

Week 4

Read: John Locke's Second Treatise of Government, Sections 4-34 (CH, II - V)

<http://www.justiceharvard.org/resources/john-locke-second-treatise-of-government-1690/>>John Locke's Second Treatise

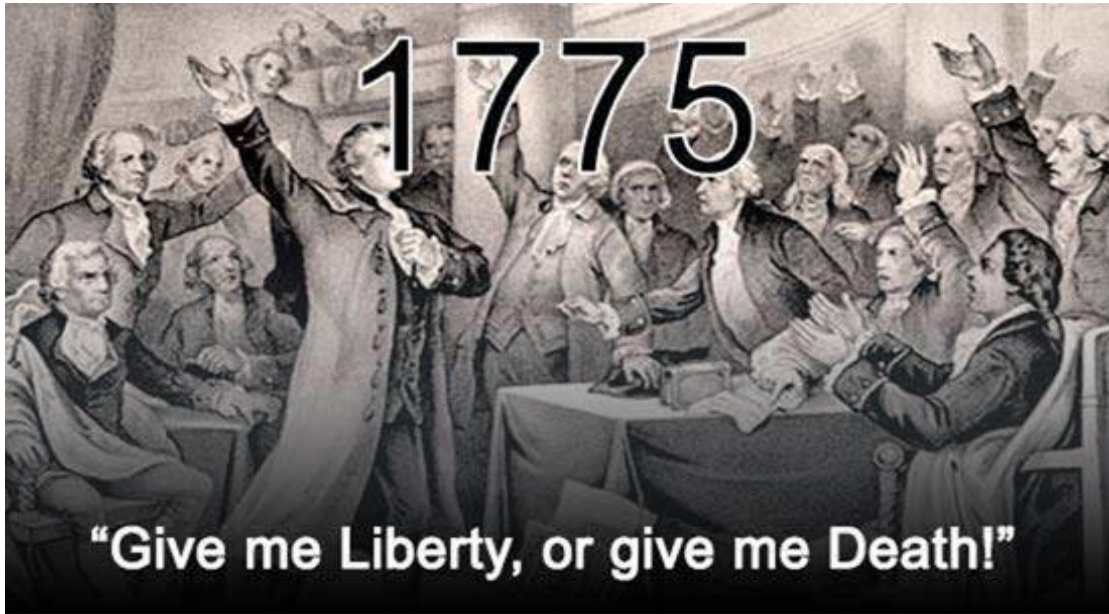
Instead of the Discussion Questions on the Justice web site, this week you should answer the following Study Questions. As usual these are due Sunday but you should know the answer to these by Thursday. Please type, double space, use no larger than 12 font, and minimum 600 words.

- 1. Why does John Locke believe we have a right to property even before we enter civil society through a social contract?*
- 2. Who has a right to punish a transgressor of the laws of nature in the state of nature? Why?*
- 3. For Locke, can the government be justified in taking some of your property? Why or why not?*
- 4. Why didn't Locke believe in the libertarian notion of rights as self-ownership?*
- 5. Did Locke believe in an unalienable right to private property?*
- 6. For Locke, if you consent to be euthanized, is it morally acceptable?*
- 7. Explain the tension between Locke's notion of unalienable rights and his notion of consent to majority rule.*
- 8. What are the two kinds of consent? Explain.*
- 9. How can you claim a right to land in the state of nature?*
- 10. You can only justly claim land in this way (see 9), under what two conditions?*

Student Learning Objectives

1. Understand the notion of the “State of Nature” in Locke.
2. Understand the concept of unalienable natural rights – rights we possess **before** entering into society with laws.
3. Understand how unalienable rights conflicts with the notion of self-ownership and with Majority Rule (democracy)
4. Understand Locke's view of punishment in the state of nature.
5. Understand the difference between implicit and explicit consent.
6. Understand the idea of the Social Contract.
7. Understand Locke's theory of just acquisition of property by mixing labor.
8. Understand the two conditions Locke says must be met to justly claim land.

John Locke argues that we have certain unalienable rights. How far do rights go?



Do people have rights to free education? Healthcare? Free shelter? Free food?

If so doesn't someone else (OPM) have to pay for them violating therefore right to keep their property?

More on the “Battle of the Bathrooms”

Libertarians argue the government should stay neutral on issues of personal morality. But is that possible? The bathroom battles seem to illustrate it is not possible.

Do you think, for example, that transgender people have a right to use showers in high schools, colleges and universities assigned to the gender they self-identify as? Say, for example Caitlin Jenner (a pre-operative male to female transgender) wants to use the girl's shower room. Should schools respect her desire?

There seem to be three options:

- 1) Enforce rules based on biology (North Carolina's solution) – politically incorrect???
- 2) Allow transgenders to choose – How do you girls feel about biological males showering with you? - Or the converse? (probably a double standard)
- 3) All schools are mandated to build individual showers to respect transgender “rights.” This would entail governmental coercion to force expensive modifications to thousands of institutions. (Not a very libertarian solution). Couldn't the government use all that money more wisely? - to fund scholarships or textbooks for poor students, to enrich special education programs? Etc.

In your groups discuss which option you believe is best and why? Or are there other options?





**WOMEN
ONLY**

LOCKER ROOM

**602 (1) Penal Code
Trespass Violators
Subject to Arrest**

Call the District Police to report
any violations or crimes in the area.

Dial 9-1-1

WEST VALLEY-MISSION COLLEGE DISTRICT POLICE
14000 Fruitvale Avenue
Saratoga, CA 95070
(408) 741-2092