



**STUDYDADDY**

**Get Homework Help  
From Expert Tutor**

**Get Help**

## Chapter 2: The state of nature

4. To understand political power correctly and derive it from its proper source, we must consider what state all men are *naturally* in. In this state men are perfectly free to order their actions, and dispose of their possessions and themselves, in any way they like, without asking anyone's permission—subject only to limits set by the law of nature.

It is also a state of equality, in which no-one has more power and authority than anyone else; because it is simply obvious that creatures of the same species and status, all born to all the same advantages of nature and to the use of the same abilities, should also be equal in other ways, with no-one being subjected to or subordinate to anyone else, unless God, the lord and master of them all, were to declare clearly and explicitly his wish that some one person be raised above the others and given an undoubted right to dominion and sovereignty

5. The judicious Richard Hooker regards this natural equality of men as so obvious and unquestionable that he bases on it men's obligation to love one another, on which he builds their duties towards each other, from which in turn he derives the great maxims of justice and charity.

Here are his words:

A similar natural inducement has led men to realize that they have as much duty to love others as to love themselves. Things that are equal must be measured by a single standard; so if I inevitably want to receive some good—indeed as much good from every man as any man can want for himself—how could I expect to have *any part* of my desire satisfied if I am not careful to satisfy the similar desires that other men, being all of the same nature, are bound to have? To offer them anything inconsistent with their desire will be to grieve them as much as it would grieve me; so that if I do harm I must expect to suffer, because there is no reason why others should show more love to me than I have shown to them. Thus, my desire to be loved as much as possible by my natural equals gives me a natural duty to act towards them with the same love. Everyone knows the rules and canons natural reason has laid down for the guidance of our lives on the basis of this relation of equality between ourselves and those who are like us.

6. But though this is a state of •liberty, it isn't a state of •licence ·in which there are *no* constraints on how people behave·. A man in that state is absolutely free to dispose of himself or his possessions, but he isn't at liberty to *destroy* himself, or even to destroy any created thing in his possession unless its destruction is required for some nobler purpose. The state of nature is governed by a law that creates obligations for everyone. And reason, which *is* that law, teaches anyone who takes the trouble to consult it, that *because we are all equal and independent, no-one ought to harm anyone else in his life, health, liberty, or possessions*. This is because

- we are all the work of one omnipotent and infinitely wise maker;
- we are all the servants of one sovereign master, sent into the world by his order to do his business;
- we are all the property of him who made us, and he made us to last as long as *he* chooses, not as long as *we* choose;
- we have the same abilities, and share in one common nature, so there can't be any rank-ordering that would authorize some of us to destroy others, as if we were made to be *used* by one another, as the lower kinds of creatures *are* made to be used by us.

Everyone is obliged to preserve himself and not opt out of life willfully, so for the same reason everyone ought, when his own survival isn't at stake, to do as much as he can to preserve the rest of mankind; and except when it's a matter of punishing an offender, no-one may take away or damage anything that contributes to the preservation of someone else's life, liberty, health, limb, or goods.

7. So that •all men may be held back from invading the rights of others and from harming one another, and so that •the law of nature that aims at the peace and preservation

of all mankind may be obeyed, the enforcement of that law of nature (in the state of nature) is in every man's hands, so that everyone has a right to punish law-breakers as severely as is needed to hinder the violation of the law. For the law of nature, like every law concerning men in this world, would be futile if no-one had power to enforce it and thereby preserve the innocent and restrain offenders. And in the state of nature if *anyone* may punish someone for something bad that he has done, then *everyone* may do so. . . .

8. That is how in a state of nature one man comes to have a ·legitimate· power over another. It isn't an unconditional power, allowing him to use a captured criminal according to the hot frenzy or unbridled extremes of his own will; but only a power to punish him so far as calm reason and conscience say is proportionate to his crime, namely as much punishment as may serve for •reparation and •restraint—for •those two are the only reasons why one man may lawfully harm another, which is what we call 'punishment'. By breaking the law of nature, the offender declares himself to live by some rule other than that of reason and common fairness (which is the standard that God has set for the actions of men, for their mutual security); and so he becomes dangerous to mankind because he has disregarded and broken the tie that is meant to secure them from injury and violence. This is an offence against the whole ·human· species, and against the peace and safety that the law of nature provides for the species. Now, every man, by the right he has to preserve mankind in general, may restrain and if necessary *destroy* things that are noxious to mankind; and so he can do to anyone who has transgressed that law as much harm as may make him repent having done it, and thereby deter him—and by his example deter others—from doing the same. So for this reason *every man has a right to enforce the law of nature and punish offenders*.

**9.** No doubt this will seem a very strange doctrine to some people; but before they condemn it, I challenge them to explain what right any king or state has to put to death or otherwise punish a foreigner for a crime he commits in their country. The right is certainly not based on their laws, through any permission they get from the announced will of the legislature; for such announcements don't get through to a foreigner: they aren't addressed to him, and even if they were, he isn't obliged to listen. . . . Those who have the supreme power of making laws in England, France or Holland are to an Indian merely like the rest of the world, men without authority. So if the law of nature didn't give every man a power to punish offences against it as he soberly judges the case to require, I don't see how the judiciary of any community can punish someone from another country; because they can't have any more power over him than every man can *naturally* have over another.

**10.** As well as •the crime that consists in violating the law and departing from the right rule of reason—crime through which man becomes so degenerate that he declares that he is deserting the principles of human nature and becoming vermin—there is often •transgression through which someone does harm to someone else. In the latter case, the person who has been harmed has, in addition to the general right of punishment that he shares with everyone else, a particular right to seek reparation from the person who harmed him; and anyone else who thinks this just may also join with the injured party and help him to recover from the offender such damages as may make satisfaction for the harm he has suffered.

**11.** So there are two distinct rights: **(i)** the right that everyone has, to punish the criminal so as to restrain him and prevent such offences in future; **(ii)** the right that an

injured party has to get reparation. Now, a magistrate, who by being magistrate has the common right of punishing put into his hands, can by his own authority **(i)** cancel the punishment of a criminal offence in a case where the public good doesn't demand that the law be enforced; but he can't **(ii)** cancel the satisfaction due to any private man for the damage he has received. The only one who can do that is the person who has been harmed. The injured party has the power of taking for himself the goods or service of the offender, by right of •self-preservation; and everyone has a power to punish the crime to prevent its being committed again, by the right he has of preserving •all mankind, and doing everything reasonable that he can to that end. And so it is that in the state of nature everyone has a power to kill a murderer, both •to deter others from this crime that no reparation can make up for, by the example of the punishment that everyone inflicts for it, and also •to secure men from future crimes by this criminal; the murderer has renounced reason, the common rule and standard God has given to mankind, and by the unjust violence and slaughter he has committed on one person he has declared war against all mankind, so that he can be destroyed as though he were a lion or a tiger. . . . This is the basis for the great law of nature, *Whoever sheds man's blood, by man shall his blood be shed*. Cain was so fully convinced that everyone had a right to destroy such a criminal that after murdering his brother he cried out 'Anyone who finds me will slay me'—so plainly was this law written in the hearts of all mankind.

**12.** For the same reason a man in the state of nature may punish lesser breaches of the law of nature. 'By death?' you may ask. I answer that each offence may be punished severely enough to make it a bad bargain for the offender, to give him reason to repent, and to terrify others from offending in the same way. Every offence that can be •committed in

the state of nature may also be punished in the state of nature—and punished in the same way (as far as possible) as it would be in a commonwealth. I don't want to go into the details of the law of nature or of its punitive measures, but I will say this much:— It is certain that there is a law of nature, which is as intelligible and plain to a reasonable person who studies it as are the positive laws of commonwealths. [See the explanation of 'positive' after section 1.] It may even be *plainer*—as much plainer as reason is plainer, easier to understand, than the fancies and intricate theoretical contrivances of men who have tried to find words that will further their conflicting hidden interests. For that is what has gone into the devising of most of the legislated laws of countries. Really, such laws are right only to the extent that they are founded on the law of nature, which is the standard by which they should be applied and interpreted.

**13.** To this strange doctrine of mine, namely that in the state of nature everyone has the power to enforce the law of nature, I expect this objection to be raised:

It is unreasonable for men to be judges in their own cases, because self-love will bias men in favour of themselves and their friends. And on the other side, hostility, passion and revenge will lead them to punish others too severely. So nothing but confusion and disorder will follow, and that is why God has—as he certainly has—established government to restrain the partiality and violence of men.

I freely allow that civil government is the proper remedy for the drawbacks of the state of nature. There must certainly be great disadvantages in a state where men may be judges in their own case; someone who was so unjust as to do his brother an injury will (we may well suppose) hardly be so just as to condemn himself for it! But I respond to the objector as follows [the answer runs to the end of the section]:— If

the state of nature is intolerable because of the evils that are bound to follow from men's being judges in their own cases, and government is to be the remedy for this, let us do a comparison. On the one side there is the state of nature; on the other there is

government where *one man*—and remember that absolute monarchs are only men!—commands a multitude, is free to be the judge in his own case, and can do what he likes to all his subjects, with no-one being allowed to question or control those who carry out his wishes, and everyone having to put up with whatever he does, whether he is led by reason, mistake or passion.

How much *better* it is in the state of nature, where no man is obliged to submit to the unjust will of someone else, and someone who judges wrongly (whether or not it is in his own case) is answerable for that to the rest of mankind!

**14.** It is often asked, as though this were a mighty objection: 'Where are there—where ever *were* there—any men in such a state of nature?' Here is an answer that may suffice in the mean time:— The world always did and always will have many men in the state of nature, because all monarchs and rulers of independent governments throughout the world are in that state. I include in this *all* who govern independent communities, whether or not they are in league with others; for the state of nature between men isn't ended just by their making a pact with one another. The only pact that ends the state of nature is one in which men agree together mutually to enter into one community and make one body politic. . . . The promises and bargains involved in bartering between two men on a desert island, . . . or between a Swiss and an Indian in the woods of America, are binding on them even though they are perfectly in a state of nature in relation to one another; for truth and promise-keeping belongs to men

•as men, not •as members of society—i.e. as a matter of natural law, not positive law.

**15.** To those who deny that anyone was ever in the state of nature, I oppose the authority of the judicious Hooker, who writes:

The laws. . . .of nature bind men absolutely, just *as men*, even if they have no settled fellowship, no solemn agreement among themselves about what to do and what not to do. What naturally leads us to seek communion and fellowship with other people is the

fact that on our own we haven't the means to provide ourselves with an adequate store of things that we need for the kind of life our nature desires, a life fit for the dignity of man. It was to make up for *those* defects and imperfections of the solitary life that men first united themselves in politic societies. (*The Laws of Ecclesiastical Polity*, Bk 1, sect. 10)

And I also affirm that all men are naturally in the state of nature, and remain so until they *consent* to make themselves members of some political society. I expect to make all this very clear in later parts of this discourse.

## Chapter 9: The purposes of political society and government

**123.** If man in the state of nature is as free as I have said he is—if he is absolute lord of his own person and possessions, equal to the greatest and subject to nobody—why will he part with his freedom? Why will he give up this lordly status and subject himself to the control of someone else’s power? The answer is obvious:

Though in the state of nature he has an unrestricted right to his possessions, he is far from assured that he will be able to get the *use* of them, because they are constantly exposed to invasion by others. All men are kings as much as he is, every man is his equal, and most men are not strict observers of fairness and justice; so his hold on the property he has in this state is very unsafe, very insecure. This makes him willing to leave a state in which he is very free, but which is full of fears and continual dangers; and not unreasonably he looks for others with whom he can enter into a society for the mutual preservation of their •lives, •liberties and •estates, which I call by the general name •‘property’. (The others may be ones who are already united in such a society, or ones who would like to be so united.)

**124.** So the great and chief purpose of men’s uniting into commonwealths and putting themselves under government is *the preservation of their property*. The state of nature lacks many things that are needed for this; I shall discuss three of them. First, The state of nature lacks •an established, settled, known law, received and accepted by common consent as the standard of right and wrong and as the common measure to decide all controversies. What about the law of nature? Well, it is plain and intelligible to all reasonable

creatures; but men are biased by self-interest, as well as ignorant about the law of nature because they don’t study it; and so they aren’t apt to accept it as a law that will bind them if it is applied to their particular cases.

**125.** Secondly, the state of nature lacks •a known and impartial judge, with authority to settle all differences according to the established law. In that state everyone is both judge and enforcer of the law of nature, and few men will play either role well. Men are partial to themselves, so that passion and revenge are very apt to carry them too far, and with too much heat, in their own cases; and their negligence and lack of concern will make them remiss in other men’s cases.

**126.** Thirdly, the state of nature often lacks •a power to back up and support a correct sentence, and to enforce it properly. People who have committed crimes will usually, if they can, resort to *force* to retain the benefits of their crime; this includes using force to resist punishment; and such resistance often makes the punishment dangerous, even destructive, to those who try to inflict it.

**127.** Thus mankind are in poor shape while they remain in the state of nature—despite all their privileges there—so that they are quickly driven into society. That is why we seldom find any number of men living together for long in this state. The drawbacks it exposes them to. . . make them take refuge under the established laws of government, and seek there to preserve their property. This is what makes each one of them so willingly give up his power of punishing, a power then to be exercised only by whoever is appointed to that role, this being done by whatever rules are agreed on by the community or by those whom they have authorized to draw

up the rules for them. This is the basic cause, as well as the basic justification, for the legislative and executive powers within a government as well as for the governments and societies themselves.

**128.** For in the state of nature a man has, along with his liberty to enjoy innocent delights, two powers. The first is to do whatever he thinks fit for the preservation of himself and of others, so far as the law of nature permits. This law makes him and all the rest of mankind into one community, one society, distinct from all other creatures. And if it weren't for the corruption and viciousness of degenerate men, there would be no need for any other law—no need for men to separate from this great natural community and by positive agreements combine into separate smaller associations. [See the explanation of 'positive' on page 3.] The other power a man has in the state of nature is the power to punish crimes committed against the law of nature. He gives up both these powers when he joins in a particular politic society—a *private* one, so to speak—and brings himself into any commonwealth, separate from the rest of mankind.

**129.** The first power. . . he gives up to be regulated by laws made by the society, so far as is required for the preservation of himself and the rest of the society. Such laws greatly restrict the liberty he had under the law of nature.

**130.** Secondly, he wholly gives up the power of punishing; the natural force that he could use for punishment in the state of nature he now puts at the disposal of the executive power of the society. Now that he is in a new state, in which he will enjoy many advantages from the labour, assis-

tance, and society of others in the same community, as well as protection from the strength of the community as a whole,

he must also give up something. For

he will have to part with as much of his natural freedom to provide for himself as is required for the welfare, prosperity, and safety of the society.

As well as being necessary, this is *fair*, because the other members of the society are doing the same thing.

**131.** But though men who enter into society give up the equality, liberty, and executive power they had in the state of nature. . . each of them does this only with the intention of *better* preserving himself, his liberty and property (for no rational creature can be thought to change his condition intending to make it *worse*). So the power of the society or legislature that they create can never be supposed to extend further than the common good. It is obliged to secure everyone's property by providing against the three defects mentioned above in sections 124-6, the ones that made the state of nature so unsafe and uneasy. Whoever has the legislative or supreme power in any commonwealth, therefore, is bound **(1)** to govern by established standing laws, promulgated and known to the people (and not by on-the-spot decrees), with unbiased and upright judges appointed to apply those laws in deciding controversies; and **(2)** to employ the force of the community at home only in the enforcement of such laws, or abroad to prevent or correct foreign injuries and secure the community from attack. And all this is to be directed to the peace, safety, and public good of the people, and to nothing else.





**STUDYDADDY**

**Get Homework Help  
From Expert Tutor**

**Get Help**