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POT3054

April 25, 2008

The Influence of Lockean Liberalism on the U.S. Constitution

In discussing the influence of John Locke and the early government of the United States, it is important to frame the issue of what influences we wish to discuss. Before delving into fundamentals, it is important not to ignore the role that Montesquieu and others played in inspiring the Constitution and the framing of the American Government. I find myself in agreement with Huyler, when he states “McDonald and those who divide the Framers into two (or more) competing camps. It is entirely appropriate to pit the traditional political science of Montesquieu against the more novel researches of David Hume,” (Huyler 252). The questions debated in the Convention of ‘87 regard the issue of the science of politics, or the structure in which the republic will take place, and in this we do not find Locke’s influence. This structure of republicanism is where we may find essences of Rousseau and Montesquieu, but the influence of Locke is found deep rooted in the principles of the government.

It is one thing to understand the principles, and another thing to understand the forms of government. The former are simple; the latter are difficult and complicated. . . Mr. Locke is an oracle as to the principles, Harrington and Montesquieu are oracles as to the forms of government.
(Rush 78)

As this essay will express, we will look to find Locke and his influence not in the overall physical structure of the American government, but in “the ‘fundamentals of government – the beliefs Americans had regarding the basic values at which civil government should

aim and, more immediately, the ways in which down to 1787 American Governments were falling short of the mark,” (Huyler 252). We will attempt to find Lockean ideas not only in the U.S. constitution, but in the problems that generated it’s writing, as well as Locke’s influence on those who wrote it.

Before we seek to analyze the influence Lockean liberalism played in the U.S. constitution, it is important to address the specific ideology itself. We will first need to define such terms as the Lockean approach to the state of nature, human nature, civil society, the social contract, the role of government, and the important issues of property and human rights. The first issue we will analyze is the state of nature. In the State of Nature, Locke acknowledges that as human beings with a sinful nature, we may be inclined to do harm. However, we have traditionally been designed and commanded to love one another as ourselves. This Golden Rule is thus is broken from time to time. One fashion in which this is broken is through the act of stealing, or taking another man’s labor. Although we are designed to originally love and live in peace along the laws of God, man may infringe on another man’s property, thus expressing that although man is reasonable in the state of nature, he is also susceptible to error and sinful wrong. It is this infringement on another man’s rights of life and property in the state of nature that lead up to the development of civil society.

After over viewing the state of nature and the human characteristics of reason and sin, we can now approach man’s tendency to gather together in a society. In discussing the issue of society in Locke, we first ask ourselves what exactly was God’s intention; “We must first acknowledge that God “designed man for a sociable creature’, made him ‘with inclination, and under a necessity to have fellowship with those of his kind,’ ”

(Yolton 259). In addition to this designed state and our inclination to be sociable with our fellow man, we find ourselves grouping together in small groups and societies. What exactly is it that drives us to cluster together in these social groups? In John W. Yolton's Book, *A Locke Dictionary*, he tells us that "the conditions in the state of nature are not entirely conducive to happiness and security, two other features in his [Locke's] concept of society." (Yolton 259). It is here in this divinely designed role of being social, and the fact that the state of nature is not safe enough to live in isolation, that man lives in social groups. Having defined the idea of society through a Lockean perspective, we can now discuss the Social Contract that stems out of this society.

Upon analyzing the Lockean perspective of the state of nature, and the issues of human nature and sin, and society, we can now approach the issue of civil society. When man continues to find himself in this area of conflict, and his family and local society continue to grow, he begins to find the necessity to enter into civil society. One of the factors to this need is man's tendency to judge harshly. In the state of nature, man has the right to defend his life and property. In this right, man has the right to punish those criminals who seek out to take away from him the former and the latter. In this right, although rational, man may unfairly punish his fellow man for their infractions against him. In other words, one man who steals the sheep of another may find himself killed as punishment by the man he stole from. This is obviously not a fair punishment for the crime of theft, and as such, man enters into an agreement to organize as a whole and choose an individual to be the mediator, arbiter, and judge of these issues. This appointed judge then takes the role of weighing the issues and concerns of the society and providing reasonable and bipartisan rulings that are not affected by the issue of being

personally involved. With this organized civil society in place, the rate of social development increases, and the society continues to grow. With this social growth comes the creation of the social contract.

In Locke, the Social Contract occurs when the different citizens in the state decide to create an agreed upon government in which to allow to be ruled by. Here, the majority of society agrees to be governed by a government, mostly a style of legislature, executive, and under some sort of body of law. This social contract, or compact, is created the moment the majority wills that government into place, and if the government does not protect the economic, private property, and civil rights of its citizens, thus breaking the contract, it is the moral obligation of the citizens to abandon the government and create a new social contract.

As mentioned previously, the moment the government in place defies this social contract, it is the obligation of the citizens to tear this government down and create a new one. What exactly is the role of the government? As previously hinted, the role lies in protection. This protection is the protection of life, liberty, and property. It is in the sole interest of the government to have the use of force and judgment to contain criminal activity, as well as to protect the citizen's ability to sell and generate private property. The government also exists to protect its citizens from other societies and government, aka foreign threats.

The final topic to discuss is that of property and rights. Upon creating man, God gave him the world in which to carve and make use for his needs. "Locke assures us that God would not give to anyone a property which would deny 'his needy Brother a Right to the surplusage of his Goods'." (Yolton). Although we create private property through

working the land, it is looked down upon by Locke to hoard private possessions in a manner that prevents his fellow man from enjoying the fruits of the world. “For Locke, the principle of property rested on the right and duty of every individual to act as to preserve himself or herself and the need to acquire and use property for the sake of preservation,” (Huyler 262).

Having analyzed the various important factors of Lockean political ideology (state of nature, civil society, social contract, etc.), we will now approach their influence on the U.S. Constitution. The first point we will address in this paper is that of the vices of the system and the needed for a more perfect union (Huyler 252). What problems were the early founding fathers experiencing with the creation of the nation, and how does this apply to Lockean ideology and the solutions and principles it had to offer through the creation of the Constitution? We will frame the “debate over the Constitution represented [as] a profound continuity of commitment to John Locke’s liberal politics and, in particular, to the precepts of “equal creation” and “equal protection” (Huyler 253). One of the initial concerns of the government was a system, which focused on the principles of human liberty, equality, and freedom. The results of the failure of the articles of Confederation rested on “the democratic measures undertaken in the various statehouses and the kinds of people who were pulling the democratic strings of power,” (Huyler 252). Where do we find the influence of Locke in this scenario? To answer that, we find “Locke’s steady influence is evidenced in the continued outcry over factionalism and the abuse of public power for private advantage,” (Huyler 253). The issues of argumentation were that of the Bank of America, the College of Philadelphia, and other corporate entities (Huyler 253). What answer would Lockean liberalism bring to this issue of

corporatism? Since the focus of free-men is that of the protection of their personal liberty, security, and property, the legislature has no real right to grant any “monopoly legal privilege” and bestow unequal portions of favor on such corporate entities as found in the failed attempt of the Constitutional convention (Huyler 253).

This complaint of corporatism was combated with the Lockean principles of society that argued that “Lockean society is instituted for the protection and preservation of peoples property and if such a society is fundamentally rooted in the ‘equal protection’ of all their just rights and properties, then debtor-relief measures enacted in the several states...[violated] Lockean right,” (Huyler 257). The issue of complaint over the desire for a new state of the union is how we create a government based off of the principles of Lockean equal protection of the individual’s rights and interests and not that of corporate groups and interests. This issue, as it spills over into the constitution, is found in the Lockean property and principles as they formed federalism.

All these issues of complaint, illuminated within the lens of Lockean thought, were “all addressed and remedied by the U.S. Constitution (Huyler 258). The object now was the Lockean principle of securing people’s properties and rights against the measures taken by state legislatures in the pursuit of equality (Huyler 258). We can see this provision to protect these rights in Article I, Section 9, which states:

No state shall...coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post factor* law, or law impairing the obligation of contracts...No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state or those of another; nor shall vessels bound to, or from one state, be obliged to enter, clear, or pay duties in another.” (Article I, Section 9).

The importance of this article is found in its ability to protect that central tenant of Lockean Liberalism; property. Having experienced the problems associated with the power given to those state legislative entities, the drafting of this article stands clearly along the ideological lines of Locke's emphasis on the individual's right of privacy.

Having analyzed the various factors making up the ideology of Locke, and then the situation that plagued the Constitutional Convention and the need to draft a new constitution along the lines of Lockean principle and private rights, we can now approach an internal source of Lockean inspiration to the Constitution. This is none other than Madison, who "like Locke, understood property in the broadest sense, to include one's 'life, liberty, and estate,'" (Huyler 262). According to Madison, and clearly inspired by Lockean ideas, "Government...is instituted to protect property of every sort, as well that which lies In the various rights of individuals...This being the end of government, that alone is a just government which impartially secures to every man whatever is his own," (Huyler 262). This underscores both the Lockean ideas of private property and the role of the citizen to usurp a government who ignores the protection of these vital principles. We find this further in Madison's thought in an article published in the *National Gazette*:

That dominion which one man claims and exercises over external things of the world, in exclusion of every other individual...land, merchandize or money...man has a property in his opinions and the free communication of them...[in] his religious opinions, and in the profession and practice dictated by them. He has a property very dear to him in the safety and liberty of his person. (Madison 1)

We clearly see, first hand, the inspiration Locke's ideas of property and religion must have had on Madison. In addition, we find the issue of religion of further importance. In *A memory and Remonstrance*, he echoes the ideas of Lockean religious liberty by supporting Jefferson's Bill for Religious Liberty, stating: "The equal right of every

citizen to the free exercise of his Religion according to the dictates of conscience' is held by the same tenure with all our other rights. If we recur to its origin, it is equally the gift of nature," (Huyler 263). The accumulation of both the Lockean influence of private property and religious liberty is found in Madison's confession that he believes government "will be best supported by protecting every citizen in the enjoyment of his Religion with the same equal hand which protects his person and his property; by neither invading the equal rights of any Sect, nor suffering any Sect to invade those of another." These basic tenants of property and religion shall not be infringed, and Madison argues that such a government which seeks to ignore their importance of private property and religious freedom is one not for the United States (Madison 1). In addition, Like Locke, Madison also "appeals to the reason of mankind to thwart the dangerous passions of our mankind," (Huyler 264)

In conclusion, having analyzed the ideological world of Locke along the lines of the state of nature, the state of human beings, societies, civil society, the social contract, and property, we have developed a background in which to spot such ideologies in the work of the U.S. constitution. Having this background, we analyzed the issues plaguing the necessity of the Constitution, and found these problems in the Constitutional Convention to be ones needing Lockean answers safeguarding private property. After having analyzed these problems, we approached the influence of Lockean thought, such as private property, in Article 1 of the Constitution. After this, we finally analyzed Madison and concluded that his approach to government and the constitution were heavily influenced by the Lockean ideas of private property, religious freedom, and

limited government. With these points compassed, we can finally conclude with Huyler in saying that “Locke’s influence on eighteenth-century America, broadly, and on the American Revolution, more narrowly, ‘was massive,’” (Huyler 251). From the issues plaguing the early government, to the Lockean answers of respected private property via constitutional provisions, we can safely conclude that these Lockean ideas heavily influenced and guided the direction in which the Constitution was finalized and shaped the American Governmental Model.

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