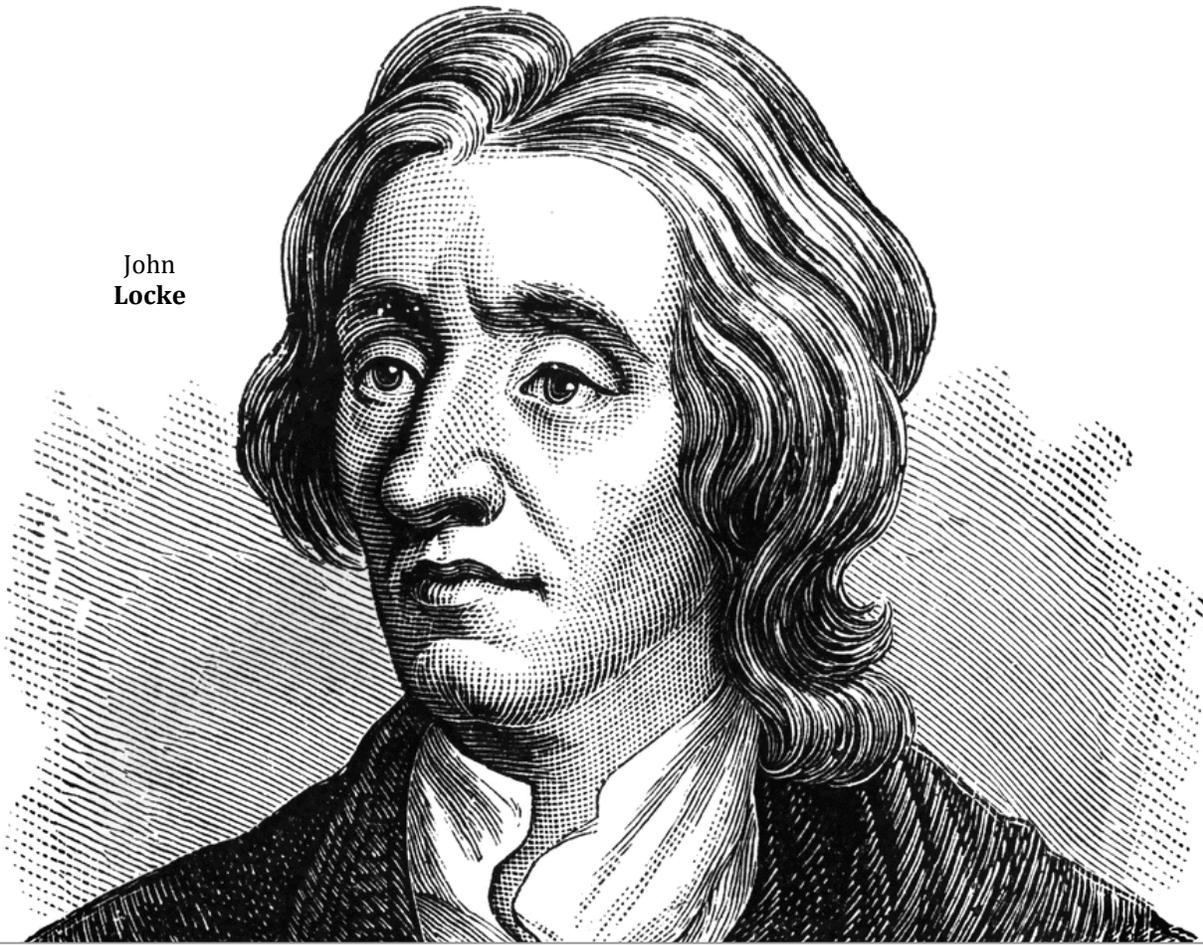


John  
Locke



# American Treasures II

*Remembering What Made America Great*

“The state of nature has a *Law of Nature* to govern it, which obliges everyone; and reason teaches all mankind that, being all equal and independent, *no one ought to harm another* in his life, health, liberty, or possessions. For men being the workmanship of an omnipotent and infinitely wise Maker and being furnished with like faculties, *there cannot be any subordination among us* that may authorize us to destroy one another, as if we were made for one another's uses.”

*John Locke*

# JOHN LOCKE

An Excerpt from *John Locke: Philosopher of American Liberty*, written by Mary-Elaine Swanson

“Locke set forth the principles defining the role, function, and operation of a sound government.” — *David Barton*

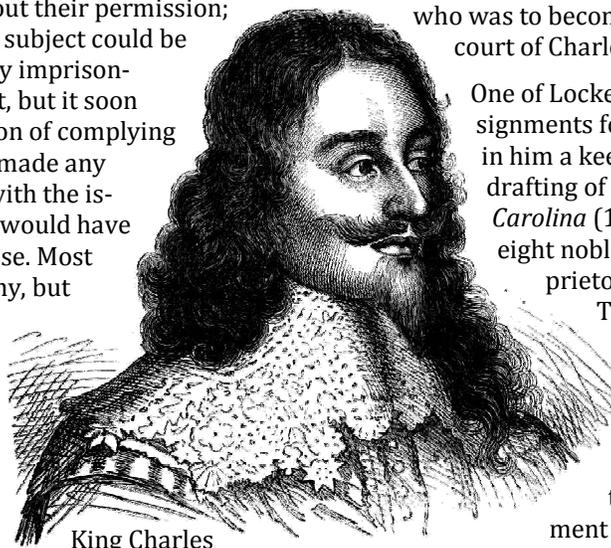
## Introduction

“John Locke (1632-1704) is one of the most important but largely unknown names in American history. As a celebrated English philosopher, educator, government official, and theologian, it is not an exaggeration to say that without his substantial influence on American thinking, there might well be no United States today” (Historian David Barton). His principles were summed up in our *Declaration of Independence* and became the American theory of government. Some scholars even place Locke among the greatest thinkers in human history.

## Divine Right of Kings

John Locke’s birth and childhood coincided with a period of intense religious and political ferment in England. It was a time when Englishmen, under the leadership of Puritan politicians and pastors, were calling into question the right of a king to force religious conformity upon his people or to tax them without the consent of their representatives in Parliament. Puritanism was opposed vigorously by James I (1603-1625) who insisted in his *True Law of Free Monarchy* that Kings had a divine right to absolute rule. In his view, the king was responsible only to himself, not to Parliament nor to the people. “It is a high contempt in a subject to dispute what a king can or cannot do.” His son Charles I declared in 1626, “Remember, Parliaments are in my power for their calling, sitting, and dissolution; as I find the fruits of them good or evil, they will continue or cease to be.”

In 1628, Parliament drafted a landmark document, *The Petition of Right*, in which were stated five basic principles: no taxation without the consent of Parliament; no troops could be boarded in citizen’s homes without their permission; no martial law in times of peace; no subject could be denied trial by jury; and no arbitrary imprisonments. Charles signed the document, but it soon became clear that he had no intention of complying with its demands. If he would have made any genuine attempt to come to terms with the issues, many members of Parliament would have been eager to work out a compromise. Most did not want to abolish the monarchy, but only to keep it within its constitutional boundaries. However, as the Americans would later discover, when dealing with another king, revolution was the reluctant, but inevitable, answer to tyranny. At last the storm clouds broke and the English Civil War began (1642).



King Charles

## The English Civil War

The militant forces of Parliament ousted the King’s army. The result was threefold — the trial and execution of Charles I, the exile of his son Charles II, and the replacement of monarchy with the Commonwealth, under the watch of Oliver Cromwell (1649-1659). Although Cromwell refused to be king, he exercised many of the powers of a king, usually wisely. However, his son Richard would never be the wise and firm ruler that his father was; thus, after Oliver’s death, Englishmen were once again faced with the old unresolved question — how should England be governed? Soon after, the Royalists in Parliament won out and Charles II was invited to return to England as King; thus ended the English Commonwealth.

## Education & Service

At the age of 15 (1647), John’s father was able to send him to the prestigious Westminster school in London. Young Locke was successful and was among six who were given a scholarship to Christ Church, Oxford, one of the finest colleges in the university. At Oxford, discussion of civil and political liberty was in the air, which caused Locke to explore these subjects. All of his early correspondence and notes reveal his preoccupation with the questions of the bounds of governmental authority.

It was during his Oxford years that he sought to find the truth of things in God Himself. In his essay *Of Study* (1677), he wrote, “It is a duty to God, as the fountain and author of all truth, and who is truth itself, and ‘tis a duty we owe ourselves, to have our minds constantly disposed to entertain and receive truth wherever we meet with it.”

Locke received his M.A. degree in 1658 and was soon appointed Greek Lecturer and Professor of Rhetoric at Christ Church, thus shifting from student to teacher. Later in 1665, John took time out from his duties at Oxford to serve as secretary to a foreign minister. So well did he perform his duties that, upon his return, he was offered another post as secretary to the newly-appointed ambassador to Spain. The offer tempted him with the prospects of a diplomatic career, but after much hesitation, he turned it down. Instead, he joined the household of Lord Ashley, who was to become a celebrated statesman at the court of Charles II.

One of Locke’s most interesting secretarial assignments for Lord Ashley, one which aroused in him a keen interest in America, was the drafting of *The Fundamental Constitutions of Carolina* (1669). Ashley had become one of eight noblemen whom Charles II made a proprietor of Carolina (then one colony).

The feudalistic document the proprietors drew up hardly reflected Locke’s own view of government. He seems to have played the role of scribe, writing down whatever was dictated to him. In the end, the complicated form of government they devised proved unworkable.

## The Glorious Revolution

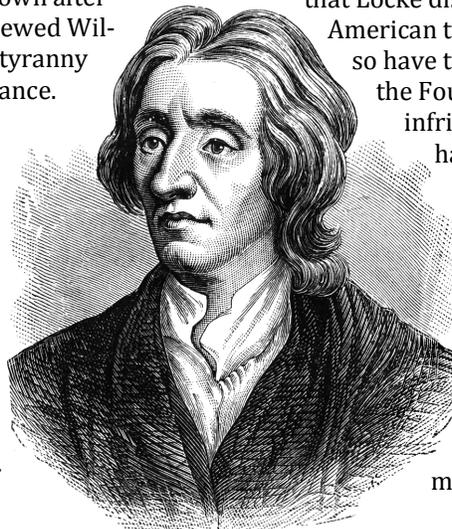
Charles II fared no better than his father had before the Civil War. In fact, he secretly planned, with the help of King Louis IV of France, to return England to the Roman Catholic Church and papal control, an act that would have certainly sparked a second Civil War. It was at this point that Lord Ashley, Locke's employer, fell into disfavor with Charles II. In 1681, Ashley was arrested and charged with plotting to overthrow the King.

What must Locke have been thinking at this time? His position as an associate, and suspected of having written against the government, suddenly left him in an exceedingly precarious position. It is believed that it was during this time that Locke began writing his two *Treatises of Civil Government*. In his first essay, he wrote a brilliant biblical refutation of Sir Robert Filmer's errant theories of the divine right of kings. In his second essay, "Locke set forth his fundamental principles defining the proper role, function, and operation of a sound government" (Barton). These treatises did not defend a revolution; they demanded one. Having written such revolutionary works, especially having demolished the king's "right" to absolute power, it is no wonder that Locke realized his life was in danger. If he wished to go on being of use, he would have to flee the country. Locke chose Holland.

Though Lord Ashley was eventually released and Parliament rose up against Charles II, the situation would grow much worse. Charles' brother, James II, would inherit the throne. On his deathbed, Charles warned his brother not to impose the Catholic faith on England. He did not listen, but instead installed Catholic leaders in every important political position. Englishmen grew weary of over-reaching monarchs and once again moved to topple the crown.

By 1687, secret negotiations were well under way between members of Parliament and William of Orange (Holland), who was a staunch Calvinist; their plan was to remove James II and install William and his wife, Mary, the Protestant daughter of James I, on the throne of England. William set out for England on November 1, 1688, with a force prepared to oppose James II. As it turned out, it was to be a virtually bloodless revolution. Upon entering England, William was greeted with cheers. Town after town threw open the gates; the people viewed William and his army as liberators from the tyranny of James II. In despair, the King fled to France.

A *Declaration of Rights* was presented to William and Mary in February, 1689. Upon their signatures, the document made them England's elected sovereigns, sworn to uphold provisions of the *Declaration*. This event became known as the Glorious Revolution and marked the beginning of constitutional monarchy, a system which still exists to this day. Upon this glorious news, John Locke returned to England. He referred to King William as the "great restorer" of the people's rights.



Immediately after his accession, William offered Locke several diplomatic positions, all of which Locke refused because of his health. He would spend his time in England researching, writing, and counseling members of Parliament, lending his brilliant mind and capable pen to right the wrongs of British law and economics.

## The American Revolution

John Locke was known to the American Founding Father generation as "the great Mr. Locke." Thomas Jefferson called him "one of the three greatest men who ever lived." The colonial clergy extolled his defense of life, liberty, and property and taught his political principles to their congregations. Patriot Samuel Adams declared his *Treatises on Civil Government* as "universally read and admired by all lovers of liberty." He went on to say of Locke's second essay, "If well studied and attended to, it will give to every intelligent reader a better view of the rights of men than all other discourses on government. It should be early and carefully explained by every father to his son, by every mother to her daughter, and by every preceptor to his pupils."

Our Founders had been born and bred on Locke, just as they had been raised on the Bible. Three revolutionary documents reveal how much they were influenced by his political philosophy — the *Declaration of Rights* (1774) produced by the first Continental Congress, George Mason's *Virginia Declaration of Rights* (1776), and, finally, the *Declaration of Independence* (1776) written by Thomas Jefferson.

Jefferson's great declaration is full of Lockean ideas and phraseology. It is obvious that he and the other delegates in Congress were very familiar with Locke's biblical principles. Thus, it is right to say that while the *Declaration of Independence* was an expression of the American mind, it was a mind that had been heavily influenced by the words of the Lord and the great Mr. Locke.

## Today's Challenge

Since our forefathers were so familiar with Lockean ideas and since they weaved his principles into our national fabric, it is imperative for us to understand and reaffirm the truths that Locke discovered so long ago. However, this great American treasure has been forgotten, and, as a result, so have the principles of good government. While the Founding generation was keen to the slightest infringement of their rights or to the stealthy hand of over-reaching rulers, Americans today, unenlightened as they are, fall prey to every stunt and scheme. Let not these accusations be true of you; know well the Scriptures and the principles from which all good government is derived.

"Study the Scripture, for therein are contained the words of eternal life. It has God for its author, salvation for its end, and truth, without any mixture of error, in its matter." *John Locke*

# SECOND TREATISE OF CIVIL GOVERNMENT

Note: Locke's *Second Treatise of Civil Government* is broken into nineteen chapters with 243 sections. He started a new section when he introduced a new leading idea. Inserted in various places are references to the *Declaration of Independence*, set off by the image of Founding Fathers, to see how they incorporated Lockean principles.

## Chapter I

### Divine Right of Kings

1, 2. It having been shown in the foregoing discourse (*First Treatise of Civil Government*, 1660) that Adam had not, either by natural right of fatherhood or dominion over the world, as is pretended, that if he had, his heirs, yet, had no right to it, that if his heirs had the right of succession and of bearing rule, it could not have been certainly determined, there being no law of God that determines which is the right heir, that if even that had been determined, yet the knowledge of which is the eldest line of Adam's posterity, being so long since utterly lost, that in the races of mankind and the families of the world, there remains not to one above another, to have the right of inheritance.

### Political Power

3. Political power is the right of making laws with penalties of death, and all less penalties, *for the regulating and preserving of property* and of employing the force of the community, in the execution of such laws, and in the defense of the commonwealth from foreign injury, and all this only for the public good.

## Chapter II

### The State of Nature

4. To understand political power rightly and to derive it from its origin, 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 as they think fit, *within the bounds of the Law of Nature*, without asking leave or depending upon the will of other men.

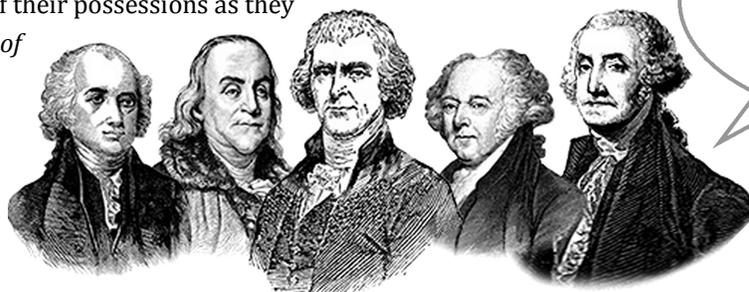
Also, [men are born into] *a state of equality*, wherein all power and jurisdiction are reciprocal (shared), no one having more than another; there is nothing more evident than that creatures of the same species and rank, born to all the same advantages of nature and the use of the same faculties, should also be *equal one amongst another without subordination or subjection*, unless the Lord of them all should, by any 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.

6. Though this is a state of liberty, *it is not a state of license*. Though man in that state has an uncontrollable liberty to dispose of his possessions, yet he has not liberty to destroy himself. *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 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, they are his property, whose workmanship they are, made to last during his, not one another's pleasure, and being furnished with like faculties, *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 creatures are for ours.

7. *All men may be restrained from invading others' rights, and from doing hurt to one another, and the Law of Nature be observed, which wills the peace and preservation of all mankind*. The execution of the Law of Nature is, in that state, put into every man's hands, whereby 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, 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. If any one in the state of nature may punish another for any evil he has done,

We submit to "the  
Laws of Nature and  
nature's God..."

"We hold these  
truths to be self-evident,  
that all men are  
created equal..."



every one may do so; for in that state of perfect equality, where naturally there is no superiority of one over another, what any may do in prosecution of that law, every one must have a right to do.

8. 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 of his own will, but only retribution to him, so far as calm reason and conscience dictate, *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 harm 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*. Which being a trespass against the whole species, and the peace and safety of it, 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. In the case, and upon this ground, *every man has a right to punish the offender* and be the executioner of the Law of Nature.

11. 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, 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 lion or a tiger, one of those wild savage beasts*, with whom men can have no society nor security; and, upon this is grounded that great Law of Nature, "whoever sheds a man's blood, by man shall his blood be shed." 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 finds me shall slay me." So plain was *the Law of Nature written in the hearts of all men*.

13. To this strange doctrine -- 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. 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*, since it is easy 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, 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 control 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. If he that is judge judges amiss in his own, or any other case, he is answerable for it to the rest of mankind.

### Chapter III

#### 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 man's life, puts him in a state of war with him against whom has declared such an intention, and so has exposed his life to the other's power to be taken away by him, or any one that joins with him in his defense 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 is to be preserved as much as possible*, and when all cannot be preserved, the safety of the innocent is to be preferred. *One may destroy a man who makes war upon him* for the same reason that he may kill a wolf or a lion; because such men are not under the common law of reason, have no other rule but that of force and violence, and so may be treated as beasts of prey, creatures that will destroy him.

17. 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; 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. No body can desire to have me in his absolute power, unless it is to compel me by force to that which is against the right of my freedom or to take me a slave. He that would take away that freedom, so that he 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 [quarrel with] all the rest; as *he that in the state of society would take away the freedom belonging to those of that society must be designing to take away from them everything else.*

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 to get him in his power, as to take away what he pleases from him. *I have no reason but to suppose that he, who would take away my liberty, would not, when he had me in his power, take away everything else.* Therefore it is lawful for me to treat him as one who has put himself into a state of war with me and kill him if I can; for to that hazard does he justly expose himself.

#### Chapter IV Slavery

22. *The natural liberty of man is to be free from any superior power on earth, and not to be under the will or legislative authority of man, but to have only the Law of Nature for his rule.* The liberty of man, in society, is to be under no other legislative power but that established *by consent* in the commonwealth, nor under the dominion of any will or restraint of any law but what that legislature shall enact, according to the trust put in it. Freedom then is not what Sir Robert Filmer tells us, *a liberty for everyone to do what he lists, to live as he pleases, and not to be tied by any laws* (this is license); but freedom of men under government is to have a standing rule to live by, common to every one of that society and made by the legislative power erected in it, a liberty to follow my own will in all things, where the rule prescribes not, and not to be subject to the inconstant, uncertain, unknown, arbitrary will of another man, *as freedom of nature is to be under no other restraint but the Law of Nature.*

23. This freedom from absolute, arbitrary power is so necessary to and closely joined with a man's preservation that he



“The King has imposed taxes upon us without our consent...”

cannot part with it; for a man, not having the power of his own life, cannot, by compact or his own consent, enslave himself to any one, nor put himself under the absolute, arbitrary power of another, to take away his life, when he pleases. No body can give more power than he has himself; and, *he that cannot take away his own life cannot give another power over it.*

24. This is the perfect condition of slavery, which is nothing else but *the state of war continued between a lawful conqueror and a captive.* Once compact is entered between them, for a limited power on the one side and obedience on the other, the state of war and slavery ceases, as long as the compact endures; however, 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 that we find among the Jews, as well as other nations, that men did sell themselves; but, it is plain, this was only to drudgery (work to pay a debt), not to slavery; for it is evident that the person sold was not under an absolute, arbitrary, despotic power; for the master could not have power to kill him at any time, and whom, at a certain time, 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 with the loss of an eye or tooth (*Exodus 21*).

#### Chapter V Property

25. It is clear, as King David says (*Psalms 115:16*), that *God has given the earth to men*, meaning given it to mankind in common. It seems to some a great difficulty, how any one should ever come to have property in any thing. Thus, I shall endeavor to show how men might come to have a property in several parts of that which God gave to mankind in common, and that without any express compact of all the commoners.

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, yet, being given for the use of men, there must be a means to appropriate them some way or another, before they can be of any use, or at all beneficial to any particular man. The fruit or venison, which nourishes the wild Indian, who knows no enclosure, and is still a tenant in common, must be his, a part of him that another can no longer have any right to.

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 labor of his body and the work of his hands are properly his. Whatsoever then he removes out of the state that nature hath provided, *he hath mixed his labor with* and joined to it something that is his own, and, thereby, *makes it his property*.

28. He that is nourished by the acorns he picked up under an oak or by 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, when he ate, when he boiled, when he brought them home, or when he picked them up? It is plain, if the first gathering made them not his, then nothing else could. *That labor put a distinction between them and common*, that added something to them more than nature had done; they became *his private right*.

The taking of this or that does not depend on the express consent of all the commoners (other people). Thus, the grass my horse has bit, the turfs my servant has cut, and the ore I dug in any place where I have a right to them in common with others, become my property without the consent of any body. *The labor that was mine*, removing them out of that common state they were in, *hath fixed my property in them*.

30. Thus this law of reason makes a deer the Indian's who hath killed it; it is allowed to be his goods, *who hath bestowed his labor upon it*, though before it was the common right of every one. The hare that any one is hunting is thought his who pursues it during the chase; at first, being a beast that was looked upon as common, and no man's private possession, but whoever has employed so much labor as

to find and pursue it has thereby removed her from the state of nature and hath become property.

31. It will perhaps be objected to this, that if gathering the acorns or other fruits of the earth, etc., makes a right to them, then *any one may engross as much as he will*. To which I answer, not so! *The same Law of Nature that does by this means give us property does also bound that property*. God has given us all things richly, but how far has he given it to us? To enjoy as much as any one can make use of, to any advantage of life before it spoils; whatever is beyond this, is more than his share and belongs to others. *Nothing was made by God for man to spoil or destroy*.

32. *The earth itself* (land) is property in that it is too acquired as the former. As much land as a man tills, plants, improves, cultivates, and can use the product of, so much is his property. *He by his labor does, as it were, enclose it from the common*. Nor will it invalidate his right to say that everyone else has an equal title to it, to say that he cannot appropriate, he cannot enclose, without the consent of all his fellow-commoners, all mankind. *God commanded man to subdue the earth*, i.e. to improve it for the benefit of life, and therein *lay out something upon it that was his own, his labor*. He that in obedience to this command of God, subdued, tilled, and sowed any part of it, thereby annexed to it something that was his property, which another has no title to, nor could without injury take from him.

33. Nor was this appropriation of any parcel of land, by improving it, any [injury] to any other man, since there was still enough good land left, so that, in effect, there was never the less left for others because of his enclosure 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 injured by the drinking of another man, though he took a good long drink and, yet, had a whole river of the same water left for him to quench his thirst.

34. God gave the world to men in common; but since he gave it them for their benefit, and the greatest conveniences 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, not to the fancy or covetousness of the quarrelsome and contentious.



will find that the improvement of labor makes the far greater part of the value.

46. The greatest part of things really useful to the life of man 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 property in all that he could affect with his labor.

**“When a long train of abuses [reveals] a design to reduce us under *absolute despotism*, it is our right and duty to throw off such government and provide new guards for our future security...”**

36. The measure of property nature has well set by the extent of men's labor and the conveniences of life; no man's labor could subdue or

appropriate all to him; nor could his enjoyment consume more than a small part, so that it was impossible for any man, this way, to entrench upon the right of another or acquire to himself a property to the prejudice of his neighbor, who would still have room for as good and as large a possession. This measure did confine every man's possession to a moderate proportion, such as he might appropriate to himself without injury to any body.

37. Before the appropriation of land, he who gathered as much of the wild fruit, or killed, caught, or tamed as many of the beasts as he could, he that so employed his pains about any of the products of nature did acquire a propriety in them; but if they perished in his possession without their due use, if the fruits rotted or the venison putrefied before he could spend it, he offended the common Law of Nature and was liable to be punished; *he invaded his neighbor's share, for he had no right farther than his use called for.*

38. The same measures governed the possession of land too; whatsoever he tilled and reaped, laid up and made use of, before it spoiled, that was his peculiar right; whatsoever he enclosed and could feed and make use of, the cattle and product was also his. But if either the grass of his enclosure rotted on the ground or the fruit of his planting perished without gathering, this part of the earth was to be looked on as waste, and might be the possession of another.

40. *The property of labor indeed puts the difference of value on every thing.* Let anyone consider what the difference is between an acre of land planted with tobacco or sugar, sown with wheat or barley, and an acre of the same land lying in common, without any husbandry upon it, and he

He that gathered a hundred bushels of acorns or apples, 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 robbed others. 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. If he also bartered away plums, 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 [apples] for a piece of metal, pleased with its color; 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.

47. Thus came in the use of money, some lasting thing that men might keep without spoiling, and that by mutual consent men would take in exchange for the truly useful, but perishable supports of life.

## Chapter VI

### Paternal Power

52. [The idea of ] paternal power seems to place the power of *parents over their children wholly in the father*, as if the mother had no share in it; whereas, if we consult reason or revelation (Scripture), we shall find that *she hath an equal title*. This may give one reason to ask whether this might not be more properly called *parental power*. For whatever obligation nature and the right of generation lays on children, it must certainly bind them

equal to both the causes of it. Accordingly we see the positive law of God every where joins them together, without distinction, when it commands the obedience of children. "Honor thy father and thy mother" (*Exodus 20:12*). "Ye shall fear every man his mother and his father" (*Leviticus 19:3*). "Children obey your parents" (*Ephesians 6:1*).

53. Had but this one thing been well considered, it might perhaps have kept men from running into those gross mistakes, they have made; for it will but very ill serve those men who contend so much for the absolute power and authority of the fatherhood that the mother should have any share in it. It would have but ill-supported the monarchy they contend for, when that fundamental authority, from whence they would derive their government of a single person only, was not placed in one, but two persons jointly.

54. Though I have said that *all men by nature are equal*, I cannot be supposed to understand all sorts of equality. Age or virtue may give men a just precedence; excellence of parts and merit may place others above the common level. Birth may subject some and benefit others.

55. Children, I confess, are not born in this full state of equality, though they are born to it. Their parents have a sort of rule and jurisdiction over them, when they come into the world and for some time after; but, it is but a temporary one. The bonds of this subjection are like the swaddling clothes they are wrapped up in, and supported by, in the weakness of their infancy; age and reason, as they grow up, loosen them, till at length they drop quite off, and leave a man at his own free disposal.

56. Adam was created a perfect man, his body and mind in full possession of their strength and reason, and so was capable, from the first instant of his being to provide for his own support and preservation, and govern his actions according to the dictates of the law of reason. From him the world is peopled with his descendants, who are all born infants, weak and helpless, without knowledge or understanding; but to supply the defects of this imperfect state, till the improvement of growth and age hath removed them, Adam and Eve, and after them all parents were, by the Law of Nature, under an obligation to preserve, nourish, and educate the children they had begotten; not as their own workmanship, but the workmanship of their own maker, the Almighty, to whom they were to be accountable for them.

57. The law, that was to govern Adam, was the same that was to govern all his posterity, the law of reason. But his offspring having another way of entrance into the world, different from him, by a natural birth, that produced them ignorant and without the use of reason, they were not presently under that law; for nobody can be under a law, which is not promulgated (taught) to him. Adam's children, being not presently as soon as born under this law of reason, were not presently free; for law, in its true notion, is not so much the limitation as the direction of a free and intelligent agent to his proper interest, and prescribes no farther than is for the general good of those under that law. *The end of law is not to abolish or restrain, but to preserve and enlarge freedom*; for in all the states of created beings capable of laws, *where there is no law, there is no freedom*. For *liberty is to be free from restraint and violence from others, which cannot be, where there is no law; but freedom is not a liberty for every man to do what he lists* (wishes). For who could be free, when every other man's humor might domineer over him?

58. The power, then, that parents have over their children arises from that duty which is incumbent on them, to take care of their off-spring during the imperfect state of childhood. To inform the mind and govern the actions of their yet ignorant [state], until reason shall take its place and ease them of that trouble. Whilst he is in a state wherein he has not understanding of his own to direct his will, he is not to have any will of his own to follow; he that understands for him, must will for him too. He must prescribe to his will and regulate his actions; but when he comes to the state that made his father a freeman, the son is a freeman too.

59. What gives man a free disposing of his property, according to his own will, within the compass of the Law of Nature? I answer *a state of maturity* wherein he might be supposed capable to know that law, that so he might keep his actions within the bounds of it. When he has acquired that state, he is presumed to know how far that law is to be his guide, and how far he may make use of his freedom, and so comes to have it; until then, somebody else must guide him. The son is to have no will, but he is to be guided by the will of his father or guardian. After that, the father and son are equally free, equally subjects of the same law together, without any dominion left in the father over the life, liberty, or estate of his son.

63. The freedom then of man, and liberty of acting according to his own will, is grounded on his having reason, which is able to instruct him in that law he is to govern himself by, and make him know how far he is left to the freedom of his own will. To turn him loose to an unrestrained liberty, before he has reason

to guide him, is not the allowing him the privilege of his nature to be free. This is that which puts the authority into the parents' hands to govern the minority of their children. God hath made it their business to employ this care on their offspring and hath placed in them suitable inclinations of tenderness and concern to temper this power, to apply it, as his wisdom designed it, to the children's good, as long as they should need to be under it.

66. God having made the parents instruments in his great design of continuing the race of mankind, and the occasions of life to their children, as he hath laid on them an obligation to nourish, preserve, and bring up their offspring, so he has laid on the children a perpetual obligation of honoring their parents, which containing in it an inward esteem and reverence to be shown by all outward expressions, ties up the child from any thing that may ever injure or affront, disturb or endanger, the happiness or life of those from whom he received his; and this engages him in all actions of defense, relief, assistance and comfort of those, by whose means he entered into being, and has been made capable of any enjoyments of life. From this obligation no state, no freedom can absolve children. But, this is very far from giving parents a power of command over their children, or an authority to make laws and dispose as they please of their lives or liberties. It is one thing to owe honor, respect, gratitude and assistance, and yet another to require an absolute obedience and submission. The honor due to parents, a monarch in his throne owes his mother, and, yet, this lessens not his authority, nor subjects him to her government.

67. The subjection of a minor places in the father a temporary government, which terminates with the [maturity] of the child; and the honor due from a child, places in the parents a perpetual right to respect, reverence, support and compliance too, more or less, as the father's care, cost, and kindness. This ends not with [maturity], but holds in all parts and conditions of a man's life. God hath woven into the principles of human nature such a tenderness for their offspring, that there is little fear that parents should use their power with too much rigor; the excess is seldom on the severe side, the strong bias of nature drawing the other way. This is that power to which children are commanded obedience, that the pains and care of their parents may not be increased, or ill rewarded.

68. On the other side, honor and support, all that which gratitude requires to return for the benefits received by and from them, is the indispensable duty of the child, and the

proper privilege of the parents. This is intended for the parents advantage, as the other is for the child's.

69. The first part then of paternal power, or rather duty, which is education, belongs so to the father, that it terminates at a certain season; when the business of education is over, it ceases of itself. This is very far from a power to make laws, and enforcing them with penalties, that may reach estate, liberty, limbs and life. The power of commanding ends with [maturity]; and though, after that, honor and respect, support and defense, and whatsoever gratitude can oblige a man to, for the highest benefits he is naturally capable of, be always due from a son to his parents, yet, all this puts no scepter into the father's hand, no sovereign power of commanding. He has no dominion over his son's property or actions; nor any right, that his will should prescribe to his son in all things; however it may become his son in many things, not very inconvenient to him and his family, to pay deference to it.

73. It has been commonly supposed that a father could oblige his posterity to a government, of which he himself was a subject, and that his compact held them; [however] the inheritance of a government reaches only those who will take it on that condition, and so [there] is no natural tie but a voluntary submission; for every man's children being by nature as free as himself may choose what society they will join themselves to, what commonwealth they will put themselves under. But, if they will enjoy the inheritance of their ancestors, they must take it on the same terms their ancestors had it and submit to all the conditions annexed to such a possession.

74. To conclude, then, the father's power of commanding extends no farther than the [maturity] of his children, i.e. with regards to making laws and enacting penalties. He has no dominion over the property or actions of his son.

## Chapter VII

### Political or Civil Society

77. God having made man such a creature that it was not good for him to be alone, put him under strong obligations of necessity, convenience, and inclination to drive him into society. *The first society was between man and wife*, which gave rise to [the society] between parents and children.

87. Man being born with a title to perfect freedom and an uncontrolled enjoyment of all the rights and privileges of the Law of Nature, equally with any other man, hath by nature *a power not only to preserve his property, that is, his life, liberty and estate*, against the injuries and attempts of other men, but to

judge of and punish the breaches of that law in others, as he is persuaded the offence deserves, even with death itself. But there only is political society, where the members hath quitted this natural power, *resigned 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. Thus, the community comes to be umpire, by settled standing rules, indifferent and the same to all parties; and by men having authority from the community for the execution of those rules, decides all the differences that may happen between any members of that society.

It is easy to discern who are, and who are not, in political society together. Those who are united into one body and have a common 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 on earth, are still in the state of nature.

88. Every man who has entered into civil society and has become a member of any commonwealth has, thereby, quitted his power to punish offences against the Law of Nature. He can appeal to the magistrate, for he has given a right to the commonwealth to employ his force, which indeed are his own judgments, they being made by his representative. Herein we have the origin of the legislative and executive power of civil society.

89. Wherever, therefore, any number of men is so united into one society, as to quit every one his executive power of the law of nature, and to resign it to the public, there, and there only, is a *political or civil society*. This is done, wherever any number of men, in the state of nature, enter into society to make one people, *one body politic*, under

**“We have been endowed by our Creator with *certain inalienable rights*, among these are life, liberty, and the pursuit of happiness...”**



one supreme government; or else when any one joins himself to, and incorporates with any government already made, for hereby he authorizes the society to make laws for him, as the public good of the society shall require. 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.

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 inconveniences 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 controversy that may arise, and which every one of the society ought to obey.

93. What security, what fence is there against the violence and oppression of an absolute ruler? Because he has power to do more hurt and wrong, is it right when he does it? To ask how you may be guarded from harm, or injury, on that side where the strongest hand is to do it is presently the voice of faction and rebellion; as if when men quitting the state of nature entered into society, they agreed that all of them but one, should be under the restraint of law, but that he should still retain all the liberty of the state of nature, this is to think that men are so foolish that they take care to avoid what mischief may be done them by cats or foxes, but are content or think it safety to be devoured by lions.

## Chapter VIII

### The Beginning of Political Societies

Sec. 95. Men being *by nature all free, equal, and independent*, no one can be put out of this state and subjected to the political power of another *without his own consent*. The only way whereby any one divests himself of his natural liberty and puts on the bonds of civil society is by agreeing with other men to join and unite into a community for their comfortable, safe, and peaceable living, in a secure enjoyment of their properties. When any number of men has so consented to make one community or government, they are, thereby, presently incorporated, and [they] make *one body politic*.

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

that which acts any community, being only the consent of the individuals of it, and it being necessary to that which is one body to move one way; it is necessary the body should move that way whither the greater force carries it, which is the consent of the majority; or else it is impossible it should act or continue one body, one community, which the consent of every individual that united into it, agreed that it should; and so everyone is bound by that consent to be concluded by the majority.

97. Thus every man, by consenting with others to make one body politic, puts himself under an obligation to every one of that society, to submit to the determination of the majority; or else this original compact would signify nothing. For what appearance would there be of any compact, what new engagement if he were no farther tied by any decrees of the society, than he himself thought fit, and did actually consent to?

98. For if the consent of the majority shall not be received as the act of the whole, nothing but the consent of every individual can make any thing to be the act of the whole; but such a consent is next to impossible ever to be had. To which if we add the variety of opinions, and contrariety of interests, which unavoidably happen in all collections of men, the coming into society upon such terms would be only dissolved; for where the majority cannot conclude the rest, there they cannot act as one body, and consequently will be immediately dissolved.

99. Whosoever 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; and, this is that which 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. Second, it is impossible of right that men should do so, because all men being born under government, they are to submit to that and are not at liberty to begin a new one.

104. Reason being plain on our side, that men are naturally free and the examples of history showing that the governments of the world that were begun in peace had their beginning laid on that foundation and were made *by the consent of the people*.

106. Looking back as far as records give us any account of peopling the world, and the history of nations, we commonly find the government to be in one hand; yet it destroys not that which I affirm, viz. that the beginning of politic society depends upon the consent of the individuals, to join into, and make one society. When they are thus incorporated, they might set up what form of government they thought fit. But this having given occasion to men to mistake, and think, that by nature government was monarchical (or given to the power of the father).

107. First then, in the beginning, the father's government of the childhood of those sprung from him, having accustomed them to the rule of one man and taught them that where it was exercised with care and skill, with affection and love to those under it, it was sufficient to procure and preserve to men all the political happiness they sought for in society. It was no wonder that they should pitch upon, and naturally run into that form of government, which from their infancy they had been all accustomed to; and which, by experience, they had found both easy and safe. It is no wonder they put themselves into such a frame of government, as was best suited to their present state and condition, which stood more in need of defense against foreign invasions and injuries than of laws. Therefore, their first care and thought cannot but be how to secure themselves against foreign force. It was natural for them to put themselves under a frame of government which might best serve to that end and choose 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.

111. But though the golden age had more virtue and consequently better governors, as well as less vicious subjects, and there was then no prerogative to oppress the people, nor consequently any dispute about privilege, to lessen or restrain the power of the magistrate; yet, when ambition and luxury in future ages would retain and increase the power, without doing the business for which it was given, and aided by flattery, taught princes to have distinct and separate interests from their people, men found it necessary to examine more carefully the origin and rights of government and to find out ways to restrain the excesses and *prevent the abuses of that power which they having entrusted in another's hands only for their own good*.

## The Ends of Political Society and Government

123. If man, in the state of nature, be so free, 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 his empire and subject himself to the dominion and control of any other power? To which it is obvious to answer, that though in the state of nature he 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 it is not without reason, that he seeks out, and is willing to join in society with others, who are already united, or have a mind to unite, *for the mutual preservation of their lives, liberties and estates*, which I call by the general name, *property*.

124. The great and chief end 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 (lacking). First, There [lacks] 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 interests are not apt to allow it as a law binding to them.

125. Secondly, in the state of nature, there [lacks] 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 in their own cases, as well as negligence and unconcern in other men's [cases].



**“Government derives its powers from the consent of the governed...”**

126. Thirdly, in the state of nature there often wants [lacks] 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, being in an ill condition, 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. In this we have the original right and rise of both the legislative and executive power, as well as of governments and societies themselves.

128. 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. Were it not for *the corruption of degenerate men*, there would be no need of any other, no necessity that men should separate from this natural community and combine into smaller and divided associations. The other power a man has in the state of nature is *the power to punish the crimes committed against that law*. Both of these powers he gives up when he joins in a political society and incorporates into any commonwealth separate from the rest of mankind.

129. The first power -- of doing whatsoever he thought 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.

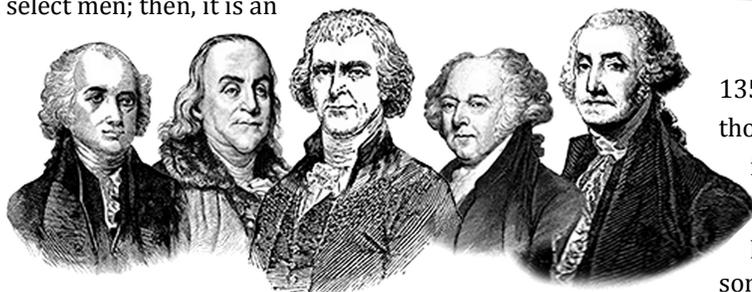
130. Secondly, the power of punishing he wholly gives up and engages his natural force to assist the executive power of the society, as the law thereof shall require; for being now in a new state, wherein he is to enjoy many conveniences from the labor, assistance, and society of others in the same community, 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.

131. 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, yet it being only with an intention in 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 executive or legislative constituted by them *can never extend farther than the common good, but is obliged to secure every one's property*. So whoever has the legislative or supreme power of any commonwealth is *bound to govern by established standing laws, [published] 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 in the execution of such laws or abroad to prevent or redress foreign injuries and to secure the community from inroads and invasion. *All of this to be directed to no other end, but the peace, safety, and public good of the people.*

## Chapter X

### The Forms of a Commonwealth

132. The majority having upon men's uniting into society the whole power of the community naturally in them may employ all that power in making laws for the community and executing those laws by *officers of their own appointing*; and, then, the form of the government is a perfect *democracy*. Or they may put the power of making laws into the hands of a few select men; then, it is an



**"The King has refused his assent to laws the most wholesome and necessary for the public good..."**

*oligarchy*. Or they may put power into the hands of one man; then it is a *monarchy*; if to him and his heirs, then, it is a hereditary monarchy. So accordingly of these the community may make mixed forms of government, as they think good. If the legislative power be given to one or more persons only for their lives, or any limited time, then, the supreme power is to revert (return) to them again. When it is so reverted, the community may dispose of it again anew into what hands they please, and so constitute a new form of government; such is the form of the commonwealth.

## Chapter XI

### The Extent of the Legislative Power

134. The great end of men's entering into society, being the enjoyment of their properties in peace and safety, and the great instrument and means of that being the laws established in that society, the *first and fundamental positive law of all commonwealths is the establishing of the legislative power*. As the first and fundamental Natural Law, which is to govern even the legislative itself, is *the preservation of the society and of every person in it*. This legislative is not only *the supreme power of the commonwealth* but sacred and unalterable in the hands where the community have placed it; nor can any edict of any body else, in what form so ever conceived or by what power so ever backed, *have the force and obligation of a law, which has not its sanction from that legislative [body] which the public has chosen and appointed; for without this the law could not have the consent of the society*. It is ridiculous to imagine one can be tied ultimately to obey any power in the society, which is not the supreme.

The power of making laws to command societies of men, belonging so properly unto the entire society, that for any prince or potentate (ruler) to exercise the same of himself, and not by express commission immediately and personally received from God or by authority derived at the first from their consent, upon whose persons they impose laws, *it is no better than mere tyranny*. Men naturally have no full and perfect power to command whole multitudes of men without their consent.

135. Though the legislative, whether placed in one or more, though it be the supreme power in every commonwealth, yet, it is not, nor can possibly be, absolutely arbitrary over the lives and fortunes of the people; for it being but the joint power of every member of the society given up to that person or assembly. *It can be no more than those persons had in a*

*state of nature* before they entered 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 absolute arbitrary power over himself or over any other, to destroy his own life or take away the life or property of another. Their power, in the utmost bounds of it is *limited to the public good of the society*. 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 cease not in society* but only have by human laws known penalties annexed to them, to enforce their observation.

*Thus the Law of Nature stands as an eternal rule to all men, legislators as well as others*. The rules that they make for other men's actions, must, as well as their own and other men's actions, *be conformable to the Law of Nature, i.e. to the will of God*. The fundamental Law of Nature is the preservation of mankind; thus, *no human sanction (law) can be good or valid against it*.

136. Human laws are measures in respect of men whose actions they must direct; *such measures have also higher rules to be measured by, which are the Law of Nature and the law of [nature's] God*. Human laws must be made without contradiction to any positive law of Scripture; otherwise they are ill made.

137. Absolute arbitrary power, or governing without settled standing laws, can neither 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. It cannot be supposed that they would intend to give to any one an absolute arbitrary power over their persons and estates and put a force into the magistrate's hand to execute his unlimited will upon them. This is to put themselves into a worse condition than the state of nature. 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.

Therefore, whatever form the commonwealth is under, the ruling power ought to govern by declared and received laws and not by extemporary dictates and undetermined resolutions, for then mankind will be in a far worse condition than in the state of nature if they shall have armed one, or a few men with the joint power of a multitude, to

force them to obey at pleasure the exorbitant (excessive) and unlimited decrees of their sudden thoughts, or unrestrained, and till that moment unknown wills, without having any measures set down which may guide and justify their actions. For all the power that government has, being only for the good of the society, so it ought to be exercised by established and [published] laws, that both the people may know their duty and be safe and secure within the limits of the law, and *the rulers, too, kept within their bounds*, not be tempted, by the power they have in their hands.

138. *The supreme power cannot take from any man any part of his property without his own consent*; for the preservation of property being the end (purpose) of government, it necessarily supposes and requires that the people should have property. Men, therefore, in society, having property, they have such a right to their goods, which no body hath a right to take their substance or any part from them without their own consent. *Without this they have no property at all; for I have truly no property in that, which another can by right take from me, when he pleases, against my consent*. Hence, it is a mistake to think that the supreme or legislative power of any commonwealth can do what it will and dispose of the estates of subjects arbitrarily or take any part of them at pleasure. In governments, where the legislative is in one lasting assembly always in being, or in one man as in absolute monarchies, there is danger that they will think themselves to have a distinct interest and so will be apt to increase their own riches and power by taking what they think fit from the people. A man's property is not at all secure, though there be good and equitable laws to set the bounds of it between him and his fellow subjects, if he who commands those subjects have power to take from any private man what part he pleases of his property and use and dispose of it as he thinks good.

140. It is true, *governments cannot be supported without great charge* (expense), and, thus, it is fit that *every one who enjoys his share of the protection should pay out of his estate his proportion for the maintenance of it; but still it must be with his own consent* (i.e. the consent of the majority, giving it either by themselves, or their representatives chosen by them). For if any one shall claim a power to lay and levy taxes on the people by his own authority and without the consent of the people, he invades the fundamental law of property and subverts the end (purpose) of government; for *what property have I in that, which another may by right take when he pleases to himself?*

141. *The legislative cannot transfer the power of making laws to any other hands, for it being but a delegated power from the people, they who have it cannot pass it over to others. Nor can the people be bound by any laws but such as are enacted by those whom they have chosen and authorized to make laws for them.*

142. 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 established laws (which is a republic), not to be varied in particular cases but to have one rule for rich and poor, for the favored in the court and the country man at the plough. Second, these laws ought to be designed for no other end (purpose) but *the good of the people*.

Third, they must not raise taxes on the property of the people without the consent of the people, given by themselves or their deputies. Fourth, the legislative [body] must not transfer the power of making laws to any body else or place it anywhere but where the people have.

## Chapter XII

### **The Legislative, Executive, and Federative Powers**

143. The legislative power is that which has a right to direct how the force of the common-wealth shall be employed for preserving the community and the members of it; but, because those laws which are constantly to be executed and whose force is always to continue may be made in a little time, therefore, there is no need that the legislative [body] should be always in being, not having always business to do. Also, because it may be too great a temptation to human frailty, apt to grasp at power, for the same persons who have the power of making laws to have also in their hands the power to execute them, whereby they may exempt themselves from obedience to the laws they make, and suit the law both in its making, and execution, to their own private advantage. Therefore, in well-ordered commonwealths, where the good of the whole is so considered, as it ought, the legislative power is put into the hands of diverse persons, who which when they are done, being separated again, *they are themselves subject to the laws they have made*, which is a near tie upon them, *to take care that they make them for the public good*.

144. Because the laws have a constant and lasting force and need a perpetual (lasting) execution and an attendance thereunto, therefore, it is necessary that there should be a power always in being which should see to the execution of the laws that are made, and remain in force. Thus, *the legislative and executive powers are to be separated*.

145. There is another power in every commonwealth. Though the members of the commonwealth are distinct persons in reference to one another, yet in reference to the rest of mankind, they make one body. The whole community is one body in the state of nature, in respect of all other states or persons out of its community. This [power] therefore contains that of war and peace, leagues and alliances, and all the transactions with all persons and communities outside the commonwealth and may be called federative (all in one).

147. These two powers, executive and federative, though they be really distinct in themselves, one comprehending the execution of the laws of the society, and the other the management of the security and interest of the public without (outside the society), yet they are always almost united.

148. If the executive and federative powers should be placed in distinct persons that might act separately, the force of the public would be under different commands, which would be apt some time or other to cause disorder and ruin.

## CHAPTER XIII

### **Subordination of the Powers of the Commonwealth**

149. Though in a commonwealth, there can be but one supreme power, which is the legislative [body], to which all the rest are and must be subordinate; yet, the legislative [body] being only a fiduciary (delegated) power to act for certain ends, *there remains still in the people a supreme power to remove or alter the legislative [body]*, when they find the legislative [body] acts contrary to the trust [reposed] in them. For all power given with trust for the attaining of an end (purpose), being limited by that end, *whenever that end is neglected or opposed, the trust must necessarily be forfeited* and the power [returned] into the hands of those that gave it, who may place it anew where they shall think best for their security.

Thus the community perpetually retains a supreme power of saving themselves from the attempts and designs of any body, even of their own legislators, whenever they shall be so foolish or wicked as to carry on designs against the liberties and properties of the subjects; for no man or society of men, having a power to deliver up their preservation to the absolute will and arbitrary dominion of another, when ever any one shall go about to bring them into such a slavish condition, they will always have a right to preserve what they have not a power to part with and to rid themselves of those who invade this fundamental, sacred, and unalterable *law of self-preservation*. Thus, *the community may be said in this respect to be always the supreme power*.

150. *The legislative is the supreme power, for what can give laws to another must needs be superior to him.*

154. If the legislative [body] be made up of representatives chosen for a time by the people, which afterwards return to the ordinary state of subjects, *the power of choosing must be exercised by the people*.

155. What if the executive power shall make use of that force to hinder the meeting and acting of the legislative [power]? Using force upon the people without authority and contrary to the trust put in him that does so is a state of war with the people. *The people have a right to remove it by force*. The use of force without authority always puts him that uses it into a state of war, as the aggressor, and renders him liable to be treated accordingly.

158. "*Salus populi suprema lex est*" (Cicero) – *[the welfare of the people is the great law]* -- is certainly so just and fundamental a rule, that he who sincerely follows it cannot dangerously err. Whatsoever shall be done manifestly *for the good of the people* is, and always will be, just.

#### Chapter XIV

#### **Prerogative (Executive Order)**

159. The executor of the laws, having the power in his hands, has by the common Law of Nature a right to make use of it for the good of the society. Many things there are, which the law can by no means provide for, and those must necessarily be left to the discretion of him that has the executive power in his hands, to be ordered by him as the public good and advantage shall require.

160. This power to act according to discretion, for the public good, without the prescription of the law, and sometimes even against it, is that which is called *prerogative* (privilege). For since in some governments the law-making power is not always in being, and is usually too numerous and so too slow, and because also it is impossible to foresee, and so by laws to provide for all accidents and necessities that may concern the public or to make such laws as will do no harm, there is a latitude left to the executive power to do many things of choice which the laws do not prescribe.

161. This power, whilst employed for the benefit of the community, and suitably to the trust and ends of the government, is undoubted prerogative and never is questioned; but, if there comes to be a question between the executive power and the people, about a thing claimed as a prerogative the tendency of the exercise of such prerogative to the good or hurt of the people will easily decide that question.

162. When mistake or flattery prevails with weak princes to make use of this power for private ends of their own and not for the public good, the people are, by express laws, to get prerogative determined in those points wherein they found disadvantage from it.

163. They have a very wrong notion of government who say that the people have encroached upon the prerogative when they have got any part of it to be defined by laws; for in so doing they have not pulled from the prince any thing that of right belonged to him, but only declared that the power which they left in his hands, to be exercised for their good, was not a thing which they intended him. For the end of government being the good of the community, whatsoever alterations are made in it, tending to that end, cannot be an encroachment upon any body. If that be so, the people under his government are not a society of rational creatures but are to be looked on as a herd of inferior creatures *under the dominion of a master*, who keeps them and works them for his own pleasure or profit. If men were so void of reason and brutish as to enter into society upon such terms, prerogative might indeed be an arbitrary power to do things hurtful to the people.

164. Since a rational creature cannot be supposed, when free, to put himself into subjection to another, for his own harm, prerogative can be nothing but the people's permit-

ting their rulers to do several things, of their own free choice, where the law was silent, and sometimes too against the direct letter of the law for the public good. For as a good prince, who is mindful of the trust put into his hands, and careful of the good of his people, cannot have too much power to do good, so a weak and ill prince, who would claim that power as a right of his office, which he may exercise at his pleasure, to make or promote an interest distinct from that of the public, *gives the people an occasion to claim their right and limit that power*

165. Therefore, he that will look into the history of England, will find that prerogative was largest in the hands of our wisest princes; because the people, observing the whole tendency of their actions to be the public good, contested not what was done without law to that end. The people, finding reason to be satisfied with these princes, whenever they acted without or contrary to the law, acquiesced (yielded) in what they did, and, without the least complaint, let them enlarge their prerogative as they pleased.

166. Such god-like princes had some title to prove absolute monarchy the best government, as that which God himself governs the universe. Upon this is founded that saying, that *the reigns of good princes have been most dangerous to the liberties of their people*, for when their successors, managing the government with different thoughts, would draw the actions of those good rulers into precedent, and make them the standard of their prerogative, as if what had been done only for the good of the people was a right for the harm of the people, if they so pleased. It has often occasioned contest and sometimes public disorders before the people could recover their original rights and get that to be declared not to be prerogative, for *prerogative is nothing but the power of doing public good without a rule.*

168. The question will be asked in this matter of prerogative, who shall be judge when this power is made a right use of? The people have no other remedy but to *appeal to heaven*; for the rulers, exercising a power the people never put into their hands, do that which they have not a right to do. Where the people, or any single man, are deprived of their rights, or are under the exercise of a power without rights, and have no appeal on earth, then they have a liberty to *appeal to heaven.*



**“Whenever any form of government becomes destructive of [its end], it is the right of the people to alter or abolish it...”**

## Chapter XV

### Paternal, Political, and Despotic Power

170. *Paternal or parental power* is nothing but that which parents have over their children, to govern them for the children's good, till they come to the use of reason, or a state of knowledge, wherein they may be supposed capable to understand that rule, whether it be the Law of Nature, or the municipal law of their country, they are to govern themselves by. The affection and tenderness which God hath planted in the breast of parents towards their children, makes it evident, that this is not intended to be a severe arbitrary government, but only for the help, instruction, and preservation of their offspring. Also, I have proved that there no reason why it should be thought to extend to life and death over their children; neither can there be any pretence why this parental power should keep the child, when grown to a man, in subjection to the will of his parents.

Thus, 'tis true, the paternal is a natural government, but not at all extending itself to the ends and jurisdictions of that which is political. The power of the father doth not reach at all to the property of the child, which is only in his own disposing.

171. *Political power* is that power, which every man having in the state of nature, has given up into the hands of the society, and therein to the governors whom the society hath set over itself, with this express trust, that it shall be employed for their good and the preservation of their property. Now, this power is to punish the breach of the Law of Nature in others, so as (according to the best of his reason) may most conduce to the preservation of himself and the rest of mankind. So that the end and measure of this power, when in the hands of the magistrate, is to preserve the members of that society in their lives, liberties, and possessions, so it cannot be an absolute, arbitrary power over their lives and fortunes, but a power to make laws and annex such penalties to them as may tend to the preservation of the whole. This power has its origin only from compact and agreement and *the mutual consent of those who make up the community.*

172. *Despotic power* is an absolute, arbitrary power one man has over another, to take away his life whenever he pleases. This is a power which neither nature gives, for it has made no such distinction between one man and another, nor compact can convey, for man not having such an

arbitrary power over his own life, cannot give another man such a power over it. This aggressor puts himself into the state of war with others having quitted reason and the common bond, whereby human kind is united into one fellowship and society, and having renounced the way of peace and made use of the force of war, to [force] his unjust ends upon another where he has no right. So revolting from his own kind to that of beasts, he renders himself liable to be destroyed by the injured person and the rest of mankind.

174. Paternal power is only where [age] makes the child incapable to manage his property; political, where men have property in their own disposal; and despotic over such as have no property at all.

## Chapter XVI

### Of Conquest

175. *Though governments and polities can be founded on nothing but the consent of the people*, yet such have been the disorders ambition has filled the world with, that in the noise of war, which makes so great a part of the history of mankind, this consent is little taken notice of. Therefore, many have mistaken the force of arms for the consent of the people and reckon conquest as one of the origin of government. But conquest is as far from setting up any government as demolishing a house is from building a new one in its place.

176. The aggressor, who puts himself into the state of war with another, and unjustly invades another man's right, can, by such an unjust war, never come to have a right over the conquered. Robbers and pirates have no right of empire over whomsoever they have force enough to master. Men are not bound by promises which unlawful force extorts from them. Should a robber break into my house, and with a dagger at my throat make me seal deeds to convey my estate to him, would this give him any title? The injury and the crime is equal, whether committed by the wearer of a crown or some petty villain. The title of the offender makes no difference in the offence. The only difference is that great robbers punish little ones, to keep them in their obedience, but the [kings] are rewarded with laurels and triumphs, because they are too big for the weak hands of justice in this world, and they have power in their own possession. What is my remedy against a robber, that so breaks into my house? Appeal to the law for justice; but, the conquered have no court on earth to appeal to. Then, they may *appeal to heaven*. He that appeals to heaven must be sure he has right on his side.

177. Supposing victory favors the right side, let us consider a conqueror in a lawful war, and see what power he gets, and over whom. First, it is plain he gets no power by his conquest over those that conquered with him. They that fought on his side cannot suffer by the conquest, but must at least be as much freemen as they were before.

178. Supposing, which seldom happens, that the conquerors and conquered never incorporate into one people, under the same laws and freedom; let us see next what power a lawful conqueror has over the subdued; that, I say, is purely despotic.

180. The power a conqueror gets over those he overcomes in a just war is perfectly despotic; he has an absolute power over the lives of those, who, by putting themselves in a state of war, have forfeited them. However, he has not thereby a right and title to their possessions.

182. The right of conquest extends only to the lives of those who joined in the war, not to their estates, but only in order to make reparation for the damages received and the charges of the war.

183. Let the conqueror have as much justice on his side, as could be supposed, he has no right to seize more than the vanquished could forfeit; his life is at the victor's mercy, and his service and goods he may appropriate, to [pay his expenses]. The conqueror has a title to reparation for damages received.

185. Even in a just war, by his conquest, one has no right of dominion.

193. But granting that the conqueror in a just war has a right to the estates, as well as power over the persons, of the conquered, which, it is plain, he hath not; nothing of absolute power will follow from hence in the continuance of the government

195. I will not dispute now whether princes are exempt from the laws of their country; but this I am sure, *they owe subjection to the laws of God and nature. No body, no power, can exempt them from the obligations of that eternal law*. In comparison of the great God, they are but as a drop of the bucket, or a dust on the balance, inconsiderable, nothing!

196. The short of the case in conquest is this; the conqueror, if he have a just cause, has a despotic right over the persons of all, that actually aided, and concurred in the war against him, and a right to make up his damage and cost out of their labor and estates. Over the rest of the people, if there were any that consented not to the war, and over the children of the captives themselves, or the possessions of either, he has no power; and so can have, by virtue of conquest, no lawful title himself to dominion over them or derive it to his posterity.

## Chapter XVII

### Usurpation

198. In all lawful governments, the designation of the persons who are to bear rule is as natural and necessary a part as the form of the government itself and is that which had its establishment originally from the people. Hence all commonwealths, with the form of government established, have rules also of appointing those who are to have any share in the authority and settled methods of conveying the right to them. Whoever gets into the exercise of any part of the power by other ways than what the laws of the community have prescribed *hath no right to be obeyed*; since he is not the person the laws have appointed and not the person the people have consented to. Nor can such a usurper (thief) ever have a title till the people are both at liberty to consent and have consented to allow and confirm in him the power he hath till then usurped (taken).

## Chapter XVIII

### Tyranny

199. As usurpation is the exercise of power which another hath a right to, so *tyranny is the exercise of power beyond right, which no body can have a right to*. This is making use of the power any one has in his hands, *not for the good of those who are under it*, but for his own private separate advantage, when the governor makes not the law but his will is rule, and his commands and actions are not directed to the preservation of the properties of his people, but the satisfaction of his own ambition, revenge, covetousness, or any other irregular passion.



**“The King has dissolved our representative Houses for opposing his invasions of the rights of the people...”**

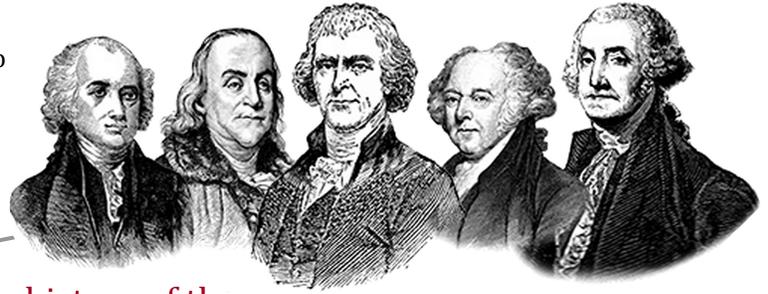
200. King James the first, in his speech to the Parliament (1603), told them thus, “I will ever prefer the public, the whole commonwealth, in making good laws and constitutions to any particular and private ends of mine, thinking ever the wealth of the commonwealth to be my greatest worldly felicity (happiness). A lawful king doth directly differ from a tyrant; for I do acknowledge, that the special and greatest point of difference that is between a rightful king and an usurping tyrant, is this, that whereas the proud and ambitious tyrant doth think his kingdom and people are only ordained for satisfaction of his desires and unreasonable appetites, the righteous and just king doth, by the contrary, acknowledge himself to be ordained for the procuring of the wealth and property of his people.”

In his speech to the Parliament (1609), he hath these words, “The king binds himself by a double oath, to the observation of the fundamental laws of his kingdom and so bound to protect as well the people. Therefore, *a king degenerates into a tyrant as soon as he leaves off to rule according to his laws*. Therefore, all kings that are not tyrants will be glad to bind themselves within the limits of their laws.” Thus, that learned king, who well understood the notion of things, makes the difference betwixt a king and a tyrant to consist in this: that one makes the laws the bounds of his power, and the good of the public the end (purpose) of his government, while the other one makes all give way to his own will and appetite.

201. It is a mistake, to think this fault is proper only to monarchies; other forms of government are liable to it as well as that; for wherever the power, that is put in any hands for the government of the people and the preservation of their properties, is applied to other ends and made use of to impoverish, harass, or subdue them to the arbitrary and irregular commands of those that have it, there *it presently becomes tyranny*, whether those that thus use it are one or many.

202. *Wherever law ends, tyranny begins*, if the law be transgressed to another's harm; and whosoever in authority exceeds the power given him by the law, and makes use of the force he has under his command upon the subject, which the law allows not. He that seizes my person in the street may be opposed as a thief and a robber. Why this should not hold in the highest [magistrate], I would gladly be informed. Exceeding the

bounds of authority is no more a right in a great than in a petty officer, no more justifiable in a king than a constable; but it is so much the worse in him, in that he has more trust put in him, and he is supposed, from the advantages of his education, employment, and counselors to be more knowing in the measures of right and wrong.



**“The history of the present King is one of repeated injuries and usurpations, all having in direct object the establishment of an *absolute* tyranny over these states...”**

203. May the commands then of a prince be opposed? This will unhinge and overturn all polities, and, instead of government and order leave nothing but anarchy and confusion.

## Chapter XIX

### The Dissolution of Government

214. First, when such a single person, or prince, sets up his own arbitrary will in place of the laws, which are the will of the society, declared by the legislative [body], then the legislative [power] is changed.

215. When the prince hinders the legislative from assembling in its due time or from acting freely pursuant to those ends for which it was constituted, the legislative is altered. When these are taken away or altered so as to deprive the society of the due exercise of their power, the legislative [power] is truly altered; so he who takes away the freedom or hinders the acting of the legislative [power], in effect, takes away the legislative [power] and puts an end to the government.

216. When, by the arbitrary power of the prince, the electors or ways of election are altered without the consent and contrary to the common interest of the people, there also the legislative [power] is altered; for if others than those whom the society hath authorized do choose, those chosen are not the legislative [power] appointed by the people.

217. The delivery also of the people into the subjection of a foreign power, either by the prince or by the legislative [body], is certainly a change of the legislative [power] and so a dissolution of the government. For the end why people entered into society being to be preserved one entire, free, independent society, to be governed by its own laws; this is lost, whenever they are given up into the power of another.

219. There is one way more whereby such a government may be dissolved, that is *when he who has the supreme executive power neglects and abandons that charge*, so that the laws already made can no longer be put in execution. This is demon-

stratively to reduce all to anarchy and so effectively to dissolve the government. For laws not being made for themselves, but to be, by their execution,

the bonds of the society to keep every part of the body politic in its due place and function, when that totally ceases, the *government* visibly ceases and the people become a confused multitude without order or connection. Where there is no longer the administration of justice for the securing of men's rights, nor any remaining power within the community to direct the force or provide for the necessities of the public, there certainly is no government left. Where the laws cannot be executed it is all one as if there were no laws, and a government without laws is, I suppose, a mystery in politics inconceivable to human capacity.

220. In these and the like cases, when the government is dissolved, the people are at liberty to provide for themselves, *by erecting a new legislative [power]*, differing from the other, by the change of persons or form or both, *as they shall find it most for their safety and good. For the society can never by the fault of another lose the native and original right it has to preserve itself*, which can only be done by a settled legislative [power] and a fair and impartial execution of the laws made by it.

221. There is therefore, secondly, another way whereby governments are dissolved, and that is, *when the legislative, or the prince, either of them, act contrary to their trust*. First, the legislative acts against the trust reposed in them, *when they endeavor to invade the property of the subject* and to make themselves, or any part of the community, masters or arbitrary disposers of the lives, liberties, or fortunes of the people.



222. The reason why men enter into society is the preservation of their property; and, the end (purpose) why they authorize a legislative [power] is that there may be laws made and rules set, as guards and fences to the properties of the members of the society. 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, 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 hath provided for all men, against force and violence.* Whenever the legislative [power] shall transgress this fundamental rule of society, and either by ambition, fear, folly, or corruption, endeavor to grasp 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; 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 security.*

What I have said here holds true also concerning the supreme executor, when he goes about to set up his own arbitrary will as the law of the society. He acts contrary to his trust when he either employs the force, treasure, and offices of the society to corrupt the representatives and gain them to his purposes, or when he openly engages the electors and prescribes to their choice, such whom he has by solicitations, threats, promises, or otherwise won to his designs.

223. To this perhaps it will be said, that the people being ignorant, and always discontented, to lay the foundation of government in the unsteady opinion and uncertain humor of the people is to expose it to certain ruin; and no government will be able long to subsist, if the people may set up a new legislative [power] whenever they take offence at the old one. To this I answer, quite the contrary.

**“A prince whose character is marked by every act which may define a tyrant is unfit to be the ruler of a free people...”**

225. I answer such revolutions happen not upon every little mismanagement in public affairs. Great mistakes in the ruling part, many wrong and inconvenient laws, and all the slips of human frailty will be borne by the people without mutiny or murmur; but *if a long train of abuses, all tending the same way, make the design visible to the people, they should then rouse themselves and endeavor to put the rule into such hands which may secure to them the ends for which government was at first erected.*

226. I also answer that this doctrine -- *of a power in the people of providing for their safety by a new legislative [power] when their legislators have acted contrary to their trust -- is the best fence against rebellion and the ablest means to hinder it.*

228. But some say this doctrine may occasion civil wars, to tell the people they are absolved from obedience when illegal attempts are made upon their liberties or properties, and may oppose the unlawful violence of those who were their magistrates, when they invade their properties contrary to the trust put in them, and that therefore this doctrine is not to be allowed, being so destructive to the peace of the world. They may as well say, upon the same ground, that honest men may not oppose robbers or pirates, because this may occasion disorder or bloodshed. *If any mischief comes in such cases, it is not to be charged upon him who defends his own right, but on him that invades his neighbors.*

229. *The end of government is the good of mankind.* Which is best for mankind, that the people should be always exposed to the boundless will of tyranny, or that the rulers should be sometimes liable to be opposed, when they grow exorbitant in the use of their power and employ it for the destruction and not the preservation of the properties of their people?

230. Whoever, either ruler or subject, by force goes about to invade the rights of people and lays the foundation for overturning the frame of any just government is highly guilty of the greatest crime a man is capable of; and, he who does it is justly to be esteemed the common enemy and pest of mankind and is to be treated accordingly.

231. That subjects or foreigners, attempting by force on the properties of any people, may be resisted with force is agreed on all hands; but that magistrates, doing the same thing, may be resisted hath of late been denied, as if those who had the greatest privileges and advantages by the law had, thereby, a power to break those laws. Their offense is the greater for breaking that trust which is put into their hands by their brethren.

232. Whosoever uses force without right, who does it without law, puts himself into a state of war with those against whom he so uses it; and, in that state all former ties are cancelled, all other rights cease, and every one has a right to defend himself and to resist the aggressor. It is lawful for the people, in some cases, to *resist their king*; and, since they may in some cases resist, *all resisting of princes is not rebellion*.

233. *Must the people then always lay themselves open to the cruelty and rage of tyranny? Must they see their cities pillaged and laid in ashes, their wives and children exposed to the tyrant's lust and fury, and themselves and families reduced by their king to ruin, and all the miseries of want and oppression, and yet sit still? Must men alone be [deprived] the common privilege of opposing force with force, which nature allows so freely to all other creatures for their preservation from injury? Self-defense is a part of the Law of Nature; nor can it be denied the community, even against the king himself.* Wherefore if the king shall but set himself against the body of the commonwealth, whereof he is the head, and shall with intolerable ill usage, *cruelly tyrannize over the whole, or a considerable part of the people, in this case the people have a right to resist and defend themselves from injury.* But, it must be with this caution, that they only defend themselves, but do not attack their prince; they may repair the damages received, but must not for any provocation exceed the bounds of due reverence and respect. They may repulse the present attempt, but must not revenge past violence. The body of the people may with respect *resist intolerable tyranny*; for when it is but moderate, they ought to endure it.

237. Two cases there are whereby a king becomes no king, and loses all power and regal authority over his people. The first is if he endeavors, as Nero of Rome, to overturn the government, that is, if he has a purpose and design to ruin the kingdom and commonwealth, that he resolves to cut off the senate and people, lay the city waste with fire and sword, and then remove to some other place. Such designs as these, when any king harbors in his thoughts, and seriously promotes, he immediately gives up all care and thought of the commonwealth and, consequently, forfeits the power of governing his subjects.

238. The other case is when a king makes himself the dependent of another and subjects his kingdom which his ancestors left him and the people put free into his hands to the dominion of another, because he betrayed or forced his people, whose liberty he ought to have carefully preserved, into the power and dominion of a foreign nation. By this alienation of his kingdom, he himself loses the power he had in it before, and so by this act sets the people free, and leaves them at their own disposal.

239. The people's right is equally invaded, and their liberty lost, whether they are made slaves to any of their own or to a foreign nation.

240. The common question will be made, who shall be judge of whether the prince or legislative [power] act contrary to the [people's] trust? *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 deputizes him, and must, by having deputed 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?

241. This question -- Who shall be judge? -- cannot mean that there is no judge at all; for where there is no judge on earth to decide controversies amongst men, *God in heaven is judge.* He alone is judge of the right. 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.

**"We appeal to the  
Supreme Judge of the world  
for the rectitude of our  
intentions..."**



**Compiled by**  
*Mr. Aaron Ferguson*

**Christian Heritage Academy**  
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