

HISTORICAL DOCUMENT 6

John Locke: Two Treatises on Government, 1690

PHILOSOPHER John Locke (1632–1704) published *Two Treatises on Government*, which contends that all people possess natural rights. Locke's ideas, including the notion that the foundation of government is the consent of the people, influenced the Framers of the United States Constitution.

THE great and chief end . . . of men's uniting into commonwealths, and putting themselves under government, is the preservation of their property, to which in the state of Nature there are many things wanting [lacking].

Firstly, there wants an established, settled, known law, received and allowed by common consent to be the standard of right and wrong, and the common measure to decide all controversies between them. . . .

Secondly, in the state of Nature there wants a known and indifferent [unbiased] judge, with authority to determine all differences according to the established law. . . .

Thirdly, in the state of Nature there often wants power to back and support the sentence when right, and to give it due execution. . . .

But though men, when they enter into society give up the equality, liberty, and executive power they had in the state of Nature into the hands of society . . . the power of the society or legislative constituted by them can never be supposed to extend farther than the common good. . . . [W]hoever has the legislative or supreme power of any commonwealth, is bound to govern by established standing laws, promulgated and known to the people, and not by extemporary decrees, by indifferent and upright judges, who are to decide controversies by those laws; and to employ the force of the community at home only in the execution of such laws, or abroad to prevent or redress foreign injuries and se-

cure the community from inroads and invasion; And all this to be directed to no other end but the peace, safety, and public good of the people. . . .

The reason why men enter into society is the preservation of their property; and the end which they choose and authorise a legislative is that there may be laws made, and rules set, as guards and fences to the properties of all the society, . . . Whensoever, therefore, the legislative shall transgress this fundamental rule of society, and either by ambition, fear, folly, or corruption, endeavour to grasp themselves, or put into the hands of any other, an absolute power over the lives, liberties, and estates of the people, by this breach of trust they forfeit the power the people had put into their hands for quite contrary ends, and it devolves [passes] to the people; who have a right to resume their original liberty, and by the establishment of new legislative (such as they shall think fit), provide for their own safety and security, which is the end which they are in society. . . .

Who shall be judge whether the prince or legislative act contrary to their trust? . . . The people shall be judge. . . .

. . . The power that every individual gave to the society when he entered into it can never revert to the individuals again, as long as the society lasts; but will always remain in the community; because without this there can be no community—no commonwealth, which is contrary to the original agreement. . . .

QUESTIONS FOR DISCUSSION

1. In Locke's "state of Nature," what are people lacking?
2. What do people stand to lose in favor of government?
3. Who is the final authority of government in Locke's opinion?

HISTORICAL DOCUMENT 8

Jean-Jacques Rousseau: The Social Contract, 1762



JEAN-Jacques Rousseau's famous line, "Man is born free, and everywhere he is in chains," sets the tone of his major political work, *The Social Contract*. Rousseau (1712–1778) strongly influenced the radical leaders of the French Revolution. He idealized the "state of nature,"—a state of peace and equality. Rousseau's contract was social, rather than political, in that a whole society agreed to be ruled by its general will.

On the Social Compact

SINCE men cannot engender new forces, but merely unite and direct existing ones, they have no other means of self-preservation except to form, by aggregation, a sum of forces that can prevail over the resistance; set them to work by a single motivation; and make them act in concert.

This sum of forces can arise only from the cooperation of many. But since each man's force and freedom are the primary instruments of his self-preservation, how is he to engage them without harming himself and without neglecting the cares he owes to himself? In the context of my subject, this difficulty can be stated in these terms;

"Find a form of association that defends and protects the person and goods of each associate with all the common force, and by means of which each one, uniting with all, nevertheless obeys only himself and remains as free as before." This is the fundamental problem which is solved by the social contract. . . .

[F]irst of all, since each one gives his entire self, the condition is equal for everyone, and since the condition is equal for everyone, no one has an interest in making it burdensome for the others.

Furthermore . . . the union is as perfect as it can be, and no associate has anything further to claim. For if some rights were left to private individuals, there would be no common superior who could judge between them and the public. Each man being his own judge on some point would soon claim to be so on all; the state of nature would subsist and the association would necessarily become tyrannical or ineffectual. . . .

[A]s each gives himself to all, he gives himself to no one; and since there is no associate over whom one does not acquire the same right one grants him over oneself, one gains the equivalent of everything one loses, and more force to preserve what one has.

If, then, everything that is not the essence of the social compact is set aside, one will find that it can be reduced to the following terms: *Each of us puts his person and all his power in common under the supreme di-*

rection of the general will; and in a body we receive each member as an indivisible part of the whole.

Instantly, in place of the private person of each contracting party, this act of association produces a moral and collective body, composed of as many members as there are voices in the assembly, which receives from this same act its unity, its common self, its life, and its will. This public person, formed thus by the union of all the others, formerly took the name *City*, and now takes that of *Republic* or *body politic*, which its members call *State* when it is passive, *Sovereign* when active, *Power* when comparing it to similar bodies. As for the associates, they collectively take the name *People*; and individually are called *Citizens* as participants in the sovereign authority, and *Subjects* as subject to the laws of the State. . . .

On the Sovereign . . . [I]n order for the social compact not to be an ineffectual formula, it tacitly includes the following engagement, which alone can give force to the others: that whoever refuses to obey the general will shall be constrained to do so by the entire body; which means only that he will be forced to be free. For this is the condition that, by giving each citizen to the homeland, guarantees him against all personal dependence; a condition that creates the ingenuity and functioning of the political machine, and alone gives legitimacy to civil engagements without which it would be absurd, tyrannical, and subject to the most enormous abuses.

On the Civil State . . . What man loses by the social contract is his natural freedom and an unlimited right to everything that tempts him and that he can get; what he gains is civil freedom and the proprietorship of everything he possesses. In order not to be mistaken about these compensations, one must distinguish carefully between natural freedom, which is limited only by the force of the individual and civil freedom, which is limited by the general will; and between possession, which is only the effect of force or the right of the first occupant, and property, which can only be based on a positive title. . . .

QUESTIONS FOR DISCUSSION

1. What, according to Rousseau, do humans lose, and gain, by the social contract?
2. To whom are citizens accountable: the sovereign, the state, or the general will of the people?