

Locke's
Two Treatises
of Government

a critical edition
with introduction
and notes by
Peter Laslett

Cambridge

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JOHN LOCKE

TWO TREATISES OF
GOVERNMENT

A CRITICAL EDITION
WITH AN INTRODUCTION AND
APPARATUS CRITICUS

BY

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THE BOOK

'Property I have nowhere found more clearly explained, than in a book entitled, *Two Treatises of Government*.' This remark was made by John Locke in 1703, not much more than a year before he died. It must be a rare thing for an author to recommend one of his own works as a guide to a young gentleman anxious to acquire 'an insight into the constitution of the government, and real interest of his country'. It must be even rarer for a man who was prepared to do this, to range his own book alongside Aristotle's *Politics* and Hooker's *Ecclesiastical Polity*, to write as if the work were written by somebody else, somebody whom he did not know. Perhaps it is unique in a private letter to a relative.* What could possibly be the point of concealing this thing, from a man who probably knew it already?

Odd as it is, this statement of Locke anticipates the judgment of posterity. It was not long before it was universally recognized that Locke on *Government* did belong in the same class as Aristotle's *Politics*, and we still think of it as a book about property, in recent years especially. It has been printed perhaps a hundred times since the 1st edition appeared with the date 1690 on the title-page. It has been translated into French, German, Italian, Russian, Spanish, Swedish, Norwegian and Hindi: probably into other languages too.† It is an established classic of political and social theory, perhaps not in the first flight of them all, but familiar to eight generations of students of politics all over the world, and the subject of a great body of critical literature.

The prime reason for the importance attached to this book of Locke's is its enormous historical influence. We shall not be concerned here with the part which it played in the growth to maturity of English liberalism, or in the development of those movements which had their issue in the American Revolution, the French Revolution and their parallels in southern America, in Ireland, in

* The Rev. Richard King. Locke's letter to him of 25 August 1703 is printed in *Works*, 1801, x, 305. They had a mutual cousin in Sir Peter, later Lord King.

† See Appendix A (121-129) for a handlist of printings, English and foreign.

II

LOCKE THE MAN AND LOCKE THE WRITER

1. LOCKE AND OXFORD

John Locke lived from 1632 to 1704, from the seventh year of the reign of Charles I to the third year of the reign of Queen Anne: 1632 was the year of the birth of Sir Christopher Wren in England, of Pufendorf and Spinoza on the continent. In the course of his seventy-two years Locke saw the worlds in which he spent his life, the intellectual and scientific world, the political and economic world, change farther and faster than any of his forefathers had done, and in England more markedly than anywhere else. He was as much of a mere Englishman as a universal genius could be, though he spent two critical periods of his life abroad, in France from 1675 to 1679 and in Holland from 1683 to 1689. He was as private and ordinary a man as could be expected of an individual who was to help to change the philosophical and political assumptions of humanity, but for two other periods he was a directive political influence in his own right and something of a public personality. This was between about 1667 and 1675 and again in 1679-82 when he was associated with that overpowering political figure, the first earl of Shaftesbury, and between 1694 and 1700 as the confidant of Lord Somers, the chief figure of the government. He died a famous man and he has remained one of the great English names ever since.

That fame was intellectual and literary; it still is. But he was a reluctant author, a professed 'enemy to the scribbling of this age'. He was fifty-seven years old before a word of the works which have given him renown was published in print. When he went to France in 1675 he expected to die of what we should call tuberculosis of the lung, and the men of his time did die early. He could not have supposed he would live to see his disordered sketches on philosophy become the *Essay on Humane Understanding*, or his notes on religious and political society become the *Letters*

LOCKE'S CAREER

on Toleration and Two Treatises of Government. He could not have anticipated then, nor at any time before his sixtieth birthday, that what he had noted in private would become famous in public as his *Thoughts on Education* and *Considerations* on money and economics. John Locke wrote and published as an old man, though he was quite confident that he would never live to be old. But like every other man, he thought his important thoughts when he was young. The fascination and difficulty of his career is to recognize the seeds and saplings burgeoning in his early and middle life and to watch them grow and spread into the mature forest trees which he left to posterity.

It could be said of the select group of great Englishmen in the century of our intellectual greatness that only one, John Locke, was a don by choice. Bacon was a lawyer and a politician, Hobbes was a teacher of noblemen, Newton was an academic by necessity until, with Locke's help, he got into the great world as an administrator. Locke went up to Oxford in 1652 at the age of twenty and he remained a full member of his college, if only nominally resident in later years, paying his fees and receiving his dues until he was ejected, illegally and against his will, in 1684 when he was fifty-two. He did his best to get back his place, and if we are to believe what he tells us himself he would have liked to have lived his whole life at the university. It was his career: for most of his earlier life it was the only thing which he thought he could excel in.

He reached Oxford by the most conventional of paths. He was a scholar, and no very distinguished scholar, of Westminster School under the fearsome Doctor Busby. He was there on that awful morning of 30 January 1649 when Charles I was executed, kept in school by his Royalist headmaster but within earshot of the awe-stricken crowd. There was a closed avenue for King's scholars of Westminster either to Trinity College, Cambridge, or to Christ Church, Oxford. John Dryden, of Northamptonshire, went to Trinity but his schoolmate, John Locke of Somerset, a westerner, a member of the Puritan network of families which were intertwined with the Royalist and predominating strands in that loyalist area, went to Christ Church. At the head of his college he found John Owen, the Independent and champion of toleration, all that was best in the Cromwellian attitude to learning and the Church. In his second year of residence Locke made his first appearance in print as an author: it was a salute to the Lord

Protector on his victory over the Dutch in 1653, in a volume of academic poems edited by the admiring Owen.*

There was a great deal to attach this modestly rising academic to the Cromwellian regime and the good old cause of Puritan and Roundhead against King and Cavalier. Down in Somerset his father, John Locke senior, was a late Captain in the parliamentary armies, the second in line of a family recently risen to gentle rank by the exertions and good fortune of its members. Nicholas Locke, the grandfather, had made the money which set the family up as proprietors of some small consequence in the little villages of Chew Magna, and Pensford and Belluton, Belluton which became Locke's family home. Nicholas had succeeded in the familiar way as a clothier, a capitalist middleman, setting on work the cottagers of the countryside round the great port of Bristol and selling the cloth in that flourishing market. But his son, John Locke senior, we are told, was a loser rather than a gainer in the race for wealth and social consequence so typical of his class and time. A Calvinist attorney, Locke's father was, and Clerk to the Justices of Somerset, dependent for patronage on a much more powerful parliamentarian family, the Pophams.

It was the influence of the Pophams which had made it possible for Locke's father to mark out the scholarly calling for him at Westminster and at Christ Church. It was a recognized way up in the world; for the clever boy the most reliable. There were two children only, John and his younger brother who died a youth, and they were authoritatively handled. Although he paid his tribute to parental sternness, much later he was to say that he 'wish'd his Father had design'd rather him for anything else than what he was destined to'.† In 1661 the squire of Belluton died, and left his son a gentleman of Somerset in his own right, the owner of farms and farmhouses and even a small Mendip mine. Academic, unmarried, independent he was to remain, but it is very important that John Locke was always the titular representative of an English landed family.

At Oxford Locke was urbane, idle, unhappy and unremarkable, all these things at the same time and only just successful enough. He passed with fair credit up the steps: scholar; then Student or

* Cranston, 1957, 36. Many other men contributed, including clandestine Royalists.

† Lady Masham, 1705, in Colie, 1955, 17.

Fellow as it would be in other colleges; then the holder of the usual teaching offices. Next in order was ordination in the Church, if he were to stay at the University; but here he hesitated, wavered and refused. He found a way out in medicine, one of the Studentships reserved for doctors. He had played some little part in that remarkable upsurge of interest in 'natural philosophy' at Oxford which was so soon to give rise to the Royal Society, and was associated with Boyle in his laboratory in the High Street. He took up botany, the herbal side of medicine, in a systematic way, and duly proceeded to the bachelor's degree in medicine. Although he finally wriggled his way, as an unsympathetic contemporary put it, into a faculty place or medical Studentship at Christ Church, he never became a full Doctor of Medicine. His academic career was checked by the mid-1660's, and, as it proved, it was checked for ever.

Locke did not begin as a philosopher and at Oxford he was never a philosopher at all. We can now piece together from the mass of papers he has left us what his earliest interests were. They were political. His correspondence, his reading, his notes and his sketches show that he was first concerned with the authority of the state in religion, then with the Natural Law which sanctioned that authority, and with the basis of Natural Law in experience. It was only after this, after he had ceased to spend his whole time at Oxford, that he proceeded to philosophy as such, to the problem of knowledge. Apart from his congratulatory poems, his first work written for publication was a polemical tract on the *Civil Magistrate*; it was never printed, but we have his manuscript. His addresses as a college official, and especially as Censor of Moral Philosophy in 1664, have similarly survived, and they are concerned with Natural Law.* The surprising thing is that his attitude to politics then was traditionalist and authoritarian.

Here we would seem to be faced with a clean break with his heritage and a vivid contrast with his final reputation. He firmly proclaims his submission to authority, and his whole position is that in indifferent things, the power of the magistrate is necessarily

* Dr Von Leyden has published these writings as Locke's *Essays on the Law of Nature* (1954), with an admirable introduction. The two pieces on the *Magistrate* (MS. e. 7, in English, MS. c. 28, f. 3 ff. in Latin with a draft in e. 6) are now contained in the Dissertation of Mr P. Abrams, to be seen in the Cambridge University Library, and to be printed. The English tract was directed against Edward Bagshaw, also of Christ Church.

absolute because the nature of civil society requires it. He insists that each and every individual grants his whole liberty to the supreme legislative power, which is a necessary mark of all civil society, and is the representative of all. Its decisions bind the conscience of everyone, though they may not reach what he defines as his judgment and in case of conflict there is no remedy but passive obedience. Liberty is what is left untouched by regulation. As for the people, this is typical of what he says:

Nor will the largeness of the governor's power appear dangerous or more than necessary if we consider that as occasion requires it is employed upon the multitude that are as impatient of restraint as the sea, and whose tempests and overflows cannot be too well provided against. . . . To whom are we most likely to be a prey, to those whom the Scripture calls Gods, or those whom knowing men have always found and therefore call beasts?

Kings are called Gods in Scripture, and the people are beasts for the knowledgeable men, of Locke's day and before; no sharper conflict could be found with the doctrine of *Two Treatises of Government*. The uneasy, anarchical months between the death of Oliver Cromwell and the Stuart Restoration had made this slightly sceptical, unselfconfident Oxford don into the determined defender of authority, a man prepared to go to great lengths to secure quiet. But it was legal, not arbitrary authority which he championed, 'a body of laws so well composed' that their preservation 'was the only security of this nation's settlement'. Even in this, to us his earliest, his most authoritarian mood, Locke is revealed as a constitutionalist, and a man convinced of the fundamental distinction between secular and spiritual power, political and religious authority. He was not tempted into that safest and most effective of illiberal positions, the Divine Right of Kings based on patriarchalism, though he does mention it.* Throughout these papers, in fact, he professed indifference as to the origin of political power, 'whether the magistrate's crown drops down on his head immediately from heaven or be placed there by the hands of his subjects', which was to be a main concern of his mature political writings. But searching examination of his manuscript

* See Abrams, 1961, 236-56, and his statement on 255 about 'constitutional' in relation to 'arbitrary' positions. Locke took note of patriarchal theories. There is evidence that he already knew, even respected, Filmer's writings— see below, 33.

shows that he did assume the popular origin of political power: his references to the possibility of Divine Right were evidently concessions to the outburst of such sentiment which greeted the Restoration.*

These recent recoveries, then, reveal something quite unexpected in the intellectual development which led up to the writing of *Two Treatises*. We do not know why the polemical tract was not printed, but we may assume that its theories were made public to a certain extent, by being developed into a Latin address to members of Christ Church delivered between 1661 and 1664.† It is interesting in itself that Oxford students should have listened to an oration on such a subject, more interesting still to wonder whether they recognized certain elements in it which have a flavour of Hobbes, the arch-authoritarian. No one who set out, as Locke did, to argue from consent to absolute authority, could have avoided arguing to some extent in parallel with the already infamous *Leviathan*. Hobbist notions were in the air: Locke must have absorbed them, more perhaps from the attacks on them than from direct acquaintance. The two men were closer than at any other time, but beyond this point we should not go: the evidence will not bear it. It is to submit uncritically to the strong tradition which dictates that Locke should always be considered alongside of Hobbes and to go on to claim that he was a conscious Hobbesist at this time, too cautious to reveal himself.‡

But Hobbes is not the only contemporary of Locke's earlier years whose writings are of importance to his development as a political thinker. The resemblance between Locke's final political

* See e.g. his corrections and overwriting on the first page of his English treatise, on page 4, and the passage deleted on p. 33.

† Von Leyden, 1954. He does not recognize the Latin treatise, undoubtedly the most important writing by Locke on political theory before *Two Treatises*, as one of the *Essays* which he publishes. Abrams (1961, 50-1) also suggests that it was one of the Latin *Essays or Lectures*, and stresses (cf. note on English treatise, p. 21) the Oxford context of the politics discussed in both tracts.

‡ This has been the tendency of those who have commented on these writings so far, see Gough, 1950, and Cranston, 1956, and 1957, 61-3: Von Leyden rightly sees certain of Hobbes's arguments absorbed into the discussions of natural law, but it is he who suggests that the influence came from contemporary discussion of them as much as from direct acquaintance. Abrams thinks that the resemblance of the sentence quoted by Cranston (1957, 62, see English treatise, p. 21) with Hobbes's famous description of life in a state of nature is no greater than with many such descriptions of life without government, and quotes one from a book known to have been in Locke's mind (Sanderson, *De Obligatione Conscientiae*, 1660, 1686 ed., 43). On Locke and Hobbes generally, see section IV below.

doctrines and those of the English radicals writing and acting between 1640 and 1660 is most marked. It is so close in some respects that direct influence would seem obvious, through his personal experience amongst those of the 'honest party' and through his reading. He knew Henry Stubbe, for example, and wrote to him in praise of his *Essay on the Good Old Cause*; through him he could have been in contact with Harrington and the Rota men, and there are many other such possibilities. But we have no indication that he read radical literature at Oxford, or indeed much political literature at all apart from such highly respectable, academic authors as Grotius and Pufendorf, his coeval, whose first work appeared in 1660. Classical and polite learning occupied him, even the French romances. The fact is that as far as we know Locke never read Lilburne or the other Levellers, then or afterwards. He was brought back into the tradition which they began by an unexpected turn in his personal life. Thereafter politics came to mean something very different from scholastic exercises on things indifferent, and on the scope and authority of Natural Law.

He was never to get much further as a Natural Law theorist, and we shall point to this fact as critical to his whole development. Nevertheless these early writings can fairly be called the typical product of a mind capable of enormous expansion, as yet unable to expand at all. Something of the platform for his political theory had been set up, and he could have proceeded either in the authoritarian or in the liberal direction, but to no very important effect. It was not to be a simple question of unfolding the implications of a particular starting point: it never really is for any thinker. As yet he had little sense of political reality, of policy itself. Indeed, a great deal was lacking in this meticulous Oxford bachelor, with his fine conversation, his keen mind and conventional views, lacking that is to *le Sage Locke*, Voltaire's idol, the universal philosopher with an attitude on all things. Something was to happen when his life was nearly half over, something which was to give him that firmness of intellectual tread which accounts for his giant reputation and to transform these early sentiments on authority, political and religious, into the Lockean liberalism which presses on us still.

Oxford frustrated him, but he was not yet master of himself enough to make his way in the world there or outside. Locke had a name for disputation in the Schools, the established method of

instruction and examination: 'Hogshearing' he called it, the laborious clipping of tiny hairs from the skins of vociferating animals, not swine apparently, but yearling lambs. Locke hated it, and he did it badly; his whole life work in one sense was a protest against it. This, he said later, was another reason why he 'pitched upon the study of physic', where he was at one remove from the Schools, and 'as far as might be from any public concerns'.* This second object, to keep away from public affairs, prevented him from pursuing the diplomatic career which opened up in 1665 and 1666.

This was a whiff of Machiavelli's world, and might have convinced him that he had talents and a personality for other things than teaching, the pressing of flowers from the University Botanic Garden and the systematic filling out of a great series of notebooks. He went to Cleves, the capital of Brandenburg, as secretary to a special mission in 1665, and was so successful that he was offered a similar post in Madrid when he returned, and another post after that.† But he preferred to return to his students and his everlasting medical mixtures. His association with Shaftesbury was to change him profoundly, but never quite to convince him that his academic ambition was misplaced.

When that change had taken place, Oxford rejected him. As a traditionalist institution she mistrusted his politics, and the developed originality of his thought menaced her curriculum. All this was to happen twenty years later and more, and his removal from his place was brought about neither by his college nor the university, but by the Crown as a piece of political vindictiveness. But though the inbred little society of clergymen at Christ Church in the 1680's were not actually responsible for expelling the ablest man amongst them, they were not guiltless in the matter. The good and scholarly Dr Fell, head of the house since 1660 and trusted by Locke, wrote thus to the Secretary of State:

Mr Locke being 'a student of this house' . . . and 'suspected to be ill-affected to the Government, I have for divers years had an eye upon him. . . . Very frequently, both in public and in private, discourses have been purposely introduced, to the disparagement of his master, the Earl of Shaftesbury, his party, and designs, he could never be provoked

* Locke to the eighth earl of Pembroke, 3 December 1684, Christ Church MSS., printed Osler, 1914.

† See Cranston, 1957, ch. 7.

to take any notice, or discover in word or look the least concern; so that I believe there is not in the world so great a master of taciturnity and passion'.*

The Royal order to remove Locke from his Studentship in 1684 was the first move made against the universities in the final Stuart bid for personal government, which was to stumble over the obstinacy of the Fellows of Magdalen in 1688. It is ugly to see those who sat with him at table acting as *agents provocateurs*, but typical of the man that not a flicker of an eyelid could be used against him. Half a generation later the teachers of Oxford did greater harm to their university by refusing to acknowledge his books in their teaching.† So little can Oxford and the House justly claim him as their own that he was a power over the whole learned world before they would recognize him. The last days he spent amongst them illustrate his manner of going in a dramatic fashion.

On 21 July 1683 the University of Oxford in Convocation ordered to take place in the Court of the Schools, now the Bodleian Quadrangle, the last burning of books in the history of England. The decree was displayed in the halls and libraries of the colleges, and it anathematized doctrine after doctrine already written into *Two Treatises*. Amongst the authors they condemned to the fire were some of those on the books which then stood on the shelves of Locke's chamber at Christ Church. It seems that he was there himself, to watch the acrid smoke drifting up between the spires, tight lipped as ever and busy packing off his library into the country. Within a few weeks he had certainly left Oxford for the countryside where he was born, and by the autumn he was an exile in Holland. Locke never went to Oxford again in his life.‡

* Fell to Sunderland, 8 November 1684, see King, 1830, I, 279. Prideaux, one of the Students, was passing information to government circles on Locke at this time, see *Letters*, 1875. It is fair to add that the full exchange with Sunderland shows that Fell was doing something to protect Locke, and that he was disturbed by what was forced upon him. See Lady Masham (Colie, 1956, 83).

† See Cranston, 1957, 466-9 and references, for the meeting of heads of houses in 1703 to consider the suppression of the new, Lockean philosophy.

‡ The *Decree* can best be consulted in *Somers Tracts*, 1812, viii. Locke's movements can be traced in his diary and from the addresses of his letters, though he becomes very elusive in the weeks before he left for Holland, and it is impossible to be certain that he did not pass through Oxford in later life.

2. LOCKE AND THE FIRST EARL OF SHAFTESBURY

Anthony Ashley Cooper, of Wimbourne St Giles in Dorset, later first Lord Ashley and still later first earl of Shaftesbury, was one of the ablest and most extraordinary men alive in the England of Locke's lifetime. He was rich, rich in land and from political office, rich from investment at home and overseas. He was powerful, politically powerful both in the regional politics of the south-west and at Whitehall. It had been done by a series of swerves of allegiance: first for King, and then for Parliament; first a minister of Cromwell, then his great opponent, then an architect of the Restoration. He was one of the small, assertive men; a phenomenon of shrewdness and penetration, highly intelligent and critical, yet affected with delusions of grandeur and unscrupulous in his inconsistencies; superb as a leader and administrator, yet chronically ill, physically not psychologically, for he had the extraversion of Prime Minister Walpole.

His disease was a hydatid, an affection of the liver, fatal if it should give rise to an abscess and the abscess not be removed. In July 1666, Lord Ashley, Chancellor of the Exchequer, convalescent after one of his attacks, rumbled down in his great coach to Oxford to try the waters of Astrop. They were to be brought to him in bottles, and the man who came into his presence with the twelve flasks was not the physician he expected, but the physician's friend, John Locke. This was how the two men first met, and at that moment a famous friendship began.

It was Locke's conversation which attracted the keen-sighted politician as well as his skill as a doctor. Courteous and modest, for Locke always knew his place with the great, he was penetrating and ironical, immensely well informed. Within a year he had taken up residence in the Ashley family, with his own apartment at Exeter House in the Strand, invited there to talk to the great man, to advise him and to doctor him and those about him. On the body of his noble patron he brought about one of the medical miracles of that age. He advised and directed an operation, an operation at a time when surgery was butchery, to remove the abscess on the liver and to insert a little pipe through the stomach wall as a drain to prevent another abscess from forming. Ashley wore the pipe

for the rest of his life: to the satirists of the 1680's it became a great wooden tap to be mocked at, like the tap on a barrel of beer. In fact this pathetic little object was made at first of silver then of gold.*

This operation made Locke famous and it changed the whole course of his life. Ashley was convinced, and he had good reason to be, that he owed his life to Locke. An association which began casually and was continued on a pattern conventional at the time, since it was not unusual for the great to introduce men of Locke's stamp into their families, became a working association for all purposes for both of them. All that political influence could do was directed towards Locke's promotion in his profession of academic medicine, and he was provided for financially, though his obstinate independence evidently made it difficult for Ashley to go as far as he wanted. He was given offices, the secretaryship of the associated proprietors of the colony of Carolina, the secretaryship of Ashley's Board of Trade, the secretaryship for ecclesiastical patronage when Ashley, now earl of Shaftesbury, became Lord Chancellor in November 1672. These were not great offices, and none of them led to the high political career which might well have developed out of this association.

We do not know why this was, though we may believe that it was Locke who held back rather than that Shaftesbury judged him unfitted for the highest promotion. For we do know that he was paid the highest compliment in the gift of a great politician.

My Lord imparted to him from time to time all the secretest affairs then in agitation and by my Lord's frequent discourse of state affairs, religion, toleration and trade, Mr Locke came to have a wonderful knowledge of these things... He writ his book concerning Human Understanding whilst he lived with my Lord.

And again, from a source of the very highest authority, Shaftesbury's grandson and Locke's pupil, the third earl:

Mr Locke grew so much in esteem with my grandfather that, as great a man as he had experienced him in physic, he looked upon this but as his least part. He encouraged him to turn his thoughts another way... He put him upon the study of the religious and civil affairs of the nation

* On the operation, see Oaler, 1914: a more recent medical opinion is that the drainage pipe was useless, but that the operation did save Shaftesbury's life and its success was almost miraculous.

with whatsoever related to the business of a minister of state, in which he was so successful that my grandfather began soon to use him as a friend and consult with him on all occasions of that kind... When my grandfather quitted the Court and began to be in danger from it, Mr Locke now shared with him in dangers as before in honours and advantages. He entrusted him with his secretest negotiations, and made use of his assistant pen in matters that nearly concerned the state, and were fit to be made public, to raise that spirit in the nation which was necessary against the prevailing Popish party.*

We owe *Two Treatises* to the wonderful knowledge of state affairs which Locke acquired from frequent discourse with the first earl of Shaftesbury; indeed the evidence suggests, as we shall see, that he actually wrote the book for Shaftesbury's purposes. The original meeting may not have been entirely a consulting-room accident. Shaftesbury's grandson tells us that he was recommended by the earl's steward, an important figure in the machinery of local influence.† Local politics, then, the association of families over wide areas and long periods of time, made this meeting no unlikely thing, although no other connection has yet been found between the Lockes of Somerset and the great political family of the neighbouring county of Dorset. But its results were not simply political, nor were they confined to political and social theory. They are to be seen over the whole area of Locke's intellectual activity: without Shaftesbury, Locke would not have been Locke at all.

We have seen that Locke was never a pure philosopher at Oxford, and we have quoted the claim of a witness that his major work on philosophy was written in Shaftesbury's household. It is now known that this was indeed the case, though the actual work of composition took so long, nearly twenty years, that the finished work was never seen by Shaftesbury. Locke began his career as a philosopher in his chamber at Exeter House in the

* The first extract comes from a document in the Shaftesbury Papers (P.R.O. 30/24, XLVII, 28, 3) endorsed 'F.C.' and copied in what looks like the third earl's hand into a fuller account. The second comes from the third earl's letter written for Jean Leclerc and based on documents like these—dated February 1705, printed 1851. Both have been modernized.

† 'Mr Bennet of the town of Shaftesbury': he and his son were M.P.'s for the borough. Even the physician, David Thomas, who commissioned Locke with the water bottles, had a political identity. He was a strong Whig, and when the *Essay on Human Understanding* appeared, would have preferred a life of Shaftesbury. For even stronger emphasis on Locke's association with the Earl, see Viano, 1960, e.g. p. 543 n.

early months of 1671, and by July he had produced a draft of the embryonic *Essay* in one of his own notebooks. Before the end of the year he had rewritten and extended it, but meanwhile he had got someone to copy parts of the original and some of his workings for the information of the earl himself. We know this, and we know that this incomplete manuscript was looked on by Shaftesbury as a personal possession, because it was seized amongst his most private papers from his study when he was arrested in 1681: it has even been suggested that another such paper represented Shaftesbury's own sketched attempt at a theory of knowledge.* Here we have them, the statesman and his medical, scholarly intimate, stimulating each other on the most abstract subject of all. It was not Locke the Oxford don who became a philosopher, but Locke the confidant of an eminent politician, living the political, social and intellectual life of Restoration London.

So it was with Locke the economist, the educationist, the theorist of toleration, even Locke the scientist and medical reformer. He became a Fellow of the Royal Society in November 1668, from Exeter House and not from Christ Church, sponsored by Sir Paul Neile, a founder of the Royal Society, but also a friend and political associate of Shaftesbury's. In London he met the great Sydenham, and helped in his medical practice and in his study of smallpox. He helped him also with his writings, leaving most of the relevant papers to join Shaftesbury's. Locke published nothing on medicine as such, but his views on education and economics both appeared in the 1690's in printed treatises, and it is quite clear that they had their origin in the work he did for, and in co-operation with, Shaftesbury. He was entrusted with the delicate and important task of finding a wife for the lumpish heir to the house of Ashley, and making sure that he produced an heir in his turn. What had begun as a medical undertaking, turned itself into an educational experiment, and the third earl tells us that he and his five brothers and sisters were all educated by Locke 'according to his own principles (since published by him)'.
the Nobles

* See Laslett, 1952 (i): the suggestion is Dr Von Leyden's and cannot be pursued because we have the first few words of the paper only. The subject of the first workings for the *Essay* is complex, see Cranston, 1957, 141-2, Aaron, *Locke*, 2nd ed. 1955, 50-5. Johnston, 1954, rightly corrects my suggestion that the Shaftesbury draft is the earliest still extant, but a detailed comparison between the two originals shows that they cannot be related as she supposes. The two other 1671 versions have been edited by Aaron and Gibb, 1936, and Rand, 1931.

He had shown no sign of an interest in the upbringing of children at Oxford, nor any trace of the economist's attitude. And yet within two years of his going to London he produced a paper on the rate of interest written 'at the direction of Lord Ashley' formulating the position which he consistently maintained for the rest of his life, with results of considerable consequence to the future of the British economy.* In economics he might be called a traditionalist, almost an Aristotelian, but on the subject of toleration his association with the acknowledged champion of religious freedom swiftly transformed the traditionalist and authoritarian views written into the Oxford treatises. In 1667, during the first months of his residence at Exeter House, he composed an *Essay on Toleration*† which turned his earlier arguments into a vigorous defence of the right of dissent, proceeding from analysis of the intellectual problem to positive recommendations about national policy. Advice of this sort was now expected of him, and he seems to have written similar policy documents on many or all of the objects of Shaftesbury's public career. Not the least of these new-born interests was colonial administration.‡

Locke the man and Locke the writer make up a complicated personality, very difficult to separate from that of Shaftesbury himself in these truly formative years. Apart from the *Toleration* drafts, there are two published political works which have claims to be the result of literary co-operation between them. *The Fundamental Constitutions of Carolina*, privately and anonymously issued in 1669, and the *Letter from a Person of Quality*, anonymous, 1675, alike appear in an authoritative collection of Locke's works.§ The manuscript of the *Constitutions* is in Locke's hand in the Shaftesbury papers, and a note of his written during or before composition

* See Laslett, 1957 (i), especially footnote 21. The draft, the first of a series, is MS. c. 8, dated 1688, compare Viano, 1960, 183 on, and refs.

† Manuscript version in the Shaftesbury papers printed by Fox Bourne, 1876, 1, 174-94. There are three other versions, and the relationship between them does not seem to be finally established (see the discussions in Cranston, 1957, 11; Gough, 1950, corrected by Von Leyden, 1954; Johnston, 1956; Brown, 1933). But the evidence implies a close relationship in composition between Locke and Shaftesbury: one of the copies is in the same hand as is found in Shaftesbury's personal copy of the first workings on the philosophical *Essay* (see note on 28).

‡ See Laslett, 1957 (i).

§ *A Collection of Several Pieces of Mr John Locks*, 1720. Desmaizeaux and Collins, who were responsible, were well placed to know what Locke had a hand in, but we shall not know definitely unless we can read the papers of his literary executor, Peter first Lord King. Both pieces are reprinted in collected Lockes from the 4th, 1740.

has been found in one of his books: in 1679-80 he wrote to his French friends as if he were responsible for the work. No such evidence has come out about the other work, and in 1684 he seemed anxious to repudiate authorship. We shall perhaps never know exactly how far the *Constitutions* represented Locke's or Shaftesbury's views of how a society newly set up in the American wilderness should be ideally constituted, or how far it was a compromise between them and the other proprietors. The contrast of its doctrines with those of *Two Treatises* is intriguing. If Locke approved them in 1669, for English as well as colonial society, his views on the people, who they were and how they were related to government, changed profoundly by 1679.

But it may be unprofitable simply to seek for consistency or inconsistency here, just as it is in comparing Locke at Oxford with Locke in Shaftesbury's entourage. These publications indicate one of the ways in which he acted as 'assistant pen' to his master in the first period of their association, before he left for France in 1675. He would also draft official papers, record conversations and negotiations, even prompt his master from behind his chair, as he is supposed to have done when Lord Chancellor Shaftesbury delivered the famous speech *Delenda est Carthago* against the Dutch enemy in 1673. But his important literary function was to write out for Shaftesbury's use an account of this or that political or social problem, telling him what had been thought or written about it, what arguments were likely to convince intelligent people of the correctness of a certain attitude to it. The successive drafts on toleration, economics, even perhaps on education and philosophy fit into this context, as well as being records of Locke's own intellectual development. They are supplemented by what he wrote in his diaries, his letters and his commonplace books. From these sources a remarkably complete record can be recovered of the story behind nearly all of his final books: the conspicuous exception is the work on *Government*.

In a sense, of course, all this material is relevant to Locke's development as a political theorist, especially the toleration file. We shall see that he began reading and making notes on political authority and the origin of political power as soon as he came under Shaftesbury's influence. It may be true that no draft on this subject was ever drawn up during this earlier period, to be subsequently destroyed.

For the issue of political obligation as such did not arise in an urgent form until 1679, when Shaftesbury found himself in need of a general, theoretical argument to justify a change in the constitution. There can be little doubt that Locke was summoned back from France early in 1679 to help his master. Shaftesbury was temporarily in office once again, trying to use the national scare over the Popish Plot to force on King Charles II the exclusion from the succession of his brother and heir apparent, the Catholic James, duke of York.* It is certain that Locke knew all about what was going on, and that he took no opportunity to disapprove the forced confessions, the judicial murders, mob oratory and agitation. We do not know whether he 'believed in' the Popish Plot any more than we know if Shaftesbury did, but he never criticized Shaftesbury's actions at any time. He was always his loyal and wholehearted admirer.

He went much further towards revolution and treason than his earlier biographers knew, anxious as they were to present him as a man of unspotted personal and political virtue.† When Parliament was summoned to meet at Oxford early in 1681, at a time when armed resistance seems to have been decided on if the Exclusion Bill failed again, Locke took an active part. He went from house to house finding accommodation for Shaftesbury's entourage, even for Rumsey, the chief of his desperadoes. He was in correspondence with Shaftesbury about influencing elections; he may even have written the famous 'Instructions to the Knights of the County of . . . for their Conduct in Parliament', which has claims to be the first modern party document in history.‡ When

* 'In the year 79 the Earl of Shaftesbury being made Lord President of the Council Mr Locke (as it is said) was sent for home', Lady Masham, 1705. Another argument can be based on the fact that, though Locke had been away for four years, he was so busy with Shaftesbury's business directly he arrived in London, that it was seven months before he could get away to Oxford, and a year before he could go down to Somerset to visit his neglected property. There is a list of trials and confessions in MS. b. 2 and Locke sent a collection of literature of this sort to Thomas in Salisbury at his request.

† Mr Cranston has effectively demolished the belief of Locke's Victorian biographers in his 'political innocence', see especially chs. 14 and 16. Bastide, 1907, still maintained that 'he kept aloof from the struggle' (p. 68), but suspected that he may have helped Monmouth. I am prepared to believe that he was more deeply implicated in Monmouth's rebellion than even Cranston allows, and he misses the significance of the references to Cassiobury in Locke's diary.

‡ P.R.O. 30/24 v1B, Item, 399, endorsed 'The original of this wrote in Mr Locke's own hand'. On all this, see Christie, *Shaftesbury*, 1871.

the parliamentary attempt had finally failed and Shaftesbury, after a period of imprisonment, had no other resort than to persuade his associates into consultations verging on treason, Locke went along with him and the others.

With his diary open to us we now know that Locke spent the whole of the summer of 1682 with Shaftesbury while these consultations proceeded. On 15 September he even went with him to Cassiobury, the seat of the earl of Essex, where a meeting of the Whig leaders was scheduled at the height of what is sometimes called the Insurrection Plot. Most significant of all, since it was the action of a man with an independent political personality for the first time, is the fact that he went there again on 24 April 1683, at the very time when preparations are supposed to have been under way for the Assassination, or Rye House, Plot.*

We can assume that he went on this second occasion entirely of his own choosing because Shaftesbury was dead, dead in exile in Holland, his last hours spent, so the tradition goes, in discussing the unorthodox religious doctrines implied in the later part of Locke's *Essay on Human Understanding*. Another frequent visitor to the earl of Essex in those dangerous days was Algernon Sidney, regicide and republican, a man who was to lose his head for his part in the Rye House Plot. Sidney had written at length in support of his views and in refutation of Sir Robert Filmer, the author whose works had become the official exposition of the Royal and Tory view of the basis of governmental power. Sidney's manuscript, later published as his *Discourses Concerning Government*, was an essential part of the case of the Crown at Sidney's trial later in the year.† As we have seen from what happened at Oxford, Locke was already a suspected man, and from the time of the discovery of the Rye House Plot he became a fugitive, quite soon in exile. Nothing specific was ever proved against him, but it was persistently believed that his treasonable activity had been writing against the government, just as Sidney had done.

* There is no reliable evidence of what was discussed on either occasion, but tyrannicide seems unlikely, since Essex was apparently quite unwilling to contemplate it, though he died in the Tower when a prisoner for his part in these preparations. Locke preserved a manuscript maintaining the Whig view that Essex did not commit suicide but was murdered, and he may well have been quite close to Essex.

† See Laalett, 1949, 36-7.

We shall attempt to show that Locke had by this time written a work against the government, and that *Two Treatises of Government* was the book in question. The case will have to be presented in full because of the established dogma that it was written in or just after 1688.* We must now turn to such evidence as he has left us of his development as a political theorist whilst he was with Shaftesbury. We may believe if we wish that the train of thought which gave rise to *Two Treatises* departed from the following quotation from one of the works of Sir Robert Filmer, written by Locke into a notebook very early in his days at Exeter House.

Hobs

With noe small content I read Mr Hobs booke De Cive & his Leviathan about the rights of Sovereignty w^{ch} noe man yt I know hath soe amply & Judiciously handled. Filmore. Obser. preface:‡

The list of books on politics, quotations from them and judgments of their value, from which this quotation comes, seems to have been drawn up in Shaftesbury's presence, for a very similar list has been found in Shaftesbury's own papers, in Locke's hand;‡ there are many items common to both. From this evidence we may conclude that the intellectual relationship between Locke and Shaftesbury in the matter of political theory was, as might be expected, much the same as for economics, toleration and so on. The association directed Locke's attention to the works of Milton, Campanella, Guiccardini, Adam Contzen, as well as to such English champions of non-resistance as Heylyn, Dudley Digges and Filmer. Some of these authors were known to him already, and we may believe that he had read, and praised, a work of Filmer's as early as the year 1659, though this was the first time he

* See section III.

† MS. f. 14, folio 16. For this manuscript, and for some of the titles on this list, see Appendix B. The quotation was obviously directly copied from Filmer's *Observations concerning the original of Government, Upon Mr Hobs Leviathan* . . . , London, 1652, first words of Preface.

‡ P.R.O. 30/24/47, no. 30, classified book list, section *Politici*: see Appendix B also. It is a curious fact that in both lists, Sir Robert Filmer, whose tracts had been printed anonymously, is called Sir Thomas Filmore. This is the only occasion known to me when the name 'Filmer' was associated with these tracts before their collected publication in 1679, outside Sir Robert's family and his circle of friends. Locke and Shaftesbury named every one of Filmer's political tracts except his pieces on the *Power of Kings* and his *Freeholder*. Maclean, 1946, recognized that Locke read Filmer as early as 1667, but did not notice the parallel in the Shaftesbury papers.

had been told that Filmer was its author.* It is clear that Shaftesbury's company was bringing him up against the questions he had deliberately left on one side at Oxford. What were the origins of political power, how is it to be analysed, what are its limits and what are the rights of the people?

That these questions were exercising Locke during his first period with Shaftesbury, especially the possibility of a patriarchal origin for political power, is shown by another note made in 1669.† There he made a point which he was to argue at length in *Two Treatises*. In 1672 he schemed something out on *Wisdom*, dividing his observations under the three headings 'Prudence', 'Theology' and 'Politics' (Politia). Politics in its turn is divided into 'Fundamentals', 'The form of the State' and 'Administration', and the two fundamentals are *Jus Paternum* and *Consensus Populi*.‡ This acceptance of patriarchalism alongside of popular consent is also to be found in the final work, here no longer equally fundamental.

But though we know that this was the period of his development as a political theorist, the book itself comes as a revelation. The best illustration of this is the important issue of property, for nothing in his literary remains from the years leading up to his writing on *Government* suggests that property would be a major theme. It is mentioned, in a phrase which fits in with his statement about it in his *Essay on the Understanding*, in his Oxford *Essays on Natural Law*; but what he says in his 1667 *Essay on Toleration* seems to imply a general position which is very different from that presented in *Two Treatises*.§ These are only isolated references. The fact would seem to be, and it can be confirmed for many of the other subjects, that Locke simply had not thought in a systematic way about property before 1679. He had not worked out his justification of ownership in terms of labour.

* There are two references to another set of Filmer's *Observations*, his essay on Philip Hunton which had the title *The Anarchy of a Limited or Mixed Monarchy* (1648) in Locke's notebook entitled *Lemmata Ethica*. For this manuscript see Appendix B. Neither reference is dated, and most of the other entries in the book are later, and marked as such. But their position and context suggest that they were made very early in Locke's use of the book. One quotes the definition of absolute monarchy from p. 15 of Filmer's tract and adds appreciatively: 'hujusmodi monarchia optime defenditur.' No author is given.

† MS. c. 29, ff. 7-9, notes on Samuel Parker, *A Discourse of Ecclesiastical Politie*, 1670, printed in full by Cranston, 1957, 131-2.

‡ MS. c. 28, f. 41: 'Sapientia 72.' Compare Abrams, 1961, 311, scheme of ? 1661

§ See below, 104.

The pre-history of *Two Treatises*, then, is a complex study which cannot be taken further here. Enough has been said to suggest the atmosphere in which its doctrines were formulated, an atmosphere of political decisions and policy itself, with Shaftesbury as the policy-maker and Locke as the confidential co-adjutor, one amongst others but the most important. This is not the atmosphere we associate with philosophy, and too often with political thinking, nevertheless this was also the time of Locke's philosophical maturation. *Two Treatises* and the *Essay* were in gestation at the same time, and the political work reached its almost final form earlier, in spite of the fact that systematic work on it began seventeen years later.

We shall assign the important part of the work of composition to the years 1679-80. It was then, as we believe, that the book took shape, and took shape suddenly for an author with such slow, deliberate habits. Up till then the train of ideas which had been present in his mind from the beginning had developed in a desultory way, as a subordinate theme to that of toleration. It had been deliberately pushed aside when he wrote on Natural Law at Oxford, and can be seen only in such details as his registration of Filmer's agreement with Hobbes. Since he has left us no sketch, no early form of any part of the book we cannot tell what his earlier opinions had been on many of the subjects it covers, nor how they developed. He was certainly reflecting on them occasionally in his journeys through France between 1676 and 1679.

In February 1676, when he was at Montpellier, he made a note in his journal on the *Obligation of Penal Laws* which dealt rather obscurely with the problem of resistance. He is quite confident that civil laws do not necessarily oblige the individual conscience, but he maintains that there is a law of God 'which forbids disturbance or dissolution of governments'. Conscience is satisfied if a man 'obeys the magistrate to the degree, as not to endanger or disturb the government, under what form of government soever he live'.* Two and a half years later we find an abbreviated sketch of a complete theory, relating man to God, father to son, the individual to society, in familial, patriarchal terms: not Filmer's patriarchalism, but nevertheless closer to the notes of 1669 and 1672 than to *Two Treatises*. The heading he chose was Natural Law, *Lex*

* Printed in King, 1830, I, 114-17; compare Lamprecht, 1916, 142-3, who seems slightly to exaggerate Locke's insistence here on passive obedience.

Naturae. Man, he noted, has 'a knowledge of himself, which the beasts have not' and this knowledge was 'given him for some use and end'. It shows men that a son should obey his father (although begot 'only in pursuance of his pleasure, without thinking of his son') and therefore they must obey God as the final 'author of their being'. It is similarly 'reasonable to punish' a child 'that injures another', and from this we may conclude that children, and all men, are expected by God 'to assist and help one another' as a duty. 'If he find that God has made him and all other men in a state wherein they cannot subsist without society, and has given them judgment to discern what is capable of preserving and maintaining that society, can he but conclude that he is obliged, and that God requires him to follow those rules which conduce to the preserving of society?'"*

He wrote this when travelling up the Loire in July 1678, a long way from London, Shaftesbury and the dreadful Popish Plot, and he wrote it for himself. We shall claim that his work on *Government* was an exercise on this same theme begun only about a year later, but written for his leader, written also for the public which both men wanted to persuade. Such is the measure of the difference between the Locke who wrote in solitude and the Locke who wrote for Shaftesbury.

But he also wrote for his patron in a way which is much more familiar and typical of his time, to honour and divert him. He presented his little volume on *The Growth of Vines and Olives* to his Lordship on 2 February 1680, and that eminent epicure and cultivator was overjoyed with the exquisite little manuscript volume. To the Countess on the same occasion, it was to celebrate his return from France, he dedicated his translation of the *Essais* of Nicole. In our anxiety to understand the harsh political reality in which these two friends lived their life together, we must not lose sight of its gracefulness, gentility and wit. Locke sat at the Chaplain's table in Lord Chancellor Shaftesbury's meticulously regulated dining hall: he had to trudge through the mud to support that megalomaniac imp when he went out in his coach on state occasions. But he also had a voice in the decoration of his houses, the layout of his gardens: he educated the grandchildren

* Journal for 1678, 201-2, modernized: compare 1, § 52 and note. In the note to 11, § 58, is quoted a further note of importance to politics, written in his journal in Paris in March 1679.

of his master in English gentility, that just and mellow blending of the practical man, with stoic virtue, understatement and a deep respect for learning. The ideal of the English gentleman is with us today, and in part it is Locke's invention. It grew out of his affection for Shaftesbury.

The last thing Locke wrote as literature was a life, a vindication, or an *Éloge* as the French were saying, of his great master. This was as it should be, for it was the final debt which all literary men owed to those who made the life of literature and thought possible for them. His own end came before he could get further than the first few pages, but the Latin epitaph was finished:

Comitate, acumine, suadela, consilio, animo, constantia, fide,
Vix parem invenias, superiorem certe nullibi.
Libertatis civilis, ecclesiasticae,
Propugnator strenuus, indefessus.

Liberty, then, is the last word we are left with—a tireless, fierce fighter for liberty in religion, liberty in politics, the liberty of Locke's own work on *Government*.

3. LOCKE AND SOMERS

1689 was the year of the great climacteric in the life of Locke. As a result of the Revolution the obscure exile became a man of political influence, with powerful friends in high places. The minor figure in the republic of letters, something of a journalist in the Dutch intellectual community where he had been living, the multiplier of notes and writer of drafts, at last appeared as an author, first of the *Letter on Toleration*, then of *Two Treatises of Government*, both in print by the autumn of that year, but both anonymous. Then in December the John Locke who signed the Preface to *An Essay Concerning Humane Understanding* became, by that very act, the John Locke of intellectual history. It turned him into a national institution and an international influence. In the fifteen years left to him he twisted his fingers round the haft of English intellectual life and got so firm a grasp that it pointed at last in the direction which he had chosen.

It was a philosophical reputation which he enjoyed, and it was because of the key position of philosophy that his intellectual

domination was possible. Everything else which he wrote was important because he, Locke of the *Human Understanding*, had written it. It was so with his *Thoughts Concerning Education*, 1694, his works on *Money*, 1692 and 1695, and his polemic with Stillingfleet in defence of his *Essay* in 1697 and 1699. The anonymous works, the three letters on *Toleration* of 1689, 1690 and 1692, the *Reasonableness of Christianity* and its *Vindications* of 1695 and 1697, could not be associated with his philosophy by his contemporaries, or only by very few. It is surely significant that the work on *Government*, the most secret of all, went almost unscathed till its authorship was finally revealed.* But from the time of his death the relation of *Two Treatises* with the *Essay* has been its leading characteristic. Here is an important philosopher, the proposition goes, addressing himself to politics, so what he writes must be important political philosophy.

This way of looking at *Two Treatises of Government* has given rise to a convention of analysis which we shall have to criticize. There is a danger too in the very pattern of Locke's literary career: an apprenticeship of remarkable length leading up to a short final period in which six major works and nine lesser ones, were published, most of them in several editions, all by an aging man, busily engaged with other things in his study, and in the world of politics and administration. It makes it look as if he deliberately planned his life in this way, and in the case of political theory this impression is hard to avoid. Here, it would seem, was a mind which trained itself first academically, then at the very seat of political power, and after two important periods of residence abroad, in France and in Holland, finally responded to the Revolution of 1688-9 with a work on *Government*.

The impression of a deliberate plan is of course an illusion, and I believe that he cannot have composed his book after 1683, but there is some value in this commentary on Locke the writer. He felt the need to ripen, particularly as a philosopher, before he appeared in print, and he was also both anxious to publish books and afraid of being criticized. In the final period of his life Locke

* Mr Dunn finds the earliest reply in Leslie, 1703, and what seems to be the second is *An Essay upon Government, wherein the Republican Schemes revis'd by Mr Locke are Refuted*, London, 1705, author unknown. But it was noticed abroad: *De Gouvernement Civil* was coolly reviewed by Basnage in his *Histoire des Ouvrages des Sçavans*, Tome VIII, June 1691, 457. 'C'est dommage', he says on p. 465, 'que l'Auteur n'a pas toujours bien dégagé ses pensées, ni bien développé ses sentimens.'

overcame this fear, and when he found that what he published was a success, he published more. Criticism always disturbed him deeply, which must be one of the reasons for his refusing to acknowledge books which he knew would be controversial. The effect of all this was to make him publish late and enter into history only as an old man, but it was not simply a matter of cumulative experience and above all it was not deliberate.

Calculated strategy is to be seen, however, in the way he went about the task of making sure that his ideas and opinions should affect the policy of governments in these years of his intellectual ascendancy. He had never wanted political office of the ordinary kind and once again he found himself refusing diplomatic posts. Hypochondriac as he was, his first need, as he said, was for a place of 'the highest convenience for a retired, single life'. He found obstacles in the way of getting back his Studentship at Christ Church, but a far more comfortable and delicate home for an ageing bachelor presented itself. By the middle of 1691 he was established in the household of Sir Francis Masham at his little moated manor house at Otes, in Essex, under the loving care of his lady, Damaris Masham, Locke's closest friend of all. Here twenty miles from London he spent his final, glorious years, his great and growing library around him, his special chair and desk, his cumbersome scientific apparatus, with his own servant and fodder for his own horse, all for one guinea a week.* His time went in writing, not simply the works he published in such numbers, but letters, letters to the learned world, to publishers, to stockjobbers, and letters to politicians and to ministers and professional servants of the crown. The political influence he exercised in this way was truly extraordinary, and for the hundred warmest days in the year he exercised it in person from his London address in Lincoln's Inn Fields.

He did hold office of a sort, for from 1689 he was a Commissioner of Appeals and when the Board of Trade was founded in 1696 he was made a paid member. It has been shown, in fact, that Locke himself played a large part in the creation of this second body, the architect of the old Colonial System, and was directly responsible for the Great Recoinage of 1695-6, the expiry of the

* For Locke at Otes, see Laslett, 1954 (i). From 1697 Locke had the literary assistance of Pierre Coste, who came to live at Otes as tutor to Lady Masham's son; hence the Christ's master-copy of *Two Treatises*.

licensing of the press and many other measures too.* There was a knot of Lockeian members of parliament, a group cutting across political 'connection' as it is now beginning to be understood, 'the only known example of an association of politicians for the purpose of a set of rationally conceived policies, a programme based not only on common sentiment, but on superior information and abstract thinking'. It was all done by a typically Lockeian foundation called the 'College' whose main function was correspondence, but which met as a club when Locke was in London: its patron was John Somers, later Lord Somers, counsel for the Seven Bishops in 1688, Solicitor-General in 1689, Lord Keeper 1693, Lord Chancellor 1697 and the chief figure in William III's government until 1700.

Somers met Locke in the early 1680's and by 1689 looked to him so much as his mentor that he actually asked his advice on whether he should go on circuit or attend at parliament: in 1690 they exchanged views on the state of the currency. In fact, but with differences, Somers took on Shaftesbury's role for Locke. We need not dwell here on the importance and results of this association for government policy in the 1690's nor list the other noblemen, ministers and members who looked to him for advice and turned that advice into policy. The point of interest for Locke as a writer of political theory lies in the relation between the principles he had published, but not acknowledged, and the practical decisions which he advised so effectively and often helped to carry out. It would almost seem that during these years after the Revolution there was a sense in which liberal or Whig philosophy did in fact inform government and affect politicians in the person of Locke the Whig philosopher.

Such an interpretation cannot be taken too literally. Locke, as we have seen, seemed indifferent to the implications of *Two Treatises*, certainly for communities under English domination. There was a general change towards 'rationalism' over these years, and it is significant that Locke's part in it was not confined to thinking and writing: success and reputation came to him suddenly after 1688 because at that point a secular drift in the atmosphere became a rapid transformation. But historians are now careful not to call the events of 1688-9 the triumph of the Whigs, or even a revolution as that word is often used. Neverthe-

* See Laslett, 1957 (I), summarized above: the full story has yet to be worked out.

less it was the new general situation, as well as his own skill and good fortune, which enabled Locke to observe something of what we shall call his 'principle for policy' in action. The interesting thing is that he did not feel called upon to revise the text of his political theory in the light of this observation, although he did correct and recorrect its details and he can hardly have been unaware of its difficulties as a guide for ministers and administrators.

Outstanding in Locke's attitude and behaviour was his insistence on the citizen's duties in government: he looked upon himself and his friend Isaac Newton, Warden of the Mint, as contributing what an intellectual owed to government activity. If we are to understand Locke the political writer we must dwell for a little while on his peculiar relationship with the politicians.

In December 1684, he wrote from Holland a defensive letter to his patron at the time, the earl of Pembroke: it is a vindication of himself from the charges which had been used to justify his expulsion from Christ Church, and is an instructive commentary on several of the themes we have discussed. Talking of what he did in Shaftesbury's household, and hinting that as a practising physician he might have done better for himself materially, he continues:

I never did anything undutifully against His Majesty or the government... I have never been of any suspected clubs or cabals. I have made little acquaintance, and kept little company, in an house where so much came... My unmeddling temper... always sought quiet, and inspired me with no other desires, no other aims, than to pass silently through this world with the company of a few good friends and books... I have often wondered in the way that I lived, and the make that I knew myself of, how it could come to pass, that I was made the author of so many pamphlets, unless it was because I of all my Lord's family happened to have been bred most among books... I here solemnly protest in the presence of God, that I am not the author, not only of any libel, but not of any pamphlet or treatise whatsoever in print, good, bad or indifferent. The apprehension and backwardness I have ever had to be in print even in matters very remote from anything of libellous or seditious, is so well known to my friends.*

* Locke to Pembroke, 3 December 1684, published Osler, 1914; probably not seen by Pembroke, but retained by Edward Clarke, through whom it was to be sent, and who was asked by Locke to destroy it. See his letter to Clarke of 1 January 1685 (Rand, 1927, 117-21), where he also repeats these assertions of his innocence, literary and political.

We may raise our eyebrows at Locke's definition of being undutiful to government and feel he was prevaricating over his authorship of political works, but we must welcome this insight into his character as a writer and his attitude to his political patrons. It suggests a delicate and precise portrait of the intellectual in the company of men of action. Obviously fascinated with the consummate effectiveness of all that Shaftesbury thought and wrote, said and did; anxious, perhaps over-anxious, to identify himself with the power he wielded; Locke could not bring himself to share his whole personality with the politicians. There is a hint here of his uneasiness about their lack of scruple and the dusty triviality of political activity day by day. But this was not the inner reason why he held himself back; why he kept up his Oxford career while it lasted, paying token visits there in the summer when the great men were in the country, or insisted on his separate personality as a doctor and a thinker. He never overcame his inhibitions, although his situation in the 1690's made it possible for him to do what he wanted in spite of them. Wonderfully quick and effective as an expository talker and writer, a genius in the calm clarity with which he could see the shape of complicated things, he was not a man who could lose himself in the act of political doing, or even of intellectual creation. His was an effectiveness at one remove, a power to fascinate the men of action, and in his last years he enjoyed to the full the directive influence it gave him.

Locke died on 29 October 1704, in his study at Otes, a room walled in dark oily brown and dull white, the colours of the books which had been so much of his life. He is buried a long way from Oxford and from his ancestors in Somerset, and buried in somewhat strange company, for the Mashams who lie all round him at High Laver were Tories and courtiers of the next generation.* He died a gentleman: 'John Locke, Gent.' is the author's line on the title-pages of the endless reprints of his books which stood on the shelves of eighteenth-century libraries. This raises the final question which must be asked about him as the intimate of great politicians and the creator of political principle for the modern world. Can he be called, as so often he is, the spokesman of a rising class, the middle class, the capitalists, the bourgeoisie?

* See Laslett, 1954 (I). Abigail Masham is there, the snivelling High Church chambermaid who insinuated Sarah Churchill out of the affections of Queen Anne.

We cannot here pass judgment on the sociological system which regards this question as a critical one. Locke certainly satisfies some of the criteria which it has set up. He was born, as we have said, into the classical atmosphere of early capitalism, into what might well be called a Puritan rising family in the loose way in which the term is used, for he was brought up amongst the lawyers, officials and merchants who had found their way into the Somerset gentry and lived his life as an absentee member. When he joined Shaftesbury, it could be said that he passed from the *petite bourgeoisie* to the *haute bourgeoisie*. He followed his wealthy patron into his investments—the Africa Company, the Lustring Company and finally the Bank of England. He invested in mortgages, lent money all his life to his friends for their convenience and at interest; although he protested that he 'never lov'd stock jobbing' there is in his letters of 1700-1 a clear example of stockmarket profiteering in the shares of the Old and New East India Companies. In his published works he showed himself the determined enemy of beggars and the idle poor, who existed, he thought, because of 'the relaxation of discipline and the corruption of manners'. He even implied that a working family had no right to expect its children to be at leisure after the age of three.*

But at the same time Locke profoundly mistrusted commerce and commercial men. He obviously welcomed the refusal of Somers to permit the control of national economic policy by such men when they attempted to set up a parliamentary Board of Trade in 1695, and though he approved the Bank of England, there is in his hand a curious dialogue expressing deep suspicions of the capitalists who floated it.† Although he was a doctor, it is difficult to make him a representative of the emerging professions which are now taken as symptomatic of the new order, for he despised medical men just to the extent that they were a profession and he shared Shaftesbury's contempt for lawyers. His expulsion from Oxford may have been symbolic of the clash of the new view of the world with the old, but the crisis which actually brought it about was a complex conflict of interests and beliefs leading to

* See his report to the Board of Trade on the poor, 1697, for these details: printed by Fox Bourne, 1676, II, 377-90, compare Cranston, 1957, 424-5. His recommendations make it look as if the conditions discovered in the early nineteenth century were not accidents, but the result of deliberate policy.

† See Laslett, 1957 (I).

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violent political actions, and his own philosophical and general views were unpublished at the time.

It can be said nevertheless that Locke the individualist was an individual, and this is to claim for him a more exceptional social position than appears at first sight. The remarkable thing about him was his freedom from engagement: family, church, community, locality. To be free in all these directions at that time posed a dilemma to him. This dilemma can be seen in his relations with Oxford and even with the household at Otes. That such a position was possible, for him and a growing number of others, was a development pregnant of the future. Locke was as free as a man could then be from solidarity with the ruling group, and yet he was not one of the ruled; this is the only intelligible definition of 'middle-class' as applied to him and it leaves out many of the things which that expression seems to imply. Ultimately the possibility of living like this did arise as a function of economic change, but Locke can only be made into the spokesman of that change by the use of a whole apparatus of unconscious motivation and rationalization. An order of free individuals is not a concerted group, not a cohesive assemblage actually bringing about change: no simple conception of 'ideology' will relate Locke's thought with social dynamics.

He is perhaps best described as an independent, free-moving intellectual, aware as others were not of the direction of social change. This is evident in the central issue of *Two Treatises*, which is primarily concerned with the structure of the family and its relevance to social and political authority. If ever men dealt with fundamentals, Filmer and Locke did in this polemic. That Locke should have been an innovator in his justification of property may seem even more significant, but in fact it makes a determinist view of his thinking more difficult. For the attempts to make his doctrine into a straight justification of capitalism have to be complex, too complex to be convincing.

So much for Locke's political writing as determined by social structure and his personal situation. We must now turn to our detailed examination of its chronological determination, the actual events which impelled him to write *Two Treatises of Government*.

Treatises of Government. The book has 1690 on its title: 1689 had been a year of wavering in the face of a dangerous reaction. What was wanted was an argument, along with a scheme of government, an argument deep in its analysis and theoretical, even philosophical, in its premises, but cogent and convincing in its expression. In its second part, at any rate, *Two Treatises* presents precisely these things. The author's objects and the occasion of his writing are set out just as might be expected in the Preface. He hoped that the book would be:

sufficient to establish the Throne of our Great Restorer, Our present King William; to make good his Title, in the Consent of the People, . . . and to justify to the World, the People of England, whose love of their Just and Natural Rights, with their Resolution to preserve them, saved the Nation when it was on the very brink of Slavery and Ruine.

The case for supposing that the composition of this work belongs wholly and indissolubly with 1688, the year of the Glorious Revolution, is superficially convincing, therefore. It contains a statement which dates itself in that year.* It did in actual fact justify the Revolution to posterity, as well as to contemporaries. 'It is allowed on all hands,' wrote Josiah Tucker in 1781, 'and it has been a continual belief of the friends and admirers of Mr Locke, that he wrote his Essay on Government with a view to justify the Revolution.'† In the history books and the works on political theory, Locke on the English Revolution is still the supreme example of the way in which political events interplay with political thinking. This belief is far too deeply engrained, far, far too useful, to be easily abandoned. Nevertheless it is quite untrue,

Untrue, that is to say, in its most useful form. What Locke wrote did justify the Glorious Whig Revolution of 1688, if that phrase can be permitted at all. Some of the text undoubtedly was written in 1689 to apply to the situation then. But it cannot be

* I, § 129, 'Judge Jeffries, pronounced Sentence of Death in the late Times', the last phrase being in common use in 1689 to refer to James II's reign.

† Tucker, Josiah, *A treatise concerning civil government*, p. 72. In a paper written for Edward Clarke, his closest friend among the parliamentary gentry of England, Locke in fact himself issued *A call to the Nation for Unity*. It urged allegiance to William, oblivion for James II's supporters, and repudiation of Divine Right, in language apparently very close to the Preface to *Two Treatises*. It was sold with other Clarke papers at Sotheby's in 1922 and seen in the 1940's, but it has now been lost sight of.

maintained that the original conception of the book was the justification of a revolution which had been consummated. A detailed examination of the text and the evidence bearing on it goes to show that it cannot have been 1688 which fastened Locke's attention on the nature of society and politics, political personality and property, the rights of the individual and the ethical imperatives on government. The conjunction of events which set his mind at work on these things must be sought at an earlier period. *Two Treatises* in fact turns out to be a demand for a revolution to be brought about, not the rationalization of a revolution in need of defence.

It was suspected as long ago as 1876 that the *First Treatise* was composed several years before 1688, and that the *Second* cannot have been wholly subsequent to the Revolution.* But the evidence available at that time was even more fragmentary and difficult to interpret than it is today, and within a decade or two the dogma that Locke wrote to rationalize the events of 1688-9 became firmly established in the nascent study of political science.† Another reason why this came about was that the reprints of the book which have circulated since that time have been so unsatisfactory.‡ Few of the students who have handled Locke on *Government* in recent generations were to know that he explained himself as he did in his

* Fox Bourne, I, 466, and II, 166: he believed that the *First* was prepared in 1681 or 1682, and that the *Second*, from its tone and method, seemed to have been 'composed before, instead of after, King William's accession. . . . It may fairly be assumed that the whole work was substantially completed during the last year or so of Locke's residence in Holland'.

† Sir Leslie and Sir James Fitzjames Stephen, T. H. Green and Sir Frederick Pollock form the very distinguished group who seem to have been responsible, ignoring Fox Bourne and blandly accepting traditional dogma. Writing in 1876 itself, Sir Leslie Stephen merely said (III, 135) that 'Locke expounded the principles of the Revolution of 1688', but in 1879 Green was claiming in his famous *Lectures* that 'Locke wrote with a present political object in view. . . to justify the Revolution' (published 1895, 1931 ed., 76) Fowler was still following Fox Bourne in 1880, but Pollock was much more specific in reading the Revolution into the *Treatises* in his *Introduction to the History of the Science of Politics*, published originally in 1890. Sir James Stephen based his whole critique of the book on the fact that it had this as its occasion: he published this view in his *Horae Sabbaticae*, 2nd series, 1892. In 1904 Pollock developed the case in definitive form in his address to the British Academy, and more recent commentators seem to have followed him uncritically here and in his claim that Locke was really and consciously attacking Hobbes. Bastide, 1907, went farthest in reading the events of 1688-9 into the *Second Treatise*, although he relied heavily on Fox Bourne, and accepted his date for the *First Treatise*—see especially pp. 255-72.

‡ See section I and especially references in note §, p. 6.

Preface, or even that the work consists in two treatises, not one, the first breaking off in the middle of a sentence only a quarter of the way through its text. For the *Preface* has not been reprinted in England since 1854, and the *First Treatise* only once since 1884.* When we treat what we are pleased to call our great political classics like this, there can be little wonder that a minor mythology should grow around one of them.

Although Locke makes this statement in his *Preface* of 1689 expressing the hope that what he had written would serve to justify the Revolution, he does not elaborate it. Nothing he says there refers directly to the time at which the work was composed, but he does explain why it would not have been worth his while to rewrite the missing majority of his manuscript. We may take this to imply that the *First Treatise*, described on the title-page as a refutation of Filmer, had been composed some time before, and was not so much a thing of the moment when the *Preface* was being written. It is interesting to recognize that Locke originally wrote such an extensive analysis of the work of a man whom he wanted to regard as an obscure nonentity,† and that the book planned was similar in size and in purpose to Sidney's unmanageable *Discourses*. But it is quite understandable that he should have been unwilling to repeat the performance. Filmer's great vogue had been between 1679 and 1681, and only the lingering attachment to his principles of the passive obedience party in 1689 justified the appearance between the same covers of the *First* and *Second Treatise*.

More recent specialist students of Locke have used this evidence in favour of the view of the date or dates of composition originally proposed in 1876. They have freely granted that the *First Treatise* was written before 1683, before Locke left for Holland, and they explain the fact that it contains the only statement which undoubtedly belongs after 1688 (the reference to 'Judge Jefferies') as an insertion of 1689. But the second book, they seem to agree, must be much later, and can only be dated in the months surround-

* See Appendix A, Check List of Printings. The last English edition with both treatises and the *Preface* dates from 1824, but they presumably appeared in the last *Collected Locke* in 1854, which I have not seen and whose existence has been doubted. They are included in an American reprint of 1947 (Hafner).

† On Filmer, see Laslett, 1948 (i) and (ii), and 1949. The slightly apologetic tone of Locke's remarks about him in the *Preface* may be due to the fact that he knew his family in Kent.

ing the revolutionary events themselves, though they find it difficult to decide which passages came before and which came after William's triumph over James. It has been noticed that the books to which Locke directly refers in his text, though very few in number, were all in print before 1683. But in the absence of any detailed knowledge of the editions and copies he actually used to write any part of his text, this fact has not been taken to point to an earlier date of composition for the whole work. They concede that the drift of Locke's statements makes it look as if the Revolution was yet to come. Nevertheless they see nothing impossible in supposing that the *Second Treatise* was written in its entirety after the event: that is presumably between Locke's return in February 1689 and August of that year, when it must have been complete to receive the Licensor's stamp.*

In view of all the work on this point over the last eighty years it seems extraordinary that the traditional fallacy, that not one but both *Treatises* were written to justify the Revolution of 1688-9, should still survive. But before it is abandoned, it should be pointed out that there is evidence in its favour which has never been brought forward. In some ways it is a better explanation than the one which has just been summarized. If the wording of Locke's *Preface* is considered carefully, it will be seen that he talks of the book as a whole. He cannot be made to imply that it was written in two parts, on two occasions, separated by some years,† though the admission that so much of the manuscript had been lost would seem to invite some such statement. It is a 'Discourse concerning Government', with a beginning, a middle (now missing) and an end, not the two disparate essays which recent commentators seem to have in mind.

His cross-references tend to confirm that this was his view of it.

* On 3 August 1689, the limiting date for the completion of the text. Among the Locke scholars referred to here are Gough, 1950, following Maclean, 1947 (i) and (ii), and Barker, 1948. Vaughan, 1925, conjectures from an argument about the inconsistency between the *Essay* and *Two Treatises*, an argument which is quite untenable in view of the history of the *Essay* as it has since become known, that 'Civil Government... was written... in or shortly after 1680' (163, cf. 130). Driver, 1928, reaches a similar hypothesis on somewhat similar, though no more reliable grounds. Aaron, 1937 and 1955, is unwilling to pronounce, but he remarks that the aim of the book was 'to justify the Revolution' (1955, 270): Cranston, 1957, cites the present author's argument on the subject.

† Compare the *Epistle* introducing the *Essay on the Understanding*, explaining that it was 'written by incoherent parcels; and after long intervals... resumed again', etc.

They all occur in the first book, which is an interesting point, as we shall see. In § 66 he talks of something he will examine 'in its due place', which turns out to be the second book §§ 52-76: in § 87 he refers to a man's acquiring property, 'which how he... could do, shall be shewn in another place', that is in the second book, chapter 3: § 100 contains the words 'for which I refer my Reader to the Second Book'. This second book opens with the phrase 'It having been shewn in the foregoing Discourse', which means the text to be found in the preceding pages, not an earlier and separate discourse, for when unqualified that word refers to the complete work. When Locke wrote these phrases, he must surely have been quite clear about the content of his whole book, and their contexts make it very unlikely that they were later insertions.

We can add to these details Dr Gerritsen's very interesting discovery. Using the exact and subtle methods of analytical bibliography, he has shown that the title-page of the second book was a later insertion, made in the course of printing. The title to the whole, printed even later of course, was presumably brought into line with it.* It follows from this that Locke did not think of his volume originally as in two parts at all, any more than any work presented in two 'books'. The word 'Treatise', the expression 'Two Treatises', the title 'An Essay on Civil Government' applied to the second book were all afterthoughts, appearing finally on the title-pages, but never used in the text at all, not even in the cross-references. What Locke thought he was writing was a whole Discourse, set out in two books for his own literary purposes.

The book, then, was written as a whole. If it is permissible to infer from this that it was written within a relatively short time, then an exact chronological argument is possible about the work he put into it, the work of original creation that is to say, as distinct from addition and revision. Given evidence to show that any considerable portion can only belong to the situation of a few particular months, say in 1688-9, then the whole belongs to those months.

But however willing men may have been to read the events of 1688-9 into Locke's text, there are convincing signs that the months of composition cannot have fallen then. The *First Treatise*, as we have seen, was intended as a complete refutation of Filmer,

* See Bowers, Gerritsen and Laslett, 1954.

Patriarcha and all, and in its original form may well have covered all his propositions, except perhaps his specifically historical argument about English institutions. Moreover, the exhaustive contradiction of patriarchalism runs right through the *Second Treatise* too: this is perhaps the most important result of editing it critically. If we believe that the whole book was written at one time, then we are obliged to believe that it was written between 1679 and 1681, or 1683 at the latest, since it is so obviously connected with the controversy of those years over the republication of Filmer. We have already seen that it was this controversy which set Sidney on work at his *Discourses*, which must have been complete by mid-1683 and very probably earlier. It is well known that in republishing Filmer, the Tories, champions of the Monarchy against Shaftesbury and the Whig Exclusionists, scored a notable propaganda victory, and Sidney was only one of a large number who took the risk of writing against it.* If the *First Treatise* belongs to these earlier years and the *Second Treatise* is part and parcel of it, then the whole work was written before 1683, and there is an end of it.

Though a simple proof of this sort carries conviction to its editor, the assumption that the book was composed over a relatively short span of time is open to attack. It could be maintained that it was the result of two separate impulses from historical circumstances, although it was composed as a whole. Granted that it was finished in some form when Filmer's name was on everyone's lips, it could still be supposed that it was rewritten later, and altered so extensively as to be a work of dual or multiple composition. This, as we have seen, was how Locke wrote on the *Understanding on Toleration* and on *Education*. Doubt could even be thrown on the claim that the connection with Filmer must place the work in the early 1680's, for his name was still alive in 1688 and even later. The book, then, was composed as a whole, it might perhaps still be argued, but in the months up to August 1689; an author in a hurry might have started it as late as February of that year.

These possible objections make it necessary to go further into the evidence. Some of it can certainly be used against the position taken up here. There is force in the claim that it was still necessary

* See Laslett, 1948 (ii) and 1949: on the Whig Exclusionists, Fuzley, 1957; Pocock, 1957.

Government; what Fate has otherwise disposed of the Papers that should have filled up the middle, and were more than all the rest, 'tis not worth while to tell thee' are the exact words he uses to explain the fragmentary nature of his text. Whatever this mysterious fate was, it cannot have been that Locke the precisionist had simply mislaid a whole sheaf of his own papers within the previous week or two, and he was not the man to allow an agent, a printer or a publisher to do such a thing.* Nor was he a man to do things in a hurry: we have seen how long and complicated was the process through which all his other books had to go before they appeared in print. To think of him as a man who would write for publication a rationalization of events which had just taken place is to misunderstand his character completely. This makes against the traditional interpretation in all its possible forms.

Did he compose the work, or at least the second book, in the leisurely, Lockean manner during his Dutch exile, bringing it with him home for final revision and publication? This is the tendency of recent Locke scholarship, at least as to the *Second Treatise* and there is evidence for it. It accounts for the fact that his political comment reads for the most part as if it were made before and not after William's accession.† It allows for a much earlier date of germination. His connection with such architects of the Revolution as Mordaunt naturally gave rise to the expectation that he might write about it. He was pressed as early as 1687 to publish on *Tolerance*,‡ and if he could go into print on this subject, why should he not be writing on politics? Any sign that he was actually engaged on *Two Treatises* in Holland in or just before 1688 would make this view formidable.

There is an entry in his journal in February 1687 which seems

* This obvious point can be illustrated by his behaviour when a paper of his corrections was said to be mislaid in 1694, see above, 8-9 and note *.

† It will be seen from the passage in the Preface quoted on p. 46 that Locke writes of William alone, and not his co-sovereign Mary. This may mark him as a supporter of William's sole sovereignty, an attitude typical of the Whigs who had been in exile, but one which ceased to be held by the latest date at which the Preface can have been written—October 1689.

‡ Tyrrell to Locke, 6 May 1687: 'your Discourse about Liberty of Conscience would not do amiss now to dispose people's minds to pass it when the Parliament sits.' This 'Discourse' was not the final *Epistola*, which was composed in Holland in 1684-5 and was unknown to Tyrrell, and to everyone except Limborch, see Fox Bourne, 1876, II, 34. In Laslett, 1956, evidence is cited about a work which Locke was trying to get printed in 1687. Mr Cranston has now convinced me that it cannot have been *Two Treatises*.

people) when the 'Executive Power shall make use of. . . force to hinder the *meeting and acting of the Legislative*' (II, § 155). Now this was not the major issue of 1688, nor of James II's reign. But it was typical of the years between 1678 (or even 1675) and 1681, when Shaftesbury with Locke so often at his side had made attempt after attempt to force Charles II either to dissolve a parliament long out of date, or to summon it after an intolerable series of prorogations. The 'long train of Abuses, Prevarications, and Artifices' of § 225 became a phrase in the American Declaration of Independence. It included underhand favouring of Catholicism '(though publicly proclaimed against)' (§ 210). These abuses were those of Charles II, not James II. He did not find it necessary either to be underhand in favouring Catholicism, or to proclaim against it.

We can go no further into the results of reducing Locke's theories to their revised historical context.* Let us begin our consideration of the evidence now open to us in Locke's books and reading by taking a straightforward example. His diary tells us that he was in London in August 1681, in Shaftesbury's house, though Shaftesbury was away, in the Tower. On the 29th he bought 'Knox, R' Historical Relation of Ceylon, fol. London 81' for eight shillings (that is, Robert Knox on Ceylon, 1681). In § 92 of the *Second Treatise* he refers to 'the late Relation of Ceylon', and the word late here means, presumably, just published. Now we know that Locke kept this book in London, and that he lost sight of it in 1683 when he went to Holland. There is no sign that it was ever amongst the separate collection which he kept at Oxford, and which was transported to Tyrrell's house in 1684 when he was expelled from Christ Church. Knox does not appear in any document from the period of his exile; journal, book bill, book list or notebook. We have no evidence that he ever saw this copy, or any other copy, until the title appears in the catalogue he made of his London books in the summer of 1689 (see Appendix B). His Oxford books were not delivered to him by Tyrrell until 1691. It is, therefore, very unlikely that he wrote this phrase in the *Second Treatise* between 1683 and 1689, and very likely that he wrote it between 1681 and 1683.

'Very likely' could become 'certainly' only if we could exclude the possibility of access to another copy later, and if we had

* See footnotes to relevant paragraphs, and in general on Locke's thought in relation to Shaftesbury's policies, Viano, 1960, § III.

cumulative evidence. It is in the nature of things that later access cannot be entirely excluded,* though in this and many other cases it is highly improbable. But cumulative evidence is just what we do possess. Although he refers to so few books directly in his text, we can work out a sizeable list of those he may have consulted and compare it with three other lists. One is the census of the books in his rooms at Christ Church which he wrote out in his diary under July 1681, another is the London list of 1689, and the third is Tyrrell's catalogue of the books returned in 1691. It appears that Locke's library of the early 1680's, divided between Shaftesbury's house and Christ Church, contained nearly all the works which he used for the writing of *Two Treatises*.

This can be supplemented from his records of his reading and purchases over the relevant years.† They show that between 1679 and 1682 Locke was more interested in publications on political theory and natural law than ever before or after. One or two of the critical titles, as we shall see, are to be found amongst those which Shaftesbury drew to his attention in 1679, and which were lent to him, or made available in London. It was only in the period before 1683 that Locke had convenient access to the particular books which he needed for writing on *Government*. Any other suggested date of composition implies that he went painfully from friend to friend and library to library consulting them one by one.

We may take a further particular example in confirmation, a book of much greater importance to his political thinking than Knox—Hooker's *Ecclesiastical Polity*. He had read Hooker before, we know, though perhaps not far into that tall folio.‡ But it was not until 13 June 1681 that he bought in London 'Hooker Ecclesiasticall Politie fol Lond. 66'. He read in the book during the rest of the month, making lengthy extracts from it into his journal, some of them important for his philosophizing. Now,

* Maclean, 1947 (ii), ingeniously argues that a book which he believes is vital to *Two Treatises* (Lawson, 1657, see below) could have been used by Locke in Furly's house in Rotterdam. But though it has this Lawson and some other relevant items, the catalogue of Furly's library (*Bibliotheca Furliana*, 1714) does not contain enough of the right titles to make it possible for Locke to have done his reading for the book there.

† See Appendix B for a summary of this evidence and the book lists.

‡ In his early essay on the *Civil Magistrate* he states that he had only read the Preface, see Abrams, 1961, p. 32, though within a few months he had read at least the first book, and Hooker appears occasionally in his notebooks up to 1681.

there are sixteen passages from Hooker quoted in the *Second Treatise*,* and in § 239 Locke explains why he had used the work. When the quotations in his diary are set alongside those in the *Second Treatise*, they are seen to alternate, never overlapping. The conclusion must be that in June 1681 Locke was working on the *Second Treatise*, incorporating extracts from Hooker into it, and at the same time copying into his diary other passages of philosophical interest.† These details are interesting not only for the implication that the Hooker quotations were added to the text after it had been begun, but also because they reveal Locke at work on *Two Treatises* and the *Essay on the Understanding* at the same time.

We have chosen these examples from books quoted in the *Second Treatise* only, and enough has been said to establish a presumption against assuming that only the *First Treatise* could have been in existence in 1681. For an exact demonstration that the whole book can be fixed down to particular months and limiting dates of composition we must turn to the copies Locke used of the works of Filmer, which enter into both treatises.

These tracts had originally been published separately in 1648, 1652 and 1653, but Filmer's original writing, the famous *Patriarcha*, from which they finally derive, had never been printed.‡ About the middle of 1679 the printed tracts were hurriedly re-published as a collection under the title *The Freeholders Grand Inquest*, each tract being individually paginated. In January 1680 this collection was printed again, with continuous pagination. At about the same time *Patriarcha* was first published. Locke bought this 1680 collection with *Patriarcha* bound up with it for 4s. 6d. on 22 January 1680,§ and in his Preface to *Two Treatises* he tells us that these were the editions he used. He explains his references to Filmer thus: 'O for his Observations on Hobbs, Milton etc. . . a

* Four in the text (§§ 15, 60, 61), eleven in Locke's notes (see §§ 74, 90, 91, 94 (two), 111, 134 (two passages quoted together), 135, 136 (same passage as in 134).

† A 1666 edition of Hooker appears in the London list and in an unfinished entry in his final master catalogue. This last, however, has a complete entry for the 1676 edition, which is still among his books. These volumes therefore may not be distinct. He had yet another Hooker dated 1632 in Oxford, though it is interesting that he did not use it to finish this work when he visited his rooms during July. He continued when he got back to London.

‡ See Laslett, 1949, especially 47–8, *Concise Bibliography of Filmer's Works*.

§ This volume (Appendix B, no. 33) is in front of the present writer. Some of the leaves are folded up to indicate passages, but there are no marginal notes.

INTRODUCTION

This is as much as may be safely inferred from what is certainly known about the date and manner of composing *Two Treatises*. It leaves a great deal open to conjecture, and this interlude will be given up to conjecture. Only one guess will be made, but if it is a lucky guess it explains a great deal.

There is a document referred to in the papers of both Locke and Shaftesbury which had a history corresponding quite exactly with the history of the manuscript or manuscripts of *Two Treatises* as it has been worked out here. It had a cover name, *De Morbo Gallico*, a cant expression for syphilis, the French disease. This may seem vulgar, but Locke's medical identity must not be forgotten, and cover names are common in these papers, especially for secret, dangerous or embarrassing documents. Moreover Locke and Shaftesbury did think of despotism as a French disease, and when he wrote in 1679 Locke had just returned from France, from studying the French disease as a political system.

When Shaftesbury was arrested in July 1681, Locke was presumably in the house. But by the time lists had been drawn up of the papers which had been seized, Locke was in Oxford, making the catalogue of his books there. Amongst his folios, standing close to Hooker and to the big bound notebook containing his first draft on the *Understanding*, he entered *Tractatus de Morbo Gallico*.^{*} Meanwhile in London the government men were searching amongst Shaftesbury's papers, and they had come across several Locke items. There was the Shaftesbury copy of the draft on the *Understanding*, the letter on the Oxford Parliament, 'Mr Locke's book of fruit trees'. 'Notes out of Mors Gallicus in my lord's hand' was another document registered by them.[†] Shaftesbury must have had some reason to go to the trouble of making these notes: he may conceivably have been a syphilitic, but this has never been suspected before. Anyway Locke took his document with this title over to Tyrrell's house on 17 July, and when he left for London on the 18th wrote in shorthand in his diary 'Left with him De Morbo Gallico'.

A year later Dr Thomas of Salisbury, his medical and political friend, wrote and told him that 'You may send your Observations

^{*} This must be distinct from his old medical book with the title *Morbus Gallicus. Omnia quas extant de eo*, Venice, 1566, which was a folio too.

[†] P.R.O. Shaftesbury Papers, 30/24 Bundle VIA, item 349, paper 3.

'Fate' which 'otherwise disposed of the Papers that should have filled up the middle'.

Quite apart from conjecture, the evidence presented here and further analysed in the footnotes to Locke's text* makes possible the following tentative reconstruction of the stages of composition. In the winter of 1679-80 the *Second Treatise* was written, perhaps only partially, perhaps as a completed work. Early in 1680 the *First Treatise* was added to it, and if Shaftesbury did read the book, he probably read it at this stage. Perhaps he or someone else suggested revisions to Locke, for he went at it again in the summer of 1681, adding the Hooker references and excerpts, and probably chapters XVI, XVII, XVIII and part of chapter VIII in the *Second Treatise*, in all some fifty paragraphs. The process of revision and extensions went on into 1682, it may be, and there are parts of chapter XVIII which seem to belong to 1683, with perhaps some or most of the final chapter. From February to August 1689 further revision and extension went on, as we have seen, throughout the volume, and continued until the very last possible printer's moment. In all, however, only the Preface, the titles and some twenty-five new paragraphs seem to have been written then, including the whole of chapters I, IX and XV in the *Second Treatise*. In these passages only, together with the considerable number of much briefer additions and modifications, can the book be said to belong to the year of the Glorious Revolution.

The writing of *Two Treatises of Government* as it has been reconstructed here can only belong to the association of Locke with Shaftesbury, and that association ended in trauma. The necessity of going into exile, the loss of his position at Christ Church, the threat of trial and perhaps even execution were all connected in the mind of this careful, introverted, timid man with his having written on politics. When he returned in 1689 and made up his mind to publish what he had written, it was not to a country whose political future seemed stable. The return of James II was a possibility throughout the 1690's: if he had returned, it would have meant exile for Locke, and perhaps, he must have argued, a harder fate for the known writer of this book. His own experience and

* An attempt has been made to assign each chapter of the *Second Treatise* to one of the conjectured periods of composition: see the notes on the first paragraph of each chapter. Where any particular paragraph or passage seems to be of different date from the surrounding text, this has been commented upon.

the treatment of his friends and associates made it clear to him that a Catholic Stuart monarch would not hesitate to use anything found in his private papers against him. This begins to explain his extraordinary furtiveness about the writing of *Two Treatises*, and his persistent refusal to admit that he had written it.

But there may be another reason, much more interesting for political thinking and for its relation with philosophy. It is possible that Locke was unwilling to let it be known that the same man who wrote the *Essay concerning Humane Understanding* also wrote *Two Treatises of Government* because he was quite well aware that it was no simple matter to reconcile their doctrines. We have described a man who disliked criticism and shrank from controversy. There can be no doubt that he would have had to face both of these things if his contemporaries had been invited to compare the assumptions of his theory of knowledge with the assumptions of his political principles. The critical issue was his view of the Natural Law. The reputation of Thomas Hobbes had been blasted beyond recovery, and one of the reasons was that he had laid himself open in this way. It is time to examine the relationship of Hobbes and Locke as a subject in itself.

IV

LOCKE AND HOBBS

1. FILMER, LOCKE AND HOBBS.
'TWO TREATISES' AND CONTEMPORARY
POLITICAL WRITING

If Locke wrote his book as a refutation of Sir Robert Filmer, then he cannot have written it as a refutation of Thomas Hobbes. The mistake of supposing that he was arguing deliberately against *Leviathan* is almost as common as the chronological error we have just examined. We have tried to show that the book was a response to urgent political circumstances, although the circumstances were not those of 1688-9. There would have been no point whatsoever for the intellectual champion of the Whig exclusionists to produce one more criticism of Hobbes, the most rejected, and politically the least important, of all the absolutist writers. Filmer, on the other hand, was the man of the moment, a formidable and growing force with those whose political opinions mattered, and representing in himself the *ipsissima verba* of the established order. It was because this was so that Locke found himself impelled to write on this subject, and for that reason Filmer's thinking lies directly behind his political doctrines. Moreover, his controversy with patriarchalism has a significance in the history of political and social thinking, in the development of the structure of modern society, which we are only just beginning to appreciate.*

Locke rejected Hobbesian absolutism along with Filmer's, of course: the word 'Leviathan' occurs in his *Second Treatise*, and there are phrases and whole arguments which recall the Hobbesian position, and must have been intended in some sense as comments upon them.† Moreover, the thinking of Hobbes was of systematic

* See Laslett, 1949, 33-43. Bastide, 1907, especially 208-9, takes the view that Hobbes was an important political influence because of his purchase over Charles II and his courtiers, but his evidence is somewhat meagre. Pollock again seems to have done most to establish the view that Locke was really writing against Hobbes: see 1904, 238, and also Vaughan, 1925; Gough, 1950.

† See footnotes to II, §§ 19, 21, 98, 133, 211, 212.

Hobbes

importance to Locke and enters into his doctrines in a way which goes much deeper than a difference in political opinion. But this cannot alter the fact that Filmer's tracts occupy for the *Second Treatise* the position which has traditionally been reserved for the works of Hobbes. This has had some effects which have previously gone unnoticed.

Filmer influenced Locke, in the way all men influence those who choose to refute them. It was he, and not Locke himself, and decidedly not Hobbes, who set the terms of the argument. No doubt Locke would have found some opportunity to declare his belief in the freedom and equality of all men, but as it happened he was forced to do so at the very outset of his work on government, because Filmer had directly denied it, against Hobbes amongst others. It may well be that some of Locke's arguments would never have been developed at all if it had not been for Filmer. We have seen that he showed no sign of an interest in the theory of property before he sat down to this polemic, and found himself faced with an argument in favour of primitive communism which was very difficult to refute unless a new justification of ownership was devised.* Patriarchalism influenced him in a more straightforward way, and in his concessions to it we may see in his thinking some signs that he recognized the limitations of his own intellectualistic rationalism.†

If in fact *Two Treatises* had been directed against Hobbes and not Filmer it would have been a far less interesting, far less influential work. To say this is not to claim that Locke did succeed in annihilating Filmer as completely as he himself believed, and as subsequent history seems to confirm. As a piece of formal dialectic what he wrote is less complete and in some ways less convincing, to his own contemporaries anyway, than the identical work of his friend Tyrrell.‡ It is true that Locke completely outclassed his chosen opponent in intellect and in scholarship. After he had added the detailed argumentation of the *First Treatise* to the

* See above, p. 34 and note to II, § 25, 16-19. Tyrrell similarly developed many of his arguments only because of Filmer. Viano, 1960, esp. pp. 209 on, also insists on the importance of Filmer and patriarchalism to the understanding of both *Treatises*.

† See note to II, § 74, 14-37 and references.

‡ *Patriarcha non Monarcha* is fairer to the opposing case and considers it within its whole literary context, which *Two Treatises* does not. It is much more difficult to read, of course, and contains nothing comparable as a positive political theory, but I should like to retract the statement in Laslett, 1949, 38-9.

Second, we may feel that nobody could any longer believe that the texts of the Old Testament which Filmer had used to justify patriarchal kingship could possibly apply to contemporary monarchs. But what was the conscientious reader to believe about the content of Revelation and its relationship with the political world in which he lived, and about the origin of government? For Locke was assuming that in some way Old Testament history joined on, so to speak, with his account of what happened, but unlike Filmer he was never prepared to say quite how it did so.* 'We must not deny the truth of the history of the creation', urged Filmer against Hobbes. Locke would not admit he was doing this, when in reality he was making use of rationalist arguments which simply could not be contained in Filmer's world of Biblical politics.

Not only did Locke refuse to meet Filmer on his own ground, and fail to recognize the full strength, antiquity and importance of the patriarchal tradition,† he persistently ignored the searching counter-criticisms which are the strength of Filmer's case. How could Locke's bland assertion of the historicity of a state of nature, of an agreement or compact behind all established government, of the justifiability of assuming universal consent to political institutions, be defended against Filmer's sceptical commentary? It was Tyrrell, not Locke, who recognized Filmer's needling effectiveness, and admitted that there was really no stopping place between the ground he and Locke occupied and logical individualism, final democracy, the sharing of political power with women, children and servants.‡ All this is quite apart from Locke's failure to share Filmer's vision of the emotional togetherness implied by all political relationships, the physically, physiologically natural element which, as has been argued elsewhere, political thinking since Locke has misunderstood to the danger of us all.§

Locke certainly absorbed something from patriarchalism. It has been shown above that there had been a time when he went a

* See notes on I, § 130 and I, § 136.

† See e.g. note on I, § 64, 11-16.

‡ Tyrrell, 1681, 83-4; his only comment is that such a form of government had never existed. Locke's silence on this point laid him open to the extremist interpretations of the English supporters of the French Revolution; see the footnotes made by Elrington to the *Second Treatise*. It was this obtuseness, or inadvertence, or prudence, which makes it legitimate to describe him in colourful terms as a 'father of democracy', our sort of democracy.

§ Laslett, 1949, 42-3.

very long way with this traditional argument. But he did not learn enough, not enough to understand such institutions as the family, the nation, the community of a neighbourhood, as we think they should be understood. And Hobbes could do nothing with the patriarchal attitude. To him patriarchal societies were those 'the concord whereof dependeth on natural lust', and that was all. He was unwilling to distinguish the authority of a father from the naked exercise of force. In all these respects, then, Hobbes, Locke, Tyrrell, Sidney and the others were on the one side, with Filmer and the tradition he stood for on the other. A controversy between Locke and Hobbes would have been within one party only, and could never have given rise to the characteristic political attitude of the modern world. A clash between two such men as Locke and Filmer was a symbolic, a necessary occurrence: it changed men's minds.

Nevertheless Hobbes and Filmer shared nearly every one of the attributes of absolutism as it was rejected by English parliamentarians—will as the source of all law and the form of all authority, the necessity of perpetual and absolute submission to the arbitrary dictates of an indivisible sovereign, the impossibility of mixed government. In so far as Locke's writing was directed against these things, it would not seem to have mattered whether it was Hobbes or Filmer he had in mind. But when his statements are examined closely it appears that the form of the absolutist propositions he was rejecting was almost always Filmer's.* If it had been the precise content and force of Hobbes's statements which he wished to comment upon, then he would have quoted them verbatim.

We can say this with some confidence, for Locke was a meticulous and practised controversialist. We have seen that he had known of Filmer's agreement with Hobbes for over a decade when he wrote *Two Treatises*.† When in the earliest work he wrote he commented on Bagshaw, and when he defended himself against Stillingfleet and Proast much later on, Locke carefully cited paragraph and sentence of the book he was discussing. He did so, with exasperating tediousness, in the *First Treatise*, out of Filmer. There

* See e.g. notes on II, § 92, 7; II, § 95, 9.

† See above, p. 33. The sentence from Filmer quoted there continues: 'I consent with him [Hobbes] about the rights of exercising government, but I cannot agree to his means of acquiring it.'

is no reason why we should expect him to behave differently in the *Second Treatise* if Hobbes had been his critical target there.

Locke's habits in controversy, and the facts we have cited about the importance of patriarchalism at this time, make it impossible to argue that Filmer was simply Locke's whipping boy, his opportunity for attacking Hobbes by proxy. No doubt there was something faintly ridiculous about Filmer even by the year 1679. But we have seen that both Locke and Shaftesbury seemed to take him quite seriously not very long before. It is even more ridiculous to suppose that the point of this public flagellation was to humiliate the Hobbesists among the spectators, a lash or two being aimed at them directly. Locke never called Filmer a Hobbesist, nor said anything to link the two names together, though Sidney did not hesitate to do so, and Tyrrell also commented on Hobbesian positions whilst engaged with Filmer's.*

Indeed it cannot be shown that when he wrote Locke had had any recent contact with *Leviathan* or with any other work of Hobbes at first hand.† If it were not for the passages in the *Second Treatise* which are Hobbesian in flavour or seem to have been directed particularly at him, we should not know that Locke was concerned in any way with Hobbes as a thinker at that time, for his notes, his diaries, his letters, his book lists and purchases show no sign of such an interest. His one overt mention of the word *Leviathan*, in paragraph 98 of the *Second Treatise*, is very far from specific: indeed if it were taken literally it would seem to imply a serious misunderstanding, or misremembrance, of Hobbes's doctrine.‡

There is an interesting parallel to this in Locke's *Essay on the Understanding*. Again, he mentions Hobbes only once in the course of that lengthy work, which covers a great deal of the same ground as Hobbes had done, and which many commentators have also supposed was written with Hobbes in mind. And again he mis-

* See, e.g. Sidney, 1772, 5 and Tyrrell, 1681, 138-41, 2nd pagination. On p. 209 he accuses Filmer of directly borrowing from Hobbes, which is historically almost impossible.

† See Appendix B, numbers 42-4. He lent his *Leviathan* in 1674, and did not get it back till 1691. He possessed no other political or philosophical work of Hobbes.

‡ 'Such a Constitution as this would make the mighty *Leviathan* of a shorter duration, than the feeblest Creatures.' The 'constitution' at issue would require universal consent to all the acts of a political body, though Hobbes accepted decision by a majority in assemblies. The passage is clearly ironic and general, not a comment on a passage in Hobbes, see note there.

takes the Hobbesian case in a passage which was clearly also meant to be sarcastic and general.* Nevertheless his *Essay* shows clear signs of proximity to Hobbes, even on the critical subject of property and justice. “Where there is no property there is no injustice” is a proposition as certain as any demonstration in Euclid’, says Locke in his *Essay*.† ‘Where there is no *Own*, that is no Propriety, there is no Injustice’, says *Leviathan*,‡ and Hobbes goes on to a conclusion that Locke decisively rejected, not in the *Essay*, but in *Two Treatises*, that property cannot exist before and apart from government. Did Locke when he wrote this striking re-echo of a phrase of Hobbes consciously recollect its source? All these examples suggest that he did not. He seems to have been in the curious position of having absorbed Hobbesian sentiments, Hobbesian phraseology in such a way that he did not know where they came from: his early reading, never repeated, perhaps; or other men’s books and the general discussion of Hobbes; or both.

The exact literary relationship between the two men, then, is an interesting and intricate study. Locke never escaped the shadow of *Leviathan*, and in the controversy over his views on Christianity which grew so violent in the late 1690’s he found himself directly accused of reproducing Hobbesian positions. In 1697, Richard Willis, later Bishop of Winchester, claimed that the thesis of Locke’s *Reasonableness of Christianity* (1695) was ‘consonant to the words of the *Leviathan*, whence this doctrine is borrowed, Part IV Ch. 43’,§ and the more forthright John Edwards henceforth described his theological writings as written all over with

* I, iii, 9 (1894, I, 69), where he claims that a Hobbesist kept his promise because the public required it and because of the fear of punishment by *Leviathan*. In fact, of course, the keeping of covenants was the third of the laws of nature, as Hobbes understood them. Some commentators on Hobbes might say that Locke was ultimately right in this reflection, but he surely would not have formulated this fundamental criticism in such an offhand way if it had been seriously intended.

† IV, iii, 18 (1894, II, 208). Locke had made a very similar statement many years before: ‘*Quid enim iustitia ubi nulla proprietates aut dominium*’, eighth *Essay on the Law of Nature*, Von Leyden, 1954, p. 212, and he developed it in his *Education*, § 110: ‘Children cannot well comprehend what injustice is, till they understand property’ (*Works*, 1801, IX, 101, passage added in later editions). In the *Essay* Locke even hints at his justification of ownership in terms of industry: ‘Just the same is it in moral knowledge: let a man have the idea of taking from others, without their consent, what their honest industry has possessed them of, and call this *justice* if he please’ (1894, II, 234).

‡ Chapter 15, 1904, 97–8. It is probable that both Locke and Hobbes were here using ‘property’ in the wider sense, of which material possessions is only one part. See below, p. 101.

§ *Occasional Paper No. 1*, 1697.

Hobbes in the whole Lockean corpus. Only one citation has so far come to light, and that is not found in a notebook, but on the flyleaf of a volume in his library, published in 1668: even then the famous passage from *Leviathan* written there is given without its source, and might appear to the unwary reader to have been a sentiment written by Locke himself.* We have seen that when he was young, when his tendency was authoritarian and his analysis at its closest to Hobbes, his acquaintance with him was as much, perhaps, through literature about him as through direct reading. †

The young Locke may well have gone through an experience which must have been common after 1651, when *Leviathan* appeared, and was much in demand, as Pepys tells us, in spite of its ugly reputation. Hobbes fascinated him, then and for the rest of his life. He found it an effort to reject his doctrine, though he did reject it very early. When he wrote *Two Treatises*, then, *Leviathan* was an influence, a gravitational constant exercised by a large body though at a great distance. But an influence nevertheless, positive in its effects, and quite unlike the influence of Filmer, which, though negative in its direction, was a close up, documentary affair.

Under these circumstances it is idle to look for a direct source, or the source, of Locke's political thinking in Hobbes or anyone else. But of the writers he consulted when engaged on his book, Samuel Pufendorf was perhaps of the greatest use to him, in spite of the fact that their views on constitutional matters were in such contrast. He took advantage of Pufendorf's arguments, he reproduced his positions, and he described his major work as 'the best book of that kind', better than the great Grotius on *War and Peace*. ‡ Now this book of Pufendorf's, the *De Jure Naturae* (1672),

* It is in Locke's copy of Velschius, *Sylloge Observationum Medicinalium*, Ulm, 1668: 'In wrong or noe definitions, lyes the first abuse of speech, from wch. proceeds all false and uselesse Tenets; wch. make those men who take their instruction from the authority of books, not from their owne meditation to be as much below the condition of ignorant men, as men indued with true science are above it. For between true science and erroneus doctrines Ignorance is in the middle.' [*Leviathan*, chapter iv (1 ed. 1651, 15).]

† See above, p. 21. Cox, 1960, lists several derivative references. There are other surprises in Locke's reading: e.g. his failure to get much further with Hooker than the first book (above, p. 56), his statement that he never read Sidney (*Works*, 1801, III, 272).

‡ *Works*, 1801, III, 272, *Thoughts Concerning Reading and Study*. He also recommended Pufendorf in his other list (x, 308). On Pufendorf as used by Locke, see Appendix B, numbers 66-8, and notes on II, 58, 65, 74 (Pufendorf and Tyrrell), 105 etc. In 1702 Barbeyrac began a correspondence with Locke, asking his advice, and telling him of his intention to translate Pufendorf.

had much to say about Hobbes. Here, and in his *Elementa* of 1660, Pufendorf criticized Hobbesian doctrine, but he accepted and appreciated something of the Hobbesian analysis. Locke possessed other critiques of Hobbes.* It is perhaps in this direction that we should look for the documentary connection between Hobbes and Locke in the *Two Treatises*.

This account can only be tentative, and it may seem unsatisfactory to those who expect such a literary relationship to fit a framework neatly fashioned from 'influence' and 'rejection', expect it to be a wholly conscious and independent affair. It never is. Hobbes and Locke were caught up within the living tissue, the innumerable threads and fibres growing together, which connects one intellectual generation with its successor in the same country, in the same small society. We have seen that it was from this source, from conversation and casual contact, not from documentary acquaintance, that Locke inherited the fruit of the radical writings of the Civil War. † With his interests and with his experience, he could never have escaped the Hobbesian impact.

We must describe *Two Treatises*, then, as a deliberate and polemically effective refutation of the writings of Sir Robert Filmer, intellectually and historically important because of that fact and not in spite of it, related only in the indirect way we have discussed with the work of Hobbes, though antithetical in its political and constitutional doctrine. It was other things as well, of course, and it is as an independent treatise on politics that it has had its influence, although its connection with Hobbes has so often been distorted and exaggerated. It was intended to affect, and it most decidedly did affect, the political and constitutional beliefs of the Englishmen who created the constitution and the political habits under which we still live. But there was one thing it did not contain which every similar treatise included as a matter of course: there was one set of interests passionately pursued by the men who read it and accepted its doctrines, which it made no

* Clarendon, 1676 (bought December 1681); Tenison, 1670; Lawson, 1657. Locke also had a positively Hobbesist work in Matthew Wren's *Monarchy Asserted* (no. 90 in Appendix B), which had been known to him from the time of its publication in 1659, and was on his shelves in 1681. Von Leyden (1954, p. 39) states that Locke had read Pufendorf's *Elementa* as early as 1660.

† See above, p. 22. Mr Abrams draws attention to the close personal link between Hobbes, Henry Stubbe and perhaps other students of Christ Church in the late 1650's, and cites Stubbe's letters to Hobbes; British Museum Add. MSS. 32553.

that more than half of Locke's text is lost. It may be that in the missing portion he did develop a case against Filmer's constitutional position and a direct commentary on the legal issues raised by the Exclusion controversy. If it is justifiable to suppose that he destroyed this very part of the text because it contained statements which might have cost him his head, then it would seem likely that it did concern matters much closer to the law of treason than did the rest of the *First Treatise*.^{*} But in the brief sentence which Locke gave to constitutional and legal history in the *Second Treatise* he merely 'sent his readers' to a group of writers, whose works he did not own and evidently had never read. He repeated these titles in his lists of recommended books in 1703 and named one or two 'ancient lawyers', all Whig-tainted source books. He added the writings of some of the authors who had engaged in the controversy on the Whig side. He even used this phrase of them: 'wherein he will find the antient constitution of the government of England'.[†]

All that we learn from these details is that Locke was willing to let men believe in the historical myths so stubbornly defended by common lawyers and Whig writers. It would not be easy to make out a case for supposing that they all belong to a lengthy constitutional argument which originally formed most of *Two Treatises*. Locke's book has only to be compared with Tyrrell's to see how unlikely this is, and when we add to this our knowledge of the interests and reading of the two men it looks impossible.

As a political theorist, then, Locke made no appeal to history or tradition. Nothing in his book could be disproved by the discovery of new evidence about what had happened in England in 1066, or 1215, or 1642, or by a new and more convincing view of how ancient Greek, ancient Roman or medieval English society had actually worked. This was not only extraordinary in view of the way in which these things had been written about before in his own country and in view of the attitude and expectations of the men who first read it. It makes the book unique. It was at once a

* See above, p. 64.

† See II, § 239, 42-3 and note: *Works*, 1801, III, 272-3, and X, 308. Of the titles in these lists, Locke possessed, besides the works of Tyrrell, seven of those of Atwood, the worst of the Whig constitutional writers; Sadler's *Rights of the Kingdom*, 1682; the 1689 *State Tracts*; Chamberlayn's *Anglia Notitia*, 1700. He had no work of Coke or Bracton, nor the *Mirror*, *Fleta*, the *Modus Tenendi*, or anything of Petit or Brady. He did have one work of Spelman, the *Glossarium*, 1687.

response to a particular political situation and a statement of universal principle, made as such and still read as such. This work, the authoritative statement of Anglo-Saxon political assumptions, the supreme literary expression of English history and English constitutional development, refers to England as 'a neighbour kingdom', and the Common Law as 'the municipal law of some countries'.* Neither Machiavelli, nor Hobbes, nor Rousseau succeeded in making the discussion of politics so completely independent of historical example, so entirely autonomous an area of discourse, yet Locke has affected the everyday activity of practising politicians more perhaps than any of them.

This is a tribute both to the effectiveness of the political theorist's technique in general and to Locke's particular exercise of it. Only a man of such endowment as an abstract thinker could have transformed the issues of a predominantly historical, highly parochial political controversy of this sort into a general political theory. That it should have been done in a sense in anticipation of events, so that from hindsight it has always looked as if it were a rationalization of something which has not yet occurred when it was written, emphasizes this quality still further, marks it perhaps with the distinctive sign of this particular discipline of the mind and the imagination. Locke's instinct in leaving the whole legal, historical and constitutional controversy on one side, in deciding, when something of this sort had to be undertaken, to place it apart from his analytic argument, was eminently correct and in this character. This is why his book is with us, and Filmer, Petit, Brady, even Tyrrell and Sidney, have sunk beneath the surface of our intellectual and literary tradition. We should expect that a man capable of this would be a philosopher, even if he turned out to be a philosopher unwilling to admit that he had written out a political theory.

But in what sense should we expect his philosophy to be related to his political theory? If we ask ourselves this question we can discover an exquisite contrast between the Civil Philosophy of Hobbes and Locke's Political Principle.

* See I, § 90, 29-31; II, § 205, 11.

2. LOCKE THE PHILOSOPHER AND LOCKE THE POLITICAL THEORIST

In August 1692 Tyrrell sent to Locke a copy of his newly published book on natural law, with this comment:

I hope that this treatise may give the world sufficient satisfaction, or at least may excite your self, or some other thinking person, to give the world a better account of the Law of Nature and its obligation, than what hath been already performed, as also to confute with better reasons the Epicurean principles of Mr Hobbes. For the doing of which I know no man more capable than yourself if you please to undertake it, and shall no more resent it than the publishing of the *Two Treatises of Government* after *Patriarcha Non Monarcha*. Since, if truth can be better represented and improved by a greater hand, I shall not value my small performances [the less if they] serve for a foil to set it off.*

This letter hints at much of the relationship between a great literary figure and his less distinguished, less successful friend, as it shows that Tyrrell by this time was one of the few who certainly knew that Locke had written *Two Treatises*. But it also makes it clear that Tyrrell was not satisfied with what had been said on natural law in that work or in the *Essay on Humane Understanding*, and felt that Hobbes had still to be confounded, by Locke himself. And it comes at the end of an exchange between the two men which almost severed the friendship of a lifetime.

Between December 1689 and April 1690 Tyrrell wrote six times from Oxford to Locke in London, telling him how his *Essay* was being received, and reporting criticisms of it. In three of his letters he also asked the name of the author of *Two Treatises*, and though Locke seems to have replied four times, defending himself against the criticisms, he refused to answer that question. When Tyrrell told him that 'the people in Oxford had now found out a better author than I for it, viz. yourself, your answer was to this effect, that since they would not have you to be the author of a book that you owned' (this was the *Essay*, which his critics were saying was lifted from Descartes) 'you did not think it worth

* Tyrrell to Locke, 9 August 1692, spelling and punctuation modernized, and words within square brackets supplied. The work was *A Brief Disquisition of the Law of Nature*, 1692, a paraphrase of Richard Cumberland's *De Legibus Naturae Disquisitio Philosophica*, 1672, with special emphasis on his polemic against Hobbes.

while to give them any satisfaction in those that you did not own at all'. In April Tyrrell came to London and faced him with his suspicions about the work on government, but Locke 'declined the discourse' and was told he must 'thank your own reservedness' if the results were unfortunate.* On his return in June, Tyrrell read the *Essay* again and discussed it 'with some thinking men at Oxford'; he found them 'dissatisfied with what you have said concerning the law of nature (or reason) whereby we distinguish moral good, from evil and virtue from vice'.

The coincidence of these two things, the suspicion that he had written *Two Treatises* and that he was unsound on natural law, seems to have infuriated Locke, but the explosion was delayed a little while. He saw Tyrrell again in July, and gave him a paper of explanation which seems to have maintained that natural law 'since it did not proceed from God as a lawgiver... could not properly be called a law, and the not taking God into this hypothesis has been the great reason of Mr Hobbeses mistake that the laws of nature are not properly laws nor do oblige mankind to their observation when out of a civil state or commonwealth'.† In August Locke seems to have found reason to suppose that Tyrrell had been spreading the report about his authorship of *Two Treatises* and he lost his temper: he sent him an icy letter repudiating the attack on the *Essay* and enclosed another one, now destroyed, demanding an explanation about *Two Treatises*.

The letter in defence of the *Essay* has always been regarded as the most important source for Locke's attitude to his critics,‡ but its context has been previously unknown. If the statements on natural law in *Two Treatises* are set alongside those references in the *Essay* which are discussed in this correspondence, it will be seen why he had reason to be annoyed with Tyrrell at this time. Throughout the political work the expression natural law is used with suave assurance, as if there could be no doubt of its existence, of its meaning, of its content in the minds of author and reader. It is 'plain and intelligible to all rational Creatures' (II, § 124), it is so much a positive code that it governs the state of nature (II, § 6),

* Leibnitz was apparently informed by a London correspondent that Locke wrote *Patriarcha non Monarcha*. † Tyrrell to Locke 30 June, 27 July, 30 August, 1690.

‡ It was printed by King (1830, 366-73), from a copy preserved by Locke, his only extant letter to Tyrrell, and now in Bodley, dated 4 August 1690. It may, indeed, have never been received by Tyrrell in this form: perhaps a milder version was actually sent.

but its obligations 'cease not in Society'; all men everywhere must be 'conformable to the Law of Nature, *i.e.* to the Will of God' (II, § 135). In the *Essay* it is allowed, in parenthesis, that natural law does not depend on the existence of innate ideas: men should not deny 'that there is a law knowable by the light of nature' (I, ii, 13). But when it comes (II, xxviii, 7-) to the description of the laws or rules which men actually refer their actions to, no natural law is mentioned. In this exchange of letters Locke fails to convince Tyrrell that natural law can be equated with or made part of divine law, civil law (the law of the law-courts) or the 'philosophic law' (in later editions the 'law of opinion or reputation') which he maintains are as a matter of fact the standards which men use to judge of right and wrong. The *Essay* has no room for natural law.

So sharp here is the contrast between two almost contemporaneous works by the same man that in one passage in *Two Treatises*, perhaps in a second passage also, Locke uses language on the subject of natural law which seems inconsistent with his own statements about innate ideas in the *Essay*.* Questioning on this point cannot be pressed too far, for we are told that 'it would be besides my present purpose, to enter here into the particulars of the Law of nature, or its *measure 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 Commonwealths nay possibly plainer' (II, § 12). It seems that it was always 'beside his present purpose' for Locke to demonstrate the existence and content of natural law. He did not do so in his *Essay*, even in the 2nd edition where the passage in the second book which Tyrrell had complained of was rewritten. He would not do so by bringing out his early *Essays on the Law of Nature*, which Tyrrell asked him to do in the course of their exchange.† As Dr Von Leyden has shown, these earlier essays would not have provided a doctrine of natural law capable of reconciling the theory of knowledge in Locke's *Essay* with the ethical doctrine of that work and of *Two Treatises*. This, it is suggested, may have been one of the reasons why Locke was unwilling to be known as the author of both books.

* See note on II, § 11, 30-1 ('so plain was it writ in the Hearts of all Mankind'), I, § 86, 20-1 and references.

† Tyrrell to Locke, 27 July 1690, compare Von Leyden, 1954, 9-10.

Locke is, perhaps, the least consistent of all the great philosophers, and pointing out the contradictions either within any of his works or between them is no difficult task. Sometimes it seems quite clear that he was unconscious of his inconsistency, at other times, and this appears to be one of them, he himself realized his dilemma, but was unable to find a solution. The objective existence of a body of natural law is an essential presupposition of his political theory and when we find him using the phrase we should perhaps think of him as taking up what might be called a stance to a series of possible explanations. Natural law, in his system in *Two Treatises*, was at one and the same time a command of God, a rule of reason, and a law in the very nature of things as they are, by which they work and we work too. This conception of adopting a more or less conscious stand-pat attitude could perhaps be used as a general sympathetic approach towards the problem created by Locke's ethical statements, which point in many directions at the same time and which have been much discussed.* It invites us to look upon *Two Treatises* as something very different from an extension into the political field of the general philosophy of the *Essay*, and reminds us that Locke differed in the character of his thinking from Hobbes. He did not reply to *Leviathan* because it was irrelevant to his purposes as a writer of political principle.

It is natural that posterity should have chosen to look upon the philosophical and the political work as complementary. But Locke himself, as we have shown, was perfectly willing, indeed very anxious, that they should be seen apart. It is easily demonstrated that the literary continuity between them was about as slight as it possibly could be under such circumstances. The close analysis of his text has revealed only one example of this author using identical material in both works, † and then in a passage probably inserted later. The style, the type of argument, the atmosphere are all recognizable as from the same writer, but in every other respect

* See, e.g. Leslie Stephen, 1876; James Stephen, 1892; Lamprecht, 1918; Vaughan, 1925; Kendall, 1941; Von Leyden, 1954 and 1956; Strauss, 1953; Simon, 1951; Yolton, 1955; Brogan, 1958; Polin, 1960; Singh, 1961; Abrams, 1961. The trouble was that Locke began by basing right and wrong on God's commands and punishments, but also adopted a hedonistic ethic as well, an ethic of the Hobbesian sort. Meanwhile he passionately believed in the possibility of demonstrating ethics mathematically, though he was perpetually complicating everything with his anthropological relativism, noting the variety of ethical values among the world's peoples and hinting that virtue and vice were simply customary.

† See note on 1, § 57.

they differ remarkably. *Two Treatises* is not written on the 'plain, historic method' of the *Essay*. If it were, we might expect in the first place that it would insist on the limitations of our social and political understanding, for that is Locke's chief enterprise in the *Essay*, to portray the character of our knowledge by showing up its limits. Then the situations, the rights, the duties discussed, would have been presented recognizably as the 'complex ideas' or 'mixed modes' of Locke's system of knowledge, the product of ratiocination and therefore fixed and definite, capable of entering into a mathematically demonstrable morality. Just such a discussion is implied by, or even begun in, the statement about property we have quoted, and there are many other examples.*

Some such construction as this might be made by a modern scholar attempting to create a theory of politics out of Locke's *Essay*, if, as so nearly happened, it had never become certainly known that *Two Treatises* was his. Such an exercise might have illuminating results, though it cannot be our subject here, for the implications of Locke's theory of knowledge for politics and political thinking were very considerable and acted quite independently of the influence of *Two Treatises*. The famous doctrine of the *tabula rasa*, for example, the blank sheet of the mind on which experience and experience alone can write, made men begin to feel that the whole world is new for everyone and we are all absolutely free of what has gone before.

The political results of such an attitude have been enormous. It was, perhaps, the most effective solvent of the natural-law attitude. In a sense these results were intended. For though Locke wrote the *Essay* about how men know things, his final object, the object he had in mind when he started, was to help men to know what to do. 'Our business here is not to know all things', his classic statement goes, 'but those which concern our conduct.' He keeps on slipping into this mood throughout the book, but the only work he actually produced on how men should behave was *Two Treatises*. And it cannot be said to represent his account of the implications for conduct, for politics, of the doctrines of the *Essay*. It was written for an entirely different purpose and in an entirely different state of mind.

* See p. 72 and II, § 22, 8-9: the passage immediately following the sentence cited on p. 72 (the ideas of absolute liberty and government) is an even better illustration. For a different view of *Two Treatises* and the *Essay*, see Polin, 1961.

None of the connecting links is present. It is extraordinary, for example, how little definition there is in the political work, though the *Essay* is, as it should be, much concerned with definition and though he reproaches Filmer for failing to define. *Two Treatises* relies heavily upon natural law, but the term, as we have seen, is never analysed there. It is all about freedom and consent, but they are nowhere discussed as subjects in themselves. It is the same with law, with reason, with will, with government itself. Political power is defined, and so is property (though it is used in two meanings, and Locke seems to pass from one to the other without warning), but not in philosophic terms, on nothing like the principles laid down in his *Essay* and insisted upon from his earliest writings.* Justice is scarcely mentioned, and the issue about justice and property is never raised, though there is a reference to it in the *Education*. Even more singular, perhaps, is the way in which Locke brushes aside the question of conscience and political obligation, which had worried him as a young man as it had worried all his predecessors and contemporaries.†

If we try to pass from one work to another and use the definitions offered in the *Essay* for the political discussion, we find that they do not fit very well: at least one important term, consent, is not defined even there. The political argument is not presented as a part of a general philosophy, and does not seem to be intended to be read as such. There is a note in Locke's journal which was written at the time when, as we suppose, he was working over *Two Treatises*, and adding the Hooker quotations. It reads almost as a conscious commentary on the relationship between philosophy, ethics and politics. He had just expressed his belief in the possibility of demonstrating ethics, and his scepticism about the potentialities of natural science. He goes on:

The well management of public or private affairs depending upon the various and unknown humours, interests and capacities of men we have to do with in the world, and not upon any settled ideas of things physical, polity and prudence are not capable of demonstration. But a man is principally helped in them by the history of matter of fact, and a sagacity of finding out an analogy in their operations and effects.

[The truths of mathematics are certain.] But whether this course in

* On Filmer and definition, I, § 7 etc.: on meanings of property, p. 101 below.

† See above, p. 72 note † on property in the *Education*, and note on I, § 105, 22-3 for Locke's slight and unimportant references to conscience.

public or private affairs will succeed well, whether rhubarb will purge or quinquina cure an ague, is only known by experience, and there is but probability grounded upon experience, or analogical reasoning, but no certain knowledge or demonstration.*

Empirical medicine, rather than philosophy, seems to be the model for the man who sets out to comment on political matters. Locke the doctor rather than Locke the epistemologist is the man we should have in mind when we read his work on Government. To call it 'political philosophy', to think of him as a 'political philosopher', is inappropriate.† He was, rather, the writer of a work of intuition, insight and imagination, if not of profound originality, who was also a theorist of knowledge.

He was also a writer on economics, toleration and education, active in many areas where political generalization had to be made. When the text of *Two Treatises* is put alongside these other works, the literary relationship is found to be somewhat closer than in the case of the *Essay*.‡ Religious freedom was a fundamental to Locke and the assumptions on which he based it are common to the writings in defence of it and to the writing on politics, yet it is not mentioned in *Two Treatises*.§ His economic theory has some points in common with his political principle, and his educational theory has even more: there are details from the political text which can be seen developing in his later writings, especially the successive editions of the *Education*. But the inconsistencies are even more conspicuous. It would indeed be difficult to show that they entail one another, or that they all arise with a logical neces-

* Journal, 1681, under 26 June, modernized: printed in full by Aaron and Gibb, 1936, 116-18. Dugald Stewart seems first to have stressed the importance of Locke's medical experience and attitude for his ethical and political thought.

† Compare Strauss, 1953, 220-1. I am unable to follow him, however, when he claims that the *Treatises* are the 'civil' presentation of a political doctrine which could have been presented 'philosophically'. The passage which he cites from the *Essay* (III, ix, 3) seems to state quite clearly that the civil use of words in ordinary affairs can only be discussed by the philosophic use of words, and so *Two Treatises*, if it is not 'political philosophy', can only be philosophical in this sense. The passage which Strauss cites from II, § 52, 1-3 appears to me to repeat this assertion, though he evidently believes that it marks off the book as in 'civil' language. Like the other statements which Locke makes (see note on I, § 23, 22-3 and references) it insists that the language of the discussion of politics must be consistent and of clear definition, 'philosophic' in fact. Locke may have contradicted his own rules in practice, but there can be no doubt what those rules were and how they defined this book.

‡ On toleration see II, §§ 3, 87, 108, 134, 135. On economics see II, §§ 45-7.

§ Freedom of expression is not mentioned either. Locke seems to have helped to bring about the freedom of the press without ever considering it as a political right.

sity from his theory of knowledge. Even between the *Essay* and the work on education, where the barrier of anonymity is absent on both sides and the connection is intimate, Locke makes no cross-references. It is pointless to look upon his work as an integrated body of speculation and generalization, with a general philosophy at its centre and as its architectural framework.

This marks Locke off very sharply from the other political theorists of his generation, indeed from the traditional attitude which dominated political thinking before and after him. It separates him even more definitely from Thomas Hobbes. The heavy books of Grotius, Pufendorf, Hooker and the others, standing on Locke's shelves and dominating intellectual activity in this field, were all presentations of a single, synthetic system, a view of the world which proceeded from an account of reality to an account of knowledge, and so to an ethic and to politics. They varied in completeness and in the extent to which they relied on Christian revelation to fill out the great chain of being, or in the use which they made of historical examples and concrete political situations. But natural law was their common assumption, and in its terms they endeavoured to discover a closed system, a system which ideally would be complete and entirely consistent. We should be disposed to give the title 'philosopher' to very few of them, but the task they set themselves was a philosophical one. And in the mind of the ablest of them all philosophy was civil philosophy: Hobbes created a general determinist system, where political obligation, even the form and function of the state, was made to follow from a new definition of natural law. Locke was a philosopher too, but to him the system was an open one.

We cannot explore the various directions which this position lays open to view. It gives to Locke's thinking a somewhat unexpected precedent, for in Machiavelli and the writers of political advice, the reminiscent statesmen themselves, there did exist a counter-tradition to natural law, a convention of discussing politics and its theory outside the area of philosophy. Here the relationship between Shaftesbury the statesman and Locke the thinker comes very close to the surface, and it is recalled by a sentence in Locke's *Essay*. He is discussing the medieval scholarly doctors and he says: 'Notwithstanding these learned disputants, these all knowing doctors, it was to the unscholastic

statesmen that the governments of the world owed their peace, defence, and liberties.*

This opens out an inquiry of a different sort, the extent to which the actual doctrine of Locke's *Essay* allowed for the peculiar relationship of political theory with general philosophical inquiry by its very incompleteness, suggesting that beyond its chosen limits the system was indeed an open matter. In this sense, its anti-synthetic quality, Locke's philosophy could be said to inform the whole of his thinking, but in quite the antithetical way from Hobbes and the natural-law theorists. He, and not Hobbes, could perhaps be looked upon as Machiavelli's philosopher, but most certainly not because the content of his philosophy entailed the content of Machiavellian political doctrine.

A great deal more could be said, then, of Locke the philosopher and Locke the political theorist to illuminate his position in the history of thought as well as the logic of the problem of philosophy and politics. The conventional description of Locke's thought as a peculiar and fertile admixture of empiricism and rationalism suggests the terms of the discussion. In his attitude these two elements were, so to speak, held in solution, only to be precipitated by the men who followed him, Berkeley and Hume in particular. If, then, there was not a Lockeian philosophy in the Hobbesian sense, there was a Lockeian attitude and this can be traced in all that he wrote. Natural law was, in this analysis, a part of his rationalism, his conviction that the universe is to be understood rationally, even the workings of the deity, even the relations of human beings, but at all points it must be compared with, made to fit into, the observed, the empirical facts about the created world and human behaviour.

This position is no easy one to occupy, even if it is taken up as a stance towards the problem in the way which has been suggested.† It led Locke later into his attempt to supplement his rationalism and empiricism with revelation. Although the laws of the rational heathens had enough of natural virtue to 'hold societies together', the holy scriptures, rationally interpreted, were to be used almost as sources of empirically verified facts for moral and political purposes. This was necessary because of the patent

* II, x, 9: 1894, II, 128.

† Von Leyden suggests that the difficulty arises from the ambiguity of natural law, but, like Polin, takes an opposite view to mine of Locke's attitude to it.

insufficiency of reason: 'It is plain, in fact, that human reason, unassisted failed men in its great and proper business of morality. It never from unquestionable principles, by clear deductions, made out an entire body of the "law of nature".'^{*} This scepticism about natural law and about reason itself contrasts strangely once again with the easy confidence of *Two Treatises*. In this mood Locke doubted the efficacy of reason not simply because it had failed to demonstrate morality, but also because men obeyed it so little. In this particular, then, the Lockean attitude led to the doubt and self-searching of which we now have so much evidence. But elsewhere it led to the comfortable certainties of eighteenth-century thought.

If a distinction between the philosophy and the attitude of Locke is legitimate, we could fill out the picture of him as a thinker; we could account, for example, for his unwillingness to push any argument to its extreme. But to do this is not to transfer parts of the content of his philosophy into his political theory: to claim, for instance, that there is more than accidental symmetry, an aesthetic coherence, between his atomic view of matter and his atomic view of society, or to imply that there is a relationship of cause and effect between his conceptualism (or nominalism, some would say) and his belief in toleration.[†] This is to assume that his political thinking was related to his philosophy as the part to the whole. It implies that a formal consistency, a purely logical interrelationship between parts, is always to be looked for in a thinker, who must be judged accordingly: where it is found wanting some more remote and unrealistic principle of reconciliation must be found to defend a great reputation. It is to lose sight of the possibility that the more successful a man is as a political thinker, the more difficult he will find it to come to terms with his view of the world as a whole. In fact it may be taken to lay it down that all political thought is meta-political thought, formal analysis of the way men discuss politics and never also intuitive explorations of what they do. If this is done the distinc-

^{*} *Reasonableness of Christianity*, 1697, *Works*, 1801, VII, 139-40: compare Strauss, 1953, 205, where Locke's proviso about heathen societies is ignored, as is his implied (though perhaps confused) distinction between natural law and moral law.

[†] See Simon, 1951: even more extraordinary seems to be the question raised there as to why Locke's optimism survived his conversion to the Copernican hypothesis, as if it were literally true that the conception men have of the stars cannot help but be a directive influence on their beliefs.

tion between Locke and Hobbes is made somewhat obscure and Locke may even turn out to be a Hobbesian, a muddle-headed one. To complete our examination of the relationship between these two men, we must examine these terms more closely.

But before we do this we may look at what has already been said in the light, Locke's own unfailing light, of common sense. A great deal, perhaps too much, has been made of Locke's inconsistencies. But it must be remembered that all thinkers are inconsistent, and the latest and most ingenious exponent of Hobbes himself has no more than this to say of him on the question of consistency: 'He is not obviously more contradictory than Locke.'^{*} We have chosen to expound the case in these terms because it arises more easily out of the documentary evidence, and because inconsistency, doubt, hesitation seem to be crucial to the position as it can be more positively examined in the *Essay* and *Two Treatises* themselves, in their sources and in the circumstances of their composition and publication. Then we have emphasized, perhaps over-emphasized, the distinction between Locke the philosopher and Locke the political theorist. But it is not true to say that to understand his political writing as philosophy is necessarily to misapprehend him. His influence as a political writer, as we have said, † probably arose because of his philosophical fame. Nevertheless it is of importance to see in Locke, the recognized point of departure for liberalism, the liberal dilemma already present, the dilemma of maintaining a political faith without subscribing to a total, holistic view of the world.

Hobbes's view of the world might have had its logical difficulties, but there can be no doubt that it was wholly Hobbesian. He was the greatest of all the meta-political writers, those who refine and analyse political language and elaborate axioms into

^{*} Polin, 1960, claims in opposition that Locke's doctrine is a coherent whole, and that only an extreme empiricist, an historian, could argue as above.

[†] Warrender, 1957, *Preface*. The subject of this book, the great difficulty of finding ethical continuity between Hobbes's state of nature and his state of society, shows Hobbes in an incoherence much more serious than any of Locke's.

[‡] Above, p. 38. In his later years, Locke obviously looked on politics as related to philosophy in the traditional way. This comes out in his various letters of advice about reading for young men. 'True politics I look on as a part of moral philosophy, which is nothing but the art of conducting men right in society and supporting a community amongst its neighbours', he wrote in 1697 to Lady Mordaunt, now the Countess of Peterborough. 'A young man should begin with Aristotle and then read the moderns if he please.'

axiologies. For this reason his influence on thought about politics has been enormous, but his purchase over what men do politically has been negligible. After he had written, this discipline became entirely different, but the political habits of his countrymen were changed not one little bit, except in so far as clarity of thinking in some men can modify the attitude of a whole society, and on Hobbes's own submission this is very little. The reason for his historical ineffectiveness is not very far to seek. A man who can say, as he did, that 'The skill of making, and maintaining Commonwealths, consisteth in certain rules, as doth Arithmetique and Geometry; not (as Tennis-play) on Practise only'* lacks what might be called a sense of policy. The skill, the consistency, the imagination and the insight with which he sets about discovering what those rules are and how they are related to each other and to knowledge in general must attract his readers, but they will read him as literature only, not literature which is also advice. His work is condemned to be rationalization, and the paradox of the relationship between Locke and Hobbes is that *Leviathan* is much more dated than *Two Treatises*; it is rationalization even of a historical situation. The complete failure of Hobbes as a political, as distinct from a literary and philosophical, realist, is shown up by the fact that he seems to have thought that *Leviathan* would be adopted as a political programme.

The secret of his success in transforming the way men study and write about politics lies in the fact that all political theory must be rationalization, must aspire to the status of philosophy, to some extent. A work of policy exclusively, a work which would deny *in toto* the aphorism which we have quoted from *Leviathan*, could never be written. When, therefore, John Locke set out in 1679 to convince his readers about 'the true original extent and end of civil government' he produced a book which was in some respects like *Leviathan*, although it was not a refutation of it. It was quite unlike it in doctrine, and for two reasons. He had rejected Hobbes's psychological assumptions and also his entirely rationalistic, unempirical view of natural law, which was widely felt to be a sophistry in any case:† with his instinct against synthetic thinking, therefore, he was under no logical necessity of considering its authoritarian conclusions and we have shown that

* *Leviathan*, chapter 20, last sentence.

† See Tyrrell's letter quoted on p. 80 above.

there was no possible political motive for doing so. It differed very considerably in the form of its argument, because of these things, because of Filmer, and because of the Lockean attitude we have discussed, so completely in contrast with the Hobbesian attitude. It contained just that ingredient which *Leviathan* lacked—policy; statement of guidance of what men will accept, respond to and pursue, of the limits of their loyalty and the possible extent of generalization about their behaviour. But it was also the presentation of a cogitated case, a piece of intellectual persuasion, from a mind with a great deal in common with that of Hobbes, fully aware of the change which Hobbes had wrought.

It may not, we have seen, have been a matter of direct derivation, since it is quite possible that Locke made his own way along the same road trodden by Hobbes before him, aided only by derivative acquaintance with what Hobbes had said. Locke was a post-Hobbesian, in spite of the fact that so great a part of Hobbesian belief was so much an irrelevance to his purpose in writing on politics that he did not have to refute it. It is right to think of *Two Treatises* as a work of greater importance than *Leviathan* because of the pregnant difference in its relationship with philosophy; it was for this reason that its text could become a part of political habit, and incidentally create the paradox that in so far as Hobbes has done that at all, it is through Locke that he has done it.

In the political doctrines we shall now examine, Locke presented a set of principles of an entirely superior order of effectiveness than any before written in the English language.

V

THE SOCIAL AND POLITICAL
THEORY OF 'TWO TREATISES
OF GOVERNMENT'

When men think of themselves as organized with each other they must remember who they are. They do not make themselves, they do not own themselves, they do not dispose of themselves, they are the workmanship of God. They are his servants, sent into the world on his business, they are even his property (II, § 6). To John Locke this was a proposition of common sense, the initial proposition of a work which appeals to common sense throughout. It is an existentialist proposition, which men have not thought it worth while to question seriously until our own day, and it relies not so much on the proved existence of a Deity as upon the possibility of taking what might be called a synoptic view of the world, more vulgarly a God's-eye view of what happens among men here on earth. If you admit that it is possible to look down on men from above, then you may be said to grant to Locke this initial position.

From this common-sense starting-point he proceeds to two inferences, that we are all free and we are all equal; free of each other, that is to say, and equal to each other, for we are not free of God's superiority and not equal to him. If God could be shown to have given any man, or any order of men, superiority over other men, then these inferences could not be drawn. It was because Sir Robert Filmer had claimed that there was to be found in Revelation a proof that God had set some men above other men, fathers above sons and men above women, the older above the younger and kings above all others that his doctrine was so dangerous and had to be refuted. It became necessary to show in minute detail, analysing text after text of the Scriptures, that this interpretation was quite wrong.

This is the logical function of the *First Treatise* in Locke's work on government, but he says nothing there which is not laid down

in the *Second Treatise*. The polemic against Filmer had to be in the form of a Scriptural argument, but it is necessarily an argument from observation and reason as well, for the Scripture does not interpret itself.* Observation shows, says Locke the empiricist, that the superiority of fathers is temporary only, and observation combined with reason shows us why: such superiority is necessary for the preservation of mankind and its duration is determined by the zoological facts (II, §§ 80, 81). Filmer, following Grotius, had interpreted those facts to show that procreation, one individual creating another individual by begetting him, gave a right of superiority, subjection of will to will, even ownership. This is not only bad observation, but it is utterly unreasonable and moreover it offends against the first principle that man is the workmanship and property of God, not himself. Quite simply and quite literally, then, men were born free in Locke's view, as quite simply and quite literally they had been born unfree in Filmer's system, and in the patriarchal tradition.

No, Locke says; 'the Lord and Master of them all' has not 'by any manifest Declaration of his Will set one above another' (II, § 4), and we all have the same faculties, the same natural advantages; power and jurisdiction is and must be reciprocal amongst us. Again, you do not have to accept a theology to agree that this is all a matter of common sense. All that happens if you wish to disagree is that you find the task of proving something different uncomfortably thrust upon you.

But if it is true that God leaves us free, that nothing in the natural order can be shown to subject one man to another even apart from the revealed will of God, it may still be relevant to ask what positively makes us free, in what does this freedom consist. For absolute freedom has no meaning, it must be defined—'Where there is no Law, there is no freedom' (II, § 57). It is the law of nature which sets the bounds to natural freedom (II, § 4) and since the law of nature is an expression of God's will, God's omnipotence can be reconciled with human freedom.† Moreover, God's posi-

* This is an important general position of Locke's, best known perhaps from his rejection of 'enthusiasm'. The *First Treatise* repeatedly argues from scripture on the one hand, and reason on the other—see e.g. §§ 4, 60 (Reason and Revelation), 112.

† Quite how, is never shown. Locke is famous for his confession that this problem was beyond him, and it is typical that he should never have raised it in his work on political theory.

INTRODUCTION

tive direction is known to all of us through our reason, since reason, as the Platonists were saying in Locke's day, is 'the Voice of God' in man (I, § 86, see note there). But in the stance, as we have called it, which Locke took up towards natural law, 'the Law of Nature . . . is the Law of Reason' (I, § 101). It is our reason, therefore, which promulgates to us the law of nature and it is our reason which makes us free: 'We are born Free as we are born Rational' (II, § 61), and the liberty of acting according to our own will, never from compulsion by the will of others, is grounded on the possession of reason (II, § 63).

But reason means even more than this and has further consequences for natural liberty and equality. Conceived of as a law (the law of nature), or almost as a power, it is sovereign over all human action. It can dictate to a man as conscience does (II, § 8) and to more than one man in the social situation, since it is given by God to be the rule betwixt man and man (II, § 172). It is a quality too, in fact it is the human quality which places man above the brutes, and when it is present to the full almost brings him up to the level of the angels (I, § 58). This language is traditional and the distinction between man and beasts based on the presence or absence of the quality reason goes back beyond Christianity to the Stoics and Aristotle, but it was of peculiar significance to Locke's generation, as witness the curious debate as to whether brutes, which can work in the world although not being human they do not have the quality, must therefore be machines. And Locke makes full and peculiar use of it in his account of state and society.

It justifies in the first place the subordinate position of children, who though they are born to the full state of equality are not born in it (II, § 55). They only attain freedom when they reach what we still call the age of reason. All this is obvious enough, and only has to be stated at the length Locke gives to it because of Filmer, but it should be noticed that even children under age are not subject to the will of their parents so much as without will, their parents will for them: reason is still sovereign over parent and child. This is one of the very few ways in which age, process or development is relevant to human relationships, though Locke admits that age, virtue, intelligence and blood (none of which seems easily described as a difference in rationality) in some way unimportant to his purpose can infringe natural equality (II, § 54). But the next consequence is more startling. When we look upon

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ourselves as God's workmanship, we recognize that we all possess reason because he gave it to us, and therefore any man who behaves unreasonably is to that extent an animal, and may be treated as such. Specifically, any man who seeks to get anyone else into his power, under his will, denying that this other person is as free as he is because he too possesses reason, refusing to recognize that reason is the rule between men, that man 'becomes liable to be destroyed by the injured person and the rest of mankind, as any other wild beast, or noxious brute that is destructive to their being' (II, § 172).

This is a drastic argument, and we may think it somewhat crude. It serves to spell out in thick, black letters Locke's quite literal belief that reason is the mode of co-operation between men; reason, he had just said, is 'the common bond whereby humane kind is united into one fellowship and societie'. It is not an isolated statement, but a recurrent repetitive theme, perhaps developed in detail as a later insertion (see note on II, § 172), but essential to Locke's account of the maintenance of justice inside and outside organized society. It may be looked upon as his final judgment on the consequences to the actual relationships between men of the synthetic civil philosophy of Hobbes, for *Leviathan*, like the royal patriarch, did subordinate all human wills to one will, it made law and government a matter of will, therefore it did treat men as beasts and anyone pretending to its rights and powers could be treated as a beast. But the actual object which he had in mind seems to have been much more personal and political. When the passages presenting this argument are examined closely, Charles and James Stuart fit easily enough into the role of those 'wild Savage Beasts, with whom Men can have no Society nor Security',* for they had tried to rule England as despots, if not of the Hobbesian, then certainly of the patriarchal type.

In perfect freedom, equal to each other, capable of rational behaviour and so able to understand and co-operate with each other, that is how we are born. It must be emphasized that we are all born this way, bond or free, savage or civilized, inside or outside society or the state, for it is a truly universal doctrine in

* II, § 11, 25-6. This is a reference to an aggressor in the state of nature, but the last phrase also appeared in the final text of II, § 172, 16. The subject of II, §§ 171 and 172 is clearly the established government of a country, Locke's country, and these are the words applied to it when it claims the right to 'Absolute, Arbitrary Power' ('Having quitted Reason' to do so).

Locke and he does not, for example, go on to argue from this dogmatic rationalist position that the basis of political life is the rule of the rational man over his irrational fellows.* There can be no arbitrary source of power of one man over another, not even a source in Revelation, for Divine right has already been disposed of as not proven. How then does it come about that there is such a thing as rulership in the world? How is government possible at all?

Locke answers this fundamental question, and it is significant of his radical individualism that it should ever arise in such an urgent form, by introducing what he calls a 'Strange Doctrine'. By this he may intend to warn us that he is innovating, † but what he says comes as no great surprise: 'every one', he declares, 'has the *Executive Power of the Law of Nature*' (II, §§ 6, 7, 8, 13). If anyone offends against the law of nature, everyone else has the right to punish him for it and exact retribution, not simply for his own damage but to vindicate the rule 'of reason and common Equity, which is that measure God has set to the actions of Men, for their mutual security' (II, § 8). We may do so individually, but we may and must co-operate with other individuals against this 'trespass against the whole Species'. On this natural right, which arises out of humanity itself, is based not simply the right of governing, but its power as well, for it is a collective power which is used against an offender even if only one man wields it. The right of governing, and power to govern, is a fundamental, individual, natural right and power, set alongside that of preserving oneself and the rest of mankind (II, §§ 128-30). It is judicial in its nature, for it is the pronouncing and enforcing of a law, the law of nature which is the law of reason.

* Though he concedes wide inequality in capacity, reasoning capacity, see note on II, § 4, 11 and references. Locke took a sober, almost a gloomy view of the powers of most of the human race to follow an argument, to take part in 'rational society' at all in its sophisticated definition, and texts to illustrate this can be found throughout his works, the *Essay* especially: the title of 'optimistic rationalist' sits oddly upon him. Nevertheless it does not seem to me justifiable to read into his statements, certainly the statements of *Two Treatises*, any doctrine of differential rationality as has sometimes been done. Strictly the non-rational man was not a man at all and Locke never denies that any individual can be rational according to his capacity, he only insists that he is blameworthy if he is not. He may not be a consistent optimist, but he is no cynic: see Polin, 1961, 40n.

† Strauss, 1953, lays some stress on Locke's use of this phrase, but it seems to me to be not much more than a literary device to him. As Strauss points out, Locke's doctrine on the point differs only by a twist of emphasis from that of Pufendorf and Cumberland.

The whole of Locke's political theory is already in view, even the concept of trust and the separation of powers. We shall make general the implications of this position on the executive power of the law of nature under the title of a doctrine, the Lockean doctrine of natural political virtue. Dogmatically presented as a 'strange doctrine', no demonstration of its truth is offered, but it is implied in a particular provision of the law of nature as distinct from the law of nature generally. This is the right and duty of every man to preserve himself and everybody else as much as possible, which is the only law of nature used in such a way.* Government, when first viewed from this position is simply a 'Magistrate, who by being Magistrate, hath the common right of punishing put into his hands' (II, § 11). But we have not yet reached the stage of established government. All the characteristics of men, and the relationship between them, which we have discussed so far belong to the state of nature.

The state of nature is simply the condition in which the executive power of the law of nature remains exclusively in the hands of individuals and has not been made communal. It can be inferred that it was the original condition of all humanity, because wherever established and permanent collective authority is found, it is always discovered to be the result of men taking thought, making deliberate arrangements to secure and establish the rule of rationality and the provisions of natural law. It is not an adequate reply to this to say that men are all observed in fact to live under government, because 'Government is everywhere antecedent to Records' (II, § 101, compare I, §§ 144, 145) and because primitive tribes are known to be living now without government, or very nearly so. But although these historical and anthropological facts are important, demonstrating as they do that individual men have lived and do live with each other in the state of nature, it is much more significant that states themselves, and heads of states, can be related to each other in no other way, now or at any time. The King of France and the King of England can collaborate to maintain the peace of the world, so as to preserve mankind. For the most part they do, but each is individually executing the law of

* Because of the particular attitude to the law of nature which we have described, Locke never lists the laws themselves and he never relates one law of nature with another, though this law of preservation is called 'fundamental'; see note on II, § 16, 9-10 and references, including a passage in his *Education*. In all these respects he is a very unconventional natural-law writer, much more so than Hobbes.

nature: there is no institution or authority for the purpose. This fact, and the persistence of areas of the earth in the state of nature, may also put private individuals into this state with each other even now. Such are the Swiss and the Indian bargaining for truck in the woods of America (II, § 14).*

The state of nature, therefore, has obvious disadvantages; it is to be expected that men will do their best to replace it, and we have seen that they are constituted in such a way that they are perfectly well able to do so. It leaves every man judge in his own case (II, § 13). He has the law of nature to guide him, but this law is unwritten, 'no where to be found but in the minds of Men', so that 'they who through Passion or Interest shall mis-cite, or mis-apply it, cannot so easily be convinced of their mistake where there is no establish'd Judge' (II, § 136). But this does not mean that the state of nature is a state of war, 'however some Men', meaning Hobbes, 'have confounded' them (II, § 19). War, in fact, is not a state but an incident, although a 'sedate settled Design' on life makes it permissible to use 'state' in describing it (II, § 16). War is indeed an incident apparently inseparable from human life, because it is the appeal to God in cases where men cannot settle things reasonably, and we have to recognize that such a final appeal is always a possibility even within highly developed political society, a possibility which has important consequences. It is to be expected that war should be much closer to the surface in a state of nature, as witness the frequency and importance of war in the international state of nature, but this cannot mean that war describes the state of nature, or that it is otherwise relevant to the distinction between the state of nature and the state of society.

X 'In the beginning all the World was America' (II, § 49) and a complete account of human development would show us that in the primitive, patriarchal, Old Testament stage in Europe we once lived as the American Indians now do (see notes on I, § 130). In

* The scattered references to primitive societies in *Two Treatises*, with the more extensive discussion in the *Essay*, cover an enormous amount of reading, a perpetual preoccupation and an intellectual dilemma. Locke may be said to have done more than anyone else to found the study of comparative anthropology, and he was well aware that the evidence did not demonstrate a 'state of nature' of the sort he described in his political theory. Once more, then, he had to take up a stance towards the problem. We may believe that this was his position: natural man cannot be proved to have lived universally in comparative peace, in imminent sociability, but the evidence does not make such an assumption impossible, and it certainly does not make it necessary to assume that he lives in a state of war.

fact this condition of living together according to reason without a common superior on earth, in mutual assistance, peace, goodwill and preservation (II, § 19), is the universal background against which government should be understood. It tells us what government is and what it does by showing us what it is not and what it does not do.* It even makes it possible to distinguish proper forms of government from improper ones. '*Absolute Monarchy*', for example, is '*inconsistent with Civil Society*, and so can be no Form of Civil Government at all' (II, § 90). It must be so, because an absolute monarch is judging in his own case, as all men must in the state of nature. Therefore in respect of him the whole society he rules is itself still in a state of nature; moreover he is substituting the rule of force and will, his force and will, for the rule of reason clothed in natural law. But this does not mean that there is no peace, no justice, no means of social and political co-operation within the society he rules, any more than the international state of nature precludes international peace and co-operation. For men are not like that. The state of nature is already social and political. The state of society never completely transcends the state of nature: the contrast is never complete.

These considerations undoubtedly complicate Locke's view of the state of nature, but the complication demonstrates his superior realism and allows room in his system for elements often supposed to be absent from him and from the individualist attitude generally. † At the point we have now reached, however, where the question arises why it should be that men ever do proceed from a state of nature to a state of society, he suddenly departs from all his predecessors, classical and medieval. Although his state of nature is inconvenient, and although his individual is perfectly capable of transcending it and we can already see why he and his fellows should wish to do so, Locke introduces here a motive for the establishment of political society which few had considered in the

* This is the analytic function of this concept in the political theory of early modern times, and can be criticized as the error of supposing that what is logically prior is historically previous and institutionally basic. That Locke was uneasy about its implications is shown by his unwillingness to do more than hint at the assimilation between Old Testament history and the condition of America in his day, and in any case the incompleteness of the contrast which he draws between the two states makes him somewhat less vulnerable than his predecessors.

† Locke's state of nature, with its immanent sociability and its acceptance of man as in principle a political animal, does in a sense incorporate the Aristotelian attitude. See Polin, 1961, 174, for the *theoretical* as distinct from the *actual* state of nature.

context of political origins, and none had given much prominence. He abruptly injects into the discussion the concept of property.

Property generally is justified ethically in Locke's system by arguments not unlike those of the other thinkers of the time. Mankind's right to the goods of nature derives from God's grant in the Scriptures, from man's rationality, from the fundamental natural law of self-preservation (II, § 25 on, I, §§ 86, 87). But on these grounds it is man as a species which has a right to own things, not an individual man. This means that the goods of nature were originally common, both because the Bible says so, and because universal freedom and equality must mean original communism. Locke and his fellows were in some difficulty in accounting for the fact that this original communism had given way to private property. They could and did argue from occupancy, 'findings is keepings', but in the end this must imply consent. In fact, as Filmer had argued with ingenuity and force, the only way out of original communism was to assume that in some way or other every individual in the world had consented to every act of property acquisition.

Locke's solution to the problem was to lay it down that 'every Man has a Property in his own Person' so that 'the Labour of his Body, and the Work of his Hands' are his. Therefore whatsoever 'he removes out of the State that Nature hath provided, and left it in, he hath mixed his Labour with... and thereby makes it his Property' (II, § 27). This famous passage, which almost contradicts his first principle that men belong to God, not themselves, together with the general claim that 'tis Labour indeed that puts the difference of value on every thing' (II, § 40) are perhaps the most influential statements he ever made.* Property so acquired was not unlimited, for it was confined originally to what a man and his family could consume or use, and must not be wasted (II, § 36). It extended to the land as well as to the fruits of it (II, §§ 32-40), but even in this form it must never be used as an instrument of oppression, as a means of getting others to submit to your will (I, §§ 42-3). The whole argument is intended to show that individual property did not arise from the common consent of all man-

* See note on II, § 27 for Tyrrell's very similar passage, probably however suggested to him by Locke, and note on II, § 28 for a further discussion of Locke as an innovator in this matter. It cannot be proved to have been entirely original to Locke, and is close to the traditional dogma that a labourer had an inalienable right to his tools. Polin, 1960, 255, prints a further reference to property and justice.

kind, though in the end the actual distribution of it is held to be due to money, which is a matter of consent, perhaps even worldwide consent.* In the state of nature, then, the exertions of men and above all their invention of money had brought them all into relationships with each other which were not those of rational and conscious co-operation but sprang from their differing contact, almost physical contact, with the world of material things—from their property as thus defined.

In fact men were led to leave the state of nature and to set up society and political organization because they had to find a source of power 'for the Regulating and Preserving of Property' (II, § 3). As the *Second Treatise* goes on, more and more emphasis is laid on the 'great and chief end... of Mens uniting into Commonwealths, and putting of themselves under Government, is the Preservation of their Property. To which in the state of Nature there are many things wanting.'† Meanwhile it has become obvious that Locke's account of the origin of property cannot be intended to cover all meanings of the word. For it is not defined as material possessions, nor in units of the conveniences or necessities of life but much more generally as 'Lives, Liberties and Estates, which I call by the general name, Property' (II, § 123).‡ Except in the chapter on property, and in other cases where it is clear that material possessions are meant, the word 'property' in the *Second Treatise* is usually to be read in this sense. It is the sense in which Locke's contemporaries could talk of the protestant religion established by law as their 'property', and Richard Baxter maintain that 'men's lives and Liberties are the chief parts of their propriety' though he, like Locke, sought the origin of 'propriety in a man's industry'.§

Property, moreover, seems to give the political quality to personality. A slave lacks all political rights because he is in-

* II, § 45, see especially II. 20-2 and note, II, § 50, etc.

† II, § 124: compare II, § 94, 22-3 and note there on Tyrrell's similar statement: also II, §§ 127, 134, 138, etc.

‡ The occurrences of this wider definition are listed in the note to II, § 87, 5: it may be noteworthy that three of the contexts (those in §§ 87, 123 and 173) were possibly additions of 1689.

§ See Baxter, 1680, passage noted under II, § 27. 'Propriety' and 'property' seem to have the same meaning, or combination of meanings, in Locke and in Baxter, though Locke occasionally substituted the second for the first in correcting his book (e.g. in title to *1st Treatise*, chapter VII). The extended meaning of property has been noticed occasionally (Gough, 1950; Brogan, 1958) but I owe to Professor Viner of

capable of property: despotical power, not properly political at all, can only be exercised over the propertyless (II, § 174). We well may complain that Locke does not make it sufficiently clear which definition of property he is using in which context. But the fact that he was prepared to allow material property, labour-mixed-with-natural-objects property, to stand for many or all the abstract rights of the individual does help us to understand why the concept as a whole enters into his account of the foundation of civil society.

For property to Locke seems to symbolize rights in their concrete form, or perhaps rather to provide the tangible subject of an individual's powers and attitudes. It is because they can be symbolized as property, something a man can conceive of as distinguishable from himself though a part of himself, that a man's attributes, such as his freedom, his equality, his power to execute the law of nature, can become the subject of his consent, the subject of any negotiation with his fellows. We cannot alienate any part of our personalities, but we can alienate that with which we have chosen to mix our personalities.* Whether Locke's mind was working quite in this way or not, it is clear from what he says elsewhere about civil as opposed to spiritual society that it can only concern itself with 'civil concernments', which on examination seem to be identical with 'property' in its extended meaning in the *Second Treatise*. † In some way, then, and it would seem that it can only be in some symbolic way, it is through the theory of property that men can proceed from the abstract world of liberty and equality based on their relationship with God and natural law, to the concrete world of political liberty guaranteed by political arrangements.

To see a symbolic system in a writer so down-to-earth as Locke,

Princeton the demonstration that the extended meaning is to be taken as a normal usage both for Locke and his contemporaries. Professor Viner has been kind enough to communicate an unpublished paper on the subject. Locke's extraordinary vagueness about the use of this term is well illustrated in II, § 131, 6; see note there.

* The conventional judgment of Locke's view of property, that it described a natural, inalienable right, seems on this view to be exactly wrong. Property is precisely that part of our attributes (or, perhaps to be pedantic, that attribute of our attributes) which we can alienate, but only of course by our own consent.

† See passages cited in note on II, § 3 from Locke on *Toleration*. His whole argument on that subject is intended to prove that the subjective world of religious conviction is completely inaccessible to the objective world of 'civil concernments', of property in fact.

however, may be to read more than should be read into an expedient forced upon him by the necessity of replying to Sir Robert Filmer. Property, both in the narrow and in the extended sense, is insufficiently protected and inadequately regulated in the state of nature and this is the critical inconvenience which induces men to 'enter into Society to make one People, one Body Politick under one Supreme Government . . . by setting up a Judge on Earth with Authority to determine all Controversies' (II, § 89). It is critical only in the cumulative sense, for it is to be added to the love and want of society (II, § 101) and to the danger of aggression from abroad (II, § 3) as well as to all the other inconveniences which arise from men being judges in their own cases, and which are so considerable that it can be said that 'God hath certainly appointed Government to restrain the partiality and violence of Men' (II, § 13). Once this stage is reached, Locke's political principle can be written out in full. But before this is done, we should perhaps review Locke's theory of property a little further since it has been the subject of so much criticism and misunderstanding.*

'God gave the World . . . to the use of the Industrious and Rational', says he (II, § 34), gave it to them in the state of nature that is, and appointed government also as a remedy for the inconveniences of that state. For by their very industriousness and rationality these people created inconveniences for themselves and the rest of mankind, setting up relationships between men through their ever-more-complicated contact with material things which defeated the control of individuals acting as lone executors of the law of nature. Conscious, co-operative control was set up, therefore, under governments where 'the Laws regulate the right of property, and the possession of land is determined by positive constitutions' (II, § 50).

This regulation of property and determination of landownership by political authority is not easy to interpret from Locke's text. His object seems to be to guarantee secure and quiet possession, however large the estate and whatever it contained. In spite of the statements presenting the 'labour theory of value', it would be extremely difficult to argue that he had any sort of doctrine in

* Locke's doctrine of property has been extensively discussed: see, e.g. Larkin, 1930; Czajkowski, 1941; Kendall, 1941 (the first to criticize the 'individualist' interpretation); Gough, 1950; Strauss, 1953; Cherno, 1957; Monson, 1958; Polin, 1960; Viano, 1961 (Locke's theory and Shaftesbury's policy); Macpherson 1951 and 1962.

mind which we should call socialist. Nevertheless he never contradicts the assertion he made in 1667, that the magistrate can appoint ways of transferring properties from one man to another, and make what property laws he likes, provided they are equitable.* Even the minutest control of property by political authority can be reconciled with the doctrine of *Two Treatises*. The property he defends is never confined to substantial possessions, or looked on as what we (not Locke) call capital. He hints that even the poorest has enough to need society's protection for it (II, § 94 and note). If not complete communism, certainly redistributive taxation, perhaps nationalization could be justified on the principles we have discussed: all that would be necessary is the consent of the majority of the society, regularly and constitutionally expressed, and such a law would hold even if all the property-owners were in the minority.

On the other hand the whole tenor of his argument is in favour of those with a great deal to lose. It may be felt that his anxiety to make property rights independent of the universal consent of all mankind, even though property distribution through money is subject to it, † represents an interest more cogent than the necessity of answering Filmer. The same preoccupation with the absolute security of material property may be seen in the confusion left by his dual definition of the concept. If he was prepared to allow all his references to be taken in the sense of material possessions, then his whole position looks very like an uncompromising defence of wealth and its power. If it is permissible to look on his use of the concept 'property' as symbolic, as has been suggested, then the symbolic system seems to express all human rights as market commodities. He is perfectly willing to contemplate the continuous or permanent appropriation of the product of one man's labour by another, a servant's by a master. ‡ Slave labour in no way perturbs him. He fails to make any specific provision against the obvious consequences of allowing unlimited accumulation of

* The 1667 *Essay on Toleration*: see note on II, § 120.

† See note * on p. 101 above.

‡ Macpherson, 1951, 560. It seems, however, to be an over-interpretation to say that a man can sell his labour in the sense of the propensity to work, and I cannot follow the statement (p. 564) that 'Locke has separated life and labor'. When Locke writes on the wage relationship in II, § 85, he uses the word 'service' not 'labour', and though he seems specific enough in II, § 28, 16-26 in making the master own his servant's labour, it is not clearly a matter of a wage relationship: see Laslett, 1964.

precious stones, metals and money in all its forms, once consent had given them value.

Nevertheless it is gratuitous to turn Locke's doctrine of property into the classic doctrine of the 'spirit of capitalism', whatever that may be. It can only be done by explaining away all the statements which he makes about the origin and limitations of property as obstacles to his true meaning. All that he says about 'regulating' property, even though this is the first word he uses about it when it is introduced into the *Second Treatise* (II, § 3), has to be ignored. Half-conscious traditionalism or plain hypocrisy must be held to account for Locke's description of unlimited acquisitiveness as '*amor sceleratus habendi*, evil Concupiscence' (II, § III). Above all it has to be done by denying point blank that Locke's consistent claim, 'The Obligations of the Law of Nature, cease not in Society, but only in many Cases are drawn closer' (II, § 135), can apply to property.* If we are prepared to treat historical texts in such a way we can prove just what we like from them.

In fact, of course, Locke was neither a 'socialist' nor a 'capitalist', though it is fascinating to find elements of both attitudes of ours in his property doctrine—more, perhaps, in what he left out or just failed to say than in the statements themselves. He was not even an advocate of land and landownership as the basis of political power, to be 'represented' in a nation's counsels. For all his enormous intellectual and political influence in the eighteenth century he was in these respects a barren field for anyone who wished to justify what once was called the Whig oligarchy. But he did use his property doctrine to give continuity to a political society, to join generation to generation.

Locke's doctrine of property was incomplete, not a little confused and inadequate to the problem as it has been analysed since his day,

* Strauss, 1953, 240: see p. 246 for his reference to the spirit of capitalism. The case for Locke as a crypto-capitalist is presented with far greater exactness and subtlety by Macpherson, 1951, (see also 1962) from a point of view which scorns 'petty bourgeois socialism'. Interesting as it is, Strauss's view seems to be based on a reading of Lockean texts which is so arbitrary and so much concerned to discover a 'real' meaning (generally a Hobbesist or a capitalist one) that it is quite unacceptable to an editor of *Two Treatises*; for a critique of some of his positions, see Yolton, 1958. The close and revealing analysis which Macpherson has given to what Locke said has clarified the issues remarkably, but it would seem that he could only have come to his thoroughly unrealistic and occasionally unhistorical conclusions because he set out to demonstrate that Locke's object could only have been to 'provide the ideological support for capitalist appropriation'.

lacking the humanity and the sense of social co-operation to be found in the canonists who had preceded him. But it remains an original doctrine, particularly important in its bearing on the way men analysed social and political origins, and his own judgment on it must stand—no man has ever done quite this before or since.

We are now in a position to follow Locke's political principle through to its conclusion. Men may enter into society quite suddenly, and it is perhaps best to assume that any given company actually decided at some point in time to change their condition to this new state. But there can be degrees of 'community', a variety of ways in which political authority can be founded, and even apparently permanent conditions which cannot be called one or the other state. The most usual development is in fact patriarchal, where a large family grows into a political society and its hereditary head gives rise to a royal lineage. But this must not lead us into the mistake of supposing that patriarchal is political power, or to confuse the relation of man and wife, parent and child, master and servant, with the political relation. However political power comes into being, it can only be looked on as the formation of a community by a band of rational creatures, all with the power to punish transgression of the law of nature and offences against their property. Any number of them can exercise the power collectively, and they can replace their patriarchs or make their generals into elective kings as and when they please. The unmistakable sign of civil society having come into being is when every individual has resigned up to the society or the public his individual power to exercise the law of nature and protect his property. This is the social compact and it is fair to everybody, since everybody makes the same sacrifice for the same benefits. It sets 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, as it is now called.

All this will be done by consent, the consent of every individual concerned. The judge thus established will be a legislative power, able to pronounce on offences because it can promulgate settled, standing rules in accordance with the law of nature; rules, or laws, which are indifferent, and so fair to everybody, guaranteeing, defining and giving substance to everybody's freedom. To sanction those laws and judgments, this 'legislative', as we may call it, will have at its disposal the mingled force of all the members of society—an 'executive' power in fact. It will have a third power

in virtue of the condition in which the community finds itself, a power of protection from foreign enemies and of communication with other such communities and with individuals in a state of nature. This is the 'federative' power. It will not need a separate judicial power, because, we have seen, the pronouncing of judgment is its general function. These three powers are distinct in themselves, and the executive and legislative are best kept in separate hands, except that the head of the executive may be a part of the legislative, with power of summons and prorogation. But there can be no doubt of the ultimate superiority of the legislative in the constitution.

Its establishment, and the form of government generally, are 'the fundamental Appointment of the Society', the Constitution as we should say (II, § 214). The original compact which set it up will imply majority rule, for the state is not simply a rightful power, it is a collective body, and a body which can only move on the side of the greater mass. Its gravitational logic requires that those who are a part of it shall not resist its final direction. Political power, now that it has arrived, will not be special in the sense that it is different from the power all men continue to exercise in preserving the law of nature where their governors cannot, or by agreement must not, intervene. It will be special only in the sense that it is collective, and so cannot be an attribute, least of all the property, of a single man or family. Every effort must be made to ensure that those who wield it shall never develop an interest separate from that of the community, the people. Any individual born outside the community is free to join it, or born inside can decide to leave for another community, or even to live in some part of the world still in a state of nature. When he is within the community he must accept the rulership of its governors and obey its laws.

But the governors are only entrusted with the power they have. Government comes into being at the same time and perhaps by the same act as that which established civil society, but its power is given for attaining an end and limited to it. If that end should be neglected, the government is dissolved and the power devolves to the people, or to the community which is all one. Now this does not restore a state of nature, or it does not necessarily do so. The people under these circumstances may themselves act as a 'legislative', and so maintain government, but it is likely that after a

very short while they will set up new trustees for government, or change the form and conditions of governing. It is for the people only to decide whether or when their governmental trustees have acted contrary to their trust, or their legislative has been changed, and for the people as a whole to act as umpire in any dispute between the governors and a part of their body. If the governors resist such judgment, or behave in any way which threatens that the people will cease to be a community and become a confused multitude, then the state of nature is at hand, with all its disadvantages. This will seldom, perhaps never, happen for the people can be relied upon to be patient and long-suffering. If such an extreme situation does come about, and the question arises of who is to be the final judge, the answer brings us back to where Locke began. There is no final judge of these things on earth, the ultimate appeal can only be to God.

This is the major theme of Locke on *Government*,* and it is extended into a discussion of conquest, tyranny and other related subjects. It will be seen that the theme as a whole does develop out of the assertion that each individual possesses the executive power of the law of nature. We may look on his intention as being to lay down a doctrine in this way, a doctrine which we shall call that of natural political virtue. This would seem to be the most probable and sympathetic reading of the book, though not all that is said is quite consistent with it.

This doctrine lays it down that all individuals, whether grouped together formally or informally, or even when alone, will have some tendency † to allow for the existence, the desires, actions and needs of other men: this is what is to be expected if each is to be trusted with the means of maintaining the humanity of all. It accounts for the quasi-social character of the state of nature, and makes it possible to talk of 'all the Privileges' of that 'ill condition' (II, § 127). It permits any number of men to set up a political society: 'when any number of Men have, by the consent of every individual, made a Community' (II, § 96); 'this any number of Men may do, because it injures not the Freedom of the rest' (II, § 95). This is important because it denies that there has to be a special

* It has had to be interpreted somewhat for purposes of straight exposition; see below for trust, dissolution of government, etc.

† Almost the Aristotelian *nîsus*, though Locke did not mean to make society natural in quite the Aristotelian way.

shape for a body of men before they can take on ethical unity, as Filmer had claimed when he insisted that they must be a family under patriarchal will.

The doctrine of natural political virtue goes some way to justify in ethical terms Locke's rather perfunctory defence of majority rule in mechanical terms. For a majority, which is simply a random sample of those who voted, will under this doctrine tend to act with some responsibility towards those in the minority.* It can be seen most clearly in Locke's insistence that 'in well order'd Commonwealths' the men who wield the legislative power should be ordinary citizens, drawn from the main body of those for whom they legislate and reverting to that status when out of office (II, § 143, with note and references). Applied in this way the doctrine becomes an essential presupposition of representative government as it developed after Locke had written, essential to such things as virtual representation, which he implies at all points, and the rule of parties, which he never contemplated. It sanctions the right of a group of leaders to take revolutionary action, and it is always behind an individual acting alone in a political situation, a judge, a king, or a Speaker. †

It may be noted that in expounding this doctrine Locke is once more occupying a position which looks two ways at once, rather than selecting a unitary definition and pursuing its implications. We all possess natural political virtue, both because we are disposed favourably towards each other in our very make-up, our nature, and because, when we co-operate, when we discuss things together, the tendency of what we do and what we say will inevitably be towards the politically efficacious, that which will work out for all of us. We might distinguish the two facts of the phrase as 'naturalistic' and 'intellectualistic' respectively, and we must insist that Locke recognized both of them. In this he found himself very close to Hooker, and he was thus able to make very effective use of that respected name, so authoritative with his opponents. ‡ But he does not base social life on love and sociability to any extent, for his rejection of patriarchalism made it difficult, though he does make concessions even over this. We have natural

* Kendall, 1941, seems unable to concede such a doctrine to Locke, and interprets his statements in such a way as to make him a 'majority-rule authoritarian', though see his final chapter, 'The Latent Premise'.

† Safeguarded in all these cases, of course, by the concept of trust—see below.

‡ See footnotes to *Second Treatise*, especially to § 5, see Polin, 1961, 105 etc.

political virtue, he seems to say, primarily because of a symmetry in reason between all of us.

Locke's theories of political obligation and political freedom, in so far as he worked them out in any detail, can be looked on as developments of natural political virtue. The virtue which we all possess is outward-facing: we might use a later, utilitarian expression and call it 'other regarding'. We must stress the point that in Locke's system it is the power which men have over others, not the power which they have over themselves, which gives rise to political authority. Organized government is not to be regarded as a form of self-government. We do not dispose of ourselves, and so we have no right to give ourselves up to anybody or anything else. All that rational co-operation enables us to do is to give up our other-regarding powers to found political authority. We do this by an act of consent and it can even be said that 'the Judgments of the Commonwealth' are our own judgments, they being made by ourselves or our 'Representative' (II, § 88).

We cannot, then, be obliged by any government to which we have not given some sign of consent—walking on a road is enough (II, § 119), but owning property under its jurisdiction is much more tangible. And only this can give a man permanent membership of a society (II, § 122), where there has been no express declaration of allegiance. Nevertheless it is a little misleading to say that we are actually governed exclusively by our own consent. We come under the jurisdiction of the other-regarding powers of our fellow citizens when we cease to act rationally and socially, and in society this means that we must submit to the common executive power, the power of the state sanctioning natural law and those settled standing rules which it has established. We have consented to the establishment of that executive power, and through its character as a legislative we may be said to have had a voice in the codifying of those rules, more especially where the legislating body is a representative one. But we should be under the executive power of the law of nature in any case, as exercised by others over us. If this were not so, how could any government punish the crimes of aliens within its jurisdiction (II, § 9)?*

* See Lewis, 1940 and, for criticism of Locke, see Plamenatz, 1936 and the discussion in Gough, 1950, chapter III. He does not even insist, as might be expected, on the necessity of a representative legislature for a government to be legitimate, though he seems to assume it and in III, § 176 talks of the 'native Right' of a people to have a legislative approved by a majority.

Property, on the other hand, is of such a nature that '*without a Man's own consent it cannot be taken away from him*' (II, § 193). In all matters of property, then, the warrant of a government's action must always be consent. Since Locke lays so much emphasis on the preservation of property as the reason for establishing the state, as the end of government, and since he assigns so many social and political functions to property ownership, it may seem that consent is the sole basis of obligation in his system. He has been read almost exclusively in this sense, but obligation does have an independent source in his doctrine of natural political virtue.

We may look on this position in another way and say that the passage from the state of nature to the state of society and government makes possible rule by consent, which is not possible in a state of nature. This is important because it lays stress on the fact that in Locke's theory freedom is not merely absence of restraint, it is positive. It is something which is enlarged by the creation of society and government, which is given substance by the existence of laws, the laws of the law courts. It can be negatively defined, therefore, as being under no other legislative power but that established by consent in the commonwealth (II, § 22), and positively as the progressive elimination of the arbitrary from political and social regulation. He is very insistent on this positive point, resting it originally on the right to preservation, and on the individual's inability to dispose of himself (II, §§ 22-3). He develops it into the denial that government can be a personal matter, a matter of will; it must always be an institutional matter, a matter of law. Law makes men free in the political arena, just as reason makes men free in the universe as a whole. It is progressively codified by a legislative brought into being by consent, it is expressive of and in harmony with the law of nature, which continues of course in society (II, § 135). For 'Law... is... the direction of a free and intelligent Agent to his proper Interest', and its end is '*to preserve and enlarge Freedom*' (II, § 57). Locke is much closer here than was once recognized to Rousseau's position that men can be compelled to be free, compelled by the law of the legislative which they have consented to set up.*

Men cannot, however, be compelled by will, the individual will of a ruler or the general will of a society. Locke's insistence that government is defined and limited by the end for which political society is established, that it can never be arbitrary or a

* See Gough, 1950, 32, commenting on Kendall, 1941; Abrams, 1961 (government is a matter of will), and Seliger, 1963 (ii) (consent and natural law).

matter of will, can never be owned, is expressed in a particular and exact application of his doctrine of natural political virtue—the concept of trust. He tends to use the language of trust whenever he talks of the power of one man over another, even for fathers and children (II, § 59). 'Some Trust one in another' is an assumption of all who join to make up society (II, § 107). This must be so if the tendency of men is to be responsible, if governors and governed are interchangeable; we can and must trust each other if natural political virtue is a reality. But there is an easily discovered limit to the trust which can be accorded or assumed, and this limit is implied in the concept of trust itself. Trust is both the corollary and the safeguard of natural political virtue.

The concept of trust is very specific to Locke, though it is not original with him.^{*} His actual words must be looked at if we are to see its function clearly, and yet not make him more precise than he intended to be. We may notice that the word 'contract' does not occur more than about ten times in his book, and it is hardly ever applied to political matters at all.† It is 'compact' or often mere 'agreement' which creates a society, a community (II, §§ 14, 97, 99, etc.), or political power (I, §§ 94, 113; II, §§ 102, 171, 173, etc.), even law (II, § 35). Now compact and agreement are more general than contract: they are further removed from the language of the law. Vague as Locke is, we seem to have here a deliberate attempt to avoid being specific and to leave legal models on one side. It may imply that the transmutation into the social and political condition must not be looked on in a legal way; it is a variable thing and a pretty loose one too.

The word 'trust' is much more frequent than either contract or compact, and it is a legal word.‡ But although Locke used it with legal overtones, and was as always quite willing to take advantage of all the suggestions it contained for his readers, we need not assume, as is often done, that he was trying to describe a formal trust deed for government. In applying the word trust to the various political powers in the state, the constitution, Locke draws an important distinction for us, perhaps two of them. He divides off the process of compact, which creates a community,

* See the valuable discussion of the concept in Gough, 1950, chapter VII.

† But to legal and quasi-legal agreements, such as marriage (I, §§ 47, 98, II, §§ 81-2) or property arrangement (II, § 194), though compare, I, § 96.

‡ The technical term for a lawyer's instrument much in use, we may note, in Chancery when Locke was himself a Chancery secretary—see above, p. 26.

from the further process by which the community entrusts political power to a government; although they may take place at the same time, these two are distinct. This puts his system amongst those which distinguish the 'contract of society' from the 'contract of government', though in Locke this second process is not a contract at all. And this may be his second point; to underline the fact that the relation between government and governed is not contractual, for a trust is not a contract.

If a contract is to be set up, or understood, it is necessary that the parties to it should each get something out of it, and applied to politics this would mean that the government got something out of governing which the subjects are bound to give. Now this is what Locke was most anxious to avoid. Although contractually related to each other, the people are not contractually obliged to government, and governors benefit from governing only as fellow members of the 'Politick Body' (I, § 93). They are merely deputies for the people, trustees who can be discarded if they fail in their trust (II, § 240). The property trusts which his landowning readers were so accustomed to were a little like this, but they contained no provisions about trustees being deputies, liable to be discarded by those for whose benefit the trust is established. This should convince us that Locke did not intend to go further in his references to trust than to make suggestive use of legal language.* He does not describe a trust at all; the phrase itself is absent. It is always 'this', 'that' or 'their trust'—'the trust of prerogative', 'this express or tacit trust', even 'double trust'. The stress is solely on the fiduciary nature of all political power ('a Fiduciary Power' (II, § 149), 'a Fiduciary Trust' (II, § 156)). He could even talk elsewhere of bishops as trustees, trustees of religion on behalf of all the Christians of the nation. The concept is obviously intended to make it clear that all actions of governors are limited to the end of government, which is the good of the governed, and to demonstrate by contrast that there is no contract in it—a fiduciary relationship, that is all.

* Gough, 1950, and Sir Ernest Barker, 1948, among others (compare Vaughan, 1925), see a formal trust in Locke's theory, with the people as both trustor and beneficiary, acting as defrauded beneficiaries when the government breaches its trust. Locke does talk of breach of trust (II, § 222), but more often and more vaguely of acting contrary to their trust (II, § 149, 155, 221, 226, 240). When governors do this it is the government, not the trust, which is dissolved, and, though he does once refer to forfeit of the trust itself (II, § 149), it is very difficult to make sense of what he says if you try to interpret the actions of a people on breach of trust as those of defrauded beneficiaries under a formal trust.

When trust is substituted in this way for contract, constitutional change is sanctioned, even revolution; it secures the sovereignty of the people, though that phrase must be used with care, a perpetual residual power to cashier their governors and remodel their government. 'Governments are dissolved... when the Legislative, or the Prince, either of them act contrary to their Trust' (II, § 221), power reverts to the people, who may then establish a new legislative and executive (II, § 222). It is the people (the community, the public) who decide when a breach of trust has occurred, for only the man who deposes power can tell when it is abused (II, § 240), and in case of dispute the final appeal is to God—revolution. The people are able to do all these things because their ability to act as a community survives the dissolution of government, which does not itself bring back the state of nature.

The trend of Locke's statements about the ultimate right of the people to revolt is quite unmistakable. But close examination shows that it was not formulated with much precision, and its connection with the concept of trust has to be filled in for him. In the chapter of *the Dissolution of Government* (II, ch. XIX) he is not at all explicit about what actually happens when people find themselves at liberty to entrust new hands with the government. Although we are expressly told (II, § 211) to distinguish between the dissolution of government and the dissolution of society, and informed that overwhelming force from abroad is almost the only thing which can dissolve political society itself, he often seems to talk as if the dissolution of government brings about a state of nature. James II, for it can only be he, is condemned for 'actually putting himself into a State of War with his People', dissolving the government and leaving them 'to that defence, which belongs to every one in the State of Nature' (II, § 205). This state of nature, moreover, sometimes looks less like the Lockean than the Hobbesian condition, that miserable condition of war of all against all, where no such thing as an organized community could possibly exist, since 'the People become a confused Multitude, without Order or Connexion' (II, § 219).*

This is not so inconsistent as it may appear, for we have seen

* It may be significant that both these passages, and others pointing in this direction, were very probably additions of 1689. Compare the discussion in Vaughan, 1925, and Strauss, 1953, 234 note 100. On the people, see Polin, 1961, 157-61, and, on their function as judges, 272 on (also Seliger, 1963 (i)).

that Locke drew no very rigid distinction between the natural and the political condition, and his doctrine of natural political virtue could be manipulated so as to cover these cases. His intention in the rather confused argument of this chapter may have been to insist on the efficacy of a threat to return to the state of nature—a present sanction, we are to believe, both when government exists and when it does not, and particularly at that point of crisis when no one is quite sure, which is as far as what we call anarchy ever really goes. But this interpretation is suggested by the whole tenor of his doctrine, rather than demonstrated by his statements.

And it does not help us to understand quite how, or quite when, the trust relationship between the people and their government is brought into being. An original agreement undoubtedly made it a matter of trust that a specified form of government should be preserved, but we are not told whether this agreement is always part of the social compact.* He seems content, in fact, to suggest a continuing understanding between governed and governors. It is to be referred in its origin to the compact of society, because that was what gave the governed an identity, but it is continuously maintained because the governed go on existing and go on entrusting. It is a matter of suggestion rather than demonstration, relying for its plausibility on the language of trust, on trust as a concept.

This is not untypical of Locke as a political writer, and though it makes exact analysis difficult, it helps to give him his strength. Locke's impreciseness over the dissolution of government has not led to any misunderstanding of his principles, and no more has his metaphor of trust. No man, no nation, no exasperated colony about to throw off the insensitive rule of men who had no acceptable policy for them, could ever have sat down to ask whether the state of nature had returned, and if so what it was like. But they have responded to the statements which Locke made with that hypothetical, but vaguely conceived, situation in mind. And they have been influenced by the trust image. This certificate of responsibility still hangs above the desks of administrators, especially of

* See e.g. II, §§ 239, 10 and 227, 1; compare I, § 96 (where power is based on contract). Elsewhere (II, §§ 134, II, 136, 142, 167, 171, 242) he seems to suppose an entrusting action, which took place in past time, taken by the 'first Framers of Government' (II, § 156). In his *Second Letter concerning Toleration* (1690) he talks of God as the final arbiter of the Magistrates' trust (1765, 114). For the most part, however, he talks of trust as a continuing relationship between governor and governed in the way described above.

colonial administrators and trusteeship councillors; held there by the influence of British legal and constitutional precedent, and by Locke's own reputation. Once more it is a question of the ethics of common sense in politics. If you trust people, they will trust you, and you and they will get things done together, but especially if all your actions proceed on the recognition that your power is not yours but a trust from them to you.

We have tried to show that the main theme of Locke's book was the development of the implications of this doctrine of natural political virtue, defined, checked and safeguarded by the concept of trust. From time to time, and especially in discussing majorities, we have found ourselves referring to a different strand of argument, an argument in terms of power, even of will. It might be incorrect to claim that these strains are distinct in his thinking, or that Locke himself saw them apart: what he says about power is in the way of an adjunct to his other statements, not a different and parallel explanation. Nevertheless it is useful to look on this part of what he said as independent, for its most important consequence, the association of Locke with the historic doctrine of the separation of powers, could not possibly have arisen out of the theories which we have discussed so far.

Locke's initial definition is in terms of power (II, § 3) and throughout his book he seems to be consciously discussing a power system. It might be suggested that the reason for this was his recognition that there were in his attitude recognizable anarchist elements, a disposition found in all individualists to regard state, society and government as unnecessary, or accidental, or just unfortunate. It is to be seen in his aside declaring that it was only corruption, viciousness, degeneracy in some men which made it necessary for humanity to set up communities 'separate from this great and natural Community' of all mankind (II, § 128). The doctrine of natural political virtue is anarchistic in its implications generally, and we have seen that Locke had to answer in a somewhat urgent form the question of why men set up states at all. His contemporaries, certainly Sir Robert Filmer, would have looked on the most important of all his claims as obviously anarchical, the claim that there is no final appeal in ultimate political questions, only God—which means combat, revolution.

But, Locke is anxious to convince us, this does not mean that the state which we set up and obey, which guarantees our property

in all its forms and under all its definitions, lacks unity, direction, power. When we meet together to set up artificially that final judge which is lacking to us in the state of nature we create a rightful legislative authority, the nature of which is ethical and which we are bound to obey however weak its sanctions. But we create something else as well, we create a principle of unity, a 'living Body', out of our separate selves. In this paragraph (II, § 212) Locke goes on, in language we may think strange in him, to talk of the legislative as the 'Soul that gives Form, Life, and Unity to the Commonwealth', and of 'the Essence and Union of the Society consisting in having one Will, the Legislative', which, when once it is broken, leaves every one 'at the disposal of his own Will' because 'the publick Will' is at a stand.'* Here it may be thought he comes near to denying his own principle that government is not a matter of will, or even to concepts belonging to a quite different political system, a general will analysis. In fact, however, he seems to be doing no more than insist that when men come together politically they create power, which is available to them in institutional form for the purposes of their association, and which will find its first and highest expression in the making of law.

When, therefore, Locke talks of the various powers of the commonwealth, the supremacy of one and the derivative nature of the others, he should be taken in the simple sense of force, at least initially. The supreme power, the legislative, is supreme because it literally represents the united force of the commonwealth, and the commonwealth to remain one body can have only one supreme power. The executive power is thus inevitably inferior. It is distinguished from the legislative in that it cannot make law, and has for the most part only a delegated power. The legislative, being preferably a representative body, need not, should not be in continuous existence (II, §§ 152, 153). Now this does not exclude the possibility that both powers can be exercised by the same body or person. It supposes, in fact, that the executive will have a part to play in the legislative, as is the case in the constitution of England, which Locke so obviously had in mind.†

* Compare the 'will' language used in II, § 151.

† All this is insisted on at length (especially the points about the summoning of the legislature by the executive, the conditions which the constitution may lay down about the intervals at which it shall meet, and so on) because, as is suggested above, Locke was writing with Charles II and his parliaments in mind.

INTRODUCTION

That he was looking on these powers in this straightforward sense is illustrated by the very nature of the third power, the federative. This was simply the power of the community directed outwards, towards other such communities in amicable relationship, or in protection against aggression. It is a distinct power, no doubt, but this outward direction is its only characteristic. It is almost essential, therefore, that it be in the same hands as that of the executive and be given the freest possible play for quick, arbitrary decision. It must have the greatest possible freedom from everyday control by the legislative or its laws—to which it is of course finally responsible.*

It is surely already obvious from this that Locke cannot be said to have had a doctrine in mind. There is here no theory of the importance and desirability of the perpetual residence of these powers in separate hands in order to preserve liberty, guarantee rights, or keep the constitution in harmony, unison and health. This is confirmed by two further considerations. One is that the judiciary, that separate power whose independence is recognized as an essential to constitutional government both by Locke's predecessors and by all his successors, whether they have expounded the separation of the powers or not, is never mentioned by Locke along with the other three. As we have said, the judiciary was no separate power, it was the general attribute of the state. It would not make sense to put it alongside the executive and legislative. Locke recognized that the judiciary should be indifferent and upright (II, § 131), known and authorized (II, § 136), or else nothing he wanted would come about: that is all. Finally, the proper functioning and just exercise of these powers is provided for by Locke, but not by any doctrine of necessary separation. It is done by the concept of trust, which applies to the legislative in its fullest force, but also to the prerogatives exercised by executive and federative.

Locke shared the traditional opinion about balancing the power of government by placing several parts of it in different hands (II, § 107). He seems to have attached some importance to the distinct natures of legislative, executive and federative, for they are introduced, by function if not all by name, immediately after he gives his first formal account of how the state comes into being

* On the federative power, see Laslett, 1957 (i), 396, and the discussion in Cox, 1960, where he makes exaggerated claims for the primacy of foreign policy in Locke.

The P R E F A C E.

Reader,

THOU hast here the Beginning and End of a Discourse concerning Government; what Fate has otherwise disposed of the Papers that should have filled up the middle, and were more than all the rest, 'tis not worth while to tell thee. These, which remain, I hope are sufficient to establish the Throne of our Great Restorer, Our present King William; to make good his Title, in the Consent of the People, which being the only one of all lawful Governments, he has more fully and clearly than any Prince in Christendom: And to justify to the World, the People of England, whose love of their Just and Natural Rights, with their Resolution to preserve them, saved the Nation when it was on the very brink of Slavery and Ruine. If these Papers have that evidence, I flatter my self is to be found in them, there will be no great mis of those which are lost, and my Reader may be satisfied without them. For I imagine I shall have neither the time, nor inclination to repeat my Pains, and fill up the wanting part of my Answer, by tracing Sir Robert again, through all the Windings and Obscurities which are to be met with in the several Branches of his wonderful System. The King, and Body of the Nation, have since so thoroughly confuted his Hypothesis, that, I suppose, no Body hereafter will have either the Confidence to appear against our Common Safety, and be again an Advocate for Slavery; or the Weakness to be deceived with Contradictions dressed up in a Popular Stile, and well turned Periods. For if any one will be at the Pains himself, in those Parts which are here untouched, to strip Sir Robert's Discourses of the Flourish of doubtful Expressions, and endeavour to reduce his Words to direct, positive, intelligible Propositions, and then compare them one with another, he will quickly be satisfied there was never so much glib Nonsense

The Preface. (Compare Locke's *Manifesto* written for Clarke; above, 46. n.) Presumably written in 1689, about the month of August, after the preparation of the text for the press, but before the revision of the titles—see notes on titles and Introduction, section III. From line 31, however, it resembles the Preface to Tyrrell's *Patriarcha non Monarcha*, 1681, so closely that the final passages may have been written earlier.

1 *Discourses*—perhaps the original word for the book—see Introduction, 50, and II, § 15, 16; II, § 52, 2.

5 *Great Restorer*—in a letter to Mordaunt dated 21 February 1689, refusing the King's offer of an ambassadorship, Locke called William 'our great deliverer'.

6 Compare I, § 93, 15 and note.

A's Rule, one amongst them, that in Nature hath a Right to be King of all the rest, as being the Right Heir to Adam; an excellent way to Establish the Thrones of Princes, and settle the Obedience of their Subjects, by setting up an Hundred, or perhaps a Thousand Titles (if there be so many Princes in the World) against any King now Reigning, each as good upon our *A's* Grounds, as his who wears the Crown. If this Right of Heir carry any weight with it, if it be the Ordinance of God, as our *A.* seems to tell us, O. 244. [283] must not all be subject to it, from the highest to the lowest? Can those who wear the Name of Princes, without having the Right of being Heirs to Adam, demand Obedience from their Subjects by this Title, and not be bound to pay it by the same Law? Either Governments in the World are not to be claim'd and held by this Title of *Adam's* Heir, and then the starting of it is to no purpose, the being or not being *Adam's* Heir signifies nothing as to the Title of Dominion; or if it really be, as our *A.* says, the true Title to Government and Sovereignty, the first thing to be done, is to find out this true Heir of *Adam*, seat him in his Throne, and then all the Kings and Princes of the World ought to come and resign up their Crowns and Scepters to him, as things that belong no more to them, than to any of their Subjects.

105. For either this Right in Nature, of *Adam's* Heir, to be King over all the race of Men, (for altogether they make one *Multitude*) is a Right not necessary to the making of a Lawful King, and so there may be Lawful Kings without it, and then Kings Titles and Power depend not on it, or else all the Kings in the World but one are not Lawful Kings, and so have no Right to Obedience: Either this Title of Heir to *Adam* is that whereby Kings hold their Crowns, and have a Right to Subjection from

§ 105 On the argument of this paragraph, compare Sidney, *Discourses*, I, 12, 24-5. Compare *First Treatise*, § 81, 24-7; § 110, 11; § 119, 32; § 120, 2; § 122, 2; § 125, 10; § 126, 28. In all these contexts the issue of conscience and government is confined to the straightforward question of recognizing who it is that the citizen must obey, and all the more complex and difficult discussion, so important to Locke's predecessors and his own generation, is left on one side. This is in marked contrast with such writers as Pufendorf, even with the younger Locke himself, for in his Latin essay on the civil magistrate he had put forward quite complicated arguments about conscience and obligation. Even in the notes he made on Filmer in 1679 (see Introduction, § 8) 'resolving the conscience' was a point he picked upon. There are three further references in the *Second Treatise* (§ 8, 5; § 21, 23; § 209, 5) but little is added by them: conscience is neither defined nor discussed in this book, compare Introduction, 84.

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 (*toto scilicet subditorum robore*) in order to the punishment of those that violate any other man's rights' (1763, 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 (*vitam, libertatem, corporis integritatem, et indolentiam, et rerum externarum possessiones, ut sunt latifundia, pecunia, supellex etc.*)'. See Introduction, 102; and on capital laws, see I, § 129, 10-15 and note, II, §§ 87-9, 171. Elrington (1798) remarks on the distinction between power and right in this paragraph, implying that Locke confuses them.

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. 5
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 10
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 15
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 20
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. 25

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 5
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 10

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

10-14 On man as God's workmanship see I, §§ 30, 32-4; 86, and as God's property I, § 85, 10-11; compare II, § 36, 11-14, and English Tract of 1660, 11.

14-19 Compare I, §§ 86; 87; 92, 1-3 note; II, § 155, 13-17. These statements are generally taken as directed against Hobbes, especially the thirteenth chapter of *Leviathan*, but there is no verbal resemblance.

18 'made for another's use'—Brogan, 1958, suggests a Kantian parallel.

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 tie, which is to secure them from injury and violence, being slighted and broken by him. Which being a trespass against the whole Species, and the Peace and Safety of it, provided for by the Law of Nature, every man upon this score, by the Right he hath to preserve Mankind in general, may restrain, or where it is necessary, destroy things noxious to them, and so may bring such evil on 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, Gerritsen and Laslett, 1954 (ii)). Even more than in the case of the later part of sheet P (see I, § 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 II, § 13, 1; II, § 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

Nature, Man being to be preserved, as much as possible, when all 10
cannot be preserv'd, 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 15
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 5
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: 10
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, 15
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, 20
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.

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*,
 5 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
 10 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) *be 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:
 15 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
 20 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 Supream 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.

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

in a just war, who had forfeited their lives 'by some Act that deserves Death' (§ 23, 10; compare Tyrrell, 1681, 62). Locke seems satisfied that the forays of the Royal Africa Company were just wars of this sort, and that the negroes captured had committed such acts. The best discussion of Locke on slavery is in Polin, 1960, 277-81.

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.

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. xvj. 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 any thing: I will not content my self to answer, That if it be difficult to make out *Property*, upon a supposition, that God gave the World to *Adam* and his Posterity in common; it is impossible that any Man, but one universal Monarch, should have any *Property*, upon a supposition, that God gave the World to *Adam*, and his Heirs in Succession, exclusive of all the rest of his Posterity. But I shall 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 Compact 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 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 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, 1954, 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 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 members, and nature giveth him a propriety in his Children, and his food 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, 54-5; see Schlatter, 1957, 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, cf. Walwyn, the Leveller quoted Macpherson, 1962, 140.

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 deciderant 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 Turfs 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 vertue thereof, what Fish any one catches in the Ocean, that great and still remaining Common of Mankind; or what Ambergrise 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; § 35; § 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 a bad example of communism. Lines 24-6 contain the only example of Locke transferring labour from one man to another. See the discussion in Macpherson, 1961, Laslett, 1964. § 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
 15 Man's private Possession; whoever has employ'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
 5 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
 10 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,
 15 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*
 5 *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 Tyrrell 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, and 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
 10 he gave the World in common to all Mankind, commanded Man also to labour, and the penury 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
 15 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
 5 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
 10 perfectly the same.

34. God gave the World to Men in Common; but since he gave it them for their benefit, and the greatest Conveniencies 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*
 5 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
 10 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: 5 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 10 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* 15 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 20 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 *Conveniency 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~~ 5 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 10 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 of 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.

37. This is certain, That in the beginning, before the desire of having more than Men needed, had altered the intrinsick 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
 5 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
 10 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
 15 within compasse) ten times more, than those, which are yeilded by an acre of Land, of an equal richnesse, lyeing wast in common. And therefor he, that incloses Land and has a greater plenty of the conveniencys of life from ten acres, than he could have from an hundred left to Nature, may truly be said, to give ninety acres
 20 to Mankind. For his labour now supplys 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
 25 uncultivated wast of America left to Nature, without any improvement, tillage or husbandry, a thousand acres will yeild the needy and wretched inhabitants as many conveniencys 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 II, § 28, 16-26. It is taken by Macpherson (1951, 559 and 1962, 212 on) 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.

Plenty, *i.e.* a fruitful Soil, apt to produce in abundance, what ;
 might serve for food, rayment, and delight; yet for want of
 improving it by labour, have not one hundreth part of the Con-
 veniencies we enjoy: And a King of a large and fruitful Territory
 there feeds, lodges, and is clad worse than a day Labourer in
 England. 10

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, ;
 Water, and Leaves, or Skins, must be our Bread, Drink and
 Clothing, did not *labour* furnish us with these more useful Com-
 modities. 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 10
 Food and Rayment which unassisted Nature furnishes us with;
 the other provisions which our industry and pains prepare for us,
 which how much they exceed the other in value, when any one
 hath computed, he will then see, how much *labour makes the far*
greatest part of the value of things, we enjoy in this World: And 15
 the ground which produces the materials, is scarce to be reckon'd
 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, *wast*; and we shall find the benefit of it amount to little more 20
 than nothing. This shews, how much numbers of men are to be
 preferd to largeness of dominions, and that the increase of lands

§ 42 17-21 A further reference to open-field tillage in England; see II, § 28, 16-26, note and references. The '*wast*' (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, 1957 (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 I, § 33, 13-27 and note) as against territory as a source of power, and the criticism of the 'narrowness of Party'. The reference to a 'wise and godlike' Prince (compare II, § 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 employing of them is the great art of government. And that Prince who shall be so wise and godlike as by established
 25 laws of liberty to secure protection and incouragement to the honest industry of Mankind against the oppression of power and narrownesse 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
 5 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 10000. 'Tis Labour then which *puts the greatest part of Value upon Land*, without
 10 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,
 15 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
 20 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;
 25 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 applyed to the Support or ; Comfort of his being, when Invention and Arts had improved the conveniencies 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 imploy 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,
 10 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 King-
 15 doms, 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
 20 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
 25 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 than 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 than 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 necessaries of conveniences of life, and in this it has the nature of a commodity' (1801, 5, 34).

who being Captives taken in a just War, are by the Right of 10
 Nature subjected to the Absolute Dominion and Arbitrary Power
 of their Masters. These Men having, as I say, forfeited their
 Lives, and with it their Liberties, and lost their Estates; and being
 in the *State of Slavery*, not capable of any Property, cannot in that
 state be considered as any part of *Civil Society*; the chief end 15
 whereof is the preservation of Property.

86. Let us therefore consider a *Master of a Family* with all these
 subordinate Relations of *Wife, Children, Servants and Slaves* united
 under the Domestick Rule of a Family; which what resemblance
 soever it may have in its Order, Offices, and Number too, with 5
 a little Common-wealth, yet is very far from it, both in its Con-
 stitution, Power and End: Or if it must be thought a Monarchy,
 and the *Paterfamilias* the absolute Monarch in it, absolute Monarchy
 will have but a very shattered and short Power, when 'tis plain,
 by what has been said before, That the *Master of the Family* has
 a very distinct and differently limited Power, both as to time and 10
 extent, over those several Persons that are in it; for excepting
 the Slave (and the Family is as much a Family, and his Power as
Paterfamilias as great, whether there be any Slaves in his Family
 or no) he has no Legislative Power of Life and Death over any
 of them, and none too but what a *Mistress of a Family* may have as 15
 well as he. And he certainly can have no absolute Power over
 the whole *Family*, who has but a very limited one over every
 individual in it. But how a *Family*, or any other Society of
 Men, differ from that, which is properly *Political Society*, we
 shall best see, by considering wherein *Political Society* it self 20
 consists.

87. Man being born, as has been proved, with a Title to perfect
 Freedom, and an uncontrouled enjoyment of all the Rights and
 Priviledges of the Law of Nature, equally with any other Man,
 or Number of Men in the World, hath by Nature a Power, not
 only to preserve his Property, that is, his Life, Liberty and Estate, 5
 against the Injuries and Attempts of other Men; but to judge of,

§ 87 On this paragraph compare the *Third Letter for Toleration*, 1765, 163.

5 'that is, his Life, Liberty and Estate'—compare this extended definition of
 property with I, § 9, 8-9; II §§ 57, 25; 59, 29-30; 85, 13; 123, 16-17; 131, 6; 135,
 15; 137, 5; 171, 17; 173, 4-6; 209, 5-6; 221, 7; 222, 19-20; and see Introduction,
 101. Contrast also II, § 13, 1-6 and note, I, § 90, 13-18.

and punish the breaches of that Law in others, as he is perswaded the Offence deserves, even with Death it self, in Crimes where the heinousness of the Fact, in his Opinion, requires it. But because
 10 no *Political Society* can be, nor subsist without having in it self the Power to preserve the Property, and in order thereunto punish the Offences of all those of that Society; there, and there only is
 15 *Political Society*, where every one of the Members hath quitted this natural Power, resign'd it up into the hands of the Community in all cases that exclude him not from appealing for Protection to the Law established by it. And thus all private judgement of every particular Member being excluded, the Community comes to be Umpire, by settled standing Rules, indifferent, and the same to all Parties; and by Men having Authority from the
 20 Community, for the execution of those Rules, decides all the differences that may happen between any Members of that Society, concerning any matter of right; and punishes those Offences, which any Member hath committed against the Society, with such Penalties as the Law has established: Whereby it is easie to discern
 25 who are, and who are not, in *Political Society* together. Those who are united into one Body, and have a common establish'd Law and Judicature to appeal to, with Authority to decide Controversies between them, and punish Offenders, *are in Civil Society* one with another: but those who have no such common Appeal,
 30 I mean on Earth, are still in the state of Nature, each being, where there is no other, Judge for himself, and Executioner; which is, as I have before shew'd it, the perfect *state of Nature*.

88. And thus the Commonwealth comes by a Power to set down, what punishment shall belong to the several transgressions which they think worthy of it, committed amongst the Members of that Society, (which is the *power of making Laws*) as well as it
 5 has the power to punish any Injury done unto any of its Members, by any one that is not of it, (which is the *power of War and Peace*;) and all this for the preservation of the property of all the Members of that Society, as far as is possible. But though every Man who has enter'd into civil Society, and is become a member of any
 10 Commonwealth, has thereby quitted his power to punish Offences against the Law of Nature, in prosecution of his own private

18-21 Passage rewritten for 2nd edition; see Collation.

§ 88 4 and 6 Marks of sovereignty again hinted at; see II, § 11, 6-8 and references.

Judgment; yet with the Judgment of Offences which he has given up to the Legislative in all Cases, where he can Appeal to the Magistrate, he has given a right to the Commonwealth to employ
 15 his force, for the Execution of the Judgments of the Commonwealth, whenever he shall be called to it; which indeed are his own Judgments, they being made by himself, or his Representative. And herein we have the original of the *Legislative* and
 20 *Executive Power* of Civil Society, which is to judge by standing Laws how far Offences are to be punished, when committed within the Commonwealth; and also to determin, by occasional Judgments founded on the present Circumstances of the Fact, how far Injuries from without are to be vindicated, and in both these to employ all the force of all the Members when there shall be need.

89. Where-ever 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 publick, there and there only is a *Political, or Civil Society*. And this is done where-ever
 5 any number of Men, in the state of Nature, enter into Society to make one People, one Body Politick under one Supreme Government, or else when any one joyns 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
 10 Laws for him as the publick 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
 15 is the Legislative, or Magistrates appointed by it. And where-ever 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*.

12 Elrington (1798) castigates this as leaving it optional that men should resign up their power to political authority.

14-18 Used by Kendall to demonstrate Locke's 'collectivism', along with II, § 120; see note there, and on II, § 151, 19-22, for 'representative'.

§ 89 1 'Men are so united'—in 1 ed. active mood, 'Men so unite'; see Collation.

6 'People': first occurrence of this word, cf. Polin, 1960, 156.

13-19 Here Locke talks of the Legislative where the Judiciary might be expected; compare II, § 88, 12-13, and Introduction, 118. The whole paragraph should be contrasted with Hobbes's *Leviathan*, chapter 18.

90. Hence it is evident, that *Absolute Monarchy*, which by some Men is counted the only Government in the World, is indeed *inconsistent with Civil Society*, and so can be no Form of Civil Government at all. For the *end of Civil Society*, being to avoid, and remedy those inconveniencies of the State of Nature, which necessarily follow from every Man's being Judge in his own Case, by setting up a known Authority, to which every one of that Society may Appeal upon any Injury received, or Controversie that may arise, and which every one of the Society ought to obey;† where-ever any persons are, who have not such an Authority to Appeal to, for the decision of any difference between them, there those persons are still *in the state of Nature*. And so is every *Absolute Prince* in respect of those who are under his *Dominion*.

91. For he being suppos'd to have all, both Legislative and Executive Power in himself alone, there is no Judge to be found, no Appeal lies open to any one, who may fairly, and indifferently, and with Authority decide, and from whose decision relief and redress may be expected of any Injury or Inconveniency, that may be suffered from the Prince or by his Order: So that such a Man, however intitled, *Czar*, or *Grand Signior*, or how you please, is as much *in the state of Nature*, with all under his Dominion, as he is with the rest of Mankind. For where-ever any two Men are, who have no standing Rule, and common Judge to Appeal to on Earth for the determination of Controversies of Right betwixt them, there they are still *in the state of Nature*, and under all the inconveniencies of it,‡ with only this woful difference to the

† *The publick Power of all Society is above every Soul contained in the same Society; and the principal use of that power is to give Laws unto all that are under it, which Laws in such Cases we must obey, unless there be reason shew'd which may necessarily inforce, that the Law of Reason, or of God, doth injoyne the contrary*, Hook. Eccl. Pol. l. 1. Sect. 16.

‡ *To take away all such mutual Grievances, Injuries and Wrongs, i.e. such as attend Men in the State of Nature. There was no way but only by growing into Composition and*

§ 90 1-2 'some Men', that is Filmer and his followers, certainly not Hobbes to whom monarchy was decidedly not the only form of government. See II, § 77 (chapter VII).

10 Reference sign for Hooker quotation inserted by editor; see note on II, § 74, 15. Passage on p. 333 of Keble's *Hooker*, 1836, I, and Locke's 1676 edition 101-2, slightly modified in transcription here.

§ 91 13 Reference sign for Hooker quotation inserted by editor; see note on II, § 74, 15. See Keble's *Hooker*, 1836, I, 302, Locke's 1676 edition, 86, slightly modified. Compare English treatise 1660, and Abrams' note: Polin, 1961, 105.

viduals of it, and it being necessary to that which is one body to move one way; it is necessary the Body should move that way whither the greater force carries it, which is the *consent of the majority*: or else it is impossible it should act or continue one
 10 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 impowered to act by positive Laws where no number is set by that positive Law which impowers
 15 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.

97. And thus every Man, by consenting with others to make one Body Politick under one Government, puts himself under an Obligation to every one of that Society, to submit to the determination of the *majority*, and to be concluded by it; or else this
 5 *original Compact*, whereby he with others incorporates into *one Society*, would signifie nothing, and be no Compact, if he be left free, and under no other ties, than he was in before in the State of Nature. For what appearance would there be of any Compact? What new Engagement if he were no farther tied by any Decrees
 10 of the Society, than he himself thought fit, and did actually consent to? This would be still as great a liberty, as he himself had before his Compact, or any one else in the State of Nature hath, who may submit himself and consent to any acts of it if he thinks fit.

98. For if *the consent of the majority* shall not in reason, be received, as *the act of the whole*, and conclude every individual; nothing but the consent of every individual can make any thing to be the act of the whole: But such a consent is next impossible
 5 ever to be had, if we consider the Infirmities of Health, and Avocations of Business, which in a number, though much less than that of a Common-wealth, will necessarily keep many away from the publick Assembly. To which if we add the variety of

§ 97 The effect, if not the sense and phraseology, of this paragraph is very close to that of Hobbes, *Leviathan*, chapter 18, headed *No man can without injustice protest against the Institution of the Sovereign declared by the major part* (1904, 122). See note on II, § 98, 12-14.

§ 98 This paragraph was extensively modified by Locke in the Christ's copy (see Collation) though not in such a way as to alter the sense.

Opinions, and contrariety of Interests, which unavoidably happen in all Collections of Men, the coming into Society upon such
 10 terms, would be only like *Cato's* coming into the Theatre, only to go out again. Such a Constitution as this would make the mighty *Leviathan* of a shorter duration, than the feeblest Creatures; and not let it outlast the day it was born in: which cannot be
 15 suppos'd, till we can think, that Rational Creatures should desire and constitute Societies only to be dissolved. For where the *majority* cannot conclude the rest, there they cannot act as one Body, and consequently will be immediately dissolved again.

99. Whosoever therefore out of a state of Nature unite into a *Community*, must be understood to give up all the power, necessary to the ends for which they unite into Society, to the *majority* of the Community, unless they expressly agreed in any number greater than the majority. And this is done by barely agreeing
 5 to *unite into one Political Society*, which is *all the Compact* that is, or needs be, between the Individuals, that enter into, or make up a *Common-wealth*. And thus that, which begins and actually constitutes any *Political Society*, is nothing but the consent of any number of Freeman capable of a majority to unite and incorporate into
 10 such a Society. And this is that, and that only, which did, or could give *beginning* to any *lawful Government* in the World.

100. To this I find two Objections made.

First, *That there are no Instances to be found in Story of a Company of Men independent and equal one amongst another, that met together, and in this way began and set up a Government.*

II Martial, *Epigrammaton*, I, Praef.:

'Cur in theatrum, Cato severe, venisti,
 An ideo tantum veneras, ut exires?'

A common anecdote about Cato of Utica; information from Mr E. J. Kenney.

12-14 A deliberate invocation of the language of Hobbes, clearly sarcastic and not intended as a critical comment on the theory of *Leviathan*, nor on any particular passage in it; see Introduction, 71. Locke and Hobbes were agreed on the necessity of the consent of the majority being taken for the act of the whole, and it was Filmer who denied it; see passages cited in note on II, § 95, 9. His defence of the majority principle against Filmer must be pronounced unsatisfactory, for he responded to the challenge to prove 'by some law of nature that the major part have the power to rule over the rest of the multitude' (Filmer, 82) by simply asserting that it is 'by the Law of Nature and Reason' (II, § 96, 16); compare Allen, 1928.

§ 100 It is possible that the paragraphs from this point to II, § 131, were added after the original composition, perhaps in 1681, for § 132 seems to follow on to § 99. See note on II, §§ 95 (ch. VIII); 101; 111, 18; 123 (ch. IX); 132 (ch. X).

most obvious and simple, but also best suited to their present State and Condition; which stood more in need of defence against foreign Invasions and Injuries, than of multiplicity of Laws. The equality of a simple poor way of liveing confining their desires within the narrow bounds of each mans smal propertie made few controversies and so no need of many laws to decide them: And there wanted not of Justice where there were but few Trespasses, and few Offenders. Since then those, who liked one another so well as to joyn into Society, cannot but be supposed to have some Acquaintance and Friendship together, and some Trust one in another; they could not but have greater Apprehensions of others, than of one another: And therefore their first care and thought cannot but be supposed to be, how to secure themselves against foreign Force. 'Twas natural for them to put themselves under a *Frame of Government*, which might best serve to that end; and chuse the wisest and bravest Man to conduct them in their Wars, and lead them out against their Enemies, and in this chiefly be their *Ruler*.

108. Thus we see, that the *Kings* of the *Indians* in *America*, which is still a Pattern of the first Ages in *Asia* and *Europe*, whilst the Inhabitants were too few for the Country, and want of People and Money gave Men no Temptation to enlarge their Possessions of Land, or contest for wider extent of Ground, are little more than *Generals of their Armies*; and though they command absolutely

§ 107 28-32 Rewritten by Locke in the Christ's copy, but differences immaterial; see Collation. The text is considerably modified in minute detail in this area, almost entirely for punctuation.

§ 108 1-2 Compare II, § 49, 1.

6 '*Generals of their Armies*'—Locke shared with Tyrrell the view that a frequent origin of kingship was in the military leader, and that the dominance of such a leader may be a transitional stage between the state of nature and of society. See Tyrrell, 1681, 85 (the early kings of the Goths, Vandals, and 'our Saxons') and 92-3, referring to the 'Caciques', of the Caribbean Islands and Brazil. Indeed Tyrrell actually made a note on the point in Locke's journal for 1680, about the King amongst the inhabitants of the Hudson Bay area, who was 'only captain of so many families'. Acosta and Lery (Appendix B, nos. 1 and 51) were probably their other sources, but the most straightforward statement is to be found in the *Histoire naturelle et Morale des Iles Antilles* (probably by Rochefort, but also attributed to Du Tertre and De Poincy), Rotterdam, 1658, which Locke possessed; see 463-4. The discussion in Grotius, 1625, I, iii, 8, may be compared and contrasted.

The argument is repeated in the *Letters on Toleration*: 'There are nations in the *West Indies*, which have no other end of their society but their mutual defence against their common enemies. In these their captain, or prince, is sovereign commander in time

CHAP. IX.

Of the Ends of Political Society and Government.

123. IF Man in the State of Nature be so free, as has been said; If he be absolute Lord of his own Person and Possessions, equal to the greatest, and subject to no Body, why will he part with his Freedom? Why will he give up this Empire, and subject himself to the Dominion and Controul of any other Power? To which 'tis obvious to Answer, that though in the state of Nature he hath such a right, yet the Enjoyment of it is very uncertain, and constantly exposed to the Invasion of others. For all being Kings as much as he, every Man his Equal, and the greater part no strict Observers of Equity and Justice, the enjoyment of the property he has in this state is very unsafe, very unsecure. This makes him willing to quit a Condition, which however free, is full of fears and continual dangers: And 'tis not without reason, that he seeks out, and is willing to joyn 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.

124. The great and *chief end* therefore, of Mens uniting into Commonwealths, and putting themselves under Government, is

§ 123 *Chapter IX.* There is nothing in this short chapter to connect it with what goes before, or what comes after, which seems to be a continuation of the original text from § 99—see notes on II, § 93 (chapter VIII), II, § 100 and II, § 132 (chapter X). There are no references to connect it with the critique of Filmer, though some parallels (see § 124, 8-9; § 125, 1-4; § 129, 3-4) with other statements in the *Second Treatise*. In form it is a short restatement of his whole position, in brief paragraphs, all leading up to a judgment on James II—see § 131. It seems, therefore, like chapter xv (see note on II, § 169) to be an insertion of 1689.

2 Compare II, § 6, 2-3 and Strauss, 1933, 227.

16-17 On the extended definition of property set out here, see II, § 87, 5 note and references. The whole paragraph should be compared and contrasted with the first paragraph of *Leviathan*, chapter 17, and with II, § 19, 3-4 and references.

§ 124 1-3 The *locus classicus* for Locke's view of property in relation to government. Viner (see Introduction, 102) insists that property must here be taken to mean not simply material possessions, but property in the extended sense, the 'Lives, Liberties and Estates' of II, § 123, 15-16. In the *Epistola de Tolerantia* Locke puts

do allow; it being ridiculous to imagine one can be tied ultimately to *obey* any Power in the Society, which is not *the Supream*.

135. Though the *Legislative*, whether placed in one or more, whether it be always in being, or only by intervals, tho' it be the *Supream* Power in every Common-wealth; yet,

First, It is *not*, nor can possibly be absolutely *Arbitrary* over the Lives and Fortunes of the People. For it being but the joynt 5
power of every Member of the Society given up to that Person,
or Assembly, which is Legislator, it can be no more than those persons had in a State of Nature before they enter'd into Society, and gave up to the Community. For no Body can transfer to
another more power than he has in himself; and no Body has an 10
absolute *Arbitrary* Power over himself, or over any other, to destroy his own Life, or take away the Life or Property of another. A Man, as has been proved, cannot subject himself to the *Arbitrary* Power of another; and having in the State of Nature no *Arbitrary* Power over the Life, Liberty, or Possession of another, but only 15
so much as the Law of Nature gave him for the preservation of himself, and the rest of Mankind; this is all he doth, or can give up to the Common-wealth, and by it to the *Legislative Power*, so that the Legislative can have no more than this. Their Power in the utmost Bounds of it, is *limited to the publick good* of the Society. 20
It is a Power, that hath no other end but preservation, and therefore can never have a right to destroy, enslave, or designedly to impoverish the Subjects. † The Obligations of the Law of Nature,

† *Two Foundations there are which bear up publick Societies, the one a natural inclination, whereby all Men desire sociable Life and Fellowship; the other an Order, expressly or secretly agreed upon, touching the manner of their union in living together; the latter is that which we call the Law of a Common-wealth, the very Soul of a Politick Body, the parts whereof are by Law animated, held together, and set on work in such actions as the common good requireth. Laws politick, ordain'd for external order and regiment amongst Men, are never framed as they should be, unless presuming the will of Man to be inwardly obstinate, rebellious, and averse from all Obedience to the sacred Laws of his Nature; in a word, unless presuming Man to be in regard of his deprav'd Mind, little better than a wild Beast, they do accordingly provide notwithstanding, so to frame his outward Actions, that they be no hindrance unto the common good, for which Societies are instituted. Unless they do this they are not perfect.* Hooker's Eccl. Pol. I. 1. Sect. 10.

§ 135 11-12 Compare II, § 6, 18-19: the two paragraphs are quite close in sentiment and expression.

17-23 Compare *Third Letter on Toleration* (1692), 1765, 164: 'The power that is in the civil sovereign is the force of all the subjects of the commonwealth, which supposing it sufficient for other ends, than the preserving the members of the

serves not, as it ought, to determine the Rights, and fence the Properties of those that live under it, especially where every one is Judge, Interpreter, and Executioner of it too, and that in his own Case: And he that has right on his side, having ordinarily but his own single strength, hath not force enough to defend himself from Injuries, or to punish Delinquents. To avoid these Inconveniencies which disorder Mens Properties in the state of Nature, Men unite into Societies, that they may have the united strength of the whole Society to secure and defend their Properties, and may have *standing Rules* to bound it, by which every one may know what is his. To this end it is that Men give up all their Natural Power to the Society which they enter into, and the Community put the Legislative Power into such hands as they think fit, with this trust, that they shall be govern'd by *declared Laws*, or else their *Peace, Quiet*, and Property will still be at the same uncertainty, as it was in the state of Nature.

137. Absolute Arbitrary Power, or Governing without *settled standing Laws*, can neither of them consist with the ends of Society and Government, which Men would not quit the freedom of the state of Nature for, and tie themselves up under, were it not to preserve their Lives, Liberties and Fortunes; and by *stated Rules* of Right and Property to secure their Peace and Quiet. It cannot be supposed that they should intend, had they a power so to do, to give to any one, or more, an *absolute Arbitrary Power* over their Persons and Estates, and put a force into the Magistrates hand to execute his unlimited Will arbitrarily upon them: This were to put themselves into a worse condition than the state of Nature, wherein they had a Liberty to defend their Right against the Injuries of others, and were upon equal terms of force to maintain it, whether invaded by a single Man, or many in Combination. Whereas by supposing they have given up themselves to the *absolute Arbitrary Power* and will of a Legislator, they have disarmed themselves, and armed him, to make a prey of them when he pleases. He being in a much worse condition who is exposed to

§ 137 This argument is irrelevant to Filmer, since he had denied the possibility of a state of nature, though Locke consistently overlooks this position, one of the strong points of patriarchalism. It is, however, relevant to Hobbes, and even recalls Filmer's own criticisms of Hobbes, 239-50, though not exactly tied to any Hobbesian proposition. This is typical of the Hobbes/Locke relationship—see Introduction, 67-78.

of his own Life, when he puts himself into the state of War with another. For having quitted Reason, which God hath given to be the Rule betwixt Man and Man, and the common bond whereby humane kind is united into one fellowship and societie; and having renounced the way of peace, which that teaches, and made use of the Force of War to compasse his unjust ends upon an other, 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 injur'd person and the rest of mankind, that will joyn 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.

† that is destructive to their being.†

173. *Nature gives* the first of these, *viz. Paternal Power to Parents* for the Benefit of their Children during their Minority, to supply their want of Ability, and understanding how to manage their Property. (By *Property* I must be understood here, as in other places, to mean that Property which Men have in their Persons as well as Goods.) *Voluntary Agreement gives* the second, *viz. Political Power to Governours* for the Benefit of their Subjects, to secure them in the Possession and Use of their Properties. And

16 *Alternative Reading.* For its authenticity and status, see Collation: it was apparently an afterthought of Locke's, who seems to have decided to revert to the original reading, and is critical to the relationship of the two master copies and the texts which follow them; see Editorial Note.

§ 173 4-6 Compare II, § 87, § note and references. § Compare II, § 27, 2.

8-10 Compare II, § 138 and Cicero, *ejus* (sc. of society) *autem vinculum est ratio et oratio.*

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?

241. But farther, this Question, (*Who shall be Judge?*) cannot mean, that there is no Judge at all. For where there is no Judicature on Earth, to decide Controversies amongst Men, *God* in Heaven is *Judge*: He alone, 'tis true, is Judge of the Right. But *every Man* is *Judge* for himself, as in all other Cases, so in this, whether another hath put himself into a State of War with him, and whether he should appeal to the Supreme Judge, as *Jephtha* did.

242. If a Controversie arise betwixt a Prince and some of the People, in a matter where the Law is silent, or doubtful, and the thing be of great Consequence, I should think the proper *Umpire*, in such a Case, should be the Body of the *People*. For in Cases where the Prince hath a Trust reposed in him, and is dispensed from the common ordinary Rules of the Law; there, if any Men find themselves aggrieved, and think the Prince acts contrary to, or beyond that Trust, who so proper to *Judge* as the Body of the *People*, (who, at first, lodg'd that Trust in him) how far they meant it should extend? But if the Prince, or whoever they be in the Administration, decline that way of Determination, the Appeal then lies no where but to Heaven. Force between either Persons, who have no known Superiour on Earth, or which permits no Appeal to a Judge on Earth, being properly a state of War, wherein the Appeal lies only to Heaven, and in that State the *injured Party* must *judge* for himself, when he will think fit to make use of that Appeal, and put himself upon it.

243. To conclude, The Power that every individual gave the Society, when he entered into it, can never revert to the Individuals

§ 241 7 'Jephtha'—see note on II, § 21, 17 and references.