

THE SECOND TREATISE
OF GOVERNMENT

AN
E S S A Y

Concerning the
True Original, Extent, and End

OF
Civil Government

Title. The title-page was an insertion in the course of printing, as subtly demonstrated by Gerritsen, 1954. The original title, not allotted a page to itself in the printing as first planned, was presumably simply the 'Book II' at the head of the first page of its text, the *First Treatise* having 'Book I'. The title to the whole volume seems to have been altered to take account of this new title to the second book. See Introduction, 50.

The correct title to this second book, then, is either 'The Second Treatise of Government', to conform with that of the whole volume, or the full title given here, abbreviated 'Of Civil Government' (or alternatively 'An Essay Concerning Civil Government'). It was entitled thus in the French translation, the first appearance of the *Second Treatise* independently, perhaps with Locke's approval (see Introduction, 12)—'Du Gouvernement Civil'. The title in common use is a solecism: 'The Second Treatise on (or of) Civil Government.' It may have arisen because the collected editions from the first (1714) on, and the individual editions from the 6th (1764) on, had the running title 'Of Government' for the *First Treatise* and 'Of Civil Government' for the *Second*—a distinction without meaning or usefulness.

BOOK II.

CHAP. I.

1. IT having been shewn in the foregoing Discourse,
- 1°. That *Adam* had not either by natural Right of Fatherhood, or by positive Donation from God, any such Authority over his Children, or Dominion over the World as is pretended.
 - 2°. That if he had, his Heirs, yet, had no Right to it. 5
 - 3°. That if his Heirs had, there being no Law of Nature nor positive Law of God that determines, which is the Right Heir in all Cases that may arise, the Right of Succession, and consequently of bearing Rule, could not have been certainly determined.
 - 4°. That if even that had been determined, yet the knowledge 10 of which is the Eldest Line of *Adam's* Posterity, being so long since utterly lost, that in the Races of Mankind and Families of the World, there remains not to one above another, the least pretence to be the Eldest House, and to have the Right of Inheritance. 15
- All these premises having, as I think, been clearly made out, 15 it is impossible that the Rulers now on Earth, should make any benefit, or derive any the least shadow of Authority from that, which is held to be the Fountain of all Power, *Adam's Private Dominion and Paternal Jurisdiction*, so that, he that will not give just occasion, to think that all Government in the World is the product 20

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

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

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

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

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

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

thought that God would create man in a condition worse than any beast, as if he had made men to no other end by nature but to destroy one another' (Laslett's edition, 241). Filmer was Hobbes's first critic, and Locke had read and noted this work of his at least as early as 1667—see Introduction, 33. Compare II, § 93, 30-2.

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

§ 3 Compare the definition of *respublica* in Locke's *Epistola de Tolerantia* (1689, that is, closer to this chapter than to the text as a whole): 'The commonwealth seems to me to be a society of men constituted only for procuring and preserving their own *civil interests* (*bona civilia*)... therefore is the magistrate armed with the force and strength of all his subjects (*toto scilicet subditorum robore*) in order to the punishment of those that violate any other man's rights' (Klibansky and Gough, ed., 1968, 66-7, slightly differently translated). Here external security is omitted and property is replaced by *bona civilia*, defined as 'life, liberty, health and indolency of body; and the possession of outward things, such as money, lands, houses, furniture and the like (*vitam, libertatem, corporis integritatem, et indolentiam, et rerum externarum possessiones, ut sunt latifundia, pecunia, supellex etc.*)'. See Introduction, 102; and on capital laws, see I, § 129, 10-15 and note, II, §§ 87-9, 171. Elrington (1798) remarks on the distinction between power and right in this paragraph, implying that Locke confuses them.

CHAP. II.

Of the State of Nature.

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

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

§ 4 *Chapter II* The French and other versions begin with this chapter, and in Locke's original text there may have been only one paragraph before this point, introducing the whole work; see note on II, § 54, 1. Although it was extended when Locke added his Hooker material (see §§ 5 and 15) and certainly corrected to some extent, perhaps a great deal, in 1689—see, for example, § 14, 12-17—there is no reason to suppose that it was not substantially completed in 1679.

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

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

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

11 'should'—to be read as imperative in feeling, for Locke recognized inequality in capacity. See II, § 54, and *The Conduct of the Understanding*: 'there is, it is visible, a great variety in men's understandings, and their natural constitutions... the woods of America, as well as the schools of Athens, produce men of several abilities in the same kind'. In the same work, however, he is prepared to use the example of the natural equality of men for the purpose of illustrating the necessity of bottoming, that is discovering a 'truth well settled in the understanding' (*Works*, 1801, III, 189 and 259). Compare Hobbes, *Elements of Law* (16, 4 (1928, p. 54): 'men considered in mere nature ought to admit amongst themselves equality', and the similar statements in *Leviathan* (chapter 13) and *De Cive*, though the context and grounds of this statement of Locke's are very different.

5. This equality of Men by Nature, the Judicious Hooker looks upon as so evident in it self, and beyond all question, that he makes it the Foundation of that Obligation to mutual Love amongst Men, on which he Builds the Duties they owe one another, and from whence he derives the great Maxims of Justice and Charity. His words are;

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

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

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

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

Like the other quotations from Hooker, this, and the rest of the paragraph with it, was probably added after the body of the text had been written (see Introduction, § 7 and note, II, § 239, 45 and note), probably on 28 June 1681, on which date Locke copied into his diary extracts from just before and just after this one (Ashcraft, 1987, 286 rejects this interpretation). All the extracts came from pp. 80-2 of the *Ecclesiastical Polity* which he had bought on 13 June. This was probably the 1676 edition, and it is referred to as such in these footnotes, but it could have been that of 1666, see Introduction, § 7.

to dispose of his Person or Possessions, yet he has not Liberty to destroy himself, or so much as any Creature in his Possession, but where some nobler use, than its bare Preservation calls for it. 5
The State of Nature has a Law of Nature to govern it, which obliges every one: And Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions. For Men being all the Workmanship 10
of one Omnipotent, and infinitely wise Maker; All the Servants of one Sovereign Master, sent into the World by his order and about his business, they are his Property, whose Workmanship they are, made to last during his, not one another's Pleasure. And being furnished with like Faculties, sharing all in one Community 15
of Nature, there cannot be supposed any such Subordination among us, that may Authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of Creatures are for ours. Every one as he is bound to preserve himself, and not to quit his Station wilfully; so by the like reason when his own 20
Preservation comes not in competition, ought he, as much as he can, to preserve the rest of Mankind, and may not unless it be to do Justice on an Offender, take away, or impair the life, or what tends to the Preservation of the Life, the Liberty, Health, Limb or Goods of another. 25

7. And that all Men may be restrained from invading others Rights, and from doing hurt to one another, and the Law of Nature be observed, which willeth the Peace and Preservation of all Mankind, the Execution of the Law of Nature is in that State, put into every Mans hands, whereby every one has a right to 5
punish the transgressors of that Law to such a Degree, as may hinder its Violation. For the Law of Nature would, as all other Laws that concern Men in this World, be in vain, if there were no body that in the State of Nature, had a Power to Execute that Law, and thereby preserve the innocent and restrain offenders, and if 10

§ 6 10-14 On man as God's workmanship see I, §§ 30, 52-4; 86; II § 56, 12-14; and as God's property I, § 85, 10-11; compare II, § 56, 12-14, and English Tract of 1660, II.

14-19 Compare I, §§ 86; 87; 92, 1-3 and note; II, § 135, 13-17. These statements are generally taken as directed against Hobbes, especially the thirteenth chapter of *Leviathan*, but there is no verbal resemblance.

18 'made for another's use'—Brogan, 1958, suggests a Kantian parallel.

any one in the State of Nature may punish another, for any evil he has done, every one may do so. For in that *State of perfect Equality*, where naturally there is no superiority or jurisdiction of one, over another, what any may do in Prosecution of that Law, every one must needs have a Right to do.

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

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

§ 8 6 'proportionate'—at this word sheet P ends and sheet Q begins in the first printing. This sheet exists in variant states (see Laslett, 1952 (iv), and Bowers, Gerritsen and Laslett, 1954 (ii)). Even more than in the case of the later part of sheet P (see i, § 167, 10 and note), any part of it may be the result of Locke's last-minute modifications. It ends with the last word of § 21.

§ 9 1 'strange Doctrine'—this seems to be Locke's way of announcing that his doctrine of punishment was, or was intended by him to be, a novelty; compare ii, § 13, 1; ii, § 180, 6 and Introduction, 97. It is certainly in subtle contrast with Hobbes's doctrine in chapter 28 of *Leviathan*, with which it is often compared. The

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

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

11. From these *two distinct Rights*, the one of *Punishing* the Crime for *restraint*, and preventing the like Offence, which right of punishing is in every body; the other of taking *reparation*, which belongs only to the injured party, comes it to pass that the Magistrate, who by being Magistrate, hath the common right of

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

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

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

4 'noxious Creature'—compare ii, § 172, 9-19, note and references.

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

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

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

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

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

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

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

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

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

10-12 Compare II, § 124, 8-9, verbal parallel.

13-19 This passage is indicative of Locke's hostility to those who would multiply laws, indeed to the law, law-courts and lawyers, especially the Common Lawyers, in general (compare I, § 90, 29-31, note and references). This he shared with the 1st Earl of Shaftesbury: see the 79th and 80th *Fundamental Constitutions of Carolina*, which provide that all statute laws should be null after a century, and that no comments upon the *Constitutions* should be permitted. Elrington (1798) comments that this criterion of a nation's law in terms of natural law, and not the will of a majority, 'points out the true principles of civil government'.

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

§ 13 1-2 See II, § 9, 1, note and references. Pollock, 1904, 241-2, comments on a 'strange verbal parallel in that strangest of medieval vagaries the *Mirror of Justices* . . . "Ordinary jurisdiction has every one who is not deprived of it by sin, for every one may judge his neighbour according to the holy rules of right", Book IV, chap II.' On the *Mirror* see II § 239, 42-3 and note.

Government to restrain the partiality and violence of Men. I easily
 10 grant, that *Civil Government* is the proper Remedy for the Incon-
 veniences of the State of Nature, which must certainly be Great,
 where Men may be Judges in their own Case, since 'tis easily to
 be imagined, that he who was so unjust as to do his Brother an
 Injury, will scarce be so just as to condemn himself for it: But
 15 I shall desire those who make this Objection, to remember that
Absolute Monarchs are but Men, and if Government is to be the
 Remedy of those Evils, which necessarily follow from Mens
 being Judges in their own Cases, and the State of Nature is there-
 fore not to be endured, I desire to know what kind of Government
 20 that is, and how much better it is than the State of Nature, where
 one Man commanding a multitude, has the Liberty to be Judge
 in his own Case, and may do to all his Subjects whatever he
 pleases, without the least liberty to any one to question or controle
 those who Execute his Pleasure? And in whatsoever he doth,
 25 whether led by Reason, Mistake or Passion, must be submitted
 to? Much better it is in the State of Nature wherein Men are not
 bound to submit to the unjust will of another: And if he that
 judges, judges amiss in his own, or any other Case, he is answerable
 for it to the rest of Mankind.

14. 'Tis often asked as a mighty Objection, *Where are*, or ever
 were, there any *Men in such a State of Nature*? To which it may
 suffice as an answer at present; That since all *Princes* and Rulers
 of *Independent Governments* all through the World, are in a State
 5 of Nature, 'tis plain the World never was, nor ever will be, with-
 out Numbers of Men in that State. I have named all Governors
 of *Independent Communities*, whether they are, or are not, in
 League with others: For 'tis not every Compact that puts an end
 to the State of Nature between Men, but only this one of agreeing

22-7 Modified by Locke in his final corrections.

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

1-8 Governments in a state of nature with each other: compare II, § 183, 7-8,
 II, § 184, 31-2 (an aside in both cases). It is often assumed that Locke was following
 Hobbes here, perhaps consciously: compare *Leviathan*, chapter 13 (1904, 85), where
 the sequence of thought is much the same. But Gierke insists that this conception
 was a commonplace with the natural-law theorists of the time (1934, i, 97): he cites
 ten authorities on the point (ii, 288), including Pufendorf's *Elementa* and *De Jure*
Naturae. If Locke had any writer specifically in mind, it seems most likely that it was
 Pufendorf. See Introduction, 73.

together mutually to enter into one Community, and make one 10
 Body Politick; other Promises and Compacts, Men may make
 one with another, and yet still be in the State of Nature. The
 Promises and Bargains for Truck, &c. between the two Men in
 the Desert Island, mentioned by *Garcilasso De la vega*, in his
 History of *Peru*, or between a *Swiss* and an *Indian*, in the Woods 15
 of *America*, are binding to them, though they are perfectly in
 a State of Nature, in reference to one another. For Truth and
 keeping of Faith belongs to Men, as Men, and not as Members
 of Society.

15. To those that say, There were never any Men in the State
 of Nature; I will not only oppose the Authority of the Judicious
Hooker, *Ecol. Pol. Lib. 1. Sect. 10.* where he says, *The Laws which*
have been hitherto mentioned, i.e. the Laws of Nature, *do bind Men*
absolutely, even as they are Men, although they have never any settled 5
fellowship, never any Solemn Agreement amongst themselves what to
do or not to do, but for as much as we are not by our selves sufficient to
furnish our selves with competent store of things, needful for such a Life,
as our Nature doth desire, a Life, fit for the Dignity of Man; therefore

12-17 In the first state of the 1st edition this passage reads differently, and is the
 most important variation between the two states. The bargains for truck there are
 'Between the two Men in *Soldania*, in or between, a *Swiss* and an *Indian*' and *Garcilaso's*
 desert island is not mentioned. It is clear that Locke did not simply add, in the second state,
 a phrase omitted in the first, because *Soldania* (*Saldanha Bay* in South Africa) is not mentioned
 by *Garcilaso*, who is concerned with *America*. Locke seems to have decided to omit this
 imperfect reference to *Soldania* altogether, and to substitute for it this incident from Book 1,
 chapter 8 of *Garcilaso's Commentarios Reales* (34-43, of his French translation of 1633; see
 note on I, § 57, 18 and compare I, § 153, 19-20 and note). He made the following note in his
 diary on 8 February 1687: 'Pedro Serrano that lived three years in a desolate island alone and
 after that time another shipwrecked man came to him and being but two they could not agree.
Garcilasso de la Vega, *Histoire des Incas* 1. 1. c. 8.' This correction, therefore, raises the
 possibility that Locke wrote this passage in 1687, which is considered in the Introduction,
 54. The original reference to the *Hottentots* of *Soldania* was genuine enough, for Locke
 frequently cited the example of this people as having no belief in God: these references (in the
Essay and elsewhere) are listed in *Von Leyden*, 1954, 65, 81, for Locke cited this region
 along with *Brazil* as early as his fifth *Essay on the Law of Nature* (early 1660's, *op. cit.* 174). His
 information probably came from *Terry's Voyage to East India*, 1655, which was on his shelves
 in 1681.

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

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

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

CHAP. III.

Of the State of War.

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

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

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

^{9–10} Compare II, § 6, 22; § 7, 3–4; § 128, 3–4; § 129, 1–2; § 135, 31; § 149, 24–5; § 159, 17–18; § 171, 12, etc., and Tyrrell, 1681, 15. On Locke's tendency to regard this law of universal preservation as the fundamental natural law, see footnote to the Introduction, 97. In his *Education* (1695) he says, 'And truly, if the preservation of all mankind, as much as in him lies, were every one's persuasion, as indeed it is every one's duty, and the true principle to regulate our religion, politics and morality by, the world would be much quieter, and better-natured, than it is' (*Works*, 1801, IX, 113).

Nature, Man being to be preserved, as much as possible, when all 10
cannot be preserv'd, the safety of the Innocent is to be preferred:
And one may destroy a Man who makes War upon him, or has
discovered an Enmity to his being, for the same Reason, that he
may kill a *Wolf* or a *Lyon*; because such Men are not under the
ties of the Common Law of Reason, have no other Rule, but 15
that of Force and Violence, and so may be treated as Beasts of
Prey, those dangerous and noxious Creatures, that will be sure
to destroy him, whenever he falls into their Power.

17. And hence it is, that he who attempts to get another Man
into his Absolute Power, does thereby put himself into a *State of*
War with him; It being to be understood as a Declaration of
a Design upon his Life. For I have reason to conclude, that he
who would get me into his Power without my consent, would 5
use me as he pleased, when he had got me there, and destroy me
too when he had a fancy to it: for no body can desire to have me
in his *Absolute Power*, unless it be to compel me by force to that,
which is against the Right of my Freedom, i.e. make me a Slave.
To be free from such force is the only security of my Preservation: 10
and reason bids me look on him, as an Enemy to my Preservation,
who would take away that *Freedom*, which is the Fence to it:
so that he who makes an attempt to enslave me, thereby puts himself
into a *State of War* with me. He that in the *State of Nature*,
would take away the *Freedom*, that belongs to any one in that State, 15
must necessarily be supposed to have a design to take away every
thing else, that *Freedom* being the Foundation of all the rest:
As he that in the *State of Society*, would take away the *Freedom*
belonging to those of that Society or Common-wealth, must be
supposed to design to take away from them every thing else, 20
and so be looked on as in a *State of War*.

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

16–17 'Beasts of Prey . . . noxious Creatures'—compare II, § 172, 18–19, note and references: 'and so' to the end of the paragraph may be an addition of 1689.

§ 17 15 'State'—end of large type in first state of 1st edition, see II, § 16, 1.

18–21 This last sentence may be an interpolation of 1689, an implication that James II was 'in a State of War' with Englishmen. Indeed § 18 follows more naturally on to § 16, and the whole paragraph may have been inserted.

§ 18 1 Compare II, § 207, 12–13.

Q.A. 55 [224]. *A Liberty for every one to do what he lists, to live as he pleases, and not to be tyed by any Laws: But Freedom of Men under Government*, is, to have a standing Rule to live by, common to every one of that Society, and made by the Legislative Power erected in it; A Liberty to follow my own Will in all things, where the Rule prescribes not; and not to be subject to the inconstant, uncertain, unknown, Arbitrary Will of another Man. As *Freedom of Nature* is to be under no other restraint but the Law of Nature.

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

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

§ 23 This paragraph invites comparison and contrast with Hobbes's *Leviathan*, chapter 20, especially pp. 142-3 (1904 edition). Hobbes did maintain that a man can enslave himself by compact and consent, because he can bargain away the power over his own life. Locke, however, seems to contradict himself in his last sentence by justifying indirect suicide; compare also II, § 6, 3-4; § 135, 9-12 (a parallel passage); and § 178, 5-6, note and reference. Elrington (1798) urges this against him, and also objects to 'the indefinite continuance of a right to take away the life of another'. Dunn, 1969 (i) (see especially footnote 2 on p. 108 and references) insists that Locke always respected the suicide taboo.

§ 24 1-8 See § 23 and compare § 85, 8-16. In gauging Locke's attitude to slavery it is worth bearing in mind that, as Leslie Stephen pointed out (1902, II, 139), the *Fundamental Constitutions of Carolina* provide that every freeman 'shall have absolute power and authority over his negro slaves' (ex); compare notes on I, § 130, 6, and I, § 144, 23. The Instructions to Governor Nicholson of Virginia, which Locke did so much to draft in 1698 (see Laslett, 1957 (i)), regard negro slaves as justifiably enslaved because they were captives taken in a just war,

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

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

CHAP. V.

Of PROPERTY.

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

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

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

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

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

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

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

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

9-16 Compare the *First Treatise*. Olivecrona, 1975, argues that the lines were put in later and the paragraph and chapter were written in ignorance of Filmer's position, a view which I cannot share: see next note.

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

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

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

to any particular Man. The Fruit, or Venison, which nourishes
the wild *Indian*, who knows no Inclosure, and is still a Tenant
in common, must be his, and so his, *i.e.* a part of him, that another
can no longer have any right to it, before it can do him any good 15
for the support of his Life.

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

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

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

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

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

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

§ 28 1-4 Compare Pufendorf, *De Jure Naturae*, 1672, iv, iv, 13, 'Quercus erat nullius: quae deciderant glandes ejus fiebant, qui legisset'. Gough, 1950, draws attention to this parallel, and to Blackstone's account of the clash between Locke on the one hand and both Pufendorf and Grotius on the other in their views on the origin of property. For in spite of the above coincidence about acorns, Pufendorf follows Grotius in assigning the origin of property to universal agreement, not labour. Barbeyrac, in his edition of Pufendorf's *De Jure Naturae*, registers his agreement with Locke's views on this matter, and maintains that Locke was the first to formulate it, earlier than the only other author he quotes, C. C. Titius of Leipzig (1661-1714). He also notes that Locke's discussion grew out of his refutation of Filmer: Barbeyrac, 1734, 1, 576-7. Barbeyrac corresponded with Locke (see Introduction, 75n), and no man in the early eighteenth century was in a generally better position than he to know about the relationship of his writings with the natural-law jurists and with the whole tradition of social and political theory.

16-26 Locke is using here the language of agrarian enclosure, the parceling out of the common fields of the traditional manor as private property, which was so marked a feature of English economic history in the sixteenth century, in his own

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

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

30. Thus this Law of reason makes the Deer, that *Indian's* who hath killed it; 'tis allowed to be his goods who hath bestowed his labour upon it, though before, it was the common right of every one. And amongst those who are counted the Civiliz'd part of Mankind, who have made and multiplied positive Laws to determine *Property*, this original Law of Nature for the *beginning of Property*, in what was before common, still takes place; and by virtue thereof, what Fish any one catches in the Ocean, that great and still remaining Common of Mankind, or what Ambergriese any one takes up here, is *by the Labour* that removes it out

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

§ 30 1-4 Compare i, § 86, 19-28, Tully, 1980, Wood, 1984.

Men from running into those gross mistakes, they have made, about this Power of Parents: which however it might, without any great harshness, bear the name of Absolute Dominion, and Regal Authority, when under the Title of *Paternal Power* it seem'd appropriated to the Father, would yet have sounded but oddly, and in the very name shewn the Absurdity, if this supposed Absolute Power over Children had been called *Parental*, and thereby have discover'd, that it belong'd to the *Mother* too; for it will but very ill serve the turn of those Men who contend so much for the Absolute Power and Authority of the *Fatherhood*, as they call it, that the *Mother* should have any share in it. And it would have but ill supported the *Monarchy* they contend for, when by the very name it appeared that that Fundamental Authority from whence they would derive their Government of a single Person only, was not plac'd in one, but two Persons jointly. But to let this of Names pass.

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

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

§ 54 1 'Chap. II'—a late correction from '(2)'. Originally, perhaps, a paragraph rather than a chapter reference, to what is now II, § 4; see note there. On the statements about equality, compare II, § 4, 6-16.

56. *Adam* was created a perfect Man, his Body and Mind in full possession of their Strength and Reason, and so was capable from the first Instant of his being to provide for his own Support and Preservation, and govern his Actions according to the Dictates of the Law of Reason which God had implanted in him. From him the World is peopled with his Descendants, who are all born Infants, weak and helpless, without Knowledge or Understanding. But to supply the Defects of this imperfect State, till the Improvement of Growth and Age hath removed them, *Adam* and *Eve*, and after them all *Parents* were, by the Law of Nature, under an obligation to preserve, nourish, and educate the Children, they had begotten, not as their own Workmanship, but the Workmanship of their own Maker, the Almighty, to whom they were to be accountable for them.

57. The Law that was to govern *Adam*, was the same that was to govern all his Posterity, the *Law of Reason*. But his Off-spring having another way of entrance into the World, different from him, by a natural Birth, that produced them ignorant and without the use of *Reason*, they were not presently under that Law: for no Body can be under a Law, which is not promulgated to him; and this Law being promulgated or made known by *Reason* only, he that is not come to the Use of his *Reason*, cannot be said to be under this Law; and *Adam's* Children being not presently as soon as born, under this Law of Reason were not presently free. For Law, in its true Notion, is not so much the Limitation as the direction of a free and intelligent Agent to his proper Interest, and prescribes no farther than is for the general Good of those under that Law. Could they be happier without it, the Law, as an useless thing would of it self vanish; and that ill deserves the Name of Confinement which hedges us in only from Bogs and Precipices. So that,

§ 56 4-5 Compare I, § 86, 19-20 and note.

12-13 Compare II, § 6, 10-14, note and references.

§ 57 This famous paragraph was apparently directed against Filmer, rather than Hobbes, in spite of the verbal resemblance noted under line 16. This is shown by the other details recorded here. Locke made niggling corrections to it, but none alters the sense.

1-10 The references to Adam and his posterity criticize Filmer, who had made all Adam's children subject to his will, and all children subject to the will of their fathers, reason or no reason. Compare II, § 60, and the seventh *Essay on the Law of Nature* (Von Leyden, 1954, 202-3).

16 Compare *Leviathan*, chapter 30: 'For the use of Lawes is . . . to direct and keep [the People] in such a motion, as not to hurt themselves. . . as Hedges are set, not to

please.† By which means every single person became subject, equally with other the meanest Men, to those Laws, which he himself, as part of the Legislative had established: nor could any one, by his own Authority, avoid the force of the Law, when once
 30 made, nor by any pretence of Superiority, plead exemption, thereby to License his own, or the Miscarriages of any of his Dependants. *No Man in Civil Society can be exempted from the Laws of it.*‡ For if any Man may do, what he thinks fit, and there be no Appeal on Earth, for Redress or Security against any harm he shall do;
 35 I ask, Whether he be not perfectly still in the State of Nature, and so can be *no part or Member of that Civil Society*: unless any one will say, the State of Nature and Civil Society are one and the same thing, which I have never yet found any one so great a Patron of Anarchy as to affirm.

C H A P. VIII.

Of the Beginning of Political Societies.

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

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

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

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

§ 95 Chapter VIII. This chapter clearly formed part of the original critique of Filmer, whose positions are cited and whose language is paraphrased; see notes on

Natural Liberty, and *puts on the bonds of Civil Society* is by agreeing 5 with other Men to joyn and unite into a Community, for their comfortable, safe, and peaceable living one amongst another, in a secure Enjoyment of their Properties, and a greater Security against any that are not of it. This any number of Men may do, because it injures not the Freedom of the rest; they are left as 10 they were in the Liberty of the State of Nature. When any number of Men have so *consented to make one Community* or Government, they are thereby presently incorporated, and make *one Body Politick*, wherein the *Majority* have a Right to act and conclude the rest.

96. For when any number of Men have, by the consent of every individual, made a *Community*, they have thereby made that *Community* one Body, with a Power to Act as one Body, which is only by the will and determination of the *majority*. For that which acts any Community, being only the consent of the indi- 5

§ 95, 9; § 98, 12-14; § 101, 23-5; § 103, 10-19; § 112, 8-12; § 114, 5-8; etc.; compare note on II, § 77, chapter VII. But it seems possible that §§ 100-22 were not written in the original composition, but added a little later, after the composition of the *First Treatise*, perhaps in the summer of 1681 when he seems to have added the quotations from Hooker (see note on § 111, 8), or even after that. The evidence for this is the fact that § 132 seems to follow on to § 99, and that chapter IX (§§ 123-31) is a still later addition, perhaps of 1689; see note there. There is no evidence to show that any part of this chapter VIII was written in 1689, though it is possible, of course, that these discontinuities came about through a much more radical rearrangement of the text in that year.

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

9 'any number of Men may do'—a contradiction of a very characteristic claim of Sir Robert Filmer's (see Laslett, 1949, 16) and it is against Filmer that Locke's arguments about majorities are formulated. Though it invites contrast with Hobbes's famous paragraph on 'The Generation of a Commonwealth' (*Leviathan*, chapter 17, 1904, 118-19), Filmer, not Hobbes, was in Locke's mind. Elrington (1798) objects to this that it is not a question of what men may do, but what they are 'under a direct obligation', moral obligation, to do, and to Locke's statement about majorities (line 15) that the numerical reasoning is fanciful; he makes power the foundation of right.

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

§ 96 The general relationship between Locke's views and those of George Lawson is well brought out by the similar content, but quite different demonstration, of their attitude to the majority principle. In his *Examination of Hobbes*, 1657, Lawson says that in all assemblies and societies, the major part concludes and determines the whole, to avoid confusion and dissension, and to preserve order (p. 25). A common source for both their views, and that of Tyrrell, could well have been the very well known discussion by Grotius, *De Jure Belli, Prolegomena* (1712, p. x), and II, v, 17.

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

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

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

§ 97 The effect, if not the sense and phraseology, of this paragraph is very close to that of Hobbes, *Leviathan*, chapter 18, headed *No man can without injustice protest against the Institution of the Sovereigne declared by the major part* (1904, 122). See note on II, § 98, 12-14.

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

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

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

100. To this I find two Objections made.

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

11 Martial, *Epigrammaton*, 1, Praef.:

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

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

12-14 A deliberate invocation of the language of Hobbes, clearly sarcastic and not intended as a critical comment on the theory of *Leviathan*, nor on any particular passage in it; see Introduction, 71. Locke and Hobbes were agreed on the necessity of the consent of the majority being taken for the act of the whole, and it was Filmer who denied it; see passages cited in note on II, § 95, 9. His defence of the majority principle against Filmer must be pronounced unsatisfactory, for he responded to the challenge to prove 'by some law of nature that the major part have the power to rule over the rest of the multitude' (Filmer, 82) by simply asserting that it is 'by the Law of Nature and Reason' (II, § 96, 16); compare Allen, 1928.

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

CHAP. IX.

Of the Ends of Political Society and Government.

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

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

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

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

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

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

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

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

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

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

the same point somewhat differently, with material possessions more to the forefront: 'But the pravity of mankind being such that they had rather injuriously prey upon the fruits of another mans labours (alieno labore partis frui) than take pains to provide for themselves, the necessity of preserving men in the possession of what honest industry has already acquired, and also of preserving their liberty and strength, whereby they may acquire what they further want, obliges men to enter into society one with another (ideo homini parta, ut opes et facultates; vel ea quibus parantur, ut corporis libertatem et robur, tuendi gratia, ineunda est cum aliis societas) that by mutual assistance and joint force they may secure unto each other their properties, in the things that contribute to the comfort and happiness of this life (ut mutuo auxilio et junctis viribus harum rerum ad vitam utilium sua cuique privata et secunda sit possessio)' (Klibansky and Gough, 1968, 124). Compare Macpherson, 1951, 551.

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

§ 125 1-3 Compare II, § 136, 8.

3-4 Compare II, § 7.

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

127. Thus Mankind, notwithstanding all the Priviledges of the State of Nature, being but in an ill condition, while they remain in it, are quickly driven into Society. Hence it comes to pass, that we seldom find any number of Men live any time together in this State. The inconveniencies, that they are therein exposed to, by the irregular and uncertain exercise of the Power every Man has of punishing the transgressions of others, make them take Sanctuary under the establish'd Laws of Government, and therein seek *the preservation of their Property*. 'Tis this makes them so willingly give up every one his single power of punishing to be exercised by such alone as shall be appointed to it amongst them; and by such Rules as the Community, or those authorised by them to that purpose, shall agree on. And in this we have the original *right and rise* of both *the Legislative and Executive Power*, as well as of the Governments and Societies themselves.

128. For in the State of Nature, to omit the liberty he has of innocent Delights, a Man has two Powers.

The first is to do whatsoever he thinks fit for the preservation of himself and others within the permission of the *Law of Nature*: by which Law common to them all, he and all the rest of *Mankind are one Community*, make up one Society distinct from all other Creatures. And were it not for the corruption, and vitiousness of degenerate Men, there would be no need of any other; no necessity that Men should separate from this great and natural Community, and by positive agreements combine into smaller and divided associations.

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

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

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

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

2, 5 Elrington, 1798, comments here that a man is bound to give up this power: he is compelled by the law of nature itself to quit the state of nature, and he can lose no liberty by it, since this would imply that civil law was distinct from natural law.

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

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

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

§ 131 12-21 These statements, especially lines 12-14, seem likely to be a reference to the actions of James II and the view he took of his position, for they are less appropriate than his other political judgments to the actions of Charles II. This may mark this paragraph, and indeed the whole chapter, as an insertion of 1689; see note on II, § 123, chapter IX, and compare Abrams' note on *English Tract* of 1660, p. 19.

CHAP. X.

Of the Forms of a Common-wealth.

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

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

10-12 Compare II, § 106, 16-18.

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

19-24 Compare II, § 150.

133. By *Common-wealth*, I must be understood all along to mean, not a Democracy, or any Form of Government, but any *Independent Community* which the *Latines* signified by the word *Civitas*, to which the word which best answers in our Language, is *Common-wealth*, and most properly expresses such a Society of Men, which
 5 Community or City in *English* does not, for there may be Subordinate Communities in a Government; and City amongst us has a quite different notion from *Common-wealth*: And therefore to avoid ambiguity, I crave leave to use the word *Commonwealth* in that sense, in which I find it used by King *James the First*, and
 10 I take it to be its genuine signification; which if any Body dislike, I consent with him to change it for a better.

CHAP. XI.

Of the Extent of the Legislative Power.

134. THE great end of Mens entering into Society, being the enjoyment of their Properties in Peace and Safety, and the great instrument and means of that being the Laws establish'd in that Society; the *first and fundamental positive Law* of all Commonwealths, is the *establishing of the Legislative Power*; as the *first and*
 5

§ 133 2-3 Compare 'that great LEVIATHAN called a COMMON-WEALTH OR STATE (in latine CIVITAS)' (1904, XVIII), perhaps a re-echo, perhaps a coincidence; see II, § 212 and note.

10 'King James the First'—1st edition, 'by K. James himself', changed in 1694. This is a striking indication that he wrote this passage before the accession of James II in 1685, see Introduction, 54, compare a second instance in II, § 200, 3, and 'either of our Queens' in I, § 47, 25. Locke is probably referring to the speeches of 1603 and 1609 quoted in II, § 200, for 'Commonwealth' occurs in both (II, § 200, 5 and 31). He quotes a maxim of 'King James', i.e. James I, in a letter of 17 March 1684 (de Beer, 2, 612).

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

1-11 Compare the very similar passage in Locke's *Epistola de Tolerantia*, 1689, translated thus by Popple in the *Letter concerning Toleration* (*Works*, 1801, VI, 43). 'This is the

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

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

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

original, this is the use, and these are the bounds of the legislative, which is the supreme power in every commonwealth. I mean, that provision may be made for the security of each man's private possessions; for the peace, riches, and public commodities of the whole people; and, as much as possible, for the increase of their inward strength, against foreign enemies.' On the priority of the legislative, compare II, § 212, especially lines 16 and 17: in the Latin treatise on the civil magistrate (1661) Locke insists that the supreme power is always in the legislative, see page 12.

17 Reference sign for Hooker quotations inserted by editor; see note on II, § 74, 15. Passages in Keble, 1856, II, 307-8, Locke's 1676 edition, 87-8, fairly exactly quoted. Molyneux (1698) cites the first part of this passage to exactly the same effect as Locke.

do allow; it being ridiculous to imagine one can be tied ultimately to *obey any Power* in the Society, which is not *the Supream*.

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

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

† *Two Foundations there are which bear up publick Societies, the one a natural inclination, whereby all Men desire sociable Life and Fellowship; the other an Order, expressly or secretly agreed upon, touching the manner of their union in living together; the latter is that which we call the Law of a Common-weal, the very Soul of a Politick Body, the parts whereof are by Law animated, held together, and set on work in such actions as the common good requireth. Laws politick, ordain'd for external order and regiment amongst Men, are never framed as they should be, unless presuming the will of Man to be inwardly obstinate, rebellious, and averse from all Obedience to the sacred Laws of his Nature; in a word, unless presuming Man to be in regard of his depraved Mind, little better than a wild Beast, they do accordingly provide notwithstanding, so to frame his outward Actions, that they be no hindrance unto the common good, for which Societies are instituted. Unless they do this they are not perfect.* Hooker's *Eccl. Pol. I. 1. Sect. 10.*

§ 135 11-12 Compare II, § 6, 18-19: the two paragraphs are quite close in sentiment and expression.

17-23 Compare *Third Letter on Toleration* (1692), (*Works*, 1801, VI, 214): 'The power that is in the civil sovereign is the force of all the subjects of the commonwealth, which supposing it sufficient for other ends, than the preserving the members of the

cease not in Society, but only in many Cases are drawn closer, and
 25 have by Humane Laws known Penalties annexed to them, to
 inforce their observation. Thus the Law of Nature stands as an
 Eternal Rule to all Men, *Legislators* as well as others. The *Rules*
 that they make for other Mens Actions, must, as well as their own
 and other Mens Actions, be conformable to the Law of Nature,
 30 *i.e.* to the Will of God, of which that is a Declaration, and the
fundamental Law of Nature being *the preservation of Mankind*, no
 Humane Sanction can be good, or valid against it.

136. *Secondly*, The *Legislative*, or Supream Authority, cannot
 assume to its self a power to Rule by extemporary Arbitrary
 Decrees, † *but is bound to dispense Justice*, and decide the Rights of
 the Subject by *promulgated standing Laws, and known Authoris'd Judges*.
 5 For the Law of Nature being unwritten, and so no where to be
 found but in the minds of Men, they who through Passion or
 Interest shall mis-cite, or misapply it, cannot so easily be convinced
 of their mistake where there is no establish'd Judge: And so it

† *Humane Laws are measures in respect of Men, whose actions they must direct, howbeit such measures they are as have also their higher Rules to be measured by, which Rules are two, the Law of God, and the Law of Nature; so that Laws Humane must be made according to the general Laws of Nature, and without contradiction to any positive Law of Scripture, otherwise they are ill made.* Ibid. l. 3. Sect. 9.

To constrain Men to any thing inconvenient doth seem unreasonable. Ibid. l. 1. Sect. 10.

commonwealth in peace from injury and violence: yet if those who gave him that
 power, limited the application of it to that sole end, no opinion of any other benefits
 attainable by it can authorize him to use it otherwise.'

§ 135 23 Reference sign for Hooker quotation inserted by editor; see note on II,
 § 74, 15. See Keble's *Hooker*, 1836, I, 299, Locke's 1676 edition, 85, coming just after
 the passage quoted in II, § 15, 3-13, and fairly exactly transcribed.

23-6 Compare II, § 12, 16-19, note and references.

§ 136 5-7 Compare II, § 124, 8-12.

3 Reference sign for Hooker quotations inserted by editor; see note on II, § 74,
 15. The first passage is found on vol. 1, p. 483 of Keble's *Hooker* and p. 142 of Locke's
 1676 edition. It is the only reference to any book of the *Ecclesiastical Polity* other than
 the 1st and the Preface: it is one of the few indications in any Locke context which
 shows that he ever got further than the 1st Book—see Introduction, 56. It is the
 more remarkable, then, that the passage is acknowledged by Hooker to be a quotation
 from Aquinas, *Summa Theologiae*, I, II, 95, Conclusio (1624, 624 B) Quaest. 95 Art. 3,
 where these words are found: 'Lex autem humana . . . est quaedam regula vel mensura
 regulata vel mensurata quaedam superiori mensura; quae quidem est duplex,
 scilicet divina lex, et lex naturae.' The second passage comes from Keble, I, 306, and
 1676, 87: both are quoted with insignificant variations.

8 Compare II, § 125, 1-3: Locke is here recapitulating what he had written
 there.

serves not, as it ought, to determine the Rights, and fence the
 Properties of those that live under it, especially where every one 10
 is Judge, Interpreter, and Executioner of it too, and that in his
 own Case: And he that has right on his side, having ordinarily
 but his own single strength, hath not force enough to defend
 himself from Injuries, or to punish Delinquents. To avoid these
 Inconveniencies which disorder Mens Properties in the state of 15
 Nature, Men unite into Societies, that they may have the united
 strength of the whole Society to secure and defend their Properties,
 and may have *standing Rules* to bound it, by which every one may
 know what is his. To this end it is that Men give up all their 20
 Natural Power to the Society which they enter into, and the
 Community put the Legislative Power into such hands as they
 think fit, with this trust, that they shall be govern'd by *declared*
Laws, or else their Peace, Quiet, and Property will still be at the
 same uncertainty, as it was in the state of Nature.

137. Absolute Arbitrary Power, or Governing without *settled*
standing Laws, can neither of them consist with the ends of Society
 and Government, which Men would not quit the freedom of the
 state of Nature for, and tie themselves up under, were it not to
 preserve their Lives, Liberties and Fortunes; and by *stated Rules* 5
 of Right and Property to secure their Peace and Quiet. It cannot
 be supposed that they should intend, had they a power so to do,
 to give to any one, or more, an *absolute Arbitrary Power* over their
 Persons and Estates, and put a force into the Magistrates hand to
 execute his unlimited Will arbitrarily upon them: This were to 10
 put themselves into a worse condition than the state of Nature,
 wherein they had a Liberty to defend their Right against the
 Injuries of others, and were upon equal terms of force to maintain
 it, whether invaded by a single Man, or many in Combination.
 Whereas by supposing they have given up themselves to the 15
absolute Arbitrary Power and will of a Legislator, they have disarmed
 themselves, and armed him, to make a prey of them when he
 pleases. He being in a much worse condition who is exposed to

§ 137 This argument is irrelevant to Filmer, since he had denied the possibility of
 a state of nature, though Locke consistently overlooks this position, one of the
 strong points of patriarchalism. It is, however, relevant to Hobbes, and even recalls
 Filmer's own criticisms of Hobbes, 239-50, though not exactly tied to any Hobbesian
 proposition. This is typical of the Hobbes/Locke relationship—see Introduction,
 67-78.

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

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

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

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

§ 222 1-16 Compare II, § 135.

1-2 Compare II, § 138, 3-4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11-15 Compare II, § 137, 10-14.

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

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

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

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

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

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

§ 228 20-8 See the *Odyssey*, Book ix.

§ 230 1-10 Compare II, § 208.

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

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

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

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

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

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

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

§ 231 7-10 Compare II, § 202, 26-31.

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

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