

Critically evaluate Locke's theory of tacit consent.

at liberty to go and incorporate himself into any other Commonwealth, or to agree with others to begin a new one'¹⁵, a certain degree of wealth is required to do so. Accordingly, Rawls' assertion that 'political rule is exercised by those who own a certain amount of property'¹⁶ can be supported by the inference that the theory of tacit consent serves people irregularly as a poor person would have to undergo significant difficulty to reject consent in any form.

Not only does wealth factor in in terms of determining whether one has the option to dissent, but also as to whether one can increase their role of consenting to a government and explicitly do so. The concept of tacit consent encapsulates all except those consent through 'positive engagement and express promise and compact e.g. an oath of allegiance to the Crown'¹⁷. As Rawls' claims 'political rule is exercised only by those who own a certain amount of property'¹⁸, property and therefore wealth can also be seen to dictate whether one can explicitly comply with the government as the government's primary role is 'the protection of already existing property'. Hence, the tacit consent aspect of Locke's theory doesn't necessarily require a class state, it simply permits it'²⁰ through the problematic nature of tacit consent and expressive consenting. Likewise, as Bennett cites, along with the ability to expressively consent, ownership of land involves extensive rights...to keep other people off one's land'²¹. Hohfeld refers to this ability as 'liberties'²² as it illustrates an additional power the wealthy has over the poor and tacitly consenting. These 'extensive'²³ rights over land held by property owners begs the question of whether one can, in point of fact, freely abandon tacit consent through movement, as first and foremost one must consent with the property owners of that land.

¹⁵ J. Locke, *Second Treatise*, pg 121

¹⁶ J. Rawls, *Lectures on the History of Political Thought*, pg. 105

¹⁷ J. Rawls, *Lectures on the History of Political Thought*, pg. 105

¹⁸ J. Rawls, *Lectures on the History of Political Thought*, pg. 105

¹⁹ J. Rawls, *Lectures on the History of Political Thought*, pg. 144

²⁰ J. Rawls, *Lectures on the History of Political Thought*, pg. 155

²¹ J. Bennett, "A Note on Locke's Theory of Tacit Consent", *The Philosophical Review*, 88, 1979, 229

²² J. Bennett, "A Note on Locke's Theory of Tacit Consent", *The Philosophical Review*, 88, 1979, 229

²³ J. Bennett, "A Note on Locke's Theory of Tacit Consent", *The Philosophical Review*, 88, 1979, 229