

THE SECOND TREATISE OF CIVIL GOVERNMENT

By John Locke (1690)

Chapter 1

Sect. 3. *Political power* ... I take to be a *right* of making laws with penalties of death, and consequently all less penalties, for the regulating and preserving of property, and of employing the force of the community in the execution of such laws, and in the defense of the common-wealth from foreign injury; and **all this only for the public good.**

Chapter 2: Of the State of Nature

Sect. 4. To understand political power right, and derive it from its original, we must consider what state all men are naturally in, and that is a *state of perfect freedom* to order their actions and dispose of their possessions and persons as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man.

A *state* also of equality wherein all the power and jurisdiction is reciprocal, no one having more than another; there being nothing more evident than that the 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 among another without subordination or subjection, unless the lord and master of them all should, by any manifest declaration of his will, set one above another, and confer on him by an evident and clear appointment an undoubted right to dominion and sovereignty. ...

Sect. 6. But though this be a *state of liberty*, yet it is *not a state of license*; ... The *state of nature* has a law of nature to govern it, which obliges everyone; and reason, which is that law which 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 ... 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 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 may not (unless it be to do justice on an offender) take away or impair the life, or what tends to the preservation of the life, the liberty, health, limb, or goods of another.

Sect. 7. And that all men may be restrained from invading others rights, and from doing hurt to one another, and the law of nature be observed, which wills the peace and *preservation of all mankind*, the *execution* of the

law of nature is in that state put into every man's hands, whereby 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 in the state of nature who 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.

Sect. 8. And thus, in the state of nature, *one man comes by a power over another*; but yet no absolute or arbitrary power, to use a criminal when he has got him in his hands, according to the passionate heats or boundless extravagancy of his own will; but only to retribute to him so far as calm reason and conscience dictate what is proportionate to his transgression, which is so much as may serve for *reparation* and *restraint*: for these two are the only reasons why one man may lawfully do harm to another, which is that we call *punishment*. In transgressing the law of nature, the offender declares himself to live by another rule than that of reason and common equity ... 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 has transgressed that law as may make him repent the doing of it, and thereby deter him (and by his example others) from doing the like mischief. And in the case, and upon this ground, *every man has a right to punish the offender, and be executioner of the law of nature*. ...

Sect. 15. I moreover affirm, that all men are naturally in that state, and remain so, till by their own consents they make themselves members of some political society. ...

Chapter 3: Of the State of War

Sect, 17. He who attempts to get another man into his absolute power, does thereby *put himself into a state of war* with him; it being understood as a declaration of a design upon his life: for I have reason to conclude that he who would get me into his power without my consent would use me as he pleased when he had got me there, and destroy me too when he had a fancy to it; for nobody can desire to *have me in his absolute power*, unless it be to compel me by force to that which is against the right of my freedom, i.e. make me a slave. To be free from such force is the

only security of my preservation; and reason bids me look on him as an enemy to my preservation who would take away that *freedom* which is the fence to it; so that he who makes an *attempt to enslave* me thereby puts himself into a state of war with me. He that in the state of nature *would take away the freedom* that belongs to any one in that state must necessarily be supposed to have a design to take away everything else, that *freedom* being the foundation of all the rest; as he that, in the state of society, would take away the *freedom* belonging to those of that society or commonwealth, must be supposed to design to take away from them everything else, and so be looked on as *in a state of war*. ...

Sect. 19. And here we have the plain *difference between the state of nature and the state of war*, which however some men have confounded, are as far distant as a state of peace, good will, mutual assistance and preservation, and a state of enmity, malice, violence and mutual destruction are one from another. **Men living together according to reason**, without a common superior on earth with authority to judge between them, **is properly the state of nature**. But force, or a declared design of force, upon the person of another where there is no common superior on earth to appeal to for relief, *is the state of war*. ... Want of a common judge with authority puts all men in a state of nature: force without right upon a man's person makes a state of war, both where there is, and is not, a common judge. ...

Sect. 21. To avoid this *state of war* ... is one great reason of men's putting themselves into society, and quitting the state of nature: for where there is an authority, a power on earth from which relief can be had by *appeal*, there the continuance of the *state of war* is excluded, and the controversy is decided by that power. ...

Chapter 4: Of Slavery

Sect. 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 man, but to have only the law of nature for his rule. **The liberty of man in society is to be under no other legislative power but that established by consent in the commonwealth**; nor under the dominion of any will or restraint of any law, but what that legislative shall enact according to the trust put in it. Freedom then is not ... *a liberty for every one to do what he lists, to live as he pleases, and not to be tied by any laws*: but *freedom of men under government* is to have a standing rule to live by, common to everyone of that society, and made by the legislative power erected in it; a liberty to follow my own will in all things where the rule prescribes not; and not to be subject to the inconstant, uncertain, unknown, arbitrary will of another man: as *freedom of nature* is to be under no other restraint but the law of nature.

Sect. 23. This *freedom* from absolute, arbitrary power is so necessary to, and so closely joined with man's preservation, that he cannot part with it but by what forfeits his preservation and life together: for a man, not having the power of his own life, *cannot*, by compact or his own consent, *enslave himself* to anyone, nor put himself under the absolute, arbitrary power of another to take away his life when he pleases. Nobody can give more power than he has himself; and he that cannot take away his own life, cannot give another power over it. ...

Chapter 5: Of Property

Sect. 27. 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 has provided, and left it in, he has 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 has placed it in, it has 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.

Sect. 28. 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 it is plain, if the first gathering made them not his, nothing else could. ... And will any one 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? ...

Sect. 31. 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. 12) is the voice of reason confirmed by inspiration. But how far has he given it us? *To enjoy*. As much as any one 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. ...

Sect. 32. I think it is plain that *property* in that too is acquired as the former. As *much land* as a man tills, plants, improves, cultivates, and can

use the product of, so much is his *property*. He by his labor does, as it were, enclose it from the common. ...

Sect. 33. Nor was this *appropriation* of any parcel of land, by improving it, any prejudice to any other man, since there was still enough, and as good left; and more than the yet unprovided could use. So that, in effect, there was never the less left for others because of his enclosure for himself: for he that leaves as much as another can make use of does as good as take nothing at all. Nobody could think himself injured by the drinking of another man, though he took a good draught, who had a whole river of the same water left him to quench his thirst: and the case of land and water, where there is enough of both, is perfectly the same. ...

Chapter 9: Of the Ends of Political Society and Government

Sec. 123. If man in the state of nature be so free, as has been said; if he be absolute lord of his own person and possessions, equal to the greatest, and subject to nobody, why will he part with his freedom? why will he give up this empire, and subject himself to the dominion and control of any other power? To which it is obvious to answer, that though **in the state of nature** he has such a right, yet **the enjoyment of it is very uncertain, and constantly exposed to the invasion of others**: for all being kings as much as he, every man his equal, and the greater part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very unsecure. **This makes him willing to quit a condition, which, however free, is full of fears and continual dangers: and it is not without reason that he seeks out and is willing to join in society with others who are already united, or have a mind to unite, for the mutual preservation of their lives, liberties, and estates, which I call by the general name, property.**

Sec. 124. The great and chief end, therefore, of men's uniting into commonwealths, and putting themselves under government, is the preservation of their property. To which in the state of nature there are many things wanting.

First, There wants an established, settled, known law, received and allowed by common consent to be the standard of right and wrong, and the common measure to decide all controversies between them: for though the law of nature be plain and intelligible to all rational creatures; yet men being biased by their interest, as well as ignorant for want of study of it, are not apt to allow of it as a law binding to them in the application of it to their particular cases.

Sec. 125. Secondly, In the state of nature there wants a known and indifferent judge, with authority to determine all differences according to

the established law: for everyone in that state being both judge and executioner of the law of nature, men being partial to themselves, passion and revenge is very apt to carry them too far, and with too much heat, in their own cases; as well as negligence, and unconcernedness, to make them too remiss in other men's.

Sec. 126. Thirdly, In the state of nature there often wants power to back and support the sentence when right, and to give it due execution. They who by any injustice offended will seldom fail where they are able by force to make good their injustice; such resistance many times makes the punishment dangerous, and frequently destructive, to those who attempt it.

Sec. 127. **Thus mankind, notwithstanding all the privileges of the state of nature, being but in an ill condition while they remain in it, are quickly driven into society.** Hence it comes to pass, that we seldom find any number of men live any time together in this state. The inconveniencies that they are therein exposed to, by the irregular and uncertain exercise of the power every man has of punishing the transgressions of others, make them take sanctuary under the established laws of government, and therein seek the preservation of their property. **It is this makes them so willingly give up everyone his single power of punishing, to be exercised by such alone, as shall be appointed to it amongst them; and by such rules as the community, or those authorized by them to that purpose, shall agree on. And in this we have the original right and rise of both the legislative and executive power, as well as of the governments and societies themselves.**

Sec. 128. For in the state of nature, to omit the liberty he has of innocent delights, a man has two powers:

The first is to do whatsoever he thinks fit for the preservation of himself, and others within the permission of the law of nature: by which law, common to them all, he and all the rest of mankind are one community, make up one society, distinct from all other creatures. And were it not for the corruption and viciousness of degenerate men, there would be no need of any other; no necessity that men should separate from this great and natural community, and by positive agreements combine into smaller and divided associations.

The other power a man has in the state of nature, is the power to punish the crimes committed against that law. Both these he gives up, when he joins in a private, if I may so call it, or particular political society, and incorporates into any common-wealth, separate from the rest of mankind.

Sec. 129. The first power, viz. of doing whatsoever he thought for the preservation of himself, and the rest of mankind, he gives up to be regulated by laws made by the society, so far forth as the preservation of himself, and the rest of that society shall require; which laws of the society in many things confine the liberty he had by the law of nature.

Sec. 130. Secondly, The power of punishing he wholly gives up, and engages his natural force (which he might before employ in the execution of the law of nature by his own single authority as he thought fit) to assist the executive power of the society, as the law thereof shall require: for being now in a new state, wherein he is to enjoy many conveniences, from the labor, assistance, and society of others in the same community, as well as protection from its whole strength; he is to part also with as much of his natural liberty in providing for himself as the good, prosperity, and safety of the society shall require; which is not only necessary, but just, since the other members of the society do the like.

Sec. 131. But though men, when they enter into society, give up the equality, liberty, and executive power they had in the state of nature, into the hands of the society, to be so far disposed of by the legislative, as **the good of the society** shall require; yet it being only with an intention in everyone the better to preserve himself, his liberty and property; (for no rational creature can be supposed to change his condition with an intention to be worse) **the power of the society, or legislative constituted by them, can never be supposed to extend farther than the common good**; but is obliged to secure every one's property, by providing against those three defects above mentioned, that made the state of nature so unsafe and uneasy. And so whoever has the legislative or supreme power of any common-wealth, is bound to govern by established standing laws, promulgated and known to the people, and not by extemporary decrees; by indifferent and upright judges, who are to decide controversies by those laws; and to employ the force of the community at home, only in the execution of such laws, or abroad to prevent or redress foreign injuries, and secure the community from inroads and invasion. And all this to be directed to no other end, but the peace, safety, and **public good of the people**.

Chapter 7: Of Political or Civil Society

Sec. 89. Wherever therefore any number of men are so united into one society, as to quit everyone his executive power of the law of nature, and to resign it to the public, there and there only is a political, or civil society. And this is done, wherever any number of men in the state of nature enter into society to make one people, one political body under one supreme government; or else when anyone joins himself to, and incorporates with any government already made: for hereby he authorizes the society, or

which is all one, the legislative thereof, to make laws for him, as the public good of the society shall require; to the execution whereof, his own assistance (as to his own decrees) is due. And this puts men out of a state of nature into that of a common-wealth, by setting up a judge on earth with authority to determine all the controversies, and redress the injuries that may happen to any member of the commonwealth; which judge is the legislative, or magistrates appointed by it. And wherever there are any number of men, however associated, that have no such decisive power to appeal to, there they are still in the state of nature.

Sec. 90. Hence it is evident, that absolute monarchy, which by some men is counted the only government in the world, is indeed inconsistent with civil society, and so can be no form of civil government at all: for the end of civil society, being to avoid and remedy those inconveniences of the state of nature, which necessarily follow from every man's being judge in his own case, by setting up a known authority, to which every one of that society may appeal upon any injury received, or controversy that may arise, and which everyone of the society ought to obey*; wherever any persons are who have not such an authority to appeal to for the decision of any difference between them, there those persons are still in the state of nature. ...

(* The public power of all society is above every soul contained in the same society; and the principal use of that power is to give laws unto all that are under it, which laws in such cases **we must obey, unless there be reason showed which may necessarily enforce that the law of reason, or of God, does enjoin the contrary**)

Sec. 91. To take away all such mutual grievances, injuries and wrongs (i.e. such as attend men in the state of nature), there was no way but only by growing into composition and agreement amongst themselves, by ordaining some kind of government public, and by yielding themselves subject thereunto, that unto whom they granted authority to rule and govern by them the peace, tranquility and happy estate of the rest might be procured. Men always knew that ... no man might in reason take upon himself to determine his own right, and according to his own determination proceed in maintenance thereof, in as much as every man is towards himself, and them whom he greatly affects, partial; and therefore that **strife and trouble would be endless, except they gave their common consent, all to be ordered by some, whom they should agree upon**, without which consent there would be no reason that one man should take upon him to be lord or judge over another.

Chapter 8: Of the Beginning of Political Societies

Sec. 95. Men being, as has been said, by nature all free, equal, and independent, **no one can be put out of this estate and subjected to the political power of another, without his own consent.** The only way whereby any one divests himself of his natural liberty, and puts on the bonds of civil society, is by agreeing with other men to join and unite into a community for their comfortable, safe, and peaceable living amongst one 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 political body, wherein the majority have a right to act and conclude the rest.

Sec. 96. 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 necessary to that which is one body to 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 as one body, one community, which the consent of every individual that united into it, agreed that it should; **and so every one 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.

Sec. 97. **And thus every man, by consenting with others to make one political body under one government, puts himself under an obligation to everyone 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 has who may submit himself and consent to any acts of it if he thinks fit.

Sec. 98. For if the consent of the majority shall not, in reason, be received as the act of the whole, and conclude every individual; nothing but the consent of every individual can make anything to be the act of the whole: but such a consent is next to impossible ever to be had, if we consider the infirmities of health, and avocations of business, which in a number, though much less than that of a common-wealth, will necessarily keep many away from the public assembly. To which if we add the variety of opinions and contrariety of interests which unavoidably happen in all collections of men, the coming into society upon such terms would be only like Cato's coming into the theatre, only to go out again. Such a constitution as this would make the mighty Leviathan of a shorter duration than the feeblest creatures, and not let it outlast the day it was born in. ...

Sec. 99. 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. **And thus that which begins and actually constitutes any political society is nothing but the consent of any number of freemen capable of a majority to unite and incorporate into such a society. And this is that, and that only which did or could give beginning to any lawful government in the world. ...**

Sec. 112. Thus we may see how probable it is that people that were naturally free, and by their own consent either submitted to the government of their father, or united together out of different families to make a government, should generally put the rule into one man's hands, and choose to be under the conduct of a single person, without so much as by express conditions limiting or regulating his power, which they thought safe enough in his honesty and prudence; ... And thus much may suffice to show that as far as we have any light from history, we have reason to conclude that all peaceful beginnings of government have been laid in the consent of the people. ...

Sec. 119. Every man being, as has been showed, 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 a 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 [explicit] and a tacit [implicit] consent, which will concern our present case. **Nobody doubts that 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 any one 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 has any possessions, or enjoyment of any part of the dominions of any government does thereby give his tacit consent, and is as far forth obliged to obedience to the laws of that government during such enjoyment as any one under it; whether his possession be of land, to him and his heirs forever, 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 any one within the territories of that government. ...

Sec. 121. 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 any one 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 common-wealth; or to agree with others to begin a new one in any part of the world, they can find free and unpossessed:** whereas he that has once, by actual agreement and any express declaration, given his consent to be of any commonwealth, is perpetually and indispensably obliged to be, and remain unalterably a subject to it, and can never be again in the liberty of the state of nature; unless, by any calamity, the government he was under comes to be dissolved; or else by some public act cuts him off from being any longer a member of it.

Sec. 122. **But submitting to the laws of any country, living quietly, and enjoying privileges and protection under them makes not a man a member of that society:** ... this no more makes a man a member of that society, a perpetual subject of that common-wealth, than it would make a man a subject to another, in whose family he found it convenient to abide for some time; though, whilst he continued in it, he were obliged to comply with the laws and submit to the government he found there. And thus we see that foreigners, by living all their lives under another government, and enjoying the privileges and protection of it, though they are bound, even in conscience, to submit to its administration as far forth as any denizen; yet do not thereby come to be subjects or members of that commonwealth. **Nothing can make any man so, but his actually entering into it by positive engagement, and express promise and compact. This is that, which I think, concerning the beginning of political societies, and that consent which makes any one a member of any common-wealth.**