerced labour put sugar on his table, he talks instead of how an unjust aggressor, a nation who attacks the homeland without cause, deserves to be enslaved. So for Locke there is a just form of slavery: unjust aggressors, he says, deserve capital punishment, but that sentence can be waived and the same aggressors enslaved instead. If there is a just form of slavery there is must be an unjust form. His example of unjust slavery? To live under the yoke of a tyrannical sovereign means being “enslaved” to that sovereign. Many social and political thinkers during and long after Locke’s time, up to and including Wollstonecraft, regularly described living under a tyrant’s rule as “slavery.” But what about the manifestly unjust enslavement of Africans? What about their “life, health, liberty, and possessions”? His silence on real slavery is deafening.
18. At the heart of Locke’s political model is the concept of consent: no one gives consent to a monarch of sovereign who comes to power through the divine right of kings and therein lies the problem. Citizens must agree to be governed; in exchange for being governed, they expect their leaders to respect the law of nature. That is the

covenant or contract lying at the heart of civil society, a society founded upon reasoned principles of fair-mindedness and mutual agreement. Failure abide by this contract so makes a leader a “tyrant,” a sovereign who is waging “war” against his own people. Legitimate political authority for Locke is covenanted. Yet it is revealing that Locke concludes his text quoting extensively from a book by William Barclay, a Scottish political theorist who was a great defender of the divine right of kings—yet even he, Barclay, argues that the sovereign is answerable to earthly authority, and that citizens have a “right to resist.” Locke gives the last word to an apologist for the divine right of kings . . . who nevertheless recognized that those kings were in fact answerable to the people they ruled, or rather answerable to the law of nature governing them all.



What you see above is the frontispiece (i.e., the prefatory image) to Thomas Hobbes's *Leviathan* (1651), his great treatise on social and political authority. We don't study Hobbes in SPT, but his famous text is in the background of Locke's *First and Second Treatises on Civil Government* (1689). Among other things, Hobbes argues that human beings are naturally violent and depraved, and that only by surrendering themselves completely to the absolute authority of a monarch can there be anything like a civil and orderly society, a society of laws. Hobbes's view of the monarch as he is depicted in the frontispiece is very revealing: it shows a gigantic and surreally imposing figure,

representing the king, holding a sword and a sceptre, symbols of secular and religious power. If you look closely, you can see that his body is made up of many individuals, each with their eyes looking upwards towards their king, as if in complete reverence of his power. To me all those little people clinging to the body of the king look like a zombie horde—and that may be Hobbes’s point: the loyal subject is a mindless subject, whereas Locke spent his entire career as a philosopher calling for active thinking, including a scrupulous examination of the nature and limits of authority and the obligations of citizens to themselves, to each other, and to authority. For Hobbes, the king is “Leviathan”—comparable to the great sea beast described in the Book of Job and a long-standing symbol of unlimited power. For Hobbes, the deity who made the sea-beast endows that creature with mastery over all other living things. This king rules by divine right, meaning he derives his authority ultimately from God through a chain of authority going back to Adam, the first person and the first “father” in the Judeo-Christian tradition. Locke, on the other hand, saw something different: in the beginning, Locke argues in Chapter II, human beings were equal and autonomous rather than unequal and ruled by violence: “This equality of men by nature . . . and beyond all question, that he makes it the foundation of that obligation to mutual love amongst men, on which he builds the duties they owe one another, and from whence he derives the great maxims of justice and charity.” Locke anchored this position in his Christian faith: God created human beings and so human beings were not in a position to unmake and divide them by violence. Human beings of course do and did precisely those things, but Locke’s point is that when they do they violate an inalienable law, a natural law, governing human existence.

Let us imagine Locke pondering his treasured, well-worn copy of *Leviathan*. He disagrees with Hobbes about several key things. Like Hobbes, Locke experiments with the thought of what human beings are like before government: Hobbes says they behave like hungry wolves and live in a condition of permanent war; Locke says, no, in the “state of nature” (Hobbes’s term), human beings are not only equal and free, but bound by what he calls “natural law”—a kind of inborn propensity to understand right from wrong, beginning with a deep sense that each person has a right to life, health, liberty, and property. Locke certainly recognized that the state of nature was precarious, not least because of the absence of an impartial judge to weigh in when offences took place. Nevertheless, Locke argues, this is the promising start of human life on the planet; moreover, human beings bring natural law with them when they form societies and governments. Locke also differs from Hobbes because he insists that the people consent to being governed by a sovereign authority like a king, and that under certain conditions, that consent could be withdrawn. Moreover, Locke holds that the king is not above the law, but an actual party to the contract that binds the sovereign and the people together, the former guaranteeing that the latter may live in conditions in which they might prosper. If a king fails in these duties, for example, if he abuses the authority that was granted to him, personally profiting from his kingship rather than ensuring that his people thrive, then that king may be deposed. —A scandalous possibility, even though Locke would witness two British monarchs deposed over the course of his long life. One of the reasons why Locke’s argument for limits to monarchical power wins the day—for example, in influencing the Founding Fathers of the American republic as well as the leaders of the French Revolution—is that he makes those limits sound so reasonable, i.e., not scandalous at all. Still, for the many Britons who believed

that the king derived his absolute authority from God, it remained literally unthinkable that lesser mortals could have a say in his fate. Now, Locke's *Treatises* did not have a frontispiece, like Hobbes's *Leviathan* did, perhaps because Locke was not beholden to a scary image of sovereign authority and did not want his readers to be either. Instead of captivating his readers with a flashy image, he uses straightforward language and what feels like common-sense argumentation that exercises the reason and that literate readers were expected to understand. Locke's *Treatises* are not without tremendous problems, to be sure. They form the philosophical basis for liberal democracies, and yet woven into their arguments are also illiberal ideas—about capital, property, slavery, and non-European lands--for example--that have survived to this day.

As the American philosopher, Martha Nussbaum, points out in *Examined Life*, which we will take up in the second semester, Locke was among many social and political thinkers who tried to imagine what a human being is *as such*, i.e., without all the accoutrements of society or politics, as the first step towards making a case for new ways of governing and being governed. This thought experiment—it may or may not be an experiment for Locke, who says that human beings once actually existed this way, but it was so long ago that we cannot recall that time, no more than an adult can recall their infancy—proved to be immensely important, for it allowed thinkers to explore the idea of a world not misshaped by inherited privilege, exhausted dogma, or old hierarchies, i.e., the deeply unjust and unequal world of feudal Europe. As I've suggested, recalling contemporary Indigenous thinkers, Indigenous communities taught Europeans that a non-feudal life was in fact possible and richly viable. And as I note above (Number 2), Locke, like the Founding Fathers of the American Revolution, may well have been influenced by the example of “the Great Peacemaker,” the Indigenous leader who, perhaps in the 1400s, founded the peaceful confederation of Indigenous peoples called the Iroquois Confederacy or the *Haudenosaunee*. The idea of living well in a state of nature is, in other words, a valuable lever with which to break from feudalism. (Marx will argue, and argue with great gusto, that capitalism is the lever with which Europeans free themselves from feudal existence.) But as Nussbaum points out, the downside of this thought experiment is that it imagines individuals living in a state of nature, equal and autonomous, as *able-bodied white men*---a model from which other populations are excluded, including women, differently-abled persons, and non-human animals, the three communities that Nussbaum characterizes as living *on the frontiers of justice*.