

TWO TREATISES OF GOVERNMENT

BY IOHN LOCKE

SALUS POPULI SUPREMA LEX ESTO

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TWO TREATISES OF GOVERNMENT. IN THE FORMER THE FALSE PRINCIPLES AND FOUNDATION OF SIR ROBERT FILMER AND HIS FOLLOWERS ARE DETECTED AND OVERTHROWN. THE LATTER IS AN ESSAY CONCERNING THE TRUE ORIGINAL EXTENT AND END OF CIVIL GOVERNMENT.

1764 EDITOR'S NOTE The present Edition of this Book has not only been collated with the first three Editions, which were published during the Author's Life, but also has the Advantage of his last Corrections and Improvements, from a Copy delivered by him to Mr. Peter Coste, communicated to the Editor, and now lodged in Christ College, Cambridge.

PREFACE

Reader, thou hast here the beginning and end of a discourse concerning government; what fate has otherwise disposed of the papers that should have filled up the middle, and were more than all the rest, it is not worth while to tell thee. These, which remain, I hope are sufficient to establish the throne of our great restorer, our present King William; to make good his title, in the consent of the people, which being the only one of all lawful governments, he has more fully and clearly, than any prince in Christendom; and to justify to the world the people of England, whose love of their just and natural rights, with their resolution to preserve them, saved the nation when it was on the very brink of slavery and ruin. If these papers have that evidence, I flatter myself is to be found in them, there will be no great miss of those which are lost, and my reader may be satisfied without them: for I imagine, I shall have neither the time, nor inclination to repeat my pains, and fill up the wanting part of my answer, by tracing Sir Robert again, through all the windings and obscurities, which are to be met with in the several branches of his wonderful system. The king, and body of the nation, have since so thoroughly confuted his Hypothesis, that I suppose no body hereafter will have either the confidence to appear against our common safety, and be again an advocate for slavery; or the weakness to be deceived with contradictions dressed up in a popular

stile, and well-turned periods: for if any one will be at the pains, himself, in those parts, which are here untouched, to strip Sir Robert's discourses of the flourish of doubtful expressions, and endeavour to reduce his words to direct, positive, intelligible propositions, and then compare them one with another, he will quickly be satisfied, there was never so much glib nonsense put together in well-sounding English. If he think it not worth while to examine his works all thro', let him make an experiment in that part, where he treats of usurpation; and let him try, whether he can, with all his skill, make Sir Robert intelligible, and consistent with himself, or common sense. I should not speak so plainly of a gentleman, long since past answering, had not the pulpit, of late years, publicly owned his doctrine, and made it the current divinity of the times. It is necessary those men, who taking on them to be teachers, have so dangerously misled others, should be openly shewed of what authority this their Patriarch is, whom they have so blindly followed, that so they may either retract what upon so ill grounds they have vented, and cannot be maintained; or else justify those principles which they preached up for gospel; though they had no better an author than an English courtier: for I should not have writ against Sir Robert, or taken the pains to shew his mistakes, inconsistencies, and want of (what he so much boasts of, and pretends wholly to build on) scripture-proofs, were there not men amongst us, who, by crying up his books, and espousing his doctrine,

save me from
the reproach of writing against a dead adversary. They
have been so
zealous in this point, that, if I have done him any
wrong, I cannot hope
they should spare me. I wish, where they have done the
truth and the
public wrong, they would be as ready to redress it, and
allow its just
weight to this reflection, viz. that there cannot be
done a greater
mischief to prince and people, than the propagating
wrong notions
concerning government; that so at last all times might
not have reason
to complain of the Drum Ecclesiastic. If any one,
concerned really for
truth, undertake the confutation of my Hypothesis, I
promise him either
to recant my mistake, upon fair conviction; or to answer
his
difficulties. But he must remember two things.

First, That cavilling here and there, at some
expression, or little
incident of my discourse, is not an answer to my book.

Secondly, That I shall not take railing for arguments,
nor think either
of these worth my notice, though I shall always look on
myself as bound
to give satisfaction to any one, who shall appear to be
conscientiously
scrupulous in the point, and shall shew any just grounds
for his
scruples.

I have nothing more, but to advertise the reader, that
Observations
stands for Observations on Hobbs, Milton, &c. and that a
bare quotation
of pages always means pages of his Patriarcha, Edition
1680.

Book II

CHAPTER. I.

AN ESSAY CONCERNING THE TRUE ORIGINAL, EXTENT AND END OF
CIVIL
GOVERNMENT

Sect. 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:

(*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 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:

All these premises having, as I think, been clearly made

out, 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 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, than what Sir Robert Filmer hath taught us.

Sect. 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 wealth, a father of a family, and a captain of a galley.

Sect. 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 commonwealth from foreign injury; and all this only for the public good.

CHAPTER. II.

OF THE STATE OF NATURE.

Sect. 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.

Sect. 5. This equality of men by nature, the judicious Hooker looks upon as so evident in itself, 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,

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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 myself be careful to satisfy 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 loved of my equals in nature as much as possible may be, imposeth upon me a natural duty of bearing to them-ward fully the like affection; from which relation of equality between ourselves and them that are as ourselves, what several rules and canons natural reason hath drawn, for direction of life,

no man is
ignorant, Eccl. Pol. Lib. 1.

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Sect. 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 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 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 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 our's. Every one, as he is bound to preserve himself, and not to quit his station wilfully, 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.

Sect. 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
man's hands,
whereby every one 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 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
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.

Sect. 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 dictate, 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 tye, 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 the case, and upon this ground, EVERY
MAN HATH A RIGHT
TO PUNISH THE OFFENDER, AND BE EXECUTIONER OF THE LAW OF
NATURE.

Sect. 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 me, by what
right any prince or state can put to death, or punish an
alien, for any
crime he commits in their country. It is certain their
laws, by virtue
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 commonwealth, hath no power over him. Those who have the supreme 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.

Sect, 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 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.

Sect. 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 punishing put into his hands, can often, where the public 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 lion or a tyger, 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 sheddeth man's 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 murder 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.

Sect. 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, 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. 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 commonwealth: 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 commonwealths; nay, possibly plainer; as much as reason is easier to be understood, than the fancies 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.

Sect. 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 government to restrain the
partiality and violence
of men. I easily grant, that civil government is the
proper remedy for
the inconveniencies of the state of nature, which must
certainly be
great, where men may be judges in their own case, since
it is easy 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 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 men's being judges in their own
cases, and the
state of nature is therefore not to be endured, I desire
to know what
kind of government 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 controul
those who execute his pleasure? and in whatsoever he
doth, 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.

Sect. 14. 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, &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 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.

Sect. 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, Eccl. Pol. lib. i. sect. 10, where he says,

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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 fellowship, never any solemn agreement amongst themselves what to do, or not to do: but forasmuch as we are not by ourselves sufficient to furnish ourselves with competent store of things, needful for such a life as our nature doth desire, a life fit for the dignity of man; therefore to supply those defects and imperfections which are in us, as living single and solely by ourselves, we are naturally induced to seek communion and fellowship with others: this was the cause of men's uniting themselves at first in politic societies.

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But I moreover 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; and I doubt not in the sequel of this discourse, to make it very clear.

CHAPTER. III.

OF THE STATE OF WAR.

Sect. 16. THE state of war is a state of enmity and destruction: and therefore declaring by word or action, not a passionate

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