

THE SECOND TREATISE
OF GOVERNMENT

AN
ESSAY

Concerning the

True Original, Extent, and End

OF

Civil Government

Title. The title-page was an insertion in the course of printing, as subtly demonstrated by Gerritsen, 1954. The original title, not allotted a page to itself in the printing as first planned, was presumably simply the 'Book II' at the head of the first page of its text, the *First Treatise* having 'Book I'. The title to the whole volume seems to have been altered to take account of this new title to the second book. See Introduction, 50.

The correct title to this second book, then, is either 'The Second Treatise of Government', to conform with that of the whole volume, or the full title given here, abbreviated 'Of Civil Government' (or alternatively 'An Essay Concerning Civil Government'). It was entitled thus in the French translation, the first appearance of the *Second Treatise* independently, perhaps with Locke's approval (see Introduction, 12)—'Du Gouvernement Civil'. The title in common use is a solecism: 'The Second Treatise on (or of) Civil Government'. It may have arisen because the collected editions from the first (1714) on, and the individual editions from the 6th (1764) on, had the running title 'Of Government' for the *First Treatise* and 'Of Civil Government' for the *Second*—a distinction without meaning or usefulness.

BOOK II.

CHAP. I.

1. **I**T having been shewn in the foregoing Discourse,

1°. That *Adam* had not either by natural Right of Fatherhood, or by positive Donation from God, any such Authority over his Children, or Dominion over the World as is pretended.

2°. That if he had, his Heirs, yet, had no Right to it.

3°. That if his Heirs had, there being no Law of Nature nor positive Law of God that determines, which is the Right Heir in all Cases that may arise, the Right of Succession, and consequently of bearing Rule, could not have been certainly determined.

4°. That if even that had been determined, yet the knowledge of which is the Eldest Line of *Adam's* Posterity, being so long since utterly lost, that in the Races of Mankind and Families of the World, there remains not to one above another, the least pretence to be the Eldest House, and to have the Right of Inheritance.

All these premises having, as I think, been clearly made out, it is impossible that the Rulers now on Earth, should make any benefit, or derive any the least shadow of Authority from that, which is held to be the Fountain of all Power, *Adam's Private Dominion and Paternal Jurisdiction*, so that, he that will not give just occasion, to think that all Government in the World is the product

§ 1 *Chapter I.*—obviously written by Locke to bridge the gap between the fragmentary *First Treatise* and the *Second*, presumably in 1689. As originally composed, this book must have started at § 4 (chapter II), or perhaps at an introductory paragraph to this one, now cancelled—see note on II, § 54, 1. Locke may, of course, have modified this area of the text considerably in 1689.

This chapter is omitted from the French version of 1691, and so from all editions in French and other languages until recent years—see Appendix A, 'Check List of Printings'. It was also left out of the early American edition, Boston, 1773—see Introduction, 14.

20-2 This has been taken as a covert reference to Hobbes, and in fact may be a reminiscence of Filmer's attack on the Hobbesian state of nature: 'It is not to be

only of Force and Violence, and that Men live together by no other Rules but that of Beasts, where the strongest carries it, and so lay a Foundation for perpetual Disorder and Mischief, Tumult, Sedition and Rebellion, (things that the followers of that Hypothesis so loudly cry out against) must of necessity find out another rise of Government, another Original of Political Power, and another way of designing and knowing the Persons that have it, then what Sir Robert F. hath taught us.

2. To this purpose, I think it may not be amiss, to set down what I take to be Political Power. That the Power of a *Magistrate* over a Subject, may be distinguished from that of a *Father* over his Children, a *Master* over his Servant, a *Husband* over his Wife, and a *Lord* over his Slave. All which distinct Powers happening sometimes together in the same Man, if he be considered under these different Relations, it may help us to distinguish these Powers one from another, and shew the difference betwixt a Ruler of a Common-wealth, a Father of a Family, and a Captain of a Galley.

3. *Political Power* then I take to be a *Right* of making Laws with Penalties of Death, and consequently all less Penalties, for the Regulating and Preserving of Property, and of employing the force of the Community, in the Execution of such Laws, and in the defence of the Common-wealth from Foreign Injury, and all this only for the Publick Good.

thought that God would create man in a condition worse than any beast, as if he had made men to no other end by nature but to destroy one another' (Laslett's edition, 241). Filmer was Hobbes's first critic, and Locke had read and noted this work of his at least as early as 1667—see Introduction, 33. Compare II, § 93, 30-2.

23-4 Compare I, §§ 3; 83; 106, 15-16; § 143.

§ 3 Compare the definition of *respublica* in Locke's *Epistola de Tolerantia* (1689, that is, closer to this chapter than to the text as a whole): 'The commonwealth seems to me to be a society of men constituted only for procuring, preserving their own *civil interests* (*bona civilia*)... therefore is the magistrate armed with the force and strength of all his subjects (*totò scilicet subditorum robore*) in order to the punishment of those that violate any other man's rights' (1765, p. 5, and pp. 35-6 for Popple's English translation). Here external security is omitted and property is replaced by *bona civilia*, defined as 'life, liberty, health and indolency of body; and the possession of outward things, such as money, lands, houses, furniture and the like (*vítam, libertatem, corporis integritatem, et indolentiam, et rerum externarum possessiones, ut sunt latifundia, pecunia, suppellex etc.*)'. See Introduction, 102; and on capital laws, see I, § 129, 10-15 and note, II, §§ 87-9, 171. Etrington (1798) remarks on the distinction between power and right in this paragraph, implying that Locke confuses them.

CHAP. II.

Of the State of Nature.

4. TO understand Political Power right, and derive it from its Original, we must consider what State all Men are naturally in, and that is, a *State of perfect Freedom* to order their Actions, and dispose of their Possessions, and Persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other Man.

A *State also of Equality*, wherein all the Power and Jurisdiction is reciprocal, no one having more than another: there being nothing more evident, than that Creatures of the same species and rank promiscuously born to all the same advantages of Nature, and the use of the same faculties, should also be equal one amongst another without Subordination or Subjection, unless the Lord and Master of them all, should by any manifest Declaration of his Will set one above another, and confer on him by an evident and clear appointment an undoubted Right to Dominion and Sovereignty.

§ 4 *Chapter II* The French and other versions begin with this chapter, and in Locke's original text there may have been only one paragraph before this point, introducing the whole work; see note on II, § 54, 1. Although it was extended when Locke added his Hooker material (see §§ 5 and 15) and certainly corrected to some extent, perhaps a great deal, in 1689—see, for example, § 14, 12-17—as this whole section of the book may have been, there is no reason to suppose that it was not substantially completed in 1679.

9-10 A reference to the *Creation*, compare I, §§ 25-7, etc.

9-11 Quoted verbatim by Molynaux, *Case of Ireland*, 1698 (1720 ed., 127).

11 'should'—to be read as imperative in feeling, for Locke recognized inequality in capacity. See II, § 34, and *The Conduct of the Understanding*: 'there is, it is visible, a great variety in men's understandings, and their natural constitutions... the woods of America, as well as the schools of Athens, produce men of several abilities in the same kind'. In the same work, however, he is prepared to use the example of the natural equality of men for the purpose of illustrating the necessity of bottoming, that is discovering a 'truth well settled in the understanding' (*Worke*, 1801, III, 189 and 259). Compare Hobbes, *Elements of Law* (1928, 54): 'men considered in mere nature ought to admit amongst themselves equality', and the similar statements in *Leviathan* (chapter 13) and *De Cive*, though the context and grounds of this statement of Locke's are very different.

5. This equality of Men by Nature, the Judicious Hooker looks upon as so evident in it self, and beyond all question, that he makes it the Foundation of that Obligation to mutual Love amongst Men, on which he Builds the Duties they owe one another, and from whence he derives the great Maxims of Justice and Charity. His words are;

The like natural inducement, hath brought Men to know that it is no less their Duty, to Love others than themselves, for seeing those things which are equal, must needs all have one measure; If I cannot but wish to receive good, even as much at every Man's hands, as any Man can wish unto his own Soul, how should I look to have any part of my desire herein satisfied, unless my self be careful to satisfy the like desire, which is undoubtedly in other Men, being of one and the same nature? to have any thing offered them repugnant to this desire, must needs in all respects grieve them as much as me, so that if I do harm, I must look to suffer, there being no reason that others should shew greater measure of love to me, than they have by me, shewed unto them; my desire therefore to be lov'd of my equals in nature, as much as possible may be, imposeth upon me a natural Duty of bearing to themward, fully the like affection; From which relation of equality between our selves and them, that are as our selves, what several Rules and Canons, natural reason hath drawn for direction of Life, no Man is ignorant. Eccl. Pol. Lib. 1.

6. But though this be a *State of Liberty*, yet it is not a *State of Licence*, though Man in that State have an uncontrollable Liberty,

§ 5 1 It was probably Locke, slavishly followed by his friend Molyneux, who did most to give currency to the title 'judicious' to Richard Hooker. He was genuinely indebted to him both in his philosophy and his political theory, and in his lists of recommended reading for young men he talks of the *Ecclesiastical Polity* as one of 'the most talked of' books on politics, and requires thorough study of 'the judicious Hooker's first book' (*Works*, 1801, III, 272; X, 308). But the reference to him here and throughout the *Second Treatise* was also intended to lend respectability to his position and to turn the flank of his opponents, especially the good churchmen amongst them.

7-23 *Ecclesiastical Polity*, Book I, ch. VIII, § 7 (Koble ed. 1836, I, 288-9), not quite exactly quoted. Compare I, § 42 on Justice and Charity.

Like the other quotations from Hooker, this, and the rest of the paragraph with it, was added after the body of the text had been written (see Introduction, § 7 and II, § 239, 45 and note), probably on 28 June 1681, on which date Locke copied into his diary extracts from just before and just after this one. All came from pp. 80-2 of the *Ecclesiastical Polity* which he had bought on 13 June—Appendix B, no. 45. This was probably the 1676 edition, and it is referred to as such in these foot- notes, but it could have been that of 1666, see Introduction, § 7 and note.

to dispose of his Person or Possessions, yet he has not Liberty to destroy himself, or so much as any Creature in his Possession, but where some nobler use, than its bare Preservation calls for it. The *State of Nature* has a Law of Nature to govern it, which obliges every one: And Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions. For Men being all the Workmanship of one Omnipotent, and infinitely wise Maker; All the Servants of one Sovereign Master, sent into the World by his order and about his business, they are his Property, whose Workmanship they are, made to last during his, not one another's Pleasure. And being furnished with like Faculties, sharing all in one Community of Nature, there cannot be supposed any such *Subordination* among us, that may Authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of Creatures are for ours. Every one as he is bound to preserve himself, and not to quit his Station wilfully; so by the like reason when his own Preservation comes not in competition, ought he, as much as he can, to preserve the rest of Mankind, and may not unless it be to do Justice on an Offender, take away, or impair the life, or what tends to the Preservation of the Life, the Liberty, Health, Limb or Goods of another.

7. And that all Men may be restrained from invading others Rights, and from doing hurt to one another, and the Law of Nature be observed, which willeth the Peace and Preservation of all Mankind, the Execution of the Law of Nature is in that State, put into every Mans hands, whereby every one has a right to punish the transgressors of that Law to such a Degree, as may hinder its Violation. For the Law of Nature would, as all other Laws that concern Men in this World, be in vain, if there were no body that in the State of Nature, had a Power to Execute that Law, and thereby preserve the innocent and restrain offenders, and if

§ 6 3-4 But compare II, § 23 and note.

10-14 On man as God's workmanship see I, §§ 30, 52-4; 86, and as God's property I, § 85, 10-11; compare II, § 56, 11-14.

14-19 Compare I, §§ 86; 87; 92, 1-3 note; II, § 135, 13-17. These statements are generally taken as directed against Hobbes, especially the thirteenth chapter of *Leviathan*, but there is nothing in Locke's language to suggest that the words of Hobbes were in his mind.

any one in the State of Nature may punish another, for any evil he has done, every one may do so. For in that *State of perfect Equality*, where naturally there is no superiority or jurisdiction of one, over another, what any may do in Prosecution of that Law, every one must needs have a Right to do.

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 dictates, what is proportionate to his Transgression, which is so much as may serve for *Reparation* and *Restraint*. For these two are the only reasons, why one Man may lawfully do harm to another, which is that we call *punishment*. In transgressing the Law of Nature, the Offender declares himself to live by another Rule, than that of *reason* and common Equity, which is that measure God has set to the actions of Men, for their mutual security: and so he becomes dangerous to Mankind, the tye, which is to secure them from injury and violence, being slighted and broken by him. Which being a trespass against the whole Species, and the Peace and Safety of it, provided for by the Law of Nature, every man upon this score, by the Right he hath to preserve Mankind in general, may restrain, or where it is necessary, destroy things noxious to them, and so may bring such evil on any one, who hath transgressed that Law, as may make him repent the doing of it, and thereby deter him, and by his Example others, from doing the like mischief. And in this case, and upon this ground, every *Man hath a Right to punish the Offender, and be Executioner of the Law of Nature*.

9. I doubt not but this will seem a very strange Doctrine to some Men: but before they condemn it, I desire them to resolve

§ 8 6 'proportionate'—at this word sheet P ends and sheet Q begins in the first printing. This sheet exists in variant states (see Laslett, 1952 (iv), and Bowers, Geritsen and Laslett, 1954 (ii)). Even more than in the case of the later part of sheet P (see 1, § 167, 10 and note), any part of it may be the result of Locke's last-minute modifications. It ends with the last word of § 21.

§ 9 1 'strange Doctrine'—this seems to be Locke's way of announcing that his doctrine of punishment was, or was intended by him to be, a novelty; compare 11, § 13, 1; 11, § 180, 6 and Introduction, 96. It is certainly in subtle contrast with Hobbes's doctrine in chapter 28 of *Leviathan*, with which it is often compared. The

me, by what Right any Prince or State can put to death, or *punish an Alien*, for any Crime he commits in their Country. 'Tis certain their Laws by virtue of any Sanction they receive from the promulgated Will of the Legislative, reach not a Stranger. They speak not to him, nor if they did, is he bound to hearken to them. The Legislative Authority, by which they are in Force over the Subjects of that Common-wealth, hath no Power over him. Those who have the Supream Power of making Laws in *England, France or Holland*, are to an *Indian*, but like the rest of the World, Men without Authority: And therefore if by the Law of Nature, every Man hath not a Power to punish Offences against it, as he soberly judges the Case to require, I see not how the Magistrates of any Community, can *punish an Alien* of another Country, since in reference to him, they can have no more Power, than what every Man naturally may have over another.

10. Besides the Crime which consists in violating the Law, and varying from the right Rule of Reason, whereby a Man so far becomes degenerate, and declares himself to quit the Principles of Human Nature, and to be a noxious Creature, there is commonly *injury* done to some Person or other, and some other Man receives damage by his Transgression, in which Case he who hath received any damage, has besides the right of punishment common to him with other Men, a particular Right to seek *Reparation* from him that has done it. And any other Person who finds it just, may also joy'n with him that is injur'd, and assist him in recovering from the Offender, so much as may make satisfaction for the harm he has suffer'd.

11. From these *two distinct Rights*, the one of *Punishing* the Crime *for restraint*, and preventing the like Offence, which right of punishing is in every body; the other of taking *reparation*, which belongs only to the injured party, comes it to pass that the Magistrate, who by being Magistrate, hath the common right of

whole of Locke's *Second Letter on Toleration* (1690) is concerned with punishment as a means of 'Reparation and Restraint'.

10-12 That is to say the Indian is in a state of nature with respect to all established political power.

§ 10 On this paragraph, Ellington comments (1798) that throughout the whole of this treatise Locke's 'zeal for liberty has very frequently led him to speak of men's duties as rights which they may exercise or renounce at pleasure'.

4 'noxious Creature'—compare 11, § 172, 10-19, note and references.

punishing put into his hands, can often, where the publick good demands not the execution of the Law, *remit* the punishment of Criminal Offences by his own Authority, but yet cannot *remit* the satisfaction due to any private Man, for the damage he has received. That, he who has suffered the damage has a Right to demand in his own name, and he alone can *remit*. The damned Person has this Power of appropriating to himself, the Goods or Service of the Offender, by *Right of Self-preservation*, as every Man has a Power to punish the Crime, to prevent its being committed again, *by the Right he has of Preserving all Mankind*, and doing all reasonable things he can in order to that end. And thus it is, that every Man in the State of Nature, has a Power to kill a Murderer, both to deter others from doing the like Injury, which no Reparation can compensate, by the Example of the punishment that attends it from every body, and also *to secure* Men from the attempts of a Criminal, who having renounced Reason, the common Rule and Measure, God hath given to Mankind, hath by the unjust Violence and Slaughtering he hath committed upon one, declared War against all Mankind, and therefore may be destroyed as a *Lyon* or a *Tyger*, one of those wild Savage Beasts, with whom Men can have no Society nor Security: And upon this is grounded the great Law of Nature, *Who so sheddeth Mans Blood, by Man shall his Blood be shed*. And *Cain* was so fully convinced, that every one had a Right to destroy such a Criminal, that after the Murder of his Brother, he cries out, *Every one that findeth me, shall slay me*; so plain was it writ in the Hearts of all Mankind.

12. By the same reason, may a Man in the State of Nature *punish the lesser breaches* of that Law. It will perhaps be demanded,

§ 11 6-8 Compare II, § 159, 24-6. The power of pardon was the fourth mark of sovereignty (Bodin, *Methodus*, 1945, 173, see I, § 129, 10-15, note and references, II, § 88, 4-6) and Locke may be following the traditional argument here.

25-6 Compare II, § 172, 18-19 (verbal parallel), note and references.

27-8 Genesis ix. 6: a divine command is equated here with a law of nature. 30-1 Genesis iv. 14. The final phrase is the most conspicuous instance in the whole book of Locke's willingness here to take advantage of the belief in innate ideas and innate practical principles, excoriated in Book I of his *Essay concerning Human Understanding*. The words 'writ in the Hearts' are typical of what Volton (1956, section II) calls the naïve form of the belief, and the principle at issue cannot well be explained as an exception, as in the case of a similar passage in I, § 86, 20-1—see note and references there. He would seem to imply here that his whole 'strange doctrine' about punishment was a part of innate knowledge, a possibility he had rejected as early as 1659-64, see Von Leyden, 1954.

with death? I answer, Each Transgression may be *punished* to that *degree*, and with so much *Severity* as will suffice to make it an ill bargain to the Offender, give him cause to repent, and terrifie others from doing the like. Every Offence that can be committed in the State of Nature, may in the State of Nature be also punished, equally, and as far forth as it may, in a Common-wealth; for though it would be besides my present purpose, to enter here into the particulars of the Law of Nature, or its *measures of punishment*; yet, it is certain there is such a Law, and that too, as intelligible and plain to a rational Creature, and a Studier of that Law, as the positive Laws of Common-wealths, nay possibly plainer: As much as Reason is easier to be understood, than the Phantasies and intricate Contrivances of Men, following contrary and hidden interests put into Words; For so truly are a great part of the *Municipal Laws* of Countries, which are only so far right, as they are founded on the Law of Nature, by which they are to be regulated and interpreted.

13. To this strange Doctrine, *viz.* That in the State of Nature, *every one has the Executive Power* of the Law of Nature, I doubt not but it will be objected, That it is unreasonable for Men to be Judges in their own Cases, that Self-love will make Men partial to themselves and their Friends. And on the other side, that ill Nature, Passion and Revenge will carry them too far in punishing others. And hence nothing but Confusion and Disorder will follow, and that therefore God hath certainly appointed

§ 12 9-10 For Locke's attitude to the law of nature and the claim that it was always beside his present purpose to give its particulars, see Introduction, 8r.

10-12 Compare II, § 124, 8-9, verbal parallel.

13-19 This passage is indicative of Locke's hostility to those who would multiply laws, indeed to the law, law-courts and lawyers, especially the Common Lawyers, in general (compare I, § 90, 29-31, note and references). This he shared with the 1st Earl of Shaftesbury: see the 79th and 80th *Fundamental Constitutions of Carolina*, which provide that all statute laws should be null after a century, and that no comments upon the *Constitutions* should be permitted. Elfrington (1978) comments that this criterion of a nation's law in terms of natural law, and not the will of a majority, 'points out the true principles of civil government'.

16-19 Compare II, § 135, 23-6, and the striking parallels pointed out by Von Leyden in the *Essays on the Laws of Nature*, 118-19, 188-9, of his 1954 edition.

§ 13 1-2 See II, § 9, 1, note and references. Pollock, 1904, 241-2, comments on a 'strange verbal parallel in that strangest of medieval vagaries the *Mirror of Justices*. . . "Ordinary jurisdiction has every one who is not deprived of it by sin, for every one may judge his neighbour according to the holy rules of right", Book IV, chap. II." On the *Mirror* see II, § 239, 42-3 and note.

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 easily 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 Mens being Judges in their own Cases, and the State of Nature is therefore not to be endured, I desire to know what kind of Government that is, and how much better it is than the State of Nature, where one Man commanding a multitude, has the Liberty to be Judge in his own Case, and may do to all his Subjects whatever he pleases, without the least liberty to any one to question or controule those who Execute his Pleasure? And in whatsoever he doth, whether led by Reason, Mistake or Passion, must be submitted to? Much better it is in the State of Nature wherein Men are not bound to submit to the unjust will of another: And if he that judges, judges amiss in his own, or any other Case, he is answerable for it to the rest of Mankind.

14. '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

22-7 Modified by Locke in his final corrections, see Collation. § 14 1-3 Compare II, § 101, where the full answer is given, perhaps as a later extension—see note there.

1-8 Governments in a state of nature with each other: compare II, § 183, 7-8, II, § 184, 31-2 (an aside in both cases). It is often assumed that Locke was following Hobbes here, perhaps consciously: compare *Leviathan*, chapter 13 (1904, 85), where the sequence of thought is much the same. But Gierke insists that this conception was a commonplace with the natural-law theorists of the time (1934, I, 97): he cites ten authorities on the point (II, 288), including Pufendorf's *Elementia* and *De Jure Naturae*. If Locke had any writer specifically in mind, it seems most likely that it was Pufendorf. See Introduction, 74, and Appendix B, nos. 65 and 68.

together mutually to enter into one Community, and make one Body Politick; other Promises and Compacts, Men may make one with another, and yet still be in the State of Nature. The Promises and Bargains for Truck, &c. between the two Men in the Desert Island, mentioned by Garcilasso *De la vega*, in his History of Peru, or between a *Swiss* and an *Indian*, in the Woods of *America*, are binding to them, though they are perfectly in a State of Nature, in reference to one another. For Truth and keeping of Faith belongs to Men, as Men, and not as Members of Society.

15. To those that say, There were never any Men in the State of Nature; I will not only oppose the Authority of the Judicious Hooker, *Eccle. Pol. Lib. 1. Sect. 10*, where he says, *The Laws which have been hitherto mentioned, i.e. the Laws of Nature, do bind Men absolutely, even as they are Men, although they have never any settled fellowship, never any Solemn Agreement amongst themselves what to do or not to do, but for as much as we are not by our selves sufficient to furnish our selves with competent store of things, needful for such a Life, as our Nature doth desire, a Life, fit for the Dignity of Man; therefore*

12-17 In the first state of the 1st edition this passage reads differently, and is the most important variation between the two states. The bargains for truck there are 'Between the two Men in Soldania, in or between, a *Swiss* and an *Indian*, and Garcilasso's desert island is not mentioned (see Collation). It is clear that Locke did not simply add, in the second state, a phrase omitted in the first, because Soldania (Soldanha Bay in South Africa) is not mentioned by Garcilasso, who is concerned with America. He seems to have decided to omit this imperfect reference to Soldania altogether, and to substitute for it this incident from Book I, chapter 8 of Garcilasso's *Commentarios Reales* (34-43 of his French translation of 1633, Appendix B, no. 88): (see note on I, § 57, 18 and compare I, § 153, 19-20 and note). He made the following note in his diary on 8 February 1687: 'Pedro Serrano that lived three years in a desolate island alone and after that time another shipwrecked man came to him and being but two they could not agree. Garcilasso de la Vega, *Histoire des Incas* I. c. 8.' This correction, therefore, raises the possibility that Locke wrote this passage in 1687, which is considered in the Introduction, 54. The original reference to the Hottentots of Soldania was genuine enough, for Locke frequently cited the example of this people as having no belief in God: these references (in the *Essay* and elsewhere) are listed in Von Leyden, 1934, 65, 81, for Locke cited this region along with Brazil as early as his fifth *Essay on the Law of Nature* (early 1660's, *op. cit.* 174). His information probably came from Terry's *Voyage to East India*, 1655, which was on his shelves in 1681—Appendix B, no. 82.

18-19 Compared by Von Leyden with the first and seventh *Essays on the Law of Nature* (1934, 81).

§ 15 3-13 Hooker, ed. Koble, 1836, 298-9, fairly accurately quoted, with alterations of punctuation. It comes from p. 85 of Locke's 1676 edition, a little after a passage copied into his diary on 28 June 1681; see note on II, § 5, 7-23.

to supply those Defects and Imperfections which are in us, as living singly and solely by our selves, we are naturally induced to seek Communion and Fellowship with others, this was the Cause of Mens uniting themselves, at first in Politick Societies. But I moreover affirm, That all Men are naturally in that State, and remain so, till by their own Consents they make themselves Members of some Politick Society; And I doubt not in the Sequel of this Discourse, to make it very clear.

CHAP. III.

Of the State of War.

16. THE State of War is a State of Enmity and Destruction; And therefore declaring by Word or Action, not a passion and hasty, but a sedate settled Design, upon another Mans Life, puts him in a State of War with him against whom he has declared such an Intention, and so has exposed his Life to the others Power to be taken away by him, or any one that joyns with him in his Defence, and espouses his Quarrel: it being reasonable and just I should have a Right to destroy that which threatens me with Destruction. For by the Fundamental Law of

§ 16 *Chapter III* In the same way as chapter II (see note on § 4) this was presumably substantially written in 1679, but certainly amended and extended in 1689 (see, for example, § 17, 18-21 and note) and its text was the subject of the printing confusion in that year.

1 The large type, which is the most conspicuous feature distinguishing the first from the second state of the 1st edition, begins at this point and continues until line 15 of § 17. It may well be the result of the cutting out of part of the text by Locke during the course of printing, but this cannot be confirmed bibliographically, and even if it happened the passage excised need not have come from this area of large type—see Introduction, 8, Laslett, 1912 (iv), and Bowers, Geritsen and Laslett, 1954. In the second state of the 1st edition the type of this area is of normal size, but it has two variant readings in this paragraph—see Collation.

9-10 Compare II, § 6, 22; § 7, 3-4; § 135, 31; § 171, 12, etc., and Tyrrell, 1681, 15. On Locke's tendency to regard this law of universal preservation as the fundamental natural law, see Introduction, 97. In his *Education* (1694) he says, 'And truly, if the preservation of all mankind, as much as in him lies, were every one's persuasion, as indeed it is every one's duty, and the true principle to regulate our religion, politics and morality by, the world would be much quieter and better-natured, than it is' (*Works*, 1801, IX, 113).

Nature, Man being to be preserved, as much as possible, when all cannot be preserved, the safety of the Innocent is to be preferred: And one may destroy a Man who makes War upon him, or has discovered an Enmity to his being, for the same Reason, that he may kill a Wolf or a Lyon; because such Men are not under the ties of the Common Law of Reason, have no other Rule, but that of Force and Violence, and so may be treated as Beasts of Prey, those dangerous and noxious Creatures, that will be sure to destroy him, whenever he falls into their Power.

17. And hence it is, that he who attempts to get another Man into his Absolute Power, does thereby put himself into a State of War with him; It being to be 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 no body 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 every thing 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 Common-wealth, must be supposed to design to take away from them every thing else, and so be looked on as in a State of War.

18. This makes it Lawful for a Man to kill a Thief, who has not in the least hurt him, nor declared any design upon his Life, any farther then by the use of Force, so to get him in his Power,

16-17 'Beasts of Prey...noxious Creatures'—compare II, § 172, 18-19, note and references: 'and so' to the end of the paragraph may be an addition of 1689.

§ 17 15 'State'—end of large type in first state of 1st edition, see II, § 16, 1.

18-21 This last sentence may be an interpolation of 1689, an implication that James II was 'in a State of War' with Englishmen. Indeed § 18 follows more naturally on to § 16, and the whole paragraph may have been inserted.

§ 18 1 Compare II, § 207, 12-13.

as to take away his Money, or what he pleases from him: because
 5 using force, where he has no Right, to get me into his Power,
 let his pretence be what it will, I have no reason to suppose,
 that he, who would *take away my Liberty*, would not when he had
 me in his Power, take away every thing else. And therefore it is
 Lawful for me to treat him, as one who has put *himself into a State*
 10 *of War* with me, *i.e.* kill him if I can; for to that hazard does he
 justly expose himself, whoever introduces a State of War, and
 is *aggressor* in it.

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,
 5 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
 10 Superior on Earth to appeal to for relief, *is the State of War*: And
 'tis the want of such an appeal gives a Man the Right of War
 even against an *aggressor*, though he be in Society and a fellow
 Subject. Thus a *Thief*, whom I cannot harm but by appeal to the
 Law, for having stolen all that I am worth, I may kill, when he
 15 sets on me to rob me, but of my Horse or Coat: because the Law,
 which was made for my Preservation, where it cannot interpose
 to secure my Life from present force, which if lost, is capable
 of no reparation, permits me my own Defence, and the Right of
 War, a liberty to kill the aggressor, because the aggressor allows
 20 not time to appeal to our common Judge, nor the decision of

§ 19 1-5 The 'some men' of line 2 can only be the Hobbesists. Compare II, §§ 6 and 7 for the general position and Locke's *Essay on the Law of Nature*, of the early 1660's. In his fifth *Essay* Locke leaves it as a possibility that 'there is in the state of nature a general war and a perpetual and deadly hatred among men' as is maintained by some (quod aliqui volunt)—Von Leyden's edition, 1934, 162-3. But in his eighth *Essay* he comes out positively against those 'some', the Hobbesists. For if it is true, he says, that by the law of nature men are in a state of war, 'all society is abolished, and all faith, which is the bond of society' (collitur omnis societas et societas vinculum fides); see 212-13, and the Introduction.

2 A comma should be understood after 'which'. Locke altered the last phrase of this sentence, but then restored the previous reading, see Collation.

13-21 Compare II, § 182, 22-3.

the Law, for remedy in a Case, where the mischief may be irreparable. *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.

20. But when the actual force is over, the *State of War ceases* between those that are in Society, and are equally on both sides subjected to the fair determination of the Law; because then there lies open the remedy of appeal for the past injury, and to prevent future harm: but where no such appeal is, as in the State of Nature, for want of positive Laws, and Judges with Authority to appeal to, *the State of War once begun, continues*, with a right to the innocent Party, to destroy the other whenever he can, until the aggressor offers Peace, and desires reconciliation on such Terms, as may repair any wrongs he has already done, and secure 10 the innocent for the future: nay where an appeal to the Law, and constituted Judges lies open, but the remedy is deny'd by a manifest perverting of Justice, and a barefaced wresting of the Laws, to protect or indemnify the violence or injuries of some Men, or Party of Men, *there it is hard to imagine any thing but a State of War*. For wherever violence is used, and injury done, though by hands appointed to administer Justice, it is still violence and injury, however colour'd with the Name, Pretences, or Forms of Law, the end whereof being to protect and redress the innocent,

§ 20 2 'sides'—at this point begins the passage which is present in the second state of the 1st edition, but absent in the first state, see Introduction, 8, Laslett, 1952 (iv) and Bowers, Gerritsen and Laslett, 1954. In the first state the text goes straight on to 'And therefore in such Controversies, . . . at the beginning of line 15 in § 21, thus: '20. But when the actual force is over, the State of War ceases between those that are in Society, and are equally on both sides Subject to the Judge: And therefore in such controversies. . . ' (and so on, identically with the text in the second state to the end of the paragraph, starting the next as § 22. No sign for a § 21 is present). This anomaly has been variously dealt with by editors of the text; see footnote 2 to p. 342 of Laslett, 1952 (iv) and footnote 1 to p. 83 of Laslett, 1954 (iv). W. S. Carpenter, the editor of the *Everyman* text (c. 1924, with many subsequent printings) misnumbered all the paragraphs from this point to II, §§ 36, 37; see note on line 14 of II, § 36. Elrington (1798) first noticed this peculiarity, and has a note here on it.

11-23 This passage may well be an addition of 1689, directly referring to the events of the Revolution: the final 'appeal to Heaven' being most significant. It contains (line 15) the phrase which inspired Elrington to the following protest against Locke's theory of resistance, or perhaps the interpretation put on it by Thomas Paine and others. 'But what shall we say of a theory which thus invests an individual with a right of throwing a whole society in confusion for the purpose of redressing his own particular grievance?'

20 by an unbiassed application of it, to all who are under it; wherever that is not *bona fide* done, *War is made* upon the Sufferers, who having no appeal on Earth to right them, they are left to the only remedy in such Cases, an appeal to Heaven.

21. To avoid this State of War (wherein there is no appeal but to Heaven, and wherein every the least difference is apt to end, where there is no Authority to decide between the Contenders) is one great reason of *Mens 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 Controversie is decided by that Power. Had there been any such Court, any superior Jurisdiction on Earth, to determine the right between *Jephtha* and the *Ammonites*, they had never come to a State of War, but we see he was forced to appeal to Heaven. *The Lord the Judge* (says he) *he Judge this day between the Children of Israel, and the Children of Ammon*, *Judg.* 11. 27. and then Prosecuting, and relying on his *appeal*, he leads out his Army to Battle: And therefore in such Controversies, where the question is put, *who shall be Judge?* It cannot be meant, who shall decide the Controversie; every one knows what *Jephtha* here tells us, that *the Lord the Judge*, shall judge. Where there is no Judge on Earth, the *Appeal* lies to God in Heaven. That Question then cannot mean, who shall judge? whether another hath put himself in a State of War with me, and whether I may as *Jephtha* did, appeal to Heaven in it? Of that I my self can only be Judge in my own Conscience, as I will answer it at the great Day, to the Supreme Judge of all Men.

§ 21 1-5 Hobbes had also made the social state a remedy for the state of war, and this sentence might be called Locke's closest formal approach to him in his political theory. It is interesting that it occurs in a passage omitted from one state of the 1st edition (see Laslett, 1952 (iv)), but it cannot be shown that the two facts are connected.

15 'And'—end of missing passage; see II, § 20, 2, note.

17 '*Jephtha*'—Locke evidently regarded the story of Jephthah as crucial to the scriptural foundations of his case about civil society and justice. See I, § 163, 32; II, § 109, 1-11; II, § 176, 28 and compare note on II, § 168, and references. Grotius and St Augustine before him had used the Jephthah story for political analysis, and Locke may have in mind the Calvinist position expressed by Jurieu (1689, 365) that the Judges, Jephthah among them, represented a stage between the anarchy of primeval innocence and established sovereignty, a stage which inevitably passed because of the effects of the Fall.

CHAP. IV.

OF 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 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 Common-wealth, nor under the Dominion of any Will, or Restraint of any Law, but what the Legislative shall enact, according to the Trust put in it. *Freedom* then is not what Sir R. F. tells us,

§ 22 Chapter IV There is positive evidence for this chapter, as distinct from presumption in the case of chapters II and III, of composition in 1679 (see note on lines 8-9 below) and of revision in 1689.

1 At this point sheet R begins in the 1st edition; compare notes on II, § 8, 6: there are no further obvious printing peculiarities after this point in the 1st edition. 8-9 'what Sir R. F. tells us, O.4. 55'. The only reference to Filmer's works in the *Second Treatise*, though his name is mentioned at II, § 1, 28 and II, § 61, 14. The statement is repeated in II, § 57, 21-2; see note there and on II, § 236. It is one of the many signs that this work, as well as the *First Treatise*, was written with the object of refuting Filmer, in particular against his tracts, whilst the *First* was written against *Patriarcha*. In the Introduction, 58-61 this anomalous form of reference to Filmer—for it will be seen to be quite different from that used in the *First Treatise*—is used as an important part of the demonstration that the *Second Treatise* was written in 1679-80 in some form, and as the clue to the priority in writing of the *Second* to the *First*. The entry in Locke's *Tablet* which makes it possible to date the time of writing of this paragraph is relevant to the argument here. It refers to a passage in Filmer's *Forms* (Laslett's edition, 226) which reads: 'amongst all them that plead the necessity of the consent of the people, none hath ever touched upon these so necessary doctrines [that is, of the manner of obtaining it]; it is a task it seems too difficult, otherwise surely it would not have been neglected, considering how necessary it is to resolve the conscience, touching the manner of the peoples passing their consent'.

Such, then, was the statement which Locke had in mind when he wrote in his *Tablet* 'Filmer to resolve the conscience' and went on to compose this part of the *Second Treatise*. The same point about law and freedom appears also in his *Essay concerning Humane Understanding*, IV, iii, 18: "'No government allows absolute liberty.'" The idea of government being the establishment of society upon certain rules or laws which require conformity to them; and the idea of absolute liberty being for any one to do whatever he pleases; I am as capable of being certain of the truth of this proposition as of any in mathematics' (1894, II, 208-9)—see Introduction, 83. Eltington (1798) is disturbed by the implications of this paragraph and finds it contradictory. He concludes that the great desideratum is an agreed definition of liberty: 'Whether Locke has given such a definition the reader will judge.'

O.A. 55 [224]. *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 every one 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.

23. This *Freedom* from Absolute, Arbitrary Power, is so necessary to, and closely joined with a 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 any one, nor put himself under the Absolute, Arbitrary Power of another, to take away his Life, when he pleases. No body can give more Power than he has himself; and he that cannot take away his own Life, cannot give another power over it. Indeed having, by his fault, forfeited his own Life, by some Act that deserves Death; he, to whom he has forfeited it, may (when he has him in his Power) delay to take it, and make use of him to his own Service, and he does him no injury by it. For, whenever he finds the hardship of his Slavery out-weigh the value of his Life, 'tis in his Power, by resisting the Will of his Master, to draw on himself the Death he desires.

24. This is the perfect condition of *Slavery*, which is nothing else, but the *State of War continued, between a lawful Conqueror, and a Captive*. For, if once *Compact* enter between them, and make an agreement for a limited Power on the one side, and Obedience

§ 23 This paragraph invites comparison and contrast with Hobbes *Leviathan*, chapter 20, especially pp. 142-3 (1904 edition). Hobbes did maintain that a man can enslave himself by compact and consent, because he can bargain away the power over his own life. Locke, however, seems to contradict himself in his last sentence by justifying indirect suicide; compare also II, § 6, 3-4; § 135, 9-12 (a parallel passage); and § 178, 5-6, note and reference. Eitington (1798) urges this against him, and also objects to 'the indefinite continuance of a right to take away the life of another.'

§ 24 1-8 This, with § 23 and § 85, 8-16, is Locke's justification of slavery. It may seem unnecessary, and inconsistent with his principles, but it must be remembered that he writes as the administrator of slave-owning colonies in America. As Leslie Stephen pointed out (1904, II, 139), the *Fundamental Constitutions of Carolina* provide that every freeman 'shall have absolute power and authority over his negro slaves' (cx); compare notes on I, § 130, 6, and I, § 144, 23. The Instructions to Governor Nicholson of Virginia, which Locke did so much to draft in 1698 (see Laslett, 1937 (II)), regard negro slavery as an accepted and justifiable institution. The justifica-

on the other, the State of War and *Slavery* ceases, as long as the Compact endures. For, as has been said, no Man can, by agreement, pass over to another that which he hath not in himself, a Power over his own Life.

I confess, we find among the *Jews*, as well as other Nations, that Men did sell themselves; but, 'tis plain, this was only to *Drudgery*, not to *Slavery*. For, it is evident, the Person sold was not under an Absolute, Arbitrary, Despotical Power. For the Master could not have power to kill him, at any time, whom, at a certain time, he was obliged to let go free out of his Service: and the Master of such a Servant was so far from having an Arbitrary Power over his Life, that he could not, at pleasure, so much as maim him, but the loss of an Eye, or Tooth, set him free, *Exod. XXI.*

CHAP. V.

OF PROPERTY.

25. **W**Hether 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

tion rests on captives taken in a just war, who had forfeited their lives 'by some Act that deserves Death' (§ 23, 10; compare Tyrrell, 1681, 62) and Locke seems satisfied that the slave-raiding forays of the Royal Africa Company were just wars of this sort, and that the negroes captured had committed such acts.

9-16 In *Exod.*, xxi the Mosaic law regulates the treatment of bought servants; they are to be freed in the seventh, jubilee year, not to be killed, to be freed if maimed by their masters. Hobbes notices this and Grotius calls it 'imperfecta servitus', II, V, 30 (1712, 264).

§ 25 *Chapter V* This important chapter is obviously integral to Locke's argument, and it is also obviously part of his polemic against Filmer—see note on lines 16-19 below, and on II, § 38, 9-11, etc. There is nothing to indicate a date of composition in 1689, or at any time later than the first form of the book, though it was perhaps subsequently amended, and it will be remembered that it falls within that part of the 1st edition which could have been modified in the course of printing. Apart from this, there is no reason to doubt that the chapter is to be dated in 1679.

1-3 This discussion of property is referred to in I, § 87, 14-15, and I, § 86, 1-4 echoes the language used here. Kendall, 1941, 77, notes the illogical transition from 'men' here, meaning individuals, to 'mankind' in line 8.

5 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, *Psal.* CXV. xvi. *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 any one should ever
10 come to have a *Property* in any thing; I will not content my self
to answer, That if it be difficult to make out *Property*, upon a sup-
position, 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
15 World to *Adam*, and his Heirs in Succession, exclusive of all the
rest of his Posterity. But I shall endeavour to shew, 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 Com-
pact of all the Commoners.

26. 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
5 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 no body 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
10 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

6-8 The biblical evidence for original communism, or rather against the primacy of private property, is discussed at length in the *First Treatise*; see I, § 21 and on: the text from Psalm cxv is cited in I, § 31 as part of a reference to Filmer's case.

9-16 This argument against the supposition that God gave the world to Adam and his posterity is developed in the *First Treatise*.

16-19 This sentence confirms that this paragraph, and the whole chapter on property which follows, were written with Filmer's works in mind, and as a direct refutation of them. For it was Filmer who has raised the difficulty that original communism could not give way to private property without the universal consent of mankind. The discussions in Hobbes (the *Epistola Dedicatoria* of *De Cive*, 1647, presents the issue most clearly), Grotius (1625, II, ii, 2) and Pufendorf (1672, IV, 3) do not discuss this crux as Filmer does. The passage which Locke seems to have in mind occurs on p. 273 of Laslett's edition.

§ 26 Compare and contrast the discussion of the goods of nature in this paragraph with Pufendorf, *De Jure Naturae*, 1672, IV, iv, 13, and Locke's own earlier sentiments in his eighth *Essay on the Law of Nature*, which are markedly different: Von Leyden, 1934, 210-11.

to any particular Man. The Fruit, or Venison, which nourishes
the wild *Indian*, who knows no Inclosure, 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 him any good
15 for the support of his Life.

27. Though the Earth, and all inferior Creatures be common
to all Men, yet every Man has a *Property* in his own *Person*. This
no Body has any Right to but himself. The *Labour* of his Body,

§ 27 Compare Locke's introduction of the proposition about labour and property in this paragraph, its predecessor and those following, with that of Tyrrell: 'Supposing the Earth and the fruits thereof to have been at first bestowed in Common on all its inhabitants; yet since God's first command to man was, encrease and multiply, if he hath a right to perform the end, he hath certainly a right to the means of his preservation, and the propagation of his species, so that though the fruits of the earth, or beasts, for food, were all in common, yet when once any man had by his own labour acquired such a proportion of either as would serve the necessities of himself and Family, they became so much his own as that no man could without manifest injustice rob him of those necessities' (1681, 99-100, second pagination). Tyrrell goes on to talk of 'this sort of community' being retained among the Americans, the wild beast the Indian kills (compare II, § 30, 1-2), the fish he takes up (*ibid.* 8), the fruit of his trees and his venison (II, § 26, 12). But he talks in this parallel way in a different context. Following Grotius, he refers to the Stoic axiom about seats in the theatre, and cites many other arguments about property, ignored by Locke: for him the labour proposition is not the one rational method of making use of the earth's produce, but rather a ground for retaining property acquired, and he does not talk of a man owning himself (compare note on II, § 32, 1-7). These points, and the known relationship between them (see above, 76-81), may imply that Locke suggested this line of thinking to Tyrrell, who followed it without quite realizing what it meant to Locke. It is not impossible that they arrived at this position independently, for in a work published in 1680 but described on the title as 'Mostly written many years past' Richard Baxter writes in vaguer but in similar terms: '*Propriety* is *naturally antecedent to Government*, which doth not *Give it*, but *regulate it* to the *Common good*: Every man is born with a propriety in his *own member*, and nature giveth him a propriety in his *Children*, and his *good* and other just *acquisitions* of his industry. Therefore no Ruler can justly deprive men of their *propriety*, unless it be by some *Law of God* (as in execution of justice on such as forfeit it) or by their *own consent*, by themselves or their Delegates or *Progenitors*. And men's *lives* and *Liberties* are the chief parts of their propriety. That is the peoples just *reserved Property*, and *Liberty*, which neither *God taketh from them*, by the power which his own Laws give the Ruler, nor is *given away* by their *own* foresaid consent' (Baxter, 1680, § 4-5; see Schlatter, 1977, 39, and compare passage from Baxter's *Holy Commonwealth*, cited by Gough, 1950, 80). What Baxter says here about life, liberty and property shows that he had the same combined definition of property as Locke, both an extended and a specific definition; see Introduction, 101 and note on II, § 87, 5. It is possible to find many much vaguer hints at what is too loosely called the labour theory of value (in Petty, 1662, for example, of which Locke had the 1667 printing, or even in Hobbes; see Gough, 1950, 81) but these are the only passages in books he may have read known to me which seem to show a systematic resemblance. See also the hint in I, § 42, 11-15.

2 Repeated in II, § 173, 5.

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 *Labour* with, and joyned 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 *labour* something annexed to it, that excludes the common right of other Men. For this *Labour* being the unquestionable Property of the Labourer, no Man but he can have a right to what that is once joyned to, at least where there is enough, and as good left in common for others.

28. He that is nourished by the Acorns he pickt up under an Oak, or the Apples he gathered from the Trees in the Wood, has certainly appropriated them to himself. No Body can deny but the nourishment is his. I ask then, When did they begin to be his? When he digested? Or when he eat? Or when he boiled? Or when he brought them home? Or when he pickt them up? And 'tis plain, if the first gathering made them not his, nothing else could. That *labour* 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 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? 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

§ 28 1-4 Compare Pufendorf, *De Jure Naturae*, 1672, IV, iv, 13, 'Quercus erat nullius: quae decidant glandes ejus fiebant, qui legisset'. Gough, 1950, draws attention to this parallel, and to Blackstone's account of the clash between Locke on the one hand and both Pufendorf and Grotius on the other in their views on the origin of property. For in spite of the above coincidence about acorns, Pufendorf follows Grotius in assigning the origin of property to universal agreement, not labour. Barbeyrac, in his edition of Pufendorf's *De Jure Naturae*, registers his agreement with Locke's views on this matter, and maintains that Locke was the first to formulate it, earlier than the only other author he quotes, C. G. Titius of Leipzig (1661-1714). He also notes that Locke's discussion grew out of his refutation of Filmer: Barbeyrac, 1734, I, 576-7. Barbeyrac corresponded with Locke (see Introduction, 74), and no man in the early eighteenth century was in a generally better position than he to know about the relationship of his writings with the natural-law jurists and with the whole tradition of social and political theory.

16-26 Locke is using here the language of agrarian enclosure, the parcelling out of the common fields of the traditional manor as private property, which was so marked a feature of English economic history in the sixteenth century, in his own

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 Turf my Servant has cut; and the Ore I have digg'd in any place where I have a right to them in common with others, become my *Property*, without the assignation or consent of any body. The *labour* that was mine, removing them out of that common state they were in, hath *fixed* my *Property* in them.

29. By making an explicit consent of every Commoner, necessary to any ones appropriating to himself any part of what is given in common, Children or Servants could not cut the Meat which their Father or Master had provided for them in common, without assigning to every one his peculiar part. Though the Water running in the Fountain be every ones, yet who can doubt, but that in the Pitcher is his only who drew it out? His *labour* hath taken it out of the hands of Nature, where it was common, and belong'd equally to all her Children, and *hath* thereby *appropriated* it to himself.

30. Thus this Law of reason makes the Deer, that *Indian's* who hath killed it; 'tis allowed to be his goods who hath bestowed his labour upon it, though before, it was the common right of every one. And amongst those who are counted the Civiliz'd part of Mankind, who have made and multiplied positive Laws to determine Property, this original Law of Nature for the *beginning of Property*, in what was before common, still takes place; and by virtue thereof, what Fish any one catches in the Ocean, that great and still remaining Common of Mankind; or what Amber-griese any one takes up here, is *by* the *Labour* that removes it out

time to some extent, and even more in the eighteenth century; see also II, § 32, 7-10; § 33; § 42, 17-20; § 37, 10-29. It is not quite consistent with his statement about enclosure and the Indians in II, § 26, 12-16, for the Indian lived in a state of nature, before compact had taken place. Here '*Commons*' must mean the common land of the traditional manorial system, remaining so 'by Compact'. As Locke makes clear in II, § 35, only the men of the manor, and not just anyone, could usually graze, turf and mine on the common land, and then only if the custom of the manor allowed. It is an extremely bad example of communism as the institution of a whole society, though it displays Locke's wish to explain himself in terms familiar to his readers. § 30 1-4 Compare I, § 86, 19-28, note and references.

of that common state Nature left it in, *made his Property* who takes that pains about it. And even amongst us the Hare that any one is Hunting, is thought his who pursues her during the Chase. For being a Beast that is still looked upon as common, and no Man's private Possession; whoever has imploy'd so much *labour* about any of that kind, as to find and pursue her, has thereby removed her from the state of Nature, wherein she was common, and hath *begun a Property*.

31. It will perhaps be objected to this, That if gathering the Acorns, or other Fruits of the Earth, *&c.* makes a right to them, then any one may *ingross* 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 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 labour 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 it self, and ingross 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 establish'd.

32. But the *chief matter of Property* being now not the Fruits of the Earth, and the Beasts that subsist on it, but the *Earth it self*; as that which takes in and carries with it all the rest: 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 Labour does, as it were, inclose it from the Common. Nor will it invalidate

§ 31 6 Compare 1, § 40, 19-20.

§ 32 1-7 Tyrell extends the labour theory to the possession of land in the same way as Locke, but with the same difference. Labour confirms a man's property in what he rightfully possesses, 'since the owner hath possessed himself of this land, and bestowed his Labour and Industry upon it' no man can take it away (1681, 112, 2nd pagination). See note on II, § 27.

7-10 The language of agrarian enclosure, see II, § 28, 16-26, and references.

his right to say, Every body else has an equal Title to it; and therefore he cannot appropriate, he cannot inclose, without the Consent of all his Fellow-Commoners, all Mankind. God, when he gave the World in common to all Mankind, commanded Man also to labour, and the penalty of his Condition required it of him. God and his Reason commanded him to subdue the Earth, *i.e.* improve it for the benefit of Life, and therein lay out something upon it that was his own, his labour. He that in Obedience to this Command of God, subdued, tilled and sowed any part of it, thereby annexed to it something that was his *Property*, which another had no Title to, nor could without injury take from him.

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 inclosure for himself. For he that leaves as much as another can make use of, does as good as take nothing at all. No Body could think himself injur'd 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.

34. God gave the World to Men in Common; but since he gave it them for their benefit, and the greatest Conveniences of Life they were capable to draw from it, it cannot be supposed he meant it should always remain common and uncultivated. He gave it to the use of the Industrious and Rational, (and *Labour* was to be his *Title* to it;) not to the Fancy or Covetousness of the Quarrelsome and Contentious. He that had as good left for his Improvement, as was already taken up, needed not complain, ought not to meddle with what was already improved by another's Labour: If he did, 'tis plain he desired the benefit of another's Pains, which he had no right to, and not the Ground which God had given him in common with others to labour on, and whereof there was as good left, as that already possessed, and more than he knew what to do with, or his Industry could reach to.

§ 32 10-12 Compare 1, § 45.

35. 'Tis true, in *Land* that is *common* in *England*, or any other Country, where there is Plenty of People under Government, who have Money and Commerce, no one can inclose or appropriate any part, without the consent of all his Fellow-Commoners: Because this is left common by Compact, *i.e.* by the Law of the Land, which is not to be violated. And though it be Common, in respect of some Men, it is not so to all Mankind; but is the joint property of this Country, or this Parish. Besides, the remainder, after such inclosure, would not be as good to the rest of the Commoners as the whole was, when they could all make use of the whole: whereas in the beginning and first peopling of the great Common of the World, it was quite otherwise. The Law Man was under, was rather for *appropriating*. God Com-manded, and his Wants forced him to *labour*. That was his *Property* which could not be taken from him where-ever he had fixed it. And hence subduing or cultivating the Earth, and having Dominion, we see are joyned together. The one gave Title to the other. So that God, by commanding to subdue, gave Authority so far to *appropriate*. And the Condition of Humane Life, which requires Labour and Materials to work on, necessarily introduces *private Possessions*.

36. The measure of Property, Nature has well set, by the Extent of Mens *Labour*, and the *Convenience of Life*: No Mans Labour could subdue, or appropriate all: nor could his Enjoyment consume more than a small part; so that it was impossible for any Man, this way, to intrench upon the right of another, or acquire, to himself, a Property, to the Prejudice of his Neighbour, who would still have room, for as good, and as large a Possession (after the other had taken out his) as before it was appropriated. This *measure* did confine every Man's *Possession*, to a very moderate Proportion, and such as he might appropriate to himself, without

§ 35 Here Locke seems to recognize the inappropriateness of agrarian enclosure to his argument (see note on II, § 28, 16-26), but he persists. His statements are accurate, but vague, and it is interesting that the words 'Country' and 'Parish' are used where 'Manor' might be expected (line 8).

8 'property'—altered by Locke from 'propriety' in 1698; compare title to chapter VII or the *First Treatise*.
§ 36 9-25 The smallness of men's possessions in early Biblical times is commented on in I, § 136, 11. This passage is a direct statement of Locke's assumption that the state of nature in contemporary America can be assimilated to the conditions of patriarchal times, compare note on I, § 130.

Injury to any Body in the first Ages of the World, when Men were more in danger to be lost, by wandering from their Company, in the then vast Wilderness of the Earth, than to be straitened for want of room to plant in. And the same *measure* may be allowed still, without prejudice to any Body, as full as the World seems. For supposing a Man, or Family, in the state they were, at first peopling of the World by the Children of *Adam*, or *Noah*; let him plant in some in-land, vacant places of *America*, we shall find that the *Possessions* he could make himself upon the *measures* we have given, would not be very large, nor, even to this day, prejudice the rest of Mankind, or give them reason to complain, or think themselves injured by this Man's Incroachment, though the Race of Men have now spread themselves to all the corners of the World, and do infinitely exceed the small number [which] was at the beginning. Nay, the extent of *Ground* is of so little value, *without labour*, that I have heard it affirmed, that in *Spain* it self, a Man may be permitted to plough, sow, and reap, without being disturbed, upon Land he has no other Title to, but only his making use of it. But, on the contrary, the Inhabitants think themselves beholden to him, who, by his Industry on neglected, and consequently waste Land, has increased the stock of Corn, which they wanted. But be this as it will, which I lay no stress on; This I dare boldly affirm, That the same *Rule of Propriety*, (*viz.*) that every Man should have as much as he could make use of, would hold still in the World, without straitning any body, since there is Land enough in the World to suffice double the Inhabitants had not the *Invention of Money*, and the tacit Agreement of Men to put a value on it, introduced (by Consent) larger Possessions, and a Right to them; which, how it has done, I shall, by and by, shew more at large.

40

14 The *Everyman* text, having misnumbered its paragraphs since II, § 20, starts a new paragraph (§ 36) after 'plant in', omitting the 'And'—see note on II, § 20, 2.
26-34 Private appropriation of waste land in this way was possible all over Spain in Locke's day, and is apparently still the custom in Andalusia. In Aragon the land, in the mountain area, had to be cleared within sixty days to become the property of the cultivator; in Catalonia such ownership became absolute once the plot had been worked, but lapsed if it was left uncultivated for three years; in Castile the labourer could only take enough for himself and his family. See Costa, 1898, 250-63. I owe this reference and information to Dr J. H. Elliott. Compare II, § 184, 27-9.
39-40 See II, § 45 and note: II, § 46 on.

37. This is certain, That in the beginning, before the desire of having more than Men needed, had altered the intrinsic value of things, which depends only on their usefulness to the Life of Man; or [Men] had *agreed, that a little piece of yellow Metal*, which would keep without wasting or decay, should be worth a great piece of Flesh, or a whole heap of Corn; though Men had a Right to appropriate, by their Labour, each one to himself, as much of the things of Nature, as he could use: Yet this could not be much, nor to the Prejudice of others; where the same plenty was still left, to those who would use the same Industry. To which let me add, that he who appropriates land to himself by his labour, does not lessen but increase the common stock of mankind. For the provisions serving to the support of humane life, produced by one acre of inclosed and cultivated land, are (to speak much within compasse) ten times more, than those, which are yielded by an acre of Land, of an equal richness, lying waste in common. And therefore he, that incloses Land and has a greater plenty of the conveniencies of life from ten acres, than he could have from an hundred left to Nature, may truly be said, to give ninety acres to Mankind. For his labour now supplies him with provisions out of ten acres, which were but the product of an hundred lying in common. I have here rated the improved land very low in making its product but as ten to one, when it is much nearer an hundred to one. For I aske whether in the wild woods and uncultivated wast of America left to Nature, without any improvement, tillage or husbandry, a thousand acres will yield the needy and wretched inhabitants as many conveniencies of life as ten acres of equally fertile land doe in Devonshire where they are well cultivated?

30 Before the Appropriation of Land, he who gathered as much of the wild Fruit, killed, caught, or tamed, as many of the Beasts as he could; he that so employed his Pains about any of the

§ 37 4 'Men'—added by editor.

10-29 Passage added in two parts in the Christ's copy (see Collation), also recalling English agrarian enclosure, or even justifying it; see note on 11, § 28, 16-26. It is taken by Macpherson (1951, 559) to have been inserted by Locke to remove the 'sufficiency limitation' on the acquisition of property, which obtained before money was introduced.

32-41 Cited by Kendall, 1941, 72, as a conspicuous example of the 'public' right to interfere with the liberty and property of private persons, making against the individualist interpretation of Locke's theory of property; see Introduction, 100.

spontaneous Products of Nature, as any way to alter them, from the State which Nature put them in, *by placing any of his Labour on them, did thereby acquire a Property in them*: But if they perished, in his Possession, without their due use; if the Fruits rotted, or the Venison putrified, before he could spend it, he offended against the common Law of Nature, and was liable to be punished; he invaded his Neighbour's share, for he had *no Right, farther than his Use* called for any of them, and they might serve to afford him Conveniencies of Life.

38. The same *measures* governed the *Possession of Land* too: Whatsoever he tilled and reaped, laid up and made use of, before it spoiled, that was his peculiar Right; whatsoever he enclosed, and could feed, and make use of, the Cattle and Product was also his. But if either the Grass of his Inclosure rotted on the Ground, or the Fruit of his planting perished without gathering, and laying up, this part of the Earth, notwithstanding his Inclosure, was still to be looked on as Waste, and might be the Possession of any other. Thus, at the beginning, *Cain* might take as much Ground as he could till, and make it his own Land, and yet leave enough to *Abel's* Sheep to feed on; a few Acres would serve for both their Possessions. But as Families increased, and Industry enlarged their Stocks, their *Possessions enlarged* with the need of them; but yet it was commonly *without any fixed property in the ground* they made use of, till they incorporated, settled themselves together, and built Cities, and then, by consent, they came in time, to set out the *bounds of their distinct Territories*, and agree on limits between them and their Neighbours, and by Laws within themselves, settled the *Properties* of those of the same Society. For we see, that in that part of the World which was first inhabited, and therefore like to be best peopled, even as low down as *Abraham's* time, they wandered with their Flocks, and their Herds, which was their substance, freely up and down; and this *Abraham* did, in a Country where he was a Stranger. Whence it is plain, that at least, a great part of the *Land lay in common*; that the Inhabitants valued it not, nor claimed Property in any more than they made use of. But when there was not room enough in the same place,

§ 38 9-11 These three lines are a paraphrase of a quotation by Filmer from Selden's *Mare Clausum*; see Laslett's edition, 63-4. The passage is given in full in 1, § 76 and commented upon; see note there.

for their Herds to feed together, they, by consent, as *Abraham* and *Lot* did, *Gen.* xiii. 5. separated and enlarged their pasture, where it best liked them. And for the same Reason *Esau* went from his Father, and his Brother, and planted in *Mount Seir*, *Gen.* xxxvi. 6.

39. And thus, without supposing any private Dominion, and property in *Adam*, over all the World, exclusive of all other Men, which can no way be proved, nor any ones Property be made out from it; but supposing the *World* given as it was to the Children of Men *in common*, we see how *labour* could make Men distinct titles to several parcels of it, for their private uses; wherein there could be no doubt of Right, no room for quarrel.

40. Nor is it so strange, as perhaps before consideration it may appear, that the *Property of labour* should be able to over-balance the Community of Land. For 'tis *Labour* indeed that *puts the difference of value* on every thing; and let any one consider, what the difference is between an Acre of Land planted with Tobacco, or Sugar, sown with Wheat or Barley; and an Acre of the same Land lying in common, without any Husbandry upon it, and he will find, that the improvement of *labour makes* the far greater part of *the value*. I think it will be but a very modest Computation to say, that of the *Products* of the Earth useful to the Life of Man ¹⁰ *are the effects of labour*: nay, if we will rightly estimate things as they come to our use, and cast up the several Expences about them, what in them is purely owing to *Nature*, and what to *labour*, we shall find, that in most of them ¹⁵ *are wholly to be put on the account of labour*.

41. There cannot be a clearer demonstration of any thing, than several Nations of the *Americans* are of this, who are rich in Land, and poor in all the Comforts of Life; whom Nature having furnished as liberally as any other people, with the materials of

28-9. See 1, § 135, 7, verbal parallel.

31 See 1, § 117, 4-5. It is obvious from these parallels that this paragraph was written with Filmer's argument and Filmer's text in mind. Locke is sketching his account of the passage from a state of nature to a state of society in terms of biblical history.

§ 39 Also clearly directed against Filmer: his argument occupies a great deal of the *First Treatise*, which surely would have been referred to here if it had been written at the time.

Plenty, *i.e.* a fruitful Soil, apt to produce in abundance, what ⁵ might serve for food, rayment, and delight; yet for want of improving it by labour, have not one hundredth part of the Conveniences we enjoy: And a King of a large and fruitful Territory there feeds, lodges, and is clad worse than a day Labourer in *England*.

42. To make this a little clearer, let us but trace some of the ordinary provisions of Life, through their several progresses, before they come to our use, and see how much they receive of their *value from Humane Industry*. Bread, Wine and Cloth, are things of daily use, and great plenty, yet notwithstanding, Acorns, ⁵ Water, and Leaves, or Skins, must be our Bread, Drink and Clothing, did not *labour* furnish us with these more useful Commodities. For whatever *Bread* is more worth than Acorns, *Wine* than Water, and *Cloth* or *Silk* than Leaves, Skins, or Moss, that is wholly *owing to labour* and industry. The one of these being the Food and Rayment which our industry and pains prepare for us, the other provisions which our industry and pains prepare for us, which how much they exceed the other in value, when any one bath computed, he will then see, how much *labour makes the far greater part of the value* of things, we enjoy in this World: And ¹⁵ the ground which produces the materials, is scarce to be reckoned in, as any, or at most, but a very small, part of it; So little, that even amongst us, Land that is left wholly to Nature, that hath no improvement of Pasturage, Tillage, or Planting, is called, as indeed it is, *waste*; and we shall find the benefit of it amount to little more than nothing. This shews, how much numbers of men are to be preferred to largeness of dominions, and that the increase of lands

§ 42. 17-21 A further reference to open-field tillage in England; see 11, § 28, 16-26, note and references. The 'waste' (waste) of line 20 was the manorial land outside the fields, often a grazing area of some value, and Locke's implied criticism of the system is once more a little out of place in this context, though it is interesting that he should have made it.

21-8 A marginal addition in the Christ's copy, dating from the later 1690's (probably after 1698) and belonging therefore to the period of Locke's activities at the Board of Trade—see Laslett, 1977 (i). It is very significant of his attitude to that institution and his policy for it, and for King William III's government in its struggle with France, particularly the insistence on increased population (compare 1, § 33, 13-27 and note) as against territory as a source of power, and the criticism of the 'narrowness of Parity'. The reference to a 'wise and godlike' Prince (compare 11, § 166, 1), reveals the sense in which Locke, the enemy of divine kingship, accepted the metaphor of divinity for the ruler as he thought of him.

and the right of employing of them is the great art of government. And that Prince who shall be so wise and godlike as by established laws of liberty to secure protection and encouragement to the honest industry of Mankind against the oppression of power and narrowness of Party will quickly be too hard for his neighbours. But this bye the bye. To return to the argument in hand.

43. An Acre of Land that bears here Twenty Bushels of Wheat, and another in *America*, which, with the same Husbandry, would do the like, are, without doubt, of the same natural, intrinsick Value. But yet the Benefit Mankind receives from the one, in a Year, is worth 5 *l.* and from the other possibly not worth a Penny, if all the Profit an *Indian* received from it were to be valued, and sold here; at least, I may truly say, not *to* be. 'Tis *Labour* then which puts the greatest part of *Value upon Land*, without which it would scarcely be worth any thing: 'tis to that we owe the greatest part of all its useful Products: for all that the Straw, Bran, Bread, of that Acre of Wheat, is more worth than the Product of an Acre of as good Land, which lies wast, is all the Effect of Labour. For 'tis not barely the Plough-man's Pains, the Reaper's and Thresher's Toil, and the Bakers Sweat, is to be counted into the Bread we eat; the Labour of those who broke the Oxen, who digged and wrought the Iron and Stones, who felled and framed the Timber employed about the Plough, Mill, Oven, or any other Utensils, which are a vast Number, requisite to this Corn, from its being seed to be sown to its being made Bread, must all be charged on the account of *Labour*, and received as an effect of that: Nature and the Earth furnished only the almost worthless Materials, as in themselves. 'Twould be a strange *Catalogue of things, that Industry provided and made use of, about every Loaf of Bread*, before it came to our use, if we could trace them; Iron, Wood, Leather, Bark, Timber, Stone, Bricks, Coals, Lime, Cloth, Dying-Drugs, Pitch, Tar, Masts, Ropes, and all the Materials made use of in the Ship, that brought any of the Commodities made use of by any of the Workmen, to any part of the Work, all which, 'twould be almost impossible, at least too long, to reckon up.

44. From all which it is evident, that though the things of Nature are given in common, yet Man (by being Master of himself, and Proprietor of his own Person, and the Actions or Labour of it) had still in himself the great Foundation of Property; and that which

made up the great part of what he applied to the Support or Comfort of his being, when Invention and Arts had improved the conveniences of Life, was perfectly his own, and did not belong in common to others.

45. Thus Labour, in the Beginning, gave a Right of Property, where-ever any one was pleased to employ it, upon what was common, which remained, a long while, the far greater part, and is yet more than Mankind makes use of. Men, at first, for the most part, contented themselves with what un-assisted Nature offered to their Necessities: and though afterwards, in some parts of the World, (where the Increase of People and Stock, with the Use of Money) had made Land scarce, and so of some Value, the several Communities settled the Bounds of their distinct Territories, and by Laws within themselves, regulated the Properties of the private Men of their Society, and so, by Compact and Agreement, settled the Property which Labour and Industry began; and the Leagues that have been made between several States and Kingdoms, either expressly or tacitly disowning all Claim and Right to the Land in the others Possession, have, by common Consent, given up their Pretences to their natural common Right, which originally they had to those Countries, and so have, by positive agreement, settled a Property amongst themselves, in distinct Parts and parcels of the Earth: yet there are still great Tracts of Ground to be found, which (the Inhabitants thereof not having joyned with the rest of Mankind, in the consent of the Use of their common Money) lie waste, and are more than the People, who dwell on it, do, or can make use of, and so still lie in common. Tho' this can scarce happen amongst that part of Mankind, that have consented to the Use of Money.

46. The greatest part of things really useful to the Life of Man, and such as the necessity of subsisting made the first Commoners of

§ 45 Beginning of the argument promised in II, § 36, 39-40, continued until § 51; compare II, § 184.

20-2 It is all mankind, not a particular collection or society, which consents to the use of money, that is precious metals. Locke had stated this in his first writing on money (see note on § 46, 5-7), but this fact is used somewhat obscurely in this paragraph to relate the origin of the property of individuals in objects and the land with the ownership of areas of the earth by nations or states. It was traditional to consider these two forms of ownership side by side, for example, in Grotius and Pufendorf.

the World look after, as it doth the *Americans* now, are generally things of *short duration*; such as, if they are not consumed by use, will decay and perish of themselves: Gold, Silver, and Diamonds, are things, that Fancy or Agreement hath put the Value on, more then real Use, and the necessary Support of Life. Now of those good things which Nature hath provided in common, every one had a Right (as hath been said) to as much as he could use, and had a Property in all that he could affect with his Labour: all that his Industry could extend to, to alter from the State Nature had put it in, was his. He that gathered a Hundred Bushels of Acorns or Apples, had thereby a *Property* in them; they were his Goods as soon as gathered. He was only to look that he used them before they spoiled; else he took more then his share, and robb'd others. And indeed it was a foolish thing, as well as dishonest, to hoard up more than he could make use of. If he gave away a part to any body else, so that it perished not uselessly in his Possession, these he also made use of. And if he also bartered away Plumbs that would have rotted in a Week, for Nuts that would last good for his eating a whole Year, he did no injury; he wasted not the common Stock; destroyed no part of the portion of Goods that belonged to others, so long as nothing perished uselessly in his hands. Again, if he would give his Nuts for a piece of Metal, pleased with its colour; or exchange his Sheep for Shells, or Wool for a sparkling Pebble or a Diamond, and keep those by him all his Life, he invaded not the Right of others, he might heap up as much of these durable things as he pleased; the *exceeding of the bounds of his just Property* not lying in the largeness of his Possession, but the perishing of any thing uselessly in it.

47. And thus came in the use of Money, some lasting thing that Men might keep without spoiling, and that by mutual consent

§ 46 5-7 Compare Locke's *Considerations of Interest and Money*, written about 1668, published in 1692 (see Introduction, 29 and note). 'For mankind, having consented to put an imaginary value upon gold and silver, by reason of their durability, scarcity, and not being very liable to be counterfeited, have made them, by general consent, the common pledges.' It is universal consent, world-wide, for foreigners are insisted on (*Works*, 1801, V, 22). There is some resemblance between Locke's account of the origin and functions of money and that of Matthew Wren, *Monarchy Asserted*, 1660 (Appendix B, no. 90)—see p. 22 on.

§ 47 Compare *Considerations*: 'Money has a value, as it is capable, by exchange, to procure us the necessities of conveniences of life, and in this it has the nature of a commodity' (1801, 5, 34).

Men would take in exchange for the truly useful, but perishable Supports of Life.

48. And as different degrees of Industry were apt to give Men Possessions in different Proportions, so this *Invention of Money* gave them the opportunity to continue and enlarge them. For supposing an Island, separate from all possible Commerce with the rest of the World, wherein there were but a hundred Families, but there were Sheep, Horses and Cows, with other useful Animals, wholesome Fruits, and Land enough for Corn for a hundred thousand times as many, but nothing in the Island, either because of its Commonness, or Perishableness, fit to supply the place of *Money*: What reason could any one have there to enlarge his Possessions beyond the use of his Family, and a plentiful supply to its Consumption, either in what their own Industry produced, or they could barter for like perishable, useful Commodities, with others? Where there is not something both lasting and scarce, and so valuable to be hoarded up, there Men will not be apt to enlarge their *Possessions of Land*, were it never so rich, never so free for them to take. For I ask, What would a Man value Ten Thousand, or an Hundred Thousand Acres of excellent *Land*, ready cultivated, and well stocked too with Cattle, in the middle of the in-land Parts of *America*, where he had no hopes of Commerce with other Parts of the World, to draw *Money* to him by the Sale of the Product? It would not be worth the inclosing, and we should see him give up again to the wild Common of Nature, whatever was more than would supply the Conveniences of Life to be had there for him and his Family.

49. Thus in the beginning all the World was *America*, and more so than that is now; for no such thing as *Money* was any where known. Find out something that hath the *Use and Value of Money* amongst his Neighbours, you shall see the same Man will begin presently to *enlarge his Possessions*.

50. But since Gold and Silver, being little useful to the Life of Man in proportion to Food, Rayment, and Carriage, has its *value* only from the consent of Men, whereof Labour yet makes,

§ 49 1 Compare II, § 108, 1-2.

in great part, *the measure*, it is plain, that Men have agreed to
 5 disproportionate and unequal Possession of the Earth, they
 having by a tacit and voluntary consent found out a way, how
 a man may fairly possess more land than he himself can use the
 product of, by receiving in exchange for the overplus, Gold and
 10 Silver, which may be hoarded up without injury to any one, these
 metals not spoiling or decaying in the hands of the possessor.
 This partage of things, in an inequality of private possessions,
 men have made practicable out of the bounds of Societie, and
 without compact, only by putting a value on gold and silver and
 tacitly agreeing in the use of Money. For in Governments the
 15 Laws regulate the right of property, and the possession of land
 is determined by positive constitutions.

51. And thus, I think, it is very easie to conceive without any
 difficulty, *how Labour could at first begin a title of Property* in the
 common things of Nature, and how the spending it upon our uses
 bounded it. So that there could then be no reason of quarrelling
 5 about Title, nor any doubt about the largeness of Possession it
 gave. 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 make use of. This
 left no room for Controversie about the Title, nor for Incrach-
 10 ment on the Right of others; what Portion a Man carved to
 himself, was easily seen; and it was useless as well as dishonest to
 carve himself too much, or take more than he needed.

§ 50 4-16 Passage extensively corrected in the Christ's copy, in such a way as to
 make parts of text in lines 5-9 unintelligible except by comparison with text in
 1st Collected edition, 1714, and 4th edition, 1713; see Collation. The original printed
 version reads very oddly, containing such phrases as 'the consent of Men have
 agreed', which has been the subject of some learned commentary—for example,
 Kendall, 1941, 84.

§ 51 Von Leyden compares this paragraph and §§ 31 and 36 with the statements
 about property in Locke's eighth *Essay on the Law of Nature* (1954, 204-15).

1-2 This curiously repetitive phrase may also be a result of confusion in Locke's
 manuscript, here uncorrected.

12 With the end of this paragraph and chapter also ends the section of the
 1st edition which could have been involved in the printing difficulties of 1689;
 compare note on 1, § 167, 10, and Laslett 1952 (iv), 1954 (ii).

CHAP. VI.

Of Paternal Power.

52. IT may perhaps be censured as an impertinent Criticism
 I in a discourse of this nature, to find fault with words and
 names that have obtained in the World: And yet possibly it may
 not be amiss to offer new ones when the old are apt to lead Men
 into mistakes, as this of *Paternal Power* probably has done, which
 seems so to place the Power of Parents over their Children wholly
 in the *Father*, as if the *Mother* had no share in it, whereas if we
 consult Reason or Revelation, we shall find she hath an equal
 Title. This may give one reason to ask, Whether this might not
 be more properly called *Parental Power*. For whatever obligation
 Nature and the right of Generation lays on Children, it must
 certainly bind them equal to both the concurrent Causes of it.
 And accordingly we see the positive Law of God every where
 joynts them together, without distinction, when it commands the
 Obedience of Children, *Honour thy Father and thy Mother*, Exod. 15
 20. 12. *Whoever curseth his Father or his Mother*, Lev. 20. 9.
 20. 12. *Ye shall fear every Man his Mother and his Father*, Lev. 19. 3.
Children obey your Parents, &c. Eph. 6. 1. is the stile of the Old and
 New Testament.

53. Had but this one thing been well consider'd without
 looking any deeper into the matter, it might perhaps have kept

§ 52 Chapter vi. This chapter is obviously directed against Filmer, who is mentioned
 by name in § 61, and so seems clearly to belong to the original writing of 1679. Its
 argument is presented at greater length in the *First Treatise*: there are repetitions of
 phrases and of biblical citations.

1-3 Compare 1, § 23, 22-5, note and references; Strauss, 1953, 221, sees in this
 hint by Locke at the status of this 'discourse'; see Introduction, 85, note f.

8-19 The argument that the mother's authority is equal with that of the father is
 developed extensively in the *First Treatise*, and a cross-reference is given in 1, § 6, 51-2,
 again in 1, § 11, 31—see, in general, chapter vi of that treatise (§§ 50-73). The appeal to
 reason is made in 1, § 55, and to revelation in 1, § 61, where these four texts are cited.
 10 'Parental'—see 11, § 69, 1 and note.

11 'right of Generation'—particularly attacked in 1, § 52: in 1, § 18, 18 and 1, § 50,
 20, Grotius is attacked by implication, since Filmer uses him, but there is no reason
 to suppose that Locke had anyone but Filmer in mind. Hobbes's similar argument in
Leviathan, chapter 20, looks coincidental: it was attacked by Filmer, 245.