

**Introduction to Western Political Thought**  
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**Lecture No. 16**  
**Locke – II: Limited Government**

Hello and welcome everyone. This is the second lecture on Locke and today, we are going to discuss his theory on limited government. In the previous lecture on Locke, we have discussed his context, personal life, and theory on 'state of nature', natural laws, and natural rights.

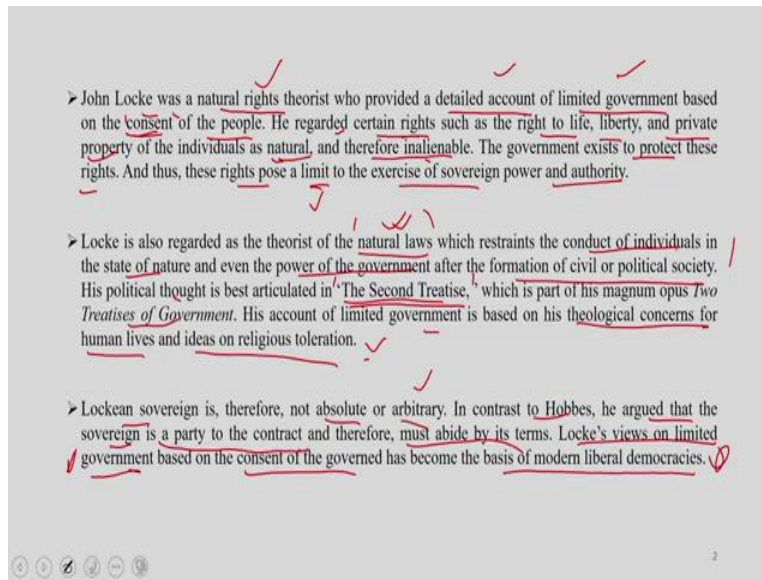
So, Locke's concept of 'state of nature', his theory on natural laws and natural rights becomes the basis of some of the inalienable rights or fundamental rights that we recognize of the individuals. This leads to another kind of rights as well such as human rights, socio-political rights, social and cultural rights, and economic rights in the later decades.

But some of the rights are regarded as fundamental or natural for the growth of human beings, for the full development of his/her skills as rooted in Locke's political philosophy. There we have also seen how theology or theological understanding of human life or the origin of life is the basis of Locke's argument about why certain rights should be always respected. Or it should not be interfered with by the government or sovereign.

The existence of the sovereign for Locke was for the protection of certain inalienable rights of individuals. So, these rights were given to the individual, not because of some concession or some kind of reorganization from outside the person or from the society or community or the state. But these rights are natural, inalienable rights of the individual which must be protected by the others and by the state.

These themes that we have discussed in the previous lecture and the next lecture on Locke, that would be concluding lecture, we will discuss his theory of the right to dissent in which context, individual have the right to disobey or dissent the sovereign power or government and then we will conclude by discussing critically the contribution of Locke's thought in the history of western political thought. Let us begin today with his concept of limited government.

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Locke as a natural right theorist provided a detailed account of limited government and this limited government was based on the consent of people or governed. So, this conception of limited government that we had in Locke's political philosophy was limited. Because the legitimacy of the rule or government was based on the consent of people and there could be different mechanisms of this consent to the ruler or government.

In modern liberal democracies, the election time is regarded as that moment in the life of a community when they repose their faith or trust to a particular party to govern them. So, elections become a moment when the people as a whole give consent to a party to rule for a particular period.

And these elections periodically give the people that moment or opportunity to express their consent, to give the mandate to the people. That is the modern form in Locke as part of the social contract tradition of political thought. We see how he imagined this kind of consent given to the government or the state was based on this hypothetical idea of 'state of nature'. And how from that 'state of nature', we have discussed that Locke's 'state of nature' was very different from the Hobbesian conception of nature as the perpetual war.

In Locke, the 'state of nature' was the perfect condition of human freedom and equality. Now, if the 'state of nature' was the perfect condition for equality and freedom for the human being, why they would form the government? There were justifications required for the formation of

government and Lockean, 'Two Treatises of Government' provided those justifications and the formation of government from this hypothetical imagination of 'state of nature' or hypothetical idea of 'state of nature'.

He regarded certain rights such as the right to life, liberty, the private property of the individual as natural. Therefore, the inalienable rights of the individual. So, these three rights like the right to life, liberty, and property were natural. It existed even in the 'state of nature' and even after the formation of political society or government, the individual did not transfer these rights.

That means, they retain these rights even in the political society or after the formation of state or the government. Now, the state and political society must provide the condition for an individual to exercise these rights particularly, the right to acquire property by mixing one's labor physical and intellectual with the common resources that are provided by god.

And this mixing of labor with the common resources constitutes what is called private property over which individuals can legitimately claim ownership. So, these rights which is natural and inalienable posed certain limits to the exercise of governmental authority and power. So, the government, according to Locke, existed for the protection of these rights. Thus, these rights posed a limit or constraint on the exercise of sovereign power and authority. So, it is very different from the Hobbesian imagination of the absolutist government or absolutist regime.

Locke is also regarded as a theorist of natural laws that restraint the conduct of individuals in the 'state of nature' and even the power of government after the formation of civil political society. So, his understanding of natural laws becomes the basis of the conduct of an individual in their interpersonal relationship. Even in the 'state of nature' which was the condition of freedom and equality for Locke, individual behavior was guided by certain laws, he called natural laws. That law was that human beings would treat other human beings as equal and free, as an equal and free member. They should not violate their life, health, property, or positions.

So, these are the mutual understanding based on the natural laws that govern the interpersonal relationship in the 'state of nature'. Now, the same natural law also governs the behavior of the government or its exercise of power after the formation of political and civil society. Here, the government is not in that sense, absolute, or has arbitrary power. It must operate and function

within the limits of natural laws. So, it is applicable even in the 'state of nature' and after the formation of government in the political society.

Locke's political thought is best articulated in the second treatises. So, the two treatises of government are the representative text of Locke and the second treatises, particularly, deals with this idea on 'state of nature', the condition of life in the 'state of nature', why people should form the government? What are the stages of that formation of the government? And how the government should exercise power within the limits of the contract or the limits of natural laws and in what context individuals have the right to dissent?

All these themes are discussed in this second treatise of that two treatises of government. And his account of limited government was based on the theological concern for human lives and ideas on religious toleration. And these two themes, we have discussed in the previous lecture that for Locke, there are certain responsibilities of the individual. That is as children of god, an individual should not do certain things in their understanding of liberty as doing anything that they can desire.

They must preserve life. So, Locke would deny the individual right to harm himself or commit suicide or put himself under the subjugation of other individuals. That would be a violation of the obligation that god or creator put on an individual. So, an individual must exercise liberty within the limits of natural law which requires the individual not to harm himself. There is this connection with the right and duties also. The individuals have the right to protect their life, liberty, and property, and do anything that they think is desirable or just, in the dispossession of their life, possession, and property. But in doing so, they must not harm themselves.

That is the kind of limits even in the 'state of nature' and this comes from his theological understanding of human life, the liberty that human beings can justifiably or reasonably realize within the limits of the natural law. In that sense, it is not a kind of libertarian or a kind of license to do anything for the individual. So, liberty has to function within the limits of the natural law and these things come from his theological understanding and views on religious toleration. This will come again when we will discuss or critically assess the political thought of Locke.

Lockean sovereignty is therefore not absolute or arbitrary. In contrast to Hobbes, he argued that the sovereign was a party to the contract. So, in Hobbes, if you recall, the sovereign is instituted

through the contract and the contract was among the free individual and sovereign came out of that contract. It was not a party to that contract. Therefore, the terms of the contract did not apply to the sovereign. So, the sovereign then exercises absolute power or limitless power being accountable to his own consents or god. Human beings cannot scrutinize the power or action of the sovereign in Hobbes. There is a kind of absolute arbitrary power that is given to Hobbes *Leviathan*.

In contrast, to that what we have in Locke is sovereign as a party to the contract and if a sovereign is a party to the contract then its function or power is limited by the terms of that contract. Therefore, it must abide by those terms as there in the contract. So, it must abide by the terms of that contract. Locke's views on limited government were based on the consent of the governed has become the basis of modern liberal democracy.

Modern liberal democracy, when we talk about the legitimacy of the government was based on this idea that the government exercised the monopoly of violence. But the exercise of that power was to operate within the limits set by the constitution, laws, and periodically assessed by the people through an election. So, in that sense, the government in modern democracy exercised the monopoly of violence. But in the actual exercise of that power, it must operate within the limits and laws of the constitution and seek periodic consent from the people.

The people are the ultimate power or source of all power that a state and its institutions exercises over the people. So, this idea of government based on the consent of people was there in Locke that becomes the basis of modern democracy, modern government, and politics.

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**Two Treatises of Government**

- *Two Treatises of Government* is a representative text of Locke's political philosophy. It was published in the context of the Glorious revolution in 1688. Locke published it a year later in 1689, anonymously. In this text, Locke outlines the theory of natural laws and natural rights of the individuals, which function as restraint or limit to all forms of authority. It is based on natural laws and inalienable natural rights of the Individual that Locke is regarded as a thinker of modern liberalism and the republican notion of freedom or liberty.
- In the first of the *Two Treatises*, Locke demolishes Sir Robert Filmer's defense of the absolute power of the kings. Filmer develops this theory of absolute power in his treatise, *Patriarcha, or the Natural Power of Kings*.
- The basis of the formations of civil or political society, the limited government, and the right to dissent, Locke develops in the *Second treatise*. Much of the scholarly interpretations of Locke's political philosophy is based on his 'second treatise'. It is written in a lucid language. It is self-explanatory and provides detailed descriptions of the formation of civil authority and its limits.

Now, if you look at this text, *Two Treatises of Government* which is a representative text of Locke's political philosophy. It was published in the context of the glorious revolution in 1688 and you have recalled the context of England, where there was the factionalism among the Royalists, Parliamentarians, the Catholic Church, and various other groups within the religious discourse such as Protestant Ethics and many kinds of dissenters.

So, there are a lot of dissenting voices, factionalism, and also discourses on the ultimate power or authority and the period between the 1640s or 50's to 1680s or '90s until the glorious revolution is there, constant flux or tensions between these forces and factions in English politics. So, this text is written in that context, where there is the move away from the religious authority or assertion of the superiority of the temporal power. That is the power of the monarch. But whether that power of the monarch is absolute or should be limited by the people or their representative in the parliament.

These were some of the creative times embedded in the factionalism or tensions or anxieties that was prevailing during those decades. So, this *Two Treatises of Government* dealt with how a government could legitimately rule? What should be the source of legitimacy to the government? and in what context an individual has the right to dissent? This treatise was written in this context of glorious revolution and Locke published it a year later in 1618 anonymously. This author of this text remained anonymous for a very long time.

Even one year before his death, he was referring to this text in terms of its justification for private property or the natural rights of the individual. But he did not reveal himself as the author of the text till he died in 1704. So, the influence or profound influence of this text is quite known today. This text was written where Locke had to flee England and take protection in Holland. In Holland, he developed this idea of religious toleration and how it contributed in the prosperity of society. The turbulent time of England of the 1650s to 1690's was a period when individuals were not that free to express their opinion and there was lots of violence that were happening.

In that context, Locke developed this theory of limited government which we not take it for granted. But to argue or express it in the context of monarchy or tensions between the parliamentary forces and monarchy on the one hand and various types of religious discourses, on the other hand, was a revolutionary thing. That is what Locke had done and started with Hobbes. They also then developed a new discourse on the individual as the basic unit of political authority.

Before that, we have seen in Aristotle or Plato or even Machiavelli, there was this understanding of hierarchy prevailing in the society in terms of classes. But in the social contract tradition, every single individual was equal having the same rights. In that sense, theoretically speaking, between the monarch, plebeians, or ordinary citizen. They all carried the same rights and the authority of the state must acknowledge and protect those rights.

And how, they justified that acknowledgment or protection of the inalienable rights or natural rights of the citizen was the subject matter of these *Two Treatises of Government*. It was like a radical argument considering the time in which it was published and written. So, in this text Locke outline the theory of natural laws and natural rights of the individuals whose functions were restrained or limited to all forms of authority. It was based on natural laws and inalienable natural rights of the individual that Locke was regarded as a thinker of modern liberalism and the republican notion of freedom and liberty.

For Locke, the liberty of the individual was not the license to do anything. The exercise of liberty must operate or function within the limits set by the laws. Even in the 'state of nature', that law was natural law, the mutual understanding of the free and equal rights of others. Even the pursuit of the property was not to spoil the natural resources. That is, it should be limited in the sense

that one should acquire the property that one can use, not to waste that resources. Similarly, one should leave enough resources for others to acquire. This tacit understanding or mutual understanding was the governing principle in the 'state of nature'. It continues to restrain the power of the state or government after the formation of political society.

Now, coming back to this text on the *Two Treatises of Government*, the first treatise of the two treatises is Locke demolishes, Sir Robert Filmer. This very flimsy or one could say an untenable argument in Filmer's text is called Patriarcha or the natural power of the kings. So, Rober Filmer argued about the absolute power of the king and this power of the king, he regarded it as the natural power. In the treatises of the *Two Treatises of Government*, Locke spent considerable time in demolishing step by step, every argument put forward by Sir Robert Filmer. This is also done to understand the wit of the Royalist supporters.

And later on, when this text was published in 1689, Royalists used this. So, this text was written much earlier. But Royalists used it as propaganda for the support of monarchy or absolute power of the monarchy. Locke took considerable time in demolishing all the arguments put forward by Filmer in support of monarchy or the absolute power of the monarchy. Then go on to discuss his idea of limited government, its formation, and legitimacy.

So, the basis of the formation of civil or political society, the limited government, and the right to dissent, Locke developed in the second treatise. If you care about this text, *The Two Treatises of Government*, I will suggest you read only the second treatise. Because of the first treatise, it is responding to the prevailing royalist conception about the absolute power of the monarch.

That was valid or plausible in his time. But in our time of modern liberal democracies, where there is a kind of dominant imagination prevailing that all men are equal. Therefore, they have the same right of participation in the political community and there is no hierarchy at least in terms of legal and political rights.

So, there could be social and economic hierarchies that are still prevailing. But politically and legally speaking, all men and women were treated equally having the same rights or equal rights. In this context, you do not have to read this treatise which is the response to the Royalist kind of argument in Locke's time. You should focus on the second treatises where the argument is about the civil authority and limits of that authority. And much of the scholarly interpretation of



Locke's political philosophy was based on the second treatises. It was written in a lucid language and self-explanatory that provided a detailed description of the formation of civil authority and its limits.

Thus, Locke's argument on the limited government was in the second treatises, of the *Two Treatises of the Government*. The first is about demolishing the idea of the absolute power of the monarch. So, before we move onto discuss Locke's idea of the formation of a government or the origin of government from the 'state of nature', we also need to understand political power particularly between Locke and Filmer's argument on political power.

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**Locke's and Filmer's views on Political Power**

- Sir Robert Filmer wrote a book – *Patriarcha* in the 1650s during the English Civil War. This book was later re/published in 1680 and used by the Royalists as a propaganda tool to defend the absolute power of the monarch. In this text, Filmer equates the authority of Kings with that of the fathers. He argued that this authority is handed down to Kings by Adams, who had received it from God. And therefore, the power of the monarch is absolute, arbitrary, and bequeathable. Hence, we, as children of God, should submit to His will, duly represented by the kings. Locke spent considerable time in demolishing these believes and then developed his theory of limited government.
- For Filmer, the authority of the king is similar to paternal authority. Locke begins by stating the apparent differences between paternal and political authority. Locke also refutes his claim of father or husband exercising absolute power over children and wife, respectively.
- Locke argues that political authority, unlike paternal authority, is exercised over the free and equal members. And therefore, it must be based on their consent. According to Locke, political power is about right of making laws with penalties of death, and consequently all less penalties, for the regulating and preserving of property, and of employing the force of community, in the execution of such laws, and in the defense of the commonwealth from foreign injury, and all this only for the public good. Such political power, for Locke, is already available to individuals in the state of nature. They exercise it for the preservation of their life, liberty, and property.

Sir Robert Filmer wrote a book called *Patriarcha*. It was written in I think 1648, so 1650 during the English Civil War, where he justified the absolute power of the monarchy. It remained anonymous for a very long time and there was a kind of recovery of this text in the 1680s, where there was a kind of growing tension between the parliamentary forces and monarch. And it was republished in the 1680s and used by Royalists as a propaganda tool to defend the absolute power of the monarch.

Now, in the twentieth or twenty-first century, we regard all forms of government authority as limited authority. It should exercise power for the protection of the public good or the common good of the people. And also, it operates within limits set by the constitution and the laws. But in the time of Locke, there was this unsettled debate and discourse on which authority was the

supreme or absolute authority to which all the institution of the state and political society submit to. Royalist argued, let us take the example of religious toleration that was hotly debated and caused many violence and conflicts in England.

Now, the Royalist argument was that the royalty or monarch exercised absolute power over all domains of life including the religious domain. It was not a matter of personal right or personal choice for the individuals. However, the king could give concessions to individuals. So, people have the choice to practice any faith or follow any religion. But such practice and following should be seen as the royal concession.

Whereas, the parliamentarians and many dissenting groups were arguing that this right to practice and follow any religion was not a matter of royal concession. But it is the inalienable right of the individual. So, the discourse of natural rights or inalienable rights becomes the basis that restrained the absolute power of the monarchy. And that is the creative tension of this time, where the Filmer text, *Patriarcha* was used as a propaganda tool by the Royalists forces to defend the absolute power of the monarchy.

In this text, Filmer, equates the authority of kings with that of fathers or paternal authority, and his argument was this authority of king had handed on by Adams who received it from god. So, in Christianity, Adam is the first person or the father of everyone and the royal authority or authority of the king or monarch is derived from this transfer of authority from Adam to the king.

And since, Adam had received this ownership of every resource on the earth from the god himself and transfer it to the king or the monarchs. Therefore, the monarch is the representative of the god and then gives a kind of anthropological understanding or explanation of royal authority or paternal authority as well giving the idea of how the father exercises authority within the household. Then, how gradually it leads to tribes and tribal authority which ultimately leads to the formation of a state.

He was willing to give the anthropological explanation for this paternal authority as well. Nonetheless, his justification for the absolute power rest with this idea that the king received the power from Adam that was absolute. And Adam received from god. Therefore, the power of monarch is absolute, arbitrary, and bequeathable or that means in hereditary, one can transfer it to the son or eldest son.

Hence, according to Filmer, we as children of god should submit to his will duly represented by the kings. So, there is a kind of absolute justification in Filmer of the arbitrary power of the monarch or the king. Locke spent considerable time in demolishing these beliefs and then developed his theory of limited government. For Filmer, the authority of the king is similar to paternal authority. Locke begins by stating the apparent differences between paternal and political authorities.

For Locke and it is similar to Aristotle's idea if you recall that in contrast to Plato who thought that a state would govern on the same principle as the individual governed himself. For Aristotle, the governing of the household among the unequal was different from governing the state which was about equal member. So, the functioning or exercise of authority in the state cannot be similar to the exercise of authority by the father in the household.

Somewhat similar argument Locke made, where he differentiated the paternal authority from the political authority. Whereas in Filmer, both kinds of authority were absolute, arbitrary, and bequeathable. That means, the exercise of authority by the king was similar to the exercise of authority by the father in the household.

Locke refuted his claim of father or husband exercising absolute power over children and wife respectively. In contrast to Filmer's argument, this is true for Lockean argument about limiting all forms of authority or tyrannical authority whether it was spiritual or temporal. He wanted to give autonomy or freedom to the individuals and not authority that is external to it. Be it the Church or king or monarch. So, Locke, argued that a father or husband did not exercise the absolute authority of wife and children.

So, long children are incapable of taking a decision or not, 18 the age of maturity, they should be protected by their father. But once they develop their maturity and capability to decide for themselves, the power or authority of the father is reduced. That means that an individual should be free to make decisions about his or her life. So, there is a kind of limit to the paternal authority also. Similarly, it is with the husband in terms of his exercise of power over his wife. So, even in the paternal authority, Locke argued that the power and authority of father or husband are not absolute as we find in Filmer.

Locke further argued that the political authority unlike paternal authorities exercised over the free and equal members, and that distinguishes the political authority from the paternal authority. So, in the household, a male as a father or husband exercises his authority among the unequal. That is children, wife, slaves, and himself. But in the political society which is constitutive of all equal and free members having the same set of natural rights, the authority of the state should be different.

It should operate within a set premise that cannot be similar to the governing principle in the household. Therefore, it must be based on their consent. So, in the household, it is not necessary to get the consent of the child for the exercise of paternal authority, whereas in the political society constitutive of free and equal members, for any forms of authority to become legitimate, it is necessary to get the consent from the people.

According to Locke, political power was about the right of making laws with penalties of death and consequently, all fewer penalties for the regulating and preserving of property and of employing the force of community in the execution of such laws and defense of the commonwealth from foreign injury and all this only for the public good.

Now, this statement establishes Locke's conception of political power or political authority. So, the political power according to Locke is the right to make laws, and this right to make laws entails, suppose someone violates the laws, what should be the penalties for such violation? It could be death or any subsequent lesser penalties. How to exercise the power and the authority which help in the execution of those laws or channelizing the forces of the community for preserving the individual right to property and aggression from the foreign forces or the injury that is from the external aggression.

So, we need the authority for these purposes and this kind of authority is different from the authority that a father or husband exercises within the household that is among the unequal's. Such political power for Locke was already available to an individual in the 'state of nature'. So, an individual in the 'state of nature' was given all the power and all the rights to do things that help him in the protection of the right to life, liberty, and property.

This political power for the state or government is similar to those rights that are given to the individual. That is to say, they can formulate the laws, they can decide the quantum of

punishment and how to execute those punishments, and how to channelize the forces of the community to protect it from external aggression.

So, this legislative, adjudicative, or federative power of the government constituted the political authority. Political authority for Locke is then not just about the exercise of absolute power or about the will or the discretion of the government or the monarch. But it must operate within the limits. That is very different from paternal authority which is arbitrary and applicable in a sphere of life, where there are unequal members such as children, wives, and men.

But in the political society among the equals or free members, the exercise of political authority is constitutive of these three powers, legislative power, adjudicative power or the federative power to maintain the commonwealth, to maintain the civic life and enable the condition for the protection of the individual right to life, liberty, and property. And these rights or political power are available to the individuals in the 'state of nature' as well which they exercise to protect or preserve their life, liberty, and property which is given to the government after the formation of civil society.

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**Origin of the Government**

- We have already discussed in the previous lecture that Locke's state of nature was the realm of maximum liberty and freedom for the individuals. Their interpersonal relations or the conduct were to be guided by natural laws. Individuals acknowledged each other's natural rights. Now the question is if the state of nature was so peaceful then why Locke develops a theory of limited government.
- According to Locke, there developed complexities and inconveniences that led the individuals to form the government and leave the state of nature. There were both kinds of human behaviors that followed the natural laws and also violated it. However, in the absence of an impartial authority or a judge and individual being bias and prejudiced to their own acts of violations of natural laws, it was difficult to adjudicate and enforce the laws impartially. Further, due to the following four reasons, human beings in the state of nature consented to subject themselves to the authority of a limited government –
  - a. Absence of clarity on established law
  - b. Absence of impartial judge to adjudicate
  - c. Absence of executive authority to enforce the law and punish the transgressors

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Now, if you look at the origin of the government, we have already discussed in the previous lecture that Locke's 'state of nature' was the realm of maximum liberty and freedom for the individuals. Their interpersonal relation or the conduct was to be guided by natural rights that they would not violate the life, health, and possession or liberty of the individuals. That mutual

understanding led to a life of freedom and equality for every human being. So, the individual acknowledged each other natural rights.

Now, the question is if the 'state of nature' was so peaceful that in contrast to the Hobbesian conception of 'state of nature' as the perpetual war then why there is a need for government, even the limited government? So, according to Locke, there developed complexities and inconveniences which led the individual to form the government and leave the 'state of nature'. And this inconvenience and complexities was the outcome of both kinds of human behaviors where some followed the natural laws and there was also a violation of natural law.

Now, if there is a violation of natural law that is a violation of individual rights to life, liberty, and property in that condition of a violation who is going to adjudicate the violation and the quantum of punishment for the violation. And in the 'state of nature', the guiding principle was just the natural law, there was no authority of the state. So, in the absence of the civic authority, how one was going to adjudicate the violation of natural law? Locke argued that an individual who was biased or prejudiced to their acts of such a violation. It would be difficult to adjudicate and enforce the laws impartially. That means without differentiating.

So, individuals having this mutual or tacit understanding among themselves that they would not violate the rights of others. But what if that violation happens? Should, we leave the adjudication to the individual consent? Will the individual be impartial to his act of violation? Locke argued that there would be biases or prejudices among the individual about their self act of violation of natural laws and it would be difficult to adjudicate impartially.

And he also outlined four reasons that lead human beings for giving consent for the formation of the government and subject themselves to the authority of limited government. These reasons are the absence of clarity on established laws, absence of the impartial judge, adjudicate, and absence of executive authority to enforce the law and punish the transgressors. On these reasons or ground, according to Locke, the individual exercising their reason or rational faculty agreed to form themselves as a political society and by just subjecting themselves to the authority of the government.

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### Two stages of contract ✓

- In the second treatise, Lock starts with describing the hypothetical state of nature and conditions of absolute freedom and equality among the men in that state governed by natural law. This we have discussed in the previous lecture. Locke argues about two stages of the social contract. The first stage of the contract is between free and equal members in the state of nature, which led to the formation of political society or 'a people'. All individual in the state of nature is a party to this contract. ✓
- The second stage of the social contract is between the member of the political society and the sovereign or government. Thus, unlike Hobbesian absolutist sovereign instituted by the people through a contract, which is not a party to contract, the Lockean sovereign is the party to contract among the members of the political society. Since the sovereign is a party in the contract, the terms of the contract apply to him, and therefore he could not exercise limitless power over the people. ✓ ✓
- In other words, Locke presents a theory of limited government. Its existence is to protect the life, liberty, and property of the individuals. Hence, if the sovereign fails to protect those rights, Locke gives the individuals the right to replace the existing sovereign with the new one capable of protecting these natural rights. ✓

So, in Locke, we have the two stages of the contract. In the second treatise, Locke starts by describing the hypothetical 'state of nature' and the condition of absolute freedom and equality among the men in that state governed by natural laws. This we have discussed in the previous lecture that we do not have to repeat. So, the basis of his argument for the limited government is based on his description of the 'state of nature', natural law, and natural rights that we have discussed earlier.

And now, we will move on when human beings realizing the constraints or complexities that occur. Because of the violation of natural laws and the absence of authority to adjudicate such violations impartially, they agree to give consent to a limited form of government and the reasons he gives. So, the formation of the government is a two-stage development. Locke argued about two stages of the social contract which led to the formation of the government. The first stage of the contract was between free and equal members in the 'state of nature'.

In the first stage, all the members who are free and equal in the 'state of nature' take part in the contract and it led to the formation of political society which we call civil society or people. So, people come together through a contract and constitute themselves as the political society or as a people and in this contract, all individuals in the 'state of nature' are party to this contract. Now, the second stage of the social contract is the contract between the member of the political society and the sovereign or government.

Unlike Hobbesian, absolutist sovereign instituted by the people through a contract and this sovereign is not a party to the contract, the Lockean sovereign is the party to the contract among the members of the political society. Now, if the sovereign is a party to the contract, the terms of the contract apply to him. Therefore, he could not exercise limitless power over the people. That is the basic premise of the Lockean concept of limited government, where he regarded the formation of the government as a two-way process, where there is a contract among the free and equal member to form the political society and formation of the government. It is then a contract at the second stage between the members of political society and government.

Therefore, the government must operate and function within the limits of that contract or the terms of that contract whereas in Hobbes, there is no such contract between the sovereign and the people. There is only one contract and the sovereign is institutionalized out of that contract. He is not a party to the contract. Here, in Locke however, the sovereign is also a party to the contract among the political society and its existence or its authority. So, he must operate within the limits set by the terms of that contract.

In other words, Locke presents a theory of limited government, its existence to protect the life, liberty, and property of the individual. Hence, if the sovereign fails to protect those rights, Locke gives the individual the right to replace the existing sovereign with the new one capable of protecting these natural rights. So, this is also known as the right to dissent which we will discuss in the next lecture.

Here, we have to understand that limits to the government or state are posed by retaining certain natural rights or inalienable rights of individuals even after the formation of political society and these rights are right to life, liberty, and property. The very formation of the government was based on their responsibility or their duty to fulfill those rights or create those conditions which will protect those rights of the individual and if the sovereign fails to do so, the individual has every right to replace that sovereign with the new one would be capable of protecting those rights of the individual.



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**Limits of the Government**

- Locke was against all forms of absolute power or tyrannical authorities, be it religious, spiritual, temporal, or paternal. He argued that all types of authority are inherently limited. It is the demand of natural law that everyman must treat others as a free and equal member. Thus individuals can not violate the life, health, liberty, and possessions of other persons. Human beings have absolute ownership over his own person and possessions. Even the state, according to Locke, exist to recognize and protect these rights of the Individuals.
- According to Locke, the government should focus mainly on three tasks. First, to ensure that through legislation, there are no ambiguities or confusions among the people about the established laws and procedures of the land. Second, it must institute an impartial judge who would adjudicate the violations of the laws. And Finally, there should be an executive arm of the government to enforce the laws and punish the transgressors.
- All these functions of the government, according to Locke, should be carried out for the protection of life, liberty, and the property of the citizens. These rights, the individuals, did not transfer to the state or the sovereign through the contract.

So, the limits of government and this apply to Locke's argument about all forms of absolute and tyrannical authorities whether it is religious and spiritual, temporal or political, or paternal. Locke was against all forms of absolute power whether in religion or spiritual matters or it is the political or temporal power of the king or the paternal power of the father or husband.

In all forms of authority, Locke was against absolute power over the subject of that authority. So he argued that all types of authority were inherently limited. That means the existence of authorities based on certain responsibilities and exercise of the power given to any authority, be it father or church or the king or the government are to fulfill those promises or responsibilities. That responsibility of task put a limit inherent to any form of authority, according to Locke.

So, it is the demand of natural law that every man must treat others as a free and equal member. Thus, individuals cannot violate the life, health, liberty, and possessions of other people. That is the natural law operates in the 'state of nature' and governs the conduct of the individual. Human beings have absolute ownership over his person and possessions the basis of Locke's idea on property. So, even the state, according to Locke, existed to recognize and protect these rights of individuals. Much of the responsibilities and duties of the state comes from this understanding of natural rights and natural laws that existed in the 'state of nature'.

According to Locke, the government should focus mainly on three tasks. First, to ensure that through legislation, there are no ambiguities or confusions among the people about the

established laws and procedures of the land. So, the first responsibility of a state or a government is to ensure that everyone residing within the state or territory of the state should be clear about the established laws and procedure that govern the authority in that state that govern the life in that state.

So thereby, every individual must know which laws to follow and if there is a violation of that law, what would be the quantum of punishment? There is the legislative function of the state or the authority. The second, it instituted an impartial judge who would adjudicate the violation of such laws. So, the responsibility of the state and government is then to create the institution of an impartial judge who would impartially adjudicate such violation of law without discrimination on basis of birth, classes, and another kind of socio-economic background.

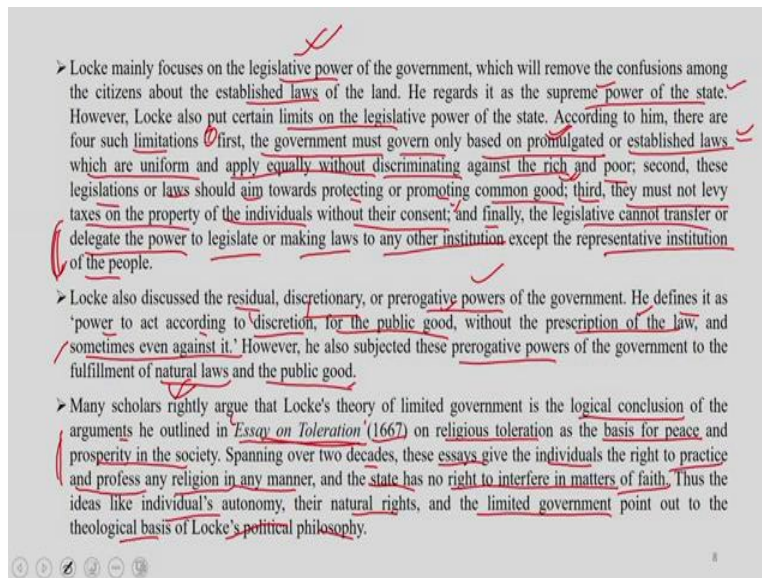
And finally, there should be an executive arm of the government to enforce the laws and punish the transgressors. This is somewhat similar to the three organs of the modern state. That is the legislative or executive organ and finally the judiciary. So, the legislature, executive, and judiciary form the basis of the modern state and its authority. Here, in the constitution and laws, there is a kind of separation of power between these three organs of the state. But overall, the main function of the state is to legislate, execute, and adjudicate.

So, all these functions of the government, according to Locke, should be carried out for the protection of life, liberty, and property of the citizens. The function of the state and the government is therefore limited. That means, it should not interfere in personal affairs or personal matters of the individual or religious or matter of faith. It should limit its laws or its executive power only to govern those spheres of life which will help the individual realize their right to live, property, and liberty.

Beyond that, individuals should have the maximum freedom about the course of action or what they should do, how they should interact with others, which religion they should follow, what Church they should go to, and what kind of practices they do? So, there are matters which should be left for the individual to decide. The state should limit its power or exercise of its authority only to protect the individual life, liberty, and property. Beyond that, individuals should have maximum freedom.

So, these rights, the individual did not transfer to the state or sovereign through the contract. So that means this right to life, liberty, and the property is paramount for the individual, and this right, they do not transfer to the government or the state after the formation of political society. The very existence of state and government is to protect those rights, not to violate them, and if it is incapable of protecting those rights. The citizens have the right to dissent against that sovereign or replace it with the new sovereign who is capable of protecting those rights.

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Locke mainly focused on these three types of the authority of the state, the legislative power of the government which would remove the confusions among the citizen about the established laws of the land. He regarded it as the supreme power of the state. So, the main power of the modern state is to legislate, that will govern the behavior or the conduct of individuals or the citizens in that state.

So, the legislative power of the government is the supreme power of the state. However, Locke put certain limits on legislative power as well. According to him, there are 4 such limitations. First, the government must govern based on promulgated or established laws which are uniform and apply equally without discriminating against the rich and poor. So, the first set of legislation limits is that it should govern based on promulgated or established laws that are uniform and do not discriminate among the citizens based on their wealth or their other social, economic background or consideration.

The second limit to the legislative power of the state is, these legislations or laws should aim towards protecting or promoting the common good. The legislation of the state is not to promote the particular interest of any section or any groups in society. It is to protect the common good of the whole of the society that is the protection of life, liberty, and property without discriminating between rich and poor, believers or nonbelievers, believers of a particular faith, or believers of some other faith.

The state in its legislation or enforcing such legislation should not discriminate on basis of those considerations. It should apply to them uniformly, equally without any discrimination. The third limit is they must not levy taxes on the property of the individuals without their consent. That is the central concern of modern authority or the authority of the state.

So, the governance which is the prerogative of the state should be based on the consent of the people. The private property which is a natural, inalienable right of the individual, the government has no right to levy tax. It needs to have the consent of the individual before it can levy a certain tax through their representative or their deputies.

Finally, the legislative cannot transfer or delegate the power to legislate or making laws to any other institution except the representative institution of the people. For the laws and legislation to become legitimate or to have the force of law, it requires that it is legislated by the representative of the people. So, the parliament or legislature cannot then delegate this power of making laws to any other authority or institution.

In the modern liberal democracy, therefore, you have the parliament as the sole representative force of the people capable of enacting new laws and those laws carry weight or force of law. Precisely, because it is legislated by a body that is representative of the people. So, the other organs of the state such as the judiciary or the executive operates within the laws and legislation enacted by the parliament are the representative of the body. In its enactment of the laws and legislation, it cannot delegate its power of legislation to some other bodies or institutions which is non-representative of the people.

The legislative power is of supreme concern, according to Locke, for the modern state. But he also posed certain limits to such legislations or legislative power of the state. Locke discussed residual or discretionary or prerogative powers of the government. This you can understand that

when laws are silent or not clear on certain matters or there are new circumstances which were unforeseen by the constitution maker or those who have legislative.

So, the executive organ of the state or the judiciary operates on the laws and legislation passed by the state. However, the government of the day or executive organ of the day is responsible for executing those laws and legislations. But suppose, if circumstances emerge which is unforeseen that requires immediate response and laws, and legislations are silent about that. Now that domain of life or situation is regarded as the discretionary power of the government or the prerogative of the government.

Locke realized that there would be situations or circumstances in the life of the state where the government had to respond immediately. So, he defined it as the power to act according to discretion for the public good without the prescription of law. So, the law may be silent. It cannot give direction to the executive as to how to respond to that particular situation and sometimes even against it.

So, sometimes circumstances require the government to go against the norms and procedures established by laws and legislation. Those rights are called the prerogatives or discretionary rights of the government which Locke acknowledged even when he talked about the limited form of government. However, he also subjected the prerogative power of the government to the fulfillment of the natural laws and the public government. Natural laws are recognition of certain inalienable rights of the individual and the protection of public good.

The prerogative or residual power is not limitless. It must be used for the protection of the public good or for the promotion of that natural rights or protection of the natural rights of the individual. Many scholars rightly argued that Locke's theory of limited is the logical conclusion of the arguments he outlined in the 'Essay on Toleration'. So, much of his arguments about the political authorities based on his argument about individual right to decide about his faith and how to practice that faith which he expressed in the 'Essay on Toleration', he wrote in 1667.

So, this is about religious toleration, the basis of peace and prosperity in the society, and this he learned when he was living in exile in Holland. Thus, spanning over two decades, this 'Essay on Religious Toleration', gave individuals the right to practice and profess any religion in any manner and the state has no right to interfere in the matters of it. So, there is a kind of limit to the

state's authority to interfere in the matters of religion or control the choice of individuals about their faith and the practices of such faith.

The idea is like individual autonomy, their natural rights, and the limited government points out to the theological basis of Locke's political philosophy. Many scholars have argued and this we will discuss in some detail in the next lecture that Locke's argument about the political authority or the limits of the political authority. How such authority should protect certain natural and inalienable rights of the individual is the logical conclusion of the arguments that he outlined in 'Essays on Toleration', where he gives the individual right to profess or practice the religion without interference from the state.

There is a kind of theological basis for these political arguments. Even when he talks about liberty, he argued that it is not the license to do anything. It must function within the limits of the natural laws and an individual has the duty to protect himself. That is the god-given duty to every man, to do everything that helps him to protect his life.

So, an individual has no liberty to kill or harm himself or to subjugate himself to the other being. These are some of the basis on which many scholars have argued that there is a kind of the theological basis of his political arguments. That is all in today's lecture on Locke's theory on limited government.

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You can refer to these texts like David Boucher and Paul Kelly's, *Political Thinkers from Separatists to Present*. Gary Browning's, *A History of Modern Political Thought: The Question of Interpretation*. Vere Chappell's, *The Cambridge Companion to Locke*. You should also refer to John Dunn's, *The Political Thought of John Locke: A Historical Account of the Argument of the Two Treatises of Government* and Shefali Jha's, *Western Political Thought: From Ancient Greeks to Modern Times*.

Laslett's, *Locke's Two Treatises of Government*, you can also refer to and then James Alan Ryan's, *On Politics: A History of Political Thought from Herodotus to Present*. So, these are some of the texts which you should refer to understand Locke's views on limited government and its formation through two stages of the contract. One is to form the civil or political society and then to form the government to protect certain natural rights of the individual. So, do share your comments and feedback. That is all in today's lecture. Thanks for listening.