

POLITICAL LEGACY: JOHN LOCKE  
AND THE AMERICAN GOVERNMENT

by

MATTHEW MIYAMOTO

A THESIS

Presented to the Department of Political Science  
and the Robert D. Clark Honors College  
in partial fulfillment of the requirements for the degree of  
Bachelor of Science

January 2016

## **An Abstract of the Thesis of**

**Matthew Miyamoto for the degree of Bachelor of Science  
in the Department of Political Science to be taken January, 2016**

**Title: Political Legacy: John Locke and the American Government**

Approved: \_\_\_\_\_

**Professor Dan Tichenor**

John Locke, commonly known as the father of classical liberalism, has arguably influenced the United States government more than any other political philosopher in history. His political theories include the quintessential American ideals of a right to life, liberty, and property, as well as the notion that the government is legitimized through the consent of the governed.

Locke's theories guided the founding fathers through the creation of the American government and form the political backbone upon which this nation was founded. His theories form the foundation of principal American documents such as the Declaration of Independence, the Constitution, and the Bill of Rights, and they permeate the speeches, writings, and letters of our founding fathers. Locke's ideas define our world so thoroughly that we take them axiomatically. Locke's ideas are our tradition. They are our right. This thesis seeks to understand John Locke's political philosophy and the role that he played in the creation of the United States government.

## **Acknowledgements**

I would like to thank Professor Dan Tichenor for helping me to fully examine this topic and guiding me through my research and writing. I am honored to have been fortunate enough to work under Dan's guidance through this strenuous but rewarding process. I likely caused him more stress throughout this process than I wish, and I am enormously grateful to him for supporting me throughout this process.

I am also grateful to University of Oregon President Emeritus Dave Frohnmayer for his tremendous help and guidance in the early stages of my thesis. His leadership and guidance helped me to define my research and prepare for the process of completing an undergraduate thesis.

I would also like to thank Professor Susanna Lim for serving as my Clark Honors College advisor and to Professor John Davidson for serving as my second reader. Professor Lim was exactly what I needed in my CHC representative and has been fully supportive throughout this process. Professor Davidson was able to join my committee on sudden notice nearly a month before my defense. Without him, this thesis would not have been completed. Finally, I would like to thank my parents Danna and Glenn for their eternal support and faith throughout my tenure as a student at the University of Oregon.

## Table of Contents

Introduction to the Thesis	1
Introduction to Locke's Works	2
Locke's Theories - Introduction	3
Section 1 – Why Governments Exist	4
Section 2 – How Government Should Function	10
Section 3 – Rebellion and the Dissolution of Government	17
Section 4 – A Letter Concerning Toleration	19
Locke's Influence – Introduction	20
Section 6 – Locke in the Constitution	32
Section 7 – Locke on Religious Freedom and the State	42
Conclusion	49
Appendix A: Declaration of Independence	53
Appendix B: Bill of Rights	59
Appendix C: Virginia Statute for Religious Freedom	61
Appendix D: John Locke: Life and Times	64
Bibliography:	66

## **Introduction to the Thesis**

John Locke was the originator of many core American political ideals. He is best known for his argument that individual consent is the basis of legitimate government and that government should be limited rather than absolute. Locke also argues that there should be a separation between church and state, that all people are born with certain natural and inalienable rights, and that everyone has the natural right to life, liberty, and estates. These principles of government seem axiomatic to modern Americans, but they originate in Locke's philosophy and were revolutionary for his era.

Locke's philosophy was incorporated by the founding fathers into the backbone of American government. The founding fathers believed that King George III had broken his social contract with the people. Therefore, they had a duty to rebel against this government and replace it with one that could adequately protect their rights. Locke's ideas appear prevalently in the Declaration of Independence, the Constitution, the Bill of Rights, and many other core American documents.

In this thesis, I seek to understand the ways in which Locke's philosophy was important to foundation of the American government. My thesis is composed of two primary sections. The first section provides an overview of Locke's philosophy. I cover Locke's theories as espoused in his *Second Treatise on Government* and *A Letter Concerning Toleration*. While many of Locke's other works were profoundly influential on the world around him, this thesis primarily covers these two texts. The second section of this thesis traces Locke's role in the foundation of the US government. I will look to the founding fathers and core American documents to see how Locke's theories were built into the US government. While I am not directly

attempting to prove influence, I hope to show through careful insight and discussion the tremendous importance that Locke's philosophy had on the formation of the American government.

### **Introduction to Locke's Works**

The majority of Locke's credited political theories are presented in his *Two Treatises*. Officially titled as "*Two Treatises of Government: In the Former, the False Principles, and Foundations of Sir Robert Filmer, and His Followers, Are Detected and Overthrown. The Latter is an Essay Concerning the True Original, Extent, and End of Civil Government*," these two treatises serve as the principal texts of John Locke, and are his works that scholars draw from most readily.

The *First Treatise* refutes Robert Filmer's conception of patriarchalism, which is the notion that a monarch should hold absolute power. Filmer argued in his *Patriarcha*, as did Thomas Hobbes in *Leviathan*, that monarchs should hold absolute, sovereign, divinely ordained power that passes down hereditarily. Locke spends the entirety of his *First Treatise* arguing against this notion.

Locke revisits the majority of his arguments from the *First Treatise* in his *Second Treatise*, where he offers a broader defense of his theories. Locke spends the majority of his *Second Treatise* identifying the basis of legitimate government. He argues that governments are legitimized by the consent of the governed. Locke writes that human beings thus have certain inalienable natural rights that supersede all government authority (among them are life, liberty, and estates), and that the government must function to protect these rights or else it is rightly subject to being overthrown. Locke's arguments exist in the context of the social contract theorists Hugo Grotius, Thomas

Hobbes, and Jean-Jacques Rousseau, among others. Additionally, Locke writes in his *Second Treatise* about the state of nature, property, representative government, and revolution. His arguments in the *Second Treatise* have deeply influenced founding fathers such as Thomas Jefferson, as well as the Declaration of Independence and the Constitution. Locke also spoke deeply of religion and the separation between church and state in his *A Letter Concerning Toleration*. This document had a profound impact on Thomas Jefferson in particular.

### **Locke's Theories - Introduction**

John Locke, Thomas Hobbes and Jean-Jacques Rousseau are the three preeminent social contract philosophers. Social contract theory is, at a fundamental level, the notion that societies and governments are legitimized through the consent of the individuals that are governed. Each social contract philosopher had a different interpretation of the social contract, and Locke's conception of it is arguably the most integral to the United States government and its history.

Many of the foundational principles of American government have their roots in Lockean theory. The following section of this thesis is devoted to an understanding of Locke's philosophy. It is split into four parts. The first three parts all follow the philosophy that Locke presents in his *Second Treatise*. To provide a quick summary, Locke's fundamental argument is that all people are equal and are invested with certain natural and inalienable rights such as the right to life, liberty, and estate, and that they enter into a social contract with government in order to protect these rights. Government should thus be designed to protect those rights.

The first chapter of this segment covers Locke's arguments for why government is necessary. The second chapter covers Locke's arguments for what government should look like and how it should be designed. The third chapter considers Locke's theory on revolution and the dissolution of government. The fourth and final chapter of this section covers Locke's arguments in *A Letter Concerning Toleration*, in which he argues that there should be a separation of church and state and that the government should be tolerant of the free expression and exercise of all religions that are themselves tolerant.

### **Section 1 – Why Governments Exist**

This first section of my thesis is devoted to understanding Locke's theory on why governments exist. This investigation is important because it establishes what the function of government should be and how it can be designed to best serve that function. Locke's arguments follow a very logical foundation. He posits that individuals will suffer many inconveniences in the state of nature without government, and that people can improve their welfare by surrendering some of their natural freedoms to a government. According to Locke, then, government exists to rectify these inconveniences of the state of nature.

The concept of a state of nature is central to all social contract theories and serves as the basis upon which government is built. Locke defines the state of nature as the state of "men living together according to reason, without a common superior on earth, with authority to judge between them."<sup>1</sup> Locke writes that "all men are natural in

---

<sup>1</sup> Locke, John. *Second Treatise of Government*. 1980. Reprint. Indianapolis: Hackett Publishing, 1980, 1690. Print. Chapter 3, section 19. Page 15.

that [state of nature], and remain so, till by their own consents they make themselves members of some politic society.”<sup>2</sup> Essentially, it is the state that society would be in if government did not come into existence.

The theoretical state of nature is vitally important to social contract theory because it characterizes what life would be like without government and why it is preferable to surrender certain rights and liberties to enter into a civil society than to remain in the state of nature. The concept of a state of nature thus serves as a basis for explaining why government exists and what the functions of government should be. Locke writes that “to understand political power right, and derive it from its original, we must consider, what state all men are natural in.”<sup>3</sup>

Each social contract theorist has a different depiction for what the state of nature looks like. Thomas Hobbes, for example, believes that life in the state of nature is solitary, poor, nasty, brutish, and short. He believes that men were by nature so contentious that they could not survive without surrendering their natural rights to an all-powerful sovereign state, thus giving rise to his *Leviathan* state. Locke, however, believes that the state of nature is a state of perfect freedom and equality where man is only governed by reason. He writes that in the state of nature man can “order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man.”<sup>4</sup> Locke continues by saying that the state of nature is “a state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than

---

<sup>2</sup> *Ibid.* Chapter 2, section 15. Pages 13-14.

<sup>3</sup> *Ibid.* Chapter 2, section 4. Page 8.

<sup>4</sup> *Ibid.* Chapter 2, section 4. Page 8.

another.”<sup>5</sup> Indeed, Locke calls the state of nature “a state of peace, good will, mutual assistance, and preservation.”<sup>6</sup>

In Locke’s state of nature, people have the perfect freedom to act however they see fit without constraint from others, however, there is still a distinction between positive and negative liberties. Locke writes that the state of nature is “a state a liberty, yet is it not a state of license,” and that “being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions,” meaning that individuals have freedom within the laws of nature, but do not have the freedom to do absolutely anything they desire.<sup>7</sup> People are bound to preserve themselves and they cannot infringe on the “life, the liberty, health, limb, or goods of another.”<sup>8</sup> When an individual does infringe upon these things, it is necessary for people to punish the transgressor. Locke writes that “every man hath a right to punish the offender, and be executioner of the law of nature.”<sup>9</sup> He believes that those who violate the law of nature have “declared war against all mankind” and are like “wild savage beasts, with whom men can have no society or security.”<sup>10</sup> Indeed, Locke goes as far as to argue that it is necessary under natural law for all people to be executioners in the state of nature. Individuals need to punish those who transgress the natural law.

Furthermore, people are naturally partial towards themselves and their friends. When everyone has the executive power of the law of nature, desire for revenge will cause people to carry themselves too far in punishing others and partiality will cause

---

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.* Chapter 2, section 9. Page 15.

<sup>7</sup> *Ibid.* Chapter 2, section 6. Page 9.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.* Chapter 2, section 8. Page 10.

<sup>10</sup> *Ibid.* Chapter 2, section 11. Page 11.

them to be poor judges for themselves and their friends. Locke argues that “nothing but confusion and disorder will follow, and that therefore God hath certainly appointed government to restrain the partiality and violence of men.”<sup>11</sup> So while the state of nature is not a terrible place according to Locke, it is fraught with inconvenience and partiality.

Locke argues that everyone in the state of nature has two powers. First, there is the power for an individual to do whatever he believes is good for the preservation of himself or others, within the boundaries set by the law of nature. Second, there is the power to punish crimes that are committed against the law of nature.<sup>12</sup> In order to be regulated by the laws that government makes, people surrender that first power. This confines one’s liberty in exchange for equal protection and impartiality in governance. People also surrender their power to punish those who transgress the laws of nature. Government, therefore, requires an individual to sacrifice many of their natural rights that they had in the state of nature in order to gain security in their lives, liberties, and estates.<sup>13</sup>

Additionally, property rights also hold a prominent role in the state of nature. Locke argues that mankind owns the earth in common, and that God has given mankind “reason to make use of it to the best advantage of life, and convenience.”<sup>14</sup> Locke writes that “the earth, and all that is therein, is given to men for the support and comfort of their being.”<sup>15</sup> He believes that man has a natural right to life, and therefore man has a right to take for himself what is needed to sustain and enhance that life. Yet while

---

<sup>11</sup> *Ibid.* Chapter 2, section 13. Page 12.

<sup>12</sup> *Ibid.* Chapter 9, section 128. Page 67.

<sup>13</sup> *Ibid.* Chapter 9, sections 129-130. Page 67.

<sup>14</sup> *Ibid.* Chapter 5, section 26. Page 18.

<sup>15</sup> *Ibid.*

Locke believes that the earth belongs to man in common, no one has original private dominion over any of it so there must be a way to appropriate it. The solution to this problem is labor – someone owns what they put their own labor into. Locke writes that “the labour of his body, and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property.”<sup>16</sup> This principle extends to land ownership. An individual is entitled to the land that he puts his own labor into improving. So while God has given man the earth in common, an individual comes to own a piece of land when he or she invests his or her labor into it. This holds true regardless of the consent of others.<sup>17</sup>

Locke puts several natural limits on the amount of property one may acquire. He argues that people may only acquire as much property as will allow others to also accumulate their own property, as the earth was given to mankind in common. He also argues that people can only accumulate as much as they can use without any of it spoiling. Finally, people can only accumulate what they mix their own labor with. Locke argues, however, that people bypass the first two limits with the introduction of money, which cannot spoil and which always allows more for others. Effectively, then, people have a natural right to unlimited amounts of private property.

According to Locke, people have a natural desire to accumulate more property than they need and that this is morally sound as long as none of that property spoils.<sup>18</sup> Additionally, people are rational enough to know that they need to adhere to bargains

---

<sup>16</sup> *Ibid.* Chapter 5, section 27. Page 19.

<sup>17</sup> *Ibid.* Chapter 5, section 28. Page 19-20.

<sup>18</sup> *Ibid.* Editor’s introduction by C. B. Macpherson, page xviii.

and contracts in order to satisfy their desire to accumulate more property, but human nature causes them to disregard these obligations unless a superior authority exists to enforce them.<sup>19</sup> So while Locke believes that man is naturally sociable and that the state of nature is primarily a state of cooperation, some people will still transgress the law of nature. Property is still unsecure and people do not adhere to bargains and contracts. For this reason, the enjoyment of one's freedoms in the state of nature "is very uncertain" as people are "constantly exposed to the invasion of others," and that "the enjoyment of the property he has [in the state of nature] is very unsafe, very unsecure."<sup>20</sup> Locke states that "this makes him willing to quit a condition, which, however free, is full of fears and continual dangers: and it is not without reason, that he seeks out, and is willing to join in society with others, who are already united, or have a mind to unite, for the mutual preservation of their lives, liberties and estates, which I call by the general name, property."<sup>21</sup>

Locke's reasoning indicates his belief in what the purpose of government should be. Essentially, Locke believes that the function of government should be to protect an individual's life, liberty, and estate, all of which he defines as property. Locke writes that "the great and chief end, therefore, of men's uniting into common-wealths, and putting themselves under government, is the preservation of their property."<sup>22</sup> He maintains that man must enter into a social contract with each other to surrender the executive power of the law of nature to a government in order for that government to be legitimate and able to secure one's property.

---

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.* Chapter 9, section 123. Page 66.

<sup>21</sup> *Ibid.* Chapter 9, section 123. Pages 65-66.

<sup>22</sup> *Ibid.* Chapter 9, section 124. Page 66.

## Section 2 – How Government Should Function

Locke's theories on the state of nature and property give rise to why he believes that governments exist. Locke contends that people have the right to own property so long as they do not take possession of more than they can use or harm another person by taking possession of it. In the state of nature, however, immoral people will violate these natural laws and harm others' property. In order to escape this inconvenience of the state of nature, people may come together and assent to the creation of a government that has the power to create and enforce laws, thereby guaranteeing each member of that society security in their life, liberty, and estates.<sup>23</sup> By surrendering the ability to punish or judge offenses, a civil society may establish a government that can impartially and efficiently protect an individual's rights better than that person could do alone. Locke writes, "Where-ever therefore any number of men are so united into one society, as to quit every one his executive power of the law of nature and to resign it to the public there and there only is a political, or civil society."<sup>24</sup>

Locke believes that there are many things that government should do to rectify the inconveniences of the state of nature. First, he believes, that government should provide an established, settled, known law, which is the standard of right and wrong and which is the standard to decide controversies between.<sup>25</sup> Second, he believes that governments should provide a known and indifferent judge, who has the power to settle disputes according to the established law. The state of nature allows all men to be judges and executioners of the law of nature, but people are partial and biased by their

---

<sup>23</sup> *Ibid.* Chapter 7, section 88. Page 47.

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.* Chapter 9, section 124. Page 66.

interests, so they are not fit for being good judges. Government can provide that impartial judge to help secure individuals' properties. Locke writes that "the inconveniences that they are therein exposed to by the irregular and uncertain exercise of the power every man has of punishing the transgressions of others, make them take sanctuary under the established laws of government, and therein seek the preservation of their property."<sup>26</sup> Third, the state of nature lacks the "power to back and support the sentence... and to give it due execution," which a government can provide.<sup>27</sup>

Locke believes that the core purpose of people entering into society is for the "enjoyment of their properties in peace and safety," and he argues that "the great instrument and means of that being the laws established in that society."<sup>28</sup> To Locke, legislative power is the most important component of a government's power. Locke writes that the "legislative [power] is not only the supreme power of the commonwealth, but sacred and unalterable in the hands where the community have once placed it."<sup>29</sup> He argues that a government's legislative power must be supreme. No one may challenge a government's legislative power and everyone must follow the laws set in place by the legislature. Additionally, nobody can pass a law without sanction from the legislature.<sup>30</sup> All legislative powers must be vested in the legislative body, which is legitimized through the consent of the governed.

Locke describes four limits to a government's legislative power. First, although a government's legislative power must be supreme, it cannot be arbitrary. Locke argues

---

<sup>26</sup> *Ibid.* Chapter 9, section 127. Page 66.

<sup>27</sup> *Ibid.* Chapter 9, sections 124-126. Pages 65-66.

<sup>28</sup> *Ibid.* Chapter 11, section 134. Page 69.

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

that a government's legislative power is the joint power of every member of society given up to it, so it cannot be more power than those individuals had in the state of nature before they entered into a civil society. Locke argues that in the state of nature no one has an absolute arbitrary power over himself or over another, so no one can destroy his or her own life or the life or property of another. Individuals only have so much power as the law of nature allows them for the preservation of themselves or the rest of mankind. Locke argues that "this is all he doth, or can give up to the common-wealth, and by it to the legislative power, so that the legislative can have no more than this."<sup>31</sup> This means that the legislative power must act for the non-arbitrarily for the public good of society. Locke writes that the legislative power "is a power that hath no other end but preservation, and therefore can never have a right to destroy, enslave, or designedly to impoverish the subjects."<sup>32</sup>

Second, the legislative power is "bound to dispense justice, and decide the rights of the subject by promulgated standing laws, and known authorized judges."<sup>33</sup> Laws that are passed by the legislature must apply equally to everyone, and they must be declared laws. Locke argues that people come together to avoid the inconveniences of the state of nature, but that if a legislature rules partially or by something other than declared laws, then a society's "peace, quiet, and property will still be at the same uncertainty, as it was in the state of nature."<sup>34</sup> It is therefore against the goals of society and government to govern without settled standing laws by which every one may know.

Third, the legislative power must not allow the government to "take from any

---

<sup>31</sup> *Ibid.* Chapter 11, section 135. Pages 70-71.

<sup>32</sup> *Ibid.* Chapter 11, section 135. Page 71.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.* Chapter 11, section 136. Page 72.

man any part of his property without his own consent.”<sup>35</sup> This follows naturally for Locke. He believes that the goal of government is for the protection of property, (where property includes life, liberty, and estate) so it is necessary for government to protect an individual’s property and not take it without his or her consent. This also means that a government may not raise taxes on the people without the consent of the majority.

Finally, Locke argues that the legislative “cannot transfer the power of making laws to any other hands.”<sup>36</sup> He argues that the power of making laws is a delegated power from the people, so it cannot be transferred or placed in the hands of another. Only the people have the right to transfer lawmaking powers to another body.

Locke believes that the legislative body of a government may take many different forms and have many different qualities as long as it is limited in the aforementioned regards and fulfills the purpose of a government’s legislature. Locke argues that there is no need for a legislative body to always be in session, and indeed claims that it is likely better to have a legislature that is only in session at certain times. He states that a legislature that is always in session “may be too great a temptation to human frailty” and carries risk of abuse.<sup>37</sup>

According to Locke, the executive body of a government, however, should always be in session because laws have a constant and lasting force and require continuous execution. Since the executive should always be actively enforcing laws but the legislative should only be making laws at specified times, often times the legislative and the executive bodies of government become separated. So while Locke does not

---

<sup>35</sup> *Ibid.* Chapter 11, section 138. Page 73.

<sup>36</sup> *Ibid.* Chapter 11, section 141. Pages 74-75.

<sup>37</sup> *Ibid.* Chapter 12, section 143. Page 76.

specifically state that there should be a separation of powers between the legislative and executive, he does believe that a properly designed government will have an executive that is always in session with a legislative that is only in session at specified periods, so a properly designed government will likely have a separation between the two bodies.

Locke argues that the legislative power must be the supreme power of a government, but it is still only a fiduciary power to act towards the ends of securing individual's properties. The people still have ultimate power to remove or alter the legislative if they believe that the legislative acts contrary to the trust of its citizens. Still, Locke argues that the legislative is superior to the executive because the legislative makes laws over the executive. Even when all of the executive power is vested in one person, that person only holds supreme executive power and does not hold supreme control over the government.<sup>38</sup>

Locke believes that when the legislative is made up of representatives of the people, it is necessary that the people freely elect those representatives. Additionally, he believes that the legislature should be in session either at regularly scheduled intervals or when necessary, and that the executive should decide when the legislature should assemble in the case of the latter. Locke argues that the executive enters a state of war with the people should the executive hinder the meeting and acting of the legislative when they require it. In this case, the people have the right to remove the executive from power.<sup>39</sup>

Locke notes that there are times when the executive may need to take action before the legislature can convene. In these cases, the executive steps outside of its

---

<sup>38</sup> *Ibid.* Chapter 13, section 151. Page 79.

<sup>39</sup> *Ibid.* Chapter 13, section 155. Pages 80-81.

explicitly assigned powers and uses what Locke calls the executive prerogative. He justifies this power by stating that it is justified by the trust that the people have placed in the executive.

Locke also believes that the legislative is best designed with representatives that fairly and equally represent the people. Therefore, it is important for the legislative to periodically alter its number of representatives to fit changing populations. He argues that the executive should oversee this change and rectify any disorder that arises in the legislature.<sup>40</sup>

Locke believes that several different forms of government are acceptable so long as they serve these functions and protect individuals' property. He specifically states that a democracy, oligarchy, monarchy, hereditary monarchy, and elective monarchy are all perfectly acceptable forms of government.<sup>41</sup> While some forms of government are better fit to protecting an individual's life, liberty, and estate, there are many forms of government that are unable to do so in Locke's paradigm.

Locke asserts that "it is evident, that absolute monarchy, which by some men is counted the only government in the world, is indeed inconsistent with civil society, and so can be no form of civil-government at all."<sup>42</sup> This is because the same problems inherent in the state of nature still reside when an absolute monarch governs. There is still partiality and insecurity in one's possessions. Locke writes that "for he being supposed to have all, both legislative and executive power in himself alone, there is no judge to be found, no appeal lies open to any one, who may fairly, and indifferently, and

---

<sup>40</sup> *Ibid.* Chapter 13, section 158. Page 83.

<sup>41</sup> *Ibid.* Chapter 10, section 132. Page 68.

<sup>42</sup> *Ibid.* Chapter 7, section 90. Page 48.

with authority decide.”<sup>43</sup> Locke writes,

If when men quitting the state of nature entered into society, they agreed that all of them but one, should be under the restraint of laws, but that he should still retain all the liberty of the state of nature increased with power, and made licentious by impunity. This is to think, that men are so foolish, that they take care to avoid what mischiefs may be done them by pole-cats, or foxes; but are content, nay think it safety, to be devoured by lions.<sup>44</sup>

This argument is significant in the historical context that Locke is writing in.

Locke was an affiliate of the Whigs, and he challenged the absolute monarchy of England by stating that an absolute monarch violates an individual’s natural rights in a similar fashion as what might happen in the state of nature.

Locke believes that the governing factor of a civil society must be the majority. He argues that no one can be subjected to the political power of another without his own consent, and that the only way that someone divests their natural liberty is by agreeing with others to join with others into a civil society who also agree to that. A political body must be legitimized by the consent of all individuals governed by it, and this will only occur if it acts with “the will and determination of the majority... and it being necessary to that which is one body to move one way; it is necessary the body should move that way whither the greater force carries it, which is consent of the majority.”<sup>45</sup>

Locke argues that when the consent of the majority is not received as the act of the whole, as in the case of an absolute monarchy or other similar government, a government cannot retain the consent of all individuals governed by it. That government, Locke argues, is destined for failure. He writes that those governments that

---

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.* Chapter 7, section 93. Page 50.

<sup>45</sup> *Ibid.* Chapter 8, section 95. Page 52.

act contrary to the consent of the majority “would make the mighty Leviathan<sup>46</sup> of a shorter duration, than the feeblest creatures, and not let it outlast the day it was born in... for where the majority cannot conclude the rest, there they cannot act as one body, and consequently will be immediately dissolved again.”<sup>47</sup>

### **Section 3 – Rebellion and the Dissolution of Government**

Locke’s theory on the dissolution of government has been etched into history and widely cited by revolutionaries since his time. Locke believes that when governments cease to function to protect the lives, liberties, and estates of their citizens, those governments may be dissolved and replaced.

Locke’s entire argument for why people leave the state of nature and consent to a government is for the protection of their lives, liberties, and estates. Whenever the government ceases to continue to fulfill that purpose, the people no longer have security in their property. They are essentially back in the state of nature where their lives are fraught with inconvenience and insecurity. Therefore, they are justified in relieving themselves of that government and establishing a new one that is capable of protecting their property.

Locke argues that this occurs primarily in three situations. The first occurs when the legislative is altered such that the executive power usurps the legislative power. Locke’s argument for government places the legislative power as supreme, and the

---

<sup>46</sup> *Leviathan* was Thomas Hobbes’ depiction of an ideal government. Hobbes believed that the state of nature was harsh and unforgiving, so people should consent to the creation of an all-powerful government that he called *Leviathan*. Hobbes was the premiere social contract thinker before Locke, so Locke is here arguing against Hobbes’ vision of an absolute government, and instead arguing for a more democratic, majority-driven government.

<sup>47</sup> Locke, John. Chapter 8, section 98. Page 53.

establishment of a legislative body is one of the first and most fundamental acts of a civil society. He argues that when “any one, or more, shall take upon them to make laws, whom the people have not appointed so to do, they make laws without authority, which the people are not therefore bound to obey.”<sup>48</sup>

Locke argues that the second way for a government to be dissolved is when the legislative or the executive acts contrary to their trust. For the legislative, this occurs when they invade the property of their citizens. Locke’s entire argument is that people enter into society for the preservation of their property, so “whenever the legislators endeavor to take away, and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people.”<sup>49</sup>

The third way is for the executive to “set up his own arbitrary will as the law of the society,” or to use his power to corrupt the legislative.<sup>50</sup> In this case, the law becomes meaningless and society reverts to a state of chaos.

Locke writes that people are apt to become dissatisfied with the government quite often, but that does not merit them rebelling. He writes, “But if a long train of abuses, prevarications and artifices, all trending the same way, make the design visible to the people, and they cannot but feel what they lie under, and see whither they are going, it is not to be wondered, that they should then rouse themselves, and endeavor to put the rule into such hands which may secure to them the ends for which government was at first erected.”<sup>51</sup> This concept was central to the founding fathers’ philosophy

---

<sup>48</sup> *Ibid.* Chapter 19, section 212. Page 108.

<sup>49</sup> *Ibid.* Chapter 19, section 222. Page 111.

<sup>50</sup> *Ibid.* Chapter 19, section 222. Page 112.

<sup>51</sup> *Ibid.* Chapter 19, section 225. Page 113.

when declaring independence from England.

#### **Section 4 – A Letter Concerning Toleration**

All of Locke's philosophy previously mentioned is that which he espouses in his *Second Treatise*. For the purpose of this thesis, I will also explore Locke's *A Letter Concerning Toleration* as it has incredible relevancy to the founding of the United States government. While many of Locke's other works and letters were profoundly impactful on the world, this thesis will only cover Locke's *Second Treatise* and *A Letter Concerning Toleration* in depth.

Locke's *A Letter Concerning Toleration* was written as a personal letter to a friend in regards to the problem of religion and government as Catholicism seemed to be taking over England. Contextually, Thomas Hobbes had previously argued in *Leviathan* that religious and civic authority need to be united, and that the sovereign head of government needs to be the head of the church as well. Hobbes, then, advocated for the religious uniformity and the integration of church and state. Locke, however, argues that society benefits most from having several different religious groups that are tolerant to one another.

According to Locke, society is harmed when one single religion is forced upon everybody. He argues that people become discontent and confrontations arise when individuals are prevented from practicing different religions. Therefore, Locke believes that it is important for no particular religion to be enforced by the government.

Perhaps the most important element of Locke's *A Letter Concerning Toleration* is his strict advocacy that there be a separation between church and state. He argues that the state and the church are two separate institutions that have entirely different

interests. The state “seems to me to be a society of men constituted only for the procuring, preserving, and advancing their own civil interests,” where civil interests are of course the protection of life, liberty, and property.<sup>52</sup> Meanwhile, Locke states that “the only business of the Church is the salvation of souls, and it no way concerns the common-wealth, or any member of it.”<sup>53</sup>

For Locke, church and state hold separate interests and these interests are negatively impacted when the institutions intersect. He argues that the church only gains converts through genuine persuasion, but that the involvement of the state only leads to civil unrest and violence. Meanwhile, the state faces confrontation and protest when it promotes or represses certain religions. Thus, according to Locke, the government should allow free exercise and expression of any religion that is itself tolerant.

### **Locke’s Influence – Introduction**

Almost every American knows at least a little about Thomas Jefferson, James Madison, John Adams, George Washington, and other founding fathers. Yet, not many people are familiar with John Locke, from whom many of these founding fathers took much of the political philosophy that acts as the backbone for American government. Locke’s ideas permeate our world so thoroughly that we take them axiomatically without knowing that they are his or that things were once different. Locke’s ideas are our tradition. They are our right.

---

<sup>52</sup> Locke, John. *A Letter concerning Toleration*. Edited by William Popple. Chicago. P. 6

<sup>53</sup> *Ibid.* P. 23

Locke's political theories have had such a profound influence on American government. While his ideas were originally considered so radical that he refused to initially sign his name to them, they are now the cornerstone of American political thought. Sentiments like "Life, liberty, and the pursuit of happiness," "We the People," and "We hold these truths to be self-evident, that all men are created equal" all derive from John Locke's political theories. Behind these theories is the notion that governments are fundamentally obliged to serve their citizens and protect one's life, liberty, and property. Other classic American ideals that are derived from Locke include the notion of a separation of powers, checks and balances, and representative government.

At this point in my thesis, I will now shift to an elaboration on how Locke's political philosophy has affected American politics, law, and civic life. I argue that many of the core political identities of the United States government can be found in Locke's philosophy. Limited government, personal freedom and liberty, natural rights, a government that is legitimized as a contract with its people in order to preserve their rights, a separation of church and state, and the right to life, liberty, and estates – these are all Lockean notions.

Thomas Jefferson wrote in the Declaration of Independence, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed." According to Jefferson's words in Declaration of Independence, government serves a very limited

and Lockean purpose. That is, government exists to secure for individuals the rights of life, liberty, and the pursuit of happiness. To remind you, Locke writes that “the great and chief end, therefore, of men’s uniting into common-wealths, and putting themselves under government, is the preservation of their property,” where Locke defines property as life, liberty, and estate.<sup>54</sup>

The wording change from Locke’s “estates” to Jefferson’s “pursuit of Happiness” comes from Jefferson’s belief that individuals have the right to attempt to build a career through which they can create an estate and build their life around it, but both statements reflect the belief that all individuals have the fundamental right to act freely in life while allowing others to do the same. Jefferson’s words also follow Locke’s concept of a social contract, where government is legitimized by the consent of the governed and exists to protect their rights.

To recapitulate, Locke holds that the state of nature was a state of cooperation, but there did not exist any judges to settle disputes. People could not impartially enforce the laws of nature against people who violated those laws, so they agreed by social contract to create a government. Through this contract, people relinquish many of their natural freedoms and liberties in order to give the government the power to protect each member of society’s property in a way that was not possible in the state of nature. Government, then, should be modeled to best secure an individual’s life, liberty, and estate. As long as government does this, the people owe it their allegiance. Should government falter, however, then the people have the right to rid themselves of that government and establish a new one.

---

<sup>54</sup> Locke, John. Chapter 9, section 124. Page 66.

The Declaration of Independence served as an indictment of King George III for not upholding the social contract between him and the American people. Jefferson's draft of the Declaration of Independence was edited and signed by the Second Continental Congress, thus demonstrating that the founding fathers were inspired and believed in Locke's vision of government.

As before, this part of my thesis is split into several sections. The first section will trace Locke's influence on Thomas Jefferson in the drafting of the Declaration of Independence. The following sections will analyze Locke's influence in the founding of the Constitution, the Bill of Rights, on other founding fathers, and finally on religious freedom and the separation between church and state in America.

### **Section 5 – Locke on Jefferson and the Declaration of Independence**

Locke's influence on the founding fathers of the United States was profound. James Madison drew many of his political theories from Locke. Benjamin Franklin studied Locke in his self-education, and John Adams believed that everyone should be taught Locke's theories.<sup>55</sup> Most of the founding fathers were familiar with Locke's theories, and many of them found these theories to be central to their own. Most notably, however, is Thomas Jefferson, who believed Locke and Algernon Sidney to be the two primary sources for the founding fathers' conception of liberty, and cited Locke together with Newton and Bacon as the "trinity of immortals."<sup>56</sup> Jefferson considered Locke's *Second Treatise* to be one of the best books ever written on politics, and he advised everyone to set aside one hour a day for the study of politics "beginning with

---

<sup>55</sup> [fee.org/the\\_freeman/detail/john-locke-natural-rights-to-life-liberty-and-property](http://fee.org/the_freeman/detail/john-locke-natural-rights-to-life-liberty-and-property)

<sup>56</sup> Ketcham, Ralph. 1999. Review of *Jefferson's "declaration of Independence": Origins, Philosophy, & Theology*. *Journal of the Early Republic* 19 (1). University of Pennsylvania Press: 118–20. doi:10.2307/3124927. P. 120.

Locke and Sidney.”<sup>57</sup> Jefferson embedded Locke’s ideas in his writings and used them as the basis for his own political thought. Indeed, the Declaration of Independence has sections that are nearly verbatim to Locke’s *Second Treatise of Government*. This thesis will primarily look to Jefferson as Locke’s disciple to see how Locke influenced the founding fathers and consequently the American government.

Thomas Jefferson was born on April 13, 1743 just outside of Charlottesville, Virginia. He was the third of ten siblings and was born to a propertied, aristocratic family. He began his education at age nine when he began studying Greek and Latin. Jefferson was well-educated. He graduated from the College of William and Mary, America’s second oldest institution of higher learning after Harvard.<sup>58</sup> After graduating from the College of William and Mary, Jefferson studied law under George Wythe, one of the best lawyers in Virginia and a preeminent scholar of the American colonies. While studying law, Jefferson debated and discussed with politicians in the capital. After his rigorous five year study of law, Jefferson was admitted to the Virginia bar and practiced law for nearly a decade.<sup>59</sup>

After the French and Indian War in 1763, Great Britain levied taxes on the American colonies. Following the Stamp Act, Jefferson was elected to the Virginia House of Burgesses. In 1774, he wrote “*A Summary View of the Rights of British America*,” establishing himself as a fervent supporter of American independence from Great Britain. *A Summary View* was written as a set of resolutions based on Locke’s

---

<sup>57</sup> Arniel, Morag. 1992. ‘All the World was America’ John Locke and the American Indian. P. 358.

<sup>58</sup> <http://www.biography.com/people/thomas-jefferson-9353715#early-life>

<sup>59</sup> *Ibid.*

natural rights that Jefferson sent to Virginia's delegates to the General Congress in Pennsylvania.<sup>60</sup>

In *A Summary View*, Jefferson wrote that the colonists adapted the system of laws under which they lived in England because they thought it proper to do so. They continued their union with Great Britain through wilful submission. Jefferson then argued a very Lockean point – that this formed a social contract between the people of the American colonies and the British King. Jefferson then argued that this placed several restrictions on the powers of the King and that many of the recent acts and decrees of the King violated that contract. Jefferson noted many of the usurpations of power by Parliament, including the suspension of the New York legislature. Jefferson wrote that “One free and independent legislature hereby takes upon itself to suspend the powers of another, free and independent as itself; thus exhibiting a phenomenon unknown in nature.”<sup>61</sup>

Jefferson was well versed in Locke and in English common law. He believed that all men are born free because of natural rights. Jefferson stated that “the God who gave us life gave us liberty at the same time.”<sup>62</sup> While in Paris, Jefferson wrote to George Washington stating that he had become more of an enemy of the monarch. He writes, “There is scarcely an evil known in these countries which may not be traced to their king as its source, nor a good which is not derived from the small fibres of republicanism existing among them. I can further say with safety, there is not a crowned head in Europe whose talents or merits would entitle him to be elected a vestryman by

---

<sup>60</sup> Stephens, George M. 2002. *Locke, Jefferson, and the justices foundations and failures of the US government*. New York: Algora Pub. P. 47.

<sup>61</sup> *Ibid.* P. 48.

<sup>62</sup> *Ibid.* P. 45.

the people of any parish in America.”<sup>63</sup> He believed that the right of suffrage was vital to the success of a good government, and that the only aristocracies that were just were ones of talent and virtue.

In 1775, Jefferson attended the Second Continental Congress where the Continental Army was created and George Washington was appointed its commander-in-chief.<sup>64</sup> A year later in June of 1776, Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert Livingston were appointed to a committee to draft the Declaration of Independence. Jefferson was chosen to author the first draft of the declaration.

John Locke’s influence on Jefferson is immediately apparent in the Declaration of Independence, which can be found in full in Appendix A of this thesis. While Locke’s *Second Treatise* is the clear philosophical source for the Declaration of Independence, Jefferson also used George Mason’s draft of the Virginia Declaration of Rights and his own preamble to the Constitution of Virginia as models for his drafting.<sup>65</sup> Both of these documents descended from the English Declaration of Rights of 1689, which itself was influenced by Locke’s philosophy. Some believe that Jefferson drew his inspiration from Mason’s Declaration of Rights rather than from Locke’s *Second Treatise*, but in reality both Mason and Jefferson drew abundantly from Locke in drafting these documents.

George Mason’s Virginia Declaration of Rights follows Locke’s philosophy as presented in the *Second Treatise on Government*. The Declaration of Rights states that

---

<sup>63</sup> *Ibid.* P. 46.

<sup>64</sup> <http://www.biography.com/people/thomas-jefferson-9353715#early-life>

<sup>65</sup> Stephens, George M. *Locke, Jefferson, and the justices foundations and failures of the US government*. P. 55.

all men are naturally free and independent and that they are born with certain inherent rights that cannot be denied. The document also states that all political power is derived from the people and so the government is responsible for the protection of these rights. It concludes by stating that when government is found inadequate or contrary to these purposes, it is proper for that government to be replaced or abolished. These concepts are all fundamentally Lockean. Therefore, Jefferson used Mason's Declaration of Rights as a template for his Declaration of Independence, but both authors drew from Locke as the primary philosophical inspiration for their arguments.

The Declaration of Independence clearly and logically depends on Locke's philosophy. As a social contract philosopher, Locke believes that government is legitimized through the consent of the people that are governed. A contract is formed between people and government, and it is possible for a government to break that contract and be voided. This philosophy can be found in the writings, documents, and speeches of the early founders. Alexander Hamilton wrote in the *Federalist* no. 85 that the United States was founded on "the voluntary consent of a whole people."<sup>66</sup>

Following Locke's theories on the consent of the governed, the early colonists viewed the people as the source from which the government received its authority. In the early stages of the colonies, individuals used consent and the social contract theory to establish and legitimize local governments. Indeed, the writers of the Mayflower Compact, which was the first governing document of Plymouth Colony, stated that "there should be an association and agreement that we should combine together in one

---

<sup>66</sup> Alexander Hamilton, *Federalist* no. 85.

body, and to submit to such government and governours, as we should by common consent agree to make and choose.”<sup>67</sup>

Jefferson and the other founders believed in Locke’s social contract theory. They believed that the government of England was not upholding its end of the social contract. As a result, it was justified for them to declare that government void and for them to establish a new government that can protect their rights.

Throughout the Declaration of Independence, Jefferson mimics Locke’s arguments on legislative power, the nature of tyranny, natural rights, and the right and duty of revolution. Indeed, at times, Jefferson copies verbatim from Locke’s *Second Treatise of Government*. Consider the following selections from the Declaration of Independence (left) and the *Second Treatise* (right).

---

<sup>67</sup> Brown, Gillian. *The Consent of the Governed: The Lockean Legacy in Early American Culture*. Cambridge, MA: Harvard UP, 2001. Print. P. 15.

Declaration of Independence	<i>Second Treatise of Government</i>
<p>We hold these truths to be self-evident, that all men are created equal</p>	<p>To understand political power right, and derive it from its original, we must consider, what state all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man. A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another; there being nothing more evident, than that creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection, unless the lord and master of them all should, by any manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty.<sup>68</sup></p>
<p>that they are endowed by their Creator with certain unalienable rights that among these are life, liberty and the pursuit of happiness</p>	<p>The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions... (and) when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind, and may not, unless it be to do justice on an offender, take away, or impair the life, or what tends to the preservation of the life, the liberty, health, limb, or goods of another.<sup>69</sup></p>

<sup>68</sup> Locke, John. *Second Treatise of Government*. Chapter 2, section 4. Page 8.

<sup>69</sup> *Ibid.* Chapter 2, section 6. Page 9.

<p>That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed,</p>	<p>And thus the common-wealth comes by a power... all this for the preservation of the property of all the members of that society, as far as possible. But though every man who has entered into civil society, and is become a member of any commonwealth, has thereby quitted his power to punish offences, against the law of nature, in prosecution of his own private judgment, yet with the judgment of offences, which he has given up to the legislative in all cases... he has given a right to the common-wealth to employ his force, for the execution of the judgments of the common-wealth, whenever he shall be called to it.; which indeed are his own judgments, them being made by himself, or his representative.<sup>70</sup></p> <p>Where-ever therefore any number of men are so united into one society, as to quit every one his executive power of the law of nature, and to resign it to the public, there and there only is a political, or civil society.<sup>7172</sup></p>
<p>That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.</p>	<p>But if the unlawful acts done by the magistrate be maintained (by the power he has got), and the remedy which is due by law, be by the same power obstructed; yet the right of resisting, even in such manifest acts of tyranny, will not suddenly, or on slight occasions, disturb the government: for if it reach no farther than some private men's cases, though they have a right to defend themselves, and to recover by force what by unlawful force is taken from them; yet the right to do so will not easily engage them in a contest, wherein they are sure to perish; it being as impossible for one, or a few oppressed men to disturb the government, where the body of the people do not think</p>

<sup>70</sup> *Ibid.* Chapter 7, section 88. Page 47.

<sup>71</sup> *Ibid.*

<sup>72</sup> I've condensed these quotes as much as I believe possible without losing key details, but I believe that this section in particular is more rightfully quoted in full from sections 89-91 of the *Second Treatise*.

	themselves concerned in it, as for a raving mad-man, or heady malcontent to overturn a well settled state; the people being as little apt to follow the one, as the other. <sup>73</sup>
Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn that mankind are more disposed to suffer, while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed.	Secondly, I answer, such revolutions happen not upon every little mismanagement in public affairs. Great mistakes in the ruling part, many wrong and inconvenient laws, and all the slips of human frailty, will be born by the people without mutiny or murmur. <sup>74</sup>
But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security	But if a long train of abuses, prevarications and artifices, all tending the same way, make the design visible to the people, and they cannot but feel what they lie under, and see whither they are going; it is not to be wondered, that they should then rouze themselves, and endeavor to put the rule into such hands which may secure to them the ends for which government was at first erected. <sup>75</sup>

As can be seen, Jefferson’s arguments directly parallel the arguments that Locke presents in his *Second Treatise*. Indeed, Jefferson’s dialogue follows nearly verbatim at times from Locke’s work. I have attempted to best connect Jefferson’s words with the most parallel section from Locke’s *Second Treatise*, but often times Jefferson is summarizing several chapters of Locke’s arguments so no convenient parallel exists. The philosophy behind the Declaration of Independence, however, is undeniably and indisputably Locke’s.

---

<sup>73</sup> Locke, John. *Second Treatise of Government*. Chapter 2, section 4. Page 8.

<sup>74</sup> *Ibid.* Chapter 2,

Jefferson relied on Locke in writing the Declaration of Independence, but Locke's influence on the founding of the American government extends so much further than that.

## **Section 6 – Locke in the Constitution**

At nearly the same time that the Second Continental Congress appointed a committee to draft the Declaration of Independence, the Congress appointed a committee to prepare a draft of a constitution for the union of states. There were long debates over the form and contents of this new constitution, but eventually the Articles of Confederation were approved by the Congress for the ratification by individual states. In 1777, the Articles of Confederation were in use although they weren't completely ratified by the states until 1781.<sup>76</sup>

The Articles of Confederation proved entirely unsatisfactory. The central government took a subordinate position to state sovereignty. Congress, the only federal institution, was unable to fund itself and relied on the generosity of states for financing. Under the Articles of Confederation, the national government had no power of execution over the sovereign states, it could not tax, it lacked a judiciary, and it lacked leadership.

Under the Articles of Confederation, each state was essentially its own country. Alexander Hamilton understood that a strong central government was necessary to the success of the states. He began to publicize in 1780 the need to revise the Articles of Confederation, and finally in 1786 the Annapolis Convention convened and paved way

---

section 6. Page 9.  
utors, "Articles of Confederation," *Wikipedia, The Free Encyclopedia*,  
[https://en.wikipedia.org/w/index.php?title=Articles\\_of\\_Confederation&oldid=688460524](https://en.wikipedia.org/w/index.php?title=Articles_of_Confederation&oldid=688460524)

for a resolution.<sup>77</sup> At the Annapolis Convention, it was resolved that each state appoint delegates to convene the following year to consider revising the Articles.

The Philadelphia Convention convened on May 25, 1787, and lasted until September 17 that same year. 55 delegates attended the convention, and both John Adams and Thomas Jefferson were away in Europe at the time. While the convention was called to revise the Articles of Confederation, many delegates were there to establish an entirely new government.<sup>78</sup>

Much of the time spent at the Convention was spent debating certain contentious points. To name a few, how should the legislature be structured, how should proportional representation be defined in the Senate, how should the executive power be vested, how should the president be elected, and how should judges be chosen.

The Virginia plan formed the basis for discussion at the Convention. The plan proposed an entirely new government with its own legislative, executive, and judiciary. The plan further proposed that the legislature be bicameral with a lower house to be elected by the people and an upper house to be elected by the first house.

It is likely that everyone at the Philadelphia Convention was aware of Locke's writings. Many of them were lawyers who were well versed in English common law and early-modern political philosophy.<sup>79</sup> While Locke's philosophy was more pronounced in Jefferson than other founding fathers, his doctrines still permeate the Constitution and the Bill of Rights.

---

<sup>77</sup> Stephens, George M. *Locke, Jefferson, and the justices foundations and failures of the US government*. P. 62.

<sup>78</sup> Constitutional Convention and Ratification, 1787–1789 - 1784–1800 - Milestones - Office of the Historian. <https://history.state.gov/milestones/1784-1800/convention-and-ratification>.

<sup>79</sup> Stephens, George M. *Locke, Jefferson, and the justices foundations and failures of the US government*. P. 61.

The debate over the form and function of the legislature was of particular importance. The Virginia Plan, New Jersey Plan, and Connecticut Compromise all offered suggestions on the shape of the legislature. Locke argued in his *Second Treatise* that legislative power is supreme. He wrote that “the great and chief end, therefore, of men’s uniting into common-wealths, and putting themselves under government, is the preservation of their property,” and that “legislative [power] is not only the supreme power of the common-wealth, but sacred and unalterable in the hands where the community have once placed it.”<sup>80,81</sup> Locke’s philosophy does not remark on whether a legislature is best fitted to be unicameral or bicameral. He writes that “though the legislative, whether placed in one or more [houses], whether it be always in being or only by intervals, though it be the supreme power in every common-wealth.”<sup>82</sup>

Edmund Randolph agreed with Locke as he stated that “a national government ought to be established consisting of a Supreme Legislative, Judiciary, and Executive.”<sup>83</sup> It seemed that most delegates agreed that there should be a supreme legislative that is comprised of two houses, but debate raged on as to how those houses should be structured so that no particular states would be overly represented. The delegates eventually agreed that there should be a House of Representatives that is popularly elected by the people. Maryland delegate Luther Martin read from Locke to argue that states, like people, are equal as he defended a continuation of equal representation in Congress.<sup>84</sup> Eventually, the delegates settled upon the Connecticut

---

<sup>80</sup> Locke, John. *Second Treatise of Government*. Chapter 9, section 124. Page 66.

<sup>81</sup> *Ibid.* Chapter 11, section 134. Page 69.

<sup>82</sup> *Ibid.* Chapter 11, section 135. Page 70.

<sup>83</sup> Butler, Pierce. "Digital History." Digital History.

<sup>84</sup> Dreisbach, Daniel L. *Faith and the Founders of the American Republic*. P. 44-45.

compromise. There would be a bicameral legislature with the House of Representatives elected by the people in proportional representation and a Senate that would have an equal number of Senators from each state.

In discussing the requirements for holding office and election procedures, the delegates held true to Locke's words on separation of church and state by incorporating into the Constitution, "But no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."<sup>85</sup>

Locke argues that the state should only be concerned with the welfare of its people. The state needs to concern itself with the public order in order to secure for people their property. This notion came up in the Convention with the drafting of the new Constitution – will the government's function to protect the lives, liberty, and pursuit of happiness of its people be best reached by limiting it to do everything except for certain things or by granting it only the power to do certain things. The delegates agreed that the government should be directed at the people, rather than the states, and should be limited by a list of enumerated powers.

While Locke's philosophy does appear in the body of the Constitution and the discussion that created it, his largest presence is in the Bill of Rights. At the Philadelphia Convention, George Mason attempted to get a bill of rights added as a preface to the Constitution. He had written Virginia's bill of rights and argued that the Constitution's bill of rights could be formed from existing state declarations, of which eight states had one.<sup>86</sup> These bill of rights were derived from Locke's philosophy and

---

<sup>85</sup> Stephens, George M. *Locke, Jefferson, and the justices foundations and failures of the US government*. P. 72.

<sup>86</sup> *Ibid* P. 75.

from English common law. Perhaps unexpectedly by modern standards, the delegates voted ten to zero against adding a bill of rights to the Constitution because they believed that people's liberty was firmly in place and therefore the people kept any powers not given to the federal government. This concept echoes Locke's theory on how people surrender certain natural liberties to the government but retain all other freedoms that they had in the state of nature. Others argued that a bill of rights was necessary in order to protect one's rights and liberties. Regardless, the delegates agreed not to include a bill of rights in the Constitution and it was soon ratified by the states in 1788.

The first Congress was tasked with the responsibility of creating a bill of rights and submitting it to the states for ratification. Eight states already had bill of rights incorporated in their state's constitutions, and there were additional documents from which Congress's bill of rights could be modeled. Notably, Locke's treatises concerning toleration and civil government offered a strong defense of natural rights and liberties that Congress could look towards in building their own bill of rights.<sup>87</sup>

While many different sources were used in the creation of the Bill of Rights, Virginia's Declaration of Rights by George Mason was the primary document used in modeling other state's bill of rights and ultimately the federal one.<sup>88</sup> Mason's Declaration of Rights "wove Lockean notions of natural rights with concrete protections against specific abuses."<sup>89</sup> The federal Bill of Rights also drew upon the Magna Carta, English Parliament's Petition of Right, and English Parliament's 1689 Bill of Rights.<sup>90</sup>

---

<sup>87</sup> Stephens, George M. *Locke, Jefferson, and the justices foundations and failures of the US government*. P. 79.

<sup>88</sup> Howard, Dick. "Bill of Rights." History.com

<sup>89</sup> *Ibid*

<sup>90</sup> *Ibid*

Much of the language of the Bill of Rights is drawn almost directly from the English Bill of Rights that resulted from the Glorious Revolution of 1689.

The English Bill of Rights was published in 1689, the same year that Locke published his Two Treatises. Due to this fact, Locke's influence on the English Bill of Rights is ambiguous. If a solid link could be found between Locke and the English Bill of Rights, then Locke's role in the formation of the US Constitution and Bill of Rights would be much more pronounced because much of our language is borrowed directly from the English Bill of Rights. Recent scholarship shows that Locke was much more important to the politics of England in the 1680s than was previously believed.<sup>91,92</sup>

The Glorious Revolution from 1688-1689 involved the overthrowing of King James II and the establishment of the English Bill of Rights. At the heart of the revolutions were questions regarding kingship, religious tolerance, and the nature of government. While Locke did not publish his Two Treatises until 1689, he was still quite involved in English politics in the decade preceding their publication.<sup>93</sup>

Locke in his early life became good friends with Lord Anthony Cooper, who was one of the early founders of the British Whig movement. The Whig movement challenged the established order in England from the 1670s to the 1690s as it opposed absolute monarchy. As his involvement in conspiratorial politics grew, Locke considered England to be too dangerous for him. He fled to Holland from September

---

<sup>91</sup> Schwoerer, Lois G. (1990). "Locke, Lockean Ideas, and the Glorious Revolution". *Journal of the History of Ideas* (University of Pennsylvania Press). P. 531.

<sup>92</sup> Lois Schwoerer believes that until the 1970s, Locke's role in English politics in the 1680s was ambiguous. He points to the work of John Dunn, Peter Laslett, Martyn Thompson, John Kenyon, and Richard Ashcraft to show that Locke's role was much more pronounced than previously believed.

<sup>93</sup> A short summary of Locke's life can be found in Appendix D.

1683 to February 1689.<sup>94</sup> During this time Locke met and grew connected to several leaders of the Whigs, many of which were prominent leaders of the Glorious Revolution. Notably, Locke grew connected to John Somers, who was a leader of the 1689 English Convention, which was the irregular 1689 assembly of the English Parliament. Additionally, Somers was the chairman of one of the two committees that drafted the Declaration of Rights.<sup>95</sup>

Professor Richard Ashcraft of UCLA examined newspapers, diaries, correspondence, and manuscripts in order to show in detail that Locke existed in connection to a circle of Whig radicals from the 1670s to 1680s.<sup>96,97</sup> Through detailed analysis, Ashcraft has shown that Locke likely played a much more significant role in the Glorious Revolution than history had previously assigned to him. Prominent Whig leaders often reflect Locke's ideology. Indeed, Locke's language can even be seen at times in the writings and arguments of Whig leaders between 1685-1689. For example, the Whig leader Dr. Gilbert Burnet used in his 1688 argument *An Enquiry into the Measures of Submission to the Supream Authority* language and arguments that unmistakably resemble that of Locke's *Second Treatise*, even though it would not be published for another year.<sup>98</sup> Instances such as this demonstrate that Locke was discussing his ideology with prominent Whig leaders prior to the Glorious Revolution.

---

<sup>94</sup> Schwoerer, *supra* at 532.

<sup>95</sup> *Ibid.*

<sup>96</sup> Ashcraft, Richard. (1986). "Revolutionary Politics and Locke's Two Treatises of Government." Princeton University Press.

<sup>97</sup> In particular, Locke grew close to John Somers, Edward Clarke, John Freke, Sir Walter Yonge, Robert Ferguson, and Major John Wildman.

<sup>98</sup> Schwoerer, *supra* at 533-534.

So while Locke did not return to England until February of 1689, many modern scholars agree that Locke likely played a much more significant role in English politics from 1682 to 1689 than was previously believed. Despite being in Holland during the time, Locke was not isolated from the English political discourse while he was away. His arguments undoubtedly influenced many leaders of the Whig movements, and he likely influenced the English Declaration of Rights much more than one might believe considering his Two Treatises were not published until the same year as the Declaration of Rights. Considering this plausible interpretation of Locke's importance to the English Declaration of Rights and the further admiration that the founding fathers had for Locke, it makes sense to interpret the amendments in a more Lockean framework.

Locke's notions of liberty and his philosophy on the role of the government lie at the heart of the Bill of Rights. The First Amendment states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." The establishment clause and free exercise clause of the First Amendment had Thomas Jefferson's Virginia Statute for Religious Freedom as a notable precursor.

Jefferson believed his Statute for Religious Freedom to be one of his greatest accomplishments in life. Indeed, on his epitaph it is written, "Here was buried Thomas Jefferson, author of the Declaration of American Independence, of the Statute of Virginia for Religious Freedom, and father of the University of Virginia."<sup>99</sup> The statute guaranteed religious freedom to all inhabitants of Virginia. It was largely inspired by

---

<sup>99</sup> Wikipedia contributors, "Virginia Statute for Religious Freedom," *Wikipedia, The Free Encyclopedia*.

Locke's *A Letter Concerning Toleration*. Locke and Jefferson both believed that a government should not support or oppose any particular religion. Everyone should have freedom in choosing their own religion and liberty in expressing that. Locke's *A Letter Concerning Toleration* also formed the basis of George Mason's sixteenth amendment in Virginia's Declaration of Rights.<sup>100,101</sup>

The Second Amendment guarantees all citizens of the United States the right to bear arms. It was largely influenced by the English Bill of Rights of 1689. At the heart of this amendment is the natural right of people to self-defense and resistance to oppression.

The Third and Fourth Amendments are both property rights. Locke's argument that the core purpose of government is for the protection of one's property carries over into the United States Constitution and Bill of Rights. The Third Amendment guarantees people the right to not have to quarter soldiers in their home without their consent, while the Fourth Amendment prevents unreasonable searches and seizures.

The Fifth Amendment undeniably has its foundation in Lockean philosophy.

The Amendment states:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, *nor be deprived of life, liberty, or property*, without due process of law; nor shall private property be taken for public use, without just compensation.

This Amendment contains elements of Locke's philosophy ranging from his theory on the state of nature down to the purpose of government. It begins by stating that people

---

<sup>100</sup> First Amendment Center. <http://www.firstamendmentcenter.org/first-amendment-timeline>.

<sup>101</sup> Locke's influence on religious freedom in America is treated in the following section.

can only be held to answer for crimes on the presentment or indictment of a grand jury, and that people cannot be tried for the same offense twice. This corresponds to Locke's argument regarding the inconveniences of the state of nature. In Locke's state of nature, all men are executioners of the law of nature but people are naturally biased and partial. This leads to insecurity. The Fifth Amendment answers this problem of the state of nature by specifying that one's life (which Locke would define as an element of one's property) can only be put into jeopardy by the indictment of a grand jury, and additionally secured people their rights.

Additionally, the Fifth Amendment states that no one can be "deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." Using Locke's own language, this Fifth Amendment secures individuals their rights to life, liberty, and property from government interference. If government exists to secure an individual's property, as Locke defines it and as affirmed in the Declaration of Independence, then the Fifth Amendment serves to reaffirm and secure that purpose.

The Sixth Amendment guarantees the right to a speedy and public trial by an impartial jury while the Seventh Amendment guarantees the right to trial for cases exceeding twenty dollars in controversy. These Amendments, in combination with the Fifth, supports the government in rectifying the inconvenience of the state of nature where biased people are executioners of the law of nature. According to Locke, one of the functions of government needs to be the establishment of fair and impartial judges.

The Eighth Amendment prevents excessive fines, excessive bail, and cruel and unusual punishment. This Amendment further protects an individual's life and property.

The Ninth Amendment simply clarifies that people still retain rights and liberties that are not enumerated in the Constitution or Bill of Rights, and the Tenth Amendment states that powers not given to the federal government are reserved for the states or the people. These last two Amendments serve as protections against an absolute government and allow people to retain rights that are not explicit the Constitution. These Amendments parallel Locke's notion of surrendering certain natural liberties to the government but retaining the rest of them.

Much of the American Bill of Rights has its basis in the 1689 English Bill of Rights and consequently Locke's political philosophy. While many of the Amendments seem like they would be included even without Locke's existence (of course people should have the right to free speech or religion!), this was not always the case in history. In fact, many of the rights that are guaranteed in the Constitution are almost unthinkable from the perspective of the Leviathan governments that have existed in the past. Locke's philosophy on natural and inalienable rights seems axiomatic. It looks like anyone could have come up with the Bill of Rights without looking to Locke. This thought, however, ignores how revolutionary Locke's ideas were and how profound they were on the world around him.

### **Section 7 – Locke on Religious Freedom and the State**

Thomas Jefferson's *Statute for Establishing Religious Freedom* is one of the most important American documents because it created a precedence for incorporating religious freedom into the identity of American culture and government. This statute, which was passed by the Virginia legislature in 1786, was a key inspiration for the approach that the founding fathers took to religion and government. The primary

concepts advocated in the statute are religious freedom and a separation of church and state. Jefferson believed that these concepts were necessary in order to build “a system by which every fibre would be eradicated of ancient or future aristocracy; a foundation laid for a government truly republican.”<sup>102</sup>

Many of the concepts and arguments that Jefferson employs in his *Statute* draw directly from Locke’s *A Letter Concerning Toleration, The Reasonableness of Christianity*, and other works.<sup>103</sup> This section is devoted to understanding the role that Locke’s philosophy played in inspiring Jefferson’s *Statute* and consequently the development of religion and government in the United States. While Jefferson may not always draw directly from Locke and there may be numerous other sources of inspiration for his *Statute*, Locke was undoubtedly a large source of inspiration for Jefferson and Locke’s philosophy is clearly manifested in Jefferson’s *Statute*.

Locke argues in *A Letter Concerning Toleration* that the church and the state hold separate interests and that these interests are negatively impacted when the institutions intersect. He believes that the church must gain converts through genuine persuasion rather than through coercion from the government, and that government-enforced religion leads to civil unrest and violence. He argues that the church’s only purpose is “the public worship of God and, by means thereof, the acquisition of eternal life,” and that “All discipline ought, therefore, to tend to that end... nothing ought nor can be transacted in this society relating to the possession of civil and worldly

---

<sup>102</sup> Sanford Kesley, *Locke’s Influence on Jefferson’s Bill for Establishing Religious Freedom*. P. 231.

<sup>103</sup> *Ibid.* P. 232.

goods.”<sup>104</sup> Locke writes that churches do not have “any just title to invade the civil rights and worldly goods of each other upon pretence of religion.”<sup>105</sup>

Locke’s primary arguments that he presents in *A Letter Concerning Toleration* and in *The Reasonableness of Christianity* are that individuals can only come to believe in a religious through genuine persuasion and not through political subversion, that religious liberty is essential for an individual to believe and fulfill their own religion obligations, and that individuals should be tolerant of others’ religious beliefs.<sup>106</sup> He defends this argument by invoking his own views of history, human nature, and government.

Locke’s historical argument is that Christian church-state alliances were established at Mount Sinai by Moses, and that these alliances were maintained throughout the period of the Old Testament. According to Locke, however, the Old Testament does not hold authority on modern societies. He argues instead that Christianity will benefit more in modern societies from governments that allow freedom of religion, rather than ones that force Christianity upon its citizens.<sup>107</sup>

In terms of human nature and government Locke believes that it is an individual’s personal freedom and liberty to choose their own religion. He argues that individuals have agency over their thoughts and possessions and that government does not have authority in the realm of an individual’s conscience. In surrendering certain rights and liberties to the government in the social contract, an individual retains all faculties of their mind. People have the natural right to their own thoughts and part of

---

<sup>104</sup> Locke, John. *A Letter concerning Toleration*. Edited by William Popple. Chicago. P. 11.

<sup>105</sup> *Ibid.* P. 15.

<sup>106</sup> Sanford Kesley, Locke’s Influence on Jefferson’s Bill for Establishing Religious Freedom. P. 235.

<sup>107</sup> *Ibid.* P. 234.

the function of government is to protect that right. Additionally, Locke believes that governments are more successful when they allow all members of their society to pick and exercise their own religion.

These arguments can be found in the writings and correspondence of Thomas Jefferson and consequently in the *Virginia's Statute for Religious Freedom*. This bill is rather short and is included as an Appendix to this thesis. Jefferson states in it that “no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his religious opinion or belief; but that all men shall be free to profess, and by agreement to maintain their opinions in matters of religion and that the same shall in no wise diminish, enlarge or affect their civil capacities.”<sup>108</sup> Therefore, the bill guarantees that individuals shall be free to maintain their own religious beliefs and cannot be either compelled to support any particular religion or punished for matters of a religious nature.

Jefferson's arguments for a separation of church and state and religious freedom follow Locke's. As stated in the first portion of the *Statute's* text, Jefferson believes that the political sphere and the religious sphere are two entirely distinct institutions. He writes that “our civil rights have no dependence on our religious opinions,” and that “it does me no injury for my neighbor to say there are twenty gods, or no God. It neither picks my pocket nor breaks my leg.”<sup>109</sup> He writes in the *Statute* that “our civil rights have no dependence on our religious opinions any more than our opinions in physics or

---

<sup>108</sup> The Statute can be found in Appendix C.

<sup>109</sup> The first quote comes from the preamble to the *Statute for Establishing Religious Freedom*. The second quote comes from Jefferson, Notes on the State of Virginia, p. 675.

geometry,” and that “all attempts to influence [one’s mind] by temporal punishments or burthens, or by civil incapacitations tend only to beget habits of hypocrisy and meanness.”<sup>110</sup> Jefferson also believes that it is essential for democratic governments to allow religious freedom and for there to be a separation between church and state. He believes that despotic governments use religion to maintain their construct and that individuals in these societies cannot be free and equal. Just like Locke, Jefferson believes that people become unruly when they are not allowed religious freedom, and that this is harmful for society, or that people become “monkishly ignorant,” which is also harmful for society.<sup>111</sup> Jefferson’s reasoning parallels Locke’s arguments.

Like Locke, Jefferson believes that government is established as a contract emanating from the consent of the governed. Therefore, the function of government needs to be protecting the natural rights and liberties of the governed. Jefferson wrote that a government’s powers “extend to such acts only as are injurious to others” and that people retain all other freedoms, so the government does not have a right to legislate on religion.<sup>112</sup> To Jefferson, religion is a purely voluntary institution that governments have no right interfering with.

The difference between Locke and Jefferson’s opinions on the church and state are nuanced but important. Locke encourages all members of a civil society to be a member of a religion and believes that overall the diverse expression of religion is healthy to a government. Jefferson, however, is much more open accepting of atheism and pushes for slightly more separation between church and state than Locke does.

---

<sup>110</sup> Jefferson’s *Statute for Establishing Religious Freedom*

<sup>111</sup> Sanford Kesley, *Locke’s Influence on Jefferson’s Bill for Establishing Religious Freedom*. P. 236.

<sup>112</sup> Thomas Jefferson, *Notes on the State of Virginia*, p. 675.

Locke believes that governments should be capable of punishing the expression of “seditious” and intolerant opinions regardless of their foundation in a religion.

Jefferson, however, believes in the open expression of religion but qualifies that by stating that “this shall not be held to justify any seditious preaching or conversation against the authority of the civil government.”<sup>113</sup> In the case of Locke, the government can restrict certain oppressive expressions of religion. In the case of Jefferson, the government refuses to encourage certain positive expressions of religion. Both Locke and Jefferson deny individuals the prerogative to express their religion in a way that infringes upon the natural rights of another person. So while Jefferson pushes for slightly more separation between church and state than Locke does, Jefferson’s reasoning follows a fundamentally Lockean philosophy – freedom of religion is a natural right so the government has no authority in legislating over it.

While Jefferson’s *Statute for Establishing Religious Freedom* is relatively unknown and was ostensibly just a bill that passed in the Virginia legislature in 1786, its significance to United States government is large enough that Jefferson considered its passing to be one of his three greatest accomplishments in life. Many people decided to come to America in order to escape England’s religious persecution, but they soon found that the colonies were adopting laws that limited religious freedom and supported taxes that went to support churches. This statute created a precedent for a separation of church and state in America and was later used as a model for the First Amendment. Locke’s philosophy was thus built into the American political system as the First

---

<sup>113</sup> Thomas Jefferson, “The Virginia Constitution,” in *Papers of Thomas Jefferson*, P. 1,353.

Amendment prohibits Congress from making any law that respects the establishment of religion or prohibits the free exercise thereof.

While Locke was not the sole originator of the principle of the separation of church and state, it is undeniably true that Locke's philosophy manifests itself in Jefferson and other founding fathers' writings, in Virginia's *Statute for Establishing Religious Freedom*, in the First Amendment, and consequently in the soul of American government. I believe Jefferson to have been inspired by Locke's rhetoric in particular, but the concept of a separation between church and state was also being advocated by Pierre Bayle and many fideists in the 17<sup>th</sup> century when Locke lived. Montesquieu later wrote about religious tolerance and also a degree of separation between church and state, and Voltaire believed in the principle to some extent. Notwithstanding, Locke's philosophy is nearly paralleled by Jefferson's work and it was largely Jefferson and Madison who pioneered the principles behind religious freedom in the First Amendment.<sup>114</sup> Indeed, it was Jefferson who coined the phrase "separation of church and state" in his 1802 letter to the Danbury Baptist Association where he wrote, "I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting the establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church and State."<sup>115</sup>

---

<sup>114</sup> <http://www.firstamendmentcenter.org/history-of-religious-liberty-in-america>

<sup>115</sup> Thomas Jefferson, *The Final Letter as Sent to the Danbury Baptists*, 1802.

## **Conclusion**

John Locke has influenced the United States of America arguably more than any other political philosopher in history. As the father of classical liberalism, Locke pioneered the American principle that the government is legitimized through the consent of the governed and exists to protect their rights and liberties. Indeed, Locke's ideas permeate the political culture of our society so thoroughly that we often forget that they are his and that the norm for government used to look radically different.

Prior to Locke, many governments were characterized by a strong central government and often by a sovereign monarch. Robert Filmer had previously justified that the sovereignty of monarchs was rightfully derived from God, and Thomas Hobbes argued that an absolute monarch was necessary for a good government. Locke refutes these notions by stating that government exists as the result of a social contract between the people. Therefore government should be limited and exist to protect the rights of its citizens.

Locke bases his philosophy in the notion that man is cooperative by nature but needs government in order to be secure in his property – a term that Locke defines very broadly to include a person's life, liberty, conscience, possessions, and estate. Therefore, he believes that the primary function of government must be to protect its citizens' property. If a government fails to adequately secure the property of its citizens, then that government loses its legitimacy and it becomes appropriate to establish a new government. Locke also argues that there should be a separation between church and state, that individuals are born with certain freedoms and liberties, that all people are

born with certain natural and inalienable rights, and that everyone has the right to life, liberty, and estates.

Despite the simplicity of Locke's ideas, they were originally considered so radical that he was hesitant to sign his name to them. Now, they are the cornerstone of American political thought. Sentiments like "life, liberty, and the pursuit of happiness," "We the People," and "We hold these truths to be self-evident, that all men are created equal" are all fundamentally Lockean concepts. His ideas form the basis for our conception of freedom, liberty, and the role of government in our lives.

These ideas all seem self-evident to modern Americans. Our culture idolizes freedom, privacy, and democracy. We judge a government to be good based on how much freedom it guarantees its citizens and how secure their rights are. To us, democracy is the default for a good government. We do not consider that America could have been designed any other way.

Locke's philosophy is universally agreed among scholars to have been tremendously important to the founders of the American government. His arguments exist as a basis for many of America's most important foundational documents such as the Declaration of Independence, the Constitution, and the Bill of Rights. Indeed, Locke's philosophy was so important to Thomas Jefferson in particular that his words are copied nearly verbatim in the Declaration of Independence. Jefferson mimics the form and structure of Locke's *Second Treatise* in his other writings as well, such as in the Virginia Statute for Establishing Religious Freedom. Thomas Jefferson can aptly be described as Locke's disciple because of how frequently his work parallels Locke's theories and rhetoric. Jefferson believes Locke to be one of the three greatest men to

have ever lived, along with Newton and Bacon. This is evident by how closely Locke's ideas emanate from the Constitution and the Bill of Rights. Jefferson further believes that Locke and Algernon Sidney were the two primary sources for the founding fathers' conception of liberty.

Today, most political theorists agree that Locke was tremendously influential to the founders of the United States Constitution. His work can be seen evidently in the writings and arguments of founding fathers such as Jefferson, Adams, Madison, and Monroe. While he is most readily cited for his influence on the Declaration of Independence, Locke's relevance can be discussed in a variety of other early American sources. Gillian Brown argues in *The Consent of the Governed: The Lockean Legacy in Early American Culture* that Locke was actually extremely important to the non-political culture of the United States. Brown claims that Locke's 1693 treatise *Some Thoughts Concerning Education* was the most important 18<sup>th</sup> century text to England's educational system and subsequently caused Locke's civic philosophy to spread through early American schools. Schoolchildren in the colonies adopted Locke's attitude towards authority as well as Locke's notions of consent, revolution, rights, and society.

George Stephens writes in *Locke, Jefferson, and the Justices – Foundations and Failures of the USG* that Locke's influence on the United States is further pronounced by the fact that Jefferson adhered so closely to Locke's principles throughout his time as president. Stephens traces the impact that Locke had on the contemporary United States through Jefferson's presidency and the courts. Indeed, Stephens goes as far as to examine George H. W. Bush's and Bill Clinton's presidencies to understand the role that Locke's philosophy plays in modern America. Stephens argues that America has

strayed at times from Locke's original philosophy, but that there have been many individuals and instances where America has made a return to its Lockean legacy. For example, he writes that Clarence Thomas has supported Locke's notions of natural law and property rights in the Supreme Court.

In the modern world, Locke's principles are still relevant to our political debates. Many Americans think that the federal government is more involved in their lives than the founding fathers wanted it to be. Some people think that government spending is too high and that the government is unjustly taking away our property, while others believe that increased taxes are necessary in order to protect all of our citizens' natural rights such as that to life and security. Some people have even invoked Locke's arguments to argue their position on things like what tax structure the government should employ, whether the death penalty should be legal, and whether excessive campaign finances should be banned.

Ultimately Locke's importance in the formation of the American government is often neglected by history, yet his philosophy is the foundation of our identity as Americans. Locke is the architect behind the Declaration of Independence and the originator behind the Bill of Rights. His arguments paved the way for the freedom, rights, and protections that we enjoy today. Without Locke, we exist under the regime of the Leviathan, trapped in a life that is nasty, brutish, and short. Almost all scholars agree that Locke was incredibly important to the foundation of the United States, but the exact extent to which has been forgotten. As Americans, we derive our entire identities from Locke. We are his legacy.

## **Appendix A: Declaration of Independence**

IN CONGRESS, July 4, 1776.

### **The unanimous Declaration of the thirteen united States of America,**

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, -- That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these

Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose

known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do

all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

## **Appendix B: Bill of Rights**

### **Amendment I**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### **Amendment II**

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

### **Amendment III**

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

### **Amendment IV**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### **Amendment V**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor

be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

#### **Amendment VI**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

#### **Amendment VII**

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

#### **Amendment VIII**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

#### **Amendment IX**

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

#### **Amendment X**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

## **Appendix C: Virginia Statute for Religious Freedom**

An Act for establishing religious Freedom.

Whereas, Almighty God hath created the mind free;

That all attempts to influence it by temporal punishments or burthens, or by civil incapacitations tend only to beget habits of hypocrisy and meanness, and therefore are a departure from the plan of the holy author of our religion, who being Lord, both of body and mind yet chose not to propagate it by coercions on either, as was in his Almighty power to do,

That the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavouring to impose them on others, hath established and maintained false religions over the greatest part of the world and through all time;

That to compel a man to furnish contributions of money for the propagation of opinions, which he disbelieves is sinful and tyrannical;

That even the forcing him to support this or that teacher of his own religious persuasion is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the Ministry those temporary rewards, which, proceeding from an approbation of their personal conduct are an additional incitement to earnest and unremitting labours for the instruction of mankind;

That our civil rights have no dependence on our religious opinions any more than our opinions in physics or geometry,

That therefore the proscribing any citizen as unworthy the public confidence, by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages, to which, in common with his fellow citizens, he has a natural right,

That it tends only to corrupt the principles of that very Religion it is meant to encourage, by bribing with a monopoly of worldly honours and emoluments those who will externally profess and conform to it;

That though indeed, these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way;

That to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy which at once destroys all religious liberty because he being of course judge of that tendency will make his opinions the rule of judgment and approve or condemn the sentiments of others only as they shall square with or differ from his own;

That it is time enough for the rightful purposes of civil government, for its officers to interfere when principles break out into overt acts against peace and good order;

And finally, that Truth is great, and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them:

Be it enacted by General Assembly that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief, but that all men shall be free to profess, and by argument to maintain, their opinions in matters of Religion, and that the same shall in no wise diminish, enlarge or affect their civil capacities. And though we well know that this Assembly elected by the people for the ordinary purposes of Legislation only, have no power to restrain the acts of succeeding Assemblies constituted with powers equal to our own, and that therefore to declare this act irrevocable would be of no effect in law; yet we are free to declare, and do declare that the rights hereby asserted, are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right.

## **Appendix D: John Locke: Life and Times**

Locke was born to a wealthy Puritan family on August 29, 1632, in Somerset, England. He was a precocious child and excelled in academics. Locke's father worked as a lawyer and had many connections to the English Parliament. As a result, Locke received an outstanding education. In 1652, Locke was accepted to study at Christ Church, which was one of the most prestigious colleges at the University of Oxford. Locke spent this time researching logic, metaphysics, and classical languages. He earned a bachelor's degree in 1656, a master's degree in 1658, and a bachelor of medicine degree in 1674.

In 1666, Locke was introduced to Lord Anthony Ashley Cooper, who later became the 1<sup>st</sup> Earl of Shaftesbury. The two grew close, and Shaftesbury eventually convinced Locke to serve as Shaftesbury's personal physician in London. Locke agreed and worked closely with Shaftesbury.

Shaftesbury was one of the founders of the Whig movement, which opposed the dominant Tories and fought for constitutional monarchism – the form of government where a monarch is both established and restricted by a constitution. Shaftesbury greatly influenced Locke's political ideology, especially after becoming Lord Chancellor in 1672. Although Locke was involved with the Whigs, his ideas were considered quite revolutionary for his time, especially in the context of philosophers such as Robert Filmer and Thomas Hobbes. Locke began to write his *Two Treatises of Government* in 1679, although he did not publish them for nearly a decade. Locke began to publish his works after the Glorious Revolution of 1688 where King James II was overthrown. In quick succession, Locke's *Essay Concerning Human*

*Understanding, the Two Treatises of Civil Government, and A Letter Concerning Toleration* were all published.

Locke died on October 28, 1704. He never married and had no children.

## **Bibliography:**

### **Works by Locke:**

Locke, John. *A Letter concerning Toleration*. Edited by William Popple. Chicago. P. 6.  
Available online at  
<http://socserv2.socsci.mcmaster.ca/econ/ugcm/3ll3/locke/toleration.pdf>.

Locke, John, and De Beer Esmond Samuel. *The Correspondence of John Locke*.  
Oxford: Clarendon, 1979. Print.

Locke, John. *The Works of John Locke: In Ten Volumes*. Aalen: Scientia-Verl., 1963.  
Print.

Simmons, A. John. *The Lockean Theory of Rights*. Princeton, NJ: Princeton UP, 1992.  
Print.

Locke, John. *Second Treatise of Government*. 1980. Reprint. Indianapolis: Hackett  
Publishing, 1980, 1690. Print.

### **Other Works:**

Arniel, Morag. 1992. 'All the World was America' John Locke and the American  
Indian. P. 358.

Ashcraft, Richard. "Revolutionary Politics and Locke's Two Treatises of Government."  
Princeton University Press, 1986.

Butler, Pierce. "Digital History." Digital History.

Brown, Gillian. *The Consent of the Governed: The Lockean Legacy in Early American  
Culture*. Cambridge, MA: Harvard UP, 2001. Print.

Constitutional Convention and Ratification, 1787–1789 - 1784–1800 - Milestones -  
Office of the Historian. <https://history.state.gov/milestones/1784-1800/convention-and-ratification>.

Corbett, Ross. *The Missing Judiciary in Locke's Separation of Powers*.

Cranston, Maurice. *John Locke, a biography*. Oxford [Oxfordshire: Oxford University  
Press, 1985. Print.

- Dreisbach, Daniel L. *Faith and the Founders of the American Republic*.
- Faulkner, Robert. 2001. "The First Liberal Democrat: Locke's Popular Government." *Review Of Politics* 63, no. 1: 5. *Academic Search Premier*, EBSCOhost (accessed November 11, 2014).
- First Amendment Center. <http://www.firstamendmentcenter.org/first-amendment-timeline>.
- Kendall, Willmoore. *John Locke and the Doctrine of Majority-rule*. Urbana: U of Illinois, 1965. Print.
- Ketcham, Ralph. 1999. Review of *Jefferson's "declaration of Independence": Origins, Philosophy, & Theology*. *Journal of the Early Republic* 19 (1). University of Pennsylvania Press: 118–20. doi:10.2307/3124927.
- King, Peter. *Life and Letters of John Locke*. Place of Publication Not Identified: Book On Demand, 2013. Print.
- Horwitz, Robert H. *The Moral Foundations of the American Republic*. Charlottesville: U of Virginia, 1986. Print.
- Howard, Dick. "Bill of Rights." History.com
- Pangle, Thomas. *The Spirit of Modern Republicanism: The Moral Vision of the American Founders and the Philosophy of Locke* (Exxon Lecture Series).
- Thomas, George. 2013. "John Locke's America." *Society* 50, no. 5: 464-467. *Religion and Philosophy Collection*, EBSCOhost (accessed November 11, 2014).
- Thomas Jefferson Biography. Biography.com. Accessed September 17, 2015. <http://www.biography.com/people/thomas-jefferson-9353715#early-life>.
- Thomas Jefferson, Notes on the State of Virginia.
- Thomas Jefferson, "The Virginia Constitution," in *Papers of Thomas Jefferson*.
- Sanford Kesley, Locke's Influence on Jefferson's Bill for Establishing Religious Freedom
- Schwoerer, Lois G. "Locke, Lockean Ideas, and the Glorious Revolution". *Journal of the History of Ideas* (University of Pennsylvania Press), 1990.
- Sheppard, Steve. *The Common Law and the Constitution: John Locke and the Missing Link in Law*. University of Arkansas: American Society of Legal History, 2005. Print.

Stephens, George M. 2002. *Locke, Jefferson, and the justices foundations and failures of the US government*. New York: Algora Pub.

Ward, Lee. *John Locke and Modern Life*. New York: Cambridge UP, 2010. Print.