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John Locke : Laws of Nature, Natural Rights, Property

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Presentation themes : Natural rights ; right to dissent; justification of property

John Locke (1632–1704) is among the most influential political philosophers of the modern period. In the *Two Treatises of Government*, he defended the claim that men are by nature free and equal.

John Locke is considered as the founder of liberalism. Like other contract theorists –Hobbes and Rousseau, Locke also relied on this notion of **Nature of State** to examine the limits and justification of political authority.

Political Science, 5th Semester, C11T : Locke Laws of Nature, Natural Rights…..

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State of nature, in political theory, the real or hypothetical condition of human beings before or without political association. Though State of Nature is explained by all the three Social contract theorists, Hobbes, Locke and Rousseau as a methodical entity to create their social contract theory but their visions of the nature of state were different.

According to Locke, the state of nature is characterized by the **absence of government but not by the absence of mutual obligation.**

To him there were two stable conditions for a political organization – the state of nature and the civil society. He explains that state of nature begins the process in which a state for a liberal, constitutional government is formed.

The state of nature as described by Locke is a “state of perfect equality, where naturally there is no superiority or jurisdiction of one over another.”

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In spite of such equality, there might be some problems without the **"law of nature"** because without law of nature everyone might execute their decisions and that certainly leads to the State of War i.e. anarchy where individual's life, liberty and property would not be secured.

Law of nature that governs the state of nature is r**eason** and that reason teaches that "no one ought to harm another in his life, liberty, and or property."

Natural Rights :

According to Locke , Natural Law and Natural Rights are interrelated and can not be alienated from each other. In the state of nature people were used to obey the natural laws and by obeying natural laws they were endowed with certain rights like right to life, liberty and property.

To him, those rights were natural because they were pre-political that is to say that everyone in the state of nature was entitled to them.

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In fact natural law and natural rights were interrelated and inalienable. In other words natural rights were not the product of political, legal and social convention, but held in virtue of our common nature. (Paul Kelly) and were derived from the law of nature.

According to Locke there are three natural rights:

- **Right to Life** i.e. everyone is entitled to live
- **Right to Liberty** i.e. everyone is entitled to do anything they want to so long as it does not hampers the first right
- **Right to property or Estate** i.e. everyone is entitled to own all they create or gain through gift or trade so long as it doesn't conflict with the first two rights.

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Though Locke claims the right to property and right to liberty as natural rights but he clearly states that **these rights are not absolute and unrestrained** but he puts some restrictions on both of these rights.

Right to liberty should not violate or denies others right to life so it **is restrained by the right to life.**

He puts **three restrictions on the accumulation of property** , these are, i)) one may only appropriate as much as one can use before it spoils, ii)) one may only appropriate as much as one can use before it spoils and iii)) one may (supposedly) only appropriate property through one's own labor.

For the **preservation and protection** of these rights, people of the nature of state **gave their consent to create the authority or civil society,** so the pre-condition of the origin of authority was the duty to fulfill the need and demand of the people i.e. to preserve and protect their rights.

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Features of Natural Rights :

According to Locke,

1. Natural rights are natural or inherent, these rights can be enjoyed by men anywhere and anytime, in the state of nature as well as in the civil society.

2.Natural rights are individual by nature, therefore can be enjoyed equally by every individual and from this point it is supposed that these rights are based on the principle of equality.

3.These rights are of the individual and not of the government.

4.State should protect and preserve these rights by using force as they are liable to do that because contract were made to assign the duty to the state or authority.

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Locke : Theory of Consent

According to Locke, men are naturally free and equal as part of the justification for understanding legitimate political government as the result of a social contract where people in the state of nature **conditionally transfer** some of their rights to the government **in order to better ensure the stable, comfortable enjoyment of their lives, liberty, and propert**y. So the **formation and existence of the government** is solely based on the consent of the people.

Locke states clearly that the governments exist by the consent of the people in order to protect the rights of the people and promote the public good. So if the government fails to do so, people can replace it with a new government thus he defends **the right to revolution.**