

Locke

DEFINITION OF POLITICAL POWER*

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 defense of the commonwealth from foreign injury; and all this only for the public good.

THE STATE OF NATURE

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. . . .

THE LAW OF NATURE AND RIGHTS

But though this be a state of liberty, yet it is not a state of license; though man in that state have an uncontrollable liberty to dispose of his person or possessions, yet he has not liberty to destroy himself, or so much as any creature in his possession, but where some nobler use than its bare preservation calls for it. The state of nature has a law of nature to govern it, which obliges 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 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 willfully; so by the like reason, when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind, and may not, unless it be to do justice to 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.

EXECUTIVE POWER OF THE LAW OF NATURE

And that all men may be restrained from invading others' rights and from doing hurt to one another, and the law of nature be observed, which wills the peace and preservation of all mankind, the execution of the law of nature is, in that state, put into every man's hands, whereby everyone has a right to punish the transgressors of that law to such a degree as may hinder its violation; for the law of nature would, as all other laws that concern men in this world, be in vain if there were nobody that in that state of nature had a power to execute that law and thereby preserve the innocent and restrain offenders. And if anyone in the state of nature may punish another for any evil he has done, everyone may do so; for in that state of perfect equality, where naturally there is no superiority or jurisdiction of one over another, what any may do in prosecution of that law, everyone must needs have a right to do. . . .

THE STATE OF WAR

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 got me there, and destroy me, too, when he had a fancy to it; for nobody can desire to have me in his absolute power unless it be to compel me by force to that which is against the right of my freedom, i.e., make me a slave. To be free from such force is the only security of my preservation; and reason bids me look on him as an enemy to my preservation who would take away that freedom which is the fence to it; so that he who makes an attempt to enslave me thereby puts himself into a state of war with me. He that, in the state of nature, would take away the freedom that belongs to any one in that state must necessarily be supposed to have a design to take away everything else, that freedom being the foundation of all the rest; as he that, in the state of society, would take away the freedom belonging to those of that society or commonwealth must be supposed to design to take away from them everything else, and so be looked on as in a state of war. . . .

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

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

LIMITS TO PROPERTY

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

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

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

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

Secondly, in the state of nature there wants a known and indifferent judge with authority to determine all differences according to the established law; for every one in that state being both judge and executioner of the law of nature, men being partial to themselves, passion and revenge is very apt to carry them too far and with too much heat in their own cases, as well as negligence and unconcernedness to make them too remiss in other men's.

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

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

THE SOCIAL CONTRACT AND MAJORITY RULE

Whenever, therefore, any number of men are so united into one society as to quit every one his executive power of the law of nature and to resign it to the public, there and there only is a political or civil society. And this is done wherever any number of men, in the state of nature, enter into society to make one people, one body politic, under one supreme government, or else when any one joins himself to, and incorporates with, any government already made; for hereby he authorizes the society or, which is all one, the legislative thereof to make laws for him as the public good of the society shall require, to the execution whereof his own assistance, as to his own decrees, is due. And this puts men out of a state of nature into that of a commonwealth by setting up a judge on earth, with authority to determine all the controversies and redress the injuries that may happen to any member of the commonwealth; which judge is the legislative, or magistrates appointed by it. And wherever there are any number of men, however associated, that have no such decisive power to appeal to, there they are still in the state of nature. . . .

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

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

TYPES OF POWER

First, then, *paternal* or *parental power* is nothing but that which parents have over their children to govern them for the children's good till they come to the use of reason or a state of knowledge wherein they may be supposed capable to understand that rule, whether it be the law of nature or the municipal law of their country, they are to govern themselves by—capable, I say, to know it as well as several others who live as free-men under that law. The affection and tenderness which God has planted in the breast of parents toward their children makes it evident that this is not intended to be a severe arbitrary government, but only for the help, instruction, and preservation of their offspring. But happen it as it will, there is, as I have proved, no reason why it should be thought to extend to life and death at any time over their children more than over anybody else; neither can there be any pretense why this parental power should keep the child, when grown to a man, in subjection to the will of his parents any further than having received life and education from his parents obliges him to respect, honor, gratitude, assistance, and support all his life to both father and mother. And thus, it is true, the paternal is a natural government, but not at all extending itself to the ends and jurisdictions of that which is political. The power of the father does not reach at all to the property of the child, which is only in his own disposing.

Secondly, *political power* is that power which every man having in the state of nature has given up into the hands of the society and therein to the governors whom the society has set over itself, with this express or tacit trust that it shall be employed for their good and the preservation of their property. Now this power which every man has in the state of nature, and which he parts with to the society in all such cases where the society can secure him, is to use such means for the preserving of his own property as he thinks good and nature allows him, and to punish the breach of the law of nature in others so as, according to the best of his reason, may most conduce to the preservation of himself and the rest or mankind. So that the end and measure of this power, when in every man's hands in the state of nature, being the preservation of all of his society—that is, all mankind in general—it can have no other end or measure when in the hands of the magistrate but to preserve the members of that society in their lives, liberties, and possessions, and so cannot be an absolute arbitrary power over their lives and fortunes, which are as much as possible to be preserved, but a power to make laws, and annex such penalties to them as may tend to the preservation of the whole, by cutting off those parts, and those only, which are so corrupt that they threaten the sound and healthy, without which no severity is lawful. And this power has its original only from compact and agreement, and the mutual consent of those who make up the community.

Thirdly, *despotic power* is an absolute, arbitrary power one man has over another to take away his life whenever he pleases. This is a power which neither nature gives—for it has made no such distinction between one man and another—nor compact can convey, for man, not having such an arbitrary power over his own life, cannot give another man such a power over it; but it is the effect only of forfeiture which the aggressor makes of his own life when he puts

himself into the state of war with another. For having quitted reason, which God has given to be the rule betwixt man and man and the common bond whereby human kind is united into one fellowship and society; and having renounced the way of peace which that teaches, and made use of the force of war to compass his unjust ends upon another where he has no right; and so revolting from his own kind to that of beasts by making force, which is theirs, to be his rule of right; he renders himself liable to be destroyed by the injured person and the rest of mankind that will join with him in the execution of justice, as any other wild beast or noxious brute with whom mankind can have neither society nor security. And thus captives, taken in a just and lawful war, and such only, are subject to a despotical power, which, as it arises not from compact, so neither is it capable of any, but is the state of war continued; for what compact can be made with a man that is not master of his own life? What condition can he perform? And if he be once allowed to be master of his own life, the despotical arbitrary power of his master ceases. He that is master of himself and his own life has a right, too, to the means of preserving it; so that, as soon as compact enters, slavery ceases, and he so far quits his absolute power and puts an end to the state of war who enters into conditions with his captive. . . .

THE LEGITIMACY OF REVOLUTION

The reason why men enter into society is the preservation of their property; and the end why they choose and authorize a legislative is that there may be laws made and rules set as guards and fences to the properties of all the members of the society to limit the power and moderate the dominion of every part and member of the society; for since it can never be supposed to be the will of the society that the legislative should have a power to destroy that which every one designs to secure by entering into society, and for which the people submitted themselves to legislators of their own making. Whenever the legislators endeavor to take away and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people who are thereupon absolved from any further obedience, and are left to the common refuge which God has provided for all men against force and violence. Whensoever, therefore, the legislative shall transgress this fundamental rule of society, and either by ambition, fear, folly, or corruption, endeavor to grasp themselves, or put into the hands of any other, an absolute power over the lives, liberties, and estates of the people, by this breach of trust they forfeit the power the people had put into their hands for quite contrary ends, and it devolves to the people, who have a right to resume their original liberty and, by the establishment of a new legislative, such as they shall think fit, provide for their own safety and security, which is the end for which they are in society. What I have said here concerning the legislative in general holds true also concerning the supreme executor, who having a double trust put in him—both to have a part in the legislative and the supreme execution of the law—acts against both when he goes about to set up his own arbitrary will as the law of the society. . . .

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Here, it is like, the common question will be made: Who shall be judge whether the prince or legislative act contrary to their trust? This, perhaps, ill-affected and factious men may spread amongst the people, when the prince only makes use of his due prerogative. To this I reply: The people shall be judge; for who shall be judge whether his trustee or deputy acts well and according to the trust reposed in him but he who deposes him and must, by having deposed him, have still a power to discard him when he fails in his trust? If this be reasonable in particular cases of private men, why should it be otherwise in that of the greatest moment where the welfare of millions is concerned, and also where the evil, if not prevented, is greater and the redress very difficult, dear, and dangerous?