

Second Treatise of Government

John Locke

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[Brackets] enclose editorial explanations. Small ·dots· enclose material that has been added, but can be read as though it were part of the original text. Occasional •bullets, and also indenting of passages that are not quotations, are meant as aids to grasping the structure of a sentence or a thought. Every four-point ellipsis indicates the omission of a brief passage that seems to present more difficulty than it is worth.—The division into numbered sections is Locke's.

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Contents

Preface	1
Chapter 1	2
Chapter 2: The state of nature	2
Chapter 3: The state of war	6
Chapter 4: Slavery	8
Chapter 5: Property	9
Chapter 6: Paternal power	17
Chapter 7: Political or Civil Society	25

Chapter 8: The beginning of political societies	30
Chapter 9: The purposes of political society and government	38
Chapter 10: The forms of a commonwealth	40
Chapter 11: The extent of the legislative power	40
Chapter 12: The legislative, executive, and federative powers of the commonwealth	44
Chapter 13: The subordination of the powers of the commonwealth	45
Chapter 14: Prerogative	50
Chapter 15: Paternal, political, and despotic power, considered together	53
Chapter 16: Conquest	54
Chapter 17: Usurpation	61
Chapter 18: Tyranny	61
Chapter 19: The dissolution of government	65
Locke on children	75

Preface to the two Treatises

Reader, you have here the beginning and the end of a two-part treatise about government. It isn't worthwhile to go into what happened to the pages that should have come in between (they were more than half the work). [The missing pages, that were to have been included in the *Second Treatise*, i.e. the second part of the two-part treatise, were simply *lost*. They contained an extended attack on Sir Robert Filmer's *Patriarcha*, a defence of the divine right of kings, published in 1680 (Filmer had died in 1653). The lost pages presumably overlapped the attack on the same target that filled Locke's *First Treatise of Government* and also occupy a good deal of space in the *Second*.] These surviving pages, I hope, are sufficient to establish the throne of our great restorer, our present King William; to justify his title to the throne on the basis of *the consent of the people*, which is the only lawful basis for government, and which he possesses more fully and clearly than any other ruler in the Christian world; and to justify to the world the people of England, whose love of their just and natural rights, and their resolve to preserve them, saved this nation when it was on the brink of slavery and ruin under King James II. If these pages are as convincing as I flatter myself that they are, the missing pages will be no great loss, and my reader can be satisfied without them. I certainly hope so, because I don't expect to have either the time or the inclination to take all that trouble again, filling up the gap in my answer by again tracking Sir Robert Filmer through all the windings and obscurities of his amazing system. The king and the nation as a whole have since so thoroughly refuted his hypothesis that I don't think anyone ever again will be bold enough to speak up against our common safety, and be an advocate for slavery, or weak enough to be deceived by contradictions dressed up in elegant language. If you take the trouble to tackle the parts of Sir Robert's discourses that

are not dealt with here, stripping off the flourish of dubious expressions and trying to turn his words into direct, positive, intelligible propositions, and if you then compare these propositions with one another, you will soon be satisfied that there was never so much glib nonsense put together in fine-sounding English. If you don't think it worthwhile to look through all his work, just try the part where he discusses *usurpation*, and see whether all your skill is enough to make Sir Robert intelligible and consistent with himself and with common sense. I wouldn't speak so plainly of a gentleman who is no longer in a position to answer, if it weren't that in recent years preachers have been espousing his doctrine and making it the current orthodoxy of our times. . . . I wouldn't have written against Sir Robert, labouring to show his mistakes, inconsistencies, and lack of the biblical proofs that he boasts of having as his only foundation, if there weren't men among us who, by praising his books and accepting his doctrine, clear me of the charge of writing only against a dead adversary. They have been so zealous about this that if I have done him any wrong I can't hope they will show me any mercy. I wish that where *they* have done wrong to the truth and to the public, they would be as ready to correct it as I am to admit errors proved against me, and that they would give due weight to the thought that *the greatest harm one can do to the monarch and the people is to spread wrong notions about government*. If they did, it might for ever put an end to our having reason to complain of thunderings from the pulpit! If anyone who is really concerned about truth tries to refute my hypothesis, I promise him either to admit any mistake he fairly convicts me of or to answer his difficulties. But he must remember two things: That picking holes in my discourse—objecting to this turn of phrase or that little incident—is not the same as answering my book. That I shan't let scolding pass as argument. . . .

Chapter 1

1. In my *First Treatise of Government* I showed these four things: (1) That Adam did not have, whether by natural right as a father or through a •positive gift from God, any such authority over his children or over the world as has been claimed. (2) That if even he *had*, his heirs would not have the same right. (3) That if the right *were* to be passed on to his heirs, it would be indeterminate who *were* his heirs, because there is no law of nature or •positive law of God that settles this question in every possible case; so it wouldn't be determinate who inherited the right and thus was entitled to rule. (4) Even if all that *had* been •theoretically• determined, •it would be useless in practice•: the knowledge of the chain of heirs running back to Adam has been utterly lost, so that nobody in all the races of mankind and families of the world would have the slightest claim to have that •supposed• right of inheritance. All these premises having, as I think, been clearly established, no rulers now on earth can derive the faintest shadow of authority from the supposed source of all •human political• power, Adam's private dominion and paternal rule. So if you don't want to •give reason to think that all government in the world is the product purely of force and violence, and men live together only by the same rules as the lower animals, where strength settles every issue, and so •lay a foundation for perpetual disorder and mischief, riots, sedition and rebellion (things that the followers of that •force and violence• hypothesis so loudly cry out against), you will have to find another account of the beginnings of government, another source for political power, and another way of settling who the people are who •ought to• have it—other, that is, than what Sir Robert Filmer has taught us. [The word •positive', used in section 1 and again in 13 and elsewhere, is a technical term. A *positive* law is one that some legislator

imposes; it comes from the decision of some law-making authority. The contrast is with a *natural* law, which isn't •laid down by anyone but simply •arises out of the natures of things. So a positive gift from God would be simply a *gift* as ordinarily understood; Locke throws in 'positive', presumably, because even a natural right that Adam had would in a sense be a gift from God, because God gave Adam his nature; but it wouldn't be a *positive* gift, arising from an explicit gift-giving action on God's part. Similarly with the notion of a positive law of God's.].

2. For this purpose, I think it may be worthwhile to state what I think political power *is*; so that the power of a •government official over a subject can 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. Because it sometimes happens that one man has all these different powers, we can get clearer about how the powers differ by looking at the different relationships in which the man stands: as ruler of a commonwealth, father of a family, and captain of a galley.

3. So: I take **political power** to be a **right** to •make laws—with the death penalty and consequently all lesser penalties—for regulating and preserving property, and to •employ the force of the community in enforcing such laws and defending the commonwealth from external attack; all this being only for the public good.

Chapter 2: The state of nature

4. To understand political power correctly and derive it from its proper source, we must consider what state all men are *naturally* in. It is a state in which men are perfectly free to order their actions, and dispose of their possessions and themselves, in any way they like, without asking anyone else's permission—all this subject only to limits set by the

law of nature.

It is also a state of equality, in which no-one has more power and authority than anyone else; because it is simply obvious that creatures of the same species and status, all born to all the same advantages of nature and to the use of the same abilities, should also be equal in other ways, with no-one being subjected to or subordinate to anyone else, unless God, the lord and master of them all, were to declare clearly and explicitly his wish that some one person be raised above the others and given an undoubted right to dominion and sovereignty

5. The judicious Richard Hooker regards this natural equality of men as so obvious and unquestionable that he bases on it men's obligation to love one another, on which he builds their duties towards each other, from which in turn he derives the great maxims of justice and charity. Here are his words:

A similar natural inducement has led men to realize that they have as much duty to love others as to love themselves. Things that are equal must be measured by a single standard; so if I inevitably want to receive some good—indeed as much good from every man as any man can want for himself—how could I expect to have *any part* of my desire satisfied if I am not careful to satisfy the similar desires that other men, being all of the same nature, are bound to have? To offer them anything inconsistent with their desire will be to grieve them as much as it would grieve me; so that if I do harm I must expect to suffer, because there is no reason why others should show more love to me than I have shown to them. Thus, my desire to be loved as much as possible by my natural equals gives me a natural duty to act towards them with the same love. Everyone knows the rules and canons natural

reason has laid down for the guidance of our lives on the basis of this relation of equality between ourselves and those who are like us.

6. But though this is a state of liberty, it isn't a state of licence in which there are *no* constraints on how people behave. A man in that state is absolutely free to dispose of himself or his possessions, but he isn't at liberty to *destroy* himself, or even to destroy any created thing in his possession unless something nobler than its mere preservation is at stake. The state of nature is governed by a law that creates obligations for everyone. And reason, which is that law, teaches anyone who takes the trouble to consult it, that *because we are all equal and independent, no-one ought to harm anyone else in his life, health, liberty, or possessions.* This is because

- we are all the work of one omnipotent and infinitely wise maker;
- we are all the servants of one sovereign master, sent into the world by his order to do his business;
- we are all the property of him who made us, and he made us to last as long as *he* chooses, not as long as *we* choose;
- we have the same abilities, and share in one common nature, so there can't be any rank-ordering that would authorize some of us to destroy others, as if we were made to be *used* by one another, as the lower kinds of creatures *are* made to be used by us.

Everyone is obliged to preserve himself and not opt out of life willfully, so for the same reason everyone ought, when his own survival isn't at stake, to do as much as he can to preserve the rest of mankind; and except when it's a matter of punishing an offender, no-one may take away or damage anything that contributes to the preservation of someone else's life, liberty, health, limb, or goods.

7. So that all men may be held back from invading the

rights of others and from harming one another, and so that •the law of nature that aims at the peace and preservation of all mankind may be obeyed, the enforcement of that law of nature (in the state of nature) is in every man's hands, so that everyone has a right to punish law-breakers as severely as is needed to hinder the violation of the law. For the law of nature, like every law concerning men in this world, would be futile if no-one had power to enforce it and thereby preserve the innocent and restrain offenders. And in the state of nature if *anyone* may punish someone for something bad that he has done, then *everyone* may do so

8. That is how in a state of nature one man comes to have a •legitimate• power over another. It isn't an unconditional power, allowing him to use a captured criminal according to the hot frenzy or unbridled extremes of his own will; but only a power to punish him so far as calm reason and conscience say is proportionate to his crime, namely as much punishment as may serve for •reparation and •restraint—for •those two are the only reasons why one man may lawfully harm another, which is what we call 'punishment'. By breaking the law of nature, the offender declares himself to live by some rule other than that of reason and common fairness (which is the standard that God has set for the actions of men, for their mutual security); and so he becomes dangerous to mankind because he has disregarded and broken the tie that is meant to secure them from injury and violence. This is an offence against the whole •human• species, and against the peace and safety that the law of nature provides for the species. Now, every man, by the right he has to preserve mankind in general, may restrain and if necessary *destroy* things that are noxious to mankind; and so he can do to anyone who has transgressed that law as much harm as may make him repent having done it, and thereby deter him—and by his example deter others—from doing the same.

So for this reason *every man has a right to enforce the law of nature and punish offenders.*

9. No doubt this will seem a very strange doctrine to some people; but before they condemn it, I challenge them to explain what right any king or state has to put to death or •otherwise• punish a foreigner for a crime he commits in their country. The right is certainly not based on their laws, through any permission they get from the announced will of the legislature; for such announcements don't get through to a foreigner: they aren't addressed to him, and even if they were, he isn't obliged to listen. . . . Those who have the supreme power of making laws in England, France or Holland are to an Indian merely like the rest of the world, men without authority. So if the law of nature didn't give every man a power to punish offences against it as he soberly judges the case to require, I don't see how the judiciary of any community can punish someone from another country; because they can't have any more power over him than every man can *naturally* have over another.

10. As well as •the crime that consists in violating the law and departing from the right rule of reason—crime through which man becomes so degenerate that he declares that he is deserting the principles of human nature and becoming vermin—there is often •transgression through which someone does harm to someone else. In the latter case, the person who has been harmed has, in addition to the general right of punishment that he shares with everyone else, a particular right to seek reparation from the person who harmed him; and anyone else who thinks this just may also join with the injured party and help him to recover from the offender such damages as may make satisfaction for the harm he has suffered.

11. So there are two distinct rights: **(i)** the right that everyone has, to punish the criminal so as to restrain him and

prevent such offences in future; **(ii)** the right that an injured party has to get reparation. Now, a magistrate, who by being magistrate has the common right of punishing put into his hands, can by his own authority **(i)** cancel the punishment of a criminal offence in a case where the public good doesn't demand that the law be enforced; but he can't **(ii)** cancel the satisfaction due to any private man for the damage he has received. The only one who can do that is the person who has been harmed. The injured party has the power of taking for himself the goods or service of the offender, by right of •self-preservation; and everyone has a power to punish the crime to prevent its being committed again, by the right he has of preserving •all mankind, and doing everything reasonable that he can to that end. And so it is that in the state of nature everyone has a power to kill a murderer, both •to deter others from this crime that no reparation can make up for, by the example of the punishment that everyone inflicts for it, and also •to secure men from future crimes by this criminal; he has renounced reason, the common rule and standard God has given to mankind, and by the unjust violence and slaughter he has committed on one person he has declared war against all mankind, so that he can be destroyed as though he were a lion or a tiger This is the basis for the great law of nature, *Whoever sheds man's blood, by man shall his blood be shed*. Cain was so fully convinced that everyone had a right to destroy such a criminal that after murdering his brother he cried out 'Anyone who finds me will slay me'—so plainly was this law written in the hearts of all mankind.

12. For the same reason a man in the state of nature may punish lesser breaches of the law of nature. 'By death?' you may ask. I answer that each offence may be punished severely enough to make it a bad bargain for the offender, to give him reason to repent, and to terrify others from offend-

ing in the same way. Every offence that can be •committed in the state of nature may also be •punished in the state of nature—and punished in the same way (as far as possible) as it would be in a commonwealth. I don't want to go into the details of the law of nature or of its punitive measures, •but I will say this much:— It is certain that there is a •law of nature, which is as intelligible and plain to a reasonable person who studies it as are the •positive laws of commonwealths. [See the explanation of 'positive' after section 1.] It may even be *plainer*—as much plainer as •reason is •plainer, easier to understand, than the fancies and intricate •theoretical contrivances of men who have tried to find words that will further their conflicting hidden interests. For that is what has gone into the devising of most of the legislated laws of countries. Really, such laws are right only to the extent that they are founded on the law of nature, which is the standard by which they should be applied and interpreted.

13. To this strange doctrine •of mine, namely that in the state of nature everyone has the power to enforce the law of nature, I expect this objection to be raised:

It is unreasonable for men to be judges in their own cases, because self-love will bias men in favour of themselves and their friends. And on the other side, hostility, passion and revenge will lead them to punish others too severely. So nothing but confusion and disorder will follow, and that is why God has—as he certainly *has*—established government to restrain the partiality and violence of men.

I freely allow that civil government is the proper remedy for the drawbacks of the state of nature. There must certainly be great disadvantages in a state where men may be judges in their own case; someone who was so •unjust as to do his brother an injury will (we may well suppose) hardly be so •just as to condemn himself for it! But I respond to the

objector as follows [the answer runs to the end of the section]:- If the state of nature is intolerable because of the evils that are bound to follow from men's being judges in their own cases, and government is to be the remedy for this, let us do a comparison. On the one side there is the state of nature; on the other there is

government where *one man*—and remember that absolute monarchs are only men!—commands a multitude, is free to be the judge in his own case, and can do what he likes to all his subjects, with no-one being allowed to question or control those who carry out his wishes, and everyone having to put up with whatever he does, whether he is led by reason, mistake or passion.

How much *better* it is in the state of nature, where no man is obliged to submit to the unjust will of someone else, and someone who judges wrongly (whether or not it is in his own case) is answerable for that to the rest of mankind!

14. It is often asked, as though this were a mighty objection: 'Where are there—where ever *were* there—any men in such a state of nature?' Here is an answer that may suffice in the mean time:- The world always did and always will have many men in the state of nature, because all monarchs and rulers of independent governments throughout the world are in that state. I include in this *all* who govern independent communities, whether or not they are in league with others; for the state of nature between men isn't ended just by their making a pact with one another. The only pact that ends the state of nature is one in which men agree together mutually to enter into one community and make one body politic. . . . The promises and bargains involved in bartering between two men on a desert island, . . . or between a Swiss and an Indian in the woods of America, are binding on them even though they are perfectly in a state of nature in relation to

one another; for truth and promise-keeping belongs to men as men, not as members of society—i.e. as a matter of natural law, not positive law.

15. To those who deny that anyone was ever in the state of nature, I oppose the authority of the judicious Hooker, who writes:

The laws . . . of nature bind men absolutely, just as *men*, even if they have no settled fellowship, no solemn agreement among themselves about what to do and what not to do. What naturally leads us to seek communion and fellowship with other people is the fact that on our own we haven't the means to provide ourselves with an adequate store of things that we need for the kind of life our nature desires, a life fit for the dignity of man. It was to make up for *those* defects and imperfections of the solitary life that men first united themselves in politic societies. (*The Laws of Ecclesiastical Polity*, Bk 1, sect. 10)

And I also affirm that all men are naturally in the state of nature, and remain so until they *consent* to make themselves members of some political society. I expect to make all this very clear in later parts of this discourse.

Chapter 3: The state of war

16. The state of war is a state of enmity and destruction. So when someone declares by word or action—not in a sudden outburst of rage, but as a matter of calm settled design—that he intends to end another man's life, he puts himself into a state of war against the other person; and he thereby exposes *his* life to the risk of falling to the power of the other person or anyone that joins with him in his defence and takes up his quarrel. For it is reasonable and just that I should have a

right to destroy anything that threatens me with destruction, because the fundamental law of nature says that men are to be preserved as much as possible, and that when not everyone can be preserved the safety of the innocent is to be preferred. In line with this, I may destroy a man who makes war on me or has revealed himself as an enemy to my life, for the same reason that I may kill a wolf or a lion; because such men are not under the ties of the common law of reason, have no rule except that of force and violence, and so may be treated as beasts of prey—dangerous creatures that will certainly destroy me if I fall into their power.

17. So it comes about that someone who tries to get another man into his absolute power thereby puts himself into a state of war with the other, for such an attempt amounts to a declaration of a plan against the *life* of the other man. If someone wants to get me into his power without my consent, I have reason to conclude that would use me as he pleased when he had got me there, and would destroy me if he wanted to; for no-one can want to have me in his absolute power unless it's to compel me by force to something that is against the right of my freedom, i.e. to make me a slave. To be sure of my own survival I must be free from such force; and reason tells me to look on him—the person who wants me in his power—as an enemy to my survival, wanting to take away the freedom that is the fence to it. So someone who tries to enslave me thereby puts himself into a state of war with me. Someone wants to take away the freedom of someone else must be supposed to have a plan to take away everything else from the person, because freedom is the foundation of all the rest; and that holds in a commonwealth as well as in the state of nature.

18. This makes it lawful for me to kill a thief who hasn't done me any harm or declared any plan against my life, other than using force to get me in his power so as to take away

my money or whatever else he wants. No matter what he claims he is up to, he is using force without right, to get me into his power; so I have no reason to think that he won't, when he has me in his power, take everything else away from me as well as my liberty. So it is lawful for me to treat him as someone who has put himself into a state of war with me, i.e. to kill him if I can; for that is the risk he ran when he started a war in which he is the aggressor.

19. This is the plain difference between the state of nature and the state of war. Some men—notably Hobbes—have treated them as the same; but in fact they are as distant from one another as a state of peace, good will, mutual assistance and preservation is distant from a state of enmity, malice, violence and mutual destruction. A state of nature, properly understood, involves

men living together according to reason, with no-one on earth who stands above them both and has authority to judge between them.

Whereas in a state of war

a man uses or declares his intention to use force against another man, with no-one on earth to whom the other can appeal for relief.

It is the lack of such an appeal that gives a man the right of war against an aggressor, not only in a state of nature but even if they are both subjects in a single society. [The rest of this section expands on Locke's version in ways that dots can't easily indicate.] If a thief has already stolen all that I am worth and is not a continuing threat to me, I may not harm him except through an appeal to the law. But if he is now setting on me to rob me—even if it's just my horse or my coat that he is after—I may kill him. There is the law, which was made for my protection, but there is no time for it to intervene to save me from losing my goods and perhaps losing my life (and if I lose that there is no reparation). Furthermore, it is the

thief's fault that there is no time for an appeal to the judge that stands over him and me—namely, the law—and so I am allowed to make my own defence, and to be at war with the thief and to kill him if I can. What puts men into a state of nature is the lack of a common judge who has authority; the use of unlawful force against a man's person creates a state of war, whether or not there is a common judge and (therefore) whether or not they are in a state of nature.

20. But for men who are in a society under a government, the state of war ends when the actual force ends; and then those on each side of the trouble should equally submit to the fair determination of the law. . . . But in the state of nature, where there are no positive laws or judges with authority to appeal to, once a state of war has begun it *continues*—with the innocent party having a right to destroy the other if he can—until the aggressor offers peace, and seeks reconciliation on terms that will make up for any wrongs he has done and will give the innocent person security from then on. What if the situation is like this?

There is time and opportunity for an appeal to the law, and to legally constituted judges, but the remedy is not available because of a manifest perverting of justice, a barefaced twisting of the laws so that they protect or even reward the violence or injuries perpetrated by some men or some party of men.

In such a case it is hard to think we have anything but a state of war. For wherever violence is used and injury done, even if it is done by people appointed to administer justice and is dressed up in the name, claims, or forms of law, it is still violence and injury. The purpose of the law is to protect and get compensation for the innocent, by an unbiased treatment of all who come under it; and when this is not *genuinely* done, war is made upon the sufferers, and they—having nowhere on earth to appeal to for justice—are

left to the only remedy in such cases, an appeal to heaven.

21. In a state of nature where there is no authority to decide between contenders, and the only appeal is to heaven, every little difference is apt to end up in war; and that is one great reason for men to put themselves into society, and leave the state of nature. For where there is an authority, a power *on earth* from which relief can be had by appeal, the controversy is decided by that power and the state of war is blocked. [The remainder of the section discusses, in the light of this, a passage in the Old Testament, *Judges xi*.]

Chapter 4: 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 men but to be ruled only by the law of nature.

The liberty of man in society is

to be under no legislative power except the one established by consent in the commonwealth; and not under the power of any will or under restraint from any law except what is enacted by the legislature in accordance with its mandate.

Freedom then is not what Sir Robert Filmer tells us (*Observations on Hobbes, Milton, etc.*, page 55), namely a liberty for everyone to do what he wants, live as he pleases, and not be tied by any laws. Rather, freedom is one of two things. Freedom of nature is being under no restraint except the law of nature. Freedom of men under government is having a standing rule to live by, common to everyone in the society in question, and made by the legislative power that has been set up in it; a liberty to follow one's own will in anything that isn't forbidden by the rule, and not to be sub-

ject to the inconstant, uncertain, unknown, arbitrary will of another man. [Here and elsewhere, Locke uses 'arbitrary' not in our current sense of something like 'decided for no reason' or 'decided on a whim' or the like; but rather in a broader sense, current in his day, as meaning merely 'decided' or 'depending upon someone's choice'. In that older and weaker sense of the word, the fear of being under someone's 'arbitrary will' is just a fear of being at the mercy of *whatever he chooses to do to you*, whether or not his choice is 'arbitrary' in the now-current sense.]

23. [In this section Locke writes that a man doesn't have the power to take his own life. He presumably means that a man may not *rightly* take his own life because the fundamental law of nature says that men are to be preserved as much as possible (section 16). He continues:] This freedom from absolute, arbitrary power, is so necessary to a man's survival, so tightly tied to it, that losing it involves losing all control over his own life. That's why no-one can voluntarily enter into slavery. A man doesn't have the power to take his own life, so he can't voluntarily enslave himself to anyone, or put himself under the absolute, arbitrary power of someone else to take away his life whenever he pleases. Nobody can give more power than he has; so someone who cannot take away his own life cannot give someone else such a power over it. If someone performs an act that deserves death, he has by his own fault forfeited his own life; the person to whom he has forfeited it may (when he has him in his power) delay taking it and instead make use of the offending man for his own purposes; and this isn't doing him any wrong, because whenever he finds the hardship of his slavery to outweigh the value of his life, he has the power to resist the will of his master, thus bringing the death that he wants.

24. What I have been discussing is the condition of complete slavery, which is just a continuation of the state of war between a lawful conqueror and a captive. If they enter into

any kind of *pact*—agreeing to limited power on the one side and obedience on the other—the state of war and slavery ceases for as long as the pact is in effect. For, as I have said, no man can by an agreement pass over to someone else something that he doesn't himself have, namely a power over his own life.

I admit that we find among the Jews, as well as other nations, cases where men sold themselves; but clearly they sold themselves only into drudgery, not slavery. It is evident that the person who was sold wasn't thereby put at the mercy of an absolute, arbitrary, despotic power; for the master was obliged at a certain time to let the other go free from his service, and so he couldn't at any time have the power to kill him. Indeed the master of this kind of servant was so far from having an arbitrary power over his life that he couldn't arbitrarily even maim him: the loss of an eye or a tooth set him free (*Exodus xxi*).

Chapter 5: Property

25. God, as King David says (*Psalms cxv.16*), has given the earth to the children of men—given it to mankind in common. This is clear, whether we consider natural reason, which tells us that men, once they are born, have a right to survive and thus a right to food and drink and such other things as nature provides for their subsistence, or revelation, which gives us an account of the grants that God made of the world to Adam and to Noah and his sons. Some people think that this creates a great difficulty about how anyone should ever come to own anything. I might answer that difficulty with another difficulty, saying that if the supposition that

God gave the world to Adam and his *posterity* in common

makes it hard to see how •there can be any individual ownership, the supposition that

God gave the world to Adam and his successive *heirs*, excluding all the rest of his posterity

makes it hard to see how •anything can be owned except by one universal monarch. But I shan't rest content with that, and will try to show •in a positive way• how men *could* come to own various particular parts of something that God gave to mankind in common, and how this could come about without any explicit agreement among men in general. [Here and throughout this chapter, 'own' will often replace Locke's 'have a property in'.]

26. God, who has given the world to men in common, has also given them reason to make use of it to the best advantage of life and convenience. The earth and everything in it is given to men for the support and comfort of their existence. All the fruits it naturally produces and animals that it feeds, as produced by the spontaneous hand of nature, belong to mankind in common; nobody has a basic right—a private right that excludes the rest of mankind—over any of them as they are in their natural state. But they were given for the use of men; and before they can be useful or beneficial to any particular man there must be *some* way for a particular man to appropriate them [= 'come to own them']. The wild Indians •in north America• don't have fences or boundaries, and are still joint tenants •of their territory•; but if any one of them is to get any benefit from fruit or venison, the food in question must be *his*—and his (i.e. a part of him) in such a way that no-one else retains any right to it. [The last clause of that is puzzling. Does Locke mean that the Indian can't directly get benefit from the venison except by *eating* it? That seems to be the only way to make sense of 'part of him'; but it doesn't fit well with the paragraph as a whole.]

27. Though •men as a whole own the earth and all inferior creatures, every •individual• man has a property in his own person [= 'owns himself']; this is something that nobody else has any right to. The labour of his body and the work of his hands, we may say, are strictly *his*. So when he takes something from the state that nature has provided and left it in, he mixes his labour with it, thus joining to it something that is his own; and in that way **he makes it his property**. He has removed the item from the common state that nature has placed it in, and through this labour the item has had annexed to it something that excludes the common right of other men: for this labour is unquestionably the property of the labourer, so no other man can have a right to anything the labour is joined to—at least where there is enough, and as good, left in common for others. [Note Locke's statement that every man 'has a property in his own person'. He often says that the whole point of political structures is to protect 'property'; which might be sordidly mercantile if he weren't talking about the protection not just of man's physical possessions but also of his life and liberty.]

28. Someone who *eats* the acorns he picked up under an oak, or the apples he gathered from the trees in the forest, has certainly appropriated them to himself! Nobody can deny that the nourishment is *his*. Well, then, when did they begin to be his?

when he digested them?

when he cooked them?

when he brought them home?

when he picked them up •under the tree•?

It is obvious that if his first gathering didn't make them his, nothing else could do so. That labour •marked those things off from the rest of the world's contents; it •added something to them beyond what they had been given by nature, the common mother of all; and so they became his private right. Suppose we denied this, and said instead:

He had no right to the acorns or apples that he thus appropriated, because he didn't have the consent of all mankind to make them his. It was robbery on his part to take for himself something that belonged to all men in common.

If such a consent as *that* was necessary, men in general would have starved, notwithstanding the plenty God had provided them with. We see the thesis I am defending at work in our own society. When there is some land that has the status of a *common*—being held in common by the community by agreement among them—taking any part of what is common and removing it from the state nature leaves it in creates ownership; and if it didn't, the common would be of no use. And the taking of this or that part doesn't depend on the express consent of all the commoners [= 'all those who share in the common ownership of the land']. Thus when my horse bites off some grass, my servant cuts turf, or I dig up ore, in any place where I have a right to these in common with others, the grass or turf or ore becomes my property, without anyone's giving it to me or consenting to my having it. *My* labour in removing it out of the common state it was in has established me as its owner.

29. If the explicit consent of every commoner was needed for anyone to appropriate to himself any part of what is given in common, children couldn't cut into the meat their father had provided for them in common without *saying* which child was to have which portion. The water running in the fountain is everyone's, but who would doubt that the water in the pitcher belongs to the person who drew it out? . . .

30. Thus this law of reason makes it the case that the Indian who kills a deer owns it; it is agreed to belong to the person who put his labour into it, even though until then it was the common right of everyone. Those who are counted as the civilized part of mankind have made and multiplied positive

laws to settle property rights; but even among us this original law of nature—the law governing how property starts when everything is held in common—still applies. [Locke concludes the section with examples: catching a fish, gathering ambergris, shooting a hare.]

31. You may object that if gathering the acorns etc. creates a right to them, then anyone may hoard as much as he likes. I answer: Not so. The very law of nature that in this way gives us property also sets limits to that property. God has given us all things richly But *how far* has he given them to us? To *enjoy* [= 'to use, to get benefit from'; this what 'enjoy(ment)' usually means in this work]. Anyone can through his labour come to own as much as he can use in a beneficial way before it spoils; anything beyond this is *more than his share* and belongs to others. Nothing was made by God for man to spoil or destroy. For a long time there could be little room for quarrels or contentions about property established on this basis: there was an abundance of natural provisions and few users of them; and only a small part of that abundance could be marked off by the industry of one man and hoarded up to the disadvantage of others—especially keeping within the bounds (set by reason) of what he could actually use.

32. But these days the chief issue about property concerns the earth itself rather than the plants and animals that live on it, because when you own some of the earth you own what lives on it as well. I think it is clear that ownership of land is acquired in the same way that I have been describing. A man owns whatever land he tills, plants, improves, cultivates, and can use the products of. By his labour he as it were *fences off* that land from all that is held in common. Suppose someone objected:

He has no valid right to the land, because everyone else has an equal title to it. So he can't appropriate

it, he can't 'fence it off', without the consent of all his fellow-commoners, all mankind.

That is wrong. When God gave the world in common to all mankind, he •commanded man to work, and •man needed to work in order to survive. So •God and •his reason commanded man to subdue the earth, i.e. to improve it for the benefit of life; and in doing that he expended something that was his own, namely •his labour. A man who in obedience to this command of God subdued, tilled and sowed any part of the earth's surface thereby joined to that land something that was •his property, something that no-one else had any title to or could rightfully take from him.

33. This appropriation of a plot of land by improving it wasn't done at the expense of any other man, because there was still enough (and as good) left for others—*more* than enough for the use of the people who weren't yet provided for. In effect, the man who •by his labour• 'fenced off' some land didn't reduce the amount of land that was left for everyone else: someone who leaves as much as anyone else can make use of does as good as *take nothing at all*. Nobody could think he had been harmed by someone else's taking a long drink of water, if there was the whole river of the same water left for him to quench his thirst; and the •ownership issues concerning• land and water, where there is enough of both, are exactly the same.

34. God gave the world to men in common; but since he gave it them for their benefit and for the greatest conveniences of life they could get from it, he can't have meant it always to remain common and uncultivated. He gave it for the use of the reasonable and hard-working man (and labour was to be his title to it), not to the whims or the greed of the man who is quarrelsome and contentious. Someone who had land left for *his* improvement—land as good as what had already been taken up—had no need to complain and ought not to

concern himself with what had already been improved by someone else's labour. If he *did*, it would be obvious that he wanted the benefit of someone else's work, to which he had no right, rather than the ground that God had given him in common with others to labour on

35. In countries such as England •now•, where there are many people living under a government, and where there is money and commerce, no-one can enclose or appropriate any part of any common land without the consent of all his fellow-commoners. That is because land that is held in common has that status by compact, i.e. by the law of the land, which is not to be violated. Also, although such land is held in common by some men, it isn't held by all mankind; rather, it is the joint property of this county or this village. Furthermore, after such an enclosure—such a 'fencing off'—what was left would not, from the point of view of the rest of the commoners, be 'as good' as the whole was when they could all make use of the whole. This is quite unlike how things stood when that great common, *the world*, was just starting and being populated. The law that man was under at that time was *in favour of* appropriating. God ordered man to work, and his wants forced him to do so. That was his property, which couldn't be taken from him wherever he had fixed it [those five words are Locke's]. And so we see that •subduing or cultivating the earth and •having dominion [here = 'rightful control'] are joined together, the former creating the right to the latter. . . .

36. Nature did well in setting limits to private property through limits to how much men can work and limits to how much they need. No man's labour could tame or appropriate all the land; no man's enjoyment could consume more than a small part; so that it was impossible for any man in this way to infringe on the right of another, or acquire a property to the disadvantage of his neighbour This measure con-

fined every man's possessions to a very moderate proportion, such as he might make his own without harming anyone else, in the first ages of the world when men were more in danger of •getting lost by wandering off on their own in the vast wilderness of the earth as it was then than of •being squeezed for lack of land to cultivate. And, full as the world now seems, the rule for land-ownership can still be adopted without harm to anyone. Suppose a family in the state people were in when the world was first being populated by the children of Adam, or of Noah: let them plant on some vacant land in the interior of America. We'll find that the possessions they could acquire, by the rule I have given, would not be very large, and even today they wouldn't adversely affect the rest of mankind, or give them reason to complain or think themselves harmed by this family's encroachment. I maintain this despite the fact that the human race has spread itself to all the corners of the world, and infinitely outnumbers those who were here at the beginning. Indeed, the extent of ground is of so little value when not worked on that I have been told that in Spain a man may be permitted to plough, sow and reap on land to which his only title is that he is making use of it. . . . Be this as it may (and I don't insist on it), I venture to assert boldly that if it weren't for just one thing the same rule of ownership—namely that every man is to own as much as he could make use of—would still hold in the world, without inconveniencing anybody, because there is land enough in the world to suffice twice as many people as there are. The 'one thing' that blocks this is the invention of *money*, and men's tacit agreement to put a value on it; this made it possible, with men's consent, to have larger possessions and to have a right to them. I now proceed to show how this has come about.

37. Men came to want more than they needed, and this altered the intrinsic value of things: a thing's value origi-

nally depended only on its usefulness to the life of man; but men came to agree that a little piece of yellow metal—which wouldn't fade or rot or rust—should be worth a great lump of flesh or a whole heap of corn. Before all that happened, each man could appropriate by his labour as much of the things of nature as he could use, without detriment to others, because an equal abundance was still left to those who would work as hard on it. ·Locke now moves away from the just-announced topic of money, and won't return to it until section 46.· To which let me add that someone who comes to own land through his labour doesn't •lessen the common stock of mankind but •increases it. That's because the life-support provisions produced by one acre of enclosed and cultivated land, are (to put it very mildly) ten times more than what would come from an acre of equally rich land that was helkd in common and not cultivated. So he who encloses land, and gets more of the conveniences of life from ten ·cultivated· acres than he could have had from a hundred left to nature, can truly be said to *give ninety acres to mankind*. For his labour now supplies him with provisions out of ten acres that would have needed a hundred ·uncultivated· acres lying in common. I have here greatly understated the productivity of improved land, setting it at ten to one when really it is much nearer a hundred to one. [Locke defends this by comparing a thousand acres of 'the wild woods and uncultivated waste of America' with 'ten acres of equally fertile land in Devonshire, where they are well cultivated'.]

[He then starts a fresh point: before land was owned, someone could by gathering fruit or hunting animals come to own those things, because of the labour he had put into them. But] if they perished in his possession without having been properly used—if the fruits rotted or the venison putrified before he could use it—he offended against the common law of nature, and was liable to be punished. For he had

encroached on his neighbour's share, because he had no right to these things beyond what use they could be to him to afford him conveniences of life.

38. The same rule governed the possession of land too: he had his own particular right to whatever grass etc. that he sowed, reaped, stored, and made use of before it spoiled; and to whatever animals he enclosed, fed, and made use of. But if the grass of his enclosure rotted on the ground, or the fruit of his planting perished without being harvested and stored, this part of the earth was still to be looked on as waste-land that might be owned by anyone else—despite the fact that he had enclosed it. Thus, at the beginning, Cain might take as much ground as he could cultivate and make it his own land, still leaving enough for Abel's sheep to feed on; a few acres would serve for both. But as families increased and by hard work enlarged their stocks, their possessions enlarged correspondingly; but this commonly happened without any fixed ownership of the land they made use of. In due course they formed into groups, settled themselves together, and built cities; and then eventually they set out the bounds of their distinct territories, agreed on boundaries between them and their neighbours, and established laws of their own to settle property-rights within the society. ·These land-ownership developments came relatively late·. For we see that in the part of the world that was first inhabited and was therefore probably the most densely populated, even as late as Abraham's time they wandered freely up and down with the flocks and herds that they lived on; and Abraham did this ·even· in a country where he was a foreigner. This shows clearly that a great part of the land, at least, lay in common; that the inhabitants didn't value it or claim ownership of it beyond making use of it. But when there came to be insufficient grazing land in the same place, they separated and enlarged their pasture where it best suited them (as Abraham and Lot

did, *Genesis* xiii. 5). . . .

39. The supposition that Adam had all to himself authority over and ownership of all the world, to the exclusion of all other men, can't be proved, and anyway couldn't be the basis for anyone's property-rights ·today·. And we don't need it. Supposing the world to have been given (as it *was*) to the children of men in common, we see how men's labour could give them separate titles to different parts of it, for their private uses; with no doubts about who has what rights, and no room for quarrelling.

40. It isn't as strange as it may seem at first glance that the ·property of ·labour should be able to outweigh the ·community of ·land. For labour affects the value of everything. Think of how an acre of land planted with tobacco or sugar, sown with wheat or barley, differs from an acre of the same land lying in common without being cultivated; you will see the improvement brought about by labour creates most of the ·extra· value ·of the former·. It would be a very conservative estimate to say that of the products of the earth that are useful to the life of man nine tenths are the effects of labour. Indeed, if we rightly estimate the various expenses that have been involved in things as they come to our use, sorting out what in them is purely due to nature and what to labour, we'll find that in most of them ninety-nine hundredths ·of their value· should go in the 'labour' column.

41. [Locke here contrasts various 'nations of the Americans' with England; they have equally good soil, but an American 'king' lives worse than an English 'day-labourer', because the Americans don't improve their land by labour.]

42. This will become clearer if we simply track some of the ordinary provisions of life through their various stages up to becoming useful to us, and see how much of their value comes from human industry. ·Bread, wine and cloth are things we use daily, and we have plenty of them; but if it

weren't for the labour that is put into these more useful commodities we would have to settle for •acorns, water and leaves or skins as our food, drink and clothing. What makes bread more valuable than acorns, wine more valuable than water, and cloth or silk more valuable than leaves, skins or moss, is wholly due to labour and industry One upshot of this is that the ground that produces the materials provides only a very small part of the final value. So small a part that even here in England land that is left wholly to nature, with no improvement through cultivation . . . is rightly called 'waste', and we shall find the benefit of it amount to little more than nothing.

This shows how much better it is to have a large population than to have a large country; and shows that the great art of government is to have the land *used* well, and that any ruler will quickly be safe against his neighbours if he has the wisdom—the godlike wisdom—to establish laws of liberty to protect and encourage the honest industry of his people against the oppression of power and narrowness of party. But that is by the way; I return now to the argument in hand.

43. [Locke again compares uncultivated American land with cultivated land in England, this time putting the value ratio at one to a thousand. He continues:] It is labour, then, that puts the greatest part of value upon land, without which it would scarcely be worth anything. We owe to labour the greatest part of all the land's useful products; it is labour that makes the straw, bran, and bread of an acre of wheat more valuable than the product of an acre of equally good land that lies waste. The labour that goes into the bread we eat is not just

the ploughman's efforts, the work of the reaper and the thresher, and the baker's sweat,

but also

the labour of those who domesticated the oxen, who dug and shaped the iron and stones, who felled and framed the timber used in the plough, the mill, the oven, or any of the vast number of other utensils that are needed to get this corn from •sowable seed to •edible bread.

All this should be attributed to *labour*; as for *nature* and *the land*—they provided only the materials, which were almost worthless in their raw condition. Imagine what it would be like if every loaf of bread came to us along with a catalogue of *all* the contributions that labour had made to its existence! It would have to include the labour components in relevant pieces of

iron, wood, leather, bark, timber, stone, bricks, coals, lime, cloth, dyes, pitch, tar, masts, ropes, and *all* the materials used in the ship that brought *any* of the commodities used by *any* of the workmen in *any* part of the work.

It would take far too long to make such a list, if indeed it was even possible.

44. All this makes it clear that •though the things of nature are given in common, man had in *himself* the great foundation for ownership—namely his being master of himself, and owner of his own person and of the actions or work done by it; and that •most of what he applied to the support or comfort of his being, when invention and skills had made life more comfortable, was entirely his own and didn't belong in common to others.

45. Thus labour in the beginning gave a right of ownership wherever anyone chose to employ his labour on what was held in common. For a long time the common holdings were much greater than what was individually owned, and even now they are greater than what mankind makes use of.

At first, men were mainly contented with what unassisted nature offered to meet their needs, but then:

In some parts of the world (where the increase of people and animals, and the use of money, had made land scarce and thus of some value) various communities settled the bounds of their separate territories, and by laws within themselves regulated the properties of the private men in their society, and in this way by compact and agreement they settled the property rights that labour and industry had begun. And the leagues that have been made *between* different states and kingdoms, either explicitly or tacitly disowning all claim to one another's land, have by common consent given up their claims to their natural common right in undeveloped land in one another's domains, and so have by positive agreement settled who owns what in various parts and parcels of the earth, so that, for instance, no Englishman can claim to own an acre of France because (i) it was uncultivated until he worked on it and (ii) *he* was not a party to 'internal' French laws giving its ownership to someone else.

Even after all this, however, there are great tracts of ground that still lie in common and so could legitimately be claimed on the basis of labour. These are in territories whose inhabitants haven't joined with the rest of mankind in the consent of the use of their common money [Locke's exact words, starting with 'joined'], and are lands that exceed what the inhabitants do or can make use of. Though this can hardly happen among the part of mankind that have consented to the use of money.

46. Most of the things useful to the life of man—things that the world's first commoners, like the Americans even now, were forced to seek for their sheer survival—are things of short duration, things that will decay and perish if they

are not consumed soon. The much more durable gold, silver and diamonds are things that have *value by agreement* rather than because there is a real use for them in sustaining life. I shall now explain how those two kinds of value came to be linked. Of the good things that nature has provided in common, everyone had a right (as I have said) to as much as he could use. Each man owned everything that he could bring about with his labour, everything that his industry could alter from the state nature had put it in. He who gathered a hundred bushels of acorns or apples thereby owned them; as soon as he had gathered them, they were his. His only obligation was to be sure that he used them before they spoiled, for otherwise he took more than his share, and robbed others. And indeed it was foolish as well as dishonest to hoard up more than he could use. Now consider a graded trio of cases. **(i)** If he gave away some to someone else, so that it didn't perish uselessly in his possession, that was one way of using it. **(ii)** And if he traded plums that would have rotted in a week for nuts that would remain eatable for a year, he wasn't harming anyone. As long as nothing perished uselessly in his hands, he wasn't *wasting* the common stock, destroying goods that belonged to others. **(iii)** If he traded his store of nuts for a piece of metal that had a pleasing colour, or exchanged his sheep for shells, or his wool for a sparkling pebble or a diamond, and kept those—the metal, shells, pebbles, diamonds—in his possession all his life, this wasn't encroaching on anyone else's rights. He could heap up as many of these durable things as he pleased; what would take him beyond the bounds of his rightful property was not *having a great deal* but *letting something spoil instead of being used*.

47. That is how money came into use—as a durable thing that men could keep without its spoiling, and that by mutual consent men would take in exchange for the truly useful but

perishable supports of life.

48. And as differences in how hard men worked were apt to make differences in how much they owned, so this invention of money gave them the opportunity to continue and enlarge their possessions. Consider this possibility:

An island separated from any possibility of trade with the rest of the world; only a hundred families on the island; but enough sheep, horses and cows and other useful animals, enough wholesome fruits, and enough land for corn, for a hundred thousand times as many; but nothing on the island that is rare and durable enough to serve as money.

On such an island, what reason could anyone have to enlarge his possessions beyond the needs of his household, these being met by his own industry and/or trade with other households for similarly perishable and useful commodities? Men won't be apt to enlarge their possessions of land—however rich and available extra land may be—if there isn't something durable and scarce and counted as valuable to store up. Suppose someone has the opportunity to come to own ten thousand (or a hundred thousand) acres of excellent land, already cultivated and well stocked with cattle, in the middle of the interior of America where he has no hopes of commerce with other parts of the world through which to get money through the sale of the product. What value will he attach to this estate? Obviously, none. It wouldn't be worth his while to mark its boundaries; he will hand it back to the wild common of nature, apart from what it would supply for the conveniences of life to be had there for him and his family.

49. Thus in the beginning *all the world was America*—even more so than America is now, because in the beginning no such thing as money was known *anywhere*. Find out something that has the use and value of money among a

man's neighbours and you'll see him start to enlarge his possessions.

50. [In this section Locke goes over it again: by tacitly agreeing to attach value to gold, silver or other money, men have found a way for someone to own more than he can use. He concludes with the remark that 'in governments, the laws regulate the right of property, and the possession of land is determined by positive constitutions' (see note on 'positive' at the end of section 1).

51. It is easy to conceive, then, how labour could at first create ownership of some of the common things of nature, and how uses we could make of those things set limits to what could be owned by any individual. So there couldn't be any reason for quarrelling about title, or any doubt about how much could be owned. Right and convenience went together; for as a man had a right to all he could employ his labour upon, so he had no temptation to labour for more than he could use. This left no room for controversy about the title, or for encroachment on the rights of others: what portion a man carved out for himself was easily seen; and it was useless as well as dishonest for him to carve out too much or take more than he needed.

Chapter 6: Paternal power

52. You may think that a work like the present one is not the place for complaints about words and names that have become current; but I think it won't be amiss to offer new words when the old ones are apt to lead men into mistakes. The phrase 'paternal power' is probably an example of this. It seems so to place the power of parents over their children wholly in the father, as though the mother had no share in it; whereas reason and revelation both tell us that she

has an equal title. Might it not be better to call it ‘parental power’? Whatever obligations are laid on children by •nature and the right of generation must certainly bind them equally to each of the joint causes of their being generated. And accordingly we see the •positive law of God everywhere joins the parents together, without distinction, when it commands the obedience of children. [Locke gives four examples, from the old and new testaments.]

53. Had just this one thing been thought about properly, even without going any deeper, it might have kept men from running into the gross mistakes they have made about this power of parents. When under the label ‘paternal power’ it seemed to belong only to the father, it could be described as ‘absolute dominion’ and as ‘regal authority’ without seeming ridiculous; but those phrases would have sounded strange, and in the very name shown the absurdity of the doctrine in question, if this supposed absolute power over children had been called ‘parental’, for that would have given away the fact that it belonged to the mother too. Those who contend so much for ‘the absolute power and authority of fatherhood’, as they call it, will be in difficulties if the mother is given any share in it. The monarchy they contend for wouldn’t be well supported if the very name showed that the fundamental authority from which they want to derive their government by only a single person belonged not to one person but to two! But no more about names.

54. I said in Chapter 2 that all men are by nature equal, but of course I didn’t mean equality in all respects. •Age or virtue may put some men above others; •excellence of ability and merit may raise others above the common level; •some may *naturally* owe deference to others because of their birth, or from gratitude because of benefits they have received, or for other reasons. But all this is consistent with the equality that all men have in respect of jurisdiction or dominion over

one another. That was the equality I spoke of in Chapter 2—the equality that is relevant to the business in hand, namely the equal right that every man has to his natural freedom, without being subjected to the will or authority of any other man.

55. I acknowledge that children are not born *in* this state of full equality, though they are born *to* it. Their parents have a sort of rule and jurisdiction over them when they come into the world and for some time after that, but it’s only a temporary one. The bonds of this subjection are like the swaddling clothes they are wrapped up in and supported by in the weakness of their infancy; as the child grows up, age and reason loosen the ties, until at last they drop off altogether and leave a man to his own devices.

56. Adam was created as a complete man, his body and mind in full possession of their strength and reason; so he was able, from the first instant of his coming into existence, to provide for his own support and survival, and to govern his actions according to the dictates of the law of reason that God had implanted in him. The world has been populated with his descendants, who are all born infants, weak and helpless, without knowledge or understanding. To make up for the defects of this imperfect [here = ‘incomplete’] state until till the improvement of growth and age has removed them, Adam and Eve and all parents after them were obliged by the law of nature to preserve, nourish, and bring up the children they had begotten—not as their own workmanship, but as the workmanship of their own maker, the almighty •God, to whom they were to be accountable for them.

57. The law that was to govern Adam was the very one that was to govern all his posterity, namely the law of reason. But his offspring entered the world differently from him, namely by natural birth, which brought them out ignorant and without the use of reason. So they were not immediately

under the law of reason, because nobody can be under a law that hasn't been made known to him; and this law is made known only by reason, so that someone who hasn't come to the use of his reason can't be said to be under it. Adam's children, not being under this law at birth, were not *free* at that time; for law, properly understood, is not so much the •limitation as the •direction of a free and intelligent agent to his proper interest, and doesn't prescribe anything that isn't for the general good of those under that law. If men could be happier without it, the law would be a useless thing and would inevitably vanish. ·Don't think of the law as *confining*·: it is wrong to label as 'confinement' something that hedges us in only from bogs and precipices! So, however much people may get this wrong, what law is *for* is not to abolish or restrain freedom but to preserve and enlarge it; for in all the states of created beings who are capable of laws, where there is no law there is no freedom. Liberty is freedom from restraint and violence by others; and this can't be had where there is no law. This freedom is not—as some say it is—a freedom for every man to do whatever he wants to do (for who could be free if every *other* man's whims might dominate him?); rather, it is a freedom to dispose in any way he wants of his person, his actions, his possessions, and his whole property—not to be subject in any of this to the arbitrary will of anyone else but freely to follow his own will, all within whatever limits are set by the laws that he is under.

58. So the •power that parents have over their children arises from their •duty to take care of their offspring during the imperfect state of childhood. What the children need, and what the parents are obliged to provide, is the forming of their minds and the governing of their actions; that is while the children are still young and ignorant; when reason comes into play the parents are released from that trouble. God gave man an understanding to direct his actions, and

(fitting in with that) allowed him a freedom of will and of acting within the limits set by the law he is under. But while he is in a condition in which he hasn't enough understanding of his own to *direct* his will, he isn't to *have* any will of his own to follow. The person who •understands for him must •will for him too; that person must prescribe to his will and regulate his actions; but when he reaches the condition that made his father a freeman, the son is a freeman too.

59. This holds in all the laws a man is under, whether •natural or •civil. ·Let us look at these separately·. •If a man is under the law of nature, what made him free under that law? What gave him freedom to dispose of his property according to his own will, within the limits set by that law? I answer, *a state of maturity* in which he might be supposed to be capable of knowing that law so that he could keep his actions within the limits set by it. When he has entered that state, he is presumed to know how far that law is to be his guide, and how far he may make use of his freedom; and so he comes to *have* that freedom. Until then, he must be guided by somebody else who is presumed to know how far the law allows a liberty. If such a state of reason, such an age of discretion, made him free, the same state will make his son free too. •If a man is under the law of England, what made him free under that law? That is, what gave him the liberty to dispose of his actions and possessions as he wishes, within the limits of what that law allows? ·I answer·, *a capacity for knowing that law*—a capacity which the law itself supposes to be present at the age of twenty-one and in some cases sooner. If this made the father free, it will make the son free too. Till then we see the law allows the son to have no will: he is to be guided by the will of his father or guardian, who is to do his understanding for him. And if the father dies and fails to substitute a deputy in his place, or if he doesn't provide a tutor to govern his son while he is a

minor who lacks understanding, the law takes care to do it. Someone else must govern him and be a will to him until he has reached a state of freedom, and his understanding has become fit to take over the government of his will. But after that the father and son are equally free, as are a tutor and his pupil after the pupil has grown up. They are equally subjects of the same law together, and the father has no remaining dominion over the life, liberty, or estate of his son. This holds, whether they are only in the state of nature and under its law or are under the positive laws of an established government.

60. But if, through defects that happen out of the ordinary course of nature, someone never achieves a degree of reason that would make him capable of knowing the law and so living within the rules of it, he is never capable of being a free man, he is never allowed freely to follow his own will (because he knows no bounds to it, doesn't have the understanding that is the will's proper guide), but continues under the tuition and government of others for as long as his own understanding is incapable of taking over. And so lunatics and idiots are never freed from the government of their parents. [The section continues with a quotation from Hooker, saying the same thing, and the remark that all this comes from a duty—given by nature and by God—to preserve one's offspring, and hardly gives proof that parents have 'regal authority'.]

61. Thus we are born •free, as we are born •rational; not that we as newborn babies actually have the use of either: age that brings •reason brings •freedom with it. So we see how •natural •freedom is consistent with •subjection to parents, both being based on the same principle. A child is free by his father's title, by his father's understanding, which is to govern him till he has understanding of his own. The •freedom of a mature man and the •subjection of a not yet mature

child to his parents are so consistent with one another, and so distinguishable, that the most blinded contenders for monarchy-by-right-of-fatherhood can't miss this difference; the most obstinate of them can't maintain that the two are inconsistent. ·I now show their consistency with one another within the context of Filmer's theory of monarchy·. Suppose their doctrine ·of monarchy· were all true, and the right ·contemporary· heir of Adam were now known and by that title settled as a monarch on his throne, invested with all the absolute unlimited power that Sir Robert Filmer talks of. If this monarch were to die just after his heir was born, wouldn't the child—however free and sovereign he was—be subject to his mother and nurse, to tutors and governors, till age and education brought him reason and the ability to govern himself and others? The necessities of his life, the health of his body, and the forming of his mind, would all require that he be directed by the will of others and not by his own will. But will anyone think that this restraint and subjection would be inconsistent with (or deprived him of) the liberty or sovereignty that he had a right to, or gave away his empire to those who had the government of him in his youth? This government over him would only prepare him the better and sooner for being a governor of others. If anybody should ask me when my son is of age to be free, I would answer: Just when his monarch is of age to govern! As for determining *when* a man can be said to have achieved enough use of reason to be capable of ·understanding and obeying· those laws whereby he is then bound: this, says the judicious Hooker (*Ecclesiastical Polity*, Book 1, section 6), is a great deal easier for sense to discern than for anyone by skill and learning to determine [= roughly 'easier to tell by experience of particular cases than to lay down in general theoretical terms'].

62. Commonwealths themselves allow that there is an age

at which men are to *begin* to act like free men, so that before that age they aren't required to take oaths of allegiance or in any other way to declare the authority of the government of their countries.

63. So a man's freedom—his liberty of acting according to his own will—is based on his having *reason*, which can instruct him in the law he is to govern himself by, and make him know to what extent he is left to the freedom of his own will. To turn him loose and give him complete liberty before he has reason to guide him is *not* allowing him his natural privilege of being free; rather, it is pushing him out among the lower animals and abandoning him to a state as wretched and sub-human as theirs is. *This* is what gives parents the authority to govern their children while they are minors. God has made it their business to take this care of their offspring, and has built into them tendencies to gentleness and concern so as to moderate this power, so that they will use the power, for as long as the children need to be under it, for the children's good.

64. But what reason can there be to expand the care that parents owe to their offspring into an absolute arbitrary command of the father? In fact, a father's power reaches only far enough to •impose the discipline that he finds effective in giving his children the strong and healthy bodies and vigorous and right-thinking minds that will best fit them to be most useful to themselves and others; and, if it is necessary in the family's circumstances, •to make them work, when they are able, for their own livelihood. But in this power the mother too has her share with the father.

65. Indeed, this power is so far from being something that the father has by a special right of nature, rather than having it in his role as the guardian of his children, that when his care of them comes to an end so does his power over them. That power is inseparably tied to their nourishment

and upbringing; and it belongs as much to the foster-father of an abandoned baby as to the natural father of another child. That's how little power the bare act of *begetting* gives a man over his offspring: if all his care ends there, and his only claim on the name and authority of a father is that he *begot* the child, his power comes to nothing. And what will become of this paternal power in places where one woman has more than one husband at a time? or in the parts of America where when the husband and wife separate (which happens frequently) the children all stay with the mother and are wholly cared for and provided for by her? If a father dies while the children are young, don't they naturally everywhere owe the same obedience to their mother, during their minority, as they would to their father if he were still alive? Obviously they do! And then, with 'paternal power' replaced by 'maternal power', the idea that governmental power comes from this source becomes even more clearly incredible. For consider: Will anyone say that the widowed-mother has a *legislative* power over her children? that she can make laws that will oblige the children throughout their lives, regulating all matters having to do with property and freedom of action? and that she can enforce the observation of these laws with capital punishments? All of that lies within the legitimate scope of the law-giver, and the father doesn't have even the shadow of it!. His command over his children is only temporary, and doesn't affect their life or property. [Locke continues in this vein, repeating points already made.]

66. But though in due course a child comes to be as free from subjection to the will and command of his father as the father himself is free from subjection to the will of anyone else, and each of them is under only the restraints that also bind the other—from the law of nature and from the civil law of their country—this freedom that the son has doesn't

exempt him from honouring his parents as he is required to do by the law of God and nature. God having •made the parents through their having children serve as instruments in his great design of continuing the race of mankind, •laid on them an obligation to nourish, preserve, and bring up their offspring, and also •laid on children a perpetual obligation to honour their parents. This honour involves an inward esteem and reverence to be shown by all outward expressions, so it holds the child back from anything that might ever injure or offend, disturb or endanger, the happiness or life of those from whom he received his own life; and draws him into doing all he can for the defence, relief, assistance and comfort of those by whose means he came into existence and has been made capable of enjoying life. No state—and no kind of freedom—can free children from this obligation. But this is very far from giving parents a power of command over their children, or an authority to make laws and dispose as they please of the children’s lives or liberties. It is one thing to be owed honour, respect, gratitude and assistance; another to require absolute obedience and submission. A monarch on his throne owes his mother the honour any son owes his parents, but this doesn’t lessen his authority or entitle *her* to govern *him*.

67. Consider these two facts: **(1)** While a child is a minor, its father is temporarily in the position of a governor—a position that ends when the child becomes an adult. **(2)** The child’s duty of honour gives the parents a perpetual right to respect, reverence, support and compliance too, in proportion to how much care, cost, and kindness the father has put into the child’s upbringing. This doesn’t end with minority, but holds throughout a man’s life. The failure to distinguish these two powers, namely

- the father’s right of upbringing during minority, and
- the parent’s right to be honoured, throughout his

life,

may have caused a great part of the mistakes about this matter. •But they are utterly different from one another. Strictly speaking, the first of them is not really a •right of parental power but rather a privilege of children and a •duty of parents. The nourishment and education of their children is so much a duty of parents that nothing can absolve them from performing it; and though the power of commanding and punishing children goes along with the duty, God has woven into the forces at work in human nature such a tenderness for offspring that there is little risk of parents using their power too severely. . . . [Sections **68-71** repeat and decorate the main themes of the chapter up to here, without adding significant content.]

72. •In addition to the powers of privileges discussed above, there is another power that a father ordinarily has, which gives him a hold on the obedience of his children. Although men in general have this power, the occasions for using it are nearly always within the private lives of families; it seldom shows up anywhere else, and when it does it isn’t much noticed, which is why it is generally taken to be a part of paternal jurisdiction. What I am talking about is the power men generally have to leave their estates to those who please them best. Children can expect to inherit from their father, usually in certain proportions according to the law and custom of the country; but the father commonly has the power to make bequests with a more or less generous hand depending on how much each child has behaved in ways that he has agreed with and liked.

73. This gives a considerable hold on the obedience of children, •and it connects with something that has been a main topic of this treatise, namely the place of *consent* in government. I shall explain. The enjoyment of land always involves submitting to the government of the country where

the land is. Now, it has commonly been supposed that a father could give his offspring a binding obligation to submit to the government of which he himself was a subject, but this is wrong. The obligation to submit to a government is only a condition of *owning the land*; and the inheritance of an estate that is under that government reaches only those who will *accept* the estate when it has that condition attached to it. So it is not a natural tie or obligation, but a *voluntary* submission. Every man's children are by nature as free as the man himself or any of his ancestors ever were, and while they are in that freedom they may choose what society they will join themselves to, what commonwealth they will submit to. But if they want to enjoy the inheritance of their ancestors, they must take it on the terms on which their ancestors had it, and submit to all the conditions tied to such ownership. So this power does indeed enable fathers to •oblige their children to obedience to themselves even when they are adults, and most commonly to •subject their children to this or that political power. But neither of these comes from any special *right of fatherhood*, but rather from owning the means to enforce and reward such compliance with the father's wishes or with the laws of the commonwealth. It is just the power that a Frenchman has over an Englishman who hopes to inherit his estate: that hope certainly creates a strong tie on his obedience to the Frenchman; and if the estate is left to him, he can enjoy it only on the conditions attached to the possession of land in the country that contains it, whether it be France or England.

74. Despite all this, we can see how easy it was, at certain times and places, for the father of the family to become its *monarch*. This would be so when the world was young, and also today in some places where the low population makes it possible for the families of the next generation to spread out into the surrounding countryside and make

homes for themselves in unoccupied territory. That creates a situation in which a considerable number of people, in a line of descent from a single living person, 'the father', are spread out across a considerable territory. Without *some* government it would be hard for them to live together, and their common father had been a ruler from the beginning of the infancy of his children; so the adult children were most likely—whether explicitly or by tacit consent—to have *him* continue as ruler. The only change from the earlier state of affairs is that they •permitted the father (and no-one else in his family) to have the executive power of the law of nature, a power that every free man naturally has, and by that •permission giving him a monarchical power while they remained in it [= 'remained in that family'?). But this monarchical power within the extended family didn't come from any paternal *right* but purely from the *consent* of the adult offspring. Suppose that a foreigner comes into the family's territory by chance or on business and, while there, kills a member of the family No-one doubts that in such a case the father may condemn the foreigner and punish him, with death or in some other way. just as he could punish an offence by one of his children. Now, in punishing the foreigner he can't be exercising any *paternal* authority, because the foreigner is not his child; so he must be acting by virtue of the executive power of the law of nature, which he had a right to not as a •father but just as a •man. Any of his adult children would also have had such a natural right if they hadn't laid it aside and chosen to allow this dignity and authority to belong to the father and to no-one else in the family.

75. Thus it was easy, almost natural, and virtually inevitable, for children to give their tacit consent to the father's having authority and government. They had been accustomed in their childhood to follow his direction, and to refer their little

differences to him; when they were grown up, who would be fitter to rule them? They hadn't much property, or much envy of one another's goods, so their 'little differences' hadn't become much bigger! Where could they find a fitter umpire than he by whose care they had all been sustained and brought up, and who had a tenderness for them all?

76. Thus the natural fathers of families gradually became their politic monarchs as well. And when they happened to live long and to have able and worthy heirs, they laid the foundations for *kingdoms*—whether hereditary or elective—with various different kinds of constitutions and procedures, shaped by the effects of chance, contrivance, and particular

events. But if monarchs are entitled to their thrones because of their rights as fathers, and if the natural right of fathers to political authority is shown by the mere *fact* that government has *commonly* been exercised by fathers, then by the very same inference we can 'prove' that all monarchs—and indeed *only* monarchs—should be priests, since it is as certain that in the beginning the father of the family was his household's priest as that he was its ruler. [In a footnote to section 74 Locke quotes a long passage from Hooker, saying things similar to what Locke says in that section, and referring to 'the ancient custom' whereby fathers became kings and also came 'to exercise the office of priests'.]