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JOHN LOCKE

Two Treatises of Government

EDITED WITH
AN INTRODUCTION
AND NOTES BY

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STUDENT EDITION

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THE SECOND TREATISE
OF GOVERNMENT

AN
ESSAY
Concerning the
True Original, Extent, and End
OF
Civil Government
B O O K  II.

C H A P.  I.

I. T<sub>1</sub> having been shewn in the foregoing Discourse,
1<sup>a</sup>. That Adam had not either by natural Right of Father-

hood, or by positive Donation from God, any such Authority
over his Children, or Dominion over the World as is pretended.

2<sup>a</sup>. That if he had, his Heirs, yet, had no Right to it.

3<sup>a</sup>. That if his Heirs had, there being no Law of Nature nor
positive Law of God that determines, which is the Right Heir
in all Cases that may arise, the Right of Succession, and conse-
quently of bearing Rule, could not have been certainly determined.

4<sup>a</sup>. That if even that had been determined, yet the knowledge
of which is the Eldest Line of Adam's Posterity, being so long
since utterly lost, that in the Rases of Mankind and Families of the
World, there remains not to one above another, the least pretence
to be the Eldest House, and to have the Right of Inheritance.

All these premises having, as I think, been clearly made out, it
is impossible that the Rulers now on Earth, should make any
benefit, or derive any the least shadow of Authority from that,
which is held to be the Fountain of all Power, Adam's Private
Dominion and Paternal Jurisdiction, so that, he that will not give just
occasion, to think that all Government in the World is the produc-

§ 1 Chapter I.—obviously written by Locke to bridge the gap between the
fragmentary First Treatise and the Second, presumably in 1689. As originally composed,
this book must have started at § 4 (chapter ii), or perhaps at an introductory para-
graph to this one, now cancelled—see note on ii, § 14, 1. Locke may, of course,
have modified this area of the text considerably in 1690.

This chapter is omitted from the French version of 1691, and so from all editions
in languages other than English until recent years. It was also left out of the early American
edition, Boston, 1773—see Introduction, 14.

20-2. This has been taken as a covert reference to Hobbes, and in fact may be a
reminiscence of Filmer's attack on the Hobbesian state of nature: 'It is not to be

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only of Force and Violence, and that Men live together by no other Rules but that of Beasts, where the strongest carrieth it, and so lay a Foundation for perpetual Disorder and Mischief, Tumult, Sedition and Rebellion, (things that the followers of that Hypothesis so loudly cry out against) must of necessity find out another rise of Government, another Original of Political Power, and another way of designing and knowing the Persons that have it, then what Sir Robert F. hath taught us.

2. To this purpose, I think it may not be amiss, to set down what I take to be Political Power. That the Power of a Magistrate over a Subject, may be distinguished from that of a Father over his Children, a Master over his Servant, a Husband over his Wife, and a Lord over his Slave. All which distinct Powers happening sometimes together in the same Man, if he be considered under these different Relations, it may help us to distinguish these Powers one from another, and shew the difference between a Ruler of a Common-wealth, a Father of a Family, and a Captain of a Galley.

3. Political Power then I take to be a Right of making Laws with Penalties of Death, and consequently all less Penalties, for the Regulating and Preserving of Property, and of employing the force of the Community, in the Execution of such Laws, and in the defence of the Common-wealth from Foreign Injury, and all this only for the Publick Good.

thought that God would create man in a condition worse than any beast, as if he had made men to no other end by nature but to destroy one another' (Laslett's edition, 247). Filmer was Hobbes's first critic, and Locke had read and noted this work of his at least as early as 1667—see Introduction, 35. Compare II, § 93, 90-2.

§ 3 Compare I, §§ 51, 83; 415, 13-16; § 155. Compare the definition of republica in Locke's Epistola de Tolerantia (1689, that is, closer to this chapter than to the text as a whole): 'The commonwealth seems to me to be a society of men constituted only for procuring and preserving their own civil interests (bona civilia). . . . therefore is the magistrate armed with the force and strength of all his subjects (toto sollicito aulcomum robore) in order to the punishment of them that violate any other man's rights' (Klibanski and Gough, ed., 1689, 66-7, slightly differently translated). Here external security is omitted and property is replaced by bona civilia, defined as 'life, liberty, health and indolency of body; and the possession of outward things, such as money, landes, houses, furniture and the like (vitas, libertatem, corporis integritatem, et iustitiam, et rerum exteriorum possessiones, ut sunt latitudina, pecunia, suppellex et c.)'. See Introduction, 102; and on capital laws, see I, § 159, 10-15 and note, II, §§ 77-9, 171. Elfringhams (1798) remarks on the distinction between power and right in this paragraph, implying that Locke confuses them.

§ 4 Chapter 11 The French and other versions begin with this chapter, and in Locke's original text there may have been only one paragraph before this point, introducing the whole work; see note on ii, § 14, 1. Although it was extended when Locke added his Hooker material (see §§ 1 and 17) and certainly corrected to some extent, perhaps a great deal, in 1689—see, for example, § 12, 17-17—there is no reason to suppose that it was not substantially completed in 1679.

1 [see—Schlegel points out that this means that the state of nature was not past history.]

9-10 A reference to the Creation, compare I, §§ 21-7, etc.

9-11 Quoted verbatim as Molynex, Case of Ireland, 1698 (1720 ed., 127).

10 should—should be read as imperative in feeling, for Locke recognized inequality in capacity. See II, §§ 14, and The Conduct of the Understanding 'there is, it is visible, a great variety in men's understandings, and their natural constitutions. . . . the woods of America, as well as the schools of Athens, produce men of several abilities in the same kind'. In the same work, however, he is prepared to use the example of the natural equality of men for the purpose of illustrating the necessity of bowing, that is discovering a 'truth well set in the understanding' (Works, 1851, III, 189 and 259). Compare Hobbes, Elements of Law (16, 4, 1982, p. 54) 'men considered in nature ought to admit amongst themselves equality', and the similar statements in Latimer (chapter 15) and Dr Can, though the context and grounds of this statement of Locke's are very different.
§ 5. This equality of Men by Nature, the Judicious Hooker looks upon as so evident in it self, and beyond all question, that he makes it the Foundation of that Obligation to mutual Love amongst Men, on which he builds the Duties they owe one another, and from whence he derives the great Maxims of Justice and Charity. His words are;

The like natural inducement, hath brought Men to know that it is no less their Duty, to Love others than themselves, for seeing those things which are equal, must needs all have one measure; If I cannot but wish to receive good, even at as much at every Man's hands, as any Man can with unto his own Soul, how should I look to have any part of my desire herein satisfied, unless my self be careful to satisfy the like desire, which is undoubtedly in other Men, being of one and the same nature? to have anything offered them repugnant to this desire, must needs in all respects grieve them as much as me, so that if I do harm, I must look to suffer, there being no reason that others should shew greater measure of love to me, than they have by me, bestowed upon them; my desire therefore to be lord of my equals in nature, as much as possible may be, imposition upon me a natural Duty of bearing to themward, fully the like affection; From which relation of equality between our selves and them, that are as our selves, what several Rules and Canons, natural reason hath drawn for direction of Life, no Man is ignorant. Excl. Pol. Lib. 1.

6. But though this be a State of Liberty, yet it is not a State of Licence, though Man in that State have an uncontrovertable Liberty.

§ 7. The State of Nature

to dispose of his Person or Possessions, yet he has not Liberty to destroy himself, or so much as any Creature in his Possession, but where some nobler use, than its bare Preservation calls for it. The State of Nature has a Law of Nature to govern it, which obliges every one: And Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions. For Men being all the Workmanship of one Omnipotent, and infinitely wise Maker; All the Servants of one Sovereign Master, sent into the World by his order and about his business, they are his Property, whose Workmanship they are, made to last during his, not one anothers Pleasure. And being furnished with like Faculties, sharing all in one Community of Nature, there cannot be supposed any such Subordination among us, that may Authorize us to destroy one another, as if we were made for one anothers uses, as the inferior ranks of Creatures are for ours. Every one as he is bound to preserve himself, and not to quit his Station wilfully; so by the like reason when his own Preservation comes not in competition, ought he, as much as he can, to preserve the rest of Mankind, and may not unless it be to do Justice on an Offender, take away, or impair the life, or what tends to the Preservation of the Life, the Liberty, Health, Limb or Goods of another.

7. And that all Men may be restrained from invading others Rights, and from doing hurt to one another, and the Law of Nature be observed, which willst the Peace and Preservation of all Mankind, the Execution of the Law of Nature is in that State, put into every Mans hands, whereby every one has a right to punish the transgressors of that Law to such a Degree, as may hinder its Violation. For the Law of Nature would, as all other Laws that concern Men in this World, be in vain, if there were no body that in the State of Nature, had a Power to execute that Law, and thereby preserve the innocent and restrain offencers, and if...
any one in the State of Nature may punish another, for any evil he has done, every one may do so. For in that State of perfect Equality, where naturally there is no superiority or jurisdiction of one, over another, what any may do in Prosecution of that Law, every one must needs have a Right to do.

8. And thus in the State of Nature, one Man comes by a Power over another; but yet no Absolute or Arbitrary Power, to use a Criminal when he has got him in his hands, according to the passionate heats, or boundless extravagency of his own Will, but only to retribute to him, so far as calm reason and conscience dictates, what is proportionate to his Transgression, which is so much as may serve for Reparation and Restraint. For these two are the only reasons, why one Man may lawfully do harm to another, which is that we call punishment. In transgressing the Law of Nature, the Offender declares himself to live by another Rule, than that of reason and common Equity, which is that measure God has set to the actions of Men, for their mutual security: and so he becomes dangerous to Mankind, the yoke, which is to secure them from injury and violence, being alighted and broken by him. Which being a trespass against the whole Species, and the Peace and Safety of it, provided for by the Law of Nature, every man upon this score, by the Right he hath to preserve Mankind in general, may restrain, or where it is necessary, destroy things noxious to them, and so may bring such evil on any one, who hath transgressed that Law, as may make him repent the doing of it, and thereby deter him, and by his Example others, from doing the like mischief. And in this case, and upon this ground, every Man hath a Right to punish the Offender, and be Executioner of the Law of Nature.

9. I doubt not but this will seem a very strange Doctrine to some Men: but before they condemn it, I desire them to resolve

§ 6 'proportionate'—at this word sheet P ends and sheet Q begins in the first printing. This sheet exists in variant states (see Laslett, 1952 (iv), and Bowens, Gerritsen and Laslett, 1954 (iii)). Even more than in the case of the later part of sheet P (see § 6, 7, 10 and note), any part of it may be the result of Locke’s last-minute modifications. It ends with the last word of § 11.

§ 9 'strange Doctrine'—this seems to be Locke’s way of announcing that his doctrine of punishment was, or was intended by him to be, a novelty; compare n, § 13, n, 11, § 185, 6 and Introduction, 97. It is certainly in subtle contrast with Hobbes’s doctrine in chapter 21 of Leviathan, with which it is often compared. The whole of Locke’s Second Letter on Toleration (1690) is concerned with punishment as a means of ‘Reparation and Restraint’.

10-12 That is to say the Indian, presumably the American Indian, is in a state of nature with respect to all established political power, which implies there is no international law (see Cox, 1960, 158).

§ 10 On this paragraph, Eltington comments (1798) that throughout the whole of this treatise Locke’s ‘seal for liberty’ has very frequently led him to speak of men’s duty as rights which they may exercise or renounce at pleasure.’

§ 14 ‘noxious Creature’—compare n, § 171, 9-19, note and references.
punishing put into his hands, can often, where the publick good demands not the execution of the Law, remit the punishment of Criminal Offences by his own Authority, but yet cannot remit the satisfaction due to any private Man, for the damage he has received. That, who has suffered the damage has a Right to demand in his own name, and he alone can remit: The damified Person has this Power of appropriating to himself, the Goods or Service of the Offender, by Right of Self-preservation, as every Man has a Power to punish the Crime, to prevent its being committed again, by the Right he has of Preserving all Mankind, and doing all reasonable things he can in order to that end: And thus it is, that every Man in the State of Nature, has a Power to kill a Murderer, both to deter others from doing the like Injury, which no Reparation can compensate, by the Example of the punishment that attends it from every body, and also to secure Men from the attempts of a Criminal, who having renounced Reason, the common Rule and Measure, God hath given to Mankind, hath by the unjust Violence and Slaughter he hath committed upon one, declared War against all Mankind, and therefore may be destroyed as a Lyon or a Tyger, one of those wild Savage Beasts, with whom Men can have no Society nor Security: And upon this is grounded the great Law of Nature, Who so sheddieth Manks Blood, by Man shall his Blood be shed. And Cain was so fully convinced, that every one had a Right to destroy such a Criminal, that after the Murther of his Brother, he cries out, Every one that findeth me, shall slay me; so plain was it writ in the Hearts of all Mankind.

12. By the same reason, may a Man in the State of Nature punish the lesser breaches of that Law. It will perhaps be demanded, 

§ 13. THE STATE OF NATURE

with death? I answer, Each Transgression may be punished to that degree, and with so much Severity as will suffice to make it an ill bargain to the Offender, give him cause to repent, and terrify others from doing the like. Every Offence that can be committed in the State of Nature, may in the State of Nature be also punished, equally, and as far forth as it may, in a Common-wealth; for though it would be besides my present purpose, to enter here into the particulars of the Law of Nature, or its measures of punishment; yet, it is certain there is such a Law, and that too, as intelligible and plain to a rational Creature, and a Studier of that Law, as the positive Laws of Common-wealths, may possibly plainer; As much as Reason is easier to be understood, than the Phansies and intricate Contrivances of Men, following contrary and hidden interests put into Words; For so truly are a great part of the Municipal Laws of Countries, which are only so far right, as they are founded on the Law of Nature, by which they are to be regulated and interpreted.

13. To this strange Doctrine, viz. That in the State of Nature, every one has the Executive Power of the Law of Nature, I doubt not but it will be objected, That it is unreasonable for Men to be Judges in their own Cases, that Self-love will make Men partial to themselves and their Friends. And on the other side, that Ill Nature, Passion and Revenge will carry them too far in punishing others. And hence nothing but Confusion and Disorder will follow, and that therefore God hath certainly appointed

§ 12. 9-10 For Locke's attitude to the law of nature and the claim that it was always beside his present purpose to give its particulars, see Introduction, 82.

§ 13. 14-19 This passage is indicative of Locke's hostility to those who would multiply laws, indeed to the law, law courts and lawyers, especially the Common Lawyers, in general (compare I, § 50, 19-21, note and references). This he shared with the 1st Earl of Shaftesbury: see the 79th and 70th Fundamental Constitutions of Carolina, which provide that all statute laws should be null after a century, and that no comments upon the Constitutions should be permitted. Eblinghorne (1098) comments that this criterion of a nation's law in terms of natural law, and not the will of a majority, 'points out the true principles of civil government'.


§ 15. 10-11 Compare II, § 124, 3-9, verbal parallel.

§ 16. 19-19 This passage is indicative of Locke's hostility to those who would multiply laws, indeed to the law, law courts and lawyers, especially the Common Lawyers, in general (compare I, § 50, 19-21, note and references). This he shared with the 1st Earl of Shaftesbury: see the 79th and 70th Fundamental Constitutions of Carolina, which provide that all statute laws should be null after a century, and that no comments upon the Constitutions should be permitted. Eblinghorne (1098) comments that this criterion of a nation's law in terms of natural law, and not the will of a majority, 'points out the true principles of civil government'.
Government to restrain the partiality and violence of Men. I easily grant, 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, since 'tis easily to be imagined, that he who was so unjust as to do his Brother an Injury, will scarce be so just as to condemn himself for it: But I shall desire those who make this Objection, to remember that Absolute Monarchy are but Men, and if Government is to be the Remedy of those Evils, which necessarily follow from Men being Judges in their own Cases, and the State of Nature is therefore not to be endured, I desire to know what kind of Government that is, and how much better it is than the State of Nature, where one Man commanding a multitude, has the Liberty to be Judge in his own Case, and may do to all his Subjects whatever he pleases, without the least Liberty to any one to question or control those who Execute his Pleasure? And in whatsoever he doth, whether by Reason, Mistake or Passion, must be submitted to? Much better it is in the State of Nature wherein Men are not bound to submit to the unjust will of another: And if he that judges, judges amiss in his own, or any other Case, he is answerable for it to the rest of Mankind.

14. 'Tis often asked as a mighty Objection, Where are, or ever were, there any Men in such a State of Nature? To which it may suffice as an answer at present; That since all Princes and Rulers of Independent Governments all through the World, are in a State of Nature, 'tis plain the World never was, nor ever will be, without Numbers of Men in that State. I have named all Governors of Independent Communities, whether they are, or are not, in League with others: For 'tis not every Compact that puts an end to the State of Nature between Men, but only this one of agreeing together mutually to enter into one Community, and make one Body Politick; other Promises and Compacts, Men may make one with another, and yet still be in the State of Nature. The Promises and Bargains for Truck, &c. between the two Men in the Desert Island, mentioned by Garciaelo De la Vega, in his History of Peru, or between a Swiss and an Indian, in the Woods of America, are binding to them, though they are perfectly in a State of Nature, in reference to one another. For Truth and keeping of Faith belongs to Men, as Men, and not as Members of Society.

15. To those that say, There were never any Men in the State of Nature; I will not only oppose the Authority of the Judicious Hooker, Esq. Pol. Lib. 1. Sef. 10. where he says, The Laws which have been hitherto mentioned, i.e. the Laws of Nature, do bind Men absolutely, even as they are Men, although they have never any settled fellowship, never any Solemn Agreement amongst themselves what to do or not to do, but for as much as we are not by our selves sufficient to furnish our selves with competent store of things, needful for such a Life, as our Nature doth desire, a Life, fit for the Dignity of Man; therefore...

22-3 Modified by Locke in his final corrections.
§ 14 7-9 Compare II, § 101, where the full answer is given, perhaps as a later extension—see note there.
§ 1-8 Governments in a state of nature with each other; compare II, § 183, 7-8, 11, § 184, 31-2 (an aside in both cases). It is often assumed that Locke was following Hobbes here, perhaps consciously: compare Leviathan, chapter 13 (1654, 83), where the sequence of thought is much the same. But Grotius insists that this conception was a commonplace with the natural-law theorists of the time (1625, 497); he cites ten authorities on the point (li. 388), including Pufendorf's Elementa and De Jure Naturae. If Locke had any writer specifically in mind, it seems most likely that it was Pufendorf. See Introduction, 73.
THE SECOND TREATISE

§ 16 to supply those Defects and Imperfections which are in us, as living singly and solely by our selves, we are naturally induced to seek Communion and Fellowship with others, this was the Cause of Man uniting themselves, as first in Politick Societies. But I moreover affirm, That all Men are naturally in that State, and remain so, till by their own Consents they make themselves Members of some Politick Society; And I doubt not in the Sequel of this Discourse, to make it very clear.

CHAP. III.

Of the State of War.

§ 16 The State of War is a State of Ennity and Destruction; And therefore declaring by Word or Action, not a passionate and hasty, but a sedate and settled Design, upon another Mans Life, puts him in a State of War with him against whom he has declared such an Intention, and so has exposed his Life to the others Power to be taken away by him, or any one that joyns with him in his Defence, and espouses his Quarrel: it being reasonable and just I should have a Right to destroy that which threatens me with Destruction. For by the Fundamental Law of

§§ 17-18 THE STATE OF WAR

Nature, Man being to be preserved, as much as possible, when all cannot be preserv'd, the safety of the Innocent is to be preferred: And one may destroy a Man who makes War upon him, or has discovered an Ennity to his being, for the same Reason, that he may kill a Wolf or a Lyon; because such Men are not under the ties of the Common Law of Reason, have no other Rule, but that of Force and Violence, and so may be treated as Beasts of Prey, those dangerous and noxious Creatures, that will be sure to destroy him, whenever he falls into their Power.

17. And hence it is, that he who attempts to get another Man into his Absolute Power, does thereby put himself into a State of War with him; It being to be understood as a Declaration of a Design upon his Life. For I have reason to conclude, that he who would get me into his Power without my consent, would use me as he pleased, when he had got me there, and destroy me too when he had a fancy to it: for no body can desire to have me in his Absolute Power, unless it be to compel me by force to that, which is against the Right of my Freedom, i.e. make me a Slave.

To be free from such force is the only security of my Preservation: and reason bids me look on him, as an Enemy to my Preservation, who would take away that Freedom, which is the Fence to it: so that he who makes an attempt to enslave me, thereby puts himself into a State of War with me. He that in the State of Nature, would take away the Freedom, that belongs to any one in that State, must necessarily be supposed to have a design to take away every thing else, that Freedom being the Foundation of all the rest: As he that in the State of Society, would take away the Freedom belonging to those of that Society or Common-wealth, must be supposed to design to take away from them every thing else, and so be looked on as in a State of War.

18. This makes it Lawful for a Man to kill a Thief, who has not in the least hurt him, nor declared any design upon his Life, any farther then by the use of Force, so to get him in his Power,

16-17 Beasts of Prey... noxious Creatures—compare II, § 172, 18-19, note and references: and so to the end of the paragraph may be an addition of 1699.

§ 17-18 State—end of large type in first state of 1st edition, see II, § 16, 1.

18-21 This last sentence may be an interpolation of 1699, an implication that James II was in 'a State of War' with Englishmen. Indeed § 18 follows more naturally on to § 16, and the whole paragraph may have been inserted.

as to take away his Money, or what he pleases from him: because using force, where he has no Right, to get me into his Power, let his pretence be what it will, I have no reason to suppose, that he, who would take away my Liberty, would not when he had me in his Power, take away every thing else. And therefore it is Lawful for me to treat him, as one who has put himself into a State of War with me, i.e. kill him if I can; for to that hazard does he justly expose himself, whoever introduces a State of War, and is aggressor in it.

19. And here we have the plain difference between the State of Nature, and the State of War, which however some Men have confounded, are as far distant, as a State of Peace, Good Will, Mutual Assistance, and Preservation, and a State of Enmity, Malice, Violence, and Mutual Destruction are one from another. Men living together according to reason, without a common Superior on Earth, with Authority to judge between them, is properly the State of Nature. But force, or a declared design of force upon the Person of another, where there is no common Superior on Earth to appeal to for relief, is the State of War: And 'tis the want of such an appeal gives a Man the Right of War even against an aggressor, though he be in Society and a fellow Subject. Thus a Thief, whom I cannot harm but by appeal to the Law, for having stolen all that I am worth, I may kill, when he sets on me to rob me, but of my Horse or Coat: because the Law, which was made for my Preservation, where it cannot interpose to secure my Life from present force, which if lost, is capable of no reparation, permits me my own Defence, and the Right of War, a liberty to kill the aggressor, because the aggressor allows not time to appeal to our common Judge, nor the decision of the Law, for remedy in a Case, where the mischief may be irreparable. Want of a common Judge with Authority, puts all Men in a State of Nature: Force without Right, upon a Man's Person, makes a State of War, both where there is, and is not, a common Judge.

20. But when the actual force is over, the State of War ceases between those that are in Society, and are equally on both sides Subjected to the fair determination of the Law; because then there lies open the remedy of appeal for the past injury, and to prevent future harm: but where no such appeal is, as in the State of Nature, for want of positive Laws, and Judges with Authority to appeal to, the State of War once begun, continues, with a right to the innocent Party, to destroy the other whenever he can, until the aggressor offers Peace, and desires reconciliation on such Terms, as may repair any wrongs he has already done, and secure the innocent for the future: nay make it an appeal to the Law, and constituted Judges lies open, but the remedy is deny'd by a manifest perverting of Justice, and a barefaced wrestling of the Laws, to protect or indemnifie the violence or injuries of some Men, or Party of Men, there it is hard to imagine any thing but a State of War. For wherever violence is used, and injury done, though by hands appointed to administer Justice, it is still violence and injury, however colour'd with the Name, Pretences, or Forms of Law, the end whereof being to protect and redress the innocent, "

§ 19

A comma should be understood after 'which'. Locke altered the last phrase of this sentence, but then restored the previous reading. The 'some men' can only be the Hobbesians. Compare § 56 (iv) for the general position and Locke's Essay on the Law of Nature, c. 1661. In his fifth Essay he leaves it as a possibility that there is in the state of nature a general war and a perpetual and deadly hatred among men as is maintained by some (quod aliqui voluerint) — Vol. Leyden's edition, 1754, 66. But in his eighth Essay he pronounces against those 'some'. For if by the law of nature men are in a state of war, 'all society is abolished, and all faith, which is the bond of society' (collator omnium societatis societatis vinculum fidelis); see § 57, 91, 101, 153, 6, etc. The peacefull condition of the state of nature should be compared with the dangers etc. talked of in it. §§ 15, 91, 101, 153, 6, etc.

§ 20

201 sides:" at this point begins the passage which is present in the second state of the 1st edition, but absent in the first state, see Introduction, 8. Laslett, "154 (iv) and Bowers, Genitken and Laslett, 1954. In the first state the text goes straight on to 'And therefore in such Controversies... at the beginning of line 15 in § 21, that is 20. But when the actual force is over, the State of War ceases between those that are in Society, and are equally on both sides Subject to the Judge: And therefore in such Controversies... (and so on, identically with the text in the second state to the end of the paragraph, starting the next as § 22). No sign for a § 21 is present. This anomaly has been variously dealt with by editors of the text; see footnote 2 to p. 342 of Laslett, 1951 (iv) and footnote 100 p. 83 of Laslett, 1954 (iv). W. S. Carpenter, the editor of the Everyman text (c. 1924, with many subsequent printings) misnumbered all the paragraphs from this point to p. 56, §§ 56, 57, see note on line 14 of §§ 56. Elrington (1790) first noticed this peculiarity, and has a note here on it. 15-18 This passage may well be an addition of 1689, directly referring to the events of the Revolution: the final 'appeal to Heaven' being most significant. It contains (line 15) the phrase which inspired Elrington to the following protest against Locke's theory of resistance, or perhaps the interpretation put on it by Thomas Paine and others.

"But what shall we say of a theory which thus invests an individual with a right of throwing a whole society in confusion for the purpose of redressing his own particular grievance?"
21. To avoid this State of War (wherein there is no appeal but to Heaven, and wherein every the least difference is apt to end, where there is no Authority to decide between the Contenders) is one great reason of Mens putting themselves into Society, and quitting the State of Nature. For where there is an Authority, a Power on Earth, from which relief can be had by appeal, there the continuance of the State of War is excluded, and the Controversie is decided by that Power. Had there been any such Court, any superior Jurisdiction on Earth, to determine the right between Jephtha and the Ammonites, they had never come to a State of War, but we see he was forced to appeal to Heaven. The Lord the Judge (says he) be Judge this day between the Children of Israel, and the Children of Ammon, Judg. xi. 27. and then Proceeding, and relying on his appeal, he leads out his Army to Battle.

And therefore in such Controversies, where the question is put, who shall be Judge? It cannot be meant, who shall decide the Controversie; every one knows what Jephtha here tells us, that the Lord the Judge, shall judge. Where there is no Judge on Earth, the Appeal lies to God in Heaven. That Question then cannot mean, who shall judge? whether another hath put himself in a State of War with me, and whether I may as Jephtha did, appeal to Heaven in it? Of that my self can only be Judge in my own Conscience, as I will answer it at the great Day, to the Suprem Judge of all Men.

§ 22. Chapter IV. There is positive evidence for this chapter, as distinct from presumption in the case of chapters 11 and 12, of composition in 1679 (see note on lines 8–9 below) and of revision in 1689.

1. At this point sheet R begins in the 1st edition; compare notes on ii, § 8, 6; there are no further obvious printing peculiarities after this point in the 1st edition.

8–9: 'What Sir R. F. tells us, O.A. 55'. The only reference to Filmer's work in the Second Treatise, though his name is mentioned at ii, § 1, 28 and ii, § 61, 14. The statement is repeated in ii, § 37, 11–12; see note there and on ii, § 216. It is one of the many signs that this work, as well as the First Treatise, was written with the object of refuting Filmer, in particular against his tracts, whilst the First was written against Pariotica. In the Introduction, 16–60, this anomalous form of reference to Filmer—by it will be seen to be quite different from that used in the First Treatise—is taken as one of the indications that the Second Treatise was written in 1679–80 in some form, and as the clue to the priority in writing of the Second to the First though Asehcraft disagrees. The entry in Locke's Table which makes it possible to guess the time of writing of this paragraph is significant. It refers to a passage in Filmer's Pariotica (Laslett's edition, 226): 'amongst all them that plead the necessity of the consent of the people, none hath ever touched upon these so necessary doctrines [that is, of the manner of obtaining it]; it is a task it seems too difficult, otherwise surely it would not have been neglected, considering how necessary it is to resolve them, so as to communicate the manner of the peoples passing their consents.'

2. Sir, then, was the statement which Locke had in mind when he wrote in his Table 'Filmer to resolve the conscience' and went on to compose this part of the Second Treatise. The same point about law and freedom appears also in his Essay concerning Human Understanding, iv, iii, 18: "No government allows absolute liberty.' The idea of government being the establishment of society upon certain rules or laws which require conformity to them; and the idea of absolute liberty being for any one to do whatever he pleases; I am as capable of being certain of the truth of this proposition as of any in mathematics' (Nidditch, ed., 530)—see Introduction, 81. Elingelen (1768) is disturbed by the implications of this paragraph and finds it contradictory. He concludes that the great divisio hominum is an agreed definition of liberty: 'Whether Locke has given such a definition the reader will judge.'
THE SECOND TREATISE

O.A. §§ [224]. A Liberty for every one to do what he likes, to live as he pleases, and not to be ty’d by any Law: But Freedom of Men under Government is, to have a standing Rule to live by, common to every one of that Society, and made by the Legislative Power erected in it; A Liberty to follow my own Will in all things, where the Rule prescribes not; and not to be subject to the inconstant, uncertain, unknown, Arbitrary Will of another Man. As Freedom of Nature is to be under no other restraint but the Law of Nature.

23. This Freedom from Absolute, Arbitrary Power, is so necessary to, and closely joined with a Man’s Preservation, that he cannot part with it, but by what forfeits his Preservation and Life together. For a Man, not having the Power of his own Life, cannot, by Compact, or his own Consent, enslave himself to any one, nor put himself under the Absolute, Arbitrary Power of another, to take away his Life, when he pleases. No body can give more Power than he has himself; and he that cannot take away his own Life, cannot give another power over it. Indeed having, by his fault, forfeited his own Life, by some Act that deserves Death; he, to whom he has forfeited it, may (when he has him in his Power) delay to take it, and make use of his to his own Service, and he does him no injury by it. For, whenever he finds the hardship of his Slavery out-weigh the value of his Life, ’tis in his Power, by resiling the Will of his Master, to draw on himself the Death he desires.

24. This is the perfect condition of Slavery, which is nothing else, but the State of War continued, between a lawful Conqueror, and a Captive. For, if once Compact enter between them, and make an agreement for a limited Power on the one side, and Obedience

§ 25. on the other, the State of War and Slavery ceases, as long as the Compact endures. For, as has been said, no Man can, by agreement, pass over to another that which he hath not in himself, a Power over his own Life.

I confess, we find among the Jews, as well as other Nations, that Men did sell themselves; but, ’tis plain, this was only to Drudgery, not to Slavery. For, it is evident, the Person sold was not under an Absolute, Arbitrary, Despotical Power. For the Master could not have power to kill him, at any time, whom, at a certain time, he was obliged to let go free out of his Service: and the Master of such a Servant was so far from having an Arbitrary Power over his Life, that he could not, at pleasure, so much as maim him, but the loss of an Eye, or Tooth, set him free, Exod. XXI.

CHAP. V.

Of Property.

25. Whether we consider natural Reason, which tells us, that Men, being once born, have a right to their Preservation, and consequently to Meat and Drink, and such other things, as Nature affords for their Subsistence: Or Revelation, which gives who had forfeited their lives by some Act that deserves Death (§ 23, 107 compare Tyllel, 1681, 62). Locke seems satisfied that the forays of the Royal African Company were just wars of this sort, and that the negroes captured had committed such acts. Locke on slavery is discussed by Polin, 1680, 277–81, and Duns, 1695 171 etc.

9–16. In Exod. xxxi the Mosaic law regulates the treatment of bought servants; they are to be freed in the seventh, Jubilee year, not to be killed, to be freed if harmed by their masters. Hobbes notices this and Grotius calls it ‘imperfect servitus’, 171, 30 (1712, 265).

§ 25. This important chapter is obviously integral to Locke’s argument, and it is also obviously part of his polemic against Filmer—see notes on lines 9–16 and 12–17 below, and on 11, § 38, 7–11, etc. Olivecrona takes a different view of 9–16 and the date of the chapter. There is nothing, however, to indicate that it was written in 1689, or at any time later than the first form of the book, though it was perhaps subsequently amended, and it will be remembered that it falls within that part of the 1st edition which could have been modified in the course of printing. Apart from this, it seems right to note that the chapter is to be dated between 1679 and 1681.

1–3 This discussion of property is referred to in 1, § 97, 14–15, and in 1, § 85, 1–4 echoes the language used there. Kendal, 1941, 77, notes the illogical transition from ‘men’ here, meaning individuals, to ‘mankind’ in line 8.
§ 26

us an account of those Grants God made of the World to Adam, and to Noah, and his Sons, ‘tis very clear, that God, as King David says, Psal. CXV. xvi. has given the Earth to the Children of Men, given it to Mankind in common. But this being supposed, it seems to some a very great difficulty, how any one should ever come to have a Property in any thing: I will not content my self to answer, That if it be difficult to make out Property, upon a supposition, that God gave the World to Adam and his Porterty in common; it is impossible that any Man, but one universal Monarch, should have any Property, upon a supposition, that God gave the World to Adam, and his Heirs in Succession, exclusive of all the rest of his Porterty. But I shall endeavour to shew, how Men might come to have a property in several parts of that which God gave to Mankind in common, and that without any express Compact of all the Commoners.

26. God, who hath given the World to Men in common, hath also given them reason to make use of it to the best advantage of Life, and convenience. The Earth, and all that is therein, is given to Men for the Support and Comfort of their being. And though all the Fruits it naturally produces, and Beast it feeds, belong to Mankind in common, as they are produced by the spontaneous hand of Nature; and no body has originally a private Dominion, exclusive of the rest of Mankind, in any of them, as they are thus in their natural state: yet being given for the use of Men, there must of necessity be a means to appropriate them some way or other before they can be of any use, or at all beneficial.

§ 27

Compare Locke’s introduction of the proposition about labour and property in this paragraph, its predecessor and those following, with that of Tyrrell: “Supposing the Earth and the fruits thereof to have been at first bestowed in common on all its inhabitants; yet since God’s first command to man was to encrease and multiply, if he hath a right to perform the end, he hath certainly a right to the means of his preservation, and the propagation of his species, so that though the fruits of the earth, or beasts, for food, were all in common, yet when once any man had by his own labour acquired such a proportion of either as would serve the necessities of himself and family, they became so much his own as that no man could without manifest injustice rob him of those necessitues” (1681, 99–100, second pagination). Tyrrell goes on to talk of ‘this sort of community’ being retained among the Americans, the wild beast the Indian killed (compare ii, § 50, 1–2), the fish taken by the Indians from the fish (cited ii, § 26, 12). But he talks in this parallel way in a different context. Following Grotius, he refers to the Stoic axiom about seats in the theatre, and cites many other arguments about property, ignored by Locke: for him the labour proposition is not the one rational method of making use of the earth’s produce, but rather a ground for retaining property acquired, and he does not talk of a man owning himself (compare note on ii, § 32, 1–7). These points, and the known relationship between them (see above, 19–61), it may imply that Locke suggested this line of thinking to Tyrrell, who followed it without quite realizing what it meant to Locke. It is not impossible that they arrived at this position independently, for in a work published in 1681 but described on the title as ‘Mostly written many years past’ Richard Baxter writes in vogue but in similar terms: ‘Property is naturally antecedent to Government, which doth not give it, but regulate it to the Common good: Every man is born with a property in his own members, and nature giveth him a property in his own labour, and his food and other just acquisitions of his industry. Therefore no Ruler can justly deprive men of their property, unless it be by some Law of God (as in execution of justice on such as forfeit it) or by their own consent, by themselves or their Delegates or Premiers; And men’s deeds and Liberties are the chief parts of their property. That is the peoples just reserved Property, to which God taketh from them, by the power which his own Laws give the Ruler, nor is given away by their own foresaid consent’ (Baxter, 1680, 54–5; see Schlatter, 1917, 39, and compare passage from Baxter’s Holy Commonwealth, cited by Gough, 1950, 80).

What Baxter says here about life, liberty and property shows that he had the same combined definition of property as Locke, both an extended and a specific definition; see Introduction, 101 and note on ii, § 87, 5. It is possible to find many much vuger hints at what is too loosely called the labour theory of value (see Pettty, example, of which Locke had the 1667 printing (H. L. 2819), or even in Hobbes; see Gough, 1950, 84) but these are the only passages in books he may have read known to me which seem to show a systematic resemblance. See also the hint in ii, § 42, 11–15.

12–16 Repeated in ii, § 173, 1, cf. Walwyn, the Leveller quoted Macpherson, 1963, 140.
and the Work of his Hands, we may say, are properly his. Whatsoever then he removes out of the State that Nature hath provided, and left in, he hath mixed his Labour with, and joyned to it something that is his own, and thereby makes it his Property. It being by him removed from the common State Nature placed it in, it hath by this labour something annexed to it, that excludes the common right of other Men. For this Labour being the unquestionable Property of the Labourer, no Man but he can have a right to what is once joyned to, at least where there is enough, and as good left in common for others.

28. He that is nourished by the Acorns he pickit up under an Oak, or the Apples he gathered from the Trees in the Wood, has certainly appropriated them to himself. No Body can deny but the nourishment is his. I ask then, When did they begin to be his? When he digested? Or when he eat? Or when he boiled? Or when he brought them home? Or when he pickit them up? And 'tis plain, if the first gathering made them not his, nothing else could. That labour put a distinction between them and common. That added something to them more than Nature, the common Mother of all, had done; and so they became his private right. And will any one say he had no right to those Acorns or Apples he thus appropriated, because he had not the consent of all Mankind to make them his? Was it a Robbery thus to assume to himself what belonged to all in Common? If such a consent as that was necessary, Man had starved, notwithstanding the Plenty God had given him. We see in Common, which remain

§ 28. Compare Pufendorf, De Jure Naturae, 1672, iv, iv, 12, 'Quæcum est nullius: quæ decidéraunt glandes ejus fidelant, qui legisset'; Cough, 1703, draws attention to this parallel, and to Blackstone's account of the clash between Locke on the one hand and both Pufendorf and Grotius on the other in their views on the origin of property. For in spite of the above coincidence about acorns, Pufendorf follows Grotius in assigning the origin of property to universal agreement, not labour. Barbeyrac, in his edition of Pufendorf's De Jure Naturae, registers his agreement with Locke's views on this matter, and maintains that Locke was the first to formulate it, earlier than the only other author he quotes, C. G. Titius of Leipzig (1667-1741). He also notes that Locke's discussion grew out of his refutation of Filmer: Barbeyrac, 1714, 1, 176-7. Barbeyrac corresponded with Locke (see Introduction, vii), and no man in the early eighteenth century was in a generally better position than he to know about the relationship of his writings with the natural-law jurists and with the whole tradition of social and political theory.

§§ 29-30. PROPERTY

29. By making an explicit consent of every Commoner, necessary to any one appropriating to himself any part of what is given in common, Children or Servants could not cut the Meat which their Father or Master had provided for them in common, without assigning to every one his peculiar part. Though the Water running in the Fountain be every ones, yet who can doubt, but that in the Pitcher is his only who drew it out? His labour hath taken it out of the hands of Nature, where it was common, and belonged equally to all her Children, and hath thereby appropriated it to himself.

30. Thus this Law of reason makes the Deer, that Indian's who hath killed it; 'tis allowed to be his goods who hath bestowed his labour upon it, though before, it was the common right of every one. And amongst those who are counted the Civiliiz'd part of Mankind, who have made and multiplied positive Laws to determine Property, this original Law of Nature for the beginning of Property, in what was before common, still takes place; and by virtue thereof, what Fish any one catches in the Ocean, that great and still remaining Common of Mankind; or what Ambergris any one takes up here, is by the Labour that removes it out.
of that common state Nature left it in, made his Property who takes that pains about it. And even amongst us the Hare that any one is Hunting, is thought his who pursues her during the Chase. For being a Beast that is still looked upon as common, and no 15 Man’s private Possession; whoever has employ’d so much labour about any of that kind, as to find and pursue her, has thereby removed her from the state of Nature, wherein she was common, and hath begun a Property.

31. It will perhaps be objected to this, That if gathering the Acorns, or other Fruits of the Earth, &c. makes a right to them, then any one may ingross as much as he will. To which I Answer, Not so. The same Law of Nature, that does by this means give us Property, does also bound that Property too. God has given us all things richly, 1 Tim. vi. 17. is the Voice of Reason confirmed by Inspiration. But how far has he given it us? To enjoy. As much as any one can make use of to any advantage of life before it spoils; so much may he by his labour fix a Property in. Whatever is beyond this, is more than his share, and belongs to others. Nothing was made by God for Man to spoil or destroy. And thus considering the plenty of natural Provisions there was a long time in the World, and the few spenders, and to how small a part of that provision the industry of one Man could extend it self; and ingross it to the prejudice of others; especially keeping within the bounds, set by reason of what might serve for his use; there could be then little room for Quarrels or Contentions about Property so establish’d.

32. But the chief matter of Property being now not the Fruits of the Earth, and the Beasts that subsist on it, but the Earth itself; as that which takes in and carries with it all the rest: I think it is plain, that Property in that too is acquired as the former. As much 5 Land as a Man Tills, Plants, Improves, Cultivates, and can use the Produce of, so much is his Property. He by his Labour does,

§ 33. Nor was this appropriation of any parcel of Land, by improving it, any prejudice to any other Man, since there was still enough, and as good left; and more than the yet unprovided could use. So that in effect, there was never the less left for others because of his inclosure for himself. For he that leaves 5 as much as another can make use of, does as good as take nothing at all. No Body could think himself injured by the drinking of another Man, though he took a good Draught, who had a whole River of the same Water left him to quench his thirst. And the Case of Land and Water, where there is enough of both, is 10 perfectly the same.

§ 34. God gave the World to Men in Common; but since he gave it them for their benefit, and the greatest Conveniencies of Life they were capable to draw from it, it cannot be supposed he meant it should always remain common and uncultivated. He gave it to the use of the Industrious and Rational, (and Labour was to be his Title to it;) not to the Fancy or Covetousness of the Quarrelsom and Contentious. He that had as good left for his Improvement, as was already taken up, needed not complain, ought not to meddle with what was already improved by another’s Labour; If he did, ‘tis plain he desired the benefit of another’s 10 Pains, which he had no right to, and not the Ground which God had given him in common with others to labour on, and whereof there was as good left, as that already possessed, and more than he knew what to do with, or his Industry could reach to.
§ 35. Is true, in Land that is common in England, or any other Country, where there is Plenty of People under Government, who have Money and Commerce, no one can include or appropriate any part, without the consent of all his Fellow-Commoners: Because this is left common by Compact, i.e. by the Law of the Land, which is not to be violated. And though it be Common, in respect of some Men, it is not so to all Mankind; but is the joint property of this Country, or this Parish. Besides, the remainder, after such inclosure, would not be as good to the rest of the Commoners as the whole was, when they could all make use of the whole: whereas in the beginning and first peopling of the great Common of the World, it was quite otherwise. The Law Man was under, was rather for appropriating. God Commanded, and his Wants forced him to labour. That was his Property which could not be taken from him where-ever he had fixed it. And hence subduing or cultivating the Earth, and having Dominion, we see are joined together. The one gave Title to the other. So that God, by commanding to subdue, gave Authority so far to appropriate. And the Condition of Humane Life, which requires Labour and Materials to work on, necessarily introduces private Possessions.

§ 36. The measure of Property, Nature has well set, by the Extent of Mens Labour, and the Conveniency of Life: No Mans Labour could subdue, or appropriate all: nor could his Enjoyment consume more than a small part; so that it was impossible for any Man, this way, to intrench upon the right of another, or acquire, to himself, a Property, to the Prejudice of his Neighbour, who would still have room, for as good, and as large a Possession (after the other had taken out his) as before it was appropriated. This measure did confine every Mans Possession, to a very moderate Proposition, and such as he might appropriate to himself, without...
This is certain, That in the beginning, before the desire of having more than Men needed, had altered the intrinsic value of things, which depends only on their usefulness to the Life of Man; or [Men] had agreed, that a little piece of yellow Metal, which would keep without wasting or decay, should be worth a great piece of Flesh, or a whole heap of Corn; though Men had a Right to appropriate, by their Labour, each one to himself, as much of the things of Nature, as he could use: Yet this could not be much, nor to the Prejudice of others, where the same plenty was still left, to those who would use the same Industry. To which let me add, that he who appropriates land to himself by his labour, does not lessen but increase the common stock of mankind. For the provisions serving to the support of humane life, produced by one acre of inclosed and cultivated land, are (to speak much within compass) ten times more, than those, which are yielded by an acre of Land, of an equal richness, lying wast in common. And therefore he, that incloses Land and has a greater plenty of the conveniency of life from ten acres, than he could have from an hundred left to Nature, may truly be said, to give ninety acres to Mankind. For his labour now supplies him with provisions out of ten acres, which were but the product of an hundred lying in common. I have here rated the improved land very low in making its product but as ten to one, when it is much nearer an hundred to one. For I ask whether in the wild woods and uncultivated waste of America left to Nature, without any improvement, tillage or husbandry, a thousand acres will yield the needy and wretched inhabitants as many conveniences of life as ten acres of equally fertile land doe in Devonshire where they are well cultivated.

Before the Appropriation of Land, he who gathered as much of the wild Fruit, killed, caught, or tamed, as many of the Beasts as he could; he that so employed his Pains about any of the

spontaneous Products of Nature, as any way to alter them, from the state which Nature put them in, by placing any of his Labour on them, did thereby acquire a Property in them: But if they perished, in his Possession, without his due use; if the Fruits rotted, or the Venison putrid, before he could spend it, he offended against the common Law of Nature, and was liable to be punished; he invaded his Neighbour's share, for he had no Right, farther than his Use called for any of them, and they might serve to afford him Conveniencies of Life.

The same measures governed the Possession of Land too: Whatever he tilled and reaped, laid up and made use of, before it spoiled, that was his peculiar Right; whatsoever he enclosed, and could feed, and make use of, the Cattle and Product was also his. But if either the Grass of his Inclosure rotted on the Ground, or the Fruit of his planting perished without gathering, and laying up, this part of the Earth, notwithstanding his Inclosure, was still to be looked on as Waste, and might be the Possession of any other. Thus, at the beginning, Cain might take as much Ground as he could till, and make it his own Land, and yet leave enough to Abel's Sheep to feed on; a few Acres would serve for both their Possessions. But as Families increased, and Industry enlarged theirStocks, their Possessions enlarged with the need of them; but yet it was commonly without any fixed property in the ground they made use of, till they incorporated, settled themselves together, and built Cities, and then, by consent, they came in time, to set out the bounds of their distinct Territories, and agree on limits between them and their Neighbours, and by Laws within themselves, settled the Property of those of the same Society. For we see, that in that part of the World which was first inhabited, and therefore like to be best peopled, even as low down as Abraham's time, they wandred with their Flocks, and their Herds, which was their substance, freely up and down; and this Abraham did, in a Country where he was a Stranger. Whence it is plain, that at least, a great part of the Land lay in common; that the Inhabitants valued it not, nor claimed Property in any more than they made use of. But when there was not room enough in the same place,
for their Herds to feed together, they, by consent, as Abraham and Lot did, Gen. xiii. 5, separated and enlarged their pasture, where it best liked them. And for the same Reason Esau went from his Father, and his Brother, and planted in Mount Seir, Gen. xxxvi. 6.

39. And thus, without supposing any private Dominion, and property in Adam, over all the World, exclusive of all other Men, which can no way be proved, nor any ones Property be made out from it; but supposing the World given as it was to the Children of Men in common, we see how labour could make Men distinct titles to several parcels of it, for their private uses; wherein there could be no doubt of Right, no room for quarrel.

40. Nor is it so strange, as perhaps before consideration it may appear, that the Property of labour should be able to over-balance the Community of Land. For 'tis Labour indeed that puts the difference of value on every thing; and let any one consider, what the difference is between an Acre of Land planted with Tobacco, or Sugar, sown with Wheat or Barley; and an Acre of the same Land lying in common, without any Husbandry upon it, and he will find, that the improvement of labour makes the far greater part of the value. I think it will be but a very modest Computation to say, that of the Products of the Earth useful to the Life of Man 1/40 are the effects of labour: nay, if we will rightly estimate things as they come to our use, and cast up the several Expences about them, what in them is purely owing to Nature, and what to labour, we shall find, that in most of them 1/20 are wholly to be put on the account of labour.

41. There cannot be a clearer demonstration of any thing, than several Nations of the Americans are of this, who are rich in Land, and poor in all the Comforts of Life; whom Nature having furnished as liberally as any other people, with the materials of

§ 42.

Plenty, i.e. a fruitful Soil, apt to produce in abundance, what might serve for food, rayment, and delight; yet for want of improving it by labour, have not one hundredth part of the Conveniences we enjoy: And a King of a large and fruitful Territory there feeds, lodges, and is clad worse than a day Labourer in England.

42. To make this a little clearer, let us but trace some of the ordinary provisions of Life, through their several progressions, before they come to our use, and see how much they receive of their value from Human Industry. Bread, Wine and Cloth, are things of daily use, and great plenty, yet notwithstanding, Acorns, Water, and Leaves, or Skins, must be our Bread, Drink and Clothing, did not labour furnish us with these more useful Commodities. For whatever Bread is more worth than Acorns, Wine than Water, and Cloth or Silk than Leaves, Skins, or Moss, that is wholly owing to labour and Industry. The one of these being the Food and Rayment which unassisted Nature furnishes us with; the other provisions which our Industry and pains prepare for us, which how much they exceed the other in value, when any one hath computed, he will then see, how much labour makes the far greater part of the value of things, we enjoy in this World: And the ground which produces the materials, is scarce to be reckoned in, as any, or at most, but a very small, part of it; So little, that even amongst us, Land that is left wholly to Nature, that hath no improvement of Pasture, Tillage, or Planting, is called, as indeed it is, waste; and we shall find the benefit of it amount to little more than nothing. This shews, how much numbers of men are to be preferred to largeness of dominions, and that the increase of lands

28-9 See i., § 135, 7, verbal parallel.
31 See i., § 177, 4-5. It is obvious from these parallels that this paragraph was written with Filmer's argument and Filmer's text in mind. Locke is sketching his account of the passage from a state of nature to a state of society in terms of biblical history.
§ 39 Also clearly directed against Filmer: its argument occupies a great deal of the First Treatise, which surely would have been referred to here if it had been written at the time.
and the right imploving of them is the great art of government. And that Prince who shall be so wise and godlike as by established laws of liberty to secure protection and encouragement to the honest industry of Mankind against the oppression of power and narrowness of party will quickly be too hard for his neighbours. But this bye the bye. To return to the argument in hand.

43. An Acre of Land that bears here Twenty Bushels of Wheat, and another in America, which, with the same Husbandry, would do the like, are, without doubt, of the same natural, intrinsic Value. But yet the Benefit Mankind receives from the one, in a Year, is worth 5 l. and from the other possibly not worth a Penny, if all the Profit an Indian received from it were to be valued, and sold here; at least, I may truly say, not yeare. 'Tis Labour then which puts the greatest part of Value upon Land, without which it would scarcely be worth any thing: 'tis to that we owe the greatest part of all its useful Products: for all that the Straw, Bran, Bread, of that Acre of Wheat, is more worth than the Product of an Acre of good Land, which lies waste, is all the Effect of Labour. For 'tis not barely the Ploughman's Pains, the Reaper's and Thresher's Toil, and the Bakers Sweat, is to be counted into the Bread we eat; the Labour of those who broke the Oxen, who digged and wrought the Iron and Stones, who felled and framed the Timber employed about the Plough, Mill, Oven, or any other Utensils, which are a vast Number, requisite to this Corn, from its being seed to sown to its being made Bread, must all be charged on the account of Labour, and received as an effect of that: Nature and the Earth furnished only the almost worthless Materials, as in themselves. 'Twould be a strange Catalogue of things, that Industry provided and made use of, about every Leaf of Bread, before it came to our use, if we could trace them; Iron, Wood, Leather, Bark, Timber, Stone, Bricks, Coals, Lime, Cloth, Dying-Drugs, Pitch, Tar, Masts, Ropes, and all the Materials made use of in the Ship, that brought any of the Commodities made use of by any of the Workmen, to any part of the Work, all which, 'twould be almost impossible, at least too long, to reckon up.

44. From all which it is evident, that though the things of Nature are given in common, yet Man (by being Master of himself, and Proprietor of his own Person, and the Actions or Labour of it) had still in himself the great Foundation of Property; and that which made up the great part of what he applied to the Support or Comfort of his being, when Invention and Arts had improved the conveniences of Life, was perfectly his own, and did not belong in common to others.

45. Thus Labour, in the Beginning, gave a Right of Property, wherever any one was pleased to employ it, upon what was common, which remained, a long while, the far greater part, and is yet more than Mankind makes use of. Men, at first, for the most part, contented themselves with what un-assisted Nature offered to their Necessities: and though afterwards, in some parts of the World, (where the Increase of People and Stock, with the Use of Money) had made Land scarce, and so of some Value, the several Communities settled the Boundaries of their distinct Territories, and by Laws within themselves, regulated the Properties of the private Men of their Society, and so, by Compact and Agreement, settled the Property which Labour and Industry began; and the Leagues that have been made between several States and Kingdoms, either expressly or tacitly disowning all Claim and Right to the Land in the others Possession, have, by common Consent, given up their Pretences to their natural common Right, which originally they had to those Countries, and so have, by mutuo agreement, settled a Property amongst themselves, in distinct Parts and parcels of the Earth: yet there are still great Parts of Ground to be found, which (the Inhabitants thereof not having joined with the rest of Mankind, in the consent of the Use of their common Money) lie waste, and are more than the People, who dwell on it, do, or can make use of, and so still lie in common. This can scarce happen amongst that part of Mankind, that have consented to the Use of Money.

46. The greatest part of things really useful to the Life of Man, and such as the necessity of subsisting made the first Commoners of

§45. Beginning of the argument promised in 11, §§ 36, 39-40, continued until § 51; compare it, § 184.

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the World look after, as it doth the Americans now, are generally things of short duration; such as, if they are not consumed by use, will decay and perish of themselves: Gold, Silver, and Diamonds, are things, that Fancy or Agreement hath put the Value on, more then real Use, and the necessary Support of Life. Now of those good things which Nature hath provided in common, every one had a Right (as hath been said) to as much as he could use, and had a Property in all that he could affect with his Labour: all that his Industry could extend to, to alter from the State Nature had put it in, was his. He that gathered a Hundred Bushels of Acorns or Apples, had thereby a Property in them; they were his Goods as soon as gathered. He was only to look that he used them before they spoiled; else he took more then his share, and robb'd others. And indeed it was a foolish thing, as well as dishonest, to hoard up more than he could make use of. If he gave away a part to any body else, so that it perished not uselessly in his Possession, he also made use of. And if he also bartered away Plumbs that would have rotted in a Week, for Nuts that would last good for his eating a whole Year, he did no injury; he wasted not the common Stock; destroyed no part of the portion of Goods that belonged to others, so long as nothing perished uselessly in his hands. Again, if he would give his Nuts for a piece of Metal, pleased with its colour; or exchange his Sheep for Shells, or Wool for a sparkling Pebble or a Diamond, and keep those by him all his Life, he invaded not the Right of others, he might heap up as much of these dumber things as he pleased; the exceeding of the bounds of his just Property not lying in the largeness of his Possession, but the perishing of any thing uselessly in it.

§ 47. And thus came in the use of Money, some lasting thing that Men might keep without spoiling, and that by mutual consent

§ 46 3-7 Compare ii 184, 17-18 and note, and Locke’s Considerations of Interest and Money, drafted about 1668, published in 1692 (see Introduction, 29 and note). For mankind, having consented to put an imaginary value upon gold and silver, by reason of their durability, scarcity, and not being liable to be counterfeited, have made them, by general consent, the common pledges. It is universal consent, world-wide, for foreigners are insisted on (Works, i 801, v 22). There is some resemblance between Locke’s account of the origin and functions of money and that of Matthew Wren, Monopoly Asserted, 1650, see p. 22 on. Locke owned this book (f. and l. 1661).

§ 47. Compare Considerations: Money has a value, as it is capable, by exchange, to procure us the necessaries, or conveniences of life, and in this it has the nature of a commodity (1801, 1, 34).

§ 48-50 PROPERTY

Men would take in exchange for the truly useful, but perishable Supports of Life.

§ 48. And as different degrees of Industry were apt to give Men Possessions in different Proportions, so this Invention of Money gave them the opportunity to continue and enlarge them. For supposing an Island, separate from all possible Commerce with the rest of the World, wherein there were but a hundred Families, but there were Sheep, Horses and Cows, with other useful Animals, whosoever Fruits, and Land enough for Corn for a hundred thousand times as many, but nothing in the Island, either because of its Commonness, or Perishableness, fit to supply the place of Money: What reason could any one have there to enlarge his Possessions beyond the use of his Family, and a plentiful supply to its Consumption, either in what their own Industry produced, or they could barter for like perishable, useful Commodities, with others? Where there is not something both lasting and scarce, and so valuable to be hoarded up, there Men will not be apt to enlarge their Possessions of Land, were it never so rich, never so free for them to take. For I ask, What would a Man value Ten Thousand, or an Hundred Thousand Acres of excellent Land, ready cultivated, and well stocked too with Cattle, in the middle of the in-laid Parts of America, where he had no hopes of Commerce with other Parts of the World, to draw Money to him by the Sale of the Product? It would not be worth the inclosing, and we should see him give up again to the wild Common of Nature, whatever was more than would supply the Conveniencies of Life to be had there for him and his Family.

§ 49. Thus in the beginning all the World was America, and more so than that is now; for no such thing as Money was any where known. Find out something that hath the Use and Value of Money amongst his Neighbours, you shall see the same Man will begin presently to enlarge his Possessions.

§ 50. But since Gold and Silver, being little useful to the Life of Man in proportion to Food, Rayment, and Carriage, has its value only from the consent of Men, whereof Labour yet makes,
in great part, the measure, it is plain, that Men have agreed to disproportionate and unequal Possession of the Earth, they having by a tacit and voluntary consent found out a way, how a man may fairly possess more land than he himself can use the product of, by receiving in exchange for the overplus, Gold and Silver, which may be hoarded up without injury to any one, these metals nor spoiling or decaying in the hands of the possessor. This partage of things, in an inequality of private possessions, men have made practicable out of the bounds of Societie, and without compact, only by putting a value on gold and silver and tacitly agreeing in the use of Money. For in Governments the Laws regulate the right of property, and the possession of land is determined by positive constitutions.

51. And thus, I think, it is very easy to conceive without any difficulty, how Labour could at first begin a title of Property in the common things of Nature, and how the spending it upon our uses bounded it. So that there could then be no reason of quarrelling about Title, nor any doubt about the largeness of Possession it gave. Right and convenience went together; for as a Man had a Right to all he could imploy his Labour upon, so he had no temptation to labour for more than he could make use of. This left no room for Controversie about the Title, nor for Incoherence on the Right of others; what Portion a Man carved to himself, was easily seen, and it was useless as well as dishonest to carve himself too much, or take more than he needed.

§ 59 4-10. Passage extensively corrected in the Christ's copy, in such a way as to make parts of text in lines 5-9 unrecognizable except by comparison with text in 1st Collected edition, 1714, and 4th edition, 1715. The original printed version reads very oddly, containing such phrases as 'the consent of Men have agreed', which has been subject of some learned commentary—for example, Kendall, 1941, 84. McPherson, 1962, has some trenchant things to say on this passage as an implied, or overt, justification of capitalistic accumulation, see 299-10.

§ 51 Von Leyden compares this paragraph and §§ 51 and 56 with the statements about property in Locke's Essay on the Law of Nature (1690, 204-15).
1-2. This curiously repetitive phrase may also be a result of confusion in Locke's manuscript, here uncorrected.

12. With the end of this paragraph and chapter also ends the section of the 1st edition which could have been involved in the printing difficulties of 1689; compare note on 1, § 167, 20, and Laslett 1952 (iv), 1954 (ii).

§ 52. Chapter vi. This chapter is obviously directed against Filmer, who is mentioned by name in § 61, and so seems clearly to belong to the original writing of 1690. Its argument is presented at greater length in The First Treatise, there are repetitions of phrases and of biblical citations. It is remarkable how evasive Locke is about the 4th Commandment throughout this chapter. There can be no doubt that this commandment provided the secure biblical basis for traditional patriarchalism, and for social subjection generally. See Laslett, 1956, chap. 8; Schochet, 1967; Dunn, 1969 (c), especially pp. 76-9.

1-3. Compare i, § 53, 22-1, note and references: Strauss, 1953, 222, sees in this a hint by Locke at the status of this 'discourse'; see Introduction, 86, note 9.

8-19. The argument that the mother's authority is equal to that of the father is developed extensively in The First Treatise, and a cross-reference is given in 1, § 6, 51, against §§ 11, 21—in general, chapter vi. of that treatise (§s 30-71). The appeal to reason is made in i, § 51, and to revelation in i, § 61, where these four texts are cited.

10. 'Parental'—see it, § 69, 2 and note.

11. 'Right of Generation'—particularly attacked in i, § 52 in 1, § 18, 28 and 3; § 50, 20. Grotius is attacked by implication, since Filmer uses him, but there is no reason to suppose that Locke had anyone but Filmer in mind. Hobbes's similar argument in Leviathan, chapter 20, looks coincident: it was attacked by Filmer, 241.
Men from running into those gross mistakes, they have made, about this Power of Parents: which however it might, without any great harshness, bear the name of Absolute Dominion, and Regal Authority, when under the Title of Paternal Power it seem'd appropriated to the Father, would yet have sounded but oddly, and in the very name shewn the Absurdity, if this supposed Absolute Power over Children had been called Parental, and thereby have discover'd, that it belong'd to the Mother too; for it will but very ill serve the turn of those Men who contend so much for the Absolute Power and Authority of the Fatherhood, as they call it, that the Mother should have any share in it. And it would have but ill supported the Monarchy they contend for, when by the very name it appeared that that Fundamental Authority from whence they would derive their Government of a single Person only, was not plac'd in one, but two Persons jointly. But to let this of Names pass.

54. Though I have said above, Chap. II, That all Men by Nature are equal, I cannot be supposed to understand all sorts of Equality: Age or Virtue may give Men a just Precedency: Excellency of Parts and Merit may place others above the Common Level: Birth may subject some, and Alliance or Benefits others, to pay an Observance to those to whom Nature, Gratitude or other Respects may have made it due; and yet all this consits with the Equality, which all Men are in, in respect of Jurisdiction or Dominion one over another, which was the Equality I there spoke of, as proper to the Business in hand, being that equal Right that every Man hath, to his Natural Freedom, without being subjected to the Will or Authority of any other Man.

55. Children, I confess are not born in this full state of Equality, though they are born to it. Their Parents have a sort of Rule and Jurisdiction over them when they come into the World, and for some time after, but 'tis but a temporary one. The Bonds of this Subjection are like the Swaddling Cloths they are wrap't up in, and supported by, in the weakness of their Infancy. Age and Reason as they grow up, loosen them till at length they drop quite off, and leave a Man at his own free Disposal.

§ 54: 'Chap. II'—a late correction from 'v'. Originally, perhaps, a paragraph rather than a chapter reference, to what is now II, § 4: see note there. On the statements about equality, compare II, § 4, 6–16.
he must prescribe to his Will, and regulate his Actions; but when he comes to the Estate that made his Father a Freeman, the Son is a Freeman too.

39. This holds in all the Laws a Man is under, whether Natural or Civil. Is a Man under the Law of Nature? What made him free of that Law? What gave him a free disposing of his Property according to his own Will, within the compass of that Law? I answer; State of Maturity wherein he might be supposed could know that Law, that so he might keep his Actions within the Bounds of it. When he has acquired that state, he is presumed to know how far that Law is to be his Guide, and how far he may make use of his Freedom, and so comes to have it; till then, some Body else must guide him, who is presumed to know how far the Law allows a Liberty. If such a state of Reason, such an Age of Discretion made him free, the same shall make his Son free too. Is a Man under the Law of England? What made him free of that Law? That is, to have the Liberty to dispose of his Actions and Possessions according to his own Will, within the Permission of that Law? A capacity of knowing that Law. Which is supposed by that Law, at the Age of one and twenty years, and in some cases sooner. If this made the Father free, it shall make the Son free too. Till then we see the Law allows the Son to have no Will, but he is to be guided by the Will of his Father or Guardian, who is to understand for him. And if the Father die, and fail to substitute a Deputy in this Trust, if he hath not provided a Tutor to govern his Son during his Minority, during his want of Understanding, the Law takes care to do it; some other must govern him, and be a Will to him, till he hath attained to a State of Freedom, and his Understanding be fit to take the Government of his Will. But after that, the Father and Son are equally free as much as Tutor and Pupil after Nonage; equally Subjects of the same Law together, without any Dominion left in the Father over the Life, Liberty, or Estate of his Son, whether they be only in the State and under the Law of Nature, or under the positive Laws of an Establish’d Government.

60. But if through defects that may happen out of the ordinary course of Nature, any one comes not to such a degree of Reason, wherein he might be supposed capable of knowing the Law, and so living within the Rules of it, he is never capable of being a Free
Man, he is never let loose to the disposal of his own Will, because he knows no bounds to it, has not Understanding, its proper Guide) but is continued under the Tuition and Government of others, all the time his own Understanding is incapable of that Charge. And so Laws and Idols are never yet free from the Government of their Parents, Children, who are not as yet come unto those years wherein they may have; and Innocents which are excluded by a natural defect from ever having. Thirdly, Madmen, which for the present cannot possibly have the use of right Reason to guide themselves, have for their Guide, the Reason that guideth other Men which are Tutors over them, to seek and procure their good for them, says Hooker.

Eccl. Pol. Lib. 1. Sect. 7. All which seems no more than that Duty, which God and Nature has laid on Man as well as other Creatures, to preserve their Offspring, till they can be able to shift for themselves, and will scarce amount to an instance or proof of Parents Regal Authority.

61. Thus we are born Free, as we are born Rational; not that we have actually the Exercise of either: Age that brings one, brings with it the other too. And thus we see how natural Freedom and Submission to Parents may consist together, and are both founded on the same Principle. A Child is Free by his Father's Title, by his Father's Understanding, which is to govern him, till he hath it of his own. The Freedom of a Man at years of discretion, and the Submission of a Child to his Parents, whilst yet short of that Age, are so consistent, and so distinguishable, that the most blinded Contenders for Monarchy, by Right of Fatherhood, cannot miss this difference, the most obstinate cannot but allow their consistency. For were their Doctrine all true, were the right Heir of Adam now known, and by that Title settled a Monarch in his Throne, invested with all the Absolute, Unlimited Power Sir R. F. talks of; if he should die as soon as his Heirs was born, must not the Child, notwithstanding he were never so free, never so much Sovereign, be in subjection to his Mother and Nurse, to Tutors and Governors,

62. Common-wealths themselves take notice of, and allow that there is a time when Men are to begin to act like Free Men, and therefore till that time require not Oaths of Fealty, or Allegiance, or other publick owning of, or Submission to the Government of their Countries.

63. The Freedom then of Man and Liberty of acting according to his own Will is grounded on his having Reason, which is able to instruct him in that Law he is to govern himself by, and make him know how far he is left to the freedom of his own will. To turn him loose to an unrestrain'd Liberty, before he has Reason to guide him, is not the allowing him the priviledge of his Nature, to be free; but to thrust him out amongst Brutes, and abandon him to a state as wretched, and as much beneath that of a Man, as theirs. This is that which puts the Authority into the Parents hands to govern the Minority of their Children. God hath made it their business to employ this Care on their Offspring, and hath placed in them suitable Inclinations of Tenderness and Concern to temper this power, to apply it as his Wisdom designed it to the Childrens good, as long as they should need to be under it.
64. But what reason can hence advance this Care of the Parents due to their Off-spring into an Absolute Arbitrary Dominion of the Father, whose power reaches no farther, than by such a Discipline as he finds most effectual to give such strength and health to their Bodies, such vigour and rectitude to their Minds, as may best fit his Children to be most useful to themselves and others; and, if it be necessary to his Condition, to make them work when they are able for their own Subsistence. But in this power the Mother too has her share with the Father.

65. Nay, this power so little belongs to the Father by any peculiar right of Nature, but only as he is Guardian of his Children, that when he quits his Care of them, he loses his power over them, which goes along with their Nourishment and Education, to which it is inseparably annexed, and it belongs as much to the Father-Father of an exposed Child, as to the Natural Father of another: So little power does the bare act of begotten give a Man over his Issue, if all his Care ends there, and this be all the Title he hath to the Name and Authority of a Father. And what will become of this Paternal Power in that part of the World where one Woman hath more than one Husband at a time? Or in those parts of America where when the Husband and Wife part, which happens frequently, the Children are all left to the Mother, follow her, and are wholly under her Care and Provision? If the Father die whilst the Children are young, do they not naturally every where owe the same Obedience to their Mother, during their Minority, as to their Father were he alive? And will any one say, that the Mother hath a Legislative Power over her Children? that she can make Standing Rules, which shall be of perpetual Obligation, by which they ought to regulate all the Concerns of their Property, and bound their Liberty all the course of their Lives? Or can she enforce the observation of them with Capital Punishments? For this is the proper power of the Magistrates, of which the Father hath not so much as the shadow. His Command over his Children is but temporary, and reaches not their Life or Property. It is but a help to the weakness and imperfection of their Naught, a Discipline necessary to their Education: And though a Father may dispose of his own Possessions as he pleases, when his Children are out of danger of perishing for want, yet his power extends not to the Lives or Goods, which either their own industry, or another's bounty has made theirs; not to their Liberty neither, when they are once arrived to the infranchisement of the years of discretion. The Father's Empire then ceases, and he can from thence forwards no more dispose of the liberty of his Son, than that of any other Man: And it must be far from an absolute or perpetual Jurisdiction, from which a Man may withdraw himself, having Licence from Divine Authority to leave Father and Mother and cleave to his Wife.

66. But though there be a time when a Child comes to be as free from subjection to the Will and Command of his Father, as the father himself is free from subjection to the Will of any body else, and they are each under no other restraint but that which is common to them both, whether it be the Law of Nature, or municipal Law of their Country: yet this freedom exempts not a Son from that honour which he ought, by the Law of God and Nature, to pay his Parents. God having made the Parents Instruments in his great design of continuing the Race of Mankind, and the occasions of Life to their Children, as he hath laid on them an obligation to nourish, preserve, and bring up their Off-spring; So he has laid on the Children a perpetual Obligation of honouring their Parents, which containing in it an inward esteem and reverence to be shewn by all outward Expressions, ties up the Child from any thing that may ever injure or affront, disturb, or endanger the Happiness or Life of those, from whom he received his; and engages him in all actions of defence, relief, assistance and comfort.

§ 64 4-9 These sentiments recall Locke on Education (already formulated though not written when this was composed, see Introduction, 28), and even his insistence in his paper for the Board of Trade that the children of the poor must work (Introduction, 43): compare Tyrrell, 1681, 19. 

§ 65 5-7 Compare 1, § 100, 7-10 and Tyrrell, 1681, 16: in lines 7-10 of 1, § 100 Locke makes a cross-reference to the Second Treatise, evidently with such passages in this chapter in mind.

17-24 Locke's references here imply denials of the marks of political sovereignty which Filmer found in fatherly power; see 1, § 129, 10-15 and note, ii, § 3 and note. On the right of children to their property, compare Grotius, 1625, ii, 2, 2 and Pufendorf, 1672, vi, ii, 8; Locke's whole argument here and in ii, § 69 (q.v.) is close to Pufendorf's.

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of those, by whose means he entered into being, and has been made capable of any enjoyments of life. From this Obligation no State, no Freedom, can absolve Children. But this is very far from giving Parents a power of command over their Children, or an Authority to make Laws and dispose as they please, of their Lives or Liberties. "Tis one thing to owe honour, respect, gratitude and assistance; another to require an absolute obedience and submission. The honour due to Parents, a Monarch in his Throne owes his Mother, and yet this lessens not his Authority, nor subjects him to her Government.

67. The subjection of a Minor places in the Father a temporary Government, which terminates with the minority of the Child: and the honour due from a Child, places in the Parents a perpetual right to respect, reverence, support and compliance too, more or less, as the Father’s care, cost and kindness in his Education, has been more or less. This ends not with minority, but holds in all parts and conditions of a Man’s Life. The want of distinguishing these two powers; viz. that which the Father hath in the right of Tuition, during Minority, and the right of Honour all his Life, may perhaps have caused a great part of the mistakes about this matter. For to speak properly of them, the first of these is rather the Privilege of Children, and Duty of Parents, than any Prerogative of Paternal Power. The Nourishment and Education of their Children, is a Charge so incumbent on Parents for their Childrens good, that nothing can absolve them from taking care of it. And though the power of commanding and chasting them go along with it, yet God hath woven into the Principles of Humane Nature such a tenderness for their Offspring, that there is little fear that Parents should use their power with too much rigour; the excess is seldom on the severe side, the strong byss of Nature drawing the other way. And therefore God Almighty when he would express his gentle dealing with the Israelites, he tells them, that tho’ he chastain’d them, be chastain’d them as a Man chastains his Son, Deut. 8. 5. i.e. with tenderness and affection, and kept them under no severer Discipline than what was absolutely best for them, and had been less kindness to have slacken’d. This is that power to which Children are commanded Obedience, that the pains and care of their Parents may not be increased, or ill rewarded.

§ 68-69

68. On the other side, honour and support, all that which Gratitude requires to return for the Benefits received by and from them is the indispensable Duty of the Child, and the proper Privileg of the Parents. This is intended for the Parents advantage, as the other is for the Childs; though Education, the Parents Duty, seems to have most power, because the ignorance and infirmities of Childhood stand in need of restraint and correction; which is a visible exercise of Rule, and a kind of Dominion. And that Duty which is comprehended in the word honour, requires less Obedience, though the Obligation be stronger on grown than younger Children. For who can think the Command, Children obey your Parents, requires in a Man that has Children of his own the same submission to his Father, as it does in his yet young Children to him; and that by this Precept he were bound to obey all his Father’s Commands, if out of a conceit of Authority he should have the indiscretion to treat him still as a Boy?

69. The first part then of Paternal Power, or rather Duty, which is Education, belongs so to the Father that it terminates at a certain season; when the business of Education is over it ceases of itself, and is also alienable before. For a Man may put the Tuition of his Son in other hands; and he that has made his Son an Apprentice to another, has discharged him, during that time, of a great part of his Obedience both to himself and to his Mother. But all the Duty of Honour, the other part, remains never the less entire to them; nothing can cancel that. It is so inseparable from them both, that the Father’s Authority cannot dispossess the Mother of this right, nor can any Man discharge his Son from honouring her that bore him. But both these are very far from a power to make Laws, and enforcing them with Penalties that may reach Estate, Liberty, Limbs and Life. The power of Commanding ends with Nonage; and though after that, honour and respect, support and defence, and whatsoever Gratitude can oblige a Man to for the highest benefits he is naturally capable of, be

§ 69 1. “Paternal Power”—Locke seems already to have forgotten his determination in § 52, 10 to call it ‘Parental”; compare n. § 172, 1.

2. “Apprentice”—this association of the filial relationship with apprenticeship is very significant for the social structure of seventeenth-century England; compare n. § 85, 8-16, and Laslett, 1965.


always due from a Son to his Parents; yet all this puts no Scepter into the Father’s hand, no Sovereign Power of Commanding.

He has no Dominion over his Sons Property or Actions, nor any right, that his Will should prescribe to his Sons in all things; however it may become his Son in many things, not very inconvenient to him and his Family, to pay a Deference to it.

70. A Man may owe honour and respect to an ancient, or wise Man; defence to his Child or Friend; relief and support to the Distressed; and gratitude to a Benefactor, to such a degree, that all he has, all he can do, cannot sufficiently pay it; but all these give no Authority, no right to any one of making Laws over him from whom they are owing. And ’tis plain, all this is due not to the bare Title of Father; not only because, as has been said, it is owing to the Mother too; but because these Obligations to Parents, and the degrees of what is required of Children, may be varied, by the different care and kindness, trouble and expense, which is often imposed upon one Child, more than another.

71. This shows the reason how it comes to pass, that Parents in Societies, where they themselves are Subjects, retain a power over their Children, and have as much right to their Subjection, as those who are in the state of Nature, which could not possibly be, if all Political Power were only Paternal, and that in truth they were one and the same thing: For then, all Paternal Power being in the Prince, the Subject could naturally have none of it. But these two Powers, Political and Paternal, are so perfectly distinct and separate; are built upon so different Foundations, and given to so different Ends, that every Subject that is a Father, has as much a Paternal Power over his Children, as the Prince has over his; And every Prince that has Parents owes them as much filial Duty and Obedience as the meanest of his Subjects do to theirs; and can therefore contain not any part or degree of that kind of Dominion, which a Prince, or Magistrate has over his Subject.

72. Though the Obligation on the Parents to bring up their Children, and the Obligation on Children to honour their Parents, contain all the Power on the one hand, and Submission on the other, which are proper to this Relation; yet there is another Power ordinarily in the Father, whereby he has a tie on the Obedience of his Children: which though it be common to him with other Men, yet the occasions of shewing it, almost constantly happening to Fathers in their private Families, and the Instances of it elsewhere being rare, and less taken notice of, it passes in the World for a part of Paternal Jurisdiction. And this is the Power Men generally have to below their Estates on those, whom please them best. The Possession of the Father being the Expectation and Inheritance of the Children ordinarily in certain proportions, according to the Law and Custom of each Country; yet it is commonly in the Father’s Power to bestow it with a more sparing or liberal hand, according as the Behaviour of this or that Child hath comported with his Will and Humour.

73. This is no small Tyre on the Obedience of Children: And there being always annexed to the Enjoyment of Land, a Submission to the Government of the Country, of which that Land is a part; It has been commonly suppos’d, That a Father could oblige his Paterity to that Government, of which he himself was a Subject, and that his Compact held them; whereas, it being only a necessary Condition annex’d to the Land, and the inheritance of an Estate which is under that Government, reaches only those who will take it on that Condition, and so is no natural Tyre or Engagement, but a voluntary Submission. For every Man’s Children being by Nature as free as himself, or any of his Ancestors ever were, may, whilst they are in that Freedom, choose what Society they will join themselves to, what Common-wealth they will put themselves under. But if they will enjoy the Inheritance of their Ancestors, they must take it on the same terms their Ancestors had it, and submit to all the Conditions annex’d to such a Possession. By this Power indeed Fathers oblige their Children to Obedience to themselves, even when they are past Minority, and most commonly too subject them to this or that Political Power. But neither of these by any peculiar right of Fatherhood, but by the Reward they have in their hands to enforce...
and recempence such a Compliance; and is no more Power than what a French-man has over an English-man, who by the hopes of an Estate he will leave him, will certainly have a strong Tye on his Obedience: And if when it is left him, he will enjoy it, he must certainly take it upon the Conditions annex'd to the Possession of Land in that Country where it lies, whether it be France or England.

§ 74. To conclude then, though the Father's Power of commanding extends no farther than the Minority of his Children, and to a degree only fit for the Discipline and Government of that Age: And though that Honour and Respeçt, and all that which the Latins called Pity, which they indispenibly owe to their Parents all their Life times, and in all Estates, with all that Support and Defence [which] is due to them, gives the Father no Power of Governing, i.e. making Laws and enacting Penalities on his Children; Though by all this he has no Dominion over the Property or Actions of his Son: yet 'tis obvious to conceive how easy it was in the first Ages of the World, and in places still, where the thinness of People gives Families leave to separate into unpossessed Quarters, and they have room to remove and plant themselves in yet vacant Habitations, for the Father of the Family to become the Prince of it;* he had been a Ruler from the beginning of the Infancy of his Children: and since without some

* It is an imprebable Opinion, therefore, which the Arch-Philosopher was of, that the chief Person in every Household was always, as it were, a King: So when Numbers of brauchidours join'd themselves in Civil Societies together, Kings were the first kind of Governments amongst them, which is also, as it seemeth, the reason why the name of Fathers continued still in them, who, of Fathers, were made Rulers; as also the ancient Custom of Governments, to be in Masticatories, and being Kings, to exercise the Office of Princes, which Fathers did, at the first, grew perhaps by the same Occasion. However, this is not the only kind of Regiments that has been receiv'd in the World. The Inconveniences of one kind have caus'd sundry other to be devised; so that in a word, all publick Regiments of what kind soever, seemeth evidently to have rais'd from the deliberate Advice, Consultation and Composition between Men, judging it convenient, and behoveful, there being no impossibility in Nature, consider'd by it self, but that Man might have lived without any publick Regiment. Hooker's Eed. P. 1. Sect. 10.

§ 74. * 'which'—inserted by editor to make sense.

§71 PATERNAL POWER

Government it would be hard for them to live together, it was likewise it should, by the express or tacit Consent of the Children, when they were grown up, be in the Father, where it seemed without any change barely to continue; when indeed nothing more was required to it, than the permitting the Father to exercise alone in his Family that executive Power of the Law of Nature, which every Free-man naturally hath, and by that permission resigning up to him a Monarchical Power, which itself they remained in it. But that this was not by any Paternal Right, but only by the Consent of his Children, is evident from hence, That no Body doubts but if a Stranger, whom Chance or Business had brought to his Family, had there kill'd any of his Children, or committed any other Fact, he might Condemn and put him to Death, or otherwise have punished him as well as any of his Children: which it was impossible he should do by virtue of any Paternal Authority over one, who was not his Child, but by virtue of that Executive Power of the Law of Nature, which, as a Man he had a right to: And he alone could punish him in his Family, where the respect of his Children had laid by the Exercise of such a Power, to give way to the Dignity and Authority, they were willing should remain in him, above the rest of his Family.

§75. Thus 'twas easy, and almost natural for Children by a tacit, and scarce avoidable consent to make way for the Father's Authority and Government. They had been accustomed in their Childhood to follow his Direction, and to refer their little differences to him, and when they were Men, who fitter to rule them? Their little Properties, and less Covetousness seldom afforded greater Controversies; and when any should arise, where could they have

parasitical temperment with consent and apart from Divine Right. Locke does not seem to have read or possessed Temple's book, and these sentiments seem to be the result of his consideration of Filmer, and perhaps his acquaintance with Pufendorf.

§74-75 The reference sign is inserted by the editor at this point to show where it seems most likely that Locke wished to draw the attention of his reader to the passage in Hooker, printed without reference sign in the margins of the 1st and later editions. All subsequent citations from Hooker appear in the margins in this way, which makes them even more obviously as later additions, made perhaps about June 1687 after the original text was complete (see note on § 7, § 7-23 and references). The passage is found on pp. 375-74 of Keble's Hooker, 1844, vol. 1 and on p. 86 of Locke's 1846 Hooker. The Arch-Philosopher is of course Aristotle; see the passages in Polides, 1; especially 1525b, which Filmer had made use of.
THE SECOND TREATISE §§ 76–77

a fitter Umpire than he, by whose Care they had every one been sustain'd, and brought up, and who had a tenderness for them all? 'Tis no wonder, that they made no distinction between Minority, and full Age; nor looked after one and Twenty, or any other Age, that might make them the free Disposers of themselves and Fortunes, when they could have no desire to be out of their Pupilage. The Government they had been under, during it, continued still to be more their Protection than restraint: And they could no where find a greater security to their Peace, Liberties, and Fortunes, than in the Rule of a Father.

76. Thus the natural Fathers of Families, by an insensible change, became the politic Monarchs of them too: And as they chanced to live long, and leave able, and worthy Heirs, for several Successions, or otherwise; So they laid the Foundations of Hereditary, or Elective Kingdoms, under several Constitutions, and Manners, according as Chance, Contrivance, or Occasions happen'd to mould them. But if Princes have their Titles in the Fathers Right, and it be a sufficient proof of the natural Right of Fathers to Political Authority, because they commonly were those, in whose hands we find, de facto, the Exercise of Government: I say, if this Argument be good, it will as strongly prove that all Princes, nay Princes only, ought to be Priests, since 'tis as certain, that in the Beginning, The Father of the Family was Priest, as that he was Ruler in his own Household.

CHAP. VII.

Of Political or Civil Society.

77. God having made Man such a Creature, that, in his own Judgment, it was not good for him to be alone, put him under strong Obligations of Necessity, Convenience, and Inclination to drive him into Society, as well as fitted him with Under-

§§ 78–79

POLITICAL SOCIETY

standing and Language to continue and enjoy it. The first Society was between Man and Wife, which gave beginning to that between Parents and Children; to which, in time, that between Master and Servant came to be added: And though all these might, and could, did meet together, and make up but one Family, wherein the Master or Mistress of it had some sort of Rule proper to a Family; each of these, or all together came short of Political Society, as we shall see, if we consider the different Ends, Tyes, and Bounds of each of these.

78. Conjugial Society is made by a voluntary Compact between Man and Woman: and tho' it consist chiefly in such a Communion and Right in one another's Bodies, as is necessary to its chief End, Procreation; yet it draws with it mutual Support, and Assistance, and a Communion of Interest too, as necessary not only to unite their Care, and Affection, but also necessary to their common Offspring, who have a Right to be nourished and maintained by them, till they are able to provide for themselves.

79. For the end of conjunction between Male and Female, being not barely Procreation, but the continuation of the Species, this conjunction between Male and Female ought to last, even after Procreation, so long as is necessary to the nourishment and support of the young Ones, who are to be sustained by those that got them, till they are able to shift and provide for themselves. This Rule, which the infinite wise Maker hath set to the Works of his hands, we find the inferior Creatures steadily obey. In those viviparous Animals which feed on Grass, the conjunction directly pointed at Filmer's text (§§ 91, 93): it is closely parallel to Tyrell's discussion which was overtly directed against Filmer. There is no positive indication of insertions or revision in 1694, though the cross-reference in § 84, 9, may imply some revision at an earlier date. § 77 1–4 Compare the fourth Essay on the Law of Nature. Man 'feels himself... urged to enter into society by a certain propensity of nature, and to be prepared for the maintenance of society by the gift of speech and through the intercourse of language' (Vom Leyden, 1974, 156–7).

§ 78 Compare Tyrell, 1681, 14: 'Marriage, which is a mutual Compact between a Man and a Woman for their Cohabitation, the generation of Children, and their joint care and provision for them.'

§ 79 Natural history of this sort was a persistent pre-occupation of Locke's, and he possessed many of the standard works. The pre-Linnaean, pre-Darwinian system of classification comes out clearly here, as it does in the First Treatise.
between Male and Female lasts no longer than the very Act of Copulation: because the Test of the Dam being sufficient to nourish the Young, till it be able to feed on Grass, the Male only begets, but concerns not himself for the Female or Young, to whose Sustenance he can contribute nothing. But in Beasts of Prey the conjunction lasts longer: because the Dam not being able well to subsist her self, and nourish her numerous Offspring by her own Prey alone, a more laborious, as well as more dangerous way of living, than by feeding on Grass, the Assistance of the Male is necessary to the Maintenance of their common Family, which cannot subsist till they are able to prey for themselves, but by the joint Care of Male and Female. The same is to be observed in all Birds (except some domestick ones, where plenty of food excuses the Cock from feeding, and taking care of the young Brood) whose Young needing Food in the Nest, the Cock and Hen continue Mates, till the Young are able to use their wing, and provide for themselves.

§ 80. And herein I think lies the chief, if not the only reason, why the Male and Female in Mankind are tied to a longer conjunction than other Creatures, viz. because the Female is capable of conceiving, and de facto is commonly with Child again, and Brings forth too a new Birth long before the former is out of a dependancy for support on his Parents help, and able to shift for himself, and has all the assistance is due to him from his Parents: whereby the Father, who is bound to take care for those he hath begot, is under an Obligation to continue in Conjugal Society with the same Woman longer than other Creatures, whose Young being able to subsist of themselves, before the time of Procreation returns again, the Conjugal Bond dissolves of itself, and they are at liberty, till Hymen, at his usual Anniversary Seasons, summons them again to chuse new Mates. Wherein one cannot but admire the Wisdom of the great Creatour, who having given to Man foresight and an Ability to lay up for the future, as well as to supply the present necessity, hath made it necessary, that Society of Man and Wife should be more lasting, than of Male and Female amongst other Creatures; that so their Industry might be encouraged, and their Interest better united, to make Provision, and lay up Goods for their common Issue, which uncertain mixture, or ease and frequent Solutions of Conjugal Society would mightily disturb.

§ § 87-85. POLITICAL SOCIETY

§ 81. But though these are Ties upon Mankind, which make the Conjugal Bonds more firm and lasting in Man, than the other Species of Animals; yet it would give one reason to enquire, why this Conspicuous, where Procreation and Education are secured, and Inheritance taken care for, may not be made determinable, either by consent, or at a certain time, or upon certain Conditions, as well as any other voluntary Compacts, there being no necessity in the nature of the thing, nor to the ends of it, that it should always be for Life; I mean, to such as are under no Restraint of any positive Law, which ordains all such Contracts to be perpetual.

§ 82. But the Husband and Wife, though they have but one common Concern, yet having different understandings, will unavoidably sometimes have different wills too; it therefore being necessary, that the last Determination, i.e. the Rule, should be placed somewhere, it naturally falls to the Man’s share, as the ablest and the stronger. But this reaching but to the things of their common Interest and Property, leaves the Wife in the full and free possession of what by Contract is her peculiar Right, and gives the Husband no more power over her Life, than she has over his. The Power of the Husband being so far from that of an absolute Monarch, that the Wife has, in many cases, a Liberty to separate from him; where natural Right, or their Contract allows it, whether that Contract be made by themselves in the state of Nature, or by the Customs or Laws of the Country they live in; and the Children upon such Separation fall to the Father, or Mother’s Lot, as such Contract does determine.

§ 83. For all the ends of Marriage being to be obtained under Politick Government, as well as in the state of Nature, the Civil Magistrate doth not abridge the Right, or Power of either naturally necessary to those ends, viz. Procreation and mutual Support.

§ 81. 5-7. This guarded hint at the justifiability of divorce was too much for the clerical Ervington, who says: ‘To make the conjugal union determinable by consent, is to introduce a promiscuous conciliarism.’ Locke was prepared to go much further than this, as is seen in the notes in his diary for 1678, 1679, 1680 under the heading Atlantis. He suggests that ‘He that is already married may marry another woman with his left hand…. The ties, duration and conditions of the left hand marriage shall be no other than what is expected in the contract of marriage between the parties’ (Diary, 1678, 1690). On Locke’s Atlantis, see de Marchi, 1955.

§ 82 5. Ervington says that this implies that the right of the husband arises solely from superior power, as indeed it does in Hobbes’s Leviathan, chapter 20, which Locke’s discussion resembles to some extent.
and Assistance whilst they are together; but only decides any Controversie that may arise between Man and Wife about them. If it were otherwise, and that absolute Sovereignty and Power of Life and Death naturally belonged to the Husband, and were necessary to the Society between Man and Wife, there could be no Matrimony in any of those Countries where the Husband is allowed no such absolute Authority. But the ends of Matrimony requiring no such Power in the Husband, the Condition of Conjugal Society put it not in him, it being not at all necessary to that State. Conjugal Society could subsist and obtain its ends without it; nay, Community of Goods, and the Power over them, mutual Assistance, and Maintenance, and other things belonging to Conjugal Society, might be varied and regulated by that Contract, which unites Man and Wife in that Society, as far as may consist with Procreation and the bringing up of Children till they could shift for themselves; nothing being necessary to any Society, that is not necessary to the ends for which it is made.

84. The Society between Parents and Children, and the distinct Rights and Powers belonging respectively to them, I have treated of so largely, in the foregoing Chapter, that I shall not here need to say anything of it. And I think it is plain, that it is far different from a Politick Society.

85. Master and Servant are Names as old as History, but given to those of far different condition; for a Free-man makes himself a Servant to another, by selling him for a certain time, the Service he undertakes to do, in exchange for Wages he is to receive; And though this commonly puts him into the Family of his Master, and under the ordinary Discipline thereof; yet it gives the Master but a Temporary Power over him, and no greater, than what is contained in the Contract between 'em. But there is another sort of Servants, which by a peculiar Name we call Slaves, who being Captives taken in a just War, are by the Right of Nature subjected to the Absolute Dominion and Arbitrary Power of their Masters. These Men having, as I say, forfeited their Lives, and with it their Liberties, and lost their Estates; and being in the State of Slavery, not capable of any Property, cannot in that State be considered as any part of Civil Society; the chief end whereof is the preservation of Property.

86. Let us therefore consider a Master of a Family with all these subordinate Relations of Wife, Children, Servants and Slaves united under the Domestick Rule of a Family; which what resemblance soever it may have in its Order, Offices, and Number too, with a little Common-wealth, yet is very far from it, both in its Constitution, Power and End: Or if it must be thought a Monarchy, and the Paterfamilias the absolute Monarch in it, absolute Monarchy will have but a very shattered and short Power, when 'tis plain, by what has been said before, That the Master of the Family has a very distinct and differently limited Power, both as to time and extent, over those several Persons that are in it; for excepting the Slave (and the Family is as much a Family, and his Power as Paterfamilias as great, whether there be any Slaves in his Family or no) he has no Legislative Power of Life and Death over any of them, and none too but what a Mistress of a Family may have as well as he. And he certainly can have no absolute Power over the whole Family, who has but a very limited one over every individual in it. But how a Family, or any other Society of Men, differ from that, which is properly Political Society, we shall best see, by considering wherein Political Society it self consists.

87. Men being born, as has been proved, with a Title to perfect Freedom, and an uncontroverted enjoyment of all the Rights and Privileges of the Law of Nature, equally with any other Man, or Number of Men in the World, hath by Nature a Power, not only to preserve his Property, that is, his Life, Liberty and Estate, against the Injuries and Attempts of other Men; but to judge of,
and punish the breaches of that Law in others, as he is perswaded the Offence deserves, even with Death it self, in Crimes where the heinousness of the Fact, in his Opinion, requires it. But because no Political Society can be, nor subsist without having in it self the Power to preserve the Property, and in order thereto to punish the Offences of all those of that Society; there, and there only is Political Society, where every one of the Members hath quitted this natural Power, resign’d it up into the hands of the Community in all cases that exclude him not from appealing for Protection to the Law established by it. And thus all private judgment of every particular Member being excluded, the Community comes to be Umpire, by settled standing Rules, indifferent, and the same to all Parties; and by Men having Authority from the Community, for the execution of those Rules, decides all the differences that may happen between any Members of that Society, concerning any matter of right; and punishes those Offences, which any Member hath committed against the Society, with such Penalties as the Law has established: Whereby it is easy to discern who are, and who are not, in Political Society together. Those who are united into one Body, and have a common established Law and Judicature to appeal to, with Authority to decide Controversies between them, and punish Offenders, are in Civil Society one with another: but those who have no such common Appeal, I mean on Earth, are still in the State of Nature, each being, where there is no other, Judge for himself, and Executioner; which is, as I have before shew’d it, the perfect State of Nature.

88. And thus the Commonwealth comes by a Power to set down, what punishment shall belong to the several transgressions which they think worthy of it, committed amongst the Members of that Society, (which is the power of making Laws) as well as it has the power to punish any Injury done unto any of its Members, by any one that is not of it, (which is the power of War and Peace;) and all this for the preservation of the property of all the Members of that Society, as far as is possible. But though every Man who has enter’d into civil Society, and is become a member of any Commonwealth, has thereby quitted his power to punish Offences against the Law of Nature, in prosecution of his own private

18-21 Passage rewritten for 2nd edition.
§ 88 4 and 6 Marks of sovereignty again hinted at; see II, § 11, 6-8 and references.

§ 89

Judgment; yet with the Judgment of Offences which he has given up to the Legislative in all Cases, where he can Appeal to the Magistrate, he has given a right to the Commonwealth to employ his force, for the Execution of the Judgments of the Commonwealth, whenever he shall be called to it; which indeed are his own Judgments, they being made by himself, or his Representative. And herein we have the original of the Legislative and Executive Power of Civil Society, which is to judge by standing Laws how far Offences are to be punished, when committed within the Commonwealth; and also to determin, by occasional Judgments founded on the present Circumstances of the Fact, how far Injuries from without are to be vindicated, and in both these to employ all the force of all the Members when there shall be need.

89. Where-‘ever therefore any number of Men are so united into one Society, as to quit every one his Executive Power of the Law of Nature, and to resign it to the publick, there and there only is a Political, or Civil Society. And this is done where-‘ever any number of Men, in the state of Nature, enter into Society to make one People, one Body Politick under one Supreme Government, or else when any one joyns himself to, and incorporates with any Government already made. For hereby he authorizes the Society, or which is all one, the Legislative thereof to make Laws for him as the publick good of the Society shall require; to the Execution whereof, his own assistance (as to his own Decrees) is due. And this puts Men out of a State of Nature into that of a Commonwealth, by setting up a Judge on Earth, with Authority to determine all the Controversies, and redress the Injuries, that may happen to any Member of the Commonwealth; which Judge is the Legislative, or Magistrates appointed by it. And where-‘ever there are any number of Men, however associated, that have no such decisive power to appeal to, there they are still in the State of Nature.
90. Hence it is evident, that Absolute Monarchy, which by some Men is counted the only Government in the World, is indeed inconsistent with Civil Society, and so can be no Form of Civil Government at all. For the end of Civil Society, being to avoid, and remedy those inconveniences of the State of Nature, which necessarily follow from every Man's being Judge in his own Case, by setting up a known Authority, to which every one of that Society may Appeal upon any Injury received, or Controversie that may arise, and which every one of the Society ought to obey;† where every persons are, who have not such an Authority to Appeale to, for the decision of any difference between them, those persons are still in the State of Nature. And so is every Absolute Prince in respect of those who are under his Dominions.

91. For he being suppos'd to have all, both Legislative and Executive Power in himself alone, there is no Judge to be found, no Appeal lies open to any one, who may fairly, and indifferently, and with Authority decide, and from whose decision relief and redress may be expected of any Injury or Inconvenience, that may be suffered from the Prince or by his Order: So that such a Man, however intolert, Cesar, or Grand Signior, or how you please, is as much in the State of Nature, with all under his Dominions, as he is with the rest of Mankind. For where every any two Men are, who have no standing Rule, and common Judge to Appeal to on Earth for the determination of Controversies of Right between them, there they are still in the State of Nature, and under all the inconveniences of it,¶ with only this woful difference to the publick Power of all Society is above every Soul contained in the same Society; and the principal use of that Power is to give Laws unto all that are under it, which Laws in such Cases we must obey, unless there be reason shew'd which may severally induce, that the Law of Reason, or of God, doth injure the contrary, Hook. Exil. Pol. l. 1. Seft. 16.

† The publick Power of all Society is above every Soul contained in the same Society; and its principal use is to give Laws unto all that are under it, which Laws in such Cases we must obey, unless there be reason shew'd which may severally induce, that the Law of Reason, or of God, doth injure the contrary, Hook. Exil. Pol. l. 1. Seft. 16.

‡ To take away all such mutual Grievances, Injuries and Wrongs, i.e. such as attend Men in the State of Nature. There was no way but only by growing into Composition and

92. For he that thinks absolute Power purifies Mens Bloods, and corrects the baseness of Humane Nature, need read but the History of this, or any other Age to be convinced of the contrary. He that would have been insolent and injurious in the Woods of America, would not probably be much better in a Throne; where perhaps Learning and Religion shall be found out to justify all, that he shall do to his Subjects, and the Sword presently silence all those that dare question it. For what the Protection of Absolute Monarchy is, what kind of Fathers of their Countries it makes Princes to be, and to what a degree of Happiness and Security it carries Civil Society, where this sort of Government is grown to perfection, he that will look into the late Relation of Ceylon, may easily see.

Agreement amongst themselves, by ordaining some kind of Government publick, and by subjecting themselves therunto, that unto whom they granted Authority to Rule and Govern, by them the Peace, Tranquility, and happy Einces of the real might be preserved. Men always knew that where Force and Injury was offered, they might be Defenders of themselves; they knew that however Men may seek their own Commodities, yet if this were done with Injury unto others, it was not to be suffered, but by all Men, and all good Men must be withstood. Finally, they knew that no Man might in reason take upon him to determine his own Right, and according to his own Determination proceed in Maintenance thereof, in as much as every Man is towards himself, and them whom he greatly afflicts, partial; and therefore that Strifes and Troubles would be endless, except they gave their common Consent, all to be ordered by none, whom they should agree upon, without which Consent there would be no reason that one Man should take upon him to be Lord or Judge over another. Hooker's Exil. Pol. l. 1. Seft. 16.
93. In Absolute Monarchie indeed, as well as other Governments of the World, the Subjects have an Appeal to the Law, and Judges to decide any Controversies, and restrain any Violence that may happen betwixt the Subjects themselves, one amongst another. This every one thinks necessary, and believes he deserves to be thought a declared Enemy to Society and Mankind, who should go about to take it away. But whether this be from a true Love of Mankind and Society, and such a Charity as we owe all one to another, there is reason to doubt. For this is no more, than what every Man who loves his own Power, Profit, or Greatness, may, and naturally must do, keep those Animals from hurting or destroying one another who labour and drudge only for his Pleasure and Advantage, and so are taken care of, not out of any Love the Master has for them, but Love of himself, and the Profit they bring him. For if it be asked, what Security, what Fence is there in such a State, against the Violence and Oppression of this Absolute Ruler? The very Question can scarce be born. They are ready to tell you, that it deserves Death only to ask after Safety. Betwixt Subject and Subject, they will grant, there must be Measures, Laws, and Judges, for their mutual Peace and Security: But as for the Ruler, he ought to be Absolute, and is above all such Circumstances: because he has Power to do more hurt and wrong, 'tis right when he does it. To ask how you may be guarded from harm, or injury on that side where the strongest hand is to do it, is presently the Voice of Faction and Rebellion. As if when Men quitting the State of Nature entered into Society, they agreed that all of them but one, should be under the restraint of Laws, but that he should still retain all the Liberty of the State of Nature, increased with Power, and made licentious by Impunity. This is to think that Men are so foolish that they take care to avoid what Mischiefs may be done them by Pole-Cats, or Foxes, but are content, may think it Safety, to be devoured by Lions.

§ 94
94. But whatever Flatterers may talk to amuse Peoples Understandings, it hinders not Men, from feeling: and when they perceive, that any Man, in what Station soever, is out of the Bounds of the Civil Society which they are of; and that they have no Appeal on Earth against any harm they may receive from him, they are apt to think themselves in the State of Nature, in respect of him, whom they find to be so; and to take care as soon as they can, to have that Safety and Security in Civil Society, for which it was first instituted, and for which only they entered into it. And therefore, though perhaps at first, (as shall be shewed more at large hereafter in the following part of this Discourse) some one good and excellent Man, having got a Preeminency amongst the rest, had this Preference paid to his Goodness and Vertue, as to a kind of Natural Authority, that the chief Rule, with Arbitration of their differences, by a tacit Consent devolved into his hands, without any other caution, but the assurance they had of his Uprightness and Wisdom: yet when time, giving Authority, and (as some Men would persuade us) Sacredness to Customs, which the negligent, and unforeseeing Innocence of the first Ages began, had brought in Successors of another Stamp, the People finding their Properties not secure under the Government, as then it was, (whereas Government has no other end but the preservation of Property) could never be safe nor at rest, nor think themselves in Civil Society, till the Legislature was placed in collective Bodies of Men, call them Senate, Parliament, or what you will.

§ 95
11. Perhaps §§ 103-112 are meant (compare Seliger, 160, 249), or even chapter xiv, "Of Prerogative".
22-3. This is Locke's strongest assertion of the preservation of property as the end of government, though it could be a later insertion; see the discussion in Introduction, especially p. 102 and references. Tyrrell, characteristically, puts his similar point in the context of previous discussion: 'I hope this great difficulty which hath puzzled some Divines, which is prior in nature, Propriety or civil Government is now cleared, since it is apparent, Propriety, understood either as the application of material things to the uses of particular Men, or else as the general agreement of many men in the division of a Territory, or Kingdom, must be before Government, one main end of which is to maintain the Dominion or Property before agreed on' (1681, 2nd pagination, 116).
23. "Legislature"—changed by Locke from 'Legislativa'. It means the power of law-making, or the law-making body; compare §§ 153, 16; § 154, 4.
26. Reference sign for Hooker quotation inserted by editor; see note on 11, § 74.
13: Keble's Hooker, 1806, 1, 304-5; Locke's 1676 edition, 86-7, coming a little after the passage given in the footnote to 11, § 74. It is a remarkable fact that the same passage appears again in the footnote to 11, § 111, 8.
please.† By which means every single person became subject, equally with other the meanest Men, to those Laws, which he himself, as part of the Legislative had established: nor could any one, by his own Authority, avoid the force of the Law, when once made, nor by any pretence of Superiority, plead exemption, thereby to License his own, or the Miscarriages of any of his Dependants. No Man in Civil Society can be exempted from the Laws of it.† For if any Man may do, what he thinks fit, and there be no Appeal on Earth, for Redress or Security against any harm he shall do; I ask, Whether he be not perfectly still in the State of Nature, and so can be no part or Member of that Civil Society: unless any one will say, the State of Nature and Civil Society are one and the same thing, which I have never yet found any one so great a Patron of Anarchy as to affirm.

CHAIR VIII.

Of the Beginning of Political Societies.

95. MEN being, as has been said, by Nature, all free, equal and independent, no one can be put out of this Estate, and subjected to the Political Power of another, without his own Consent. The only way whereby any one devests himself of his

† At the first, when some certain kind of Regnunt was once appointed, it may be that nothing was then further thought upon for the manner of governing, but all permitted unto their Wisdom and Discretion, which were in Rudo, till by experience they found this for all parts very inconvenient, so as the thing which they had desired for a remedy, did twist but increase the Sore, which it should have cured. They saw, that to live by one Man’s Will, became the cause of all Men’s misery. This constrained them to come unto Laws wherein all Men might see their Duty beforehand, and knew the Penalties of transgressing them. Hooker’s Ecc. Pol. I. t. Sect. 10.

‡ Civil Law being the Act of the whole Body Politick, doth therefore ever-rule each several part of the same Body. Hooker ibid.

† Reference sign inserted as above: Kehele, 314; 1676, 90, one slight variant. Filington, 1798, contrasts this passage and Locke’s appeal to it with 11. § 12, 13–19, and complains that it leads too directly to government by the will of the people. It certainly implies that the ‘meanest man’ (l. 27) has property and is a political personality.

§ 96 Chapter viii. This chapter clearly formed part of the original critique of Filmer, whose positions are cited and whose language is paraphrased; see notes on 52. Reference sign inserted as above: Kehele, 314; 1676, 90, one slight variant. Filington, 1798, contrasts this passage and Locke’s appeal to it with 11. § 12, 13–19, and complains that it leads too directly to government by the will of the people. It certainly implies that the ‘meanest man’ (l. 27) has property and is a political personality.

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individuals of it, and it being necessary to that which is one body to move one way; it is necessary the body should move that way whether the greater force carries it, which is the consent of the majority: or else it is impossible it should act or continue one Body, one Community, which the consent of every individual that united into it, agreed that it should; and so every one is bound by that consent to be concluded by the majority. And therefore we see that in Assemblies impowered to act by positive Laws where no number is set by that positive Law which impowers them, the all of the Majority passes for the act of the whole, and of course determines, as having by the Law of Nature and Reason, the power of the whole.

97. And thus every Man, by consenting with others to make one Body Politick under one Government, puts himself under an Obligation to every one of that Society, to submit to the determination of the majority, and to be concluded by it; or else this original Compact, whereby he with others incorporates into one Society, would signify nothing, and be no Compact, if he be left free, and under no other ties, than he was in before in the State of Nature. For what appearance would there be of any Compact? What new Engagement if he were no farther tied by any Decrees of the Society, than he himself thought fit, and did actually consent to? This would be still as great a liberty, as he himself had before his Compact, or any one else in the State of Nature hath, who may submit himself and consent to any acts of it if he thinks fit.

98. For if the consent of the majority shall not in reason, be received, as the all of the whole, and conclude every individual; nothing but the consent of every individual can make anything to be the act of the whole: But such a consent is next impossible ever to be had, if we consider the Infirmities of Health, and Avocations of Business, which in a number, though much less than that of a Common-wealth, will necessarily keep many away from the publick Assembly. To which if we add the variety of

§97 The effect, if not the sense and phraseology, of this paragraph is very close to that of Hobbes, Leviathan, chapter 18, headed No man can without injustice presume against the Inquisition of the Sovereign declared by the major part (1654, 125). See note 97, II. 98, 12-14.

§98 This paragraph was extensively modified by Locke in the Christ's copy, though not in such a way as to alter the sense.

§99-100 BEGINNING OF POLITICAL SOCIETIES

Opinions, and contrariety of Interests, which unavoidably happen in all Collections of Men, the coming into Society upon such terms, would be only like Cato's coming into the Theatre, only to go out again. Such a Constitution as this would make the mighty Leviathan of a shorter duration, than the feeblest Creatures; and not let it outlast the day it was born in: which cannot be supposed, till we can think, that Rational Creatures should desire and constitute Societies only to be dissolved. For where the majority cannot conclude the rest, there they cannot act as one Body, and consequently will be immediately dissolved again.

99. Whosoever therefore out of a State of Nature unite into a Community, must be understood to give up all the power, necessary to the ends for which they unite into Society, to the majority of the Community, unless they expressly agreed in any number greater than the majority. And this is done by barely agreeing to unite into one Political Society, which is all the Compact that is, or needs be, between the Individuals, that enter into, or make up a Common-wealth. And thus that, which begins and actually constitutes any Political Society, is nothing but the consent of any number of Freeman capable of a majority to unite and incorporate into such a Society. And this is that, and that only, which did, or could give beginning to any lawful Government in the World.

100. To this I find two Objections made.

First, That there are no Infinities to be found in Story of a Company of Men independent and equal one amongst another, that met together, and in this way began and set up a Government.

11. Martial, Epigrammata, 1, Paeon:

'Cut in theatrum, Cato severe, venisti,
An idem tantum veneris, ut estes?

A common anecdot about Cato of Utica; information from Mr E. J. Kenney.

12-14. A deliberate invocation of the language of Hobbes, clearly sarcastic and not intended as a critical comment on the theory of Leviathan, not on any particular passage in it. See Introduction, 71. Locke and Hobbes agreed on the necessity of the consent of the majority being taken for the act of the whole, and it was Filmer who denied it; see passages cited in note 11, §91, 9. His defence of the majority principle against Filmer must be pronounced unsatisfactory, for he responded to the challenge to prove 'by some law of nature that the major part have the power to ride over the rest of the multitude' (Filmer, 84) by simply asserting that it is 'by the Law of Nature and Reason' (11, §16, 16); compare Allen, 1988.

§100 It is possible that the paragraphs from this point to §111, were added after the original composition, perhaps in 1681, for §132 seems to follow on to §99. See note on II, §§95 (ch. viii), 101; 111; 123 (ch. ix); 132 (ch. x).
5 Secondly, 'Tis impossible of right that Men should do so, because all Men being born under Government, they are to submit to that, and are not at liberty to begin a new one.

101. To the first there is this to Answer. That it is not at all to be wonder'd, that History gives us but a very little account of Men, that lived together in the State of Nature. The inconveniences of that condition, and the love, and want of Society no sooner brought any number of them together, but they presently united and incorporated, if they designed to continue together. And if we may not suppose Men ever to have been in the State of Nature, because we hear not much of them in such a State, we may as well suppose the Armies of Salammanzer, or Xerxes were never Children, because we hear little of them, till they were Men, and imbudded in Armies. Government is everywhere antecedent to Records, and Letters seldom come in amongst a People, till a long continuation of Civil Society has, by other means necessary, Arts provided for their Safety, Ease, and Plenty. And then they begin to look after the History of their Founders, and search into their original, when they have out-lived the memory of it. For 'tis with Common-wealths as with particular Persons, they are commonly ignorant of their own Births and Injuries: And if they know any thing of their Original, they are beholding for it, to the accidental Records, that others have kept of it. And those that we have, of the beginning of any Polities in the World, excepting that of the Jews, where God himself immediately interposed, and which favours not all at Paternal Dominion, are all either plain instances of such a beginning, as I have mentioned, or at least have manifest foot-steps of it.

102. He must shew a strange inclination to deny evident matter of fact, when it agrees not with his Hypothesis, who will

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not allow that the beginning of Rome and Venice were by the uniting together of several Men free and independent one of another, amongst whom there was no natural Superiority or Subjection. And if Josephus Aedifa's word may be taken, he tells us, that in many parts of America there was no Government at all. There are great and apparent Conjectures, says he, that these Men, speaking of those of Peru, for a long time had neither Kings nor Common-wealths, but lived in Troops, as they do this day in Florida, the Cheriquanas, those of Brazil, and many other Nations, which have no certain Kings, but as occasion is offered in Peace or War, they choose their Captains as they please, l. i. c. 15. If it be said, that every Man was born subject to his Father, or the head of his Family. That the subjection due from a Child to a Father, took not away his freedom of uniting into what Political Society he thought fit, has been already proved. But be that as it will, these Men, 'tis evident, were actually free; and whatever superiority some Politicians now would place in any of them, they themselves claimed it not; but by consent were all equal, till by the same consent they set Rulers over themselves. So that their Politick Societies all began from a voluntary Union, and the mutual agreement of Men freely acting in the choice of their Governours, and forms of Government.

103. And I hope those who went away from Sparta with Palantus, mentioned by Justin I. 3. c. 4 will be allowed to have been Freemen independent one of another, and to have set up a Government over themselves, by their own consent. Thus I have given several Examples out of History, of People free and in the State of Nature, that being met together incorporated and began a Common-wealth. And if the want of such instances be an argument to prove

5-7 See ii. § 112, 18-19. Both the obvious objections registered here occur in Filmer, for example, 81 and 232.
§ 101. This paragraph begins the fuller answer about the actual existence of a state of nature preceding the establishment of civil societies, hinted at in ii. § 14, 1-1. It seems possible that in 1681 Locke decided to elaborate his argument on this point, and that this was why he extended his text here—see note on ii. § 100 and references.
9 'Salammanzer'—the Assyrian conqueror (ninth century B.C.); 'Xerxes'—the Persian conqueror (defeated at Salamis, 490 B.C.).
11-12 Compare 3, § 144, 31-2 and 4, § 145, 7.
23-7 These phrases show that Locke has Filmer in mind, and 'manifest foot-steps' is Filmer's own expression (60) ridiculed in 5, § 130.

§ 103. Locke is contradicting Filmer here, see 266 et seq., 220 et seq.
6-11 A citation from Edward Grimestone's translation of Aesop's, The natural and moral history of the fables, 1654, a popular book with Locke, and by his side in 1684. The passage is found on 1, 72 of the 1840 reprint. The Cheriquanas are spelt with 'g' in the original: 'a wild tribe in forests to the east of the Andes'.
14 A reminiscence of Filmer, see passage quoted in note to ii. § 174, 5-8.
§ 103. Palantus was the leader of the Spartans who founded the city of Tarantum in Italy in the eighth century B.C. The account given by Trogus Pompeius is known only from the epitome of his universal history made by Justin in the second or third century A.D. The reference here is probably to the Paris edition of 1545.
that Governments were not, nor could not be so begun, I suppose the Contenders for Paternal Empire were better let alone, than urge it against natural Liberty. For if they can give so many instances out of History, of Governments begun upon Paternal Right, I think (though at best an Argument from what has been, to what should of right be, has no great force) one might, without any great danger, yield them the cause. But if I might advise them in the Case, they would do well not to search too much into the Original of Governments, as they have begun de facto, lest they should find at the foundation of most of them, something very little favourable to the design they promote, and such a power as they contend for.

104. But to conclude, Reason being plain on our side, that Men are naturally free, and the Examples of History shewing, that the Governments of the World, that were begun in Peace, had their beginning laid on that foundation, and were made by the Consent of the People; there can be little room for doubt, either where the Right is, or what has been the Opinion, or Practice of Mankind, about the first erecting of Governments.

105. I will not deny, that if we look back as far as History will direct us, towards the Original of Common-wealths, we shall generally find them under the Government and Administration of one Man. And I am also apt to believe, that where a Family was numerous enough to subsist by itself, and continued entire together, without mixing with others, as it often happens, where there is much Land and few People, the Government commonly began in the Father. For the Father having, by the Law of Nature, the same Power with every Man else to punish, as he thought fit, any Offences against that Law, might thereby punish his transgressing Children even when they were Men, and out of their Pupilage; and they

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were very likely to submit to his punishment, and all joyn with him against the Offender, in their turns, giving him thereby power to Execute his Sentence against any transgression, and so in effect make him the Law-maker, and Governor over all, that remained in Conjunction with his Family. He was fittest to be trusted; Paternal affection secured their Property, and Interest under his Care, and the Custom of obeying him, in their Childhood, made it easier to submit to him, rather than to any other. If therefore they must have one to rule them, as Government is hardly to be avoided amongst Men that live together; who so likely to be the Man, as he that was their common Father; unless Negligence, Cruelty, or any other defect of Mind, or Body made him unfit for it? But when either the Father died, and left his next Heir for want of Age, Wisdom, Courage, or any other Qualities, less fit for Rule: or where several Families met, and consented to continue together: There, 'tis not to be doubted, but they used their natural freedom, to set up him, whom they judged the ablest, and most likely, to Rule well over them. Conformable hereunto we find the People of America, who (living out of the reach of the Conquering Swords, and spreading domination of the two great Empires of Peru and Mexico) enjoy'd their own natural freedom, though, ateria parvus, they commonly prefer the Heir of their deceased King; yet if they find him any way weak, or incapable, they pass him by and set up the stoutest and bravest Man for their Ruler.

106. Thus, though looking back as far as Records give us any account of Peopling the World, and the History of Nations, we commonly find the Government to be in one hand, yet it destroys not that, which I affirm, viz. That the beginning of Political Society depends upon the consent of the Individuals, to joyn into and make one Society; who, when they are thus incorporated, might set up what form of Government they thought fit. But this having given occasion to Men to mistake, and think, that by Nature Government was Monarchical, and belonged to the Father, it may not be amiss here to consider, why People in the beginning generally pitch'd upon this form, which though

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104 A further reference to Filmer and his followers with their 'Paternal Right'.

§ 104 With the limitation to governments begun in peace, see II, § 112, 140.

§ 105 With this paragraph begins a passage continuing to II, § 112 which repeats and extends Locke's concessions to patriarchalism; compare II, § 74, 140-50 and note. Again his argument is close to that of Tyrrell (for example, 1681, § 101 and perhaps even closer to Pufendorf—see De Jure Natuur, 1674, vii, 1, entitled De Canis Impalatibus Instituendos Civiatis, especially § 5. He follows Edward Gee, Filmer's first critic (1638, p. 150), in these comments on Filmer's patriarchalism.
perhaps the Father's Preeminency might in the first institution of some Common-wealths, give a rise to, and place, in the beginning, the Power in one hand; Yet it is plain, that the reason, that continued the Form of Government in a single Person, was not any Regard, or Respect to Paternal Authority; since all petty Monarchies, that is, almost all Monarchies, near their Origin, have been commonly, at least upon occasion, elective.

107. First then, in the beginning of things, the Father's Government of the Childhood of those sprung from him, having accustomed them to the Rule of one Man, and taught them that where it was exercised with Care and Skill, with Affection and Love to those under it, it was sufficient to procure and preserve to Men all the Political Happiness they sought for, in Society. It was no wonder, that they should pitch upon, and naturally run into that Form of Government, which from their Infancy they had been all accustomed to; and which, by experience they had found both easy and safe. To which, if we add, that Monarchy being simple, and most obvious to Men, whom neither experience had instructed in Forms of Government, nor the Ambition or Insolence of Empire had taught to beware of the Encroachments of Prerogative, or the Inconveniences of Absolute Power, which Monarchy, in Succession, was apt to lay claim to, and bring upon them, it was not at all strange, that they should not much trouble themselves to think of Methods of restraining any Exorbitances of those, to whom they had given the Authority over them, and of balancing the Power of Government, by placing several parts of it in different hands. They had neither felt the Oppression of Tyrannical Dominion, nor did the Fashion of the Age, nor their Possessions, or way of living (which afforded little matter for Covetousness or Ambition) give them any reason to apprehend or provide against it: and therefore 'tis no wonder they put themselves into such a Frame of Government, as was not only as I said,

108. Thus we see, that the Kings of the Indians in America, which is still a Pattern of the first Ages in Asia and Europe, whilst the Inhabitants were too few for the Country, and want of People and Money gave Men no Temptation to enlarge their Possessions of Land, or contest for wider extent of Ground, are little more than Generals of their Armies; and though they command absolutely

§ 106 16–18. Compare II, § 135, 10–12. In his journal under 25 March 1679 (compare Introduction, 34) and under the heading Publica, Locke quotes from Sagard's Canada (1650) compare it, § 18 note) on the elective kingship of that region, which nevertheless usually permits the son to succeed to the father's throne. "Their kings are rather obliged by consent and persuasion than compulsion, the public good being the reason of their authority... and this seems to be the state of regal authority in its original in all that part of the world", he writes, and initials the note (B.M. Add. MSS. 1564).

§ 107 18–19. Rewritten by Locke in the Christ's copy, but differences immaterial. The text is considerably modified in minute detail in this area, almost entirely for punctuation.


6 "Generals of their Armies": Locke shared with Tyrrell the view that a frequent origin of kingship was in the military leader, and that the dominance of such a leader may be transitional stage between the state of nature and of society. See Tyrrell, 1651, 81 (the early empires of the Gophs, Vandals, and "our Saxons") and 92–3, referring to the Carthaginians, of the Caribbean islands and Brazil. Indeed Tyrrell actually made a note on the point in Locke's journal for 1658, about the King amongst the inhabitants of the Hudson Bay area, who was "only captain of so many families. Acosta and Levy were probably their other sources, but the most straightforward statement is to be found in the Histoire naturelle et Morals des Indes Occidentales (II and L-2497A, probably by Rochefort, but also attributed to De Temple and De Poincy), Rotterdam, 1658, which Locke possessed. The discussion in Grotius, 1651, I, iii, 8, may be compared and contrasted.

The argument is repeated in the Letters to Toleration: "There are nations in the West India, which have no other end of their society but their mutual defence against their common enemies. In these their capital, or prince, is sovereign commander in time

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§ 109

in War, yet at home and in time of Peace they exercise very little Dominion, and have but a very moderate Sovereignty, the Resolutions of Peace and War, being ordinarily either in the People, or in a Council. Though the War it self, which admits not of Plurality of Governours, naturally devolves the Command into the King's sole Authority.

109. And thus in Israel it self, the chief Business of their Judges, and first Kings seems to have been to be Captains in War, and Leaders of their Armies; which, (besides what is signified by going out and in before the People, which was, to march forth to War, and home again in the Heads of their Forces) appears plainly in the Story of Jephtha. The Ammonites making War upon Israel, the Gileadites, in fear send to Jephtha, a Bastard of their Family, whom they had cast off, and article with him, if he will assist them against the Ammonites, to make him their Ruler; which they do in these words, And the People made him head and captain over them, Judg. ii. 11. which was, as it seems, all one as to be Judge. And be judged Israel, Judg. 12. 7. that is, was their Captain-General, six Years. So when Jotham upbraids the S deciding with the Obligation they had to Gideon, who had been their Judge and Ruler, he tells them, He fought for you, and adventure his life, and delivered you out of the bands of Midian, Judg. 9. 17. Nothing mentioned of him, but what he did as a General, and indeed that

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is all is found in his History, or in any of the rest of the Judges. And Abimelech particularly is called King, though at most he was but their General. And when, being weary of the ill Conduct of Samucl's Sons, the Children of Israel desired a King, like all the nations to judge them, and to go out before them, and to fight their battles, 1 Sam. 8. 20. God granting their Desire, says to Samuel, I will send thee a Man, and thou shalt anoint him to be Captain over my People Israel, that he may save my People out of the hands of the Philistines, c. 9. v. 16. As if the only business of a King had been to lead out their Armies, and fight in their Defence; and accordingly at his Inauguration, pouring a Vial of Oyl upon him, declares to Saul, that the Lord had anointed him to be Captain over his inheritance, c. 10. v. 1. And therefore those, who after Saul's being solemnly chosen and saluted King by the Tribes at Mizpah, were unwilling to have him their King, make no other Objection but this, How shall this Man save us? v. 27. as if they should have said, This Man is unfit to be our King, not having Skill and Conduct enough in War, to be able to defend us. And when God resolved to transfer the Government to David, it is in these Words, But now thy Kingdom shall not continue: The Lord hath sought him a Man after his own heart, and the Lord hath commanded him to be Captain over his People, c. 13. v. 14. As if the whole Kings Authority were nothing else but to be their General: And therefore the Tribes who had stuck to Saul's Family, and opposed David's Reign, when they came to Hebron with terms of Submission to him, they tell him, amongst other Arguments they had to submit to him as to their King, That he was in effect their King in Saul's time, and therefore they had no reason but to receive him as their King now. Also 45 (say they) in time past, when Saul was King over us, then was he that led us out and brought us in Israel, and the Lord said unto thee, thou shalt feed my People Israel, and thou shalt be a Captain over Israel.

110. Thus, whether a Family by degrees grew up into a Commonwealth, and the Fathrly Authority being continued on to the elder Son, every one in his turn growing up under it, tacitly submitted to it, and the easiness and equality of it not offending any one, every one acquiesced, till time seemed to have confirmed it, and settled a right of Succession by Prescription: or whether several Families, or the Descendants of several Families, whom

47-8 II Sam. v. 1.
Chance, Neighbourhood, or Business brought together, uniting into Society, the need of a General, whose Conduct might defend them against their Enemies in War, and the great confidence the Innocence and Sincerity of that poor but virtuous Age (such as are almost all those which begin Governments, that ever came to last in the World) gave Men one of another, made the first Beginners of Common-wealths generally put the Rule into one Man's hand, without any other express Limitation or Restraint, but what the Nature of the thing, and the End of Government required: which ever of these it was, that at first put the rule into the hands of a single person, certain it is that no body was ever intrusted with it but for the publick Good and Safety, and to those Ends in the Infancies of Commonwealths those who had it, commonly used it: And unless they had done so, young Societies could not have subsisted: without such nursing Fathers tender and careful of the publick weale, all Governments would have sunk under the Weakness and Infirmities of their Infancy; and the Prince and the People had soon perished together.

111. But though the Golden Age (before vain Ambition, and amor sceleratus habendi, evil Concupiscence, had corrupted Men minds into a Mistake of true Power and Honour) had more Virtue, and consequently better Governours, as well as less vicious Subjects; and there was then no Stretching Prerogative on the one side to oppress the People; nor consequently on the other any Dispute about Priviledge, to lessen or restrain the Power of the Magistrate; and so no contest betwixt Rulers and People about Governours or Government: Yet, when Ambition and Luxury, in future Ages would retain and increase the Power, without doing the Business, for which it was given, and aided by Plattery, taught Princes to have distinct and separate Interests from their People, Men found it necessary to examine more carefully the Originals and Rights of Government; and to find out ways to restrain the Excesses, and prevent the Abuses of that Power which they having intrusted in another's hands only for their own good, they found was made use of to hurt them.

112. Thus we may see how probable it is, that People that were naturally free, and by their own consent either submitted to the Government of their Father, or united together, out of different Families to make a Government, should generally put the Rule into one Man's hands, and chuse to be under the Conduct of a single Person, without so much as by express Conditions limiting or regulating his Power, which they thought safe enough in his Honesty and Prudence. Though they never dream'd of Monarchy being Sare Divino, which we never heard of among Mankind, till it was revealed to us by the Divinity of this last Age; nor ever allowed Paternal Power to have a right to Dominion,

† At first, when some certain kind of Regiment was once approved, it may be nothing that then further thoughts upon for the manner of governing, but all permitted unto their Wisdom and Discretion which were in Rule, till by experience they found this for all parts very inconvenient; so as the thing which they had devised for a remedy, did indeed but increase the Sore which it should have cured. They saw, that to live by one Man's Will, became the cause of all Men misery. The constraint them to come unto Laws whereof all Men might see their Duty before-hand, and know the Penalties of transgressing them. Hooker's Ecc. Pol. L. 1. Sect. 10.

§ 110 17–23 Modified and partially rewritten in the Christ's copy. On 'nursing Fathers' and his other quasi-patriarchal statements compare 11, note and references.

19–25. For Locke's doctrine of trust, see Introduction, 114 on, and compare in this passage in particular the early words of his Essay Concerning Toleration of 1667: 'The whole trust, power and authority of the magistrate is vested in him for no other purpose, but to be made use of for the good, preservation, and peace of men in that society over which he is set, and therefore this ought to be the standard and measure, according to which he ought to square and proportion his laws, model and frame his government' (Fox Bourne, 1876, i. 170).

§ 111 2 The Latin tag is from Ovid, Metamorphoses, i. 131. This hint of a golden age is a highly traditional element, and is usually assumed to be a description of Locke's state of nature; see Leslie Stephen, 1876 (1902), ii. 137, followed, for example, by Strauss, 1915, 226. If this is the intention it is in sharp contrast with the Hobbesian view of the state of nature, though, as Strauss points out, rather difficult to reconcile with Locke's own account of the Fall, for example, i. §§ 24. 41. Lamprecht, 1918, 127, however, takes the view that it refers not to the state of nature but to the early, virtuous years of established government. As always, Locke's language is inexact, but a close and sympathetic reading of this paragraph and ii. §§ 107, 110 seems to confirm this as the correct view.

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or to be the Foundation of all Government. And thus much may suffice to shew, that as far as we have any light from History, we have reason to conclude, that all peaceful beginnings of Government have been laid in the Consent of the People. I say peaceful, because I shall have occasion in another place to speak of Conquest, which some esteem a way of beginning of Governments.

The other Objection I find urged against the beginning of Politics, in the way I have mentioned, is this, viz.

That all Men being born under Government, some or other, it is impossible any of them should ever be free, and at liberty to unite together, and begin a new one, or ever be able to erect a lawful Government.

If this Argument be good; I ask, how came so many lawful Monarchies into the World? For if any body, upon this supposition, can shew me any one Man in any Age of the World free to begin a lawful Monarchy; I will be bound to shew him Ten other free Men at Liberty, at the same time to unite and begin a new Government under a Regal, or any other Form. It being demonstration, that if any one, born under the Dominion of another, may be so free as to have a right to command others in a new and distinct Empire; every one that is born under the Dominion of another may be so free too, and may become a Ruler, or Subject, of a distinct separate Government. And so by this their own Principle, either all Men, however born, are free, or else there is but one lawful Prince, one lawful Government in the World. And then they have nothing to do but barely to shew us, which is that. Which when they have done, I doubt not but all Mankind will easily agree to pay Obedience to him.

Though it be a sufficient Answer to their Objection to shew, that it involves them in the same difficulties that it doth those they use it against; yet I shall endeavour to discover the weakness of this Argument a little farther.

All Men, say they, are born under Government, and therefore they cannot be at liberty to begin a new one. Every one is born a Subject to his Father, or his Prince, and is therefore under the perpetual eye of Subjection and Allegiance. 'Tis plain Mankind never owned nor considered any such natural subjection, that they were born in, to one or to the other, that tied them, without their own Consents, to a Subjection to them and their Heirs.

For there are no Examples so frequent in History, both Sacred and Prophane, as those of Men withdrawing themselves, and their Obedience, from the Jurisdiction they were born under, and the Family or Community they were bred up in, and setting up new Governments in other places; from whence sprang all that number of petty Common-wealths in the beginning of Ages, and which always multiplied, as long as there was room enough, till the stronger, or more fortunate swallowed the weaker; and those great ones again breaking to pieces, dissolved into lesser Dominions. All which are so many Testimonies against Paternal Sovereignty, and plainly prove, That it was not the natural right of the Father descending to his Heirs, that made Governments in the beginning, since it was impossible, upon that ground, there should have been so many little Kingdoms; all must have been but one Universal Monarchy, if Men had not been at liberty to separate themselves from their Families, and the Government, be it what it will, that was set up in it, and go and make distinct Common-wealths and other Governments, as they thought fit.

This has been the practice of the World from its first beginning to this day: Nor is it now any more hindrance to the freedom of Mankind, that they are born under constituted and ancient Politics, that have established Laws and set Forms of Government, than if they were born in the Woods, amongst the unconfined Inhabitants that ran loose in them. For those who would persuade us, that by being born under any Government, we are naturally Subjects to it, and have no more any title or pretence to the freedom of the State of Nature, have no other reason (hating that of Paternal...
10 Power, which we have already answer'd) to produce it, but only because our Fathers or Progenitors passed away their natural Liberty, and thereby bound up themselves and their Posterity to a perpetual subjection to the Government, which they themselves submitted to. "Tis true, that whatever Engagements or
15 Promises any one has made for himself, he is under the Obligation of them, but cannot by any Compact whatsoever, bind his Children or Posterity. For this Son, when a Man, being altogether as free as the Father, any all of the Father can no more give away the liberty of the Son, than it can of any body else: He may indeed annex such Conditions to the Land, he enjoyed as a Subject of any Commonwealth, as may oblige his Son to be of that Community, if he will enjoy those Possessions which were his Fathers; because that Estate being his Fathers Property, he may dispose or settle it as he pleases.

117. And this has generally given the occasion to mistake in this matter; because Commonwealths not permitting any part of their Dominions to be dismembr'd, nor to be enjoyed by any but those of their Community, the Son cannot ordinarily enjoy the Possessions of his Father, but under the same terms his Father did; by becoming a Member of the Society: whereby he puts himself presently under the Government, he finds there established, as much as any other Subject of that Commonwealth. And thus the Consent of Free-men, born under Government, which only makes them Members of it, being given separately in their turns, as each comes to be of Age, and not in a multitude together; People take no notice of it, and thinking it not done at all, or not necessary, conclude they are naturally Subjects as they are Men.

118. But, 'tis plain, Governments themselves understand it otherwise; they claim no Power over the Son, because of that they had over the Father; nor look on Children as being their Subjects, by their Fathers being so. If a Subject of England have a Child by an English Woman in France, whose Subject is he? Not the King of England's; for he must have leave to be admitted to the Privileges of it. Nor the King of France's; For how then has his Father a liberty to bring him away, and breed him as he pleases? And who ever was judged as a Traitor or Deserter, if he left, or was't against a Country, for being barely born in it of Parents that were Aliens there? 'Tis plain then, by the Practice of Governments themselves, as well as by the Law of right Reason, that a Child is born a Subject of no Country or Government. He is under his Fathers Tuition and Authority, till he come to Age of Discretion; and then he is a Free-man, at liberty what Government he will put himself under; what Body Politick he will unite himself to. For if an English-Man's Son, born in France, be at liberty, and may do so, 'tis evident there is no Tye upon him by his Father being a Subject of this Kingdom; nor is he bound up, by any Compact of his Ancestors. And why then hath not his Son, by the same reason, the same liberty, though he be born anywhere else? Since the Power that a Father hath naturally over his Children, is the same, where-ever they be born; and the Tyes of Natural Obligations, are not bounded by the positive Limits of Kingdoms and Common-wealths.

119. Every Man being, as has been showed, naturally free, and nothing being able to put him into subjection to any Earthly Power, but only his own Consent; it is to be considered, what shall be understood to be a sufficient Declaration of a Mans Consent, to make him subject to the Laws of any Government. There is a common distinction of an express and a tacit consent, which will concern our present Case. No body doubts but an express Consent, of any Man, entering into any Society, makes him a perfect Member of that Society, a Subject of that Government. The difficulty is, what ought to be look'd upon as a tacit Consent, and how far it binds, i.e. how far any one shall be looked on to have

§ 118 Leslie Stephen comments that this paragraph "leads straight to anarchia", 1902, ii. 140. I am indebted to Mr Parry, of Downing College, Cambridge, for the following notes.

4-5 In Locke's day, as in our own, a child of British subjects born in France was a British citizen, under the statute De natis alio, more of 27 Edward III, and it was decided by a case of 1647 that either father or mother would suffice.

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England's; for he must have leave to be admitted to the Privileges of it. Nor the King of France's; For how then has his Father a liberty to bring him away, and breed him as he pleases? And who ever was judged as a Traitor or Deserter, if he left, or war'd against a Country, for being barely born in it of Parents that were Aliens there? 'Tis plain then, by the Practice of Governments themselves, as well as by the Law of right Reason, that a Child is born a Subject of no Country or Government. He is under his Fathers Tuition and Authority, till he come to Age of Discretion; and then he is a Free-man, at liberty what Government he will put himself under; what Body Politick he will unite himself to. For if an English-Man's Son, born in France, be at liberty, and may do so, 'tis evident there is no Tye upon him by his Father being a Subject of this Kingdom; nor is he bound up, by any Compact of his Ancestors. And why then hath not his Son, by the same reason, the same liberty, though he be born anywhere else? Since the Power that a Father hath naturally over his Children, is the same, where-ever they be born; and the Tyes of Natural Obligations, are not bounded by the positive Limits of Kingdoms and Common-wealths.

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This does not seem to have been a general rule, but there were cases of foreign-born children of British parents being formally naturalized in the seventeenth century; see Parry, 1914. They were a free state, free from the sway of a continental one", 1904, 244. Since, however, there was no right of nationality in the law of Locke's day, he is not necessarily wrong in what he says. He was strongly in favour of the naturalization of aliens on social and economic grounds; see Laslett, 1917 (i), 391.

§ 119 7-9. The Fundamental Constitutions of Carolina, Articles 117-18, make provision for just such an express declaration, but Seliger, 1968, p. 276, denies the relevance of this.
consented, and thereby submitted to any Government, where he has made no Expressions of it at all. And to this I say, that every Man, that hath any Possession, or Enjoyment, of any part of the Dominions of any Government, doth thereby give his tacit Consent, and is as far forth obliged to Obedience to the Laws of that Government, during such Enjoyment, as any one under it; whether this his Possession be of Land, to him and his Heirs for ever, or a Lodging only for a Week; or whether it be barely travelling freely on the Highway; and in Effect, it reaches as far as the very being of any one within the Territories of that Government.

To understand this the better, it is fit to consider, that every Man, when he, at first, incorporates himself into any Commonwealth, he, by his uniting himself thereto, annexed also, and submits to the Community those Possessions, which he has, or shall acquire, that do not already belong to any other Government. For it would be a direct Contradiction, for any one, to enter into Society with others for the securing and regulating of Property: And yet to suppose his Land, whose Property he is to be regulated by the Laws of the Society, should be exempt from the Jurisdiction of that Government, to which he himself the Proprietor of the Land, is a Subject. By the same Act therefore, whereby any one unites his Person, which was before free, to any Commonwealth; by the same he unites his Possessions, which were before free, to it also; and they become, both of them, Person and Possession, subject to the Government and Dominion of that Commonwealth, as long as it hath a being. Wherefore therefore, from thenceforth, by Inheritance, Purchase, Permission, or otherways enjoys any part of the Land, so annexed to, and under the Government of that Commonwealth, must take it with the Condition it is under; that is, of submitting to the Government of that Commonwealth, under whose Jurisdiction it is, as far forth, as any Subject of it.

§ 120. Kendall infers from this passage that society vouchsafes property to the individual. Compare 11, § 159, 4-5 and statements in the works on toleration. Locke’s 1st Letter of 1689 implies that the magistrate may ‘change propriety among fellow-subjects’; and the Essay of 1689 says: ‘The magistrate having a power to appoint ways of transferring properties from one man to another, may establish any, so they be universal, equal and without violence and suited to the welfare of that society’ (quoted here from the Huntington MS. The words underlined are omitted in that printed by Fox Bourne (1876, 1, 185)).

§ 121-122. BEGINNING OF POLITICAL SOCIETIES

121. But since the Government has a direct Jurisdiction only over the Land, and reaches the Possessor of it, (before he has actually incorporated himself in the Society) only as he dwells upon, and enjoys that: The Obligation any one is under, by Virtue of such Enjoyment, to submit to the Government, begins and ends with the Enjoyment; so that whenever the Owner, who has given nothing but such a tacit Consent to the Government, will, by Donation, Sale, or otherwise, quit the said Possession, he is at liberty to go and incorporate himself into any other Commonwealth, or to agree with others to begin a new one, in vacuo locis, in any part of the World, they can find free and unpossessed: Whereas he, that has once, by actual Agreement, and any express Declaration, given his Consent to be of any Commonweal, is perpetually and indispensably obliged to be and remain unalterably a Subject to it, and can never be again in the liberty of the State of Nature; unless by any Calamity, the Government, he was under, comes to be dissolved; or else by some publick Act cuts him off from being any longer a Member of it.

122. But submitting to the Laws of any Country, living quietly, and enjoying Privileges and Protection under them, makes not a Man a Member of that Society: This is only a local Protection and Homage due to, and from all those, who, not being in a state of War, come within the Territories belonging to any Government, to all parts whereof the force of its Law extends. But this no more makes a Man a Member of that Society, a perpetual Subject of that Commonwealth, than it would make a Man a Subject to another in whose Family he found it convenient to abide for some time; though, whilst he continued in it, he were obliged to comply with the Laws, and submit to the Government he found there. And thus we see, that Foreigners, by living all their Lives under another Government, and enjoying the Privileges and Protection of it, though they are bound, even in Conscience, to submit to its Administration, as far forth as any Denison; yet do not thereby come to be Subjects or Members of that Commonwealth. Nothing can make any Man so, but his actually entering into it by positive Engagement, and express Promise and Compact. This is that, which I think, concerning the beginning of Political Societies, and that Consent which makes any one a Member of any Commonwealth.

§ 121: 11-18: Dissolution of Government and state of nature, see ii, § 219, note and references.
Chap. IX.

Of the Ends of Political Society and Government.

123. If Man in the State of Nature be so free, as has been said; If he be absolute Lord of his own Person and Possessions, equal to the greatest, and subject to no Body, why will he part with his Freedom? Why will he give up this Empire, and subject himself to the Dominion and Control of any other Power? To which 'tis obvious to Answer, that though in the state of Nature he hath such a right, yet the Enjoyment of it is very uncertain, and constantly exposed to the Invasion of others. For all being Kings as much as he, every Man his Equal, and the greater part no strict Observers of Equity and Justice, the enjoyment of the property he has in this state is very unsafe, very unsecure. This makes him willing to quit this Condition, which however free, is full of fears and continual dangers: And 'tis not without reason, that he seeks out, and is willing to join in Society with others who are already united, or have a mind to unite for the mutual Preservation of their Lives, Liberties and Estates, which I call by the general Name, Property.

124. The great and chief end therefore, of Mens uniting into Commonwealths, and putting themselves under Government, it

§ 123. Chapter X. There is nothing in this short chapter to connect it with what goes before, or what comes after, which seems to be a continuation of the original text from § 99—see notes on it, § 95 (chapter viii), 11, § 100 and 11, § 122 (chapter ii). There are no references to connect it with the critique of Fillmer, though some parallels (see § 124, 8-9; § 125, 1-4; § 126, 3-4) with other statements in the Second Treatise. In form it is a short restatement of his whole position, in brief paragraphs, all leading up to a judgment on James II—see § 121. It seems, therefore, like chapter xv (see note on 11, § 169) to be an insertion of 1689.

16-17. On the extended definition of property set out here, see 11, § 87, 1 note and references. The whole paragraph should be compared and contrasted with the first paragraph of Leviathan, chapter 17, and with it, § 19, 1-3 and references.

§ 124. 1-3. The locus classicus for Locke's view of property in relation to government. Viner (see Introduction, 102) insists that property must here be taken to mean not simply material possessions, but property in the extended sense, the 'Lives, Liberties and Estates' of 11, § 123, 15-16. In the Epistola de Toleratione Locke put

§ 125-126. Ends of Political Society

the Preservation of their Property. To which in the State of Nature there are many things wanting.

First, There wants an established, settled, known Law, received and allowed by common consent to be the Standard of Right and Wrong, and the common measure to decide all Controversies between them. For though the Law of Nature be plain and intelligible to all rational Creatures; yet Men being biased by their Interest, as well as ignorant for want of study of it, are not apt to allow of it as a Law binding to them in the application of it to their particular Cases.

Secondly, In the State of Nature there wants a known and indifferent Judge, with Authority to determine all differences according to the established Law. For every one in that state being both Judge and Executioner of the Law of Nature, Men being partial to themselves, Passion and Revenge is very apt to carry them too far, and with too much heat, in their own Cases; as well as negligence, and unconcernedness, to make them too remiss, in other Mens.

Thirdly, In the state of Nature there often wants Power to back and support the Sentence when right, and to give it due Execution. They who by any Injustice offended, will seldom fail, where they are able, by force to make good their Injustice: such resistance many times makes the punishment dangerous, and frequently destructive, to those who attempt it.

the same point somewhat differently, with material possessions more to the forefront: 'But the pravity of mankind being such that they had rather injuriously prey upon the fruits of another man's labours (aleno labore partis frui) than take pains to provide for themselves, the necessity of preserving men in the possession of what honest industry has already acquired, and also of preserving their liberty and strength, whereby they may acquire what they further want, obliges men to enter into society one with another (ideo homini parta, ut opes et facultates vel ea quibus parantur, ut corporis libertatem et horum, utendi gratia, iuris et consentantur sociis) that by mutual assistance and joint force they may secure unto each other their properties, in the things that contribute to the comfort and happiness of this life (ut mutuo auxilio et jure vicibus harum remun ad vitam utilis et sicque privata et secutur possidet)!' (Klibansky and Gough, 1956, 124). Compare Macpherson, 1961, 511.


4-7. The mention of 'Passion' recalls Hobbes, Leviathan, chapter 17 (1651, 115, etc.), and the insistence on partiality recalls Hooker (1661, 5, 395, compare 11, § 91 and English Treat of 1666, 10). It is not demonstrable that Locke had either writer in mind.
127. Thus Mankind, notwithstanding all the Priviledges of the state of Nature, being but in an ill condition, while they remain in it, are quickly driven into Society. Hence it comes to pass, that we seldom find any number of Men live any time together in this State. The inconveniences, that they are therein exposed to, by the irregular and uncertain exercise of the Power every Man has of punishing the transgressions of others, make them take Sanctuary under the establish’d Laws of Government, and therein seek the preservation of their Property. 'Tis this makes them so willingly give up every one his single power of punishing to be exercised by such alone as shall be appointed to it amongst them, and by such Rules as the Community, or those authorised by them to that purpose, shall agree on. And in this we have the original right and rise of both the Legislative and Executive Power, as well as of the Governments and Societies themselves.

128. For in the State of Nature, to omit the liberty he has of innocent Delights, a Man has two Powers. The first is to do whatsoever he thinks fit for the preservation of himself and others within the permission of the Law of Nature; by which Law common to them all, he and all the rest of Mankind are on Community, make up one Society distinct from all other Creatures. And were it not for the corruption, and viciousness of degenerate Men, there would be no need of any other; no necessity that Men should separate from this great and natural Community, and by positive agreements combine into smaller and divided associations.

The other power a Man has in the State of Nature, is the power to punish the Crimes committed against that Law. Both these he gives up, when he joyns in a private, if I may so call it, or particular Political Society, and incorporates into any Commonwealth, separate from the rest of Mankind.

129. The first Power, viz. of doing whatsoever he thought fit for the Preservation of himself, and the rest of Mankind, he gives up to be regulated by Laws made by the Society, so far forth as the preservation of himself, and the rest of that Society shall require;

§ 130. Secondly, the Power of punishing he wholly gives up, and engages his natural force, (which he might before imploy in the Execution of the Law of Nature, by his own single Authority, as he thought fit) to assist the Executive Power of the Society, as the Law thereof shall require. For being now in a new State, wherein he is to enjoy many Conveniencies, from the labour, assistance, and society of others in the same Community, as well as protection from its whole strength; he is to part also with as much of his natural liberty in providing for himself, as the good, prosperity, and safety of the Society shall require: which is not only necessary, but just; since the other Members of the Society do the like.

131. But though Men when they enter into Society, give up the Equality, Liberty, and Executive Power they had in the State of Nature, into the hands of the Society, to be so far disposed of by the Legislative, as the good of the Society shall require; yet it being only with an intention in every one the better to preserve himself his Liberty and Property; (for no rational Creature can be supposed to change his condition with an intention to be worse) the power of the Society, or Legislative constituted by them, can never be supposed to extend further than the common good; but is obliged to secure every ones Property by providing against those three defects above-mentioned, that made the State of Nature so unsafe and uncasse. And so whoever has the Legislative or Supream Power of any Common-wealth, is bound the govern by establish’d standing Laws, promulgated and known to the People, and not by Extemporary Decrees; by indiffernt and upright Judges, who are to decide Controversies by those Laws; And to employ the force of the Community at home, only in the Execution of such Laws, or abroad to prevent or redress Foreign Injuries, and secure the Community from Inroads and Invasion. And all this to be directed to no other end, but the Peace, Safety, and Publick good of the People.

§ 132. These statements, especially lines 12-14, seem likely to be a reference to the actions of James II and the view he took of his position, for they are less appropriate than his other political judgments to the actions of Charles II. This may mark the paragraph, and indeed the whole chapter, as an insertion of 1689; see note on 111. § 131, chapter 10, and compare Ame's note on English Law, 1660, p. 19.
THE SECOND TREATISE

CHAPTER X.

Of the Forms of a Common-wealth.

132. THE Majority having, as has been shew'd, upon Mens first uniting into Society, the whole power of the Community, naturally in them, may impoll all that power in making Laws for the Community from time to time, and Executing those Laws by Officers of their own appointing; and then the Form of the Government is a perfect Democracy: Or else may put the power of making Laws into the hands of a few select Men, and their Heirs or Successors; and then it is an Oligarchy: Or else into the hands of one Man, and then it is a Monarchy: If to him only for Life, but upon his Death the Power only of nominating a Successor to return to them; an Elective Monarchy. And so accordingly of these the Community may make compounded and mixed Forms of Government, as they think good. And if the Legislative Power be at first given by the Majority to one or more Persons only for their Lives, or any limited time, and then the Supream Power to revert to them again; when it is so reverted, the Community may dispose of it again anew into what hands they please, and so constitute a new Form of Government. For the Form of Government depending upon the placing the Supreme Power, which is the Legislative, it being impossible to conceive that an inferior Power should prescribe to a Superior, or any but the Supreme make Laws, according as the Power of making Laws is placed, such is the Form of the Common-wealth.

§ 132. Chapter X. This can be dated before 1689 (see note on § 133, 10), and it follows on from § 99, which can be concluded from the words of its first line, it being presumably the continuation and completion of chapter viii (see notes on §§ 72, 100), written as part of the original critique of Filmer. 10-12. Compare §§ 105, 16-18.

12-24. These statements are point-blank denials of what Filmer had said, and of what Hobbes had said also (Leviathan, chapter 19). They plainly ignore Filmer's acute critique of mixed government in his Amours of a Limited or Mixed Monarchy (Laslett's edition, 277-313), though Locke shared with Filmer the traditional analysis of sovereignty; compare note on ii, § 129, 10-15 and references.

fundamental natural Law, which is to govern even the Legislative it self, is the preservation of the Society, and (as far as will consist with the publick good) of every person in it. This Legislative is not only the supreme power of the Common-wealth, but sacred and unalterable in the hands where the Community have once placed it; nor can any Edict of any Body else, in what Form soever conceived, or by what Power soever backed, have the force and obligation of a Law, which has not its Sanction from that Legislative, which the publick has chosen and appointed. For without this the Law could not have that, which is absolutely necessary to its being a Law, the consent of the Society, over whom no Body can have a power to make Laws, but by their own consent, and by Authority received from them; and therefore all the obedience, which the most solemn Ties any one can be obliged to pay, ultimately terminates in this Supremum Power, and is directed by those Laws which it enacts: nor can any Oaths to any Foreign Power whatsoever, or any Domestic Subordinate Power, discharge any Member of the Society from his Obedience to the Legislative, acting pursuant to their trust, nor oblige him to any Obedience contrary to the Laws so enacted, or farther than they 

† The lawful Power of making Laws to Command whole Politick Societies of Men belonging, is properly unto the same indire Societies, that for any Prince or Potestate of what kind everupon Earth, to exercise the same of him, and not by express Commission immediately and personally received from God, or else by Authority derived at the first from their consent, upon whom persons they impose Laws, it is a better, not more Tyranny. Laws they are not therefore which publick Appoiment hath not made. Hooker's Exe. Pol. I. i. Sect. 10. Of this point we are to note, that such Men naturally have no full and perfect Power to Command whole Politick Multitudes of Men, therefore utterly without our Consent, as such in such sort be at no Time Commanded living. And to be command'd we do consent when that Society, whereof we be a part, hath at any time before consented, without revoking the same after by like universal agreement. Laws therefore humane, of what kind soever, are available by consent. Iib.

original, this is the use, and these are the bounds of the legislative, which is the supreme power in every commonwealth. It is clear, that provision may be made for the security of each man's private possessions; for the peace, riches, and public commodities of the whole people; and, as much as possible, for the increase of their inward strength, against foreign enemies." On the priority of the legislative, compare 17, § 214, especially lines 16 and 17; in the Latin treatise on the civil magistrate (1661) Locke insists that the supreme power is always in the legislative, see page 12. 17 Reference sign for Hooker quotations inserted by editor; see note on it. 15, 15. Passages in Kelle, 1816, II, 107-8, Locke's 1676 edition, 87-8, fairly exactly quoted. Motltnex (1698) cites the first part of this passage to exactly the same effect as Locke.

§ 345 EXTENT OF LEGISLATIVE POWER
do allow; it being ridiculous to imagine one can betided ultimately to obey any Power in the Society, which is not the Supremum.

133. Though the Legislative, whether placed in one or more, whether it be always in being, or only by intervals, tho' it be the Supremum Power in every Common-wealth; yet,

First, It is not, nor can possibly be absolutely Arbitrary over the Lives and Fortunes of the People. For it being but the joynt power of every Member of the Society given up to that Person, or Assembly, which is Legislator, it can be no more than those persons had in a State of Nature before they enter'd into Society, and gave up to the Community. For no Body can transfer to another more power than he has in himself; and no Body has an absolute Arbitrary Power over himself, or over any other, to destroy his own Life, or take away the Life or Property of another. A Man, as has been proved, cannot subject himself to the Arbitrary Power of another; and having in the State of Nature no Arbitrary Power over the Life, Liberty, or Possession of another, but only so much as the Law of Nature gave him for the preservation of himself, and the rest of Mankind; this is all he doth, or can give up to the Common-wealth, and by it to the Legislative Power, so that the Legislative can have no more than this. Their Power in the utmost Bounds of it, is limited to the publick good of the Society. 20 It is a Power, that hath no other end but preservation, and therefore can never have a right to destroy, enslave, or designedly to impoverish the Subjects.† The Obligations of the Law of Nature,

† Two Foundations there are which bear up publick Societies, the one a natural inclination, whereby all Men desire suitable Life and Fellowships; the other an Order, expressly or secretly agreed upon, touching the manner of their union in living together; the latter is that which we call the Law of a Common-wealth, the very Soul of a Politick Body, the parts whereof are by Law united, holden together, and set on work in such actions as the common good requir'd. Laws politick, ordain'd for external order and regiment amongst Men, are never framed as they should be, unless presuming the will of Man to be inwardly obdurate, rebellious, and adverse from all Obstacles to the sacred Laws of his Nature; in a word, unless presuming Man to be in regard of his deprav'd Mind, little better than a wild Beast, they do accordingly provide for the shining forth of his inward Action; that they be no bounds unto the common good, for which Societies are instituted. 'Hence they do this they are not perficed. Hooker's Exe. Pol. I. i. Sect. 10.
cease not in Society, but only in many Cases are drawn closer; and have by Humane Laws known Penalties annexed to them, to enforce their observation. Thus the Law of Nature stands as an Eternal Rule to all Men, Legislators as well as others. The Rulers that make for other Mens Actions, must, as well as their own and other Mens Actions, be conformable to the Law of Nature; i.e. to the Will of God, of which that is a Declaration, and the fundamental Law of Nature being the preservation of Mankind, no Humane Sanction can be good, or valid against it.

136. Secondly, The Legislative, or Supreme Authority, cannot assume to itself a power to Rule by temporary Arbitrary Decrees, but is bound to dispose Justly, and decide the Rights of the Subjects by promulgated Standing Laws, and known Author'd Judge. For the Law of Nature being unwritten and no so where to be found but in the minds of Men, who through Passion or Interest shall mis-cite, or misapply it, cannot so easily be convinced of their mistake where there is no established Judge: And so it

† Human Laws are measures in respect of Men, whose actions they must direct, whereas these measures are as also their higher Rules to be measured by, which Rules are the Laws of God, and the Laws of Nature; in that Laws Human shall be made according to the general Laws of Nature, and without contradiction to any positive Law of Scripture, otherwise they are ill made. Ibid. 1. 3. Sect. 9.

To compel Men to any thing inconvenient doth seem unreasonable. Ibid. 1. 1. Sect. 12.

commonwealth in peace from injury and violence: yet if those who gave him that power, limited the application of it to that sole end, the benefit of the other necessities, or the health of others, is it in his power to use it otherwise." § 135 138. Reference sign for Hooker quoted in an editor; see note on 11, § 74. 11. See also, p. 141, 1676 edition. The passage quoted in 11, § 74, 1676 edition, is not exactly transcribed.

§ 138 5-7 Compare 11, § 12, 16-19, note and references.

§ 138 5-7 Compare 11, § 22, 8-12.

5 Reference sign for Hooker quotations inserted by editor; see note on 11, § 74. 10. The first passage is found on vol. 1, p. 485 of Keble's Hooker and on p. 141 of Locke's 1676 edition. It is the only reference to any book of the "Entelechiali Polity" other than that he ever got further than the 1st Book. See Introduction, p. 56. It is in the first edition from Aquinas, Summa Theologica, 1, 3, 38, Conclusion (1624, 1628) Quest. 9 Att. 3, regulas vel mensuras quaedam superiori mensura; quae quidem est duplex, illicita divina lex, legis naturae. The second passage comes from Keble, 1, 306, and 1676, 87; both are quoted with insignificant variations.

§ 135. This argument is irrelevant to Filmer, since he had denied the possibility of a state of nature, though Locke consistently overlooks this position, one of the strong points of Filmer's argument. It is, however, relevant to Hobbes, and even recalls Hobbes's own criticisms of Filmer's arguments. 339-340, though not exactly tied to any Hobbesian proposition. This is typical of the Hobbes/Locke relationship—see Introduction, 677-78.
the Arbitrary Power of one Man, who has the Command of 1000000, than he that is expos'd to the Arbitrary Power of 100000, single Men: no Body being secure, that his Will, who has such a Command, is better, than that of other Men, though his Force be 100000 times stronger. And therefore whatever Form the Common-wealth is under, the Ruling Power ought to govern by declared and receiv'd Laws, and not by expository Diectes and undetermined Resolutions. For then Mankind will be in a far worse condition, than in the State of Nature, if they shall have armed one or a few Men with the joyn't power of a Multitude, to force them to obey at pleasure the exorbitant and unlimited Decrees of their sudden thoughts, or unrestrain'd, and till that moment unknown Wills without having any measures set down which may guide and justify their actions. For all the power the Government has, being only for the good of the Society, as it ought not to be Arbitrary and at Pleasure, so it ought to be exercised by established and promulguated Laws: that both the People may know their Duty, and be safe and secure within the limits of the Law, and the Rulers too kept within their due bounds, and not to be tempted, by the Power they have in their hands, to employ it to such purposes, and by such measures, as they would not have known, and own not willingly.

138. Thirdly, The Suprem Power cannot take from any Man any part of his Property without his own consent. For the preservation of Property being the end of Government, and that for which Men enter into Society, it necessarily supposes and requires, that the People should have Property, without which they must be suppos'd to lose that by entering into Society, which was the end for which they entered into it, too gross an absurdity for any Man to own. Men therefore in Society having Property, they have such a right to the goods, which by the Law of the Community are theirs, that no Body hath a right to take their substance, or any part of it from them, without their own consent; without this, they have no Property at all. For I have truly no Property in

§ 139. Extent of Legislative Power

that, which another can by right take from me, when he pleases, against my consent. Hence it is a mistake to think, that the Suprem or Legislative Power of any Commonwealth, can do what it will, and dispose of the Estates of the Subject arbitrarily, or take any part of them at pleasure. This is not much to be fear'd in Governments where the Legislation consists, wholly or in part, in Assemblies which are variable, whose Members upon the Dissolution of the Assembly, are Subjects under the common Laws of their Country, equally with the rest. But in Governments, where the Legislation is in one lasting Assembly always in being, or in one Man, as in Absolute Monarchies, there is danger still, that they will think themselves to have a distinct interest, from the rest of the Community; and so will be apt to increase their own Riches and Power, by taking, what they think fit, from the People. For a Man's Property is not at all secure, though there be good and equitable Laws to set the bounds of it, between him and his Fellow Subjects, if he who commands those Subjects, have Power to take from any private Man, what part he pleases of his Property; and use and dispose of it as he thinks good.

139. But Government into whatsoever hands it is put, being as I have before shew'd, intrusted with this condition, and for this end, that Men might have and secure their Properties, the Prince or Senate, however it may have power to make Laws for the regulating of Property between the Subjects one amongst another, yet cannot ever have a Power to take to themselves the whole or any part of the Subjects' Property, without their own consent. For this would be in effect to leave them no Property at all. And to let us see, that even absolute Power, where it is necessary, is not Arbitrary by being absolute, but is still limited by that reason, and confined to those ends, which required it in some Cases to be absolute, we need look no farther than the common practice of Martial

of 1694 printing, where this paragraph appears. The author of the tract is generally recognized as Lord Somers, Locke's close friend and patron; it is very Lockean in tone, and even more forthcoming about property and consent, since Locke leaves it possible to suppose that consent is collective, not individual.

1-17. Contrast Hobbes: 'Men, and Thou and He, that is to say, in one word Property...belongeth in all kinds of Common-wealth to the Sovereign Power', Leviathan, 1654, 176, compare 240.

17-11. The government of England is obviously meant; compare ii, § 143.

21-1. Compare ii, §§ 145, 6-14; 161, 13-17; 164, 13-16.

§ 339. 4-1. Compare ii, § 129, note and references on a government's regulation of property.
Discipline. For the Preservation of the Army, and in it of the whole Commonwealth, requires an absolute Obedience to the Command of every Superior Officer, and it is justly Death to disobey or dispute the most dangerous or unreasonable of them; but yet we see, that neither the Sergeant, that could command a Soldier to march up to the mouth of a Cannon, or stand in a Breach, where he is almost sure to perish, can command that Soldier to give him one penny of his Money; nor the General, that can condemn him to Death for deserting his Post, or for not obeying the most desperate Orders, can yet with all his absolute Power of Life and Death, dispose of one Farthing of that Soldiers Estate, or seize one jot of his Goods; whom yet he can command anything, and hang for the least Disobedience. Because such a blind Obedience is necessary to that end for which the Commander has his Power, viz. the preservation of the rest; but the disposing of his Goods has nothing to do with it.

140. 'Tis true, Governments cannot be supported without great Charge, and 'tis fit every one who enjoys his share of the Protection, should pay out of his Estate his proportion for the maintenance of it. But still it must be with his own Consent, i.e. the Consent of the Majority, giving it either by themselves, or their Representatives chosen by them. For if any one shall claim a Power to lay and levy Taxes on the People, by his own Authority, and without such consent of the People, he thereby invades the Fundamental Law of Property, and subverts the end of Government. For what property have I in that which another may by right take, when he pleases to himself?

141. Fourthly, The Legislative cannot transfer the Power of Making Laws to any other hands. For it being but a delegated Power from the People, they, who have it, cannot pass it over to others. The People alone can appoint the Form of the Commonwealth, which is by Constituting the Legislative, and appointing in whose hands that shall be. And when the People have said, We will submit to rules, and be govern'd by Laws made by such Men, and in such

§ 141 11-15 Added in the 2nd printing, 1694. Locke altered words in the earlier part of the paragraph after 1694. Compare 1, §§ 21, 3-5; 21, 2-9 on grants: Pareyson, 1948, comments that Locke's view recalls the medieval theory of consent.
Chap. XII.

Of the Legislative, Executive, and Federative Power of the Commonwealth.

143. The Legislative Power is that which has a right to direct how the Force of the Commonwealth shall be employ'd for preserving the Community and the Members of it. But because those Laws which are constantly to be Executed, and whose force is always to continue, may be made in a little time; therefore there is no need, that the Legislative should be always in being, nor having always business to do. And because it may be too great a temptation to humane frailty apt to grasp at Power, for the same Persons who have the Power of making Laws, to have also in their hands the power to execute them, whereby they may exempt themselves from Obedience to the Laws they make, and suit the Law, both in its making and execution, to their own private advantage, and thereby come to have a distinct interest from the rest of the Community, contrary to the end of Society and Government: Therefore in well order'd Commonwealths, where the good of the whole is so considered, as it ought, the Legislative Power is put into the hands of divers Persons who duly Assembled, have by themselves, or jointly with others, a Power to make Laws, which when they have done, being separated again, they are themselves subject to the Laws, they have made; which is a new and near tie upon them, to take care, that they make them for the publick good.

144. But because the Laws, that are at once, and in a short time made, have a constant and lasting force, and need a perpetual

§ 143. Chapter XII. Though, as in the case of chapter x (see note on x, § 143) there is nothing in the text to date the composition of this chapter, it is probably best regarded as part of the original text, before 1689. The separation of powers is hinted at several times elsewhere, in x, § 91, in ii, § 107 where it is part of the anti-churchian argument, and in ii, § 147; the logical position indicating the existence of a Federative Power is established in ii, § 14. There is no indication of an insertion or revision in 1689, and no textual grounds for supposing that it is historically related to William III's constitutional position in respect of foreign policy.

15-21. The constitutional arrangements of England are those of the 'well order'd Commonwealth' Locke has in mind; compare ii, §§ 188, 17-231, 151; 1677, 223.

§ 144. 3-5. Compare vii, § 139, 8-3.

145. 6-8. Compare vii, § 141; § 183, 7-8.

146. On the federative power, see Introduction, i 130 note and references. Lawson, Political Spheres (1668), 1689, 61, recognizes something of this nature and has been supposed to be the Locke's source. But in general, the doctrine of the separation of powers is quite different from Locke's, and rather more specific. He bases it on Scripture (Examinations of Hales, 1667, 46), and recognizes the three powers now regarded as usual: legislative, judicial and executive; see 1669, 72, 91, 97, etc.: 1673, 8. He is interested, perhaps, more in the gradation and nature, than the independence of these powers, though like Locke and everyone else he insisted on the independence of the judiciary.
of great moment to the commonwealth, yet it is much less capable
to be directed by antecedent, standing, positive Laws, than the
Executive; and so must necessarily be left to the Prudence and
Wisdom of those whose hands it is in, to be managed for the
publick good. For the Laws that concern Subjects one amongst
another, being to direct their actions, may well enough prevent
them. But what is to be done in reference to Foreigners, depending
much upon their actions, and the variation of designs and interests,
must be left in great part to the Prudence of those who have this
Power committed to them, to be managed by the best of their
Skill, for the advantage of the Commonwealth.

148. Though, as I said, the Executive and Federative Power of
every Community be really distinct in themselves, yet they are
hardly to be separated, and placed, at the same time, in the hands
of distinct Persons. For both of them requiring the force of the
Society for their exercise, it is almost impracticable to place the
Force of the Commonwealth in distinct, and not subordinate
hands; or that the Executive and Federative Power should be placed
in Persons that might act separately, whereby the Force of the
Publick would be under different Commands: which would be
apt sometime or other to cause disorder and ruine.

CHAP. XIII.

Of the Subordination of the Powers of the Commonwealth.

149. Though in a Constituted Commonwealth, standing upon
its own Basis, and acting according to its own Nature,
that is, acting for the preservation of the Community, there can
be but one Supreme Power, which is the Legislative, to which all the

§ 149. Chapter xiii. In the view of the editor, this chapter was part of the first
version, but belongs to 1680-1 rather than to 1679. It is relevant to the Fuller con-
troversy, but rather more to the political programme and activities of Shaftesbury. It
is concerned with the election, summoning, prorogation and dissolution of parlia-
ment and ends with a plea for parliamentary reform, all subjects of great importance
to Shaftesbury and his Whigs, especially in 1680 and 1681; see notes on §§ 156-157.
Some of the remarks may conceivably have been added in 1689 as a reference to

§ 150. Subordination of Powers. For what can give Laws to another, must

James II, but in general it seems to be a call to constitutional, even revolutionary
change made in defiance of Charles II.

3-4. The supremacy of the legislative is a characteristic of Locke’s theory and
so typical of the body of thought which he represented that it seems unnecessary to
look for a source of this concept in Lawson (e.g. 157, 50) as Maclean wishes to
do (1945, 70).

5-8. These phrases, and the whole doctrine of the paragraph, provide a sharp
contrast with Hobbes, Leviathan, chapter 18, revealing a systematic difference. It is
difficult to believe that Locke had Hobbes in mind when he wrote it.

7. The apparent contradiction between the ‘Supreme Power’ here and in line 4
explained by Lamprecht, 1918, 145, saying that ‘the supremacy of the legislative is
complete under one condition and disappears entirely under another condition’.

21-2. Compare ii, § 120, 6-4.
18-9. See chapter xix (§§ 213-41); compare ii, § 112, notes and references; c 117, 26.
§ 150. Compare ii, §§ 134, 19-24, ii, § 134; and on lines 1-2 compare ii, § 153, 2-3
(taken by Bastide, 1907, 236, as typical of Locke’s verbal inconsistencies).