
John Locke

(1632—1704)

John Locke is best known as the premier English empiricist and as the political philosopher most admired by the revolutionists in the American colonies. Locke's empiricism reinforced his interest in science, nourished early by the natural philosopher Robert Boyle and the great physician Thomas Sydenham. After B.A. studies at Oxford, Locke undertook diplomatic missions. In 1667, he was hired as personal physician to Lord Ashley (Anthony Cooper), later Third Earl of Shaftesbury, a principal proprietor of the Carolina colony, for which Locke wrote a constitution. When Shaftesbury was Lord Chancellor (1672-3) and during his trial for treason (for his opposition to unlimited monarchy), Locke was his close adviser. Locke fled with his employer and other members of the "Whig" party to Holland in 1683. When Holland's William of Orange and his consort Mary assumed the throne of England in the "Glorious Revolution" of 1688-9, Locke accompanied them to England in triumph.

Locke, then, was no ivory-tower political philosopher. The Preface of the Two Treatises of Civil Government (1690) advertises the work as intended "to establish the throne of our great restorer, our present King William—to make good his title in the consent of the people." The First Treatise attacks the argument of Robert Filmer's Patriarcha, or the Natural Power of Kings (1680), which had defended the divine right of kings against the views of Shaftesbury and his fellow Whigs. Recently scholars have found evidence that the Second Treatise had actually been written first, between 1679 and 1681, and thus had been a revolutionary document calling for limited monarchy; of course, published in 1690, it seems a justification of Whig triumphs.

Many have supposed that Locke was really writing in answer to Hobbes. This was not precisely the case. Yet the idea is attractive because the legitimation of limited governmental prerogatives set forth in the Two Treatises, especially the Second, does make a nice contrast to the legitimation of unlimited government in Hobbes' Leviathan; and Filmer, Locke's immediate target, was a great admirer of Hobbes.

From the *Second Treatise of Government*

3. Political power. . . I take to be a right of making laws with penalties of death, and consequently all less penalties, for the regulating and preserving of property, and of employing the force of the community in the execution of such laws, and in the defence of the commonwealth from foreign injury; and all this only for the public good.

[Chapter II: Of the State of Nature]

4. To understand political power right, and derive it from its original, we must consider what state all men are naturally in, and that is, a *state of perfect freedom* to order their actions and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature; without asking leave, or depending upon the will of any other man.

A *state* also of *equality*, wherein all the power and jurisdiction is reciprocal, no one having more than another; there being nothing more evident than that creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection, unless the Lord and Master of them all, should by any manifest declaration of his will set one above another, and confer on him by an evident and clear appointment an undoubted right to dominion and sovereignty.

6. But though this be a *state of liberty*, yet it is *not a state of license*, though man in that state have an uncontrollable liberty to dispose of his person or possessions, yet he has not liberty to destroy himself, or so much as any creature in his possession, but where some nobler use, than its bare preservation calls for it. The *state of nature* has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions. For men being all the workmanship of one omnipotent, and infinitely wise Maker; all the servants of one Sovereign Master, sent into the world by his order and about his business, they are his property, whose workmanship they are, made to last during his, not one another's pleasure. And being furnished with like faculties, sharing all in one community of nature, there cannot be supposed any such subordination among us, that may authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of creatures are for ours. Every one as he is *bound to preserve himself*, and not to quit his station wilfully; so by the like reason when his own preservation comes not in competition, ought he, as much as he can, *to preserve the rest of mankind*, and may not unless it be to do justice on an offender, take away, or impair the life, or what tends to the preservation of the life, liberty, health, limb or goods of another.

7. And that all men may be restrained from invading other's rights, and from doing hurt to one another, and the law of nature be observed, which willeth the peace and *preservation of all mankind*, the *execution* of the law of nature is in that state, put into every 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 in this world, be in vain, if there were no body that in the state of nature, had a *power to execute* that law, and thereby preserve the innocent and restrain offenders, and if any one in the state of nature may punish another, for any evil has he done, every one may do so. For in that *state of perfect equality*, where naturally there is no superiority or jurisdiction of one over another, what any may do in prosecution of that law, every one must need have a right to do.

8. And thus in the state of nature, *one man comes by a power over another*; but yet no absolute or arbitrary power, to use a criminal when he has got him in his hands, according to the passionate heats, or boundless extravagancy of his own will, but only to retribute to him, so far as calm reason and conscience dictates, what is proportionate to his transgression, which is so much as many serve for *reparation* and *restraint*. For these two are the only reasons, why one man may lawfully do harm to another, which is that we call *punishment*. In transgressing the law of nature, the offender declares himself to live by another rule than that of *reason* and common equity, which is that measure God has sent to the actions of men for their mutual security: and so he becomes dangerous to mankind, the tie, which is to secure them from injury and violence, being slighted and broken by him. Which being a trespass against the whole species, and the peace and safety of it, provided for by the law of nature, every man upon this score, by the right he hath to preserve mankind in general, may restrain, or where it is necessary, destroy things noxious to them, and so may bring such evil on any one, who hath transgressed that law, as may make him repent the doing of it, and thereby deter him, and by his example others, from doing the like mischief. And in this case, and upon this ground, *every man hath a right to punish the offender, and be executioner of the law of nature*.

11. From these *two distinct rights*, the one of *punishing* the crime for *restraint*, and preventing the like offence, which right of punishing is in every body; the other of taking *reparation*, which belongs only to the injured party, comes it to pass that the magistrate, who by being magistrate, hath the common right of punishing put into his hands, can often, where the public good demands not the execution of the law, *remit* the punishment of criminal offences by his own authority, but yet cannot *remit* the satisfaction due to any private man, for the damage he has received. That, he who has suffered the damage has a right to demand in his own name, and he alone can remit: The damnified person has this power of appropriating to himself, the goods or service of the offender, by *right of self-preservation*, as every man has a power to punish the crime, to prevent its being committed again, *by the right he has of preserving all mankind*, and doing all reasonable things he can in order to that end: And thus it is that every man, in the state of nature, has a power to kill a murderer, both to deter others from doing the like injury, which no reparation can compensate, by the example of the punishment that attends it from every body; and also to *secure* men from the attempts of a criminal, who having renounced reason, the common rule and measure God hath given to mankind, hath, by the unjust violence and slaughter he hath committed upon one, declared war against all mankind; and therefore may be destroyed as a *lion* or *tiger*, one of those wild savage beasts with whom man can have no society nor security. And upon this grounded that great law of nature, "*Whoso sheddeth man's blood, by man shall his blood be shed.*" And *Cain* was so fully

convinced, that every one had a right to destroy such a criminal, that after the murder of his brother, he cries out, *every one that findeth me, shall slay me*; so plain was it writ in the hearts of all mankind.

13. To this strange doctrine, viz. that *in the state of nature, every one has the executive power* of the law of nature, I doubt not but it will be objected, that it is unreasonable for men to be judges in their own cases, that self-love will make men partial to themselves and their friends. And on the other side, that ill nature, passion and revenge will carry them too far in punishing others. And hence nothing but confusion and disorder will follow, and that therefore God hath certainly appointed government to restrain the partiality and violence of men. I easily grant, that *civil government* is the proper remedy for the inconveniences of the state of nature, which must certainly be great, where men may be judges in their own case, since 'tis easily to be imagined, that he who was so unjust as to do his brother an injury, will scarce be so just as to condemn himself for it. But I shall desire those who make this objection, to remember that *absolute monarchs* are but men, and if government is to be the remedy of those evils, which necessarily follow from men being judges in their own cases, and the state of nature is therefore not to be endured, I desire to know what kind of government that is, and how much better it is than the state of nature, where one man commanding a multitude, has the liberty to be judge in his own case, and may do to all his subjects whatever he pleases, without the least liberty to any one to question or 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. And if he that judges, judges amiss in his own, or any other case, he is answerable for it to the rest of mankind.

14. 'Tis often asked as a mighty objection, *where are or ever were, there any men in such a state of nature?* To which it may suffice as an answer at present; that since all *princes* and rulers of *independent* governments all through the world, are in a state of nature, it is plain the world never was, nor ever will be, without numbers of men in that state. I have named all governors of *independent* communities, whether they are, or are not, in league with others: For it is not every compact that puts an end to the state of nature between men, but only this one of agreeing together mutually to enter into one community, and make one body politic; other promises and compacts, men may make one with another, and yet still be in the state of nature. The promises and bargains for truck, &c. between the two men in the Desert Island, mentioned by *Garcilasso De la Vega*, in his History of Peru, or between a *Swiss* and an *Indian*, in the woods of *America*, are binding to them, though they are perfectly in a state of nature, in reference to one another. For truth and keeping of faith belongs to men, as men, and not as members of society.

[Chapter III: Of the State of War]

17. And hence it is, that he who attempts to get another man into his absolute power, does thereby *put himself into a state of war* with him; it being to be understood as a declaration of a design upon his life. For I have reason to conclude, that he who would get me into his power without my consent, would use me as he pleased when

he got me there, and destroy me too when he had a fancy to it; for nobody can desire to *have me in his absolute power*, unless it be to compel me by force to that which is against the right of my freedom, i.e. make me a slave. To be free from such force is the only security of my preservation: and reason bids me look on him, as an enemy to my preservation, who would take away that *freedom*, which is the fence to it: so that he who makes an *attempt to enslave me*, thereby puts himself into a state of war with me. He that in the state of nature, *would take away the freedom*, that belongs to any one in that state, must necessarily be supposed to have a design to take away every thing else, that *freedom* being the foundation of all the rest. As he that in the state of society, would take away the *freedom* belonging to those of that society or common wealth, must be supposed to design to take away from them every thing else, and so be looked on as *in a state of war*.

21. To avoid this state of war (wherein there is no appeal but to Heaven, and wherein every the least difference is apt to end, where there is no authority to decide between the contenders) is one *great reason men's putting themselves into society*, and quitting the state of nature. For where there is an authority, a power on Earth, from which relief can be had by *appeal*, there the continuance of the state of war is excluded, and the controversy is decided by that power. . . . And therefore in such controversies, where the question is put, *who shall be judge?* It cannot be meant, who shall decide the controversy. . . . Of that I myself can only be judge in my own conscience, as I will answer it at the great day, to the Supreme Judge of all men.

[Chapter IV: Of 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 the legislative shall enact, according to the trust put in it. *Freedom* then is not a *liberty of every one to do what he lists, to live as he pleases, and not to be tied by any laws*: 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 cannot part with it, but by what forfeits his preservation and life together. 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. Indeed having, by his fault, forfeited his own life, by some act that deserves death; he, to whom he has forfeited it, may (when he has him in power) delay to take it, and make use of him to his own service, and he does him no injury by it. For, whenever he finds the hardship of his slavery outweigh the value of

his life, it is in his power, by resisting the will of his master, to draw on himself the death he desires.

[Chapter V: Of Property]

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 nobody has originally a private dominion, exclusive of the rest of mankind, in any of them, as they are thus in their natural state: yet being given for the use of men, there must of necessity be a means to *appropriate* them some way or other before they can be of any use, or at all beneficial to any particular man. The fruit, or venison, which the wild Indian, who knows no enclosure, and is still a tenant in common, must be his, and so his, i.e. a part of him, that another can no longer have any right to it, before it can do him any good for the support of his life.

27. Though the earth, and all inferior creatures be common to all men, yet every man has a *property* in his own *person*. This nobody has any right to but himself. The *labour* of his body, and the *work* of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his *labour* with, and joined to it something that is his own, and thereby make it his *property*. It being by him removed from the common state nature placed it in, hath by this *labour* something annexed to it, that excludes the common right of other men. For this *labour* being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least where there is enough, and as good left in common for others.

28. He that is nourished by the acorns he picked up under an oak, or the apples he gathered from the trees in the wood, has certainly appropriated them to himself. Nobody can deny but the nourishment is his. I ask then, when did they begin to be his? When he digested? Or when he eat? Or when he boiled? Or when he brought them home? Or when he picked them up? And it is plain, if the first gathering made them not his, nothing else could. That *labour* put a distinction between them and common. That added something to them more than Nature, the common mother of all, had done; and so they became his private right. And will any one say he had no right to those acorns or apples he thus appropriated because he had not the consent of all mankind to make them his? Was it robbery thus to assume to himself what belonged to all in common? If such a consent as that was necessary, man had starved, notwithstanding the plenty God had given him. We see in *commons*, which remain so by compact, that it is the taking any part of what is common, and removing it out of the state Nature leaves it in, which *begins the property*; without which the common is of no use. And the taking of this or that part, does not depend on the express consent of all the commoners. Thus the grass my horse has bit; the turfs my servant has cut; and the ore I have digged in any place where I have a right to them in common with others, become my *property*, without the assignation or consent of any body. The *labour* that

was mine, removing them out of that common state they were in, hath *fixed* my *property* in them.

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 (and *labour* was to be *his title* to it), not to the fancy or covetousness of the quarrelsome and contentious. He that had as good left for his improvement, as was already taken up, needed not complain, ought not to meddle with what was already improved by another's labour: If he did, it is plain he desired the benefit of another's pains, which he had no right to, and not the ground which God had given him in common with others to labour on, and whereof there was as good left, as that already possessed, and more than he knew what to do with, or his industry could reach to.

40. Nor is it so strange, as perhaps before consideration it may appear, that the *property of labour* should be able to over-balance the community of land. For it is *labour* indeed that *puts the difference of value* on every thing, and let any one consider, what the difference is between an acre of land planted with tobacco and sugar, sown with wheat or barley; and an acre of the same land lying in common, without any husbandry upon it, and he will find that the improvement of *labour makes* the far greater part of the *value*. I think it will be but a very modest computation to say, that of the *products* of the Earth useful to the life of man 9/10 are the *effects of labour*: nay, if we will rightly estimate things as they come to our use, and cast up the several expenses about them, what in them is purely owing to *nature*, and what to *labour*, we shall find, that in most of them 99/100 are wholly to be put on the account of *labour*.

44. From all which it is evident, that though the things of nature are given in common, yet man (by being master of himself, and *proprietor of his own person*, and the actions or *labour* of it) had still in himself *the great foundation of property*; and that which made up the great part of what he applied to the support or comfort of his being, when invention and arts had improved the conveniences of life, was perfectly his own, and did not belong in common to others.

45. Thus *labour*, in the beginning, *gave a right of property*, wherever any one was pleased to employ it, upon what was common, which remained, a long while, the far greater part, and is yet more than mankind makes use of. Men, at first, for the most part, contented themselves with what unassisted nature offered to their necessities: and though afterwards, in some parts of the world, (where the increase of people and stock, with the *use of money*) had made land scarce, and so of some value, the several *communities* settled the bounds of their distinct territories, and by laws within themselves, regulated the properties of the private men of their society, and so *by compact* and agreement, *settled the property* which labour and industry began; and the leagues that have been made between several states and kingdoms, either expressly or tacitly disowning all claim and right to the land in the others' possession, have, by common consent, given up their pretences to their natural common right, which originally they had to those countries, and so have, by *positive agreement*, *settled a property* amongst themselves, in distinct parts and parcels of the Earth. . . .

[Chapter VII: Of Political or Civil Society]

87. Man being born, has been proved, with a title to perfect freedom, and uncontrolled enjoyment of all the rights and privileges of the law of nature, equally with any other man, or number of men in the world, hath by nature a power, not only to preserve his property, that is, his life, liberty, and estate, 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, in crimes where the heinousness of the fact, in his opinion, requires it. But because no political society can be, nor subsist, without having in itself the power to preserve the property, and, in order thereunto, punish the offences of all those of that society; there, and there only is *political society*, where everyone of 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. And thus all private judgment of every particular member being excluded, the community comes to be umpire, by settled standing rules, indifferent, and the same to all parties; and by men having authority from the community, for the execution of those rules, decides all the differences that may happen between any members of that society concerning any matter of right; and punishes those offences which any member hath committed against the society, with such penalties as the law has established: whereby it is easy to discern who are, and who are not, in *political society* together. Those who are united into one body, and have a common established 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, I mean on Earth, are still in the state of nature, each being, where there is no other, judge for himself, and executioner; which is, as I have before shown, the perfect *state of nature*.

88. And thus the commonwealth comes by a power to set down, what punishment shall belong to the several transgressions which they think worthy of it, committed amongst the members of that society, (which is the *power of making laws*) as well as it has the power to punish any injury done unto any of its members, by any one that is not of it, (which is the *power of war and peace*;) and all this for the preservation of the property of all the members of that society, as far as is possible. But though every man who has entered into civil society, and is become a member of any commonwealth, has thereby quitted his power to punish offences against the law of nature, in prosecution of his own private judgment; yet with the judgment of offences which he has given up to the legislative in all cases, where he can appeal to the magistrate, he has given up a right to the common wealth to employ his force, for the execution of the judgments of the commonwealth, whenever he shall be called to it; which indeed are his own judgments, they being made by himself, or his representative. And herein we have the original of the *legislative* and *executive* power of civil society, which is to judge by standing laws, how far offences are to be punished, when committed within the commonwealth; and also to determine, by occasional judgments founded on the present circumstances of the fact, how far injuries from without are to be vindicated; and in both these to employ all the force of all the members, when there shall be need.

89. Wherever therefore any number of men are so united into one society, as to quit every one his executive power of the law of nature, and to resign it to the public, there and there only is a *political*, or *civil society*. And this is done wherever any number of men, in the state of nature, enter into society to make one people, one body politic under one supreme government, or else when any one joins himself to, and incorporates with any government already made. For hereby he authorizes the society, or which is all one, the legislative thereof to make laws for him as the public good of the society shall require; to the execution whereof, his own assistance (as to his own decrees) is due. And this *puts men* out of a state of nature *into* that of *commonwealth*, by setting up a judge on Earth, with authority to determine all the controversies, and redress the injuries, that may happen to any member of the commonwealth; which judge is the legislative, or magistrates appointed by it. And wherever there are any number of men, however associated, that have no such decisive power to appeal to, there they are still in the *state of nature*.

[Chapter VIII: Of the Beginning of Political Societies]

95. Men being, as has been said, by nature, all free, equal and independent, no one can be put out of this estate, 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 one amongst another, in a secure enjoyment of their properties, and a greater security against any that are not of it. This any number of men may do, because it injures not the freedom of the rest; they are left as they were in the liberty of the state of nature. When any number of men have so *consented to make one community* or government, they are thereby presently incorporated, and make *one body politic*, wherein the *majority* have a right to act and conclude the rest.

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 every one is bound by that consent to be concluded by the *majority*. And therefore we see that in assemblies impowered to act by positive laws where no number is set by that positive law which impowers them, the *act of the majority* passes for the act of the whole, and of course determines, as having by the law of nature and reason, the power of the whole.

97. And thus every man, by consenting with others to make one body politic under one government, puts himself under an obligation to every one of that society, to submit to the determination of the *majority*, and to be concluded by it; or else this *original compact*, whereby he with others incorporates into *one society*, would signify nothing, and be no compact, if he be left free, and under no other ties, than he was in

before in the state of nature. For what appearance would there be of any compact? 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? This would be still as great a liberty, as he himself had before his compact, or any one else in the state of nature hath, who may submit himself and consent to any acts of it if he thinks fit.

98. For if the *consent of the majority* shall not in reason, be received, as *the act of the whole*, and conclude every individual; nothing but the consent of every individual can make any thing to be the act of the whole: But such a consent is next impossible ever to be had, if we consider the infirmities of health, and avocations of business, which in a number, though much less than that of a commonwealth, will necessarily keep many away from the public assembly. To which if we add the variety of opinions, and contrariety of interests, which unavoidably happen in all collections of men, the coming into the society upon such terms, would be only like Cato's coming into the theatre, only to go out again. Such a constitution as this would make the mighty *Leviathan* of shorter duration, than the feeblest creatures; and not let it outlast the day it was born in: which cannot be supposed till we can think, that rational creatures should desire and constitute societies only to be dissolved. For where the *majority* cannot conclude the rest, there they cannot act as one Body, and consequently will be immediately dissolved again.

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

100. To this I find two objections made. First, *that there are no instances to be found in history, 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, *that 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*.

101. To the first there is this to answer, that it is not at all to be wondered that *history* gives us but a very little account of men *that lived together in the state of nature*. The inconveniences of that condition, and the love and want of society, no sooner brought any number of them together, but they presently united and incorporated, if they designed to continue together. And if we may not suppose *men* ever to have been *in the state of nature*, because we hear not much of them in such a state, we may as well suppose the armies of Salmanasser or Xerxes were never children, because we hear little of them till they were men, and embodied in armies. Government is every where antecedent to records, and letters seldom come in amongst a people, till a long continuation of civil society has, by other more necessary arts provided for their safety, ease, and plenty. And then they begin to look after the history of their *founders*, and search into their *original*, when they have outlived the

memory of it. For it is with *commonwealths* as with particular persons, they are commonly *ignorant of their own births and infancies*: and if they know anything of their original, they are beholding, for it, to the accidental records, that others have kept of it. And those that we have, of the beginning of any polities in the world, excepting that of the Jews, where God himself immediately interposed, and which favours not at all paternal dominion, are all either plain instances of such beginning, as I have mentioned, or at least have manifest footsteps of it.

113. *That all men being born under government, some or other, it is impossible any of them should ever be free, and at liberty to unite together, and begin a new one, or ever be able to erect a lawful government.*

If this argument be good; I ask, how came so many lawful monarchies into the world? For if any body, upon this supposition, can show me any one man in any age of the World *free* to begin lawful monarchy; I will be bound to show him ten other *free men* at liberty, at the same time to unite and begin a new government under a regal, or any other form. It being demonstration, that if any one, *born under the dominion* of another, may be so *free* as to have a right to command others in a new and distinct empire; every one that is *born under the dominion* of another may be so *free* too, and may become a ruler, or subject, of a distinct separate government. And so by this their own principle, either all men, however *born*, are *free*, or else there is but one lawful prince, one lawful government in the World. And then they have nothing to do but barely to shew us, which that is. Which when they have done, I doubt not but all mankind will easily agree to pay obedience to him.

119. *Every man* being, as has been shown, *naturally free*, and nothing being able to put him into subjection to any earthly power, but only his own consent; it is to be considered, what shall be understood to be a *sufficient declaration* of a man's *consent*, to make him *subject* to the laws of any government. There is a common distinction of an express and a tacit consent, which will concern our present case. Nobody doubts but an *express consent* of any man entering into any society, makes him a perfect member of that society, a subject of that government. The difficulty is, what ought to be looked upon as a *tacit consent*, and how far it binds, i.e., how far any one shall be looked on to have consented, and thereby submitted to any government, where he has made no expressions of it at all. And to this I say, that every man, that hath any possessions, or enjoyment of any part of the dominions of any government, doth thereby give his *tacit consent*, and is as far forth obliged to obedience to the laws of that government, during such enjoyment, as anyone under it; whether this his possession be of land, to him and his heirs forever, or a lodging only for a week; or whether it be barely travelling freely on the highway; and, in effect, it reaches as far as the very being of any one within the territories of that government.

[Chapter IX: Of the Ends of Political Society and Government]

123. If man in the state of nature be so free as has been said; if he be absolute lord of his own person and possessions, equal to the greatest, and subject to nobody, why will he part with his freedom, why will he give up this empire, and subject himself to the domination 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 unsecure. 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*.

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

[Chapter XIX: Of the Dissolution of Government]

222. The reason why men enter into society is the preservation of their property; and the end why they choose and authorize a legislature is, that there may be laws made, and rules set, as guards and fences to the properties of all the members of the society: to limit the power, and moderate the dominion, of every part and member of the society. For since it can never be supposed to be the will of the society that the legislative should have a power to destroy that which every one designs to secure by entering into society, and for which the people submitted themselves to legislators of their own making; whenever the *legislators endeavour 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 farther obedience, and are left to the common refuge, which God hath provided for all men, against force and violence. Whensoever therefore the legislative shall transgress this fundamental rule of society; and either by ambition, fear, folly or corruption, *endeavour to grasp themselves, or put into the hands of any other an absolute power* over the lives, liberties, and estates of the people; by this breach of trust they *forfeit the power*, the people had put into their hands, for quite contrary ends, and it devolves to the people, who have a right to resume their original liberty, and, by the establishment of a new legislative (such as they shall think fit) provide for their own safety and security, which is the end for which they are in society. What I have said here, concerning the legislative, in general, holds true also concerning the

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

225. . . . *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, prevarications, and artifices, all tending the same way, make the design visible to the people, and they cannot but feel what they lie under, and see wither they are going; it is not to be wondered, that they should then rouse themselves, and endeavour to put the rule into such hands which may secure to them the ends for which government was at first erected; and without which, ancient names, and specious forms, are so far from being better, that they are much worse, than the state of nature, or pure anarchy; the inconveniences, being all as great and as near, but the remedy farther off and more difficult.

227. In both forementioned cases, when either the legislative is changed or the legislators act contrary to the end for which they were constituted, those who are guilty are *guilty of rebellion*. For if any one by force takes away the established legislative of any society, and the laws by them made pursuant to their trust, he thereby takes away the umpirage, which every one had consented to, for a peaceable decision of all their controversies, and a bar to the state of war amongst them. They who remove or change the legislative take away this decisive power, which no body can have but by the appointment and consent of the people. And so destroying the authority, which the people did, and nobody else can set up, and introducing a power, which the people hath not authorized, they actually *introduce a state of war*, which is that of force without authority: And thus by removing the legislative established by the society (in whose decisions the people acquiesced and united, as to that of their own will) they untie the knot, and *expose the people a new to the state of war*. And if those who by force take away the legislative are *rebels*, the *legislators* themselves, as has been shown, can be no less esteemed so; when they who were set up for the protection and preservation of the people, their liberties and properties, shall by force invade, and endeavour to take them away; and so they putting themselves into a state of war with those, who made them the protectors and guardians of their peace, are properly, and with the greatest aggravation, *rebellantes* rebels.

229. The end of government is the good of mankind: and 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?

240. Here, it is like, the common question will be made, *who shall be judge* whether the prince or legislative act contrary to their trust? This, perhaps, ill affected and factious men may spread amongst the people, when the prince only makes use of his due prerogative. To this I reply, *the people shall be judge*; for who shall be *judge* whether his trustee or deputy acts well, and according to the trust reposed in him, but he who deposes him, and must, by having 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, and the redress very difficult, dear, and dangerous?

241. But farther, this question (*who shall be judge?*) cannot mean that there is no judge at all. For where there is no judicature on Earth, to decide controversies, amongst men, *God in Heaven is judge*: He alone, it is true, is judge of the right. But *every man is judge* for himself, as in all other cases, so in this, whether another hath put himself into a state of war with him, and whether he should appeal to the Supreme Judge. . . .

242. If a controversy arises betwixt a prince and some of the people, in a matter where the law is silent or doubtful, and the thing be great consequence, I should think the proper *umpire*, in such case, should be the body of the *people*. For in cases where the prince hath a trust reposed in him, and is dispensed from the common ordinary rules of the law; there, if any men find themselves aggrieved, and think the prince acts contrary to, or beyond that trust, who so proper to *judge* as the body of the *people*, (who, at first, lodged that trust in him) how far they meant it should extend? But if the prince, or whoever they be in the administration, decline that way of determination, the appeal then lies nowhere but to Heaven; force between either persons, who have no known superior on earth, or which permits no appeal to a judge on earth, being properly a state of war, wherein the appeal lies only to Heaven; and in that state the *injured party must judge* for himself, when he will think fit to make use of that appeal, and put himself upon it.

243. To conclude, The *power that every individual gave the society*, when he entered into it, can never revert to the individuals again, as long as the society lasts, but will always remain in the community; because without this there can be no community, no commonwealth, which is contrary to the original agreement: so also when the society hath placed the legislative in any assembly of men, to continue in them and their successors, with direction and authority for providing such successors, *the legislative can never revert to the people* while that government lasts. Because, having provided a legislative with power to continue forever, they have given up their political power to the legislative, and cannot resume it. But if they have set limits to the duration of their legislative, and made this supreme power in any person or assembly only temporary; or else, when by the miscarriages of those in authority it is forfeited; upon the forfeiture of their rulers, or at the determination of the time set, *it reverts to the society*, and the people have a right to act as supreme, and continue the legislative in themselves; or erect a new form, or under the old form place it in new hands, as they think good.