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Parliamentary Democracy and Understanding Political Thoughts of Hobbes and Locke on Property and Law

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Abstract

This paper examines the historical evolution of parliamentary democracy in England. It traces its beginning from the conquest of the Normans and the signing of the Magna Carta (1215) by King John and through the Tudor and Stuart periods to the Glorious Revolution of 1688–89. These changes in England shifted power from the absolute rule of a monarch toward constitutional monarchy. This was done through emphasis on the protection of individual rights—especially property—against arbitrary state interference. Growth of the power of parliament and its role in consenting to taxation and legislation reinforced documents like the Bill of Rights. This document ensured that the monarch was subject to law, not above it. It transformed England's society and polity, creating a system where common law safeguarded personal freedoms and belongings.

At the center of this transformation are the diverging political philosophies of thinkers like Thomas Hobbes and John Locke. In his work Leviathan (1651), Hobbes depicted the 'state of nature' as chaotic and warlike. The situation demands an absolute sovereign to impose order through a social contract. This contract sacrifices certain liberties for greater security. In contrast, Locke's Two Treatises of Government (1689) portrays a more peaceful natural state where individuals had inherent rights to life, liberty, and property. Government, formed by people's consent, existed primarily to preserve these rights. Any resistance is justified if the rights are violated. This thought aligns with the post-Glorious Revolution emphasis on limited, accountable rule.

The study also explores mechanisms of state control over property—police power, eminent domain, taxation, and escheat—and warns against their potential for authoritarian abuse or "legal plunder." It advocates separation of powers, good laws that protect rather than violate rights, and the value of extralegal norms when they support individual protections. As a result, a good constitution emerges that balances authority and freedom. England's path from monarchical absolutism to parliamentary sovereignty, highlighted by Hobbes and Locke's ideas, offers enduring lessons on preventing tyranny while promoting stable, rights-respecting governance.

Keywords: Glorious Revolution, Legal Plunder, Tyranny, Separation of Power, Normans, Liberty, Private Property, Magna Carta, Bill of Rights, Compensation, State of Nature, Leviathan

INTRODUCTION:

When the 17th-century crisis hits England, we witness a series of changes in the society, polity, and economy in England. This essay tries to highlight those changes by explaining the kinds of fascinating

political thoughts that were emerging during the period that led England towards the path of parliamentary democracy, constitutional monarchy, and modernization. The era from the Civil War (1642-1651) to the Glorious Revolution (1688-89) created a vibrant environment for great political thinkers like Thomas Hobbes and John Locke, who expounded on issues like the "Power of State," "Separation of Powers," laws concerning the "Freedom and Property," and the formation of stable and peaceful government. They propounded their own sets of social contracts, which would pull people out from the state of anarchy towards more stable and developed nations. Besides all of these, the study also deals with extra-legal properties, laws concerning them, and different features of the law and how it could sometimes be mischievous and used for false play by the men in power.

PARLIAMENTARY DEMOCRACY IN ENGLAND

Due to England's distinct geography, it has a unique history from the rest of the European nations. The Northwest of England is cut off from mainland Europe by waters, and it is an island nation. Also, the laws and customs that govern England have been different from the rest of Europe since the earliest times. The idea of 'private property' was very soon introduced in England, and communities agreed that it should be protected; this social practice was introduced by the Germanic tribes in the region. Scholars Edmund Burke, Voltaire, Montesquieu, Sir John Fortescue, and other scholars, by studying in England, found how the parliament has limited the rule of the monarch in England.[1] One can understand through the history of monarchy how and what changes in England led to the development of the modern parliamentary democracy in England. This study attempts to analyze the monarchical period from the Normans, Tudors, and Stuarts until the Great Revolution of 1688. It focuses on the struggles of parliament for safeguarding the ancient common law, which was to protect people's property from the absolutist state.

Ever since the Norman Conquest of England (1066), it has been one of the most politically vibrant countries with constitutionalism and limited monarchy. The monarch refrained from altering the laws of the community without obtaining the consent of the governed. This custom developed since the time of the Anglo-Saxons, who organized assemblies for any changes in law, like the levying of the taxes. The sovereign was economically dependent on the assemblies, and even for the times of wars, the government relied on assemblies for funds.[2] English common law ensured equality for all of its stakeholders, and people were directly involved in the assembly. It was the Normans who first brought feudalism to England; they distributed the lands won in battles against the Anglo-Saxons to their people. In 1215 the Magna Carta became the foundation for parliamentary democracy in England. It was signed by King John, and it established that the monarch was subjected to the law, not above it. It effectively ended the absolute rule of monarchy in England. Parliament, as a form, was largely developed under Henry III in the 13th century when it was termed as the 'assembly of the representatives,' and it gave the members of the parliament power to legislate. This was not an ordinary Parliament; it was summoned by kings when they needed funds for war and expenditure, and funds were generated from the people's money by levying taxes on them.[3] Due to the frequency of war during the time, the monarchs had to summon the parliament repeatedly, which eventually resulted in the declining of the king's authority for legislation. This shift in the balance of power in the longer run led to a struggle between parliament and the crown, mainly to gain

[1] Richard Pipes, *Property and Freedom,1999*, p121-122
[2] Richard Pipes, *Property and Freedom,1999*, p123
[3] *Ibid*. p127

legislative power. In the 14th century, new questions emerged from Parliament, who wanted the quality of the statute be increased and questioned the ordinances of the crown.[4]

In the 15th century, political thinkers like John Fortescue proposed that the duty of the government in the past and present was to protect persons and their belongings. Similarly, Sir Edward Coke highlighted the medieval common law and how it was laid down from the 'Ancient Constitution' for the protection of the common rights of people, and it was the duty of the judiciary to interpret the laws and not of either the king or the parliament. Coke propounded the 'separation of powers' with the protection of common rights of the people.[5]

During the Tudors' reign, by 1485, the villeinage had virtually disappeared, and most of the population was free. It was a time of peace in England, and revenue furnished from royal estates and traditional feudal fees was supplemented by tonnage and poundage. After the death of Henry VIII, conditions of the crown deteriorated. His successor, Queen Elizabeth, inherited the wealth and land revenue, but corruption and poor management of royal estates and inflation in the 16th century led to the crown's financial downfall. Under Henry VIII, the power of the parliament increased because many of his policies received the parliamentary sanction. During his time, parliament approval was more important than the royal ordinance. Also, the courts of justice limited the arbitrary power of the crown.[6]

Under the Stuarts, James I attempted to change things; he wanted not to rely on the parliament for the funds and started adopting different techniques to make the crown financially stable and independent. And by doing so, he created problems for himself and endangered the crowns existence in the longer run. Under his reign the crown tried to improve the health of the royal treasury by a) selling the titles, b) implementing forced loans, and c) selling crown land, but due to the inflation and frequent waging of war, it didn't improve the condition of the royal treasury.[7] Instead, his reign resulted in growing mutual distrust between the parliament and the crown. To add, Crown's sympathies with Catholics led to more tensions between the two. When Charles I ascended the crown, he also continued with the same policies. During his lifetime, the crown summoned the parliament five times, and each time it was called, the parliament grew stronger.[8]

The period from 1626 to 1648 is full of ups and downs; this era saw the break of the Civil War between the loyalists and the parliamentarians (1642-48). The parliamentarian leader, Alexander Cromwell, led the parliamentary revolution, which eventually led to the execution of King Charles I in 1648.[9] The crown was restored in 1660, and the next monarchs were Charles II and James II both of them followed the same path as earlier monarchs.

From 1688 to 1689, England saw the Glorious Revolution, which led to a coup led by the parliament on James II, who fled away, and William and Mary were restored as the new monarchs of England. Both of them pledge Not to suspend laws or levy taxes without parliamentary sanction, and they sign the 'Declaration of Rights.' William III's reign witnessed the annual summoning of the parliament due to frequent war. The condition of the government financially becomes stable by the introduction of the 'Bank of England" (1693-1694). The judiciary also starts to act as the independent body after 1688.[10]

[4] *Ibid*. p129
[5] *Ibid*. p131
[6] Richard Pipes, *Property and Freedom,1999*, p134-136
[7] *Ibid*. p136-137
[8] *Ibid*. p144-145
[9] *Ibid*. p146
[10] *Ibid*. p149-51

HOBBES, LOCKE, AND THE GOVERNMENT CONTROL ON INDIVIDUALS' RIGHTS:

Thomas Hobbes, who is known for his book Leviathan (1651), promoted and emphasized "philosophical absolutism" in response to "Divine Right of Absolutism." His social contract was different from his successors; he believed that to maintain peace and stability in a nation, one should be ready to sacrifice some of his rights to the sovereign if it does not concern the individuals' life. For Hobbes human beings in the 'state of nature' were selfish. He further emphasized on their narcissistic tendencies, which could lead to intolerance, violence, and anarchy. Hobbes argued that only a higher authority, which is as big as the Leviathan and philosophical in nature, could bring peace and stability in the state. For Hobbes the idea of revolution meant anarchy, which is reflected in his writings.[11]

After the Glorious Revolution, John Locke's *Two Treatises of Government (1689)* elucidates his idea of social contract. Like Hobbes, he too believed that the 'Divine Right of Absolutism' should be done away with, but unlike Hobbes he did not believe that it should be replaced by another kind of absolutism, i.e., 'Philosophical Absolutism,' and advocated the 'Philosophical and Biblical-Constitutionalism.' For Locke, human beings in the "state of nature" lived in peace and harmony. For him, it was the constitution that was the absolute sovereign that would protect humans' natural rights (life, liberty, and property).[12]

The political thinkers and learned politicians for 'good governance' often look to the political thoughts of Thomas Hobbes and John Locke, who are among the greatest political thinkers of all time. Hobbes and Locke have different things to say about the role of government in the individual's life or property. It can be established that government controls an individual's property by these four means: a) police power, b) eminent domain, c) taxation, and d) escheat. Increasing involvement in the first three by the government directly means authoritarianism and violation of the rights of the people. [13]"

Research Questions:

Then the question arises, how to ensure that there is no violation? What is a good law and separation of power? Can laws be bad? Are extralegal laws important or not? Why do we need the separation of power? What is eminent domain clause? Is a constitution required for a good and stable government? These are some of the questions to be answered.

Law, Property, and the Limits of State Power

Only 'good laws' and 'separation of power' could ensure just rule. Good laws are those laws that ensure protection of individuals' rights and freedom from violation. One should be aware that the government does not make laws because it wants to, but because there is a need for protection of rights; it's not a gift. Thinkers like Locke and Montesquieu emphasize the separation of power in the state's legislative, executive, and judiciary branches as independent bodies, or it could lead to arbitrary power of the state.[14] When laws are perverted by those in power, they could, by lawful means, violate the rights of the individuals. Thinkers like Bastiat would call this violation as a 'legal plunder.' [15]Regarding extralegal laws, they are those laws that are not embedded or do not function on the state's command (for example, the tomahawk laws, cabin laws, etc. of the United States). If these laws protect the individuals' life and property without violating other individuals' property, they can be useful and essential for development.

[11] Thomas Hobbes, *Leviathan, 1651*
[12] John Locke,*Two Treaties of Government, 1689*
[13] Richard A Epstein, *Taking:Private property and the power of eminent domain*1985,where he tries to explain the eminent domain and police power, p3-5
[14] Fedric Bastitat,*The Law*, 1850, p2
[15] Richard A Epstein, *Taking:Private property and the power of eminent domain*1985,p17-20

The government can adopt such laws for the development of the nation.[16] The eminent domain clause is when a state, for the purpose of public welfare and for the public, takes land or property from the individual. There must be a clause that while taking the property, the individual must be ensured just compensation by the state; if it fails, the right of the individual is violated. A good constitution enables all of these properties and limits the power of the state for the protection of the rights of the people.[17]

CONCLUSION:

To conclude, from the study of England's journey toward parliamentary democracy and the enduring insights of Hobbes and Locke on property and law, it becomes clear that the 17th century's upheavals were not mere historical events, but they were important shifts that redefined governance. From the Norman Conquest's emphasis on consensual lawmaking to the Glorious Revolution's triumph of parliamentary supremacy, it culminated in a system where the monarch's power was checked to safeguard individual rights, particularly property. This evolution, driven by conflicts over taxation, feudal dues, and royal prerogatives, highlights a core principle that stable societies thrive when laws protect rather than plunder personal holdings.

Hobbes and Locke's response to England's turbulent period provides contrasting blueprints for social order. Hobbes's Leviathan elucidates a strong sovereign to escape the anarchic state of nature.[18] Locke, in his work Two Treatises, highlights a more optimistic view: humans in nature were rational and harmonious, and government existed to preserve natural rights to life, liberty, and property through consent and constitutional bounds[19].Together, they highlight the delicate balance: excessive state control via police power, eminent domain, taxation, or escheat risks authoritarianism, while good laws—rooted in separation of powers and just compensation—prevent "legal plunder."

Hernando de Soto discusses extralegal practices in early American settlements, reminding us that effective property laws can emerge organically, which results in development and progress if they align with individual protections without state overreach.[20] Finally, there is a necessity for a robust constitution, as Locke advocated, which remains essential for curbing abuses and promoting equitable rule. In the present time these lessons warn against unchecked power and insist on vigilance to ensure laws serve freedom, not subvert it.

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[16] Fedric Bastitat,*The Law*, 1850, p2
[17] Hernanda de Sote, *The mystery of the capital*, 2000, p136-156
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