

Phil 114, February 22, 2007
Locke: Consent and the Right to Revolution

The state of nature

The state of nature is *not* necessarily a state of *war*. It becomes a state of war only when someone violates the law of nature.

Nevertheless, there are certain “*inconveniences*” of the state of nature from which only political organization promises relief. Recall that in the state of nature everyone retains the right to punish violators of the law of nature and to the right to exact reparations from them.

- (i) Even if everyone knows the law of nature, they may disagree about who did what. This is so, in particular, because of self-love. People will tend to underestimate the injuries they do to others, and overestimate the injuries others do to them.
- (ii) People also tend to get carried away in punishing those who they believe have injured themselves. For reasons (i) and (ii), score-settling and vigilantism threaten to spiral out of control.
- (iii) On the other hand, people are less conscientious about punishing those who have injured others (but not themselves). For this reason, violators are less reliably punished in the state of nature than in civil society. This means that punishment is less of a deterrent, which in turn means that violations are more frequent.
- (iv) The law of nature is indeterminate, and therefore *bona fide* disagreements may arise about what the law of nature requires (over and above any disagreements about who did what).

The purpose of political institutions

To remedy these inconveniences, we need:

- (1) Clear and determinate *laws* that spell out what the law of nature requires of everyone.
- (2) A recognized and impartial *judge* for resolving disputes about the application of the law of nature.
- (3) A reliable, known *executor* of the judge’s decisions. A large part of the executor’s responsibility is exercising our natural right to punish violators of the state of nature.

Contrast with Hobbes:

- (1) First, the inconveniences can be remedied *without* unlimited and unconditional authority. Indeed, also without *unique* authority; Locke imagines a separation of powers.
- (2) Second, if remedying the inconveniences required unlimited and unconditional authority, then it would *not be worth* remedying them. Recall “pole-cats” v. “lions.”
- (3) Finally, if remedying the inconveniences required unlimited and unconditional authority, then it would be *impossible* to remedy them. We are God’s property, so what right do we have to sell ourselves into slavery?

Two social contracts:

Locke imagines a two-stage process for remedying these inconveniences of the state of nature.

The *first* stage is a *social compact*: a unanimous agreement to join in one commonwealth for the purpose of establishing a political order that will remedy the inconveniences of the state of nature. All of the people living in a particular area, including all of those who own the land in which it consists, agree with one another to form a community in order to establish a government that will remedy the inconveniences of the state of nature. Each of us

- (i) gives up to the community part of his right to preserve ourselves and mankind in whatever way the law of nature allows,
- (ii) agrees to preserve himself and mankind only in the ways permitted by the community’s positive laws, which may be more constraining than the law of nature,

- (iii) gives up to the community his individual right to punish, and
- (iv) agrees to assist the community in its execution of that right.

The community's decisions (about what laws to have, how to punish, etc.) are simply those of a majority of its members.

The *second* stage is an agreement between the people—the community constituted in the first stage—and its government. We, the people, decide, by majority vote, what our government should be and who should occupy which offices within it. We, the people, *loan* to this government our collective right to punish. We agree to assist this government in its execution of that right.

This government's rights are *limited*. Why? (a) It has not acquired any right to take our life, liberty, or property, since we had neither reason, nor power to transfer to it such a right, and (b) its laws must, in any event, respect the laws of nature.

This government's rights are *conditional*. We, as a people, only *loan* our rights to government, on the condition that it uses these rights solely for the purpose of remedying the inconveniences of the state of nature.

This government's rights are *divided* between the legislative and executive-*cum*-“federative” (i.e., foreign-policy) branches.

Right of revolution

Locke insists that the people (or community) reserves the right to change the government, by violence if necessary—or, as Locke euphemistically puts it, by “appeal to heaven.”

There seem to be two distinct grounds for dissolving government:

First, the government can *violate the law of nature by seeking to take* the lives, liberties, and estates of the people. In this case, the right of revolution is simply the right to preserve oneself and mankind.

Second, the government can *do a poor job of protecting* the lives, liberties, and estates of the people. Why do we have the right to dissolve such a government? Recall that we do *not alienate* our rights; we merely *loan* them to the government on the condition that it use them to protect our lives, liberties, and estates. If the government violates this condition, then it loses its rights. We, so to speak, foreclose on the loan. Who judges whether the government has forfeited its rights? The community, that is, a majority of us.

Locke seems to think that the only problematic relationship is the relationship between the community and its government. What about the relationship between individuals and the community? What about the “tyranny of the majority”?

Are our obligations to accept our *community's* decisions unconditional? Do we have the right to resist our community *if it seeks to take our life, liberty, or estate*? On the one hand, the answer seems to be “yes,” since we can never give up our right to preserve ourselves. On the other hand, where would this leave taxation? What if you are in the minority that opposes a tax hike? Why isn't the majority taking your property? Why don't you have a right to revolt?

Do we have the right to resist our community *if it makes bad decisions*, say, in whom it selects to govern? It seems not. At very least, such a right cannot be grounded in the way in which the right to resist the *government* is grounded. For we don't simply *loan* our rights to the community.