


Arguing About Political Philosophy

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new Conquest; in others, of ease and sensual pleasure; in others, of admiration, or being flattered for excellence in some art, or other ability of the mind. [. . .]

Of the Naturall Condition of Mankind, as Concerning their Felicity, and Misery

Nature hath made men so equall, in the faculties of body, and mind; as that though there bee found one man sometimes manifestly stronger in body, or of quicker mind then another; yet when all is reckoned together, the difference between man, and man, is not so considerable, as that one man can thereupon claim to himselfe any benefit, to which another may not pretend, as well as he. For as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others, that are in the same danger with himselfe.

And as to the faculties of the mind, (setting aside the arts grounded upon words, and especially that skill of proceeding upon generall, and infallible rules, called Science; which very few have, and but in few things; as being not a native faculty, born with us; nor attained, (as Prudence,) while we look after somewhat els,) I find yet a greater equality amongst men, than that of strength. For Prudence, is but Experience; which equall time, equally bestowes on all men, in those things they equally apply themselves unto. That which may perhaps make such equality incredible, is but a vain conceipt of ones owne wisdom, which almost all men think they have in a greater degree, than the Vulgar; that is, than all men but themselves, and a few others, whom by Fame, or for concurring with themselves, they approve. For such is the nature of men, that howsoever they may acknowledge many others to be more witty, or more eloquent, or more learned; Yet they will hardly believe there be many so wise as themselves: For they see their own wit at hand, and other mens at a distance. But this proveth rather that men are in that point

equall, than unequal. For there is not ordinarily a greater signe of the equall distribution of any thing, than that every man is contented with his share.

From this equality of ability, ariseth equality of hope in the attaining of our Ends. And therefore if any two men desire the same thing, which neverthelesse they cannot both enjoy, they become enemies; and in the way to their End, (which is principally their owne conservation, and sometimes their delectation only,) endeavour to destroy, or subdue one another. And from hence it comes to passe, that where an Invader hath no more to feare, than an other mans single power; if one plant, sow, build, or possesse a convenient Seat, others may probably be expected to come prepared with forces united, to dispossesse, and deprive him, not only of the fruit of his labour, but also of his life, or liberty. And the Invader again is in the like danger of another.

And from this diffidence of one another, there is no way for any man to secure himselfe, so reasonable, as Anticipation; that is, by force, or wiles, to master the persons of all men he can, so long, till he see no other power great enough to endanger him: And this is no more than his own conservation requireth, and is generally allowed. Also because there be some, that taking pleasure in contemplating their own power in the acts of conquest, which they pursue farther than their security requires; if others, that otherwise would be glad to be at ease within modest bounds, should not by invasion increase their power, they would not be able, long time, by standing only on their defence, to subsist. And by consequence, such augmentation of dominion over men, being necessary to a mans conservation, it ought to be allowed him.

Again, men have no pleasure, (but on the contrary a great deale of griefe) in keeping company, where there is no power able to over-awe them all. For every man looketh that his companion should value him, at the same rate he sets upon himselfe: And upon all signes of contempt,

or undervaluing, naturally endeavours, as far as he dares (which amongst them that have no common power, to keep them in quiet, is far enough to make them destroy each other,) to extort a greater value from his contemners, by damage; and from others, by the example.

So that in the nature of man, we find three principall causes of quarrell. First, Competition; Secondly, Diffidence; Thirdly, Glory.

The first, maketh men invade for Gain; the second, for Safety; and the third, for Reputation. The first use Violence, to make themselves Masters of other mens persons, wives, children, and cattell; the second, to defend them; the third, for trifles, as a word, a smile, a different opinion, and any other signe of undervalue, either direct in their Persons, or by reflexion in their Kindred, their Friends, their Nation, their Profession, or their Name.

Hereby it is manifest, that during the time men live without a common Power to keep them all in awe, they are in that condition which is called Warre; and such a warre, as is of every man, against every man. For WARRE, consisteth not in Battell onely, or the act of fighting; but in a tract of time, wherein the Will to contend by Battell is sufficiently known: and therefore the notion of Time, is to be considered in the nature of Warre; as it is in the nature of Weather. For as the nature of Foule weather, lyeth not in a shoure or two of rain; but in an inclination thereto of many dayes together: So the nature of War, consisteth not in actuall fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is PEACE.

Whatsoever therefore is consequent to a time of Warre, where every man is Enemy to every man; the same is consequent to the time, wherein men live without other security, than what their own strength, and their own invention shall furnish them withall. In such condition, there is no place for Industry; because the fruit thereof is uncertain: and consequently no Culture of the Earth; no Navigation, nor use of the commod-

ities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society; and which is worst of all, continuall feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short.

It may seem strange to some man, that has not well weighed these things; that Nature should thus dissociate, and render men apt to invade, and destroy one another: and he may therefore, not trusting to this Inference, made from the Passions, desire perhaps to have the same confirmed by Experience. Let him therefore consider with himselfe, when taking a journey, he armes himselfe, and seeks to go well accompanied; when going to sleep, he locks his dores; when even in his house he locks his chests; and this when he knows there bee Lawes, and publike Officers, armed, to revenge all injuries shall bee done him; what opinion he has of his fellow subjects, when he rides armed; of his fellow Citizens, when he locks his dores; and of his children, and servants, when he locks his chests. Does he not there as much accuse mankind by his actions, as I do by my words? But neither of us accuse mans nature in it. The Desires, and other Passions of man, are in themselves no Sin. No more are the Actions, that proceed from those Passions, till they know a Law that forbids them: which till Lawes be made they cannot know: nor can any Law be made, till they have agreed upon the Person that shall make it.

It may peradventure be thought, there was never such a time, nor condition of warre as this; and I believe it was never generally so, over all the world: but there are many places, where they live so now. For the savage people in many places of America, except the government of small Families, the concord whereof dependeth on naturall lust, have no government at all; and live at this day in that brutish manner, as I said before. Howsoever, it may be perceived what manner of life

there would be, where there were no common Power to feare; by the manner of life, which men that have formerly lived under a peacefull government, use to degenerate into, in a civill Warre.

But though there had never been any time, wherein particular men were in a condition of warre one against another; yet in all times, Kings, and Persons of Sovereigne authority, because of their Independency, are in continuall jealousies, and in the state and posture of Gladiators; having their weapons pointing, and their eyes fixed on one another; that is, their Forts, Garrisons, and Guns upon the Frontiers of their Kingdomes; and continually Spyes upon their neighbours; which is a posture of War. But because they uphold thereby, the Industry of their Subjects; there does not follow from it, that misery, which accompanies the Liberty of particular men.

To this warre of every man against every man, this also is consequent; that nothing can be Unjust. The notions of Right and Wrong, Justice and Injustice have there no place. Where there is no common Power, there is no Law: where no Law, no Injustice. Force, and Fraud, are in warre the two Cardinall vertues. Justice, and Injustice are none of the Faculties neither of the Body, nor Mind. If they were, they might be in a man that were alone in the world, as well as his Senses, and Passions. They are Qualities, that relate to men in Society, not in Solitude. It is consequent also to the same condition, that there be no Propriety, no Dominion, no Mine and Thine distinct; but onely that to be every mans that he can get; and for so long, as he can keep it. And thus much for the ill condition, which man by meer Nature is actually placed in; though with a possibility to come out of it, consisting partly in the Passions, partly in his Reason.

The Passions that encline men to Peace, are Feare of Death; Desire of such things as are necessary to commodious living; and a Hope by their Industry to obtain them. And Reason suggesteth convenient Articles of Peace, upon which men may be drawn to agreement. These Articles,

are they, which otherwise are called the Lawes of Nature.

Of Other Lawes of Nature

From that law of Nature, by which we are obliged to transferre to another, such Rights, as being retained, hinder the peace of Mankind, there followeth a Third; which is this, *That men performe their Covenants made:* without which, Covenants are in vain, and but Empty words; and the Right of all men to all things remaining, wee are still in the condition of Warre.

And in this law of Nature, consisteth the Fountain and Originall of JUSTICE. For where no Covenant hath preceded, there hath no Right been transferred, and every man has right to every thing; and consequently, no action can be Unjust. But when a Covenant is made, then to break it is Unjust: And the definition of INJUSTICE, is no other than the not Performance of Covenant. And whatsoever is not Unjust, is just.

But because Covenants of mutuall trust, where there is a feare of not performance on either part, are invalid; though the Originall of Justice be the making of Covenants; yet Injustice actually there can be none, till the cause of such feare be taken away; which while men are in the naturall condition of Warre, cannot be done. Therefore before the names of Just, and Unjust can have place, there must be some coercive Power, to compell men equally to the performance of their Covenants, by the terrour of some punishment, greater than the benefit they expect by the breach of their Covenant; and to make good that Propriety, which by mutuall Contract men acquire, in recompence of the universall Right they abandon: and such power there is none before the erection of a Commonwealth. And this is also to be gathered out of the ordinary definition of Justice in the Schooles: For they say, that Justice is the constant Will of giving to every man his own. And therefore where there is no Own, that is, no Propriety, there is no Injustice; and where there is no coërceive Power erected, that is, where there is no

Common-wealth, there is no Propriety; all men having Right to all things: Therefore where there is no Common-wealth, there nothing is Unjust. So that the nature of Justice, consisteth in keeping of valid Covenants: but the Validity of Covenants begins not but with the Constitution of a Civil Power, sufficient to compell men to keep them: And then it is also that Propriety begins.

The Foole hath sayd in his heart, there is no such thing as Justice; and sometimes also with his tongue; seriously alleaging, that every mans conservation, and contentment, being committed to his own care, there could be no reason, why every man might not do what he thought conduc'd thereunto: and therefore also to make, or not make; keep, or not keep Covenants, was not against Reason, when it conduc'd to ones benefit. He does not therein deny, that there be Covenants; and that they are sometimes broken, sometimes kept; and that such breach of them may be called Injustice, and the observance of them Justice: but he questioneth, whether Injustice, taking away the feare of God, (for the same Foole hath said in his heart there is no God,) may not sometimes stand with that Reason, which dictateth to every man his own good; and particularly then, when it conduceth to such a benefit, as shall put a man in a condition, to neglect not onely the dispraise, and revilings, but also the power of other men. The Kingdome of God is gotten by violence: but what if it could be gotten by unjust violence? were it against Reason so to get it, when it is impossible to receive hurt by it? and if it be not against Reason, it is not against Justice: or else Justice is not to be approved for good. From such reasoning as this, Succesfull wickedness hath obtained the name of Vertue: and some that in all other things have disallowed the violation of Faith; yet have allowed it, when it is for the getting of a Kingdome. And the Heathen that believed, that Saturn was deposed by his son Jupiter, believed neverthelesse the same Jupiter to be the avenger of Injustice: Somewhat like to a piece of Law in Cokes Commentaries on Littleton; where

he sayes, If the right Heire of the Crown be attainted of Treason; yet the Crown shall descend to him, and so instante the Atteynder be voyd: From which instances a man will be very prone to inferre; that when the Heire apparent of a Kingdome, shall kill him that is in possession, though his father; you may call it Injustice, or by what other name you will; yet it can never be against Reason, seeing all the voluntary actions of men tend to the benefit of themselves; and those actions are most Reasonable, that conduce most to their ends. This specious reasoning is nevertheless false.

For the question is not of promises mutuall, where there is no security of performance on either side; as when there is no Civil Power erected over the parties promising; for such promises are no Covenants: But either where one of the parties has performed already; or where there is a Power to make him performe; there is the question whether it be against reason, that is, against the benefit of the other to performe, or not. And I say it is not against reason. For the manifestation whereof, we are to consider; First, that when a man doth a thing, which notwithstanding any thing can be foreseen, and reckoned on, tendeth to his own destruction, howsoever some accident which he could not expect, arriving may turne it to his benefit; yet such events do not make it reasonably or wisely done. Secondly, that in a condition of Warre, wherein every man to every man, for want of a common Power to keep them all in awe, is an Enemy, there is no man can hope by his own strength, or wit, to defend himselfe from destruction without the help of Confederates; where every one expects the same defence by the Confederation, that any one else does: and therefore he which declares he thinks it reason to deceive those that help him, can in reason expect no other means of safety, than what can be had from his own single Power. He therefore that breaketh his Covenant, and consequently declareth that he thinks he may with reason do so, cannot be received into any

Society, that unite themselves for Peace and Defence, but by the error of them that receive him; nor when he is received, be retained in it, without seeing the danger of their error; which errors a man cannot reasonably reckon upon as the means of his security: and therefore if he be left, or cast out of Society, he

perisheth; and if he live in Society, it is by the errors of other men, which he could not foresee, nor reckon upon; and consequently against the reason of his preservation; and so, as all men that contribute not to his destruction, forbear him onely out of ignorance of what is good for themselves. [. .]

John Locke

THE STATE OF NATURE AND THE LAW OF NATURE

John Locke (1632–1704) was an English philosopher and revolutionary who was an influential supporter of the Glorious Revolution wherein King James II was overthrown and the relative balance of power swung toward Parliament. His *Second Treatise of Civil Government* (published in 1698) was an extended critique of authoritarianism and a defense of limited, representative government. In these excerpts, Locke argues that the state of nature is not *necessarily* a state of war, as Hobbes had believed. It is governed by a law of nature which people can come to know through reason and use to secure a mostly peaceful existence, though it will still be plagued by serious inconveniences that can only be rectified by the establishment of a government.

Of the State of Nature

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

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

above another, and confer on him by an evident and clear appointment an undoubted Right to Dominion and Sovereignty.

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

The like natural inducement, hath brought Men to know that it is no less their Duty, to Love others than themselves, for seeing those things which are equal, must needs all have one measure; If I cannot but wish to receive good, even as much at every Man's hands, as any Man can wish unto his own Soul, how should I look to have any part of my desire herein satisfied, unless my self be careful to satisfie the like desire, which is undoubtedly in other Men, being of one and the same

nature? to have any thing offered them repugnant to this desire, must needs in all respects grieve them as much as me, so that if I do harm, I must look to suffer, there being no reason that others should shew greater measure of love to me, than they have by me, shewed unto them; my desire therefore to be lov'd of my equals in nature, as much as possible may be, imposeth upon me a natural Duty of bearing to themward, fully the like affection; From which relation of equality between our selves and them, that are as our selves, what several Rules and Canons, natural reason hath drawn for direction of Life, no Man is ignorant. Eccl. Pol. Lib. 1.

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

7. And that all Men may be restrained from invading others Rights, and from doing hurt to one another, and the Law of Nature be observed, which willeth the Peace and Preservation of all Mankind, the Execution of the Law of Nature is in that State, put into every Mans hands, whereby every one has a right to punish the transgressors of that Law to such a Degree, as may hinder its Violation. For the Law of Nature would, as all other Laws that concern Men in this World, be in vain, if there were no body that in the State of Nature, had a Power to Execute that Law, and thereby preserve the innocent and restrain offenders, and if 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 me, by what Right any Prince or State can put to death, or punish an Alien, for any Crime he commits in their Country. 'Tis certain their Laws by vertue of any Sanction they receive from the promulgated Will of the Legislative, reach not a Stranger. They speak not to him, nor if they did, is he bound to hearken to them. The Legislative Authority, by which they are in Force over the Subjects of that Common-wealth, hath no Power over him. Those who have the Supreme Power of making Laws in England, France or Holland, are to an Indian, but like the rest of the World, Men without Authority: And therefore if by the Law of Nature, every Man hath not a Power to punish Offences against it, as he soberly judges the Case to require, I see not how the Magistrates of any Community, can punish an Alien of another Country, since in reference to him, they can have no more Power, than what every Man naturally may have over another.

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

injur'd, and assist him in recovering from the Offender, so much as may make satisfaction for the harm he has suffer'd.

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

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

13. To this strange Doctrine, viz. That in the State of Nature, every one has the Executive Power of the Law of Nature, I doubt not but it will be objected, That it is unreasonable for Men to be Judges in their own Cases, that Self-love will make Men partial to themselves and their Friends. And on the other side, that Ill Nature, Passion and Revenge will carry them too far in punishing others. And hence nothing but Confusion and Disorder will follow, and that therefore God hath certainly appointed Government to restrain the partiality and violence of Men. I easily grant, that Civil Government is the proper Remedy for the Inconveniences of the State of Nature, which must certainly be Great, where Men may be Judges in their own Case, since 'tis easily to be imagined, that he who was so unjust as to do his Brother an Injury, will scarce be so just as to condemn himself for it: But I shall desire

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

14. 'Tis often asked as a mighty Objection, Where are, or ever were, there any Men in such a State of Nature? To which it may suffice as an answer at present; That since all Princes and Rulers of Independent Governments all through the World, are in a State of Nature, 'tis plain the World never was, nor ever will be, without Numbers of Men in that State. I have named all Governors of Independent Communities, whether they are, or are not, in League with others: For 'tis not every Compact that puts an end to the State of Nature between Men, but only this one of agreeing together mutually to enter into one Community, and make one Body Politick; other Promises and Compacts, Men may make one with another, and yet still be in the State of Nature. The Promises and Bargains for Truck, &c. between the two Men in the Desert Island, mentioned by Garcilasso De la Vega, in his History of Peru, or between a Swiss and an Indian, in the Woods of America, are binding to them, though they are perfectly in a State of Nature, in reference to one another. For Truth and keeping of Faith belongs to Men, as Men, and not as Members of Society.

15. To those that say, There were never any Men in the State of Nature; I will not only oppose the Authority of the Judicious Hooker, Eccl. Pol. Lib. 1. Sect. 10. where he says, The Laws which have been hitherto mentioned, i.e. the Laws of Nature, do bind Men, although they have never any settled fellowship, never any Solemn Agreement amongst themselves what to do or not to do, but for as much as we are not by our selves sufficient to furnish our selves with competent store of things, needful for such a Life, as our Nature doth desire, a Life, fit for the Dignity of Man; therefore to supply those Defects and Imperfections which are in us, as living singly and solely by our selves, we are naturally induced to seek Communion and Fellowship with others, this was the Cause of Mens uniting themselves, at first in Politick Societies. But I moreover affirm, That all Men are naturally in that State, and remain so, till by their own Consents they make themselves Members of some Politick Society; And I doubt not in the Sequel of this Discourse, to make it very clear.

Of the State of War

16. The State of War is a State of Enmity and Destruction; And therefore declaring by Word or Action, not a passionate and hasty, but a sedate settled Design, upon another Mans Life, puts him in a State of War with him against whom he has declared such an Intention, and so has exposed his Life to the others Power to be taken away by him, or any one that joyns with him in his Defence, and espouses his Quarrel: it being reasonable and just I should have a Right to destroy that which threatens me with Destruction. For by the Fundamental Law of Nature, Man being to be preserved, as much as possible, when all 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 that of Force and Violence, and so may be treated as Beasts of Prey, those dangerous and noxious Creatures, that will

be sure to destroy him, whenever he falls into their Power.

17. And hence it is, that he who attempts to get another Man into his Absolute Power, does thereby put himself into a State of War with him; It being to be understood as a Declaration of a Design upon his Life. For I have reason to conclude, that he who would get me into his Power without my consent, would use me as he pleased, when he had got me there, and destroy me too when he had a fancy to it: for no body can desire to have me in his Absolute Power, unless it be to compel me by force to that, which is against the Right of my Freedom, i.e. make me a Slave. To be free from such force is the only security of my Preservation: and reason bids me look on him, as an Enemy to my Preservation, who would take away that Freedom, which is the Fence to it: so that he who makes an attempt to enslave me, thereby puts himself into a State of War with me. He that in the State of Nature, would take away the Freedom, that belongs to any one in that State, must necessarily be supposed to have a design to take away every thing else, that Freedom being the Foundation of all the rest: As he that in the State of Society, would take away the Freedom belonging to those of that Society or Common-wealth, must be supposed to design to take away from them every thing else, and so be looked on as in a State of War.

18. This makes it Lawful for a Man to kill a Thief, who has not in the least hurt him, nor declared any design upon his Life, any farther than by the use of Force, so to get him in his Power, as to take away his Money, or what he pleases from him: because using force, where he has no Right, to get me into his Power, let his pretence be what it will, I have no reason to suppose, that he, who would take away my Liberty, would not when he had me in his Power, take away every thing else. And therefore it is Lawful for me to treat him, as one who has put himself into a State of War with me, i.e. kill him if I can; for to that hazard does

he justly expose himself, whoever introduces a State of War, and is aggressor in it.

19. And here we have the plain difference between the State of Nature, and the State of War, which however some Men have confounded, are as far distant, as a State of Peace, Good Will, Mutual Assistance, and Preservation, and a State of Enmity, Malice, Violence, and Mutual Destruction are one from another. Men living together according to reason, without a common Superior on Earth, with Authority to judge between them, is properly the State of Nature. But force, or a declared design of force upon the Person of another, where there is no common Superior on Earth to appeal to for relief, is the State of War: And 'tis the want of such an appeal gives a Man the Right of War even against an aggressor, though he be in Society and a fellow Subject. Thus a Thief, whom I cannot harm but by appeal to the Law, for having stolen all that I am worth, I may kill, when he sets on me to rob me, but of my Horse or Coat: because the Law, which was made for my Preservation, where it cannot interpose to secure my Life from present force, which if lost, is capable of no reparation, permits me my own Defence, and the Right of War, a liberty to kill the aggressor, because the aggressor allows not time to appeal to our common Judge, nor the decision of the Law, for remedy in a Case, where the mischief may be irreparable. Want of a common Judge with Authority, puts all Men in a State of Nature: Force without Right, upon a Man's Person, makes a State of War, both where there is, and is not, a common Judge.

20. But when the actual force is over, the State of War ceases between those that are in Society, and are equally on both sides Subjected to the fair determination of the Law; because then there lies open the remedy of appeal for the past injury, and to prevent future harm: but where no such appeal is, as in the State of Nature, for want of positive Laws, and Judges with Authority to appeal to, the State of War once begun, continues, with a right to the innocent Party, to destroy the other

whenever he can, until the aggressor offers Peace, and desires reconciliation on such Terms, as may repair any wrongs he has already done, and secure the innocent for the future: nay where an appeal to the Law, and constituted Judges lies open, but the remedy is deny'd by a manifest perverting of Justice, and a barefaced wresting of the Laws, to protect or indemnify the violence or injuries of some Men, or Party of Men, there it is hard to imagine any thing but a State of War. For wherever violence is used, and injury done, though by hands appointed to administer Justice, it is still violence and injury, however colour'd with the Name, Pretences, or Forms of Law, the end whereof being to protect and redress the innocent, by an unbiassed application of it, to all who are under it; wherever that is not bona fide done, War is made upon the Sufferers, who having no appeal on Earth to right them, they are left to the only remedy in such Cases, an appeal to Heaven.

21. To avoid this State of War (wherein there is no appeal but to Heaven, and wherein every the least difference is apt to end, where there is no Authority to decide between the Contenders) is one great reason of Mens putting themselves into Society, and quitting the State of Nature. For where there is an Authority, a Power on Earth, from which relief can be had by appeal, there the continuance of the State of War is excluded, and the Controversie is decided by that Power. Had there been any such Court, any superior Jurisdiction on Earth, to determine the right between Jephtha and the Ammonites, they had never come to a State of War, but we see he was forced to appeal to Heaven. The Lord the Judge (says he) 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: And therefore in such Controversies, where the question is put, who shall be Judge? It cannot be meant, who shall decide the Controversie; every one knows what Jephtha here tells us, that the Lord the Judge, shall judge. Where there is no Judge on Earth, the

Appeal lies to God in Heaven. That Question then cannot mean, who shall judge? whether another hath put himself in a State of War with me, and whether I may as Jephtha did, appeal to Heaven in it? Of that I my self can only be Judge in my own Conscience, as I will answer it at the great Day, to the Supreme Judge of all Men. [...]

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 insecure. 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 the Preservation of their Property. To which in the state of Nature there are many things wanting.

First, There wants an establish'd, 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.

125. Secondly, In the State of Nature there wants a known and indifferent Judge, with Authority to determine all differences according to the established Law. For every one in that state being both Judge and Executioner of the Law of Nature, Men being partial to themselves, Passion and Revenge is very apt to carry them too far, and with too much heat, in their own Cases; as well as negligence, and unconcernedness, to make them too remiss, in other Mens.

126. Thirdly, In the state of Nature there often wants Power to back and support the Sentence when right, and to give it due Execution. They who by any Injustice offended, will seldom fail, where they are able, by force to make good their Injustice: such resistance many times makes the punishment dangerous, and frequently destructive, to those who attempt it.

127. Thus Mankind, notwithstanding all the Privileges of the state of Nature, being but in an ill condition, while they remain in it, are quickly driven into Society. Hence it comes to pass, that we seldom find any number of Men live any time together in this State. The inconveniencies, that they are therein exposed to, by the irregular and uncertain exercise of the Power every Man has of punishing the transgressions of others, make them take Sanctuary under the establish'd Laws of Government, and therein seek the preservation of their Property. 'Tis 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 authorised 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. [...]