

Second Treatise of Government

John Locke

Copyright © Jonathan Bennett 2017. All rights reserved

[Brackets] enclose editorial explanations. Small ·dots· enclose material that has been added, but can be read as though it were part of the original text. Occasional •bullets, and also indenting of passages that are not quotations, are meant as aids to grasping the structure of a sentence or a thought. Every four-point ellipsis indicates the omission of a brief passage that seems to present more difficulty than it is worth.—The division into numbered sections is Locke's.

First launched: January 2005

Last amended: March 2008

Contents

Preface	1
Chapter 1	2
Chapter 2: The state of nature	3
Chapter 3: The state of war	7
Chapter 4: Slavery	9
Chapter 5: Property	10
Chapter 6: Paternal power	19
Chapter 7: Political or Civil Society	26

Chapter 8: The beginning of political societies	32
Chapter 9: The purposes of political society and government	40
Chapter 10: The forms of a commonwealth	42
Chapter 11: The extent of the legislative power	43
Chapter 12: The legislative, executive, and federative powers of the commonwealth	46
Chapter 13: The subordination of the powers of the commonwealth	48
Chapter 14: Prerogative	53
Chapter 15: Paternal, political, and despotic power, considered together	56
Chapter 16: Conquest	58
Chapter 17: Usurpation	65
Chapter 18: Tyranny	65
Chapter 19: The dissolution of government	70
Locke on children	80

Preface to the two Treatises

Reader, you have here the beginning and the end of a ·two-part· treatise about government. It isn't worthwhile to go into what happened to the pages that should have come in between (they were more than half the work). [The missing pages, that were to have been included in the *Second Treatise*, i.e. the second part of the two-part treatise, were simply *lost*. They contained an extended attack on Sir Robert Filmer's *Patriarcha*, a defence of the divine right of kings, published in 1680 (Filmer had died in 1653). The lost pages presumably overlapped the attack on the same target that filled Locke's *First Treatise of Government* and also occupy a good deal of space in the *Second*.] These surviving pages, I hope, are sufficient •to establish the throne of our great restorer, our present King William; •to justify his title ·to the throne· on the basis of *the consent of the people*, which is the only lawful basis for government, and which he possesses more fully and clearly than any other ruler in the Christian world; and to •justify to the world the people of England, whose love of their just and natural rights, and their resolve to preserve them, saved this nation when it was on the brink of slavery and ruin ·under King James II·. If these pages are as convincing as I flatter myself that they are, the missing pages will be no great loss, and my reader can be satisfied without them. ·I certainly hope so, because· I don't expect to have either the time or the inclination to take all that trouble again, filling up the gap in my answer by again tracking Sir Robert ·Filmer· through all the windings and obscurities of his amazing system. The king and the nation as a whole have since so thoroughly refuted his hypothesis that I don't think anyone ever again will be •bold enough to speak up against our common safety, and be an advocate for slavery, or •weak enough to be deceived by contradictions dressed

up in elegant language. If you take the trouble to tackle the parts of Sir Robert's discourses that are not dealt with here, stripping off the flourish of dubious expressions and trying to turn his words into direct, positive, intelligible propositions, and if you then compare these propositions with one another, you will soon be satisfied that there was never so much glib nonsense put together in fine-sounding English. If you don't think it worthwhile to look through all his work, just try the part where he discusses *usurpation*, and see whether all your skill is enough to make Sir Robert intelligible and consistent with himself and with common sense. I wouldn't speak so plainly of a gentleman who is no longer in a position to answer, if it weren't that in recent years preachers have been espousing his doctrine and making it the current orthodoxy of our times. . . . I wouldn't have written against Sir Robert, labouring to show his mistakes, inconsistencies, and lack of the biblical proofs that he boasts of having as his only foundation, if there weren't men among us who, by praising his books and accepting his doctrine, clear me of the charge of writing only against a dead adversary. They have been so zealous about this that if I have done him any wrong I can't hope they will show me any mercy. I wish that where *they* have done wrong to the truth and to the public, they would •be as ready to correct it ·as I am to admit errors proved against me·, and that they •would give due weight to the thought that *the greatest harm one can do to the monarch and the people is to spread wrong notions about government*. If they did, it might for ever put an end to our having reason to complain of thunderings from the pulpit! If anyone who is really concerned about truth tries to refute my hypothesis, I promise him either to admit any mistake he fairly convicts

me of or to answer his difficulties. But he must remember two things: •That picking holes in my discourse—objecting to this turn of phrase or that little incident—is not the same

as answering my book. •That I shan't let scolding pass as argument. . . .

Chapter 1

1. In my *First Treatise of Government* I showed these four things: **(1)** That Adam did not have, whether by natural right as a father or through a •positive gift from God, any such authority over his children or over the world as has been claimed. **(2)** That if even he *had*, his heirs would not have the same right. **(3)** That if the right *were* to be passed on to his heirs, it would be indeterminate who *were* his heirs, because there is no law of nature or •positive law of God that settles this question in every possible case; so it wouldn't be determinate who inherited the right and thus was entitled to rule. **(4)** Even if all that *had* been •theoretically• determined, •it would be useless in practice•: the knowledge of the chain of heirs running back to Adam has been utterly lost, so that nobody in all the races of mankind and families of the world would have the slightest claim to have that •supposed• right of inheritance. All these premises having, as I think, been clearly established, no rulers now on earth can derive the faintest shadow of authority from the supposed source of all •human political• power, Adam's private dominion and paternal rule. So if you don't want to •give reason to think that all government in the world is the product purely of force and violence, and men live together only by the same rules as the lower animals, where strength settles every issue, and so •lay a foundation for perpetual disorder

and mischief, riots, sedition and rebellion (things that the followers of that •force and violence• hypothesis so loudly cry out against), you will have to find another account of the beginnings of government, another source for political power, and another way of settling who the people are who •ought to• have it—other, that is, than what Sir Robert Filmer has taught us.

[The word •positive', used in section 1 and again in 13 and elsewhere, is a technical term. A *positive* law is one that some legislator imposes; it comes from the decision of some law-making authority. The contrast is with a *natural* law, which isn't •laid down by anyone but simply •arises out of the natures of things. So a positive gift from God would be simply a *gift* as ordinarily understood; Locke throws in 'positive', presumably, because even a natural right that Adam had would in a sense be a gift from God, because God gave Adam his nature; but it wouldn't be a *positive* gift, arising from an explicit gift-giving action on God's part. Similarly with the notion of a positive law of God's.].

2. For this purpose, I think it may be worthwhile to state what I think political power *is*; so that the power of a •government official over a subject can 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. Because it sometimes happens that one man has all these

different powers, we can get clearer about how the powers differ by looking at the different relationships in which the man stands: as ruler of a commonwealth, father of a family, and captain of a galley.

3. So: I take **political power** to be a **right** to •make

laws—with the death penalty and consequently all lesser penalties—for regulating and preserving property, and to •employ the force of the community in enforcing such laws and defending the commonwealth from external attack; all this being only for the public good.

Chapter 2: The state of nature

4. To understand political power correctly and derive it from its proper source, we must consider what state all men are *naturally* in. In this state men are perfectly free to order their actions, and dispose of their possessions and themselves, in any way they like, without asking anyone's permission—subject only to limits set by the law of nature.

It is also a state of equality, in which no-one has more power and authority than anyone else; because it is simply obvious that creatures of the same species and status, all born to all the same advantages of nature and to the use of the same abilities, should also be equal in other ways, with no-one being subjected to or subordinate to anyone else, unless •God•, the lord and master of them all, were to declare clearly and explicitly his wish that some one person be raised above the others and given an undoubted right to dominion and sovereignty

5. The judicious •Richard• Hooker regards this natural equality of men as so obvious and unquestionable that he bases on it men's •obligation to love one another, on which he builds their •duties towards each other, from which in turn he derives the great •maxims of justice and charity.

Here are his words:

A similar natural inducement has led men to realize that they have as much duty to love others as to love themselves. Things that are equal must be measured by a single standard; so if I inevitably want to receive some good—indeed as much good from every man as any man can want for himself—how could I expect to have *any part* of my desire satisfied if I am not careful to satisfy the similar desires that other men, being all of the same nature, are bound to have? To offer them anything inconsistent with their desire will be to grieve them as much as it would grieve me; so that if I do harm I must expect to suffer, because there is no reason why others should show more love to me than I have shown to them. Thus, my desire to be loved as much as possible by my natural equals gives me a natural duty to act towards them with the same love. Everyone knows the rules and canons natural reason has laid down for the guidance of our lives on the basis of this relation of equality between ourselves and those who are like us.

6. But though this is a state of **liberty**, it isn't a state of **licence** in which there are *no* constraints on how people behave. A man in that state is absolutely free to dispose of himself or his possessions, but he isn't at liberty to *destroy* himself, or even to destroy any created thing in his possession unless its destruction is required for some nobler purpose. The state of nature is governed by a law that creates obligations for everyone. And reason, which is that law, teaches anyone who takes the trouble to consult it, that *because we are all equal and independent, no-one ought to harm anyone else in his life, health, liberty, or possessions*. This is because Deduced from reason/rational thinking

Reason is the law of nature.

the first three are a justification by divine arguments

- we are all the work of one omnipotent and infinitely wise maker;
- we are all the servants of one sovereign master, sent into the world by his order to do his business;
- we are all the property of him who made us, and he made us to last as long as *he* chooses, not as long as *we* choose;
- we have the same abilities, and share in one common nature, so there can't be any rank-ordering that would authorize some of us to destroy others, as if we were made to be *used* by one another, as the lower kinds of creatures *are* made to be used by us.

Everyone is obliged to preserve himself and not opt out of life willfully, so for the same reason everyone ought, when his own survival isn't at stake, to do as much as he can to preserve the rest of mankind; and except when it's a matter of punishing an offender, no-one may take away or damage anything that contributes to the preservation of someone else's life, liberty, health, limb, or goods.

7. So that **all men** may be held back from invading the rights of others and from harming one another, and so that **the law of nature** that aims at the peace and preservation

of all mankind may be obeyed, the enforcement of that law of nature (in the state of nature) is in every man's hands, so that everyone has a right to punish law-breakers as severely as is needed to hinder the violation of the law. For the law of nature, like every law concerning men in this world, would be futile if no-one had power to enforce it and thereby preserve the innocent and restrain offenders. And in the state of nature if *anyone* may punish someone for something bad that he has done, then *everyone* may do so. . . .

8. That is how in a state of nature one man comes to have a **legitimate** power over another. It isn't an unconditional power, allowing him to use a captured criminal according to the hot frenzy or unbridled extremes of his own will; but only a power to punish him so far as calm reason and conscience say is proportionate to his crime, namely as much punishment as may serve for **reparation** and **restraint**—for **those two** are the only reasons why one man may lawfully harm another, which is what we call **'punishment'**. By breaking the law of nature, the offender declares himself to live by some rule other than that of reason and common fairness (which is the standard that God has set for the actions of men, for their mutual security); and so he becomes dangerous to mankind because he has disregarded and broken the tie that is meant to secure them from injury and violence. This is an offence against the whole **human-species**, and against the peace and safety that the law of nature provides for the species. Now, every man, by the right he has to preserve mankind in general, may restrain and if necessary *destroy* things that are noxious to mankind; and so he can do to anyone who has transgressed that law as much harm as may make him repent having done it, and thereby deter him—and by his example deter others—from doing the same. So for this reason every man has a right to enforce the law of nature and punish offenders.

A right coming from being whole

9. No doubt this will seem a very strange doctrine to some people; but before they condemn it, I challenge them to explain what right any king or state has to put to death or otherwise punish a foreigner for a crime he commits in their country. The right is certainly not based on their laws, through any permission they get from the announced will of the legislature; for such announcements don't get through to a foreigner: they aren't addressed to him, and even if they were, he isn't obliged to listen. . . . Those who have the supreme power of making laws in England, France or Holland are to an Indian merely like the rest of the world, men without authority. So if the law of nature didn't give every man a power to punish offences against it as he soberly judges the case to require, I don't see how the judiciary of any community can punish someone from another country; because they can't have any more power over him than every man can *naturally* have over another.

10. As well as •the crime that consists in violating the law and departing from the right rule of reason—crime through which man becomes so degenerate that he declares that he is deserting the principles of human nature and becoming vermin—there is often •transgression through which someone does harm to someone else. In the latter case, the person who has been harmed has, in addition to the general right of punishment that he shares with everyone else, a particular right to seek reparation from the person who harmed him; and anyone else who thinks this just may also join with the injured party and help him to recover from the offender such damages as may make satisfaction for the harm he has suffered.

11. So there are two distinct rights: **(i)** the right that everyone has, to punish the criminal so as to restrain him and prevent such offences in future; **(ii)** the right that an

injured party has to get reparation. Now, a magistrate, who by being magistrate has the common right of punishing put into his hands, can by his own authority **(i)** cancel the punishment of a criminal offence in a case where the public good doesn't demand that the law be enforced; but he can't **(ii)** cancel the satisfaction due to any private man for the damage he has received. The only one who can do that is the person who has been harmed. The injured party has the power of taking for himself the goods or service of the offender, by right of •self-preservation; and everyone has a power to punish the crime to prevent its being committed again, by the right he has of preserving •all mankind, and doing everything reasonable that he can to that end. And so it is that in the state of nature everyone has a power to kill a murderer, both •to deter others from this crime that no reparation can make up for, by the example of the punishment that everyone inflicts for it, and also •to secure men from future crimes by this criminal; the murderer has renounced reason, the common rule and standard God has given to mankind, and by the unjust violence and slaughter he has committed on one person he has declared war against all mankind, so that he can be destroyed as though he were a lion or a tiger. . . . This is the basis for the great law of nature, *Whoever sheds man's blood, by man shall his blood be shed*. Cain was so fully convinced that everyone had a right to destroy such a criminal that after murdering his brother he cried out 'Anyone who finds me will slay me'—so plainly was this law written in the hearts of all mankind.

12. For the same reason a man in the state of nature may punish lesser breaches of the law of nature. 'By death?' you may ask. I answer that each offence may be punished severely enough to make it a bad bargain for the offender, to give him reason to repent, and to terrify others from offending in the same way. Every offence that can be •committed in

the state of nature may also be •punished in the state of nature—and punished in the same way (as far as possible) as it would be in a commonwealth. I don't want to go into the details of the law of nature or of its punitive measures, •but I will say this much•:- It is certain that there is a •law of nature, which is as intelligible and plain to a reasonable person who studies it as are the •positive laws of commonwealths. [See the explanation of 'positive' after section 1.] It may even be *plainer*—as much plainer as •reason is •plainer•, easier to understand, than the fancies and intricate •theoretical• contrivances of men who have tried to find words that will further their conflicting hidden interests. For that is what has gone into the devising of most of the legislated laws of countries. Really, such laws are right only to the extent that they are founded on the law of nature, which is the standard by which they should be applied and interpreted.

13. To this strange doctrine •of mine•, namely that in the state of nature everyone has the power to enforce the law of nature, I expect this objection to be raised:

It is unreasonable for men to be judges in their own cases, because self-love will bias men in favour of themselves and their friends. And on the other side, hostility, passion and revenge will lead them to punish others too severely. So nothing but confusion and disorder will follow, and that is why God has—as he certainly has—established government to restrain the partiality and violence of men.

I freely allow that civil government is the proper remedy for the drawbacks of the state of nature. There must certainly be great disadvantages in a state where men may be judges in their own case; someone who was so •unjust as to do his brother an injury will (we may well suppose) hardly be so •just as to condemn himself for it! But I respond to the objector as follows [the answer runs to the end of the section]:- If

the state of nature is intolerable because of the evils that are bound to follow from men's being judges in their own cases, and government is to be the remedy for this, •let us do a comparison•. On the one side there is the •state of nature; on the other there is

•government where *one man*—and remember that absolute monarchs are only men!—commands a multitude, is free to be the judge in his own case, and can do what he likes to all his subjects, with no-one being allowed to question or control those who carry out his wishes, and everyone having to put up with whatever he does, whether he is led by reason, mistake or passion.

How much *better* it is in the state of nature, where no man is obliged to submit to the unjust will of someone else, and someone who judges wrongly (whether or not it is in his own case) is answerable for that to the rest of mankind!

He says a government is needed but it should be answerable to the rest of human kind.

14. It is often asked, as though this were a mighty objection: 'Where are there—where ever *were* there—any men in such a state of nature?' Here is an answer that may suffice in the mean time:- The world always did and always will have many men in the state of nature, because all monarchs and rulers of independent governments throughout the world are in that state. I include in this *all* who govern independent communities, whether or not they are in league with others; for the state of nature between men isn't ended just by their making a pact with one another. The only pact that ends the state of nature is one in which men agree together mutually to enter into one community and make one body politic. . . .

the def. of social contract

The promises and bargains involved in bartering between two men on a desert island, . . . or between a Swiss and an Indian in the woods of America, are binding on them even though they are perfectly in a state of nature in relation to one another; for truth and promise-keeping belongs to men

•as men, not •as members of society—i.e. as a matter of natural law, not positive law. Every contract isn't a social contract.

15. To those who deny that anyone was ever in the state of nature, I oppose the authority of the judicious Hooker, who writes:

The laws... of nature bind men absolutely, just as men, even if they have no settled fellowship, no solemn agreement among themselves about what to do and what not to do. What naturally leads us to seek communion and fellowship with other people is the

fact that on our own we haven't the means to provide ourselves with an adequate store of things that we need for the kind of life our nature desires, a life fit for the dignity of man. It was to make up for those defects and imperfections of the solitary life that men first united themselves in politic societies. (*The Laws of Ecclesiastical Polity*, Bk 1, sect. 10)

And I also affirm that all men are naturally in the state of nature, and remain so until they *consent* to make themselves members of some political society. I expect to make all this very clear in later parts of this discourse.

Chapter 3: The state of war

16. The state of war is a state of enmity and destruction. So when someone declares by word or action—not in a sudden outburst of rage, but as a matter of calm settled design—that he intends to end another man's life, he puts himself into a state of war against the other person; and he thereby exposes his life to the risk of falling into the power of the •other person or anyone that joins with •him in his defence and takes up his quarrel. For it is reasonable and just that I should have a right to destroy anything that threatens me with destruction, because the fundamental law of nature says that men are to be preserved as much as possible, and that when not everyone can be preserved the safety of the innocent is to be preferred. In line with this, I may destroy a man who makes war on me or has revealed himself as an enemy to my life, for the same reason that I may kill a wolf or a lion; because such men are not under the ties of the common law

of reason, have no rule except that of force and violence, and so may be treated as beasts of prey—dangerous creatures that will certainly destroy me if I fall into their power.

17. So it comes about that someone who tries to get another man into his absolute power thereby puts himself into a state of war with the other, for such an attempt amounts to a declaration of a plan against the *life* of the other man. If someone wants to get me •into his power without my consent, I have reason to conclude that he would use me as he pleased when he had got me •there, and would destroy me if he wanted to; for no-one can want to have me in his absolute power unless it's to compel me by force to something that is against the right of my freedom, i.e. to make me a slave. To be sure of my own survival I must be free from such force; and reason tells me to look on him—the person who slavery: being in power of someone else without consent

wants me in his power—as an enemy to my survival, wanting to take away the freedom that is the fence to it. **So someone who tries to enslave me thereby puts himself into a state of war with me.** Someone wants to take away •the freedom of someone else must be supposed to have a plan to take away •everything else from the person, because freedom is the foundation of all the rest; and that holds in a commonwealth as well as in the state of nature.

18. This makes it lawful for me to kill a thief who hasn't done me any harm or declared any plan against my life, other than using force **to get me in his power so as to take away my money or whatever else he wants.** **No matter what he claims he is up to, he is using force without right, to get me into his power;** so I have no reason to think that he won't, when he has me in his power, take everything else away from me as well as my liberty. So it is lawful for me to treat him as someone who has put himself into a state of war with me, i.e. **to kill him if I can;** for that is the risk he ran when he started a war in which he is the aggressor.

19. This is the plain difference between the state of •nature and the state of •war. Some men—•notably Hobbes—have treated them as the same; but in fact they are as distant from one another as a state of •peace, good will, mutual assistance and preservation is distant from a state of •enmity, malice, violence and mutual destruction. A state of nature, properly understood, involves

men living together according to reason, with no-one on earth who stands above them all and has authority to judge between them.

Whereas in a state of war

a man uses or declares his intention to use force against another man, with no-one on earth to whom the other can appeal for relief.

It is the lack of such an appeal that gives a man the right of war against an aggressor, •not only in a state of nature but even if they are both subjects in a single society. [The rest of this section expands on Locke's version in ways that •dots• can't easily indicate.] If a thief has already stolen all that I am worth and is not a continuing threat to me, I may not harm him except through an appeal to the law. But if he is now setting on me to rob me—even if it's just my horse or my coat that he is after—I may kill him. There is the law, which was made for my protection, but there is no time for it to intervene to save me from losing my goods and perhaps losing my life (and if I lose that there is no reparation). Furthermore, it is the thief's fault that there is no time for an appeal to the judge that stands over him and me—namely, the law—and **so I am allowed to make my own defence,** and to be at war with the thief and to kill him if I can. What puts men into a state of nature is the lack of a common judge who has authority; **the use of unlawful force against a man's person creates a state of war,** whether or not there is a common judge and (therefore) whether or not they are in a state of nature.

20. **But for men who are in a society •under a government•, the state of war ends when the actual force ends;** and then those on each side •of the trouble• should equally submit to the fair determination of the law. . . . **But in the state of nature, where there are no positive laws or judges with authority to appeal to, once a state of war has begun it continues—**with the innocent party having a right to destroy the other if he can—until the aggressor offers peace, and seeks reconciliation on terms that will make up for any wrongs he has done and will give the innocent person security from then on. What if the situation is like this?

There is time and opportunity for an appeal to the law, and to legally constituted judges, but the remedy is not available because of a manifest perverting

self-defense

of justice, a barefaced twisting of the laws so that they protect or even reward the violence or injuries perpetrated by some men or some party of men.

In such a case it is hard to think we have anything but a state of war. For wherever violence is used and injury done, even if it is done by people appointed to administer justice and is dressed up in the name, claims, or forms of law, it is still violence and injury. The purpose of the law is to protect and get compensation for the innocent, by an unbiased treatment of all who come under it; and when this is not *genuinely* done, war is made upon the sufferers, and

they—having nowhere on earth to appeal to for justice—are left to the only remedy in such cases, an appeal to heaven.

21. ·In a state of nature· where there is no authority to decide between contenders, and the only appeal is to heaven, every little difference is apt to end up in war; and that is one great reason for men to put themselves into society, and leave the state of nature. For where there is an authority, a power *on earth* from which relief can be had by appeal, the controversy is decided by that power and the state of war is blocked. [The remainder of the section discusses, in the light of this, a passage in the Old Testament, *Judges xi*.]

Chapter 4: 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 men but to be ruled only by the law of nature.

The liberty of man •in society is

to be under no legislative power except the one established by consent in the commonwealth; and not under the power of any will or under restraint from any law except what is enacted by the legislature in accordance with its mandate.

Freedom then is not what Sir Robert Filmer tells us (*Observations on Hobbes, Milton, etc.*, page 55), namely a liberty for everyone to do what he wants, live as he pleases, and not be tied by any laws. Rather, ·freedom is one of two things·. •Freedom of nature is being under no restraint except the law

of nature. •Freedom of men under government is having a standing rule to live by, common to everyone in the society in question, and made by the legislative power that has been set up in it; a liberty to follow one's own will in anything that isn't forbidden by the rule, and not to be subject to the inconstant, uncertain, unknown, arbitrary will of another man. [Here and elsewhere, Locke uses 'arbitrary' not in our current sense of something like •'decided for no reason' or 'decided on a whim' or the like; but rather in a broader sense, current in his day, as meaning merely •'decided' or 'depending upon someone's choice'. In that older and weaker sense of the word, the fear of being under someone's 'arbitrary will' is just a fear of being at the mercy of *whatever he chooses to do to you*, whether or not his choice is 'arbitrary' in the now-current sense.]

23. [In this section Locke writes that a man doesn't have the power to take his own life. He presumably means that a man

may not *rightly* take his own life because the fundamental law of nature says that men are to be preserved as much as possible (section 16). He continues:] This freedom from absolute, arbitrary power, is so necessary to a man's survival, so tightly tied to it, that losing it involves losing all control over his own life. That's why no-one can voluntarily enter into slavery. A man doesn't have the power to take his own life, so he can't voluntarily enslave himself to anyone, or put himself under the absolute, arbitrary power of someone else to take away his life whenever he pleases. Nobody can give more power than he has; so someone who cannot take away his own life cannot give someone else such a power over it. If someone performs an act that deserves death, he has by his own fault forfeited his own life; the person to whom he has forfeited it may (when he has him in his power) delay taking it and instead make use of the offending man for his own purposes; and this isn't doing him any wrong, because whenever he finds the hardship of his slavery to outweigh the value of his life, he has the power to resist the will of his master, thus bringing the death that he wants.

24. What I have been discussing is the condition of complete slavery, which is just a continuation of the state of war between a lawful conqueror and a captive. If they enter into any kind of *pact*—agreeing to limited power on the one side and obedience on the other—the state of war and slavery ceases for as long as the pact is in effect. For, as I have said, no man can by an agreement pass over to someone else something that he doesn't himself have, namely a power over his own life.

I admit that we find among the Jews, as well as other nations, cases where men sold themselves; but clearly they sold themselves only into drudgery, not slavery. It is evident that the person who was sold wasn't thereby put at the mercy of an absolute, arbitrary, despotic power; for the master was obliged at a certain time to let the other go free from his service, and so he couldn't at any time have the power to kill him. Indeed the master of this kind of servant was so far from having an arbitrary power over his life that he couldn't arbitrarily even maim him: the loss of an eye or a tooth set him free (*Exodus xxi*).

Chapter 5: Property

25. God, as King David says (*Psalms cxv.16*), has given the earth to the children of men—given it to mankind in common. This is clear, whether we consider natural reason, which tells us that men, once they are born, have a right to survive and thus a right to food and drink and such other things as nature provides for their subsistence, or revelation, which gives us an account of the grants that God made of the world

to Adam and to Noah and his sons. Some people think that this creates a great difficulty about how anyone should ever come to *own* anything. I might answer that difficulty with another difficulty, saying that if the supposition that

God gave the world to Adam and his *posterity* in common

makes it hard to see how there can be any individual

ownership, the supposition that

God gave the world to Adam and his successive *heirs*,
excluding all the rest of his posterity

makes it hard to see how anything can be owned except by one universal monarch. But I shan't rest content with that, and will try to show in a positive way how men *could* come to own various particular parts of something that God gave to mankind in common, and how this could come about without any explicit agreement among men in general. [Here and throughout this chapter, 'own' will often replace Locke's 'have a property in'.]

26. God, who has given the world to men in common, has also given them reason to make use of it to the best advantage of life and convenience. The earth and everything in it is given to men for the support and comfort of their existence. All the fruits it naturally produces and animals that it feeds, as produced by the spontaneous hand of nature, belong to mankind in common; nobody has a basic right—a private right that excludes the rest of mankind—over any of them as they are in their natural state. But they were given for the use of men; and before they can be useful or beneficial to any particular man there must be *some* way for a particular man to appropriate them [= 'come to own them']. The wild Indians in north America don't have fences or boundaries, and are still joint tenants of their territory; but if any one of them is to get any benefit from fruit or venison, the food in question must be *his*—and his (i.e. a part of him) in such a way that no-one else retains any right to it. [The last clause of that is puzzling. Does Locke mean that the Indian can't directly get benefit from the venison except by *eating* it? That seems to be the only way to make sense of 'part of him'; but it doesn't fit well with the paragraph as a whole.]

27. Though men as a whole own the earth and all inferior creatures, every individual man has a property in his own person [= 'owns himself']; this is something that nobody else has any right to. The labour of his body and the work of his hands, we may say, are strictly *his*. So when he takes something from the state that nature has provided and left it in, he mixes his labour with it, thus joining to it something that is his own; and in that way **he makes it his property**.

He has removed the item from the common state that nature has placed it in, and through this labour the item has had annexed to it something that excludes the common right of other men: for this labour is unquestionably the property of the labourer, so no other man can have a right to anything the labour is joined to—at least where there is enough, and as good, left in common for others. [Note Locke's statement that every man 'has a property in his own person'. He often says that the whole point of political structures is to protect 'property'; which might be sordidly mercantile if he weren't talking about the protection not just of man's physical possessions but also of his life and liberty.]

28. Someone who *eats* the acorns he picked up under an oak, or the apples he gathered from the trees in the forest, has certainly appropriated them to himself! Nobody can deny that the nourishment is *his*. Well, then, when did they begin to be his?

when he digested them?

when he cooked them?

when he brought them home?

when he picked them up under the tree?

It is obvious that if his first gathering didn't make them his, nothing else could do so. That labour marked those things off from the rest of the world's contents; it added something to them beyond what they had been given by nature, the common mother of all; and so they became his private right.

Suppose we denied this, and said instead:

He had no right to the acorns or apples that he thus appropriated, because he didn't have the consent of all mankind to make them his. It was robbery on his part to take for himself something that belonged to all men in common.

If such a consent as *that* was necessary, men in general would have starved, notwithstanding the plenty God had provided them with. We see the thesis I am defending at work in our own society. When there is some land that has the status of a *common*—being held in common by the community by agreement among them—taking any part of what is common and removing it from the state nature leaves it in creates ownership; and if it didn't, the common would be of no use. And the taking of this or that part doesn't depend on the express consent of all the commoners [= 'all those who share in the common ownership of the land']. Thus when my horse bites off some grass, my servant cuts turf, or I dig up ore, in any place where I have a right to these in common with others, the grass or turf or ore becomes my property, without anyone's giving it to me or consenting to my having it. *My labour in removing it out of the common state it was in has established me as its owner.*

29. If the explicit consent of every commoner was needed for anyone to appropriate to himself any part of what is given in common, children couldn't cut into the meat their father had provided for them in common without *saying* which child was to have which portion. The water running in the fountain is everyone's, but who would doubt that the water in the pitcher belongs to the person who drew it out? . . .

30. Thus this law of reason makes it the case that the Indian who kills a deer owns it; it is agreed to belong to the person who put his labour into it, even though until then it

was the common right of everyone. Those who are counted as the civilized part of mankind have made and multiplied positive laws to settle property rights; but even among us this original law of nature—the law governing how property starts when everything is held in common—still applies. [Locke concludes the section with examples: catching a fish, gathering ambergris, shooting a hare.]

31. You may object that if gathering the acorns etc. creates a right to them, then anyone may hoard as much as he likes. I answer: Not so. The very law of nature that in this way gives us property also sets limits to that property. God has given us all things richly. . . . But *how far* has he given them to us? To *enjoy* [= 'to use, to get benefit from'; this what 'enjoy(ment)' usually means in this work]. *Anyone can through his labour come to own as much as he can use in a beneficial way before it spoils; anything beyond this is more than his share and belongs to others.* Nothing was made by God for man to spoil or destroy. For a long time there could be little room for quarrels or contentions about property established on this basis: there was an abundance of natural provisions and few users of them; and only a small part of that abundance could be marked off by the industry of one man and hoarded up to the disadvantage of others—especially keeping within the bounds (set by reason) of what he could actually use.

32. But these days the chief issue about property concerns the earth itself rather than the plants and animals that live on it, because when you own some of the earth you own what lives on it as well. I think it is clear that ownership of land is acquired in the same way that I have been describing. A man owns whatever land he tills, plants, improves, cultivates, and can use the products of. By his labour he as it were *fences off* that land from all that is held in common. Suppose someone objected:

He has no valid right to the land, because everyone else has an equal title to it. So he can't appropriate it, he can't 'fence it off', without the consent of all his fellow-commoners, all mankind.

That is wrong. When God gave the world in common to all mankind, he •commanded man to work, and •man needed to work in order to survive. So •God and •his reason commanded man to subdue the earth, i.e. to improve it for the benefit of life; and in doing that he expended something that was his own, namely •his labour. A man who in obedience to this command of God subdued, tilled and sowed any part of the earth's surface thereby joined to that land something that was •his property, something that no-one else had any title to or could rightfully take from him.

33. This appropriation of a plot of land by improving it wasn't done at the expense of any other man, because there was still enough (and as good) left for others—*more than enough for the use of the people who weren't yet provided for.* In effect, the man who •by his labour• 'fenced off' some land didn't reduce the amount of land that was left for everyone else: someone who leaves as much as anyone else can make use of does as good as *take nothing at all*. Nobody could think he had been harmed by someone else's taking a long drink of water, if there was the whole river of the same water left for him to quench his thirst; and the •ownership issues concerning• land and water, where there is enough of both, are exactly the same.

34. God gave the world to men in common; but since he gave it them for their benefit and for the greatest conveniences of life they could get from it, he can't have meant it always to remain common and uncultivated. He gave it for the use of the reasonable and hard-working man (and labour was to be his title to it), not to the whims or the greed of the man

who is quarrelsome and contentious. Someone who had land left for *his* improvement—land as good as what had already been taken up—had no need to complain and ought not to concern himself with what had already been improved by someone else's labour. If he *did*, it would be obvious that he wanted the benefit of someone else's work, to which he had no right, rather than the ground that God had given him in common with others to labour on. . . .

35. In countries such as England •now•, where there are many people living under a government, and where there is money and commerce, no-one can enclose or appropriate any part of any common land without the consent of all his fellow-commoners. That is because land that is held in common has that status by compact, i.e. by the law of the land, which is not to be violated. Also, although such land is held in common by some men, it isn't held by all mankind; rather, it is the joint property of this county or this village. Furthermore, after such an enclosure—such a 'fencing off'—what was left would not, from the point of view of the rest of the commoners, be 'as good' as the whole was when they could all make use of the whole. This is quite unlike how things stood when that great common, *the world*, was just starting and being populated. The law that man was under at that time was *in favour of* appropriating. God ordered man to work, and his wants forced him to do so. That was his property, which couldn't be taken from him wherever he had fixed it [those five words are Locke's]. And so we see that •subduing or cultivating the earth and •having dominion [here = 'rightful control'] are joined together, the former creating the right to the latter. . . .

36. Nature did well in setting limits to private property through limits to how much men can work and limits to how much they need. No man's labour could tame or appropriate

all the land; no man's enjoyment could consume more than a small part; so that it was impossible for any man in this way to infringe on the right of another, or acquire a property to the disadvantage of his neighbour. . . . This measure confined every man's possessions to a very moderate proportion, such as he might make his own without harming anyone else, in the first ages of the world when men were more in danger of •getting lost by wandering off on their own in the vast wilderness of the earth as it was then than of •being squeezed for lack of land to cultivate. And, full as the world now seems, the rule for land-ownership can still be adopted without harm to anyone. Suppose a family in the state people were in when the world was first being populated by the children of Adam, or of Noah: let them plant on some vacant land in the interior of America. We'll find that the possessions they could acquire, by the rule I have given, would not be very large, and even today they wouldn't adversely affect the rest of mankind, or give them reason to complain or think themselves harmed by this family's encroachment. I maintain this despite the fact that the human race has spread itself to all the corners of the world, and infinitely outnumbered those who were here at the beginning. Indeed, the extent of ground is of so little value when not worked on that I have been told that in Spain a man may be permitted to plough, sow and reap on land to which his only title is that he is making use of it. . . . Be this as it may (and I don't insist on it), I venture to assert boldly that if it weren't for just one thing the same rule of ownership—namely that every man is to own as much as he could make use of—would still hold in the world, without inconveniencing anybody, because there is land enough in the world to suffice twice as many people as there are. The 'one thing' that blocks this is the invention of *money*, and men's tacit agreement to put a value on it; this made it possible, with men's consent, to have larger

possessions and to have a right to them. I now proceed to show how this has come about.

37. Men came to want more than they needed, and this altered the intrinsic value of things: a thing's value originally depended only on its usefulness to the life of man; but men came to agree that a little piece of yellow metal—which wouldn't fade or rot or rust—should be worth a great lump of flesh or a whole heap of corn. Before all that happened, each man could appropriate by his labour as much of the things of nature as he could use, without detriment to others, because an equal abundance was still left to those who would work as hard on it. ·Locke now moves away from the just-announced topic of money, and won't return to it until section 46.· To which let me add that someone who comes to own land through his labour doesn't •lessen the common stock of mankind but •increases it. That's because the life-support provisions produced by one acre of enclosed and cultivated land, are (to put it very mildly) ten times more than what would come from an acre of equally rich land that was held in common and not cultivated. So he who encloses land, and gets more of the conveniences of life from ten ·cultivated· acres than he could have had from a hundred left to nature, can truly be said to *give ninety acres to mankind*. For his labour now supplies him with provisions out of ten acres that would have needed a hundred ·uncultivated· acres lying in common. I have here greatly understated the productivity of improved land, setting it at ten to one when really it is much nearer a hundred to one. [Locke defends this by comparing a thousand acres of 'the wild woods and uncultivated waste of America' with 'ten acres of equally fertile land in Devonshire, where they are well cultivated'.]

[He then starts a fresh point: before land was owned, someone could by gathering fruit or hunting animals come to own those things, because of the labour he had put into them.

But] if they perished in his possession without having been properly used—if the fruits rotted or the venison putrefied before he could use it—he offended against the common law of nature, and was liable to be punished. For he had encroached on his neighbour's share, because he had no right to these things beyond what use they could be to him to afford him conveniences of life.

38. The same rule governed the possession of land too: he had his own particular right to whatever grass etc. that he sowed, reaped, stored, and made use of before it spoiled; and to whatever animals he enclosed, fed, and made use of. But if the grass of his enclosure rotted on the ground, or the fruit of his planting perished without being harvested and stored, this part of the earth was still to be looked on as waste-land that might be owned by anyone else—despite the fact that he had enclosed it. Thus, at the beginning, Cain might take as much ground as he could cultivate and make it his own land, still leaving enough for Abel's sheep to feed on; a few acres would serve for both. But as families increased and by hard work enlarged their stocks, their possessions enlarged correspondingly; but this commonly happened without any fixed ownership of the land they made use of. In due course they formed into groups, settled themselves together, and built cities; and then eventually they set out the bounds of their distinct territories, agreed on boundaries between them and their neighbours, and established laws of their own to settle property-rights within the society. These land-ownership developments came relatively late. For we see that in the part of the world that was first inhabited and was therefore probably the most densely populated, even as late as Abraham's time they wandered freely up and down with the flocks and herds that they lived on; and Abraham did this even in a country where he was a foreigner. This shows clearly that a great part of the land, at least, lay

in common; that the inhabitants didn't value it or claim ownership of it beyond making use of it. But when there came to be insufficient grazing land in the same place, they separated and enlarged their pasture where it best suited them (as Abraham and Lot did, *Genesis* xiii. 5). . . .

39. The supposition that Adam had all to himself authority over and ownership of all the world, to the exclusion of all other men, can't be proved, and anyway couldn't be the basis for anyone's property-rights today. And we don't need it. Supposing the world to have been given (as it *was*) to the children of men in common, we see how men's labour could give them separate titles to different parts of it, for their private uses; with no doubts about who has what rights, and no room for quarrelling.

40. It isn't as strange as it may seem at first glance that the property of labour should be able to outweigh the community of land. For labour affects the value of everything. Think of how an acre of land planted with tobacco or sugar, sown with wheat or barley, differs from an acre of the same land lying in common without being cultivated; you will see the improvement brought about by labour creates most of the extra value of the former. It would be a very conservative estimate to say that of the products of the earth that are useful to the life of man nine tenths are the effects of labour. Indeed, if we rightly estimate the various expenses that have been involved in things as they come to our use, sorting out what in them is purely due to nature and what to labour, we'll find that in most of them ninety-nine hundredths of their value should go in the 'labour' column.

41. [Locke here contrasts various 'nations of the Americans' with England; they have equally good soil, but an American 'king' lives worse than an English 'day-labourer', because the Americans don't improve their land by labour.]

42. This will become clearer if we simply track some of the ordinary provisions of life through their various stages up to becoming useful to us, and see how much of their value comes from human industry. •Bread, wine and cloth are things we use daily, and we have plenty of them; but if it weren't for the labour that is put into these more useful commodities we would have to settle for •acorns, water and leaves or skins as our food, drink and clothing. What makes bread more valuable than acorns,
 wine more valuable than water, and
 cloth or silk more valuable than leaves, skins or moss, is wholly due to labour and industry. . . . One upshot of this is that the ground that produces the materials provides only a very small part of the final value. So small a part that even here in England land that is left wholly to nature, with no improvement through cultivation. . . . is rightly called 'waste', and we shall find that the benefit of it amounts to little more than nothing.

This shows how much better it is to have a large population than to have a large country; and shows that the great art of government is to have the land *used* well, and that any ruler will quickly be safe against his neighbours if he has the wisdom—the godlike wisdom—to establish laws of liberty to protect and encourage the honest industry of his people against the oppression of power and narrowness of party. But that is by the way; I return now to the argument in hand.

43. [Locke again compares uncultivated American land with cultivated land in England, this time putting the value ratio at one to a thousand. He continues:] It is labour, then, that puts the greatest part of value upon land, without which it would scarcely be worth anything. We owe to labour the greatest part of all the land's useful products; it is labour that makes the straw, bran, and bread of an acre of wheat

more valuable than the product of an acre of equally good land that lies waste. The labour that goes into the bread we eat is not just

the ploughman's efforts, the work of the reaper and the thresher, and the baker's sweat,

but also

the labour of those who domesticated the oxen, who dug and shaped the iron and stones, who felled and framed the timber used in the plough, the mill, the oven, or any of the vast number of other utensils that are needed to get this corn from •sowable seed to •edible bread.

All this should be attributed to *labour*; as for *nature* and *the land*—they provided only the materials, which were almost worthless in their raw condition. Imagine what it would be like if every loaf of bread came to us along with a catalogue of *all* the contributions that labour had made to its existence! It would have to include the labour components in relevant pieces of

iron, wood, leather, bark, timber, stone, bricks, coals, lime, cloth, dyes, pitch, tar, masts, ropes, and *all* the materials used in the ship that brought *any* of the commodities used by *any* of the workmen in *any* part of the work.

It would take far too long to make such a list, if indeed it was even possible.

44. All this makes it clear that •though the things of nature are given in common, man had in *himself* the great foundation for ownership—namely his being master of himself, and owner of his own person and of the actions or work done by it; and that •most of what he applied to the support or comfort of his being, when invention and skills had made life more comfortable, was entirely his own and didn't belong in common to others.

45. Thus labour in the beginning gave a right of ownership wherever anyone chose to employ his labour on what was held in common. For a long time the common holdings were much greater than what was individually owned, and even now they are greater than what mankind makes use of. At first, men were mainly contented with what unassisted nature offered to meet their needs, but then:

In some parts of the world (where the increase of people and animals, and the use of money, had made land scarce and thus of some value) various communities settled the bounds of their separate territories, and by laws within themselves regulated the properties of the private men in their society, and in this way by compact and agreement they settled the property rights that labour and industry had begun. And the leagues that have been made *between* different states and kingdoms, either explicitly or tacitly disowning all claim to one another's land, have by common consent given up their claims to their natural common right in undeveloped land in one another's domains, and so have by positive agreement settled who owns what in various parts and parcels of the earth, so that, for instance, no Englishman can claim to own an acre of France because (i) it was uncultivated until he worked on it and (ii) *he* was not a party to 'internal' French laws giving its ownership to someone else.

Even after all this, however, there are great tracts of ground that still lie in common and so could legitimately be claimed on the basis of labour. These are in territories whose inhabitants haven't joined with the rest of mankind in the consent of the use of their common money [Locke's exact words, starting with 'joined'], and are lands that exceed what the inhabitants do or can make use of. Though this can hardly happen among people who have agreed to use money.

46. Most of the things useful to the life of man—things that the world's first commoners, like the Americans even now, were forced to seek for their sheer survival—are things of short duration, things that will decay and perish if they are not consumed soon. The much more durable gold, silver and diamonds are things that have *value by agreement* rather than because there is a real use for them in sustaining life. I shall now explain how those two kinds of value came to be linked. Of the good things that nature has provided in common, everyone had a right (as I have said) to as much as he could use. Each man owned everything that he could bring about with his labour, everything that his industry could alter from the state nature had put it in. He who gathered a hundred bushels of acorns or apples thereby owned them; as soon as he had gathered them, they were his. His only obligation was to be sure that he used them before they spoiled, for otherwise he took more than his share, and robbed others. And indeed it was foolish as well as dishonest to hoard up more than he could use. Now consider a graded trio of cases. **(i)** If he gave away some to someone else, so that it didn't perish uselessly in his possession, that was one way of using it. **(ii)** And if he traded plums that would have rotted in a week for nuts that would remain eatable for a year, he wasn't harming anyone. As long as nothing perished uselessly in his hands, he wasn't *wasting* the common stock, destroying goods that belonged to others. **(iii)** If he traded his store of nuts for a piece of metal that had a pleasing colour, or exchanged his sheep for shells, or his wool for a sparkling pebble or a diamond, and kept those—the metal, shells, pebbles, diamonds—in his possession all his life, this wasn't encroaching on anyone else's rights. . . . What would take him beyond the bounds of his rightful property was not *having a great deal* but *letting something spoil instead of being used*.

47. That is how money came into use—as a durable thing that men could keep without its spoiling, and that by mutual consent men would take in exchange for the truly useful but perishable supports of life.

48. And as differences in how hard men worked were apt to make differences in how much they owned, so this invention of money gave them the opportunity to continue and enlarge their possessions. Consider this possibility:

An island separated from any possibility of trade with the rest of the world; only a hundred families on the island; but enough sheep, horses and cows and other useful animals, enough wholesome fruits, and enough land for corn, for a hundred thousand times as many; but nothing on the island that is rare and durable enough to serve as money.

On such an island, what reason could anyone have to enlarge his possessions beyond the needs of his household, these being met by his own industry and/or trade with other households for similarly perishable and useful commodities? Men won't be apt to enlarge their possessions of land—however rich and available extra land may be—if there isn't something durable and scarce and counted as valuable to store up. Suppose someone has the opportunity to come to own ten thousand (or a hundred thousand) acres of excellent land, already cultivated and well stocked with cattle, in the middle of the interior of America where he has no hopes of commerce with other parts of the world through which to get money through the sale of the product. What value will he attach to this estate? It wouldn't be worth his while to mark its

boundaries; he will hand it back to the wild common of nature, apart from what it would supply for the conveniences of life to be had there for him and his family.

49. Thus in the beginning *all the world was America*—even more so than America is now, because in the beginning no such thing as money was known *anywhere*. Find out something that has the use and value of money among a man's neighbours and you'll see him start to enlarge his possessions.

50. [In this section Locke goes over it again: by tacitly agreeing to attach value to gold, silver or other money, men have found a way for someone to own more than he can use. He concludes with the remark that 'in governments, the laws regulate the right of property, and the possession of land is determined by positive constitutions' (see note on 'positive' at the end of section 1).

51. It is easy to conceive, then, how labour could at first create ownership of some of the common things of nature, and how uses we could make of those things set limits to what could be owned by any individual. So there couldn't be any reason for quarrelling about title, or any doubt about how much could be owned. Right and convenience went together; for as a man had a right to all he could employ his labour upon, so he had no temptation to labour for more than he could use. This left no room for controversy about the title, or for encroachment on the rights of others: what portion a man carved out for himself was easily seen; and it was useless as well as dishonest for him to carve out too much or take more than he needed.

Chapter 6: Paternal power

52. You may think that a work like the present one is not the place for complaints about words and names that have become current; but I think it won't be amiss to offer new words when the old ones are apt to lead men into mistakes. The phrase 'paternal power' is probably an example of this. It seems so to place the power of parents over their children wholly in the father, as though the mother had no share in it; whereas •reason and •revelation both tell us that she has an equal title. Might it not be better to call it 'parental power'? Whatever obligations are laid on children by •nature and the right of generation must certainly bind them equally to each of the joint causes of their being generated. And accordingly we see the •positive law of God everywhere joins the parents together, without distinction, when it commands the obedience of children. [Locke gives four examples, from the old and new testaments.]

53. Had just this one thing been thought about properly, even without going any deeper, it might have kept men from running into the gross mistakes they have made about this power of parents. When under the label 'paternal power' it seemed to belong only to the father, it could be described as 'absolute dominion' and as 'regal authority' without seeming ridiculous; but those phrases would have sounded strange, and in the very name shown the absurdity of the doctrine in question, if this supposed absolute power over children had been called 'parental', for that would have given away the fact that it belonged to the mother too. Those who contend so much for 'the absolute power and authority of fatherhood', as they call it, will be in difficulties if the mother is given any share in it. The monarchy they contend for wouldn't be well supported if the very name showed that the fundamental

authority from which they want to derive their government by only a single person belonged not to one person but to two! But no more about names.

54. I said in Chapter 2 that all men are by nature equal, but of course I didn't mean equality in all respects. •Age or virtue may put some men above others; •excellence of ability and merit may raise others above the common level; •some may *naturally* owe deference to others because of their birth, or from gratitude because of benefits they have received, or for other reasons. But all this is consistent with the equality that all men have in respect of jurisdiction or dominion over one another. That was the equality I spoke of in Chapter 2—the equality that is relevant to the business in hand, namely the equal right that every man has to his natural freedom, without being subjected to the will or authority of any other man.

55. I acknowledge that children are not born *in* this state of full equality, though they are born *to* it. Their parents have a sort of rule and jurisdiction over them when they come into the world and for some time after that, but it's only a temporary one. The bonds of this subjection are like the swaddling clothes they are wrapped up in and supported by in the weakness of their infancy; as the child grows up, age and reason loosen the ties, until at last they drop off altogether and leave a man to his own devices.

56. Adam was created as a complete man, his body and mind in full possession of their strength and reason; so he was able, from the first instant of his coming into existence, to provide for his own support and survival, and to govern his actions according to the dictates of the law of reason that God had implanted in him. The world has been populated

with his descendants, who are all born infants, weak and helpless, without knowledge or understanding. To make up for the defects of this imperfect [here = 'incomplete'] state until till the improvement of growth and age has removed them, Adam and Eve and all parents after them were obliged by the law of nature to preserve, nourish, and bring up the children they had begotten—not as their own workmanship, but as the workmanship of their own maker, the almighty ·God·, to whom they were to be accountable for them.

57. The law that was to govern Adam was the very one that was to govern all his posterity, namely the law of reason. But his offspring entered the world differently from him, namely by natural birth, which brought them out ignorant and without the use of reason. So they were not immediately under the law of reason, because nobody can be under a law that hasn't been made known to him; and this law is made known only by reason, so that someone who hasn't come to the use of his reason can't be said to be under it. Adam's children, not being under this law at birth, were not *free* at that time; for law, properly understood, is not so much the •limitation as the •direction of a free and intelligent agent to his proper interest, and doesn't prescribe anything that isn't for the general good of those under that law. If men could be happier without it, the law would be a useless thing and would inevitably vanish. ·Don't think of the law as *confining*·: it is wrong to label as 'confinement' something that hedges us in only from bogs and precipices! So, however much people may get this wrong, what law is *for* is not to abolish or restrain freedom but to preserve and enlarge it; for in all the states of created beings who are capable of laws, where there is no law there is no freedom. Liberty is freedom from restraint and violence by others; and this can't be had where there is no law. This freedom is not—as some say it is—a freedom for every man to do whatever he wants to do (for

who could be free if every *other* man's whims might dominate him?); rather, it is a freedom to dispose in any way he wants of his person, his actions, his possessions, and his whole property—not to be subject in any of this to the arbitrary will of anyone else but freely to follow his own will, all within whatever limits are set by the laws that he is under.

58. So the •power that parents have over their children arises from their •duty to take care of their offspring during the imperfect state of childhood. What the children need, and what the parents are obliged to provide, is the forming of their minds and the governing of their actions; that is while the children are still young and ignorant; when reason comes into play the parents are released from that trouble. God gave man an understanding to direct his actions, and (fitting in with that) allowed him a freedom of will and of acting within the limits set by the law he is under. But while he is in a condition in which he hasn't enough understanding of his own to *direct* his will, he isn't to *have* any will of his own to follow. The person who •understands for him must •will for him too; that person must prescribe to his will and regulate his actions; but when he reaches the condition that made his father a freeman, the son is a freeman too.

59. This holds in all the laws a man is under, whether •natural or •civil. ·Let us look at these separately·. •If a man is under the law of nature, what made him free under that law? What gave him freedom to dispose of his property according to his own will, within the limits set by that law? I answer, *a state of maturity* in which he might be supposed to be capable of knowing that law so that he could keep his actions within the limits set by it. When he has entered that state, he is presumed to know how far that law is to be his guide, and how far he may make use of his freedom; and so he comes to *have* that freedom. Until then, he must be

guided by somebody else who is presumed to know how far the law allows a liberty. If such a state of reason, such an age of discretion, made him free, the same state will make his son free too. •If a man is under the law of England, what made him free under that law? That is, what gave him the liberty to dispose of his actions and possessions as he wishes, within the limits of what that law allows? ·I answer·, *a capacity for knowing that law*—a capacity which the law itself supposes to be present at the age of twenty-one and in some cases sooner. If this made the father free, it will make the son free too. Till then we see the law allows the son to have no will: he is to be guided by the will of his father or guardian, who is to do his understanding for him. And if the father dies and fails to substitute a deputy in his place, or if he doesn't provide a tutor to govern his son while he is a minor who lacks understanding, the law takes care to do it. Someone else must govern him and be a will to him until he has reached a state of freedom, and his understanding has become fit to take over the government of his will. But after that the father and son are equally free, as are a tutor and his pupil after the pupil has grown up. They are equally subjects of the same law together, and the father has no remaining dominion over the life, liberty, or estate of his son. This holds, whether they are only in the state of nature and under its law or are under the positive laws of an established government.

60. But if, through defects that happen out of the ordinary course of nature, someone never achieves a degree of reason that would make him capable of knowing the law and so living within the rules of it, he is never capable of being a free man, he is never allowed freely to follow his own will (because he knows no bounds to it, doesn't have the understanding that is the will's proper guide), but continues under the tuition and government of others for as long as

his own understanding is incapable of taking over. And so lunatics and idiots are never freed from the government of their parents. [The section continues with a quotation from Hooker, saying the same thing, and the remark that all this comes from a duty—given by nature and by God—to preserve one's offspring, and hardly gives proof that parents have 'regal authority'.]

61. Thus we are born •free, as we are born •rational; not that we as newborn babies actually have the use of either: age that brings •reason brings •freedom with it. So we see how •natural freedom is consistent with •subjection to parents, both being based on the same principle. A child is free by his father's title, by his father's understanding, which is to govern him till he has understanding of his own. The •freedom of a mature man and the •subjection of a not yet mature child to his parents are so consistent with one another, and so distinguishable, that the most blinded contenders for monarchy-by-right-of-fatherhood can't miss this difference; the most obstinate of them can't maintain that the two are inconsistent. ·I now show their consistency with one another within the context of Filmer's theory of monarchy·. Suppose their doctrine ·of monarchy· were all true, and the right ·contemporary· heir of Adam were now known and by that title settled as a monarch on his throne, invested with all the absolute unlimited power that Sir Robert Filmer talks of. If this monarch were to die just after his heir was born, wouldn't the child—however free and sovereign he was—be subject to his mother and nurse, to tutors and governors, till age and education brought him reason and the ability to govern himself and others? The necessities of his life, the health of his body, and the forming of his mind, would all require that he be directed by the will of others and not by his own will. But will anyone think that this restraint and subjection would be inconsistent with (or deprived him

of) the liberty or sovereignty that he had a right to, or gave away his empire to those who had the government of him in his youth? This government over him would only prepare him the better and sooner for being a governor of others. If anybody should ask me when my son is of age to be free, I would answer: Just when his monarch is of age to govern! As for determining *when* a man can be said to have achieved enough use of reason to be capable of understanding and obeying those laws whereby he is then bound: this, says the judicious Hooker (*Ecclesiastical Polity*, Book 1, section 6), is a great deal easier for sense to discern than for anyone by skill and learning to determine [= roughly 'easier to tell by experience of particular cases than to lay down in general theoretical terms'].

62. Commonwealths themselves allow that there is an age at which men are to *begin* to act like free men, so that before that age they aren't required to take oaths of allegiance or in any other way to declare the authority of the government of their countries.

63. So a man's freedom—his liberty of acting according to his own will—is based on his having *reason*, which can instruct him in the law he is to govern himself by, and make him know to what extent he is left to the freedom of his own will. To turn him loose and give him complete liberty before he has reason to guide him is *not* allowing him his natural privilege of being free; rather, it is pushing him out among the lower animals and abandoning him to a state as wretched and sub-human as theirs is. *This* is what gives parents the authority to govern their children while they are minors. God has made it their business to take this care of their offspring, and has built into them tendencies to gentleness and concern so as to moderate this power, so that they will use the power, for as long as the children need

to be under it, for the children's good.

64. But what reason can there be to expand the care that parents owe to their offspring into an absolute arbitrary command of the father? In fact, a father's power reaches only far enough to •impose the discipline that he finds effective in giving his children the strong and healthy bodies and vigorous and right-thinking minds that will best fit them to be most useful to themselves and others; and, if it is necessary in the family's circumstances, •to make them work, when they are able, for their own livelihood. But in this power the mother too has her share with the father.

65. Indeed, this power is so far from being something that the father has by a special right of nature, rather than having it in his role as the guardian of his children, that when his care of them comes to an end so does his power over them. That power is inseparably tied to their nourishment and upbringing; and it belongs as much to the foster-father of an abandoned baby as to the natural father of another child. That's how little power the bare act of *begetting* gives a man over his offspring: if all his care ends there, and his only claim on the name and authority of a father is that he *begot* the child, his power comes to nothing. And what will become of this paternal power in places where one woman has more than one husband at a time? or in the parts of America where when the husband and wife separate (which happens frequently) the children all stay with the mother and are wholly cared for and provided for by her? If a father dies while the children are young, don't they naturally everywhere owe the same obedience to their mother, during their minority, as they would to their father if he were still alive? Obviously they do! And then, with 'paternal power' replaced by 'maternal power', the idea that governmental power comes from this source becomes even more clearly

incredible. For consider: Will anyone say that the widowed mother has a *legislative* power over her children? that she can make laws that will oblige the children throughout their lives, regulating all matters having to do with property and freedom of action? and that she can enforce the observation of these laws with capital punishments? All of that lies within the legitimate scope of the law-giver, and the father doesn't have even the shadow of it!. His command over his children is only temporary, and doesn't affect their life or property. [Locke continues in this vein, repeating points already made.]

66. But though in due course a child comes to be as free from subjection to the will and command of his father as the father himself is free from subjection to the will of anyone else, and each of them is under only the restraints that also bind the other—from the law of nature and from the civil law of their country—this freedom that the son has doesn't exempt him from honouring his parents as he is required to do by the law of God and nature. God having •made the parents through their having children serve as instruments in his great design of continuing the race of mankind, •laid on them an obligation to nourish, preserve, and bring up their offspring, and also •laid on children a perpetual obligation to honour their parents. This honour involves an inward esteem and reverence to be shown by all outward expressions, so it holds the child back from anything that might ever injure or offend, disturb or endanger, the happiness or life of those from whom he received his own life; and draws him into doing all he can for the defence, relief, assistance and comfort of those by whose means he came into existence and has been made capable of enjoying life. No state—and no kind of freedom—can free children from this obligation. But this is very far from giving parents a power of command over their children, or an authority to make laws and dispose as they

please of the children's lives or liberties. It is one thing to be owed honour, respect, gratitude and assistance; another to require absolute obedience and submission. A monarch on his throne owes his mother the honour any son owes his parents, but this doesn't lessen his authority or entitle *her* to govern *him*.

67. Consider these two facts: **(1)** While a child is a minor, its father is temporarily in the position of a governor—a position that ends when the child becomes an adult. **(2)** The child's duty of honour gives the parents a perpetual right to respect, reverence, support and compliance too, in proportion to how much care, cost, and kindness the father has put into the child's upbringing. This doesn't end with minority, but holds throughout a man's life. The failure to distinguish these two powers, namely

- the father's right of upbringing during minority, and
- the parent's right to be honoured, throughout his life,

may have caused a great part of the mistakes about this matter. But they are utterly different from one another. Strictly speaking, the first of them is not really a •right of parental power but rather a privilege of children and a •duty of parents. The nourishment and education of their children is so much a duty of parents that nothing can absolve them from performing it; and though the power of commanding and punishing children goes along with the duty, God has woven into the forces at work in human nature such a tenderness for offspring that there is little risk of parents using their power too severely. . . . [Sections **68–71** repeat and decorate the main themes of the chapter up to here, without adding significant content.]

72. In addition to the powers of privileges discussed above, there is another power that a father ordinarily has, which

gives him a hold on the obedience of his children. Although men in general have this power, the occasions for using it are nearly always within the private lives of families; it seldom shows up anywhere else, and when it does it isn't much noticed, which is why it is generally taken to be a part of paternal jurisdiction. What I am talking about is the power men generally have to leave their estates to those who please them best. Children can expect to inherit from their father, usually in certain proportions according to the law and custom of the country; but the father commonly has the power to make bequests with a more or less generous hand depending on how much each child has behaved in ways that he has agreed with and liked.

73. This gives a considerable hold on the obedience of children, and it connects with something that has been a main topic of this treatise, namely the place of *consent* in government. I shall explain. The enjoyment of land always involves submitting to the government of the country where the land is. Now, it has commonly been supposed that a father could give his offspring a binding obligation to submit to the government of which he himself was a subject, but this is wrong. The obligation to submit to a government is only a condition of *owning the land*; and the inheritance of an estate that is under that government reaches only those who will *accept* the estate when it has that condition attached to it. So it is not a natural tie or obligation, but a *voluntary* submission. Every man's children are by nature as free as the man himself or any of his ancestors ever were, and while they are in that freedom they may choose what society they will join themselves to, what commonwealth they will submit to. But if they want to enjoy the inheritance of their ancestors, they must take it on the terms on which their ancestors had it, and submit to all the conditions tied to such ownership. So this power does

indeed enable fathers to •oblige their children to obedience to themselves even when they are adults, and most commonly to •subject their children to this or that political power. But neither of these comes from any special *right of fatherhood*, but rather from owning the means to enforce and reward such compliance with the father's wishes or with the laws of the commonwealth. It is just the power that a Frenchman has over an Englishman who hopes to inherit his estate: that hope certainly creates a strong tie on his obedience to the Frenchman; and if the estate is left to him, he can enjoy it only on the conditions attached to the possession of land in the country that contains it, whether it be France or England.

74.Despite all this, we can see how easy it was, at certain times and places, for the father of the family to become its *monarch*. This would be so when the world was young, and also today in some places where the low population makes it possible for the families of the next generation to spread out into the surrounding countryside and make homes for themselves in unoccupied territory. That creates a situation in which a considerable number of people, in a line of descent from a single living person, 'the father', are spread out across a considerable territory. Without *some* government it would be hard for them to live together, and their common father had been a ruler from the beginning of the infancy of his children; so the adult children were most likely—whether explicitly or by tacit consent—to have *him* continue as ruler. The only change from the earlier state of affairs is that they •permitted the father (and no-one else in his family) to have the executive power of the law of nature, a power that every free man naturally has, and by that •permission giving him a monarchical power while they remained in it [= 'remained in that family'?). But this •monarchical power within the extended family didn't come

from any paternal *right* but purely from the *consent* of the adult offspring. Suppose that a foreigner comes into the family's territory by chance or on business and, while there, kills a member of the family. . . . No-one doubts that in such a case the father may condemn the foreigner and punish him, with death or in some other way, just as he could punish an offence by one of his children. Now, in punishing the foreigner he can't be exercising any *paternal* authority, because the foreigner is not his child; so he must be acting by virtue of the executive power of the law of nature, which he had a right to not as a father but just as a man. Any of his adult children would also have had such a natural right if they hadn't laid it aside and chosen to allow this dignity and authority to belong to the father and to no-one else in the family.

75. Thus it was easy, almost natural, and virtually inevitable, for children to give their tacit consent to the father's having authority and government. They had been accustomed in their childhood to follow his direction, and to refer their little differences to him; when they were grown up, who would be fitter to rule them? They hadn't much property, or much envy of one another's goods, so their 'little differences' hadn't

become much bigger! Where could they find a fitter umpire than he by whose care they had all been sustained and brought up, and who had a tenderness for them all? . . .

76. Thus the natural fathers of families gradually became their politic monarchs as well. And when they happened to live long and to have able and worthy heirs, they laid the foundations for *kingdoms*—whether hereditary or elective—with various different kinds of constitutions and procedures, shaped by the effects of chance, contrivance, and particular events. But if monarchs are entitled to their thrones because of their rights as fathers, and if the natural right of fathers to political authority is shown by the mere *fact* that government has *commonly* been exercised by fathers, then by the very same inference we can 'prove' that all monarchs—and indeed *only* monarchs—should be priests, since it is as certain that in the beginning the father of the family was his household's priest as that he was its ruler. [In a footnote to section 74 Locke quotes a long passage from Hooker, saying things similar to what Locke says in that section, and referring to 'the ancient custom' whereby fathers became kings and also came 'to exercise the office of priests'.]

Chapter 7: Political or Civil Society

·CONJUGAL SOCIETY·

77. God having made man as a creature who, in God's own judgment, ought not to be alone, •drew him strongly—by need, convenience, and inclination—into society, and •equipped him with understanding and language to keep society going and to enjoy it. The first society was between man and wife, which gave rise to the society between parents and children; to which in time the society between master and servant came to be added. All these could and often did meet together, and constitute a single family in which the master or mistress had some appropriate sort of authority. [In Locke's day 'family' commonly meant 'household', i.e. including the servants.] Each of these smaller societies, or all together, fell short of being a *political* society, as we shall see if we consider the different ends, ties, and bounds of each of them.

78. Conjugal society is made by a voluntary compact between man and woman. It mainly consists in the togetherness of bodies and right of access to one another's bodies that is needed for procreation, which is its main purpose; but it brings with it mutual support and assistance, and a togetherness of interests too, this being needed to unite their care and affection and also needed by their offspring, who have a right to be nourished and maintained by them till they are old enough to provide for themselves.

79. The purpose of bonding between male and female is not just •procreation but •the continuation of the species; •meaning that it's not just to *have* children but to *bring them up*; so this link between male and female ought to last beyond procreation, so long as is needed for the nourishment and support of the young ones. . . . This rule that our infinite wise maker has imposed on his creatures can be seen to be

regularly obeyed by the lower animals. In viviparous animals that feed on grass, the bonding of male with female lasts no longer than the mere act of copulation; because the female's teat is sufficient to nourish the young until they can feed on grass, all the male has to do is to beget [= 'to impregnate the female'], and doesn't concern himself with the female or with the young, to whose nourishment he can't contribute anything. But in beasts of prey the conjunction lasts longer, because the dam isn't able to survive and to nourish her numerous offspring by her own prey alone, this being a more laborious way of living than feeding on grass, as well as a more dangerous one. So the male has to help to maintain their common family, which can't survive unaided until the young are able to prey for themselves. This can be seen also with birds, whose young need food in the nest, so that the cock and the hen continue as mates until the young can fly, and can provide for themselves. (The only exception is some domestic birds; the cock needn't feed and take care of the young brood because there is plenty of food.)

80. This brings us to what I think is the chief if not the only reason why the *human* male and female are bonded together for longer than other creatures. It is this:- Long before a human child is able to shift for itself without help from his parents, its mother can again conceive and bear another child; so that the father, who is bound to take care for those he has fathered, is obliged to continue in conjugal society with the same woman for longer than some other creatures. With creatures whose young can make their own way the time of procreation comes around again, the conjugal bond automatically dissolves and the parents are at liberty, till Hymen [the god of marriage] at his usual anniversary season

summons them again to choose new mates. We have to admire the wisdom of the great creator: having •given man foresight and an ability to make preparations for the future as well dealing with present needs, God •made it necessary that the society of man and wife should be more lasting than that of male and female among other creatures; so that their industry might be encouraged and their interests better united to make provision and lay up goods for their shared offspring—an arrangement that would be mightily disturbed if the offspring had an uncertain mixture of parentage or if conjugal society were often and easily dissolved.

81. But though there are these ties that make conjugal bonds firmer and more lasting in humans than in the other species of animals, it is still reasonable to ask:

Once procreation and upbringing have been secured, and inheritance arranged for, why shouldn't this compact ·between man and wife· be like any other voluntary compact? That is, why shouldn't its continuance depend on the consent of the parties, or on the elapsing of a certain period of time, or on some other condition?

·It is a reasonable question because· neither the compact itself nor the purposes for which it was undertaken *require* that it should always be for life. (Unless of course there is a positive law ordaining that all such contracts be perpetual.)

[See the explanation of 'positive' on page 3.]

82. Though the husband and wife have a single common concern, they have different •views about things and so inevitably they will sometimes differ in what they •want to be done. The final decision on any practical question has to rest with *someone*, and it naturally falls to the man's share, because he is the abler [Locke's word] and the stronger of the two. But this applies only to things in which they have a common interest or ownership; it leaves the wife in the full

and free possession of what by contract is her special right, and gives the husband no more power over her life than she has over his! The husband's power is so far from that of an absolute monarch that the wife is in many cases free to separate from him, where natural right or their contract allows it—whether that contract is made by themselves in the state of nature, or made by the customs or laws of the country they live in. When such a separation occurs, the children go to the father or to the mother, depending on what their contract says.

83. All the •purposes of marriage can be achieved under political government as well as in the state of nature, so the civil magistrate doesn't interfere with any of the husband's or wife's rights or powers that are naturally necessary for those •purposes, namely procreation and mutual support and assistance while they are together. He comes into the picture only when called upon to decide any controversy that may arise between man and wife about the purposes in question. [Locke goes on to say that 'absolute sovereignty and power of life and death' doesn't naturally belong to the husband, because this isn't needed for the purposes for which marriage exists; and that if it were needed for that, matrimony would be impossible in countries whose laws forbid any private citizen to have such authority.]

84. As for the society between parents and children, and the distinct rights and powers belonging to each: I discussed this fully enough in chapter 6, and needn't say more about it here. I think it is obvious that it is very different from politic society.

·DOMESTIC GOVERNANCE GENERALLY·

85. 'Master' and 'servant' are names as old as history, but very different relationships can be characterized by them. •A free man may make himself a servant to someone else

by *selling* to him for a specified time the service that he undertakes to do, in exchange for wages he is to receive. This often puts him into the household of his master, and under its ordinary discipline, but it gives the master a power over him that is temporary and is no greater than what is contained in the contract between them. •But there is another sort of servant to which we give the special name ‘slave’. A slave is someone who, being a captive taken in a just war, is by the right of nature subjected to the absolute command and arbitrary power of his master. A slave has forfeited his life and with it his liberty; he has lost all his goods, and as a slave he is not capable of having any property; so he can’t in his condition of slavery be considered as any part of civil society, the chief purpose of which is the preservation of property.

86. Let us then consider a *master of a family* [= ‘household’] with all these subordinate relations of wife, children, servants, and slaves, all brought together under the general label of ‘the domestic rule of a family’. This may look like a *little commonwealth* in its structure and rules, but it is really far from that in its constitution, its power and its purpose. [Locke goes on by saying that if it were a monarchy, it would be an extraordinarily limited one. Then:] But how a family or any other society of men differs from a political society, properly so-called, we shall best see by considering what political society *is*.

•POLITICAL SOCIETY•

87. As I have shown, man was born with a right to perfect freedom, and with an uncontrolled enjoyment of all the rights and privileges of the law of nature, equally with any other man or men in the world. So he has by nature a power not only •to preserve

•his property,

that is,

•his life, liberty and possessions,
 against harm from other men, but •to judge and punish breaches of the law of nature by others—punishing in the manner he thinks the offence deserves, even punishing with *death* crimes that he thinks are so dreadful as to deserve it. But **no political society can exist or survive without having *in itself* the power to preserve the property—and therefore to punish the offences—of all the members of that society;** and so there can’t be a political society except where every one of the members has given up this natural power, passing it into the hands of the community in all cases. . . . With all private judgments of every particular member of the society being excluded, *the community* comes to be the umpire. It acts in this role •according to settled standing rules, impartially, the same to all parties; acting •through men who have authority from the community to apply those rules. This ‘umpire’ settles all the disputes that may arise between members of the society concerning any matter of right, and punishes offences that any member has committed against the society, with penalties that the law has established. This makes it easy to tell who are and who aren’t members of a political society. Those who

are united into one body with a common established law and judiciary to appeal to, with authority to decide controversies and punish offenders,

are in •civil society with one another; whereas those who have no such common appeal (I mean: no such appeal here on earth)

are still in •the state of nature, each having to judge and to carry out the sentence, because there isn’t anyone else to do those things for him.

88. That's how it comes about that the commonwealth has

- the power of making laws: that is, the power to set down what punishments are appropriate for what crimes that members of the society commit; and
- the power of war and peace: that is, the power to punish any harm done to any of its members by anyone who isn't a member;

all this being done for the preservation of the property of all the members of the society, as far as is possible. [Note the broad meaning given to 'property' near the start of section 87.] Every man who has entered into civil society has thereby relinquished his power to punish offences against the law of nature on the basis of his own private judgment, •giving it to the legislature in all cases; and along with that he has also •given to the commonwealth a right to call on him to employ *his* force for the carrying out of *its* judgments (which are really his own judgments, for they are made by himself or by his representative). So we have the distinction between the •legislative and •executive powers of civil society. The former are used to

judge, by •standing laws, how far offences committed *within* the commonwealth are to be punished;

the latter are used to

determine, by •occasional judgments based on particular circumstances, how far harms from *outside* the commonwealth are to be vindicated.

Each •branch of a commonwealth's power• can employ all the force of all its members, when there is a need for it.

89. Thus, there is a political (or civil) society *when and only when* a number of men are united into one society in such a way that each of them forgoes his executive power of the law of nature, giving it over to the public. And this comes about wherever a number of men in the state of nature enter into society to make one people, one body politic,

under one supreme government. (•A man can become a member of a commonwealth without being in on its creation, namely• when someone joins himself to a commonwealth that is already in existence. In doing this he authorizes the society—i.e. authorizes its legislature—to make laws for him as the public good of the society shall require. . . .) **This takes men out of a state of nature into the state of a commonwealth, by setting up a judge on earth with authority to settle all the controversies and redress the harms that are done to any member of the commonwealth. . . . Any group of men who have no such decisive power to appeal to are still in the state of nature, no matter what other kind of association they have with one another.**

•ABSOLUTE MONARCHY•

90. This makes it evident that *absolute monarchy*, which some people regard as the only •genuine• government in the world, is actually inconsistent with civil society and so can't be a form of civil government at all! Consider what civil society is *for*. It is set up

to avoid and remedy the drawbacks of the state of nature that inevitably follow from every man's being judge in his own case, by setting up a known authority to which every member of that society can appeal when he has been harmed or is involved in a dispute—an authority that *everyone* in the society ought to obey.

So any people who don't have such an authority to appeal to for the settlement of their disputes are still in the state of nature. Thus, every absolute monarch is in the state of nature with respect to those who are under his dominion. [Locke has a footnote quoting a confirmatory passage from Hooker. Another such is attached to the next section, and two to section 94.]

91. For an absolute monarch is supposed to have both legislative and executive power in himself alone; so there is no judge or court of appeal that can fairly, impartially, and authoritatively make decisions that could provide relief and compensation for any harm that may be inflicted by the monarch or on his orders. So such a man—call him Czar or Grand Seignior or what you will—is as much in the state of nature with respect to his subjects as he is with respect to the rest of mankind. This is a special case of the state of nature, because between it and the ordinary state of nature there is this difference, a woeful one for the subject (really, the *slave*) of an absolute monarch: •in the ordinary state of nature a man is free to judge what he has a right to, and to use the best of his power to maintain his rights; whereas •in an absolute monarchy, when his property is invaded by the will of his monarch, he not only has no-one to appeal to but he isn't even free to judge what his rights are or to defend them (as though he were a cat or a dog, that can't think for itself). He is, in short, exposed to all the misery and inconveniences that a man can fear from someone who is in the unrestrained state of nature and is also corrupted with flattery and armed with power.

92. If you think that absolute power purifies men's blood and corrects the baseness of human nature, *read history*—of this or any other age—and you'll be convinced of the contrary. A man who would have been insolent and injurious in the forests of America isn't likely to be much better on a throne! Possibly even worse, because as an absolute monarch he may have •access to learning and religion that will 'justify' everything he does to his subjects, and •the power of arms to silence immediately all those who dare question his actions. . . .

93. In absolute monarchies, as well in other governments in the world, the subjects can appeal to the law and have judges to decide disputes and restrain violence among the subjects. Everyone thinks this to be necessary, and believes that anyone who threatens it should be thought a declared enemy to society and mankind. But does this come from a true love of mankind and society, and from the charity that we all owe to one another? There is reason to think that it *doesn't*. There is really no more to it than what any man who loves his own power, profit, or greatness will naturally do to prevent fights among animals that labour and drudge purely for his pleasure and advantage, and so are taken care of not out of any love the master has for them but out of love for himself and for the profit they bring him. If we ask 'What security, what fence, do we have to protect us from the violence and oppression of this absolute ruler?', the very question is found to be almost intolerable. They are ready to tell you that even to *ask* about safety from the monarch is an offence that deserves to be punished by death. Between •subjects, they will grant, there must be measures, laws and judges to produce mutual peace and security: but •the ruler ought to be absolute, and is above all such considerations; because he has power to do more hurt and wrong, it is *right* when *he* does it! To ask how you may be guarded from harm coming from the direction where the strongest hand is available to do it is to use the voice of faction and rebellion; as if when men left the state of nature and entered into society they agreed that *all but one* of them should be under the restraint of laws, and that *that one* should keep all the liberty of the state of nature, increased by power, and made licentious by impunity. This implies that men are so foolish that they would take care to avoid harms from polecats or foxes, but think it is *safety* to be eaten by lions.

94. But whatever may be soothingly said to confuse people's understandings, it doesn't stop men from feeling. And when they see that *any* man is outside the bounds of the civil society to which they belong, and that they have no appeal on earth against any harm he may do them, they are apt to think they are in the state of nature with respect to that man, and to take care as soon possible to regain the safety and security in civil society which was their only reason for entering into it in the first place. This holds for *any* such man, whatever his station in life—whether he is a monarch or a street-sweeper. In the early stages of a commonwealth it may happen (this being something I shall discuss more fully later on) that one good and excellent man comes to be pre-eminent, his goodness and virtue causing the others to defer to him as to a kind of natural authority; so that by everyone's tacit consent he comes to be the chief arbitrator of their disputes, with no precautions taken against his abusing that power except their confidence in his uprightness and wisdom. The story could unfold from there in the following way. The careless and unforeseeing innocence of the first years of society—which I have been describing—establish *customs* of deference to one individual; some of the successors to the first pre-eminent man are much inferior to him; but the passage of time gives authority to customs

(some say it makes them *sacred*), and so the custom of deference-to-one stays in place. Eventually the people find that, although the whole purpose of government is the preservation of property, *their* property is not safe under *this* government; and they conclude that the only way for them to be safe and without anxiety—the only way for them to think they are *in* a civil society—is for the legislative power to be given to a collective body of men, call it 'senate', 'parliament', or what you will. In this way every single person—from the highest to the lowest—comes to be subject to the laws that he himself, as part of the legislature, has established. No-one has authority to take himself outside the reach of a law once it has been made; nor can anyone by any claim of superiority plead exemption from the laws, so as to license offences against it by himself or his dependents. No man in civil society can be exempted from its laws; for if *any* man can do what he thinks fit, and there is no appeal on earth for compensation or protection against any harm he may do, isn't he still perfectly in the state of nature, and so not a part or member of that civil society? The only way to avoid the answer 'Yes' is to say that the state of nature and civil society are one and the same thing, and I have never yet found anyone who is such an enthusiast for anarchy that he would affirm *that*.

Chapter 8: The beginning of political societies

95. Men all being naturally free, equal, and independent, no-one can be deprived of this freedom etc. and subjected to the political power of someone else, without his own consent.

The only way anyone can strip off his natural liberty and clothe himself in the bonds of civil society is for him to agree with other men to unite into a community, so as to live together comfortably, safely, and peaceably, in a secure enjoyment of their properties and a greater security against outsiders. Any number of men can do this, because it does no harm to the freedom of the rest; *they* are left with the liberty of the state of nature, which they had all along. When any number of men have in this way consented to make one community or government, this immediately incorporates them, turns them into a single *body politic* in which the majority have a right to act on behalf of the rest and to bind them by its decisions. [‘incorporate’ comes from Latin *corpus* = ‘body’.]

Similar to Rousseau's "general will "

96. [In this section Locke makes the point that a unified single body can move in only one way, and that must be in the direction in which ‘the greater force carries it, which is the consent of the majority’. Majoritarian rule is the only possibility for united action. Locke will discuss one alternative—namely universal agreement—in section 98.]

97. Thus every man, by agreeing with others to make one body politic under one government, puts himself under an obligation to everyone in that society to submit to the decisions of the majority, and to be bound by it. Otherwise—that is, if he were willing to submit himself only to the majority acts that he approved of—the original compact through which he and others incorporated into one society would be meaningless; it wouldn’t be a compact if it left him as free

of obligations as he had been in the state of nature. . . .

98. For if the consent of •the majority isn’t accepted as the act of the whole •body politic• and as binding on every individual, the only basis there could be for something’s counting as an act of the whole would be its having the consent of •every individual. But it is virtually impossible for that ever to be had. Even with an assembly *much* smaller than that of an entire commonwealth, many will be kept from attending by ill-health or by the demands of business. For that reason, and also because of the variety of opinions and conflicts of interests that inevitably occur in any collection of men, it would be absurd for them to come into society on such terms, that is, on the basis that the society as a whole does nothing that isn’t assented to by each and every member of it. It would be like Cato’s coming into the theatre only to go out again. [This refers to an episode in which the younger Cato conspicuously walked out of a theatrical performance in ancient Rome, to protest what he thought to be indecency in the performance.] Such a constitution as this would give the •supposedly• mighty Leviathan a shorter life than the feeblest creatures; it wouldn’t live beyond the day it was born. [For ‘Leviathan’, see *Job* 41. Hobbes had adapted the word as a name for the politically organised state.] We can’t think that this is what rational creatures would *want* in setting up political societies. . . .

99. So those who out of a state of nature unite into a community must be understood to give up all the power required to secure its purposes to the majority of the community (unless they explicitly agree on some number greater than the majority). They achieve this simply by agreeing *to unite into one political society*; that’s all the compact that is needed between the individuals that create or join a commonwealth.

in one sense the needs arising from being a social animal, like in Aristotle's works

Thus, what begins a political society and keeps it in existence is nothing but the consent of any number of free men capable of a majority [Locke's phrase] to unite and incorporate into such a society. This is the only thing that did *or could* give a beginning to any lawful government in the world.

100. To this I find two objections made. First,

History shows no examples of this, no cases where a group of independent and equal men met together and in this way began and set up a government.

Secondly,

It is impossible for men *rightly* to do this, because all men are born under government, and so they are bound to submit to that government and aren't at liberty to begin a new one.

·I shall discuss these in turn, giving twelve sections to the first of them·.

·THE 'HISTORY IS SILENT' OBJECTION·

101. Here is an answer to the first objection. It is no wonder that history gives us very little account of men living together in the state of nature. As soon as any number of men were brought together by the inconveniences of that state, and by their love of society and their lack of it, they immediately united and incorporated if they planned to continue together. If we can conclude that men never were in the state of nature because we don't hear not much about them in such a state, we can just as well conclude that the soldiers of Salmanasser or Xerxes were never children because we hear little of them before the time when they were men and became soldiers. In all parts of the world there was government before there were records; writing seldom comes in among a people until a long stretch of civil society has, through other more necessary arts ·such as agriculture and architecture·, provided for their safety, ease, and affluence. When writing

does eventually come in, people begin to look into the history of their founders, researching their origins when no memory remains of them; for commonwealths are like individual persons in being, usually, ignorant of their own births and infancies; and when a commonwealth does know something about its origins, they owe that knowledge to the records that others happen to have kept of it. And such records as we have of the beginnings of political states give no support to *paternal dominion*, except for the Jewish state, where God himself stepped in. They are all either plain instances of the kind of beginning that I have described mentioned or at least show clear signs of it.

102. Rome and Venice had their starts when a number of men, free and independent of one another and with no natural superiority or subjection, came together ·to form a political society·. Anyone who denies *this* must have a strange inclination to deny any evident matter of fact that doesn't agree with his hypothesis. [Locke then quotes an historian who reports that in many parts of the American continent people had lived together in 'troops' with no government at all, some of them continuing thus into Locke's time. Then:] You might object: 'Every man there was born subject to his father, or to the head of his family'; but I have already shown that the subjection a child owes to a father still leaves him free to join in whatever political society he thinks fit. But be that as it may, it is obvious that these men were actually *free*; and whatever superiority some political theorists would now accord to any of them, they themselves made no such claim; by consent they were all equal until by that same consent they set rulers over themselves. So their political societies all began from a voluntary union, and the mutual agreement of men freely acting in the choice of their governors and forms of government.

103. [Locke gives another example: colonists from ancient Sparta. Then:] Thus I have given several historical examples of free people in the state of nature who met together, incorporated, and began a commonwealth. Anyway, if the lack of such examples *were* a good argument to show that governments couldn't have been started in this way, the defenders of the *paternal empire* ·theory of government· would do better leave it unused rather than urging it against natural liberty ·and thus against my theory·: my advice to them would be not to search too much into the origins of governments, lest they should find at the founding of most of them something very little favourable to the design *they* support and the governmental power *they* contend for. We wouldn't be running much of a risk if we said 'Find plenty of historical instances of governments begun on the basis of paternal right, and we'll accept your theory'; though really there is no great force in an argument from what •has been to what •should of right be, ·even if they had the historical premise for the argument·.

104. [This short section repeats the conclusion of the preceding sections.]

105. I don't deny that if we look back as far as history will take us into the origins of commonwealths, we shall generally find them under the government and administration of one man. Also, I am inclined to believe this:

Where a family was numerous enough to survive on its own without mixing with others (as often happens where there is much land and few people), the government commonly began in the father. By the law of nature he had the power to punish, as he thought fit, any offences against that law; this included punishing his offspring when they offended, even after they had become adults; and it is very likely that each

submitted to his own punishment and supported the father in punishing the others when they offended, thereby giving him power to carry out his sentence against any transgression. This would in effect make him the law-maker and governor over everyone who continued to be joined up with his family. He was the most fit to be trusted; paternal affection secured their property and interest under his care; and the childhood custom of obeying him made it easier to submit to him than to anyone else. So if they had to have •one man to rule them (for government can hardly be avoided when men live together), who so likely to be •the man as their common father, unless negligence, cruelty, or some other defect of mind or body made him unfit for it?

But when •the father died and left as his next heir someone who was less fit to rule (because too young, or lacking in wisdom, courage, or the like), or when •several families met and agreed to continue together, it can't be doubted that then •they used their natural freedom to set up as their ruler the one whom they judged to be the ablest and the most likely to rule well. And so we find the people of America—ones who lived out of the reach of the conquering swords and spreading domination of the two great empires of Peru and Mexico—enjoyed their own natural freedom, ·and made their own choices of ruler·. Other things being equal, they have commonly preferred the heir of their deceased king; but when they find him to be any way weak or incapable, they pass him over and choose the toughest and bravest man as their ruler.

106. So the prevalence in early times of government by one man doesn't destroy what I affirm, namely that
the beginning of political society depends upon the individuals' consenting to create and join into one

The argument of paternalism for monarchies was valid for only the first stages of some commonwealths.

society; and when they are thus incorporated they can set up whatever form of government they think fit.

But people have been misled by the historical records into thinking that by nature government is monarchical, and belongs to the father. So perhaps we should consider here *why* people in the beginning generally chose this one-man-form of government. The father's pre-eminence might explain this in the first stages of some commonwealths, but obviously the reason why government by a single person continued through the years was not a respect for paternal authority; since all small monarchies (and most are small in their early years) have at least sometimes been *elective*.

107. [Locke repeats the reasons given in section 105 for fathers to be accepted as rulers in the early years of a political society. Then:] Add to that a further fact:-

Monarchy would be *simple and obvious* to men whose experience hadn't instructed them in forms of government, and who hadn't encountered the ambition or insolence of empire, which might teach them to beware of the . . . drawbacks of absolute power which a hereditary monarchy was apt to lay claim to.

So it wasn't at all strange if they didn't take the trouble to think much about methods of restraining any excesses on the part of those to whom they had given authority over them, and of balancing the power of government by placing different parts of it in different hands. . . . It is no wonder that they gave themselves a form of government that was not only obvious and simple but also best suited to their present state and condition, in which they needed defence against foreign invasions and injuries more than they needed a multiplicity of laws. [Locke elaborates that last point: 'the equality of a simple poor way of living' meant that there would be few internal disputes, whereas there was always a need to be

defended against foreign attack.]

108. And thus we see that the kings of the Indians in America are little more than generals of their armies. They command absolutely in war, because *there* there can't be a plurality of governors and so, naturally, command is exercised on the king's sole authority; but at home and in times of peace they exercise very little power, and have only a very moderate kind of sovereignty, the resolutions of peace and war being ordinarily made either by the people as a whole or by a council. It is important to keep America in mind, because America even now is similar to how Asia and Europe were in the early years when there was more land than the people could use, and the lack of people and of money left men with no temptation to enlarge their possessions of land.

109. And thus in Israel itself the chief business of their judges and first kings seems to have been to be leaders of their armies. [This long section backs up that claim with a number of Old Testament references, all from *Judges* and *1 Samuel*.]

110. So there are two ways in which a commonwealth might begin.

•A family gradually grew up into a commonwealth, and the fatherly authority was passed on in each generation to the older son; everyone grew up under this system, and tacitly submitted to it because its easiness and equality didn't offend anyone; until time seemed to have confirmed it, and made it a rule that the right to governing authority was to be hereditary. •Several families. . . somehow came to be settled in proximity to one another, and formed a social bond; they needed a general whose conduct might defend them against their enemies in war; and so they made one man their ruler, with no explicit

limitation or restraint except what was implied by the nature of the thing [Locke's phrase] and the purposes of government. This lack of precautions reflected the great mutual confidence of the men who first started commonwealths—a product of the innocence and sincerity of that poor but virtuous age.

Whichever of those it was that first put the rule into the hands of a single person, it is certain that •when someone was entrusted with the status of ruler this was for the public good and safety, and that •in the infancies of commonwealths those who had that status usually used it for those ends. If they hadn't, young societies could not have survived. . . .

111. That was in the golden age, before vain ambition and wicked greed had corrupted men's minds into misunderstanding the nature of true power and honour. That age had more virtue, and consequently better governors and less vicious subjects, than we do now; so there was (on one side) •no stretching of powers to oppress the people, and consequently (on the other side) •no disputatious attempts to lessen or restrict the power of the government, and therefore •no contest *between* rulers and people about governors or government. In later ages, however, ambition and luxury led monarchs to retain and increase their power without doing the work for which they were given it; and led them also (with the help of flattery) to have distinct and separate interests from their people. So men found it necessary to examine more carefully the origin and rights of government; and to discover ways to restrain the excesses and prevent the abuses of the power they had put into someone's hands only for their own good, finding that in fact it was being used to hurt them. [This section has another footnote quoting Hooker.]

112. This shows us how probable it is •that people who were naturally free, and who by their own consent created a government in either of the ways I have described, generally put the rule into one man's hands and chose to be under the conduct of a single person, without explicitly limiting or regulating his power, which they entrusted to his honesty and prudence. And •that they did this without having *dreamed* of monarchy being 'by divine right' (which indeed no-one heard of until it was revealed to us by the theological writers of recent years!), and without treating paternal power as the foundation of all government. What I have said from section 101 up to here may suffice to show 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 to deal later with *conquest*, which some regard as a way for governments to begin.

•THE 'BORN UNDER GOVERNMENT' OBJECTION•

113. The other objection I find urged against my account of how political societies begin—see section 100—is this:

All men are born under some government or other, so it is impossible for anyone to be at liberty to unite with others to begin a new government; impossible, anyway, to do this *lawfully*.

If this argument is sound, how did there come to be so many lawful monarchies in the world? To someone who accepts the argument I say: Show me any one man in any age of the world who was free to begin a lawful monarchy, and I'll show you ten other free men who were at liberty, at that time, to unite and begin a new government of some form or other. For it can be demonstrated that if *someone* who was born under the dominion of someone else can be free enough to •come to• have a right to command others in a new and distinct empire,

everyone who is born under the dominion of someone else can have that same freedom to become a ruler, or subject, of a distinct separate government. And so according to this line of thought, either •all men, however born, are free, or •there is only one lawful monarch, one lawful government, in the world. In the latter case, all that remains for my opponents to do is to *point him out*; and when they have done that I'm sure that all mankind will easily agree to obey him!

114. This is a sufficient answer to their objection; it shows that the objection makes as much trouble for their position as it does for the one they are opposing. Still, I shall try to reveal the weakness of their argument a little further. They say:

All men are born under some government and therefore can't be at liberty to begin a new one. Everyone is born a subject to his father, or his king, and is therefore perpetually a subject who owes allegiance to someone.

It is obvious mankind has never admitted or believed that any natural subjection that they were born into without their own consent, whether to father or to king, made them *subjects* ·for the rest of their lives· and did the same to their heirs. **115.** For history, both religious and secular, is full of examples of men removing themselves and their obedience from the jurisdiction they were born under and from the family or community they grew up in, and setting up new governments in other places. That was the source of all the numerous little commonwealths in the early years: they went on multiplying as long as there was room enough for them, until the stronger or luckier swallowed the weaker; and then those large ones in turn broke into pieces which became smaller dominions. Thus history is full of testimonies against *paternal sovereignty*, plainly proving that what made

governments in the beginning was *not* a natural right of the father being passed on to his heirs. If that *had* been the basis of government, there couldn't possibly have been so many little kingdoms. There could only have been *one universal monarchy* unless men had been free to choose to separate themselves from their families and whatever kind of government their families had set up for themselves, and to go and make distinct commonwealths and other governments.

116. This has been the practice of the world from its first beginning to the present day. Men who are now born under constituted and long-standing political states, with established laws and set forms of government, are no more restricted in their freedom by that fact about their birth than they would be if they had been born in the forests among the ungoverned inhabitants who run loose there. Those who want to persuade us that by being born under a government we are naturally subject to it. . . .have only one argument for their position (setting aside the argument from paternal power, which I have already answered), namely: our fathers or ancestors gave up their natural liberty, and thereby bound up themselves *and their posterity* to perpetual subjection to the government to which they themselves submitted. . . . **But no-one can by any compact whatever bind his children or posterity; for when his son becomes an adult he is altogether as free as the father, so an act of the father can no more give away the liberty of the son than it can give away anyone else's liberty.** A father can indeed attach conditions to the inheritance of his land, so that the son can't have possession and enjoyment of possessions that used to be his fathers unless he becomes ·or continues to be· a subject of the commonwealth to which the father used to belong. Because that estate is the father's property, he can dispose of it in any way he likes. he says the son cannot benefit from his father's inheritance/property if he refuses to join the civil society that his father used to participate in.

117. This has led to a widespread mistake concerning political subjection. Commonwealths don't permit any part of their *land* to be dismembered, or to be enjoyed by any but their own members; so a son can't ordinarily enjoy the possessions—mainly consisting of land—of his father except on the terms on which his father did, namely becoming by his own consent a member of that society; and that immediately subjects him to the government he finds established there, just as much as any other subject of that commonwealth. So free men who are born under government *do* give their consent to it, doing this through the inheritance of land; but they do this one by one, as each reaches the age at which he can inherit, rather than doing it as group, all together; so people don't notice this, and think that consent isn't given at all or isn't necessary; from which they infer that they are *naturally subjects* just as they are *naturally men*.

118. But clearly that isn't how governments themselves understand the matter: they don't claim that the power they had over the father gives them power over the son, regarding children as being their subjects just because their fathers were so. If a subject of England has a child by an English woman in France, whose subject is the child? Not the king of England's; for he must *apply* to be accounted an Englishman. And not the king of France's; for his father is at liberty to bring him out of France and bring him up anywhere he likes; and anyway who ever was judged as a traitor (or deserter) because he left (or fought against) a country in which he was born to parents who were foreigners there? It is clear, then, from the practice of governments themselves as well as from the law of right reason, that a child at birth is not a subject of any country or government. He is under his father's tuition and authority until he reaches the age of discretion; and then he is free to choose what government

he will put himself under, what body politic he will unite himself to. . . .

119. I have shown that every man is naturally free, and that nothing can make him subject to any earthly power except his own consent. That raises the question: What are we to understand as a sufficient declaration of a man's consent—sufficient, that is, to make him subject to the laws of some government? The common distinction between *explicit* and *tacit* consent is relevant here. Nobody doubts that an explicit consent of a man entering into a society makes him perfectly a member of that society, a subject of that government. Our remaining question concerns tacit consent: What counts as tacit consent, and how far does it bind? That is: What does a man have to do to be *taken to have consented* to be subject of a given government, when he hasn't explicitly given such consent? I answer:

If a man owns or enjoys some part of the land under a given government, *while that enjoyment lasts* he gives his tacit consent to the laws of that government and is obliged to obey them. [See the explanation of 'enjoyment' in section 31.] This holds, whether the land is the owned property of himself and his heirs for ever, or he only lodges on it for a week. It holds indeed if he is only travelling freely on the highway; and in effect it holds as long as he is merely *in* the territories of the government in question.

120. To understand this better, consider how land comes within the reach of governments. When a man first incorporates himself into any commonwealth he automatically brings with him and submits to the community the possessions that he does or will have (if they don't already belong to some other government). Why? Well, suppose it is wrong, and that

someone could enter with others into society for securing and regulating property, while assuming that his land, his ownership of which is to be regulated by the laws of the society, should be exempt from the jurisdiction of the government to which he himself is subject.

This is an outright contradiction! So the act through which a person unites •himself—his previously free self—to any commonwealth also unites •his possessions—his previously free possessions—to that commonwealth. Both of them, the person and his possessions, are subject to the government and dominion of that commonwealth for as long as it exists. From that time on, therefore, anyone who comes to enjoy that land—whether through inheritance, purchase, permission, or whatever—must take it with the condition it is already under, namely, submission to the government of the commonwealth under whose jurisdiction it falls.

121. •So much for •land; now for •the users of land•. If a land-owner hasn't actually incorporated himself in the society •of the commonwealth whose domain includes the land in question•, the government •of that commonwealth• has direct jurisdiction only over *the land*; its jurisdiction reaches as far as *the land-owner* only when and to the extent that he lives on his land and enjoys it. The political obligation that someone is under by virtue of his enjoyment of his land begins and ends with the enjoyment. So •if a land-owner who has given only this sort of *tacit* consent to the government wants to give, sell, or otherwise get rid of his land, he is at liberty to go and incorporate himself into some other commonwealth, or to agree with others to begin a new one in any

part of the world that they can find free and unpossessed. In contrast with that, if •someone has once by actual agreement and an explicit declaration given his consent to belonging to some commonwealth, he is perpetually and irrevocably obliged to continue as its subject; he can never be again in the liberty of the state of nature—unless through some calamity the government in question •comes to be dissolved, or by some public act •cuts him off from being any longer a member of that commonwealth.

122. But submitting to the laws of a country, living quietly and enjoying privileges and protection under them, doesn't make a man a *member* of that society; all it does is to give him *local* protection from, and oblige him to pay *local* homage to, the government of that country. This doesn't make him a member of that society, a perpetual subject of that commonwealth, any more than you would become subject to me because you found it convenient to live for a time in my household (though while you were there you would be obliged to comply with the laws and submit to the government that you found there). And so we see that foreigners who live all their lives under another government, enjoying the privileges and protection of it, don't automatically come to be subjects or members of that commonwealth (though they are bound, •by positive law and• even in conscience, to submit to its administration, just as its subjects or members are). Nothing can make a man a subject except his actually entering into the commonwealth by positive engagement, and explicit promise and compact.—That is what I think regarding the beginning of political societies, and the consent that makes one a member of a commonwealth.

Chapter 9: The purposes of political society and government

123. If man in the state of nature is as free as I have said he is—if he is absolute lord of his own person and possessions, equal to the greatest and subject to nobody—why will he part with his freedom? Why will he give up this lordly status and subject himself to the control of someone else’s power? The answer is obvious:

Though in the state of nature he has an unrestricted right to his possessions, he is far from assured that he will be able to get the *use* of them, because they are constantly exposed to invasion by others. All men are kings as much as he is, every man is his equal, and most men are not strict observers of fairness and justice; so his hold on the property he has in this state is very unsafe, very insecure. This makes him willing to leave a state in which he is very free, but which is full of fears and continual dangers; and not unreasonably he looks for others with whom he can enter into a society for the mutual preservation of their •lives, •liberties and •estates, which I call by the general name •‘property’. (The others may be ones who are already united in such a society, or ones who would like to be so united.)

124. So the great and chief purpose of men’s uniting into commonwealths and putting themselves under government is the preservation of their property. The state of nature lacks many things that are needed for this; I shall discuss three of them. First, The state of nature lacks •an established, settled, known law, received and accepted by common consent as the standard of right and wrong and as the common measure to decide all controversies. What about the law of nature? Well, it is plain and intelligible to all reasonable

creatures; but men are biased by self-interest, as well as ignorant about the law of nature because they don’t study it; and so they aren’t apt to accept it as a law that will bind them if it is applied to their particular cases.

125. Secondly, the state of nature lacks •a known and impartial judge, with authority to settle all differences according to the established law. In that state everyone is both judge and enforcer of the law of nature, and few men will play either role well. Men are partial to themselves, so that passion and revenge are very apt to carry them too far, and with too much heat, in their own cases; and their negligence and lack of concern will make them remiss in other men’s cases.

126. Thirdly, the state of nature often lacks •a power to back up and support a correct sentence, and to enforce it properly. People who have committed crimes will usually, if they can, resort to *force* to retain the benefits of their crime; this includes using force to resist punishment; and such resistance often makes the punishment dangerous, even destructive, to those who try to inflict it.

127. Thus mankind are in poor shape while they remain in the state of nature—despite all their privileges there—so that they are quickly driven into society. That is why we seldom find any number of men living together for long in this state. The drawbacks it exposes them to. . . make them take refuge under the established laws of government, and seek there to preserve their property. This is what makes each one of them so willingly give up his power of punishing, a power then to be exercised only by whoever is appointed to that role, this being done by whatever rules are agreed on by the community or by those whom they have authorized to draw

up the rules for them. This is the basic cause, as well as the basic justification, for the legislative and executive powers within a government as well as for the governments and societies themselves.

128. For in the state of nature a man has, along with his liberty to enjoy innocent delights, two powers. The first is to do whatever he thinks fit for the preservation of himself and of others, so far as the law of nature permits. This law makes him and all the rest of mankind into one community, one society, distinct from all other creatures. And if it weren't for the corruption and viciousness of degenerate men, there would be no need for any other law—no need for men to separate from this great natural community and by positive agreements combine into separate smaller associations. [See the explanation of 'positive' on page 3.] The other power a man has in the state of nature is the power to punish crimes committed against the law of nature. He gives up both these powers when he joins in a particular politic society—a *private* one, so to speak—and brings himself into any commonwealth, separate from the rest of mankind.

129. The first power. . . he gives up to be regulated by laws made by the society, so far as is required for the preservation of himself and the rest of the society. Such laws greatly restrict the liberty he had under the law of nature.

130. Secondly, he wholly gives up the power of punishing; the natural force that he could use for punishment in the state of nature he now puts at the disposal of the executive power of the society. Now that he is in a new state, in which he will enjoy many advantages from the labour, assis-

tance, and society of others in the same community, as well as protection from the strength of the community as a whole,

he must also give up something. For

he will have to part with as much of his natural freedom to provide for himself as is required for the welfare, prosperity, and safety of the society.

As well as being necessary, this is *fair*, because the other members of the society are doing the same thing.

131. But though men who enter into society give up the equality, liberty, and executive power they had in the state of nature. . . each of them does this only with the intention of *better* preserving himself, his liberty and property (for no rational creature can be thought to change his condition intending to make it *worse*). So the power of the society or legislature that they create can never be supposed to extend further than the common good. It is obliged to secure everyone's property by providing against the three defects mentioned above in sections 124-6, the ones that made the state of nature so unsafe and uneasy. Whoever has the legislative or supreme power in any commonwealth, therefore, is bound **(1)** to govern by established standing laws, promulgated and known to the people (and not by on-the-spot decrees), with unbiased and upright judges appointed to apply those laws in deciding controversies; and **(2)** to employ the force of the community at home only in the enforcement of such laws, or abroad to prevent or correct foreign injuries and secure the community from attack. And all this is to be directed to the peace, safety, and public good of the people, and to nothing else.

Giving up
the powers
that come
from the
state of
nature...

Chapter 10: The forms of a commonwealth

132. When men first unite into a society, a majority of them naturally have (as I have shown) the whole power of the community, and may employ all that power in making laws for the community from time to time, and enforcing those laws through officials whom they have appointed. When that happens, the form of the government is a thorough **democracy**. Or they may put the law-making power into the hands of a select few, and their heirs or successors; and then the government is an **oligarchy**. If they put the power into the hands of one man, their government is a **monarchy**. (If the power is given to that man and his heirs, it is an hereditary monarchy: if to him only for life, with them retaining the power to nominate a successor, it is an elective monarchy.) Out of these possibilities a community may make compounded and mixed forms of government if they see fit to do so. And if the majority first give the legislative power to one or more persons for their lifetimes or for some stipulated period, taking the supreme power back after that time has elapsed, *then* the community may dispose of it in any way they please, and so set up a new form of government.

For the form of government depends on where the supreme power is placed; and the supreme power is the legislative power. (If it weren't, legislation would be in the hands of some less-than-supreme power, which as a legislator would be in a position to *prescribe* to whoever had the supreme power; and that doesn't make sense.)

133. I use 'commonwealth' throughout this work to mean (not a democracy or any other specific form of government, but more generally) any independent community—that is, any community that is not part of a larger political community. The Latin word for this was *civitas*, for which the best English translation is 'commonwealth'. Used correctly, it expresses such a society of men, which 'community' and 'city' in English do not—for there may be subordinate *communities* under a single government, and we use 'city' to mean something quite different from 'commonwealth'. So please let me avoid ambiguity by using the word 'commonwealth' in the sense I have explained, the sense in which I find it used by King James I—what I think to be its *genuine* sense. If you don't like it, feel free to substitute something else.

Chapter 11: The extent of the legislative power

[Locke's usual meaning for the word 'arbitrary', explained at the end of section 22, is at work in this and the next few chapters; but sometimes he seems rather to use the word in its now-current stronger sense of 'decided for no reason' or 'decided on a whim' or the like. The older, weaker sense is at work in section 135; the stronger sense seems to be involved in section 136, at least at its start. Sometimes, as at the start of section 137, it isn't clear which sense is involved.]

134. The great •purpose for which men enter into society is •to be safe and at peace in their use of their property; and the great •instrument by which this is to be achieved is •the laws established in that society. So the first and fundamental *positive* law of any commonwealth is the establishing of the legislative power; and the first and fundamental *natural* law—which should govern even the legislature itself—is the preservation of the society and (as far as the public good allows it) the preservation of every person in it.

This legislature is not only the supreme power of the commonwealth, but is sacred and unalterable in the hands in which the community have placed it; and no other person or organisation, whatever its form and whatever power it has behind it, can make edicts that have the force of law and create obligations as a law does unless they have been permitted to do this by the legislature that the public has chosen and appointed. Without this, the law would lack something that it absolutely must have if it is to *be* a law, namely *the consent of the society*. Nobody has power to subject a society to laws except with the society's consent and by their authority; and therefore all the obedience that anyone can owe, even under the most solemn obligations, ultimately terminates in [Locke's three words] this supreme power—the legislature of

the commonwealth—and is governed by the laws it enacts. No oaths to any foreign power, or any subordinate power in a man's own commonwealth, can free him from his obedience to the legislature. . . . [This section has a long footnote, quoting two confirmatory passages from Hooker. The next two sections have one such footnote each.]

135. Though **the legislature** (whether one person or more, whether functioning intermittently or continuously at work) **is the supreme power in every commonwealth**, there are four important things to be said about what it may *not* do. I shall present one right away, the second in sections 136-7, the third in 138-40, the fourth in 141.

First, **it doesn't and can't possibly have absolutely arbitrary power over the lives and fortunes of the people**. For the legislative power is simply the combined power of every member of the society, which has been handed over to the person or persons constituting the legislature; there can't be *more* of this power than those people had in the state of nature before they entered into society and gave their power to the community. **Nobody can transfer to someone else more power than he has himself; and nobody has an absolute arbitrary power to destroy his own life, or take away someone else's life or property. . . . A man in the state of nature has no arbitrary power over the life, liberty, or possessions of someone else; he has only as much freedom or moral power as the law of nature gave him for the preservation of himself and everyone else; this is all the power he has, so it is all he can give up to the commonwealth and thus to the legislature; so the legislature can't have more than this.** The outer limit of its power is set by the good of the society as a whole. It is a power whose only purpose is preservation, and therefore

the legislature can never have a right to destroy, enslave, or deliberately impoverish the subjects. The obligations of the law of nature don't cease in society; in many cases indeed they pull in tighter there, with human laws enforcing them and punishing breaches of them. Thus the law of nature stands as an eternal rule to all men, legislators as well as others. The rules that legislators make for other men's actions. . . . must conform to the law of nature, which is a declaration of the will of God. The fundamental law of nature enjoins the preservation of mankind, and no human sanction can be valid against it.

136. Secondly, the legislature or supreme authority cannot give itself a power to rule by sudden, arbitrary decrees. It is bound to dispense justice and decide the rights of the subject by published standing laws, and known authorized judges. The law of nature is unwritten, and thus can be found only in the minds of men; so when people mis-state or mis-apply it (whether through passion or through self-interest) it is hard to convince them they are wrong when there isn't an established judge to appeal to. For this reason, the law of nature doesn't serve as well as it should to determine the rights and protect the properties of those who live under it, especially where everyone is judge, interpreter, and enforcer of it too, even in his own case. . . . To avoid these drawbacks which disorder men's property in the state of nature, men unite into societies so as to have •the united strength of the whole society to secure and defend their properties, and have •standing rules to hold the society together, rules that let everyone know what is *his*. . . .

137. Absolute arbitrary power [section 135] and governing without settled standing laws [section 136] are both inconsistent with the purposes of society and government. Men wouldn't quit the freedom of the state of nature for a governed

Men quit from the state of nature only for bigger advantages society, and tie themselves up under it, if it weren't to preserve their lives, liberties and fortunes with help from stated rules of right and property. It can't be thought that they should intend to give to anyone an absolute arbitrary power over their persons and estates, and strengthen the law-officer's hand so that he could do anything he liked with them. This would be putting themselves into a condition worse than the state of nature, in which they were free to defend their right against harm from others, and [now Locke's exact words to the end of the sentence] were upon equal terms of force to maintain it, whether invaded by a single man or by many in combination. In contrast with that, if they gave themselves up to the absolute arbitrary power and will of a legislator, they would be disarming themselves and arming someone else to prey on them as he chose. It is much worse to be exposed to the arbitrary power of one man who has the command of 100,000 than to be exposed to the arbitrary power of 100,000 single men; because someone's having 100,000 men under his command is no guarantee that his *will*, as distinct from his *force*, is any better than anyone else's. And therefore, whatever the form of the commonwealth, its ruling power ought to govern by laws that have been published and taken in, and not by spur-of-the-moment dictates and frivolous decisions. . . . This achieves two things. (1) The people know their duty, and are safe and secure within the limits of the law. (2) The rulers are kept within their bounds, and are not tempted by their power to misuse it, using it for purposes and by means that they •don't want the public to know and •wouldn't willingly own up to.

138. Thirdly, the supreme power can't take from any man any part of his property without his consent. What men enter into societies with governments for is the •preservation of their property; so it would be a gross absurdity to have a government that •deprived them of that very property! So

men in society

have property,

which means that

•they have such a right to the goods that are theirs according to the law of the community, and •nobody has a right to take any part of those goods from them without their own consent.

Without that second clause they would have no *property* at all; for something isn't really my property if someone else can rightfully take it from me against my will, whenever he pleases. Hence it is a mistake to think that the supreme (or legislative) power of a commonwealth can do what it likes, and dispose of the estates of a subject arbitrarily, or take any part of them that it fancies. There is not much fear of this with governments where the legislature involves •assemblies whose membership varies—ones whose members, when the assembly disbands, are subjects under the common laws of their country, on a par with everyone else. But in governments where the legislature is •one lasting assembly that is always in existence, or •one man (as in absolute monarchies), there is a danger that they will think they have interests different from those of the rest of the community, and so will be apt to increase their own riches and power by taking whatever they want from the people. This would obviously be a terrible situation, for a man's property is not at all secure, even if there are fair laws protecting the property from the man's fellow subjects, if they who command those subjects have the power to take from any one of them any part of his property that they want, and use and dispose of it as they choose.

139. . . . Sometimes it is necessary for power to be absolute, but that doesn't mean that it is arbitrary; even absolute power, when it is legitimate, is restricted to the purposes that required it to be absolute. To see that this is so, we

need only to look at the usual form of military discipline. The preservation of the army, and through that the preservation of the whole commonwealth, requires *absolute obedience* to the command of every superior officer; and even when a command is dangerous or unreasonable, disobedience to it is rightly punished with death. And yet a sergeant who could command a soldier to march up to the mouth of a cannon, or stand in a breach in the defensive walls where he is almost sure to be killed, may *not* command that same soldier to give him one penny of his money. A general who can condemn the soldier to death for deserting his post or for not obeying the most desperate orders may *not*, for all his absolute power of life and death, help himself to the least little thing among that soldier's possessions. The reason for the difference is clear. The commander has his power for a purpose, namely the preservation of all the people; for that purpose blind obedience is necessary; and that is why the general can command anything and hang men for the least disobedience. Whereas taking a soldier's goods has nothing to do with that purpose.

140. It is true that governments need a great deal of money for their support, and it is appropriate that each person who enjoys his share of the protection should pay his proportion of the cost. But it must be with his consent, i.e. the consent of the majority, given either directly by themselves or through representatives they have chosen; for if anyone claims a power to impose taxes on the people by his own authority and without such consent of the people, he is invading the fundamental law of property and subverting the purpose of government. . . .

141. Fourthly, the legislature cannot transfer the power of making laws to any other hands. It was delegated to them from the people, and they aren't free to pass it on

to others. Only the people can decide the form of the commonwealth, which they do by instituting a legislature and deciding whose hands to put it into. . . . The power of the legislature, being derived from the people by a positive voluntary grant and institution, can't be anything different from what that positive grant conveyed; and what it conveyed was the power •to make laws, not •to make legislators; so the legislature can have no power to transfer to anyone else their authority to make laws.

142. The legislative power of every commonwealth, in every form of government, is subject to the following limits to the trust that is put in them by the society and by the law of God and the law of nature. First, they are to govern by published

established laws, not to be varied in particular cases, but to have one rule for rich and poor, for the favourite at court and the peasant at his plough. Secondly, these laws ought to be designed for no other ultimate purpose than the good of the people. Thirdly, they must not raise taxes on people's property without their consent, whether given directly or through deputies. This is relevant only for governments where the legislature is always in existence, or at least where the people haven't made any provision for some part of the legislature to be chosen, from time to time, by themselves. Fourthly, the legislature must not transfer the power of making laws to anyone else, or place it anywhere but where the people have placed it.

Chapter 12: The legislative, executive, and federative powers of the commonwealth

143. It is the legislative power that has a right to direct how the force of the commonwealth shall be employed for preserving the community and its individual members. But laws that are to be continuously in force and constantly enforced don't take much time to *make*; so **there is no need for the legislature to be always in existence** because it doesn't always have business to do. In well ordered commonwealths, where the good of the whole is properly taken into account, the legislative power is put into the hands of a number of people who have when assembled a power to make laws, after which they are to separate again and are to be subject to the laws they have made. This arrangement helps to keep a rein on them, so that they will be careful to legislate for the

Staying in government service after legislation is private advantage oriented. public good. •An alternative would be for the legislators to be continuously in government service, filling the times between legislative sessions by acting as executors of the law. But this is rightly rejected in well ordered commonwealths• because it may be too great a temptation to human power-seeking frailty for the very people who have the power to make laws also to have the power to enforce them; for if they did, they might come to •exempt themselves from obedience to the laws they had made, and to •adapt the law—both in making and in enforcing it—to their own private advantage. **That would separate their interests from those of the rest of the community, which would be contrary to the purpose of society and government.**

144. But once a law has been swiftly made, it has a constant and lasting force and needs to be enforced all the time, or at least there must always be someone on duty to enforce it when there is need for that. So there must be a power that—unlike the legislature—is always in existence, a power that will see to the enforcement of the laws that have been made and not repealed. **That is how the legislative and executive powers come to be separated in many commonwealths.** [Here and elsewhere, ‘enforce’ is used in place of Locke’s ‘execute’. The latter remains in the adjective ‘executive’ and the noun ‘executor’; but ‘execute’ and ‘executioner’ too easily suggest to modern ears that the topic is specifically capital punishment, which it isn’t.]

145. In every commonwealth there is another power that one may call ‘natural’, because it corresponds to the power every man *naturally* had before he entered into society. The members of a commonwealth are •distinct persons in relation to one another, and as such are governed by the laws of the society; but in relation to the rest of mankind they constitute •one body, which relates to the rest of mankind in the way the individual members related to one another in the state of nature. And so when any member of the society gets into a controversy with someone from outside it, the affair is managed by the public; and if a member of the •political-body is harmed •by an outsider, the whole body is engaged in getting reparation. . . .

146. This •whole body• therefore has the power of •war and peace, •leagues and alliances, and •all transactions with individuals and communities outside the commonwealth. This power might be called ‘federative’. As long as the thing is understood, I don’t care about the name.

147. These two powers, •executive and •federative, are distinct from one another: one involves •the enforcement of the society’s laws upon all its members, while the other involves •the management of the security and interest of the public externally, in relation to those •outsiders• from whom it may receive benefit or damage. **Although this federative power is of great importance to the commonwealth, it is much less capable than the executive power of being directed by antecedent, standing, positive laws; and so it must necessarily be left to the prudence and wisdom of those who have the power to exercise it for the public good.** •The reason for this difference is as follows•. The laws concerning how subjects relate to one another are meant to •direct their actions, and so need to •precede them. But the function of the federative power is •not to *direct* the actions of citizens but rather• to *respond* to the actions of foreigners, and the plans and interests of foreigners vary so greatly that •they can’t be anticipated by a set of standing laws for each eventuality; and so• the federative power must be left in great part to the prudence of those who have it, trusting them to do their best for the advantage of the commonwealth.

148. Though the executive and federative powers of every community are really distinct in themselves, they are hardly to be separated and put into the hands of distinct sets of people. For they both require the *force* of the society for their exercise, and it is hardly practicable to place the force of the commonwealth in distinct hands, neither subordinate to the other. If the executive and federative powers were given to different •groups of• people, they might act separately, thus putting the force of the public under different commands—and that would be apt sooner or later to cause disorder and ruin.

Chapter 13: The subordination of the powers of the commonwealth

149. In a constituted commonwealth, standing on its own basis and acting according to its own nature (i.e. acting for the preservation of the community), there can be only one supreme power, the legislative power, to which all the rest are and must be subordinate. But this is only a fiduciary [= ‘entrusted’] power to act for certain ends, so that the people retain a supreme power to remove or alter the legislature when they find it acting contrary to the trust that had been placed in it. [The root of ‘fiduciary’ is the Latin *fide* = ‘trust’.] All power that is given with trust for attaining a certain end is limited by that purpose; when the purpose is obviously neglected or opposed by the legislature, the trust is automatically forfeited and the power returns into the hands of those who gave it. They may then make a new assignment of it, to whomever they think best for their safety and security. And thus the community never loses its supreme power of saving itself from the attempts and plans of anybody, even of their own legislators if they are so foolish or so wicked as to develop and carry out plans against the liberties and properties of the subject. No man or society of men has a power to hand over their preservation (or, therefore, the means to it) to the absolute will and arbitrary dominion of someone else; so when someone tries to bring them into that slavish condition, they will always have a right to preserve the liberty that they don’t have the power to part with, and to rid themselves of those who invade this fundamental, sacred, and unalterable law of self-preservation, which was their reason for entering into society in the first place. In this respect the community may be said to be *always the supreme power*; but not as considered under any particular form of government, because this power of the people can

never be exercised until the government is dissolved.

150. [This section repeats the reason, given at the end of section 132, why the legislature must be the supreme power in the commonwealth.]

151. In some commonwealths, where the legislature is not always in existence, and the executive power is given to a single person who *also* has a share in the legislative power, that single person can in a reasonable sense be called ‘supreme’. Not because he has all the supreme power (which he doesn’t, because that is the power of law-making, in which he has only a share), but because he has the supreme executive power, from which all the lower law-officers derive all or most of their various subordinate powers, and he has no legislature superior to him. That is because no law can be made without his consent, and he can’t be expected to consent to any that would make him subject to the other part of the legislature. [Interruption: Locke has laid no basis for saying that the executive’s ‘consent’ is needed for any new law. This entire chapter, though mostly written in the language of general political theory, is aimed at the specific situation of England in the early 1680s, when Locke was writing. In that situation, the ‘executive’ was the king, and his consent *was* constitutionally required for any legislation. Here and at one point in section 152 Locke seems to have *slid* into thinking in terms of the English politics of his time at the expense of coherence with the political theory he has been building, and also drifting away from his immediate framework, which is the status of the executive at times when the legislature is *not* in existence. In contrast with this, sections 154-6, concerning the executive’s power to call the legislature into session, are thoroughly grounded in what Locke has said up there while *also* being sharply relevant to the English situation, in which Charles II had announced his right to rule without parliament.

England's troubles come to the fore again at section 213, but this time by open stipulation rather than a silent slide.] But notice that although oaths of allegiance and loyalty are taken to him, it is to him *not* as supreme legislator but as supreme executor of the law that he and others jointly made; for •allegiance is nothing but •obedience according to law. This distinction is important, because if this supreme executor violates the law he then has no right to obedience; he can claim obedience not as a private person but only as *the public person vested with the power of the law*; he is to be considered as the image or representative of the commonwealth, empowered by the will of the society as declared in its laws; and thus he has no will, no power, other than that of the law. If he leaves this representative function, this public will, and acts by his own private will, he demotes himself and becomes again a single private person, with no power or will that has any right to obedience. . . .

152. When the executive power is placed anywhere other than in a person who also has a share in the legislature, it is visibly subordinate and accountable to the legislature, which can place it elsewhere if it chooses. So what is exempt from subordination—i.e. isn't subordinate to anyone or anything—isn't simply

- the supreme executive power
but rather

- the supreme executive power when held by someone who has a share in the legislature.

The latter has no distinct superior legislature to be subordinate and accountable *to*, except in ways that he will consent to, so that he is only as subordinate as he himself thinks he should be, which certainly won't be much. I needn't discuss •other delegated and subordinate powers in a commonwealth; they are so many and so infinitely various across the different customs and constitutions of distinct

commonwealths that it's impossible to describe them all in detail. All I need for my purposes is to point out that none of •them has any authority beyond what is delegated to it by positive grant and commission, and are all of them are accountable to some other power in the commonwealth.

153. It isn't necessary—it isn't even advisable—that the legislature should be in existence all the time; but it's absolutely necessary that the executive power be. There isn't always a need for new laws to be made, but there *is* always a need for laws that have been made to be enforced. When the •legislature puts the enforcement of the laws they make into the hands of a separate •executive power, they retain the power to take it back again if they find cause to do so, and to punish the executive for any conduct that goes against the laws. The same holds for the •federative power, because it and the executive are both powers that have been delegated by the legislature and are subordinate to it—the legislature being supreme in a constituted commonwealth, as I have shown. The legislature may assemble and exercise their legislative power at the times specified by their original constitution or at their adjournment—or, if no time has been specified by either of these, and no other procedure is prescribed for convoking them, they may meet at any time they please. For the supreme power, having been placed in them by the people, is *always* in them, and they may exercise it when they please unless by their original constitution they are limited to certain seasons or by an act of their supreme power they have adjourned to a certain time. . . . In writing about when the legislature may 'assemble' I have been assuming that it consists of several persons. If it is a single person, it can't help being always in existence, and will naturally have the supreme executive power as well as the supreme legislative power. It may delegate executive power, perhaps to one person, but *he* won't ever have *supreme*

executive power because it isn't ever true of him (see section 151) that 'he has no legislature superior to him'.

154. If the legislature or any part of it is made up of representatives chosen by the people for a specified period of time, after which they are to return to the ordinary condition of subjects and to have no further share in the legislature unless they are chosen again, this power of *choosing again* must also be exercised by the people either at certain appointed times or else when they are called to it. In the latter case, the power of convoking the legislature by calling for a general election is ordinarily given to the executive, and is to be exercised in one of these two ways. **(1)** If the original constitution lays down the intervals at which the legislature is to assemble and act, all the executive power has to do is dutifully to issue directions for the proper conduct of the election and the assembly. **(2)** Otherwise, it is left to the executive's prudence to call for new elections, when the benefits or needs of the public require the amendment of old laws or the making of new ones, or the correction or prevention of any misfortunes that have occurred or are threatening the people.

155. You may want to ask: 'What if the executive power, having control of the force of the commonwealth, makes use of that force to prevent the legislature from meeting and acting at a time when its original constitution specifies that it should meet or the needs of the commonwealth require that it do so?' I reply: Someone who uses force against the people, without authority and contrary to the trust they had given him, puts himself into a state of war with the people. They have a right to oppose this executive and reinstate their legislature in the exercise of its power. They have set up a legislature intending it to exercise the power of making laws—either at certain set times or when there

is need of it—and when the legislature is hindered by any force from doing what is needed by the society for the safety and preservation of the people, the people have a right to remove that force by force. In all states and conditions, the true remedy for unauthorized force is to oppose it with force. . . .

156. The executive's power of assembling and dismissing the legislature doesn't make him superior to it. This power has been *entrusted* to him for the safety of the people, in a situation where human affairs were too uncertain and variable for there to be a fixed rule settling in advance when the legislature could be assembled and disbanded. Those who first set up the government couldn't possibly see into the future well enough to know in advance exactly what time-table for the legislature would—for all time to come!—meet the needs of the commonwealth. . . .

•Constant frequent meetings of the legislature, and long continuations of their assemblies when there was no need, would be burdensome to the people and would be bound eventually to produce more dangerous drawbacks. •Affairs might sometimes develop so fast that the legislature's help was needed immediately, so that any delay in their convening might endanger the public. •Sometimes too their business might be so great that a time-limited sitting would be too short for their work, and rob the public of the benefit that could be had only from their mature deliberation.

To save the community from being exposed at some time or other to serious danger by having a legislature that met and acted only at fixed intervals and for fixed periods, what could be done other than entrusting it—i.e. the power to call the legislative assembly into session—to the prudence of someone who was always present, was acquainted with the

state of public affairs, and could use this prerogative for the public good? and where better to place this prerogative than in the hands of him who was entrusted with the enforcement of the laws, also for the public good? So, given that the regulation of times for the assembling and sitting of the legislature was not settled by the original constitution, it naturally fell into the hands of the executive, not •as an arbitrary power for him to exercise however he chose, but •as something he was entrusted with to use for the public good as changing circumstances might require. It is not my business to consider which is the least inconvenient—

settled periods for the legislature to convene,
the monarch left free to convoke the legislature, or
a mixture of those two systems.

All I have wanted is to show that though the executive power may have the prerogative of convoking and dissolving such assemblies of the legislature, that doesn't make it superior to the legislature. [This is the first time in this work that Locke has explicitly allowed that the holder of the delegated executive power might be a monarch (his word is 'prince').]

157. Things in this world are in such a constant flux that nothing remains for long in the same state. Thus people, riches, trade, power, change their positions, flourishing mighty cities come to ruin and end up as neglected desolate corners, while other empty places grow into populous regions, filled with wealth and inhabitants. But things don't always change equally, and the reasons for various customs and privileges may cease to apply, though people for their own purposes keep the customs and privileges in place. So it often happens in governments where part of the legislature consists of representatives chosen by the people that in the course of time this representation becomes very unequal and disproportionate to the reasons that first supported it. We can see what gross absurdities can come from following

a custom when there is no longer reason for it when we see that the mere *name* of a town, with not even the ruins of the actual town remaining—with virtually no housing beyond a sheep-pen and no inhabitants beyond a single shepherd—may send as many representatives to the grand assembly of law-makers as a whole rich and populous county. Foreigners stand amazed at this, and everyone must admit that it needs to be remedied; but most people think it is hard to find a remedy, and here is why. The setting up of the legislature was •the original and supreme act of the society, •coming before any of the positive laws that it passed, and •depending wholly on the people; so no inferior power can alter it. Thus, once the legislature has been set up (in the kind of government I have been speaking of), the people have no power to act as long as the government stands; and this inconvenience is thought •by some to be •incapable of a remedy.

158. *The welfare of the people is the supreme law* [Locke gives it in Latin] is certainly so just and fundamental a rule that no-one who sincerely follows it can dangerously err. So it is open to the executive, who has the power of convoking the legislature, to do this:

Regulate the number of members of the legislature that each place has a right to have as its representatives, basing this not on precedent but on facts about population, not on custom but on true reason. . . .

If the executive does this, it can't be judged to have set up a new legislature, but only to have restored the old and true one, and to have rectified the disorders that the passage of time had gradually and inevitably introduced. For it is the interest as well as the intention of the people to have fair and equal representation; so whoever brings it nearest to that is an undoubted friend to. . . .government, and must have the consent and approval of the community. For a

monarch's *prerogative* is nothing but his power to provide for the public good in cases where, because of unforeseen and uncertain events, certain and unalterable laws could not safely be relied on. Any exercise of the prerogative does and always will count as *just* if it is done manifestly for the good of the people and for establishing the government on its true foundations. The power of establishing new municipalities and thus new representatives carries with it a supposition that in time the proportions of representation might vary: places might come to have a just right to be represented, though they before had none; and places that had previously been represented might cease to have that right and be

regarded as too inconsiderable for such a privilege. What tends to subvert government is not mere *change* from the present state. . . .but the tendency of change to injure or oppress the people and unfairly to subject one part of the populace to the rest. Whatever is obviously of advantage to the society and to people in general, upon just and lasting measures, will always justify itself; and whenever the people choose their representatives upon just and undeniably equal measures that are suitable to the original scheme of the government, it must be agreed to be the will and act of the society, whoever permitted or caused them so to do. [The two 'upon just. . . measures' phrases are in Locke's exact words.]

Chapter 14: Prerogative

159. When the legislative and executive powers are in distinct hands (as they are in all moderated monarchies and well-formed governments), the good of the society requires that various things should be left to the discretion of the executive. The legislators can't foresee and make legal provision for everything that may in future be useful to the community, so the executor of the laws—having the power in his hands—has by the common law of nature a right to make use of it for the good of the society in many cases of difficulty where the existing law doesn't deal with the difficulty—until the legislature can conveniently be assembled to make laws that do. **There are many things that the law can't possibly provide for, and those must be left to the discretion of him who has the executive power in his hands.** . . . Indeed, it is appropriate that the laws themselves should in some cases give way to the executive power, or rather to the fundamental law of nature and government that

All the members of the society are to be preserved *as much as may be* [here = 'as far as is reasonably possible'].

Many events may occur in which a strict and rigid adherence to the laws may do harm; for example, a house is burning and the fire can be stopped from spreading by pulling down the house next door, which is against the law. Again, a man may come within the punitive reach of the law (which doesn't distinguish one person from another) through an illegal action that deserves reward and pardon; so the ruler should have a power to mitigate the severity of the law and pardon some offenders. Since the purpose of government is the preservation of all *as much as may be*, even the guilty should be spared when this will do no harm to the innocent.

[Since 'executive power' was introduced at the start of Chapter 12, this is the first time the executive has been referred to as 'the ruler'.]

160. The word 'prerogative' is the name for this power to act according to discretion, for the public good, without the support of the law and sometimes even against it.

[The remainder of this short section re-states section 159's reason for giving such a prerogative to the holder(s) of executive power.]

161. This power, while employed for the benefit of the community and in accordance with the trust and purposes of the government, is an undoubted prerogative that the executive has, and it is never called into question. The people seldom if ever think with careful precision about the executive's prerogative. They are far from examining it as long as it is used to some extent *for* and not obviously *against* the good of the people. If a question *does* arise between the executive power and the people about something claimed as a prerogative, the dispute is easily decided by considering whether the disputed exercise of the prerogative tends to the good or to the harm of the people.

162. It is easy to conceive that in the early days of governments, when commonwealths were not much bigger than families, they had very few laws; their governors were like fathers watching over them for their good, and the government was almost all *prerogative*. A few established laws were all that was needed, and the ruler's discretion and care supplied the rest. But when weak monarchs were led to use this power for their own private ends and not for the public good (being led to this by their own mistakes, or

by the flattery of others), the people had to have laws that explicitly set limits to the prerogative with respect to matters in which they had found it working to their disadvantage. Thus the people found that they had to declare limitations of prerogative, where previously they and their ancestors had given the utmost latitude to monarchs who used the latitude only in the right way, namely for the good of their people.

163. When the people have established positive laws setting limits to the executive's prerogative, some have said that in doing this they have *encroached upon the prerogative*. But those who say this have a very wrong notion of government. The people in such a case haven't taken from the monarch anything that rightly belonged to him. All they have done is to declare that the power which they had left indefinitely in his or his ancestors' hands, to be exercised •for their good, wasn't something they intended him to have if he used it •otherwise. . . . Alterations in government that tend to the good of the community can't be an encroachment upon anybody, since nobody in government can have a right tending to any other purpose. Nothing is an *encroachment* unless it prejudices or hinders the public good. Those who say otherwise speak as if the monarch had interests other than the good of the community, and was not given the executive power *for* the good of the community—which •attitude• is the source of almost all the evils and disorders that happen in kingly governments. And indeed if that is so—i.e. if in some commonwealth the monarch *does* have interests separate from those of the people—then the people under his government are not •a society of rational creatures who created a community for their mutual good; they are not •people who have set rulers over themselves to guard and promote that good; rather, they are to be looked on as •a herd of inferior creatures under the command of a master who

keeps them and uses them for his own pleasure or profit. If men were so devoid of reason—so like the lower animals—as to enter into society upon such terms, *then* prerogative might indeed be what some men think it is, namely an arbitrary power to do things that are harmful to the people.

164. But a rational creature can't be supposed voluntarily to subject himself to someone else for his own harm (though someone who finds a good and wise ruler may not think it either necessary or useful to set precise bounds to the ruler's power in all things). So prerogative can be nothing but •the people's permitting their rulers to choose freely to do *for the public good* various things on which the law is silent or even against the direct letter of the law; and •their accepting such choices when they have been made. A •good monarch—one mindful of the trust put into his hands, and careful about the good of his people—can't have *too much* prerogative, i.e. power to do good. Whereas a •weak and poorly performing monarch—

one who would claim that the power his predecessors exercised without the direction of the law is a prerogative belonging to him by the right of his position, a right that he may exercise as he wishes, to make or promote interests distinct from those of the public

- causes the people to claim their right, and to limit the power that they had been content to tacitly allow while it was exercised for their good.

165. Look into the history of England and you will find that prerogative was always largest in the hands of our wisest and best monarchs, because the people, seeing the over-all tendency of their actions to be for the public good, didn't object to what was done outside the law for that purpose. (I speak of 'the over-all tendency' of the monarch's conduct, because even a good monarch• may have a frailty or make

a mistake leading to small failures to achieve the public good. Monarchs are only men, made like other men.) So the people, finding reason to be satisfied with these monarchs whenever they acted outside or contrary to the letter of the law, accepted what they did and uncomplainingly allowed the monarchs to enlarge their prerogative as they wished. In this the people rightly judged that the monarchs weren't doing anything that would harm their laws, because they were acting consistently with the foundation and purpose of all laws, namely the public good.

166. Some people argue that absolute monarchy is the best government because it is what God himself governs the universe by; and that line of thought would give these God-like monarchs ·I have been discussing· some right to arbitrary power on the grounds that such kings partake of God's wisdom and goodness. This is the basis for the saying, *The reigns of good monarchs have been always most dangerous to the liberties of their people.* ·Here is why there is truth in that·. Good monarchs may have successors who •have different ideas about how to manage the government, and who •take actions of their good predecessors as precedents and make them the standard of their own prerogative—as though what had been done purely for the •good of the people *they* had a right to do for the •harm of the people, if they so pleased. When this has happened it has often led to disputes and sometimes to public disorders, before the people could recover their original right and get something that never was a prerogative to be openly declared not to be a prerogative. . . . A ·genuine· prerogative is nothing but the power of doing public good without a rule.

167. The power of calling parliaments in England—settling their precise time, place, and duration—is certainly a prerogative of the king, but one that is entrusted to him to be used for the good of the nation. . . . [Locke then re-states the

reasons for allowing such a prerogative to the holder of the executive power.]

168. On the matter of prerogative, there is an old question: *Who is to judge whether this power is being used rightly?* I answer: between

- an executive power that is in existence and has such a prerogative, and
- a legislature that can't convene without the executive's calling them together,

there can be no judge on earth. Just as there can be none between •the legislature and •the people in a situation where either the executive or the legislature, having got the power in their hands, plan or begin to enslave or destroy the people. In this case, as in all other cases where they have no judge on earth, the people's only other remedy is to appeal to heaven. In such cases the rulers, exercising a power that the people never put into their hands, . . . do what they have no right to do. And when the people as a whole (or any individual man) are deprived of their right or are subject to an exercise of power without right, and have no appeal on earth, then they are free to appeal to heaven if they judge the issue to be important enough for that. And therefore, although •the constitution of the society in question doesn't give the people any superior power to act as judge, making and enforcing a decision in the case, they have, by •a law antecedent to (and outranking) all positive laws of men, reserved to themselves a final decision. It is the one that is open to all mankind when no appeal can be made on earth, namely the judgment as to whether they have just cause to make their appeal to heaven. . . . Don't think that this lays a perpetual foundation for disorder; for the appeal to heaven comes into play only when the trouble is so great that the majority feel it, are weary of it, and see that it *must* be amended. But the executive power, or wise monarchs, need never come into danger of this; and it is the thing above all others that they need to avoid, because it is dangerous above all others.

Chapter 15: Paternal, political, and despotic power, considered together

169. I have had occasion in earlier chapters to speak of these separately, but it may be worthwhile to consider them together, as the great mistakes about government that have recently been made have (I think) arisen from confusing these distinct powers with one another.

170. First, then, paternal or **parental** power is simply what parents have over their children to govern them for their own good until they come to the use of reason, or to a state of knowledge that should make them capable of understanding the rules—whether the law of nature or the civic law of their country—that they are to govern themselves by. I say ‘capable’ of this, meaning: as capable as the general run of people who live as freemen under that law. The affection and tenderness that God has planted in the hearts of parents towards their children shows that this isn’t meant to be a severe arbitrary government, but only for the help, instruction, and preservation of the children. But happen it as it will [= ‘whatever the details of how this is handled in individual families’], I have shown that •there is no reason why parental power should be thought ever to extend to life and death over the children any more than over anyone else; and that there is no basis on which to claim that parental power should keep the *adult* offspring in subjection to the will of his parents, though his having received life and upbringing from his parents obliges him to give respect, honour, gratitude, assistance and support, all his life, to both father and mother. So paternal government is indeed a natural government, but its purposes don’t stretch out to those of political government, nor does its scope. . . . [Something connected with this section is attached to the end of the whole work.]

171. Secondly, **political** power is the power that every man has in the state of nature and gives up into the hands of the society, and within the society to the governors whom the society has set over itself on the explicitly stated or tacitly understood condition that the power in question shall be employed for their good and for the preservation of their property. So this power. . . is to •preserve his property by whatever means *he* thinks good and •the law of nature allows him, and to •punish breaches of the law of nature by others, doing this in ways that (according to *his* best judgment) are most likely to favour the preservation of himself and of the rest of mankind. Thus, •as possessed by each man in the state of nature, this power has as its purpose and scope the preservation of all of the man’s society (i.e. of all mankind); so •as power in the hands of the magistrate it can’t have any purpose or scope other than that; and so it can’t be an absolute arbitrary power over their lives and fortunes, which are to be preserved as much as possible. •It is indeed a power sometimes to deprive people of their freedom, or even of their lives, but only under strictly set conditions. •It is a power to make laws and to attach such penalties to them as may help the preservation of the whole community by cutting off the parts that are so gangrenous that they threaten the sound and healthy parts. •Those parts and *only* those parts; no severity of punishment is lawful unless it tends to preserve the life and health of the community. And this power stems purely from compact and agreement—from the mutual consent of those who make up the community.

172. Thirdly, **despotic** power is an absolute, arbitrary power that one man has over another to take away his life whenever

he pleases. •Nature doesn't give this power, for it doesn't distinguish one man from another; and it can't be given to someone by •agreement with the other man, for no man has such an arbitrary power over his own life, and therefore can't give it to someone else. Despotic power can only come from an aggressor's giving up his right to his own life by putting himself into a state of war with someone else. The aggressor has

- deserted reason, which God gave us to be the rule between man and man, and the common bond whereby mankind is united into one fellowship and society;
- renounced the way of peace that reason teaches, and used the force of war to achieve his unjust purposes against someone else; and so has
- walked out on his own kind and joined the wild animals, by adopting for his own conduct *their* rule of right, namely force.

In this way he has rendered himself liable to be destroyed by the injured person or by anyone else who is willing to join with the victim in carrying out justice, as we would against any other wild beast or noxious brute with which mankind can't associate and from which it can't be secure. Thus, the only people who are subject to a despotic power are captives taken in a just and lawful war—captives, that is, who were fighting on the unjust and unlawful side in such a war. This power is just a continuation of the state of war; it doesn't come from any agreement, and *couldn't* do so, for what agreement can be made with a man who is not master of his own life? What condition can he perform? And

A contract is made only between free objects.

once he is allowed to be master of his own life, the despotic and arbitrary power of his master ceases. Someone who is master of himself and of his own life also has a right to the means of preserving it; so that as soon as any agreement is made, slavery ceases; and so anyone who bargains over conditions with his captive has thereby given up his absolute power and put an end to the state of war.

173. •Nature gives **paternal** power to parents for the benefit of their children during their minority, to make up for their lack of the skills and knowledge needed to manage their property. (Here and throughout I use 'property' to refer to the property that people have in their *persons* as well as in their *goods*.) Voluntary •agreement gives **political** power to governors for the benefit of their subjects, to secure them in the possession and use of their properties. And •forfeiture gives **despotic** power to lords for their own benefit, over those who have been stripped of all property.

174. If you think about how these kinds of power differ in their origins, scopes, and purposes, you will see clearly that •paternal power comes as far short of •that of the magistrate as •despotic goes beyond it; and that absolute dominion—whoever has it—is so far from being *one kind of* civil society that it is as *inconsistent with* such society as slavery is with property. Paternal power occurs when the child's youth makes him unable to manage his property; political power occurs when men have property at their own disposal; and despotic power occurs over men who have no property at all.

Chapter 16: Conquest

175. Though governments can't arise in any way but the one I have described, and political systems can't be based on anything but the •consent of the people, ambition has filled the world with such disorders that this •consent is not much noticed in the din of war that makes such a large part of the history of mankind. As a result, many people have mistaken *the force of arms for the consent of the people*—or, anyway, have credited armed force with doing things that really only consent can do—and have counted conquest as one of the sources of government. But •conquest is as far from •setting up any government as •demolishing a house is from •building a new one to replace it. Conquest often makes way for a new form of a commonwealth by destroying one that already exists, but without the people's consent it can never erect a new one.

176. The aggressor who enters into a state of war with someone else and unjustly invades his victim's rights can't in this way come to have a *right* over whomever he has conquered. You will easily agree with this unless you think that robbers and pirates have a *right* to govern people they have mastered by force, or that men are bound by promises that were extorted from them by unlawful force. If a robber breaks into my house and with a dagger at my throat makes me sign documents conveying my estate to him, would this give him any title to my estate? Obviously not! Well, that is just the kind of 'title' that an unjust conqueror wins through his sword when he forces me into submission. The harm is the same whether committed by the wearer of a crown or by some petty villain, and the crime is the same too. The offender's status and the number of his followers make no difference to the offence, except perhaps to make it worse.

The only difference is this: •little robbers are punished by great robbers who want to keep them obedient, whereas •great robbers are rewarded with laurels and processions because they are too big to be held in the weak hands of justice in this world, and have in their own possession the power that ought to be used to punish them. What is my remedy against a robber who breaks into my house? *Appeal to the law for justice*. But perhaps •justice is denied, or •I am crippled and cannot move so as to go to the law-court, or •because I have been robbed I don't have the financial means to go to law. If God has taken away all means for seeking remedy, there is nothing left but patience [= 'being resigned to what has happened', 'putting up with it']. But my son may become able to seek the relief of the law which is denied to me; he (or *his* son) may renew his appeal until he recovers what he has a right to. But the conquered and their children have no court, no arbitrator on earth to appeal to. Then they may appeal to heaven, as Jephtha did [*Judges* 11:30-31], and repeat their appeal until they have recovered the native right of their ancestors—namely, to have over them a legislature that the majority approve and freely accepted. If you object 'But this would cause endless trouble', I answer: no more trouble than justice causes when it lies open to all who appeal to it! Someone who troubles his neighbour without a cause is punished for it by the justice of the court he appeals to; and someone who appeals to heaven had better be sure that he has right on his side, and indeed a right that is worth the trouble and cost of the appeal, because he will be confronting a tribunal that can't be deceived and will be sure to punish everyone according to what harm he has done to his fellow subjects (that is, to any human being). It is

clear from this that someone who conquers in an •unjust war can't get from his conquest any right to the subjection and obedience of the conquered.

177. But supposing victory favours the right side, let us consider a conqueror in a •lawful war, and see what power he gets and over whom. First, it is obvious that his conquest doesn't give him power over those who conquered *with him*. Those who fought on his side can't suffer by the conquest; they must be at least as much freemen after the conquest as they were before. In most cases they serve by agreement, on condition that they will share the spoils with their leader and get other advantages that come with the conquering sword—or at least have a part of the conquered country given to them. I hope that the conquering allies are not to be made slaves by the conquest, wearing their laurels only to show that they are sacrifices to their leaders' triumph! Those who base absolute monarchy upon the right of the sword imply that their heroes, the founders of such monarchies, are utter Drawcansirs who forget that any officers or soldiers fought on their side in the battles they won, or helped them to subdue and occupy the countries they had conquered. [Drawcansir is a blustering braggart in a 1672 play; he enters a battle and kills all the combatants.] Some say that the English monarchy is based on the Norman conquest, and that our monarchs have thereby a right to absolute rule. History doesn't support this; but if it *were* true, and if William the Conqueror had a right to make war on this island, his rule through conquest couldn't apply to anyone except the Saxons and Britons who were then inhabitants of this country and to their descendants. The Normans who came with him and helped him to conquer, and all their descendants, are freemen; they are not *subjects by conquest*, whatever powers conquest bestows on the conqueror. And if you or I claim to be free

because we are descended from them, it will be very hard to prove that we are not. And the law of this country doesn't distinguish between the descendants of the Normans and the descendants of the Saxons and Britons, making it clear that the law doesn't intend that these two groups should differ in their freedom or privileges.

178. Suppose that the conquerors and the conquered *don't* incorporate into one people, under the same laws and freedom. In that case (which rarely happens), what power does a lawful conqueror have over those he has subdued? The power he has, I say, is purely despotic. He has an absolute power over the lives of those who have forfeited them by waging an unjust war, but not over the lives or fortunes of those who didn't take part in the war, and not over the possessions even of those who were actually engaged in it.

179. Secondly, I say then that the conqueror gets power *only* over those who have actually assisted, allowed, or consented to the unjust force that has been used against him. The people •never had a power to do something unjust, such as to start an unjust war; so they •can't have given their governors a power to do such a thing; so they •ought not to be charged as guilty of the violence and injustice that is committed in an unjust war except insofar as they actually abet it. (The reasoning behind that also supports this: if our governors use violence or oppression against *you*, they weren't empowered to do so by the rest of us, and so *we* are not guilty of what *they* have done.) Conquerors seldom trouble themselves to distinguish combatants from innocent civilians, and willingly allow the confusion of war to sweep them all into one heap; but this makes no difference to what is *right*. . . .

180. Thirdly, the power a conqueror gets over those he overcomes in a just war is completely despotic: he has an absolute power over •the lives of those who have forfeited them by putting themselves into a state of war; but this doesn't give him a right and title to •their possessions. I am sure of this, but at first sight it may seem a strange doctrine, as it is so flatly contrary to the practice of the world. We are all familiar with the way people, speaking of the governing of countries, say of some person and some country that 'He conquered it'; as if conquest automatically conferred a right of possession. Well, it *is* one part of the subjection of the conquered not to argue against the conditions cut out to them by the conquering sword; but what the strong and powerful *do*, however universally they do it, is seldom the rule of right.

181. In most wars force gets tangled up with damage, so that the aggressor harms the estates of those he makes war on; but what puts a man into the state of war is just *the use of force*, not *the use of force to do damage*. Whether the aggressor

begins the injury by force,

or else

inflicts the injury quietly, by fraud, and then refuses to make reparation and maintains it by force (which is the same thing as beginning it by force),

either way, it is the unjust use of *force* that makes the war. Compare someone who •breaks open my house and violently turns me out of doors with someone who •gets into my house peaceably and then by force keeps me out of it. These are in effect *doing the same thing*. (I am assuming that the intruder and I have no common judge on earth to whom I can appeal and to whom we are both obliged to submit.) It is the unjust use of force, then, that puts a man into a state of war with

someone else and leads to his forfeiting his •right to• life. [Locke then repeats the comparison with wild beasts.]

182. The misdeeds of a father are not faults of his children, who may be rational and peaceable despite their father's brutishness and injustice. So he by his misdeeds and violence can only forfeit *his own* life, and doesn't involve his children in his guilt or his destruction. His goods still continue to belong to his children. (Nature wills the preservation of all mankind as much as possible, and makes the goods belong to the children to help them to survive.) Given that they haven't taken part in the war—whether through infancy, absence, or choice—they have done nothing to forfeit the goods; nor has the conqueror any right to take them away simply on the grounds that he has subdued by force the person who attempted to destroy him. Still, he may have *some* right to them, to make good the damages he has sustained by the war and the defence of his own right [Locke's exact phrase]. We shall see in due course *how far* this right •of the conqueror's• reaches into the possessions of the conquered. Thus, someone who by conquest has a right over a man's person to destroy him if he pleases doesn't thereby get a right to possess and use his estate; for the brutal force that the aggressor has used is what gives his •conquering• adversary a right to take away his life. . . ., but what gives the adversary title to the defeated aggressor's goods is the damage he has sustained •through the aggression•. Similarly, I may kill a thief who attacks me on the highway, but I may not take the seemingly less drastic course of taking his money and letting him go, for this would be robbery on my side. His force and the state of war he put himself into made him forfeit his life, but it didn't give me title to his goods. So: the right of conquest extends only to the •lives of those who took part in the war, and not to their

•estates except to make reparation for the damages received and the costs of the war—and even there the rights of the innocent wife and children are to be respected.

183. However much justice the conqueror has on his side, he has no right to seize more than the vanquished could forfeit: the latter's life is at the victor's mercy, as are his service and his goods if these are needed for reparation; but the conqueror can't take the goods of the conquered person's wife and children—for they too had a title to the goods he had used and shared in the estate he had possessed. Consider an example involving two men in the state of nature (as all commonwealths are in the state of nature relative to one another): suppose that I have injured another man and have refused to make reparations, so it comes to a state of war in which my defending by force what I had unjustly acquired makes me the aggressor. In this war I am conquered; my life then is forfeit, it is at the mercy of the other man, but not the lives of my wife and children! They didn't make the war or take part in it. I couldn't forfeit their lives, which were not mine to forfeit. My wife had a share in my estate, and I couldn't forfeit that either. And my children also, being born of me, had a right to be maintained through my labour or my goods. Here, then, is what it comes down to:- The conqueror has a right to reparation for damages received, and the children have a right to their father's estate for their survival; as for the wife's share, it is clear that her husband can't forfeit what is *hers*, whether it became hers through her own work or through some agreement. What must be done in the case ·that there is not enough to go around·? I answer that the fundamental law of nature is that as far as possible all should be preserved; from which it follows that if there isn't enough fully to •recompense the conqueror for his losses and to •provide for the maintenance, he who has

enough and to spare must forgo some of his full reparations and give way to the greater right of those who are in danger of perishing without it.

184. Suppose that the rights of the conqueror are so broad that

- the costs and damages of the war are to be reimbursed to the conqueror to the last penny,

and

- the children of the vanquished are to be deprived of all their father's goods and left to starve and die,

still this won't give him a title to any *country* that he conquers. The ·cost of the· damages of war can hardly amount to the value of any considerable tract of land in any part of the world where all the land is possessed and none lies waste. If I haven't taken away the conqueror's land (and as the loser how *could* I?), hardly any damage I have done to him can amount to the value of my land (supposing it to be as much cultivated as his land is, and somewhere near the size of his land that I had overrun). Usually in a war the most harm that is done amounts to the destruction of the crops and other output of a year or two (it seldom reaches four or five). As for money and other riches and treasure that might be taken away, these are not nature's goods, and have only a notional imaginary value. Nature has put no value on them ·as men do·; they are of no more account by nature's standard than the wampum of the American Indians is to a European monarch, or the silver money of Europe would formerly have been to an Indian. If we set aside the notional value of money, ·we are left with the value of land and the products of land·. Even if as aggressor I spoiled *five years'* worth of product ·of my victim's land·, that doesn't add up to the value of ·my· land held *in perpetuity*; the disproportion is greater than that between five and five hundred. (This

is based on the assumption that all land is possessed and none remains waste. If there is more land than people in general can possess and make use of, and anyone has liberty to make use of the waste, the loss of half a year's product of one's land is worth more than the inheritance [Locke's phrase, perhaps meaning 'the perpetual ownership of some comparable tract of land'; this is the first occurrence of 'inheritance' or any cognate of it in this chapter]; but under those circumstances conquerors aren't much interested in taking the lands of the vanquished.) Thus, no damage that men in the state of nature. . . . suffer from one another can give a conqueror power to dispossess the descendants of the vanquished, and take from them the inheritance that ought to be theirs and their descendants' through all the generations. The conqueror will indeed be apt to think himself master; and the subdued, just because they *are* subdued, can't stand up for their rights. But if that is the whole case for giving the land of the vanquished to the conqueror, this must rest on the entirely unacceptable principle that whoever is strongest has a right to whatever he pleases to take.

185. Thus, the winner in a just war does not get, by winning, any right of dominion over

- those who joined in the war on his side, •those in the subdued country who didn't oppose him, or •the posterity even of those who did oppose him.

These are all free from any subjection to him, and if their former government is dissolved they are at liberty to start making themselves another.

186. What usually happens *in fact* is that the conqueror compels them, with a sword at their breasts, to accept his conditions and submit to whatever government he chooses to allow them; but the question is: what *right* has he to do this? If it be said that in submitting they give their *consent* to

the government in question, this allows that their consent is necessary for the conqueror to have a right to rule over them, and leaves just one question open: Does a person *consent* when he makes a promise under a threat of unlawful force? how far does such a promise bind him? I reply that it doesn't bind *at all*, because when someone gets something from me by force, I still have a right to it, and he is obliged to give it back to me at once. He who takes my horse from me by force ought immediately to give it back, and I have a right to *take* it back ·if I can·. By the same reasoning, he who forced a promise from me ought immediately to give it back, i.e. to clear me of the obligation of it; and I am entitled to take it back, i.e. choose whether to do what I have promised to do. The law of nature lays obligations on me only by the rules nature prescribes, so it can't oblige me through a violation of nature's rules such as extortion through force. . . .

187. It follows from all this that when the conqueror in a just war uses his force to impose a government on the subdued against whom he had no right of war (i.e. who didn't join in the war against him), they have no obligation to obey this government.

188. But let us suppose that *all* the men of the community in question, all being members of the same body politic, can be taken to have joined in that unjust war in which they are subdued, so that the lives of *all* of them are at the mercy of the conqueror.

189. I say that this doesn't extend to their non-adult children; for since a father doesn't himself have a power over the life or liberty of his child, no act of his can possibly forfeit the child's life or liberty. So the children, whatever may happen to the fathers, are freemen; the absolute power of the conqueror reaches no further than the persons of the men who were subdued by him, and it dies when they do.

And if he spares their lives and governs them as slaves, subjected to his absolute arbitrary power, he has no such right of dominion over their children. He can have no power over them except by their own consent, whatever he may *force* them to say or do; and he has no lawful authority when their submission comes from his force rather than their consent.

190. Every man is born with a double right:— •First, a right of freedom to *his person*; no-one else has any power over this—it is entirely *his* to use as he wishes. •Secondly, a right before any other man to inherit with his brethren his father's goods.

191. By the •first of these a man is naturally free from subjection to any government, even if he was born in a place under its jurisdiction. But if he renounces obedience to the lawful government of the country he was born in, he must also give up the rights that he had through its laws, and the possessions that came down to him from his ancestors (if the government was made by their consent).

192. By the •second, the inhabitants of any country, who are descended from those who were subdued and had a government forced upon them against their will, retain a right to the possessions they inherited from their ancestors. . . . For the original conqueror never had any title to the land of that country, so the descendants and legatees of those who were forced to submit to the yoke of a government by constraint always have a right to shake it off, freeing themselves from the usurpation or tyranny that the sword has brought down on them, until their rulers give them a form of government that they'll willingly consent to. Who doubts that the Greek Christians, descendants of the ancient possessors of that country, are entitled to throw off the Turkish yoke under which they have groaned for so long, whenever they have an

opportunity to do so? For no government can have a right to obedience from a people who haven't freely consented to it; and they can't be supposed to have done *that* until either

- they are put into a full state of liberty to choose their government and governors,

or at least

- (1) they have standing laws to which they have given their free consent directly or through their representatives, and also (2) they are allowed the property to which they are entitled.

Condition (2) means that they are the proprietors of what they have in such a way that nobody can take away any part of it without their own consent. Without that, men under any government are not freemen but slaves under the force of war.

193. Even supposing that the conqueror in a just war *does* have a right to the estates of the conquered, as well as power over their persons (which he plainly *doesn't*), this still doesn't imply that the continuing government has any kind of *absolute* power. The descendants of those who were conquered will all be freemen; if the conqueror doesn't grant them estates and possessions to inhabit his newly conquered country, it won't be worth anything; and if he does grant them estates and possessions, then they have property, and the nature of property is that *without a man's own consent it can't be taken from him*.

194. Their persons are free by a natural right, and their properties, whether large or small, are *their own*, to be dealt with by their choice and not by the conqueror's—otherwise they are not properties. Suppose the conqueror gives one man a thousand acres, for him and his heirs for ever; and to another man he *lets* a thousand acres for his life, with a rental of £50 or £500. Doesn't the former man have a right

to his thousand acres for ever? and doesn't the other have a right to *his* thousand acres for his lifetime, while paying the agreed rent? And doesn't the tenant for life *own* all that his labour and industry brings in over and above his rent, even if it is double the rent? Can anyone say that the king (or conqueror), after making a grant, may use his power to take away all or part of the land from the heirs of the first man, or from the second man (the tenant) during his lifetime when he is paying the rent? Or can he whenever he pleases take away from either of them the goods or money they have earned through the land in question? If he can, then *all* free and voluntary contracts are nullified: all it takes to dissolve them at any time is enough power; and all the grants and promises of men in power are nothing but a mockery. Can there be anything more ridiculous than to say 'I give this to you and your descendants for ever', saying it in the surest and most solemn form of gift-giving that can be devised, when it's understood that I have the right to take it away from you again tomorrow if I want to?

195. I shan't discuss now whether monarchs are exempt from the laws of their country, but I am sure of this much: they owe subjection to the laws of God and of nature. No body, no power, can exempt them from the obligations of

that eternal law. Where promises are concerned, those obligations are so great and so strong that omnipotent God himself can be bound by them. Grants, promises, and oaths are bonds that hold the Almighty. Compare that fact with what some flatterers say to monarchs, 'namely that *they* are so great that they needn't keep their promises'. Yet all the monarchs of the world, together with all their courtiers, are by comparison with the great God like a drop in the bucket, or a speck of dust on the balance— inconsiderable, nothing!

196. Here it is in brief: if the conqueror has a just cause, he gets 'through his conquest' a despotic right over the persons of all those who actually aided and supported the war against him, and a right to use their labour and estates to make up for the damages he has suffered and the costs he has incurred (so long as he doesn't infringe anyone else's rights). He has no power over such of the people as didn't consent to the war, or over the children of the captives themselves, and no power over the possessions of either group. So his conquest does not entitle him to have dominion over them, or to pass on such dominion to his posterity. If he tries to take their properties, he is an aggressor, and thereby puts himself into a state of war against them. [The section ends with historical and biblical examples.]

Chapter 17: Usurpation

197. As conquest may be called a foreign usurpation, so usurpation is a kind of domestic conquest. But the equivalence is not exact: a ‘domestic conqueror’ *might* have right on his side, but an usurper can never do so, because an action counts as a usurpation only if it involves getting possession of something that someone else has a right to. A usurpation, as such, is a change only in *who* has the government, not in the forms and rules of the government. If the usurper goes further, and extends his power beyond what rightly belonged to the lawful monarchs or governors of the commonwealth whom he has dislodged, he is guilty not merely of usurpation but also of tyranny.

198. The designation of *who* is to rule is as natural and necessary a part of any lawful government as is the form of the government itself, and is something that was originally established by the people. Compare these two:

- having no form of government at all; •agreeing on a monarchy, without having a procedure for deciding who shall be monarch.

The anarchy will be much alike! Hence all commonwealths with an established form of government have rules also for appointing those who are to share in the public authority, and settled methods of getting them into office. Whoever gets into the exercise of any part of the power by ways other than those prescribed by the laws of the community has no right to be obeyed, even if he doesn’t change the form of the commonwealth; because he is not the person the laws have appointed, and so not the person the people have consented to. And no such usurper—or anyone whose rule is derived from him—can *ever* be entitled to his position as ruler until the people are free to consent, and *do* consent, to allow and confirm in him the power he has till then usurped.

Chapter 18: Tyranny

199. Whereas usurpation is the exercise of power to which someone else has a right, tyranny is the exercise of power to which nobody can have a right. That is what happens when someone employs the power he has in his hands, not for the good of those who are under it but for his own private individual advantage. It is what happens when a governor, however entitled he is to govern, is guided not by the law

but by his own wants, and his commands and actions are directed not to preserving his subjects’ properties but to satisfying his own ambition, revenge, covetousness, or any other irregular passion.

200. If you doubt this to be true, or to be reasonable, because it is written by a mere lowly subject, I hope you will take it from the authority of a king! King James I in his

1603 speech to the parliament said this:

In making good laws and constitutions, I will always put the welfare of the public and of the whole commonwealth ahead of any particular and private purposes of mine; because I think that the wealth and welfare of the commonwealth is *my* greatest welfare and worldly happiness. In this respect a lawful king sharply differs from a tyrant: for. . . the greatest point of difference between the two is that whereas •the proud and ambitious tyrant thinks his kingdom and people are only ordained for satisfying his desires and unreasonable appetites, •the righteous and just king does on the contrary acknowledge that he has been given the task of preserving the wealth and property of his people.

And in his 1609 speech to the parliament he said:

The king binds himself by a *double* oath to observe the fundamental laws of his kingdom. •Just by *being* a king he tacitly binds himself to protect not just the people but also the laws of his kingdom. By his oath at his coronation he explicitly binds himself to the same thing. . . . If a king governing in a settled kingdom stops ruling according to his laws, he thereby stops being a king and degenerates into a tyrant.

And a little after:

Therefore all kings who are not tyrants, or perjured, will be glad to bind themselves within the limits of their laws; and those who •try to• persuade them otherwise are vipers, pests, against both the king and the commonwealth.

Thus that learned king, who had a good grasp of concepts, distinguishes *king* from *tyrant* through this and this alone:

•a king limits his power to what the laws allow, and governs for the good of the public, whereas •a tyrant puts his own

will and appetite ahead of everything.

201. It is a mistake to think that only monarchies can go wrong in this way; other forms of government are also open to it. Whenever power is put into *some* hands for the government of the people and the preservation of their properties, and is then diverted from that purpose and used to impoverish, harass, or subdue the people to the arbitrary and irregular commands of those that have the power, then that immediately becomes tyranny, whether the power-holders are one or many. There was *one* tyrant at Syracuse, but we read of the *thirty* tyrants at Athens; and the intolerable government of the Ten Men at Rome was no better.

202. Wherever law ends, tyranny begins, if the breach of the law brings harm to someone else; and anyone in authority who exceeds the power given him by the law, using the force at his disposal to do to the subject things that aren't allowed by the law, thereby stops being an officer of the law; and because he acts without authority he may •rightly• be opposed, as may any other man who by force invades the right of someone else. This is acknowledged to hold for subordinate officers of the law. Someone who is authorized to arrest me •in the street may be opposed as a thief and a robber if he tries to break into •my house to arrest me—even if I know that his legal authority (and the arrest-warrant in his pocket) empower him to arrest me when I am •out of my house. I'd like to know why this shouldn't hold just as well for the highest as well as the lowest-ranked officials of government. Is it reasonable that the oldest brother, just because he has most of his father's estate, should thereby have a right to take away any of his younger brother's shares? Or that a rich man who possessed a whole county should get from that a right to seize the cottage and garden of his poor

neighbour? Being the lawful owner of great riches, . . . far from being an excuse (let alone a reason) for robbery and oppression, makes it much worse. Well, all of this applies not only to *having great wealth* but equally to *having great power*, which is not an entitlement to help oneself to more and engage in one's own kind of robbery and oppression. Exceeding the bounds of authority is no more a right in a great officer of government than in a low-level one, no more justifiable in a king than in a constable. It is indeed *worse* in the king because •more trust has been placed in him, •he already has a much greater share than the rest of his brethren, and •his education, employment, and counsellors are supposed to have given him more knowledge of the measures of right and wrong.

203. You may want to object:- 'Then may the commands of a monarch be opposed? May he be resisted whenever anyone finds himself aggrieved and *imagines* he hasn't been treated rightly? This will unhinge and overturn all systems of administration, leaving us with nothing but anarchy and confusion instead of government and order.'

204. Here is my answer:- It is wrong to use force against anything except unjust and unlawful force; whoever opposes a government for any other reason draws on himself a just condemnation from both God and man; and my philosophy of these matters doesn't bring a threat of danger or confusion, as is often suggested. Here are four observations in support of this.

205. First:- In some countries the *person* of the monarch is sacred, as a matter of law; so whatever he commands or does, his person is still free from all question or violence, not liable to force or to any judicial censure or condemnation. Yet the subjects may oppose the illegal acts of any lower official, or anyone commissioned by the monarch. In those

countries, the only way the monarch can lose his personal immunity is by putting himself into a state of war with his people, dissolving the government, and leaving the people to the defence that everyone has *in the state of nature*. When that happens, who can tell how it will all end? A remarkable example of how it can end is presented to the world by a neighbour kingdom. In all other cases the sacredness of the monarch's person exempts him, while the government stands, from all violence and harm whatsoever. And this is a wise constitution: for the harm a monarch can do *unaided* is not likely to happen often, or to go very far. Even if some monarch is weak and ill-natured enough to *want* to do it, he can't by his own personal strength subvert the laws or oppress the body of the people. When a headstrong monarch comes to the throne, he may do some troublesome things; but the disadvantages of those are quite outweighed by the peace of the public and the security of the government that comes from having the person of the head of government thus placed out of the reach of danger. For it is safer for the body politic that a few private men should sometimes be in danger of suffering than that the head of the commonwealth should be easily and casually exposed to danger.

206. Second:- This privilege of the king's *person* doesn't confer immunity against questioning, opposition, and resistance for those who use unjust and unlawful force and claim they were commissioned to do this by the king. Here is a plain case of that. Someone has the king's writ to arrest me, this being a full commission from the king; but he can't break into my house to arrest me, or carry out this command of the king's on certain days or in certain places, if the *law* forbids him to, even if the *commission* doesn't state any such exceptions. If anyone breaks the law, the king's commission doesn't excuse him; for the king has his authority only

•through the law, so he cannot empower anyone to act
 •against the law. . . . The commission or command of any government official ·from the king down to the constable· to do something for which he has no authority is as empty and insignificant as the ‘commission’ or command of any private man. The only difference between the two is that the official has authority to a certain extent and for certain purposes, while the private man has none; ·but the restrictions on the official’s authority are crucial·, because what gives the right of acting is not the •commission but the •authority; and there can be no authority against the laws. But ·when private citizens resist commissioned but unauthorized action by government officials·, notwithstanding such resistance the king’s person and authority are still both secured, and so ·there is· no danger to governor or government.

207. Third:- Consider now a government in which the person of the ruler is not sacred. My doctrine of the lawfulness of resisting all unlawful exercises of power won’t on every slight occasion endanger him or disturb the government; for where the injured party can be relieved and his damages made good by appeal to the law, he can’t claim a right to use force, which is only to be used where a man is *prevented* from appealing to the law. No exercise of force by the government counts as hostile if it leaves open the possibility of such an appeal; it is only when force closes *that* door that it puts the user of it into a state of war, and makes it lawful to resist him. •A man with a sword in his hand demands my purse on the highway when I have almost no money with me; this man I may lawfully kill. To •another man I hand £100 to hold while I get off my horse; he then refuses to give it back to me, and draws his sword to defend his possession of it by force if I try to take it back from him. The harm this man does to me may be a hundred or even a thousand times more than

the other intended to do to me (I killed him before he really did me any harm); and yet I can lawfully *kill* the one, and cannot so much as *hurt* the other lawfully. The reason for the difference is obvious. •The first man used force, which threatened my life, and I had no time to appeal to the law to make me safe. And once my life was taken, it would have been too late to appeal: the law couldn’t restore life to my dead carcass; the loss would have been irreparable; and it is in order to prevent *that* that the law of nature gave me a right to destroy the man who had put himself into a state of war with me and threatened my destruction. But •the second man did not put my life in danger; so I can have the benefit of appealing to the law and getting reparation for my £100 in that way.

208. Fourth:- If an official uses his power to maintain his unlawful acts and to obstruct the appeal to law for a remedy, this is manifest tyranny and there is a right to resist it; but even in cases like this, if the harm is slight there won’t be resistance that will disturb the government. For if the trouble concerns the cases of only a few private men, though they •have a right to defend themselves and to recover by force what through unlawful force has been taken from them, they will be disinclined to •exercise their right by engaging in a contest in which they are sure to perish. ·And they *are* sure to perish·, because it is as impossible for a few oppressed men to disturb the government when the body of the people don’t think themselves concerned in it as it is for a raving madman or headstrong malcontent to overturn a well settled state; the people being no more inclined to follow the oppressed few ·into a fight· than to follow the solitary madman.

209. But suppose these illegal acts have affected the majority of the people, or have affected only a few but seem to set a dangerous precedent threatening everyone, so that the people are persuaded in their consciences that their laws are in danger and—along with the laws—their estates, liberties, and lives, and perhaps their religion too. When *that* happens, I can't see how the people can be hindered from resisting the illegal force that has been or threatens to be used against them. Such resistance is a difficulty that will confront *any* government in which the governors have managed to become generally suspected by their people. It is the most dangerous state that governors can possibly put themselves in, but they don't deserve much pity because the trouble is so easy to avoid. If a governor really does intend the good of his people, and the preservation of them and their laws, the people are bound to see and feel this, just as the children in a family will see that their father loves and takes care of them.

210. But if everyone can see in the government

- claims of one kind, and actions of another;
- skill employed to evade the law;
- prerogative employed contrary to the purpose for which it was given (namely to do good, not harm,

to the people);

- the ministers and lower officers of the law chosen with an eye to such purposes, and promoted or dismissed according to whether they further or oppose them;
 - various things done as try-outs of arbitrary power: surreptitious favour shown to the religion (though publicly denounced) which is readiest to introduce such power, and the operators in it [= officials of the religion in question?] supported as much as the government can get away with, and, when open support isn't possible, still surreptitiously approved and liked;
- if a long train of actions show the governmental councils all tending that way, how can a man *not* be convinced of which way things are going and look around for some way to save himself? Suppose you are in a ship whose captain is steering a course towards Algiers; cross-winds, leaks in his ship, and shortage of men and provisions often force him to head in a different direction, but as soon as the weather and other circumstances allow it he always turns back on course for Algiers. Won't you conclude that the captain is trying to take you and everyone else in the ship to Algiers? [At that time Algiers was a maximally unattractive destination—a centre for maritime piracy, where many Englishmen were in slavery.]

Chapter 19: The dissolution of government

211. Anyone who wants to speak clearly about the dissolution of •government ought first to distinguish that from the dissolution of a •society. What makes a *community*, and brings men out of the loose state of nature into one politic society, is the agreement that everyone has with everyone else to come together and act as one body and so be one distinct commonwealth. When such a union is dissolved, it is almost always through conquest by a foreign force; for when that happens (so that the people can't maintain and support themselves as one unified and independent body), the union constituting that body must necessarily come to an end, returning everyone to the state he was in before, with a liberty to provide for his own safety as he thinks fit, in some other society. Whenever the •society is dissolved, it is certain that the •government of that society can't survive. Conquerors' swords often cut off governments at the roots, mangling to pieces the societies and separating the subdued or scattered multitude from the protection of the society that ought to have preserved them from violence. This way of dissolving of governments is too well known—and too much *allowed*—for me to need to say anything more about it. It doesn't need much argument to show that when a society is dissolved, its government can't survive; just as the frame of a house can't survive when the materials of it are scattered and dissipated by a whirlwind, or jumbled into a confused heap by an earthquake.

212. Governments can be dissolved not only by being overturned from outside but also by being dissolved from within. There are two ways for this to happen. I shall discuss one in this and the following eight sections, starting on the second in section 221.

The first way is by the legislature's being altered. Civil society is a state of peace among its members; they are kept from the state of war by the provisions they have made for the legislature to act as umpire, ending any conflicts that may arise among of them. So it is •the legislature that unites the members of a commonwealth, combining them into one coherent living body. •It is the soul that gives form, life, and unity to the commonwealth, bringing its various members into relationships of mutual influence, sympathy, and connection. Therefore, when the legislature is broken or dissolved, dissolution and death follow for the society, because the essence of the society, and its unity, consists in its having *one will*, declared and kept by a legislature established by the majority for that very purpose. The first and fundamental act of a society is the constituting of a legislature. . . . When one or more *other* people take it upon themselves to make laws, without being appointed to do so by the people, they are making laws without authority, so the people aren't obliged to obey; and this is a way for them to come again out of subjection—no longer under *any* government—and be free to constitute for themselves a new legislature as they think best. For they will be entirely at liberty to resist the force of those who try without authority to impose anything upon them. When those whom the society has chosen to be the declarers of the public will are excluded from that role, and their place usurped by others who have not been appointed to it, everyone is free to do what he likes.

213. This is usually brought about by members of the commonwealth who have some power, and misuse it; so it's hard to think about it clearly, and know who is to blame for it, unless we know the form of government in which it

happens. So let us suppose that the legislature is placed in the agreement of three distinct persons. 1. •A single hereditary person, having the constant, supreme, 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 by the people to serve for limited periods of time. With a government of that form, four things are evident. •I shall give them a section each.

214. First, when such a single person (or king) sets up his own arbitrary will in place of the laws, which are the will of the society as declared by the legislature, then the legislature is changed. What makes something *the legislature* is its issuing rules and laws that are applied and required to be obeyed; so when laws are set up and rules announced and enforced *other than* those enacted by the legislature that the society has set up, it is clear that the legislature has been changed. Whoever subverts the old laws or introduces new laws without the authority of fundamental appointment [Locke's phrase] by the society thereby disowns and overturns the power by which the old laws were made, and in that way sets up a new legislature.

215. Secondly, when the king prevents the legislature from assembling at its due time, or from acting freely to achieve the purposes for which it was set up, the legislature is altered. What constitutes a legislature is not merely •a certain number of men, or •a certain number of men *meeting together*, unless they have the freedom to discuss and enough time to complete the business of the good of the society. When the freedom or the time is taken away or altered, depriving the society of the •fruits of• the proper exercise of the legislature's power, the legislature is truly altered. . . . He who takes away the freedom or blocks the

action of the legislature in its due seasons in effect takes away the legislature and puts an end to the government.

216. Thirdly, when, by the arbitrary power of the king changes are made in •who is to vote •for members of the legislature• or in •how that vote is to be conducted, without the consent of the people and contrary to their common interests, there again the legislature is altered. For if the voting is done by people other than those whom the society has authorized to vote, or is done in another way than what the society has prescribed, those chosen are not the legislature appointed by the people.

217. Fourthly, if the people are delivered into the subjection of a foreign power, whether by the king or by the legislature, that is certainly a change of the legislature and thus a dissolution of the government. . . .

218. It is obvious why, in a three-part form of government such as I supposed in section 213, the dissolution of the government in these ways is to be blamed on the king. He has at his disposal the force, the treasure and the offices of the state, and he may persuade himself—or be flattered by others into thinking—that as the supreme officer of the law he isn't under any control. Because of all this, he is the only one in a position to make great advances toward such changes •of the legislature• with a pretence of lawful authority; and he alone has available to him the means to terrify or suppress any who oppose him, saying that they are factious, seditious, and enemies to the government. In contrast with him, no other part of the legislature or the people as a whole can by themselves try to alter the legislature except by open and visible rebellion. . . ., and when *this* prevails it has much the same effects as foreign conquest. Besides, the king in such a form of government has the power of dissolving the other parts of the legislature, thereby turning them into private

persons; so they can never in opposition to him (or without his agreement) alter the legislature by a law, his consent being necessary to make any of their decrees valid. But if the other parts of the legislature *do* in any way contribute to any attempt on the government, and either promote such designs or fail to block them when they could have done so, they are guilty of taking part in this, which is certainly the greatest crime men can be guilty of towards one another.

219. There is one more way for such a government to be dissolved, and that is when ‘the king’, he who has the supreme executive power, neglects and abandons his function so that laws that have already been made can no longer be enforced. This is to reduce everything inevitably and immediately to anarchy, and so in effect to dissolve the government. Laws are not made for their own sakes but so as to serve as the bonds of the society that will keep every part of the body politic in its proper place and function; and they can do that only if they are enforced. When enforcement stops, the government visibly comes to an end and the people become a confused, disorderly, disconnected multitude. When there is no longer any administration of justice for securing men’s rights, and no remaining power within the community to direct the public’s force or provide for its necessities, there is certainly no government left. When the laws can’t be *applied* it is the same as having no laws, and a government without laws is an absurdity. . . .

220. In cases like these, when the government is dissolved the people are at liberty to provide for themselves by setting up a new legislature that differs from the previous one either in its personnel or its structure or both, depending on what the people find to be best for their safety and welfare. For a society can’t ever through someone else’s fault lose its inborn original right to preserve itself, which it can do only through

a settled legislature and a fair and impartial application of the laws the legislature makes. But the state of mankind is not so miserable that they can’t use this remedy until it is too late, which is how things would stand if they couldn’t work towards a remedy until the government had entirely collapsed. When a government has *gone*—whether by oppression, trickery, or being handed over to a foreign power—telling the people ‘You may provide for yourselves by setting up a new legislature’ is only telling them that they may expect relief when it is too late and the evil is past cure. It amounts to telling them to be slaves first, and then to take care of their liberty; and telling them when their chains are on that they may act like freemen. This is mockery rather than relief. Men can never be secure from tyranny if they have no way to escape from it until they are completely *under* it. And that’s why they have not only a right to get out of it but also a right to prevent it.

221. That brings us to the second way in which governments are dissolved (discussion of the first began in section 212), namely when the legislature or the king act contrary to their trust. I shall discuss this in two parts. The legislature will be dealt with in this and the following ten sections; the king will come into section 222, but only as manipulating the legislature. Discussion of the king as acting other than through the legislature will start at section 232. The legislature acts against the trust given to them when they try to invade the property of the subject, and to make themselves—or any part of the community—masters of the lives, liberties, or fortunes of the people, having all of these at the disposal of their will.

222. . . . It can never be supposed to be the will of the society that the legislature should have a power to destroy what everyone aimed to keep safe by entering into society and

submitting themselves to legislators of their own making. So when the legislators try to take away and destroy the property of the people or to reduce them to slavery, they put themselves into a state of war with the people, who are thereby absolved from any further obedience and are left to the common escape that God has provided for all men against force and violence. So whenever the legislature breaks this fundamental rule of society and—whether through ambition, fear, folly or corruption—try to grasp for themselves or for anyone else 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 different purposes. And then the people have a right to resume their original ·natural· liberty, and to set up a new legislature. . . .to provide for their own safety and security. . . . What I have said here about the legislature in general holds true also for the supreme executive, ·the king·. He has a double trust put in him, both •to have a part in the legislature and •to be in charge of the enforcement of the law; and he acts against *both* when he tries to set up his own arbitrary will as the law of the society. He also acts contrary to his trust when he either •employs the force, treasure, and offices of the society to corrupt the representatives and win them over to his schemes; or •openly courts the electorate, persuading them to choose the legislators whom he has already won over to his side by persuasion, threats, promises, or whatever—thus getting the electorate to bring in ones who have promised before-hand how they will vote and what legislation they will pass. Regulating candidates and electors in this way, re-shaping the electoral procedures—what is this but digging up the government by the roots, and poisoning the very fountain of public security? The people kept *for themselves* the choice of their representatives, as the fences around their properties; and the only reason they could have for this was

so that the representatives would always be freely chosen, and—having been chosen—would freely act and advise in ways that they judged, after examination and mature debate, to be necessary for the commonwealth and the public good. Representatives can't do this if they have given their votes in advance, before hearing the debate and weighing the reasons on all sides. For someone to prepare such a ·legislative· assembly as *this*, and try to set up the declared supporters of his own will as the true representatives of the people and the law-makers of the society, is certainly as great a breach of trust, and as complete an admission that he plans to subvert the government, as could be met with. If there is any doubt as to whether that is what is going on, it will be blown away if rewards and punishments are visibly employed for the same purpose, with all the tricks of perverted law being used to eliminate and destroy all who stand in the way of such a design and refuse to go along with and consent to betraying the liberties of their country. It is easy to see what power in the society ought to be allowed to those who have used their power contrary to the trust with which they were given it; anyone can see that someone who has once attempted such a thing as this can no longer be trusted ·with anything·.

223. You may want to object:

The people are ignorant and always discontented. To base government on *their* unsteady opinions and uncertain moods is to expose it to certain ruin. No government can last for long if the people can set up a new legislature whenever they take offence at the old one.

I answer, Quite the contrary! It is harder to get people out of their old forms ·of government· than some writers are apt to suggest. It is almost impossible to get them to amend the admitted faults in the system they have grown used

to. And if there are any systemic defects, or less deep ones introduced by decay or by the passage of time, it's hard to get them changed even when everyone sees that there's an opportunity to do so. This slow reluctance of the people to give up their old constitutions has, in the many revolutions that have occurred in this kingdom recently and in earlier centuries, still kept us to our old legislature of •king, •lords and •commons (or, when we didn't *keep* to it, there was a period of fruitless attempts to have a different form of government, after which we *returned* to the system of king, lords, and commons). And whatever provocations have made the crown be taken from some of our monarchs' heads, they never carried the people so far as to give it to someone who is not in the same line of descent.

224. 'But', it will be said, 'this hypothesis creates a ferment for frequent rebellion!' To which I have three answers. •First, It doesn't do so more than any other hypothesis does: for when the people are made miserable and find themselves exposed to mistreatment by arbitrary power,

praise their governors as much as you will as sons of Jupiter, let them be sacred and divine, descended from heaven or authorized by it, make them out to be anyone or anything you please,

and the same thing will happen! The people who are generally and wrongfully ill-treated will be ready on any occasion to free themselves of a burden that sits heavily on them. They will want an opportunity to do this, and will look for one; and in the changes, weakness and accidents of human affairs they usually won't have to look for long. Someone who hasn't seen examples of this in his own lifetime must be very young, and someone who can't cite examples of it in all sorts of governments in the world can't have read much!

225. •Secondly, I answer that such revolutions don't happen with every little mismanagement in public affairs. Great mistakes by the rulers, many wrong and inconvenient laws, and all the slips of human frailty—these will be born by the people without mutiny or murmur. But if a long series of abuses, lies, and tricks, all tending the same way, make the *design* visible to the people so that they can't help •feeling what they are oppressed by and •seeing where they are going, it's not surprising that they should then rouse themselves and try to put the ruling power into hands that will achieve for them the purposes for which government was at first established. When those purposes are not achieved, governments based on ancient names and glittering rituals are no better than the state of nature, or pure anarchy. Indeed, they are *worse*, because under such governments the inconveniences are as great and as near as in the state of nature, and the remedy for them further off and more difficult.

226. •Thirdly, to the charge that this hypothesis 'creates a ferment for frequent rebellion' I answer that on the contrary this doctrine giving the people a power to provide anew for their safety by establishing a new legislature, when their legislators have acted contrary to their trust by invading their property, is the best *barrier* to rebellion and the best means to *block* it. Here is why. Rebellion is opposition not to •persons but to •authority, of which the only basis is the constitutions and laws of the government. So those who by force break through, and by force justify their violation of the constitution and laws, 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 unity among themselves, those who set up force again in opposition to the laws do *rebellare*,

that is, bring back *again* the state of *war* [*bellare* is Latin for 'make war', so that 'rebel' = *rebellare* = 'make war again']. Those who are most likely to rebel against the constitution and the laws are those who are in power, because of their claim to authority, the temptation of the force they have at their disposal, and the flattery of those around them; and the best way to prevent this evil is to show those likely offenders the danger and injustice of it.

227. In both of the aforementioned cases, where the legislature is changed, and where

the legislators act contrary to the purpose for which they were made legislators,

those who are guilty are *guilty of rebellion*. [The rest of the section explains this. The explanation is very wordy, and can easily be worked out from what has gone before. In brief: someone who changes the legislature or who as a legislator acts contrary to his trust thereby introduces a state of war, he wars-again, he rebels.]

228. Those who say I am laying a foundation for rebellion mean that my doctrine may lead to civil wars or internal unrest. What do they infer from that?

I tell the people that they are absolved from obedience when illegal attempts are made upon their liberties or properties, and that they may oppose the unlawful violence of those who were their law-officers, when they invade their properties contrary to the trust put in them.

Do my opponents hold that this doctrine of mine is not to be allowed because it is so destructive to the peace of the world? That would be like saying that honest men may not oppose robbers or pirates because this may lead to disorder or bloodshed! If any harm comes about in such a case, it

is not to be charged against him who defends his own right but against him who attacks his neighbours. [The rest of the section jeeringly elaborates this comparison. A typical sample: 'Who would not think it an admirable peace between the powerful and the weak when the lamb passively yields his throat to be torn by the imperious wolf?']

229. The purpose of government is the good of mankind. Which is better for mankind: that the people be always exposed to the limitless will of tyranny, or that the rulers be sometimes liable to meet with opposition when they grow exorbitant in the use of their power and use it for the destruction and not the preservation of the properties of their people?

230. Don't say: 'Mischief can arise from that whenever it shall please a busy head or turbulent spirit [Locke's phrase] to want to alter the government.' Indeed, men like that may stir up trouble whenever they please, but it will be only to their own rightful ruin and perdition. That is because the people, who are more disposed to suffer than to right themselves by resistance, are not likely to rise up until the mischief has become general, and the wicked schemes of the rulers have become visible or their attempts have made themselves felt in the lives of the majority. They are not moved by individual examples of injustice, here and there an unfortunate man oppressed. But if they all become convinced on clear evidence that schemes are being launched against their liberties, and the general course and tendency of things forces them to suspect the evil intention of their governors, who is to be blamed for that? Who can help it if rulers bring themselves under this suspicion when they could have avoided it? Are the people to be blamed if they have the sense of rational creatures, and think of things as they find and feel them? . . . I grant that the pride, ambition,

and turbulence of private men have sometimes caused great disorders in commonwealths, and factions have been fatal to states and kingdoms. But whether the mischief has oftener begun in

- the people's irresponsibility and a desire to throw off the lawful authority of their rulers, or in
- the rulers' insolence and attempts to get and exercise an arbitrary power over their people,

i.e. whether it has usually been

- disobedience or •oppression

that started the disorder, I leave to impartial history to decide. I am sure of this, though. Anyone—whether ruler or subject—who by force tries to invade the rights of either monarch or people, and lays the foundation for overturning the constitution and structure of any just government, is highly guilty of the greatest crime a man is capable of. Such a person must answer for all the mischiefs of blood, looting, and desolation that come on a country when its government is broken to pieces. And he who does it should be regarded as the common enemy and pest of mankind, and treated accordingly.

231. Everyone agrees that •subjects or •foreigners who bring force against the properties of any people may be resisted with force. But it has recently been denied that one may resist •law-officers who do the same thing. As if those to whom the laws give the greatest privileges and advantages automatically get also a power to *break* those laws, the very laws that put them in a better place than their brethren! Actually, their privileged position makes their offence even worse: in it they •show themselves as ungrateful for the bigger share that the law gives them, and they •break the trust that was put into their hands by their brethren.

232. Anyone who uses force without right (as everyone in society *does* if he uses force without law) puts himself into a •state of war with those against whom he uses it; and in •that state all former bonds are cancelled, all other rights cease, and everyone has a right to defend himself, and to resist the aggressor. This is so obvious that Barclay himself, that great assertor of the power and sacredness of kings, is forced to admit that *it is sometimes lawful for the people to resist their king*; and he says it, what's more, in a chapter in which he offers to show that the divine law blocks the people from every kind of •rebellion! In fact his own doctrine makes it clear that since the people may •resist in some cases, not all resistance to monarchs is rebellion. His words are these. [Locke gives them first in Latin in this section, then in English occupying the whole of the next section.]

233. Someone may ask:

Must the people then always lay themselves open to the cruelty and rage of tyranny? Must they see their cities pillaged and reduced to ashes, their wives and children exposed to the tyrant's lust and fury, and themselves and their households brought by their king to ruin and to all the miseries of want and oppression—and yet *sit still*? The common privilege of opposing force with force, which nature allows so freely to all other creatures for their preservation from injury—must men *alone* be debarred from having it?

I answer that self-defence is a part of the law of nature, and it can't be denied to the community, even against the king himself; but that law doesn't allow them to *revenge* themselves upon him. So if the king in hatred sets himself not merely against this or that person but against the body of the commonwealth of which he is the head, and with intolerable ill usage cruelly tyrannizes over all or many

of the people, *then* the people have a right to resist and defend themselves from injury. But in doing this they must be careful only to •defend themselves, and not to •attack their king. They may make good the damages they have received, but must not under *any* provocation cross the line of appropriate reverence and respect. They may push back the present attempt but must not take *revenge* for past violences; for it is natural for us to •defend life and limb, but it is against nature for •an inferior to *punish* a superior. . . . So this is the privilege of the people in general, as compared with any private person: particular men. . . . have no other remedy but patience, whereas the body of the people may respectfully resist intolerable tyranny. ·I stress *intolerable*; for when the tyranny is only moderate they ought to endure it·. [End of quotation from Barclay]

234. That is the extent to which this great advocate of monarchical power allows for resistance.

235. It is true that he has put two limitations on such resistance. First, •it must be done with reverence. Secondly, •it must be without retribution or punishment because an inferior cannot punish a superior. First, it will need some skill to make clear how one is to resist force without striking back, or how to strike with reverence! Someone who opposes an assault with nothing but a shield to take the blows, or in some more respectful posture but without a sword in his hand tries to lessen the assailant's confidence and force, will quickly come to the end of his resistance and will find that such a defence will only serve to make things worse for him. [Locke now quotes the Latin poet Juvenal to that effect. Then:] This will always be the outcome of such an imaginary 'resistance' in which men may not strike back. So someone who is allowed to resist must be allowed to strike. And then let our author or anyone else join a knock

on the head or a cut on the face with as much reverence and respect as he thinks fit. For all I know, someone who can reconcile blows with reverence deserves to be rewarded for his ·reconciling· labours by being beaten up only in a civil and respectful manner. Secondly, *An inferior cannot punish a superior*. That is true, generally speaking, while he is his superior. But resisting force with force is the state of *war* that levels the ground and cancels all former relations of reverence, respect, and superiority. The only superior/inferior relationship that remains is this: he who opposes the unjust aggressor is his superior in that he has a right when he wins to punish the offender, both for the breach of the peace and for all the evils that followed from it. So Barclay is more consistent with himself when, in another place, he denies that it is *ever* lawful to resist a king. But in that place he describes two ways in which a king *may* un-king himself. [Again Locke gives them first in Latin, starting in this section and running on to the end of **236**, and then in English in the following two sections.]

237. . . . The people can never come by a power over the king unless he does something that makes him cease to be a king. When he does that, he divests himself of his crown and dignity, and returns to the state of a private man; and then the people become free and superior, regaining the power that they had. . . . before they crowned him king. But there aren't many ways for this to happen. After considering it thoroughly I can find only two cases in which a king ceases to be a king and loses all power and regal authority over his people. . . . The first is, •if he tries to overturn the government, that is, if he plans to ruin the kingdom and commonwealth. An example is Nero, of whom it is recorded that he resolved to cut off the senate and people of Rome, lay the city waste with fire and sword, and then go to some other place. And

Caligula is reported to have openly declared that he would no longer be a head to the people or the senate, and that he was thinking of cutting off the worthiest men of both ranks and then retiring to Alexandria; and that he wished that the people had only one neck so that he could kill them all by one blow. When any king harbours in his thoughts such plans as these, and seriously promotes them, he thereby gives up all care and thought of the commonwealth, and consequently loses the power of governing his subjects—just as a master loses command over his slaves when he abandons them.

238. The other case is •when a king makes himself dependent on someone else, and subjects his kingdom—left to him by his ancestors and freely put into his hands by the people—to the command of that other person. Even if the king doesn't *intend* to harm the people, he has *alienated* [here = 'made to be foreign'] his kingdom: because he has •given up the principal part of royal dignity, namely being immediately under God supreme in his kingdom; and also •because he betrayed or forced his people, whose liberty he ought to have carefully preserved, into the power and dominion of a foreign nation. By this alienation (as it were) of his kingdom he loses the power he had in it previously, without transferring the faintest right to those to whom he wants to give the power; and so by this he act sets the people free, leaving them to behave as they see fit. [End of quotation from Barclay]

239. Barclay, the great champion of absolute monarchy, is forced to allow that in these cases a king may be resisted and stops being a king. Cutting a long story short: *when he has no authority he is no king, and may be resisted*, for where the authority ceases the king ceases too, and becomes like other men who have no authority. The two circumstances that Barclay mentions don't differ much from the ones I cited as destructive to governments. The only difference is that

he omits the principle from which his doctrine flows, namely the breach of trust involved in •not preserving the form of government that had been agreed on, and in •not aiming to achieve the purpose of government as such, which is the public good and preservation of property. When a king has dethroned himself and entered a state of war against his people, what is to hinder them from prosecuting him—no longer a king—as they would any other man who has made war against them? Barclay and those who agree with him would do well to answer that. Notice that Barclay says that the people may prevent *planned* harm before it occurs; so he allows resistance when tyranny is still at the design stage. He says that when any king harbours in his thoughts and seriously promotes such designs, he immediately gives up all care and thought of the commonwealth; so that according to Barclay the neglect of the public good is to be taken as an evidence of such a design, or at least as a sufficient ground for resistance. And he gives the reason for all this in these words: 'Because he betrayed or forced his people, whose liberty he ought carefully to have preserved. . . .' What he adds, namely '. . . into the power and dominion of a foreign nation', signifies nothing; because the fault and forfeiture comes from the loss of their liberty, which he ought to have preserved, and not from any facts about *which* persons the power was handed over to. Whether they are made slaves to members of their own nation or a foreign one, the people's right is invaded and their liberty lost, just the same; and *this* is the injury, and against only *this* do they have the right of defence. And there are instances to be found in all countries which show that what gives offence is not the change of *nationality in their governors* but the change of *government*. [Locke then names several writers who agree with his position and who cannot be suspected to be ignorant of our government or to be enemies to it'. And

he writes scornfully of those who have endorsed Hooker's political conclusions while denying his Lockean premises. Their work, he says, can be twisted around by 'cunninger workmen' to serve even worse purposes. He describes the latter as men who were willing when it suited them to 'resolve all government into absolute tyranny, and hold that all men are born to slavery, which is what their skimpy souls fitted them for'.]

240. At this point you are likely to ask:

Who is to be the judge of whether the monarch or legislature have acted contrary to their trust? That they *have* so acted is the sort of thing that can be spread around among the people by discontented and factious men, when all the king has done is to make use of his legitimate prerogative.

To this I reply, *The people should be judge*; for who should judge whether a trustee or deputy has acted well and according to the trust reposed in him, if not the person who deposes him? Having deposed him, he must have still a power to discard him when he fails in his trust. If this is reasonable in particular cases of private men, why should it be otherwise in this most important case where the welfare of millions is concerned, and where the threatened evil is greater, and redressing it is very difficult, costly, and dangerous?

241. Furthermore, the question 'Who is to be the judge?' can't mean that there is no judge at all; for when there is no judicature on earth to decide controversies among men, God in heaven is the judge. It is true that God alone is the judge of what is right. But every man is judge for himself, in this case as in all others, of whether another man has put himself into a state of war with him, and whether he should appeal to the supreme judge.

242. If a controversy arises between a king and *some* of the people, in a matter of great importance where the law

is silent, or doubtful, I think the right umpire would be the body of the people. For in cases where the king has a trust placed in him and is dispensed from the common ordinary rules of the law, if any private men are aggrieved and think that the king acts beyond that trust or contrary to it, the body of the people who first placed that trust in him are clearly the best judges of how far they meant the trust to extend. If that way of settling the matter is turned down by the king, or whoever is administering the government, the only court of appeal is in heaven. . . . What we have here is properly a state of war, in which the only appeal is to heaven; and in that state the injured party must judge for himself when it is fit for him to make such an appeal.

243. To conclude, the power that every individual gave to the society when he entered into it can never revert to the individuals again as long as the society lasts, but will always remain in the community; because without this there can't be a community, a commonwealth, and that would be contrary to the original agreement. So also when the society has placed the legislative power in any assembly of men, to continue in them and their successors with direction and authority for providing such successors, the legislative power can never revert to the people while that government lasts; because having provided a legislature with power to continue for ever, they have given to it their political power and cannot get it back. But •if they have set limits to the duration of their legislature, and given this supreme power to some person or assembly only temporarily, or •if it is forfeited through the misbehaviour of those in authority, •at the set time or •at the time of the forfeiture the power does revert to the society, and then the people have a right to act as supreme and to continue the legislature in themselves; or to set up a new form of government, or retain the old form while placing it in new hands, as they see fit.

The criteria he gave for the dissolution of a government that are regarded as objective criteria, I think, may not persuade people to resist against the government.

Locke on children

[In this work, especially in section 170, Locke endorses a kindly exercise of parental power. His feeling for children and for how they should be managed was notable, given his circumstances (he was a childless bachelor) and the time and place where he lived. Here is a version of a passage from his work *Some Thoughts Concerning Education* (at his time 'education' often meant more generally 'upbringing').]

62. The rebukes and criticisms that children's faults will sometimes make almost unavoidable should be given in calm, serious words, and *alone and in private*; whereas the commendations children deserve should be given in the presence of others. This doubles the reward by spreading their praise; and the parents' reluctance to make the children's faults public will make the children set a greater value on their own good name, and teach them to be all the more careful to preserve the good opinion of others while they think they have it. Whereas if their misbehaviour is made public and they are exposed to shame, they will take it that their good name is lost; that check on them will be taken off; and the more they suspect that their reputation with other people is already blemished, the less they will care about preserving others' good thoughts of them.

63. But if children are brought up in the right way, there won't be as much need for the usual rewards and punishments as we have imagined there is, and as the general practice has established. All the innocent folly, playing and childish actions of children should be left perfectly free and

unrestrained as far is consistent with the respect due to others who are present; and that should be interpreted very liberally. These faults (not of •the children but of •their age) should be left to be cured by time and good examples and increasing maturity. If that were done, children would escape a great deal of misapplied and useless correction, which is bad in one or other of these two ways. **(1)** It fails to overpower the natural •high-spirited• disposition of childhood; so it is applied more and more often, always ineffectively; and this robs it of effectiveness in cases where it is necessary. **(2)** It is effective in restraining the natural gaiety of the young, so that it serves only to harm the child's mental and physical make-up. When the noise and bustle of children's play proves to be inconvenient, or unsuitable to the place or company they are in (which can only be where their parents are), a look or a word from the father or mother will be enough to get them either to leave the room or to quieten down for a while—that is, this will be enough if the parents have established the authority that they should. But •on most occasions• this playful mood, which is wisely adapted by nature to their age and character, should be *encouraged*, to keep up their spirits and improve their strength and health, rather than curbed or restrained. The main skill •in child-rearing• is to bring some sport and play into everything they have to do.