

CHAP. IV.

Of SLAVERY.

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

Freedom - not
; body from Law
- rather, to live
under a Law
- common to all.

§ 22 Chapter iv There is positive evidence for this chapter, as distinct from presumption in the case of chapters ii and iii, of composition in 1679 (see note on lines 8-9 below) and of revision in 1689.

¹ At this point sheet R begins in the 1st edition; compare notes on ii, § 8, 6: there are no further obvious printing peculiarities after this point in the 1st edition. 8-9 'what Sir R. F. tells us, O.A. 55'. The only reference to Filmer's works in the *Second Treatise*, though his name is mentioned at ii, § 1, 28 and ii, § 61, 14. The statement is repeated in ii, § 57, 21-2; see note there and on ii, § 236. It is one of the many signs that this work, as well as the *First Treatise*, was written with the object of refuting Filmer, in particular against his tracts, whilst the *First* was written against *Patriarcha*. In the Introduction, 58-61 this anomalous form of reference to Filmer—it will be seen to be quite different from that used in the *First Treatise*—is taken as one of the indications that the *Second Treatise* was written in 1679-80 in some form, and as the clue to the priority in writing of the *Second* to the *First* though Ashcraft disagrees. The entry in Locke's *Tablet* which makes it possible to guess the time of writing of this paragraph is relevant. It refers to a passage in Filmer's *Forms* (Laslett's edition, 2:6): 'amongst all them that plead the necessity of the consent of the people, none hath ever touched upon these so necessary doctrines [that is, of the manner of obtaining it]; it is a task it seems too difficult, otherwise surely it would not have been neglected, considering how necessary it is to resolve the conscience, touching the manner of the peoples passing their consent'.

Such, then, was the statement which Locke had in mind when he wrote in his *Tablet* 'Filmer to resolve the conscience' and went on to compose this part of the *Second Treatise*. The same point about law and freedom appears also in his *Essay concerning Humane Understanding*, iv, iii, 18: "No government allows absolute liberty." The idea of government being the establishment of society upon certain rules or laws which require conformity to them; and the idea of absolute liberty being for any one to do whatever he pleases; I am as capable of being certain of the truth of this proposition as of any in mathematics' (Niddlich, ed., 550)—see Introduction, 83. Elrington (1798) is disturbed by the implications of this paragraph and finds it contradictory. He concludes that the great *desideratum* is an agreed definition of liberty: 'Whether Locke has given such a definition the reader will judge.'

John Locke, Second Treatise of Government
(1689)

10 O. A. 55 [224]. *A Liberty for every one to do what he lists, to live as he*
pleases, and not to be tied 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,
 15 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 neces-
 sary 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,
 3 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
 10 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
 15 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 11, § 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 1, § 130, 6, and 1, § 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 agree-
 ment, 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*,
 10 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
 15 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.

CHAPTER 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 Tyrrel,
 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 11, § 38, 9-11, etc. Oliverson 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 1, § 87, 14-15, and 1, § 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,
 it seems to some a very great difficulty, how any one should ever
 10 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,
 should have any *Property*, upon a supposition, that God gave the
 15 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 *Psalim cxy* is cited in I, § 31 as part of a reference to Filmer's case.

9-16 Compare the *First Treatise*. Oliverson, 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 *Epiriola Dedicataria 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 *liber* 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, 14-5; see Schlatter, 1957, 39, and compare passage from Baxter's *Holy Commonwealth*, cited by Gough, 1950, 80).

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

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

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

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

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

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

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

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

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

of that common state Nature left it in, *made* his *Property* who takes that pains about it. And even amongst us the Hare that any one is Hunting, is thought his who pursues her during the Chase. For being a Beast that is still looked upon as common, and no Man's private Possession; whoever has employ'd so much *labour* about any of that kind, as to find and pursue her, has thereby removed her from the state of Nature, wherein she was common, and hath *begun a Property*.

31. It will perhaps be objected to this, That if gathering the Acorns, or other Fruits of the Earth, &c. makes a right to them, then any one may *ingross* as much as he will. To which I Answer, Not so. The same Law of Nature, that does by this means give us Property, does also *bound* that *Property* too. *God has given us all things richly*, 1 Tim. vi. 17. is the Voice of Reason confirmed by Inspiration. But how far has he given it us? *To enjoy*. As much as any one can make use of to any advantage of life before it spoils; so much he may by his *labour* fix a *Property* in. Whatever is beyond this, is more than his share, and belongs to others. Nothing was made by God for Man to spoil or destroy. And thus considering the plenty of natural Provisions there was a long time in the World, and the few spenders, and to how small a part of that provision the industry of one Man could extend it self, and ingross it to the prejudice of others; especially keeping within the *bounds*, set by reason of what might serve for his *use*; there could be then little room for Quarrels or Contentions about Property so establish'd.

32. But the *chief matter of Property* being now not the Fruits of the Earth, and the Beasts that subsist on it, but the *Earth it self*; as that which takes in and carries with it all the rest: I think it is plain, that *Property* in that too is acquired as the former. *As much Land* as a Man tills, Plants, Improves, Cultivates, and can use the Product of, so much is his *Property*. He by his Labour does,

§ 31 6 Compare I, § 40, 19-20.

§ 32 1-7 Tyrell extends the labour theory to the possession of land in the same way as Locke, but with the same difference. Labour confirms a man's property in what he rightfully possesses, "since the owner hath possessed himself of this land, and bestowed his Labour and Industry upon it" no man can take it away (1681, 112, and pagination). See note on I, § 27.

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

as it were, inclose it from the Common. Nor will it invalidate his right to say, Every body else has an equal Title to it; and therefore he cannot appropriate, he cannot inclose, without the Consent of all his Fellow-Commoners, all Mankind. God, when he gave the World in common to all Mankind, commanded Man also to labour, and the penury of his Condition required it of him. God and his Reason commanded him to subdue the Earth, *i.e.* improve it for the benefit of Life, and therein lay out something upon it that was his own, his labour. He that in Obedience to this Command of God, subdued, tilled and sowed any part of it, thereby annexed to it something that was his *Property*, which another had no Title to, nor could without injury take from him.

33. Nor was this *appropriation* of any parcel of *Land*, by improving it, any prejudice to any other Man, since there was still enough, and as good left; and more than the yet unprovided could use. So that in effect, there was never the less left for others because of his inclosure for himself. For he that leaves as much as another can make use of, does as good as take nothing at all. No Body could think himself injur'd by the drinking of another Man, though he took a good Draught, who had a whole River of the same Water left him to quench his thirst. And the Case of Land and Water, where there is enough of both, is perfectly the same.

34. God gave the World to Men in Common; but since he gave it them for their benefit, and the greatest Conveniencies of Life they were capable to draw from it, it cannot be supposed he meant it should always remain common and uncultivated. He gave it to the use of the Industrious and Rational, (and *Labour* was to be *his Title* to it;) not to the Fancy or Covetousness of the Quarrelsome and Contentious. He that had as good left for his Improvement, as was already taken up, needed not complain, ought not to meddle with what was already improved by another's Labour: If he did, 'tis plain he desired the benefit of another's Pains, which he had no right to, and not the Ground which God had given him in common with others to labour on, and whereof there was as good left, as that already possessed, and more than he knew what to do with, or his Industry could reach to.

CHAP. IX.

Of the Ends of Political Society and Government.

123. I F 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, #

§ 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 *lex clarior* 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 Toleratione* 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 biased 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 fruit) 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 paria, ut opes et facultates; vel ea quibus parantur, ut corporis libertatem et robur, tuendi gratia, ineunda est cum aliis societas) that by mutual assistance and joint force they may secure unto each other their properties, in the things that contribute to the comfort and happiness of this life (ut mutuo auxilio et junctis viribus harum rerum ad vitam utilium sua cuique privata et secura sit possessio)' (Klibansky and Gough, 1968, 124). Compare Macpherson, 1951, 551.

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

§ 125 1-3 Compare II, § 136, 8.

3-4 Compare II, § 7.

4-5 The mention of 'Passion' recalls Hobbes, *Leviathan*, chapter 17 (1904, 115, etc.), and the insistence on partiality recalls Hooker (1836, I, 303, 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 Privileges 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 Elkington, 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 supposed 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.