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JOHN LOCKE

Two Treatises of Government

EDITED WITH
AN INTRODUCTION
AND NOTES BY
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Cambridge

STUDENT EDITION

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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 carries 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 betwixt 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 but by nature to destroy one another' (Laslett's edition, 241). Filmer was Hobbes's first critic, and Locke had read and noted this work of his at least as early as 1667—see Introduction, 33. Compare II, § 93, 30-2.

§ 3 Compare the definition of respublica in Locke's Epistolae De Toleratione (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 (sotae scilicet subditorum robore) in order to the punishment of those that violate any other man's rights' (Klibansky and Gough, ed., 1968, 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, lands, houses, furniture and the like (vitam, libertatem, corporis integritatem, et indolentiam, et rerum externarum possessionem, ut sunt latifundia, pecunia, supellex etc.).' See Introduction, 102; and on capital laws, see II, § 129, 10-11 and note, II, §§ 87-9, 171. Elrington (1758) remarks on the distinction between power and right in this paragraph, implying that Locke confuses them.

§ 4 Chapter II. 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 I, § 34, 1. Although it was extended when Locke added his Hooker material (see §§ 5 and 15) and certainly corrected to some extent, perhaps a great deal, in 1689—see, for example, § 14, 10-17—there is no reason to suppose that it was not substantially completed in 1679.

2 'are'—Seliger points out that this means that the state of nature was not past history.

9-10 A reference to the Creation, compare I, §§ 25-7, etc.

9-11 Quoted verbatim by Molyneux, Case of Ireland, 1698 (1720 cd., 127).

11 'should'—to be read as imperative in feeling, for Locke recognized inequality in capacity. See II, § 34, 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 bottoming, that is discovering a 'truth well settled in the understanding' (Works, 1801, 111, 189 and 219). Compare Hobbes, Elements of Law (16, 4 (1628, p. 54): 'men considered in mere nature ought to admit amongst themselves equality', and the similar statements in Leviathan (chapter 15) and De Cive, 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 as much at every Man's hands, as any Man can wish 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 any thing 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, shewed unto them; my desire therefore to be lov'd of my equals in nature, as much as possible may be, is imposed upon me a natural Duty of bearing to themward, fully the like affection; From which relation of equality between 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. Eccl. 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 uncontroteleable Liberty,

§ 7  
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 will eth 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 offenders, and if

§ 6  
On man as God's workmanship see 1, §§ 30, 52-4; 86; II § 16, 12-14; and as God's property I, §§ 83, 10-11; compare II, § 16, 12-14, and English Tract of 1660, II. 14-19  
Compare I, §§ 86, 87, 52, 1-3 and note; II, § 153, 13-17. These statements are generally taken as directed against Hobbes, especially the thirteenth chapter of Leviathan, but there is no verbal resemblance.

18 'made for another's use'—Brogan, 1938, suggests a Kantian parallel.
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 extravagancy 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 tye, which is to secure them from injury and violence, being slighted 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

§ 8 6 'proportionate'—at this word sheet P ends and sheet Q begins in the first printing. This sheet exists in variant states (see Laslett, 1972 iv), and Bowers, Gerritson and Laslett, 1974 (iii). Even more than in the case of the later part of sheet P (see t, § 167, 10 and note), any part of it may be the result of Locke's last-minute modifications. It ends with the last word of § 21.

§ 9 1 '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 ii, § 13, 11, § 180, 6 and Introduction, 97. It is certainly in subtle contrast with Hobbes's doctrine in chapter 28 of Leviathan, with which it is often compared. The

§ 10-11 THE STATE OF NATURE

me, by what Right any Prince or State can put to death, or punish an Alien, for any Crime he commits in their Country. 'Tis certain their Laws by vertue of any Sanction they receive from the promulgated Will of the Legislative, reach not a Stranger. They speak not to him, nor if they did, is he bound to hearken to them. The Legislative Authority, by which they are in Force over the Subjects of that Common-wealth, hath no Power over him. Those who have the Supreme Power of making Laws in England, France or Holland, are to an Indian, but like the rest of the World, Men without Authority: And therefore if by the Law of Nature, every Man hath not a Power to punish Offences against it, as he soberly judges the Case to require, I see not how the Magistrates of any Community, can punish an Alien of another Country, since in reference to him, they can have no more Power, than what every Man naturally may have over another.

10. Besides the Crime which consists in violating the Law, and varying from the right Rule of Reason, whereby a Man so far becomes degenerate, and declares himself to quit the Principles of Human Nature, and to be a noxious Creature, there is commonly injury done to some Person or other, and some other Man receives damage by his Transgression, in which Case he who hath received any damage, has besides the right of punishment common to him with other Men, a particular Right to seek Reparation from him that has done it. And any other Person who finds it just, may also join with him that is injur'd, and assist him in recovering from the Offender, so much as may make satisfaction for the harm he has suffer'd.

11. From these two distinct Rights, the one of Punishing the Crime for Restraint, and preventing the like Offence, which right of punishing is in every body; the other of taking Reparation, which belongs only to the injured party, comes it to pass that the Magistrate, who by being Magistrate, hath the common right of...
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, he who has suffered the damage has a Right to demand in his own name, and he alone can remit: The damned 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 sheddeth Man's 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 Security as will suffice to make it an ill bargain to the Offender, give him cause to repent, and terrifie 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 plunder; 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.

10–12 Compare ii. § 124, 8–9, verbal parallel.

13–19 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. § 90, 29–31, note and references). This he shared with the 1st Earl of Shaftesbury: see the 79th and 80th 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. Eltringham (1798) 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'.


§ 13 1–2 See ii. § 9, 1, note and references. Pollock, 1904, 244–245, comments on a 'strange verbal parallel in that strangest of medieval vagaries the Mirror of Justice... "Ordinary jurisdiction has every one who is not deprived of it by sin, for every one may judge his neighbour according to the holy rules of right", Book iv, chap 11.' On the Mirror see ii § 239, 32–3 and note.
Government to restrain the partiality and violence of Men. I easily
grant, that Civil Government is the proper Remedy for the Incon-
veniences 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 Monarchs 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 there-
fore 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 contro-
trole those who Execute his Pleasure? And in whatsoever he doth,
whether led 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, with-
out 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

§ 15

The State of Nature

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 Garcilasso 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, Excl. Pol. Lib. 1. Sec. 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

22-7 Modified by Locke in his final corrections.

§ 14 1-3 Compare nt. 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 nt. § 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 11 (1904, 85), where
the sequence of thought is much the same. But Gierke insists that this conception
was a commonplace with the natural-law theorists of the time (1934, i, 97): he cites
ten authorities on the point (ii, 288), including Fufendorf's Elements and De Jure
Natureae. If Locke had any writer specifically in mind, it seems most likely that it was
Pufendorf. See Introduction, 73.
C H A P. III.

Of the State of War.

16. THE State of War is a State of Enmity and Destruction;
And therefore declaring by Word or Action, not a passionate and hasty, but a sedate 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

§16 Chapter III. In the same way as chapter II (see note on § 4) this was presumably substantially written in 1679, but certainly amended and extended in 1689 (see, for example, § 17, 18-21 and note) and its text was the subject of the printing confusion in that year.

1 The large type, which is the most conspicuous feature distinguishing the first from the second state of the 1st edition, begins at this point and continues until line 15 of § 17. It may well be the result of the cutting out of part of the text by Locke during the course of printing, but this cannot be confirmed bibliographically, and even if it happened the passage excised need not have come from this area of large type—see Introduction, 8, Laslett, 1952 (iv), and Bowers, Gerritsen and Laslett, 1954. In the second state of the 1st edition the type of this area is of normal size, but it has two variant readings in this paragraph.

9-10 Compare II, § 6, 22; § 7, 5-4; § 110, 3-4; § 129, 1-2; § 133, 1-1; § 149, 14-15; § 150, 17-18; § 171, 12, etc., and Tyrrell, 1681, 15. On Locke's tendency to regard this law of universal preservation as the fundamental natural law, see footnote to the Introduction, 97. In his Education (1691) he says, 'And truly, if the preservation of all mankind, as much as in him lies, were every one's persuasion, as indeed it is every one's duty, and the true principle to regulate our religion, politics and morality by, the world would be much quieter, and better-natured, than it is' (Works, 1801, 11, 113).

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 1689.

§17 11 'State'—end of large type in first state of 1st edition, see II, 1, 16, 1.

18-21 This last sentence may be an interpolation of 1689, 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.

§18 1 Compare II, § 207, 12-13.
as to take away his Money, or what he pleases from him: because
5 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 at what he
had me in his Power, take away everything 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
Subiect. 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

§ 20 2 ‘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,
1952 (iv) and Bowers, Gerritsen and Laslett, 1954. In the first state the text goes
straight on to ‘And therefore in such Controversies, . . . ’ at the beginning of line 13
in § 21, thus: ‘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 § 21. No sign for a § 21 is
present). This anomaly has been variously dealt with by editors of the text; see foot-
note 2 to p. 342 of Laslett, 1952 (iv) and footnote 1 to 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 11, §§ 36, 37; see note on line 14
of § 11, § 36. Eirlington (1798) first noticed this peculiarity, and has a note here on it.
12–13. This passage may well be an addition of 1680, directly referring to the
events of the Revolution: the final ‘appeal to Heaven’ being most significant. It
contains (line 13) the phrase which inspired Eirlington 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?”
by an unbiased application of it, to all who are under it; wherever
that is—*not* bona fide done, *War is made* upon the Sufferers, who
having no appeal on Earth to right them, they are left to the only
remedy in such Cases, an appeal to Heaven.

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 Con-
tenders) is one great *reason of Men 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 Con-
troversie 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. 11. 27.* and then Prose-
cuting, 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 I 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 ii and iii, 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 works in the
Second Treatise, though his name is mentioned at ii, § 1, 28 and ii, § 61, 14. The
statement is repeated in ii, § 17, 21—22; see note there and on ii, § 256. 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
Patriarcha. In the Introduction, 38—61 this anomalous formal of reference to Filmer—
for 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 Ashcraft disagrees. The entry in
Locke's Tablet which makes it possible to guess the time of writing of this paragraph is
relevant. It refers to a passage in Filmer's *Forms* (Laslett's edition, 260): 'amongst all them
that plead the necessity of the consent of the people, one hath ever touched upon these so
accurate and fine proportions of the manner of obtaining it; it is 2 times more difficult,
otherwise surely it would not have been neglected, considering how necessary it is to resolve
the conscience, touching the manner of the peoples passing their consent'.

Such, then, was the statement which Locke had in mind when he wrote in his
*Tablet* '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., 156)—see *Introduction,*
83. Ellington (1798) is disturbed by the implications of this paragraph
and finds it contradictory. He concludes that the great desertabam is an agreed
definition of liberty: 'Whether Locke has given such a definition the reader will
judge.'
THE SECOND TREATISE §§ 23-24

O.A. 55 [224]. A Liberty for every one to do what he list, to live as he pleases, and not to be tied by any Laws: 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, 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, 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 in his Power) delay to take it, and make use of him 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 resisting 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

§ 23 This paragraph invites comparison and contrast with Hobbes's Leviathan, chapter 20, especially pp. 142-3 (1904 edition). Hobbes did maintain that a man can enslave himself by compact and consent, because he can bargain away the power over his own life. Locke, however, seems to contradict himself in his last sentence by justifying indirect suicide: compare also II, § 6, 3-4; § 135, 9-12 (a parallel passage); and § 178, 5-6, note and reference. Elrington (1798) urges this against him, and also objects to 'the indefinite continuance of a right to take away the life of another.' Dunn, 1966(i) (see especially footnote 2 on p. 108 and references) insists that Locke always respected the suicide taboo.

§ 24 1-8 See § 25 and compare § 81, 8-16. In gauging Locke's attitude to slavery it is worth bearing in mind that, as Leslie Stephen pointed out (1902, ii, 139), the Fundamental Constitutions of Carolina provide that every freeman 'shall have absolute power and authority over his negro slaves' (ex); compare notes on I, § 130, 6, and II, § 144, 21. The Instructions to Governor Nicholson of Virginia, which Locke did so much to draft in 1698 (see Laslett, 1917 (i)), regard negro slaves as justifiably enslaved because they were captives taken in a just war,
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 Posterity 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 Posterity. 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 Beasts 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

6-8 The biblical evidence for original communism, or rather against the primacy of private property, is discussed at length in the First Treatise; see i, § 21 and on: the text from Psalm cxv is cited in i, § 31 as part of a reference to Filmer's case.

9-16 Compare the First Treatise. Olivercrona, 1671, argues that the lines were put in later and the paragraph and chapter were written in ignorance of Filmer's position, a view which I cannot share: see next note.

16-19 This sentence confirms that this paragraph, and the whole chapter on property which follows, were written with Filmer's works in mind, and as a direct refutation of them. For it was Filmer who has raised the difficulty that original communism could not give way to private property without the universal consent of mankind. The discussions in Hobbes (the Epistola Dedicatoria of De Cive, 1647, presents the issue most clearly), Grotius (1625, ii, ii, 2) and Pufendorf (1672, iv, 3) do not discuss this crucially as Filmer does.

§ 26 Compare and contrast the discussion of the goods of nature in this paragraph with Pufendorf, De jure Naturae, 1673, iv, iv, 13, and Locke's own earlier sentiments in his essay Essay on the Law of Nature, which are markedly different: Von Leyden, 1914. 210-11.

12-16 Compare ii, § 28, 16-26, note and references.
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 it 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 that 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 pick 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 pickt 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 Commons, which remain

§ 28 1-4 Compare Pufendorf, De Jure Naturae, 1672, iv, iv, 13, 'Quercus est nullius: quae deciderunt glandes ejus siebant, qui legisset'. Gough, 1840, 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. Barbevray, 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 (1661-1714). He also notes that Locke's discussion grew out of his refutation of Filmer: Barbevray, 1734, 1, 576-7. Barbevray corresponded with Locke (see Introduction, 711), 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.

16-19 Locke is using here the language of agrarian enclosure, the parceling out of the common fields of the traditional manor as private property, which was so marked a feature of English economic history in the sixteenth century, in his own

§§ 29-30 **Property**

so by Compact, that 'tis the taking any part of what is common, and removing it out of the State Nature leaves it in, which begins the Property; without which the Common is of no use. And the taking of this or that part, does not depend on the express consent of all the Commoners. Thus the Grass my Horse has bit; the Turfs my Servant has cut; and the Ore I have digg'd in any place where I have a right to them in common with others, become my Property, without the assignment or consent of any body. The labour that was mine, removing them out of that common state they were in, hath fixed my Property in them.

29. By making an explicit consent of every Commoner, necessary to any ones 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 belong'd 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 Civiliz'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 Ambergrise any one takes up here, is by the Labour that removes it out


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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 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 he may 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 Land as a Man Tills, Plants, Improves, Cultivates, and can use the Product of, so much is his Property. He by his Labour does,

§ 33-34  Property

as it were, inclose it from the Common. Nor will it invalidate his right to say, Every body else has an equal Title to it; and therefore he cannot appropriate, he cannot inclose, without the Consent of all his Fellow-Commoners, all Mankind. God, when he gave the World in common to all Mankind, commanded Man also to labour, and the penury of his Condition required it of him. God and his Reason commanded him to subdue the Earth, i.e. improve it for the benefit of Life, and therein lay out something upon it that was his own, his labour. He that in Obedience to this Command of God, subdued, tilled and sowed any part of it, thereby annexed to it something that was his Property, which another had no Title to, nor could without injury take from him.

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 as much as another can make use of, does as good as take nothing at all. No Body could think himself injur'd 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 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 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.

§ 31 6 Compare 1, § 40, 19-20.
§ 32 1-7 Tyrrell extends the labour theory to the possession of land in the same way as Locke, but with the same difference. Labour confirms a man's property in what he rightfully possesses, 'since the owner hath possessed himself of this land, and bestowed his Labour and Industry upon it' no man can take it away (1681, 111, 2nd pagination). See note on 11, § 27.
7-10 The language of agrarian enclosure, see 11, § 28, 16-26, and references.
35. 'Tis 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 inclose 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 joyned 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 Man's possession, to a very moderate Proportion, and such as he might appropriate to himself, without...
37. 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 waste in common. And therefore he, that incloses Land and has a greater plenty of the conveniencies 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 conveniencies of life as ten acres of equally fertile land doe in Devonshire where they are well cultivated?

38. 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

§ 38. 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 Propriety in them: But if they perished, in his Possession, without their 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.

38. The same measures governed the Possession of Land too: Whatsoever 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 their Stocks, 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 Properties 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 wandered 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,
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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 one 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 everything; 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 are the effects of labour: nay, if we will rightly estimate them 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 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

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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 progresses, before they come to our use, and see how much they receive of their value from Humane 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 greatest 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 Pasturage, 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 prefered to largeness of dominions, and that the increase of lands

28–9 See i, § 155, 7, verbal parallel.
31 See i, § 117, 4–7. 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 imploying 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
narrownesse 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 £ 9. 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 10s. 4d. 'Tis
Labour then which _puts the greatest part of Value upon Land_, without
which it would scarcely be worth anything: '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 dugged 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 be 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
Loaf of Bread_, before it came to our use, if we could trace them;

Iron, Wood, Leather, Bark, Timber, Stone, Bricks, Coals, Lime,
Cloth, Dyeing-Drugs, Pitch, Tar, Mastis, 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 _Proprieter of his own Person_, and the _Actions or Labour_ of it)
had still in himself the _great Foundation of Property_; and that which

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made up the great part of what he applied to the Support or
Comfort of his being, when Invention and Arts had improved
the conveniencies 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_,
where-ever 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 Bounds 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 _positive
agreement, settled a Property amongst themselves_, in distinct Parts
and parcels of the Earth: yet there are still _great Tracts 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. Tho' 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 ii. § 36, 39-40, continued until § 51;
compare ii. § 184.

20-2 It is all mankind, not a particular collection or society, which consents to
the use of money, that is precious metals. Locke had stated this in his first writing
on money (see note on § 46, 1-7), but this fact is used somewhat obscurely in this
paragraph to relate the origin of the property of individuals in objects and the land
with the ownership of areas of the earth by nations or states. It was traditional to
consider these two forms of ownership side by side, for example, in Grotius and
Pufendorf.
§ 47

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, these 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 durable 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.

§ 48

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

§ 46 5-7 Compare II. 184, 15-18 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 very 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, 1801, V, 22). There is some resemblance between Locke's account of the origin and functions of money and that of Matthew Wren, Monarchy Asserted, 1669, see p. 22 on. Locke owned this book (H. and L. 3188).

§ 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).
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 not 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 Societe, and
without compact, only by putting a value on gold and silver and
tactily 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 Incroachment
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.

§ 50  4-16 Passage extensively corrected in the Christ's copy, in such a way as to make parts of text in lines 5-9 unintelligible 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 the subject of some learned commentary—for example, Kendall, 1941, 84; Macpherson, 1962, has some trenchant things to say on this passage as an implied, or overt, justification of capitalistic accumulation, see 209-10.

§ 51 Von Leyden compares this paragraph and §§ 31 and 36 with the statements about property in Locke's eighth 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, 10, 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 1679. 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 7th 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, 1961, chap. 8; Schochet, 1969; Dunn, 1969 (i), especially pp. 74-8.

1-3 Compare 1, §§ 31, 22-3, note and references: Strauss, 1953, 221, sees in this a hint by Locke at the status of this 'discourse'; see Introduction, 86, note 1.

8-19 The argument that the mother's authority is equal with that of the father is developed extensively in the First Treatise, and a cross-reference is given in 1, § 6, 31, again in 1, § 11, 31—see, in general, chapter vi of that treatise (§§ 30-73). The appeal to reason is made in 1, § 35, and to revelation in 1, § 61, where these four texts are cited. 10 'Parental'—see n. 69. 11 'right of Generation'—particularly attacked in 1, § 52: in 1, §§ 18, 18 and 1, § 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 coincidental: it was attacked by Filmer, 245.
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 betwixt 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 politick 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-

§ 77 Chapter VII All the evidence goes to show that this chapter formed a part of the original critique of Filmer; compare note on chapter vi, ii, § 52. There are references to men who can only be Filmer and his followers (§ 90) and arguments

§§ 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 commonly 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. Conjugal 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 betwixt 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 (§§ 92, 93): it is closely parallel to Tyrrell’s discussion which was overtly directed against Filmer. There is no positive indication of insertions or revision in 1689, though the cross-reference in § 84, 3, 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’ (Von Leyden, 1954, 176-7).

2 Gen. ii. 18: ‘God said, it is not good that the man should be alone.’

5-13 Compare ii, § 2, and also Aristotle’s Politics, 1, especially 1252a and b.

§ 78 Compare Tyrrell, 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-Linnean, pre-Darwinian system of classification comes out clearly here, as it does in the First Treatise.
§ 80. Between Male and Female lasts no longer than the very Act of
Copulation: because the Teat of the Dam being sufficient to
nourish the Young, till it be able to feed on Grass, the Male only
begots, but concerns not himself for the Female or Young, to
whose Subsistence he can contribute nothing. But in Beasts of
Prey the conjunction lasts longer: because the Dam not being able
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 domestic fowls, 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.

§ 81. But though these are Ties upon Mankind, which make the
Condutal Bonds more firm and lasting in Man, than the other Species
of Beasts; yet it would give one reason to enquire, why this
Compact, where Procreation and Education are secured, and In-
heritance taken care of, may not be made determinable, either
by consent, or at a certain time, or upon certain Conditions, as
well as any other voluntary Compact, and there be 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 un-
avoidably 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
able 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 Countrey 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

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§81-83 Political Society

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§81 5-7 This guarded hint at the justifiability of divorce was too much for the
deeital Elrington, who says: 'To make the conjugal union determinable by consent,
is to introduce a promiscuous concubiniage.' 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 Atlantus. 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 expressed in the contract of marriage between
the parties' (Diary, 1678, 1699). On Locke's Atlantus, see de Marchi, 1955.
§82 5 Elrington 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 belong’d 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 betwixt 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. Man being born, as has been proved, with a Title to perfect Freedom, and an uncontrouled 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 persuaded 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 thereunto 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 judgement 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 easier to discern who are, and who are not, in Political Society together. Those who are united into one Body, and have a common establish'd 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

§ 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 imploy 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 imploy 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 joynts 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.

12 Elrington (1798) castigates this as leaving it optional that men should resign up their power to political authority.
13-19 Used by Kendall to demonstrate Locke's 'collectivism', along with 11, § 120; see note there, and on 11, § 153, 19, 22 for 'representative'.
§ 89 1 'Men are so united'—in 1st ed. active mood, 'Men so unite'.
6 'People': first occurrence of this word, cf. Polin, 1660, 156.
13-19 Here Locke talks of the Legislative where the Judiciary might be expected; compare 11, § 88, 12-13, and Introduction, 118. The whole paragraph should be contrasted with Hobbes's Leviathan, chapter 18.
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-ever any persons are, who have not such an Authority to Appeal to, for the decision of any difference between them, there those persons are still in the state of Nature. And so is every Absolute Prince in respect of those who are under his Dominion.

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 intitled, Czar, or Grand Signior, or how you please, is as much in the state of Nature, with all under his Dominion, as he is with the rest of Mankind. For where-ever any two Men are, who have no Standing Rule, and common Judge to Appeal to on Earth for the determination of Controversies of Right betwixt them, there they are still in the state of Nature, and under all the inconveniences of it,‡ with only this woful difference to the

† 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 necessarily enforce, that the Law of Reason, or of God, doth injoin the contrary. Hook. Ecl. Pol. I. 1. Sect. 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

§ 90 1-2 'some Men', that is Filmer and his followers, certainly not Hobbes to whom monarchy was decidedly not the only form of government. See 11, § 77 (chapter viii).
10 Reference sign for Hooker quotation inserted by editor; see note on 11, § 74, 15. Passage on p. 353 of Kebble's Hooker, 1836, 1, and Locke's 1676 edition 101-2, slightly modified in transcription here.

§ 92 Subject, or rather Slave of an Absolute Prince: That whereas, in the ordinary State of Nature, he has a liberty to judge of his Right, and according to the best of his Power, to maintain it; now whenever his Property is invaded by the Will and Order of his Monarch, he has not only no Appeal, as those in Society ought to have, but as if he were degraded from the common state of Rational Creatures, is denied a liberty to judge of, or to defend his Right, and so is exposed to all the Misery and Inconveniences that a Man can fear from one, who being in the unrestrained state of Nature, is yet corrupted with Flattery, and armed with Power.

92. For he that thinks absolute Power purifies Mens Bloods, and corrects the baseness of Human 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 yielding themselves subject therunto, that unto whom they granted Authority to Rule andGovern, by them the Peace, Tranquillity, and happy Estate of the rest might be procured. Men always knew that where Force and Injury was offered, they might be Defenders of themselves; they know that whenever Men may seek their own Commodity, yet if this were done with Injury unto others, it was not to be suffered, but by all Men, and all good Means to be withheld. 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 to them he greatly afflicts, partial; and therefore that Strife and Troubler would be endless, except they gave their common Consent, all to be ordered by some, 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 Ecl. Pol. I. 1. Sect. 10.

§ 92 7 'presently'—immediately. This condemnation of absolute power is often supposed to be directed against Hobbes (for example, Leviathan, chapter 18, 1654, 128), but it is as appropriate against Filmer and the phrase 'Fathers of their Countries' in line 9 confirms that it was Filmer's absolute, patriarchal monarch which was in Locke's mind.
12 'the late Relation of Ceylon'—An Historical Relation of the Island of Ceylon by Robert Knox, 1680, bought by Locke on 29 August 1681; see introduction, 15.
§ 93. In Absolute Monarchies 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, nay think it Safety, to be devoured by Lions.

§ 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 Preheminency amongst the rest, had this Deference 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

§ 94 1–9 This is the first mention of revolutionism; compare ii, §§ 168, 210.
1. 'amuse' is misled.
11. Perhaps §§ 101–112 are meant (compare Seliger, 1968, 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 natural 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).
24 'Legislature'—changed by Locke from 'Legistative'. It means the power of law-making, not the law-making body; compare ii, §§ 113, 16; § 114, 4.
26 Reference sign for Hooker quotation inserted by editor; see note on ii, § 74, 15: Keble's 'Hooker', 1830, i, 304–5; Locke's 1670 edition, 86–7, coming a little after the passage given in the footnote to ii, § 74. It is a remarkable fact that the same passage appears again in the footnote to ii, §§ 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 pretense 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.

§ 96. BEGINNING OF POLITICAL SOCIETIES

Natural Liberty, and puts on the bonds of Civil Society is by agreeing with other Men to joyn and unite into a Community, for their comfortable, safe, and peaceable living one amongst another, in a secure Enjoyment of their Properties, and a greater Security against any that are not of it. This any number of Men may do, because it injures not the Freedom of the rest; they are left as they were in the Liberty of the State of Nature. When any number of Men have so consented to make one Community or Government, they are thereby presently incorporated, and make one Body Politick, wherein the Majority have a Right to act and conclude the rest.

96. For when any number of Men have, by the consent of every individual, made a Community, they have thereby made that Community one Body, with a Power to Act as one Body, which is only by the will and determination of the majority. For that which acts any Community, being only the consent of the indi-

§ 95, 96; § 98, 12–14; § 101, 25–5; § 103, 10–19; § 112, 8–12; § 114, 5–8; etc.; compare note on 11, § 77, chapter vii. But it seems possible that §§ 100–22 were not written in the original composition, but added a little later, after the composition of the First Treatise, perhaps in the summer of 1681 when he seems to have added the quotations from Hooker (see note on § 111, 8), or even after that. The evidence for this is the fact that § 132 seems to follow on to § 99, and that chapter ix (§§ 123–31) is a still later addition, perhaps of 1689; see note there. There is no evidence to show that any part of this chapter viii was written in 1689, though it is possible, of course, that these discussions came about through a much more radical rearrangement of the text in that year.

§ 95 2 'this Estate'—the third printing, not altered by Locke in the Chrest. master-copy, reads 'his Estate': corrected by editor with authority of later editions.

9 'any number of Men may do'—a contradiction of a very characteristic claim of Sir Robert Filmer's (see Laslett, 1949, 16) and it is against Filmer that Locke's arguments about majorities are formulated. Though it invites contrast with Hobbes's famous paragraph on 'The Generation of a Commonwealth' (Leviathan, chapter 17, 1964, 119–19), Filmer, not Hobbes, was in Locke's mind. Elrington (1798) objects to this that it is not a question of what may do, but what they are 'under a direct obligation', moral obligation, to do, and to Locke's statement about majorities (line 13) that the numerical reasoning is fanciful; he makes power the foundation of right.

11–14 For an exhaustive discussion of this passage, which he calls the most concise of all statements of 'the faith of majority-rule democrats', see Kendall, 1941, chapter vii.

§ 96 The general relationship between Locke's views and those of George Lawson is well brought out by the similar content, but quite different demonstration, of their attitude to the majority principle. In his Examination of Hobbes, 1637, Lawson says that in all assemblies and societies, the major part concludes and determines the whole, to avoid confusion and dissension, and to preserve order (p. 25). A common source for both their views, and that of Tyrell, could well have been the very well known discussion by Grotius, De Jure Belli, Prolegomena (1712, p. 3), and ii, v, 17.

§ 95 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
viduals 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 whilst 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 act 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 signifie 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 act 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 protest against the Institution of the Sovereign declared by the major part (1654, 122). See note on 11, § 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 unavoidable 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 Freemen 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 Instances to be found in Story of a Company of Men independent and equal amongst another, that met together, and in this way began and set up a Government.

11 Martil, Epigmnamet, 1, Praef.: 'Cur in theatrum, Cato severe, venisti, An ideo taurum veneras, ut egressa?'

A common anecdote 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, nor on any particular passage in it; see Introduction, 71. Locke and Hobbes were 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 on 11, § 95, 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 rule over the rest of the multitude" (Filmer, 82) by simply asserting that it is "by the Law of Nature and Reason" (11, § 96, 16); compare Allen, 1928.

§ 100 It is possible that the paragraphs from this point to 11, § 111, were added after the original composition, perhaps in 1681, for § 112 seems to follow on to § 99. See note on 11, §§ 93 (ch. xiii), 101; 111, 18; 123 (ch. iv); 132 (ch. x).
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 mans labours (alieno labore partis frui) than take pains to provide for themselves, the necessity of preserving men in the possession of that honest industry which 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 pariatur, ut corporis libertatem et robur, ut paeonia gratia, inuena est cum aliis socios) 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 junctis viribus habere rem ad vitam utilium suae cuique privata et secura sit possessio)' (Klibansky and Gough, 1968, 124). Compare Macpherson, 1911, 111.

2 Compare ii, § 6, 2-1 and Strauss, 1953, 227.

16-17 On the extended definition of property set out here, see ii, § 87, 1 note and references. The whole paragraph should be compared and contrasted with the first paragraph of Leviathan, chapter 17, and with ii, § 19, 1-1 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 ii, § 123, 15-16. In the Epistola de Toleratione Locke puts

§ § 125-126 ENDS OF POLITICAL SOCIETY

C H A P. 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, is
127. Thus Mankind, notwithstanding all the Privileges 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 one 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 Common-wealth, 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;

§ 127 10 ‘Single’—i.e. ‘individual’, not ‘only’; see Kendal, 1941, 103.
§ 129 3–4 This limitation is elaborated in §§ 128, especially lines 22–5.
2, 5 Elrington, 1978, comments here that a man is bound to give up this power: he is compelled by the law of nature itself to quit the state of nature, and he can lose no liberty by it, since this would imply that civil law was distinct from natural law.

§§ 130–131 ENDS OF POLITICAL SOCIETY

which Laws of the Society in many things confine the liberty he had by the Law of Nature.

130. Secondly, the Power of punishing he wholly gives up, and engages his natural force, (which he might before employ 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 Conveniences, 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 one’s Property by providing against those three defects above-mentioned, that made the State of Nature so unsafe and uneasie. And so whoever has the Legislative or Suprem Power of any Common-wealth, is bound to govern by establish’d standing Laws, promulgated and known to the People, and not by Extemporary Decrees; by indifferent and upright Judges, who are to decide Controversies by those Laws; And to imploy 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.

§ 131 12–21 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 this paragraph, and indeed the whole chapter, as an insertion of 1680; see note on ii, § 123, chapter xix, and compare Abrams’ note on English Tract of 1660, p. 19.
§ 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 imploy 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 and his Heirs, it is an Hereditary 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 Suprem 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 prescrib 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 Commonwealth.

§ 133. Chapter X. This can be dated before 1685 (see note on § 133, 10), and since it follows on from § 99, which can be concluded from the words of its first line, is presumably the continuation and completion of chapter VIII (see notes on §§ 77, 100), written as part of the original critique of Filmer.

10-12 Compare II, § 106, 14-18.

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

19-24 Compare II, § 150.

§§ 133-134. Chapter XI. There is no obvious internal evidence to date the composition of this chapter. It is far less clearly connected with the polemic against Filmer than other parts of the text, but its statements are consistent with the attitude Locke takes up in that controversy and it is probably best regarded as part of the first form of the text, before 1681. There is nothing whatever to indicate that any part of it was an addition of 1689.

1-11 Compare the very similar passage in Locke’s Letter concerning Toleration (Works, 1801, vi.143). This is the
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 by 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 Domestick 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 do allow; it being ridiculous to imagine one can be tied ultimately to obey any Power in the Society, which is not the Supremum.

135. 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 joyn’d 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. 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,

† The lawful Power of making Laws to Command while Politick Societies of Men belonging so properly unto the same inte men Societies, that for any Prince or Potentate of what kind soever upon Earth, to execute the same of himself, and not by express Commission immediately and personally received from God, or else by Authority derived from the first from their consent, upon whose persons they impose Laws, it is no better than mere Tyranny. Laws they are not therefore which publick. Approximation hath not made so. Hooker’s Eccl. Pol. I. 1. Sect. 10. Of this point therefore we are to note, that such Men naturally have so full and perfect Power to Command while Politick Multitudes of Men, therefore utterly without our Consent, we could in such sort be at no Mans Commandment living. And to be commanded we do consent when that Society, whereof we be a part, hath at any time before consented, without revoking the same after by the like universal agreement.

Laws therefore humane, of what kind soever, are available by consent. Ibid.

original, this is the use, and these are the bounds of the legislative, which is the supreme power in every commonwealth. I mean, 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 legislature, compare II, § 212, 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 II, § 74, 15. Passages in Kebler, 1836, II, 307–8, Locke’s 1676 edition, 87–8, fairly exactly quoted. Molyneux (1698) cites the first part of this passage to exactly the same effect as Locke.
§ 137 EXTENT OF LEGISLATIVE POWER

serves not, as it ought, to determine the Rights, and fence the Properties of those that live under it, especially where every one is Judge, Interpreter, and Executioner of it too, and that in his own Case: And he that has right on his side, having ordinarily but his own single strength, hath not force enough to defend himself from Injuries, or to punish Delinquents. To avoid these Inconveniences which disorder Mens Properties in the state of Nature, Men unite into Societies, that they may have the united strength of the whole Society to secure and defend their Properties, and maybe have standing Rules to bound it, by which every one may know what is his. To this end it is that Men give up all their Natural Power to the Society which they enter into, and the Community put the Legislative Power into such hands as they think fit, with this trust, that they shall be govern’d by declared Laws, or else their Peace, Quiet, and Property will still be at the same uncertainty, as it was in the state of Nature.

137. Absolute Arbitrary Power, or Governing without settled standing Laws, can neither of them consist with the ends of Society and Government, which Men would not quit the freedom of the state of Nature for, and tie themselves up under, were it not to preserve their Lives, Liberties and Fortunes; and by stated Rules of Right and Property to secure their Peace and Quiet. It cannot be supposed that they should intend, had they a power so to do, to give to any one, or more, an absolute Arbitrary Power over their Persons and Estates, and put a force into the Magistrates hand to execute his unlimited Will arbitrarily upon them: This were to put themselves into a worse condition than the state of Nature, wherein they had a Liberty to defend their Right against the Injuries of others, and were upon equal terms of force to maintain it, whether invaded by a single Man, or many in Combination. Whereas by supposing they have given up themselves to the absolute Arbitrary Power and will of a Legislator, they have disarmed themselves, and armed him, to make a prey of them when he pleases. He being in a much worse condition who is exposed to

§ 137 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 patriarchalism. It is, however, relevant to Hobbes, and even recalls Filmer’s own criticisms of Hobbes, 259–60, though not exactly tied to any Hobbesian proposition. This is typical of the Hobbes/Locke relationship—see Introduction, 67–78.
THE SECOND TREATISE

§ 138

the Arbitrary Power of one Man, who has the Command of 20 100000. 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 25 Common-wealth is under, the Ruling Power ought to govern by declared and received Laws, and not by extemporary Dictates 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 joynt power of a Multitude, to force them to obey at pleasure the exorbitant and unlimited 30 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 promulgated 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 Supreme 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 entring 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 Supreme 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 Legislative 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 Legislative 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 can never have a Power to take to themselves the whole or any part of the Subject’s 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

or 1688 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 forthright about property and consent, since Locke leaves it possible to suppose that consent is collective, not individual.

13-17 Contrast Hobbes: ‘Mine, and Thine and His, that is to say, in one word Property; . . . belongeth in all kinds of Common-wealth to the Sovereign Power’, Leviathan, 1924, 176, compare 240.

17-21 The government of England is obviously meant; compare ii, § 143. 21-1 Compare ii, §§ 143, 6-14, 163, 21-17, 164, 15-16. 3 § 139 4-5 Compare ii, § 120, note and references on a government’s regulation of property.