***Assignment 4: Locke***

***Background***

In §212, in the chapter called “Of the Dissolution of Government”, Locke makes the following remarkable claim about society’s legislative power:

‘tis in their Legislative, that the Members of a Commonwealth are united, and combined together into one coherent living Body. This is the Soul that gives Form, Life and Unity to the Commonwealth: From hence the several Members have their mutual Influence, Sympathy, and Connexion: And therefore when the Legislative is broken or dissolved, Dissolution and Death follows. For the Essence and Union of the Society consist[] in its having one Will, the Legislative[.]

Locke seems most concerned with ways in which the executive – in his case the king – can break or dissolve the legislature. That is understandable given the events of his time. But our time is not Locke’s. Perhaps we need to worry about the legislature breaking itself. Let’s think about whether our legislature is breaking itself or, instead, is functioning as it should. Here are some relevant considerations:

Under the American system, laws must be passed by a majority of both houses of Congress, even though those houses have recently been dominated by different parties. The rules of and practices of each house allow a minority to delay or obstruct that house’s business. Here are some examples:

* Senators can filibuster, and filibusters can be ended only with the vote of 60 senators.
* Any Senator can put a temporary hold on legislation, delaying a vote on it by the whole Senate
* Republican Speakers of the House abide by the [“Hastert Rule”](http://en.wikipedia.org/wiki/Hastert_Rule)

Moreover, the President must sign a bill into law once it passes both houses. He can influence what bills the majority in Congress votes to pass by issuing preemptive threats to veto; vetoes can only be overridden by “super-majorities” of both houses. These rules, and the Constitution itself, seem [designed for gridlock](http://www.minnpost.com/eric-black-ink/2012/10/if-you-re-sick-gridlock-blame-constitution).

Some people heartily approve of these rules and practices, thinking they protect the minority and separate powers. Indeed, some people even [applaud the gridlock that results](http://heritageaction.com/2013/10/morning-action-sentinels-accept-the-challenge/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+heritageaction+%28Heritage+Action%3A+The+Forge%29). Other people, such as the author of a [recent editorial in the HARVARD CRIMSON](http://www.thecrimson.com/article/2013/10/24/Kristof-Our-Catonian-Republic/), and author of this [editorial in the NYT](http://campaignstops.blogs.nytimes.com/2012/05/28/our-imbecilic-constitution/?_r=0), think our system is broken – perhaps in Locke’s sense of that term.

***Assignment***

Read Locke’s chapter on “Dissolution” and read as much as you like (from reputable sources) about current events and, in particular, the recent fiscal showdown. Then write a paper that does the following:

* Explain what Locke is saying the passage quoted above from §212, being sure to say what you think he means by “broken or dissolved”.
* Explain how the various counter-majoritarian rules and practices mentioned above helped bring about the fiscal showdown and government shutdown.
* Say whether you think the showdown was a sign of a broken government (in Locke’s sense of “broken” or some other), a sign of a functioning government in isolated breakdown, or a sign of a healthy two-party system that protects political minorities.
* If you think the system is broken, say what remedy you think Locke would propose (see, for example, the beginning of §223) and whether you agree or would propose a different one.
* If you don’t think the system is broken, lay out the strongest argument you can think of for the claim that it is, and reply.

The paper should be e-mailed to me by class time on November 12. Roughly 5 pages, but you may write more.