

## *Natural Rights*

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### JOHN LOCKE (1632-1704)

In his work the *Second Treatise of Civil Government* (1690), Locke sought to limit the power of the King and give greater power to the elected branch of government. Locke argued that human nature and the state of nature were not as pessimistic as Hobbes described them. For Locke, the state of nature is still one where our natural rights are enjoyed even though this is an inferior state because of a lack of cooperation and common laws. Government arises out of a social contract where the individual is bound by the laws of a central authority that represents the will of the majority. Locke's major contribution to political philosophy is his idea that the will of the majority and the natural rights of life, liberty, and property limit the authority of government. When the government ceases to represent the will of the people and infringes upon their natural rights, it loses its legitimacy and revolution is justified.

#### ***Vocabulary:***

Annexed:	to attach or incorporate into
Jurisdiction:	authority or control
Commonwealth:	a country or nation of people
Promulgated:	to make known or put into effect
Prerogative:	a right or privilege

#### ***Concepts:***

State of Nature:

Common law:  
Natural rights:  
Social contract:  
Will of the majority:  
Revolution:

***Questions:***

1. *How does Locke's ideas of the state of nature compare with Hobbes'?*
2. *How does government come into existence?*
3. *What are the ends of political society and government?*
4. *What is the extent of legislative power?*
5. *When is revolution legitimate?*

**OF THE BEGINNING OF  
POLITICAL SOCIETIES**

MEN BEING BY NATURE ALL FREE, equal, and independent, no one can be put out of his estate and subjected to the political power of another without his own consent, which is done by agreeing with other men, to join and unite into a community for their comfortable, safe, and peaceful living, one among another, in a secure enjoyment of their properties, and a greater security against any that are not of it. This any number of men may do, because it

injures not the freedom of the rest; they are left, as they were, in the liberty of the state of nature. When any number of men have so consented to make one community or government, they are thereby presently incorporated, and make one body politic, wherein the majority have a right to act and [include] the rest.

For, when any number of men have, by the consent of every individual, made a community, they have thereby made that community one body, with a power to act as one body, which is only by the will and determination of the majority. ...

And thus every man, by consenting with others to make one body politic under one government, puts himself under an obligation to everyone of that society to submit to the determination of the majority, and to be [included] by it; or else this original compact, whereby he with others incorporates into one society, would signify nothing, and be no compact if he be left free and under no other ties than he was in before in the state of nature. For what appearance would there be of any compact? ...For where the majority cannot include the rest, there they cannot act as one body, and consequently will be immediately dissolved again.

Whosoever therefore out of a state of nature unite into a community, must be understood to give up all the power necessary to the ends for which they unite society to the majority of the community, unless they expressly agreed in any number greater than the majority. And this is done by barely agreeing to unite into one political society, which is all the compact that is, or needs be, between the individuals that enter into or make up a commonwealth. And thus, that which begins and actually constitutes any political society is nothing but the consent of any number of freemen capable of a majority, to unite and incorporate into such a society. And this is that, and that only,

which did or could give beginning to any lawful government in the world. ...

Every man that hath any possession of enjoyment of any part of the dominions of any government doth thereby give his tacit consent, and is as far forth obliged to obedience to the laws of that government, during such enjoyment, as any one under it, whether this his possession be of land to him and his heirs for ever, or a lodging only for a week; or whether it be barely travelling freely on the highway; and, in effect, it reaches as far as the very being of anyone within the territories of that government.

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

before free, to it also; and they become, both of them, person and possession, subject to the government and dominion of that commonwealth as long as it hath a being. Whoever therefore from thenceforth, by inheritance, purchase, permission, or otherwise enjoys any part of the land so annexed to, and under the government of that commonwealth, must take it with the condition it is under; that is, of submitting to the government of the commonwealth, under whose jurisdiction it is, as far forth as any subject of it.

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

unalterably a subject to it, and can never be again in the liberty of the state of nature, unless by any calamity the government he was under comes to be dissolved; or else by some public act cuts him off from being any longer a member of it.

But submitting to the laws of any country, living quietly, and enjoying privileges and protection under them makes not a man a member of that society; this is only a local protection and homage due to and from all those who, not being in a state of war, come within the territories belonging to any government, to all parts whereof the force of its law extends. But this no more makes a man a member of that society than it would make a man a subject to another in whose family he found it convenient to abide for some time. ...Nothing can make any man [a citizen] but his actually entering into it by positive engagement and express promise and compact.

## **OF THE ENDS OF POLITICAL SOCIETY AND GOVERNMENT**

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 control 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 insecure. This makes him willing to quit this condition which, however free, is full of fears and continual dangers; and 'tis not without reason that he seeks out and is willing to join in society with others who are already united, or have a mind to unite for the mutual preservation of their lives, liberties, and estates, which I call by the general name, property.

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

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

to allow of it as a law binding to them in the application of it to their particular cases.

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

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

Thus mankind notwithstanding all the privileges of the state of nature, being but in an ill condition while they remain in it, are quickly driven into society. Hence it comes to pass, that we seldom find any number of men live any time together in this state. The inconveniences that they are therein exposed to by the irregular and uncertain exercise of the power every man has of punishing the transgressions of others, make them take sanctuary under the

established laws of government, and therein seek the preservation of their property. 'this makes them so willingly give up every one his single power of punishing to be exercised by such alone as shall be appointed to it amongst them, and by such rules as the community, or those authorized by them to that purpose, shall agree on. And in this we have the original right and rise of both the legislative and executive power as well as of the governments and societies themselves.

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

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

The other power a man has in the state of nature is the power to punish the crimes committed against that law. Both these he gives up when he joins in a private, if I may so call it, or particular political

society, and incorporates into any commonwealth separate from the rest of mankind.

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

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

But though men when they enter into society give up the equality, liberty, and executive power they had in the state of nature into the hands of the society, to be so far disposed of by the legislative as the

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

#### **OF THE EXTENT OF THE LEGISLATIVE POWER**

These are the bounds which the trust that is put in them by the society and the law of God and nature have set to the

legislative power of every commonwealth, in all forms of government.

*First*, They are to govern by promulgated established laws, not to be varied in particular cases, but to have one rule for rich and poor, for the favourite at Court, and the countryman at plough.

*Secondly*, These laws also ought to be designed for no other end ultimately but the good of the people.

*Thirdly*, They must not raise taxes on the property of the people without the consent of the people given by themselves or their deputies. And this properly concerns only such governments where the legislative is always in being, or at least where the people have not reserved any part of the legislative to deputies, to be from time to time chosen by themselves.

*Fourthly*, The legislative neither must nor can transfer the power of making laws to anybody else, or place it anywhere but where the people have...

#### **THE LEGITIMACY OF REVOLUTION**

The reason why men enter into society is the preservation of their property; and the end why they choose and authorize a legislative is that there may be laws made and rules set as guards and fences to the properties of all the members of the society to limit the power and moderate the domin-

ion of every part and member of the society; for since it can never be supposed to be the will of the society that the legislative should have a power to destroy that which every one designs to secure by entering into society, and for which the people submitted themselves to legislators of their own making. Whenever the legislators endeavor to take away and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people who are thereupon absolved from any further obedience, and are left to the common refuge which God has provided for all men against force and violence. When so ever, therefore, the legislative shall transgress this fundamental rule of society, and either by ambition, fear, folly, or corruption, endeavor to grasp themselves, or put into the hands of any other, an absolute power over the lives, liberties, and estates of the people, by this breach of trust they forfeit the power the people had put into their hands for quite contrary ends, and it devolves to the people, who have a right to resume their original liberty and, by the establishment of a new legislative, such as they shall think fit, provide for their own safety and security, which is the end for which they are in society. What I have said here concerning the legislative in general holds true also concerning the supreme

executor, who having a double trust put in him — both to have a part in the legislative and the supreme execution of the law — acts against both when he goes about to set up his own arbitrary will as the law of the society. ...

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

To conclude, the power that every individual gave the society when he entered into it, can never revert to the individuals again as long as the society lasts, but will always remain in the community, because without this there can be no community, no commonwealth, which is contrary to the original agreement; so also when the socie-

ty hath placed the legislative in any assembly of men to continue in them and their successors, with direction and authority for providing such successors, the legislative can never revert to the people whilst that government lasts, because having provided a legislative with power to continue for ever, they have given up their political power to the legislative and cannot resume it. But if they have set limits to the duration of their legislative, and made this supreme power in any person or assembly only temporary; or else when by the miscarriages of those in authority it is forfeited; upon the forfeiture, or at the determination of the time set, it reverts to the society, and the people have a right to act as supreme, and continue the legislative in themselves; or place it in a new form, or new hands as they think good.

From John Locke, *Second Treatise on Civil Government*, 1690.