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 between a Ruler of a Common-wealth, a Father of a Family, and a Captain of a Galley.

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

thought that God would create man in a condition worse than any beast, as if he had made men to no other end by nature but to destroy one another' (Laslett's edition, 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 11, § 93, 30-2.

2-3 § 5. Compare above, §§ 57, 83; 106, 13-14; § 145.

§ 3. Compare the definition of republic in Locke's Epistola de Tolerantia (1689, that is, closer to this chapter than to the text as a whole). 'The Commonwealth seems to me to be a society of men constituted only for procuring and preserving their own civil interests (bona civilia)...therefore is the magistrate armed with the force and strength of all his subjects (toto scilicet subditorum robore) in order to the punishment of those that violate any other man's rights' (Kilbansky and Gough, ed., 1964, 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 (visum, libertatem, corporis integritatem, et indolentiam, et rerum externarum possessionem, ut sunt latifundia, pecunia, supellex etc.)'. See Introduction, 103; and on capital laws, see 1, § 129, 10-15 and note, 11, §§ 87-9, 171. Elsingon (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 has been only one paragraph before this point, introducing the whole work; see note on § 14, 4. 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, 12-14—there is no reason to suppose that it was not substantially completed in 1679.

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

9-10 A reference to the Creation, compare 1, §§ 25-7, etc.

9-11 Quoted verbatim by Molyneux, Case of Ireland, 1698 (1730 ed., 127).

11. "should"—to be read in imperative in feeling, for Locke recognized inequality in capacity. See 11, § 14, and The Conduct of the Understanding: "there is, it is visible, a great variety in men's understandings, and their natural constitutions...the woods of America, as well as the schools of Athens, produce men of several abilities in the same kind". In the same work, however, he is prepared to use the example of the natural equality of men for the purpose of illustrating the necessity of bottoming, that is discovering a "truth well settled in the understanding" (Works, 1801, 111, 189 and 219). Compare Hobbes, Elements of Law (16, 4 (1928, p. 143): "men considered in mere nature ought no more among themselves equality", and the similar statements in Leviathan (chapter 13) and De Cive, though the context and grounds of this statement of Locke's are very different.

268
§ 5. This equality of Men by Nature, the Judicious Hooker looks upon as so evident in itself, 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 it 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 show greater measure of love to me, than they have by me, showed 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 our selves and them, that are as our selves, what several Rules and Canons, natural reason hath drawn for direction of Life, no Man is ignorant. 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 uncontroleable Liberty,

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

7. And that all Men may be restrained from invading others Rights, and from doing hurt to one another, and the Law of Nature be observed, which willeth 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 I, §§ 20, 12-4; 86; II §§ 16, 12-14; and as God's property I, § 81, 10-11; compare ii, § 16, 12-14, and English Tract of 1666, II. 14-19 Compare i, §§ 85, 87; 92, 13-3 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 extravagacy 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 tyme, 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 and sheet Q begins in the first printing. This sheet exists in variant states (see Laslett, 1952 (iv), and Bowers, Gerritsen and Laslett, 1954 (6)). Even more than in the case of the later part of sheet P (see 1, § 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 § 11.

§ 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 n. 5 13, n. 11, § 180, 6 and Introduction, 97. It is certainly in subtile contrast with Hobbes’s doctrine in chapter 28 of Leviathan, with which it is often compared. The whole of Locke’s Second Letter on Toleration (1690) is concerned with punishment as a means of ‘Reparation and Restraint’.

§ 10-11 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 virtue 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 Suprem 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, 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 damnified 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 Mens 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 Murderer of his Brother, he cries out, Every one that findeth me, shall slay me; so plain was it writ in the Hearts of all Mankind.

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

§ 13. The State of Nature

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

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

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

10-12 Compare XI, § 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, 29-33, 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. Elrington (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 XI, § 9, 1, note and references. Pollock, 1904, 241-2, 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 XI § 235, 42-3 and note.
Government to restrain the partiality and violence of Men. I easily grant, that Civil Government is the proper Remedy for the Inconveniences of the State of Nature, which must certainly be Great, where Men may be Judges in their own Case, since 'tis easily to be imagined, that he who was so unjust as to do his Brother an Injury, will scarce be so just as to condemn himself for it: But I shall desire those who make this Objection, to remember that Absolute Monarchs are but Men, and if Government is to be the Remedy of those Evils, which necessarily follow from Mens being Judges in their own Cases, and the State of Nature is therefore not to be endured, I desire to know what kind of Government that is, and how much better it is than the State of Nature, where one Man commanding a multitude, has the Liberty to be Judge in his own Case, and may do to all his Subjects whatever he pleases, without the least liberty to any one to question or controle 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, without Numbers of Men in that State. I have named all Governors of Independent Communities, whether they are, or are not, in League, with others: For 'tis not every Compact that puts an end to the State of Nature between Men, but only this one of agreeing together mutually to enter into one Community, and make one Body Politick; other Promises and Companys, 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, Eccl. Pol. Lib. 1. Sect. 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 far 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

12–17 In the first state of the 1st edition this passage reads differently, and is the most important variation between the two states. The bargain for truck there are 'Between the two Men in Solidania, in or between a Swiss and an Indian' and Garcilasso's Desert Island is not mentioned. It is clear that Locke did not simply add, in the second state, a phrase omitted in the first, because Solidania (Solidão Bay in South Africa) is not mentioned by Garcilasso, who is concerned with America. Locke seems to have decided to omit this imperfect reference to Solidania altogether, and to substitute for it this incident from Book 1, chapter 8 of Garcilasso's Commentaries Reale (34–41), of his French translation of 1631; see note on 1, § 17, 18, and compare 1, § 13, 19–20 and note. He made the following note in his diary on 8 February 1687: 'Pedro Serrano that lived three years in a desert island alone and after that time another shipwrecked man came to him and being but two they could not agree. Garcilasso de la Vega, Histoire des Incas 1. c. 8.' This correction, therefore, raises the possibility that Locke wrote this passage in 1687, which is considered in the Introduction, 14. The original reference to the Hottentots of Solidania was genuine enough, for Locke frequently cited the example of this people as having no belief in God; these references are listed in his Essays and elsewhere are listed in Von Leyden, 1914, 65, 81, for Locke cited this region along with Brazil as early as his fifth Essay on the Law of Nature (early 1660s), op. cit. 14. His information probably came from Terry's Voyages to East India, 1613, which was on his shelves in 1681.

18–19 Compared by Von Leyden with the first and seventh Essays on the Law of Nature (1914, 81).

§ 15 1–3 Hooker, ed. Kebbe, 1846, Volume 1, pages 298–9, fairly accurately quoted, with alterations of punctuation. It comes from p. 81 of Locke's 1666 edition, a little after a passage copied into his diary on 2 June 1681; see note on 11, § 3, 27–25.
THE SECOND TREATISE  § 16

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

CHAP. III.

Of the State of War.

16. THE State of War is a State of Enmity and Destruction; And therefore declaring by Word or Action, not a passionate and haughty, but a sedate setled 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 exposd 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 Quarril: 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, §, Laslett, 1952 (iv), and Bower, 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, 3-4; § 128, 3-4; § 129, 1-25; § 131, 11; § 149, 14-15; § 159, 17-18; § 171, 12, etc., and Tyrrell, 681, 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 (1693) 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, ix, 115).

§§ 17-18 THE STATE OF WAR

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

17. And hence it is, that he who attempts to get another Man into his Absolute Power, does thereby put himself into a State of War with him; It being to be understood as a Declaration of a Design upon his Life. For I have reason to conclude, that he who would get me into his Power without my consent, would use me as he pleased, when he had got me there, and destroy me too when he had a fancy to it: for no body can desire to have me in his Absolute Power, unless it be to compel me by force to that, which is against the Right of my Freedom, i.e. make me a Slave. To be free from such force is the only security of my Preservation: and reason bids me look on him, as an Enemy to my Preservation, who would take away that Freedom, which is the Fence to it: so that he who makes an attempt to enslave me, thereby puts himself into a State of War with me. He that in the State of Nature, would take away the Freedom, that belongs to any one in that State, must necessarily be supposed to have a design to take away every thing else, that Freedom being the Foundation of all the rest: As he that in the State of Society, would take away the Freedom belonging to those of that Society or Common-wealth, must be supposed to design to take away from them every thing else, and so be look’d 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 15 ‘State’—end of large type in first state of 1st edition, see II, § 16, 1.

18-21 This last sentence may be an interpolation of 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.
CHAPTER 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 Controll 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 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 bribed 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 fall, 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.
127. Thus Mankind, notwithstanding all the Priviledges of the state of Nature, being but in an ill condition, while they remain in it, are quickly driven into Society. Hence it comes to pass, that we seldom find any number of Men live any time together in this State. The inconveniences, that they are therein exposed to, by the irregular and uncertain exercise of the Power every Man has of punishing the transgressions of others, make them take Sanctuary under the establish’d Laws of Government, and therein seek the preservation of their Property. "Tis this makes them so willingly give up every one his single power of punishing to be exercised by such alone as shall be appointed to it amongst them, and by such Rules as the Community, or those authorized by them to that purpose, shall agree on. And in this we have the original right and rise of both the Legislative and Executive Powers 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 vitiousness 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;

§ 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 farther 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 Extempore Decrees; by indifferent and upright Judges, who are to decide Controversies by those Laws; And to employ the force of the Community at home, only in the Execution of such Laws, or abroad to prevent or redress Foreign Injuries, and secure the Community from Inroads and Invasion. And all this to be directed to no other end, but the Peace, Safety, and publick good of the People.

§ 132 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 1691; see note on 11, § 133, chapter xix, and compare Abrams’ note on English Treat of 1660, p. 19.