

TWO
TREATISES
OF
GOVERNMENT.

BY
JOHN LOCKE.
(1632-1704)

Originally published
1689

SALUS POPULI SUPREMA LEX ESTO.
The safety of the people shall be the supreme law.

A NEW EDITION CORRECTED.

LONDON

PRINTED FOR WIHTMORE AND FENN, CHARING CROSS; AND
C. BROWN, DUKE STREET, LINCOLN'S-INN FIELDS.

MDCCCXXI.

1821

Sources: <https://archive.org/details/twotreatisesofgoolockuoft>
<https://constitution.org/2-Authors/jl/2ndtro7.txt>

Formatted, modernized, corrected, and annotated (in blue) by
William H. Gross www.onthewing.org June 2026
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TWO TREATISES OF GOVERNMENT.

IN THE FORMER

The false principles and foundation of
Sir Robert Filmer and his followers
are detected and overthrown.

THE LATTER

Is an essay concerning the true original extent
and end of civil government.

PREFACE.

READER, you have here the beginning and end of a discourse concerning government. What fate has otherwise disposed of the papers that should have filled up the middle, and were more than all the rest, it is not worth while to tell you. These which remain I hope are sufficient to



establish the throne of our great restorer, or present King William¹ — to make good his title in the consent of the people, which being the only one of all lawful governments, he has more fully and clearly than any prince in Christendom. And to justify to the world the people of England, whose love of their just and natural rights, with their resolution to preserve them, saved the nation when it was on the very brink of slavery and ruin. If these papers have that evidence which I flatter myself is to be found in them, there will be no great miss of those which are lost, and my reader may be satisfied without them. For I imagine I shall have neither the time nor inclination to repeat my pains, and fill up the wanting part of my answer, by tracing Sir Robert Filmer

again through all the windings and obscurities which are to be met with in the several branches of his curious system.

The king, and body of the nation, have since so thoroughly confuted his Hypothesis, that I suppose nobody hereafter will have either the confidence to appear against our common safety, and be again an advocate for slavery; or the weakness to be deceived with contradictions dressed up in a popular style, and well-turned periods. For if anyone will be at the pains himself in those parts which are here untouched, to strip Sir Robert's discourses of the flourish of doubtful expressions, and endeavour to reduce his words to direct, positive, intelligible propositions, and then compare them with one another, he will quickly be satisfied there was never so much glib nonsense put together in well-sounding English. If he thinks it not worthwhile to examine his works all through, let him make an experiment in that part where he treats of usurpation; and let him try, whether he can with all his skill, make Sir Robert intelligible and consistent with himself, or with common sense.

¹ That is, William of Orange, who became William III, king of England, Scotland, and Ireland, in the Glorious Revolution of 1688.

Preface

I should not speak so plainly of a gentlemen, long since past answering, had not the pulpit of recent years publicly owned his doctrine, and made it the current divinity of the times. It is necessary that those men, who taking it upon themselves to be teachers, have so dangerously misled others, should be openly shown of what authority this their Patriarch is, whom they have so blindly followed, so that they may either retract what upon so ill grounds they have vented, and cannot be maintained; or else justify those principles which they preached up for gospel; though they had no better an author than an English courtier. For I should not have written against Sir Robert, or taken the pains to show his mistakes, inconsistencies, and lack of (what he so much boasts of, and pretends wholly to build on) Scripture-proofs, were there not men among us who, by praising his books and espousing his doctrine, save me from the reproach of writing against a dead adversary. They have been so zealous in this point, that if I have done him any wrong, I cannot hope they should spare me. I wish, where they had done the truth and the public wrong, they would be as ready to redress it, and allow its just weight to this reflection, *viz.* that there cannot be done a greater mischief to prince and people, than the propagating wrong notions concerning government — so that at last, all times might not have reason to complain of the drum ecclesiastic. If anyone, concerned really for truth, undertakes the confutation of my hypothesis, I promise him either to recant a mistake upon fair conviction; or to answer his difficulties. But he must remember two things.

First, That cavilling here and there, at some expression or little incident of my discourse, is not an answer to my book.

Secondly, That I shall not take railing for arguments, nor think either of these worth my notice. Though I shall always look on myself as bound to give satisfaction to anyone who appears to be conscientiously scrupulous in the point, and shows any just grounds for his scruples.

I have nothing more, but to notify the reader, that *Observations* stands for *Observations on Hobbes, Milton*, etc. and that a bare quotation of pages always means pages of his *Patriarcha*, 1680 edition.

EDITOR'S NOTE

Sir Robert Filmer wrote *Observations Concerning the Origin of Government* (Aristotle, Hobbes, Milton, etc.) in 1652. Filmer's book *Patriarcha* was published posthumously in 1680. Locke's quotations taken directly from Filmer's book, use italics to mark the text, rather than quotation marks. The same is true of his quotations from Scripture.

In *Observations*, Filmer defends the divine right of kings. He rejects the social contract theory, arguing against the political ideas of Thomas Hobbes, John Milton, and Hugo Grotius. Filmer asserts that all government originates from the absolute authority of the father, rooted in Adam's divinely granted dominion, and that this patriarchal power is inherited by kings, making monarchy the only legitimate and natural form of rule. John Locke refutes all those claims in these two treatises.

Also widely quoted by Locke is Richard Hooker's *Of the Laws of Ecclesiastical Polity*, written in the 1590s. Hooker defended the Elizabethan Church of England against the criticisms of the Puritans. He advocated for the Anglican Middle Way, balancing Roman Catholic traditions with Protestant reforms, by legitimizing the revised Book of Common Prayer, and an episcopal structure. The Middle Way restored much of the sacerdotalism and practices of the Roman Catholic church, which had been excised in Thomas Cranmer's original Book of Common Prayer, written in 1549.

To put these treatises in their historical context, in 1662 the Act of Uniformity mandated that the revised Book of Common Prayer be used exclusively in all churches. For refusing to conform to it, 2000 Puritan preachers were expelled from their pulpits. Many were imprisoned; some fled the country, going to the Netherlands, or the New England colonies. Locke's treatises were written some 25 years later, in 1689. His principles and ideas were embedded in Britain's Bill of Rights, written that same year. And those were amplified in the later American Bill of Rights.

Locke's ideas regarding popular consent, limited government, and the source of political authority, mirror the earlier ideas of Thomas Hooker (no relation to Richard). Locke was only six years old when Hooker wrote the *Fundamental Orders of Connecticut* (in 1639), establishing a constitutional form of government in that colony. But Locke's later influence on the American Founders, particularly his second Treatise on Civil Government, was profound. He was not irreligious, which I think his first Treatise amply demonstrates. Rather, he applied rigorous reason and logic to his examination of the Bible, and then used his deductions to refute his opponent's alleged biblical support for the divine right of kings. Locke remained a deeply religious Christian all his life.

— William H. Gross

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BOOK I. OF GOVERNMENT.

CHAPTER 1. *Of Slavery*

§. 1. SLAVERY is so vile and miserable an estate of man, and so directly opposite to the generous temper and courage of our nation, that it is hardly to be conceived that an *Englishman*, much less a gentleman, should plead for it. And truly I would have taken Sir Robert Filmer's *Patriarcha* as any other treatise which would persuade all men that they are slaves, and ought to be so, for such another exercise of wit as was his who wrote the encomium ² of *Nero* — rather than for a serious discourse meant in earnest — had not the gravity of the title and epistle, the picture in the front of the book, and the applause that followed it, required me to believe that the author and publisher were both in earnest. I therefore took it into my hands with all the expectation, and read it through with all the attention, due to a treatise that made such a noise at its coming abroad. And I cannot but confess myself mightily surprised that in a book which was to provide chains for all mankind, I should find nothing but a rope of sand, useful perhaps to those whose skill and business it is to raise a dust, and would blind the people, the better to mislead them. But in truth, it is not of any force to draw those into bondage who have their eyes open, and so much sense about them as to consider that chains are but an ill wearing, however much care has been taken to file and polish them.

§. 2. If anyone thinks I take too much liberty in speaking so freely of a man who is the great champion of absolute power, and the idol of those who worship it, I beseech him to make this small allowance for once, to one who, even after reading Sir Robert's book, cannot but think himself a freeman, as the laws allow him. And I know it is no fault to do so, unless anyone better skilled in the fate of it than I, should have it revealed to him, that this treatise which has lain dormant so long was, when it appeared in the world, to carry all liberty out of it by the strength of its arguments; and that from then on our author's short model was to be the pattern on the mount, and the perfect standard of politics for the future. His system lies in a little compass; it is no more than this:

That all government is absolute monarchy.

And the ground he builds on is this:

That no man is born free.

§. 3. In this last age a generation of men has sprung up among us, that would flatter princes with an opinion that they have a divine right to absolute power, let the laws by which they are constituted and are to govern, and the conditions under which they enter upon their authority, be what they will, and their engagements to observe them be ever so well ratified by solemn oaths and promises. To make way for this doctrine, they have denied mankind a right to natural freedom. By this they have not only, as much as it lies in them, exposed all subjects to the utmost misery of tyranny and oppression, but they have also unsettled the titles and shaken the thrones of princes (for they too by these men's system, except only one, are all born slaves, and by divine right are subjects to Adam's right heir) — as if they had

² *Encomium*: a formal expression of praise.

designed to make war upon all government and subvert the very foundation of human society in order to serve their present turn.

§. 4. However we must believe them upon their own bare words when they tell us we are all born slaves, and we must continue so, for there is no remedy for it; we entered into life and thralldom together, and can never be quit of the one till we part with the other. I am sure Scripture or reason do not say so anywhere, notwithstanding the noise of *divine right*, as if divine authority has subjected us to the unlimited will of another — an admirable state of mankind, and that which they have not had wit enough to find out till this latter age. For however Sir Robert Filmer seems to condemn the novelty of the contrary opinion, *Patr.* p. 3. yet I believe it will be hard for him to find any other age or country of the world but this, which has asserted monarchy to be *jure divino* [by divine right]. And he confesses, *Patr.* p. 4. that *Heyward, Blackwood, Barclay, and others that have bravely vindicated the right of kings in most points*, never thought of this, *but with one consent admitted the natural liberty and equality of mankind.*

§. 5. By whom this doctrine came at first to be broached, and brought in fashion among us, and what sad effects it gave rise to, I leave to historians to relate, or the memory of those who were contemporaries with *Sibthorp* and *Manwering* ³ to recollect. My business at present is only to consider what Sir Robert Filmer has said in it, who is admitted to have carried this argument furthest, and is supposed to have brought it to perfection. For him, everyone who would be as fashionable as *French* was at court, has learned and runs away with this short system of politics, *viz., Men are not born free, and therefore could never have the liberty to choose either governors or forms of government.* Princes have their power absolutely, and by divine right; for slaves could never have a right to compact or consent. Adam was an absolute monarch, and so are all princes ever since.

CHAPTER 2. Of Paternal and Regal Power.

§. 6. Sir Robert Filmer's great position is that *men are not naturally free*. This is the foundation on which his absolute monarchy stands, and from which it erects itself to such a height, that its power is above every power, *caput inter nubila*,⁴ so high above all earthly and human things, that thought can scarcely reach it; that promises and oaths, which tie the infinite Deity, cannot confine it. But if this foundation fails, all his fabric falls with it, and governments must be left again to the old way of being made by contrivance and the consent of men (*Ἀνθρωπινὴ κρίσις Anthropine crisis*)⁵ making use of their reason to unite together into society. To prove this grand position of his, he tells us, p. 12, *Men are born in subjection to their parents*, and therefore cannot be free. And this authority of parents he calls *royal authority*, p. 12, 14; fatherly authority, or right of fatherhood, pp. 12, 20. One would have

³ Robert Sibthorpe (d. 1662) was an English clergyman who defended the divine right of kings during the reign of King Charles I. He first rose to national prominence in 1627 by delivering an assize sermon that asserted the doctrine of passive obedience, which the King sought to have published alongside a similar sermon by Roger Manwering (or Maynwaring). Sibthorpe was a zealous oppressor of Puritanism.

⁴ *Caput inter nubila*: head in the clouds. It refers to someone who is so aggrandized that they are beyond practical understanding. It originates from Virgil's *Aeneid*.

⁵ Greek for *human judgment*.

thought, in the beginning of such a work as this — on which was to depend the authority of princes, and the obedience of subjects — he would have told us expressly what that fatherly authority is, would have defined it, though not limited it, because in some other treatises of his he tells us that it is unlimited and unlimitable.⁶ He should at least have given us such an account of it that we might have had an entire notion of this *fatherhood*, or *fatherly authority*, whenever it came in our way in his writings. This I expected to have found in the first chapter of his *Patriarcha*. But instead of this, having,

1. *en passant*, made his obeisance to the *arcana imperii*,⁷ p. 5;
2. made his compliment to the *rights and liberties of this or any other nation*, p. 6. which he is presently going to nullify and destroy; and,
3. made his leg to those learned men, who did not see so far into the matter as himself, p. 7,

he comes to fall on *Bellarmino*,⁸ p. 8. And by a victory over him, he establishes his *fatherly authority* beyond any question. *Bellarmino* being routed by his own confession, p. 11. the day is clearly gotten, and there is no more need of any forces. For having done that, I observe not that he states the question, or rallies up any arguments to make good his opinion, but rather he tells us the story as he thinks fit, of this strange kind of domineering phantom called the *fatherhood*, which whoever could catch it, presently got empire and unlimited absolute power. He assures us how this *fatherhood* began in Adam, continued its course, and kept the world in order all the time of the *Patriarchs* till the flood. It got out of the ark with Noah and his sons, made and supported all the kings of the earth till the captivity of the *Israelites in Egypt*. And then the poor *fatherhood* was under hatches, till God, by giving the *Israelites kings*, re-established the ancient and prime right of the lineal succession in paternal government. This is his business from p. 12, to p. 19. And then obviating an objection, and clearing a difficulty or two, with one half reason, p. 23. to confirm the natural right of regal power, he ends the first chapter. I hope it is no injury to call a half quotation a half reason; for God says, *Honour your father and mother*; but our author contents himself with half, and quite leaves out *your mother* as little serviceable to his purpose. But of that more in another place.

§. 7. I do not think our author is so little skilled in the way of writing discourses of this nature, nor so careless of the point in hand, that by oversight he commits the fault, that he himself, in his *Anarchy of a mixed Monarchy*, p. 239. objects to Mr. Hunton in these words: *Where first I charge the author, that he has not given us any definition, or description of Monarchy in general; for by the rules of method he should have first defined it*. And by the like rule of method Sir Robert should have told us what his *fatherhood* or *fatherly authority* is, before he had told us in whom it was to be found, and talked so much of it. But perhaps Sir Robert found that this *fatherly authority*, this power of fathers and of kings (for he makes them both the same, p. 24) would make a very odd and frightful figure, and very disagreeable with what

⁶ In grants and gifts that have their original from God or nature, as the power of the father has, no inferior power of man can limit, nor make any law of prescription against them. OBSERVATIONS, 158.

The Scripture teaches, that supreme power was originally in the father, without any limitation. OBSERVATIONS, 245.

⁷ *Arcana imperii*: secrets of the empire.

⁸ Robert Bellarmine (1542-1621): Italian cardinal and theologian, who was central in the Counter-Reformation.

either children imagine of their parents, or subjects imagine of their kings, if he were to have given us the whole draught together in that gigantic form which he had painted in his own fancy. And therefore, like a wary physician when he would have his patient swallow some harsh or *corrosive liquor*, he mingles it with a large quantity of that which may dilute it, so that the scattered parts may go down with less feeling, and cause less aversion.

§. 8. Let us then endeavour to find what account he gives us of this *fatherly authority*, as it lies scattered in the several parts of his writings. And first, as it was vested in Adam, he says,

Not only Adam, but the succeeding patriarchs, had, by right of fatherhood, royal authority over their children, p. 12. This lordship which Adam by command had over the whole world, and the patriarchs enjoyed by right descending from him, was as large and ample as the absolute dominion of any monarch which has been since the creation, p. 13. Dominion of life and death, making war, and concluding peace, p. 13. Adam and the patriarchs had absolute power of life and death, p. 35. Kings, in the right of parents, succeed to the exercise of supreme jurisdiction, p. 19. As kingly power is by the law of God, so it has no inferior law to limit it; Adam was lord of all, p. 40. The father of a family governs by no other law, than by his own will, p. 78. The superiority of princes is above laws, p. 79. The unlimited jurisdiction of kings is so amply described by Samuel, p. 80. Kings are above the laws, p. 93.

And to this purpose see a great deal more which our author delivers in *Bodin's* words:

It is certain that all laws, privileges, and grants of princes, have no force, except during their life, if they are not ratified by the express consent, or by sufferance of the prince following, especially privileges, *Observations*, p. 279.

The reason why laws have been also made by kings was this; when kings were either busied with tears, or distracted with public cares, so that every private man could not have access to their persons to learn their wills and pleasure, then laws were of necessity invented so that every particular subject might find his prince's pleasure deciphered to him in the tables of his laws, p. 92. In a monarchy, the king must by necessity be above the laws, p. 100. A perfect kingdom is that in which the king rules all things according to his own will, p. 100. Neither common nor statute laws are, or can be, any diminution of that general power which kings have over their people by right of fatherhood, p. 115.

Adam was the father, king, and lord over his family; a son, a subject, and a servant or slave, were one and the same thing at first. The father had power to dispose or sell his children or servants; from which we find that the first reckoning up of goods in Scripture, the manservant and the maidservant, are numbered among the possessions and substance of the owner, as other goods were, *Observations Pref.*

God also has given to the father a right or liberty, to alien ⁹ his power over his children to any other; from which we find the sale and gift of children to have been much in use in the beginning of the world, when men had their servants for a possession and an inheritance, as well as other goods; upon which we find the power of castrating and making eunuchs much in use in old times, *Observations*, p. 155.

⁹ *Alien*: to transfer property or ownership.

Law is nothing else but the will of him that has the power of the supreme father, *Observations*, p. 223. It was God's ordinance that the supremacy should be unlimited in Adam, and as large as all the acts of his will; and as in him, so in all others that have supreme power, *OBSERVATIONS*, p. 245.

§. 9. I have been willing to trouble my reader with these several quotations in our author's own words, so that in them might be seen his own description of his *fatherly authority*, as it lies scattered up and down in his writings, which he supposes was first vested in Adam, and by right belongs to all princes ever since. This *fatherly authority* then, or *right of fatherhood*, in our author's sense, is a divine unalterable right of sovereignty, whereby a father or a prince has an absolute, arbitrary, unlimited, and unlimitable power over the lives, liberties, and estates of his children and subjects; so that he may take or alienate their estates, sell, castrate, or use their persons as he pleases, they all being his slaves, and he being lord or proprietor of everything, and his unbounded will being their law.

§. 10. Our author having placed such a mighty power in Adam, and founded all government and all power of princes upon that supposition, it is reasonable to expect that he should have proved this with clear and evident arguments suitable to the weightiness of the cause; so that since men had nothing else left them, they might in slavery have such undeniable proofs of its necessity, that their consciences might be convinced, and oblige them to submit peaceably to that absolute dominion which their governors had a right to exercise over them. Without this, what good could our author do, or pretend to do, by erecting such an unlimited power, but flatter the natural vanity and ambition of men, too apt of itself to grow and increase with the possession of any power? And by persuading those who are advanced to great, but limited degrees of such power, by the consent of their fellow-men, that by that part of it which is given them, they have a right to all that was not so. And therefore they may do what they please, because they have authority to do more than others; and so it tempts them to do what is neither for their own good, nor the good of those under their care — whereby great mischiefs cannot help but follow.

§. 11. The sovereignty of Adam being that on which, as a sure basis, our author builds his mighty absolute monarchy, I expected that in his *Patriarcha*, this main supposition of his would have been proved and established with all that evidence of arguments, that such a fundamental tenet required; and that this, on which the great stress of the business depends, would have been made out with reasons sufficient to justify the confidence with which it was assumed. But in all that treatise, I could find very little tending that way; the thing is so taken for granted there, without proof, that I could scarcely believe myself when, upon attentively reading that treatise, I found there so mighty a structure raised upon the bare supposition of this foundation. For it is scarcely credible that in a discourse where he pretends to confute the *erroneous principle* of man's *natural freedom*, he should do it by a bare supposition of Adam's *authority*, without offering any proof for that authority. Indeed he confidently says that *Adam had royal authority*, pp. 12 and 13. *absolute lordship and dominion of life and death*, p. 13. *a universal monarchy*, p. 33. *absolute power of life and death*, p. 35. He is very frequent in such assertions; but what is strange, in all his whole *Patriarcha* I find not one pretence of a reason to establish this, his great foundation of government; nor anything that looks like an argument, but these words:

To confirm this natural right of regal power, you find in the Decalogue, that the law which enjoins obedience to kings, is delivered in the terms, Honour your father, as if all power were originally in the father.

And why may I not add as well, that in the *Decalogue*, the law that enjoins obedience to queens, is delivered in the terms of *Honour your mother*, as if all power were originally in the mother? The argument, as Sir Robert puts it, will hold as well for one as the other: but of this, more in its due place.

§. 12. All that I take notice of here, is that this is all our author says in his first, or any of the following chapters, to prove the *absolute power of Adam*, which is his great principle. And yet, as if he had settled it there upon a sure demonstration, he begins his second chapter with these words: *By conferring these proofs and reasons, drawn from the authority of the Scripture*. Where those proofs and reasons for Adam's sovereignty are, bating that of *Honour your father*, mentioned above, I confess I cannot find — unless what he says, p. 11, *In these words we have an evident confession, viz. of Bellarmine, that creation made man prince of his posterity*, must be taken for proofs and reasons drawn from Scripture, or for any sort of proof at all. Though from there, by a new way of inference in the words immediately following, he concludes, *the royal authority of Adam* is sufficiently settled in him.

§. 13. If he has in that chapter, or anywhere in the whole treatise, given any other proofs of Adam's *royal authority*, other than by often repeating it, which among some men goes for argument, then I desire anybody to show me the place and page for him, so that I may be convinced of my mistake, and acknowledge my oversight. If no such arguments are to be found, I beseech those men who have praised this book so much, to consider whether they do not give the world cause to suspect that it is not the force of reason and argument that makes them for absolute monarchy, but some other by-interest. And therefore they are resolved to applaud any author that writes in favour of this doctrine, whether he supports it with reason or not. But I hope they do not expect that rational and indifferent men should be brought over to their opinion because their great doctor of it, in a discourse made on purpose to set up the *absolute monarchical power of Adam*, in opposition to the *natural freedom of mankind*, has said so little to prove it — from which it is rather naturally to be concluded that there is little to be said.

§. 14. But that I might omit no care to inform myself in our author's full sense, I consulted his *Observations on Aristotle, Hobbes*, etc., to see whether in disputing with others he made use of any arguments for this darling tenet of his, of Adam's *sovereignty*; since in his treatise of the *Natural power of Kings*, he has been so sparing of them. In his *Observations on Mr. Hobbes' Leviathan*,¹⁰ I think he has put together, in short, all those arguments for it, which in his writings I find him anywhere to make use of. His words are these:

If God created only Adam, and from a piece of him made the woman, and if by generation from those two, as parts of them, all mankind is propagated: if also God gave to Adam not only the dominion over the woman and the children that should issue from them, but also over all the

¹⁰ Thomas Hobbes published *Leviathan* in 1651. He argued a Social Contract theory, justifying government paternalism or elitism because, he claimed, common people are unable to rule themselves.

earth to subdue it, and over all the creatures on it, so that as long as Adam lived, no man could claim or enjoy anything except by donation, assignation or permission from him, then I wonder, etc. OBSERVATIONS, p. 165.

Here we have the sum of all his arguments for Adam's *sovereignty*, and against *natural freedom*, which I find up and down in his other treatises; and they are these following: *God's creation of Adam*, the *dominion* he gave him over Eve, and the *dominion* he had as *father over his children* — all of which I shall particularly consider.

CHAPTER 3. Of Adam's Title to Sovereignty by Creation.

§. 15. Sir Robert, in his preface to his *Observations on Aristotle's Politics*, tells us, *A natural freedom of mankind cannot be supposed without the denial of the creation of Adam*. But how Adam's being created, which was nothing but his receiving a being immediately from omnipotence and the hand of God, gave Adam a *sovereignty* over anything, I cannot see nor consequently understand, how a *supposition of natural freedom is a denial of Adam's creation*, and would be glad if anybody else (since our author did not grant us the favour) would make it out for him: for I find no difficulty to suppose the *freedom of mankind*, though I have always believed the *creation of Adam*. He was created, or began to exist by God's immediate power, without the intervention of parents or the pre-existence of any of the same species to beget him, when it pleased God he should; and so did the lion, the king of beasts, before him, by the same creating power of God. And if bare existence by that power, and in that way, will give dominion without any more ado, then our author, by this argument, will make the lion have as good a title to it as Adam, and certainly the more ancient. No! for Adam had his title *by the appointment of God*, says our author in another place. Then bare *creation* did not give him dominion, and one might have *supposed mankind free*, without *denying the creation of Adam*, since it was God's *appointment* which made him monarch.

§. 16. But let us see, how he puts his *creation* and this *appointment* together. *By the appointment of God*, says Sir Robert, *as soon as Adam was created, he was monarch of the world, though he had no subjects; for though there could not be actual government till there were subjects, yet by the right of nature it was due to Adam to be governor of his posterity — though not in act, yet at least in habit, Adam was a king from his creation*.

I wish he had told us here, what he meant by God's *appointment*. For whatever providence orders, or the law of nature directs,¹¹ or positive revelation declares, may be said to be *by God's appointment*. But I suppose it cannot be meant here in the first sense, *i.e.* by providence; because that would be to say no more than that, as soon as Adam *was created*, he was *de facto* monarch, because *by right of nature it was due to Adam to be governor of his posterity*. But he could not *de facto* be constituted the governor of the world by providence, at a time when there was actually no government, and no subjects to be governed, which our author here confesses. *Monarch of the world* is also differently used by our author; for sometimes he means by it a proprietor of all the world, exclusive of the rest of mankind, and thus he does in the same page of his preface cited before:

¹¹ The "law of nature" refers to family and community life prior to the creation of a formal government structure.

Adam (he says) being commanded to multiply and people the earth, and to subdue it, and having dominion given him over all creatures, was thereby the monarch of the whole world; none of his posterity had any right to possess anything except by his grant or permission, or by succession from him.

2. Let us understand, then, by *monarch*, the proprietor of the world; and by *appointment*, God's actual donation and revealed positive grant made to Adam, Gen 1.28,¹² as we see Sir Robert himself does in this parallel place. And then his argument will stand thus: *by the positive grant of God, as soon as Adam was created, he was proprietor of the world, because by the right of nature it was due to Adam to be governor of his posterity.*

In this way of arguing, there are two manifest falsehoods. **First**, it is false that God made that grant to Adam as soon as he was created, since, though it stands in the text immediately after his creation, yet it is plain it could not be spoken to Adam till after Eve was made and brought to him. And how then could he be *monarch by appointment as soon as created*, especially since he calls, if I do not mistake, that which God says to Eve, Gen 3.16,¹³ *the original grant of government* — which not being till after the fall, when Adam was somewhat distant from his *creation*, at least in time, and very much in condition — I cannot see how our author can say in this sense, that *by God's appointment, as soon as Adam was created, he was monarch of the world*. **Secondly**, were it true that God's actual *donation* appointed Adam *monarch of the world as soon as he was created*, the reason given for it here would not prove it; but it would always be a false inference that God, by a positive donation, *appointed Adam monarch of the world, because by right of nature it was due to Adam to be governor of his posterity*. For having given him the right of government by nature, there was no need for a positive donation; at least it will never be a proof of such a donation.

§. 17. On the other side, the matter will not be much mended if we understand *God's appointment*, to mean the law of nature (though it is a pretty harsh expression for it in this place) and *monarch of the world*, to mean sovereign ruler of mankind. For then the sentence under consideration must run thus: *By the law of nature, as soon as Adam was created he was governor of mankind, for by right of nature it was due to Adam to be governor of his posterity*. That amounts to this: he was *governor by right of nature*, because he was *governor by right of nature*. But supposing we should grant that a man is *by nature governor* of his children, Adam could not hereby be a monarch *as soon as created*. For this right of nature being founded on his being their father, how Adam could have a natural right to be governor before he was a father, when he had that *right* only by being a father, is I think hard to conceive, unless he would have him be a father before he was a father, and to have a title before he had it.

§. 18. To this foreseen objection, our author answers very logically, *he was governor in habit, and not in act* — a very pretty way of being a Governor without government, a father without children, and a king without subjects. And thus Sir Robert was an author before he wrote his

¹² Gen 1.28. Then God blessed them, and God said to them, "Be fruitful and multiply; fill the earth and subdue it; have dominion over the fish of the sea, over the birds of the air, and over every living thing that moves on the earth."

¹³ Gen 3.16. To the woman He said: "I will greatly multiply your sorrow and your conception; In pain you shall bring forth children; Your desire shall be for your husband, And he shall rule over you."

book; not *in act*, it is true, but *in habit*. For once he had published it, it was due to him *by the right of nature*, to be an author, as much as it was to Adam to be *governor of his children*, once he had begotten them. And if to be such a *monarch of the world*, an absolute monarch *in habit* but not *in act*, will serve the turn, then I should not much envy any of Sir Robert's friends whom he thought fit to graciously bestow [this title] upon, though even this of *act* and *habit* — if it signified anything but our author's skill in distinctions — is not to his purpose in this place. For the question here is not about Adam's actual exercise of government, but actually having a *title* to be governor. Government, says our author, was *due to Adam by the right of nature*. What is this right of nature? A right fathers have over their children by begetting them; *generatione jus acquiritur parentibus in liberos*,¹⁴ says our author, quoting Grotius, OBSERVATIONS, 223. The right then follows the begetting as arising from it; so that, according to this way of reasoning (or distinguishing) by our author, Adam, as soon as he was created, had a title *only in habit, and not in act*, which in plain *English* is, he actually had no title at all.

§. 19. To speak less learnedly, and more intelligibly, one may say of Adam, that he had a possibility of being *governor*, since it was possible he might beget children, and thereby acquire that right of nature to govern them, which accrues from there, be that whatever it is. But what connection does this have with Adam's *creation*, to make him say that *as soon as he was created, he was monarch of the world*? For it may be said as well of Noah, that as soon as he was born, he was monarch of the world, since he was in possibility (which, in our author's sense, is enough to make a monarch, a *monarch in habit*), to outlive all mankind, except for his own posterity. What such necessary connexion there is between Adam's *creation* and his *right to government*, so that a *natural freedom of mankind cannot be supposed without the denial of the creation of Adam*, I confess for my part I do not see. Nor do I see how those words, *by the appointment*, etc. OBSERVATIONS, 254. however explained, can be put together to make any tolerable sense, at least to establish this position with which they end, *viz. Adam was a king from his creation*; a king, says our author, *not in act but in habit, i.e., actually no king at all*.

§. 20. I fear I have tired my reader's patience, by dwelling longer on this passage, than the weightiness of any argument in it seems to require. But I have unavoidably been engaged in it by our author's way of writing. Huddling several suppositions together, and doing that in doubtful and general terms, he makes such a medley and confusion that it is impossible to show his mistakes, without examining the several senses in which his words may be taken; and without seeing how they will consist together in any of these various meanings, and still have any truth in them. For in this present passage before us, how can anyone argue against this position of his, that *Adam was a king from his creation*, unless one examines whether the words, *from his creation*, are to be taken, as they may, from the time of the commencement of his government (as the foregoing words import), *as soon as he was created he was monarch*; or for the cause of it, as he says on p. 11. *creation made man prince of his posterity*? Further, how can one judge the truth of his thus being king, till one has examined whether *king* is to be taken, as the words in the beginning of this passage would

¹⁴ The right is acquired by parents over their children through generation.

persuade us, on the supposition of his *private dominion*, which was, by Gods positive grant, *monarch of the world by appointment*; or *king* on the supposition of his *fatherly power* over his offspring, which was by nature, *due by the right of nature* — examined, I say, whether *king* is to be taken in both senses, or in only one of these two senses, or in neither of them, but only in this sense: that creation made him prince in a way that is different from both the others. For though this assertion, that *Adam was king from his creation*, is true in no sense, yet it stands here as an evident conclusion drawn from the preceding words. In truth it is but a bare assertion joined to other assertions of the same kind, which confidently put together in words of undetermined and dubious meaning, it looks like a sort of arguing, when there is indeed neither proof nor connection. It is a way that is very familiar with our author. Having given the reader a taste of it here, I shall, as much as the argument will permit me, avoid touching on it hereafter; and should not have done it here, were it not to let the world see how incoherences in matter, and suppositions without proofs, put handsomely together in good words and a plausible style, are apt to pass for strong reason and good sense, till they come to be looked into with attention.

CHAPTER 4. Of Adam's Title to Sovereignty by Donation, Gen 1.28.

§. 21. Having at last gotten through the foregoing passage where we have been so long detained — not by the force of arguments and opposition, but by the intricacy of the words, and the doubtfulness of the meaning — let us go on to his next argument for Adam's sovereignty. Our author tells us in the words of Mr. *Selden*,¹⁵ that *Adam by donation from God, Gen 1.28, was made the general lord of all things, not without such a private dominion to himself, as without his grant excluded his children*. This determination of Mr. Selden, says our author, is consonant to the history of the Bible, and to natural reason, *Observations* 210. And in his Preface to his *Observations on Aristotle*, he says thus:

The first government in the world was monarchial in the father of all flesh, Adam being commanded to people and multiply the earth, and to subdue it, and having dominion given to him over all creatures, was thereby the monarch of the whole world: none of his posterity had any right to possess anything, except by his grant or permission, or by succession from him. The earth, says the *Psalmist*, he has given to the children of men, which shows the title comes from fatherhood.

§. 22. Before I examine this argument and the text on which it is founded, it is necessary to desire the reader to observe that our author, according to his usual method, begins in one sense, and concludes in another. He begins here with Adam's propriety, or *private dominion, by donation*; and his conclusion is this: *which shows the title comes from fatherhood*.

§. 23. But let us see the argument. The words of the text are these:

and God blessed them, and God said to them, be fruitful and multiply, and replenish the earth and subdue it, and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moves on the earth, Gen 1.28;

¹⁵ John Selden (1584-1654) – pre-eminent English jurist and historian. His work, *History of Tythes* (1618), conceded the legal right of the Church of England to collect tithes, but denied *divine authority* for the practice. It influenced Locke's arguments here against Sir Robert Filmer's patriarchal theory of government.

from which our author concludes that Adam, *having dominion given to him here over all creatures, was thereby the monarch of the whole world*. By this he must have meant that either, **1st**, this grant of God gave Adam property, or as our author calls it, *private dominion* over the earth, and over all inferior or irrational creatures, and consequently he was thereby *monarch*: or **2dly**, that it gave him rule and dominion over all earthly creatures whatsoever, and thereby over his children — and so he was monarch. For, as Mr. Selden has properly worded it, *Adam was made general lord of all things*, one may very clearly understand him, that he means nothing was granted to Adam here but property, and therefore he says not one word about Adam's *monarchy*. But our author says, *Adam was hereby monarch of the world*, which properly speaking, signifies sovereign ruler of all the men in the world. And so Adam, by this grant, must be constituted such a ruler. If our author means otherwise, he might with much clearness have said that *Adam was hereby proprietor of the whole world*. But he begs your pardon in that point. Clear distinct speaking does not everywhere serve Sir Robert's purpose; so you must not expect it in him, as in Mr. Selden, or other such writers.

§. 24. In opposition therefore to our author's doctrine that *Adam was monarch of the whole world*, which is founded on this passage, I will show,

1. That by this grant, Gen 1.28, God gave no immediate power to Adam over men, over his children, over those of his own species; and so he was not made ruler, or monarch, by this charter.
2. That by this grant, God did not give him *private dominion* over the inferior creatures, but a right in common with all mankind; so neither was he *monarch* upon the account of the property here given to him.

§. 25. 1. That this donation, Gen 1.28, gave Adam no power over men, will appear if we consider the words of it: for since all positive grants convey no more than the express words they are made in will carry, let us see which of them here will comprehend mankind, or Adam's posterity; and those, I imagine, if any, must be these, *every living thing that moves*. The words in Hebrew are *הַחַיָּה הָרֹמֶשֶׂת*, i.e., *Bestian Reptantem*,¹⁶ of which words the Scripture itself is the best interpreter. God having created the fishes and fowls the fifth day, the beginning of the sixth he creates the irrational inhabitants of the dry land, which, v. 24. are described in these words:

let the earth bring forth the living creature after his kind; cattle and creeping things, and beasts of the earth, after his kind. v. 2. And God made the beasts of the earth after his kind, and cattle after their kind, and every thing that creeps on the earth after his kind.

Here, in the creation of the brute inhabitants of the earth, he first speaks of them all under one general name of *living creatures*; and then afterwards he divides them into three ranks, 1. Cattle, or such creatures as were or might be tame, and so be the private possession of particular men; 2. *הַחַיָּה* which, vcr. 24 and 25 in our Bible, is translated *beasts*, and by the *Septuagint* *θηρία*, *wild beasts*. This is the same word that here in our text, ver. 28. where we have this great charter to Adam, is translated *living thing*; and it is also the same word used, Gen 9.2, where this grant is renewed to *Noah*, and there likewise is translated *beast*. 3. The

¹⁶ *Bestian Reptantem: creeping beast.*

third rank were the creeping animals, which ver. 24 and 25. are comprised under the word *הַרְמִשָּׁה*, the same word used here, ver. 28. and is translated *moving*, but in the former verses *creeping*, and by the *Septuagint* in all these places, ἐρπετά, or reptiles — from which it appears that the words which we translate here in God's donation, ver. 28. *living creatures moving*, are the same, which in the history of the creation, ver. 24, 25. signify two ranks of terrestrial creatures, viz. *wild beasts* and *reptiles*, and are so understood by the *Septuagint*.

§. 26. When God had made the irrational animals of the world, divided into three kinds from the places of their habitation — viz. *fishes of the sea*, *fowls of the air*, and *living creatures of the earth*, and these again into *cattle*, *wild beasts*, and *reptiles* — he considers making man, and the dominion he should have over the terrestrial world, ver. 26. And then he reckons up the inhabitants of these three kingdoms, but in the terrestrial he leaves out the second rank *חַיָּה* or *wild beasts*. But here, ver. 28. where he actually exercises this design, and gives him this dominion, the text mentions *the fishes of the sea*, and *fowls of the air*, and the *terrestrial creatures* in the words that signify the *wild beasts* and *reptiles*, though translated *living thing that moves*, leaving out cattle. In both of these places, though the word that signifies *wild beasts* is omitted in one, and that which signifies *cattle* in the other, yet, since God certainly executed in one place, what he declares that he designed in the other, we cannot but understand the same in both places. And we have here only an account of how the terrestrial irrational animals — which were already created and reckoned up at their creation in three distinct ranks of *cattle*, *wild beasts*, and *reptiles* — were here, ver. 28. actually put under the dominion of man, as they were designed, ver. 26. Nor do these words contain in them the least appearance of anything that can be wrested to signify Gods giving to one man dominion over another, to Adam over his posterity.

§. 27. And this further appears from Gen 9.2, where God, renewing this charter to *Noah* and his sons, gives them dominion over the *fowls of the air*, and *the fishes of the sea*, and *the terrestrial creatures*, expressed by *חַיָּה* and *הַרְמִשָּׁה*, wild beasts and reptiles, the same words that in the text before us (Gen 1.28) are translated *every moving thing that moves on the earth*, which by no means can comprehend man, the grant being made to *Noah* and his sons — all the men then living — and not to one part of men over another. This is yet more evident from the very next words, Gen 9.3, where God gives every *חַיָּה*, *every moving thing*, the very words used in Gen 1.28, to them for food. By all this, it is plain that God's donation to Adam, Gen 1.28. and his designation, ver. 26. and his grant again to *Noah* and his sons, refer to and contain in them neither more nor less than the works of the creation on the fifth day, and the beginning of the sixth, as they are set down from the 20th to the 26th verses inclusively, of the 1st chapter. And so they comprehend all the species of irrational animals of the *terraqueous globe*,¹⁷ though all the words whereby they are expressed in the history of their creation, are nowhere used in any of the following grants, but some of them are omitted in one, and some in another. From this I think it is past all doubt that man cannot be comprehended in this grant, nor is any dominion over those of his own species conveyed to Adam. All the terrestrial irrational creatures are enumerated at their creation, ver. 25. under the names *beasts of the earth*, *cattle* and *creeping things*. But man not then being created,

¹⁷ *Terraqueous*: land and sea.

was not contained under any of those names. And therefore, whether we understand the *Hebrew* words rightly or not, they cannot be supposed to comprehend man in the very same history, and the very next verses following, especially since that *Hebrew* word *שָׂרָא* which, if any in this donation to Adam, Gen 1.28. must comprehend man, is so plainly used in contradistinction to him, as in Gen 6.20; Gen 7.14, 21, 23; and Gen 8.17, 19. And if God made all mankind slaves to Adam and his heirs, by giving Adam dominion *over every living thing that moves on the earth*, Gen 1.28, as our author would have it, I think Sir Robert should have carried his monarchical power one step higher, and satisfied the world, that princes might *eat* their subjects too, since God gave as full power to Noah and his heirs, Gen 9.2, *to eat every living thing that moves*, as he did to Adam to have dominion over them, the *Hebrew* words in both places being the same.

§. 28. *David*, who might be supposed to understand the donation of God in this text, and the right of kings too, as well as our author in his comment on this place, as the learned and judicious *Ainsworth* ¹⁸ calls it in the 8th *Psalms*, finds here no such charter of monarchical power. *David's* words are, *You have made him (i.e. man, the son of man) a little lower than the angels; you made him to have dominion over the works of your hands; you have put all things under his feet, all sheep and oxen, and the beasts of the field, and the fowls of the air, and fish of the sea, and whatsoever passes through the paths of the sea.* In these words, if anyone can find out that there is meant any monarchical power of one man over another, but only the dominion of the whole species of mankind, over the inferior species of creatures, he may, for all I know, deserve to be one of Sir Robert's *monarchs in habit*, for the rareness of the discovery. And by this time I hope it is evident that he that gave *dominion over every living thing that moves on the earth*, but gave Adam no monarchical power over those of his own species. This will yet appear more fully in the next thing I am to show.

§. 29. **2.** Whatever God gave by the words of this grant in Gen 1.28, it was not to Adam in particular, exclusive of all other men. Whatever dominion he had thereby, it was not a *private dominion*, but a dominion in common with the rest of mankind. That this donation was not made in particular to Adam, appears evidently from the words of the text, it being made to more than one. For it was spoken in the plural number, God blessed *them*, and said to *them*, Have dominion. God says to *Adam and Eve*, Have dominion; *thereby*, says our author, *Adam was monarch of the world*: but the grant being to them, *i.e.* spoken to Eve also — as many interpreters think with reason, that these words were not spoken till Adam had his wife — must not she thereby be Lady, as well as he be Lord of the world? If it is said that Eve was subjected to Adam, it seems she was not so subjected to him as to hinder her *dominion* over the creatures, or *property* in them. For shall we say that God ever made a joint grant to two, and one only was to have the benefit of it?

§. 30. But perhaps it will be said, Eve was not made till afterward. Grant it so; what advantage will our author get by it? The text will only be the more directly against him, and show that God, in this donation, gave the world to mankind in common, and not to Adam in particular. The word *them* in the text must include the species of man, for it is certain *them* can by no

¹⁸ Henry Ainsworth (1571–1622) – an English Nonconformist divine, scholar, and prominent early Congregationalist leader who became one of the most celebrated Christian Hebraists of the 17th century.

means signify Adam alone. In the 26th verse, where God declares his intention to give this dominion, it is plain that he meant he would make a species of creatures that would have dominion over the other species of this terrestrial globe. The words are, *And God said, Let us make man in our image, after our likeness, and let them have dominion over the fish*, etc. *They* were then to have dominion. Who? even those who were to have the image of God, the individuals of that species of man that he was going to make. For that *them* should signify Adam singly, exclusive of the rest that would be in the world with him, is against both Scripture and all reason. And it cannot possibly be made sense, if *man* in the former part of the verse, does not signify the same with *them* in the latter. Only *man* there, as is usual, is taken for the species, and *them* the individuals of that species. And we have a reason in the very text. God makes him *in his own image, after his own likeness*; he makes him an intellectual creature, and so he is capable of *dominion*. For in whatever else the *image of God* consisted, the intellectual nature was certainly a part of it, and belonged to the whole species, and enabled them to have *dominion* over the inferior creatures. And therefore *David* says in the 8th *Psalm* cited above, *You have made him little lower than the angels, you have made him to have dominion*. It is not Adam that king David of speaks here; for in verse 4 it is plain that it is of *man, and the son of man*, of the species of mankind.

§. 31. And that this grant spoken to Adam was made to him, and the whole species of man, is clear from our author's own proof out of the *Psalmist*. *The earth*, says the *Psalmist*, *he has given to the children of men; which shows the title comes from fatherhood*. These are Sir Robert's words in the preface cited before, and a strange inference it is that he makes. *God has given the earth to the children of men, ergo the title comes from fatherhood*. It is a pity that the propriety of the *Hebrew* tongue had not used *fathers of men*, instead of *children of men*, to express mankind; then indeed our author might have had the countenance of the sound of words to have placed the *title* in the *fatherhood*. But to conclude that the *fatherhood* had the right to the earth, because God gave it to the *children* of men, is a way of arguing that is peculiar to our author. And a man must have a great mind to go contrary to the sound as well as the sense of the words before he could light on it. But the sense is yet harder, and more remote from our author's purpose. For as it stands in his preface, it is to prove Adam's being monarch. And his reasoning is thus: *God gave the earth to the children of men, ergo Adam was monarch of the world*. I defy any man to make a more pleasant conclusion than this, which cannot be excused from the most obvious absurdity till it can be shown that by *children of men*, he who had no father, Adam alone is signified. But whatever our author does, the Scripture does not speak nonsense.

§. 32. To maintain this *property* and *private dominion* of Adam, our author labours on the following page to destroy the community granted to Noah and his sons in that parallel place, Gen 9.1-3. And he endeavours to do it in two ways.

1. Sir Robert would persuade us against the express words of the Scripture, that what was here granted to Noah, was not granted to his sons in common with him. His words are, *As for the general community between Noah and his sons, which Mr. Selden will have to be granted to them, Gen 9.2, the text does not warrant it*. What warrant our author would have, when the plain express words of Scripture, not capable of another meaning, will not satisfy him, who pretends to build wholly on Scripture, is not easy to imagine. The text says, *God*

blessed Noah and his sons, and said to them, i.e. as our author would have it, unto him: for, he says, although the sons are there mentioned with Noah in the blessing, yet it may best be understood, with a subordination or benediction in succession, OBSERVATIONS, 211. That indeed is best for our author to be understood, which best serves his purpose. But that truly *may best be understood* by anybody else, which best agrees with the plain construction of the words, and which arises from the obvious meaning of the place. And then with *subordination* and *in succession*, will not be best understood in a grant of God, where he himself did not put them, nor did he mention any such limitation. But yet our author has reasons why it may best be understood so. *The blessing*, he says in the following words, *might truly be fulfilled, if the sons, either under or after their father, enjoyed a private dominion*, OBSERVATIONS, 211. Which is to say that a grant, whose express words give a joint title in present (for the text says, into your hands they are delivered) *may best be understood with a subordination*, or in *succession*; because it is possible that in *subordination*, or in *succession*, it may be enjoyed. Which is the same as saying that a grant of anything in present possession, *may best be understood* of reversion; because it is possible one may live to enjoy it in reversion. If the grant is indeed to a father and to his sons after him — who is so kind as to let his children enjoy it presently in common with him — then one may truly say, as to the event, one will be as good as the other. But it can never be true that what the express words grant in possession, and in common, *may best be understood* to be in reversion. The sum of all his reasoning amounts to this: God did not give to the sons of *Noah* the world in common with their father, because it was possible they might enjoy it under, or after him. It is a very good sort of argument against an express text of Scripture. But God must not be believed, though he speaks it himself, when he says he does anything which will not consist with Sir Robert's hypothesis.

§. 33. For it is plain, however he would exclude them, that part of this *benediction*, as he would have it in *succession*, must be meant to the sons, and not to *Noah* himself at all: *Be fruitful, and multiply, and replenish the earth*, says God, in this blessing. This part of the benediction, as appears by the sequel, did not concern *Noah* himself at all; for we do not read of any children he had after the flood; and in the following chapter, where his posterity is reckoned up, there is no mention of any. And so this *benediction in succession* was not to take place till 350 years after. And to save our author's imaginary monarchy, the peopling of the world must be deferred 350 years; for this part of the benediction cannot be understood with *subordination*, unless our author will say that they must ask leave of their father *Noah* to lie with their wives. But in this one point our author is constant to himself in all his discourses: he takes great care that there should be monarchs in the world, but very little care that there should be people; and indeed his way of government is not the way to people the world. For how much absolute monarchy helps to fulfil this great and primary blessing of God Almighty, *Be fruitful, and multiply, and replenish the earth*, which contains in it the improvement too of arts and sciences, and the conveniences of life, may be seen in those large and rich countries which are happy under the Turkish government, where there are not now to be found one third, indeed, in many if not most parts of them, one thirtieth, perhaps I might say not one hundredth of the people that were there formerly, as will easily appear to anyone who will compare the accounts we have of it at this time, with ancient history. But this is by the by.

§. 34. The other parts of this *benediction* or grant, are so expressed that they must be understood to belong equally to them all — as much to *Noah's* sons as to *Noah* himself, and not to his sons *with a subordination*, or *in succession*. *The fear of you, and the dread of you*, says God, *shall be upon every beast*, etc. Will anybody but our author say that the creatures feared and stood in awe of *Noah* only, and not of his sons without his leave, or till after his death? And the following words, *into your hands they are delivered*, are they to be understood as our author says, if your father pleases, or they shall be delivered into your hands hereafter? If this is to argue from Scripture, I know not what may *not* be proved by it; and I can scarcely see how much this differs from that fiction and fancy, or how much surer a foundation it will prove, than the opinions of philosophers and poets, which our author so much condemns in his preface.

§. 35. But our author goes on to prove that *it may best be understood with a subordination, or a benediction in succession*; for, he says,

it is not probable that the private dominion which God gave to Adam, and by his donation, assignation, or cession to his children, was abrogated, and a community of all things instituted between Noah and his sons — Noah was left the sole heir of the world; why should it be thought that God would disinherit him of his birthright, and make him, of all men in the world, the only tenant in common with his children? OBSERVATIONS, 211.

§. 36. The prejudices of our own ill-grounded opinions, however called probable by us, cannot authorise us to understand Scripture contrary to the direct and plain meaning of the words. I grant, it is not probable that Adam's *private dominion was abrogated here*. Because it is more than probable (for it will never be proved) that Adam ever had any such *private dominion*. And since parallel places of Scripture are most probable to make us know how they *may be best understood*, there needs but the comparing of this blessing here to Noah and his sons after the flood, with that to Adam after the creation, Gen 1.28, to assure anyone that God gave Adam no such *private dominion*. It is *probable*, I confess, that *Noah* should have the same title, the same property and dominion after the flood, that Adam had before it. But since *private dominion* cannot consist with the blessing and grant God gave to him and his sons in common, it is a sufficient reason to conclude that Adam had none, especially since in the donation made to him, there are no words that express it, or in the least favour it. And then let my reader judge whether *it may best be understood*, when in the one place there is not one word for it, not to say what has been proved above, that the text itself proves the contrary; and in the other place, the words and sense are directly against it.

§. 37. But our author says, *Noah was the sole heir of the world; why should it be thought that God would disinherit him of his birthright?* *Heir*, indeed, in *England*, signifies the eldest son, who is, by the law of *England*, to have all his father's land. But where God ever appointed any such heir of the world, our author would have done well to have shown us; and how God disinherited him of his birthright, or what harm was done to him if God gave his sons a right to make use of a part of the earth for the support of themselves and their families, when the whole was not only more than Noah himself, but infinitely more than they all could make use of; and the possessions of one could not at all prejudice, or as to any use, straiten that of the other.

§. 38. Our author — probably foreseeing that he might not be very successful in persuading people out of their senses, and say what he could, men would be apt to believe the plain words of Scripture and think, as they saw there, that the grant was spoken to *Noah* and his sons jointly — he endeavours to insinuate that this grant to *Noah* conveyed no property, and no dominion. This is because, he says, *subduing the earth and dominion over the creatures are therein omitted, nor is the earth once named*. And therefore, he says,

There is a considerable difference between these two texts. The first blessing gave Adam a dominion over the earth and all creatures; the latter blessing allows Noah liberty to use the living creatures for food. Here is no alteration or diminishing of his title to a property of all things, but an enlargement only of his commons, OBSERVATIONS, 211.

So that in our author's sense, all that was said here to *Noah* and his sons, gave them no dominion, no property, but only *enlarged the commons* — *their commons*, I should say, since God says, to **you** *they are given*, though our author says **his**. As for Noah's sons, it seems by Sir Robert's appointment, during their father's lifetime they were to keep fasting days.

§. 39. Anyone but our author would be mightily suspected of being blinded with prejudice, that in all this blessing to Noah and his sons, he could see nothing but an enlargement of commons. For as to *dominion* (which our author thinks was omitted), *the fear of you, and the dread of you*, says God, *shall be upon every beast*, which I suppose expresses that *dominion*, or the superiority designed for man over the living creatures, as fully as may be. For in that fear and dread seems chiefly to consist what was given to Adam over the inferior animals. As absolute a monarch as he was, he could not make bold with a lark or rabbit to satisfy his hunger, and he had the herbs but in common with the beasts, as is made plain from Gen 1.2, 9, and 30.

2. In the next place,¹⁹ it is manifest that in this blessing to Noah and his sons, property is not only given in clear words, but in a larger extent than it was to Adam. *Into your hands they are given*, says God to Noah and his sons. These words, if they do not give property (indeed, property in possession), then it will be hard to find words that can; since there is not a way to express a man's being possessed of anything more natural, nor more certain, than to say, *it is delivered into his hands*. And in ver. 3, to show that they had then been given the utmost property man is capable of, which is to have a right to destroy anything by using it. *Every moving thing that lives*, says God, *shall be meat for you*; which was not allowed to Adam in his charter. This our author calls *a liberty of using them for food, and is only an enlargement of commons, but no alteration of property*, OBSERVATIONS, 211. What other property man can have in the creatures, if not the liberty of using them, is hard to be understood. So that if the first blessing, as our author says, gave Adam *dominion over the creatures*, and the blessing to *Noah* and his sons, gave them *such a liberty to use them*, as Adam did not have, then it must give them something that Adam with all his sovereignty lacked, something that one would be apt to take for a greater property. For certainly he has no absolute dominion over

¹⁹ In sec. 32 Locke mentioned "two ways" that Filmer attempts "to destroy the community granted to Noah and his sons." He marked the first way with a number "1," which was cutting off *subordination and succession*. But Locke didn't identify the second way with a "2". It appears that here in sec. 39, we find that second way ("in the next place"). I therefore inserted the number "2" here. – WHG

even the brutal part of the creatures; and the property which he has in them is very narrow and scanty, if he cannot make that use of them, which is permitted to another. If anyone who is absolute lord of a country, had bidden our author to *subdue the earth*, and given him dominion over the creatures in it, but *not* have permitted him to have taken a kid or a lamb out of the flock to satisfy his hunger, I guess he would scarcely have thought himself lord or proprietor of that land, or the cattle on it; but he would have found the difference between *having dominion*, which a shepherd may have, and having full property as an owner. So that, had it been his own case, Sir Robert, I believe, would have thought here was an alteration, indeed, an enlarging of property; and that Noah and his children had by this grant, not only property given to them, but such a property given to them in the creatures, as Adam did not have. For however, in respect of one another, men may be allowed to have propriety in their distinct portions of the creatures; yet in respect to God the maker of heaven and earth, who is sole lord and proprietor of the whole world, man's propriety in the creatures is nothing but that *liberty to use them*, which God has permitted. And so man's property may be altered and enlarged, as we see it was here, after the flood, when other uses of them are allowed, which before were not. From all which I suppose, it is clear that neither Adam, nor Noah, had any *private dominion*, any property in the creatures, exclusive of his posterity, as they should successively grow up into need of them, and come to be able to make use of them.

§. 40. Thus we have examined our author's argument for Adam's *monarchy*, founded on the blessing pronounced in Gen 1.28, in which I think it is impossible for any sober reader to find any other but the setting of mankind above the other kinds of creatures in this habitable earth of ours. It is nothing but giving to man — the whole species of man as the chief inhabitant, who is the image of his maker — the dominion over the other creatures. This lies so obvious in the plain words, that anyone but our author would have thought it necessary to have shown how these words that seemed to say quite the contrary, gave Adam *monarchial absolute power* over other men, or the *sole property* in all the creatures. And I think that in a business of this moment, on which he builds all that follows, he should have done something more than barely cite words which apparently make against him. For I confess, I cannot see anything in them tending to Adam's *monarchy*, or *private dominion*, but quite the contrary. And I less deplore the dulness of my apprehension in this, since I find the apostle seems to have as little notion of any such private dominion of Adam as I do, when he says, *God gives us all things richly to enjoy* — which he could not do if it were all given away already to monarch Adam, and to his monarch heirs and successors. To conclude, this text is so far from proving Adam sole proprietor, that on the contrary, it is a confirmation of the original community of all things among the sons of men, which appearing from this donation of God, as well as other places of Scripture, the sovereignty of Adam, built upon his *private dominion*, must fall, not having any foundation to support it.

§. 41. But yet, if after all, anyone needs to have it so, that by this donation of God, Adam was made sole proprietor of the whole earth, what will this be to his sovereignty? and how will it appear that *propriety* in land gives a man power over the life of another? or how will the possession even of the whole earth, give anyone a sovereign arbitrary authority over the persons of men? The most specious thing to be said is that he that is proprietor of the whole world, may deny all the rest of mankind food, and so at his pleasure starve them if they will not acknowledge his sovereignty and obey his will. If this were true, it would be a good

argument to prove that there never was any such *property*, that God never gave any such *private dominion*; since it is more reasonable to think that God, who bid mankind *increase* and *multiply*, should rather himself give them all a right to make use of the food and raiment and other conveniences of life — the materials of which he had so plentifully provided for them — than to make them depend upon the will of a man for their subsistence, who would have power to destroy them all when he pleased, and who, being no better than other men, was in succession likelier, by want and the dependence of a scanty fortune, to tie them to hard service, than by liberal allowance of the conveniences of life, to promote the great design of God: *increase* and *multiply*. He that doubts this, let him look into the absolute monarchies of the world, and see what becomes of the conveniences of life, and the multitudes of people.

§. 42. But we know God has not so left one man to the mercy of another, that he may starve him if he pleases. God the Lord and Father of all, has given no one of his children such a property in his peculiar portion of the things of this world, but that he has given his needy brother a right to the surplusage of his goods; so that it cannot justly be denied him, when his pressing wants call for it. And therefore no man could ever have a just power over the life of another by right of property in land or possessions; since it would always be a sin, in any man of estate, to let his brother perish for want of affording him relief out of his plenty. As *justice* gives every man a title to the product of his honest industry, and the fair acquisitions of his ancestors descended to him; so *charity* gives every man a title to so much out of another's plenty, as will keep him from extreme want, where he has no means to subsist otherwise. And a man can no more justly make use of another's necessity, to force him to become his vassal, by withholding that relief God requires him to afford to the wants of his brother, than he that has more strength can seize upon a weaker, master him to his obedience, and with a dagger at his throat, offer him death or slavery.

§. 43. Should anyone make so perverse a use of God's blessings poured on him with a liberal hand; should anyone be cruel and uncharitable to that extremity, yet all this would not prove that propriety in land, even in this case, gave any authority over the persons of men, but only that compact might — since the authority of the rich proprietor, and the subjection of the needy beggar, began not from the possession of the lord, but the consent of the poor man, who preferred being his subject to starving. And the man he thus submits to, can pretend to no more power over him, than he has consented to, upon compact. Upon this ground a man's having his stores filled in a time of scarcity, having money in his pocket, being in a vessel at sea, being able to swim, etc. may as well be the foundation of rule and dominion, as being possessor of all the land in the world; any of these being sufficient to enable me to save a man's life, who would perish if such assistance were denied him. And anything, by this rule, that may be an occasion of working upon another's necessity, to save his life or anything dear to him, at the rate of his freedom, may be made a foundation of sovereignty, as well as property. From all this it is clear that though God might have given Adam *private dominion*, yet that *private dominion* could give him no *sovereignty*; but we have already sufficiently proved that God gave him no *private dominion*.

CHAPTER 5. Of Adam's Title to sovereignty by the subjection of Eve.

§. 44. The next place of Scripture we find our author builds his monarchy of Adam on, is Gen 3.26. *And your desire shall be for your husband, and he shall rule over you. Here ice have*

(he says) *the original grant of government*, from which he concludes, in the following part of the page, OBSERVATIONS, 244, *That the supreme power is settled in the fatherhood, and limited to one kind of government, that is, to monarchy*. For let his premises be what they will, this is always the conclusion: let *rule*, in any text, be named but once, and presently absolute monarchy is established by divine right. If anyone will but carefully read our author's own reasoning from these words, OBSERVATIONS, 244. and consider, among other things, *the line and posterity of Adam*, as he there brings them in, he will find some difficulty making sense of what he says. But we will allow this at present, owing to his peculiar way of writing, and consider the force of the text in hand. The words are the curse of God upon the woman for having been the first and most forward in the disobedience; and if we will consider the occasion of what God says here to our first parents — that he was denouncing judgement, and declaring his wrath against them both, for their disobedience — we cannot suppose that this was the time in which God was granting Adam prerogatives and privileges, investing him with dignity and authority, elevating him to dominion and monarchy. For though, as a helper in the temptation, Eve was laid below him, and so he incidentally had a superiority over her for her greater punishment, yet he too had his share in the fall, as well as the sin, and he was laid lower, as may be seen in the following verses. And it would be hard to imagine that God, in the same breath, would make him universal *monarch* over all mankind, and a day-labourer for his life; turn him out of *paradise to till the ground* (ver. 23), and at the same time advance him to a throne, with all the privileges and ease of absolute power.

§. 45. This was not a time when Adam could expect any favours, any grant of privileges from his offended Maker. If this is *the original grant of government*, as our author tells us, and if Adam was now made monarch, then whatever Sir Robert would have him be, it is plain that God made him to be but a very poor monarch — such a one as our author himself would have counted it no great privilege to be. God sets Adam to work for his living, and seems to give a spade into his hand to subdue the earth, rather than a sceptre to rule over its inhabitants. *In the sweat of your face you shall eat your bread*, says God to him, ver. 19. This was unavoidable, it may perhaps be answered, because he was yet without subjects, and he had nobody to work for him. But afterwards, living as he did over 900 years, he might have people enough, whom he might command to work for him. No, says God, not only while you are without other help, except your wife, but as long you live, you shall live by your labour. *In the sweat of your face, you shall eat your bread, till you return to the ground, for out of it were you taken, for dust you are, and to dust you shall return*, v. 19. It will perhaps be answered back in favour of our author, that these words are not spoken personally to Adam, but in him, as their representative, to all mankind, this being a curse upon mankind, because of the fall.

§. 46. God, I believe, speaks differently from men, because he speaks with more truth, more certainty: but when he grants to speak to men, I do not think he speaks differently from them, in crossing the rules of language in use among them. This would not be to condescend to their capacities, when he humbles himself to speak to them, but to lose his design in speaking what, thus spoken, they could not understand. And yet thus we must think of God if the interpretations of Scripture necessary to maintain our author's doctrine must be received for good. For by the ordinary rules of language, it will be very hard to understand what God says, if what he speaks here to Adam, in the singular number, must be understood to be spoken to all mankind; and if what he says in the plural number, Gen 1.26 and 28. must be understood

of Adam alone, exclusive of all others; and what he says to *Noah* and his sons jointly, must be understood to be meant to *Noah* alone, Gen 9.

§. 47. Further, it is to be noted that these words here, from Gen 3.16,²⁰ which our author calls *the original grant of government*, were not spoken to Adam, nor indeed was there any grant in them made to Adam, but a punishment laid upon Eve. And if we take them as they were directed in particular to her, or in her, as their representative to all other women, they will at most concern the female sex only, and import no more than the subjection that they should ordinarily be in to their husband. But there is here no more law to oblige a woman to such subjection, if the circumstances either of her condition, or contract with her husband, should exempt her from it, than there is that she should bring forth her children in sorrow and pain (if there could be found a remedy for it) which is also a part of the same curse upon her. For the whole verse runs thus, *To the woman he said, I will greatly multiply your sorrow and your conception; in sorrow you shall bring forth children, and your desire shall be for your husband, and he shall rule over you.* It would, I think, have been a hard matter for anybody but our Author to have found a grant of *monarchical government* to Adam in these words which were neither spoken to, nor about him. Nor by these words will anyone, I suppose, think the weaker sex, as if by a law, is so subjected to the curse contained in them, that it is their duty not to endeavour to avoid it. And will anyone say that Eve, or any other woman, sinned if she were brought to bed without those multiplied pains God threatens her here with? or that either of our queens, *Mary* or *Elisabeth*, had they married any of their subjects, been by this text, put into a political subjection to him? or that he thereby should have had *monarchical rule* over her? God, in this text, does not give, that I see, any authority to Adam over Eve, nor to men over their wives, but only foretells what should be the woman's lot, how by his providence God would order it so, that she should be subject to her husband, as we see that generally the laws of mankind and customs of nations have ordered it so. And there is, I grant, a foundation in nature for it.

§. 48. Thus when God says of *Jacob* and *Esau*, that *the older should serve the younger*, Gen 25.23, nobody supposes that God hereby made *Jacob* *Esau's* sovereign, but only foretold what should *de facto* come to pass. But if these words here spoke to Eve must be understood as a law to bind her and all other women to subjection, it can be no other subjection than what every wife owes her husband. And then if this be the *original grant* of government and the *foundation of monarchical power*, there will be as many monarchs as there are husbands. If therefore these words give any power to Adam, it can be only a conjugal power, not political; It is the power that every husband has to order the things of private concern in his family, as proprietor of the goods and land there, and to have his will take place before that of his wife in all things of their common concern — but not a political power of life and death over her, much less over anybody else.

§. 49. This I am sure: if our author would have this text to be a *grant, the original grant of government*, political government, he ought to have proved it by some better arguments than by barely saying that *your desire shall be for your husband*, was a law whereby Eve, and all

²⁰ Gen 3.16 To the woman He said: "I will greatly multiply your sorrow and your conception; In pain you shall bring forth children; Your desire shall be for your husband, And he shall rule over you."

who would come from her, were subjected to the absolute monarchical power of Adam and his heirs. *Your desire shall be for your husband*, is too doubtful an expression (of whose signification interpreters are not agreed) to build so confidently on, and in a matter of such moment, and so great and general concern. But our author, according to his way of writing, having once named the text, concludes quickly without any more ado, that the meaning is as he would have it. Let the words *rule* and *subject* be but found in the text or margin, and it immediately signifies the duty of a subject to his prince; the relation is changed, and though God says *husband*, Sir Robert will have it *king*; Adam immediately has *absolute monarchical power* over Eve, and not only over Eve, but *all who would come from her*, though the Scripture does not say a word of it, nor does our author say a word to prove it. But Adam must for all that be an absolute monarch, and so down to the end of the chapter. And here I leave my reader to consider whether my bare saying, without offering any reasons to evince it, that this text did not give Adam that *absolute monarchical power*, our author supposes, is not sufficient to destroy that power, as his bare assertion is to establish it, since the text mentions neither *prince* nor *people*, speaks nothing of *absolute* or *monarchical power*, except the subjection of Eve to Adam, a wife to her husband. And whoever would thus trace our author all through, would make a short and sufficient answer to the greatest part of the grounds he proceeds on, and abundantly confute them by barely denying — it being a sufficient answer to assertions without proof, to deny them without giving a reason. And therefore had I said nothing, but barely denied that by this text, *the supreme power was settled and founded by God himself, in the fatherhood, limited to monarchy*, and that was to Adam's *person and heirs* — all of which our author notably concludes from these words, as may be seen in the same page, OBSERVATIONS, 244, it would have been a sufficient answer. If I had desired any sober man only to have read the text, and considered to whom, and on what occasion it was spoken, he would no doubt have wondered how our author found *monarchical absolute power* in it, if he had not had an exceedingly good faculty to find it himself, where he could not show it others.

And thus we have examined the two places of Scripture, all that I remember our author brings to prove *Adam's sovereignty, that supremacy, which he says, it was God's ordinance should be unlimited in Adam, and as large as all the acts of his will*, OBSERVATIONS, 254. viz. Gen 1.28. and Gen 3.16. one of which signifies only the subjection of the inferior ranks of creatures to mankind, and the other the subjection that is due from a wife to her husband — both far enough from that which subjects owe the governors of political societies.

CHAPTER 6. Of Adam's Title to Sovereignty by Fatherhood.

§. 50. There is one thing more, and then I think I have given you all that our author brings for proof of Adam's sovereignty, and that is a supposition of a natural right of dominion over his children, by being their father. And this title of *fatherhood* he is so pleased with, that you will find it brought in almost in every page; — particularly, he says, *not only Adam, but the succeeding patriarchs had by right of fatherhood, royal authority over their children*, p. 12. And on the same page, *this subjection of children being the fountain of all regal authority, etc.* This being, as one would think by his so frequently mentioning it, the main basis of all his frame, we may well expect clear and evident reason for it, since he lays it down as a position necessary to his purpose, that *every man that is born is so far from being free, that*

by his very birth he becomes a subject of him that begets him, OBSERVATIONS, 156. So that Adam being the only man created, and all ever since being begotten, nobody has been born free. If we ask how Adam comes by this power over his children, he tells us here it is by begetting them. And so again, OBSERVATIONS, 223. *this natural dominion of Adam*, he says, *may be proved out of Grotius, himself, who teaches that generatione jus acquiritur parentibus in liberos.*²¹ And indeed the act of begetting being that which makes a man a father, his right of a father over his children can naturally arise from nothing else.

§. 51. *Grotius* does not tell us here how far this *jus in liberos*, this power of parents over their children extends; but our author, always very clear in the point, assures us it is *supreme power*, and like that of absolute monarchs over their slaves: absolute power of life and death. Whoever would demand of him, how, or for what reason it is, that begetting a child gives the father such an absolute power over him, will find him answer nothing. We are to take his word for this, as well as several other things; and by that, the laws of nature and the constitutions of government must stand or fall. Had he been an absolute monarch, this way of talking might have suited well enough; *pro ratione voluntas*²² might have been of force in his mouth. But in the way of proof or argument it is very unbecoming, and will little advantage his plea for absolute monarchy. Sir Robert has too much lessened a subject's authority to leave himself the hopes of establishing anything by his bare saying it; one slave's opinion without proof is not of weight enough to dispose of the liberty and fortunes of all mankind. If all men are not, as I think they are, naturally equal, I am sure all slaves are. And then I may without presumption oppose my single opinion to his, and be confident that my saying — *that begetting children does not make them slaves to their fathers* — as certainly sets all mankind free, as his affirming the contrary makes them all slaves. But that this position, which is the foundation of all their doctrine, who would have monarchy to be *jure divino* (by divine right) may have all fair play, let us hear what reasons others give for it, since our author offers none.

§. 52. The argument I have heard others make use of, to prove that fathers, by begetting them, come by an absolute power over their children, is this: *that fathers have a power over the lives of their children, because they give them life and being*. This is the only proof it is capable of, since there can be no reason why naturally one man should have any claim or pretence of right over that in another, which was never his, which he did not bestow, but was received from the bounty of another.

1. I answer, that everyone who gives another anything, does not always have thereby a right to take it away again. But,
2. Those who say the *father* gives life to his children, are so dazzled with the thoughts of monarchy, that they do not, as they should, remember God, *who is the author and giver of life. It is in him alone that we live, move, and have our being*.

²¹ *Latin*: Parents acquire the right to (or power over) their children through generation.

²² *Latin*: "the will stands in place of reason" or "will takes the place of reason." Originally derived from the Roman satirist Juvenal's phrase *Hoc volo, sic jubeo, sit pro ratione voluntas* ("This I wish, thus I command, let my will stand in place of reason"). The phrase was adopted by medieval canonists and Roman law commentators in the late 12th c. It was used to define the *plenitudo potestatis* (fullness of power) of the Pope and secular princes, asserting that the ruler's will was the source of positive law and thus did not require external rational justification to be valid.

How can he be thought to give life to another, that knows not wherein his own life consists? Philosophers are at a loss about it after their most diligent enquiries; and anatomists — after spending their whole lives and studies in dissections, and in diligently examining the bodies of men — confess their ignorance in the structure and use of many parts of man's body, and in that operation wherein life consists in the whole. And does the rude plough-man, or the more ignorant voluptuary, frame or fashion such an admirable engine as this is, and then put life and sense into it? Can any man say he formed the parts that are necessary to the life of his child? or can he suppose himself to give the life, and yet not know what subject is fit to receive it, nor what actions or organs are necessary for its reception or preservation?

§. 53. To give life to that which has yet no being, is to frame and make a living creature, fashion the parts, and mould and suit them to their uses; and having proportioned and fitted them together, to put into them a living soul. He that could do this, might indeed have some pretence to destroy his own workmanship. But is there anyone so bold that dares thus far arrogate to himself the incomprehensible works of the Almighty, Who alone did at first, and continues still, to make a living soul? He alone can breathe in the breath of life. If anyone thinks himself an artist at this, let him number up the parts of his child's body which he has made, tell me their uses and operations, and when the living and rational soul began to inhabit this curious structure; when sense began, and how this engine which he has framed, thinks and reasons. If he made it, then let him, when it is out of order, mend it, or at least tell wherein the defects lie. *Shall he that made the eye, not see?* asks the Psalmist, Psa 94.9. See these vanities of men: the structure of that one part is sufficient to convince us of an all-wise contriver, and He has so visible a claim to us as his workmanship, that one of the ordinary appellations of God in Scripture is, *God our Maker, and the Lord our Maker*. And therefore though our author, to magnify his *fatherhood*, is pleased to say, OBSERVATIONS, 159. *That even the power which God himself exercises over mankind is by right of fatherhood*. Yet this fatherhood is such a one as utterly excludes all pretence of title in earthly parents. For He is *King* because He is indeed the Maker of us all, which no parents can pretend to be of their children.

§. 54. But if men had skill and power to make their children, it is not so slight a piece of workmanship that it can be imagined they could make them without designing it. What father of a thousand, when he begets a child, thinks further than satisfying his present appetite? God in his infinite wisdom has put strong desires of copulation into the constitution of men, to thereby continue the race of mankind, which he does most commonly without the intention, and often against the consent and will of the begetter. And indeed those who desire and design children, are but the occasions of their being. And when they design and wish to beget them, they do little more towards their making, than *Deucalion* and his wife in the fable ²³ did towards making mankind, by throwing pebbles over their heads.

§. 55. But grant that the parents made their children, gave them life and being, and that from this there followed an absolute power. This would give the *father* but a joint dominion with

²³ Greek myth: *Deucalion*, the son of Prometheus, married Pyrrha. They re-populated the earth after the great flood, by throwing stones over their shoulders. They are the subjects of Ovid's famous Latin poem, *Metamorphoses*, which later inspired Dante, Chaucer, and Shakespeare.

the mother over them: for nobody can deny that the woman has an equal share, if not the greater, such as nourishing the child a long time in her own body out of her own substance. There it is fashioned, and from her it receives the materials and principles of its constitution. And it is so hard to imagine the rational soul should presently inhabit the yet unformed embryo as soon as the father has done his part in the act of generation, that if it must be supposed to derive anything from the parents, it must certainly owe most to the mother. But be that as it will, the mother cannot be denied an equal share in begetting of the child; and so the absolute authority of the father will not arise from this. Our author indeed is of another mind; for he says, *We know that God at the creation gave the sovereignty to the man over the woman, as being the nobler and principal agent in generation*, OBSERVATIONS, 172. I do not remember this in my Bible; and when the place is brought where God at the creation gave the sovereignty to man over the woman, and that was for this reason, because *he is the nobler and principal agent in generation*, it will be time enough to consider, and answer it. But it is nothing new for our author to tell us his own fancies, for certain and divine truths, though there is often a great deal of difference between his and divine revelations. For God in Scripture says, it was *his father and his mother that begot him*.

§. 56. Those who allege the practice of mankind, in *exposing* or *selling* their children, as a proof of their power over them, are happy arguers with Sir Robert; and can only recommend their opinion by founding it on the most shameful action and most unnatural murder that human nature is capable of. The dens of lions and nurseries of wolves know no such cruelty as this. These savage inhabitants of the desert obey God and nature in being tender and careful of their offspring. They will hunt, watch, fight, and almost starve for the preservation of their young — never part with them; never forsake them, till they are able to shift for themselves. And is it the privilege of man alone to act more contrary to nature than the wild and most untamed part of the creation? Does God forbid us under the severest penalty, that of death, to take away the life of any man, a stranger, and upon provocation? And does he permit us to destroy those he has given us the charge of, and by the dictates of nature and reason, as well as his revealed command, requires us to preserve? He has, in all the parts of the creation, taken a peculiar care to propagate and continue the several species of creatures, and make the individuals act so strongly to this end, that they sometimes neglect their own private good for it, and seem to forget that general rule, which nature teaches all things, of self-preservation; and the preservation of their young, as the strongest principle in them, over-rules the constitution of their particular natures. Thus we see, when their young stand in need of it, the timorous become valiant — the fierce and savage kind, and the ravenous, become tender and liberal.

§. 57. But if the example of what has been done is the rule of what *ought* to be, then history would have furnished our author with instances of this *absolute fatherly power* in its height and perfection, and he might have shown us in *Peru*, people who begot children on purpose to fatten and eat them. The story is so remarkable that I cannot but set it down in the author's words.

“In some provinces,” he says, “they were so liquorish ²⁴ after man’s flesh, that they would not have the patience to stay till the breath was out of the body, but would suck the blood as it ran from the wounds of the dying man; they had public shambles of man’s flesh, and their madness in this was to that degree, that they did not spare their own children, which they had begotten by strangers taken in war. For they made their captives their mistresses, and choicely nourished the children they had by them, till about thirteen years old they butchered and ate them; and they served the mothers in the same fashion, when they grew past childbearing, and ceased to bring them any more roasters.” *Garci lasso de la vega Hist, ties Yucas de Peru*, l. i. c. 12.

§. 58. Thus far can the busy mind of man carry him to a brutality below the level of beasts — when he quits his reason, which places him almost equal to angels. Nor can it be otherwise in a creature, whose thoughts are more than the sands and wider than the ocean, where fancy and passion must run him into strange courses if reason, which is his only star and compass, is not what he steers by. The imagination is always restless, and suggests a variety of thoughts; and the will, reason being laid aside, is ready for every extravagant project. And in this state, whoever goes farthest out of the way is thought fittest to lead, and is sure of the most followers. And once fashion has established what folly or craft began, custom makes it sacred, and it will be thought impudence, or madness, to contradict or question it. Whoever impartially surveys the nations of the world, will find so much of their religions, governments, and manners are brought in and continued among them by these means, that he will have but little reverence for the practices which are in use and credit among men. And he will have reason to think that the woods and forests, where the irrational untaught inhabitants keep right by following nature, are fitter to give us rules, than cities and palaces, where those who call themselves *civil* and *rational*, go out of their way by the authority of example. If precedents are sufficient to establish a rule in this case, then our author might have found in holy writ children sacrificed by their parents, and done among the people of God themselves. The Psalmist tells us, Psa 106.38. *They shed innocent blood, even the blood of their sons and of their daughters, whom they sacrificed to the idols of Canaan.* But God did not judge this by our author’s rule, nor did he allow the authority of practice against his righteous law. But as it follows there, *the land was polluted with blood; therefore the wrath of the Lord was kindled against his people, insomuch that he abhorred his own inheritance.* The killing of their children, though it was fashionable, was charged on them as *innocent blood*, and so in the account of God it had the guilt of murder, just as offering them to idols had the guilt of idolatry.

§. 59. Be it then, as Sir Robert says, that *anciently* it was usual for men to *sell and castrate their children*, OBSERVATIONS, 155. Let it be, that they exposed them; add to it, if you please, for this is still greater power, that they begat them for their tables, to fatten and eat them, If this proves a right to do so, then by the same argument, we may justify adultery, incest and sodomy, for there are examples of these too, both ancient and modern; sins. These I suppose have their principal aggravation from this: that they cross the main intention of nature, which wills the increase of mankind, and the continuation of the species in the highest perfection, and the distinction of families, with the security of the marriage-bed, as necessary to it.

²⁴ *Liquorish*: lecherous; lustful.

§. 60. In confirmation of this natural authority of the father, our author brings a lame proof from the positive command of God in Scripture. His words are,

To confirm the natural right of regal power, we find in the Decalogue, that the law which enjoins obedience to kings, is delivered in the terms, *Honour your father*, p. 23.

Whereas many confess that government only in the abstract, is the ordinance of God, they are not able to prove any such ordinance in the Scripture, but only in the fatherly power. And therefore we find the commandment that enjoins obedience to superiors, is given in the terms, *Honour your father*. So that not only the power and right of government, but the form of the governing power, and the person having the power, are all the ordinances of God. The first father had not only simply power, but *monarchical* power, as he was father immediately from God, OBSERVATIONS, 254.

To the same purpose, the same law is cited by our author in several other places, and in just the same fashion — that is, *and mother*, as apocryphal words, are always left out. This is a great argument of our author's ingenuity and the goodness of his cause, which required in its defender, zeal to a heated degree, able to warp the sacred rule of the word of God in order to make it comply with his present occasion. It is a way of proceeding that is not unusual for those who do not embrace truths only because reason and revelation offer them; rather, they espouse tenets and parties for ends that are different from truth, and then resolve to defend them at any cost. They so deal with the words and sense of authors, that they would fit them to their purpose, just as *Procrustes* ²⁵ did with his guests, lopping or stretching them as may best fit them to the size of their notions. And like those so served, they always prove to be deformed, lame, and useless.

§. 61. For had our author set down this command without garbling it, and as God gave it, and joined *mother* to father, then every reader would have seen that it had made directly against him; and that it was so far from establishing the *monarchical power of the father*, that it set up the *mother* equal with him, and enjoined nothing but what was due in common, to both father and mother: for that is the constant tenor 'of the Scripture, *Honour your father and your mother*, Exo 20.12. *He that strikes his father or mother, shall surely he put to death*, 21.15. *He that curses his father or mother, shall surely be put to death*, ver. 17. Repeated, Lev 20.9. and by our Saviour, Mat 15.4. *Every man shall fear his mother and his father*, Lev 19.3. *If a man has a rebellious son, who will not obey the voice of his father or the voice of his mother, ...then his father and his mother shall lay hold of him, and say, This son of ours is stubborn and rebellious, he will not obey our voice*, Deu 21.18-21. *Cursed be the one who sets lightly by his father or his mother*, 27.16. *My son, hear the instructions of your father, and do not forsake the law of your mother*, Pro 1.8. These are the words of Solomon, a king who was not ignorant of what belonged to him as a father or a king. And yet he joins father and mother together in all the instruction he gives children quite throughout his book of Proverbs. *Woe to him that says to his father, What did you beget? or to the woman, What have you brought forth?* Isa 45.10. *In you they have set lightly by father or mother*, Eze 22.7. *And it shall come to pass, that when any shall yet prophesy, then his father and his mother who*

²⁵ *Procrustes* (Greek mythology): a giant who was a thief and murderer; he would capture people and tie them to an iron bed, stretching them or hacking off their legs to make them fit. He was killed by Theseus.

begot him, shall say to him, you shall not live; and his father and his mother who begot him, shall thrust him through when he prophesies, Zec 13.3. Here not only the father, but the father and mother jointly, had power in this case of life and death. Thus ran the law of the Old Testament. And in the New they are likewise joined in the obedience of their children, Eph 6.1. The rule is, *Children, obey your parents*; and I do not remember that I read anywhere, *Children, obey your father*, and no more. The Scripture joins mother too in that homage which is due from children. And had there been any text where the honour or obedience of children had been directed to the father alone, it is not likely that our author, who pretends to build all upon Scripture, would have omitted it. No indeed, the Scripture makes the authority of father and mother, in respect to those they have begotten, so equal that in some places it neglects even the priority of order which is thought due to the father, and the mother is put first, such as Lev 19.3. From this —so constantly joining father and mother together, as found quite throughout the Scripture — we may conclude that the honour they have a title to, from their children, is one common right belonging so equally to them both, that neither can claim it wholly, nor be excluded from it.

§. 62. One would wonder then how our author infers from the fifth commandment, that *all power was originally in the father*; or how he finds monarchical power of government settled and fixed by the commandment, *Honour your father and your mother*. If all the honour due by the commandment, whatever that will be, is the right only of the father because he, as our author says, *has the sovereignty over the woman, as being the nobler and more principal agent in generation*, then why did God afterwards all along join the *mother* with him, to share in his honour? Can the father, by this sovereignty of his, discharge the child from paying this honour to his *mother*? The Scripture gave no such licence to the Jews. And yet there were often breaches wide enough between husband and wife, even to divorce and separation. And I think nobody will say a child may withhold honour from his mother, or as the Scripture terms it, *set light by her*, even if his father were to command him to do so — no more than the mother could dispense with him for neglecting to *honour* his father. Hereby it is plain that this command of God gives the father no sovereignty, no supremacy.

§. 63. I agree with our author that the title to this *honour* is vested in the parents by nature, and is a right which accrues to them by their having begotten their children; and that God by many positive declarations has confirmed it to them: I also allow our authors rule *that in grants and gifts that have their origin from God and nature, such as the power of the father* (let me add *and mother*, for whom God has joined together, let no man put asunder) *no inferior power of men can limit, nor make any law of prescription against them*, OBSERVATIONS, 158. So that the mother having, by this law of God, a right to honour from her children, which is not subject to the will of her husband, we see this *absolute monarchical power of the father* can neither be founded on it, nor consist with it. And he has a power very far from *monarchical*, very far from that absoluteness our author contends; when another has over his subjects the same power he has, and by the same title: and therefore he cannot forbear saying himself that *he cannot see how any man's children can be free from subjection to their parents*, p. 12. which, in common speech, I think, signifies *mother* as well as *father*; or if *parents* here signifies only *father*, it is the first time I ever yet knew it to do so; and by such a use of words one may say anything.

§. 64. By our author's doctrine, the father, having absolute jurisdiction over his children, also has the same over their issue. And the consequence is good, if it were true that the father had such a power. And yet I ask our author whether the grandfather, by his sovereignty, could discharge the grandchild from paying to his father the honour due to him by the fifth commandment. If the grandfather has, by *right of fatherhood*, sole sovereign power in him, and that obedience which is due to the supreme magistrate is commanded in these words, *Honour your father*, then it is certain the grandfather might dispense with the grandson's honouring his father. But since it is evident in common sense he cannot, it follows from this, that *Honour your father and mother* cannot mean an absolute subjection to a sovereign power, but something else. The right therefore which parents have by nature, and which is confirmed to them by the fifth commandment, cannot be that political dominion which our author would derive from it. For that dominion being supreme somewhere in every civil society, it can discharge any subject from any political obedience to any one of his fellow subjects. But what law of the magistrate can give a child liberty **not** to *honour his father and mother*? It is an eternal law, annexed purely to the relation of parents and children; and so it contains nothing of the magistrate's power in it, nor is subjected to it.

§. 65. Our author says, *God has given to a father a right or liberty to alien (transfer) his power over his children to any other*, OBSERVATIONS, 155. I doubt whether he can *alien* wholly the right of honour that is due from them: but be that as it will, this I am sure, he cannot *alien*, and retain the same power. If therefore the magistrate's sovereignty is, as our author would have it, *nothing but the authority of a supreme father*, p. 23. it is unavoidable that if the magistrate has all this paternal right — as he must have if *fatherhood* is the fountain of all authority — then the subjects, though fathers, can have no power over their children, and no right to honour from them. For it cannot be all in another's hands, and a part remain with the parents. So that according to our author's own doctrine, *Honour your father and mother* cannot possibly be understood of political subjection and obedience; since the laws both in the Old and New Testament, that commanded children to *honour and obey their parents*, were given to such whose fathers were under civil government, and fellow-subjects with them in political societies. And to have bid them honour and obey their parents, in our authors sense, would have been to bid them to be subjects to those who had no title to it — the right to obedience from subjects, being all vested in another. And instead of teaching obedience, this would have been to foment sedition, by setting up powers that were not. If therefore this command, *Honour your father and mother*, concerns political dominion, then it directly overthrows our author's monarchy, since it is to be paid by every child to his father, even in society, and every father must necessarily have political dominion — there will be as many sovereigns as there are fathers. Besides this, the mother too has her title, which destroys the sovereignty of one supreme monarch. But if *Honour your father and mother* means something distinct from political power, as necessarily it must, then it is besides our author's business, and it serves nothing to his purpose.

§. 66. *The law that enjoins obedience to kings is delivered*, says our author, *in the terms, Honour your father, as if all power were originally in the father*, OBSERVATIONS, 254. And that law is also delivered, I say, in the terms, *Honour your mother*, as if all power were originally in the mother. I appeal whether the argument is not as good on one side as the other, *father and mother* being joined all along in the Old and New Testament wherever

honour or obedience is enjoined children. Again our author tells us, OBSERVATIONS, 254, *that this command, Honour your father gives the right to govern, and makes the form of government monarchical*. To which I answer, that if by *Honour your father* is meant obedience to the political power of the magistrate, it does not concern any duty we owe to our natural fathers, who are subjects. This is because, by our author's doctrine, they are divested of all that power, it being placed wholly in the prince. And so, being equally subjects and slaves with their children, they can have no right by that title, to any such *honour or obedience*, as contains in it political subjection. If *Honour your father and mother* signifies the duty we owe our natural parents — as by our Saviour's interpretation in Mat 15.4 and all the other mentioned places, it is plain that it does — then it cannot concern political obedience, but a duty that is owing to persons who have no title to sovereignty, nor any political authority as magistrates over subjects. For the person of a private father, and a title to obedience due to the supreme magistrate, are inconsistent things. And therefore this command, which must necessarily comprehend the persons of our natural fathers, must mean a duty we owe them as distinct from our obedience to the magistrate, and from which the most absolute power of princes cannot absolve us. What this duty is, we shall examine in its due place.

§. 67. And thus we have at last gotten through all that, in our author, looks like an argument for that *absolute unlimited sovereignty described*, Sect. 8, which he supposes in Adam; so that mankind ever since have all been born *slaves*, without any title to freedom. But,

- if *creation*, which gave nothing but a being, did not make Adam *prince of his posterity*; and
- if Adam, Gen 1.28, was not constituted lord of mankind, nor had a *private dominion* given to him exclusive of his children, but only a right and power over the earth and over inferior creatures in common with the children of men; and
- if also, Gen 3.16, God did not give any political power to Adam over his wife and children, but only subjected Eve to Adam, as a punishment, or foretold the subjection of the weaker sex in the ordering of the common concerns of their families, but did not thereby give to Adam, as to the husband, power of life and death, which necessarily belongs to the magistrate; and
- if fathers, by begetting their children, acquire no such power over them; and
- if the command, *Honour your father and mother*, does not give it, but only enjoins a duty owing to parents equally, whether subjects or not, and to the *mother* as well as the *father*;

if all this is so, as I think is very evident by what has been said, then man has a *natural freedom*, notwithstanding all our author confidently says to the contrary; since all who share in the same common nature, faculties, and powers, are equal in nature, and ought to partake in the same common rights and privileges, till the manifest appointment of God, who is *Lord over all, blessed forever*, can be produced to show any particular person's supremacy, or a man's own consent subjects him to a superior.

This is so plain, that our author confesses that Sir *John Hayward, Blackwood, and Barclay, the great vindicators of the right of kings, could not deny it, but admit with one consent the natural liberty and equality of mankind*, for an unquestionable truth. And our author has been so far from producing anything that may make good his great position *that Adam was absolute monarch*, and so men are not naturally free, that even his own proofs make against

him. So that, to use his own way of arguing, *the first erroneous principle failing, the whole fabric of this vast engine of absolute power and tyranny drops down of itself*, and no more needs to be said in answer to all that he builds upon so false and frail a foundation.

§. 68. But to save others the pains, were there any need, he is not sparing himself to show, by his own contradictions, the weakness of his own doctrine. Adam's absolute and sole dominion is that which everywhere he is full of, and all along builds on, and yet he tells us, p. 12. *that as Adam was lord of his children, so his children under him had a command and power over their own children*. The unlimited and undivided sovereignty of Adam's *fatherhood*, by our author's computation, stood but a little while, only during the first generation; but as soon as he had grandchildren, Sir Robert could give but a very ill account of it. Adam, *as father of his children*, he says, *has an absolute, unlimited royal power over them, and by virtue of this over those that they begot, and so to all generations; and yet his children, viz. Cain and Seth, have a paternal power over their children at the same time; so that they are at the same time absolute lords, and yet vassals and slaves; Adam has all the authority, as grandfather of the people, and they have a part of it as fathers of a part of them. He is absolute over them and their posterity, by having begotten them; and yet they are absolute over their own children by the same title. No*, says our author, *Adam's children under him had power over their own children, but still with subordination to the first parent*. A good distinction that sounds well; and it is a pity that it signifies nothing, nor can it be reconciled with our author's words. I readily grant that, supposing Adam's *absolute power* over his posterity, any of his children might have from him a delegated, and so a *subordinate* power over a part, or all the rest. But that cannot be the power our author speaks of here. It is not a power by grant and commission, but the natural paternal power he supposes a father to have over his children. For,

1. He says, *As Adam was lord of his children, so his children under him had a power over their own children*. They were then lords over their own children in the same manner, and by the same title, that Adam was, *i.e.* by right of generation, by right of *fatherhood*.
2. It is plain he means the *natural* power of fathers, because he limits it to be only *over their own children*. A delegated power has no such limitation as *only over their own children*; it might be over others as well as their own children.
3. If it were a delegated power, it must appear in Scripture; but there is no ground in Scripture to affirm that Adam's children had any other power over theirs, than what they naturally had as fathers.

§. 69. But it is past doubt that he means paternal power here and no other, , from the inference he makes in these words immediately following: *I do not see then how the children of Adam, or of any other man, can be free from subjection to their parents*. Whereby it appears that the power on one side, and the *subjection* on the other, which our author speaks of here, is that *natural power* and *subjection* between parents and children. For that which every man's children owed, could be no other; and it is what our author always affirms to be absolute and unlimited. This *natural power* of parents over their children, Adam had over his posterity, says our author; and this same *power* of parents over their children, his children had over theirs in his life-time, says our author also. So that Adam, by a natural right of father, had an absolute unlimited power over all his posterity, and at the same time his children had, by the same right, absolute unlimited power over theirs. Here then are two absolute unlimited

powers existing together, which I would have anybody reconcile one to another, or to common sense. For the *salvo* he has put in, of *subordination*, makes it more absurd. To have one absolute, unlimited, indeed, unlimitable power, in subordination to another, is so manifest a contradiction, that nothing can be more. *Adam is absolute prince with the unlimited authority of fatherhood over all his posterity*; all his posterity are then absolutely his subjects; and as our author says, his slaves, children, and grandchildren, are equally in this state of subjection and slavery. And yet, says our author, *the children of Adam have paternal, i.e. absolute unlimited power over their own children*: which in plain *English* is, they are slaves and absolute princes at the same time, and in the same government; one part of the subjects have an absolute unlimited power over the other by the natural right of parentage.

§. 70. If any one will suppose, in favour of our author, that he meant here, that parents who are in subjection themselves to the absolute authority of their father, yet have some power over their children, then I confess he is something nearer the truth. But hereby he will not at all help our author: for nowhere speaking of the paternal power but as an absolute unlimited authority, he cannot be supposed to understand anything else here, unless he himself had limited it, and showed how far it reached. And that he means paternal authority here in that large extent, is plain from the immediately following words: *This subjection of children being*, he says, *the foundation of all regal authority*, p. 12, the *subjection* then, that in the former line he says *every man is in to his parents*, and consequently, that Adam's grand-children were in to their parents, was that which was the fountain of all *regal authority*, i.e. (according to our author) *absolute unlimited authority*. And thus Adam's children had *regal authority* over their children, while they themselves were subjects to their father, and fellow-subjects with their children. But let him mean as he pleases, it is plain that he allows *Adam's children to have paternal power*, p. 12. And also all other fathers have *paternal power over their children*, OBSERVATIONS, 156. From this, one of these two things will necessarily follow: that either Adam's children had, even in his lifetime (and so all fathers have), as he phrases it, p. 12. *by right of fatherhood, royal authority over their children*; or else, that Adam, *by right of fatherhood, did not have royal authority*. For it cannot be but that paternal power does, or does not, give royal authority to those who have it. If it does not, then Adam could not be sovereign by this title, nor anybody else; and then there is an end of all our author's politics at once. If it does give *royal authority*, then everyone who has *paternal power*, has *royal authority*; and then by our author's patriarchal government, there will be as many kings as there are fathers.

§. 71. And thus let him and his disciples consider what a monarchy he has set up,. Princes certainly will have great reason to thank him for these new politics which set up as many absolute kings in every country as there are fathers of children. And yet who can blame our author for it, it lying unavoidably in the way of one discoursing upon our author's principles? For having placed an *absolute power in fathers by right of begetting*, he could not easily resolve how much of this power belonged to a son over the children he had begotten. And so it fell out to be a hard matter to give all the power to Adam, as he does, and yet allow a part in his life-time to his children, when they were parents, and which he did not know well how to deny them. This makes him so doubtful in his expressions, and so uncertain where to place this absolute natural power which he calls *fatherhood*. Sometimes Adam alone has it all, as on p. 13. OBSERVATIONS, 244, 245. & *Pref.*

Sometimes *parents* have it, which word scarcely signifies the father alone, p. 12, 19.
Sometimes *children* during their father's lifetime, as p. 12.
Sometimes *fathers of families*, as p. 78, & 79.
Sometimes *fathers* indefinitely, OBSERVATIONS, 155.
Sometimes *the heir* to Adam, OBSERVATIONS, 253.
Sometimes *the posterity* of Adam, 244, 246.
Sometimes *prime fathers, all sons or grandchildren of Noah*, OBSERVATIONS, 244.
Sometimes the *eldest parents*, p. 12,
Sometimes all *kings*, p. 19.
Sometimes all who have supreme power, OBSERVATIONS, 245.
Sometimes *heirs to those first progenitors, who were at first the natural parents of the whole people*, p. 19.
Sometimes an elective king, p. 23.
Sometimes those, whether a few or a multitude, who govern the *commonwealth*, p. 23.
Sometimes whoever can catch it, a *usurper*, p. 23. OBSERVATIONS, 155.

§. 72. Thus this *new nothing*, that is to carry with it all power, authority, and government; this *fatherhood*, which is to design the person, and establish the throne of monarchs, whom the people are to obey, may, according to Sir Robert, come into any hands, any how, and so by his politics give royal authority to democracy, and make a usurper a lawful prince. And if it will do all these fine feats, our author and all his followers do much good with their omnipotent *fatherhood*, which can serve for nothing but to unsettle and destroy all the lawful governments in the world, and to establish in their room disorder, tyranny, and usurpation.

CHAPTER 7. Of Fatherhood and Property considered together as Fountains of Sovereignty.

§. 73. In the foregoing chapters we have seen what Adam's monarchy was, in our author's opinion, and upon whatever titles he founded it. The foundations which he lays the chief stress on, such as those from which he thinks he may derive monarchical power to future princes, are two: *viz. Fatherhood and property*. And therefore the way he proposes to *remove the absurdities and inconveniences of the doctrine of natural freedom, is to maintain the natural and private dominion of Adam*, OBSERVATIONS, 222. Conformable to this, he tells us that *the grounds and principles of government necessarily depend on the origin of property*. OBSERVATIONS, 108. *The subjection of children to their parents is the fountain of all regal authority*, p. 12. *And all power on earth is either derived or usurped from the fatherly power, there being no other origin to be found of any power whatsoever*, OBSERVATIONS, 158. I will not stand here to examine how it can be said without a contradiction, that the *first grounds and principles of government necessarily depend upon the origin of property, and yet that there is no other origin of any power whatsoever, except that of the father*. For it is hard to understand how there can be *no other origin* but *fatherhood*, and yet the *grounds and principles of government depend upon the origin of property; property and fatherhood* being as far different as lord of a manor, and father of children. Nor do I see how either of them will agree with what our author says, OBSERVATIONS, 244, about God's sentence against Eve, Gen 3.16. *That it is the original grant of government*. So that if that were the *origin*, then government did not have its *origin*, by our authors own confession, either from *property*

or *fatherhood*. And this text, which he brings as a proof of Adam's power over Eve, necessarily contradicts what he says of the *fatherhood*, that it is the *sole fountain of all power*. For if Adam had any such regal power over Eve, as our author contends for, it must be by some other title than that of begetting.

§. 74. But I leave him to reconcile these contradictions, as well as many others, which may plentifully be found in him by anyone who will but read him with a little attention. And I shall come now to consider how these two origins of government, Adam's *natural and private dominion*, will consist, and serve to make out and establish the titles of succeeding monarchs who, as our author obliges them, must all derive their power from these *fountains*. Let us then suppose Adam was made, *by God's donation*, lord and sole proprietor of the whole earth, in as large and ample a manner as Sir Robert could wish. Let us suppose he was also, *by right of fatherhood*, made absolute ruler over his children with an unlimited supremacy. I ask then, upon Adam's death what becomes of both his *natural and private dominion*? And I do not doubt it will be answered that they descended to his next heir, as our author tells us in several places. But this way, it is plain, cannot possibly convey both his *natural and private dominion* to the same person. For if we were to allow that all the property, all the estate of the father, ought to descend to the eldest son (which will need some proof to establish it), and so he has by that title all the *private dominion* of the father, yet the father's *natural dominion*, *i.e.*, the paternal power, cannot descend to him by inheritance. For it being a right that accrues to a man only by begetting, no man can have this natural dominion over anyone he does not *beget* — unless it can be supposed that a man can have a right to anything, without doing that upon which that right is solely founded. For if a father, by *begetting* and by no other title, has *natural dominion* over his children, whoever does not beget them cannot have this *natural dominion* over them. And therefore, be it true or false, our author says, OBSERVATIONS, 156, that *every man that is born, by his very birth becomes subject to him that begets him*. Thus this necessarily follows: *viz.* that a man by his birth cannot become a subject to his brother, who did not beget him; unless it can be supposed that a man by the very same title can come to be under the *natural and absolute dominion* of two different men at once; or that it is sense to say that a man by birth is under the *natural dominion* of his father, only because he begat him, and also say that a man by birth is under the *natural dominion* of his eldest brother, even though his brother did not beget him.

§. 75. If then the *private dominion* of Adam, *i.e.* his property in the creatures, descended at his death entirely to his eldest son, his heir (for if it did not, there is immediately an end of all Sir Robert's monarchy) and his *natural dominion* — the dominion a father has over his children by begetting them — belonged immediately, upon Adam's decease, equally to all his sons who had children, by the same title their father had it, then the sovereignty founded upon *property*, and the sovereignty founded upon *fatherhood*, come to be divided, since Cain, as heir, had that or *property* alone. Seth and the other sons had that dominion of *fatherhood* equally with him. This is the best that can be made of our author's doctrine, and of the two titles of sovereignty he sets up in Adam. One of them will either signify nothing; or if they both must stand, they can serve only to confound the rights of princes, and disorder government in his posterity. For by building upon two titles to dominion, which cannot descend together, and which he allows may be separated (for he yields that *Adam's children had their distinct territories by right of private dominion*, OBSERVATIONS, 210, p. 40.) he

makes it perpetually doubtful, upon his principles, where the sovereignty is, or to whom we owe our obedience, since *fatherhood* and *property* are distinct titles, and immediately upon Adam's death they began to be in distinct persons. Which then was to give way to the other?

§. 76. Let us take the account of it, as he himself gives it to us. He tells us out of *Grotius*, That *Adam's children by donation, assignation, or some kind of cession before he was dead, had their distinct territories by right of private dominion. Abel had his flocks and pastures for them; Cain had his fields for corn, and the land of Nod, where he built himself a city,* OBSERVATIONS, 210. Here it is obvious to demand which of these two after Adam's death was sovereign? *Cain*, says our author, p. 19. By what title? *As heir; for heirs to progenitors, who were natural parents of their people, are not only lords of their own children, but also of their brethren*, says our author, p. 19. What was Cain heir to? Not the entire possessions, not all that which Adam had *private dominion in*; for our author allows that Abel by a title derived from his father, had *his distinct territory for pasture by right of private dominion*. What then Abel had by *private dominion*, was exempt from Cain's dominion. For he could not have *private dominion* over that which was under the *private dominion* of another. And therefore his sovereignty over his brother is gone with this *private dominion*, and so there are presently two sovereigns, and his imaginary title of *fatherhood* is out of doors, and Cain is no prince over his brother. Or else, if Cain retains his sovereignty over Abel, notwithstanding his *private dominion*, it will follow that the *first grounds and principles of government* have nothing to do with *property*, whatever our author says to the contrary. It is true, Abel did not outlive his father Adam; but that does nothing for the argument, which will hold good against Sir Robert in Abel's issue, or in Seth, or any of the posterity of Adam, not descended from Cain.

§. 77. The same inconvenience he runs into about *the three sons of Noah*, who, as he says, p. 13, *had the whole world divided among them by their father*. I ask then, in which of the three shall we find the establishment of regal power after Noah's death? If in all three, as our author seems to say there, then it will follow that regal power is founded in property of land, and follows *private dominion*, and not in *paternal power*, or *natural dominion*. And so there is an end of paternal power as the fountain of regal authority, and the so-much-magnified *fatherhood* quite vanishes. If the regal power descended to Shem as eldest, and heir to his father, then *Noah's division of the world by lot, to his sons, or his ten years sailing about the Mediterranean to appoint each son his part*, which our author tells of, p. 15. was labour lost; his division of the world to them was to ill purpose, or to no purpose at all. For his grant to Shem and Japheth was worth little if, notwithstanding this grant, as soon as Noah was dead, Shem was to be lord over them. Or if this *grant of private dominion* to them over their assigned territories were good, here would be set up two distinct sorts of power, not subordinate one to the other, with all those inconveniences which he musters up against the *power of the people*, OBSERVATIONS, 158. I will set this down in his own words, only changing *property* for *people*.

All power on earth is either derived or usurped from the fatherly power, there being no other origin to be found of any power whatsoever. For if there should be granted two sorts of power, without any subordination of one to the other, they would be in perpetual strife as to which should be supreme, for two supremes cannot agree. If the fatherly power is supreme, then the power grounded on private dominion must be subordinate, and depend

on it; and if the power grounded on property is supreme, then the fatherly power must submit to it, and cannot be exercised without the licence of the proprietors, which must quite destroy the frame and course of nature.

This is his own arguing against two distinct independent powers, which I have set down in his own words, only putting power rising from property, for *power of the people*. And when he has answered what he himself has urged here against two distinct powers, we will be better able to see how, with any tolerable sense, he can derive all regal authority *from the natural and private dominion of Adam*, from *fatherhood* and *property* together, which are distinct titles, that do not always meet in the same person; and it is plain, by his own confession, they are immediately separated as soon as both Adam's and Noah's death made way for succession — though in his writings our author frequently jumbles them together, and does not omit to make use of either where he thinks it will sound best to his purpose. But the absurdities of this will more fully appear in the next chapter, where we will examine the ways of conveyance of the sovereignty of Adam, to princes who were to reign after him.

CHAPTER 8. Of the Conveyance of Adam's Sovereign Monarchical Power.

§. 78. Sir Robert, not having been very happy in any proof he brings for the sovereignty of Adam, is not much more fortunate in conveying it to future princes who, if his politics are true, must all derive their titles from that first monarch. I will set down in his own words the ways he has assigned, as they lie scattered up and down in his writings. In his preface he tells us that *Adam, being monarch of the whole world, none of his posterity had any right to possess anything, except by his grant or permission, or by succession from him*. Here he makes two ways of conveyance of anything Adam stood possessed of. And those are grants or succession. Again he says, *All kings either are, or are to be reputed, the next heirs to those first progenitors, who were at first the natural parents of the whole people*, p. 19. *There cannot be any multitude of men whatsoever, but that in it, considered by itself, there is one man among them that in nature has a right to be the king of all the rest, as being the next heir to Adam*, OBSERVATIONS, 253. Here in these places *inheritance* is the only way he allows of conveying monarchical power to princes. In other places he tells us, OBSERVATIONS, 155, *All power on earth is either derived or usurped from the fatherly power*, OBSERVATIONS, 158. *All kings that now are, or ever were, are or were either fathers of their people, or heirs of such fathers, or usurpers of the right of such fathers*, OBSERVATIONS, 253. And here he makes *inheritance* or *usurpation* the only ways whereby kings come by this original power. But yet he tells us, *This fatherly empire, as it was of itself hereditary, so it was alienable by patent and seizable by a usurper*, OBSERVATIONS, 190. So then here inheritance, grant, or usurpation, will convey it. And last of all, which is most admirable, he tells us, p. 100, *It matters not which way kings come by their power, whether by election, donation, succession, or by any other means; for it is still the manner of the government by supreme power, that makes them properly kings, and not the means of obtaining their crowns*. Which I think is a full answer to all his whole *hypothesis* and discourse about Adam's royal authority, as the fountain from which all princes are to derive theirs. And he might have spared the trouble of speaking so much as he does, up and down, of heirs and inheritance, if to make one *properly a king*, needs no more but *governing by supreme power, and it matters not by what means he came by it*.

§. 79. By this notable way, our author may make Oliver as *properly king* as anyone else he could think of.²⁶ And if he had the happiness to live under Massanello's government,²⁷ he could not by his own rule have forborne to pay homage to him with *O king live forever*, since the manner of his government by supreme power made him *properly king*, who was only the day before *properly* a fisherman. And if Don Quixote ²⁸ had taught his squire to govern with supreme authority, our author no doubt could have made a most loyal subject in *Sancho Pancha's island*.²⁹ And he must have deserved some preferment in such governments, since I think he is the first politician who, pretending to settle government upon its true basis, and to establish the thrones of lawful princes, ever told the world that he was *properly a king, whose manner of government was by supreme power, by whatever means he obtained it*. In plain English, this is to say that regal and supreme power is properly and truly his, who can seize upon it by any means. And if this is to be *properly a king*, I wonder how he came to think of, or where he will find, a *usurper*.

§. 80. This is so strange a doctrine, that the surprise of it has made me pass by, without their due reflection, the contradictions he runs into by making the conveyance of power sometimes by *inheritance* alone, sometimes only by *grant* or *inheritance*, sometimes only by *inheritance* or *usurpation*, sometimes by all three of these, and at last adding to them *election* or *any other means* by which Adam's royal *authority* — that is, his right to supreme rule — could be conveyed down to future kings and governors, so as to give them a title to the obedience and subjection of the people. But these contradictions lie so open, that the very reading of our author's own words will reveal them to any ordinary understanding. And though what I have quoted out of him (with abundance, more of the same strain and coherence which might be found in him) might well excuse me from any further trouble in this argument, yet having proposed to myself, to examine the main parts of his doctrine, I will consider a little more particularly how *inheritance, grant, usurpation, or election*, can in any way make out government in the world upon his principles; or derive to anyone a right of empire from this regal authority of Adam, had it been ever so well proved that he had been absolute monarch, and lord of the whole world.

CHAPTER 9. Of Monarchy by Inheritance from Adam.

§. 81. It is ever so plain that there ought to be government in the world, even if all men are of our author's mind, that divine appointment had ordained it to be *monarchical*. Yet, since men cannot obey anything that cannot command; and since *ideas* of government in the fancy, though ever so perfect, though ever so right, cannot give laws, nor prescribe rules for the actions of men; it would be of no benefit to settling order, and establishing government in its exercise and use among men, unless there were also a way taught how to know the person, to

²⁶ *i.e.*, Oliver Cromwell, who was the very antithesis of kingly rule by divine right.

²⁷ Massanello (Tommaso Aniello, or *Masaniello*) was a Neapolitan fisherman who led the 1647 revolt against Habsburg Spain. Locke is showing the absurdity of saying that "might makes right," even when political power is usurped.

²⁸ Alluding to the 1605 Spanish novel by Miguel de Cervantes; Sancho Pancha was another character in the novel.

²⁹ The fictional island promised to Sancho Panza is named Barataria. Despite being illiterate, Sancho governed Barataria with remarkable wisdom, resolving legal disputes through practical logic rather than formal law. He abdicated his "throne" after ten days or so, saying, "Naked I was born, naked I find myself, I neither lose nor win." He preferred his simple life of freedom, over the burdens of governing.

whom it belonged, had this power, and exercised this dominion over others. It is in vain then to talk of subjection and obedience without telling us whom we are to obey. For were I ever so fully persuaded that there ought to be magistracy and rule in the world, yet I am nevertheless still at liberty, till it appears who the person is that has the right to my obedience since, if there are no marks to know him by, and to distinguish him from other men who has the right to rule, it might be myself as well as any other. And therefore, though submission to government is every one's duty — since that signifies nothing but submitting to the direction and laws of such men as have authority to command — it is not enough to make a man a subject, or to convince him that there is a regal power in the world; but there must also be ways of designing and knowing the person to whom by right this regal power belongs. And a man can never be obliged in conscience to submit to any power, unless he can be satisfied who the person is that has a right to exercise such power over him. If this were not so, there would be no distinction between pirates and lawful princes. Whoever has force is to be obeyed without any more ado, and crowns and sceptres would become the inheritance only by violence and rapine. Men too might as often and as innocently change their governors, as they do their physicians, if the person cannot be known who has a right to direct me, and whose prescriptions I am bound to follow. Therefore, to settle men's consciences under an obligation to obedience, it is necessary that they know not only that there is a power somewhere in the world, but the person who by right is vested with this power over them.

§. 82. How successful our author has been in his attempts to set up a *monarchical absolute power in Adam*, the reader may judge by what has been already said. But were *that absolute monarchy* as clear as our author would desire it (as I presume it is the contrary), yet it could be of no use to the government of mankind now in the world, unless he also makes out these two things.

First, That this *power of Adam* was not to end with him, but upon his decease was conveyed entire to some other person, and so on to posterity.

Secondly, That the princes and rulers now on earth are possessed of this *power of Adam*, by a right way of conveyance derived to them.

§. 83. If the first of these fails, the *power of Adam*, however great, however certain, will signify nothing to the present government and societies in the world; but we must seek out some other origin of power than this of Adam for the government of polities, or else there will be none at all in the world. If the latter fails, it will destroy the authority of the present governors, and absolve the people from subjection to them, since having no better claim than others to that power which alone is the fountain of all authority, they can have no title to rule over them.

§. 84. Our author, having fancied an absolute sovereignty in Adam, mentions several ways of its conveyance to princes that were to be his successors. But that which he chiefly insists on is that of *inheritance*, which occurs so often in his several discourses. Having quoted several of these passages in the foregoing chapter, I will not need to repeat them here again. He erects this sovereignty, as has been said, upon a double foundation, *viz.* that of *property*, and that of *fatherhood*. One was the right he was supposed to have in all creatures: a right to possess the earth, along with the beasts and other inferior ranks of things in it, for his private use, exclusive of all other men. The other was the right he was supposed to have to rule and govern men — all the rest of mankind.

§. 85. In both these rights, there being supposed an exclusion of all other men, it must be upon some reason peculiar to Adam, that they must both be founded.

That of his *property* our author supposes to arise from Gods immediate *donation*, Gen 1.28; and that of *fatherhood* arises from the act of *begetting*. Now in all inheritance, if the heir does not succeed to the *reason* upon which his father's right was founded, he cannot succeed to the right which follows from it. For example, Adam had a right of property in the creatures upon the *donation* and *grant* of God almighty, who was lord and proprietor of them all. Let this be so, as our author tells us. Yet upon his death, his heir can have no title to them, no such right of property in them, unless the same reason, *viz.* God's *donation*, vested a right in the *heir too*. For if Adam could have had no property in, nor use of the creatures, without this positive *donation* from God, and this donation were only made personally to Adam, then his *heir* could have no right by it; but upon his death it must revert to God, the lord and owner again. For positive grants give no title further than the express words convey it, and by which alone it is held. And thus, if as our author himself contends, Gen 1.28, that *donation* was made only to Adam personally, then his heir could not succeed to his property in the creatures. And if it were a donation to anyone but Adam, then let it be shown that it was to his heir in our author's sense — *i.e.* to *one* of his children, exclusive of all the rest.

§. 86. But not to follow our author too far out of the way, the plain case is this: God having made man, and planted in him, as in all other animals, a strong desire for self-preservation; and having furnished the world with things fit for food and raiment, and other necessities of life, subservient to His design — so that man should live and abide for some time upon the face of the earth, and *not* that so curious and wonderful a piece of workmanship should presently perish again by his own negligence, or lack of necessities, after a few moments continuance. God, I say, having thus made man and the world, spoke to him; (that is) He directed him by his senses and reason — as he did the inferior animals by their sense and instinct — which were serviceable for his subsistence, and were given to him as the means of his *preservation*. Therefore I doubt not that before these words were pronounced in Gen 1.28, 29 (if they must be understood literally to have been spoken), and *without* any such verbal *donation*, man had a right to a use of the creatures, by the will and grant of God. For the desire — the strong desire to preserve his life and being — having been planted in him as a principle of action by God himself, reason (*which was the voice of God in him*) could not but teach and assure him that pursuing that natural inclination he had to preserve his being, he followed the will of his Maker. And therefore he had a right to make use of those creatures, which by his reason or senses he could discover would be serviceable to this end. And thus man's *property* in the creatures was founded upon the right he had to make use of those things that were necessary or useful to his being.

§. 87. This being the reason and foundation of Adam's *property*, it gave the same title, on the same ground, to all his children, not only after his death, but in his lifetime. So that here was no privilege of his *heir* above his other children, which could exclude them from an equal right to the use of the inferior creatures, for the comfortable preservation of their beings, which is all the *property* man has in them. And so Adam's sovereignty built on *property*, or as our author calls it, *private dominion*, comes to nothing. Every man had a right to the creatures, by the same title Adam had, *viz.* by the right everyone had to take care of, and to provide for

their subsistence. And thus men had a right in common — Adam's children in common with him. But if anyone had begun and made himself a property in any particular thing (which how he or anyone else could do that, will be shown in another place), that thing, that possession, if he did not otherwise dispose of it by his positive grant, descended naturally to his children, and they had a right to succeed to it, and to possess it.

§. 88. It might reasonably be asked here, how do children come by this right of possessing, before any other, the properties of their parents upon their decease? For it being personally the parents, when they die without actually transferring their right to another, why does it not return again to the common stock of mankind? It will perhaps be answered that common consent has disposed of it to their children. Common practice, we see indeed, does so dispose of it. But we cannot say that it is the common consent of mankind; for that has never been asked, nor actually given. And if common *tacit* consent has established it, it would make but a positive, and not a natural right of children to inherit the goods of their parents. But where the practice is universal, it is reasonable to think the cause is *natural*. The ground, then, I think to be this: the first and strongest desire God planted in men, and wrought into the very principles of their nature, being that of self-preservation, *that* is the foundation of a right to the creatures for the particular support and use of each individual person himself. But next to this, God also planted in men a strong desire to propagate their kind, and to continue themselves in their posterity. And this gives children a title to share in the *property* of their parents, and a right to inherit their possessions. Men are not proprietors of what they have, merely for themselves. Their children have a title to part of it, and they have their kind of right joined with their parents, in the possession which comes to be wholly theirs when death, having put an end to their parents use of it, has taken them from their possessions; and this we call *inheritance*. Men being by a like obligation bound to preserve what they have begotten, such as to preserve themselves, their issue come to have a right in the goods they are possessed of. That children have such a right, is plain from the laws of God; and that men are convinced that children have such a right, is evident from the law of the land — both which laws require parents to provide for their children.

§. 89. For children being born weak by the course of nature, and unable to provide for themselves, they have by the appointment of God himself, who has thus ordered the course of nature, a right to be nourished and maintained by their parents — indeed, a right not only to a bare subsistence, but to the conveniences and comforts of life, as far as the conditions of their parents can afford it. Hence it comes that when their parents leave the world, and so the care due to their children ceases, the effects of it are to extend as far as they possibly can, and the provisions they have made in their life-time, are understood to be intended, as nature requires they should, for their children, whom, after themselves, they are bound to provide for. Though the dying parents, by express words, declare nothing about them, nature appoints the descent of their property to their children, who thus come to have a title and natural right of inheritance to their father's goods, which the rest of mankind cannot pretend to.

§. 90. Were it not for this right of being nourished and maintained by their parents, which God and nature has given to children and obliged parents to as a duty, it would be reasonable that the father should inherit the estate of his son, and be preferred in the inheritance before his grandchild. For there is due to the grandfather a long score of care and expences laid out

upon the breeding and education of his son, which one would think in justice ought to be paid. But that having been done in obedience to the same law whereby he received nourishment and education from his own parents, this score of education, received from a man's father, is paid by taking care of and providing for his own children.. It is paid, I say, as much as is required of payment by alteration of property, unless present necessity of the parents requires a return of goods for their necessary support and subsistence. For we are not now speaking of that reverence, acknowledgment, respect and honour, that is always due from children to their parents, but of possessions and commodities of life valuable by money. But though it is incumbent on parents to bring up and provide for their children, yet this debt to their children does not quite cancel the score due to their parents, but is only made preferable to it by nature. For the debt a man owes his father takes place, and gives the father a right to inherit the son's goods where, for lack of issue, the right of children does not exclude that title. And therefore a man has a right to be maintained by his children where he needs it, and also to enjoy the comforts of life from them, when the necessary provision due to them and their children, will afford it. If his son dies without issue, the father has a right in nature to possess his goods and inherit his estate (whatever the municipal laws of some countries may absurdly direct otherwise); and so again, his children and *their issue* from him — or for lack of such, his father and *his issue*. But where no such are to be found, *i.e.* no kindred, there we see the possessions of a private man revert to the community; and so in politic societies they come into the hands of the public magistrate. But in the state of nature, they become perfectly common again, nobody having a right to inherit them. Nor can anyone have a property in them otherwise than in other things that are common by nature— of which I will speak in its due place.

§. 91. I have been longer in showing upon what ground children have a right to succeed to the possession of their father's properties, not only because it will appear by this that if Adam had a property in the whole earth and its product (a titular, insignificant, useless property, for it could be no better; for he was bound to nourish and maintain his children and posterity out of it), yet all his children coming to have, by the law of nature and right of inheritance, a joint title and right of property in it after his death, it could convey no right of sovereignty to any one of his posterity over the rest — since every one having a right of inheritance to his portion, they might enjoy their inheritance or any part of it in common, or else share it, or some parts of it, by division, as they best liked. But no one could pretend to the whole inheritance, or any sovereignty supposedly accompanying it, since a right of inheritance gave every one of the rest, as well as any of them, a title to share in the goods of his father. Not only upon this account, I say, have I been so particular in examining the reason of children inheriting the property of their fathers, but also because it will give us further light into the inheritance of *rule* and *power*. In countries where their particular municipal laws give the whole possession of land to the first-born, and descent of power has gone to men by this custom, some have been apt to be deceived into an opinion that there is a natural or divine right of primogeniture as to both *estate* and *power*; and that the inheritance of both *rule* over men, and also *property* in things, sprang from the same origin, and were to descend by the same rules.

§. 92. Property, whose origin is from the right a man has to use any of the inferior creatures for the subsistence and comfort of his life, is for the benefit and sole advantage of the proprietor — so that he may even destroy the thing that he has property in, by his use of it, where need requires. But government being for the preservation of *every* man's right and

property, by preserving him from the violence or injury of others, is for the good of the governed. For the magistrate's sword being for a *terror to evil doers*,^{Rom 13:3} and by that terror to compel men to observe the positive laws of the society (made conformable to the laws of nature) for the public good, *i.e.* for the good of every particular member of that society, as far as it can be provided for by common rules. The sword is not given to the magistrate for his own good alone.

§. 93. Children therefore, as has been shown, by the dependance they have on their parents for subsistence, have a right of inheritance to their fathers property, as that which belongs to them for their proper good and benefit. And therefore they are fitly termed *goods*, in which the first-born does not have a sole or peculiar right by any law of God and nature. For the younger children have an equal title with him, founded on that right they all have to maintenance, support, and comfort from their parents, and on nothing else. *Government* is for the benefit of the governed, and not for the sole advantage of the governors, but only for theirs along with the rest, as they make a part of that body politic, each of whose parts and members are taken care of, and directed in its peculiar functions for the good of the whole, by the laws of society. It cannot be inherited by the same title that children have to the goods of their father. The right a son has to be maintained and provided with the necessities and conveniences of life out of his father's stock, gives him a right to succeed to his father's *property* for his own good. But this can give him no right to also succeed to the *rule* which his father had over other men. All that a child has right to claim from his father is nourishment and education, and the things nature furnishes for the support of life; but he has no right to demand *rule* or *dominion* from him. He can subsist and receive from him the portion of good things, and advantages of education naturally due to him, without *empire* and *dominion*. That (if his father has any) was vested in him for the good and benefit of *others*. And therefore the son cannot claim or inherit it by a title which is founded wholly on his own private good and advantage.

§. 94. We must know how the first ruler, from whom anyone claims [authority], came by his authority, upon what ground anyone has *empire*, and what his title is to it, before we can know who has a right to succeed him in it, and inherit it from him. If the agreement and consent of men first gave a sceptre into anyone's hand, or put a crown on his head, that also must direct its descent and conveyance. For the same authority that made the first a lawful *ruler*, must make the second one too, and so give *right of succession*. In this case, inheritance or primogeniture can in itself have no pretence to it, any further than that consent which established the form of the government, has so settled the succession. And thus we see the succession of crowns, in several countries, places it on different heads; and he comes by right of succession to be a prince in one place, who would be a subject in another.

§. 95. If God, by his positive grant and revealed declaration, first gave *rule* and *dominion* to any man, then whoever would claim that title must have the same positive grant of God for his succession. For if that has not directed the course of its descent and conveyance down to others, nobody can succeed to this title of *the first ruler*. Children have no right of inheritance in this; and primogeniture can lay no claim to it unless God, the author of this constitution, has so ordained it. Thus we see the pretensions of Saul's family, who received his crown from the immediate appointment of God, ended with his reign; and David, by the same title that

Saul reigned, *viz.* God's appointment, succeeded in his throne, to the exclusion of Jonathan and all pretensions of paternal inheritance. And if Solomon had a right to succeed his father, it must be by some other title than that of primogeniture. A *cadet*, or sister's son, must have the preference in succession, if he has the same title the first lawful prince had. And in dominion that had its foundation only in the positive appointment of God himself, Benjamin, the youngest, must have the inheritance of the crown, if God so directs, as well as one of that tribe had the first possession.

§. 96. If *paternal right*, the act of *begetting*, gives a man *rule* and *dominion*, then inheritance or primogeniture can give no title. For he that cannot succeed to his father's title, which was *begetting*, cannot succeed to that power over his brethren, which his father had by paternal right over them. But of this I will have occasion to say more in another place. This is plain in the meantime: that any government, whether supposed to be at first founded in *paternal right*, *consent of the people*, or the *positive appointment of God himself*, which can supersede either of the others, and so begin a new government upon a new foundation — I say, any government begun upon either of these, can by right of succession come only to those who have the title of the one they succeed to. Power founded on *contract* can descend only to the one who has right by that contract. Power founded on *begetting*, only he can have who begets. And power founded on the positive *grant* or donation of God, only he can have by right of succession, to whom that grant directs it.

§. 97. From what I have said, I think this is clear, that a right to the use of the creatures, being founded originally in the right a man has to subsist and enjoy the conveniences of life; and the natural right children have to inherit the goods of their parents. This is founded in the right they have to the same subsistence and commodities of life, out of the stock of their parents, who are therefore taught by natural love and tenderness to provide for them as a part of themselves. And all of this being only for the good of the proprietor, or heir, it can be no reason for children's inheriting *rule* and *dominion*, which has another origin and a different end. Nor can primogeniture have any pretence to a right of solely inheriting either *property* or *power*, as we will see more fully in its due place. It is enough to have shown here, that *Adam's property*, or *private dominion*, could not convey any sovereignty or rule to his heir, who not having a right to inherit all his fathers possessions, could not thereby come to have any sovereignty over his brethren. And therefore, if any sovereignty on account of his *property* had been vested in Adam, which in truth it was not, it would yet have died with him.

§. 98. Just as Adam's sovereignty (if he had any authority over men, by virtue of being proprietor of the world) could not have been inherited by any of his children over the rest, because they had the same title to divide the inheritance, and every one of them had a right to a portion of his father's possessions, so neither could Adam's sovereignty by right of *fatherhood*, if he had any, descend to any one of his children. For it being in our author's account, a right acquired by *begetting* to rule over those he had begotten, it was not a power possible to be inherited, because the right being consequent to, and built upon, a perfectly personal act, made that power personal too, and impossible to be inherited. For paternal power, being a natural right rising only from the relation of father and son, is as impossible to be inherited as the relation itself. A man may as well pretend to inherit the conjugal power which the husband, whose heir he is, had over his wife, as he can to inherit the paternal power

of a father over his children. For the power of the husband being founded on *contract*, and the power of the father being founded on *begetting*, he may just as well inherit the power obtained by the conjugal contract, which was only personal, as he may inherit the power obtained by begetting — which could reach no further than the person of the begetter, unless begetting can be a title to power in someone who does *not* beget.

§. 99. Which makes this a reasonable question to ask: whether Adam, dying before Eve, his heir (suppose it to be Cain or Seth) should have by right of inheriting Adam's *fatherhood*, sovereign power over Eve his mother. For Adam's *fatherhood* was nothing but a right he had to govern his children because he *begot* them. Whoever then inherits Adam's *fatherhood* inherits nothing, even in our author's sense, except the right Adam had to govern his children because he begot them. So that, the monarchy of the heir would not have included Eve; or if it did, it being nothing but the *fatherhood* of Adam descended by inheritance, the heir must have the right to govern Eve, because Adam begot her — for *fatherhood* is nothing else.

§. 100. Perhaps it will be said with our author, that a man can alien his power over his child; and what may be transferred by compact, may be possessed by inheritance. I answer, a father cannot alien the power he has over his child. He may perhaps *forfeit* it to some degree, but he cannot *transfer* it. And if any other man acquires it, it is not by the fathers grant, but by some act of his own. For example, say a father, naturally careless of his child, sells or gives him to another man; and that man again exposes him; a third man finding him, brings up, cherishes, and provides for him as his own. I think in this case nobody will doubt that the greatest part of filial duty and subjection was owing here, and it was to be paid to this foster-father. If anything could be demanded from the child by either of the others, it could only be due to his natural father, who perhaps might have forfeited his right to much of that duty comprehended in the command, *Honour your parents*; but he could transfer none of it to another. He that purchased and neglected the child, by his purchase and grant of the father, got no title to duty or honour from the child. Only the one who acquired it by his own authority, performing the office and care of a father to the forlorn and perishing infant, made himself, by paternal care, a title to proportionable degrees of paternal power. This will be more easily admitted upon consideration of the nature of paternal power, for which I refer my reader to the second book.

§. 101. To return to the argument in hand, this is evident: That paternal power arising only from *begetting* (for our author places it in that alone) can neither be *transferred* nor *inherited*. And the one who does *not beget*, can no more have paternal power (which arises from there) than one can have a right to anything, who does not perform the condition to which alone that thing is annexed. If one should ask, by what law does a father have power over his children? it will be answered, no doubt by the law of nature, which gives such a power over them, to the one who begets them. If one should ask likewise, by what law does our author's heir come by a right to *inherit*? I think it would be answered, by the law of nature too. For I do not find that our author brings one word of Scripture to prove the right of such an heir as he speaks of. Why the law of nature gives fathers paternal power over their children, is because they *begat* them; and the same law of nature gives the same paternal power to the heir over his brethren who did *not* beget them. From this it follows that either the father does not have his paternal power by begetting, or else his heir does not have it at all. For it is hard to understand how the law of *nature*, which is the law of *reason*, can give the paternal power

to the father over his children for the sole reason of *begetting*; and to the first-born over his brethren *without* this sole reason, *i.e.* for no reason at all. And so, if the eldest, by the law of nature, can inherit this paternal power *without* the sole reason that gives title to it, then so may the youngest as well as he, and so may a stranger as well as either. For where there is no reason for anyone to have title, as there is not except for the one who begets, *all have an equal title*. I am sure our author offers no reason; and when anybody does have a reason, we will see whether it will hold or not.

§. 102. In the meantime, it is as good sense to say that by the law of nature a man has a right to inherit the property of another, because he is kindred to him, and is known to be of his blood; and therefore by the same law of nature, an utter stranger to his blood has a right to inherit his estate — as it is to say that by the law of nature, whoever begets children has paternal power over them, and therefore by the law of nature the heir who does not beget them has this same paternal power over them. Or supposing the law of the land gave absolute power over children, only to those who nursed them and fed their children themselves. Could anybody pretend that this law gave anyone who did no such thing, absolute power over those who were *not* his children?

§. 103. When therefore it can be shown that conjugal power can belong to someone who is not a husband, I believe it will also be proved that our author's paternal power, acquired by begetting, may be inherited by a son; and that a brother, as heir to his father's power, may have paternal power over his brethren, and by the same rule, conjugal power too. But till then, I think we may rest satisfied that the paternal power of Adam, this sovereign authority of *fatherhood* (if there were such a thing) could not descend to, nor be inherited by, his next heir. *Fatherly power*, I will easily grant our author, if it will do him any good, can never be lost, because it will be in the world as long as there are fathers. But none of them will have Adam's paternal power, or derive theirs from him; but everyone will have his own, by the same title Adam had his, *viz.* by *begetting*, but not by inheritance, nor succession, no more than husbands have their conjugal power by inheritance from Adam. And thus we see, as Adam had no such *property*, no such *paternal power*, that gave him *sovereign* jurisdiction over mankind, so likewise his sovereignty built upon either of these titles (if he had any such) could not have descended to his heir, but must have ended with Adam. Adam therefore, as has been proved, being neither monarch, nor his imaginary hereditary monarchy, the power which is now in the world is not that which was Adam's, since all that Adam could have upon our author's grounds, either of *property* or *fatherhood*, necessarily died with him, and could not be conveyed to posterity by inheritance. In the next place we will consider whether Adam had any such heir to inherit his power, as our author talks of.

CHAPTER 10. Of the Heir to Adam's Monarchical Power.

§. 104. Our author tells us, OBSERVATIONS, 253, that *it is an undeniable truth, that there cannot be any multitude of men whatsoever, either great or small, even if gathered together from the several corners and remotest regions of the world, that in the same multitude, considered by itself, there is not one man among them, who in nature has a right to be king of all the rest, as being the next heir to Adam; and all the others are subjects to him. Every man by nature is a king or a subject.* And again, p. 20, *If Adam himself were still living, and now ready to die, it is certain that there is one man, and but one in the world, who is the*

next heir. Let this *multitude of men* be, if our author pleases, all the princes upon the earth, there will then be, by our authors rule, *one among them, that in nature has a right to be king of all the rest, as being the rightful heir to Adam*. This is an excellent way to establish the thrones of princes, and settle the obedience of their subjects, by setting up a hundred, or perhaps a thousand titles (if there are so many princes in the world) against any king now reigning, each claim as good (upon our author's grounds) as his who wears the crown. If this right of *heirship* carries any weight with it, if it is the *ordinance of God* as our author seems to tell us, OBSERVATIONS, 241, must not all be subject to it, from the highest to the lowest? Can those who wear the name of *princes*, without having the right of being heirs to Adam, demand obedience from their subjects by this title, and not be bound to *pay* it by the same law? Either governments in the world are not to be claimed and held by this title of Adam's heir — and then the start of it is to no purpose, for being or not being Adam's heir signifies nothing as to the title of *dominion* — or if it really is, as our author says, the true title to government or sovereignty, the first thing to be done is to discover this true heir of Adam, seat him on his throne, and then all the kings and princes of the world ought to come and relinquish their *crowns* and *sceptres* to him, as things that belong to them no more than to any of their subjects.

§. 105. For either this right in nature, of Adam's heir to be king over the entire race of men (for all together they make one *multitude*), is a right that is not necessary to making a lawful king, and so there may be lawful kings *without* it — and then kings' titles and power do not depend on it. Or else all the kings in the world, except one, are *not* lawful kings; and so they have no right to obedience. If this title of *heir to Adam* is that by which kings hold their crowns, and have a right to subjection from their subjects, then one only can have it. And the rest being subjects, they can require no obedience from other men, who are but their fellow-subjects. Or else it is *not* the title by which kings rule, and have a right to obedience from their subjects; and then kings are kings *without* it, and this dream of the natural sovereignty of Adam's heir is of no use to obedience and government. For if kings have a right to dominion, and to the obedience of their subjects who are not, and cannot possibly be, heirs to Adam, then what use is there for such a title, when we are obliged to obey without it? If kings who are not heirs to Adam have no right to sovereignty, then we are all free till our author, or anybody on his behalf, will show us Adam's rightful heir. If there is but one heir of Adam, there can be but one lawful king in the world, and nobody in conscience can be obliged to obedience till it is resolved who that is. For it may be anyone who is not known to be of a younger house, and all others have *equal* titles. If there is more than one heir of Adam, then everyone is his heir, and so everyone has regal power. For if two sons can be heirs together, then all the sons are *equally* heirs. And so all are heirs, all being sons, or sons' sons of Adam. Between these two, the right of heirship cannot stand. For by it either one man only, or else all men equally, are kings. Take whichever you please, it dissolves the bonds of government and obedience since, if all men are heirs, they can owe obedience to nobody. If only one, then nobody is obliged to pay obedience to him, till he is known, and his title is made out.

CHAPTER 11. *Who is HEIR?*

§. 106. The great question which in all ages has disturbed mankind, and brought on them the greatest part of those mischiefs which have ruined cities, depopulated countries, and

disordered the peace of the world, has not been whether there is power in the world, nor where it came from, but *who* should have it. Settling this point being of no smaller moment than the security of princes, and the peace and welfare of their estates and kingdoms, one would think a reformer of politics would lay this out surely, and be very clear in it. For if this remains disputable, then all the rest will be to very little purpose. The skill used in dressing up power with all the splendour and temptation absoluteness can add to it, without showing who has a *right* to have it, will serve only to give a greater edge to man's natural ambition, which of itself is but too keen. What can this do but drive men to scramble more eagerly, and so lay a sure and lasting foundation of endless contention and disorder, instead of that peace and tranquility which is the business of government, and the end of human society?

§. 107. This designation of the person our author is more than ordinarily obliged to take care of, because affirming that *the assignment of civil power is by divine institution*, he has made the conveyance, as well as the power itself, sacred. So that no consideration, no act or art of man, can divert it from that person to whom it is assigned by this divine right — no necessity or contrivance can substitute another person in his place. For if the *assignment of civil power is by divine institution*, and Adam's *heir* is the one to whom it is thus assigned (as our author tells us in the foregoing chapter), it would be as much of a sacrilege for anyone to be king who was not Adam's heir, as it would have been among the Jews, for anyone to have been *priest* who had not been of Aaron's posterity. For *not only the priesthood in general being by divine institution, but the assignment of it to the sole line and posterity of Aaron*, made it impossible to be enjoyed or exercised by anyone but those persons who were the offspring of Aaron. His succession therefore was carefully observed, and the persons who had a right to the priesthood certainly known by that succession.

§. 108. Let us see then what care our author has taken to make us know who is this heir, who *by divine institution has a right to be king over all men*. The first account of him we meet with is in these words, p. 12: *This subjection of children, being the fountain of all regal authority, by the ordination of God himself, it follows that civil power, not only in general, is by divine institution, but even the assignment of it, specifically to the eldest parents*. Matters of such consequence as this is should be in plain words, as little liable as possible to doubt or equivocation, And I think if language is capable of expressing anything distinctly and clearly, that of kindred, and of the several degrees of nearness of blood, is one. It should therefore be wished that our author had used a little more intelligible expressions here, so that we might better know who it is to whom the *assignment of civil power* is made by *divine institution*. Or at least he would have told us what he meant by *eldest parents*. For I believe if land had been assigned or granted to him, and to the *eldest parents* of his family, he would have thought it needed an interpreter; for it would scarcely have been known to whom it next belonged.

§. 109. In propriety of speech (and certainly propriety of speech is necessary in a discourse of this nature) *eldest parents* signifies either the eldest men and women who have had children, or those who have had issue the longest.³⁰ And then our author's assertion will be that those fathers and mothers who have been in the world the longest, or been fruitful the longest, have

³⁰ Presumably meaning those who have the oldest children, rather than having the most children and grandchildren.

a right to *civil power by divine institution*. If there is any absurdity in this, our author must answer for it. And if his meaning is different from my explication, he is to be blamed that he would not say it plainly. Of this I am sure: *parents* cannot signify male heirs [only], nor can *eldest parents* signify an infant child — who yet may sometimes be the true heir if there can be but one. And we are hereby still as much at a loss as to who civil power belongs to, notwithstanding this assignment by divine institution, as if there had been no such assignment at all, or our author had said nothing about it. This term of *eldest parents* leaving us more in the dark — as to who by *divine institution* has a right to *civil power* — than those who never heard anything at all of *heir*, or *descent*, of which our author is so full. And though the chief matter of his writing is to teach obedience to those who have a right to it, which he tells us is conveyed by descent, yet who those are to whom this right belongs by descent, he leaves (like the philosopher's stone ³¹ in politics) out of the reach of anyone to discover from his writings.

§. 110. This obscurity cannot be imputed to lack of language in so great a master of style as Sir Robert is, when he is resolved with himself what he would say. And therefore I fear, finding how hard it would be to settle rules of descent by institution, and how little it would be to his purpose, or conducive to clarifying and establishing the titles of princes if such rules of descent were settled, he chose rather to content himself with doubtful and general terms which might make no ill sound in nuns' ears (who were willing to be pleased with them), rather than offer any clear rules of descent of this *fatherhood of Adam*, by which men's consciences might be satisfied to whom it descended, and know the persons who had a right to regal power, and with it, to their obedience.

§. 111. How else is it possible, that laying so much stress, as he does, upon descent, and *Adam's heir, next heir, true heir*, he should never tell us what *heir* means, nor the way to know who the *next* or *true heir* is? I do not remember that he expressly handles this anywhere; but where it comes in his way, he very warily and doubtfully touches it; though it is so necessary that, without it, all discourses of government and obedience upon his principles would be to no purpose, and *fatherly power*, never so well made out, will be of no use to anybody. Hence he tells us, OBSERVATIONS, 244. *That not only the constitution of power in general, but the limitation of it to one kind, (i.e.) monarchy, and the determination of it to the individual person and line of Adam, are all three, ordinances of God. Neither Eve nor her children could either limit Adam's power, or join others with him; and what was given to Adam was given in his person to his posterity.* Here again our author informs us, that the divine ordinance has limited the descent of Adam's monarchical power. To whom? *To Adam's line and posterity*, says our author. This is a notable *limitation*. a *limitation* to all mankind. If our author can find anyone among mankind, who is not of the line and posterity of Adam, he may perhaps tell *him* who this next heir of Adam is. But for us, I despair how this *limitation* of Adam's empire, to his *line and posterity*, will help us to discover one heir. This limitation of our author will indeed save those the labour, who would look for him among the race of brutes, if there were any such. But it will very little contribute to the discovery of *one next heir* among men, even if it makes a short and easy determination of the question about the descent of

³¹ *Philosopher's stone*: Hypothetical substance that alchemists believed to be capable of changing base metals into gold.

Adam's regal power by telling us that the *line and posterity* of Adam is to have it. That is, in plain English, anyone may have it, since there is no person living who does not have the title of being of the *line and posterity of Adam*; and while it keeps there, it keeps within our author's limitation by God's ordinance. Indeed, p. 19. he tells us, that *such heirs are not only lords of their own children, but of their brethren*. By this, and by the words following it, which we shall consider shortly, he seems to insinuate that the eldest son is *heir*. But he nowhere says it in direct words, that I know of, except by the instances of Cain and Jacob that follow there. We may allow this to be his opinion so far concerning heirs: that where there are diverse children, the eldest son has the right to be heir. But we have already shown that primogeniture cannot give any title to paternal power. It is easily granted that a father may have a natural right to some kind of power over his children, but it remains to be proved that an elder brother has such power over his brethren. God or nature has not anywhere, that I know, placed such jurisdiction in the first-born; nor can reason find any such natural superiority among brethren. The law of Moses gave a double portion of the goods and possessions to the eldest; but we do not find anywhere that naturally, or by *God's institution*, superiority or dominion belonged to him. And the instances brought there by our author are but slender proofs of a right to civil power and dominion in the first-born, and do rather show the contrary.

§. 112. His words are in the forecited place: *And therefore we find God told Cain of his brother Abel: his desire shall be subject to you, and you shall rule over him.* ^{Gen 4.7} To which I answer,

1. These words of God to Cain, are by many interpreters, with great reason, understood in a quite different sense than that in which our author uses them.³²
2. Whatever was meant by them, it could not be that Cain, as elder, had a natural dominion over Abel; for the words are conditional: *If you do well*; and so they are personal to Cain. Whatever was signified by them, depended on his carriage, and did not follow his birthright. And therefore they could by no means establish dominion in the first-born in general. For before this, Abel had his *distinct territories by right of private dominion*, as our author himself confesses, OBSERVATIONS, 210; which he could not have had to the prejudice of the heir's title, if *by divine institution*, Cain as heir were to inherit all his father's dominion.
3. If this were intended by God as the charter of primogeniture, and the grant of dominion to elder brothers in general as such, by right of inheritance, we might expect it should have included *all* his brethren. For we may well suppose that by this time these two had grown up to be men, and that Adam (from whom the world was to be peopled) had more sons than these two. Whereas Abel himself is not so much as named, the words in the original can scarcely be applied to him with any good construction.
4. It is too much to build a doctrine of so mighty consequence upon so doubtful and obscure a place of Scripture, which may be well, indeed *better* understood in a quite different sense. And so it can be but an ill proof, being as doubtful as the thing to be proved by it — especially when there is nothing else in Scripture or reason to be found that favours or supports it.

³² Gen 4.7. "If you do well, will you not be accepted? And if you do not do well, **sin** lies at the door. And **its** desire is for you, but you should rule over it."

§. 113. It follows, p. 19, *Accordingly, when Jacob bought his brothers birthright, Isaac blessed him thus: Be lord over your brethren, and let the sons of your mother bow before you.* Another instance, I take it, brought by our author to evince dominion due to birthright, is an admirable one. For it must be no ordinary way of reasoning in a man who is pleading for the natural power of kings, and against all compacts, to bring as for proof of it, an example where his own account of it founds all the right *upon compact*, and settles the empire in the *younger* brother — unless buying and selling are no compact. For he tells us *when Jacob **bought** his brother's birthright.* But bypassing that, let us consider what use our author makes of the history itself, and we will find these following mistakes about it.

1 . Our author reports this as if Isaac had given Jacob this blessing immediately upon his purchasing the birthright. For he says, *when Jacob bought it, Isaac blessed him*; which is plainly otherwise in the Scripture. For it appears there was a distance of time between, and if we take the story in the order it lies, it must be no small distance: all Isaac's sojourning in Gerar, and his transactions with Abimelech (Gen 26) came between. Rebecca then was beautiful, and consequently young; but Isaac, when he blessed Jacob, was old and decrepit. And Esau also complains of Jacob, Gen 27.36, that two times he had supplanted him. *He took away my birthright*, he says, *and behold now he has taken away my blessing* — words that I think signify distance of time, and difference of action.

2. Another mistake of our author's is that he supposes *Isaac gave Jacob the blessing*, and bid him *be lord over his brethren* because he had the *birthright*. For our author brings this example to prove that he that has the *birthright*, and thereby has a right to *be lord over his brethren*. But it is also manifest by the text, that Isaac had no consideration of Jacob's having bought the birthright; for when he blessed him, he did not consider him as Jacob, but took him for Esau. Nor did Esau understand any such connection between *birthright* and the *blessing*; for he says, *He has supplanted me these two times: he took away my birthright, and behold, now he has taken away my blessing.* Whereas, if the blessing (which was to be lord over his brethren) had belonged to the *birthright*, Esau could not have complained of this second instance as a cheat, for Jacob got nothing but what Esau had sold him when he sold him his *birthright*. So that it is plain that *dominion*, if these words signify it, was not understood to belong to the *birthright*.

§. 114. And it is plain from Gen 21.10, that in those days of the patriarchs, dominion was not understood to be the right of the heir, but only a greater portion of goods. For Sarah, taking Isaac to be heir, says, *Cast out this bondwoman and her son, for the son of this bondwoman shall not be heir with my son.* Nothing could be meant by this but that he should not have a pretence to an equal share of his father's estate after his death, but should have his portion immediately, and be gone. Accordingly we read in Gen 25.5-6, that *Abraham gave all he had to Isaac, but to the sons of the concubines which Abraham had, Abraham gave gifts, and sent them away from Isaac his son, while he yet lived.* That is, Abraham having given portions to all his other sons, and having sent them away, that which he had reserved, being the greatest part of his substance, Isaac then possessed after Abraham's death, as heir. But by being heir, Isaac had no right to be lord over his brethren. For if he had, why should Sarah endeavour to rob him of one of his subjects, or lessen the number of his slaves, by desiring to have Ishmael sent away?

§. 115. Thus, as under the law, the privilege of birthright was nothing but a double portion. So we see that before Moses, in the patriarchs' time, from where our author pretends to take his model, there was no knowledge, no thought, that birthright gave rule or empire, paternal or kingly authority, to anyone over his brethren. If this is not plain enough in the story of Isaac and Ishmael, whoever will look into 1Chr 5.1-2. may read these words: *Reuben was the first-born; but because he defiled his father's bed, his birthright was given to the sons of Joseph, the son of Israe. And the genealogy is not to be reckoned according to the birthright; for Judah prevailed over his brethren, and from him came the chief ruler; but the birthright was Joseph's.* Jacob blessing Joseph, Gen 48.22, tells us what this birthright was, in these words: *Moreover I have given you one portion above your brethren, which I took out of the hand of the Amorite with my sword and with my bow.* By this it is not only plain that the birthright was nothing but a double portion, but the text in Chronicles is express against our author's doctrine. It shows that dominion was no part of the birthright; for it tells us that Joseph had the birthright, but Judah had the dominion. One would think our author was very foolish about the very term *birthright*, when he brings this instance of Jacob and Esau to prove that dominion belongs to the heir over his brethren. This is because,

§. 116. 1. It will be but an ill example to prove that dominion by God's ordination belonged to the eldest son, because Jacob the youngest here had it, let him come by it however he would. For if it proves anything, it can only prove, against our author, that the *assignment of dominion to the eldest is not by divine institution*, which would then be unalterable. For if by the law of God, or nature, absolute power and empire belongs to the eldest son and his heirs — so that they are supreme monarchs, and all the rest of their brethren are slaves — then our author gives us reason to doubt whether the eldest son has a power to part with it, to the prejudice of his posterity, since he tells us, OBSERVATIONS, 158, that *in grants and gifts that have their origin from God or nature, no inferior power of man can limit or make any law of prescription against them.* And,

§. 117. 2. This place brought by our author, Gen 27.29, does not at all concern the dominion of one brother over the other, nor the subjection of Esau to Jacob. For it is plain in the history, that Esau was never subject to Jacob, but lived apart in mount Seir, where he founded a distinct people and government, and was himself prince over them, as much as Jacob was in his own family. This text, if considered, can never be understood of Esau himself, nor of the personal dominion of Jacob over him. For the words *brethren* and *sons of your mother*, could not be used literally by Isaac, who knew Jacob had only one brother. And these words are so far from being true in a literal sense, or establishing any dominion in Jacob over Esau, that in the story we find quite the contrary. For in Gen 32, Jacob several times calls Esau lord, and himself his servant; and in Gen 33, *he bowed himself seven times to the ground to Esau.* Whether Esau then was a subject and vassal to Jacob, and Jacob his sovereign prince by birthright (for as our author tells us, all subjects are slaves), I leave the reader to judge; and also to believe if he can, that these words of Isaac, *Be lord over your brethren, and let your mother's sons bow down to you*, confirmed Jacob's sovereignty over Esau on account of the *birthright* he had gotten from him.

§. 118. Whoever reads the story of Jacob and Esau, will find there was never any jurisdiction or authority that either of them had over the other after their father's death. They lived with

the friendship and equality of brethren, neither lord nor slave to his brother. But independent of each other, they were both heads of their distinct families where they received no laws from one another, but lived separately, and were the roots out of which sprang two distinct people under two distinct governments. This blessing then of Isaac, on which our author would build the dominion of the elder brother, signifies no more than what Rebecca had been told from God, Gen 25.23: *Two nations are in your womb, and two manner of people shall be separated from your belly, and the one people shall be stronger than the other people, and the elder shall serve the younger.* And so Jacob blessed Judah, Gen 49, and gave him the sceptre and dominion, from which our author might have argued that jurisdiction and dominion belongs to the *third* son over his brethren, as well as arguing from this blessing of Isaac, that it belonged to *Jacob*. Both these places contain only predictions of what should long after happen to their posterities, and not any declaration of the right of inheritance to dominion in either of them. And thus we have our author's two great and only arguments to prove that *heirs are lords over their brethren*:

1. Because God tells Cain, Gen 4.7, that however sin might set upon him, he ought to or might be master of it. For the most learned interpreters understood the words to be of sin, and not of Abel, and give such strong reasons for it, that nothing can convincingly be inferred from so doubtful a text, to our author's purpose.
2. Because in Gen 27.29, Isaac foretells that the Israelites, the posterity of Jacob, should have dominion over the Edomites, the posterity of Esau. Therefore, says our author, heirs are lords of their brethren. I leave anyone to judge this conclusion.

§. 119. And now we see how our author has provided for the descending and conveyance down of Adam's monarchical power, or paternal dominion to posterity. It is by the inheritance of his heir, succeeding to all his father's authority, and upon his death, becoming as much lord as his father was, *not only over his own children, but over his brethren*, and all descended from his father, and so *in infinitum*. But yet he does not once tell us who this heir is. And all the light we have from him in this so fundamental a point, is only that in his instance of Jacob, by using the word *birthright*, as that which passed from Esau to Jacob, he leaves us to guess that by *heir*, he means the *eldest son*. I do not remember anywhere that he expressly mentions the title of the *first-born*, but all along he keeps himself under the shelter of the indefinite term *heir*. But taking it to be his meaning, that *the eldest son is heir* (for if the eldest is not, there will be no pretence for why the sons should not all be *heirs* alike), and so by right of primogeniture he has dominion over his brethren. This is but one step towards the settlement of succession, and the difficulties still remain as much as ever, till he can show us who is meant by *rightful heir*, in all those cases which may happen where the present possessor has no son. This he silently passes over, and perhaps wisely too. For what can be wiser — after one has affirmed that *the person having that power, as well as the power and form of government, is the ordinance of God, and it is by divine institution*, OBSERVATIONS, 254, p. 12 — than to be careful not to raise any question concerning the person, the resolution of which will certainly lead him into a confession that God and nature has determined *nothing* about him? And if our author cannot show who, by right of nature or by a clear positive law of God, has the next right to inherit the dominion of this natural monarch he has been at such pains about, when he died without a son, then he might have spared his pains in all the rest. For it is more

necessary to settle men's consciences, and determine their subjection and allegiance, to show them who by original right (superior and antecedent to the will or any act of men) has a title to this *paternal jurisdiction*, than it is to show that by nature such a *jurisdiction* exists. It being to no purpose for me to know there is such a paternal power which I should, and am disposed to obey, unless where there are many pretenders, I also know the person that is rightfully invested and endowed with it.

§. 120. For the main matter in question being concerning the duty of my obedience, and the obligation of conscience I am under to pay it to him that is of right my lord and ruler, I must know the person that this right of paternal power resides in, and so empowers him to claim obedience from me: for let it be true what he says, p. 12, that *civil power is by divine institution, not only in general, but even the assignment of it specially to the eldest parents*; and OBSERVATIONS, 254, that *not only the power, or right of government, but the form of the power of governing, and the person having that power, are all the ordinance of God*. Yet unless he shows us in all cases, who is this person *ordained by God*, and who is this *eldest parent*, all his abstract notions of monarchical power will signify nothing when they are to be reduced to practice, and men are to conscientiously pay their obedience. For *paternal jurisdiction* is not the thing to be obeyed, because it cannot command; it is only that which gives one man a right which another does not have to command and be obeyed; and if it comes by inheritance, another man *cannot* have it. It is ridiculous to say, I pay obedience to the *paternal power* when I obey him, to whom paternal power gives no right to my obedience. For he can have no divine right to my obedience, if he cannot show his divine right to the power of ruling over me, as well as show that by divine right there is such a power in the world.

§. 121. And so, not being able to make out any prince's title to government, as heir to Adam — which therefore is of no use, and would better have been left alone — he is glad to resolve all into present possession, and make civil obedience as due to a usurper, as to a lawful king; and thereby the usurper's title is as good. His words deserve to be remembered, and they are, OBSERVATIONS, 253, *If an usurper dispossesses the true heir, the subject's obedience to the fatherly power must go along, and wait upon God's providence*. But I will leave his title of *usurpers* to be examined in its due place, and desire my sober reader to consider what thanks princes owe such politics as this, which can suppose *paternal power* (i.e., a right to government in the hands of a Cade, or a Cromwell);³³ and so all obedience being due to paternal power, the obedience of subjects will be due to them, by the same right and upon as good grounds, as it is to lawful princes. And yet this, as dangerous a doctrine as it is, must necessarily follow from making all political power to be nothing else than Adam's paternal power by *right* and by *divine institution*, descending from him, without being able to show to whom it descended, or who is heir to it.

§. 122. To settle government in the world, and to lay obligations to obedience on any man's conscience, it is as necessary (supposing with our author that all power is nothing but being possessed of Adam's *fatherhood*) to satisfy him as to who has a right to this *power*, this

³³ Jack Cade (d. 1450) was the leader of a major popular rebellion in England against the government of King Henry VI, an uprising that contributed to the breakdown of royal authority, leading to the Wars of the Roses (1455–1487). Oliver Cromwell rejected the divine right of kings, opposed king Charles I, and had him executed in 1649. These men were considered dictators both by those who affirmed the divine right of kings, and those who favored kingly rule.

fatherhood, when the possessor dies without sons to succeed immediately to it, as it was to tell him that upon the death of the father, the eldest son had a right to it. For it is still to be remembered that the great question is (and what our author would be thought to contend for, if he did not sometimes forget it) which persons have a right to be obeyed — and *not* whether there is a power in the world which is to be called *paternal*, without knowing in whom it resides. For it is a power, *i.e.* a right to govern; it does not matter whether it is termed *paternal* or *regal*, *natural* or *acquired*; whether you call it *supreme fatherhood*, or *supreme brotherhood*, it will all be one, provided we know *who* has it.

§. 123. I go on then to ask whether in the inheriting of this *paternal power*, this *supreme fatherhood*, the grandson has a right by a daughter, before that of a nephew by a brother? Whether the grandson by the eldest son, being an infant, has a right before the younger son, who is a man and able? Whether the daughter before the uncle? or any other man, descended by a male line? Whether a grandson by a young daughter, before a grand-daughter by an elder daughter? Whether the elder son by a concubine, before a younger son by a wife? From this will also arise many questions of legitimation, and what in nature is the difference between a wife and a concubine? For as to the municipal or positive laws of men, they can signify nothing here. It may further be asked whether the eldest son, being a fool, will inherit this *paternal power*, before the younger, who is a wise man? And what degree of folly must it be that will exclude him? and who will be the judge of it? Whether the son of a fool, excluded for his folly, before the son of his wise brother who reigned? Who has the paternal power while the widow-queen is with child by the deceased king, and nobody knows whether it will be a son or a daughter? Which will be heir, of the two male-twins, who by the dissection of the mother were laid open to the world? Whether a sister by half-blood has a right, before a brother's daughter by whole-blood?

§. 124. These, and many more such doubts, might be proposed about the titles of succession, and the right of inheritance. And that is not done as idle speculations, but such as in history we will find have concerned the inheritance of crowns and kingdoms. And if ours lack them, we need not go further for famous examples of it, than the other kingdom in this very island, which having been fully related by the ingenious and learned author of *Patriarcha non Monarches*, I need say no more about. Till our author has resolved all the doubts that may arise about the next heir, and shown that they are plainly determined by the law of nature, or by the revealed law of God, all his suppositions of a *monarchical, absolute, supreme, paternal power* in Adam, and the descent of that power to his heirs, would not be of the least use to establish the authority, or to make out the title, of any one prince now on earth. Rather, it would unsettle and bring all into question. For let our author tell us as long as he pleases, and let all men believe it too, that Adam had a *paternal*, and thereby a *monarchical power*; that this (the only power in the world) *descended to his heirs*; and that there is no other power in the world but this. Let all this be as clear a demonstration as it is a manifest error; yet if it is not past doubt as to whom this *paternal power descends*, and whose it now is, nobody can be under any obligation of obedience, unless anyone will say that I am bound to pay obedience to paternal power in a man who has no more *paternal power* than I do myself. This is all the same as saying, I obey a man because he has a right to govern. And if I am asked how I know he has a right to govern, I would answer, it cannot be known that he has any at all. For that

cannot be the reason for my obedience, which I know not to be so; much less can that be a reason of my obedience, which nobody at all can know to be so.

§. 125. And therefore all this ado about Adam's *fatherhood*, the greatness of its power, and the necessity of its supposal, does nothing to help establish the power of those who govern, or to determine the obedience of the subjects who are to obey, if they cannot tell whom they are to obey, or it cannot be known who are to govern, and who are to obey. In the state the world is now, it is irrecoverably ignorant who is Adam's heir. This *fatherhood*, this *monarchical power* of Adam, descending to his heirs, would be of no more use to the government of mankind, than it would be to the quieting of men's consciences, or to securing their health, if our author had assured them that Adam had a *power* to forgive sins or to cure diseases, which descended to his *heir* by divine institution, while this heir is impossible to be known. And would he not do as rationally, who upon this assurance of our author, went and confessed his sins and expected a good absolution — or took medicine with an expectation of health, from anyone who had taken upon himself the name of priest or physician; or thrust himself into those employments, saying, I acquiesce in the absolving power descending from Adam; or who said, I will be cured by the medicinal power descending from Adam — as the one who says, I submit to and obey the *paternal power* descending from Adam, when it is confessed that all, that these powers descend only to his single heir, and that heir is unknown?

§. 126. It is true, the civil lawyers have pretended to determine some of these cases concerning the succession of princes; but by our author's principles, they have meddled in a matter that does not belong to them. For if all political power is derived only from Adam, and is to descend only to his successive heirs by the *ordinance of God* and *divine institution*, then this is a right antecedent and paramount to all government. And therefore the positive laws of men cannot determine that which is itself the foundation of all law and government, and is to receive its rule only from the law of God and nature. And that being silent in the case, I am apt to think there is no such right to be conveyed in this way. I am sure it would be to no purpose if there were, and men would be more at a loss concerning government, and obedience to governors, than if there were no such right — since by positive laws and compact, which *divine institution* shuts out (if there is any), all these endless inextricable doubts can be safely provided against. But it can never be understood how a divine natural right (and that of such moment as is all order and peace in the world) should be conveyed down to posterity, without any plain natural or divine rule concerning it. And there would be an end of all civil government if the *assignment* of civil power were by *divine institution* to the heir, and yet *by that same divine institution*, the person of the heir could not be known. This *paternal regal power* only being his by divine right, it leaves no room for human prudence or consent, to place it anywhere else. For if only one man has a divine right to the obedience of mankind, then nobody can claim that obedience except the one who can show that right; nor can men's consciences be obliged to it by any other pretence. And thus this doctrine cuts up all government by the roots.

§. 127. Thus we see how our author — laying it for a sure foundation, that the very *person* who is to rule is the ordinance of God, and it is by divine institution — tells us at large, only that this person is the *heir*. But who this heir is, he leaves us to guess. And so this *divine institution* which assigns it to a person whom we have no rule to know, is just as good as an assignment to nobody at all. But whatever our author does, *divine institution* makes no such ridiculous

assignments. Nor can God be supposed to make it a sacred law that one certain person should have a right to something, and yet not give rules to mark out and know that person by, or give an *heir* a divine right to power, and yet not point out who that *heir* is. It is to be thought that an *heir* had no such right by divine institution, rather than think that God might give such a right to the *heir*, and yet leave it doubtful and undeterminable as to who such an heir is.

§. 128. If God had given the land of Canaan to Abraham, and in general terms given it to somebody after him, without naming his seed (by which it might be known who that somebody was), it would have been as good and useful an assignment to determine the right to the land of Canaan, as it would be the determining the right of crowns, to give an empire to Adam and his successive heirs after him, without telling who his heir is. For the word *heir*, without a rule to know who it is, signifies no more than somebody whom I do not know. God making it a *divine institution* that men should not marry those who were near of kin, thinks it not enough to say, *None of you shall approach anyone who is near of kin to him, to uncover their nakedness*. But moreover, He gives rules to know who those near of kin are, who are forbidden by *divine institution*; or else that law would have been of no use, it being to no purpose to lay restraint, or give privileges to men, in such general terms as the particular person concerned cannot be known by. But God not having said anywhere, that the next heir will inherit all his father's estate or dominion, we are not to wonder that he has nowhere appointed who that heir should be. For never having intended any such thing, never designed any heir in that sense, we cannot expect He should anywhere nominate or appoint any person to it, as we might, had it been otherwise. And therefore in Scripture, though the word *heir* occurs, there is yet no such thing as *heir* in our author's sense: someone who by right of nature was to inherit all that his father had, exclusive of his brethren. Hence Sarah supposes that if Ishmael stayed in the house, to share in Abraham's estate after his death, this son of a bond-woman might be heir with Isaac. And therefore she says, *cast out this bond-woman and her son, for the son of this bond-woman shall not be heir with my son*. But this cannot excuse our author who, telling us that in every number of men, there is one who is right and next heir to Adam, he ought to have told us what the laws of descent are. But having been so sparing to instruct us by rules, how to know who is *heir*, he let us see in the next place, what his history taken out of Scripture (on which he pretends to wholly build his government), gives us in this necessary and fundamental point.

§. 129. Our author, to make good the title of his book, begins his history of the descent of Adam's regal power (p. 13) in these words: *This lordship which Adam by command had over the whole world, and the patriarchs enjoyed by right descending from him, was a large*, etc. How does he prove that the patriarchs enjoyed it by descent? For *dominion of life and death*, he says, *we find Judah the father pronounced a sentence of death against Tamar, his daughter-in-law, for playing the harlot*, p. 13. How does this prove that Judah had absolute and sovereign authority? He *pronounced a sentence of death*. Pronouncing a sentence of death is not a certain mark of sovereignty, but is usually the office of inferior magistrates. The power of making *laws* of life and death is indeed a mark of sovereignty, but pronouncing the sentence according to those laws may be done by others; and therefore this will but badly prove that he had sovereign authority. It is as if one were to say, Judge Jefferies pronounced a sentence of death in recent times, therefore Judge Jefferies had sovereign authority. But it may be said, Judah did not do it by commission from another, and therefore he did it in his

own right. Who knows whether he had any right at all? Heat of passion might carry him to do that which he had no authority to do. *Judah had dominion of life and death*: how does that appear? He exercised it: he *pronounced a sentence of death against Tamar*. Our author thinks this is a very good proof, that because he did it, he therefore had a right to do it. He lay with her also. By the same way of proof, he had a right to do that too. If the consequence is good, from *doing* to a *right* of doing, then Absalom too may be reckoned among our author's sovereigns. For he pronounced such a sentence of death against his brother Amnon, and much upon a like occasion; and he had it executed too — if that is sufficient to prove a dominion of life and death.

But allowing this all to be a clear demonstration of sovereign power, who was it that had this *lordship by right descending to him from Adam, as large and ample as the most absolute dominion of any monarch*? Judah, says our author — Judah, a younger son of Jacob, his father and elder brethren still living. So that if our author's own proof is to be accepted, then a younger brother, during the life of his father and elder brothers, may *by right of descent*, enjoy Adam's *monarchical power*. And if one so qualified may be monarch by descent, then why may not *every* man? If Judah, his father and elder brother living, was one of Adam's heirs, then I do not know who can be excluded from this inheritance; all men by inheritance may be monarchs as well as Judah.

§. 130. *Touching war, we see that Abraham commanded an army of three hundred and eighteen soldiers of his own family, and Esau met his brother Jacob with four hundred men at arms: for a matter of peace, Abraham made a league with Abimelech*, etc. p. 13. Is it not possible for a man to have three hundred and eighteen men in his family, without being heir to Adam? A planter in the West Indies has more, and might if he pleased (who doubts?) muster them up and lead them out against the Indians, to seek reparation upon any injury received from them — and all of this without the *absolute dominion of a monarch, descending to him from Adam*. Would it not be an admirable argument to prove that all power by God's institution descended from Adam by inheritance, and that the very person and power of this planter was the *ordinance of God*, because he had power in his family over servants born in his house, and bought with his money? For this was just Abraham's case. Those who were rich in the patriarch's days, as in the West Indies now, bought men and maid servants, and by their increase, as well as purchasing new ones, came to have large and numerous families. Though they made use of them in war or peace, can it be thought that the power they had over them was an inheritance descended from Adam, when it was the purchase of their money? A man's riding in an expedition against an enemy, his horse bought in a fair would be as good a proof that the owner *enjoyed the lordship which Adam by command had over the whole world, by right of descending to him*, as Abraham's leading out the servants of his family is proof that the patriarchs enjoyed this lordship by descent from Adam. For the title to the power that the master had in both cases, whether over slaves or horses, was only from his purchase. And getting dominion over anything by bargain and money, would be a new way of proving one had it by descent and inheritance.

§. 131. *But making war and peace are marks of sovereignty*. Let it be so in political societies., May not a man in the West Indies, therefore, who has with him sons of his own, friends, or companions, soldiers under pay, or slaves bought with money, or perhaps a band made up of

all these, make war and peace if there should be occasion, and ratify the articles too with an oath, without being a sovereign, an absolute king over those who went with him? Whoever says he cannot, must then allow many masters of ships, many private planters, to be absolute monarchs, for they have done as much as this. War and peace cannot be made for political societies, but by the supreme power of such societies. This is because war and peace, giving a different motion to the force of such a political body, none can make war or peace except that which has the direction of the force of the whole body; and in political societies, that alone is the supreme power. In voluntary societies for the time, he that has such a power by consent, may make war and peace, and so may a single man for himself, the state of war not consisting in the number of *partisans*, but in the enmity of the parties, where they have no superior to appeal to.

§. 132. The actual making of war or peace is no proof of any other power, but only of disposing those for whom he makes it, to exercise or cease acts of enmity. Anyone may have this power, in many cases, without any political supremacy. Therefore making war or peace will not prove that everyone who does so is a political ruler, much less a king, For then commonwealths must be kings too, for they make war and peace as certainly as monarchical government.

§. 133. But granting this is a *mark of sovereignty* in Abraham, is it a proof of the descent to him from Adam's *sovereignty* over the whole world? If it is, it will surely be as good a proof of the *descent of Adam's lordship* to other's too. And then commonwealths, as well as Abraham, will be *heirs* of Adam, for they make war and peace, as well as he. If you say that *the lordship of Adam* does not by right descend to commonwealths, even though they make war and peace, then I say the same of Abraham; and then there is an end of your argument. If you stand to your argument, and say that those who make war and peace (as commonwealths do, without doubt) *inherit Adam's lordship* then there is an end of your monarchy — unless you say that commonwealths are monarchies *enjoying Adam's lordship by descent*. And that indeed would be a new way of making all the governments in the world monarchical.

§. 134. To give our author the honour of this new invention — for I confess it is not I who first discovered it by tracing his principles, and so charged it on him — it is fitting that my readers know that he teaches it himself (as absurd as it may seem), p. 23. There he ingenuously says,

In all kingdoms and commonwealths in the world, whether the prince is the supreme father of the people, or is but the true heir to such a father, or has come to the crown by usurpation or election, or whether some few or a multitude govern the commonwealth — yet still the authority that is in any one, or in many, or in all these, is the sole right and natural authority of a supreme father. This right of fatherhood is regal and royal authority.

The author often tells us this, particularly p. 12, the page immediately preceding this instance of Abraham. Those who govern commonwealths have this regal authority, he says. And if it is true that regal and royal authority are in those who govern commonwealths, then it is just as true that commonwealths are governed by kings. For if regal authority is in the one who governs, then whoever governs must be a king; and so all commonwealths are nothing but downright monarchies. And then what need is there any longer to make ado about the matter? The governments of the world are as they should be; there is nothing but monarchy in it. This,

without doubt, was the surest way our author could have found to turn all other governments, except monarchical, out of the world.

§. 135. But all this scarcely proves that Abraham was a king, as heir to Adam. If he had been king by inheritance, then Lot, who was of the same family, must have been his subject by that title, before the servants in his family. But we see they lived as friends and equals. And when their herdsmen could not agree, there was no pretence of jurisdiction or superiority between them, but they parted by consent, Gen 13. Hence he is called both by Abraham, and by the text, Abraham's *brother*, a term of friendship and equality, and not of jurisdiction and authority, though he was really but his nephew. And if our author knows that Abraham was Adam's heir, and a king, it seems this was more than Abraham himself knew, or his servant whom he sent a wooing for his son. For when he sets out the advantages of the match, Gen. 24.35, to thereby prevail with the young woman and her friends, he says,

I am Abraham's servant, and the Lord has blessed my master greatly, and he has become great; and He has given him flocks and herds, and silver and gold, and men-servants and maid-servants, and camels and asses: and Sarah, my master's wife, bore a son to my master when she was old, and he has given to him all he has.

Can one think that a discreet servant who was so particular to set out his master's greatness, would have omitted the crown that Isaac was to have, if he had known of any such thing? Can it be imagined that he would have neglected to tell them on such an occasion as this, that Abraham was a king — a term well-known at that time, for nine kings were his neighbours (Gen 14.9) — if he or his master had thought any such thing, which was the likeliest matter of all the rest to make his errand successful?

§. 136. But this discovery it seems was reserved for our author to make two or three thousand years after — and let him enjoy the credit of it. Only, he should have taken care that some of Adam's land should have descended to this heir of his, as well as all of Adam's lordship. For though this lordship which *Abraham enjoyed*, as well as the other patriarchs, *by right descending to him* (if we may believe our author), *was as large and ample as the most absolute dominion of any monarch that has existed since the creation*; yet his estate, his territories, his dominions were very narrow and scanty. For he did not have possession of a foot of land, till he bought a field and a cave from the sons of Heth to bury Sarah in.

§. 137. The instance of Esau, joined with this of Abraham, to prove that *the patriarchs enjoyed the lordship which Adam had over the whole world, by right descending from him*, is yet more pleasant (laughable) than the former. *Esau met his brother Jacob with four hundred men at arms*; he therefore was a king by right of heirship to Adam. Four hundred armed men then, however gathered, are enough to prove that the one who leads them is a king, and Adam's heir. There have been *tories* ³⁴ in Ireland (whatever there are in other countries) who would have thanked our author for so honourable an opinion of them, especially if there had been nobody nearby with a better title, say of five hundred armed men, to question their royal authority of four hundred. It is a shame for men to trifle so, to say no worse of it in so serious

³⁴ The term *Tory* (from the Irish *tóraidh*, meaning "pursued" or "outlaw") originally referred to dispossessed Irish Catholic guerrillas and bandits who resisted English Protestant settlement and rule.

an argument. Here Esau is brought as proof that Adam's lordship, Adam's *absolute dominion, as huge as that of any monarch, descended by right to the patriarchs*; and in this very chap., p. 19, Jacob is brought as an instance of one who *was lord over his brethren by birthright*. So here we have two brothers, absolute monarchs by the same title, and at the same time heirs to Adam — the eldest, heir to Adam because he met his brother with four hundred men; and the youngest, heir to Adam by *birthright*. *Esau enjoyed the lordship which Adam had over the whole world by right descending to him in as large and ample manner, as the most absolute dominion of any monarch*; and at the same time, *Jacob was lord over him by the right heirs have to be lords over their brethren*. — *Risum teneatis?*³⁵ I confess, I never met with any man of parts so dexterous as Sir Robert at this way of arguing. But it was his misfortune to light upon a *hypothesis* that could not be accommodated to the nature of things, and of human affairs. His principles could not be made to agree with that constitution and order which God had settled in the world, and therefore he must often clash with common sense and experience.

§. 138. In the next section, he tells us *This patriarchal power continued not only till the flood, but after it, as the name patriarch in part proves*. The word *patriarch* does more than *prove in part that patriarchal power continued* in the world as long as there were patriarchs. For it is necessary that *patriarchal power* should exist while there are patriarchs; just as it is necessary that there should be paternal or conjugal power while there are fathers or husbands — this is but playing with terms. What he would fallaciously insinuate, is the thing in question to be proved, *viz. that the lordship which Adam had over the world, the supposed absolute universal dominion of Adam, the patriarchs enjoyed by right descending from him*. If he affirms such an absolute monarchy continued in the world till the flood, I would be glad to know what records he has it from; for I confess I cannot find a word of it in my Bible. If by *patriarchal power* he means anything else, it adds nothing to the matter in hand. And how the name *patriarch* in some part proves that those who are called by that term, had absolute monarchical power, I confess I do not see. And therefore I think it needs no answer till the argument from it is made out a little clearer.

§. 139. *The three sons of Noah had the world, says our author, divided among them by their father, for from them the whole world was overspread*, p. 14. The world might be overspread by the offspring of Noah's sons, even if he never divided the world among them; for the earth might be replenished without being divided. So that our author's entire argument here proves no such division. However, I allow it to him, and then ask, the world being divided among them, which of the three was Adam's heir? If Adam's *lordship*, Adam's *monarchy*, by right descended only to the eldest, then the other two could be but his subjects, his slaves. If by right it descended to all three brothers, by the same right, it will descend to all mankind; and then what he says on p. 19 will be impossible: that *heirs are lords of their brethren*, should be true. But all brothers, and consequently all men, will be equal and independent, for all are heirs to Adam's monarchy, and consequently all are monarchs too, one as much as another. But it will be said, Noah their father divided the world among them; so that our author will allow more to Noah, than he will to God Almighty, for (OBSERVATIONS, 211) he thought it hard

³⁵ *Risum Teneatis*: Latin, Can you help laughing? This is Locke's reaction to such a preposterous argument.

that God himself should give the world to Noah and his sons, to the prejudice of Noah's birthright. His words are,

Noah was left sole heir to the world: why should it be thought that God would disinherit him of his birthright, and make him, of all men in the world, the only tenant in common with his children?

And yet here he thinks it fit that Noah should disinherit Shem of his birthright, and divide the world between him and his brethren. So that this *birthright*, whenever our author pleases, must, or must not, be sacred and inviolable.

§. 140. If Noah did divide the world between his sons, and his assignment of dominions to them were good, there is an end of divine institution; all our author's discourse of Adam's heir, with whatever he builds on it, is quite out of doors. The natural power of kings falls to the ground; and then the *form of the power governing, and the person having that power, will not be* (as he says they are, OBSERVATIONS, 254) *the ordinance of God*, but they will be *ordinances of man*. For if the right of the heir is the ordinance of God, a *divine* right, then no man, father or not father, can alter it. If it be *not* a divine right, then it is only human, depending on the will of man. And so where human institution does not give it, the first-born has no right at all above his brethren, and men may put government into whatever hands, and under whatever form, they please.

§. 141. He goes on, *Most of the civilized nations of the earth labour to fetch their origin from some of the sons or nephews of Noah*, p. 14. How many do *most* of the civilized nations amount to? and who are they? I fear that the Chinese, a very great and civil people, as well as several other people of the East, West, North and South, do not trouble themselves much about this matter. All who believe the Bible, which I believe constitute our author's *most of the civilized nations*, must necessarily derive themselves from Noah. But for the rest of the world, they think little of his sons or nephews. But if the heralds and antiquaries of all nations — for it is these men generally who labour to discover the origins of nations, or all the nations themselves — *were to labour to fetch their origin from some of the sons or nephews of Noah*, what would this prove? That the *lordship which Adam had over the whole world, by right descended to the patriarchs*? Whoever nations or races of men *labour to fetch their origin from*, may be concluded to be thought by them to be men of renown, famous to posterity, for the greatness of their virtues and actions. But they do not look beyond these, nor consider who they were heirs to; but they look on them as such men as raised themselves, by their own virtue, to a degree that would give a lustre to those who in future ages could pretend to derive themselves from them. But if it were *Ogyges*,³⁶ *Hercules*, *Brama*, *Tamerlane*, *Pharamond*³⁷ — indeed, if *Jupiter* and *Saturn* were the names from which diverse races of men, both ancient and modern, have laboured to derive their origin, will that prove that those men *enjoyed the lordship of Adam, by right descending to them*? If not, then this is but a flourish of our author's to mislead his reader, that in itself signifies nothing.

³⁶ *Ogyges*: a mythical primordial king of Thebes or Attica.

³⁷ *Pharamond*: a legendary 5th-century king of the Salian Franks, regarded as the first monarch of the Merovingians.

§. 142. To as much purpose is what he tells us on p. 15, concerning this division of the world, that *some say it was by Lot, and others that Noah sailed round the Mediterranean in ten years, and divided the world into Asia, Africa, and Europe*, portions for his three sons. *America* then, it seems, was left to be his who could catch it. Why our author takes such pains to prove the division of the world by Noah to his sons, and will not leave out an imagination, though no better than a dream, that he can find anywhere to favour it, is hard to guess, since such a *division*, if it proves anything, must necessarily take away the title of *Adam's heir*, unless all three brothers together can be heirs of Adam. And therefore the following words, *However uncertain the manner of this division is, yet it is most certain that the division itself was by families from Noah and his children, over which the parents were heads and princes*, p. 15. if allowed to be true, and of any force to prove that all the power in the world is nothing but the lordship of Adam's *descending by right*, they will only prove that the fathers of the children are all heirs to this lordship of Adam. For if in those days Ham and Japheth, and other parents, besides the eldest son (Shem), were heads and princes over their families, and had a right to divide the earth by families, then what hinders younger brothers (being fathers of families) from having the same right? If Ham and Japheth were princes by right descending to them, notwithstanding any title of heir in their eldest brother, then younger brothers by the same right descending to them, are princes now. And so all our author's natural power of kings will reach no farther than their own children, and no kingdom, by this natural right, can be bigger than a family. For either this *lordship of Adam over the whole world*, by right descends only to the eldest son — and then there can be but one heir, as our author says, p. 19 — or else, it descends by right to all the sons *equally*; and then every father of a family will have it, as well as the three sons of Noah. Take whichever one you will, it destroys the present governments and kingdoms that are now in the world, since whoever has this *natural power of a king*, by right descending to him, must have it either as our author tells us Cain had it, and is lord over his brethren, and so is the sole king of the whole world — or else, as he tells us here, Shem, Ham and Japheth had it, three brothers, and so is only prince of his own family, and all families independent one of another. All the world must be only one empire by the right of the next heir, or else every family is a distinct government of itself, *by the lordship of Adam's descending to parents of families*. And to this only tend all the proofs he gives us here of the descent of Adam's lordship, For continuing his story of this descent, he says,

§. 143. *In the dispersion of Babel, we must certainly find the establishment of royal power throughout the kingdoms of the world*, p. 14. If you must find it, pray do, and you will help us to a new piece of history. But you must show it to us before we will be bound to believe that regal power was established in the world upon your principles:. For I think nobody will dispute that regal power was established *in the kingdoms of the world*. But that there should be kingdoms in the world, whose several kings enjoyed their crowns *by right descending to them from Adam*, that we think is not only *Apocryphal*, but also utterly impossible. If our author has no better foundation for his monarchy than a supposition of what was done at the dispersion of Babel, then the monarchy he erects on it, whose top is to reach to heaven to unite mankind, will serve only to divide and scatter them as that tower did. And instead of establishing civil government and order in the world, it will produce nothing but confusion.

§. 144. For he tells us that the *nations* they were divided into *were distinct families which had fathers for rulers over them; whereby it appears that even in the confusion, God was careful*

to preserve the fatherly authority by distributing the diversity of languages according to the diversity of families, p. 14. It would have been a hard matter for anyone but our author to have discovered so plainly in the text he brings here, that all the nations in that dispersion were governed by *fathers*, and that *God was careful to preserve the fatherly authority*. The words of the text are, *These are the sons of Shem after their families, after their tongues in their lands, after their nations*. And the same thing is said of Ham and Japheth after an enumeration of their posterities; in all of which there is not one word said of their governors or forms of government; of *fathers* or *fatherly authority*. But our author, who is very quick sighted to spy out *fatherhood* where nobody else could see the least glimpses of it, tells us positively their *rulers were fathers*, and *God was careful to preserve the fatherly authority*; and why? Because those of the same family spoke the same language, and so of necessity in the division, they were kept together. Just as if one were to argue that Hannibal in his army, consisting of diverse nations, kept those of the same language together; therefore fathers were captains of each band, and Hannibal was careful of the *fatherly authority*. Or in the peopling of Carolina, the English, French, Scotch and Welch that are there, plant themselves together, and the country is divided by them *in their lands after to their tongues, after their families, after their nations*. And therefore care was taken of the *fatherly authority*. Or because, in many parts of America, every little tribe was a distinct people, with a different language, one should infer that therefore *God was careful to preserve the fatherly authority*, or that therefore their rulers *enjoyed Adam's lordship by right descending to them*, even though we do not know who were their governors, nor what was their form of government, but only that they were divided into little independent societies, speaking different languages.

§. 145. The Scripture does not say a word about their rulers or forms of government, but only gives an account of how mankind came to be divided into distinct languages and nations. And therefore it is not to argue from the authority of Scripture, to tell us positively that *fathers* were their *rulers*, when the Scripture says no such thing; but it is to set up fancies of one's own brain, when we confidently aver a matter of fact, where records are utterly silent. Upon a like ground, *i.e.* none at all, he says that, *they were not confused multitudes without heads and governors, and at liberty to choose whatever governors or governments they pleased*.

§. 146. For I demand to know, when mankind was yet all of one language, all congregated in the plain of Shinar, were they then all under one monarch, *who enjoyed the lordship of Adam by right descending to him*? If they were not, there were then no thoughts, it is plain, of *Adam's heir*; no right of government known then upon that title; no care taken by God or man, of *Adam's fatherly authority*. If when mankind was but one people, dwelling all together, and were of one language, and were set upon building a city together; and when it was plain that they could not but know the right heir, for Shem lived till Isaac's time, a long while after the division at Babel. If then, I say, they were not under the monarchical government of Adam's fatherhood, by right descending to the heir, then it is plain there was no regard had to the *fatherhood*, no monarchy acknowledged due to Adam's heir, no empire of Shems in Asia, and consequently no such division of the world by Noah, as our author has talked of. As far as we can conclude anything from Scripture in this matter, it seems from this place, that if they had any government, it was a commonwealth rather than an absolute monarchy. For the Scripture tells us, Gen 11, *They said, let us build ourselves a city*. It was not a prince that commanded the building of this city and tower; it was not by the command

of one *monarch*. but by the consultation of many, a free people. They built it for themselves as free-men, not as slaves for their lord and master. Why? *that we not be scattered abroad* — having built a city, with fixed habitations to settle our abodes and families. This was the consultation and design of a people who were at liberty to part asunder, but desired to keep in one body. That could not have been either necessary or likely in men tied together under the government of one monarch who (if they had been as our author tells us, all slaves under the absolute dominion of a monarch) need not have taken such care to keep themselves from wandering out of the reach of his dominion. I demand to know whether this is not plainer in Scripture than anything of *Adam's heir or fatherly authority*?

§. 147. But if being one people, as God says in Gen 11.6, they had one ruler, one king by natural right, absolute and supreme over them, *what care did God have to preserve the paternal authority of the supreme fatherhood*, if all of a sudden He permits seventy-two *distinct nations* (for our author talks of so many) to be erected out of it, under distinct governors, and to at once to withdraw themselves from the obedience of their sovereign? This is to entitle God's care however we please, and to whatever we please. Can it make sense to say that God was careful to preserve the *fatherly authority* in those who did not have it? For if these were subjects under a supreme prince, then what authority did they have? Was it an instance of God's care to preserve the *fatherly authority* when he took away the true *supreme fatherhood* of the natural monarch? Can it be reason to say that God, for the preservation of *fatherly authority*, lets several new governments with their governors start up, who could not all have *fatherly authority*? And is it not as much reason to say that God is careful to destroy *fatherly authority*, when he allows one who is in possession of it, to have his government torn in pieces, and shared by several of his subjects? Would it not be an argument just like this, for a monarchical government to say, when any monarchy was shattered to pieces and divided among revolted subjects, that God was careful to preserve monarchical power, by rending a settled empire into a multitude of little governments? it is a peculiar propriety of speech if anyone says that whatever happens to be preserved in providence, God has been careful to preserve, and it is therefore to be esteemed by men as necessary or useful — which everyone will not think fit to imitate. But this I am sure is impossible to be either proper or true speech, that Shem, for example (for he was then alive), should have *fatherly authority*, or have sovereignty by right of *fatherhood*, over that one people at Babel, and the next moment, Shem still living, seventy-two others should have *fatherly authority*, or sovereignty by right of fatherhood, over the same people, now divided into so many distinct governments. Either these seventy-two fathers actually were rulers just before the confusion, and then they were *not* one people (except that God himself says they were) — or else they were a commonwealth, and then where was monarchy? or else these seventy-two fathers had *fatherly authority*, but did not know it. How strange that *fatherly authority* should be the only origin of government among men, and yet all mankind not know it. And it is stranger yet, that the confusion of tongues should reveal it to them all of a sudden — that in an instant, these seventy-two should know that they had *fatherly power*, and all others know that they were to obey it in them, and that everyone should know that particular *fatherly authority* to which he was a subject.

He that can think this arguing from Scripture, may make out from there what model of a *Utopia* will best suit with his fancy or interest. And this *fatherhood* thus disposed of, will justify both a prince who claims an universal monarchy, and also his subjects who, being

fathers of families, will quit all subjection to him, and divide his empire into less governments for themselves. For it will always remain a doubt in which of these the fatherly authority resided, till our author resolves us, whether Shem, who was then alive, or these seventy-two new princes, beginning so many new empires in his dominions and over his subjects, had the right to govern, since our author tells us that both one and the other had *fatherly authority* (which is supreme authority), and are brought in by him as examples of those *who enjoyed the lordships of Adam, descending to them by right, which was as large and ample as the most absolute dominion of any monarch*. This at least is unavoidable: that if *God was careful to preserve the fatherly authority in the seventy-two newly-erected nations*, it necessarily follows that He was as careful to destroy all pretences of Adam's heir. For he took care, and therefore preserved the fatherly authority in so many (at least seventy-one) who could not possibly be Adam's heirs, when the rightful heir (if God ever ordained any such inheritance) could not help but be known, Shem then living, and they being all one people.

§. 148. Nimrod is his next instance of enjoying this patriarchal power, p. 16. but I do not know for what reason our author seems a little unkind to him, and says that *he enlarged his empire against right, by seizing violently on the rights of other lords of families*. These *lords of families* here were called *fathers of families* in his account of the dispersion at Babel. But it does not matter what they were called, so long as we know who they are. For this fatherly authority must be in them either as heirs to Adam; and so there could not be seventy-two, nor over one at once — or else it is in them as natural parents over their children; and so every father would have *paternal authority* over his children by the same right, to as large an extent as those seventy-two had; and so they would be independent princes over their own offspring. Taking his *lords of families* in this latter sense (as it is hard to give those words any other sense in this place) he gives us a very pretty account of the origin of monarchy, in the following words, p. 16. *And in this sense he may be said to be the author and founder of monarchy, viz. as against right seizing violently on the rights of fathers over their children*. This paternal authority, if it is in them by right of nature (for else how could those seventy-two come by it?), nobody can take from them without their own consent. And then I desire our author and his friends to consider how far this will concern other princes, and whether it will not, according to his conclusion of that paragraph, resolve all regal power of those whose dominions extend beyond their families, either into tyranny and usurpation, or else into election and consent of fathers of families (which will differ very little from consent of the people).

§. 149. All his instances, in the next section, p. 17, of the twelve dukes of Edom, the nine kings in a little corner of Asia in Abraham's days, the thirty-one kings in Canaan destroyed by Joshua, and the care he takes to prove that these were all sovereign princes, and that every town in those days had a king, are just so many direct proofs *against* him: that it was *not* the *lordship of Adam by right descending to them* that made kings. For if they had held their royalties by that title, either there must have been but one sovereign over them all, or else every father of a family had been as good a prince, and had as good a claim to royalty, as these did. For if all the sons of Esau each had the right of *fatherhood*, the younger as well as the eldest, and so were sovereign princes after their father's *death*, then their sons after them had the same right, and so on to all posterity. That would limit all the natural power of fatherhood to be only over the issue of their own bodies and their descendants. That power of fatherhood dies with the head of each family, and makes way for the like power of fatherhood to take

place in each of his sons over their respective posterities. Thereby the power of fatherhood will indeed be preserved, and it is intelligible, but it will not be at all to our author's purpose.

None of the instances he brings are proofs of any power they had, as heirs of Adam's paternal authority by the title of his fatherhood descending to them. No, nor of any power they had by virtue of their own. For *Adam's fatherhood* being over all mankind, it could descend only to one at one time, and from him only to his rightful heir. And so by that title there could be but one king in the world at a time. And by right of fatherhood, *not* descending from Adam, it must be only as they themselves were fathers; and so it could be over none but their own posterity. So that if those twelve dukes of Edom, if Abraham and the nine kings who were his neighbours; if Jacob and Esau, and the thirty-one kings in Canaan, the seventy-two kings mutilated by Adoni-bezek, the thirty-two kings that came to Benhadad, the seventy kings of Greece making war at Troy — were all, as our author contends, sovereign princes — then it is evident that kings derived their power from some other origin than *fatherhood*, since some of these had power over more than their own posterity. And it is a demonstration that they could not all be heirs to Adam. For I challenge any man to make any pretence to power by right of *fatherhood*, either intelligible or possible in any one, otherwise than either as Adam's heir, or as progenitor over his own descendants, naturally sprung from him. And if our author could show that any one of these princes, of which he gives us here so large a catalogue, had his authority by either of these titles, then I think I might yield him the cause; though it is manifest they are all impertinent, and directly contrary to what he brings them to prove, *viz. That the lordship which Adam had over the world, by right descended to the patriarchs.*

§. 150. Having told us, p. 16, that *the patriarchal government continued in Abraham, Isaac, and Jacob, until the Egyptian bondage*, on p. 17, he tells us, *By manifest footsteps we may trace this paternal government to the Israelites coming into Egypt, where the exercise of supreme patriarchal government was intermitted [paused], because they were in subjection to a stronger prince.* We have seen what these footsteps of paternal government are (in our author's sense), *i.e.*, of absolute monarchical power descending from *Adam*, and exercised by right of *fatherhood*. For 2290 years it is no footsteps at all, since in all that time he cannot produce even one example of any person who claimed or exercised regal authority by right of *fatherhood*; or show anyone who, being a king, was Adam's heir. All that his proofs amount to is this: that there were fathers, patriarchs, and kings in that age of the world. But the Scripture is wholly silent as to which fathers and patriarchs had any absolute arbitrary power, or by what titles those kings had theirs, and of what extent it was. It is manifest by right of *fatherhood* that they neither did, nor could they claim any title to dominion and empire.

§. 151. To say that *the exercise of supreme patriarchal government was intermitted, because they were in subjection to a stronger prince*, proves nothing but what I suspected before, *viz.* that *patriarchal jurisdiction or government* is a fallacious expression; and in our author it does not signify (what he would yet insinuate by it) *paternal* and *regal power* — such an absolute sovereignty as he supposes was in Adam.

§. 152. For how can he say that *patriarchal jurisdiction was intermitted in Egypt*, where there was a king, and under whose regal government the Israelites lived, if *patriarchal* was *absolute monarchical jurisdiction*? And if it was not, but something else, why does he make such ado about a power not in question, and having nothing to the purpose? The exercise of *patriarchal*

jurisdiction, if *patriarchal* is regal, was not intermitted while the Israelites were in Egypt. It is true, the exercise of *regal* power was not then in the hands of any of the promised seed of Abraham, nor before that I know. But what is that to the intermission of *regal authority as descending from Adam*, unless our author will have it, that this chosen line of Abraham had the right of inheritance to Adam's lordship? And then to what purpose are his instances of the seventy-two rulers in whom the fatherly authority was preserved in the confusion at Babel? Why does he bring the twelve princes sons of Ishmael, and the dukes of Edom, and join them with Abraham, Isaac, and Jacob, as examples of the exercise of *true patriarchal government*, if the exercise of *patriarchal jurisdiction* was intermitted in the world whenever the heirs of Jacob did not have supreme power? I fear supreme patriarchal jurisdiction was not only intermitted, but from the time of the Egyptian bondage it was quite lost in the world, since it will be hard to find from that time downwards, anyone who exercised it as an inheritance descending to him from the patriarchs Abraham, Isaac and Jacob. I imagined monarchical government would have served his turn in the hands of Pharaoh, or anybody else. But one cannot easily discover in all places what his discourse tends to — as particularly in this place, it is not obvious to guess what he drives at — when he says *the exercise of supreme patriarchal jurisdiction in Egypt*, or how this serves to make out the descent of Adam's lordship to the patriarchs or anybody else.

§. 153. For I thought he had been giving us out of Scripture, proofs and examples of monarchical government founded on paternal authority descending from *Adam*, and not a history of the *Jews*. Among them we find no kings till many years after they were a people. And when kings were their rulers, there is not the least mention or room for a pretence that they were heirs to Adam, or kings by paternal authority. I expected, talking so much as he does of Scripture, that he would have produced from there a series of monarchs whose titles were clear to Adam's fatherhood; and who, as heirs to him, owned and exercised paternal jurisdiction over their subjects; and that this was the true patriarchal government. Whereas he neither proves that the patriarchs were kings, nor that either kings or patriarchs were heirs to Adam, or so much as pretended to it. And one may as well prove that all the patriarchs were absolute monarchs; that the power both of patriarchs and kings was only paternal; and that this power descended to them from Adam. I say all these propositions may be as well proved by a confused account of a multitude of little kings in the West-Indies — out of Ferdinando Soto, or any of our recent histories of Northern America, or by our author's seventy kings of Greece, out of Homer — as by anything he brings out of Scripture in that multitude of kings he has reckoned up.

§. 154. And I think he should have let Homer and his wars of Troy alone, since his great zeal to truth or monarchy carried him to such a pitch of transport against *philosophers* and *poets*, that he tells us in his preface, that *there are too many these days who please themselves in running after the opinions of philosophers and poets, to discover such an origin of government as might promise them some title to liberty, to the great scandal of Christianity, and the ushering in of atheism*. And yet these heathens, the philosopher Aristotle and poet Homer, are not rejected by our zealous Christian politician, whenever they offer anything that seems to serve his turn. Whether it is *to the great scandal of Christianity, and the ushering in of atheism*, let him look. I cannot help but observe in authors who do not write for truth, it is visible how ready their zeal is for interest and party, to label Christianity according to their

designs, and to charge atheism on those who will not, without examining, submit to their doctrines, and blindly swallow their nonsense.

But to return to his Scripture history, our author further tells us, p. 18, that *after the return of the Israelites out of bondage, God, out of a special care of them, chose Moses and Joshua successively to govern as princes in the place and stead of the supreme fathers*. If it is true that they *returned out of bondage*, it must be into a state of freedom, and must imply that both before and after this *bondage*, they were free — unless our author will say that the changing of masters is *returning out of bondage*; or that a slave *returns out of bondage* when he is removed from one galley to another. If then they *returned out of bondage*, it is plain that in those days, whatever our author says in his preface to the contrary, there were differences between a son, a subject, and a slave; and that neither the patriarchs before, nor their rulers after this *Egyptian bondage, numbered their sons or subjects among their possessions*, and disposed of them with as absolute a dominion, as they did *their other goods*.

§. 155. This is evident in Jacob, to whom Reuben offered his two sons as pledges; and Judah was at last surety for Benjamin's safe return out of Egypt. This would all have been in vain, superfluous, and but a sort of mockery, if Jacob had the same power over every one of his family, as he had over his ox or his ass, as an *owner over his substance*. And the offers that Reuben or Judah made, were such a security for the return of Benjamin, as if a man had taken two lambs out of his lord's flock, offering one as security that he will safely restore the other.

§. 156. When they were out of this bondage, what then? *God took special care of them, the Israelites*. It is good that once in his book, he allows God to have any care of the *people*. For in other places, he speaks of *mankind*, as if God took no care of any part of them, but only of their monarchs; and the rest of the people, the societies of men, were made like so many herds of cattle: only for the service, use, and pleasure of their princes.

§. 157. He *chose Moses and Joshua successively to govern as princes*. Our author has discovered a shrewd argument to prove that God's care of the fatherly authority, and Adam's heirs, that here, as an expression of his care of his own people, God chooses for princes over them, those who did not have the least pretence to either. The persons chosen were Moses of the tribe of Levi, and Joshua of the tribe of Ephraim, neither of which had any title of *fatherhood*. But, says our author, they were in the place and stead of the supreme fathers. If God had anywhere as plainly declared his choice of such fathers to be rulers, as he did of Moses and Joshua, we might believe that Moses and Joshua were in *their place and stead*. But that being the question in debate, till that is better proved, Moses being chosen by God to be ruler of his people, will no more prove that government belonged to *Adam's heir* or to the *fatherhood*, than God's choosing Aaron of the tribe of Levi to be priest, nor will it prove that the priesthood belonged to Adam's heir, or the *prime fathers* — since God would choose Aaron to be priest, and Moses ruler in Israel, even though neither of those offices were settled on *Adam's heir*, or the *fatherhood*.

§. 158. Our author goes on, *and after them likewise for a time he raised up judges, to defend his people in time of peril*, p. 18. This proves fatherly authority to be the origin of government, and that it descended from Adam to his heirs, just as well as what went before. Only here our author seems to confess that these judges, who were all the governors they then had, were

only men of valour, whom they made their generals to defend them in time of peril. And can God not raise up such men, unless *fatherhood* has a title to government?

§. 159. But says our author, *when God gave the Israelites kings, he re-established the ancient and prime right of lineal succession to paternal government*, p. 18.

§. 160. How did God re-establish it? By a law, a positive command? We find no such thing. Our author means then, that when God gave them a king, in giving them a king, he *re-established the right*, etc. To re-establish *de facto* the right of lineal succession to paternal government, is to put a man in possession of that government which his fathers enjoyed, and he had a right to by lineal succession. For, first, if it were another government than what his ancestors had, it was not succeeding to an *ancient right*, but beginning a new one. For if a prince should give a man — besides his ancient patrimony, which for some ages his family had been disseized of — an additional estate never before in the possession of his ancestors, he could not be said to *re-establish the right of lineal succession* to any more than what had formerly been enjoyed by his ancestors. Therefore, if the power which the kings of Israel had, were anything more than Isaac or Jacob had, then it was not *re-establishing* in them the right of succession to a power, but giving them a *new* power, however you please to call it *paternal* or not. And whether Isaac and Jacob had the same power that the kings of Israel had, I desire anyone to consider it by what has been said above; and I do not think they will find that either Abraham, Isaac, or Jacob, had any regal power at all.

§. 161. Next, there can be no *re-establishment of the prime and ancient right of lineal succession* to any thing, unless the one who is put in possession of it has the right to succeed, and be the true and next heir to him he succeeds to. Can that be a *re-establishment* which begins in a new family; or can that be the *re-establishment of an ancient right of lineal succession*, when a crown is given to one who has no right of succession to it, and who, if the lineal succession had gone on, would have been out of all possibility of pretence to it? Saul, the first king God gave the Israelites, was of the tribe of *Benjamin*. Was the ancient and prime right of lineal succession re-established in him? The next was David, the youngest son of Jesse, of the posterity of *Judah*, Jacob's third son. Was the *ancient and prime right of lineal succession to paternal government* re-established in him? or in Solomon, his younger son and successor in the throne? or in Jeroboam over the ten tribes? or in Athaliah, a woman who reigned six years as an utter stranger to the royal blood? If the *ancient and prime right of lineal succession to paternal government* were re-established in any of these or their posterity, then *the ancient and prime right of lineal succession to paternal government* belongs to younger brothers as well as elder, and may be re-established in any man living. For whatever younger brothers, *by ancient and prime right of lineal succession*, may have as well as the elder, every living man may have a right to that, by lineal succession, and Sir Robert as well as any other. And so, let the world consider what a brave right of lineal succession to his *paternal* or *regal government* our author has *re-established* for securing the rights and inheritance of crowns, where every one may have it.

§. 162. But our author says, however, on p. 19, *Whenever God chose any special person to be king, he intended that the issue also should have the benefit of it, as being comprehended sufficiently in the person of the father, although the father was only named in the grant*. This yet will not help out succession. For if, as our author says, the benefit of the grant is

intended to the *issue* of the grantee, this will not direct the succession, since if God give anything to a man and his issue in general, the claim cannot be to anyone of that issue in particular; *everyone* that is of his race will have an equal right. If it is said that our author meant *heir*, I believe our author was as willing as anybody to have used that word, if it would have served his turn. But Solomon, who succeeded David in the throne, was no more his *heir* than Jeroboam was his *issue*, who succeeded him in the government of the ten tribes. Our author had reason to avoid saying that God intended it to the *heirs*, when that would not hold in a succession which our author could make no exception against. And so he has left his succession as undetermined, as if he had said nothing about it. For if the regal power is given by God to a man and his *issue*, as the land of Canaan was given to Abraham and his seed, must they not *all* have a title to it, *all* have a share in it? And one may as well say that by God's grant to Abraham and his seed, the land of Canaan was to belong to only *one* of his seed, exclusive of all others, as to say that by God's grant of dominion to a man and *his issue*, this dominion was to belong in particular to one of his *issue*, exclusive of all others.

§. 163. But how will our author prove that whenever God chose any special person to be a king, he intended that *the issue* (I suppose he means *his issue*) *should also have the benefit of it*? Has he so soon forgotten Moses and Joshua, whom in this very section he says, *God out of a special care chose to govern as princes*, and the judges that God raised up? Did these princes, having the authority of the *supreme fatherhood*, not have the same power that the kings had; and being specially chosen by God himself, why should their *issue* not have the benefit of that choice, as well as David's or Solomon's? If these had the paternal authority put into their hands immediately by God, why did their issue not have the benefit of this grant in a succession to this power? Or if they had it as Adam's heirs, why did their heirs not enjoy it after them, by right descending to them? For they could not be heirs to one another. Was the power the same, and from the same origin, in Moses, Joshua, and the Judges, as it was in David and the Kings? Was it inheritable in one, and not in the other? If it was not *paternal authority*, then God's own people were governed by those who did not have *paternal authority*, and those governors did well enough without it. If it were *paternal authority*, and God chose the persons who were to exercise it, our author's rule fails, that *whenever God makes choice of any person to be supreme ruler* (for I suppose the name *king* has no spell in it; it is not the title, but the power that makes the difference) *he intends that the issue should have the benefit of it*, since from their coming out of Egypt until David's time, four hundred years later, the issue was never so sufficiently comprehended in the person of the father, that any son, after the death of his father, succeeded to the government among all those judges that judged Israel. If, to avoid this, it is said that God always chose the person of the successor, and so, transferring the fatherly authority to him, he excluded his issue from succeeding to it, that is manifestly not so in the story of Jephthah, where he contracted with the people, and they made him judge over them, as is plain in Judges 11.

§. 164. It is in vain then to say that *whenever God chooses any special person* to have the exercise of *paternal authority* (for if that is not to be *king*, I desire to know the difference between a king and one having the exercise of *paternal authority*) *he intends the issue also should have the benefit of it*, since we find the authority that the judges had, ended with them, and did not descend to their *issue*. And if the judges did not have *paternal authority*, I fear it will trouble our author, or any of the friends to his principles, to tell who then had the *paternal*

authority — that is, the government and supreme power among the Israelites. And I suspect they must confess that the chosen people of God continued as a people for several hundred years, without any knowledge or thought of this *paternal authority*, or any appearance of monarchical government at all.

§. 165. To be satisfied of this, he need only read the story of the Levite, and upon that, the war with the Benjamites, in the three last chapters of Judges. And when he finds that the Levite appeals to the *people* for justice — that it was the *tribes* and the *congregation* that debated, resolved, and directed all that was done on that occasion — he must conclude, either that God was not *careful to preserve the fatherly authority* among his own chosen people; or else that the *fatherly authority* may be preserved where there is no monarchical government. If the latter, then it will follow that even if *fatherly authority* is ever so well proved, it will not infer a necessity of monarchical government. If the former, then it will seem very strange and improbable that God should ordain *fatherly authority* to be so sacred among the sons of men, that there could be no power or government without it; and yet, that among his own people, even while he is providing a government for them (and therein prescribes rules to the several states and relations of men), this great and fundamental one, this most material and necessary of all the rest, should be concealed, and lie neglected for four hundred years after.³⁸

§. 166. Before I leave this, I must ask how our author knows that *whenever God chooses any special person to be king, he intends that the issue should have the benefit of it*? Does God say so, by the law of nature or by revelation? By the same law he must also say which of his issue must enjoy the crown in succession, and so point out the heir, or else leave his *issue* to divide or scramble for the government. Both alike are absurd, and such as will destroy the benefit of such grant to the *issue*. When any such declaration of God's intention is produced, it will be our duty to believe God intends it so. But till that is done, our author must show us some better warrant, before we are obliged to receive him as the authentic revealer of God's intentions.

§. 167. *The issue*, says our author, *is comprehended sufficiently in the person of the father, even if only the father was named in the grant*. And yet God, when he gave the land of Canaan to Abraham, Gen 13.15, thought fit to put *his seed* into the grant too. So the priesthood was given to Aaron *and his seed*; and God gave the crown not only to David, but *his seed also*. And however our author assures us that *God intends that the issue should have the benefit of it when he chooses any person to be king*, yet we see that the kingdom which he gave to Saul (without mentioning his seed after him) never came to any of his *issue*. And I would gladly know a reason why, when God chose a person to be *king*, he should intend that his *issue* should have the benefit of it, more than when he chose someone to be *judge* in Israel. Or why does a grant of *fatherly authority* to a king, more comprehend the issue than when a like grant is made to a judge? Is *paternal authority* by right to descend to the *issue* of one, and not of the other? Some reason needs to be shown for this difference, more than just the name, when the thing given is the same *fatherly authority*, and the manner of giving it (God's choice of the person) is the same too. For I suppose when our author says, *God raised up judges*, he will by no means allow that they were chosen by the people.

³⁸ The period of the judges lasted approximately 400 years (450 years according to Acts 13.20).

§. 168. But since our author has so confidently assured us of the care of God to preserve the *fatherhood*, and pretends to build all he says upon the authority of the Scripture, we may well expect that those people, whose law, constitution, and history is chiefly contained in the Scripture, should furnish him with the clearest instances of God's care of preserving the *fatherly authority* in that people who, it is agreed, he had a most peculiar care of. Let us see then what state this *paternal authority* or government was in among the Jews, from their beginning to be a people. It was omitted, by our author's confession, that from their coming into Egypt, till their return out of that bondage, was over two hundred years.³⁹ From then till God gave the Israelites a king, was about four hundred years more,⁴⁰ our author gives but a very slender account of it; nor indeed all that time are there the least footsteps of *paternal* or *regal* government among them. But then our author says, *God re-established the ancient and prime right of lineal succession to paternal government*.

§. 169. We have already seen what a lineal succession to paternal government was then established. I now consider only how long this lasted, and that was till their captivity, about five hundred years. From then to their destruction by the Romans, was over six hundred and fifty years. After, the *ancient and prime right of lineal succession to paternal government* was again lost, and they continued a people in the promised land without it. So that, of one thousand, seven hundred and fifty years that they were God's peculiar people,⁴¹ they had hereditary kingly government among them not even one third of the time. And of that time, there is not the least footstep of one moment of *paternal government*, nor the *re-establishment of the ancient and prime right of lineal succession to it*, whether we suppose it to be derived, as from its fountain, from David, Saul, Abraham, or (based upon our author's principles, the only true fountain), from *Adam*.

³⁹ They were in Egypt 430 years (Exo 12.40; Gal 3.17), as God foretold to Abraham (Gen 15.13). Locke may have gotten his figure of 200 years from Bishop Ussher's *Annals of the World* (Pub. 1650), in which he chose the "Short Sojourn" over the "Long Sojourn." Also, the Jews weren't in bondage their entire time in Egypt. It was only after Joseph had been forgotten, and the Jews had grown so numerous, that a subsequent pharaoh put them in bondage (Exo 1.7-14), perhaps 200 years after coming into Egypt.

⁴⁰ This was the period of the Judges, mentioned earlier.

⁴¹ That is, it was about 1750 years from Abraham to their dispersion by the Romans in the first century. They had kingly rule for about 500 years of that time, beginning with Saul, c. 1050 BC, and ending with Zedekiah in 586 BC.

BOOK II. OF CIVIL GOVERNMENT.

CHAPTER 1. *The Introduction*

§. 1. It having been shown in the foregoing discourse,

1. That Adam did not have, either by natural right of fatherhood, or by positive donation from God, any such authority over his children, or dominion over the world, as is pretended.
2. That if he had, yet his heirs had no right to it.
3. That if his heirs had a right, there being no law of nature nor positive law of God that determines which is the right heir in all cases that may arise, the right of succession, and consequently of bearing rule, could not have been certainly determined.
4. That even if that had been determined, yet the knowledge of which one is the eldest line of Adam's posterity, being utterly lost so long since, that in the races of mankind and families of the world, there does not remain to one above another, the least pretence to be the eldest house, and to have the right of inheritance.

All these premises having, as I think, been clearly made out, it is impossible that the rulers now on earth should make any benefit, or derive any of the least shadow of authority from that which is held to be the fountain of all power: *Adam's private dominion and paternal jurisdiction*. So that whoever will not give just occasion to think that all government in the world is the product only of force and violence, and that men live together by no other rules than that of beasts, where the strongest carries it — and so lay a foundation for perpetual disorder and mischief, tumult, sedition, and rebellion (things that the followers of that hypothesis so loudly cry out against)— must of necessity discover another rise of government, another origin of political power, and another way of designing and knowing the persons that have it, than what Sir Robert Filmer has taught us.

§. 2. To this purpose, I think it may not be amiss to set down what I take to be political power, so that the power of a *magistrate* over a subject may be distinguished from that of a father over his children, a *master* over his servant, a *husband* over his wife, and a *lord* over his slave. All of these distinct powers sometimes occurring together in the same man, if he is considered under these different relations, it may help us to distinguish these powers, one from another, and show the difference between a ruler of a commonwealth, a father of a family, and a captain of a galley.

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

CHAPTER 2. *Of the State of Nature.*

§. 4. To understand political power rightly, and 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 to 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.

It is also a *state of equality* in which all the power and jurisdiction is reciprocal, no one having more than another — there being nothing more evident than this: 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 among another, without subordination or subjection, unless the lord and master of them all should, by any manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty.

§. 5. This *equality* of men by nature, the judicious Hooker looks upon as so evident in itself, and beyond all question, that he makes it the foundation of that obligation to mutual love among men, on which he builds the duties they owe one another, and from which he derives the great maxims of *justice* and *charity*. His words are,

The like natural inducement has brought men to know that it is no less their duty to love others than themselves; for seeing those things which are equal, all must have one measure. If I cannot but wish to receive good, even as much at every man's hands, as any man can wish for his own soul, how should I look to have any part of my desire satisfied in this, unless I myself am careful to satisfy the like desire which is undoubtedly in other men, being of one and the same nature? To have anything offered to them that is repugnant to this desire, must in all respects grieve *them* as much as *me*. So that if I do harm, I must look to suffer, there being no reason that others should show a greater measure of love to me, than I have shown to them. My desire therefore to be loved by my equals in nature, imposes upon me as much as possible, a natural duty of fully bearing toward them the like affection. No man is ignorant what several rules and canons natural reason has drawn from this relation of equality between ourselves, and those who are like ourselves, for direction of life. *Eccl. Pol. Lib. i.*

§. 6. But though this is a *state of liberty*, yet it is not a *state of license*. Though man in that state has an uncontrollable liberty to dispose of his person or possessions, yet he does not have liberty to destroy himself, or to destroy so much as any creature in his possession, except 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 everyone. 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 all men being the workmanship of one omnipotent, and infinitely wise Maker, all the servants of one sovereign Master, they are sent into the world by his order, and about his business. They are his property, whose workmanship they are, made to last during His, and 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 willfully, so by the like reason, when his own preservation does not come in competition, ought as much as he can, to *preserve the rest of mankind*; and he may not, unless it is to do justice to an offender, take away or impair the life or whatever tends to the *preservation* of the life, the liberty, health, limb, or goods of another.

§. 7. And that all men may be restrained from invading others' rights, and from doing hurt to one another, and that 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 everyone 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 nobody that in the state of nature had a *power to execute that law*, and thereby preserve the innocent, and restrain offenders. And if anyone in the state of nature may punish another for any evil he has done, then everyone 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, everyone must have a right to do.

§. 8. And thus, in the state of nature, *one man comes by a power over another*; yet it is no absolute or arbitrary power to use a criminal, once he has gotten 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 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 do harm to another, which is what we call *punishment*. In transgressing the law of nature, the offender declares himself to live by another rule than that of reason and common equity, which is that measure God has set to the actions of men for their mutual security. And so he becomes dangerous to mankind, the tie which is to secure them from injury and violence, being slighted and broken by him. This being a trespass against the whole species, and the peace and safety of it that is provided for by the law of nature, every man upon this score, by the right he has to preserve mankind in general, may restrain, or where it is necessary, destroy things that are noxious to them. And so he may bring such evil on anyone who has transgressed that law, as may make him repent from doing it, and thereby deter him, and by his example, deter others from doing the like mischief. And in this case, and on this ground, *every man has a right to punish the offender, and to be executioner of the law of nature*.

§. 9. I do not doubt that this will seem a very strange doctrine to some men. But before they condemn it, I desire them to resolve for me, by what right any prince or state can put to death or *punish an alien*, for any crime he commits in in their country. It is certain their laws, by virtue of any sanction they receive from the promulgated will of the legislative, do not reach a stranger. They do not speak to him, nor if they did, is he bound to hearken to them. The legislative authority by which they are in force over the subjects of that commonwealth, has no power over him. Those who have the supreme power of making laws in England, France, or Holland, are to an Indian, but men without authority, like the rest of the world. And therefore, if by the law of nature every man does not have a power to punish offences against it, as he soberly judges the case to require it, I do not see how the magistrates of any community can *punish an alien* of another country, since in reference to him, they can have no more power than what every man naturally may have over another.

§. 10. Besides the crime which consists in violating the law, and varying from the right rule of reason, whereby a man so far becomes degenerate and declares himself to quit the principles of human nature, and to be a noxious creature, there is commonly *injury* done to some person or other, and some other man receives damage by his transgression. In that case the one who has received any damage has, besides the right of punishment common to him with other men, a particular right to seek *reparation* from the one who has done it. And any other person

who finds it just, may also join with the one who is injured, and assist him in recovering from the offender so much as may make satisfaction for the harm he has suffered.

§. 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 everybody; and the other of taking reparation, which belongs only to the injured party — it comes to pass that the magistrate, who by being magistrate has the common right of punishing put into his hands, can often remit the punishment of criminal offences by his own authority, where the public good does not demand the execution of the law. Yet he cannot *remit* the satisfaction due to any private man for the damage he has received. The one who has suffered the damage has a right to demand such satisfaction in his own name, and he alone can remit it. The damnified ⁴² person has this power of appropriating to himself the goods or service of the offender, *by right of self-preservation*, just 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 everybody; and also to secure men from the attempts of a criminal, who having renounced reason (the common rule and measure God has given to mankind), has declared war against *all* mankind, by the unjust violence and slaughter he has committed upon one. And therefore he may be destroyed like 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 man's blood, by man shall his blood be shed*. And Cain was so fully convinced that everyone had a right to destroy such a criminal, that after the murder of his brother, he cries out, *Everyone who finds me shall slay me* — so plain was it written in the hearts of all mankind.

§. 12. By the same reason, a man in the state of nature may *punish the lesser breaches* of that law. It will perhaps be demanded, with death? I answer, each transgression may be punished to that *degree*, and with so much *severity*, as will suffice to make it a bad bargain to the offender, give him cause to repent, and terrify others from doing the like. Every offence that can be committed in the state of nature, may also be punished equally in the state of nature, and as far as it may, in a commonwealth. For though it would be besides my present purpose to enter here into the particulars of the law of nature, or its *measures of punishment*, yet it is certain there *is* such a law. And that too is as intelligible and plain to a rational creature, and a studier of that law, as the positive laws of commonwealths. Indeed, it is possibly plainer, as much as reason is easier to be understood than the fancies and intricate contrivances of men, following contrary and hidden interests put into words. For so truly are a great part of the *municipal* laws of countries, which are only right so far as they are founded on the law of nature, by which they are to be regulated and interpreted.

§. 13. To this strange doctrine — *that in the state of nature everyone has the executive power* of the law of nature — I have no doubt that 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 bad-nature, passion, and revenge will carry them too far

⁴² *Damnified person: the one who has suffered loss or damage; who has been injured or impaired.*

in punishing others. And hence nothing but confusion and disorder will follow; and therefore God has 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 it is easy to be imagined that the one who was so unjust as to do his brother an injury, will scarcely be so just as to condemn himself for it. But I 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's being judges in their own cases, and the state of nature is therefore not to be endured, then 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 anyone having the least liberty to question or control those who execute his pleasure? And who must be submitted to, in whatever he does, whether led by reason, mistake, or passion? It is much better in the state of nature, in which 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. It is often asked as a mighty objection, *Where are, or were there ever, 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 that 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. Men may make other promises, and compacts one with another, and yet still be in the state of nature. The promises and bargains for exchanging goods, etc. between the two men on a 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 on them, even though they are perfectly in a state of nature in reference to one another. For truth and keeping faith belongs to men, *as men*, and not as members of society.

§. 15. To those who say there were never any men in the state of nature, I will not only oppose the authority of the judicious Hooker, *Eccl. Pol. lib. i. sect. 10.* where he says,

The laws which have been mentioned up to here, *i.e.* the laws of nature, bind men absolutely, even as they are men, even if they never have any settled fellowship, nor any solemn agreement among themselves as to what to do, or not to do. But because we are not sufficient by ourselves to furnish ourselves with a competent store of things, needful for such a life as our nature desires, a life fit for the dignity of man; therefore to supply those defects and imperfections which are in us, as living single and solely by ourselves, we are naturally induced to seek communion and fellowship with others. This was the cause of men's uniting themselves at first in politic societies.

But I moreover affirm that all men are naturally in that state, and remain so, till by their own consents they make themselves members of some politic society. And I do not doubt to make that very clear in the sequel of this discourse.

CHAPTER 3. Of the State of War.

§. 16. The *state of war* is a state of *enmity* and *destruction*. And therefore, declaring war by word or action, it is not a passionate and hasty design, but a sedate and settled design upon another man's life. *It puts him in a state of war* with the one against whom he has declared such an intention, and so he has exposed his life to the other's power to be taken away by him, or anyone who joins with him in his defence, and espouses his quarrel. It being reasonable and just, I should have a right to destroy that which threatens me with destruction. For, *by the fundamental law of nature, man 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, or has discovered an enmity to his being — for the same reason that he may kill a wolf or a Hon. Such men are not under the ties of the common-law of reason, and have no other rule but that of force and violence. And so they may be treated as beasts of prey, those dangerous and noxious creatures that will be sure to destroy him whenever he falls into their power.

§. 17. Hence it is, that whoever attempts to get another man into his absolute power, thereby *puts himself into a slate of war with him* — it being understood as a declaration of a design upon his life. For I have reason to conclude that whoever would get me into his power without my consent, would use me as he pleased once he had gotten me there, and would destroy me too when he had a fancy to do it. For nobody 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, *i.e.* to make me a slave. To be free from such force is the only security of my preservation; and reason bids me look at him as an enemy to my preservation, who *would take away that freedom* which is the fence against it; so that he who makes an *attempt to enslave me*, thereby puts himself into a state of war with me. Whoever, in the state of nature, would take away the freedom that belongs to anyone in that state, must necessarily be supposed to have a design to take away everything else, since that *freedom* is the foundation of all the rest. Just as whoever, in the state of society, would take away the freedom belonging to those of that society or commonwealth, must be supposed to design to take away from them everything else, and so be looked upon as being *in a state of war*.

§. 18. This makes it lawful for a man to *kill a thief*, who has not hurt him in the least, nor declared any design upon his life, any further than by use of force, so as to get him in his power to take away his money, or whatever he pleases from him. This is because, using force where he has no right to do so, to get me into his power (let his pretence be what it will), I have no reason to suppose that whoever would *take away my liberty*, would not, when he had me in his power, take away everything else. And therefore it is lawful for me to treat him as one who has *put himself into a state of war with me*; *i.e.* I may kill him if I can. For whoever introduces a state of war, and is the aggressor in it, justly exposes himself to that hazard.

§. 19. And here we have the plain *difference between the state of nature and the state of war*. However some men have confounded them, they are as far distant as a state of peace, good will, mutual assistance, and preservation, are from a state of enmity, malice, violence, and mutual destruction. Men living together according to reason, without a common superior on earth, without authority to judge between them, is *properly the state of nature*. But force, or a declared design of force, upon the person of another, where there is no common superior

on earth to appeal to for relief, is *the state of war*. And it is the lack of such an appeal that gives a man the right of war against an *aggressor*, even though he is in society with him, and a fellow subject. Thus a *thief* whom I cannot harm except by an appeal to the law for having stolen all that I am worth, I may kill when he sets on me to rob me only of my horse or coat. This is because the law, which was made for my preservation, where it cannot interpose to secure my life from present force which, if lost, is capable of no reparation, permits me my own defence, and the right of war — a liberty to kill the aggressor — because the aggressor does not allow time to appeal to our common judge, nor to the decision of the law, for remedy in a case where the mischief may be irreparable. Lack of a common judge with authority, puts all men in a state of nature. Force without right, upon a man's person, makes a state of war, both where there is, and where there is not, a common judge.

§. 20. But when the actual force is over, the *state of war ceases* between those who are in society, and on both sides are equally subjected to the fair determination of the law — because then there lies open the remedy of appeal for the past injury, and to prevent future harm. But where there is no such appeal, as in the state of nature — for lack of positive laws and judges with authority to appeal to — once the state of war has begun, it continues, with a right to the innocent party to destroy the other whenever he can, until the aggressor offers peace, and desires reconciliation on such terms as may repair any wrongs he has already done, and secure the innocent for the future. Indeed, where an appeal to the law and constituted judges lies open, but the remedy is denied by a manifest perverting of justice, and a bare-faced twisting of the laws to protect or indemnify the violence or injuries of some men, or party of men, *there* it is hard to imagine anything but a *state of war*. For wherever violence is used, and injury done, even by hands appointed to administer justice, it is still violence and injury, however coloured with the name, pretences, or forms of law — the end of which law is to protect and redress the innocent, by an unbiassed application of it, to all who are under it. Wherever that is not *bona fide* done, *war is made* upon the sufferers, who having no appeal on earth to right them, they are left to the only remedy in such cases: an appeal to heaven.

§. 21. To avoid this *state of war* (in which there is no appeal but to heaven, and in which every least difference is apt to end where there is no authority to decide between the contenders) is one great reason for 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. Had there been any such court, any superior jurisdiction on earth, to determine the right between Jephthah and the Ammonites, they would never have come to a state of war. But we see he was forced to appeal to heaven. *The Lord the judge* (he says) *is judge this day between the children of Israel and the children of Ammon*, Jdg 11.27; and then prosecuting, and relying on his appeal, he leads out his army to battle. And therefore in such controversies, where the question is put, *who shall be judge?* it cannot be meant, who shall decide the controversy? Everyone knows what Jephthah tells us here, that *the Lord the judge shall judge*. Where there is no judge on earth, the appeal lies to God in heaven. That question then cannot mean who shall judge whether another has put himself in a *state of war* with me, and whether I may, as Jephthah did, *appeal to heaven* in it. I alone can be judge of that myself, in my own conscience, as I will answer for it at the great day, to the supreme Judge of all men.

CHAPTER 4. 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, except what that legislative shall enact according to the trust put in it. Freedom, then, is not what Sir Robert Filmer tells us, OBSERVATIONS, A. 55: *a liberty for everyone to do what he wishes, to live as he pleases, and not to be tied by any laws*. Rather, *freedom of men under government* is to have a standing rule to live by, common to everyone of that society, and made by the legislative power erected in it. It is a liberty to follow my own will in all things where the rule does not prescribe otherwise; and not to be subject to the inconstant, uncertain, unknown, arbitrary will of another man — just 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, except by what forfeits his preservation and life together. For a man, not having the power of his own life, *cannot* by compact, or by his own consent, *enslave himself* to anyone, nor put himself under the absolute, arbitrary power of another, to take away his life whenever he pleases. Nobody can give more power than he has himself; and whoever 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, the one to whom he has forfeited it may (when he has him in his power) delay to take it, and make use of him in his service, and he does him no injury by it. For whenever he finds the hardship of his slavery outweighs the value of his life, it is in his power, by resisting the will of his master, to draw upon himself the death he desires.

§. 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*. For once a *compact* enters between them, and they make an agreement for a limited power on the one side, and obedience on the other, the *state of war and slavery* ceases for as long as the compact endures. For as it has been said, no man can, by agreement, pass over to another that which he does not have in himself — a power over his own life.

I confess we find among the Jews, as well as other nations, that men did sell themselves. But it is plain that this was only to *drudgery*, 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, whom at a certain time he was obliged to let go free out of his service.⁴³ And the master of such a servant was so far from having an arbitrary power over his life, that he could not, at his pleasure, so much as maim him; but the loss of an eye, or tooth, set him free, Exo 21.26-27.

CHAPTER 5. Of Property.

§. 25. Whether we consider *natural reason*, which tells us that men, once born, have a right to their preservation, and consequently to food and drink, and to such other things as nature

⁴³ Exo 25.39-42.

affords for their subsistence — or we consider *revelation*, which gives us an account of those grants God made of the world to Adam, and to Noah and his sons — it is very clear that God, as king David says, Psa 115.16, *has given the earth to the children of men* — to mankind in common. But this being supposed, it seems a very great difficulty to some, how anyone should ever come to have a *property* in anything. I will not content myself to answer that if it is **difficult** to make out *property* upon a supposition that God gave the world to Adam and his posterity in common, then it is **impossible** that any man but one universal monarch should have *any property* upon a supposition that God gave the world to Adam and his heirs in succession, exclusive of all the rest of his posterity. But I will endeavour to show how men might come to have a *property* in several parts of that which God gave to mankind in common, and that is without any express compact among all the commoners.

§. 26. God, who has given the world to men in common, has also given them reason to make use of it to the best advantage of life, and convenience. The earth, and all that is in it, is given to men for the support and comfort of their being. And all the fruits it naturally produces, and the beasts it feeds, belong to mankind in common as they are produced by the spontaneous hand of nature; 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 in some way or other, 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, and so much 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 are 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. Whatever he then removes out of the state that nature has provided and left it in, he has mixed his labour with it, and joined to it something that is his own; and thereby he makes it *his property*. It being removed by him from the common state that nature has placed it in, it has something annexed to it by this *labour*, that excludes it from the common right of other men. For this *labour* being the unquestionable property of the labourer, no man but him can have a right to what that labour 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 that the nourishment is his. I ask then, when did they begin to be *his*? — when he digested? or when he ate? or when he boiled? or when he brought them home? or when he picked them up? And it is plain that if the first gathering did not make them his, nothing else could. That *labour* put a distinction between them and what is common. That labour added something to them more than nature, the common mother of all, had done; and so they became his private right. And will anyone say that he had no right to those acorns or apples he thus appropriated, because he did not have the consent of all mankind to *make* them his? Was it a robbery to thus assume to himself what belonged to all in common? If such a consent as that was necessary, man would have starved, notwithstanding the plenty that 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*; and without which the common is of no use. The taking of this or that part does not depend on the express consent of all the commoners. Thus the grass which my horse has bitten; the turfs my servant has cut; and the ore I have dug in any place where I have a right to them in common with others, become *my property*, without the assignation or consent of anybody. The labour that was mine — removing them out of that common state they were in — has *fixed my property* in them.

§. 29. By making an explicit consent of every commoner necessary to anyone's appropriating to himself any part of what is given in common, children or servants could not cut the meat which their father or master had provided for them in common, without assigning to everyone his particular part. Though the water running in the fountain is everyone's, yet who can doubt that the water in the pitcher is his alone who drew it out? His *labour* has taken it out of the hands of nature, where it was common and belonged equally to all her children, and thereby *appropriated* it to himself.

§. 30. Thus this law of reason makes the deer belong to the Indian who has killed it; it is allowed to be the goods of the one who has bestowed his labour upon it, even though before it was the common right of everyone. And among those who are accounted the civilized part of mankind, who have made and multiplied positive laws to determine *property*, this original law of nature, for the *beginning of property* in what was before common, still takes place. And by virtue of this, whatever fish anyone catches in the ocean, that great and still remaining common ground of mankind, or whatever amber-grease ⁴⁴ anyone takes up there, is *made the property* — by the *labour* that removes it from that common state nature left it in — of whoever takes those pains about it. And even among us, the hare that anyone is hunting, is thought to be his who pursues her during the chase. For being a beast that is still looked upon as common, and no man's private possession, whoever has employed so much *labour* about any beast of that kind, as to find and pursue her, has thereby removed her from the state of nature in which she was common, and has *begun a property* in her.

§. 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 anyone may ingross ⁴⁵ as much as he will. To which I answer, Not so. The same law of nature that by this means gives us property, also *bounds that property*. *God has given us all things richly*, 1Tim 6.12, is the voice of reason confirmed by inspiration. But to what extent has He given it to us? *To enjoy*. As much as anyone can make use of it to any advantage of life before it spoils, so much he may fix a property by his labour. Whatever is beyond this is more than his share, and it belongs to others. Nothing was made by God for man to spoil or destroy. And thus, considering the plenty of natural provisions there was for a long time in the world, and the few spenders; and how small a part of that provision the industry of one man could extend itself and ingross it to the prejudice of others — especially keeping within the bounds set by reason, of what might serve for his use — there could then be little room for quarrels or contentions about property so established.

⁴⁴ *Amber-grease*: a waxy substance secreted by sperm whales used in perfume manufacture.

⁴⁵ *Ingross*: to acquire or accumulate large quantities of something for exclusive use or profit.

§. 32. But the *chief matter of property* now being *not* the fruits of the earth and the beasts that subsist on it, but *the earth itself* — as that which takes in and carries with it all the rest — I think it is plain that *property* in that too is acquired as in the former. *As much land* as a man tills, plants, improves, cultivates, and can use the product of, so much is his *property*. By his labour he, as it were, encloses it for the common. Nor will it invalidate his right, to say that everybody else has an equal title to it. And therefore he cannot appropriate, he cannot enclose, without the consent of all his fellow-commoners, *i.e.*, all mankind. God, when he gave the world in common to all mankind, commanded man also to labour, and the penury of his condition required it of him. God and his reason 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 labour. Whoever 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 had no title to, nor could take from him without injury.

§. 33. Nor was this *appropriation* of any parcel of *land*, by improving it, any prejudice to any other man, since there was still enough left, and just as good — more than the yet unprovided could use. So that in effect, there was never less left for others because of his enclosure for himself. For whoever leaves as much as another can make use of, as good as takes nothing at all. Nobody could think himself injured by the drinking of another man, even if he took a good draught, who had a whole river of the same water left to him to quench his own thirst. And the case of land and water, where there is enough of both, is perfectly the same.

§. 34. God gave the world to men in common; but since He gave it to them for their benefit, and the greatest conveniences of life they were capable to draw from it, it cannot be supposed that 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. Whoever had as good left for his improvement, as was already taken up, need not complain, and should not meddle with what was already improved by another's labour. If he did, it is plain that he desired the benefit of another's pains, which he had no right to, and he did not desire the ground which God had given him in common with others to labour on, and of which there was as good left to him, as that which was already possessed, and more than he knew what to do with or his industry could reach to.

§. 35. It is true, in *land* that is *common* in England, or in any other country where there is plenty of people under government, who have money and commerce, no one can enclose or appropriate any part of it, without the consent of all his fellow-commoners, because this is left common by compact, *i.e.* by the law of the land, which is not to be violated. And though it is common in respect to some men, it is not common to all mankind; but it is the joint property of this country, or this parish. Besides, the remainder after such enclosure would not be as good to the rest of the commoners, as the whole was when they could all make use of the whole. Whereas in the beginning and first peopling of the great common of the world, it was quite otherwise. The law man was under was rather for appropriating. God commanded, and man's wants forced him to *labour*. That was his *property* which could not be taken from him wherever he had fixed it. And hence we see that subduing or cultivating the earth, and having dominion, are joined together. The one gave title to the other. So that God, by commanding

man to subdue, gave authority so far to *appropriate*. And the condition of human life, which requires labour and materials to work on, necessarily introduces private possessions.

§. 36. Nature has well set the *measure of property* by the extent of men's *labour and the conveniences of life*. No man's labour could subdue or appropriate it all; nor could his enjoyment consume more than a small part of it. So that it was impossible for any man, in this way, to entrench upon the right of another, or acquire for himself a property to the prejudice of his neighbour, who would still have room for as good and as large a possession (after the other had taken out his) as he did before it was appropriated. This *measure* confined every man's *possession* to a very moderate proportion, and such as he might appropriate to himself without injury to anybody, in the first ages of the world, when men were more in danger to be lost by wandering from their company in the then vast wilderness of the earth, than to be straitened for lack of room to plant in. And the same *measure* may still be allowed without prejudice to anybody, as full as the world seems. For suppose a man, or family, in the state they were in at the first peopling of the world by the children of Adam or Noah — let him plant in some inland, vacant places of America, and we will find that the *possessions* he could make himself upon the *measures* we have given, would not be very large, nor even to this day could they prejudice the rest of mankind, or give them reason to complain, or to think themselves injured by this man's encroachment — though the race of men have now spread themselves to all the corners of the world, and infinitely exceed the small number which was at the beginning. Indeed, the extent of *ground* is of so little value *without labour*, that I have heard it affirmed that in Spain itself a man may be permitted to plough, sow, and reap, without being disturbed, upon land he has no other title to, except his making use of it. But on the contrary, the inhabitants think themselves beholden to him who, by his industry on neglected, and consequently waste land, has increased the stock of corn, which they wanted. But be this as it will, which I lay no stress on, I dare boldly affirm this: that the same *rule of propriety*, (viz.) that every man should have as much as he can make use of, would still hold in the world, without restricting anybody. This is because there is enough land in the world to suffice double the inhabitants, had not the *invention of money*, and the tacit agreement of men to put a value on it, introduced by consent, larger possessions and a right to them. How it has done this, I will by and by show more at large.

§. 37. This is pertinent, that in the beginning, before the desire of having more than man needed had altered the intrinsic value of things, which depends only on their usefulness to the life of man — or had *agreed that a little piece of yellow metal* which would keep without wasting or decay, should be worth a great piece of flesh, or a whole heap of corn — men had a right to appropriate by their labour, each one to himself, as much of the things of nature as he could use. Yet this could not be much, nor was it to the prejudice of others, where the same plenty was still left to those who would use the same industry. To which, let me add that whoever appropriates land to himself by his labour, does not lessen but increases the common stock of mankind. For the provisions serving for the support of human life, produced by one acre of enclosed and cultivated land, are (to speak much within compass) ten times more than those provisions which are yielded by an acre of land of an equal richness, lying waste in common. And therefore, whoever encloses land, and has a greater plenty of the conveniences of life from ten acres, than he could have from a hundred left to nature, may truly be said to give ninety acres to mankind. For his labour now supplies him with provisions out of ten

acres, which were but the product of a hundred acres lying in common. I have here rated the improved land very low, in making its product but ten to one, when it is much nearer a hundred to one. For I ask whether in the wild woods and uncultivated waste of America, left to nature, without any improvement, tillage, or husbandry, a thousand acres yield the needy and wretched inhabitants as many conveniences of life, as ten acres of equally fertile land do in Devonshire, where they are well-cultivated.

Before the appropriation of land, whoever gathered as much of the wild fruit, or killed, caught, or tamed as many of the beasts as he could — whoever so employed his pains about any of the spontaneous products of nature, as to alter them in any way from the state which nature put them in, *by placing any of his labour on them*, thereby *acquired 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 use them) he offended against the common law of nature, and was liable to be punished. He invaded his neighbour's share, for he had *no right further than his own use of them called for*, and as they might serve to afford him conveniences of life.

§. 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 and laying up, this part of the earth, notwithstanding his enclosure, was still to be looked at as waste, and might be the possession of any other. Thus, at the beginning Cain might take as much ground as he could till, and make it his own land, and yet leave enough to Abel's sheep to feed on; a few acres would serve for both their possessions. But as families increased, and industry enlarged their stocks, their *possessions enlarged* with their need of them. Yet it was commonly *without any fixed property in the ground* that they made use of, till they incorporated, settled themselves together, and built cities. And then, by consent, they came in time to set out the *bounds of their distinct territories*, and to agree on limits between themselves and their neighbours. And by laws within themselves, they settled the *properties* of those of the same society. For we see this in that part of the world which was first inhabited, and therefore likely to be best peopled. Even as far back as Abraham's time, they freely wandered up and down with their flocks and their herds, which was their substance; and Abraham did this in a country where he was a stranger. From this it is plain that at least a great part of the *land lay in common*; that the inhabitants did not value it; nor did they claim property in any more of it than they made use of. But when there was not room enough in the same place for their herds to feed together, then by consent, as Abraham and Lot did (Gen 13.5), they separated and enlarged their pasture where it best suited them. And for the same reason, Esau went from his father and his brother, and planted in mount Seir, Gen 36.6.

§. 39. And thus, without supposing any private dominion and property in Adam over all the world, exclusive of all other men — which can in no way be proved, nor can anyone's property be made out from it — but supposing the world was given, as it was, to the *children* of men *in common*, we see how labour could give men distinct titles to several parcels of it for their private uses. In this there could be no doubt of right, nor room for quarrel.

§. 40. Nor is it so strange, as perhaps it may appear before consideration, that the *property of labour* should be able to over-balance the community of land. For indeed it is *labour* that

puts the difference of value on everything. And let any one 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 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, nine tenths are the *effects of labour*. Indeed, if we rightly estimate things as they come to our use, and cast up the several expences about them, what in them is purely owing to *nature*, and what is owing to *labour*, we will find that in most of them, ninety-nine hundredths are wholly to be put on the account of labour.

§. 41. There cannot be a clearer demonstration of anything, than several nations of the Americans, who are rich in land and poor in all the comforts of life, those whom nature has furnished as liberally as any other people with the materials of plenty — *i.e.*, a fruitful soil, apt to produce in abundance what might serve for food, raiment, and delight — yet for lack of improving it by labour, do not have one hundredth of the conveniences we enjoy. And a king of a large and fruitful territory there, feeds, lodges, and is clad worse than a day-labourer in England.

§. 42. To make this a little clearer, let us but trace some of the ordinary provisions of life through their several progresses, before they come to our use, and see how much of the *value* they receive is from *human industry*. Bread, wine, and cloth are things of daily use and great plenty. Yet notwithstanding, acorns, water, and leaves, or skins, must be our bread, drink and clothing, if *labour* did not furnish us with these more useful commodities. For however much more *bread* is worth than acorns, wine than water, and *cloth* or *silk* than leaves, skins, or moss, *that* is wholly *owing to labour and industry*. The one of these is the food and raiment which unassisted nature furnishes us with; the other is the provisions which our industry and pains prepare for us, which however much they exceed the other in value (when anyone has computed it), he will then see that *labour makes by the far greatest part of the value* of things we enjoy in this world. And the ground which produces the materials, is scarcely to be reckoned as any, or at most, but a very small part of it. It is so little that even among us, land left wholly to nature, that has no improvement of pasturage, tillage, or planting, is called, as indeed it is, *waste*; and we will find the benefit of it amounts to little more than nothing.

This shows how much numbers of men are to be preferred to the largeness of dominions; and it shows that the increase of lands, and the right employing of them, is the great art of government. That prince who would be so wise and godlike as to secure, by established laws of liberty, protection and encouragement to the honest industry of mankind, against the oppression of power and the narrowness of party, will quickly be too hard for his neighbours. But this by the by. To return to the argument in hand,

§. 43. An acre of land that here bears twenty bushels of wheat, and another acre in America, which with the same husbandry would do the like, are without doubt, of the same natural intrinsic value. Yet the benefit mankind receives from one in a year, is worth 5£, and from the other is possibly not worth a penny, if all the profit an Indian received from it was to be valued and sold here; at least, I may truly say, not one thousandth of that. It is *labour*, then, which *puts the greatest part of value upon land*, without which it would scarcely be worth anything. It is to that labour we owe the greatest part of all its useful products. For all that, the straw,

bran, or bread of that acre of wheat, is worth more than the product of an acre of as good land which lies waste; it is all the effect of labour. For it is not barely the ploughman's pains, the reaper's and thresher's toil, and the baker's sweat, that is to be counted into the *bread* we eat; the labour of those who broke the oxen, who dug and wrought the iron and stones, who felled and framed the timber employed about the plough, mill, oven, or any other utensils, which are a vast number, requisite to this corn — from its being seed to be sown, to its being made bread, all must be *charged on the account of labour*, and received as an effect of that labour. Nature and the earth furnished only the almost worthless materials, as they are in themselves. It would be a strange *catalogue of things that industry provided and made use of about every loaf of bread* before it came to our use, if we could trace them: iron, wood, leather, bark, timber, stone, bricks, coals, lime, cloth, dying drugs, pitch, tar, masts, ropes, and all the materials made use of in the ship that brought any of the commodities that are made use of by any of the workmen, to any part of the work — all of which it would be almost impossible, or at least too long, to reckon up.

§. 44. From all of this 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, still had 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 anyone 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*, they 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 they have, by *positive agreement*, *settled a property* among themselves, in distinct parts and parcels of the earth. Yet there are still *great tracts of ground* to be found, which (their inhabitants not having joined with the rest of mankind, in the consent of the use of their common money) *lie waste*, and are more than the people who dwell on it do, or can, make use of, and so they still lie in common — though this can scarcely happen among that part of mankind who have consented to the use of money.

§. 46. The greatest part of *things that are really useful* to the life of man, and such as the necessity of subsisting made the first commoners of the world look for, as it does the Americans now, are generally things of *short duration*; such things as (if they are not consumed by use) will decay and perish of themselves. Gold, silver, and diamonds, are things that fancy or agreement has put the value on, more than real use and the necessary support of life. Now, of those good things which nature has provided in common, everyone had a right

(as has been said) to as much as he could use, and had *property* in all that he could effect with his labour. All that his *industry* could extend to, to alter it from the state that nature had put it in, was his. Whoever *gathered* a hundred bushels of acorns or apples, thereby had a *property* in them; they were his goods as soon as they were gathered. He was only to see that he used them before they spoiled; otherwise he took more than his share, and robbed others. And 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 anybody else, so that it did not perish uselessly in his possession, these he *also* made use of. And if he also bartered away plums that would have rotted in a week, for nuts that would remain good for his eating a whole year, he did no injury; he did not waste the common stock; he destroyed no part of the portion of goods that belonged to others, so long as nothing perished uselessly in his hand. Again, if he would give his nuts for a piece of metal, being pleased with its colour; or exchange his sheep for shells, or wool for a sparkling pebble or a diamond, and keep those by him all his life, he did not invade the right of others, then he might heap up as much of these durable things as he pleased. *Exceeding the bounds of his just property* did not lie in the largeness of his possession, but in the useless perishing of anything in it.

§. 47. And thus *the use of money* came in — 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.

§. 48. And as different degrees of industry were apt to give men possessions in different proportions, so this *invention of money* gave them the opportunity to continue and enlarge them. For suppose an island, separate from all possible commerce with the rest of the world, in which there were but a hundred families, but there were sheep, horses, and cows, with other useful animals, wholesome fruits, and land enough for corn for a hundred thousand times as many; but nothing in the island, either because of its commonness or perishableness, was fit to supply the place of *money*. What reason could anyone have there to enlarge his possessions beyond the use of his family, and a plentiful supply to its *consumption*, either in what their own industry produced, or in what they could barter for like perishable, useful commodities with others? Where there is not something that is both lasting and scarce, and so valuable as to be hoarded up, men will be apt to enlarge their *possessions of land*, however rich, and however so free for them to take. For I ask, what would a man value ten thousand, or a hundred thousand acres of excellent *land*, ready-cultivated, and well-stocked too with cattle, in the middle of the inland parts of America, where he had no hopes of commerce with other parts of the world, to draw *money* to himself by the sale of the product? It would not be worth the enclosing, and we would see him give up again to the wild common of nature, whatever was more than would supply the conveniences of life, to be had there for him and his family.

§. 49. Thus in the beginning, all the world was America, and more so than it is now; for no such thing as *money* was known anywhere. Discover something that has the *use and value of money* among his neighbours, and you will see that the same man will presently begin to enlarge his possessions.

§. 50. But since gold and silver, being little useful to the life of men in proportion to food, raiment, and carriage, has its *value* only from the consent of men, of which *labour* yet makes

in great part *the measure*, it is plain that men have agreed to a disproportionate and unequal *possession of the earth*. They have discovered how a man, by a tacit and voluntary consent, may fairly possess more land than he himself can use the product of, by receiving it in exchange for the overmuch gold and silver which may be hoarded up without injury to anyone, because these metals do not spoil or decay in the hands of the possessor. This parceling of things in an equality of private possessions, men have made practicable outside the bounds of society, and without compact, only by putting a value on gold and silver, and tacitly agreeing to the *use of money*. For in governments, the laws regulate the right of property, and the possession of land is determined by positive constitutions.

§. 51. And thus, I think it is very easy to conceive, without any difficulty, *how labour could at first begin a title to property* in the common things of nature, and how spending it upon our uses bounded it. So that there could then be no reason for quarrelling about title, nor any doubt about the largeness of possession it gave. Right and convenience went together; for as a man had a right to all he could employ his labour upon, so he had no temptation to labour for more than he could make use of. This left no room for controversy about the title, nor for encroachment on the right of others. Whatever portion a man carved out for himself was easily seen; and it was useless, as well as dishonest, to carve too much for himself, or take more than he needed.

CHAPTER 6. Of Paternal Power.

§. 52. It may perhaps be censured as an impertinent criticism in a discourse of this nature, to find fault with words and names that have obtained in the world. And yet possibly it may not be amiss to offer new ones when the old are apt to lead men into mistakes, as this of *paternal power* has probably done, which seems so 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, we will find she has 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 equally to both the concurrent causes of it. And accordingly we see the positive law of God everywhere joins them together, without distinction, when it commands the obedience of children. *Honour your father and your mother*, *Exo 20.12*. *Whoever curses his father or his mother*, *Lev 20.9*. *Every one of you shall fear his mother and his father*, *Lev 19.3*. *Children, obey your parents, etc.*, *Eph 6.1*. This is the style of the Old and New Testaments.

§. 53. Had but this one thing been well-considered, without looking any deeper into the matter, it might perhaps have kept men from running into those gross mistakes they have made about this power of parents. However this might bear, without any great harshness, the name of *absolute dominion* and *regal authority*, when it seemed appropriated to the father under the title of *paternal power*, yet it would have sounded but oddly, and in the very name shown the absurdity, if this supposed absolute power over children had been called *parental*, and thereby revealed that it belonged to the mother too. For it will but very ill serve the turn of those men who contend so much for the absolute power and authority of the *fatherhood*, as they call it, that the mother should have any share in it. And it would have but ill supported the *monarchy* they contend for, when by the very name, it appeared that that fundamental

authority from which they would derive their government of a single person only, was not placed in one, but in two persons jointly. But to let this issue of names pass.

§. 54. Though I said above, Chap. 2, 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. *Excellency of parts* and *merit* may place others above the common level. *Birth* may subject some, and *alliance or benefits* may subject others, to pay an observance to those whom nature, gratitude, or other respects, may have made it due. And yet all this consists with the *equality* which all men are in, with respect to having jurisdiction or dominion over one another. This was the *equality* I spoke of there, as proper to the business in hand, being that *equal right* which every man has to *his natural freedom*, without being subjected to the will or authority of any other.

§. 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 in and supported by, in the weakness of their infancy. Age and reason loosen them as they grow up, till at length they quite drop 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 he 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 which God had implanted in him. 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 has 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 begot, not as their own workmanship, but as 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 immediately *under that law*; for nobody can be under a law which is not promulgated to him. And by this law being promulgated or made known by *reason* alone, whoever has not come to the use of his *reason*, cannot be said to be *under this law*. And Adam's children, not being immediately *under this law of reason* as soon as born, were not immediately *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 it prescribes no further than is for the general good of those under that law. If they could be happier without it, then the law, like a useless thing, would of itself vanish. And that ill-deserves the name of *confinement*, which hedges us in only from bogs and precipices. So that, however it may be mistaken, *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 exist where there is no law. But freedom is not, as we are told, *a liberty for every man to do what he wishes*. For who could be free when every other man's disposition might be to domineer over him? Rather, freedom is a *liberty* to dispose and

order as he wishes, his person, actions, possessions, and his whole property, within the allowance of those laws under which he lives, and therein not to be subject to the arbitrary will of another, but to freely follow his own.

§. 58. The *power*, then, *that parents have* over their children, arises from that duty which is incumbent on them to take care of their offspring during the imperfect state of childhood. To inform the mind, and govern the actions of their yet ignorant nonage,⁴⁶ till reason takes its place and eases them of that trouble, is what the children want, and what the parents are bound to. For God having given man an *understanding* to direct his actions, He has allowed him a freedom of will, and liberty of acting, as properly belonging to that understanding, within the bounds of that law he is under. But while he is in an estate in which he does not have *understanding* of his own to direct his *will*, he is not to have any *will* of his own to follow. Whoever *understands for him*, must *will for him* too; he must prescribe to his will, and regulate his actions. But when he comes to the estate that made his *father a free man*, the son is a *free man* too.

§. 59. This holds in all the laws a man is under, whether natural or civil. Is a man under the law of nature? *What made him free* of that law? What gave him a free disposing of his property, according to his own will, within the compass of that law? I answer, a state of maturity in which he might be supposed capable to know that law, so that 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 he comes to have it. Till then, somebody else must guide him, who is presumed to know how far the law allows a liberty. If such a state of reason, such an age of discretion *made him free*, then the same shall make his son free too. Is a man under the law of England? *What made him free* of that law? that is, to have the liberty to dispose of his actions and possessions according to his own will, within the permission of that law? A capacity of knowing that law — which is supposed by that law, to be at the age of twenty-one, and in some cases sooner. If this *made the father free*, it shall make the son *free* too. Till then, we see the law allows the son to have no will, but he is to be guided by the will of his father or guardian, who is to understand for him. And if the father dies, and fails to substitute a deputy in his trust; if he has not provided a tutor to govern his son during his minority, during his want of understanding, the law takes care to do it — some other must govern him, and be a will to him, till he has *attained to a state of freedom*, and his understanding is fit to take the government of his will. But after that, the father and son are equally *free* as much as pupil and tutor after nonage. They are equally subjects of the same law together, without any dominion left in the father over the life, liberty, or estate of his son, whether they are only in the state and under the law of nature, or under the positive laws of an established government.

§. 60. But if, through defects that may happen out of the ordinary course of nature, anyone does not come to such a degree of reason in which he might be supposed capable of knowing the law, and so living within the rules of it, he is *never capable of being a free man*. He is never let loose to the disposure of his own will (because he knows no bounds to it, and does not have understanding, its proper guide), but continues under the tuition and government

⁴⁶ *Nonage*: under-age children.

of others, all the time his own understanding is incapable of that charge. And so *lunatics* and *idiots* ⁴⁷ are never set free from the government of their parents. *Children who have not yet come to those years at which they may have right reason to guide themselves; innocents who are excluded by a natural defect from ever having it; thirdly, madmen, who for the present cannot possibly have the use of right reason to guide themselves — these all have for their guide, the reason that guides other men who are tutors over them, to seek and procure their good for them,* says Hooker, Eccl. Pol. lib. i. sect. 7. All of this seems no more than that duty which God and nature has laid on man, as well as other creatures, to preserve their offspring, till they can be able to shift for themselves; and it will scarcely amount to an instance or proof of parents' regal authority.

§. 61. Thus we are *born free*, as we are *born rational*; not that we actually have the exercise of either. Age, that brings one, brings with it the other too. And thus we see how *natural freedom and subjection* to parents may consist together, and are both founded on the same principle. A *child* is *free* by his father's title, by his father's understanding, which is to govern him till he has it of his own. The *freedom of a man at years of discretion*, and the *subjection of a child to his parents* while still short of that age, are so consistent, and so distinguishable, that the most blinded contenders for monarchy, *by right of fatherhood*, cannot miss this difference; the most obstinate cannot but allow their consistency. For if their doctrine were all true, if the rightful heir of Adam were now known, and by that title settled a monarch in his throne, invested with all the absolute unlimited power that Sir Robert Filmer talks of; if he were to die as soon as his heir were born — must not the *child*, notwithstanding he was ever so free, ever so much sovereign, be in subjection to his mother and nurse, to tutors and governors, till age and education brought him reason and the ability to govern himself and others? The necessities of his life, the health of his body, and the information of his mind, would require him to be directed by the will of others, and not by his own. And yet will anyone think that this restraint and subjection were inconsistent with, or spoiled him of that liberty or sovereignty he had a right to, or gave away his empire to those who had the government of his nonage? This government over him only prepared him the better and sooner for it. If anybody should ask me, when my son is *of age to be free*? I will answer, just when his monarch is of the age to govern. *But at what time*, asks the judicious Hooker, Eccl. Pol. 1. i. sect. G. *a man may be said to have attained so far the use of reason, as suffices to make him capable of those laws whereby he is then bound to guide his actions: this is a great deal easier for sense to discern, than for anyone to determine by skill and learning.*

§. 62. Commonwealths themselves take notice of, and allow, that there is a *time when men are to begin to act like free men*, and therefore till that time they do not require oaths of fealty, or allegiance, or other public owning of, or submission to the government of their countries.

§. 63. The *freedom*, then, of man, and the 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 allowing him the privilege of his nature to be free, but is to thrust him out among brutes, and abandon him to

⁴⁷ *Idiot*: technically, someone with the mental capacity of a three-year-old.

a state as wretched, and as much beneath that of a man, as theirs. This is that which puts the *authority into the parents hands* to govern the minority of their children. God has made it their business to employ this care on their offspring, and He has placed in them suitable inclinations of tenderness and concern to temper this power, and to apply it, as His wisdom designed it, to the children's good, as long as they should need to be under it.

§. 64. But what reason can hence advance this care of the *parents* due to their offspring into an *absolute arbitrary dominion of the father*, whose power reaches no farther than by such a discipline as he finds most effectual to give such strength and health to their bodies, and such vigour and rectitude to their minds, as may best fit his children to be most useful to themselves and others; and if it is necessary to his condition, to make them work for their own subsistence when they are able. But in this power, the *mother* too has her share with the *father*.

§. 65. No indeed, this *power* so little belongs to the *father* by any peculiar right of nature, but only as he is guardian of his children, that when he quits his care of them, he loses his power over them — which goes along with their nourishment and education to which it is inseparably annexed. And it belongs as much to the *foster-father* of an exposed child, as to the natural father of another. So little power does the bare *act of begetting* give a man over his issue if all his care ends there; and this is all the title he has to the name and authority of a father. And what will become of this *paternal power* in that part of the world where one woman has more than one husband at a time? Or in those parts of America where, when the husband and wife part, which happens frequently, the children are all left to the mother, and follow her, and are wholly under her care and provision? If the father dies while the children are young, do they not naturally everywhere owe the same obedience to their *mother* during their minority, as to their father if he were alive? And will anyone say that the mother has a legislative power over her children? Or that she can make standing rules which will be of perpetual obligation, by which they ought to regulate all the concerns of their property, and bound their liberty the entire course of their lives? Or can she enforce the observation of them with capital punishments? For this is the proper *power of the magistrate*, of which the father does not have so much as the shadow. His command over his children is but temporary, and it does not reach to their life or property. It is but a help to the weakness and imperfection of their nonage, a discipline necessary to their education. And though a *father* may dispose of his own possessions as he pleases when his children are out of danger of perishing for want, yet his *power* does not extend to the lives or goods which either their own industry or another's bounty has made theirs; nor to their liberty once they have arrived at the enfranchisement of the years of discretion. The *father's empire* then ceases, and from then forwards he can no more dispose of the liberty of his son, than that of any other man. And it must be far from an absolute or perpetual jurisdiction from which a man may withdraw himself, having licence from divine authority to *leave father and mother, and cling to his wife*.

§. 66. But though there is a time when a *child* comes to be as *free* from subjection to the will and command of his father, as the father himself is free from subjection to the will of anybody else, and they are each under no other restraint than that which is common to them both, whether it is the law of nature, or the municipal law of their country. Yet this freedom does not exempt a son from that *honour* which he should, by the law of God and nature, *pay his*

parents. God has made the parents instruments in his great design of continuing the race of mankind, and the occasions of life to their children. As he has laid on them an obligation to nourish, preserve, and bring up their offspring, so he has laid on the children a perpetual obligation of *honouring their parents*. Containing in it an inward esteem and reverence to be shown by all outward expressions, it ties up the child from anything that may ever injure or affront, disturb or endanger, the happiness or life of those from whom he received his; and it engages him in all actions of defence, 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 of their lives or liberties as they please. It is one thing to owe honour, respect, gratitude, and assistance; and another to require an absolute obedience and submission. *The honour due to parents*, a monarch on his throne owes to his mother; and yet this does not lessen his authority, nor subject him to her government.

§. 67. The subjection of a minor places in the father a temporary government, which terminates with the minority of the child. And the *honour 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 in his education, has been more or less. This does not end with minority, but holds in all parts and conditions of a man's life. The want of distinguishing these two powers, *viz.* that which the father has in the right of *tuition* during minority, and the right of *honour* all his life, may perhaps have caused a great part of the mistakes about this matter. For to speak properly of them, the first of these is the privilege of children, and duty of parents, rather than any prerogative of paternal power. The nourishment and education of their children is a charge so incumbent on parents for their children's good, that nothing can absolve them from taking care of it. And though the *power of commanding and chastising* them go along with it, yet God has woven into the principles of human nature such a tenderness for their offspring, that there is little fear that parents might use their power with too much rigour — the excess is seldom on the severe side, the strong bias of nature drawing the other way. And therefore God Almighty, when he would express his gentle dealing with the Israelites, he tells them that though he chastened them, *he chastens them as a man chastens his son*, Deu 8.5, *i.e.* with tenderness and affection. And he kept them under no severer discipline than what was absolutely best for them, and would been less kindness to have slackened. This is that power to which *children* are commanded to be *obedient*, so that the pains and care of their parents may not be increased, or ill-rewarded.

§. 68. On the other side, *honour* 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 parent's advantage, just as the other is for the child's; though education, the parent's duty, seems to have the most power, because the ignorance and infirmities of childhood stand in need of restraint and correction; which is a visible exercise of rule, and a kind of dominion. And that duty which is comprehended in the word *honour* requires less obedience, though the obligation is stronger on grown children than younger ones. For who can think the command, *Children obey your parents*, requires in a man who has children of his own, the same submission to his father, that it does in his still young children to himself; and that by this precept he would be bound to obey all his

lather's commands if, out of a conceit of authority, he should have the indiscretion to still treat him as a boy?

§. 69. The first part, then, of *paternal power*, or rather duty (which is *education*), so belongs to the father, that it terminates at a certain season. When the business of education is over, it ceases of itself, and is also alienable beforehand. For a man may put the tuition of his son in other hands; and whoever has made his son an *apprentice* to another has discharged him, during that time, of a great part of his obedience both to himself and to his mother. But all the *duty of honour*, the other part, nevertheless remains entire to them; nothing can cancel that. It is so inseparable from them both, that the father's authority cannot dispossess the mother of this right, nor can any man discharge his son from honouring her that bore him. But both these are 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 nonage. And though after that, *honour* and respect, support and defence, and whatever gratitude can oblige a man for the highest benefits he is naturally capable of, are always due from a son to his parents. Yet all this puts no sceptre 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's will in all things. However, it may become his son in many things, not very inconvenient to himself and his family, to pay a deference to it.

§. 70. A man may owe *honour* and respect to an ancient, or wise man; defence to his child or friend; relief and support to the distressed; and gratitude to a benefactor — to such a degree that all he has, all he can do, cannot sufficiently pay it. But all these give no authority, no right to anyone, to make laws over him from whom these are owed. And it is plain that all this is due not only to the bare title of father, not only because, as has been said, it is owing to the mother too; but because these obligations to parents, and the degrees of what is required of children, may be varied by the different care and kindness, trouble and expence, which is often employed upon one child more than another.

§. 71. This shows the reason how it comes to pass that *parents in societies*, where they themselves are subjects, retain a *power over their children*, and have as much right to their children's subjection, as those who are in a state of nature. This could not possibly be, if all political power were only paternal, and that in truth they were one and the same thing. For then, all paternal power being in the prince, the subject could naturally have none of it. But these two *powers*, *political* and *paternal*, are so perfectly distinct and separate — they are built upon such different foundations, and given to such different ends — that every subject who is a father, has as much a paternal power over his children, as the prince has over his own. And every prince who has parents, owes them as much filial duty and obedience as the meanest of his subjects do their own; and therefore [paternal power] cannot contain any part or degree of that kind of dominion which a prince or magistrate has over his subjects.

§. 72. Though the obligation on the parents to *bring up* their children, and the obligation on children to *honour* their parents, contains all the power on the one hand, and submission on the other, which are proper to this relation, yet there is *another power* ordinarily *in the father*, by which he has a tie on the obedience of his children. Though it is common to him with other men, yet the occasions of showing it almost constantly happening to fathers in their private families, and the instances of it elsewhere being rare and less taken notice of, it passes in the

world for a part of *paternal jurisdiction*. And this is the power men generally have to *bestow their estates* on those who please them best. The possession of the father is the expectation and inheritance of the children, ordinarily in certain proportions, according to the law and custom of each country. Yet it is commonly in the father's power to bestow it with a more sparing or else liberal hand, according as the behaviour of this or that child has comported with the father's will and humour.

§. 73. This is no small tie on the obedience of children. And there always being annexed to the enjoyment of land, a submission to the government of the country of which that land is a part, it has been commonly supposed that a *father* could *oblige his posterity to that government* of which he himself was a subject, and that his compact held them. Whereas, it being only a necessary condition annexed to the land, and the inheritance of an estate which is under that government, it reaches only to those who will take it upon that condition; and so it is no natural tie or engagement, but a voluntary submission. For *every man's children* being by nature as *free* as himself, or as free as any of his ancestors ever were, may, while they are in that freedom, choose whatever society they will join themselves to, whatever commonwealth they will put themselves under. But if they would 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. By this power, fathers indeed oblige their children to obedience to themselves, even when they are past minority, and most commonly to subject them to this or that political power. But neither of these is by any peculiar right of *fatherhood*, but by the reward they have in their hands to enforce and recompence such a compliance. And it is no more power than what a Frenchman has over an Englishman, who by the hopes of an estate he will leave him, will certainly have a strong tie on his obedience. And if he would enjoy it when it is left to him, he must certainly take it upon the conditions annexed to the possession of land in that country where it lies, whether it be France or England.

§. 74. To conclude then, though the *father's power* of commanding extends no further than the minority of his children, and to a degree only fit for the discipline and government of that age; and though that *honour* and *respect*, and all that which the Latins called *piety*, which they indispensably owe to their parents all their lifetime, and in all estates, with all that support and defence that is due to them, gives the father no power of governing, *i.e.* of making laws and enacting penalties on his children; though by all this, he has no dominion over the property or actions of his son. Yet it is obvious to conceive how easy it was — in the first ages of the world, and in places still, where the thinness of people gives families leave to separate into unpossessed quarters, and they have room to remove or plant themselves in still vacant habitations — for the *father of the family* to become the prince of it;⁴⁸ for he had been a ruler

⁴⁸ "It is no improbable opinion therefore, which the arch-philosopher was of, that the chief person in every household was always, as it were, a king. So when numbers of households joined themselves in civil societies together, kings were the first kind of governors among them, which is also, as it seems, the reason why the name of *fathers* still continued in those who, of fathers, were made rulers. This the ancient custom of governors also do, such as Melchizedek. And being kings, to exercise the office of priests (which fathers did at the first), perhaps grew by the same occasion. Yet, this is not the only kind of regiment that has been received in the world. The inconveniences of one kind have caused sundry others to be devised. So that, in a word, all public regiment, of whatever kind, seems evidently to have risen from the deliberate advice, consultation, and composition between men, judging it convenient and beneficial. There was no

from the beginning of the infancy of his children. And since, without some government, it would be hard for them to live together, it was likeliest that [this rule] should be in the father, by the express or tacit consent of the children when they were grown up, where it seemed to continue with barely any change. When indeed, nothing more was required for it than permitting the *father* to exercise alone, in his family, that executive power of the law of nature, which every free man naturally has; and by that permission, resigning to him a monarchical power while they remained in it. But that this was not by any *paternal right*, but was only by the consent of his children, is evident from this: nobody doubts that if a stranger, whom chance or business had brought to his family, had killed any of his children there, or committed any other act, [the father] might condemn and put him to death, or otherwise have punished him, as well as any of his children. It was impossible that he should do this by virtue of any paternal authority over someone who was *not* his child, but only by virtue of that *executive power of the law of nature*, which as a man he had a right to. And he alone could punish the stranger in his family, where the respect of his children had laid aside the exercise of such a power, to give way to the dignity and authority that they were willing should remain in [the father], above the rest of his family.

§. 75. Thus it was easy, and almost natural for children, by a tacit and scarcely avoidable consent, to make way for the *father's authority and government*. They had been accustomed in their childhood to follow his direction, and to refer their little differences to him. And when they were men, who was fitter to rule them? Their little properties, and less covetousness, seldom afforded greater controversies; and when any should arise, where could they have a fitter umpire than he, by whose care every one of them had been sustained and brought up, and who had a tenderness for them all? It is no wonder that they made no distinction between minority and full age; nor looked after twenty-one, or any other age that might make them the free disposers of themselves and fortunes, when they could have no desire to be out of their pupilage. The government they had been under during it, still continued to be more their protection than restraint; and they could nowhere find a greater security for their peace, liberties, and fortunes, than in the rule of a father.

§. 76. Thus the natural *fathers of families*, by an insensible change, became their *political monarchs* too. And as they chanced to live long, and to leave able and worthy heirs for several successions, or otherwise, so they laid the foundations of hereditary, or elective kingdoms, under several constitutions and manners, according to how chance, contrivance, or occasions happened to mould them. But if princes have their titles in their father's right, and it is a sufficient proof of the natural *right of fathers* to political authority because they commonly were those in whose hands we find, *de facto*, the exercise of government. I say, if this argument is good, it will just as strongly prove that all princes, no indeed, princes only, ought to be priests, since it is as certain that in the beginning, *the father of the family was priest, as that he was ruler in his own household*.

impossibility in nature, considered by itself, but that man might have lived without any public regiment." — *Hooker's Eccl. P. lib. i. Sect. 10.*

CHAPTER 7. Of Political or Civil Society.

§. 77. God having made man such a creature that, in His own judgement, it was not good for him to be alone, put him under strong obligations of necessity, convenience, and inclination, to drive him into society, as well as fitted him with understanding and language to continue and enjoy it. The *first society* was between man and wife, which gave beginning to that society between parents and children — to which, in time, that society between master and servant came to be added. And though all these might, and commonly did meet together, and make up but one family in which the master or mistress of it had some sort of rule proper to a family, each of these, or all together, came short of *political society*, as we shall see if we consider the different ends, ties, and bounds of each of these.

§. 78. *Conjugal society* is made by a voluntary compact between man and woman. And though it consists chiefly in such a communion and right in one another's bodies as is necessary to its chief end, procreation, yet it draws with it mutual support and assistance, and a communion of interests, too, as necessary not only to unite their care and affection, but also necessary to their common offspring, who have a right to be nourished and maintained by them till they are able to provide for themselves.

§. 79. For the end of *conjunction between male and female*, being not barely procreation, but the continuation of the species, this conjunction between male and female ought to last even after procreation, so long as is necessary for the nourishment and support of the young ones, who are to be sustained by those who begot them, till they are able to shift and provide for themselves. This rule, which the infinite wise maker has set to the works of his hands, we find the inferior creatures steadily obey. In those viviparous ⁴⁹ animals which feed on grass, the *conjunction between male and female* lasts no longer than the very act of copulation. This is because the teat of the dam (female parent) being sufficient to nourish the young till it is able to feed on grass, the male only begets, and does not concern himself for the female or young, to whose sustenance he can contribute nothing. But in beasts of prey, the *conjunction* lasts longer. Because the dam is not well able to subsist herself, and to nourish her numerous offspring by her own prey alone, it is a more laborious as well as more dangerous way of living than by feeding on grass. The assistance of the male is necessary to maintain their common family, which cannot subsist (till they are able to prey for themselves) except by the joint care of male and female. The same is to be observed in all birds (except some domestic ones, where plenty of food excuses the cock from feeding and taking care of the young brood) whose young need food in the nest. The cock and hen continue as mates till the young are able to use their wings and provide for themselves.

§. 80. And herein I think lies the chief, if not the only reason *why the male and female in mankind are tied to a longer conjunction than other creatures* — viz., because the female is capable of conceiving and *de facto*, is commonly with child again, and brings it forth to a new birth long before the former child is out of its dependency on the parents help for support, and able to shift for itself, and has all the assistance that is due him from his parents. Hereby the father, who is bound to take care of those he has begotten, is under an obligation to

⁴⁹ *viviparous*: producing living young, rather than eggs.

continue in conjugal society with the same woman longer than other creatures whose young are able to subsist by themselves before the time of procreation returns again. Their conjugal bond dissolves of itself, and they are at liberty till Hymen,⁵⁰ at his usual anniversary season, summons them again to choose new mates. In this one cannot but admire the wisdom of the great Creator, who having given to man foresight, and an ability to lay up for the future, as well as to supply the present necessity, has made it necessary that the *society of man and wife should be more lasting* than that of male and female among other creatures — so that their industry might be encouraged, and their interest better united, to make provision and lay up goods for their common issue, which uncertain mixture, or easy and frequent dissolutions of conjugal society would mightily disturb.

§. 81. But though these are ties upon mankind, which make the *conjugal bonds* firmer and more lasting in man than the other species of animals, it would give one reason to enquire why this [marriage] *compact*, where procreation and education are secured, and inheritance is taken care for, may not be made as determinable, either by consent, or for a certain time, or upon certain conditions, as any other voluntary compacts. For there is no necessity in the nature of the thing, nor to its ends, that it should always be for life — I mean, to those who are under no restraint of any positive law which ordains all such contracts to be perpetual.

§. 82. But the husband and wife, though they have but one common concern, yet with different understandings, they will unavoidably sometimes have different wills too. It therefore being necessary that the last determination (*i.e.*, the rule) should be placed somewhere, it naturally falls to the man's share, as the abler and the stronger.⁵¹ But this reaching only to the things of their common interest and property, leaves the wife in the full and free possession of what by contract is her peculiar right; and it gives the husband no more power over her life than she has over his. The *power of the husband* is so far from that of an absolute monarch, that in many cases the *wife* has a liberty to separate from him, where natural right or their contract allows it — whether that contract is made by themselves in the state of nature, or by the customs or laws of the country they live in. And the children upon such separation fall to the father or mother's lot, as such contract determines.

§. 83. For all the ends of *marriage* being obtained under political government, as well as in the state of nature, the civil magistrate does not abridge the right or power of either, as being naturally necessary to those ends, *viz.* procreation, and mutual support and assistance while they are together; but only decides any controversy that may arise between man and wife about them. If it were otherwise, and that absolute sovereignty and power of life and death naturally belonged to the husband, and were necessary to the society between man and wife, there could be no matrimony in any of those countries where the husband is allowed no such absolute authority. But the ends of matrimony requiring no such power in the husband, the condition of conjugal society does not put it in him, for it is not at all necessary to that state. Conjugal society could subsist and attain its ends without it. No indeed, community of goods,

⁵⁰ *Hymen*: (Gr. mythology) the god of marriage.

⁵¹ Or more likely his headship is the remediation ordained by God at the fall, because of Adam's passive care of Eve; he allowed her to be tempted by the serpent, without interceding to protect her. He would not rule then, and so he must rule now: "To the woman He said: 'I will greatly multiply your sorrow and your conception; In pain you shall bring forth children; Your desire shall be for your husband, And he shall rule over you.'" (Gen 3:16).

and the power over them, mutual assistance and maintenance, and other things that belong to conjugal society, might be varied and regulated by that contract which unites man and wife in that society, as far as it may consist with procreation and bringing up children till they could shift for themselves. Nothing is necessary to any society, that is not necessary to the ends for which it is made.

§. 84. The society between parents and children, and the distinct rights and powers belonging to them respectively, I have treated so largely in the foregoing chapter, that I will not need to say anything of it here. And I think it is plain, that it is far different from a political society.

§. 85. *Master* and *servant* are names as old as history, but given to those of a far different condition. For a freeman makes himself a servant to another, by selling him, for a certain time, the service he undertakes to do, in exchange for wages he is to receive. And though this commonly puts him into the family of his master, and under the ordinary discipline of it, yet it gives the master but a temporary power over him, and no greater than what is contained in the *contract* between them. But there is another sort of servants, which by a peculiar name we call *slaves*, who, being captives taken in a just war, are by the right of nature subjected to the absolute dominion and arbitrary power of their masters. These men having, as I say, forfeited their lives, and with it their liberties, and lost their estates, and being in the *state of slavery*, not capable of any property, cannot in that state be considered as any part of *civil society* — the chief end of which is the preservation of property.

§. 86. Let us therefore consider a *master of a family* with all these subordinate relations of *wife, children, servants, and slaves*, united under the domestic rule of a family. Whatever resemblance it may have in its order, offices, and number too, with a little commonwealth, it is yet very far from it, both in its constitution, power, and end. Or if it must be thought a monarchy, and the *paterfamilias* is the absolute monarch in it, absolute monarchy will have but a very shattered and short power, when it is plain by what has been said before, that the *master of the family* has a very distinct and differently limited *power*, both as to time and extent, over those several persons that are in it. For excepting the slave (and the family is as much a family, and his power as *paterfamilias* is as great, whether there are any slaves in his family or not) he has no legislative power of life and death over any of them, and none but what a *mistress of a family* may have as well as he. And he certainly can have no absolute power over the whole *family*, who has but a very limited one over every individual in it. But how a *family*, or any other society of men, differs from that which is properly *political society*, we shall best see by considering in what *political society* itself consists.

§. 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 or number of men in the world (as has been proved) — he has 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 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 act requires it, in his opinion. But because no *political society* can exist, nor subsist, without having in itself the power to preserve the property — and in order for this, to punish the offences of all those of that society — there, and there only is a *political society*. It is where every one of the members has quitted this natural power, resigned it up into the hands of the community in all cases

that do not exclude him 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 which are indifferent and the same to all parties. And by men having authority from the community, for the execution of those rules, the society decides all the differences that may happen between any members of that society concerning any matter of right. And it punishes those offences which any member has committed against the society, with such penalties as the law has established. By this, 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 to punish offenders, are in *civil society* with one another. But those who have no such common people, I mean on earth, are still in the state of nature — each being (where there is no other) judge for himself, and executioner. This is, as I have shown before, 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 among the members of that society (which is the *power of making laws*), as well as the power to punish any injury done to any of its members, by anyone who is not of it (which is the *power of war and peace*). And all this is for the preservation of the property of all the members of that society, as far as it is possible. 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*, in prosecution of his own private judgment. Yet along 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 a right to the commonwealth to employ his force for the execution of the judgments of the commonwealth, whenever he is called to it. These indeed are his own judgments, for they are made by himself, or his representative. And in this we have the origin 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 outside that society are to be vindicated — and in both these, to employ all the force of all the members, when there is need.

§. 89. Wherever, therefore, any number of men are so united into one society, that every one quits his executive power of the law of nature, and resigns 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 anyone joins himself to, and incorporates with, any government that is already made. For hereby he authorizes the society or (which is the same thing) its legislative, to make laws for him, as the public good of the society requires. For the execution of this, his own assistance (as to his own decrees) is due. And 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. This judge is the legislative, or the magistrates appointed by the legislative. And wherever there are any number of men, however associated, who have no such decisive power to *appeal* to, there they are still in *the state of nature*.

§. 90. Hence it is evident that *absolute monarchy*, which by some men is considered the only government in the world, is indeed *inconsistent with civil society*, and so it can be no form of civil government at all. For the *end of civil society* is to avoid, and to remedy, those inconveniences of the state of nature, which necessarily follow from every man's being judge in his own case. This is done by setting up a known authority to which every one of that society may appeal upon any injury received, or upon any controversy that may arise, and which every one of the society ⁵² ought to obey. Wherever there are any persons who do not have such an authority to appeal to, for the decision of any difference between them, those persons are still *in the state of nature*; and so is every *absolute prince*, in respect to those who are under his *dominion*.

§. 91. For an [absolute prince] being supposed to have all power in himself alone, both legislative and executive, there is no judge to be found (and no appeal lies open to anyone) who may fairly, and indifferently, and with authority decide, and from whose decision relief and redress may be expected for any injury or inconvenience that may be suffered from the prince, or by his order. So that such a man, however titled — *Czar, Grand Seigneur*, or however you please — is as much *in the state of nature*, with all under his dominion, as he is with the rest of mankind. For wherever there are any two men who have no standing rule, nor common judge to appeal to on earth, for the determination of controversies of right between them, they are still *in the state of nature*, ⁵³ and under all its inconveniences, with only this woeful difference to the subject (or rather *slave*) of an absolute prince: that whereas, in the ordinary state of nature, he has a liberty to judge of his right, and to maintain it according to the best of his power — now, whenever his property is invaded by the will and order of his monarch, he not only has no appeal (as those in society ought to have), but as if he were degraded from the common state of rational creatures, he is denied a liberty to judge or to defend his right. And so he is exposed to all the misery and inconveniences that a man can fear from one who, being in the unrestrained state of nature, is yet corrupted with flattery, and armed with power.

§. 92. For whoever thinks that *absolute power purifies men's blood*, and corrects the baseness of human nature, need but read the history of this or any other age, to be convinced of the contrary. Whoever would have been insolent and injurious in the woods of America, would probably not be much better on a throne; where perhaps learning and religion will be found to justify all that he will do to his subjects, and the sword will immediately silence all those

⁵² The public power of all society is above every soul contained in the same society; and the principal use of that power is to give laws to all who are under it, which laws in such cases we must obey, unless there is reason shown which may necessarily enforce, that the law of reason, or of God, enjoins the contrary, *Hookers. Eccl. Pol. I. i. sect. 10.*

⁵³ To take away all such mutual grievances, injuries and wrongs, *i.e.* such as attend men in the state of nature, there was no way but only by growing into composition and agreement among themselves, by ordaining some kind of public government, and by yielding themselves subject to it, that to whomever they granted authority to rule and govern, the peace, tranquillity, and happy estate of the rest might be procured by them. Men always knew that where force and injury were offered, they might be defenders of themselves; they knew that however men may seek their own commodity, yet if this were done with injury to others, it was not to be suffered, but to be withstood by all men, and all good means. Finally, they knew that no man might in reason take; it upon himself to determine his own right, and according to his own determination proceed in maintenance of it, in as much as every man is partial towards himself, and those whom he greatly affects; and therefore strifes and troubles would be endless, unless they gave their common consent, all to be ordered by some whom they should agree upon, without which consent there would be no reason that one man should take it upon himself to be lord or judge over an other, *Hooker's Eccl. Pol. I. i. sect. 10.*

who dare question it. For whatever the *protection* is of *absolute monarchy*, whatever kind of fathers of their countries it makes princes to be, and to whatever degree of happiness and security it carries civil society where this sort of government has grown to perfection, whoever looks into the recent reports out of Ceylon, may easily see. ⁵⁴

§. 93. In absolute monarchies indeed, as well as other governments of the world, the subjects have an appeal to the law, and judges to decide any controversies and restrain any violence that may happen between the subjects themselves, one among another. This everyone thinks is necessary, and they believe anyone who would go about to take it away deserves to be thought of as a declared enemy to society and mankind. But there is reason to doubt whether this is from a true love of mankind and society, and such a charity as we all owe to one another. For this is no more than what every man who loves his own power, profit, or greatness may, and naturally must do, to keep those animals from hurting or destroying one another, who labour and drudge only for his pleasure and advantage. And so they are taken care of, not out of any love the master has for them, but love of himself, and the profit they bring him. For if it is asked, what security, *what fence* is there in such a state, *against the violence and oppression of this absolute ruler?* the very question can scarcely be borne. They are ready to tell you that it deserves death merely to ask about safety. Between subject and subject, they will grant that there must be measures, laws and judges, for their mutual peace and security. But as for the *ruler*, he ought to be *absolute*, and he is above all such circumstances — because he has power to do more hurt and wrong, it is 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 immediately 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 laws, but that the one should still retain all the liberty of the state of nature, increased with power, and made licentious by impunity. This is to think that men are so foolish, that they take care to avoid what mischiefs may be done to them by *pole-cats* or *foxes*, but are content — no, they think it is safety — to be devoured by *lions*.

§. 94. But whatever flatterers may talk to amuse people's understandings, it does not hinder men from feeling; and when they perceive that any man, in whatever station, is out of the bounds of the civil society which they are part of, and that they have no appeal on earth against any harm that they may receive from him, they are apt to think themselves in the state of nature in respect to him whom they find to be so — and to take care, as soon as they can, to have that *safety and security in civil society*, for which it was first instituted, and for which alone they entered into it. And therefore, though perhaps at first (as will be shown more at large later in the following part of this discourse) some one good and excellent man having gotten a pre-eminency among the rest, had this deference paid to his goodness and virtue, as to a kind of natural authority, that the chief rule, with arbitration of their differences, devolved

⁵⁴ In the spring of 1638, representatives of the Dutch East India Company sat across from King Rajasinghe II of Kandy in the highlands of Ceylon, negotiating an alliance that would reshape the island's destiny. The Dutch promised military assistance to expel the Portuguese colonizers who had dominated the coast for over a century. In exchange, they sought a monopoly on Ceylon's precious cinnamon, and reimbursement for military expenses. On May 23, 1638, the Kandyan Treaty was signed. What began as a partnership against a common enemy would evolve into 140 years of Dutch colonial dominance—an era that would leave an indelible mark on Sri Lanka's legal system, economy, architecture, and culture that endures to this day. <https://ceylonhistory.com/en/stories/dutch-colonial-period/>

into his by a tacit consent, without any other caution but the assurance they had of his uprightness and wisdom. Yet when time, giving authority, and (as some men would persuade us) sacredness of customs — which the negligent and unforeseeing innocence of the first ages began — had brought in successors of another stamp, the people finding their properties were not as secure under the government, as it was then (whereas government has no other end but the preservation of property) could never be safe nor at rest, *nor think themselves in a civil society*, till the legislature was placed in collective bodies of men — call them *senate*, *parliament*, or whatever you please. By this means, every single person became subject (equally with other of the meanest men) to those laws which he himself had established, as part of the legislative. Nor could anyone, by his own authority, avoid the force of the law once it was made; nor plead exemption by any pretence of superiority, thereby licensing his own miscarriages, or those of any of his dependents. *No man in civil society can be exempted from its laws.* ⁵⁵ For if any man may do whatever he thinks fit, and there is no appeal on earth for redress or security against any harm he will do, then I ask whether he is not perfectly still in the state of nature, and so he cannot be any part or member of that civil society — unless anyone would say that the state of nature and civil society are one and the same thing, which I have never yet found anyone so great a patron of anarchy as to affirm that.

CHAPTER 8. Of the Beginning of Political Societies.

§. 95. Men being by nature, all free, equal, and independent, as has been said, no one can be put out of this estate and subjected to the political power of another, without his own consent. The only way by which anyone 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 among one another, in a secure enjoyment of their properties, and a greater security against any who are not part of it. This any number of men may do, because it does not injure 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 immediately incorporated, and make *one body politic*, in which the *majority* have a right to act and conclude for the rest. ⁵⁶

§. 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 for any community, being only the consent of the individuals of that community. And it being necessary to that which is one body, to move one way, it is necessary that the body should move the way to which the greater force carries it — which is the *consent of the majority*. Or else it is impossible that it should act or continue as one body, *one community*, which the consent of every individual that is united to it, agreed that it should. And so everyone is bound by that consent to be concluded by the *majority*. And therefore we see that in assemblies, empowered to act by positive laws, where no required number is set by that positive law which

⁵⁵ Civil law being the act of the whole body politic, therefore over-rules each several part of the same body. *Hooker's Eccl. Pol. I. i. sect. 10.*

⁵⁶ *Conclude*: here it means to bring something to a formal or final agreement on behalf of everyone in that society.

empowers them, the *act of the majority* passes for the act of the whole. And of course, it 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* by which he with others incorporates into *one society*, would signify nothing. It would be no compact if he is 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 would there be if he were no further tied by any decrees of the society, than he himself thought fit, and actually consented to? This would still be as great a liberty as he himself had before his compact, or anyone else in the state of nature has, who may submit himself and consent to any acts of it, if he thinks fit.

§. 98. For if the *consent of the majority* is not, in reason, received as *the act of the whole*, and does not conclude every individual, then nothing but the consent of every individual can make anything to be the act of the whole. But such a consent is next to impossible to ever be had if we consider the infirmities of health, and avocations of business, which in number, though much less than that of a commonwealth, will necessarily keep many away from the public assembly. If we add to this the variety of opinions, and contrariety of interests, which unavoidably happen in all collections of men coming into society upon such terms, would be like Cato's coming into the theatre, only to go out again. Such a constitution as this would make the mighty *Leviathan* ⁵⁷ of a shorter duration than the feeblest creatures, and not let it outlast the day it was born in. This 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, they cannot act as one body, and consequently it will be immediately dissolved again.

§. 99. Whoever therefore, out of a state of nature, unite into a *community*, must be understood to give up to the *majority* of the community all the power necessary to the ends for which they unite into society, 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 who 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 which, and only that which, did or could give a 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 independent men, and equal to one another, who met together and began to set up a government in this way.*

Secondly, *It is impossible of right, that men should do so, because all men being born under government, they are to submit to it, and are not at liberty to begin a new one.*

⁵⁷ *Leviathan*: symbol of the government beast, from Thomas Hobbes' 1651 book on Social Contract theory.

§. 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 who 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, than 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 do not hear 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 everywhere antecedent to records, and letters seldom come in among 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 *origin*, 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 *origin*, they are beholden 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 does not at all favour paternal dominion — are all either plain instances of such a beginning as I have mentioned, or at least have manifest footsteps of it.

§. 102. The man must show a strange inclination to deny evident matter of fact when it does not agree with his hypothesis, who will not allow that the beginning of Rome and Venice were by the uniting together of several men, free and independent one of another, among whom there was no natural superiority or subjection. And if Josephus Acosta's ⁵⁸ word may be accepted, he tells us that in many parts of America there was no government at all. *There are great and apparent conjectures*, he says, *that these men (speaking of those of Peru) for a long time had neither kings nor commonwealths, but lived in troops, as they do to this day in Florida, the Cheriquanas,*⁵⁹ *those of Brazil, and many other nations, which have no certain kings, but as occasion is offered, in peace or war, they choose their captains as they please*, l.i. c. 25. If it is said that every man there was born subject to his father, or the head of his family, it has been already proved that the subjection due from a child to a father did not take away his freedom of uniting into whatever political society he thought fit. But be that as it will, it is evident that these men were actually *free*. And whatever superiority some politicians now would place in any of them, they themselves did not claim it; but by consent they were all *equal*, till by the same consent they set rulers over themselves. So that their *political societies all began* from a voluntary union, and the mutual agreement of men freely acting in the choice of their governors and forms of government.

⁵⁸ José de Acosta was a Spanish Jesuit missionary and naturalist known for his influential work, *Historia natural y moral de las Indias*, published in 1590, which provided one of the earliest comprehensive surveys of the New World and its cultures. His writings significantly contributed to the understanding of indigenous peoples and the natural history of the Americas during the Spanish colonial period.

⁵⁹ The Ava Guaraní are an Indigenous people formerly known as Chiriguano or Chiriguano Indians who speak the Ava Guaraní and Eastern Bolivian Guaraní languages. Noted for their warlike character, the Chiriguano retained their lands in the Andes foothills of southeastern Bolivia from the 16th to the 19th centuries by fending off, first, the Inca Empire, later, the Spanish Empire, and, still later, independent Bolivia.

§. 103. And I hope those who went away from Sparta with Palantus,⁶⁰ mentioned by Justin, 1. iii. c. 4. will be admitted to have been *freemen independent* one of another, and to have set up a government over themselves by their own consent. Thus I have given several examples out of history, of *people free and in the state of nature*, that meeting together incorporated and *began a commonwealth*. And if the lack of such instances is an argument to prove that *government* was not, and could not so *begin*, I suppose the contenders for paternal empire would do better to let it alone, than urge it against natural liberty. For if they can give so many instances out of history, of *governments* begun upon paternal right, I think (though at best an argument from what has been, to what of right should be, has no great force) one might, without any great danger yield them the cause. But if I might advise them in the case, they would do well not to search too much into the *origin of governments*, as they have begun *de facto*, lest they should find at the foundation of most of them, something very little favourable to the design they promote, and such a power as they contend for.

§. 104. But to conclude, 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* — there can be little room for doubt, either where the right is, or what has been the opinion or practice of mankind about the *first erecting of governments*.

§. 105. I will not deny that if we look back as far as history will direct us, towards the *origin of commonwealths*, we will generally find them under the government and administration of one man. And I am also apt to believe that where a family was numerous enough to subsist by itself, and continued entire together, without mixing with others — as it often happens where there is much land and few people — the government commonly began in the father. For the father having by the law of nature, the same power with every other man, to punish as he thought fit, any offences against that law, he might thereby punish his transgressing children, even when they were men, and out of their pupillage. And they were very likely to submit to his punishment, and all join with him against the offender, in their turns. Thereby they gave him power to execute his sentence against any transgression, and so in effect to make him the law-maker and governor over all that remained in conjunction with his family. He was fittest to be trusted. Paternal affection secured their property and interest under his care; and the custom of obeying him in their childhood, made it easier to submit to him rather than to any other. If therefore they must have one to rule them (as government is hardly to be avoided among men who live together), who is so likely to be the man, as the one who was their common father — unless negligence, cruelty, or any other defect of mind or body made him unfit for it? But when either the father died and left his next heir less fit to rule, for want of age, wisdom, courage, or any other qualities — or where several families met and consented to continue together — it is not to be doubted that they used their natural freedom to set up the one whom they judged the ablest and most likely to rule well over them. Conformable to this, we find the people of America, who (living out of the reach of the conquering swords, and spreading domination of the two great empires of Peru and Mexico) enjoyed their own natural freedom, though *caeteris paribus* (other things being equal), they commonly prefer

⁶⁰ *Palantus*: the mythical leader of the Partheniae, who founded the city of Taras.

the heir of their deceased king. Yet if they find him in any way weak or incapable, they pass him by, and set up the stoutest and bravest man for their ruler.

§. 106. Thus, though 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 person's hand. Yet that does not destroy what I affirm, *viz.* that the *beginning of political society* depends upon the consent of the individuals to join into, and to make one society. When they are thus incorporated, they might set up whatever form of government they think fit. But this having given men occasion to mistakenly think that government was monarchical by nature, and belonged to the father, it may not be amiss here to consider why people in the beginning generally pitched upon this form. Perhaps the father's pre-eminence in the first institution of some commonwealths gave rise to, and in the beginning, placed the power in one hand. Yet it is plain that the reason the form of *government* continued *in a single person*, was not from any regard or respect to paternal authority — since all petty *monarchies* (that is, almost all monarchies) near their origin, have commonly, or at least on occasion, been *elective*.

§. 107. First then, in the beginning of things, the father's government of the childhood of those who 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 for 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 all been accustomed to; and which, by experience, they had found both easy and safe. To this, if we add that *monarchy* being simple and most obvious to men whom experience had not instructed in forms of government, and the ambition or insolence of empire had not taught them to beware of the encroachments of prerogative, or the inconveniences of absolute power — things which monarchy in succession was apt to lay claim to and bring upon them — it was not at all strange that they should not much trouble themselves to think of methods of restraining any exorbitances of those to whom they had given the authority over them, and of balancing the power of government by placing several parts of it in different hands. They had not felt the oppression of tyrannical dominion, nor did the fashion of the age, nor their possessions or way of living (which afforded little matter for covetousness or ambition) give them any reason to apprehend or provide against it. And therefore it is no wonder they put themselves into such a *frame of government* as was not only, as I said, most obvious and simple, but also best suited to their present state and condition — which stood more in need of defence against foreign invasions and injuries, than a multiplicity of laws. The equality of a simple poor way of living confined their desires within the narrow bounds of each man's small property, making few controversies. And so there was no need for many laws to decide them, nor a variety of officers to superintend the process or look after the execution of justice, where there were but few trespasses, and few offenders. Since, then, those who liked one another so well as to join into society, can only be supposed to have some acquaintance and friendship together, and some trust in one another, they could not help having greater apprehensions of others, than of one another. And therefore their first care and thought can only be supposed to 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 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 is their *ruler*.

§. 108. Thus we see that the *kings* of the Indians in America are little more than *generals of their armies*. This is still a pattern of the first ages in Asia and Europe, while the inhabitants were too few for the country, and the want of people and money gave men no temptation to enlarge their possessions of land, or to contest for a wider extent of ground. And though these kings command absolutely in war, yet at home and in time of peace, they exercise very little dominion, and have but a very moderate sovereignty. The resolutions of peace and war were ordinarily either in the people, or in a council. But the war itself, which does not allow for a plurality of governors, naturally devolves the command into the king's sole authority.

§. 109. And thus in Israel itself, *the chief business of their judges and first kings* seems to have been *to be captains in war*, and leaders of their armies; which (besides what is signified by *going out and in before the people*, which was to march forth to war, and home again in the heads of their forces) appears plainly in the story of Jephthah. The Ammonites making war upon Israel, the Gileadites in fear send to Jephthah, a bastard of their family whom they had cast off, and article with him, if he will assist them against the Ammonites, to make him their ruler; which they do in these words, *And the people made him head and captain over them*, Jdg 11.11. which was, as it seems, the same as being a judge. *And he judged Israel*, Jdg 12.7. that is, was their captain-general *six years*. So when Jotham upbraids the Shechemites with the obligation they had to Gideon, who had been their *judge* and ruler, he tells them, *He fought for you, and adventured his life for you, and delivered you out of the hands of Midian*, Jdg 9.17. Nothing is mentioned of him, but what he did as a *general*: and indeed that is all is found in his history, or in any of the rest of the judges. And Abimelech particularly is called *king*, though at most he was but their *general*. And when, being weary of the ill conduct of Samuels sons, the children of Israel desired a *king, like all the nations to judge them, and to go out before them, and to fight their battles*, 1Sam 8.20. God granting their desire, says to Samuel, *I will send you a man, and you shall anoint him to be captain over my people Israel, that he may save my people out of the hands of the Philistines*, 9.16. As if the only *business of a king* had been to lead out their armies, and fight in their defence. And accordingly at his inauguration, pouring a vial of oil upon him, declares to Saul, that *the Lord had anointed him to be captain over his inheritance*, 10.1. And therefore those who, after Saul's being solemnly chosen and saluted *king* by the *tribes* at Mizpah, were unwilling to have him as their king, made no other objection but this: *How shall this man save us?* 10.27. It is as if they had said, this man is unfit to be our *king*, not having skill and conduct enough in war, to be able to defend us. And when God resolved to transfer the government to David, it is in these words: *But now your kingdom shall not continue: the Lord has sought himself a man after his own heart, and the Lord has commanded him to be captain over his people*, 13.14. It is as if the whole *kingly authority* were nothing else but to be their *general*. And therefore the *tribes* who had stuck to Saul's family, and opposed David's reign, when they came to Hebron with terms of submission to him, they tell him, among other arguments they had to submit to him as to their king, that he was in effect their *king* in Saul's time, and therefore they had no reason but to receive him as their *king* now. Also (they say) *in time past when Saul was king over us, you were the one who led out and brought in Israel, and the Lord said to you, You shall feed my people Israel, and you shall be a captain over Israel*.

§. 110. Thus, it may be that a family by degrees *grew up into a commonwealth*, and the fatherly authority being continued on to the elder son, every one in his turn grew up under it,

and tacitly submitted to it. And the easiness and equality of it not offending anyone, everyone acquiesced, till time seemed to have confirmed it, and settled a right of succession by prescription. Or it may be that several families, or the descendants of several families, whom chance, neighbourhood, or business brought together, united into society, when there was need of a general whose conduct might defend them against their enemies in war. And the great confidence that the innocence and sincerity of that poor but virtuous age gave men, one of another (as almost all those ages are which begin governments that ever come to last in the world), made the first beginners of commonwealths generally put the rule into one man's hand. This was without any other express limitation or restraint, except what the nature of the thing, and the end of government required. Whichever of those it was that at first put the rule into the hands of a single person, it is certain that nobody was entrusted with it except for the public good and safety. And to those ends, in the infancies of commonwealths, those who had the rule, commonly used it. And unless they had done so, young societies could not have subsisted. Without such nursing fathers, tender and careful of the public weal, all governments would have sunk under the weakness and infirmities of their infancy, and the prince and the people would soon have perished together.

§. 111. But the *golden age* had more virtue (before vain ambition, and *amor sceleratus habendi*, evil concupiscence, had corrupted men's minds into a mistake of true power and honour), and consequently had better governors, as well as less vicious ⁶¹ subjects. And there was then no stretching prerogative on the one side, to oppress the people; nor consequently on the other side, any dispute about privilege to lessen or restrain the power of the magistrate. And so there was no contest between rulers and people about governors or government. Yet, ambition and luxury in future ages ⁶² would retain and increase the power, without doing the business for which it was given. And aided by flattery, princes were taught to have distinct and separate interests from their people. Men then found it necessary to examine more carefully *the origin* and rights of *government*, and to discover ways to *restrain the exorbitances*, and to *prevent the abuses* of that power which they had entrusted to another's hands only for their own good — power which they found was made use of to hurt them.

§. 112. Thus we may see how probable it is, that people who were naturally free, and by their own consent either submitted to the government of their father, or united together out of different families to make a government, should generally *put the rule into one man's hands*, and choose to be under the conduct of a *single person*, without so much as limiting or regulating his power by express conditions — which they thought safe enough in his honesty and prudence. Though they never dreamed of monarchy being *Jure Divino* (by divine right), which we never heard of among mankind, till it was revealed to us by the divinity of this last age. Nor was paternal power ever allowed to have a right to dominion, or to be the foundation

⁶¹ *Vicious: vice-ridden.*

⁶² At first, when some certain kind of regiment was once approved, it may be that nothing was then further thought upon for the manner of governing, but all permitted to the wisdom and discretion of those who were to rule, till by experience they found this for all parts very inconvenient; so that the thing which they had devised for a remedy, did indeed but increase the sore which it should have cured. They saw that to live by one man's will, became the cause of all men's misery. This constrained them to come to laws in which all men might see their duty beforehand, and know the penalties of transgressing them. *Hooker's Eccl. Pol. I. i. sect. 10.*

of all government. And thus much may suffice to show that as far as we have any light from history, we have reason to conclude that all peaceful beginnings of *government* have been *laid in the consent of the people*. I say *peaceful*, because I will have occasion in another place to speak of conquest, which some esteem to be a way of beginning governments.

The other objection I find urged against the beginning of politics in the way that I have mentioned, is this, viz. —

§. 113. *That all men being born under some government or other, it is impossible that 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 is good, then I ask, how did so many lawful monarchies come into the world? For if anybody, upon this supposition, can show me any one man in any age of the world who was free to begin a lawful monarchy, then I will be bound to show him ten other *free men* at liberty, at the same time, who unite and begin a new government under a regal form, or any other. It being demonstrated that if anyone *born under the dominion* of another, may be so *free* as to have a right to command others in a new and distinct empire, then everyone who is *born under the dominion* of another may be so free too, and may become a ruler, or a 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 merely show us which government that is. When they have done this, I do not doubt that all mankind will easily agree to pay obedience to him.

§. 114. Though it is a sufficient answer to their objection, to show that it involves them in the same difficulties that it does those they use it against, yet I will endeavour to reveal the weakness of this argument a little further.

All men, they say, are born under government, and therefore they cannot be at liberty to begin a new one. Every one is born a subject to his father or his prince, and is therefore under the perpetual tie of subjection and allegiance. It is plain that mankind never owned nor considered any such natural *subjection that they were born in*, to one or to the other that tied them, without their own consents, to a subjection to them and to their heirs.

§. 115. For there are no examples so frequent in history, both sacred and profane, as those of men withdrawing themselves and their obedience from the jurisdiction they were born under, and the family or community they were bred up in, and *setting up new governments* in other places. From this sprang all that number of petty commonwealths in the beginning of ages, and which always multiplied as long as there was room enough, till the stronger or more fortunate, swallowed the weaker; and those great ones again breaking to pieces, dissolved into lesser dominions. All of which are so many testimonies against paternal sovereignty, and they plainly prove that it was not the natural right of the *father* descending to his heirs, that made governments in the beginning, since it was impossible, upon that ground, that there should have been so many little kingdoms. All must have been but one universal monarchy if men had not been *at liberty to separate* themselves from their families and the government, be it what it will, that was set up in it, and to go and make distinct commonwealths and other governments as they thought fit.

§. 116. This has been the practice of the world from its first beginning to this day. Nor is it now any more hindrance to the freedom of mankind, that they are *born under constituted and ancient polities*, that have established laws and set forms of government, than if they were born in the woods among the unconfined inhabitants that run loose in them. For those who would persuade us that *by being born under any government, we are naturally subjects to it*, and no more have any title or pretence to the freedom of the state of nature, have no other reason (except that of paternal power, which we have already answered) to produce for it, but only because our fathers or progenitors gave away their natural liberty, and thereby bound themselves and their posterity to a perpetual subjection to the government which they themselves submitted to. It is true, that whatever engagements or promises anyone has made for himself, he is under the obligation of them, but he cannot, by any compact whatsoever, bind his children or posterity. For his son, when a man, being altogether as free as the father, *any act of the father can no more give away the liberty of the son*, than it can of anybody else. He may indeed annex such conditions to the land that he enjoyed as a subject of any commonwealth, as may oblige his son to be of that community if he would enjoy those possessions which were his fathers — because that estate being his father's property, he may dispose or settle it as he pleases.

§. 117. And this has generally given the occasion to mistake in this matter; because commonwealths not permitting any part of their dominions to be dismembered, nor to be enjoyed by any but those of their community, the son cannot ordinarily enjoy the possessions of his father, except under the same terms that his father did, by becoming a member of the society. Thereby he puts himself immediately under the government he finds established there, as much as any other subject of that commonwealth. And thus *the consent of free men born under government*, which alone *makes them members of it*, being given separately in their turns as each comes of age, and not in a multitude together, people take no notice of it. And thinking [that giving their consent] is not done at all, or is not necessary, they conclude that they are as naturally *subjects* as they are *men*.

§. 118. But, it is plain that governments themselves understand it otherwise.⁶³ They claim *no power over the son because of that power they had over the father*; nor do they look on children as being their subjects, by their fathers being so. If a subject of *England* has a child by an English woman in *France*, whose subject is the child? Not the king of *England's*; for the child must have leave to be admitted to the privileges of it; nor the king of *France's*, for how then does his father have liberty to bring him away, and breed him as he pleases? And who was ever judged as a *traitor* or *deserter*, if he left or warred against a country, for merely being born in it of parents who were aliens there? It is plain then, by the practice of governments themselves, as well as by the law of right reason, that *a child is born a subject of no country or government*. He is under his father's tuition and authority, till he comes to the age of discretion. And then he is a freeman, at liberty whatever government he will put himself under, and whatever political body he will unite himself to. For if an *Englishman's* son, born in *France*, is at liberty and may do so, then it is evident there is no tie upon him by his father's being a subject of this kingdom; nor is he bound by any compact of his ancestors. Why then

⁶³ Locke addresses **birthright-citizenship** here, as it was then understood under international law. Yet, see §119.

does his son, by the same reasoning, not have the same liberty, even if he is born anywhere else, since the power that a father has naturally over his children, is the same wherever they are born, and the ties of natural obligations are not bounded by the positive limits of kingdoms and commonwealths.

§. 119. *Every man being naturally free*, as has been shown, and nothing being able to put him into subjection to any earthly power, except his own *consent*, it is to be considered, *What will 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 between an express and a tacit consent, which will concern our present case. Nobody doubts that 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 anyone will be looked on as having 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 who has any possessions or enjoyment of any part of the dominions of any government, thereby gives 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 possession is of land, owed to him and his heirs forever, or a lodging only for a week; or whether it is merely travelling freely on the highway — in effect, it reaches as far as the very being of anyone within the territories of that government.

§. 120. To understand this better, it is fit to consider that every man, when he at first incorporates himself into any commonwealth, by uniting himself to it, he also annexes and submits to the community, those possessions which he has or will acquire, that do not already belong to any other government. For it would be a direct contradiction for anyone to enter into society with others for the securing and regulating of property, and yet to suppose that his land, whose property is to be regulated by the laws of the society, should be exempt from the jurisdiction of that government to which he himself, the proprietor of the land, is a subject. By the same act, therefore, whereby anyone unites his person, which before was free, to any commonwealth, he thereby unites his possessions to it also, which before were free. And they become, both of them, person and possession, subject to the government and dominion of that commonwealth, as long as it has a being. Whoever therefore, from then on, by inheritance, purchase, permission, or otherwise, *enjoys any part of the land* so annexed to, and under the government of *that commonwealth*, *must take it with the condition it is under* — that is, *of submitting to the government of the commonwealth* under whose jurisdiction it is, as far forth as any subject of it.

§. 121. But since the government has a direct jurisdiction only over the land, and reaches the possessor of it (before he has actually incorporated himself in the society) only as he dwells upon and enjoys that land, the obligation anyone is under to submit to the government by virtue of such enjoyment, begins and ends with the enjoyment. So that, whenever the owner, who has given nothing but such a tacit consent to the government, will by donation, sale, or otherwise, quit the said possession, he is at liberty to go and incorporate himself into any other commonwealth — or to agree with others to begin a new one *in vacuis locis* (in empty places), in any part of the world they can find free and unpossessed. Whereas, whoever once, by actual agreement and any *express* declaration, has given his *consent* to be of any

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

§. 122. But submitting to the laws of any country, living quietly, and enjoying privileges and protection under them, *does not make a man a member of that society*. This is only a local protection and homage due to and from all those who, not being in a state of war, come within the territories belonging to any government, to all parts of which the force of its laws extends. But this no more *makes a man a member of that society*, a perpetual subject of that commonwealth, than it would make a man a subject to another, in whose family he found it convenient to abide for some time — though while he continued in it, he would be obliged to comply with the laws, and submit to the government he found there. And thus we see that *foreigners*, by living all their lives under another government, and enjoying its privileges and protection, though they are bound even in conscience to submit to its administration as far forth as any denizen, yet they do not thereby come to be *subjects or members of that commonwealth*. Nothing can make any man so, except his actually entering into it by positive engagement, and express promise and compact. This is what I think concerning the beginning of political societies, and *that consent which makes anyone a member of any commonwealth*.

CHAPTER 9. Of the Ends of Political Society and Government.

§. 123. If man in the state of nature is so free, as has been said; if he is absolute lord of his own person and possessions, equal to the greatest and subject to nobody, why would he part with his freedom? Why would he give up this 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 has 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 most of them 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, and have a mind to unite for the mutual *preservation* of their lives, liberties, and estates — which I call by the general name, *property*.

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

First, There 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 is plain and intelligible to all rational creatures, yet men being biased by their self-interest, as well as ignorant for lack of studying it, they are not apt to allow it as a law that is binding on them in the application of it to their particular cases.

§. 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 everyone in that

state being both judge and executioner of the law of nature, and men being partial to themselves, passion and revenge is very apt to carry them too far, and with too much heat in their own cases — as well as negligence, and unconcernedness, making them remiss in other men's cases.

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

§. 127. Thus mankind, notwithstanding all the privileges of the state of nature, being in but a bad condition, while they remain in it, are quickly driven into society. Hence it comes to pass that we seldom find any number of men live any time together in this state. The inconveniences that they are exposed to in it, 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 there seek *the preservation of their property*. It is this that makes every one of them so willingly give up his single power of punishing, to be exercised by those alone who will be appointed to it among them; and by such rules as the community, or those authorized by them for that purpose, will agree on. And in this, we have the original *right and rise of both the legislative and executive power*, as well as governments and societies themselves.

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

The *first power* is to do whatever he thinks fit for the preservation of himself and others within the permission of the *law of nature*. By this law, common to them all, he and all the rest of *mankind are one community*, and make up one society, distinct from all other creatures. And were it not for the corruption and viciousness of degenerate men, there would be no need of any other — no necessity that men should separate from this great and natural community, and by positive agreements, 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 he gives up when he joins in a private, if I may call it so, or particular political society, and incorporates into any commonwealth, separate from the rest of mankind.

§. 129. The first *power, viz. of doing whatever 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 will require. These laws of the society in many things confine the liberty he had by the law of nature.

§. 130. *Secondly, he wholly gives up the power of punishing*, and engages his natural force (which before he might employ in the execution of the law of nature, by his own single authority, as he thought fit) to assist the executive power of the society, as its law requires. For now being in a new state in which he is to enjoy many conveniences from the labour, assistance, and society of others in the same community, as well as protection from its whole strength, he is also to part with as much of his natural liberty, in providing for himself, as the

good, prosperity, and safety of the society requires. This is not only necessary, but just, since the other members of the society do the like.

§. 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 the society, to be so far disposed of by the legislative as the good of the society requires, yet it being only with an intention in everyone to better preserve himself, his liberty, and property (for no rational creature can be supposed to change his condition with an intention to be worse off) the power of the society, or the *legislative* constituted by them, can *never be supposed to extend further than the common good*. But it is obliged to secure everyone's property by providing against those three defects mentioned above, which 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 — to govern 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 to secure the community from inroads and invasion. And all this is to be directed to no other *end*, than the *peace, safety, and public good* of the people.

CHAPTER 10. Of the Forms of a Commonwealth.

§. 132. Upon men's first uniting into society, the majority having the whole power of the community naturally in them (as has been shown), it may employ all that power in making laws for the community from time to time, and executing those laws by officers of their own appointing. And then the *form* of the government is a perfect **democracy**. Or else they may put the power of making laws into the hands of a few select men and their heirs or successors; and then it is an **oligarchy**. Or else into the hands of one man, and then it is a **monarchy**; if to him and his heirs, it is a **hereditary monarchy**; if to him only for life, but upon his death the sole power of nominating a successor returns to them, it is an **elective monarchy**. And so accordingly the community may make of these compounded and mixed forms of government, as they think good. And if the legislative power is at first given by the majority to one or more persons only for their lives, or any limited time, and then the supreme power is to revert to them again, then when it is so reverted, the community may dispose of it again, anew into whatever hands they please, and so constitute a new form of government. *For the form of government depends upon the placing of the supreme power*, which is the *legislative*, it being impossible to conceive that an inferior power should prescribe to a superior, or that any but the supreme power should make laws. Thus, according to where the power of making laws is placed, such is *the form of the commonwealth*.

§. 133. By *commonwealth*, I must be understood all along to mean, not a democracy, or any form of government, but any independent community which the Latins signified by the word *civitas*, to which the word which best corresponds in our language, is *commonwealth*; and it most properly expresses such a society of men which *community* or *city* in English does not. For there may be subordinate communities in a government; and the word *city* among us has a quite different notion from commonwealth. And therefore, to avoid ambiguity I crave leave to use the word *commonwealth* in that sense in which I find it used by *King James the first*.

And I take it to be its genuine signification; which if anybody dislikes it, I consent with him to change it for a better one.

CHAPTER 11. Of 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 establishing the legislative power — *just 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 (as far as it will consist with the public good). This *legislative* is not only the supreme power of the commonwealth, but it is sacred and unalterable in the hands where the community has once placed it. Nor can any edict of anybody else, in whatever form it is conceived, or by whatever power it is backed, have the force and obligation of a *law* which does not have its *sanction from that legislative* which the public has chosen and appointed. For without this, the law could not have that which is absolutely necessary to its being a *law*:⁶⁴ *the consent of the society*, over whom nobody can have a power to make laws, except by their own consent, and by authority received from them. And therefore all the obedience which anyone can be obliged to pay by the most solemn ties, ultimately terminates in this supreme power, and it is directed by those laws which it enacts. Nor can any oaths to any foreign power whatsoever, or any domestic subordinate power, discharge any member of the society from his *obedience to the legislative*, acting pursuant to their trust. Nor can they oblige him to any obedience contrary to the laws so enacted, or further than they allow — it being ridiculous to imagine someone can be tied ultimately to *obey any power* in the society, which is not the *supreme power*.

§. 135. Though the *legislative*, whether placed in one or more, whether it is always in session, or only by intervals, though it is the supreme power in every commonwealth; yet,

First, It is *not*, nor can it 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 which is legislator, 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 nobody can transfer to another more power than he has in himself; and nobody 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. A man, as has been proved, cannot subject himself to the arbitrary power of another. And having in the state of nature, no arbitrary power over the life, liberty, or possession of another, but only so much as the law of nature gave him for the preservation of himself and the rest of mankind, this is all he gives or *can* give up to the commonwealth, and by it to the *legislative*

⁶⁴ The lawful power of making laws to command whole political societies of men, belong so properly to the same entire societies, that for any prince or potentate of whatever kind on earth, to exercise the same power by himself, and not by the express commission immediately and personally received from God, or else by authority derived at the first from the consent of those upon whose persons they impose laws, it is no better than mere tyranny. They are not laws, therefore, which public approval has not made so. *Hooker's Eccl. Pol. I. i. sect. 10.* Of this point therefore we are to note that since men naturally have no full and perfect power to command whole political multitudes of men, utterly without our consent, we could in such a way be at no living man's commandment. And we consent to be commanded, when that society of which we are a part, has at any time before consented, without revoking the same afterward by the like universal agreement... Human laws therefore, of whatever kind, are available [only] by consent. *Ibid.*

power, so that the legislative can have no more than this. Their power, in its utmost bounds, is *limited to the public good* of the society. It is a power that has no other end but preservation, and therefore it can never have a right to destroy, enslave, or to designedly impoverish the subjects.⁶⁵ The obligations of the law of nature do not cease in society, but in many cases are only drawn closer; and by human laws, they have 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 men's actions, their own as well as other men's actions, must be conformable to the law of nature, *i.e.* to the will of God, of which that is a declaration; and the *fundamental law of nature being the preservation of mankind*, no human sanction can be good, or valid against it.

§. 136. *Secondly*,⁶⁶ The *legislative*, or supreme authority, cannot assume to itself a power to rule by extemporary arbitrary decrees, but is *bound to dispense justice*, and decide the rights of the subject *by promulgated standing laws, and known authorized judges*. For the law of nature being unwritten, and so nowhere to be found but in the minds of men, those who through passion or interest will misquote or misapply it, cannot so easily be convinced of their mistake where there is no established judge. And so does not serve, as it ought, to determine the rights, and fence the properties of those who live under it, especially where everyone is judge, interpreter, and executioner of it too, and that is in his own case too. And the one who has right on his side, having ordinarily but his own single strength, does not have force enough to defend himself from injuries, or to punish delinquents. To avoid these inconveniences which disorder men's properties in the state of nature, men unite into societies so that they may have the united strength of the whole society to secure and defend their properties, and may have *standing rules* to bound it, by which everyone may know what is his. It is to this end that men give up all their natural power to the society which they enter into, and the community puts the legislative power into such hands as they think fit, with this trust: that they shall be governed by *declared laws*, or else their peace, quiet, and property will still be at the same uncertainty as it was in the state of nature.

§. 137. Neither absolute arbitrary power, nor governing without *settled standing laws*, can 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, and by *stated rules* of right and property to secure their peace and

⁶⁵ There are two foundations which bear up public societies: the one is a natural inclination, by which all men desire sociable life and fellowship; the other is an order, expressly or secretly agreed upon, touching the manner of their union in living together. The latter is that which we call the law of a common-weal, the very soul of a political body, the parts of which are by law animated, held together, and set to work in such actions as the common good requires. Political laws, ordained for external order and regiment among men, are never framed as they should be, unless presuming the will of man is inwardly obstinate, rebellious, and averse from all obedience to the sacred laws of his nature — in a word, unless presuming man to be, in regard to his depraved mind, little better than a wild beast, they accordingly provide, notwithstanding, to so frame his outward actions, that they are no hindrance to the common good for which societies are instituted. Unless they do this, they are not perfect. *Hookers Eccl. Pol. I. i. sect. 10.*

⁶⁶ Human laws are measures in respect to men, whose actions they must direct; yet they are such measures as also have their higher rules to be measured by. These rules are two: the *law of God*, and the *law of nature*; so that human laws must be made according to the general laws of nature, and without contradiction to any positive law of Scripture, otherwise they are ill-made. *Hooker s Eccl. Pol. I. iii. sect. 9.* To constrain men to anything inconvenient does seem unreasonable. *Ibid. I. i. sect. 10.*

quiet. It cannot be supposed that they should intend, if they had a power to do it, to give any one or more persons an absolute arbitrary power over their persons and estates, and put a force into the magistrate's hand to execute his unlimited will arbitrary upon them. This would be to put themselves into a worse condition than the state of nature, in which they had a liberty to defend their right against the injuries of others, and were on equal terms of force to maintain it, whether invaded by a single man or many men in combination. Whereas by supposing they have given up themselves to the absolute arbitrary power and the will of a legislator, they have disarmed *themselves*, and armed *him*, to make a prey of them whenever he pleases. A man is in a much worse condition, who is exposed to the arbitrary power of one man who has the command of 100,000, than the man who is exposed to the arbitrary power of 100,000 individual men. For nobody would be secure that the will of the one who has such a command, is better than that of other men, though his force is 100,000 times stronger. And 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 have armed one or a few men with the joint power of a multitude, to force them to obey at pleasure the exorbitant and unlimited decrees of their sudden or unrestrained thoughts, and till that unknown moment wills it — without having any measures set down which may guide and justify their actions. For all the power the government has, being only for the good of the society, just as it should not be *arbitrary* and at pleasure, so it should be exercised by *established and promulgated laws* — that both the people may know their duty and be safe and secure within the limits of the law; and that rulers too may be kept within their bounds, and not be tempted by the power they have in their hands, to employ it to such purposes, and by such measures, as they would not have known, and would not willingly own.

§. 138. *Thirdly*, 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 (ultimate purpose) of government, and that for which men enter into society, it necessarily supposes and requires that the people should *have property*. Without it they must be supposed to lose, by entering into society, that which was the end for which they entered into it — too gross an absurdity for any man to admit. Men therefore *having property in society*, they have such a right to the goods which by the law of the community are theirs, that nobody has a right to take their substance or any part of it from them, without their own consent. Without this they have no property at all; for truly I have no *property* in that which another can by right take from me whenever 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 the subject *arbitrarily*, or take any part of them at its pleasure. This is not much to be feared in governments where the *legislative* consists, wholly or in part, in assemblies which are variable, and whose members, upon the dissolution of the assembly, are subjects equally with the rest under the common laws of their country. But in governments where the *legislative* is in one lasting assembly, always in session, or in one man, as in absolute monarchies, there is still a danger that they will think themselves to have a distinct interest from the rest of the community. And so they will be apt to increase their own riches and power by taking what they think fit from the people. For a man's *property* is not at all secure, even if there are good and equitable laws to set the bounds of it between him and his fellow-subjects, if those who

command those subjects has power to take from any private man, whatever part he pleases of that man's *property*, and use and dispose of it as he thinks good.

§. 139. But *government*, into whatever hands it is put, being entrusted with this condition and *for this end*, as I showed before, that men might have and secure their *properties*, the prince, or senate — however it may have power to make laws for the regulating of *property* between the subjects, one among another — it must never have a power to take to themselves the whole or any part of the subjects' *property* without their own consent; for this would be in effect to leave them no *property* at all. Even *absolute power*, where it is necessary, is *not arbitrary* by being absolute, but is still limited by that reason, and confined to those ends, which required it in some cases to be absolute. And to let us see this, we need look no further than the common practice of martial discipline. For the preservation of the army, and in it of the whole commonwealth, requires an *absolute obedience* to the command of every superior officer; and it is justly death to disobey or dispute the most dangerous or unreasonable of them. Yet we see that neither the **sergeant** — who could command a soldier to march up to the mouth of a cannon or stand in a breach, where he is almost sure to perish — cannot command that soldier to give him one penny of his money; nor can the **general** — with all his *absolute power* of life and death, who can condemn him to death for deserting his post, or for not obeying the most desperate orders — dispose of one farthing of that soldier's estate, or seize one jot of his goods, whom yet he can command anything, and hang for the least disobedience. This is because such a blind obedience is necessary to that end for which the commander has his power, *viz.* the preservation of the rest. But disposing of his goods has nothing to do with that end.

§. 140. It is true, governments cannot be supported without great charge, and it is fit that everyone 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 by their representatives chosen by them. For if anyone claims a *power to lay and levy taxes* on the people, by his own authority, and without such consent of the people, he thereby invades the *fundamental law of property*, and subverts the end of government. For what property do I have in that which another may by right take to himself whenever he pleases?

§. 141. *Fourthly*, The *legislative cannot transfer the power of making laws* to any other hands. For it being but a *delegated* power from the people, those who have it cannot pass it over to others. The people alone can appoint the form of the commonwealth, which is by constituting the legislative, and appointing in whose hands that shall be. And when the people have said, 'We will submit to rules, and be governed by *laws* made by such men, and in such forms,' nobody else can say other men shall make *laws* for them. Nor can the people be bound by any laws except those which are enacted by those whom they have chosen and authorized to make laws for them. The power of the *legislative*, being derived from the people by a positive voluntary grant and institution, can be no other than what that positive grant conveyed. This grant being only to make *laws*, and not to make *legislators*, the *legislative* can have no power to transfer their authority to make laws, and place it in other hands.

§. 142. These are the *bounds*, which the trust that is put in them by the society, and by the law of God and nature, have *set to the legislative power* of every commonwealth, in all forms of government.

First, they are to govern by *promulgated established laws*, that are not to be varied in particular cases, but are to have one rule for rich and poor, for the favourite at court, and the country man at plough.

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

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

Fourthly, the *legislative* must not, *nor can it*, transfer the power of making laws to anybody else, nor place it anywhere but where the people have placed it.

CHAPTER 12. Of the Legislative, Executive, and Federative Power of the Commonwealth.

§. 143. The *legislative* power is that which has a right to *direct how the force of the commonwealth* shall be employed for preserving the community and its members. But because those laws which are to be constantly executed, and whose force is always to continue, may be made in a little time. there is therefore no need for the *legislative* to always be in session, for it does not always have business to do. And because it may be too great a temptation to human frailty, which is apt to grasp at power, for the same persons who have the power to *make* laws, to also have in their hands the power to *execute* them, by which they may exempt themselves from obedience to the laws they make, and suit the law to their own private advantage, both in its making and execution — and thereby come to have a distinct interest from the rest of the community. This is contrary to the end of society and government. Therefore, in well-ordered commonwealths, where the good of the whole is so considered as it should be, the legislative power is put into the hands of diverse persons who, being duly assembled, have by themselves, or jointly with others, a power to make laws, which when they have done this, being separated again, they are themselves subject to the laws they have made. This is a new and close tie upon them to take care that they make them for the public good.

§. 144. But because the laws that are made at once, and in a short time, have a constant and lasting force, and need *perpetual execution*, or attendance to it, it is therefore necessary that there should *always be a power in being* which should see to the execution of the laws that are made, and remain in force. And thus the *legislative* and *executive power* often come to be separated.

§. 145. There is another power in every commonwealth, which one may call *natural*, because it is that which answers to the power every man naturally had before he entered into society. For though in a commonwealth the members of it are still distinct persons in reference to one another, and as such are governed by the laws of the society, yet in reference to the rest of

mankind, they make one body which is, as every member of it before was, still in the state of nature with the rest of mankind. Hence it is, that the controversies that happen between any man of the society, with those who are outside of it, are managed by the public. And an injury done to a member of their body, engages the whole body in the reparation of it. So that under this consideration, the whole community is one body in the state of nature, in respect to all other states or persons outside of its community.

§. 146. This therefore contains the power of war and peace, leagues and alliances, and all the transactions with all persons and communities outside the commonwealth, and may be called *federative*,⁶⁷ if any one pleases. So long as the thing is understood, I am indifferent as to the name.

§. 147. These two powers, *executive* and *federative*, though they are really distinct in themselves, yet one comprehends the *execution* of the municipal laws of the society *within* itself upon all that are parts of it; and the other comprehends the management of the *security and interest of the public without*, with all those that it may receive benefit or damage from; yet they are almost always united. And though this *federative power* in the good or bad management of it is of great moment to the commonwealth, yet it is much less capable of being directed by antecedent, standing, or positive laws, than the *executive*. And so it must necessarily be left to the prudence and wisdom of those whose hands it is in, to be managed for the public good. For the *laws* that concern subjects, one among another, being to direct their actions, may *precede* them well enough. But what is to be done in reference to *foreigners*, depends much upon their actions. And the variation of designs and interests must be *left* in great part to the *prudence* of those who have this power committed to them, to be managed by the best of their skill, for the advantage of the commonwealth.⁶⁸

§. 148. Though, as I said, the *executive* and *federative powers* of every community are really distinct in themselves, yet they are hardly to be separated and placed at the same time in the hands of distinct persons. For both of them requiring the force of the society for their exercise, it is almost impracticable to place the force of the commonwealth in distinct, and not subordinate hands — or that the *executive* and *federative* powers should be placed in persons who might act separately, whereby the force of the public would be under different commands. This would be apt at some time or other to cause disorder and ruin.

CHAPTER 13. Of the Subordination of the Powers of the Commonwealth.

§. 149. Though in a constituted commonwealth, standing upon its own basis, and acting according to its own nature — that is, acting for the preservation of the community — there can be but one *supreme power*, which is the *legislative*, to which all the rest are and must be subordinate, yet the legislative being only a fiduciary power to act for certain ends, there still remains *in the people a supreme power to remove or alter the legislative*, when they find the legislative act contrary to the trust reposed in them. For all *power given with trust* for attaining an end, being limited by that end, whenever that end is manifestly neglected or

⁶⁷ *Federative*: relating to a system of government where power is divided between a central authority and constituent political units.

⁶⁸ This *Federative Power*, dealing with foreigners, corresponds to modern foreign affairs, or the State Department.

opposed, the *trust* must necessarily be *forfeited*, and the power devolve into the hands of those that gave it, who may place it anew where they think best for their safety and security. And thus the *community* perpetually *retains a supreme power* of saving themselves from the attempts and designs of any body, even of their legislators, whenever they will be so foolish or so wicked as to lay and carry on designs against the liberties and properties of the subject. For no man or society of men has a power to deliver up their *preservation*, or consequently the means of it, to the absolute will and arbitrary dominion of another. Whenever anyone goes about to bring them into such a slavish condition, they always have a right to preserve what they do not have a power to part with, and to rid themselves of those who invade this fundamental, sacred, and unalterable *law of self-preservation*, for which they entered into society. And thus the *community* may be said in this respect to *always be the supreme power*, but not as considered under any form of government; because this power of the people can never take place till the government is *dissolved*.

§. 150. In all cases while the government subsists, the *legislative is the supreme power*. For what can give laws to another, must be superior to him. And since the legislative is not legislative of the society other than by the right it has to make laws for all the parts and for every member of the society — prescribing rules for their actions, and giving the power of execution where they are transgressed — the *legislative* must be the *supreme power*; and all other powers in any members or parts of the society are derived from and subordinate to it.

§. 151. In some commonwealths, where the *legislative* is not always in being, and the *executive* is vested in a single person who also has a share in the legislative; there that single person in a very tolerable sense may also be called *supreme*. It is not that he has in himself all the supreme power, which is that of law-making; but because he has in himself the *supreme execution*, from whom all inferior magistrates derive all their several subordinate powers, or at least the greatest part of them. Having also no legislative superior to him, ;and there being no law to be made without his consent (which cannot be expected should ever subject him to the other part of the legislative), *he* is properly enough in this sense *supreme*. But yet it is to be observed that though *oaths of allegiance* and fealty are taken to him, it is not to him as supreme legislator, but as *supreme executor* of the law, made by a joint power of him with others. *Allegiance* being nothing but an obedience according to law, when he violates the law, he has no right to obedience, nor can he claim it otherwise than as the public person vested with the power of the law. And so he is to be considered as the image, phantom, or representative of the commonwealth, acted by the will of the society, declared in its laws; and thus he has no will, no power, but that of the *law*. But when he quits this representation, this public will, and acts by his own private will, he degrades himself, and is but a single private person, without power and without will, who has no right to *obedience*; for the members owe no *obedience* but to the public will of the society.

§. 152. The *executive power*, placed anywhere but in a person who has also a share in the legislative, is visibly subordinate and accountable to it, and may be changed and displaced at pleasure. So that it is not the *supreme executive power* that is exempt from *subordination*, but the *supreme executive power* vested in someone who, having a share in the legislative, has no distinct superior legislative to be subordinate and accountable to, further than he himself joins and consents to it. So that he is no more subordinate than he himself thinks fit,

which one may certainly conclude will be but very little. We need not speak of other *ministerial and subordinate powers* in a commonwealth, for they are so multiplied with infinite variety in the different customs and constitutions of distinct commonwealths, that it is impossible to give a particular account of them all. We may take notice of only this much concerning them, which is necessary to our present purpose: that they have no manner of authority, any of them, beyond what is delegated to them by positive grant and commission, and all of them are accountable to some other power in the commonwealth.

§. 153. It is not necessary, no, nor so much as convenient, that the *legislative* should be *always in being*; but it is absolutely necessary that the executive power should, because there is not always a need for new laws to be made, but there is always a need execute the laws that are made. When the *legislative* has put the *execution* of the laws they make, into other hands, they still have a power to resume it out of those hands when they find cause, and to punish for any mal-administration against the laws. The same also holds in regard to the *federative power*; for that and the *executive* are both *ministerial and subordinate to the legislative*, which in a constituted commonwealth is the supreme power, as shown. The *legislative* also in this case, supposedly consisting of several persons — for if it is a single person, it must be always in being, and so it will, as supreme, naturally have the supreme executive power, together with the legislative — may *assemble and exercise their legislature* at the times that either their original constitution or their own adjournment appoints, or whenever they please. If neither of these has appointed any time, or there is no other way prescribed to convoke them — for the supreme power being placed in them by the people, it is always in them, and they may exercise it whenever they please, unless by their original constitution, they are limited to certain seasons, or by an act of their supreme power they have adjourned to a certain time; and when that time comes, they have a right to *assemble* and act again.

§. 154. If the *legislative*, or any part of it, is made up of *representatives* chosen for that time by the people, who afterwards return into the ordinary state of subjects and have no share in the legislature except upon a new choice, this power of choosing must also be exercised by the people either at certain appointed seasons, or else when they are summoned to it. And in this latter case, the power of convoking the legislative is ordinarily placed in the executive, and it has one of these two limitations in respect to time: that either the original constitution requires their *assembling and acting* at certain intervals, and then the executive power does nothing but ministerially issue directions for their electing and assembling according to due forms; or else it is left to his prudence to call them by new elections, when the occasions or exigencies of the public require the amendment of old laws, or making of new laws, or the redress or prevention of any inconveniences that lie upon or threaten the people.

§. 155. It may be demanded here, What if the *executive* power, being possessed of the force of the commonwealth, makes use of that force to hinder the *meeting and acting of the legislative*, when the original constitution, or the public exigencies require it? I say, using force upon the people without authority, and contrary to the trust put in the one who does so, is a state of war with the people, who have a right to *reinstate their legislative in the exercise* of their power. For having erected a legislative with an intent that they should exercise the power of making laws, either at certain set times or when there is need of it, when they are hindered by any force from what is so necessary to the society, and in which the safety and

preservation of the people consists, the people have a right to remove it by force. In all state and conditions, the true remedy of *force* without authority, is to oppose *force* to it. The use of force without authority always puts the one who uses it into a *state of war*, as the aggressor, and it renders him liable to be treated accordingly.

§. 156. The *power of assembling and dismissing the legislative*, placed in the *executive*, does not give the executive a superiority over it, but it is a fiduciary trust placed in him for the safety of the people, in a case where the uncertainty and variableness of human affairs could not bear a steady fixed rule. For it not being possible that the first framers of the government should, by any foresight, be so much masters of future events, as to be able to prefix so just periods of return and duration to the *assemblies of the legislative* in all times to come — periods that might exactly answer all the exigencies of the commonwealth — the best remedy that could be found for this defect was to trust this to the prudence of someone who was always to be present, and whose business it was to watch over the public good. Constant or *frequent meetings of the legislative*, and long continuations of their assemblies, without necessary occasion, could only be burdensome to the people, and in time must necessarily produce more dangerous inconveniences; and yet the quick turn of affairs might sometimes be such as to need their immediate help. Any delay of their *convening* might endanger the public. And sometimes, too, their business might be so great that the limited time of their sitting might be too short for their work, and rob the public of that benefit which could be had only from their mature deliberation. What then could be done in this case to prevent the community from being exposed to eminent hazard at some time or other, on one side or the other, by fixed intervals and periods set to the *meeting and acting of the legislative*, if not to entrust it to the prudence of some who, being present and acquainted with the state of public affairs, might make use of this prerogative for the public good? And where else could this be so well placed as in the hands of one who was entrusted with the execution of the laws for the same end? Thus supposing the regulation of times for the *assembling and sitting of the legislative*, that are not settled by the original constitution, it naturally fell into the hands of the *executive*, not as an arbitrary power depending on his good pleasure, but with this trust: to always have it exercised only for the public weal, as the occurrences of times and change of affairs might require. It is not my business here to enquire whether *settled periods of their convening*, or a *liberty left to the prince for convoking the legislative*, or perhaps a mixture of both, has the least inconvenience attending it — but only to show that although the executive power may have the prerogative of *convoking* and *dissolving* such *conventions of the legislative*, it is not thereby superior to it.

§. 157. Things of this world are in so constant a flux, that nothing remains long in the same state. Thus people, riches, trade, or power change their stations, flourishing mighty cities come to ruin and in time prove to be neglected desolate corners, while other unfrequented places grow into populous countries filled with wealth and inhabitants. But because things do not always change equally, and private interest often keeps up customs and privileges when the reasons for them have ceased, it often comes to pass that in governments where part of the legislative consists of *representatives* chosen by the people, that in the passage of time this *representation* becomes very *unequal* and *disproportionate* to the reasons for which it was established at first. We may be satisfied to what gross absurdities following custom may lead when reason has left it, when we see the bare name of a town — of which not so much as

the ruins remain, where scarcely so much housing as a sheep-pen, or more inhabitants than a shepherd is to be found — sends *as many representatives* to the grand assembly of law-makers, as a whole county that is numerous in people and powerful in riches. Strangers stand amazed at this, and everyone must confess it needs a remedy, though most think it hard to find one. This is because the constitution of the legislative being the original and supreme act of the society, antecedent to all positive laws in it, and depending wholly on the people, no inferior power can alter it. And therefore the *people*, once the *legislative* is constituted in such a government as we have been speaking of, having *no power* to act as long as the government stands, this inconvenience is thought incapable of a remedy.

§. 158. *Solus populi suprema lex*,⁶⁹ is certainly so just and fundamental a rule that whoever sincerely follows it cannot dangerously err. If therefore the executive, who has the power of convoking the legislative, observing the true proportion rather than fashion of *representation* regulates, not by old custom but by true reason, the *number of members* in all places that have a right to be distinctly represented, which no part of the people however incorporated can pretend to, except in proportion to the assistance which it affords to the public, it cannot be judged to have set up a new legislative, but to have restored the old and true one, and to have rectified the disorders which the succession of time had insensibly, as well as inevitably introduced. For it being the interest as well as the intention of the people, to have a fair and *equal representative*, whoever brings it nearest to that, is an undoubted friend to, and an establisher of the government, and cannot miss the consent and approval of the community. *Prerogative* is nothing but a power in the hands of the prince to provide for the public good in such cases which, depending on unforeseen and uncertain occurrences, certain and unalterable laws could not safely direct. Whatever is done manifestly for the good of the people, and for establishing the government on its true foundations, is and will always be a just *prerogative*. The power of erecting new corporations, and with it *new representatives*, carries with it a supposition that in time the *measures of representation* might vary, and those places have a just right to be represented, which before had none. And by the same reasoning, those cease to have a right, and are too inconsiderable for such a privilege, which had it before. It is not a change from the present state, which perhaps corruption or decay has introduced, that makes an inroad upon the government, but its tendency to injure or oppress the people, and to set up one part or party with a distinction from, and an unequal subjection of the rest. Whatever can only be acknowledged to be of advantage to the society, and to people in general, upon just and lasting measures, will always justify itself when done. And whenever the people choose their *representatives upon* just and undeniably *equal measures*, suitable to the original frame of the government, it cannot be doubted to be the will and act of the society, whoever permitted or caused them to do so.

CHAPTER 14. Of Prerogative.

§. 159. Where the legislative and executive power are in distinct hands (as they are in all moderated monarchies, and well-framed governments) the good of the society requires that several things should be left to the discretion of the one who has the executive power. For the legislators not being able to foresee and provide by laws, for all that may be useful to the

⁶⁹ Only the people are the supreme law.

community, 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 in many cases, where the municipal law has given no direction, till the legislative can conveniently be assembled to provide for it. There are many things which the law can by no means provide for; and those must necessarily be left to the discretion of whoever has the executive power in his hands, to be ordered by him as the public good and advantage requires. Indeed, it is fit that the laws themselves should in some cases give way to the executive power, or rather to this fundamental law of nature and government, *viz.* that as much as possible, *all* the members of the society are to be preserved. For since many accidents may happen, in which a strict and rigid observation of the laws may do harm (such as not to pull down an innocent man's house to stop the fire, when the one next to it is burning), and a man may sometimes come within the reach of the law (which makes no distinction of persons) by an action that may deserve reward and pardon. Then it is fit that the ruler should have power, in many cases, to mitigate the severity of the law, and pardon some offenders. For the *end of government being the preservation of all*, as much as possible, even the guilty are to be spared where it can prove no prejudice to the innocent.

§. 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*. For since in some governments the law-making power is not always in being, and is usually too numerous, and so it is too slow for the dispatch requisite to execution. And also because it is impossible to foresee, and so to provide for by laws, all accidents and necessities that may concern the public, or to make such laws as will do no harm if they are executed with an inflexible rigour on all occasions, and upon all persons who may come in their way. Therefore there is a latitude left to the executive power, to do many things of choice, which the laws do not prescribe.

§. 161. This power, while employed for the benefit of the community, and suitably to the trust and ends of the government, is *undoubted prerogative*; and it is never questioned, for the people are very seldom if ever scrupulous or nice in the point. They are far from examining *prerogative* while it is employed in any tolerable degree for the use it was meant: that is, for the good of the people, and not manifestly against it. But if there comes to be a *question* between the executive power and the people, about a thing claimed as a *prerogative*, then the tendency of the exercise of such *prerogative* to the good or hurt of the people, will easily decide that question.

§. 162. It is easy to conceive that in the infancy of governments, when commonwealths differed little from families in the number of people, they also differed little from them in the number of laws. And the governors, being like their fathers, watching over them for their good, the government was almost all *prerogative*. A few established laws served the turn, and the discretion and care of the ruler supplied the rest. But when mistake or flattery prevailed with weak princes to make use of this power for private ends of their own, and not for the public good, the people were inclined by express laws, to get prerogative determined in those points in which they found disadvantage from it. And thus, declared *limitations of prerogative* were found necessary by the people, in cases which they and their ancestors had left the good of their people, in the utmost latitude, to the wisdom of those princes who made no other but a right use of it.

163. And therefore, those who say that the people have *encroached upon the prerogative* when they have gotten any part of it defined by positive laws, have a very wrong notion of government,. For in so doing they have not pulled anything from the prince that of right belonged to him, but have only declared that the power which they indefinitely left in his or his ancestors' hands, to be exercised for their good, was not a thing which they intended for him when he used it otherwise. For the end of government being the good of the community, whatever alterations are made in it tending to that end, cannot be an encroachment upon anybody, since nobody in government can have a right tending to any other end. And those alone are encroachments, which prejudice or hinder the public good. Those who say otherwise speak as if the prince had a distinct and separate interest from the good of the community, and was not made for it. This is the root and source from which spring almost all those evils and disorders which happen in kingly governments. And indeed, if that is so, the people under his government are not a society of rational creatures who have entered into a community for their mutual good; they are not those who have set rulers over themselves to guard and promote that good. But they 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 so brutish, as to enter into society upon such terms, *prerogative* might indeed be what some men would have it: an arbitrary power to do things hurtful to the people.

§. 164. But since a rational creature, when free, cannot be supposed to put himself into subjection to another for his own harm (though, where he finds a good and wise ruler, he may not perhaps think it either necessary or useful to set precise bounds to his power in all things), *prerogative* can be nothing but the people's permitting their rulers to do several things, of their own free choice, where the law was silent; and sometimes too where it was against the direct letter of the law, for the public good, and their acquiescing in it when so done. For just 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 *prerogative* (that is, power to do good), so a weak and evil prince, who would claim that power which his predecessors exercised without the direction of the law, as a prerogative belonging to him by 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 to limit that power which, while it was exercised for their good, they were content should be tacitly allowed.

§. 165. And therefore, whoever will look into the *history of England* will find that *prerogative* was always *largest* in the hands of our wisest and best princes. This is because the people, observing the whole tendency of their actions to be the public good, did not contest what was done without law to that end. Or if any human frailty or mistake — for princes are but men, made as others — appeared in some small declinations from that end, yet it was visible that the main part of their conduct tended to nothing but the care of the public. The people therefore finding reason to be satisfied with these princes whenever they acted without, or contrary to the letter of the law, acquiesced in what they did. And without the least complaint, they let them enlarge their *prerogative* as they pleased, judging rightly that they did nothing in this to the prejudice of their laws, since they acted conformable to the foundation and end of all laws, which is the public good.

§. 166. By that argument, such godlike princes indeed had some title to arbitrary power that would prove absolute monarchy to be the best government, as that which God himself governs the universe by, because such kings partake of His wisdom and goodness. Upon this is founded that saying that, the reigns of good princes have always 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 in them to do 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 right, and get that declared *not* to be *prerogative*, which truly was never so, since it is impossible that anybody in the society should ever have a right to do the people harm — though it is very possible, and reasonable, that the people should not go about to set any bounds to the *prerogative* of those kings or rulers who themselves did not transgress the bounds of the public good. *For prerogative is nothing but the power of doing public good without a rule.*

§. 167. The power of *calling parliaments* in England, as to precise time, place, and duration, is certainly a *prerogative* of the king. But it is still with this trust: that it shall be made use of for the good of the nation, as the exigencies of the times, and the variety of occasions, shall require. For it being impossible to foresee which should always be the fittest place for them to assemble in, and what is the best season, the choice of these was left with the *executive* power, as might be most subservient to the public good, and best suit the ends of parliaments.

§. 168. The old question will be asked in this matter of *prerogative*, *But who shall be judge when this power is made a right use of?* I answer, between an *executive* power in being, with such a prerogative, and a *legislative* that depends upon his will for their convening, there can be no judge on earth — just as there can be none between the *legislative* and the *people*, if either the executive or the legislative, when they have gotten the power in their hands, design or go about to enslave or destroy them. The people have no other remedy in this, as in all other cases where they have no *judge on earth*, but to *appeal to heaven*. For the rulers, in such attempts, exercising a power the people never put into their hands (who can never be supposed to consent that anybody should rule over them for their harm), do that which they have no right to do. And where the body of the people, or any single man, is deprived of their right, or is under the exercise of a power without right, and have no appeal on earth, then they have a liberty to appeal to heaven, whenever they judge the cause of sufficient moment. And therefore, though the *people cannot be judge*, so as to have by the constitution of that society, any superior power to determine and give effective sentence in the case, yet they have, by a law antecedent and paramount to all positive laws of men, reserved that ultimate determination to themselves, which belongs to all mankind, where there lies no appeal on earth — *viz.* to judge whether they have just cause to make their appeal to heaven. And they cannot part with this judgment, it being out of a man's power to so submit himself to another, as to give the other a liberty to destroy him. For God and nature never allow a man to so abandon himself, as to neglect his own preservation. And since he cannot take away his own life, neither can he give another the power to take it. Nor let any one think that this lays a perpetual foundation for disorder. For this does not operate till the inconvenience is so great that the majority feel it, and are weary of it, and find a necessity to have it amended. But the

executive power, or wise princes, never need come in danger of this. And it is the one thing, of all others, they most need to avoid, as it is the most perilous of all others.

CHAPTER 15. Of Paternal, Political, and Despotic Power, considered together.

§. 169. Though I have had occasion to speak of these separately before, yet the great mistakes of late about government having, as I suppose, arisen from confounding these distinct powers one with another, perhaps it may not be amiss to consider them here together.

§. 170. *First*, then, 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, in which they may be supposed capable of understanding that rule, whether it is the law of nature, or the municipal law of their country, which they are to govern themselves by — capable, I say, of knowing it as well as several others do, who live as freemen under that law. The affection and tenderness which God has 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. But happen as it will, there is (as I have proved) no reason why it should be thought to extend at any time, to life and death over their children, more than over anybody else. Nor can there be any pretence why this *parental power* should keep the child, when grown to adulthood, in subjection to the will of his parents, any further than having received life and education from his parents, obliges him to respect, honour, gratitude, assistance, and support to both father and mother, all his life. And thus it is true: the *paternal* is a *natural government*, but it does not at all extend itself to the ends and jurisdictions of that which is political. *The power of the father does not reach at all to the property of the child*, which is solely in his own disposing.

§. 171. *Secondly*, POLITICAL POWER is that power which every man has in the state of nature, but has given up into the hands of the society, and there into the governors whom the society has set over itself — with this express or tacit trust: that it shall be employed for their good and the preservation of their property. Now this power, which every man has *in the state of nature*, and which he parts with to the society in all such cases where the society can secure him, is to use such means for preserving his own property, as he thinks good, and nature allows him; and 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 every man's hands in the state of nature, being the preservation of all of his society, that is, all mankind in general, it can have *no other end or measure* when in the hands of the magistrate, than to preserve the members of that society in their lives, liberties, and possessions. And so it cannot be an absolute, arbitrary power over their lives and fortunes (which are to be preserved as much as possible), but a power to make laws, and annex such penalties to them as may tend to the preservation of the whole, by cutting off those parts, and those only, which are so corrupt that they threaten the sound and healthy, without which no severity is lawful. And *this power has its origin only from compact and agreement*, and the *mutual consent of those who make up the community*.

§. 172. *Thirdly*, 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. But it is the *effect only of forfeiture*, which the aggressor makes of his own life, when he puts himself into the state of war with another. For having quit reason, which God has given to be the rule between man and man, and the common bond whereby humankind is united into one fellowship and society — and having renounced the way of peace which that teaches, and made use of the force of war to compass his unjust ends upon another, where he has no right; and so revolting from his own kind to that of beasts, by making force (which is theirs) to be his rule of right — he renders himself liable to be destroyed by the injured person, and the rest of mankind that will join with him in the execution of justice, like any other wild beast or noxious brute with whom mankind can have neither society nor security.⁷⁰ And thus *captives* taken in a just and lawful war, and only such, are *subject to a despotic power* which, just as it does not arise from compact, so neither is it capable of any compact, but is the state of war continued. For what compact can be made with a man who is not master of his own life? What condition can he perform? And if he is once allowed to be master of his own life, the *despotic, arbitrary power* of his master ceases. He that is master of himself and his own life, also has a right to the means of preserving it. So that *as soon as compact enters, slavery ceases*; and who enters into conditions with his captive, so far quits his absolute power, and puts an end to the state of war.

§. 173. *Nature* gives the first of these, *viz. paternal power*, to parents for the benefit of their children during their minority, to supply their want⁷¹ of ability and understanding to manage their property. (By *property* I must be understood here, as in other places, to mean that property which men have in their persons as well as their goods.) *Voluntary agreement* gives the second, *viz. political power*, to governors for the benefit of their subjects, to secure them in the possession and use of their properties. And *forfeiture* gives the third, *despotic power*, to lords for their own benefit over those who are stripped of all property.

§. 174. He that shall consider the distinct rise and extent, and the different ends of these several powers, will plainly see that *paternal power* comes as far short of that of the *magistrate*, as *despotic power* exceeds it; and that *absolute dominion*, however placed, is so far from being one kind of civil society, that it is as inconsistent with it, as slavery is inconsistent with property. *Paternal power* is only where minority makes the child incapable of managing his property; *political power* is where men have property at their own disposal; and *despotic power* is over those who have no property at all.

CHAPTER 16. Of Conquest.

§. 175. Governments can originally have no other rise than that which was mentioned before; nor can *politics* be *founded on* anything but *the consent of the people*. Yet such have been the disorders that 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 taken little notice of. And therefore many have mistaken the *force of arms* for the *consent of the people*, and reckon conquest as one of the origins of government. But *conquest* is as far from setting up any government, as

⁷⁰ Another copy, corrected by Mr. Locke, has it thus: *Noxious brute that is destructive to their being*.

⁷¹ *Want* doesn't mean *desire* here; it means *absent*, or *inadequate to fully meet the need*.

demolishing a house is from building a new one in its place. Indeed, by destroying the former it often makes way for a new frame of a commonwealth; but without the consent of the people, it can never erect a new one.

§. 176. The *aggressor*, who puts himself into a state of war with another, and *unjustly invades* another man's right, *can never come to have a right over the conquered*, by such an unjust war. This will be easily agreed by all men who will not think that robbers and pirates have a right of empire over whomever they have force enough to master; or that men are bound by promises which unlawful force extorts from them. If a robber were to 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? An *unjust conqueror* has just such a title, who forces me into submission by his sword. The injury and the crime are equal, whether committed by the wearer of a crown, or some petty villain. The title of the offender, and the number of his followers, make no difference in the offence, unless it is to aggravate it. The only difference is that great robbers punish little ones, to keep them in their obedience; but the great ones are rewarded with laurels and triumphs, because they are too big for the weak hands of justice in this world, and they have the power in their own possession, which should punish offenders. What is my remedy against a robber who thus broke into my house? *Appeal* to the law for justice. But perhaps justice is denied; or I am crippled and cannot stir; robbed and do not have the means to do it. If God has taken away all means of seeking remedy, there is nothing left but patience. But my son, when he is able, may seek the relief of the law; relief which I am denied. He or his own son may renew his *appeal*, till he recovers his right. But the conquered, or their children, have no court, no arbitrator on earth to appeal to. Then they may *appeal to heaven*, as Jephthah did, and repeat their appeal till they have recovered the native right of their ancestors, which was to have such a legislative over them, as the majority would approve and freely acquiesce in. If it is objected that this would cause endless trouble, I answer, no more than justice does where she lies open to all who appeal to her. Whoever troubles his neighbour without a cause, is punished for it by the justice of the court he appeals to. And whoever *appeals to heaven* must be sure he has right on his side; and a right, too, that is worth the trouble and cost of the appeal, as he will answer at a tribunal that cannot be deceived, and which will be sure to retribute ⁷² to everyone according to the mischiefs he has created for his fellow-subjects; that is, any part of mankind. From this it is plain that *whoever conquers in an unjust war, can thereby have no title to the subjection and obedience of the conquered*.

§. 177. But supposing victory favours 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 that he *gets no power by his conquest over those that conquered with him*. Those who fought on his side cannot suffer by the conquest, but must at least be as much freemen as they were before. And most commonly they serve upon terms, and on condition of sharing with their leader, and enjoy a part of the spoil, and other advantages that attend the conquering sword; or at least have a part of the subdued country bestowed upon them. And *the conquering people are not, I hope, to be slaves by conquest*, and wear their laurels only to show they are sacrifices to their leader's triumph. Those who found absolute monarchy

⁷² *Retribute* (verb form of *retribution*): to give in return according to the merit or value of an action.

upon the title of the sword, make their heroes, who are the founders of such monarchies, arrant *Drawcansirs*.⁷³ They forget that they had any officers and soldiers who fought on their side in the battles they won, or assisted them in the subduing, or shared in the possessing, of the countries they mastered. We are told by some, that the English monarchy is founded on the Norman conquest, and that our princes have thereby a title to absolute dominion. If it were true (as by the history it appears otherwise), and William had a right to make war on this island, yet his dominion by conquest could reach no further than to the Saxons and Britons who were then inhabitants of this country. The Normans that came with him, and helped to conquer, and all who are descended from them, are *freemen*, and no subjects by conquest — let that give what dominion it will. And if I, or anybody else, claims freedom as derived from them, it will be very hard to prove the contrary. And it is plain: the law, that has made no distinction between the one and the other, does not intend that there should be any difference in their freedom or privileges.

§. 178. But supposing that the conquerors and conquered never incorporate into one people, under the same laws and freedom (which seldom happens). Let us see next *what power a lawful conqueror has over the subdued*; and *that* I say is purely despotic. He has an absolute power over the lives of those who by an unjust war have forfeited them; but not over the lives or fortunes of those who did not engage in the war, nor over the possessions even of those who were actually engaged in it.

§. 179. *Secondly*, I say then the *conqueror* gets no power except over those who have actually assisted, concurred, or consented to that unjust force that is used against him. For the people having given to their governors no power to do an unjust thing, such as to make an unjust war (for they never had such a power in themselves), they should not be charged as guilty of the violence and injustice that is committed in an unjust war, any further than they actually abet it — no more than they are to be thought guilty of any violence or oppression their governors should use upon the people themselves, or any part of their fellow-subjects, since they have not empowered their governors any more to the one than to the other. Conquerors, it is true, seldom trouble themselves to make this distinction; but they willingly permit the confusion of war to sweep it all together. Yet this does not alter the right; for the conqueror's power over the lives of the conquered, being only because they have used force to commit or to maintain an injustice, he can have that power only over those who have concurred in that force — all the rest are innocent. And he has no more title over the people of that country, who have done him no injury, and so they have made no forfeiture of their lives, than he has over any others who have lived upon fair terms with him, without any injuries or provocations.

§. 180. *Thirdly*, the *power a conqueror gets over those he overcomes in a just war*, is *perfectly despotic*. He has absolute power over the lives of those who, by putting themselves in a state of war, have forfeited them; but he does not thereby have a right and title to their possessions. I do not doubt this will seem a strange doctrine at first sight, it being so quite contrary to the practice of the world. There is nothing more familiar in speaking of the

⁷³ *Drawcansirs*: boastful and blustering bullies or pretenders, who kill everyone on both sides of a fight. It comes from a character in George Villiers' satirical play *The Rehearsal* (1672). The character's name is a play on *Almanzor*, from Dryden's *The Conquest of Granada* (1670), which Villier mocked.

dominion of countries, than to say that such a one conquered it — as if the conquest, without any more ado, conveyed a right of possession. But when we consider that the practice of the strong and powerful, however universal it may be, is seldom the rule of right, we see that it is one part of the subjection of the conquered, not to argue against the conditions cut out to them by the conquering sword.

§. 181. Though in all war there is usually a complication of force and damage, and the aggressor seldom fails to harm the estate when he uses force against the persons of those he makes war upon, yet it is only the use of force that puts a man into the state of war. For whether he begins the injury by force, or else having done the injury quietly and by fraud, he refuses to make reparation, and by force maintains it (which is the same thing as having done it by force at first), it is the unjust use of force that makes the war. For the one who breaks into my house and violently turns me out of doors — or having gotten in peaceably, keeps me out by force — in effect does the same thing. Suppose we are in such a state that we have no common judge on earth whom I may appeal to, and to whom we are both obliged to submit; for of such I am now speaking. *It is the unjust use of force, then, that puts a man into the state of war with another*; and thereby the one who is guilty of it, makes a forfeiture of his life. For abandoning reason (which is the rule given between man and man), and using force (which is the way of beasts), he becomes liable to be destroyed by the one he uses force against, like any savage ravenous beast that is dangerous to his being.

§. 182. But because the miscarriages of the father are no faults of the children, and they may be rational and peaceable, notwithstanding the brutishness and injustice of the father; the father, by his miscarriages and violence, can forfeit his own life, but he does not involve his children in his guilt or destruction. His goods which nature (that wills the preservation of all mankind as much as possible) has made to belong to the children, to keep them from perishing, still continue to belong to his children. For supposing they did not join in the war, either through infancy, absence, or choice, they have done nothing to forfeit them. *Nor does the conqueror have any right* to take them away, by the bare title of having subdued him that attempted his destruction by force. Though perhaps he may have some right to them, to repair the damages he has sustained by the war, and in the defence of his own right. How far this reaches to the possessions of the conquered, we shall see by-and-by. So that the one who *by conquest has a right over a man's person* to destroy him if he pleases, does not thereby have a right over *his estate*, to possess and enjoy it. For it is the brutal force the aggressor has used, that gives his adversary a right to take away his life, and destroy him if he pleases, as a noxious creature. But it is damage sustained that alone gives him title to another man's goods. For though I may kill a thief who sets upon me on the highway, yet I may not (which seems less) take away his money, and let him go. This would be robbery on my side. His force, and the state of war he puts himself in, made him forfeit his life; but it gave me no title to his goods. *The right, then, of conquest extends only to the lives of those who joined in the war, not to their estates*, except in order to make reparation for the damages received, and the charges of the war. And that too is with reservation of the right of the innocent wife and children.

§. 183. Let the *conqueror* have as much justice on his side, as could be supposed, he still *has no right* to seize more than the vanquished could forfeit. His life is at the victor's mercy; and his service and goods the victor may appropriate to make himself reparation; but he cannot

take the goods of his wife and children. They too had a title to the goods he enjoyed, and their shares in the estate that he possessed. For example, if in the state of nature (and all commonwealths are in the state of nature with one another) I have injured another man, and refusing to give satisfaction, it comes to a state of war, my defending by force what I had gotten unjustly, *makes me the aggressor*. If I am conquered, my life, it is true, is forfeit and at the other's mercy, but not my wife's and children's. They did not make war, nor assisted in it. I could not forfeit their lives — they were not mine to forfeit. My wife had a share in my estate; and neither could I forfeit that. And my children also, being born of me, had a right to be maintained out of my labour or substance. Here then is the case: the conqueror has a title to reparation for damages received, and the children have a title to their father's estate for their subsistence. As to the wife's share, whether her own labour or compact gave her a title to it, it is plain that her husband could not forfeit what was hers. What must be done in that case? I answer, the fundamental law of nature being that as much as possible, all should be preserved, it follows that if there is not enough to fully *satisfy both, viz.* the conqueror's losses and the children's maintenance, he that has substance, and some to spare, must remit something of his full satisfaction, and give way to the pressing and preferable title of those who are in danger of perishing without it.

§. 184. But supposing the *charge* and *damages of the war* are to be made up to the conqueror, to the utmost farthing; and the children of the vanquished, spoiled of all their father's goods, are to be left to starve and perish — yet satisfying what, on this score, will be due to the conqueror, will scarcely give him a *title to any country he should conquer*. For the damages of war can scarcely amount to the value of any considerable tract of land, in any part of the world, where all the land is possessed, and none lies waste. And if I have not taken away the conqueror's land which, being vanquished, it is impossible that I should, then scarcely any other spoil I have done him can amount to the value of mine, supposing it is equally cultivated, and of an extent in any way coming near what I had over-run of his. The destruction of a year's product or two (for it seldom reaches four or five) is the utmost spoil that usually can be done. For as to money and such riches and treasure that are taken away, these are none of nature's goods; they have but an imaginary value — nature has put no such value upon them. They are of no more account by her standard, than the wampum of the Americans to a European prince, or the silver money of Europe would have been formerly to an American. And five years product is not worth the perpetual inheritance of land, where all is possessed and none remains waste, to be taken up by the one who is disseized.⁷⁴ This will be easily granted if one but takes away the imaginary value of money, the disproportion being more than between five and five hundred. Although, at the same time, half a year's product is worth more than the inheritance where there being more land than the inhabitants possess and make use of, anyone has liberty to make use of the waste. But there conquerors take little care to possess themselves of the *lands of the vanquished*. It is no damage therefore, that men in the state of nature (as all princes and governments are, in reference to one another) suffer from one another, can give a conqueror power to dispossess the posterity of the vanquished, and turn them out of that inheritance which ought to be the possession of them and their descendants to all generations. The conqueror indeed will be apt to think himself master. And it is the very

⁷⁴ *Disseized*: deprived of possession of an estate or freehold by force or by law.

condition of the subdued not to be able to dispute their right. But if that is all, it gives no other title than what bare force gives to the stronger over the weaker. And by this reasoning, the one who is strongest will have a right to whatever he pleases to seize on.

§. 185. Over those, then, who joined with him in the war, and over those of the subdued country who did not oppose him, and the posterity even of those who did, the conqueror, even in a just war, has no *right of dominion* by his conquest. They are free from any subjection to him. And if their former government is dissolved, they are at liberty to begin and erect another for themselves.

§. 186. The conqueror, it is true, usually by the force he has over them, compels them with a sword at their breasts, to stoop to his conditions and submit to such a government as he pleases to afford them. But the enquiry is, what right does he have to do so? If it is said, they submit by their own consent, then this allows *their own consent to be necessary to give the conqueror a title to rule over them*. It remains only to be considered whether *promises extorted by force*, without right, can be thought consent, and *how far they bind*. To this I will say, *they do not bind at all*; because whatever another gets from me by force, I still retain the right to it, and he is obliged presently to restore it. Whoever forces my horse from me, should presently restore it, and I still have a right to retake it. For the same reason, whoever *forced a promise* from me, should presently restore it, *i.e.* quit me of its obligation; or I may resume it myself, *i.e.* choose whether I will perform it. For the law of nature laying an obligation on me only by the rules she prescribes, cannot oblige me by the violation of her rules. Such is extorting anything from me by force. Nor does it at all alter the case to say that *I gave my promise*; no more than it excuses the force, and passes the right, when I put my hand in my pocket and deliver my purse myself to a thief, who demands it with a pistol at my breast.

§. 187. From all of which, it follows that the *government of a conqueror*, imposed by force on the subdued, against whom he had no right of war, or who did not join in the war against him, where he had the right, *has no obligation* upon them.

§. 188. But let us suppose that all the men of that community, being members of the same body politic, may be taken to have joined in that unjust war in which they are subdued, and so their lives are at the mercy of the conqueror.

§. 189. I say, this does not concern their children who are in their minority. For since a father does not have, in himself, a power over the life or liberty of his child, no act of his can possibly forfeit it. So that the children, whatever may have happened to the fathers, are freemen. And the absolute power of the *conqueror* reaches no further than the persons of the men who were subdued by him, and it dies with them. And should he govern them as slaves, subjected to his absolute arbitrary power, he *has no such right of dominion over their children*. He can have no power over them except by their own consent, whatever he may drive them to say or do; and he has no lawful authority while force, and not choice, compels them to submission.

§. 190. Every man is born with a double right: *First, a right of freedom to his person*, which no other man has a power over; rather, the free disposal of it lies in himself. *Secondly, a right*, before any other man, *to inherit with his brethren, his father's goods*.

§. 191. By the first of these, a man is *naturally free* from subjection to any government, even though he is born in a place under its jurisdiction. But if he disclaims the lawful government

of the country he was born in, he must also quit the right that belonged to him by its laws, and the possessions there descending to him from his ancestors, if it was a government made by their consent.

§. 192. By the second, the *inhabitants* of any country, who are descended and derive a title to their estates from those who were subdued, and had a government forced upon them against their free consent, *retain a right to the possession of their ancestors*, though they do not consent freely to the government, whose hard conditions were imposed by force on the possessors of that country. For *the first conqueror never having had a title to the land* of that country, the people who are the descendants of, or have a claim under those who were forced to submit to the yoke of a government by constraint, always have a right to shake it off, and free themselves from the usurpation or tyranny which the sword has brought in upon them. This remains till their rulers put them under such a frame of government as they willingly and consent to by choice. Who doubts that the Grecian Christians, descendants of the ancient possessors of that country, may justly cast off the Turkish yoke which they have so long groaned under, whenever they have an opportunity to do it? ⁷⁵

For no government can have a right to obedience from a people who have not freely consented to it; which they can never be supposed to do till either they are put in a full state of liberty to choose their government and governors, or at least till they have such standing laws to which they have given their free consent, by themselves or by their representatives; and also till they are allowed their due property, which is to be such proprietors of what they have, that nobody can take away any part of it without their own consent. Without this consent, men under any government are not in the state of freemen, but are direct slaves under the force of war.

§. 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 *does not have* — nothing of *absolute power* will follow from this, in the continuance of the government. This is because the descendants of these persons, all being freemen, if he grants them estates and possessions to inhabit his country (without which it would be worth nothing), whatever he grants them, they have *property* in, so far as it is granted. The nature of this grant, is that *without a man's own consent, it cannot then be taken from him*.

§. 194. Their persons are free by a native right, and their properties, be they more or less, are *their own, and at their own disposal*, and not at *his*; or else it is not *property*. Supposing the conqueror gives to one man a thousand acres, to him and his heirs forever; to another he lets a thousand acres for his lifetime, under the rent of 50£. or 500£. *per annum*. Does not the one man have a right to his thousand acres forever, and the other, a right during his lifetime, if he pays the said rent? And does not the tenant-for-life have a *property* in all that he gets over and above his rent, by his labour and industry during the said term, supposing it is double the rent? Can anyone say that the king, or conqueror, after his grant, may by his power of being a conqueror take away all, or part of the land from the heirs of one, or from the other during his lifetime, if he pays the rent? Or can he take away at his pleasure, from either of them, the goods or money they have gotten upon the said land? If he can, then all free and voluntary *contracts* cease, and are void in the world. Nothing is needed to dissolve them at

⁷⁵ This refers to the period of Ottoman rule in Greece, which began in the mid-15th century.

any time, but enough power; and all the *grants* and *promises* of men in power are but mockery and collusion. For can there be anything more ridiculous than to say, I give you and yours this forever, and that is in the surest and most solemn way of conveyance that can be devised — and yet it is to be understood that I have a right, if I please, to take it away from you again tomorrow?

§. 195. I will not dispute now whether princes are exempt from the laws of their country; but of 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. Those are so great and so strong in the case of *promises*, that omnipotency itself can be tied by them. *Grants, promises, and oaths, are bonds that hold the Almighty*. Whatever some flatterers say to princes of the world, who altogether, with all their people joined to them, in comparison to the great God, are but a drop in the bucket, or dust on the balance — inconsiderable, *nothing!*

§. 196. The short of the *case in conquest* is this: the conqueror, if he has a just cause, has a despotic right over the persons of all who actually aided and concurred in the war against him, and a right to make up his damage and cost out of their labour and estates, so long as he does not injure the right of any other. He has no power over the rest of the people, if there were any who did not consent to the war, nor over the children of the captives themselves, nor over the possessions of either. And so he cannot have, *by virtue of conquest, lawful title himself to dominion* over them, or derive it to his posterity. Rather, he is an aggressor if he attempts upon their properties, and thereby puts himself in a state of war against them. He has no better a right of principality, nor do any of his successors, than the Danes Hingar or Hubba had here in England; or Spartacus would have had if he conquered Italy — which is to have their yoke cast off as soon as God gives those under their subjection, the courage and opportunity to do it. Thus, notwithstanding whatever title the kings of Assyria had over Judah by the sword, God assisted Hezekiah to throw off the dominion of that conquering empire. *And the Lord was with Hezekiah, and he prospered. Therefore he went forth, and he rebelled against the king of Assyria, and did not serve him*, 2Kng 18.7. From this it is plain that shaking off a power which force, and not right, has set over anyone, though it has the name of *rebellion*, yet is no offence before God, but is that which he allows and countenances, even if promises and covenants, when obtained by force, have intervened. For it is very probable, to anyone who reads the story of Ahaz and Hezekiah attentively, that the Assyrians subdued Ahaz, and deposed him, and made Hezekiah king in his father's lifetime; and that Hezekiah by agreement had done him homage, and paid him tribute all this time.

CHAPTER 17. Of Usurpation.

§. 197. Just as *conquest* may be called a *foreign usurpation*, so *usurpation* is a kind of *domestic conquest*, with this difference: that a usurper can never have right on his side, for it is not *usurpation* unless one has gotten *possession of what another has a right to*. This, so far as it is *usurpation*, is only a change of persons, but not of the forms and rules of the government. For if the usurper extends his power beyond what of right belonged to the lawful princes or governors of the commonwealth, then it is *tyranny* added to *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 that which had its establishment originally from the people. *Anarchy* is much like having no form of government

at all; or to agree that it will be *monarchical*, but not appoint a way to know or design the person who will have the power, and be the monarch. Hence all commonwealths, with the form of government established, also have rules for appointing those who are to have any share in the public authority, and they have settled methods of conveying the right to them. Whoever gets into the exercise of any part of the power, by ways other than what the laws of the community have prescribed, has no right to be obeyed, even if the form of the commonwealth is still preserved — since he is not the person the laws have appointed, and consequently, he is not the person the people have consented to. Nor can such a usurper, or anyone deriving from him, ever have a title, till the people are both at liberty to consent, and have actually consented to allow and to confirm in him, the power he has till then usurped.

CHAPTER 18. Of Tyranny.

§. 199. Just as usurpation is the exercise of power which another has a right to, so *tyranny is the exercise of power beyond right*, which nobody can have a right to. And this is making use of the power anyone has in his hands, not for the good of those who are under it, but for his own private separate advantage. It is where the governor, however entitled, does not make the *law*, but his *will* the rule, and his commands and actions are not directed to the preservation of the properties of his people, but to the satisfaction of his own ambition, revenge, covetousness, or any other irregular passion.

§. 200. If one can doubt this to be truth or reason, because it comes from the obscure hand of a subject, I hope the authority of a king will make it pass with him. King James the first in his speech to the parliament, 1603, tells them thus:

I will ever prefer the weal of the public and of the whole commonwealth, in making good laws and constitutions, to any particular and private ends of mine — ever thinking the wealth and weal of the commonwealth to be my greatest weal and worldly felicity; a point in which a lawful king directly differs from a tyrant. For I acknowledge that the special and greatest point of difference between a rightful king and a usurping tyrant is this: that whereas the proud and ambitious tyrant thinks his kingdom and people are only ordained for satisfying his desires and unreasonable appetites, the righteous and just king, on the contrary, acknowledges himself to be ordained for the procuring of the wealth and property of his people.

And again, in his speech to the parliament, 1609, he has these words,

The king binds himself by a double oath, to the observation of the fundamental laws of his kingdom; *tacitly*, by being a king, and so bound to protect the people as well as the laws of his kingdom; and *expressly*, by his oath at his coronation. So that, just as every just king, in a settled kingdom, is bound to observe that covenant with his people, by his laws, and in framing his government agreeable to it, according to that paction which God made with Noah after the deluge. Hereafter, seed-time and harvest, and cold and heat, and summer and winter, and day and night, shall not cease while the earth remains. And therefore a king governing in a settled kingdom, leaves being a king, and degenerates into a tyrant, as soon as he leaves off ruling according to his laws.

And a little after,

Therefore all kings who are not tyrants, or perjured, will be glad to bound themselves within the limits of their laws; and those who persuade them to the contrary, are vipers, and pests against both them and the commonwealth.

Thus that learned king, who well-understood the notion of things, differentiates between a king and a tyrant, as consisting only in this: that one makes the laws the bounds of his power, and the good of the public, the end of his government; the other 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 one. 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 who have it, there it quickly becomes *tyranny*, whether those who thus use it are one or many. Thus we read of the thirty tyrants at Athens, as well as one at Syracuse; and the intolerable dominion of the *Decemviri* at Rome was nothing better.

§. 202. *Wherever law ends, tyranny begins*, if the law is transgressed to another's harm. And whoever in authority exceeds the power given him by the law, and makes use of the force he has under his command to compass upon the subject, that which the law does not allow — ceases in that to be a magistrate; and acting without authority, he may be opposed like any other man, who by force invades the right of another. This is acknowledged in subordinate magistrates. Whoever has authority to seize my person in the street, may be opposed as a thief and a robber, if he endeavours to break into my house to execute a writ, notwithstanding that I know he has such a warrant, and such legal authority as will empower him to arrest me abroad. And I would gladly be informed why this should not hold in the highest, as well as in the most inferior magistrate. Is it reasonable that the eldest brother, because he has the greatest part of his father's estate, should thereby have a right to take away any of his younger brothers' portions? Or that a rich man, who possessed a whole country, should have a right from that to seize, whenever he pleased, the cottage and garden of his poor neighbour? Being rightfully possessed of great power and riches, exceedingly beyond the greatest part of the sons of Adam, is so far from being an excuse, much less a reason, for rapine and oppression, — which is what endamaging another without authority is — that it is a great aggravation of it. For exceeding the bounds of authority is no more a right in a great officer, than in a petty one; no more justifiable in a king than in a constable. Rather, it is so much the worse in him, in that he has more trust put in him, and he already has a much greater share than the rest of his brethren, and from the advantages of his education, employment, and counsellors, he is supposed to be more knowing in the measures of right and wrong.

§. 203. *May the commands of a prince then be opposed?* May he be resisted as often as anyone finds himself aggrieved, and but imagines right is not done to him? This will unhinge and overturn all polities; and instead of government and order, it will leave nothing but anarchy and confusion.

§. 204. To this I answer that *force is to be opposed to nothing* except unjust and unlawful *force*. Whoever makes opposition in any other case, draws a just condemnation on himself both from God and man. And so no danger or confusion will follow, as is often suggested; for,

§. 205. *First*, As in some countries, the person of the prince is sacred by the law. And so whatever he commands or does, his person is still free from all question or violence, and is not liable to force or any judicial censure or condemnation. Yet opposition may be made to the illegal acts of any inferior officer, or others commissioned by him, unless the prince will,

by actually putting himself into a state of war with his people, dissolve the government, and leave them to that defence which belongs to everyone in the state of nature. For who can tell what the end will be of such things? And a neighbour kingdom has shown the world an odd example. In all other cases, *the sacredness of his person exempts him from all inconveniences* — whereby he is secure, while the government stands, from all violence and harm whatsoever. There cannot be a wiser constitution than this. For the harm he can do in his own person not being likely to happen often, nor to extend itself far, nor being able by his single strength to subvert the laws, nor oppress the body of the people (should any prince have so much weakness and ill-nature as to be willing to do it), the inconvenience of some particular mischiefs that may happen sometimes when a heady prince comes to the throne, are well recompensed by the peace of the public, and the security of the government in the person of the chief magistrate, thus set out of the reach of danger. It is safer for the body, that some few private men should sometimes be in danger of suffering, than the head of the republic be exposed easily, and upon slight occasions.

§. 206. *Secondly*, But this privilege, belonging only to the king's person, does not hinder those from being questioned, opposed, and resisted, who use unjust force, even if they pretend a commission from the king, which the law does not authorize. This is plain in the case of one who has the king's writ to arrest a man, which is a full commission from the king. And yet the one who has it, cannot break open a man's house to do it, nor execute this command of the king on certain days, nor in certain places, even if this commission has no such exception in it. But these are the limitations of the law, which if anyone transgress it, the king's commission does not excuse him. For the king's authority being given to him only by the law, the king cannot empower anyone to act against the law, nor justify him by his commission in so doing. *The commission or command of any magistrate, where he has no authority*, is as void and insignificant as that of any private man. The difference between the one and the other is that the magistrate has some authority so far, and to such ends, and the private man has none at all. For it is not the commission, but the *authority*, that gives the right of acting; and *there can be no authority against the laws*. But notwithstanding such resistance, the king's person and authority are still both secured; and so there is no danger to governor or government.

§. 207. *Thirdly*, Supposing a government in which the person of the chief magistrate is not thus sacred, yet this doctrine of the lawfulness of *resisting* all unlawful exercises of his power, *will not* endanger him upon every slight occasion, nor *embroil the government*. For where the injured party may be relieved, and his damages repaired by appeal to the law, there can be no pretence for force, which is only to be used where a man is intercepted from appealing to the law. For nothing is to be accounted hostile force, except where it does not leave the remedy of such an appeal; and it is *such force alone* that puts the one who uses it *into a state of war*, and makes it lawful to resist him. A man with a sword in his hand demands my purse on the highway, when perhaps I do not have twelve pence in my pocket. I may lawfully kill this man. To another I deliver 100£. to hold only while I alight, which he refuses to restore me when I have gotten up again, but draws his sword to defend his possession of it by force if I endeavour to retake it. The mischief this man does me is a hundred, or possibly a thousand times more than the other perhaps intended me (whom I killed before he really did me any) and yet I might lawfully kill the one, and I cannot so much as hurt the other one lawfully. The reason for this is plain. Because the one used *force*, which threatened my life, I could not have

time to appeal to the law to secure it; and once it was gone, it was too late to appeal. The law could not restore life to my dead carcass. The loss was irreparable. To prevent this, the law of nature gives me a right to *destroy* the one who had put himself into a state of war with me, and threatened my destruction. But in the other case, my life *not* being in danger, I may have the *benefit of appealing to the law*, and have reparation for my 100£ that way.

§. 208. *Fourthly*, But if the unlawful acts done by the magistrate are maintained (by the power he has gotten) and the remedy which is due by law is obstructed by the same power, yet the *right of resisting*, even in such manifest acts of tyranny, *will not* suddenly, or on slight occasions, *disturb the government*. For if it reaches no further than some private men's cases, though they have a right to defend themselves, and to recover by force what is taken from them by unlawful force, yet the right to do so will not easily engage them in a contest in which they are sure to perish. It being as impossible for one, or a few oppressed men, to *disturb the government* where the body of the people do not think themselves concerned in it — such as for a raving madman, or a heady malcontent, to overturn a well-settled state — the people are as little apt to follow the one, as the other.

§. 209. But if either of these illegal acts have extended to the majority of the people; or if the mischief and oppression has lighted only on a few, but in such cases, because the precedent and consequences seem to threaten all, and they are persuaded in their consciences, that their laws, and with them their estates, liberties, and lives are in danger, and perhaps their religion too — how they will be kept from resisting illegal force used against them, I cannot tell. This is an *inconvenience*, I confess, *that attends all governments whatsoever*, when the governors have brought it to this pass: to be generally suspected by their people. This is the most dangerous state which they can possibly put themselves in, one in which they are less to be pitied because it is so easy to be avoided. For it is as impossible for a governor — if he really means the good of his people, and their preservation, and their laws together — not to make them see and feel it, as it is impossible for the father of a family, not to let his children see that he loves and takes care of them.

§. 210. But if all the world will observe the pretences of one kind, and the actions of another,

- if craftiness is used to elude the law,
- if the trust of *prerogative* (which is an arbitrary power in some things, left in the prince's hand to do good and not harm to the people) is employed contrary to the end for which it was given;
- if the people find the ministers and subordinate magistrates chosen, are suitable to such ends and favoured, or else they are laid aside in proportion to how they promote or oppose those ends;
- if they see several instances made of arbitrary power;
- if that religion which is readiest to introduce it, is favoured underhand (though publicly proclaimed against);
- if the operators in it are supported as much as possible, and when that cannot be done, it is still approved and liked even better;
- *if a long train of actions shows the councils* are all tending that way;

then how can a man keep himself any longer from being persuaded in his own mind, which way things are going? Or from casting about for how to save himself, rather than believing the

captain of the ship he was in, was carrying him and the rest of his company to Algiers, when he found him always steering that course, even though crosswinds, leaks in his ship, and want of men and provisions, often forced him to turn his course another way for some time, which he steadily returned to again, as soon as the wind, weather, and other circumstances would let him?

CHAPTER 19. Of the Dissolution of Government.

§. 211. Whoever would speak of the *dissolution of government* with any clearness, should in the first place distinguish between the *dissolution of the society* and the *dissolution of the government*. That which makes the community, and brings men out of the loose state of nature, into *one political society*, is the agreement which everyone has with the rest to incorporate and act as one body, and so be one distinct commonwealth. The usual, and almost only way whereby *this union is dissolved*, is the inroad of foreign force making a conquest upon them. For in that case (not being able to maintain and support themselves as *one entire and independent body*) the union belonging to that body which consisted in it, must necessarily cease, and so everyone returns to the state he was in before, with a liberty to shift for himself and to provide for his own safety as he thinks fit, in some other society. Whenever the *society is dissolved*, it is certain that the *government* of that society cannot remain. Thus conquerors' swords often cut up governments by the roots, and mangle societies to pieces, [371] separating the subdued or scattered multitude from the protection of, and dependence on, that society which should have preserved them from violence. The world is too well instructed in, and too forward to allow this way of dissolving governments, to need any more to be said of it. And there is not lacking much argument to prove that where the *society is dissolved*, the *government* cannot remain. That is as impossible as for the frame of a house to subsist when its materials are scattered and dissipated by a whirlwind, or jumbled into a confused heap by an earthquake.

§. 212. Besides this overturning from *without*, *governments are dissolved from within*:

First, When the legislative is altered. Civil society being a state of peace among those who are of it, from whom the state of war is excluded by the umpirage which they have provided in their legislative, for ending all differences that may arise among any of them, it is in their *legislative* that the members of a commonwealth are united and combined together into one coherent living body. *This is the soul that gives form, life, and unity*, to the commonwealth. From here, the several members have their mutual influence, sympathy, and connexion. And therefore, when the *legislative is broken or dissolved*, dissolution and death follow. *For the essence and unity of the society* consists in having one will. [372] The legislative, once established by the majority, has the declaring, and as it were, the keeping of that will. *The constitution of the legislative* is the first and fundamental act of society, whereby provision is made for the *continuation of their union* under the direction of persons, and bonds of laws made by persons authorized for that purpose, by the consent and appointment of the people, without which no one man or number of men among them, can have authority to make laws that will be binding on the rest. When any one or more, take it upon themselves to make laws, whom the people have not appointed to do so, they make laws *without authority*, laws which the people are therefore not bound to obey. By this means they come again to be outside of subjection, and may constitute for themselves a *new legislative*, as they think best, being in

full liberty to resist the force of those who, without authority, would impose anything upon them. Everyone is at the disposal of his own will, when those who had the declaring of the public will, by the delegation of the society, are excluded from it, and others usurp their place — those who have no such authority or delegation.

§. 213. This usually being brought about by those in the commonwealth who misuse the power they have, it is hard to consider it rightly, and know whose door to lay it at, without knowing the form of government in which it happens. Let us suppose then that the [373] *legislative* is placed in the concurrence of three distinct persons.

1. A single hereditary person, having the constant, supreme, executive power, and with it the power of convoking and dissolving the other two within certain periods of time.
2. An assembly of hereditary nobility.
3. An assembly of representatives chosen *pro tempore* (for a time) by the people.

Such a form of government being supposed, the following is evident:

§. 214. *First*, That 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 as declared by the legislative, then the *legislative is changed*. For that being in effect the legislative, whose rules and laws are put in execution, and required to be obeyed. When other laws are set up, and other rules are pretended and enforced, than what the legislative constituted by the society have enacted, it is plain that the *legislative is changed*. Whoever introduces new laws, not being authorized to do so by the fundamental appointment of the society, or who subverts the old, thus disowns and overturns the power by which they were made, and so sets up a new legislative.

§. 215. *Secondly*, 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*. For it is not a certain number of men, no, nor their meeting, unless they also have [374] freedom of debating, and the leisure of perfecting, what is for the good of the society, wherein the legislative consists. When these are taken away or altered so as to deprive the society of the due exercise of their power, the *legislative* is truly altered; for it is not names that constitute governments, but the use and exercise of those powers that were intended to accompany them. So that, whoever takes away the freedom, or hinders the acting of the legislative in its due seasons, in effect *takes away the legislative, and puts an end to the government*.

§. 216. *Thirdly*, 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 is altered*. For if others than those whom the society has authorized for it, choose, or [act] in another way than what the society has prescribed, then those chosen are not the legislative appointed by the people.

§. 217. *Fourthly*, Also, the delivery of the people into subjection by a foreign power, either by the prince, or by the legislative, is certainly a *change of the legislative*, 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.

§. 218. Why, in such a constitution as this, [375] the dissolution of the government in these cases is to be imputed to the prince, is evident. It is because he, having the force, treasure and offices of the state to employ, and often persuading himself, or being flattered by others, that as supreme magistrate he is incapable of control, he alone is in a condition to make great advances toward such changes, under the pretence of lawful authority. And he has it in his hands to terrify or suppress opposers, as factious, seditious, and enemies to the government. Whereas no other part of the legislative, or of the people, is capable by themselves to attempt any alteration of the legislative, without open and visible rebellion, apt enough to be taken notice of, and which, when it prevails, produces effects very little different from foreign conquest. Besides, the prince in such a form of government, having the power of dissolving the other parts of the legislative, and thereby rendering them private persons, they can never — in opposition to him, or without his concurrence — alter the legislative by a law, for his consent is necessary to give any of their decrees that sanction. But yet, so far as the other parts of the legislative contribute in any way toward any attempt upon the government, they are guilty, and partake in this, ⁷⁶ which is certainly the greatest crime men can be guilty of, one towards another.

§. 219 There is one way more by which [376] such a government may be dissolved, and that is when the one 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 demonstratively to reduce all to anarchy, and so effectually *to dissolve the government*. For laws not being made for themselves, but are to be, by their execution, the bonds of the society, and 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 connexion. Where there is no longer the administration of justice for securing men's rights, nor any remaining power within the community to direct the force, or to provide for the necessities of the public, there certainly is *no government left*. Where the laws cannot be executed, it is all the same as if there were no laws. And a government without laws is, I suppose, a mystery in politics, inconceivable to human capacity, and inconsistent with human society.

§. 220. In these and like cases, *when the government is dissolved*, the people are at liberty to provide for themselves by erecting a new legislative, differing from the other by the change of persons, or form, or both, as they 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, [377] which can only be done by a settled legislative, and a fair and impartial execution of the laws made by it. But the state of mankind is not so miserable that they are not capable of using this remedy till it is too late to look for any. To *tell people they may provide for themselves* by erecting a new legislative, when by oppression, artifice, or being delivered over to a foreign power, their old one is gone, is only to tell them that they may expect relief when it is too late, and the evil is past cure. This is in effect no more than to bid them first be slaves, and *then* to take care of their liberty; and when their chains are on, to tell them that they may act like freemen. This, if even barely so, is mockery rather than relief. And men can never be secure

⁷⁶ Originally, “upon the government, and do either promote, or not, what lies in them, hinder such designs, they are guilty, and partake in this, which...”

from tyranny if there is no means to escape it till they are perfectly under it. And therefore they have not only a right to *get out* of it, but to *prevent* it.

§. 221. There is therefore, *secondly*, another way by which *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 endeavour 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 for which they choose and authorize a legislative, is that laws may be 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 everyone 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 further obedience, and are left to the common refuge which God has provided for all men against force and violence. Thus, whenever the *legislative* transgresses this fundamental rule of society, and either by ambition, fear, folly, or corruption, endeavours to grasp for 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 that power devolves to the people, who have a right to resume their original liberty and, by the establishment of a new legislative (such as they 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, also holds true concerning the *supreme executor*, who having a double trust put in him, both to have a part in the legislative, *and* in 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.' *He also 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 pre-engages the *electors*, and prescribes their choice of those whom he has won to his designs by solicitations, threats, promises, or otherwise, and employs them to bring in those who have promised beforehand what to vote, and what to enact. To thus regulate candidates and electors, and newly-model the ways of election, what is it if not to cut up the government by the roots, and poison the very fountain of public security? For the people having reserved to themselves the choice of their *representatives* as the fence to their properties, could do it for no other end but that they might always be freely chosen, and having so chosen, to freely act and advise as the necessity of the common wealth, and the public good, should upon examination and mature debate, be judged to require. Those who give their votes before they hear the debate and have weighed the reasons on all sides, are not capable of doing this. To prepare such an assembly as this, and endeavour to substitute the declared abettors of his own will, for the true *representatives* of the people and the law-makers of the society, is certainly as great a *breach of trust*. It is as perfect a

declaration of a design to subvert the government, as it is possible to meet with. If one would add to this, rewards and punishments visibly employed to the same end, and all the craft of perverted law made use of to take away and destroy all who stand in the way of such a design, and who will not comply and consent to betray the liberties of their country, it will be past doubt what is going on. It is easy to determine what power they ought to have in the society, who thus employ it *contrary* to the trust that went along with it in its first institution. And one cannot help but see that the one who has once attempted any such thing as this, cannot be trusted any longer.

§. 223. To this it will perhaps be said, that the people being ignorant, and always discontented, to lay the foundation of government on the unsteady opinion and uncertain mood of the people, is to expose it to certain ruin. And *no government will be able to long subsist* if the people may set up a new legislative whenever they take offence at the old one. To this I answer, *Quite the contrary*. People are not so easily gotten out of their old forms as some are apt to suggest. They are hardly to be prevailed with to amend the acknowledged faults in the frame they have been accustomed to. And if there are any original defects, or adventitious ones introduced by time, or corruption; it is not an easy thing to be changed even when all the world sees there is an opportunity for it. This slowness and aversion in the people to quit their old constitutions, has in the many revolutions which have been seen in this kingdom, in this and in former ages, still kept us to, or after some interval of fruitless attempts, still brought us back again to our old legislative of king, lords, and commons. And whatever provocations have made the crown to be taken from some of our princes' heads, they never carried the people so far as to place it in another line.

§. 224. But it will be said, *this hypothesis lays a ferment for frequent rebellion*. To which I answer,

First, No more than any other *hypothesis*. For when the people are made miserable, and find themselves *exposed to the ill-usage of arbitrary power* — praise their governors as much as you will, as sons of Jupiter; let them be sacred and divine, descended, or authorized from heaven; give them out for whomever or whatever you please — the same will happen. *The people, generally ill-treated* and contrary to right, will be ready upon any occasion to ease themselves of a burden that sits heavy upon them. They will wish and seek the opportunity which, in the change, weakness, and accidents of human affairs, seldom delays long to offer itself. He must have lived only a little while in the world, who has not seen examples of this in his time. And he must have read very little, who cannot produce examples of it in all sorts of governments in the world.

§. 225. *Secondly*, I answer, such revolutions do not happen 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 help but feel what they lie under, and see where they are going — it is not to be wondered at that they then rouse themselves, and endeavour to put the rule into such hands as may secure for 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. For the inconveniences are all as great and as near, but the remedy is farther off and more difficult to attain.

§. 226. *Thirdly*, I answer that *this doctrine* of a power in the people to provide for their safety anew, by a new legislative, when their legislators have acted contrary to their trust by invading their property, is the *best fence against rebellion*, and the most probable means to hinder it. For *rebellion* is an opposition, not to *persons*, but to *authority*, which is founded only in the constitutions and laws of the government. Those, whoever they are, who break through by force, and justify their violation of those laws by force, are truly and properly rebels. For when men, by entering into society and civil government, have excluded force and introduced laws for the preservation of property, peace, and unity among themselves, then those who again set up force in opposition to the laws, *rebellare*. That is, they bring back again the state of war, and these are properly *rebels*. Those who are in power are likeliest to do this (by the pretence they have to authority, the temptation of force they have in their hands, and the flattery of those about them). The most proper way to prevent the evil, is to show those who are under the greatest temptation to pursue it, the danger and injustice of it.

§. 227. In both the 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 anyone by force takes away the established legislative of any society, and the laws made by them pursuant to their trust, he thereby takes away the umpirage which everyone had consented to, for a peaceable decision of all their controversies, and a bar to the state of war among them. Those who remove or change the legislative, take away this decisive power which nobody can have except by the appointment and consent of the people. And so destroying the authority which the people set up (and nobody else can), and introducing a power which the people have not authorized, they actually introduce a *state of war*, which is a state of force without authority. And thus, by removing the legislative established by the society (in whose decisions the people acquiesced and united as that of their own will) they untie the knot, and *expose the people anew to the state of war*. And if those who by force take away the legislative are *rebels*, then the *legislators* themselves, as shown, can be no less esteemed so. When those who were set up for the protection and preservation of the people, their liberties, and properties, invade and endeavour to take them away by force, and so put themselves into a state of war with those who made them the protectors and guardians of their peace, they are properly, and with the greatest aggravation, *rebellantes*, rebels.

§. 228. But if those who say *it lays a foundation for rebellion*, mean that it may occasion civil wars or internal disturbances 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 who invades* his neighbours. If the innocent honest man must quietly quit all he has for the sake of peace, to him who will lay violent hands upon it, I desire that it may be considered what a kind of peace there will be in the world, which consists only in violence and rapine;

and which is to be maintained only for the benefit of robbers and oppressors. Who would not think it an admirable peace between the mighty and the mean, when the lamb, without resistance, yielded his throat to be torn by the imperious wolf? Polyphemus' den gives us a perfect pattern of such a peace, and such a government, in which Ulysses and his companions had nothing to do, but to quietly allow themselves to be devoured. And no doubt Ulysses, who was a prudent man, preached up *passive obedience*, and exhorted them to a quiet submission by representing to them of what concern peace was to mankind; and by showing what inconveniences might happen if they were to offer to resist Polyphemus, who now had the power over them.⁷⁷

§. 229. The end of government is the good of mankind. And which is *best for mankind*? That the people should always be 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 for the preservation of the properties of their people?

§. 230. Nor let anyone say that mischief can arise from this as often as it pleases a busy head or turbulent spirit to desire the alteration of the government. It is true, such men may stir whenever they please; but it will only be to their own just ruin and perdition. For till the mischief has grown generally, and the ill designs of the rulers become visible, or their attempts become sensible to the greater part of the people, those who are more disposed to suffer than right themselves by resistance, are not apt to stir. The examples of particular injustice, or the oppression here and there of an unfortunate man, does not move them. But if they universally have a persuasion, grounded upon manifest evidence that designs are carrying on against their liberties, and the general course and tendency of things cannot but give them strong suspicions of the evil intention of their governors, then who is to be blamed for it? Who can help it if those who might avoid it, bring themselves into tins suspicion? Are the people to be blamed if they have the sense of rational creatures, and can think of things in no other way than as they find and feel them? And is it not rather *their fault*, who put things into such a posture, that they would not have them thought to be as they are? I grant that the pride, ambition, and turbulence of private men have sometimes caused great disorders in commonwealths, and that factions have been fatal to states and kingdoms. But whether *the mischief has oftener begun in the people's wantonness* and a desire to cast off the lawful authority of their rulers, or *in the rulers insolence* and endeavours to get and exercise an arbitrary power over their people — whether oppression or disobedience gave the first rise to the disorder — I leave it to impartial history to determine. Of this I am sure: whoever, either ruler or subject, by force goes about to invade the rights of either prince or people, and lays the foundation for *overturning* the constitution and frame of *any just government*, is highly guilty of the greatest crime I think a man is capable of — being answerable for all those mischiefs of blood, rapine, and desolation, which the breaking to pieces of governments bring on a country. And whoever does it, is justly to be esteemed the common enemy and pest of mankind, and is to be treated accordingly.

⁷⁷ Alluding to Homer's epic poem, *The Odyssey* (c. 800 B.C.). Polyphemus was a giant Cyclops, son of Poseidon (god of the Sea); Ulysses (Latin for *Odysseus*) was the Greek hero in the story. Locke's concluding statement that begins, "No doubt Ulysses..." is said sarcastically.

§. 231. That *subjects* or *foreigners*, attempting by force to [threaten] 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*, has been denied of late. It is as if those who had the greatest privileges and advantages by the law, thereby had a power to break those laws by which alone they were set in a better place than their brethren. Whereas their offence is thereby *greater*, both as being ungrateful for the greater share they have by the law, and also in breaking that trust which is put into their hands by their brethren.

§. 232. Whoever uses *force without right*, as everyone does in society, 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 everyone has a right to defend himself and *to resist the aggressor*. This is so evident that Barclay himself, that great assertor of the power and sacredness of kings,⁷⁸ is forced to confess that it is lawful for the people, in some cases, to *resist* their king. And that too is in a chapter in which he pretends to show that the divine law bars the people from all manner of rebellion. By this it is evident, even by his own doctrine, that since in some cases they may *resist*, all resisting of *princes* is not rebellion.⁷⁹ in English his words are thus:

§. 233. “But if anyone should ask, 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 to ruin by their king, and all the miseries of want and oppression, and yet sit still? Must men alone be debarred the common privilege of opposing force with force, which nature allows so freely to all other creatures for their preservation from injury? I answer: Self-defence is a part of the law of nature; nor can it be denied the community, even against the king himself. But to revenge themselves upon him, must by no means be allowed them, it not being agreeable to that law. Therefore, if the king shows a hatred not only to some particular persons, but sets himself against the body of the commonwealth, of which he is the head, and with intolerable ill-usage, cruelly tyrannizes 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

⁷⁸ William Barclay (1546-1608) – Scottish jurist. His principal work was *De Regno et Regali Potestate* (1600), written in defence of the rights of kings, as against the Pope, which offended the Jesuits of France.

⁷⁹ Quod si quis dicat, Ergone populus tyrannicae crudelitati & furori jugulum semper praebebit? Ergone multitudo civitates suas fame, ferro, & flammâ vastari, seque, conjuges, & liberos fortunae ludibrio & tyranni libidini exponi, inque omnia vitae pericula omnesque miseriae & molestiae à rege deductae patientur? Num illis quod omni animantium generi est à naturâ tributum, denegari debet, ut sc. vim vi repellant, seseq; ab injuriâ tucantur? Huic breviter responsum sit, Populo universo negari defensionem, quae juris naturalis est, neque ultionem quae praeter naturam est adversus regem concedi debere. Quapropter si rex non in singulares tantum personas aliquot privatum odium exerceat, sed corpus etiam reipublicae, cujus ipse caput est, i.e. totum populum, vel insignem aliquaem ejus partem inhumani & intolerandâ, saevitiâ seu tyrannide divexet; populo, quidem, hoc casu resistendi ac tuendi se ab injuriâ potestas competit, sed tuendi sc tantum, nan enim in principem invadendi: & restituendar injuriae illatae, non recedendi a debitâ reverentiâ propter acceptam injuriam. Praesentem denique impetum propulsandi non vim praeteritam ulciscendi jus habet. Horum enim alterum à naturâ est, ut vitam scilicet corpusque tucamur. Alterum verò contra naturam, ut inferior de superiori supplicium sumat. Quod itaque populus malum, antequam factum sit, impedire potest, ne fiat, id postquam factum est, in regem authorem sceleris vindicare non potest: populus igitur hoc amplius quàm privatus quispiam habet: quod huic, vel ipsis adversariis iudicibus, excepto Buchanano, nullum nisi in potentia remedium superest. Cùm ille si intolerabilis tyrannus est (modicum enim ferre omnino debet) resistere cum reverentiâ possit.

— Barclay, *contra Monarchom.* l. iii. c. 8.

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* violences. For it is natural for us to defend life and limb, but that an inferior should punish a superior, is against nature. The mischief which is intended to them, the people may prevent before it is done; but when it is done, they must not revenge it on the king, even though author of the villainy. This therefore is the privilege of the people in general, above what any private person has. Though particular men are allowed by our adversaries themselves (Buchanan alone excepted) to have no other remedy but patience, yet the body of the people may, with respect, resist *intolerable* tyranny — for when it is but *moderate*, they ought to endure it.”

§. 234. Thus far that great advocate of monarchical power allows resistance.

§. 235. It is true, he has annexed two limitations to it, to no purpose:

First, He says it must be *with reverence*.

Secondly, It must be *without retribution or punishment*; and the reason he gives is because an inferior cannot punish a superior.

First. How to *resist force without striking back*, or how to *strike with reverence*, will need some skill to make intelligible. Whoever opposes an assault only with a shield to receive the blows, or in any more respectful posture, without a sword in his hand to abate the confidence and force of the assailant, will quickly be at an end of his *resistance*, and will find such a defence serves only to draw worse usage upon himself. This is as ridiculous a way of resisting, as Juvenal thought it was of fighting: *ubi tu pulsas, ego vapulo tantum*.⁸⁰ And the success of the combat will be unavoidably the same as he describes it there:

— *Libertas pauperis haec est:*
Pulsatus rogat, & pugnus concisus adorat,
*Ut liceat paucis cum dentibus inde reverti.*⁸¹

This will always be the event of such an imaginary *resistance*, where men may not strike back. Therefore, *whoever may resist, must be allowed to strike*. And then let our author, or anybody else, join a knock on the head, or a cut on the face, with as much *reverence* and *respect* as he thinks fit. Whoever can reconcile blows and reverence may, for all I know, desire for his pains, a civil, respectful cudgeling wherever he can meet with it.

Secondly. As to his second, *An inferior cannot punish a superior*, that is true, generally speaking, *while* he is his superior. But to resist force with force, being *the state of war* that *levels the parties*, cancels all former relation of reverence, respect, and *superiority*. And then the odds that remain, are that the one who opposes the unjust aggressor, has this superiority

⁸⁰ "If that's a fight indeed:

Where you strike hard,
 and I stand still and bleed."

- *Juvenal* – Roman poet (c. 55-127 A.D.), author of the *Satires*, a collection of satirical poems.

⁸¹ The freedom of the poor is this:

Being beaten, he begs, and being cut with fists, he worships,
 That he may be permitted to return from there with a few teeth.

over him: that he has a right, when he prevails, to punish the offender, both for the breach of the peace, and for all the evils that followed upon it. Barclay, therefore, in another place, more coherently to himself, denies that it is lawful to *resist* a king in *any* case. But there he assigns two cases by which a king may *un-king* himself. His words in English ⁸² run thus:

§. 237. What then, can there be no case happen in which the people may, of right and by their own authority, help themselves, take arms, and set upon their king who is imperiously domineering over them? None at all, *while* he remains a king. *Honour the king*, and *whoever resists the power, resists the ordinance of God*, are divine oracles that will never permit it. The people, therefore, can never come by a power over him, unless he does something that makes him *cease* to be a king. For then he divests himself of his crown and dignity, and returns to the state of a private man, and the people become free and superior, the power which they had in the *interregnum*, before they crowned him king, devolving back to them. There are but few miscarriages which bring the matter to this state. After considering it well on all sides, I can find but two. There are *two cases*, I say, by which a king, *ipso facto*, becomes *no* king, and loses all power and regal authority over his people. These are also taken notice of by Winzerus.

The **first** is, *If he endeavours to overturn the government*. That is, if he has a purpose and design to ruin the kingdom and commonwealth, as it is recorded about *Nero* — that he resolved to cut off the senate and people of Rome, lay the city waste with fire and sword, and then remove to some other place. And about *Caligula* — that he openly declared that he would no longer be a head to the people or senate, and that he had it in his thoughts to cut off the worthiest men of both ranks, and then retire to Alexandria. And he wished that the people had but one neck, that he might dispatch them all in a single a blow. — When any king harbours such designs as these in his thoughts, and seriously promotes them, he

⁸² Quid ergo, nulline casus iucidere possunt quibus populo sese erigere atque in regem impotentius dominantem arma capere & invadere jure suo suâque autoritate liceat? Nulli certe quamdiu rex manet. Semper enim ex divinis id obstat, *Regem honorificato*; & qui potestati resistit, *Dei ordinationi resistit*: non aliâs igitur in eum populo potestas est quam si id committat propter quod ipso jure rex esse desinat. Tunc enim se ipse principatu exuit atque in privatis constituit liber: hoc modo populus & superior efficitur, reverse ad eum sc. jure illo quod ante regem inauguratum in interregno habuit. At sunt paucorum generum commissa ejusmodi quae hunc effectum pariunt. At ego cum plurima animo perlustrem, duo tantum invenio, duos, inquam, casus quibus rex ipso facto ex rege non regem se facit & omni honor & dignitate regali atque in subditos potestate destituit; quorum cliam meminit Winzerus. Horum unus est, Si regnum disperdat, quemadmodum de Nerone fertur, quod is nempe senatum populumque Romanum, atque adeo urbem ipsam ferro flammaque vastare, ac novas sibi sedes quaerere decrevisset. Et de Caligula, quod palam denunciavit se neque cirem neque principem senatui amplius fore, inque animo habuerit interempto utriusque ordinis elclissimo quoque Alexandriam commigrare, ac ut populum uno iclu interimeret, unam ei cervicem optavit. Talia cum rex aliquis meditatur & molitur serio, omnem regnandi curam & animum ilico abjicit, ac proinde imperium in subditos amittit, ut dominus servi pro derelicto habiti dominium.

Alter casus est, Si rex in alicujus clientelam se contulit, ac regnum quod liberum à majoribus & populo traditum accepit, alienae ditioni mancipavit. Nam tunc quamvis forte non eâ mente id agit populo plane ut incommodet: tamen quia quod praeceptum est regiae dignitatis amisit, ut summus scilicet in regno secundum Deum sit, & solo Deo inferior, atque populum etiam totum ignorantem vel invitum, cujus libertatem sartam & tectam conservare debuit, in alterius gentis ditionem & potestatem dedit; hâc velut quadam regni ab alienatione effecit, ut nee quod ipse in regno imperium habuit retineat, ne in eum cui collatum voluit, juris quicquam transferat; atque ita eo facto liberum jam & suae potestatis populum relinquit, cujus rei exemplum unum annates Scotici suppeditant. — Barclay *contra Monarchom.* l. iii. c. 16.

immediately gives up all the care and thought of the commonwealth; and consequently forfeits the power of governing his subjects, as a master forfeits the dominion over his slaves whom he has abandoned.

§. 238. The **second** case is, *When a king makes himself the dependent of another, and subjects his kingdom which his ancestors left him, and the people put freely into his hands, to the dominion of another.* For though it may not, perhaps, be his intention to prejudice the people, yet because he has hereby lost the principal part of regal dignity — *viz.*, to be supreme in his kingdom, next to and immediately under God; and also because he betrayed or forced his people, whose liberty he should have carefully preserved, into the power and dominion of a foreign nation — by this alienation of his kingdom, as it were, he himself looses the power he had in it before, without transferring any of the least right to those on whom he would have bestowed it. And so, by this act he sets the people free, and leaves them at their own disposal. One example of this is to be found in the *Scotch Annals*.

§. 239. In these cases, Barclay, the great champion of absolute monarchy, is forced to allow that a king may be *resisted*, and *ceases to be a king*. That is, in short (not to multiply cases), wherever he has no authority, he is *no king*, and he may be *resisted*. For *wherever the authority ceases, the king ceases too*, and he becomes like other men who have no authority. And these two cases that he instances, differ little from those mentioned above as destructive to governments; only, Barclay has omitted the principle from which his doctrine flows. And that is, the *breach of trust* in not preserving the form of government agreed on, and in not pursuing the purpose of government itself, which is the public good, and the preservation of property. When a king has dethroned himself, and put himself in a state of war with his people, what will hinder them from prosecuting him-who-is-no-king, as they would any other man who has put himself into a state of war with them? Barclay, and those of his opinion, would do well to tell us.

I further desire that *this* may be taken notice of out of Barclay: he says, *The mischief that is designed for them, the people may prevent before it is done.* By this he allows resistance when tyranny is but in design. *Such designs as these* (he says) *when any king harbours in his thoughts and seriously promotes, he immediately gives up all care and thought of the commonwealth.* So that, according to him, the neglect of the public good is to be taken as evidence of such design, or at least as a sufficient cause of resistance. And he gives the reason of all this, in these words: *Because he betrayed or forced his people, whose liberty he should carefully have preserved.* What he adds, *into the power and dominion of a foreign nation*, signifies nothing, for the fault and forfeiture lies in the loss of their liberty, which he should have preserved, and not in any distinction of the persons to whose dominion they were subjected. 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*. And in this lies the injury, and against this only they have the right of defence. There are instances to be found in all countries, which show that it is not the change of nations in the *persons of their governors*, but the change of *government* that gives the offence.

Bilson, a bishop of our church, and a great stickler for the power and prerogative of princes, if I am not mistaken, in his *Treatise of Christian Subjection*, acknowledges that *princes may forfeit their power*, and their title to the obedience of their subjects. And if authority is needed

in a case where reason is so plain, I could send my reader to Bracton, Fortescue, and the author of the Mirror, and other writers who cannot be suspected of being ignorant of our government, or enemies to it. But I thought Hooker alone might be enough to satisfy those men who, relying on him for their ecclesiastical polity, are by a strange fate carried to deny those principles upon which he builds it. Whether they are made by this, the tools of more cunning workmen, to pull down their own fabric, they should best look. Of this I am sure: their civil policy is so new, so dangerous, and so destructive to both rulers and people, that as former ages could never bear broaching it, so it may be hoped in those to come, redeemed from the impositions of these Egyptian under-task-masters, they will abhor the memory of such servile flatterers who, while it seemed to serve their turn, resolved all government into absolute tyranny, and would have all men born to what their mean souls fitted them for: *slavery*.

§. 240. Here, it is like the common question will be asked, *Who shall be judge, whether the prince or legislative act contrary to their trust?* This, perhaps ill-affected and factious men may spread among 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, if not the one who deposes him, and must, by having deposed him, still have a power to discard him when he fails in his trust? If this is 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 further, 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 among 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 has put himself into a state of war with him, and whether he should appeal to the Supreme Judge, as Jephthah did.

§. 242. If a controversy arises between a prince and some of the people, in a matter where the law is silent or doubtful, and the thing is of great consequence, then I should think the proper *umpire* in such a case, should be the body of the *people*. For in cases where the prince has 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 else is so proper to *judge* how far they meant it should extend, as the body of the *people* who lodged that trust in him at first? But if the prince, or whoever they may be in the administration, decline that way of determination, then the appeal 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, is properly a state of war, in which the only appeal lies 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; it will always remain in the community — because without this, there can be no community, no commonwealth which is contrary to the original agreement.

Book II. Of Civil Government

So also when the society has 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 it is forfeited by the miscarriages of those in authority, then upon the forfeiture, or at the determination of the time set, *it reverts to the society*, and the people have a right to act as supreme, and continue the legislative in themselves; or erect a new form, or under the old form place it in new hands, as they think good.

FINIS.