

A STUDY OF JOHN LOCKE'S INFLUENCE ON AMERICAN POLITICAL THOUGHT

Yü Yüh - chao

余 玉 照

The main purpose of this paper is to examine John Locke's influence on some basic American political beliefs, especially those about the relationship between a government and the people it governs. In the course of the study, special attention will be directed to this influence as manifested in two of the most important documents of American political thought: the Declaration of Independence and the Constitution of the United States.

In order to get a general picture of American political thought as a whole, we need first of all to understand its main tendencies. In this regards, Raymond G. Gettell has given a succinct analysis:

In the colonial period, American political thought was intimately associated with theology. The clergy were the leaders of public opinion, religious problems received much attention, and the most troublesome issue was that of the proper relation of church and state. With the approach of the American Revolution, legal and constitutional questions came into prominence. For almost a century political discussion in America was dominated by legalistic conceptions: first, in the relation to the mother country; then, in the attempts to form a union; later, in the relation of the states to the Union. The nature of the American constitutional system, the powers of the Supreme Court, the rights of nullification and secession, and the reconstruction after the Civil War were discussed mainly as problems of legal interpretation. . . .

[After the Civil War] Attention was directed to the relation of government to business, labor, and public welfare. Social and economic interpretation of politics replaced the earlier legalistic view, and arguments based rather on expediency and ethics than on the letter of the Constitution found popular favor. Theology, law, and social economics, in turn, have been the chief influences on American political thought.¹

1. Raymond G. Gettell, *History of American Political Thought* (New York: The Century Co., 1928), pp. 11-12.

With this good analysis in mind, I would like to point out that this paper will deal primarily with the legal and constitutional aspects of American political theory. Since these are the most fundamental aspects of American political thought, the present study will naturally shed some light on the prominent role of law in American society.

One unique feature of American political thought lies in the fact that it is a fine mixture of inheritances from other cultures and original modifications by Americans. In his "Preface" to *Intellectual Origins of American National Thought*, Wilson Ober Clough said, "Our founding fathers made no pretense of having invented their political wisdom de novo, but admitted freely that they had drawn from the lessons of history and the past. To this common inheritance they added the judgment of their own practical experience, common sense and reason."² John Jay said, "The American are the first people whom Heaven has favoured with an opportunity of deliberating upon, and choosing the forms of government under which they should live."³ Gettell held the same opinion when he observed, "To a considerable degree, American political thought was indigenous, growing out of the conditions and problems of the New World. On the other hand, the culture of many peoples was represented in America, and the quick interchange of ideas in the modern world enabled many doctrines that originated in other lands to influence the thought and institutions of the United States. In many cases it is difficult to trace the origin of American doctrines or the degree to which ideas that originated elsewhere have been modified by American conditions."⁴

What, then, are the major sources of American political doctrines?

To this question, Charles E. Martin and William H. George have offered a comprehensive answer which warrants a verbatim quotation here:

When Jefferson was questioned concerning the sources of the ideas contained in the Declaration of Independence, he linked the names of Aristotle, Cicero, Locke, and Sidney. Thus there were ancient sources of the conception and there were also modern sources. The doctrines of natural equality and natural freedom, as also of natural law as a body of immutable principles, are surely as old as Roman Law, derived from Stoic philosophy. The Romans were familiar with

2. Wilson Ober Clough, ed., *Intellectual Origins of American National Thought* (New York: Corinth Books, 1955), vii-viii.

3. Ibid., p. 258.

4. Gettell, p. 21.

the theory of the consent of the governed. The proximate sources, on the other hand, were the civil wars of England, the Commonwealth, and the Glorious Revolution, all of which leved on the old traditions of English liberty and called forth liberal and even radical ideas. Harrington, Milton, Sidney, and Locke, and, farther back, Hooker, Grotius, Pufendorf, and Vattel, were known to the men of the Revolution. Moreover, they were familiar with the great depositaries of English liberty, Magna Carta, Petition of Rights, Habeas Corpus Act, and Bill of Rights. The *jus naturale* and the *jus gentium* of Roman Law influenced American writers through publicists on international law, particularly Vattel. Blackstone, whose *Commentaries* were known to every lawyer in the American colonies, was thoroughly familiar with the law of nature and the law of nations. The principal source of the political theory of the men of the Revolution was John Locke's *Two Treatises of Government*. The men of Massachusetts, in their controversy with their governor, cited time and again "the great Mr. Locke," whose word to them was final. Resolutions, bills of rights, and the Declaration of Independence breathe the spirit of the Glorious Revolution which was caught and expressed so well in the *Two Treatises of Government*. Locke, in turn, was indebted to Hooker, and also to the Levellers. The latter had returned to the concept of a state of nature and natural rights, to the law of God and of reason, and to the common law of England, for a justification of their radicalism.⁵

Having had some understanding of the general tendencies and the major sources of American political thought, we may now turn to a closer look at Locke's political doctrines, which are mainly expressed in his famous *The Second Treatise on Civil Government*. It is generally acknowledged that Locke exerted the most powerful and lasting influence on the political life of America. In the words of Robert J. Harris, Locke is "at least the godfather of American democratic thought."⁶ Therefore, we may say that a study of Locke is a key to the essence of American political philosophy.

The fundamental principles in *The Second Treatise* to which American founding fathers responded favorably include those of a pre-political state of nature governed by the law of nature, the social compact, government by the consent of the governed, the sovereignty of the people, majority rule, private property, legislative supremacy, the governmental system of checks and balances, and the right of rebellion and revolution.

5. Charles E. Martin and William H. George, *American Government and Citizenship* (New York: Alfred A. Knopf, 1927), pp. 43-44.

6. Robert J. Harris, *The Quest for Equality* (Baton Rouge: Louisiana State Univ. Press, 1960), p. 9.

In order to facilitate the analysis of Locke's influence on America, I would like to explain briefly these conceptions as defined by Locke.

Locke wrote, "The state of nature has a law of nature to govern it, which obliges everyone; 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. . . ."⁷ In this state, all men live together according to reason, and are entitled to perfect freedom and equality. But the state of nature, without "an established, settled, known law" and "a known and indifferent judge, with authority to determine all differences according to the established law" (Section 124), is very "unsafe and uneasy" (Sec. 131). When any number of men, in order to have "their comfortable, safe, and peaceable living one amongst another, in a secure enjoyment of their properties" (Sec. 95), establish a social compact and unite into a political or civil society, each of them quits his executive power of the law of nature and resigns it to the government thus founded. Locke considered the government as a trustee. He stated, "The liberty of man in society is to be under no other legislative power but that established by consent in the commonwealth; nor under the dominion of any will or restraint of any law, but what that legislative shall enact according to the trust put in it" (Sec. 22). In other words, Locke argued for freedom from absolute arbitrary power, and thus he differed most sharply from Thomas Hobbes, who advocated the theory of absolute monarchy.

Locke emphasized that the chief end of government is to promote people's welfare. He asserted, "The end of government is the good of mankind" (Sec. 229). "The great and chief end, therefore, of men's uniting into commonwealth, and putting themselves under government, is the preservation of their property; to which in the state of nature there are many things wanting" (Sec. 124). Government is instituted "to restrain the partiality and violence of men" (Sec. 13). He strongly stressed that "*Salus populi suprema lex*"—which means "The welfare of the people is the highest law" (Sec. 158). For the purpose of ensuring the achievement of this end, Locke naturally relied upon the supremacy of law and majority rule. When one consents with others to make one body politic under one government, one must submit to the rule of the majority because "being one body must move one way, it is necessary the body should move that way whither the greater force carries it, which is the consent of the majority; or else it is impossible it should act or

7. John Locke, *Two Treatises of Government*, ed. Thomas I. Cook (New York: Hafner Library of Classics, 1969), p. 123. All further references to individual sections of *The Second Treatise of Civil Government* will appear in the text.

continue one body. . . .” And majority rule should be based on law. Laws are the great instrument to secure public good, and the legislative power is “the first and fundamental positive law of all commonwealths” (Sec. 134). Locke introduced the concept of separation of powers and considered the executive to be both ministerial and subordinate to the legislative. Although the legislative power is supreme, it is limited to the public good of the society. In a constituted commonwealth the highest power resides in the people; Locke stated that “there remains still in the people a supreme power to remove or alter the legislative when they find the legislative act contrary to the trust reposed in them” (Sec. 149). This concept is of course consistent with his conviction that the people have the right to dissolve a government when it fails to act according to the trust put in it.

So far we have reviewed Locke’s primary views concerning government. The next question will be: to what extent have Lockean views influenced Americans? One of the representative expressions of Lockean views in America is Thomas Paine’s *Common Sense*, which contributed remarkably to the success of the American revolution. “It not only advocated American independence, pointing out the necessity of absolute separation from Britain, but recommended the Declaration of Independence which followed six months after the appearance of Paine’s pamphlet, on January 10, 1776.”⁸ In this extremely influential pamphlet, Paine shared many of Locke’s doctrines. Like Locke, Paine made a clear distinction between society and government and rested the right of revolution on this important distinction. Both of them justified the doctrine of resistance or revolution. Both attacked monarchy and hereditary succession. Paine wrote, “Monarchy is ranked in scripture as one of the sins of the Jews, for which a curse in reserve is denounced against them.”⁹ He added, “To the evil of monarchy we have added that of hereditary succession; and as the first is a degradation and lessening of ourselves, so the second, claimed as a matter of right, is an insult and imposition on posterity.”¹⁰ Like Locke, Paine highly emphasized that the ultimate goal of government is to promote the public good. The best means of achieving this goal is to set up a constitutional democracy. Paine stated, “There is no such thing as the idea of a compact between the people on one side and the government on the other. The compact was that of the people

8. William M. Van der Weyde, ed., *Common Sense* (New Rochelle: Thomas Paine National Historical Association, 1925), p. 93.

9. *Ibid.*, p. 110.

10. *Ibid.*, p. 114.

with each other to produce and constitute a government. The only instance in which a compact can take place between the people and those who exercise the government is that the people shall pay them while they choose to employ them. . . . Government is nothing more than a national association.”¹¹ On this statement Boutillier rightly commented, “This is the essence of constitutional democracy; government responsible to the people who set it up. It is this distinction and this relation between people and government which precisely characterizes constitutional democracy, or republican government.”¹²

In *Common Sense*, the Declaration of Independence is most highly recommended. It is only natural that both documents are founded upon the same political principles. In May of 1790, Jefferson wrote, “Locke’s little book on government is perfect as far as it goes.”¹³ However, in a letter to Henry Lee in 1825 Jefferson said that he had not drawn exclusively upon Locke in composing the Declaration. He wrote:

When forced . . . to resort to arms for redress, an appeal to the tribunal of the world was deemed proper for our justification. This was the object of the Declaration of Independence. . . . Neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind, and to give to that expression the proper tone and spirit called for by the occasion. All its authority rests then on the harmonizing sentiments of the day, whether expressed in conversation, in letters, printed essays, or in the elementary books of public right [such] as Aristotle, Cicero, Locke, Sidney, etc. . . .¹⁴

As a matter of fact, the Declaration is so close to Locke in content and even phraseology that John Adams was led to remark that it was simply a recapitulation of the *Second Treatise*.¹⁵ In his profound study of the Declaration, Carl L. Becker gave a forceful account of the relation between these two documents:

11. Quoted by Cornelia Geer Le Boutillier, *American Democracy and Natural Law* (New York: Columbia Univ. Press, 1950), p. 128.

12. *Ibid.*

13. Peter Woll, *American Government* (Boston: Little, Brown and Co., 1969), p. 30.

14. *Ibid.*, pp. 29–30.

15. Gerald N. Grob and Robert N. Beck, eds., *Ideas in America* (New York: The Free Press, 1970), p. 71.

The lineage is direct: Jefferson copied Locke and Locke quoted Hooker. In political theory and in political practice the American Revolution drew its inspiration from the parliamentary struggle of the seventeenth century. The philosophy of the Declaration was not taken from the French. It was not even new; but good old English doctrine newly formulated to meet a present emergency. In 1776 it was commonplace doctrine, everywhere to be met with. . . .¹⁶

Indeed, there is no doubt about the pervasive influence of Locke on Jefferson. To further illustrate this point, I would like to point out first of all that the Declaration was proclaimed "in the name and by the authority of the good people of these colonies." It is perfectly clear that it was based on Locke's theory of popular sovereignty and responsible government.

Next, the Declaration reflects the Lockean belief in natural law and natural rights. As James Forman rightly observed, "The Declaration of Independence states that 'all men are created equal, they are endowed by their Creator with certain unalienable Rights' This is reminiscent of the Magna Carta, with one noteworthy new element more influential in theory than in practice, the so-called natural law."¹⁷ The principle of natural law as a higher law binding on lawmakers was handed down from Locke to Paine and the founding fathers of America, who used the term natural law, as noted by Boutillier, more for utilitarian purpose and far less in the metaphysical or transcendental sense.¹⁸

Locke's contract theory was also incorporated in the Declaration. Martin and George have observed: "But the contract theory was practically useful to those in British America who wished to challenge either the royal prerogative or the supremacy of Parliament, or both. . . . Failure on the part of the king to afford protection would break the compact and absolve the colonists from allegiance. This is what Jefferson seems to have had in mind when he wrote in the Declaration of Independence: 'He has abdicated Government here, by declaring us out of his Protection, and waging War against us.' . . . Thus the imperial relation was looked upon as being, not organic, but contractual."¹⁹ The long list of the British King's "injuries and usurpations" was presented to show, apparently, that the king had failed to live up to the compact.

16. Carl L. Becker, *The Declaration of Independence: A Study in the History of Political Ideas* (New York: Vintage Books, 1942), p. 79.

17. James Forman, *Law and Disorder* (New York: Thomas Nelson Inc., 1972), p. 52.

18. Boutillier, pp. 157-58.

19. Martin and George, pp. 47-48.

Meanwhile, the Declaration reveals the Lockean view of the supremacy of law by enumerating the grievances against the king for his "unlawful" acts towards the colonies, stating, for example: "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. . . ."; "He has refused to pass other Laws for the accommodation of large districts of people. . . ."; and so forth. On this topic, Martin and George have admirably commented: "In brief, much of the Declaration of Independence is in defense of the nascent American Constitution, its charters, laws, and forms of government. The Revolution was against one form of government, and for another; it was certainly not against law and government in general. In a larger sense it was a revolution for the establishment of the supremacy of law."²⁰

Besides, Jefferson also accepted such other Lockean doctrines as that governments are instituted to secure certain unalienable rights for the people, that governments derive their just power from the consent of the governed, that the people hold the right to alter or abolish any government which becomes destructive of these ends, and so on.

However, the Declaration is not completely without deviation from Locke's philosophy. In "The 'Higher Law' Background of American Constitutional Law," Edward S. Corwin discussed two points of deviation from Locke in the Declaration. He stated: "One frequent point of deviation from the Lockian model is the retention of the idea of a compact between governed and governors; that notion fitted in too well with the effort to utilize the colonial charters as muniments of local liberty to be discarded. The other point of deviation from Locke is more apparent than real, for all these concepts are backed up by religious sanction."²¹ Another analyst, Alpheus Henry Snow, contended that the Declaration did not adhere to the theory of majority rule. He wrote: "Contrary to the usual interpretation, the Declaration does not state that government is the expression of the will of the majority. Governments, it is declared, are instituted to 'secure' the 'unalienable rights' of individuals. The will of the majority, of course, is quite as likely to destroy as to secure the unalienable rights of individuals."²² Instead, Snow added, government is "the application of the just public sentiment justly ascertained through forms

20. *Ibid.*, pp. 53-54.

21. Edward S. Corwin, "The 'Higher Law' Background of American Constitutional Law," in *American Government*, ed. Peter Woll, p. 46.

22. Alpheus Henry Snow, *The American Philosophy of Government* (New York: G. P. Putnam's Sons, 1921), p. 49.

best adapted for this purpose.”²³ It seems that this contention by Snow is not convincing enough because the Declaration, being the expressed consensus of “the Representatives of the United States of America,” clearly proclaimed the people’s right of revolution. The will of the majority can be either to support or to abolish the government, depending on whether the government is doing well what it is constituted for.

Another slight deviation from Locke is that, despite his belief in the natural right of property, Jefferson substituted “the pursuit of happiness” for it. In his explanation of this point, Snow classified all individual rights into two categories: fundamental rights and artificial or remedial rights, the former being recognized while the latter created by the people. He said, the right of property “is evidently to some extent a fundamental right and to some extent an artificial right.” He added: “Thus the Declaration does not regard property as a fundamental right.”²⁴

Just like the Declaration, the Constitution of the United States is philosophically based on Locke’s doctrines. The intimate relation between these two documents is easy to see. The Declaration is, in Snow’s words, the “Fundamental Constitution of the United States.”²⁵ The Democratic Party, in its platform of 1900, even called the Declaration “The Spirit of the Constitution.”²⁶

As has been mentioned earlier, Locke advocated a constitutional government which sets the people’s welfare as its ultimate goal. To ensure such a government will be always responsible to the people, Locke introduced the theory of a limited government by setting limitations upon legislative power. Locke wrote: “First, they are to govern by promulgated established laws, not to be varied in particular cases, but to have one rule for rich and poor, for the favorite at court and the country at plough. Secondly, these laws also ought to be designed for no other end ultimately but the good of the people. Thirdly, they must not raise taxes on the property of the people without the consent of the people, given by themselves or their deputies. . . . Fourthly, the legislative neither must nor can transfer the power of making laws to anybody else, or place it anywhere but where the people have” (*Second Treatise*, Sec. 142). All these principles have been incorporated in the Constitution and in the constitutions of many American colonies. The theory of the supremacy of “limited” legislative power expresses the ideal of constitutionalism—“a

23. Ibid., p. 50.

24. Ibid., pp. 12–13.

25. Ibid., p. 39.

26. Ibid.

government of laws and not of men.”

The Constitution accepts Lockean theory of natural law as a higher law which can restrain and limit the powers of government. This higher law, either called divine law or natural law, stands above all government and therefore ensures sovereignty of the people. According to Alan P. Grimes, the Constitution is a combination of the contract theory and the belief in a higher law. He said: “The unique contribution of American constitutionalism lay in its joining of the accepted belief in a higher law to the contract theory of the state. It was this conjunction of two historic streams of thought which found institutional expression in the popularly-ratified, written constitution. . . . The belief in a law above the government led to the institutionalizing of this law in the constitution, while the belief in the contract theory led to popular ratification of the constitution as a method of arriving at government based on the consent of those governed.”²⁷

The emphasis on property rights in the Constitution is also a clear reflection of Locke's influence. Anyone can by his labor fix a property in everything but he can possess only as much as he can make use of before it spoils, Locke argued. However, Locke allowed man to keep as much of durable things as he pleased. In other words, he did not set a limit to one's possession of imperishable property. Since the Constitution contains several important safeguards for private property, there is little question that its framers' economic mind had followed Locke's property theory. Being of an influential economic class, it is not surprising that they had presupposed a free enterprise system, which is inherent in Locke's philosophy.

In addition to the right of private property, the Constitution sets forth other rights needed to achieve what the government is instituted for, including freedom of religion, personal liberty, freedom of speech and of the press, free access to the courts of justice, due process of law, equal protection of the laws, immunity from unreasonable searches and seizures as well as from cruel and unusual punishments, the rights of citizenship and suffrage, and such procedural rights as habeas corpus and trial by jury. All these rights, when properly enforced, can certainly carry out the ultimate goal of government as advocated by Locke.

It must be noted, however, that the form of government, as it first came from the framers of the Constitution, was not as democratic as Locke's model. The system of

27. Alan Pendleton Grimes, *American Political Thought* (New York: Holt, Rinehart & Winston, 1960), p. 100.

checks and balances, based upon the separation of powers, was essentially prompted by the fear that an interested majority might tyrannize over a helpless minority. Overcome by this fear, those framers led by Hamilton were distrustful of the masses of men and regarded democracy as undesirable. "A strong and well-balanced government, therefore," remarked Martin and George, "was regarded as indispensable to the checking and control of 'democratic licentiousness.' The equality and liberty of the Declaration of Independence found scant welcome in this new political philosophy; rather, the first place was reserved for the ideas of order, stability, and the rights of property. The high-sounding idealism of the Declaration of Independence had lost its appeal."²⁸ But the establishment of the House and the Senate, they added, represents a compromise between "the spirit of political idealism awakened by the War for Independence" and "the spirit of political realism which emerged from the 'critical period' following the War for Independence."²⁹ Apparently, this sort of compromise is another example showing how the founding fathers modified the theories of their predecessors to meet the special needs of their times.

To campaign for the ratification of the Constitution, Hamilton, Madison, and John Jay published eighty-five essays under the signature of "Publius" which were anthologized in *The Federalist*. These essays favored a strong central government and opposed Jeffersonian localism. Led by Hamilton, they believed that there is no liberty and stability if the majority is supreme. Therefore, an essential part of the Federalists' scheme of government, in J. Allen Smith's words, "aimed rather to protect the property and privileges of the few than to guarantee personal liberty to the masses."³⁰ Rooted in the interests of the upper economic class, federalism sought to prevent the threat of a factious radical democracy. As a result, Federalist prejudice against anti-Federalists determined the character of the Federal Constitution. Herbert Croly stated that it was "at once a grave error on their part and a grave misfortune for the American state" that the founders of the Constitution were led to distrust the democratic principle.³¹ However, the Federalists, for the purpose of winning the ratification of the Constitution, made some concessions. These included the Tenth Amendment, which provides that "The powers not delegated to the

28. Martin and George, p. 61.

29. Ibid., pp. 73–74.

30. J. Allen Smith, *The Spirit of American Government: A Study of the Constitution, Its Origin, Influence and Relation to Democracy* (New York: Macmillan, 1912), pp. 292–303.

31. Herbert Croly, *The Promise of American Life* (New York: Bobbs-Merrill, 1965), p. 33.

United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

It is often pointed out that the Federalists' distrustful attitude toward the masses had much to do with their negative view of human nature. Unlike Locke who viewed human nature as essentially decent and rational, they shared the attitude of Hobbes regarding man as a selfish and competitive creature. To Locke, the state of nature is a state of perfect liberty and equality, while it is a state of war and anarchy to Hobbes. This is why Lord Bryce stated that American government “is the work of men who believed in original sin. . . .”³² Despite this point of deviation from Locke, the Constitution in its present form represents the principal doctrines of Locke.

The Declaration of Independence, the Constitution, and the defending essays in *The Federalist* constitute the major expressions of American political thought. Out of these important documents there have developed many complicated political theories or arguments which the present study is not prepared to deal with. But suffice it to say here that these documents have marked a great achievement for constitutionalism in America, and that, to a remarkable degree, they are philosophically based on Locke's doctrines. One of the most fundamental principles to which the documents have adhered is that of the rule of law designed for the sake of the public good. Echoing Lockean views, John Adams asserted that “the happiness of society is the end of government” and that “the form of government which communicates ease, comfort, security, or in one word, happiness to the greatest number of persons and in the greatest degree is the best.”³³ And a republic, which is “an empire of laws, and not of men,”³⁴ is the best form of government.

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33. John Adams, “A Letter from a Gentleman to His Friend,” in *Ideas in America*, p. 116.

34. *Ibid.*, p. 117.

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