

Second Treatise of Government

John Locke



OVERVIEW

This famous treatise on government, which John Locke completed in 1690, was one of the first works to explore the idea of a social contract between the individual and society. Some of the ideas presented here provided a basis for the American Declaration of Independence.

GUIDED READING As you read, consider the following questions:

- Which of Locke's ideas became the foundation for the Declaration of Independence?
 - Why do you think property rights were so important at this time?
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Second Treatise of Government (1690)

Of Political or Civil Society

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, has 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 offense 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 property and, in order thereunto, punish the offenses of all those of that society, there and there only is political society where every one of the members has quitted his natural power, resigned it up into the hands of the community in all cases that exclude 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 offenses which any member has 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 there is no other, judge for

himself, and executioner, which is, as I have before shown it, the perfect state of nature.

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 among 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 anyone 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 offenses against the law of nature, in prosecution of his own private judgment; yet, with the judgment of offenses, 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 offenses 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.

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 execution whereof his own assistance (as to his own decrees) 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.

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 those inconveniences 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 everyone of that society may appeal upon any injury received or controversy that may arise, and which everyone 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 them, 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.

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 anyone who may fairly and indifferently and with authority decide, and from whose decision relief and redress may be expected of any injury or inconvenience that may be suffered from the prince, or by his order; so that such a man, however entitled, "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 inconveniences of it, with only this woeful 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 inconveniences that a man can fear from one who, being in the unrestrained state of nature, is yet corrupted with flattery and armed with power....

Of the Beginning of Political Societies

Men, 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 anyone divests himself of his natural liberty and puts on the bonds of civil society is by agreeing with other men to join and unite into a community for their comfortable, safe, and peaceable living one among 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 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 politic wherein the majority have a right to act and conclude the rest....

Though the legislative, whether placed in one or more, whether it be always in being, or only by intervals, though it be the supreme power in every commonwealth; yet:

First, it is not, nor can possibly be absolutely arbitrary over the lives and fortunes of the people; for it being but the joint 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 entered into society and gave up to the community; for nobody can transfer to another more power than he has in himself, and nobody 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 so much as the law of nature gave him for the preservation of himself and the rest of mankind, this is all he does or can give up to the commonwealth, 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 public good of the society. It is a power that has 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 cease not in society but only in many cases are drawn closer and have by human laws known penalties annexed to them to enforce 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 men's actions must, as well as their own and other men's actions be conformable to the law of nature, 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 human sanction can be good or valid against it.

Secondly, the legislative or supreme authority cannot assume to itself a power to rule by extemporary, arbitrary decrees, but is bound to dispense justice, and to decide the rights of the subject by promulgated, standing laws, and known authorized judges. For the law of nature being unwritten, and so nowhere to be found but in the minds of men, they who through passion or interest shall miscite or misapply it, cannot so easily be convinced of their mistake where there is no established judge; and so it serves not, as it ought, to determine the rights and fence the properties of those that live under it, especially where everyone 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, has not force enough to defend himself from injuries or to punish delinquents. To avoid these inconveniences which disorder men's properties in the state of 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 everyone may know what is his. To this end it is that men give up all their 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 governed 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.

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 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 magistrate's hand to execute his unlimited will arbitrarily upon them. This were to 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 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 the arbitrary power of one man, who has the command of 100,000, than he that is exposed to the arbitrary power of 100,000 single men, nobody being secure that his will, who has such a command, is better than that of other men, though his force be 100,000 times stronger. And therefore, whatever form the commonwealth is under, the ruling power ought to govern by declared and received laws and not by extemporary dictates and undetermined resolutions; for then mankind will be in a far worse condition than in the state of nature if they shall have armed one or a few men with the joint power of a multitude, to force them to obey at pleasure the exorbitant and unlimited decrees of their sudden thoughts, or unrestrained, and till that moment unknown wills, without having any measures set down which may guide and justify their actions. For all the power the government has being only for the good of the society, as it ought not to be arbitrary and at pleasure, so it ought to be exercised by established and promulgated laws; that both the people may know their duty and be safe and secure within the limits of the law; and the rulers, too, kept within their bounds, and not be tempted by the power they have in their hands to employ it to such purposes and by such measures as they would not have known, and own not willingly.

Thirdly, the supreme power cannot take from any man part of his property without his own consent; for the preservation of property being the end of government, and that for which men enter into society, it necessarily supposes and requires, that the people should have property; without which they must be supposed to lose that, by entering into society, which was the end for which they entered into it—too gross an absurdity for any man to own...

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 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 allowed, 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 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 neighbor's. If the innocent honest man must quietly quit all he has, for peace's sake, to him who will lay violent hands upon it, I desire it may be considered, what a kind of peace there will be in the world, which consists only in violence and rapine, and which is to be maintained 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 by the imperious wolf? Polyphemus' 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 devoured. And no doubt Ulysses, who was a prudent man, preached up passive obedience, and exhorted them to a quiet submission by representing to them of what concernment peace was to mankind, and by showing the inconveniences which might happen if they should offer to resist Polyphemus, who had now the power over them.

The end of government is the good of mankind. And which is best for mankind: that the people should be always exposed to the boundless will of tyranny, or that the rulers should be sometimes liable to be opposed when they grow exorbitant in the use of their power and employ it for the destruction and not the preservation of the properties of their people?