



**FLORIDA JOINT CENTER  
FOR CITIZENSHIP**

**THE INFLUENCE OF THE ENLIGHTENMENT**

**SS.7.C.1.1** Recognize how Enlightenment ideas including Montesquieu’s view of separation of powers and John Locke’s theories of natural law and how Locke’s social contract influenced the Founding Fathers.

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## *Lesson Summary*

### ***Essential Question***

How did the ideas of Montesquieu and Locke influence the Founding Fathers?

### ***NGSSS Benchmark***

SS.7.C.1.1 Recognize how Enlightenment ideas including Montesquieu's view of separation of powers and John Locke's theories of natural law and how Locke's social contract influenced the Founding Fathers.

### ***Florida Standards***

LAFS.68.RH.1.1

LAFS.68.RH.1.2

LAFS.68.RH.2.4

LAFS.68.WHST.1.2

LAFS.68.WHST.4.10

LAFS.7.SL.1.1

MAFS.K12.MP.1.1

MAFS.K12.MP.5.1

### ***Overview***

In this lesson, students will recognize how two Enlightenment thinkers influenced the Founding Fathers.

### ***Learning Goals/Benchmark Clarifications***

- Students will identify and describe the Enlightenment ideas of separation of powers, natural law, and social contract.
- Students will examine how Enlightenment ideas influenced the Founders' beliefs about individual liberties and government.
- Students will evaluate the influence of Montesquieu's and Locke's ideas on the Founding Fathers.

### ***Benchmark Content Limits***

- Items will not require students to match a particular Enlightenment philosopher with a corresponding theory.

### ***Civics EOC Reporting Category***

Reporting Category 1 – Origins and Purposes of Law and Government

### ***Suggested Time Frame***

- Three 45-50 minute class periods

### ***Civics Content Vocabulary***

- checks and balances, consent of the governed, Enlightenment, individual liberty, influence, natural law, natural rights, separation of powers, social contract

### ***Instructional Strategies***

Close reading of complex text

Defining terms in context

Guided discussion

### ***Materials***

Computer with internet access to project lesson activity sheets

Highlighters for all students

Student activity sheets:

- Influence from the Enlightenment: John Locke
- John Locke and the Declaration of Independence
- Influence from the Enlightenment: Baron de Montesquieu

Student reading materials:

- John Locke from iCivics: <https://www.icivics.org/teachers/lesson-plans/why-government>
- Baron de Montesquieu from iCivics: <http://www.icivics.org/teachers/lesson-plans/montesquieu-mini-lesson>

**Lesson Activities and Daily Schedule**

Please use the chart below to track activity completion.

<b>Day</b>	<b>Task #</b>	<b>Steps in Lesson</b>	<b>Description</b>	<b>Completed? Yes/No</b>
<b>Day One</b>	Task 1	1-4	Hook Activity	
	Task 2	5-14	John Locke Reading	
	Task 3	15-18	Social Contract Class Discussion	
<b>Day Two</b>	Task 4	19-24	John Locke and Declaration of Independence Activity	
	Task 5	25-31	Baron de Montesquieu Reading	
<b>Day Three</b>	Task 5	25-31	Baron de Montesquieu Reading Continued	
	Task 6	32	Checking for Understanding	

### *Suggested Student Activity Sequence*

1. To begin this lesson, project the definition of influence on the board:  
*Influence - having an effect or impact on the actions, behavior, opinions, etc., of another or others.*
2. Pose the following questions for discussion: “How can you explain this term in your own words? Are there people in your life that influence your appearance, actions or words? Have you seen celebrities or friends wear or do something that you appreciate, so you do or wear the same thing or something similar? Have you heard something your parents or friends have said that you repeat or it has influenced what you have said?”
3. Provide time for students to brainstorm independently and then share out.
4. Explain to students that the concept of influence had a significant impact on how the U.S. government was formed. Other writers and philosophers influenced the Founding Fathers while they wrote the documents that guide our government today.
5. Pass out the “Influence from the Enlightenment: John Locke” student activity sheet.
6. Provide students with the following key points about the Enlightenment and instruct students to take notes on their activity sheet.
  - The age of the Enlightenment occurred during the 18<sup>th</sup> century in Europe.
  - The Enlightenment focused on the ideas of reason, liberty, and individual rights.
  - Ideas from the Enlightenment impacted the ideas included in the Declaration of Independence and the U.S. Constitution.
7. Pass out the “John Locke” reading from the Why Government? lesson from iCivics:  
<https://www.icivics.org/teachers/lesson-plans/why-government>.
8. Read aloud the first paragraph as a whole class.
9. Pose the following question for discussion: “According to the text, whom did John Locke influence?” (Thomas Jefferson) Instruct students to write the answer on their activity sheet.
10. Place students into pairs and review the vocabulary graphic organizer on the activity sheet.
11. Instruct students to read the remaining paragraphs and to complete the vocabulary graphic organizer on their activity sheet so that they define the concepts of “natural rights” and “social contract” by identifying evidence from the text, writing the definition in their own words and creating a visual representation (picture or symbol) of the concept.
12. Provide time for students to read and complete the graphic organizer.
13. Review the concept of natural rights with the students and explain that Locke believed that these rights should be protected by society and government through the idea of natural law. Instruct students to add the concept of natural law to their activity sheet.
14. Pose the following questions for discussion: “Why do you think liberty is a natural right? What does it mean as an individual to have liberty?” Lead students to the understanding that individual liberty is a natural right because it is natural for people to be free from government abuse of power.
15. Return student attention to the “Influence from the Enlightenment: John Locke” activity sheet and review the remaining questions on the activity sheet as a whole class: “According to the reading, how are the concepts of social contract and the purpose of government related? What evidence in the text led you to your answer?”
16. Provide time for the students to return to their reading and answer the questions.
17. Have students share out.
18. Remind students that in a social contract, citizens give up some of their freedoms in exchange for the government to protect their natural rights of life, liberty, and property. In return, the government has a responsibility to hold up their end of the social contract. If government does not hold up their end of the contract, citizens would no longer agree to be governed and they would have the right to revolt. This is known as “consent of the governed.” Instruct students to add consent of the governed to their activity sheet.

19. Project an image of the Declaration of Independence from OurDocuments.gov: <http://www.ourdocuments.gov/doc.php?flash=true&doc=2#> and explain the following key points about the Declaration of Independence and Thomas Jefferson:
  - Remind students that, according to the reading, Thomas Jefferson was inspired by John Locke.
  - Thomas Jefferson was the primary author of the Declaration of Independence, the document that formally stated the colonies' desire to be independent from England.
  - The Declaration of Independence and the Revolutionary War are what led to the colonies becoming the United States.
20. Pass out the "John Locke and the Declaration of Independence" student activity sheet and project the following excerpts from 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.*
  - *Governments are instituted among Men, deriving their just powers from the consent of the governed*
  - *...whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it...*
  - *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.*
21. Work as a whole class to identify how John Locke influenced these ideas. Read the excerpt aloud to the class and instruct the students to summarize the excerpt in their own words. Then, determine how John Locke influenced the excerpt. Instruct students to take notes on their activity sheet.
22. Pose the following questions for discussion: "Based on these excerpts, what connection can you make between the ideas in the Declaration of Independence and John Locke's ideas? How did John Locke influence Thomas Jefferson's (and the other writers of the Declaration of Independence) ideas about natural rights and government?"
23. Direct student attention to the question on the bottom of the activity sheet. Read the quote from President John Quincy Adams aloud and instruct students to answer the question.
24. Have students share out.
25. Explain to students that they are going to learn about another Enlightenment thinker that influenced the Founding Fathers.
26. Pass out the "Baron de Montesquieu" reading from iCivics: <http://www.icivics.org/teachers/lesson-plans/montesquieu-mini-lesson> and the "Baron de Montesquieu" activity sheet.
27. Read aloud the first paragraph as a whole class.
28. Pose the following question for discussion: "According to the text, what document did Montesquieu influence?" Have students write their answer on the activity sheet.
29. Have students return to their partner and complete the rest of the reading and activity sheet.
30. Provide time for students to read and complete the activity sheet.
31. Review the final question on the activity sheet as a whole class and pose the following question for discussion: "Based on what we have learned from the reading, Montesquieu influenced the structure of our government. How would you evaluate his influence on the on the Founding Fathers?" Instruct students to write a summary statement on their activity sheet.
32. Checking for Understanding (Formative Assessment):

Instruct students to write a well-crafted informative response using the following prompt:

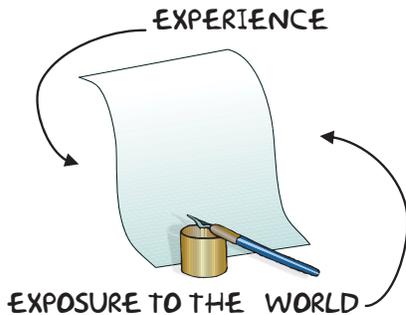
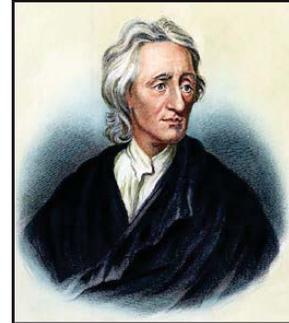
Prompt  
Using what you have learned from your readings, explain how John Locke and Baron de Montesquieu influenced the Founding Fathers. Provide a specific example for Locke and Montesquieu.

# John Locke

Name: \_\_\_\_\_

## A Man with Many Hats

John Locke was born in England in 1632. Locke considered becoming a minister, started his career as a doctor, but ended up as a philosopher and political scientist. He had many interests and produced a number of writings that influenced future leaders. One of those leaders was Thomas Jefferson, who helped America gain independence from Britain nearly 150 years after Locke was born. Jefferson studied Locke's writings, and Locke's ideas show up in our own Constitution.



## The Blank Slate

One of Locke's books, called *An Essay Concerning Human Understanding*, took over 18 years to write! In it, he says that people are born with a mind like a **tabula rasa**, which means a blank slate or page. During life, that blank slate gets filled up with the things a person experiences with the five senses. He said people learn and develop differently because they are exposed to different things. The one thing people have in common is that they are human and share a human nature that is the same for all people everywhere.

## Natural Rights

Locke imagined a set of **natural rights** that human beings share. These are the right to life, liberty, and property. **Life** refers to the fact that people want to live and will fight to survive. **Liberty** means that people want to be as free as possible to make their own decisions. **Property** represents the fact that people want to own things that help them survive, such as land, food, and tools. Locke believed these rights aren't given to people—people are born with them.

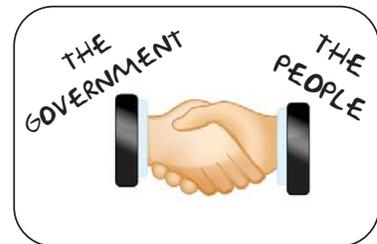


## Why do we need a government?

Locke also wondered what life would be like if people didn't have a government. In this **state of nature** there would be no rules, no one in charge, and no way for people to protect their natural rights. He believed the purpose of government is to end the state of nature and give people certain protections. Most importantly, Locke believed governments should protect people's natural rights.

## Social Contract

Locke believed a government can only be legitimate, or valid, if it is based on a social contract with citizens. A **contract** is an agreement between people in which both sides agree to something in order to reach a shared goal. A **social contract** happens between a government and its people. The people agree to give up some freedoms if the government agrees to protect everyone's rights. If the government fails to deliver, the people revolt—like the colonists did during the American Revolution.



## INFLUENCES FROM THE ENLIGHTENMENT | JOHN LOCKE

According to the text, whom did John Locke influence? \_\_\_\_\_

<b>Vocabulary Graphic Organizer</b>			
<b>Directions</b> , while you read identify and write down the evidence from the text that defines the term. Define the term in your own words and create a picture, symbol or visual representation of the term.			
<b>Concept</b>	<b>Evidence from Text</b>	<b>Definition in your own words</b>	<b>Visual Representation</b>
<b>natural rights</b>			
<b>social contract</b>			

<b>According to John Locke, how are the concept of social contract and the purpose of government related? What evidence in the text led you to your answer?</b>	
<b>Evidence from Text</b>	<b>Answer</b>

<b>Additional Vocabulary Terms from Class Discussion</b>	
<b>natural law</b>	
<b>consent of the governed</b>	

## JOHN LOCKE AND THE DECLARATION OF INDEPENDENCE

Directions: As a whole class, review each excerpt from the Declaration of Independence. Summarize the excerpt in your own words and then determine how John Locke influenced the excerpt from the Declaration of Independence.

Excerpt from the Declaration of Independence	Summary of excerpt in your own words	Connection to the ideas of John Locke
<i>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.</i>		
<i>Governments are instituted among Men, deriving their just powers from the consent of the governed</i>		
<i>...whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it...</i>		
<i>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.</i>		

The Impact of John Locke on the Founding Fathers
President John Quincy Adams once stated that: “The Declaration of Independence was founded upon one and the same theory of government: the writings of Locke.” Based on this statement, how would you summarize the impact of John Locke on the Founding Fathers?

Adapted from: John Locke: A Philosophical Founder of America: <http://www.wallbuilders.com/libissuesarticles.asp?id=99156>

# Baron de Montesquieu

Name: \_\_\_\_\_

## A Baron is Born

Charles Louis de Secondat was born in 1689 in the city of Bordeaux, France. At age 27, he became Baron de Montesquieu (MON-teh-skew) when he inherited his uncle's fortune and title. Montesquieu was one of the great thinkers of the 17th and 18th centuries. He spent a lot of time thinking about how governments should be created and maintained. His ideas guided the Founding Fathers when they wrote the United States Constitution. Even today, Montesquieu's thinking influences the way people think about government around the world.



Baron de Montesquieu



*How do the laws in our society keep us safe?*

## Follow the Rules

The term *liberty* means different things to different people. Some think liberty means being able to speak and act without being held back by laws and rules—in other words, being able to do whatever you want. But Montesquieu believed that **liberty** is the peace of mind that comes from being safe. He believed safety can only exist if everyone follows the law. If governments could provide and enforce clear laws that everyone would follow, it would increase liberty, reduce the problems of society, and improve human life.

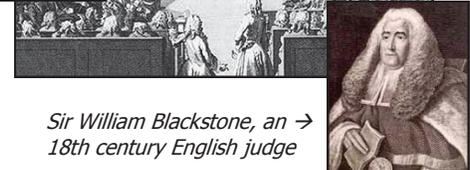
## Separate...

Montesquieu studied the laws, customs, and governments of European countries to see how they created and enforced laws. He admired the government of England. The English government had three parts: a king to enforce laws, Parliament to create laws, and courts to interpret laws. The government was divided into parts, and each part had its own purpose. Montesquieu called this the **separation of powers**.



← King George III

House of Commons ↓



Sir William Blackstone, an →  
18th century English judge



## ...but Equal

Dividing the powers of government was just the first step. Each part of the government needed to be *balanced* with the other parts. Montesquieu thought that each of the parts, or branches, of government should be equal. He worried that if one branch had more power than the others, people would suffer and lose their liberty. To avoid this, he suggested that each branch have the ability to *limit* the power of the other two branches. In England, if the king tried to take too much control, the Parliament or the courts could act to stop him. Today, we call this the system of **checks and balances**.

## Sound Familiar?

James Madison, the "Father of the Constitution," liked the idea that each branch of government should have a clear role. As a result, the U.S. Constitution clearly explains what each branch is supposed to do: **Congress** makes laws, the **President** enforces laws, and the **Courts** interpret laws. Each branch has the power to check, or limit, the other branches. This keeps all branches of government balanced and equal.



## INFLUENCES FROM THE ENLIGHTENMENT | BARON DE MONTESQUIEU

According to the text, what document did Montesquieu influence? \_\_\_\_\_

<b>According to the text, how did Montesquieu define liberty and how did he explain the relationship between liberty and government? What evidence in the text led you to your answer?</b>	
<b>Evidence from Text</b>	<b>Answer</b>

<b>Vocabulary Graphic Organizer</b>			
<b>Directions</b> , while you read identify and write down the evidence from the text that defines the term. Define the term in your own words and create a picture, symbol or visual representation of the term.			
<b>Concept</b>	<b>Evidence from Text</b>	<b>Definition in your own words</b>	<b>Visual Representation</b>
separation of powers			
checks and balances			

<b>According to the text, how did Montesquieu’s ideas influence the U.S. Constitution? What evidence in the text led you to your answer?</b>	
<b>Evidence from Text</b>	<b>Answer</b>
<b>Impact of Montesquieu’s Influence:</b>	

### ***Sources***

iCivics Enlightenment mini lesson: <http://www.icivics.org/teachers/lesson-plans/enlightenment-mini-lesson>

iCivics Why Government? lesson: <https://www.icivics.org/teachers/lesson-plans/why-government>

iCivics Montesquieu mini lesson: <http://www.icivics.org/teachers/lesson-plans/montesquieu-mini-lesson>

Ohio Department of Education Lesson Plan:

<http://dnet01.ode.state.oh.us/ims.itemdetails/lessondetail.aspx?id=0907f84c80531ceb>, Accessed May 2013.

John Locke: A Philosophical Founder of America:

<http://www.wallbuilders.com/libissuesarticles.asp?id=99156>

Declaration of Independence from OurDocuments.gov:

<http://www.ourdocuments.gov/doc.php?flash=true&doc=2#>

**INFLUENCES FROM THE ENLIGHTENMENT | JOHN LOCKE - Sample Answers**

**According to the text, whom did John Locke influence? Thomas Jefferson**

<b>Vocabulary Graphic Organizer</b>			
<b>Directions</b> , while you read identify and write down the evidence from the text that defines the term. Define the term in your own words and create a picture, symbol or visual representation of the term.			
<b>Concept</b>	<b>Evidence from Text</b>	<b>Definition in your own words</b>	<b>Visual Representation</b>
<b>natural rights</b>	Locke imagined a set of natural rights that human beings share. These are the right to life, liberty, and property. Locke believed these rights aren't given to people- people are born with them	Natural rights are life, liberty, and property. These are rights people are born with.	
<b>social contract</b>	Locke believed a government can only be legitimate, or valid, if it is based on a social contract with citizens. A social contract happens between a government and its people.	A contract, or agreement, between the government and the citizens.	

<b>According to John Locke, how are the concept of social contract and the purpose of government related? What evidence in the text led you to your answer?</b>	
<b>Evidence from Text</b>	<b>Answer</b>
<p>He believed the purpose of government is to end the state of nature and give people certain protections. Most importantly, Locke believed governments should protect people's natural rights.</p> <p>The people agree to give up some freedoms if the government agrees to protect everyone's rights. If the government fails to deliver, the people revolt ..</p>	<p>According to Locke, the purpose of government is to provide protections, especially people's natural rights. In order for a government to protect their rights, the government and the citizens must have a social contract stating that people agree to give up some freedoms in order for government to protect everyone's rights.</p>

<b>Additional Vocabulary Terms from Class Discussion</b>	
<b>natural law</b>	laws passed by government to protect natural rights
<b>consent of the governed</b>	an agreement made by the people to establish a government and follow its laws

## JOHN LOCKE AND THE DECLARATION OF INDEPENDENCE – **Sample Answers**

Directions: As a whole class, review each excerpt from the Declaration of Independence. Summarize the excerpt in your own words and then determine how John Locke influenced the excerpt from the Declaration of Independence.

<b>Excerpt from the Declaration of Independence</b>	<b>Summary of excerpt in your own words</b>	<b>Connection to the ideas of John Locke</b>
<i>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.</i>	All men are created equal and all men have the right to life, liberty and the pursuit of happiness.	natural rights
<i>Governments are instituted among Men, deriving their just powers from the consent of the governed</i>	Government gets its power from the consent of the governed.	consent of the governed
<i>...whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it...</i>	It is the right of the people to change or end government if it becomes destructive.	consent of the governed and social contract
<i>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.</i>	A tyrant is unfit to rule a free people.	natural rights

The Impact of John Locke on the Founding Fathers
President John Quincy Adams once stated that: “The Declaration of Independence was founded upon one and the same theory of government: the writings of Locke.” Based on this statement, how would you summarize the impact of John Locke on the Founding Fathers?
Based on this quote from President Adams, I can summarize that John Locke had a large impact on the Founding Fathers. According to Adams, John Locke’s ideas are the main ideas in the Declaration of Independence.

**INFLUENCES FROM THE ENLIGHTENMENT | BARON DE MONTESQUIEU –**  
**Sample Answers**

**According to the text, what document did Montesquieu influence? U.S. Constitution**

<b>According to the text, how did Montesquieu define liberty and how did he explain the relationship between liberty and government? What evidence in the text led you to your answer?</b>	
<b>Evidence from Text</b>	<b>Answer</b>
<p>Montesquieu believed that liberty is the peace of mind that comes from being safe.</p> <p>He believed safety can only exist if everyone follows the law. If governments could provide and enforce clear laws that everyone would follow, it would increase liberty, reduce the problems of society, and improve human life.</p>	<p>According to Montesquieu, liberty is the feeling of safety. This feeling of safety comes when government provides and enforces clear laws that everyone can follow.</p>

<b>Concept</b>	<b>Evidence from Text</b>	<b>Definition in your own words</b>	<b>Visual Representation</b>
<b>separation of powers</b>	The English government had three parts: a king to enforce laws, Parliament to create laws, and courts to interpret laws. The government was divided into parts, and each part had its own purpose.	Separation of powers is when the government is divided into parts and each part has its own purpose.	
<b>checks and balances</b>	Each part of the government needed to be balanced with the other parts. .he suggested that each branch have the ability to limit the power of the other two branches.	Checks and balances means that the branches of government are balanced and each branch can limit the power of the other two.	

**According to the text, how did Montesquieu’s ideas influence the U.S. Constitution? What evidence in the text led you to your answer?**

<b>Evidence from Text</b>	<b>Answer</b>
<p>James Madison.. liked the idea that each branch of government should have a clear role. As a result, the U.S. Constitution clearly explains what each branch is supposed to do: Congress makes laws, the President enforces laws, and the Courts interpret laws. Each branch has the power to check, or limit, the other branches.</p>	<p>Due to Montesquieu’s influence, the U.S. Constitution has set up our government into three separate branches that have the power to check and balance each other.</p>
<p><b>Impact of Montesquieu’s Influence:</b> Without Montesquieu’s influence, we would not have the system of government that we have today. The ideas of separation of powers and checks and balances are vital to making our country function.</p>	

*Civics Content Vocabulary*

<b>Word/Term</b>	<b>Part of Speech</b>	<b>Definition</b>
<b>checks and balances</b>	phrase	a principle of the federal government, according to the U.S. Constitution, that allows each branch of government to limit the power of the other branches
<b>consent of the governed</b>	noun	an agreement made by the people to establish a government and abide by its laws
<b>Enlightenment</b>	proper noun	a period in European history when many educated people stressed the importance of learning and reasoning; education was considered the key to understanding and solving society's problems
<b>individual liberty</b>	noun	a person's ability to be free and independent
<b>influence</b>	verb	having an effect or impact on the actions, behavior, opinions, etc., of another or others
<b>natural law</b>	noun	laws passed by government to protect natural rights
<b>natural rights</b>	noun	the belief that individuals are born with basic rights that cannot be taken away by governments; life, liberty, and property
<b>separation of powers</b>	noun	the structure of the federal government, according to the U.S. Constitution, that sets up three branches with their own distinct powers and responsibilities
<b>social contract</b>	noun	an implied agreement among the people of an organized society that defines the rights, duties, and limitations of the governed and the government

## *Essential Teacher Content Background Information*

**This section addresses the following issues:**

1. What are Enlightenment ideas?
2. John Locke and Natural Rights theory
3. Montesquieu's ideas on creating a "just government"

### **1. What are Enlightenment ideas?**

"Enlightenment" is the term used to describe a Western philosophy that emphasizes reason as its primary basis. Enlightenment emerged from Europe in the 18th century, and represents a departure from the legitimacy of government that comes from a religious authority such as a theocracy or the divine right of kings. Core enlightenment values include an emphasis on liberty, individual rights and reason. Governments that reflect these values grant more freedom for the common people based on self-governance, natural rights, and natural law. Historians of America's founding argue that Enlightenment philosophy was read by those who signed key governing documents in the United States including the Declaration of Independence, the U.S. Constitution and the Bill of Rights. Key Enlightenment philosophers whose writings impacted the founding documents of the United States include Baron de Montesquieu and John Locke. Montesquieu is best known for advocating separation of powers and checks and balances for an effective government (reflected in the U.S. Constitution) while John Locke's views are best reflected in the U.S. Declaration of Independence, particularly regarding those components focusing on the law of nature and social compact.

### **2. John Locke and Natural Rights theory**

The founding fathers were deeply concerned about government abusing its power. It was reasoned that when a government abused its power, it deprived the citizens of their liberty. As liberty was a fundamental God given right, assurances had to be put in place to protect the people from government abusing its power.

The founding fathers consulted the works of many political philosophers when they developed government structures that protected the people from government abusing its powers. One of the most influential works was John Locke's *Second Treatise of Civil Government* (1690).

John Locke (1632-1704) was a British political philosopher who wrote extensively on the relationship between government and the society. It was Locke's view that there was a social contract between the government and society in a civil (citizen based) government. This civil government was based on natural law, which is fundamentally tied to natural rights.

According to Locke, men lived in a "state of nature" which meant that one is allowed to conduct one's life as one best sees fit, free from the interference of others. There is no government in a state of nature, and people are assumed to be equally responsible for protecting each others' "life, health, liberty and possessions". The laws by which people lived were derived from God, and these laws included the notion that people were forbidden from harming one another. Thus, the state of nature is a state of liberty where persons are free to pursue their own interests provided that in doing so they do not harm one another.

Still, it is not uncommon for property disputes to arise. Under the state of nature there is no government to appeal one's grievances against a person who stole property or liberty (i.e. making a person a slave). Under the law of nature, men are allowed to defend their lives and their property, which includes the right to kill others who threaten their property or liberty. This meant that there was no civil authority to settle disputes, and put the community at risk for an outbreak of war due to the lack of a civil government.

According to Locke, civil governments were established for the sake of protecting property. Because of the state of nature and law of nature from which civil governments were derived, a contract between the government and the governed had to be in place in order for that government to be legitimate. Property is the basis for Locke's argument for both a social contract and civil government because it is the protection of that property (property protection extends to a person so that one has dominion over their own bodies) that compels men to choose a civil government and abandon the notion of living in a state of nature. The social contract is a voluntary agreement between the people and the government.

These ideas show that people are born with God given (natural) rights that are protected by civil governments. Governments are created to protect that which belongs to the people. However, governments are limited in their regulation of human behavior to the extent to which the people themselves believe does not infringe on their God given freedoms. The people enter into a social contract voluntarily provided that the government is formed in a way that respects natural rights and is derived from the consent of the governed.

### **3. Montesquieu's ideas on creating a "just government"**

The U.S. Constitution is organized around a separation of powers system that utilizes checks and balances. The power to legislate, enforce and adjudicate are separated into three different branches of government. These branches may not function with complete independence. The founding fathers feared that branches functioning independently might still abuse their power. Thus, while there are separate branches of government, each vested with specific powers, this does not mean that each branch operates without some level of oversight from one or both other branches.

Charles de Secondat, Baron de Montesquieu (1689-1755) was a French political philosopher whose written works on the theory of separation of powers and checks and balances had a strong influence on the founding fathers. His 1748 work, *The Spirit of the Laws* (French: "L'Esprit des Lois") was originally published anonymously and received high praise outside France, especially in Britain. Montesquieu argued that "government should be set up so that no man need be afraid of another", which was well received by the founding fathers, particularly James Madison, who believed that a clearly defined and balanced separation of powers system that utilized checks and balances would provide a stable foundation for the new government.

Montesquieu argued that government should be created to accommodate separate branches of government with equal but different powers. This way, power would not be concentrated with one individual or group of individuals. Liberty was threatened if power became concentrated in one place; thus, no branch of government could threaten the freedom of the people.