JOHN LOCKE

Two Treatises of Government

EDITED WITH
AN INTRODUCTION
AND NOTES BY

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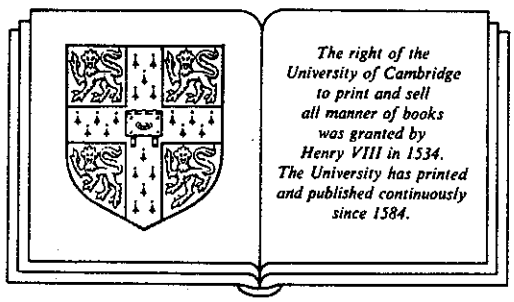
STUDENT EDITION



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BOOK II.

CHAP. I.

1. IT having been shewn in the foregoing Discourse,

1°. That *Adam* had not either by natural Right of Fatherhood, or by positive Donation from God, any such Authority over his Children, or Dominion over the World as is pretended.

2°. That if he had, his Heirs, yet, had no Right to it.

3°. That if his Heirs had, there being no Law of Nature nor positive Law of God that determines, which is the Right Heir in all Cases that may arise, the Right of Succession, and consequently of bearing Rule, could not have been certainly determined.

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

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

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§ 1 *Chapter* 1.—obviously written by Locke to bridge the gap between the fragmentary *First Treatise* and the *Second*, presumably in 1689. As originally composed, this book must have started at § 4 (chapter 11), or perhaps at an introductory paragraph to this one, now cancelled—see note on 11, § 54, 1. Locke may, of course, have modified this area of the text considerably in 1689.

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

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

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.

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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 II, § 93, 30–2.

23–4 Compare I, §§ 3; 83; 106, 15–16; § 143.

§ 3 Compare the definition of *respublica* 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' (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 possessiones, ut sunt latifundia, pecunia, supellex etc.)'. See Introduction, 102; and on capital laws, see I, § 129, 10–15 and note, II, §§ 87–9, 171. Elrington (1798) remarks on the distinction between power and right in this paragraph, implying that Locke confuses them.

CHAP. II.

Of the State of Nature.

4. TO understand Political Power right, and derive it from its Original, we must consider what State all Men are naturally in, and that is, a *State of perfect Freedom* to order their Actions, and dispose of their Possessions, and Persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other Man.

A *State* also *of Equality*, wherein all the Power and Jurisdiction is reciprocal, no one having more than another: there being nothing more evident, than that Creatures of the same species and rank promiscuously born to all the same advantages of Nature, and the use of the same faculties, should also be equal one amongst another without Subordination or Subjection, unless the Lord and Master of them all, should by any manifest Declaration of his Will set one above another, and confer on him by an evident and clear appointment an undoubted Right to Dominion and Sovereignty.

§ 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 II, § 54, 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, 12–17—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 ed., 127).

11 'should'—to be read as imperative in feeling, for Locke recognized inequality in capacity. See II, § 54, 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, III, 189 and 259). Compare Hobbes, *Elements of Law* (16, 4 (1928, p. 54): 'men considered in mere nature ought to admit amongst 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.

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 satisfie 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, imposeth 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,

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§ 5 1 It was probably Locke, slavishly followed by his friend Molyneux, who did most to give currency to the title 'judicious' to Richard Hooker. He was genuinely indebted to Hooker both in his philosophy and his political theory, and in his lists of recommended reading for young men he talks of the *Ecclesiastical Polity* as one of 'the most talked of' books on politics, and requires thorough study of 'the judicious Hooker's first book' (*Works*, 1801, III, 272; X, 308). But the reference to him here and throughout the *Second Treatise* was also intended to lend respectability to his position and to turn the flank of his opponents, especially the good churchmen amongst them.

7–23 *Ecclesiastical Polity*, Book 1, ch. VIII, § 7 (Keble ed. 1836, I, 288–9), not quite exactly quoted. Compare I, § 42 on Justice and Charity.

Like the other quotations from Hooker, this, and the rest of the paragraph with it, was probably added after the body of the text had been written (see Introduction, 57 and note, II, § 239, 45 and note), probably on 28 June 1681, on which date Locke copied into his diary extracts from just before and just after this one (Ashcraft, 1987, 286 rejects this interpretation). All the extracts came from pp. 80–2 of the *Ecclesiastical Polity* which he had bought on 13 June. This was probably the 1676 edition, and it is referred to as such in these footnotes, but it could have been that of 1666, see Introduction, 57.

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 10–14 On man as God's workmanship see I, §§ 30, 52–4; 86; II § 56, 12–14; and as God's property I, § 85, 10–11; compare II, § 56, 12–14, and English Tract of 1660, 11.

14–19 Compare I, §§ 86; 87; 92, 1–3 and note; II, § 135, 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, 1958, 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

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§ 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, 1952 (iv), and Bowers, Gerritsen and Laslett, 1954 (ii)). Even more than in the case of the later part of sheet P (see I, § 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, 1; II, § 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

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 Supream 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 joyn 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

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whole of Locke's *Second Letter on Toleration* (1690) is concerned with punishment as a means of '*Reparation* and *Restraint*'.

10–12 That is to say the Indian, presumably the American Indian, is in a state of nature with respect to all established political power, which implies there is no international law (see Cox, 1960, 138).

§ 10 On this paragraph, Elrington comments (1798) that throughout the whole of this treatise Locke's 'zeal for liberty has very frequently led him to speak of men's *duties* as *rights* which they may exercise or renounce at pleasure'.

4 'noxious Creature'—compare II, § 172, 9–19, note and references.

punishing put into his hands, can often, where the publick good demands not the execution of the Law, *remit* the punishment of Criminal Offences by his own Authority, but yet cannot *remit* the satisfaction due to any private Man, for the damage he has received. That, 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 Mans 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,

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§ 11 6–8 Compare II, § 159, 24–6. The power of pardon was the fourth mark of sovereignty (Bodin, *Methodus*, 1945, 173, see I, § 129, 10–15, note and references, II, § 88, 4–6) and Locke may be following the traditional argument here.

24–6 Compare II, § 172, 18–19 (verbal parallel), note and references.

27–8 Genesis ix. 6: a divine command is equated here with a law of nature.

30–1 Genesis iv. 14. The final phrase is the most conspicuous instance in the whole book of Locke's willingness here to take advantage of the belief in innate ideas and innate practical principles, excoriated in Book I of his *Essay concerning Humane Understanding*. The words 'writ in the Hearts' are typical of what Yolton (1956, section II) calls the naïve form of the belief, and the principle at issue cannot well be explained as an exception, as in the case of a similar passage in I, § 86, 19–21—see note and references there. He would seem to imply here that his whole 'strange doctrine' about punishment was part of innate knowledge, a possibility he had rejected as early as 1659–64, see Von Leyden, 1954.

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 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, nay 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 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. 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'.

16–19 Compare II, § 135, 23–6, and the striking parallels pointed out by Von Leyden in the *Essays on the Laws of Nature*, 118–19, 188–9, of his 1954 edition.

§ 13 1–2 See II, § 9, 1, note and references. Pollock, 1904, 241–2, comments on a 'strange verbal parallel in that strangest of medieval vagaries the *Mirror of Justices*..."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. II.' On the *Mirror* see II, § 239, 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

22–7 Modified by Locke in his final corrections.

§ 14 1–3 Compare II, § 101, where the full answer is given, perhaps as a later extension—see note there.

1–8 Governments in a state of nature with each other: compare II, § 183, 7–8, II, § 184, 31–2 (an aside in both cases). It is often assumed that Locke was following Hobbes here, perhaps consciously: compare *Leviathan*, chapter 13 (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 Pufendorf's *Elementa* and *De Jure Naturae*. If Locke had any writer specifically in mind, it seems most likely that it was Pufendorf. See Introduction, 73.

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*, *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 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*

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 bargains for truck there are 'Between the two Men in *Soldania*, in or between, a *Swiss* and an *Indian*' and Garcilaso'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 Soldania (Saldanha Bay in South Africa) is not mentioned by Garcilaso, who is concerned with America. Locke seems to have decided to omit this imperfect reference to Soldania altogether, and to substitute for it this incident from Book 1, chapter 8 of Garcilaso's *Commentarios Reales* (34–43, of his French translation of 1633; see note on 1, § 57, 18 and compare 1, § 153, 19–20 and note). He made the following note in his diary on 8 February 1687: 'Pedro Serrano that lived three years in a desolate 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. 1. c. 8.' This correction, therefore, raises the possibility that Locke wrote this passage in 1687, which is considered in the Introduction, 54. The original reference to the Hottentots of Soldania was genuine enough, for Locke frequently cited the example of this people as having no belief in God: these references (in the *Essay* and elsewhere) are listed in Von Leyden, 1954, 65, 81, for Locke cited this region along with Brazil as early as his fifth *Essay on the Law of Nature* (early 1660's, *op. cit.* 174). His information probably came from Terry's *Voyage to East India*, 1655, which was on his shelves in 1681.

18–19 Compared by Von Leyden with the first and seventh *Essays on the Law of Nature* (1954, 81).

§ 15 3–13 Hooker, ed. Keble, 1836, Volume 1, pages 298–9, fairly accurately quoted, with alterations of punctuation. It comes from p. 85 of Locke's 1676 edition, a little after a passage copied into his diary on 2 June 1681; see note on 11, § 5, 7–23.

to supply those Defects and Imperfections which are in us, as living singly and solely by our selves, we are naturally induced to seek Communion and Fellowship with others, this was the Cause of 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 hasty, 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 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, 3–4; § 128, 3–4; § 129, 1–2; § 135, 31; § 149, 24–5; § 159, 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* (1695) 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, 113).

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 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 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.

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

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

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§ 19 1–5 A comma should be understood after 'which'. Locke altered the last phrase of this sentence, but then restored the previous reading. The 'some men' can only be the Hobbesists. Compare II, §§ 6 and 7 for the general position and Locke's *Essays on the Law of Nature, c.* 1661. In his fifth *Essay* he leaves it as a possibility that 'there is in the state of nature a general war and a perpetual and deadly hatred among men' as is maintained by some (quod aliqui volunt)—Von Leyden's edition, 1954, 162–3. But in his eighth *Essay* he pronounces against those 'some'. For if by the law of nature men are in a state of war, 'all society is abolished, and all faith, which is the bond of society' (tollitur omnis societas et societatis vinculum fides); see II, § 212, 9–13, and the Introduction. The peaceful condition of the state of nature should be compared with the dangers etc. talked of in II, §§ 13, 92, 101, 123–4, etc.

31–21 Compare II, § 182, 22–3.

the Law, for remedy in a Case, where the mischief may be irreparable. *Want of a common Judge with Authority, puts all Men in a State of Nature: Force without Right, upon a Man's Person, makes a State of War*, both where there is, and is not, a common Judge.

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

§ 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 15 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 § 22. No sign for a § 21 is present). This anomaly has been variously dealt with by editors of the text; see footnote 2 to p. 342 of Laslett, 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. Elrington (1798) first noticed this peculiarity, and has a note here on it.

11–23 This passage may well be an addition of 1689, directly referring to the events of the Revolution: the final 'appeal to Heaven' being most significant. It contains (line 15) the phrase which inspired Elrington to the following protest against Locke's theory of resistance, or perhaps the interpretation put on it by Thomas Paine and others.

'But what shall we say of a theory which thus invests an individual with a right of throwing a whole society in confusion for the purpose of redressing his own particular grievance?'

by an unbiassed 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 Contenders) is one great *reason of Mens putting themselves into Society*, and quitting the State of Nature. For where there is an Authority, a Power on Earth, from which relief can be had by *appeal*, there the continuance of the State of War is excluded, and the Controversie is decided by that Power. Had there been any such Court, any superior Jurisdiction on Earth, to determine the right between *Jephtha* and the *Ammonites*, they had never come to a State of War, but we see he was forced to appeal to *Heaven*. *The Lord the Judge* (says he) *be Judge this day between the Children of* Israel, *and the Children of* Ammon, *Judg.* 11. 27. and then Prosecuting, 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 Supream Judge of all Men.

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§ 21 1–5 Hobbes had also made the social state a remedy for the state of war, and this sentence might be called Locke's closest formal approach to him in his political theory. It is interesting that it occurs in a passage omitted from one state of the 1st edition (see Laslett, 1952 (iv)), but it cannot be shown that the two facts are connected.

15 'And'—end of missing passage; see II, § 20, 2, note.

17 '*Jephtha*'—Locke evidently regarded the story of Jephthah as crucial to the scriptural foundations of his case about civil society and justice. See I, § 163, 32; II, § 109, 1–11; II, § 176, 28 and compare note on II, § 168, and references. Grotius and St Augustine before him had used the Jephthah story for political analysis, and Locke may have in mind the Calvinist position expressed by Jurieu (1689, 365) that the Judges, Jephthah among them, represented a stage between the anarchy of primeval innocence and established sovereignty, a stage which inevitably passed because of the effects of the Fall.

CHAP. IV.

Of SLAVERY.

22. THE *Natural Liberty* of Man is to be free from any Superior Power on Earth, and not to be under the Will or Legislative Authority of Man, but to have only the Law of Nature for his Rule. The *Liberty of Man, in Society*, is to be under no other Legislative Power, but that established, by consent, in the Common-wealth, nor under the Dominion of any Will, or Restraint of any Law, but what the Legislative shall enact, according to the Trust put in it. *Freedom* then is not what Sir *R. F.* tells us,

§ 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, § 57, 21–2; see note there and on II, § 236. 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, 58–61 this anomalous form 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, 2:6): 'amongst all them that plead the necessity of the consent of the people, none hath ever touched upon these so necessary doctrines [that is, of the manner of obtaining it]; it is a task it seems too difficult, otherwise surely it would not have been neglected, considering how necessary it is to resolve 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 Humane 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., 550)—see Introduction, 83. Elrington (1798) is disturbed by the implications of this paragraph and finds it contradictory. He concludes that the great *desideratum* is an agreed definition of liberty: 'Whether Locke has given such a definition the reader will judge.'

O.A. 55 [224]. *A Liberty for every one to do what he lists, to live as he pleases, and not to be tyed 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, unknown, Arbitrary Will of another Man. As *Freedom of Nature* is to be under no other restraint but the Law of Nature.

23. This *Freedom* from Absolute, Arbitrary Power, is so necessary to, and closely joyned with a Man's Preservation, that he cannot part with it, but by what forfeits his Preservation and Life together. For a Man, not having the Power of his own Life, *cannot*, by Compact, or his own Consent, *enslave himself* to any one, nor put himself under the Absolute, Arbitrary Power of another, to take away his Life, when he pleases. No body can give more Power than he has himself; and he that cannot take away his own Life, cannot give another power over it. Indeed having, by his fault, forfeited his own Life, by some Act that deserves Death; he, to whom he has forfeited it, may (when he has him in his Power) delay to take it, and make use of 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 Conquerour, 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, 1969 (i) (see especially footnote 2 on p. 108 and references) insists that Locke always respected the suicide taboo.

§ 24 1–8 See § 23 and compare § 85, 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 I, § 144, 23. The Instructions to Governor Nicholson of Virginia, which Locke did so much to draft in 1698 (see Laslett, 1957 (i)), regard negro slaves as justifiably enslaved because they were captives taken in a just war,

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

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

CHAP. V.

Of PROPERTY.

25. WHether we consider natural *Reason*, which tells us, that Men, being once born, have a right to their Preservation, and consequently to Meat and Drink, and such other things, as Nature affords for their Subsistence: Or *Revelation*, which gives

who had forfeited their lives 'by some Act that deserves Death' (§ 23, 10; compare Tyrrell, 1681, 62). Locke seems satisfied that the forays of the Royal Africa Company were just wars of this sort, and that the negroes captured had committed such acts. Locke on slavery is discussed by Polin, 1960, 277–81, and Dunn, 1969; 175 etc.

9–16 In Exod. xxi the Mosaic law regulates the treatment of bought servants; they are to be freed in the seventh, Jubilee year, not to be killed, to be freed if maimed by their masters. Hobbes notices this and Grotius calls it 'imperfecta servitus', II, v, 30 (1712, 264).

§ 25 *Chapter* V This important chapter is obviously integral to Locke's argument, and it is also obviously part of his polemic against Filmer—see notes on lines 9–16 and 16–19 below, and on II, § 38, 9–11, etc. Olivecrona takes a different view of 9–16 and the date of the chapter. There is nothing, however, to indicate that it was written in 1689, or at any time later than the first form of the book, though it was perhaps subsequently amended, and it will be remembered that it falls within that part of the 1st edition which could have been modified in the course of printing. Apart from this, it seems right to me to suppose that the chapter is to be dated between 1679 and 1681.

1–3 This discussion of property is referred to in I, § 87, 14–15, and I, § 86, 1–4 echoes the language used here. Kendall, 1941, 77, notes the illogical transition from 'men' here, meaning individuals, to 'mankind' in line 8.

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. xvj. *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

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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*. Olivecrona, 1975, 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 crux as Filmer does.

§ 26 Compare and contrast the discussion of the goods of nature in this paragraph with Pufendorf, *De Jure Naturae*, 1672, IV, iv, 13, and Locke's own earlier sentiments in his eighth *Essay on the Law of Nature*, which are markedly different: Von Leyden, 1954, 210–11.

12–16 Compare II, § 28, 16–26, note and references.

to any particular Man. The Fruit, or Venison, which nourishes the wild *Indian*, who knows no Inclosure, and is still a Tenant in common, must be his, and so his, *i.e.* a part of him, that another can no longer have any right to it, before it can do him any good for the support of his Life.

27. Though the Earth, and all inferior Creatures be common to all Men, yet every Man has a *Property* in his own *Person*. This no Body has any Right to but himself. The *Labour* of his Body,

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§ 27 Compare Locke's introduction of the proposition about labour and property in this paragraph, its predecessor and those following, with that of Tyrrell: 'Supposing the Earth and the fruits thereof to have been at first bestowed in Common on all its inhabitants; yet since God's first command to man was, encrease and multiply, if he hath a right to perform the end, he hath certainly a right to the means of his preservation, and the propagation of his species, so that though the fruits of the earth, or beasts, for food, were all in common, yet when once any man had by his own labour acquired such a proportion of either as would serve the necessities of himself and Family, they became so much his own as that no man could without manifest injustice rob him of those necessities' (1681, 99–100, second pagination). Tyrrell goes on to talk of 'this sort of community' being retained among the Americans, the wild beast the Indian kills (compare II, § 30, 1–2), the fish he takes up (*ibid.* 8), the fruit of his trees and his venison (II, § 26, 12). But he talks in this parallel way in a different context. Following Grotius, he refers to the Stoic axiom about seats in the theatre, and cites many other arguments about property, ignored by Locke: for him the labour proposition is not the one rational method of making use of the earth's produce, but rather a ground for retaining property acquired, and he does not talk of a man owning himself (compare note on II, § 32, 1–7). These points, and the known relationship between them (see above, 59–61), it may imply that Locke suggested this line of thinking to Tyrrell, who followed it without quite realizing what it meant to Locke. It is not impossible that they arrived at this position independently, for in a work published in 1680 but described on the title as 'Mostly written many years past' Richard Baxter writes in vaguer but in similar terms: '*Propriety* is *naturally antecedent* to *Government*, which doth not *Give it*, but *regulate it* to the *Common good*: Every man is born with a propriety in his *own members*, and nature giveth him a propriety in *his Children*, and his *food* and other just *acquisitions* of his industry. Therefore no Ruler can justly deprive men of their *propriety*, unless it be by some *Law of God* (as in execution of justice on such as forfeit it) or by their *own consent*, by *themselves* or their Delegates or *Progenitors*; And men's *lives* and *Liberties* are the chief parts of their propriety. That is the peoples just *reserved Property*, and *Liberty*, which neither *God taketh from them*, by the power which his own Laws give the Ruler, nor is *given away* by their *own* foresaid consent' (Baxter, 1680, 54–5; see Schlatter, 1957, 39, and compare passage from Baxter's *Holy Commonwealth*, cited by Gough, 1950, 80).

What Baxter says here about life, liberty and property shows that he had the same combined definition of property as Locke, both an extended and a specific definition; see Introduction, 101 and note on II, § 87, 5. It is possible to find many much vaguer hints at what is too loosely called the labour theory of value (in Petty, 1662, for example, of which Locke had the 1667 printing (H. and L. 2839), or even in Hobbes; see Gough, 1950, 81) but these are the only passages in books he may have read known to me which seem to show a systematic resemblance. See also the hint in I, § 42, 11–15.

2 Repeated in II, § 173, 5, cf. Walwyn, the Leveller quoted Macpherson, 1962, 140.

and the *Work* of his Hands, we may say, are properly his. Whatsoever then he removes out of the State that Nature hath provided, and left 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 pickt 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 erat nullius: quae deciderant glandes ejus fiebant, qui legisset'. Gough, 1950, draws attention to this parallel, and to Blackstone's account of the clash between Locke on the one hand and both Pufendorf and Grotius on the other in their views on the origin of property. For in spite of the above coincidence about acorns, Pufendorf follows Grotius in assigning the origin of property to universal agreement, not labour. Barbeyrac, in his edition of Pufendorf's *De Jure Naturae*, registers his agreement with Locke's views on this matter, and maintains that Locke was the first to formulate it, earlier than the only other author he quotes, C. G. Titius of Leipzig (1661–1714). He also notes that Locke's discussion grew out of his refutation of Filmer: Barbeyrac, 1734, I, 576–7. Barbeyrac corresponded with Locke (see Introduction, 75n), 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.

16–26 Locke is using here the language of agrarian enclosure, the parcelling 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

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 assignation 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 vertue thereof, what Fish any one catches in the Ocean, that great and still remaining Common of Mankind; or what Ambergriese any one takes up here, is *by* the *Labour* that removes it out

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time to some extent, and even more in the eighteenth century; see also II, § 32, 7–10; § 35; § 42, 17–20; § 37, 10–29. It is not quite consistent with his statement about enclosure and the Indians in II, § 26, 12–16, for the Indian lived in a state of nature, before compact had taken place. Here '*Commons*' must mean the common land of the traditional manorial system, remaining so 'by Compact'. As Locke makes clear in II, § 35, only the men of the manor, and not just anyone, could usually graze, turf and mine on the common land, and then only if the custom of the manor allowed. It is a bad example of communism. Lines 24–6 contain the only example of Locke transferring labour from one man to another. See the discussion in Macpherson, 1962, Laslett, 1964.

§ 30 1–4 Compare I, § 86, 19–28, Tully, 1980, Wood, 1984.

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 imploy'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 it self*; 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,

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§ 31 6 Compare I, § 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, 112, 2nd pagination). See note on II, § 27.

7–10 The language of agrarian enclosure, see II, § 28, 16–26, and references.

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.

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

§ 35 Here Locke seems to recognize the inappropriateness of agrarian enclosure to his argument (see note on II, § 28, 16–26), but he persists. His statements are accurate, but vague, and it is interesting that the words 'Country' (presumably in its older meaning of 'locality') and 'Parish' are used where 'Manor' might be expected (line 8).

8 'property'—altered by Locke from 'propriety' in 1698; compare title to chapter VII of the *First Treatise*.

§ 36 9–25 The smallness of men's possessions in early Biblical times is commented on in I, § 136, 11. This passage is a direct statement of Locke's assumption that the state of nature in contemporary America can be assimilated to the conditions of patriarchal times, compare note on I, § 130.

Injury to any Body in the first Ages of the World, when Men were more in danger to be lost, by wandering from their Company, in the then vast Wilderness of the Earth, than to be straitned for want of room to plant in. And the same *measure* may be allowed still, without prejudice to any Body, as full as the World seems. For supposing a Man, or Family, in the state they were, at first peopling of the World by the Children of *Adam*, or *Noah*; let him plant in some in-land, vacant places of *America*, we shall find that the *Possessions* he could make himself upon the *measures* we have given, would not be very large, nor, even to this day, prejudice the rest of Mankind, or give them reason to complain, or think themselves injured by this Man's Incroachment, though the Race of Men have now spread themselves to all the corners of the World, and do infinitely exceed the small number [which] was at the beginning. Nay, the extent of *Ground* is of so little value, *without labour*, that I have heard it affirmed, that in *Spain* it self, a Man may be permitted to plough, sow, and reap, without being disturbed, upon Land he has no other Title to, but only his making use of it. But, on the contrary, the Inhabitants think themselves beholden to him, who, by his Industry on neglected, and consequently waste Land, has increased the stock of Corn, which they wanted. But be this as it will, which I lay no stress on; This I dare boldly affirm, That the same *Rule of Propriety*, (*viz.*) that every Man should have as much as he could make use of, would hold still in the World, without straitning any body, since there is Land enough in the World to suffice double the Inhabitants had not the *Invention of Money*, and the tacit Agreement of Men to put a value on it, introduced (by Consent) larger Possessions, and a Right to them; which, how it has done, I shall, by and by, shew more at large.

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14 The *Everyman* text, having misnumbered its paragraphs since II, § 20, starts a new paragraph (§ 36) after 'plant in.', omitting the 'And'—see note on II, § 20, 2.

26–34 Private appropriation of waste land in this way was possible all over Spain in Locke's day, and is apparently still the custom in Andalusia. In Aragon the land, in the mountain area, had to be cleared within sixty days to become the property of the cultivator: in Catalonia such ownership became absolute once the plot had been worked, but lapsed if it was left uncultivated for three years: in Castile the labourer could only take enough for himself and his family. See Costa, 1898, 250–63. I owe this reference and information to Dr J. H. Elliott. Compare II, § 184, 27–9.

39–40 See II, § 45 and note: II, § 46 on.

37. This is certain, That in the beginning, before the desire of having more than Men needed, had altered the intrinsick 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 compasse) ten times more, than those, which are yielded by an acre of Land, of an equal richnesse, lyeing wast in common. And therefor he, that incloses Land and has a greater plenty of the conveniencys 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 supplys 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 aske whether in the wild woods and uncultivated wast 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?

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

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§ 37 4 'Men'—added by editor.

10–29 Passage added in two parts in the Christ's copy, also recalling English agrarian enclosure, or even justifying it; see note on 11, § 28, 16–26. It is taken by Macpherson (1951, 559 and 1962, 212 on) to have been inserted by Locke to remove the 'sufficiency limitation' on the acquisition of property, which obtained before money was introduced.

32–41 Cited by Kendall, 1941, 72, as a conspicuous example of 'the "public" right to interfere with the liberty and property of private persons', making against the individualist interpretation of Locke's theory of property; see Introduction, 105.

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 putrified, 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 inlarged their Stocks, their *Possessions inlarged* 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 wandred with their Flocks, and their Herds, which was their substance, freely up and down; and this *Abraham* did, in a Country where he was a Stranger. Whence it is plain, that at least, a great part of the *Land lay in common*; that the Inhabitants valued it not, nor claimed Property in any more than they made use of. But when there was not room enough in the same place,

§ 38 9–11 These three lines are a paraphrase of a quotation by Filmer from Selden's *Mare Clausum*; see Laslett's edition, 63–4. The passage is given in full in 1, § 76 and commented upon; see note there.

for their Herds to feed together, they, by consent, as *Abraham* and *Lot* did, *Gen.* xiii. 5. separated and inlarged their pasture, where it best liked them. And for the same Reason *Esau* went from his Father, and his Brother, and planted in *Mount Seir*, Gen. xxxvi. 6.

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

40. Nor is it so strange, as perhaps before consideration it may appear, that the *Property of labour* should be able to over-ballance the Community of Land. For 'tis *Labour* indeed that *puts the difference of value* on every thing; and let any one consider, what the difference is between an Acre of Land planted with Tobacco, or Sugar, sown with Wheat or Barley; and an Acre of the same Land lying in common, without any Husbandry upon it, and he will find, that the improvement of *labour makes* the far greater part of *the value*. I think it will be but a very modest Computation to say, that of the *Products* of the Earth useful to the Life of Man $\frac{9}{10}$ are the *effects of labour*: nay, if we will rightly estimate things as they come to our use, and cast up the several Expences about them, what in them is purely owing to *Nature*, and what to *labour*, we shall find, that in most of them $\frac{99}{100}$ 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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28–9 See 1, § 135, 7, verbal parallel.

31 See 1, § 117, 4–5. It is obvious from these parallels that this paragraph was written with Filmer's argument and Filmer's text in mind. Locke is sketching his account of the passage from a state of nature to a state of society in terms of biblical history.

§ 39 Also clearly directed against Filmer: its argument occupies a great deal of the *First Treatise*, which surely would have been referred to here if it had been written at the time.

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 hundreth part of the Conveniencies 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 reckon'd 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 preferd to largenesse of dominions, and that the increase of lands

§ 42 17–21 A further reference to open-field tillage in England; see II, § 28, 16–26, note and references. The '*wast*' (waste) of line 20 was the manorial land outside the fields, often a grazing area of some value, and Locke's implied criticism of the system is once more a little out of place in this context, though it is interesting that he should have made it.

21–8 A marginal addition in the Christ's copy, dating from the later 1690's (probably after 1698) and belonging therefore to the period of Locke's activities at the Board of Trade—see Laslett, 1957 (i). It is very significant of his attitude to that institution and his policy for it, and for King William III's government in its struggle with France, particularly the insistence on increased population (compare I, § 33, 13–27 and note) as against territory as a source of power, and the criticism of the 'narrownesse of Party'. The reference to a 'wise and godlike' Prince (compare II, § 166, 1), reveals the sense in which Locke, the enemy of divine-kingship, accepted the metaphor of divinity for the ruler as he thought of him.

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 incouragement 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, intrinsick Value. But yet the Benefit Mankind receives from the one, in a Year, is worth 5 *l.* and from the other possibly not worth a Penny, if all the Profit an *Indian* received from it were to be valued, and sold here; at least, I may truly say, not $\frac{1}{1000}$. 'Tis *Labour* then which *puts the greatest part of Value upon Land*, without which it would scarcely be worth any thing: 'tis to that we owe the greatest part of all its useful Products: for all that the Straw, Bran, Bread, of that Acre of Wheat, is more worth than the Product of an Acre of as good Land, which lies wast, is all the Effect of Labour. For 'tis not barely the Plough-man's Pains, the Reaper's and Thresher's Toil, and the Bakers Sweat, is to be counted into the *Bread* we eat; the Labour of those who broke the Oxen, who digged and wrought the Iron and Stones, who felled and framed the Timber imployed 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, Dying-Drugs, Pitch, Tar, Masts, Ropes, and all the Materials made use of in the Ship, that brought any of the Commodities made use of by any of the Workmen, to any part of the Work, all which, 'twould be almost impossible, at least too long, to reckon up.

44. From all which it is evident, that though the things of Nature are given in common, yet Man (by being Master of himself, and *Proprietor of his own Person*, and the Actions or *Labour* of it) had still in himself *the great Foundation of Property*; and that which

made up the great part of what he applyed 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 imploy 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 joyned 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

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§ 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, 5–7), 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.

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 uselesly 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 uselesly 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 uselesly in it.

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

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§ 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 durableness, 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*, 1660, 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, 5, 34).

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

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

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

50. But since Gold and Silver, being little useful to the Life of Man in proportion to Food, Rayment, and Carriage, has its *value* only from the consent of Men, whereof Labour yet makes,

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§ 49 1 Compare II, § 108, 1–2.

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 metalls not spoileing or decaying in the hands of the possessor. This partage of things, in an inequality of private possessions, men have made practicable out of the bounds of Societie, and without compact, only by putting a value on gold and silver and tacitly agreeing in the use of Money. For in Governments the Laws regulate the right of property, and the possession of land is determined by positive constitutions.

51. And thus, I think, it is very easie 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 conveniency 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.

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§ 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, 1713. 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 capitalist 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* (1954, 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).

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 Houshold.*

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

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 anothers 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 Off-spring, 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 inferiour Creatures steadily obey. In those viviparous Animals which feed on Grass, the *conjunction*

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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, 156–7).

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*, I, 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-Linnaean, pre-Darwinian system of classification comes out clearly here, as it does in the *First Treatise*.

between Male and Female lasts no longer than the very Act of Copulation: because the Teat of the Dam being sufficient to nourish the Young, till it be able to feed on Grass, the Male only begets, but concerns not himself for the Female or Young, to whose Sustenance he can contribute nothing. But in Beasts of Prey the *conjunction* lasts longer: because the Dam not being able well to subsist her self, and nourish her numerous Off-spring 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 joynt Care of Male and Female. The same is to be observed in all Birds (except some domestick ones, where plenty of food excuses the Cock from feeding, and taking care of the young Brood) whose Young needing Food in the Nest, the Cock and Hen continue Mates, till the Young are able to use their wing, and provide for themselves.

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

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

82. But the Husband and Wife, though they have but one common Concern, yet having different understandings, will unavoidably sometimes have different wills too; it therefore being necessary, that the last Determination, *i.e.* the Rule, should be placed somewhere, it naturally falls to the Man's share, as the abler 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

§ 81 5–7 This guarded hint at the justifiability of divorce was too much for the clerical Elrington, who says: 'To make the conjugal union determinable by consent, is to introduce a promiscuous concubinage.' Locke was prepared to go much further than this, as is seen in the notes in his diary for 1678, 1679, 1680 under the heading *Atlantis*. He suggests that 'He that is already married may marry another woman with his left hand.... The ties, duration and conditions of the left hand marriage shall be no other than what is expressed in the contract of marriage between the parties' (*Diary*, 1678, 199). On Locke's *Atlantis*, 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 any thing 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

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§ 83 12–20 Passage rewritten for the 2nd edition: little difference of sense, except that 'Community of Goods' (line 15) is introduced.

§ 84 3 'foregoing Chapter'—chapter VI; see note on II, § 77 (chapter VII).

§ 85 8–16 On slavery compare II, § 24, 1–8 and references: here is added the claim that slaves are outside civil society. 'Servants' in this paragraph, we must not forget, covered many now classed as industrial or agricultural workers, and that Locke and all his contemporaries looked upon them as under domestic authority is significant of very different social assumptions; compare II, § 69, 6, '*Apprentice*'.

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 Priviledges 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,

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§ 86 On this paragraph compare the *Third Letter for Toleration*, (*Works*, 1801, VI, 213). The domestic unit being described is readily recognizable as that which prevailed in Locke's day over the English-speaking world, see Laslett and Wall, 1972. It is not without interest that the presence of a slave was regarded as not an unusual feature of such familial groups.

87 5 'that is, his Life, Liberty and Estate'—compare this extended definition of property with I, § 9, 8–9; II §§ 57, 25; 59, 29–30; 85, 13; 123, 16–17; 131, 6; 135, 15; 137, 5; 171, 17; 173, 4–6; 209, 5–6; 221, 7; 222, 19–20; and see Introduction, 101. Contrast also, I, § 90, 13–18.

and punish the breaches of that Law in others, as he is perswaded the Offence deserves, even with Death it self, in Crimes where the heinousness of the Fact, in his Opinion, requires it. But because no *Political Society* can be, nor subsist without having in it self the Power to preserve the Property, and in order 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 easie 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

18–21 Passage rewritten for 2nd edition.

§ 88 4 and 6 Marks of sovereignty again hinted at; see 11, § 11, 6–8 and references.

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 joyns himself to, and incorporates with any Government already made. For hereby he authorizes the Society, or which is all one, the Legislative thereof to make Laws for him as the publick good of the Society shall require; to the Execution whereof, his own assistance (as to his own Decrees) is due. And this *puts Men* out of a State of Nature *into* that of a *Commonwealth*, by setting up a Judge on Earth, with Authority to determine all the Controversies, and redress the Injuries, that may happen to any Member of the Commonwealth; which Judge is the Legislative, or Magistrates appointed by it. And where-ever there are any number of Men, however associated, that have no such decisive power to appeal to, there they are still *in the State of Nature*.

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12 Elrington (1798) castigates this as leaving it optional that men should resign up their power to political authority.

14–18 Used by Kendall to demonstrate Locke's 'collectivism', along with II, § 120; see note there, and on II, § 151, 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, 1960, 156.

13–19 Here Locke talks of the Legislative where the Judiciary might be expected; compare II, § 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 inconveniencies 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 Inconveniency, 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 inconveniencies 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 inforce, that the Law of Reason, or of God, doth injoyn the contrary*, Hook. Eccl. Pol. l. 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 II, § 77 (chapter VII).

10 Reference sign for Hooker quotation inserted by editor; see note on II, § 74, 15. Passage on p. 353 of Keble's *Hooker*, 1836, I, and Locke's 1676 edition 101–2, slightly modified in transcription here.

§ 91 13 Reference sign for Hooker quotation inserted by editor; see note on II, § 74, 15. See Keble's *Hooker*, 1836, I, 302, Locke's 1676 edition, 86, slightly modified. Compare English treatise 1660, and Abrams' note: Polin, 1961, 105.

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 Inconveniencies 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 Humane Nature, need read but the History of this, or any other Age to be convinced of the contrary. He that would have been insolent and injurious in the Woods of *America*, would not probably be much better in a Throne; where perhaps Learning and Religion shall be found out to justifie 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 thereunto, that unto whom they granted Authority to Rule and Govern, by them the Peace, Tranquility, 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 knew that however 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 withstood. Finally, they knew that no Man might in reason take upon him to determine his own Right, and according to his own Determination proceed in maintenance thereof, in as much as every Man is towards himself, and them whom he greatly affects, partial; and therefore that Strifes and Troubles 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 Eccl. Pol. l. 1. Sect. 10.

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§ 92 7 'presently'—immediately. This condemnation of absolute power is often supposed to be directed against Hobbes (for example, *Leviathan*, chapter 18, 1904, 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, 55.

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*.

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§ 93 7–15 Compare I, § 156 note and references.

32 This whole paragraph, and particularly this last statement (compare II, 1, 20–21), are often quoted as Locke's judgment on Hobbes; see, for example, Gough, 1950, 36. This is perhaps because of Hobbes's insistence that the claim that the sovereign was not under the law led to the dissolution of civil society; see *Leviathan*, chapter 29. But it seems much more likely to refer to Filmer, who repeatedly maintains that 'A King according to law makes no kind of government', Laslett's edition, 304. Locke makes a generally similar statement in his first *Essay on the Law of Nature*, Von Leyden, 1954, 118–19.

94. But whatever Flatterers may talk to amuze 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 perswade 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 'amuze' = mislead.

11 Perhaps §§ 105–112 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 puzled 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 'Legislative'. It means the power of law-making, not the law-making body; compare II, § 153, 16; § 154, 4.

26 Reference sign for Hooker quotation inserted by editor; see note on II, § 74, 15: Keble's *Hooker*, 1836, i, 304–5; Locke's 1676 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 pretence of Superiority, plead exemption, thereby to License his own, or the Miscarriages of any of his Dependants. *No Man in Civil Society can be exempted from the Laws of it.*‡ For if any Man may do, what he thinks fit, and there be no Appeal on Earth, for Redress or Security against any harm he shall do; I ask, Whether he be not perfectly still in the State of Nature, and so can be *no part or Member of that Civil Society*: unless any one will say, the State of Nature and Civil Society are one and the same thing, which I have never yet found any one so great a Patron of Anarchy as to affirm.

CHAP. VIII.

Of the Beginning of Political Societies.

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

† *At the first, when some certain kind of Regiment was once appointed, it may be that nothing was then farther thought upon for the manner of governing, but all permitted unto their Wisdom and Discretion, which were to Rule, till by experience they found this for all parts very inconvenient, so as the thing which they had devised for a Remedy, did indeed but increase the Sore, which it should have cured. They saw, that to live by one Man's Will, became the cause of all Mens misery. This constrained them to come unto Laws wherein all Men might see their Duty beforehand, and know the Penalties of transgressing them.* Hooker's Eccl. Pol. I. 1. Sect. 10.

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

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

§ 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

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-

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§ 95, 9; § 98, 12–14; § 101, 23–5; § 103, 10–19; § 112, 8–12; § 114, 5–8; etc.; compare note on II, § 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 discontinuities 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 Christ's 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, 1904, 118–19), Filmer, not Hobbes, was in Locke's mind. Elrington (1798) objects to this that it is not a question of what men may do, but what they are 'under a direct obligation', moral obligation, to do, and to Locke's statement about majorities (line 15) 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*, 1657, 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 Tyrrell, could well have been the very well known discussion by Grotius, *De Jure Belli*, Prolegomena (1712, p. x), and II, v, 17.

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 whither 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 any thing 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 Soveraigne declared by the major part* (1904, 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.

Opinions, and contrariety of Interests, which unavoidably happen in all Collections of Men, the coming into Society upon such terms, would be only like *Cato*'s coming into the Theatre, only to go out again. Such a Constitution as this would make the mighty *Leviathan* of a shorter duration, than the feeblest Creatures; and not let it outlast the day it was born in: which cannot be suppos'd, 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 one amongst another, that met together, and in this way began and set up a Government.*

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11 Martial, *Epigrammaton*, I, Praef.:

'Cur in theatrum, Cato severe, venisti,
An ideo tantum veneras, ut exires?'

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 II, § 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' (II, § 96, 16); compare Allen, 1928.

§ 100 It is possible that the paragraphs from this point to II, § 131, were added after the original composition, perhaps in 1681, for § 132 seems to follow on to § 99. See note on II, §§ 95 (ch. VIII); 101; 111, 18; 123 (ch. IX); 132 (ch. X).

Secondly, *'Tis impossible of right that Men should do so, because all Men being born under Government, they are to submit to that, and are not at liberty to begin a new one.*

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

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

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5–7 See II, § 112, 18–19. Both the obvious objections registered here occur in Filmer, for example, 81 and 232.

§ 101 This paragraph begins the fuller answer about the actual existence of a state of nature preceding the establishment of civil societies, hinted at in II, § 14, 1–3. It seems possible that in 1681 Locke decided to elaborate his argument on this point, and that this was why he extended his text here—see note on II, § 100 and references.

9 '*Salmanasser*'—the Assyrian conqueror (ninth century B.C.); '*Xerxes*'—the Persian conqueror (defeated at Salamis 480 B.C.).

11–12 Compare I, § 144, 31–2 and I, § 145, 7.

23–5 These phrases show that Locke has Filmer in mind, and 'manifest footsteps' is Filmer's own expression (60) ridiculed in I, § 150.

not allow that the *beginning* of *Rome* and *Venice* were by the uniting together of several Men free and independent one of another, amongst whom there was no natural Superiority or Subjection. And if *Josephus Acosta*'s word may be taken, he tells us, that in many parts of *America* there was no Government at all. *There are great and apparent Conjectures*, says he, *that these Men*, speaking of those of *Peru*, *for a long time had neither Kings nor Common-wealths*, *but lived in Troops*, *as they do this day in* Florida, *the* Cheriquanas, *those of* Bresil, *and many other Nations*, *which have no certain Kings*, *but as occasion is offered in Peace or War*, *they choose their Captains as they please*, l. 1. c. 25. If it be said, that every Man there was born subject to his Father, or the head of his Family. That the subjection due from a Child to a Father, took not away his freedom of uniting into what Political Society he thought fit, has been already proved. But be that as it will, these Men, 'tis evident, were actually *free*; and whatever superiority some Politicians now would place in any of them, they themselves claimed it not; but by consent were all *equal*, till by the same consent they set Rulers over themselves. So that their *Politick Societies* all *began* from a voluntary Union, and the mutual agreement of Men freely acting in the choice of their Governours, and forms of Government.

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

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§ 102 3 Locke is contradicting Filmer here, see 206 *et seq.*, 220 *et seq.*

6–13 A citation from Edward Grimestone's translation of Acosta, *The naturall and morall historie of the Indies*, 1604, a popular book with Locke, and by his side in 1681. The passage is found on 1, 72 of the 1880 reprint. The Cheriquanas are spelt with a 'g' in the original: 'a wild tribe in forests to the east of the Andes'.

14 A reminiscence of Filmer; see passage quoted in note to 11, § 114, 5–8.

§ 103 2 Palantus was the leader of the Spartans who founded the city of Tarentum in Italy in the eighth century B.C. The account given by Trogus Pompeius is known only from the epitome of his universal history made by Justin in the second or third century A.D. The reference here is probably to the Paris edition of 1543.

that *Government* were not, nor could not be so *begun*, I suppose the Contenders for Paternal Empire were better let it alone, than urge it against natural Liberty. For if they can give so many instances out of History, of *Governments begun* upon Paternal Right, I think (though at best an Argument from what has been, to what should of right be, has no great force) one might, without any great danger, yield them the cause. But if I might advise them in the Case, they would do well not to search too much into the *Original of Governments*, as they have begun *de facto*, lest they should find at the foundation of most of them, something very little favourable to the design they promote, and such a power as they contend for.

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

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

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10–19 A further reference to Filmer and his followers with their 'Paternal Right'.

§ 104 3 On the limitation to governments begun in peace, see II, § 112, 140.

§ 105 With this paragraph begins a passage continuing to II, § 112 which repeats and extends Locke's concessions to patriarchalism; compare II, § 74, 14–37 and note. Again his argument is close to that of Tyrrell (for example, 1681, 83 on) and perhaps even closer to Pufendorf—see *De Jure Naturae*, 1672, VII, i, entitled *De Causa Impulsitiva Instituendae Civitatis*, especially § 5. He follows Edward Gee, Filmer's first critic (1658, p. 150), in these comments on Filmer's patriarchalism.

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

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

16 Elrington (1798) comments here that men had a *duty* to trust the heads of families and no arbitrary right to reject them, and on 11, § 106 that Locke does not maintain that men have an arbitrary right over their most important moral actions.

perhaps the Father's Preheminency might in the first institution of some Common-wealths, give a rise to, and place, in the beginning, the Power in one hand; Yet it is plain, that the reason, that continued the Form of *Government in a single Person*, was not any Regard, or Respect to Paternal Authority; since all petty Monarchies, that is, almost all *Monarchies*, near their Original, have been commonly, at least upon occasion, *Elective*.

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

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§ 106 16–18 Compare II, § 132, 10–12. In his journal under 25 March 1679 (compare Introduction, 34) and under the heading *Politia*, Locke quotes from Sagard's *Canada* (1636: compare II, § 58 note) on the elective kingship of that region, which nevertheless usually permits the son to succeed to the father's throne. 'Their kings are rather obliged by consent and persuasion than compulsion, the public good being the reason of their authority ... and this seems to be the state of regal authority in its original in all that part of the world', he writes, and initials the note (B.M. Add. MSS. 15642).

most obvious and simple, but also best suited to their present State and Condition; which stood more in need of defence against foreign Invasions and Injuries, than of multiplicity of Laws. The equality of a simple poor way of liveing confineing their desires within the narrow bounds of each mans smal propertie made few controversies and so no need of many laws to decide them: And there wanted not of Justice where there were but few Trespasses, and few Offenders. Since then those, who liked one another so well as to joyn into Society, cannot but be supposed to have some Acquaintance and Friendship together, and some Trust one in another; they could not but have greater Apprehensions of others, than of one another: And therefore their first care and thought cannot but be supposed to be, how to secure themselves against foreign Force. 'Twas natural for them to put themselves under a *Frame of Government*, which might best serve to that end; and chuse the wisest and bravest Man to conduct them in their Wars, and lead them out against their Enemies, and in this chiefly be their *Ruler*.

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

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§ 107 28–32 Rewritten by Locke in the Christ's copy, but differences immaterial. The text is considerably modified in minute detail in this area, almost entirely for punctuation.

§ 108 1–2 Compare II, § 49, 1.

6 '*Generals of their Armies*'—Locke shared with Tyrrell the view that a frequent origin of kingship was in the military leader, and that the dominance of such a leader may be a transitional stage between the state of nature and of society. See Tyrrell, 1681, 85 (the early kings of the Goths, Vandals, and 'our Saxons') and 92–3, referring to the 'Caciques', of the Caribbean Islands and Brazil. Indeed Tyrrell actually made a note on the point in Locke's journal for 1680, about the King amongst the inhabitants of the Hudson Bay area, who was 'only captain of so many families'. Acosta and Lery were probably their other sources, but the most straightforward statement is to be found in the *Histoire naturelle et Morale des Iles Antilles* (H. and L. 2491a, probably by Rocheford, but also attributed to Du Tertre and De Poincy), Rotterdam, 1658, which Locke possessed. The discussion in Grotius, 1625, I, iii, 8, may be compared and contrasted.

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

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

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

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of war; but in time of peace, neither he nor any body else has any authority over any of the society' (*Second Letter*, 1690, *Works*, 1801, VI, 121). 'Let me ask you, Whether it be not possible that men, to whom the rivers and woods afforded the spontaneous provisions of life, and so with no private possessions of land, had no inlarged desires after riches or power, should live in one society, make one people of one language under one Chieftain, who shall have no other power to command them in time of common war against their common enemies, without any municipal laws, judges, or any person with superiority established amongst them, but ended all their private differences, if any arose, by the extemporary determination of their neighbours, or of arbitrators chosen by the parties. I ask you, whether in such a commonwealth, the Chieftain, who was the only man of authority amongst them, had any power to use the force of the commonwealth to any other end but the defence of it against an enemy, though other benefits were attainable by it?' (*Third Letter*, 1692, *Works*, 1801, VI, 223). This second passage, written in vindication of the first, is a most interesting exposition of Locke's views on the state of nature, or of such a state mixed with a state of society. Compare Seliger, 1968, p. 870.

§ 109 This assimilation of biblical history with the history of primitive peoples is characteristically Lockean; compare I, § 158, 5–7, and see II, § 36, 9–25 and references.

3–4 '*going out and in before the People*'—a common Old Testament phrase for leading the Israelites to war; see, for example, Numbers xxvii. 17.

6–16 'the Story of *Jephtha*'—see II, § 21, 17, with note and references.

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

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

45–8 II Sam. v. 2.

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

111. But though the *Golden Age* (before vain Ambition, and *amor sceleratus habendi*, evil Concupiscence, had corrupted Mens minds into a Mistake of true Power and Honour) had more Virtue, and consequently better Governours, as well as less vicious Subjects; and there was then *no stretching Prerogative* on

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§ 110 17–23 Modified and partially rewritten in the Christ's copy. On 'nursing Fathers' and his other quasi-patriarchal statements compare II, § 105, note and references.

19–20 For Locke's doctrine of trust, see Introduction, 113 on, and compare in this passage in particular the early words of his *Essay Concerning Toleration* of 1667: 'The whole trust, power and authority of the magistrate is vested in him for no other purpose, but to be made use of for the good, preservation, and peace of men in that society over which he is set, and therefore this ought to be the standard and measure, according to which he ought to square and proportion his laws, model and frame his government' (Fox Bourne, 1876, I, 174).

§ 111 2 The Latin tag is from Ovid, *Metamorphoses*, I, 131. This hint of a golden age is a highly traditional element, and is usually assumed to be a description of Locke's state of nature; see Leslie Stephen, 1876 (1902), II, 137, followed, for example, by Strauss, 1953, 216. If this is the intention it is in sharp contrast with the Hobbesian view of the state of nature, though, as Strauss points out, rather difficult to reconcile with Locke's own account of the Fall, for example, I, §§ 44, 45. Lamprecht, 1918, 127, however, takes the view that it refers not to the state of nature but to the early, virtuous years of established government. As always, Locke's language is inexact, but a close and sympathetic reading of this paragraph and II, §§ 107, 110 seems to confirm this as the correct view.

the one side to oppress the People; *nor* consequently on the other any *Dispute about Priviledge*, to lessen or restrain the Power of the Magistrate;† and so no contest betwixt Rulers and People about Governours or Government: Yet, when Ambition and Luxury, in future Ages would retain and increase the Power, without doing the Business, for which it was given, and aided by Flattery, taught Princes to have distinct and separate Interests from their People, Men found it necessary to examine more carefully *the Original* and Rights of *Government*; and to find out ways to *restrain the Exorbitances*, and *prevent the Abuses* of that Power which they having intrusted in another's hands only for their own good, they found was made use of to hurt them.

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

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

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8 Reference sign for Hooker quotation inserted by editor; see note on 11, § 74, 15. This quotation is also used to illustrate 11, § 94, 26; see note there. Its reappearance here may be due to the fact that §§ 100–31 were added after the original composition (see note on 11, § 95 (chapter VIII) and references), though it may indicate some confusion in Locke's manuscript, or some misunderstanding by the compositor of the 1st edition not subsequently corrected. The quotation is fairly appropriate in both places; it shows some variants from Hooker's text, including Locke's underlining of a critical phrase, and between the two printings of it.

§ 112 8–12 The 'Divinity of this last Age' was Filmer's patriarchal doctrine, publicly owned by the pulpit and made 'the *Currant Divinity of the Times*'; see the Preface, 32–3. It is possible that lines 8–17 here were an addition of 1689.

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

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

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

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

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

All Men, say they, *are born under Government, and therefore they*

14–15 Compare II § 104, 3.

15–17 The other place is Chapter XVI II §§ 175–198.

18–19 See II, § 100, 5–7: these two lines were obviously intended to stand out of the paragraph numeration, hence the odd beginning of § 113.

§ 113 1–5 Compare note on II, § 100. This objection is not found stated in such a general form by Filmer, but it is a position consistently implied by him; see especially his *Forms* (Laslett, 1949, 185–229).

§ 114 5–8 A paraphrase of Filmer (Laslett's edition, 232): 'Every man that is born, is so far from being free-born, that by his very birth he becomes a subject to

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

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

116. This has been the practice of the World from its first beginning to this day: Nor is it now any more hindrance to the freedom of Mankind, that they are *born under constituted and ancient Polities*, that have established Laws and set Forms of Government, than if they were born in the Woods, amongst the unconfined Inhabitants that ran loose in them. For those who would perswade us, that *by being born under any Government, we are naturally Subjects to it*, and have no more any title or pretence to the freedom of the State of Nature, have no other reason (bating that of Paternal

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him that begets him: under which subjection, he is always to live, unless by immediate appointment from God, or by the grant or death of his Father, he become possessed of that power to which he was subject', ridiculed in the *First Treatise*; compare II, § 102, 14.

§ 116 9–10 This parenthesis demonstrates that Locke is still arguing against Filmer (compare § 115, 10–11): 'already answer'd' seems to refer to the text immediately preceding, rather than to the *First Treatise*.

Power, which we have already answer'd) to produce for it, but only because our Fathers or Progenitors passed away their natural Liberty, and thereby bound up themselves and their Posterity to a perpetual subjection to the Government, which they themselves submitted to. 'Tis true, that whatever Engagements or Promises any one has made for himself, he is under the Obligation of them, but *cannot* by any *Compact* whatsoever, bind *his Children* or Posterity. For this Son, when a Man, being altogether as free as the Father, any *act of the Father can no more give away the liberty of the Son*, than it can of any body else: He may indeed annex such Conditions to the Land, he enjoyed as a Subject of any Commonwealth, as may oblige his Son to be of that Community, if he will enjoy those Possessions which were his Fathers; because that Estate being his Fathers Property, he may dispose or settle it as he pleases.

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

118. But, 'tis plain, *Governments* themselves understand it otherwise; they *claim no Power over the Son, because of that they had over the Father*; nor look on Children as being their Subjects, by their Fathers being so. If a Subject of *England* have a Child by an *English* Woman in *France*, whose Subject is he? Not the King of

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§ 118 Leslie Stephen comments that this paragraph 'leads straight to anarchy', 1902, II, 140. I am indebted to Mr Parry, of Downing College, Cambridge, in the following notes.

4–5 In Locke's day, as in our own, a child of British subjects born in France was a British citizen, under the statute *De natis ultra mare* of 25 Edward III, and it was decided by a case of 1627 that either father or mother would suffice.

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

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

7 This does not seem to have been a general rule, but there were cases of foreign-born children of British parents being formally naturalized in the seventeenth century; see Parry, 1954.

11–13 Pollock comments that this is an 'opinion which no modern lawyer will accept, least of all a continental one', 1904, 244. Since, however, there was no right to nationality in the law of Locke's day, he is not necessarily wrong in what he says. He was strongly in favour of the naturalization of aliens on social and economic grounds; see Laslett, 1957 (i), 393.

§ 119 7–9 The *Fundamental Constitutions of Carolina*, Articles 117–18, make provision for just such an express declaration, but Seliger, 1968, p. 276, denies the relevance of this.

consented, and thereby submitted to any Government, where he has made no Expressions of it at all. And to this I say, that every Man, that hath any Possession, or Enjoyment, of any part of the Dominions of any Government, doth thereby give his *tacit Consent*, and is as far forth obliged to Obedience to the Laws of that Government, during such Enjoyment, as any one under it; whether this his Possession be of Land, to him and his Heirs for ever, or a Lodging only for a Week; or whether it be barely travelling freely on the Highway; and in Effect, it reaches as far as the very being of any one within the Territories of that Government.

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

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§ 120 Kendall infers from this passage that society vouchsafes property to the individual. Compare 11, § 139, 4–5 and statements in the works on toleration. Locke's *1st Letter* of 1689 implies that the magistrate may 'change propriety among fellow-subjects', and the *Essay* of 1667 says 'The magistrate having a power to appoint ways of transferring proprieties from one man to another, may establish any, so they be universal, equal and without violence and suited to the welfare of that society' (quoted here from the Huntington MS. The words underlined are omitted in that printed by Fox Bourne (1876, 1, 183)).

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

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

§ 121 15–18 Dissolution of Government and state of nature, see II, § 219, note and references.

17–18 Final phrase added in 2nd edition, 1694.

CHAP. IX.

Of the Ends of Political Society and Government.

123. IF Man in the State of Nature be so free, as has been said; If he be absolute Lord of his own Person and Possessions, equal to the greatest, and subject to no Body, why will he part with his Freedom? Why will he give up this Empire, and subject himself to the Dominion and Controul 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 joyn 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*

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§ 123 *Chapter* IX. There is nothing in this short chapter to connect it with what goes before, or what comes after, which seems to be a continuation of the original text from § 99—see notes on II, § 95 (chapter VIII), II, § 100 and II, § 132 (chapter X). There are no references to connect it with the critique of Filmer, though some parallels (see § 124, 8–9; § 125, 1–4; § 129, 3–4) with other statements in the *Second Treatise*. In form it is a short restatement of his whole position, in brief paragraphs, all leading up to a judgment on James II—see § 131. It seems, therefore, like chapter XV (see note on II, § 169) to be an insertion of 1689.

2 Compare II, § 6, 2–3 and Strauss, 1953, 227.

16–17 On the extended definition of property set out here, see II, § 87, 5 note and references. The whole paragraph should be compared and contrasted with the first paragraph of *Leviathan*, chapter 17, and with II, § 19, 1–5 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 Tolerantia* Locke puts

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

First, There wants an *establish'd*, 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 biassed 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.

125. *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.

126. *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.

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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 what honest industry has already acquired, and also of preserving their liberty and strength, whereby they may acquire what they further want, obliges men to enter into society one with another (ideo homini parta, ut opes et facultates; vel ea quibus parantur, ut corporis libertatem et robur, tuendi gratia, ineunda est cum aliis societas) 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 harum rerum ad vitam utilium sua cuique privata et secura sit possessio)' (Klibansky and Gough, 1968, 124). Compare Macpherson, 1951, 551.

8–9 Compare II, § 12, 10–12, verbal parallel.

§ 125 1–3 Compare II, § 136, 8.

3–4 Compare II, § 7.

4–5 The mention of 'Passion' recalls Hobbes, *Leviathan*, chapter 17 (1904, 115, etc.), and the insistence on partiality recalls Hooker (1836, I, 305, compare II, § 91 and *English Tract* of 1660, 10). It is not demonstrable that Locke had either writer in mind.

127. Thus Mankind, notwithstanding all the Priviledges of the State of Nature, being but in an ill condition, while they remain in it, are quickly driven into Society. Hence it comes to pass, that we seldom find any number of Men live any time together in this State. The inconveniencies, 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 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 Commonwealth, separate from the rest of Mankind.

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

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§ 127 10 'Single'—i.e. 'individual', not 'only'; see Kendall, 1941, 103.

§ 129 3–4 This limitation is elaborated in II, § 149, especially lines 22–5.

2, 5 Elrington, 1798, 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.

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

131. But though Men when they enter into Society, give up the Equality, Liberty, and Executive Power they had in the State of Nature, into the hands of the Society, to be so far disposed of by the Legislative, as the good of the Society shall require; yet it being only with an intention in every one the better to preserve himself his Liberty and Property; (For no rational Creature can be supposed to change his condition with an intention to be worse) the power of the Society, or *Legislative* constituted by them, *can never be suppos'd to extend farther than the common good*; but is obliged to secure every ones Property by providing against those three defects above-mentioned, that made the State of Nature so unsafe and uneasie. And so whoever has the Legislative or Supream 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.

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§ 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 1689; see note on 11, § 123, chapter IX, and compare Abrams' note on *English Tract* of 1660, p. 19.

wealths with the Form of Government established, have Rules also of appointing those, who are to have any share in the publick Authority; and settled methods of conveying the right to them. For the anarchy is much alike to have no forme of government at all; or to agree that it shall be monarchical, but to appoint no way to know or designe the person that shall have the power and be the monarch. Whoever gets into the exercise of any part of the Power, by other ways, than what the Laws of the Community have prescribed, hath no Right to be obeyed, though the Form of the Commonwealth be still preserved; since he is not the Person the Laws have appointed, and consequently not the Person the People have consented to. Nor can such an *Usurper*, or any deriving from him, ever have a Title, till the People are both at liberty to consent, and have actually consented to allow, and confirm in him, the Power he hath till then Usurped.

CHAP. XVIII.

Of TYRANNY.

199. AS Usurpation is the exercise of Power, which another hath a Right to; so *Tyranny* is *the exercise of Power beyond Right*, which no Body can have a Right to. And this is making use of the Power any one has in his hands; not for the good of

in the Christ's copy he failed to complete his correction. Having decided to move the passage printed here in lines 7–11 from an earlier position, he failed to delete it, with the result that the text in the 4th, 5th, 6th and Collected editions give it in both positions, making the paragraph pretty well unintelligible.

§ 199 *Chapter* XVIII Up to the end of § 202 this chapter clearly belongs to the series from chapter XVI, and was presumably written in 1681 or perhaps 1682 (see notes on § 197, chapter XVII and § 175, chapter XVI), which is confirmed by the reference to 'King James' in § 200, 3. But after § 202 the subject of tyranny is left behind, and Locke discusses the related but much more interesting topic of resistance: this whole passage to § 210 may well be a later insertion. In the editor's view it is most unlikely to have been an insertion of 1689, for it all reads as if it were intended to apply to resistance under contemplation, not to resistance which had taken place. Moreover its statements are often quite inappropriate to the actions of James II: the references to religion, for example, in § 209, 6–7 and § 210, 9–10—see Introduction, 54. But they do describe the actions of Charles II, at least as they were interpreted

those, who are under it, but for his own private separate Advantage. When the Governour, however intituled, makes not the Law, but his Will, the Rule; and his Commands and Actions are not directed to the preservation of the Properties of his People, but the satisfaction of his own Ambition, Revenge, Covetousness, or any other irregular Passion.

200. If one can doubt this to be Truth, or Reason, because it comes from the obscure hand of a Subject, I hope the Authority of a King will make it pass with him. King *James* the first in his Speech to the Parliament, 1603. tells them thus; *I will ever prefer the Weal of the Publick, and of the whole Commonwealth, in making of good Laws and Constitutions to any particular and private Ends of mine. Thinking ever the Wealth and Weal of the Commonwealth, to be my greatest Weal, and worldly Felicity; a Point wherein a lawful King doth directly differ from a Tyrant. For I do acknowledge, that the special and greatest point of Difference that is between a rightful King, and an usurping Tyrant, is this, That whereas the proud and ambitious Tyrant doth think, his Kingdom and People are only ordained for satisfaction of his Desires and unreasonable Appetites; the righteous and just King doth by the contrary acknowledge himself to be ordained for the procuring of the Wealth and Property of his People.* And again in his Speech to the Parliament, 1609. he hath these Words: *The KING binds*

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by Shaftesbury and the Exclusion Whigs. There are sentences, and perhaps longer passages, which may have been added in 1689, and § 205, 6–11 is an obvious example, but in general it would seem that this part of the text was written before Locke's departure for Holland in 1683, and may well be directly connected with the Whig plans for overt resistance to Charles II in those years: compare Ashcraft, 1986, 1987.

5–6 The point that a government must never have its 'own private separate Advantage' is made repeatedly; see 11, § 138, 24–5; § 143, 13–14; § 163, 14 ('distinct and separate Interest'); § 164, 16.

§ 200 3 'King *James* the First'—'the First' added in errata to 3rd edition, 1698, and inserted in the Christ's copy: compare 11, § 133, 10, and see note and references there.

4–31 See McIlwain, 1918 (an exact reproduction of King James's *Works*, 1616), 277, 278, 309–10, fairly exactlv quoted, but with variations in spelling and punctuation and one interesting alteration: '*Property*' in line 15 reads 'prosperitie' in the original. Filmer quotes King James extensively, mostly from his *Trew Law of Free Monarchies*, and in *Patriarcha*, section 21, 103, he also uses the phrase about the tyrant and the law in lines 25–6. Locke does not appear to have owned any work of James I, but these speeches of 1603 and 1609 were used by others in the controversy of the early 1680's, see, for example, *Vox Regis, or the difference betwixt a King ruling by Law and Tyrant by his own will...in two speeches of King James to the parliaments in 1603...1609...an Appendix to Vox Populi*, London, 1681. This paragraph was obviously written 1679–81, see note on 11, § 199, chapter XVIII; compare Polin, 1960, 216.

himself by a double Oath, to the observation of the Fundamental Laws of his Kingdom. Tacitly, as by being a King, and so bound to protect as well the People as the Laws of his Kingdom, and expressly by his Oath at his Coronation; so as every just King, in a setled Kingdom is bound to observe that Paction made to his People by his Laws in framing his Government agreeable thereunto, according to that Paction which God made with Noah, *after the Deluge. Hereafter, Seed-time and Harvest, and Cold and Heat, and Summer and Winter, and Day and Night shall not cease while the Earth remaineth. And therefore a King governing in a setled Kingdom, leaves to be a King, and degenerates into a Tyrant as soon as he leaves off to rule according to his Laws.* And a little after: *Therefore all Kings that are not Tyrants, or Perjured, will be glad to bound themselves within the Limits of their Laws. And they that perswade them the contrary, are Vipers, and Pests both against them and the Commonwealth.* Thus that Learned King who well understood the Notions of things, makes the difference betwixt a *King* and a *Tyrant* to consist only in this, That one makes the Laws the Bounds of his Power, and the Good of the Publick, the end of his Government; the other makes all give way to his own Will and Appetite.

201. 'Tis a Mistake to think this Fault is proper only to Monarchies; other Forms of Government are liable to it, as well as that. For where-ever the Power that is put in any hands for the Government of the People, and the Preservation of their Properties, is applied to other ends, and made use of to impoverish, harass, or subdue them to the Arbitrary and Irregular Commands of those that have it: There it presently becomes *Tyranny*, whether those that thus use it are one or many. Thus we read of the Thirty Tyrants at *Athens*, as well as one at *Syracuse*; and the intolerable Dominion of the *Decemviri* at *Rome* was nothing better.

202. *Where-ever Law ends, Tyranny begins*, if the Law be transgressed to another's harm. And whosoever in Authority exceeds the Power given him by the Law, and makes use of the Force he has under his Command, to compass that upon the Subject, which the Law allows not, ceases in that to be a Magistrate, and

§ 201 7–10 The Thirty Tyrants ruled in Athens 404–403 B.C., and the tyrants of Syracuse were advised by Plato himself: the *Decemviri* were a board of ten who were forced from the rulership of the Roman Republic in 449 B.C. for tyrannical behaviour.

acting without Authority, may be opposed, as any other Man, who by force invades the Right of another. This is acknowledged in subordinate Magistrates. He that hath Authority to seize my Person in the Street, may be opposed as a Thief and a Robber, if he indeavours to break into my House to Execute a Writ, notwithstanding that I know he has such a Warrant, and such a Legal Authority as will impower him to Arrest me abroad. And why this should not hold in the highest, as well as in the most Inferiour Magistrate, I would gladly be informed. Is it reasonable that the Eldest Brother, because he has the greatest part of his Father's Estate, should thereby have a Right to take away any of his younger Brothers Portions? Or that a Rich Man, who possessed a whole Country, should from thence have a Right to seize, when he pleased, the Cottage and Garden of his poor Neighbour? The being rightfully possessed of great Power and Riches exceedingly beyond the greatest part of the Sons of *Adam*, is so far from being an excuse, much less a reason, for Rapine, and Oppression, which the endamaging another without Authority is, that it is a great Aggravation of it. For the exceeding the Bounds of Authority is no more a Right in a great, than a petty Officer; no more justifiable in a King, than a Constable. But is so much the worse in him, in that he has more trust put in him, has already a much greater share than the rest of his brethren, and is supposed from the advantages of Education, imployment and Counsellors to be more knowing in the measures of right or wrong.

203. May the *Commands* then *of a Prince be opposed?* May he be resisted as often as any one shall find himself aggrieved, and but imagine he has not Right done him? This will unhinge and overturn all Polities, and instead of Government and Order, leave nothing but Anarchy and Confusion.

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§ 202 14–17 The greater rights of the eldest brother are discussed at length in the *First Treatise*; see, for example, §§ 114, 115.

17–20 Compare 1, § 42, for the limitations on the powers of the rich man. The example given here, of the wealthy landowner and the cottager with his garden, comes straight out of the rural England of Locke's day.

26–31 This point is made again in 11, § 231.

29–31 Locke rephrased this.

§ 203 It is possible that the text from this point to the end of the chapter is an addition to the original, perhaps of 1681–2, perhaps even of 1689: see note to § 199 (chapter XVIII), where it is argued that it was written before 1683.

204. To this I Answer: That *Force* is to be *opposed* to nothing, but to unjust and unlawful *Force*; whoever makes any opposition in any other Case, draws on himself a just Condemnation both from God and Man; and so no such Danger or Confusion will follow, as is often suggested. For,

205. *First*, As in some Countries, the Person of the Prince by the Law is Sacred; and so whatever he commands, or does, his Person is still free from all Question or Violence, not liable to Force, or any Judicial Censure or Condemnation. But yet opposition may be made to the illegal Acts of any inferiour Officer, or other commissioned by him; unless he will by actually putting himself into a State of War with his People, dissolve the Government, and leave them to that defence, which belongs to every one in the State of Nature. For of such things who can tell what the end will be? And a Neighbour Kingdom has shewed the World an odd Example. In all other Cases the *Sacredness* of the person *exempts him from all Inconveniences* whereby he is secure, whilst the Government stands, from all violence and harm whatsoever; Than which there cannot be a wiser Constitution. For the harm he can do in his own Person, not being likely to happen often, nor to extend it self far; nor being able by his single strength to subvert the Laws, nor oppress the Body of the People, should any Prince have so much Weakness and ill Nature as to be willing to do it, the Inconveniency of some particular mischiefs, that may happen sometimes, when a heady Prince comes to the Throne, are well recompenced, by the peace of the Publick, and security of the Government, in the Person of the Chief Magistrate, thus set out of the reach of danger: It being safer for the Body, that some few private Men should be sometimes in danger to suffer, than that the head of the Republick should be easily, and upon slight occasions exposed.

206. *Secondly*, But this Priviledge, belonging only to the King's Person, hinders not, but they may be questioned, opposed, and

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§ 205 1 'Some Countries'—England is meant here; compare 1, § 90, 29–31.

6–11 This passage seems to be an insertion of 1689 and a direct reference to James II, here accused of having put himself into a state of war with his people and dissolved the government. The 'Neighbour Kingdom' of line 10 is England again, an even more indirect reference but typical of Locke: compare above note and see Introduction, 78. It will be noted that dissolution of *government*, not *society*, here brings back the state of nature: see Introduction, 114.

resisted, who use unjust force, though they pretend a Commission from him, which the Law authorizes not. As is plain in the Case of him, that has the King's Writ to Arrest a Man, which is a full Commission from the King; and yet he that has it cannot break open a Man's House to do it, nor execute this Command of the King upon certain Days, nor in certain Places, though this Commission have no such exception in it, but they are the Limitations of the Law, which if any one transgress, the King's Commission excuses him not. For the King's Authority being given him only by the Law, he cannot impower any one to act against the Law, or justifie him, by his Commission in so doing. The *Commission*, or *Command of any Magistrate, where he has no Authority*, being as *void* and insignificant, as that of any private Man. The difference between the one and the other, being that the Magistrate has some Authority so far, and to such ends, and the private Man has none at all. For 'tis not the *Commission*, but the *Authority*, that gives the Right of acting; and *against the Laws there can be no Authority*. But, notwithstanding such Resistance, the King's Person and Authority are still both secured, and so *no danger to Governor or Government*.

207. *Thirdly*, Supposing a Government wherein the Person of the Chief Magistrate is not thus Sacred; yet this *Doctrine* of the lawfulness of *resisting* all unlawful exercises of his Power, *will not* upon every slight occasion indanger him, or *imbroil the Government*. For where the injured Party may be relieved, and his damages repaired by Appeal to the Law, there can be no pretence for Force, which is only to be used, where a Man is intercepted from appealing to the Law. For nothing is to be accounted Hostile Force, but where it leaves not the remedy of such an Appeal. And 'tis such *Force* alone, that *puts* him that uses it *into a state of War*, and makes it lawful to resist him. A Man with a Sword in his Hand demands my Purse in the High-way, when perhaps I have not 12 *d.* in my Pocket; This Man I may lawfully kill. To another I deliver 100 *l.* to hold only whilst I alight, which he refuses to restore me, when I am got up again, but draws his Sword to defend the possession of it by force, if I endeavour to retake it. The mischief this Man does me, is a hundred, or possibly a thousand times more, than the other perhaps intended me,

§ 207 12–13 Compare II, § 18.

(whom I killed before he really did me any) and yet I might lawfully kill the one, and cannot so much as hurt the other lawfully. The Reason whereof is plain; because the one using *force*, which threatned my Life, I could not have *time to appeal* to the Law to secure it: And when it was gone, 'twas too late to appeal. The Law could not restore Life to my dead Carcass: The Loss was irreparable; which to prevent, the Law of Nature gave me a Right to *destroy* him, who had put himself into a state of War with me, and threatned my destruction. But in the other case, my Life not being in danger, I may have the *benefit of appealing* to the Law, and have Reparation for my 100 *l.* that way.

208. *Fourthly*, But if the unlawful acts done by the Magistrate, be maintained (by the Power he has got) and the remedy which is due by Law, be by the same Power obstructed; yet the *Right of resisting*, even in such manifest Acts of Tyranny, *will not* suddenly, or on slight occasions, *disturb the Government*. For if it reach no farther than some private Mens Cases, though they have a right to defend themselves, and to recover by force, what by unlawful force is taken from them; yet the Right to do so, will not easily ingage them in a Contest, wherein they are sure to perish; it being as impossible for one or a few oppressed Men to *disturb the Government*, where the Body of the People do not think themselves concerned in it, as for a raving mad Man, or heady Male-content to overturn a well-settled State; the People being as little apt to follow the one, as the other.

209. But if either these illegal Acts have extended to the Majority of the People; or if the Mischief and Oppression has light only on some few, but in such Cases, as the Precedent, and Consequences seem to threaten all, and they are perswaded in their Consciences, that their Laws, and with them their Estates,

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§ 208 Compare II, § 230, 1–10, and see Seliger, 1963 (ii), talking of *raison d'état*.

5–6 Elrington (1798) comments here that there are cases in which redress is impossible, where it would injure innocent people, and that no one 'has a right to overturn the peace of the Society he lives in and reduce his fellow-citizens to a State of Nature, for the mere purpose of obtaining redress'.

§ 209 The statements of this paragraph and § 210 are often taken to refer directly to James II, and they seem more specific than the rest of the passage from § 203; see note there. In the note on § 199 (chapter XVIII) and in the Introduction, 54 it is argued that they are in fact more appropriate to the situation of the early 1680's than of 1688–9, and it may be significant that the paragraph ends with the 'Father of a Family' once again.

Liberties, and Lives are in danger, and perhaps their Religion too, how they will be hindered from resisting illegal force, used against them, I cannot tell. This is an *Inconvenience*, I confess, that *attends all Governments* whatsoever, when the Governours have brought it to this pass, to be generally suspected of their People; the most dangerous state which they can possibly put themselves in: wherein they are the less to be pitied, because it is so easie to be avoided; It being as impossible for a Governor, if he really means the good of his People, and the preservation of them and their Laws together, not to make them see and feel it; as it is for the Father of a Family, not to let his Children see he loves, and takes care of them.

210. But if all the World shall observe Pretences of one kind, and Actions of another; Arts used to elude the Law, and the Trust of Prerogative (which is an Arbitrary Power in some things left in the Prince's hand to do good, not harm to the People) employed contrary to the end, for which it was given: if the People shall find the Ministers, and subordinate Magistrates chosen suitable to such ends, and favoured, or laid by proportionably, as they promote, or oppose them: If they see several Experiments made of Arbitrary Power, and that Religion underhand favoured (though publickly proclaimed against) which is readiest to introduce it, and the Operators in it supported, as much as may be; and when that cannot be done, yet approved still, and liked the better: if a *long Train of Actings shew the Councils* all tending that way, how can a Man any more hinder himself from being perswaded in his own Mind, which way things are going; or from casting about how to save himself, than he could from believing the Captain of the Ship he was in, was carrying him, and the rest of the Company to *Algiers*, when he found him always steering that Course, though cross Winds, Leaks in his Ship, and want of Men and Provisions did often force him to turn his Course another way for some time, which he steadily returned to again, as soon as the Wind, Weather, and other Circumstances would let him?

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§ 210 2–4 'the Trust of Prerogative'—compare chapter XIV, especially §§ 163, 168; the definition of prerogative assumed here is the same, but the phrase is new. Compare II, § 94, 1–9 on the sentiments of the first part of this paragraph.

13 '*long Train of Actings...*'—see note on II, § 225, 5–6.

18 '*Algiers*'—the slave market for Christians captured by Moorish pirates.

CHAP. XIX.

Of the Dissolution of Government.

211. HE that will with any clearness speak of the *Dissolution of Government*, ought, in the first place to distinguish between the *Dissolution of the Society*, and the *Dissolution of the Government*. That which makes the Community, and brings Men out of the loose State of Nature, into *one Politick Society*, is the Agreement which every one has with the rest to incorporate, and act as one Body, and so be one distinct Commonwealth. The usual, and almost only way whereby *this Union is dissolved*, is the Inroad of Foreign Force making a Conquest upon them. For in that Case, (not being able to maintain and support themselves, as *one intire* and *independent Body*) the Union belonging to that Body which consisted therein, must necessarily cease, and so every one return to the State he was in before, with a liberty to

§ 211 *Chapter* XIX This chapter contains those statements of Locke's which associate his book most closely with the events of 1688–9. It is lacking in structure and obviously the result of successive correction and addition, but it seems to have belonged to Locke's original text, though perhaps not written before 1681 or 1682. The first part of the chapter, up to § 218, seems clearly to have been written well before 1688, especially § 218 itself which seems too hypothetical for a whig comment on the Revolution, even for Locke. Then come two paragraphs which were added in 1689 (§§ 219, 220), followed by a passage mainly belonging to the original text. The prolonged criticism of Barclay (§§ 232–9) seems to have been written in 1681 or 1682, certainly after he had added his material from Hooker. The final paragraphs seem to belong to the original, but were obviously modified and extended after the Revolution.

1–4 On the dissolution of government as opposed to the dissolution of society, and the community which survives the breakdown of government, see Introduction, 116. Maclean, 1947, points out an interesting parallel with the views of George Lawson here: compare *Politica Sacra* (1660), 1689, 24, 27, 59, 95, 217, etc., and his *Examination of Hobbes*, 1657, 15, etc. As in the case of the separation of powers (see note on 11, § 146), Lawson is far more specific and rather different in his conceptions. He laid it down that when the government was dissolved, the counties maintained the community of England.

7–15 Compare 11, § 175, 8–13, 11, § 185 and Hobbes's *Leviathan*, chapter 29: 'When in a warre (forraign or intestine,) the enemies get a finall Victory; so as . . . there is no farther protection of Subjects in their loyalty; then is the Common-wealth DISSOLVED, and every man at liberty to protect himselfe by such courses as his own discretion shall suggest to him' (1904, 242). In 11, § 218, 12–14, Locke equates rebellion with foreign conquest in a similar way.

shift for himself, and provide for his own Safety as he thinks fit in some other Society. Whenever the *Society is dissolved*, 'tis certain the Government of that Society cannot remain. Thus Conquerours Swords often cut up Governments by the Roots, and mangle Societies to pieces, separating the subdued or scattered Multitude from the Protection of, and Dependence on that Society which ought to have preserved them from violence. The World is too well instructed in, and too forward to allow of this way of dissolving of Governments to need any more to be said of it: and there wants not much Argument to prove, that where the *Society is dissolved*, the Government cannot remain; that being as impossible, as for the Frame of an House to subsist when the Materials of it are scattered, and dissipated by a Whirl-wind, or jumbled into a confused heap by an Earthquake.

212. Besides this over-turning from without, *Governments are dissolved from within*,

First, When the *Legislative* is *altered*. Civil Society being a State of Peace, amongst those who are of it, from whom the State of War is excluded by the Umpirage, which they have provided in their Legislative, for the ending all Differences, that may arise amongst any of them, 'tis in their *Legislative*, that the Members of a Commonwealth are united, and combined together into one coherent living Body. This *is the Soul that gives Form, Life, and Unity* to the Commonwealth: From hence the several Members have their mutual Influence, Sympathy, and Connexion: And therefore when the *Legislative* is broken, or *dissolved*, Dissolution and Death follows. For the *Essence and Union of the Society* consisting in having one Will, the Legislative, when once established by the Majority, has the declaring, and as it were keeping of that Will. The *Constitution of the Legislative* is the first and fundamental Act of Society, whereby provision is made for the *Continuation of their Union*, under the Direction of Persons, and Bonds of

§ 212 9–13 Compare Hobbes, *Leviathan*, chapter 29, continuation of passage quoted in footnote to § 211: 'For the Sovereign is the publique Soule, giving Life and Motion to the Common-wealth', and when it departs death follows. Locke seems to be deliberately putting his legislative in the place of the sovereign, and though there are very similar passages to this one in *Leviathan* about sovereignty and the soul of a political society in Grotius (1625, II, ix, 1; 1712, 322) and Pufendorf (1672, VII, iv, 1, 906) it may be that Locke had the words of Hobbes specifically in mind here.

16–17 Compare II, § 134, 4–5 and note, and chapter XI generally.

Laws made by persons authorized thereunto, by the Consent and Appointment of the People, without which no one Man, or number of Men, amongst them, can have Authority of making Laws, that shall be binding to the rest. When any one, or more, shall take upon them to make Laws, whom the People have not appointed so to do, they make Laws without Authority, which the People are not therefore bound to obey; by which means they come again to be out of subjection, and may constitute to themselves a *new Legislative*, as they think best, being in full liberty to resist the force of those, who without Authority would impose any thing upon them. Every one is at the disposure of his own Will, when those who had by the delegation of the Society, the declaring of the publick Will, are excluded from it, and others usurp the place who have no such Authority or Delegation.

213. This being usually brought about by such in the Commonwealth who misuse the Power they have: It is hard to consider it aright, and know at whose door to lay it, without knowing the Form of Government in which it happens. Let us suppose then the Legislative placed in the Concurrence of three distinct Persons.

1. A single hereditary Person having the constant, supream, executive Power, and with it the Power of Convoking and Dissolving the other two within certain Periods of Time.

2. An Assembly of Hereditary Nobility.

3. An Assembly of Representatives chosen *pro tempore*, by the People: Such a Form of Government supposed, it is evident.

214. *First*, That when such a single Person or Prince sets up his own Arbitrary Will in place of the Laws, which are the Will of the Society, declared by the Legislative, then the *Legislative is changed*. For that being in effect the Legislative whose Rules and Laws are put in execution, and required to be obeyed; when other Laws are set up, and other Rules pretended, and inforced, than what the Legislative, constituted by the Society, have enacted,

§ 213 4–11 It is obviously the constitutional arrangements for the English legislature that are being described; compare II, § 167, note and references, and II, § 223.

9 'within certain Periods of Time'—Locke changes his ground here from the earlier discussion of the summoning of parliament, which had left it at the discretion of the executive—see, for example, § 156, especially 30–2; this may mark this paragraph as having been written later. Seliger, 1968, 343, disagrees that Locke is shifting here.

'tis plain, that the *Legislative is changed*. Whoever introduces new Laws, not being thereunto authorized by the fundamental Appointment of the Society, or subverts the old, disowns and overturns the Power by which they were made, and so sets up a *new Legislative*.

215. *Secondly*, When the Prince hinders the Legislative from assembling in its due time, or from acting freely, pursuant to those ends, for which it was Constituted, the *Legislative is altered*. For 'tis not a certain number of Men, no, nor their meeting, unless they have also Freedom of debating, and Leisure of perfecting, what is for the good of the Society wherein the Legislative consists: when these are taken away or altered, so as to deprive the Society of the due exercise of their Power, the *Legislative* is truly *altered*. For it is not Names, that Constitute Governments, but the use and exercise of those Powers that were intended to accompany them; so that he who takes away the Freedom, or hinders the acting of the Legislative in its due seasons, in effect *takes away the Legislative*, and *puts an end to the Government*.

216. *Thirdly*, When by the Arbitrary Power of the Prince, the Electors, or ways of Election are altered, without the Consent, and contrary to the common Interest of the People, there also the *Legislative is altered*. For if others, than those whom the Society has authorized thereunto, do chuse, or in another way, than what the Society hath prescribed, those chosen are not the Legislative appointed by the People.

217. *Fourthly*, The delivery also of the People into the subjection of a Foreign Power, either by the Prince, or by the Legislative, is certainly a *change of the Legislative*, and so a *Dissolution of the*

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§ 215 1–3 Compare II, § 155, 3.

§ 216 This paragraph seems to refer to the attempt of both Charles II and James II to alter the parliamentary franchise by remodelling the charters of boroughs; see Thomson, *Constitutional History*, 1938, 452–3. Although the Bill of Rights of 1689 declared that James II had 'violated the freedom of election of members' and claimed that 'Election of Members of Parliament ought to be free', Locke's words and meaning here do not seem to be as close to that document as is so often assumed.

§ 217 Compare II, § 239, 26–37 (added in 1694) and note ‡, Introduction, p. 45: Locke may have had in mind here the possibility of a Catholic king submitting his country to the Pope, which was provided against by the Bill of Rights. But there is no close parallel and it seems more likely that he was contemplating the sort of action condemned in a King even by William Barclay; see II, § 238.

Government. For the end why People entered into Society, being to be preserved one intire, free, independent Society, to be governed by its own Laws; this is lost, whenever they are given up into the Power of another.

218. Why in such a Constitution as this, the *Dissolution of the Government* in these Cases is to be imputed to the Prince, is evident: because he having the Force, Treasure, and Offices of the State to imploy, and often perswading himself, or being flattered by others, that as Supream Magistrate he is uncapable of controul; he alone is in a Condition to make great Advances toward such Changes, under pretence of lawful Authority, and has it in his hands to terrifie or suppress Opposers, as Factious, Seditious, and Enemies to the Government: Whereas no other part of the Legislative, or People is capable by themselves to attempt any alteration of the Legislative, without open and visible Rebellion, apt enough to be taken notice of; which when it prevails, produces Effects very little different from Foreign Conquest. Besides the Prince in such a Form of Government, having the Power of dissolving the other parts of the Legislative, and thereby rendering them private Persons, they can never in opposition to him, or without his Concurrence, alter the Legislative by a Law, his Consent being necessary to give any of their Decrees that Sanction. But yet so far as the other parts of the Legislative any way contribute to any attempt upon the Government, and do either promote, or not, what lies in them, hinder such designs, they are guilty, and partake in this, which is certainly the greatest Crime Men can be guilty of one towards another.

219. There is one way more whereby such a Government may be dissolved, and that is, when he who has the Supream Executive Power, neglects and abandons that charge, so that the Laws

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§ 218 It seems quite unlikely that even the cautious and devious Locke can have written this paragraph after the events of 1688–9—see note on II, § 211, chapter XIX.

1 'such a Constitution as this'—that is, the English Constitution; see note on II, § 213, 4–11, and for the use of the word 'constitution' in our sense, II, § 155, 4.

9–14 See II, § 211, 7–15 and note.

16 Compare II, § 154, 2–3.

§ 219 This paragraph, and probably § 220, must have been written in 1689 to refer to James II having 'abdicated the government...and withdrawn himself out of the kingdom' so 'that the throne is thereby vacant', which were the words used in the Parliamentary resolutions: compare note, ‡, Introduction, p. 45. The fact that these

already made can no longer be put in execution. This is demonstratively to reduce all to Anarchy, and so effectually to *dissolve the Government*. For Laws not being made for themselves, but to be by their execution the Bonds of the Society, to keep every part of the Body Politick in its due place and function, when that totally ceases, the *Government* visibly *ceases*, and the People become a confused Multitude, without Order or Connexion. Where there is no longer the administration of Justice, for the securing of Mens Rights, nor any remaining Power within the Community to direct the Force, or provide for the Necessities of the publick, there certainly is *no Government left*. Where the Laws cannot be executed, it is all one as if there were no Laws, and a Government without Laws, is, I suppose, a Mystery in Politicks, unconceivable to humane Capacity, and inconsistent with humane Society.

220. In these and the like Cases, *when the Government is dissolved*, the People are at liberty to provide for themselves, by erecting a new Legislative, differing from the other, by the change of Persons, or Form, or both as they shall find it most for their safety and good. For the *Society* can never, by the fault of another, lose the Native and Original Right it has to preserve it self, which can only be done by a settled Legislative, and a fair and impartial execution of the Laws made by it. But the state of Mankind is not so miserable that they are not capable of using this Remedy, till it be too late to look for any. To tell *People* they *may provide for themselves*, by erecting a new Legislative, when by Oppression, Artifice, or being delivered over to a Foreign Power, their old one is gone, is only to tell them they may expect Relief, when it is too late, and the evil is past Cure. This is in effect no more than to bid them first be Slaves, and then to take care of their Liberty; and when their Chains are on, tell them, they may act like Freemen. This, if barely so, is rather Mockery than Relief; and Men can never be secure from Tyranny, if there be no means to escape it, till they are perfectly under it: And therefore it is, that they have not only a Right to get out of it but to prevent it.

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statements are difficult to reconcile with what Locke says elsewhere about the dissolution of government as opposed to the dissolution of society (see Introduction, 114) may mark the passage as a subsequent insertion. But in II, § 121, 15–18, and in II, § 205, 6–11, he also seems to imply that dissolution of government puts the subject 'in the liberty of the state of nature'.

221. There is therefore, secondly, another way whereby *Governments are dissolved*, and that is; when the Legislative, or the Prince, either of them act contrary to their Trust.

First, The *Legislative acts against the Trust* reposed in them, when they endeavour to invade the Property of the Subject, and to make themselves, or any part of the Community, Masters, or Arbitrary Disposers of the Lives, Liberties, or Fortunes of the People.

222. The Reason why Men enter into Society, is the preservation of their Property; and the end why they chuse and authorize a Legislative, is, that there may be Laws made, and Rules set as Guards and Fences to the Properties of all the Members of the Society, to limit the Power, and moderate the Dominion of every Part and Member of the Society. For since it can never be supposed to be the Will of the Society, that the Legislative should have a Power to destroy that, which every one designs to secure, by entering into Society, and for which the People submitted themselves to the Legislators of their own making; whenever the *Legislators endeavour to take away, and destroy the Property of the People*, or to reduce them to Slavery under Arbitrary Power, they put themselves into a state of War with the People, who are thereupon absolved from any farther Obedience, and are left to the common Refuge, which God hath provided for all Men, against Force and Violence. Whensoever therefore the *Legislative* shall transgress this fundamental Rule of Society; and either by Ambition, Fear, Folly or Corruption, *endeavour to grasp* themselves, *or put into the hands of any other an Absolute Power* over the Lives, Liberties, and Estates of the People; By this breach of Trust they *forfeit the Power*, the People had put into their hands, for quite contrary ends, and it devolves to the People, who have a Right to resume their original Liberty, and, by the Establishment of a new Legislative (such as they shall think fit) provide for their

§ 221 1 'secondly'—presumably follows on to the '*First*' in § 212, line 3, but the confusing numerations here may indicate successive recorrections to this whole area of the text: there is, e.g., no 'secondly' to the '*First*' of line 4 of this paragraph (though Hinton, 1974, suggests that the 'also' of § 222, 27 is to be taken for it).

§ 222 1–16 Compare II, § 135.

1–2 Compare II, § 138, 3–4.

19–20 Compare II, § 87, 5, note and references.

20–2 Compare Lawson, *Politica Sacra* (1660), 1689, 62 (sovereignty may 'in some cases' be forfeit 'to the community'), and on trust generally (79, 217, etc.). See Maclean, 1947.

own Safety and Security, which is the end for which they are in Society. What I have said here, concerning the Legislative, in general, holds true also concerning the *supreame Executor*, who having a double trust put in him, both to have a part in the Legislative, and the supreme Execution of the Law, Acts against both, when he goes about to set up his own Arbitrary Will, as the Law of the Society. He *acts* also *contrary to his Trust*, when he either imploys the Force, Treasure, and Offices of the Society, to corrupt the *Representatives*, and gain them to his purposes: or openly pre-ingages the *Electors*, and prescribes to their choice, such, whom he has by Sollicitations, Threats, Promises, or otherwise won to his designs; and imploys them to bring in such, who have promised before-hand, what to Vote, and what to Enact. Thus to regulate Candidates and *Electors*, and new model the ways of *Election*, what is it but to cut up the Government by the Roots, and poison the very Fountain of publick Security? For the People having reserved to themselves the Choice of their *Representatives*, as the Fence to their Properties, could do it for no other end, but that they might always be freely chosen, and so chosen, freely act and advise, as the necessity of the Commonwealth, and the publick Good should, upon examination, and mature debate, be judged to require. This, those who give their Votes before they hear the Debate, and have weighed the Reasons on all sides, are not capable of doing. To prepare such an Assembly as this, and endeavour to set up the declared Abettors of his own Will, for the true *Representatives* of the People, and the Law-makers of the Society, is certainly as great a *breach of trust*, and as perfect a Declaration of a design to subvert the Government, as is possible to be met with. To which, if one shall add Rewards and Punishments visibly imploy'd to the same end, and all the Arts of perverted Law made use of, to take off and destroy all that stand in the way of such a design, and will not comply and consent to betray the Liberties of their Country, 'twill be past doubt what is doing. What Power they ought to have in the Society, who thus imploy it contrary to the trust that went along with it in its first

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26–62 Probably an addition, or successive additions. Here Locke seems to have James II's attempts to control the electorate specifically in mind (compare note on II, § 216); see Burnet, 1724, I, 719. The final lines can only refer to James II, and it seems likely that the whole passage was added in 1689, making the paragraph the longest in the book.

Institution, is easie to determine; and one cannot but see, that he, who has once attempted any such thing as this, cannot any longer be trusted.

223. To this perhaps it will be said, that the People being ignorant, and always discontented, to lay the Foundation of Government in the unsteady Opinion, and uncertain Humour of the People, is to expose it to certain ruine; And *no Government will be able long to subsist*, if the People may set up a new Legislative, whenever they take offence at the old one. To this, I Answer: Quite the contrary. People are not so easily got out of their old Forms, as some are apt to suggest. They are hardly to be prevailed with to amend the acknowledg'd Faults, in the Frame they have been accustom'd to. And if there be any Original defects, or adventitious ones introduced by time, or corruption; 'tis not an easie thing to get them changed, even when all the World sees there is an opportunity for it. This slowness and aversion in the People to quit their old Constitutions, has, in the many Revolutions which have been seen in this Kingdom, in this and former Ages, still kept us to, or, after some interval of fruitless attempts, still brought us back again to our old Legislative of King, Lords and Commons: And whatever provocations have made the Crown be taken from some of our Princes Heads, they never carried the People so far, as to place it in another Line.

224. But 'twill be said, this *Hypothesis* lays a *ferment* for frequent *Rebellion*. To which I Answer,

First, No more than any other *Hypothesis*. For when the *People* are made *miserable*, and find themselves *exposed to the ill usage of Arbitrary Power*, cry up their Governours, as much as you will for Sons of *Jupiter*, let them be Sacred and Divine, descended or authoriz'd from Heaven; give them out for whom or what you

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§ 223 4–6 Elrington, 1798, objects here that the right of changing government depends not on the will of the people, but on their reason dictating the necessity of it.

9–10 'in the Frame they have been accustom'd to'—there is a parallel phrase, perhaps accidental, in the *American Declaration of Independence*, ed. Becker, 1922, 10, 'the forms to which they are accustomed'.

15 'in this Kingdom'—here Locke again openly refers to England and her Constitution; see 11, § 213, 4–11, note and references.

16–20 This may be a reference to the events of 1688–9, and therefore a late addition, but it could perhaps as well refer to 1640–60 and the dynastic operations of the fifteenth century.

please, the same will happen. *The People generally ill treated*, and contrary to right, will be ready upon any occasion to ease themselves of a burden that sits heavy upon them. They will wish and seek for the opportunity, which, in the change, weakness, and accidents of humane affairs, seldom delays long to offer it self. He must have lived but a little while in the World, who has not seen Examples of this in his time; and he must have read very little, who cannot produce Examples of it in all sorts of Governments in the World.

225. Secondly, I Answer, such *Revolutions happen* not upon every little mismanagement in publick affairs. *Great mistakes* in the ruling part, many wrong and inconvenient Laws, and all the *slips* of humane frailty will be *born by the People*, without mutiny or murmur. But if a long train of Abuses, Prevarications, and Artifices, all tending the same way, make the design visible to the People, and they cannot but feel, what they lie under, and see, whither they are going; 'tis not to be wonder'd, that they should then rouze themselves, and endeavour to put the rule into such hands, which may secure to them the ends for which Government was at first erected; and without which, ancient Names, and specious Forms, are so far from being better, that they are much worse, than the state of Nature, or pure Anarchy; the inconveniencies being all as great and as near, but the remedy farther off and more difficult.

226. Thirdly, I Answer, That *this Doctrine* of a Power in the People of providing for their safety a-new by a new Legislative, when their Legislators have acted contrary to their trust, by invading their Property, is *the best fence against Rebellion*, and the probablest means to hinder it. For Rebellion being an Opposition, not to Persons, but Authority, which is founded only in the Constitutions and Laws of the Government; those, whoever they be, who by force break through, and by force justifie their violation of them, are truly and properly *Rebels*. For when Men by entering into Society and Civil Government, have excluded force, and introduced Laws for the preservation of Property, Peace, and

§ 225 5–6 Compare II, § 210, 13–14 (verbal parallel), and II, § 230, 10–15. The American Declaration of Independence has: 'But when a long train of abuses and usurpations pursuing invariably the same object...' (ed. Becker, 1922, 10).

11–15 Compare II, § 137, 10–14.

Unity amongst themselves; those who set up force again in opposition to the Laws, do *Rebellare*, that is, bring back again the state of War, and are properly Rebels: Which they who are in Power (by the pretence they have to Authority, the temptation of force they have in their hands, and the Flattery of those about them) being likeliest to do; the properest way to prevent the evil, is to shew them the danger and injustice of it, who are under the greatest temptation to run into it.

227. In both the forementioned Cases, when either the Legislative is changed, or the Legislators act contrary to the end for which they were constituted; those who are guilty are *guilty of Rebellion*. For if any one by force takes away the establish'd Legislative of any Society, and the Laws by them made pursuant to their trust, he thereby takes away the Umpirage, which every one had consented to, for a peaceable decision of all their Controversies, and a bar to the state of War amongst them. They, who remove, or change the Legislative, take away this decisive power, which no Body can have, but by the appointment and consent of the People; and so destroying the Authority, which the People did, and no Body else can set up, and introducing a Power, which the People hath not authoriz'd, they actually *introduce a state of War*, which is that of Force without Authority: And thus by removing the Legislative establish'd by the Society (in whose decisions the People acquiesced and united, as to that of their own will) they unty the Knot, and *expose the People a new to the state of War*. And if those, who by force take away the Legislative, are *Rebels*, the *Legislators* themselves, as has been shewn, can be no less esteemed so; when they, who were set up for the protection, and preservation of the People, their Liberties and Properties, shall by force invade, and indeavour to take them away; and so they putting themselves into a state of War with those, who made them the Protectors and Guardians of their Peace, are properly, and with the greatest aggravation, *Rebellantes* Rebels.

228. But if they, who say it *lays a foundation for Rebellion*, mean that it may occasion Civil Wars, or Intestine Broils, to tell the People they are absolved from Obedience, when illegal attempts are made upon their Liberties or Properties, and may oppose the unlawful violence of those, who were their Magistrates, when

they invade their Properties contrary to the trust put in them; and that therefore this Doctrine is not to be allow'd, being so destructive to the Peace of the World. They may as well say upon the same ground, that honest Men may not oppose Robbers or Pirates, because this may occasion disorder or bloodshed. If any *mischief* come in such Cases, it is not *to be charged* upon him, who defends his own right, but *on him*, that *invades* his Neighbours. If the innocent honest Man must quietly quit all he has for Peace sake, to him who will lay violent hands upon it, I desire it may be consider'd, what a kind of Peace there will be in the World, which consists only in Violence and Rapine; and which is to be maintain'd only for the benefit of Robbers and Oppressors. Who would not think it an admirable Peace betwixt the Mighty and the Mean, when the Lamb, without resistance, yielded his Throat to be torn by the imperious Wolf? *Polyphemus*'s Den gives us a perfect Pattern of such a Peace, and such a Government, wherein *Ulysses* and his Companions had nothing to do, but quietly to suffer themselves to be devour'd. And no doubt *Ulysses*, who was a prudent Man, preach'd up *Passive Obedience*, and exhorted them to a quiet Submission, by representing to them of what concernment Peace was to Mankind; and by shewing the inconveniencies might happen, if they should offer to resist *Polyphemus*, who had now the power over them.

229. The end of Government is the good of Mankind, and which is *best for Mankind*, that the People should be always expos'd to the boundless will of Tyranny, or that the Rulers should be sometimes liable to be oppos'd, when they grow exorbitant in the use of their Power, and imploy it for the destruction, and not the preservation of the Properties of their People?

230. Nor let any one say, that mischief can arise from hence, as often as it shall please a busie head, or turbulent spirit, to desire the alteration of the Government. 'Tis true, such Men may stir, whenever they please, but it will be only to their own just ruine and perdition. For till the mischief be grown general, and the ill designs of the Rulers become visible, or their attempts

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§ 228 20–8 See the *Odyssey*, Book IX.
§ 230 1–10 Compare II, § 208.

sensible to the greater part, the People, who are more disposed to suffer, than right themselves by Resistance, are not apt to stir. The examples of particular Injustice, or Oppression of here and there an unfortunate Man, moves them not. But if they universally have a perswasion, grounded upon manifest evidence, that designs are carrying on against their Liberties, and the general course and tendency of things cannot but give them strong suspicions of the evil intention of their Governors, who is to be blamed for it? Who can help it, if they, who might avoid it, bring themselves into this suspicion? Are the People to be blamed, if they have the sence of rational Creatures, and can think of things no otherwise than as they find and feel them? And is it not rather *their fault*, who puts things in such a posture that they would not have them thought, to be as they are? I grant, that the Pride, Ambition, and Turbulency of private Men have sometimes caused great Disorders in Commonwealths, and Factions have been fatal to States and Kingdoms. But whether the *mischief* hath *oftner* begun *in the Peoples Wantonness*, and a Desire to cast off the lawful Authority of their Rulers; or *in the Rulers Insolence*, and Endeavours to get, and exercise an Arbitrary Power over their People; whether Oppression, or Disobedience gave the first rise to the Disorder, I leave it to impartial History to determine. This I am sure, whoever, either Ruler or Subject, by force goes about to invade the Rights of either Prince or People, and lays the foundation for *overturning* the Constitution and Frame of *any Just Government*, is guilty of the greatest Crime, I think, a Man is capable of, being to answer for all those mischiefs of Blood, Rapine, and Desolation, which the breaking to pieces of Governments bring on a Countrey. And he who does it, is justly to be esteemed the common Enemy and Pest of Mankind; and is to be treated accordingly.

231. That *Subjects*, or *Foreigners* attempting by force on the Properties of any People, may be *resisted* with force, is agreed on

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7–8 Parallel in the *American Declaration of Independence*, ed. Becker, 1922, 10: 'mankind are more disposed to suffer, while evils are sufferable, than to right themselves'.

32 'is guilty of the greatest Crime'. The 4th edition, 1713, the 1st Collected edition, 1714, and the 6th edition, 1764, all have 'is highly guilty of the greatest Crime', perhaps the reading of the hypothetical second master-copy—see Editorial Note.

36 See II, § 172, 10–19 note and references. The references here, however, may be to a person other than a monarch, and Hinton, 1974, suggests one or other of the ministers of Charles II, or even a subject of Charles I.

all hands. But that *Magistrates* doing the same thing, may be *resisted*, hath of late been denied: As if those who had the greatest Priviledges and Advantages by the Law, had thereby a Power to break those Laws, by which alone they were set in a better place than their Brethren: Whereas their Offence is thereby the greater, both as being ungrateful for the greater share they have by the Law, and breaking also that Trust, which is put into their hands by their Brethren.

232. Whosoever uses *force without Right*, as every one does in Society, who does it without Law, puts himself into a *state of War* with those, against whom he so uses it, and in that State all former Ties are cancelled, all other Rights cease, and every one has a *Right* to defend himself, and *to resist the Aggressor*. This is so evident, that *Barclay* himself, that great Assertor of the Power and Sacredness of Kings, is forced to confess, That it is lawful for the people, in some Cases, to *resist* their King; and that too in a Chapter, wherein he pretends to shew that the Divine Law shuts up the people from all manner of Rebellion. Whereby it is evident, even by his own Doctrine, that, since they may in some Cases *resist*, all resisting of *Princes* is not Rebellion. His Words are these. *Quod siquis dicat, Ergone populus tyrannicæ crudelitati & furori jugulum semper præbebit? Ergone multitudo civitates suas famae ferro, & flammâ vastari, seque, conjuges, & liberos fortunæ ludibrio & tyranni libidini exponi, inque omnia vitæ pericula omnesque miserias & molestias à Rege deduci patientur? Num illis quod omni animantium generi est à naturâ tributum, denegari debet, ut sc. vim vi repellant, seseq; ab injuriâ tueantur? Huic brevitur responsum sit, Populo universo non negari defensionem, quæ juris naturalis est, neque ultionem quæ præter naturam est adversus Regem concedi debere. Quapropter si Rex non in*

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§ 231 7–10 Compare II, § 202, 26–31.

§ 232 5–7 On Locke's purpose in singling out Barclay for such detailed attention, see note on II, § 239, 16–17. He mentions Filmer's use of this author in I, § 4, 14 and § 67, 29 without comment, but he possessed William Barclay's two major works (*De Regno et Regali Potestati adversus Buchananum, Brutum, Boucherium et reliquos Monarchomachos*, 1600, and *De Potestatae Papae*, 1609, two of the most influential absolutist works, the first being directed in part against the *Vindiciae*) in an edition of 1612 in one volume (H. and L. 203). It was on his shelves in 1681, and on 15 July 1680 he bought a copy for the Earl of Shaftesbury. He noted the book in 1680 (II, § 236, 12 and note) and it seems likely that the passage from this paragraph down to 239 was written in 1681; see II, § 211, chapter XIX.

13–36 Passage on p. 375 of Locke's 1612 edition, inaccurately transcribed by him, with corrections in the errata of the 3rd edition, 1698.

singulares tantum personas aliquot privatum odium exerceat, sed corpus etiam Reipublicæ, *cujus ipse caput est*, i.e. *totum populum, vel insignem aliquam ejus partem immani & intolerandâ sævitiâ seu tyrannide divexet; populo, quidem hoc casu resistendi ac tuendi se ab injuriâ potestas competit, sed tuendi se tantum, non enim in principem invadendi: & restituendæ injuriæ illatæ, non recedendi à debitâ reverentiâ propter acceptam injuriam. Præsentem denique impetum propulsandi non vim præteritam ulciscendi jus habet. Horum enim alterum à naturâ est, ut vitam scilicet corpusque tueamur. Alterum vero contra naturam, ut inferior de superiori supplicium sumat. Quod itaque populus malum, antequam factum sit, impedire potest, ne fiat, id postquam factum est, in* Regem *authorem sceleris vindicare non potest: Populus igitur hoc ampliùs quam privatus quisquam habet: Quod huic, vel ipsis adversariis judicibus, excepto Buchanano, nullum nisi in patientia remedium supereſt. Cùm ille si intolerabilis tyrannis est (modicum enim ferre omnino debet) resistere cum reverentiâ possit*, Barclay *contra Monarchom.* l. 3. *c.* 8.

In *English* thus.

233. *But if any one should ask, Must the People then always lay themselves open to the Cruelty and Rage of Tyranny? Must they see their Cities pillaged, and laid in ashes, their Wives and Children exposed to the Tyrant's Lust and Fury, and themselves and Families reduced by their King, to Ruine and all the Miseries of Want and Oppression, and yet sit still? Must Men alone be debarred the common Priviledge of opposing force with force, which Nature allows so freely to all other Creatures for their preservation from Injury? I Answer: Self-defence is a part of the Law of Nature; nor can it be denied the Community, even against the King himself: But to revenge themselves upon him, must by no means be allowed them; it being not agreeable to that Law. Wherefore if the King shall shew an hatred, not only to some particular Persons, but sets himself against the Body of the Commonwealth, whereof he is the Head, and shall, with intolerable ill usage, cruelly tyrannize over the whole, or a considerable part of the People; in this case the People have a right to resist and defend themselves from injury: But it must be with this Caution, that they only defend themselves, but do not attack their Prince: They may repair the Damages received, but must not for any provocation exceed the bounds of due Reverence and Respect. They may repulse the present attempt, but must not revenge past violences. For it is natural for us to defend Life and Limb, but that an Inferiour should*

punish a Superiour, is against Nature. The mischief which is designed them, the People may prevent before it be done, but when it is done, they must not revenge it on the King, though Author of the Villany. This therefore is the Priviledge of the People in general, above what any private Person hath; That particular Men are allowed by our Adversaries themselves, (Buchanan *only excepted*) *to have no other* Remedy *but Patience; but the Body of the People may with* Respect *resist intolerable Tyranny; for when it is but moderate, they ought to endure it.*

234. Thus far that great Advocate of Monarchical Power allows of *Resistance.*

235. 'Tis true he has annexed two Limitations to it, to no purpose:

First, He says, it must be with Reverence.

Secondly, It must be without Retribution, or Punishment; and the Reason he gives, is, *Because an Inferiour cannot punish a Superiour.*

First, How to *resist Force without striking again*, or how to *strike with Reverence*, will need some Skill to make intelligible. He that shall oppose an Assault only with a Shield to receive the Blows, or in any more Respectful Posture, without a Sword in his hand, to abate the Confidence and Force of the Assailant, will quickly be at an end of his *Resistance*, and will find such a defence serve only to draw on himself the worse usage. This is as ridiculous a way of *resisting*, as *Juvenal* thought it of fighting; *ubi tu pulsas, ego vapulo tantum.* And the Success of the Combat will be unavoidably the same he there describes it:

> ——*Libertas pauperis hæc est:*
> *Pulsatus rogat, & pugnis concisus, adorat,*
> *Ut liceat paucis cum dentibus inde reverti.*

This will always be the event of such an imaginary *Resistance*, where Men may not strike again. He therefore *who may resist, must be allowed to strike.* And then let our Author, or any Body else joyn a Knock on the Head, or a Cut on the Face, with as much *Reverence* and *Respect* as he thinks fit. He that can Reconcile Blows

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§ 235 13–19 Juvenal, *Satires*, III, 289–90, 299–301: 'I writhe with the blows you put upon me.... This is a poor man's freedom; the more he is beaten, the more he implores, and he prostrates himself as he goes down in the struggle, so that he may come back a little with his teeth.'

and Reverence, may, for ought I know, deserve for his pains, a Civil Respectful Cudgeling where-ever he can meet with it.

Secondly, As to his Second, *An Inferiour cannot punish a Superiour*; that's true, generally speaking, whilst he is his Superiour. But to resist Force with Force, being *the State of War* that *levels the Parties*, cancels all former relation of Reverence, Respect, and *Superiority*: And then the odds that remains, is, That he, who opposes the unjust Aggressor, has this *Superiority* over him, that he has a Right, when he prevails, to punish the Offender, both for the Breach of the Peace, and all the Evils that followed upon it. *Barclay* therefore, in another place, more coherently to himself, denies it to be lawful to *resist* a King in any Case. But he there assigns Two Cases, whereby a King may Un-king himself. His Words are,

Quid ergo nulline casus incidere possunt quibus populo sese erigere atque in Regem impotentius dominantem arma capere & invadere jure suo suâque authoritate liceat? Nulli certe quamdiu Rex manet. Semper enim ex divinis id obstat, Regem honorificato; & qui potestati resistit, Dei ordinationi resistit: *Non aliàs igitur in eum populo potestas est quam si id committat propter quod ipso jure rex esse desinat. Tunc enim se ipse principatu exuit atque in privatis constituit liber: Hoc modo populus & superior efficitur, reverso ad eum sc. jure illo quod ante regem inauguratum in interregno habuit. At sunt paucorum generum commissa ejusmodi quæ hunc effectum pariunt. At ego cum plurima animo perlustrem, duo tantum invenio, duos, inquam, casus quibus rex ipso facto ex* Rege *non regem se facit & omni honore & dignitate regali atque in subditos potestate destituit; quorum etiam meminit* Winzerus. *Horum unus est, Si regnum* [*& rempublicam evertere conetur, hoc est, si id ei propositum, eaque intentio fuerit ut*] *disperdat, quemadmodum de Nerone fertur, quod is nempe senatum populumque Romanum, atque adeo urbem ipsam ferro flammaque vastare, ac novas sibi sedes quærere decrevisset. Et de Caligula, quod palam denunciarit se neque civem neque principem senatui amplius fore, inque animo habuerit, interempto utrisque ordinis Electissimo quoque* Alexandriam *commigrare, ac ut populum uno ictu interimeret, unam ei cervicem optavit. Talia cum rex*

38–61 and § 236 Locke's 1612 edition, 440–1, badly transcribed and also amended in errata to 3rd edition: the words '*& rempublican . . . fuerit*' (51–52) omitted in the printed editions, though translated by Locke.

51 'Winzerus'—miscopy for Winzetus, that is, Ninian Winzet, Winget or Wingate, Scottish controversialist, who wrote against Knox and Buchanan. Locke had obviously never heard of him.

aliquis meditatur & molitur serio, omnem regnandi curam & animum illico abjicit, ac proinde imperium in subditos amittit, ut dominus servi pro derelicto habiti, dominium.

236. *Alter casus est, Si rex in alicujus clientelam se contulit, ac regnum quod liberum à majoribus & populo traditum accepit, alienæ ditioni mancipavit. Nam tunc quamvis forte non eâ mente id agit populo plane ut incommodet: Tamen quia quod præcipuum est regiæ dignitatis amisit, ut summus scilicet in regno secundum Deum sit, & solo Deo inferior, atque populum etiam totum ignorantem vel invitum, cujus libertatem sartam & tectam conservare debuit, in alterius gentis ditionem & potestatem dedidit; hâc velut quadam regni ab alienatione effecit, ut nec quod ipse in regno imperium habuit retineat, nec in eum cui collatum voluit, juris quicquam transferat; atque ita eo facto liberum jam & suæ potestatis populum relinquit, cujus rei exemplum unum annales Scotici suppeditant.* Barclay contra Monarchom. Lib. 3. c. 16.

Which in *English* runs thus.

237. *What then, Can there no Case happen wherein the People may of right, and by their own Authority help themselves, take Arms, and set upon their King, imperiously domineering over them? None at all, whilst he remains a King.* Honour the King, *and* he that resists the Power, resists the Ordinance of God; *are Divine Oracles that will never permit it. The People therefore can never come by a Power over him, unless he does something that makes him cease to be a King. For then he divests himself of his Crown and Dignity, and returns to the state of a private Man, and the People become free and superiour; the Power which they had in the* Interregnum, *before they Crown'd him King, devolving to them again. But there are but few miscarriages which bring the matter to this state. After considering it well on all sides, I can find but two. Two Cases there are, I say, whereby a King,* ipso facto, *becomes no King; and loses all Power and Regal Authority over his People; which are also taken notice of by* Winzerus.

The first is, If he endeavour to overturn the Government, that is, if he have a purpose and design to ruine the Kingdom and Commonwealth,

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§ 236 12 This reference to Barclay appears on p. 73 of Locke's *Tablet* (MS. f. 28—see note on 11, § 22, 9 and references) thus:

80

Liberty
Barclay l 3 c 16

The 80 is certainly intended for 1680, and probably marks this passage as belonging to that year.

as it is recorded of Nero, *that he resolved to cut off the Senate and People of* Rome, *lay the City waste with Fire and Sword, and then remove to some other place. And of* Caligula, *that he openly declar'd, that he would be no longer a Head to the People or Senate, and that he had it in his thoughts to cut off the worthiest Men of both Ranks, and then retire to* Alexandria: *And he wish'd that the People had but one Neck, that he might dispatch them all at a blow. Such designs as these, when any King harbours in his thoughts and seriously promotes, he immediately gives up all care and thought of the Common-wealth; and consequently forfeits the Power of Governing his Subjects, as a Master does the Dominion over his Slaves whom he hath abandon'd.*

238. *The other Case is, When a King makes himself the dependent of another, and subjects his Kingdom which his Ancestors left him, and the People put free into his hands, to the Dominion of another. For however perhaps it may not be in his intention to prejudice the People; yet because he has hereby lost the principal part of* Regal Dignity, viz. *to be next and immediately under God, Supream in his Kingdom; and also because he betray'd or forced his People, whose liberty he ought to have carefully preserved, into the Power and Dominion of a Foreign Nation. By this as it were alienation of his Kingdom, he himself loses the Power he had in it before, without transferring any the least right to those on whom he would have bestowed it; and so by this act sets the People free, and leaves them at their own disposal. One Example of this is to be found in the* Scotch *Annals.*

239. In these Cases *Barclay* the great Champion of Absolute Monarchy, is forced to allow, That a King may be *resisted*, and *ceases to be a King.* That is in short, not to multiply Cases: In whatsoever he has *no Authority*, there he is no *King*, and may be *resisted*: For *wheresoever the Authority ceases, the King ceases too*, and becomes like other Men who have no Authority. And these two Cases he instances in, differ little from those above mention'd, to be destructive to Governments, only that he has omitted the Principle from which his Doctrine flows; and that is, The breach of trust, in not preserving the Form of Government agreed on, and in not intending the end of Government it self, which is the publick good and preservation of Property. When a King has Dethron'd himself, and put himself in a state of War with his

§ 239 7 'those above mention'd'—presumably in §§ 212–24, especially § 217.

People, what shall hinder them from prosecuting him who is no King, as they would any other Man, who has put himself into a State of War with them; *Barclay*, and those of his Opinion, would do well to tell us. This farther I desire may be taken notice of out of *Barclay*, that he says, *The mischief that is designed them, the People may prevent before it be done*, whereby he allows *resistance* when Tyranny is but in design. *Such Designs as these* (says he) *when any King harbours in his thoughts and seriously promotes, he immediately gives up all care and thought of the Common-wealth*; so that according to him the neglect of the publick good is to be taken as an evidence of such a *design*, or at least for a sufficient cause of *resistance*. And the reason of all he gives in these words, *because he betray'd or forced his People whose liberty he ought carefully to have preserved*. What he adds *into the Power and Dominion of a Foreign Nation*, signifies nothing, the fault and forfeiture lying in the loss of their *Liberty* which he *ought to have preserved*, and not in any distinction of the Persons to whose Dominion they were subjected. The People's Right is equally invaded, and their Liberty lost, whether they are made Slaves to any of their own, or a *Foreign Nation*; and in this lies the injury, and against this only have they the Right of Defence. And there are instances to be found in all Countries, which shew that 'tis not the change of Nations in the Persons of their Governours, but the change of Government, that gives the Offence. *Bilson*, a Bishop of our Church, and a great Stickler for the Power and Prerogative of Princes, does, if I mistake not, in his Treatise of *Christian Subjection*, acknowledge, That *Princes may*

16–17 Those of Barclay's opinion include Bilson and perhaps even Hooker (see below), and it is clear that Locke has picked out Barclay as typical of the whole absolutist school, insisting on his concessions to resistance. Grotius had done this as early as 1625 in his *De Jure Belli*, where (I, iv, 11) he cites the passage quoted in full by Locke in § 232. Mr Salmon shows (1959) that the example was followed by a considerable number of writers who insisted on Barclay's admissions as justifying action against despots, such men as Samuel Rutherford, William Prynne, John Canne, Richard Baxter, Pierre Jurieu and James Tyrrell (*Bibliotheca Politica*, 1691–2, 1718 ed., 106, printing the identical passage as in § 233, but differently translated). It is clear, then, that Locke was merely following a well-established convention, but he dealt more thoroughly with Barclay than anyone else. Although he was quoted in the political literature of 1689, Barclay's name is more typical of the period of Filmer, both in the 1640's and the early 1680's.

17–37 Passage inserted in 1694 and typical of the way Locke expanded his text, making it very difficult to distinguish original and addition. Compare II, § 217.

forfeit their Power, and their Title to the Obedience of their Subjects; and if there needed authority in a Case where reason is so plain, I could send my Reader to *Bracton*, *Fortescue*, and the Author of the Mirrour, and others; Writers, who cannot be suspected to be ignorant of our Government, or Enemies to it. But I thought *Hooker* alone might be enough to satisfie those Men, who relying on him for their Ecclesiastical Polity, are by strange fate carried to deny those principles upon which he builds it. Whether they are herein made the Tools of Cunninger Workmen, to pull down their own Fabrick, they were best look. This I am sure, their Civil Policy is so new, so dangerous, and so destructive to both Rulers and People, that as former Ages never could bear the broaching of it; so it may be hoped those to come, redeem'd from the Impositions of those *Egyptian* Under-Taskmasters, will abhor the Memory of such servile Flatterers, who whilst it seem'd to serve their turn, resolv'd all Government into absolute Tyranny, and would have all Men born to, what their mean Souls fitted them for, Slavery.

240. Here, 'tis like, the common Question will be made, *Who shall be Judge* whether the Prince or Legislative act contrary to their

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§ 239 37–9 Thomas Bilson (1547–1616, Warden of Winchester College, bishop successively of Worcester and Winchester), *The True Difference between Christian Subiection and Unchristian Rebellion*, 1585. This book was often quoted by the opponents of absolutism, for exactly the same reason as Barclay was and frequently alongside of him (by Prynne, for example)—because though an absolutist he admitted resistance in crucial cases. Locke does not seem to have possessed Bilson's book, and the form of words here implies that he did not know it first-hand.

42–3 '*Bracton*'—the judge (d. 1268) and author of *De Legibus et Consuetudinibus Angliae*. '*Fortescue*'—Sir John Fortescue (1394?–1476?), Lord Chief Justice and author of *De Laudibus Legum Angliae*. 'the Author of the Mirrour', perhaps Andrew Horne (d. 1328), author of a work very popular with constitutionalists in the seventeenth century, but a highly suspect source, *The Booke called The Mirrour of Justices*, printed in the 1640s. Compare note on II, § 13, 1–2. Locke recommended Bracton and the Mirror in his *Thoughts on Reading and Study*, 1703, and his letter to Rev. Richd. King, 170 (*Works*, 1801, III, 272; XI, 306): in his *Education* (*ibid.* IX, 177) he requires a gentleman to 'take a view of our English constitution, in the ancient books of the common law'. There is, however, no evidence that he ever possessed or read any one of these books, a fact which bears on his indifference to constitutional history and constitutional development; see Introduction, 77 and note.

45 '*Hooker*'—see note on II, § 5, 7–23: this sentence indicates that the paragraph was written when, or not long after, Locke had decided to add the quotations from Hooker, perhaps in 1681; see note on II, § 211, chapter XIX.

§ 240 1–2 '*Who shall be Judge*'—see II, § 168, 1–2, note and references. This question occupies Locke until the end of the book, and the passage seems to have been part of the original text, perhaps following on to § 231, but much modified and extended in 1689—see note on II, § 211, chapter XIX.

Trust? This, perhaps, ill affected and factious Men may spread amongst the People, when the Prince only makes use of his due Prerogative. To this I reply, *The People shall be Judge*; for who shall be *Judge* whether his Trustee or Deputy acts well, and according to the Trust reposed in him, but he who deputes him, and must, by having deputed him have still a Power to discard him, when he fails in his Trust? If this be reasonable in particular Cases of private Men, why should it be otherwise in that of the greatest moment; where the Welfare of Millions is concerned, and also where the evil, if not prevented, is greater, and the Redress very difficult, dear, and dangerous?

241. But farther, this Question, (*Who shall be Judge?*) cannot mean, that there is no Judge at all. For where there is no Judicature on Earth, to decide Controversies amongst Men, *God* in Heaven is *Judge*: He alone, 'tis true, is Judge of the Right. But *every Man* is *Judge* for himself, as in all other Cases, so in this, whether another hath put himself into a State of War with him, and whether he should appeal to the Supreme Judge, as *Jephtha* did.

242. If a Controversie arise betwixt a Prince and some of the People, in a matter where the Law is silent, or doubtful, and the thing be of great Consequence, I should think the proper *Umpire*, in such a Case, should be the Body of the *People*. For in Cases where the Prince hath a Trust reposed in him, and is dispensed from the common ordinary Rules of the Law; there, if any Men find themselves aggrieved, and think the Prince acts contrary to, or beyond that Trust, who so proper to *Judge* as the Body of the *People*, (who, at first, lodg'd that Trust in him) how far they meant it should extend? But if the Prince, or whoever they be in the Administration, decline that way of Determination, the Appeal then lies no where but to Heaven. Force between either Persons, who have no known Superiour on Earth, or which permits no Appeal to a Judge on Earth, being properly a State of War, wherein the Appeal lies only to Heaven, and in that State the *injured Party must judge* for himself, when he will think fit to make use of that Appeal, and put himself upon it.

243. To conclude, The *Power that every individual gave the Society*, when he entered into it, can never revert to the Individuals

§ 241 7 '*Jephtha*'—see note on 11, § 21, 17 and references.

again, as long as the Society lasts, but will always remain in the Community; because without this, there can be no Community, no Common-wealth, which is contrary to the original Agreement: So also when the Society hath placed the Legislative in any Assembly of Men, to continue in them and their Successors, with Direction and Authority for providing such Successors, *the Legislative can never revert to the People* whilst that Government lasts: Because having provided a Legislative with Power to continue for ever, they have given up their Political Power to the Legislative, and cannot resume it. But if they have set Limits to the Duration of their Legislative, and made this Supreme Power in any Person, or Assembly, only temporary: Or else when by the Miscarriages of those in Authority, it is forfeited; upon the Forfeiture of their Rulers, or at the Determination of the Time set, *it reverts to the Society*, and the People have a Right to act as Supreme, and continue the Legislative in themselves, or erect a new Form, or under the old form place it in new hands, as they think good.

FINIS.

§ 243 19–21 Modified slightly by Locke. The reference to 'new hands', and perhaps much or even all of §§ 242, 243, seem to belong to 1689.