

# The Second Treatise of Government

*John Locke*

Born in 1632, John Locke was an important figure in both British and American politics; indeed, there are few, if any, philosophers who were more influential in the development of American political institutions and beliefs than John Locke. Locke's father was a politically influential lawyer who supported Oliver Cromwell and the British Parliament against King Charles I. John Locke was sent to Oxford at fifteen, where he became friendly with noted chemist Robert Boyle as well as other scientists, all of whom exerted an important influence on young John. After graduation, Locke served as a tutor in Greek. Then, after serving a period as a diplomat, he returned to Oxford to study medicine. Locke was active throughout his life in political and public affairs. At one point he was forced into exile by the king, but he returned to England after the Glorious Revolution in 1688. He died in 1704 at the age of seventy-two. Locke's influence is evident, among other places, in the U.S. Declaration of Independence. In his *First Treatise of Government*, Locke attacks the divine right of kings; in the *Second Treatise*, from which the following selection is taken, he addresses the legitimate role of government together with the limits on governmental power. Locke begins by imagining persons in a state of nature in which each is independently pursuing his or her own interests. In that situation, he argues, people possess natural moral rights to life, property, and liberty, rights that are not to be transgressed by others. Given the realities of such a state of nature, it is in the interests of people to move toward cooperation and trade and to establish common institutions to provide protection of life and property. Governmental action is severely limited, however, by people's natural rights—a topic to which he devotes considerable attention. Locke also considers the related and important question of how a previously unowned resource may justly become the property of one person.

## OF THE STATE OF NATURE

To understand political power aright, and derive it from its original, we must consider what state all men are naturally in, and that is a state of perfect freedom to order their actions and dispose of their possessions and persons as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man.

A state also of equality, wherein all the power and jurisdiction is reciprocal, no one

having more than another; there being nothing more evident than that creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection, unless the Lord and Master of them all should by any manifest declaration of His will set one above another, and confer on him by an evident and clear appointment an undoubted right to domination and sovereignty.

But though this be a state of liberty, yet it is not a state of license; though man in that state have an uncontrollable liberty to dispose of his person or possessions, yet he has not liberty to destroy himself, or so much as any creature in his possession, but where some nobler use than its bare preservation calls for it. The state of nature has a law of nature to govern it, which obliges everyone; and reason, which is that law, teaches all mankind who will but consult it, that, being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions. For men being all the workmanship of one omnipotent and infinitely wise Maker—all the servants of one sovereign Master, sent into the world by His order, and about His business—they are His property, whose workmanship they are, made to last during His, not one another's pleasure; and being furnished with like faculties, sharing all in one community of nature, there cannot be supposed any such subordination among us, that may authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of creatures are for ours. Everyone, as he is bound to preserve himself, and not to quit his station willfully, so, by the like reason, when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind, and not, unless it be to do justice on an offender, take away or impair the life, or what tends to the preservation of the life, the liberty, health, limb, or goods of another.

And that all men may be restrained from invading others' rights, and from doing hurt to one another, and the law of nature be observed, which willett the peace and preservation of all mankind, the execution of the law of nature is in that state put into every man's hand, whereby everyone has a right to punish the transgressors of that law to such a degree as may hinder its violation. For the law of nature would, as all other laws that concern men in this world, be in vain if there were nobody that, in the state of nature, had a power to execute that law, and thereby preserve the innocent and restrain offenders. And if anyone in the

state of nature may punish another for any evil he has done, everyone may do so. For in that state of perfect equality, where naturally there is no superiority or jurisdiction of one over another, what any may do in prosecution of that law, everyone must needs have a right to do.

And thus in the state of nature one man comes by a power over another; but yet no absolute or arbitrary power, to use a criminal, when he has got him in his hands, according to the passionate heats or boundless extravagance of his own will; but only to retribute to him so far as calm reason and conscience dictate what is proportionate to his transgression, which is so much as may serve for reparation and restraint. For these two are the only reasons why one man may lawfully do harm to another, which is that we call punishment. In transgressing the law of nature, the offender declares himself to live by another rule than that of common reason and equity, which is that measure God has set to the actions of men, for their mutual security; and so he becomes dangerous to mankind, the tie which is to secure them from injury and violence being slighted and broken by him. Which, being a trespass against the whole species, and the peace and safety of it, provided for by the law of nature, every man upon this score, by the right he hath to preserve mankind in general, may restrain, or, where it is necessary, destroy things noxious to them, and so may bring such evil on anyone who hath transgressed that law, as may make him repent the doing of it, and thereby deter him, and by his example others, from doing the like mischief. And in this case, and upon this ground, every man hath a right to punish the offender, and be executioner of the law of nature. . . .

Besides the crime which consists in violating the law, and varying from the right rule of reason, whereby a man so far becomes degenerate, and declares himself to quit the principles of human nature, and to be a noxious creature, there is commonly injury done, and some person or other, some other man receives damage by his transgression, in which case he who hath received any damage, has, besides the right of punishment common

to him with other men, a particular right to seek reparation from him that has done it. And any other person who finds it just, may also join with him that is injured, and assist him in recovering from the offender so much as may make satisfaction for the harm he has suffered.

. . . The magistrate, who by being magistrate hath the common right of punishing put into his hands, can often, where the public good demands not the execution of the law, remit the punishment of criminal offenses by his own authority, but yet cannot remit the satisfaction due to any private man for the damage he has received. That he who has suffered the damage has a right to demand in his own name, and he alone can remit. The damnified person has this power of appropriating to himself the goods or service of the offender, by right of self-preservation, as every man has a power to punish the crime, to prevent its being committed again, by the right he has of preserving all mankind, and doing all reasonable things he can in order to that end. And thus it is that every man in the state of nature has a power to kill a murderer, both to deter others from doing the like injury, which no reparation can compensate, by the example of the punishment that attends it from everybody, and also to secure men from the attempts of a criminal who having renounced reason, the common rule and measure God hath given to mankind, hath by the unjust violence and slaughter he hath committed upon one, declared war against all mankind, and therefore may be destroyed as a lion or a tiger, one of those wild savage beasts with whom men can have no society nor security. . . .

To this strange doctrine—viz., that in the state of nature everyone has the executive power of the law of nature—I doubt not but it will be objected that it is unreasonable for men to be judges in their own cases, that self-love will make men partial to themselves and their friends. And on the other side, that ill-nature, passion, and revenge will carry them too far in punishing others; and hence nothing but confusion and disorder will follow; and that

therefore God hath certainly appointed government to restrain the partiality and violence of men. I easily grant that civil government is the proper remedy for the inconveniences of the state of nature, which must certainly be great where men may be judges in their own case, since 'tis easy to be imagined that he who was so unjust as to do his brother an injury, will scarce be so just as to condemn himself for it. But I shall desire those who make this objection, to remember that absolute monarchs are but men, and if government is to be the remedy of those evils which necessarily follow from men's being judges in their own cases, and the state of nature is therefore not to be endured, I desire to know what kind of government that is, and how much better it is than the state of nature, where one man commanding a multitude, has the liberty to be judge in his own case, and may do to all his subjects whatever he pleases, without the least question or control of those who execute his pleasure; and in whatsoever he doth, whether led by reason, mistake, or passion, must be submitted to, which men in the state of nature are not bound to do one to another? And if he that judges, judges amiss in his own or any other case, he is answerable for it to the rest of mankind.

'Tis often asked as a mighty objection, Where are, or ever were there, any men in such a state of nature? To which it may suffice as an answer at present: that since all princes and rulers of independent governments all through the world are in a state of nature, 'tis plain the world never was, nor ever will be, without numbers of men in that state. I have named all governors of independent communities, whether they are or are not in league with others. For 'tis not every compact that puts an end to the state of nature between men, but only this one of agreeing together mutually to enter into one community, and make one body politic; other promises and compacts men may make one with another, and yet still be in the state of nature. The promises and bargains for truck, etc., between the two men in Soldania, in or between a Swiss and an Indian, in the woods of America, are binding to them, though they are perfectly in a state of nature in

reference to one another. For truth and keeping of faith belong to men as men, and not as members of society. . . .

## OF PROPERTY

Whether we consider natural reason, which tells us that men being once born have a right to their preservation, and consequently to meat and drink and such other things as nature affords for their subsistence; or revelation, which gives us an account of those grants God made of the world to Adam, and to Noah and his sons, 'tis very clear that God, as King David says, Psalm cxv. 16, "has given the earth to the children of men," given it to mankind in common. But this being supposed, it seems to some a very great difficulty how anyone should ever come to have a property in anything. I will not content myself to answer that if it be difficult to make out property upon a supposition that God gave the world to Adam and his posterity in common, it is impossible that any man but one universal monarch should have any property upon a supposition that God gave the world to Adam and his heirs in succession, exclusive of all the rest of his posterity. But I shall endeavor to show how men might come to have a property in several parts of that which God gave to mankind in common, and that without any express compact of all the commoners.

God, who hath given the world to men in common, hath also given them reason to make use of it to the best advantage of life and convenience. The earth and all that is therein is given to men for the support and comfort of their being. And though all the fruits it naturally produces, and beasts it feeds, belong to mankind in common, as they are produced by the spontaneous hand of nature; and nobody has originally a private dominion exclusive of the rest of mankind in any of them as they are thus in their natural state; yet being given for the use of men, there must of necessity be a means to appropriate them some way or other before they can be of any use or at all beneficial to any particular

man. The fruit or venison which nourishes the wild Indian, who knows no enclosure, and is still a tenant in common, must be his, and so his, i.e., a part of him, that another can no longer have any right to it, before it can do any good for the support of his life.

Though the earth and all inferior creatures be common to all men, yet every man has a property in his own person; this nobody has any right to but himself. The labor of his body and the work of his hands we may say are properly his. Whatsoever, then, he removes out of the state that nature hath provided and left it in, he hath mixed his labor with, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state nature placed it in, it hath by this labor something annexed to it that excludes the common right of other men. For this labor being the unquestionable property of the laborer, no man but he can have a right to what that is once joined to, at least where there is enough, and as good left in common for others.

He that is nourished by the acorns he picked up under an oak, or the apples he gathered from the trees in the wood, has certainly appropriated them to himself. Nobody can deny but the nourishment is his. I ask, then, When did they begin to be his—when he digested, or when he ate, or when he boiled, or when he brought them home, or when he picked them up? And 'tis plain if the first gathering made them not his, nothing else could. That labor put a distinction between them and common; that added something to them more than nature, the common mother of all, had done, and so they became his private right. And will anyone say he had no right to those acorns or apples he thus appropriated, because he had not the consent of all mankind to make them his? Was it a robbery thus to assume to himself what belonged to all in common? If such a consent as that was necessary, man had starved, notwithstanding the plenty God had given him. We see in commons which remain so by compact that 'tis the taking any part of what is common and removing it out of the state nature leaves it in,

which begins the property; without which the common is of no use. And the taking of this or that part does not depend on the express consent of all the commoners. Thus the grass my horse has bit, the turfs my servant has cut, and the ore I have dug in any place where I have a right to them in common with others, become my property without the assignation or consent of anybody. The labor that was mine removing them out of that common state they were in, hath fixed my property in them. . . .

It will perhaps be objected to this, that if gathering the acorns, or other fruits of the earth, etc., makes a right to them, then anyone may engross as much as he will. To which I answer, Not so. The same law of nature that does by this means give us property, does also bound that property too. "God has given us all things richly" (1 Tim. vi. 17), is the voice of reason confirmed by inspiration. But how far has He given it to us? To enjoy. As much as anyone can make use of to any advantage of life before it spoils, so much he may by his labor fix a property in; whatever is beyond this, is more than his share, and belongs to others. Nothing was made by God for man to spoil or destroy. And thus considering the plenty of natural provisions there was a long time in the world, and the few spenders, and to how small a part of that provision the industry of one man could extend itself, and engross it to the prejudice of others—especially keeping within the bounds, set by reason, of what might serve for his use—there could be then little room for quarrels or contentions about property so established. . . .

### OF THE BEGINNING AND ENDS 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, which is done by agreeing with other men to join and unite into a community for their comfortable, safe, and peaceable living one amongst 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.

For when any number of men have, by the consent of every individual, made a community, they have thereby made that community one body, with a power to act as one body, which is only by the will and determination of the majority. For that which acts any community being only the consent of the individuals of it, and it being one body must move one way, it is necessary the body should move that way whither the greater force carries it, which is the consent of the majority; or else it is impossible it should act or continue one body, one community, which the consent of every individual that united into it agreed that it should; and so everyone is bound by that consent to be concluded by the majority. And therefore we see that in assemblies empowered to act by positive laws, where no number is set by that positive law which empowers them, the act of the majority passes for the act of the whole, and of course determines, as having by the law of nature and reason the power of the whole.

And thus every man, by consenting with others to make one body politic under one government, puts himself under an obligation to every one of that society, to submit to the determination of the majority, and to be concluded by it; or else this original compact, whereby he with others incorporates into one society, would signify nothing, and be no compact, if he be left free and under no other ties than he was in before in the state of nature. For what appearance would there be of any compact? What new engagement if he were no farther tied by any decrees of the society, than he himself thought fit, and did actually consent to? This would be still as great a liberty as he himself had before his compact, or

anyone else in the state of nature hath, who may submit himself and consent to any acts of it if he thinks fit. . . .

Universal consent is next to impossible ever to be had. . . . [So] where the majority cannot conclude the rest, there they cannot act as one body, and consequently will be immediately dissolved again.

Whosoever therefore out of a state of nature unite into a community must be understood to give up all the power necessary to the ends for which they unite into society, to the majority of the community, unless they expressly agreed in any number greater than the majority. And this is done by barely agreeing to unite into one political society, which is all the compact that is, or needs be, between the individuals that enter into or make up a commonwealth. . . .

Every man being, as has been shown, naturally free, and nothing being able to put him into subjection to any earthly power but only his own consent, it is to be considered what shall be understood to be sufficient declaration of a man's consent to make him subject to the laws of any government. There is a common distinction of an express and a tacit consent, which will concern our present case. Nobody doubts but an express consent of any man entering into any society makes him a perfect member of that society, a subject of that government. The difficulty is, what ought to be looked upon as a tacit consent, and how far it binds i.e., how far anyone shall be looked on to have consented, and thereby submitted to any government, where he has made no expressions of it at all. And to this I say that every man that hath any possession or enjoyment of any part of the dominions of any government doth thereby give his tacit consent, and is as far forth obliged to obedience to the laws of that government during such enjoyment as anyone under it; whether this his possession be of land to him and his heirs for ever, or a lodging only for a week; or whether it be barely traveling freely on the highway; and in effect it reaches as far as the very being of anyone within the territories of that government.

To understand this the better, it is fit to consider that every man when he at first incorporates himself into any commonwealth, he, by his uniting himself thereunto, annexed also, and submits to the community those possessions which he has or shall acquire that do not already belong to any other government; for it would be a direct contradiction for anyone to enter into society with others for the securing and regulating of property, and yet to suppose his land, whose property is to be regulated by the laws of the society, should be exempt from the jurisdiction of that government to which he himself, and the property of the land, is a subject. . . .

But since the government has a direct jurisdiction only over the land, and reaches the possessor of it (before he has actually incorporated himself in the society), only as he dwells upon, and enjoys that: the obligation anyone is under, by virtue of such enjoyment, to submit to the government, begins and ends with the enjoyment; so that whenever the owner, who has given nothing but such a tacit consent to the government, will by donation, sale, or otherwise, quit the said possession, he is at liberty to go and incorporate himself into any other commonwealth, or to agree with others to begin a new one . . . in any part of the world they can find free and unpossessed. . . .

The reason why men enter into society is the preservation of their property; and the end why they choose and authorize a legislative is that there may be laws made, and rules set, as guards and fences to the properties of all the members of the society to limit the power and moderate the dominion of every part and member of the society. For since it can never be supposed to be the will of the society that the legislative should have a power to destroy that which everyone designs secure by entering into society, and for which the people submitted themselves to legislators of their own making, whenever the legislators endeavor to take away and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any further

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obedience, and are left to the common refuge which God hath provided for all men against force and violence. Whensoever, therefore, the legislative shall transgress this fundamental rule of society, and either by ambition, fear, folly, or corruption, endeavor to grasp themselves or put into the hands of any other an absolute power over the lives, liberties, and estates of the people, by this breach of

trust they forfeit the power the people had put into their hands, for quite contrary ends, and it devolves to the people, who have a right to resume their original liberty, and by the establishment of the new legislative (such as they shall think fit) provide for their own safety and security, which is the end for which they are in society.