

Handout F: Excerpts from John Locke's *Second Treatise of Civil Government* (1690)

Sec. 124. The great and chief end, therefore, of men's uniting into commonwealths, and putting themselves under government, is the preservation of their property.

First, There wants an established, settled, known law, received and allowed by common consent to be the standard of right and wrong, and the common measure to decide all controversies between them: for though the law of nature be plain and intelligible to all rational creatures...

Sec. 125. Secondly, In the state of nature there wants a known and indifferent judge, with authority to determine all differences according to the established law...

Sec. 126. Thirdly, In the state of nature there often wants power to back and support the sentence when right, and to give it due execution...

Sec. 131. But though men, when they enter into society, give up the equality, liberty, and executive power they had in the state of nature, into the hands of the society... to preserve [themselves, their] liberty and property...

[T]he power of the society, or legislative constituted by them, can never be supposed to extend farther, than the common good; but is obliged to secure everyone's property And all this to be directed to no other end, but the peace, safety, and public good of the people.

Handout G: Excerpts from Montesquieu's *The Spirit of the Laws* (1748)

In every government there are three sorts of power; the **legislative**; the **executive**... [and] the latter we shall call the **judiciary** power...

There would be an end of every thing were the same man, or the same body...to exercise those three powers that of enacting laws, that of executing the public **resolutions**, and that of judging crimes...

The executive power ought to be in the hands of a **monarch**; because this branch of government, which has always need of **expedition**, is better **administered** by one than by many: Whereas, whatever depends on the legislative power, is oftentimes better **regulated** by many than by a single person...

When once an army is established, it ought not to depend immediately on the legislative, but on the executive power, and this from the very nature of the thing; its business consisting more in action than in **deliberation**.

From a manner of thinking that **prevails** amongst mankind, [armies] set a higher value upon courage than **timorousness**, on activity than **prudence**, on strength than counsel. Hence, the army will ever despise a senate, and respect their own officers...