

## Locke

“All government is limited in its powers and exists only by the consent of the governed.”  
This is based on the assumption that “all men are born free”

The state of nature is not a pre-political state in the absence of civil society, nor is the level of political experience of man in it matter. It refers to a quality of relationships between men where there exists no superior authority to which they can appeal.

- rejects Hobbes' equating of state of nature and state of war.
- Lack or existence of common superior is what distinguishes Locke's civil society and the state of nature
- state of war – unauthorized (unjust/without right) use of force

**State of Nature** – men living together according to reason, without a common superior on earth with the authority to judge between them

Ways in Which the State of Nature Differs from the State of War:

- state of nature: only the law of nature exists, the absence of a common judge
- the opposite of the state of nature : “civil society” – presence of a common judge with authority to enforce law (*opposite of the manner in which we use the term now*)
- state of war: use of war without right
- state of peace: force is only used by those with the right to use it

State of war can exist within a civil society where the common judge is ineffectual (self-defense is legitimate). War cannot occur in civil society where authority is effective – it only happens in the state of nature or where the civil society approximates a state of nature. War is more likely in the state of nature and it will be more prolonged than war in the civil society because there exist no common set of principles to which they can appeal in resolution of the dispute.

State of Nature

- all men are required to preserve themselves; every man is required to preserve mankind
- self-defense is also preservation of mankind because he who would aggress it also potentially a threat to all mankind
- there is potential for misunderstandings when the drive for self-preservation leads man to act overzealously and threaten the integrity of the general will.
- The law of nature is self-preservation as this is the strongest desire of men, peace and preservation is the end of the law of nature and it does not require enforcement because it is a universal desire
- Departs from the ancients in the notion of virtue, morality, desire for individual excellence is absent from his thinking. He reconciles them: those factors exist but the desire of self-preservation is more fundamental and exists in all men.  
GOVERNMENT HAS TO ACCOMMODATE THIS INHERENT FEATURE OF MEN. Civil laws of a political society have to be based on that which is inherent in men.
- nature's main intention: increase of mankind

### Similarities Between Hobbes and Locke

- state of nature is the home of the state of war
- source, content, and end of the law of nature is “self-preservation”
- civil government is the property remedy to the state of nature

### Differences:

- Locke’s state of nature is not as violent as Hobbes’: men do not have a drive to hurt each other, the desire for self-preservation and overzealous protection of that yields conflict
- Based on these differing interps of the state of nature, different solutions: Locke is less absolute than Hobbes and has a greater emphasis on the protection of property rights.

### LOCKE on PROPERTY

The world and all inferior creatures are the common property of mankind. Only one’s body is unambiguously property of its owner and by extension the labor of the body. That acquired from the common pool of resources by the expenditure of individual labor becomes the individual’s property.

- property is that which cannot be taken without one’s consent
- that to which value had been added becomes private property
- in the state of nature: raw materials are in abundance, labor is what constitutes property
- notion of spoilage: that which is used well, if not used well, should not be private property – designed to insure somewhat fair distribution of resources (Would this really work?)
- the notion of spoilage works when there is a shortage of perishable goods in the state of nature – property is unable to emerge initially because of shortage in the state of nature
- the invention of money encouraged surplus production and therefore property
- inequality among men the result of leaving the economic state of nature (exchange perishable property to non-perishable property of equivalent wealth).
- The process of property accumulation drives man into civil society because the process that generates scarcity and inequality, rendering the original means of property accumulation irrelevant, requiring more sophisticated means of maintaining property rights.

### LOCKE on POLITICAL POWER

- there may be some conflicts between self-preservation and the maintaining the integrity of society’s laws.
- There should be limited government with the consent of the governed
- Community is based on the consent of the individuals to be ruled
- Doctrine of majority rule: unanimity only operative at the initial formation of the community, all other decisions will be made by majority --- that which is the greater force (assumption that each individual is equal)

- Majority rule determines the form of government, the government itself does not have to be based on majority rule (people delegate their supreme authority to the government)
- Separation of powers between the executive and the legislature helps reign in the absolute authority of government
- Executive should have discretion but it should be in the service of the public good (regardless of the formal legality of the behavior)
- Right to resist exists for the people where government does not function (only can be exercised where there is not a just government)

#### INTERNATIONAL RELATIONS

- the international state of nature requires individuals within states to make sacrifices for the preservation of society as a whole
- what are the tensions between preservation of individual and the state after the founding the civil society?