

experiment is well into its third century, whatever normative impetus it may have received from voluntary subscription by the former colonists is long used up.

E. Interpreting obligation Locke is something of an optimist concerning the moral infrastructure of the state of nature. (Of course, compared to Hobbes, it's hard not to seem optimistic.) There is built into the state of nature a natural law that commands self-preservation and requires that one not "harm another in his Life, Health, Liberty, or Possessions." This precept is not the dictate of an artificial sovereign but rather is an imperative of natural reason. That is why constraining oneself so as not to encroach on others is not intrinsically self-sacrificial. The law of nature is not the exclusive precinct of savants or paragons; all men insofar as they are rational enjoy access to it. Most of them can be expected to observe its ordinances most of the time. If my self-restraint with regard to your life, liberty, and property is likely to be met by concomitant restraint on your part rather than predation, then I shall find it both just and prudent to exercise that restraint. Moreover, because everyone in the state of nature possesses an executive right to punish transgressions of natural law, intrusion on the proper domain of others is neither just nor usually prudent. Because states are not needed to invent basic precepts of justice, why does Locke briskly proceed to their contractual derivation?

It is because laws are neither self-enforcing nor self-interpreting. Even if one assumes good will among all interacting persons —an assumption more heroic than prudent —individuals will nonetheless view questions of rights and duties from their own epistemically and morally circumscribed perspectives. You will know circumstances that I do not; I will be partial to various persons and principles that leave you unmoved. The inevitable result will be tensions that often escalate into violence. "I easily grant," says Locke, "that Civil Government is the proper Remedy for the Inconveniences of the State of Nature, which must certainly be Great, where Men may be Judges in their own Case." States are justified insofar as they constitute a common judge to contain and adjudicate disputes.

Unfortunately, while Lockean contract dampens conflict-generating actions within the state, it is of little help with regard to actions by the state. Should parliaments overreach or executives oppress, there is no recourse except the "appeal to Heaven." That is because over private individuals and the common judge there stands no meta-common judge. The same binary choice, either to acquiesce or to fight, that one confronts in the state of nature vis-à-vis other individuals presents itself again, but with an antagonist far more formidable. The inconveniences of the state of nature have not been eliminated but merely repositioned.

Political justification takes place on two levels. The ground floor is justification of a state, the campaign against anarchy (and anarchism). The upper level comprises justification of particular actions and omissions by the state. It is the campaign against despotism and corruption. Contractarianism speaks more emphatically to the former than to the latter. That is in part because of the lack of specificity of contract terms discussed above in Section 2.B. However, even if it is entirely clear in some particular case that the governors are overstepping the limits of the authority ceded to them, the moral fallout remains unclear. It would be entirely extravagant to maintain that any single failing automatically dissolves the bonds tying rulers to ruled, yet it is supine to acknowledge as justified every policy up to whatever it is that triggers a latent right to revolution. That which is not strictly speaking intolerable may nonetheless be unjustifiable, and a duty to obey