CONSENT AND DEMOCRACY- JOHN LOCKE

OBJECTIVES
To study about the relationship between consent of the people and democracy. The idea of consent occupies a very important place in the political philosophy of Locke. John Locke was English philosopher and politician. He was born in Somerset in the UK in 1632. His father had enlisted in the parliamentary army during the civil war.

1) Locke had anti royalist upbringing. When Locke was only ten years old the civil war broke out in England. His father took the side of parliament to fight against the king.

2) He was empirical – Like Hobbes Locke had also the opportunity to witness the civil war and its consequences. He viewed everything with an outlook of reality. He took the side of people who were anti-royalist. In the public life he was an opponent of Cromwell and critical of his despotic functioning. He was accused of conspiracy against King Charles II and sought asylum in Holland; where he came into contact with William of orange who became the king of England after the Bloodless Revolution of 1688.

3) Experience-Locke returned to England and occupied several important public positions. He retired from public life and died in 1704. In his period he worked as diplomat, civil servant. He had practical experience about almost all aspects of social and political life. This enabled him to see everything in real perspective.

All these are the reasons which are responsible for Locke’s political philosophy.

WHAT THE MEANING OF CONSENT AND DEMOCRACY
Democracy means representative and responsible government. It is based on the consent of the people. People elect their representatives and these representatives run the government.

JOHN LOCKE AND THE THEME OF CONSENT AND DEMOCRACY
In the 17th century political thinkers of England had two schools. (1) Royalist School and (2) Whig School.

1) Royalist School propagated the divine right and hereditary character of kingship. According to them royal power is derived from God.

2) Whig School said authority of the monarch is based on the consent of the people which is decided by the contract between the king and the people. Locke found it necessary to demolish royalist theory. According to Locke there was no evidence to prove that the king of England was descended from Adam. Historical evidence shows that all government authority was derived from the people and rested on their consent. Thus consent theory emerged in 17th century and first exponent of this theory is Locke.
LOCKE’S ADVOCACY OF „NATURAL RIGHTS” AND CONSTITUTIONAL GOVERNMENT

1) Natural Rights theory- He was the key thinker in the development of Liberalism, placing emphasis on „National Rights”.

2) Government based on consent of the people and constitution- Locke justified Glorious Revolution of 1688 which ended absolute monarchy and established a constitutional government.

3) The political philosophy of Locke is contained in the book “Two Treatises on Government”. In this book he justified Glorious Revolution and put forward theme of consent and constitutional government through social contract theory.

LOCKE’S SOCIAL CONTRACT THEORY

Hobbes, Locke and Rousseau have explained the origin of the state in terms of social contract. Format of the theory followed by them is identical; comprising human nature, state of nature, the social contract and the establishment of the state.
Hobbes used the theory to advocate absolutism.
Locke’s objective was to justify limited and constitutional government.
Rousseau’s doctrine was meant to condemn despotism and provoke people to revolution.
Locke’s social contract theory comprises following points:

1) Locke’s perception of Human Nature.
2) Locke’s perception about the state of Nature.
3) Locke’s views on the nature of contract.
4) Locke’s views on state and Government.
5) Locke’s advocacy of constitutional government.

Locke’s perception of Human Nature:
1) Locke’s political theory rests on his perception of human nature.
2) Locke does not accept Hobbeian view that man is quarrelsome and aggressive. Locke believes in goodness of human nature. To him people are fundamentally decent, orderly and society loving as well as capable of ruling themselves. Locke’s political philosophy was immensely influenced by the times in which he lived and was involved. During the years of distress and while in political exile, he witnessed the vicious aspects of human nature. But at the same time, he had experienced the goodness of human nature. Therefore his perception of human nature was not as cynical as that of Hobbes.
3) According to Locke “All men are naturally in a state of equality and all people are born free.
4) Desire is the spring of all human acts and that a feeling of pleasure ensues, when desire is satisfied. He maintains that the object of all human action is the acquisition of pleasure and avoidance of pain. From this type of human nature state existed. According to Locke state exists as the means for attaining the peace, security and wellbeing of its individual members. He emphasized that government is a trustee that
works on behalf of the people. He said historical evidence went to show that all
government authority was derived from the people and rested on their consent.

5) Locke said people are sufficiently rational to see that their best interests lies in mutual
and peaceful co-operation.

**Locke’s perception about state of Nature:**

1) Pre-state stage – According to Locke state of Nature was pre-political but not pre-social
stage. There was no political authority.

2) Under natural law – It was not lawless stage. People and their behavior were under the
control of natural law. The state of nature was governed by the law of nature which
was based on reason or consciousness.

3) Not a state of war but of peace and goodwill – According to Locke the state of nature is
the state of goodwill, mutual assistance and preservation of peace. People did not
indulge in war.

4) Equality in personal liberty – In the state of nature people were free and equal. There was
equality not in intellect, physical might or possessions but equality in personal liberty.
Freedom of life, liberty and property was everybody’s inherent and inalienable birth
right.

5) Like civil society - Locke’s state of nature was very much like civil society without a
government.

6) **The state of nature had some serious inconveniences** –

a) In the absence of an established, settled and known law, every man was the interpreter of
law.

b) In the absence of executive power to enforce law, every man had the right to execute the
law of nature.

c) In the absence of Judiciary, each one interpreted the law as per his convenience.

d) Variety in the interpretation of law created disorder and confusion. There was no peace,
stability and security of life, liberty and property.

People realized that these inconveniences of state of Nature can be removed by establishing a
civil government by all.

**Locke’s views on the nature of the contract:**

To end the above mentioned inconveniences of the state of nature, each individual contracted
with others to unite and constitute a community.

Purpose of the contract:
Main purpose of the contract, the protection and preservation of natural rights i.e. life, liberty and
property. Thus under contract state was formed with some expectations.
The features of Locke's social contract are as follows:

1) **Two contracts:**
According to Locke by the first contract civil society i.e. the state was constituted and by the second contract the government was established.

This contract was made by each with all. A single body politic under one Government was formed.

2) **Contract was specific not general:**
According to Locke in the contract each individual to give up not all natural rights but one of interpreting and executing the laws of nature. Thus contract was specific.

3) **No absolute sovereign:**
In this contract people surrendered their rights not to any person or group but to the community as a whole. Hence community became superior. Government is entrusted with certain powers to protect the rights of the people.

4) **Sovereignty of the community (people):**
The sovereign power created by the contract vests not in a single man but in the community as a whole.

5) **Natural rights:**
After the establishment of the state every man will retain natural rights. The state will have an obligation to uphold these rights.

6) **Unanimous contract:**
Contract was unanimously made by the people with their own consent. Hence government would be based firmly upon the consent of the masses.

7) **Irrevocable contract:**
The contract is irrevocable because after having once made it, the people cannot revert back to the freedom of the state of nature.

**Locke’s views about State and Government:**
The structure of the state and its relationship with the subject explained by Locke are as follows:

1) **Distinction between the state and Government:**
Locke distinguishes between the state and government. According to him state comes into existence as a result of the second contract. The rulers and the ruled together constitute the state. Whereas those entrusted the responsibility „to rule” constitute the government. Thus state is superior to the government.

2) **Right to revolt the government:**
Locke said people have no right to revolt against the state. But people can revolt against the government and can change the government for specific purposes. The natural rights of people are inviolable and must be protected by the government. If the government fails to protect these rights it deserves to be changed.

The British people, when they changed their government in 1688, were justified. Locke repeatedly asserts „the end” of the government is the good of the community and that all states must be founded on consent. He said the Stuart kings were not attempting the good of the community and their rule was not based on the consent of the people. Therefore they were justly dismissed from power in 1688.

3) **Emphasis on popular sovereignty:**
Locke did not build up a legal sovereignty. He put emphasis on popular sovereignty. I.e. After the contract community will be sovereign. Government will work for specific purpose. If government failed in doing their work then people had the right of revolution, against such a government.

4) **Limited government:**
Locke opposed the idea of absolute sovereignty. He advocated government based division of powers and subjected to number of limitations. These limitations are as follows:

a) It could not violate the natural rights of the people. Government will work for public interest.
b) It could not govern arbitrarily.
c) It must govern according to the laws.
d) It could not tax the individuals without their consent. Source of power is the people.
e) The laws of the government should conform with the laws of nature.

A government which violated its limitations was not worthy of obedience. Thus Locke advocated limited government.

5) **Majority rule:**
Locke’s contract implied the rule of majority. The law of nature could not be enforced by the state, unless the minority submitted to the will of majority. The majority had the right to act for the whole community.

6) **Constitutional state:**
Locke depicted a constitutional state where the relationship between people and government and among people themselves will be determined by the rule of law not by arbitrariness.

**Locke’s advocacy of limited and constitutional government:**

John Locke recognizes the distinction between state and government.
According to him by first contract a civil society was formed, puts an end of the state of nature, second contract created the government.

Concept of trust:
According to Locke government are only the deputies or trustees of the people, who can be discarded if they fail. Locke wanted to subordinate the government to the community. He said government exists for the good of the people and can be legitimately removed.

**Forms of Government:**
Locke describes the supreme power of governance as Legislative authority”. If the Legislative authority is in the hands of one man, it is monarchy. If this power is vested in the hands of few selected persons, by the consent of the majority, it is aristocracy and if the community retains the legislative power in its own hands and appoints few officers for executing the laws the government is a democracy. Locke considers a limited democracy in the hands of delegates, controlled by election, as the best form of government.

**Functions of Government:**
The main object of peoples uniting into (state) commonwealth and putting themselves under the government was the preservation of their natural rights.

**Limitations on powers of Government:**
Locke opposed to the idea of absolute sovereignty. According to him limitations on the power of government are as follows:

1) Government will work for public interest. It means their power is limited to the public good in the society.
2) It must govern according to the laws.
3) The laws of the government should conform with the laws of nature.
4) It could not govern arbitrarily. Thus Locke advocated constitutional government.

**Locke’s doctrine of consent:**
He declared that “consent of the people is the basis of the government” The idea of consent occupies a very important place in the political philosophy of Locke. He has challenged the autocratic rule of the king by emphasising that government is to be run according to the consent of the people. Locke wanted to place peoples cause at a high point. According to Locke people are the source of political power. The community retains the supreme power.

**Separation of powers and sovereignty:**
Before Montesquieu Locke originated the theory of separation of power and checks and balance. He said Legislature will control the executive Legislature is constituted by the representatives of people and hence popular will is expressed through the legislature. The legislative power is limited to the public good of the society. When a government does something contrary to public good or violates the law of nature, it is to be overthrown by popular revolt.

Sovereignty is vested in the community. Locke repudiated the sovereignty of Hobbes.
Right of Revolution:
Locke recognized the right to resistance under special circumstances only.

Evaluation of the Social contract theory:

Demerits:
1) Neither logical nor consistent: Locke’s statements lack the clarity and consistency.
2) Rights cannot exist without civil society: Locke’s statement that rights existed in the state of nature before the formation of the society is not very logical. Because rights are not rights in a real sense unless they are protected by the state.
3) One sided views about human nature: Locke describes man as good, rational and co-operative. This assessment of Locke about human nature is one sided. Man is neither a beast nor a God, he is human. Human nature is composed of many complex and conflicting traits.

Merits:
1) Father of constitutionalism: Locke was the first thinker who said the creation or dissolution of government cannot be done without the consent of the people. Both government and governed are subject to law. It means government will work on the basis of Rule of Law. Thus Locke was the father of democratic Government and constitutionalism.
2) Influence of Locke: Barker makes the following remarks. “It was the political philosophy of Locke which affected the nation of England deeply. It provides the guidelines for the British democracy. It penetrated into France and passed through Rousseau into the French revolution. It penetrated into the North American colonies.”
3) Locke’s idea of consent and of majority rule has become the basis of representative democracy.

LOCKE’S THEORY OF NATURAL RIGHTS:

Locke’s views on Natural Rights:

Introduction:
Locke’s political philosophy reflects the crisis of Liberty during the 17th century. In the 17th century there were contradiction between the authority of the state and the Liberty of the individual.

Machiavelli, Hobbes regarded the state more important and prescribed the unconditional submission of individual to the authority.

Whereas Locke gave more importance to individual. He was a key thinker in the development of Liberalism placing emphasis on
“Natural Rights”. In England, in the 17th century, king’s power were unlimited. Such power was used to suppress individual freedom which resulted into a crisis of liberty.

John Locke justified the Bloodless revolution of 1688 and limitations on the powers of the ruler in the form of Bill of Rights. He wrote his book (1690) “Two Treaties of Government” and justified people’s right to revolt against an unjust king for protection of their natural rights.

He also used the social contract theory to prove that powers of the government ought to be limited by the rights of the people.

Locke’s theory of Natural Rights:

1) Natural Rights are birth rights – Locke pointed out that every individual gets certain natural rights as soon as he is born. These rights are the gift of nature to human beings.

2) These rights are innate, inalienable and inviolable. They do not require any justification. They can neither be taken away by any other individual or the state.

3) Right to life, liberty, equality, property and pursuit of happiness are the natural rights.

4) Main function of the state – According to Locke in the state of nature people had natural rights but they were in danger.

5) Natural rights are pre-political and can be asserted anywhere and everywhere.

6) According to Locke, the rights to property was the most important of the three natural rights.

Hence for the safety and protecting the natural rights people made contract and formed the state. People expected the state to protect and preserve their natural rights in a more effective way.

The main object of peoples uniting into state and putting them-selves under the government was the security and preservation of their natural rights. State should protect the natural rights of its citizens.

These rights are inherent possession of individual, the state cannot limit or take away these rights under any circumstances. During the extreme emergency, these rights can be temporarily suspended only with the consent of the people.

Implications of theory of Natural Rights:

1) Locke’s theory of natural rights was responsible for the development of the concept of fundamental rights and ideology of Individualism.

2) The theory of natural rights was propagated by the exponents of Liberalism like Locke and Pain. The liberal concept of rights explains liberty in terms of individual rights.
3) In practical politics, it exerted great influence on the constitutional struggle in America and France John Locke’s bold advocacy of liberty, as the purpose of the state, made great impression on the founding fathers of the US constitution. His book “Two treaties of Government” became the text book of American Revolution. Lindsay said that “In America there was the existence of that society of which Locke imagined.

4) Liberals took inspiration from Locke like – Pain. In Maharashtra Mahatma Phule was very much influenced by Pain

5) He stressed that individual is everything State and Government are the means.

**Conclusion:** Thus Locke’s political philosophy reflects the crisis of liberty during the 17th century and Locke is a key thinker in the development of Liberalism, placing emphasis on Natural Rights.