

SECOND TREATISE OF GOVERNMENT

(1689)

John Locke (1632–1704) is one of the most influential political theorists in Western history. His *Two Treatises of Government* not only inspired the English tradition of parliamentary democracy, but influenced the French Enlightenment through the writing of Montesquieu and most famously became the foundation for the American Declaration of Independence and Constitution. Locke was educated at Oxford after which he became a physician. His early intellectual endeavors were devoted to science and he was elected to the Royal Society in 1668. In the employ of the earl of Shaftesbury, Locke wrote an *Essay Concerning Toleration* (1667) which argued for the peaceful coexistence of diverse religious groups in England. He wrote his most important philosophical work, *Essay Concerning Human Understanding* (1689) while recovering his health in France. Locke was actively engaged in domestic politics during the reign of Charles II and he wrote his *Two Treatises on Government* during the Exclusion Crisis (1679–81) to defend the principles that government originated in the consent of the governed and for their benefit alone. His account of an idyllic state of nature from which man emerged voluntarily to form companionable society was in sharp contrast to the brutal state of nature theorized by Hobbes. Locke was associated with the Whig party in England and he followed Lord Shaftesbury into self-imposed exile in Holland after the accession of James II returning only after the Revolution of 1688. He served briefly in the government of William III, mostly as a financial advisor, but ill health limited his public career. Locke died in 1704.

The *Second Treatise of Government* (1689) is one of the enduring works of political theory in the western tradition. Although it was written in 1681 as a polemical tract, Locke attempted to prove his ideas about the nature of government by returning first principles and stating them in simple, didactic terms. In this section on the Beginning of Political Society Locke demonstrates how a political nation came into existence and how it was ruled by the will of the majority.

§ 87. Man being born, as has been proved, with a title to perfect freedom, and uncontrolled enjoyment of all the rights and privileges of the law of nature, equally with any other man, or number of men in the world, hath by nature a power, not only to preserve his property, that is, his life, liberty, and estate, against the injuries

and attempts of other men; but to judge of and punish the breaches of that law in others, as he is persuaded the offence deserves, even with death itself, in crimes where the heinousness of the fact, in his opinion, requires it. But because no political society can be, nor subsist, without having in itself the power to preserve the prop-

erty, and, in order thereunto, punish the offences of all those of that society; there and there only is political society, where every one of the members hath quitted his natural power, resigned it up into the hands of the community in all cases that excludes him not from appealing for protection to the law established by it. And thus all private judgment of every particular member being excluded, the community comes to be umpire by settled standing rules, indifferent, and the same to all parties; and by men having authority from the community, for the execution of those rules, decides all the differences that may happen between any members of that society concerning any matter of right; and punishes those offences which any member hath committed against the society, with such penalties as the law has established, whereby it is easy to discern, who are, and who are not, in political society together. Those who are united into one body, and have a common established law and judicature to appeal to, with authority to decide controversies between them, and punish offenders, are in civil society one with another; but those who have no such common appeal, I mean on earth, are still in the state of nature, each being, where these is no other, judge for himself, and executioner; which is, as I have before showed, the perfect state of nature.

§ 88. And thus the commonwealth comes by a power to set down what punishment shall belong to the several transgressions which they think worthy of it, committed amongst the members of that society, (which is the power of making laws) as well as it has the power to punish any injury done unto any of its members, by any one that is not of it, (which is the power of war and peace,) and all this for the preservation of the property of all the members of that society, as far as is possible. But though every man who has entered into civil society, and is become a member of any commonwealth, has thereby quitted his power to punish offences against the law of nature, in prosecution of his own private judgment; yet with the judgment of offences, which he has given up to the legislative in all

cases, where he can appeal to the magistrate, he has given a right to the commonwealth to employ his force, for the execution of the judgments of the commonwealth, whenever he shall be called to it; which indeed are his own judgments, they being made by himself, or his representative. And herein we have the original of the legislative and executive power of civil society, which is to judge by standing laws, how far offences are to be punished, when committed within the commonwealth; and also to determine, by occasional judgments founded on the present circumstances of the fact, how far injuries from without are to be vindicated; and in both these to employ all the force of all the members, when there shall be need.

§ 89. Whenever therefore any number of men are so united into one society, as to quit every one his executive power of the law of nature, and to resign it to the public, there and there only is a political, or civil society. And this is done, wherever any number of men, in the state of nature, enter into society to make one people, one body politic, under one supreme government; or else when any one joins himself to, and incorporates with any government already made: for hereby he authorizes the society, or, which is all one, the legislative thereof, to make laws for him, as the public good of the society shall require; to the executive whereof, his own assistance (as to his own degrees) is due. And this puts men out of a state of nature into that of a commonwealth, by setting up a judge on earth, with authority to determine all the controversies, and redress the injuries that may happen to any member of the commonwealth: which judge is the legislative, or magistrate appointed by it. And wherever there are any number of men, however associated, that have no such decisive power to appeal to, there they are still in the state of nature.

§ 90. Hence it is evident, that absolute monarchy, which by some men is counted the only government in the world, is indeed inconsistent with civil society, and so can be no form of civil government at all; for the end of civil society

being to avoid and remedy these inconveniencies of the state of nature, which necessarily follow from every man being judge in his own case, by setting up a known authority, to which every one of that society may appeal upon any injury received, or controversy that may arise, and which every one of the society ought to obey; wherever any persons are, who have not such an authority to appeal to for the decision of any difference between, there those persons are still in the state of nature; and so is every absolute prince, in respect of those who are under his dominion.

§ 91. For he being supposed to have all, both legislative and executive power in himself alone, there is no judge to be found, no appeal lies open to any one, who may fairly, and indifferently, and with authority decide, and from whose decision relief and redress may be expected of any injury or inconveniency that may be suffered from the prince, or by his order: so that such a man, however intitled, czar, or grand seignior, or how you please, is as much in the state of nature, with all under his dominion, as he is with the rest of mankind: for wherever any two men are, who have no standing rule, and common judge to appeal to on earth, for the determination of controversies of right betwixt them, there they are still in the state of nature, and under all the inconveniencies of it, with only this woful difference to the subject, or rather slave of an absolute prince; that whereas in the ordinary state of nature he has a liberty to judge of his right, and, according to the best of his power, to maintain it; now, whenever his property is invaded by the will and order of his monarch, he has not only no appeal, as those in society ought to have, but, as if he were degraded from the common state of rational creatures, is denied a liberty to judge of, or to defend his right; and so is exposed to all the misery and inconveniencies, that a man can fear from one, who being in the unrestrained state of nature, is yet corrupted with flattery, and armed with power.

§ 92. For he that thinks absolute power purifies men's blood, and corrects the baseness

of human nature, need read but the history of this or any other age, to be convinced of the contrary. He that would have been so insolent and injurious in the woods of America, would not probably be much better in a throne; where perhaps learning and religion shall be found out to justify all that he shall do to his subjects, and the sword presently silence all those that dare question it: for what the protection of absolute monarchy is, what kind of fathers of their countries it makes princes to be, and to what a degree of happiness and security it carries civil society, where this sort of government is grown to perfection; he that will look into the late relation of Ceylon, may easily see.

§ 93. In absolute monarchies, indeed, as well as other governments of the world, the subjects have an appeal to the law, and judges to decide any controversies, and restrain any violence that may happen betwixt the subjects themselves, ~~one~~ amongst another. This every one thinks necessary, and believes he deserves to be thought a declared enemy to society and mankind, who should go about to take it away. But whether this be from a true love of mankind and society, and such a charity as we all owe one to another, there is reason to doubt: for this is no more than what every man, who loves his own power, profit, or greatness, may and naturally must do, keep those animals from hurting, or destroying one another, who labour and drudge only for his pleasure and advantage; and so are taken care of, not out of any love the master has for them, but love of himself, and the profit they bring him: for if it be asked, what security, what fence is there, in such a state, against the violence and oppression of this absolute ruler? the very question can scarce be borne. They are ready to tell you, that it deserves death only to ask after safety. Betwixt subject and subject, they will grant, there must be measures, laws, and judges, for their mutual peace and security: but as for the ruler he ought to be absolute, and is above all such circumstances; because he has power to do more hurt and wrong, it is right when he does it. To ask how you may be guarded from harm, injury, on that

side where the strongest hand is to do it, is presently the voice of faction and rebellion: as if when men quitting the state of nature entered into society, they agreed that all of them but one should be under the restraint of laws, but that he should still retain all the liberty of the state of nature, increased with power, and made licentious by impunity. This is to think, that men are so foolish, that they take care to avoid what mischiefs may be done them by polecats, or foxes; but are content, nay think it safety, to be devoured by lions.

§ 94. But whatever flatterers may talk to amuse people's understandings, it hinders not men from feeling; and when they perceive, that any man, in what station soever, is out of the bounds of the civil society which they are of, and that they have no appeal on earth against any harm they may receive from him, they are apt to think themselves in the state of nature, in respect of him whom they find to be so: and to take care, as soon as they can, to have that safety and security in civil society, for which it was instituted, and for which only they entered into it. And therefore, though perhaps at first, (as shall be showed more at large hereafter in the following part of this discourse) some one good and excellent man having got a pre-eminency amongst the rest, had this deference paid to his goodness and virtue, as to a kind of natural authority, that the chief rule, with arbitration of their differences, by a tacit consent devolved

into his hands, without any other caution, but the assurance they had of his uprightness and wisdom; yet when time, giving authority, and (as some men would persuade us) sacredness to customs, which the negligent and unforeseen innocence of the first ages began, had brought in successors of another stamp; the people finding their own properties not secure under the government, as then it was, (whereas government has no other end but the preservation of property) could never be safe nor at rest, nor think themselves in civil society, till the legislature was placed in collective bodies of men, call them senate, parliament, or what you please. By which means every single person became subject, equally with other the meanest men, to those laws, which he himself, as part of the legislative, had established; nor could any one, by his own authority, avoid the force of the law, when once made; nor by any pretence of superiority plead exemption, thereby to license his won, or the miscarriages of any of his dependents. "No man in civil society can be exempted from the laws of it:" for if any man may do what he thinks fit, and there be no appeal on earth, for redress or security against any harm he shall do; I ask, whether he be not perfectly still in the state of nature, and so can be no part or member of that civil society: unless any one will say, the state of nature and civil society are one and the same thing, which I have never yet found any one so great a patron of anarchy as to affirm.

QUESTIONS

1. What is the relationship between civil society and property?
 2. Where does the power of law making come from?
 3. What is Locke's definition of a civil society?
 4. Why does Locke believe that absolute monarchy is an illegitimate form of government?
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