

The Second Treatise of Government

John Locke

A biography of John Locke appears on p. 155.

This reading is from Locke's *Second Treatise of Government*, the treatise following the one in which he criticizes Robert Filmer's defense of the divine right of kings. Locke begins the *Second Treatise* by describing the "state of nature"—the condition that human beings are in before there is any government. People are free to do whatever they wish, provided their actions do not violate the "law of nature." The law of nature forbids harming others or taking their property, except as a way of punishing those who have broken the law of nature. (According to Locke, any transgressor of the law of nature may be punished by anyone.) Positively, the law of nature requires that a person preserve his or her own life and (except when doing so conflicts with self-preservation) the lives of others. People remain in this state of nature "till by their own consents they make themselves members of some politic society."

Political society arises when, through a "social contract," individuals transfer to the community their power to punish transgressors of the law of nature. Members of the community agree to abide by the decisions of the majority. The primary motive for people forming a political society, Locke explains, is to establish a fairer and more reliable way of preserving their property. Anticipating the objection that most people are born into a political society and do not formally enter into a social contract, Locke explains that consent can be tacit as well as explicit. In the final section, he shows how a social contract can be dissolved from without, by foreign conquest, or from within, when the rulers alter the legislature or abuse "the lives, liberties, or fortunes of the people."

CHAPTER II. OF THE STATE OF NATURE

To understand political power aright and derive it from its original,¹ 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, promiscuously² born to all the same advantages of nature and the use of the same faculties, should also be equal one among 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. . . .

¹original: origin. [D. C. ABEL]

²promiscuously: diversely. [D. C. ABEL]

But though this be a state of *liberty*, yet it is not a state of *license*. Though man in that state have an uncontrollable liberty to dispose of his person or possessions, yet he has not liberty to destroy himself, or so much as any creature in his possession, but where some nobler use than its bare preservation calls for it. The *state of nature* has a law of nature to govern it, which obliges everyone. And reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions. For men, being all the workmanship of one omnipotent and infinitely wise maker, all the servants of one sovereign master, sent into the world by his order, and about his business—they are his property, whose workmanship they are, made to last during his, not one another's pleasure. And being furnished with like faculties, sharing all in one community of nature, there cannot be supposed any such subordination among us that may authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of creatures are for ours. Everyone, as he is bound to preserve himself and not to quit³ his station willfully, so by the like reason, when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind and may not, unless it be to do justice on an offender, take away or impair the life, or what tends to the preservation of the life, the liberty, health, limb, or goods of another.

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 wills the peace and preservation of all mankind, the execution of the law of nature is, in that state, put into every man's hands, whereby everyone has a right to punish the transgressors of that law to such a degree as may hinder its violation. For the law of nature would, as all other laws that concern men in this world, be in vain if there were nobody that in the state of nature had a power to execute that law and thereby preserve the innocent and restrain offenders. And if *anyone* in the state of nature may punish another for any evil he has done, *everyone* 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, everyone must needs⁴ have a right to do.

And thus, in the state of nature one man comes by a power over another, but yet no absolute or arbitrary power to use⁵ 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 dictate, what is proportionate to his transgression, which is so much as may serve for reparation and restrain—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

³*quit*: depart from. [D. C. ABEL]

⁴*needs*: necessarily. [D. C. ABEL]

⁵*use*: treat. [D. C. ABEL]

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 has to preserve mankind in general, may restrain—or where it is necessary, destroy—things noxious to them, and so may bring such evil on anyone who has 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 has a right to punish the offender and be executioner of the law of nature. . . .

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 has received any damage, has, besides the right of punishment common to him with other men, a particular right to seek reparation from him that has done it. And any other person who finds it just may also join with him that is injured and assist him in recovering from the offender so much as may make satisfaction for the harm he has suffered.

From these two distinct rights, the one of *punishing* the crime for restraint and preventing the like offense, which right of punishing is in everybody, the other of *taking reparation*, which belongs only to the injured party, comes it to pass that the magistrate, who by being magistrate has the common right of punishing put into his hands, can often, where the public good demands not the execution of the law, remit the punishment of criminal offenses by his own authority, but yet cannot remit the satisfaction due to any private man for the damage he has received. That [satisfaction], he who has suffered the damage has a right to demand in his own name, and he alone can remit. The *damnfied*⁶ 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 everybody; and also to secure men from the attempts of a criminal, who having renounced reason (the common rule and measure God has given to mankind), has, by the unjust violence and slaughter he has committed upon one, declared war against all mankind and therefore may be destroyed as a lion or a tiger, one of those wild savage beasts with whom men can have no society nor security. And upon this is grounded that great law of nature, "Whoso sheds man's blood, by man shall his blood be shed." And Cain was so fully convinced that everyone had a right to destroy such a criminal, that after the murder of his brother, he cries out, "Everyone that finds me shall slay me"⁷—so plain was it writ in the hearts of all mankind.

⁶*damnfied*: having suffered damage. [D. C. ABEL]

⁷Genesis 4:14. [D. C. ABEL]

By the same reason may a man in the state of nature *punish the lesser breaches* of that law. It will perhaps be demanded,⁸ with death? I answer, each transgression may be punished to that degree, and with so much severity, as will suffice to make it an ill bargain to the offender, give him cause to repent, and terrify others from doing the like. . . .

It is often asked as a mighty objection, "Where are, or ever were there, any men in such a state of nature?" To which it may suffice as an answer at present, that since all princes and rulers of independent governments all through the world are in a state of nature, it is plain the world never was, nor ever will be, without numbers of men in that state. I have named all governors of independent communities, whether they are or are not in league with others—for it is not every compact that puts an end to the state of nature between men, but only this one of agreeing together mutually to enter into one community and make one body politic. 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,⁹ and so on, between the two men in the desert¹⁰ island, mentioned by Garcilaso de la Vega¹¹ in his history of Peru, or between a Swiss and an Indian in the woods of America, are binding to them, though they are perfectly in a state of nature, in reference to one another—for truth and keeping of faith belongs to men as men, and not as members of society.

To those that say, there were never any men in the state of nature, I . . . affirm that all men are naturally in that state and remain so, till by their own consents they make themselves members of some politic society. . . .

CHAPTER V. OF PROPERTY

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 us an account of those grants God made of the world to Adam and to Noah and his sons, it is very clear that God, as King David says (Psalms 115:16), "has given the earth to the children of men"—given it to mankind in common. . . .

God, who has given the world to men in common, has also given them reason to make use of it to the best advantage of life, and convenience. The earth and all that is therein is given to men for the support and comfort of their being. And though all the fruits it naturally produces and beasts it feeds belong to mankind in common, as they are produced by the spontaneous hand of nature; and nobody has originally a private dominion, exclusive of the rest of mankind, in any of them, as they are thus in their natural state: yet being given for the use of men, there must of necessity be a means to appropriate them some way or other, before they can be of any use or at all beneficial to any particular man. The

⁸*demanded*: asked. [D. C. ABEL]

⁹*truck*: barter. [D. C. ABEL]

¹⁰*desert*: desolate. [D. C. ABEL]

fruit or venison which nourishes the wild Indian, who knows no enclosure and is still a tenant in common, must be his, and so his (that is, a part of him) that another can no longer have any right to it, before it can do him any good for the support of his life.

Though the earth and all inferior creatures be common to all men, yet every man has a property in his own person—this nobody has any right to but himself. The labor of his body and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature has provided and left it in, he has mixed his labor with, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state nature has placed it in, it has by this labor something annexed to it that excludes the common right of other men. For this labor being the unquestionable property of the laborer, no man but he can have a right to what that is once joined to, at least where there is enough, and as good, left in common for others.

He that is nourished by the acorns he picked up under an oak, or the apples he gathered from the trees in the wood, has certainly appropriated them to himself. Nobody can deny but the nourishment is his. I ask then, when did they begin to be his? When he digested? or when he ate? or when he boiled? or when he brought them home? or when he picked them up? And it is plain, if the first gathering made them not his, nothing else could. That labor 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 anyone 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 so by compact, that it is 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 dug in any place, where I have a right to them in common with others, become my property, without the assignation or consent of anybody. The labor that was mine, removing them out of that common state they were in, has fixed my property in them. . . .