

John Locke's *Two Treatises of Government*

Excerpts<sup>1</sup>

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.

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*London,*

Printed for *Awnsham Churchill,* and the *Black*

*Swan* in *Ave-Mary-Lane,* by *Amen-*

Corner, 1690.

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<sup>1</sup> John Locke, *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* (London, Awnsham Churchill, 1690). Digitized version of book found via Early English Books Online. Excerpts from 1690 printing. These excerpts represent the sections from both treatises that deal most with themes of liberty, slavery, and the nature of just power.

## THE PREFACE.

Reader,

Thou hast 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, 'tis not worth while to tell thee. These, which remain, I hope are sufficient to establish the Throne of our great Restorer, Our present King *William*; 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 justifie to the World, the People of *England*, whose love of their just and natural Rights,

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with their Resolution to preserve them, saved the Nation, when it was on the very brink of Slavery and Ruine. If these Papers have that evidence, I flatter my self, 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* again, through all the Windings and Obscurities which are to be met with in the several Branches of his wonderful Systeme. The King, and Body of the Nation, have since so thoroughly confuted his *Hypothesis*, that, I suppose, no Body 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 Stile, and well-turn-

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ed Periods. For if any one 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 one with another, he will quickly be satisfied, there was never so much glib Nonsense put together in well sounding *English*. If he think it not worth while, 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 common sense. I should not speak so plainly of a Gentleman, long since past answering, had not the Pulpit, of late Years, publickly owned his Doctrine, and made it the Current Divinity of the Times. 'Tis necessary those Men,

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who, taking on them to be Teachers, have so dangerously misled others, should be openly shewed of what Authority this their Patriarch, whom they have followed is, or ought to be; that so they may either recant what, upon so ill Grounds, they have vented, or justifie his Opinions. For I should not have writ against Sir *Robert*, or taken the pains to shew his Mistakes, Inconsistencies, and want of (what he so much boasts of, and pretends wholly to build on) Scripture-Proofs, were there not Men amongst us, who, by crying up 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 have done the Truth and the Publick wrong, (there being scarce a greater mischief to Prince and People, than

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the propagating wrong Notions concerning Government) they would be as ready to redress it. And that all times might not have reason to complain of the *Drum Ecclesiastick*. If any one, concerned really for Truth, undertake the Confutation of my *Hypothesis*, I promise him either to recant my 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 any one, who shall appear to be conscientiously scrupulous in the point, and shall shew any just Grounds for his Scruples.

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I have nothing more, but to advertise the Reader, that

A. *stands for our Authour,*

O. *For his Observations on Hobbs, Milton, &c.*

*and that a bare Quotation of Pages always means Pages of his Patriarcha.*

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## BOOK I

### Chap. I.

§. 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 'tis hardly to be conceived, that an *Englishman*, much less a *Gentleman*, should plead for't. And truly I should have taken this as any other Treatise, which would perswade all Men, that they are Slaves and ought to be so; for such an other exercise of Wit, as was his who writ the Encomium 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 Sr. *Rbts*, Book, and the applause that followed it, required me to believe that the Author and Publisher were both in earnest, I therefore took the *Patriarcha* of Sr. *R. Filmer* 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 it's coming abroad, and can-

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not but confess my self 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 such whose skill and business it is to raise a dust, and would blind the People the better to mislead them, but 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, how much care soever hath been taken to file and polish them.

§. 2. If any one think 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 the reading of *Roberts* Book, cannot but think himself as the Laws allow him a Freeman, and I know no fault it is to do so, unless any one better

skill'd 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 by strength of its Arguments, all Liberty out of it, and that from thence forth our Authors short model was to be the pattern in the Mount and the perfect Standard of Politics for the

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future. His System lies in a little compass 'tis no more but this,

*That all Government is absolute Monarchy, and the ground he builds on is this,*

*That no Man is born free?*

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[§. 5.] By whom this Doctrine came at first to be broach'd, and brought in fashion amongst 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*<sup>2</sup> and *Manwering*<sup>3</sup> to

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recollect my business at present, being only to consider what Sr. R. F. who is allowed to have carried this Argument farthest, and is supposed to have brought it to perfection, has said in it; For from him every one 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 Absolute and by Divine Right for Slaves could never have a right to Compact or Consent; *Adam*<sup>4</sup> was an absolute Monarch, and so are all Princes ever since.

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## CHAP. II.

### *Of Paternal and Regal Power.*

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<sup>2</sup> Robert Sibthorpe (or "Sibthorp") was a clergyman in the Church of England during James I and Charles I's reigns. A supporter of the divine right of kings, he was rewarded by Charles I with a royal chaplaincy that was removed by the House of Lords in 1641, which was reinstated upon the Restoration of the monarchy in 1660. See J. Fielding, "Sibthorpe [Sibthorp], Robert (d. 1662), Church of England clergyman," *Oxford Dictionary of National Biography*, 23 Sep. 2004; Accessed 16 Aug. 2022.

<https://www-oxforddnb-com.proxy-um.researchport.umd.edu/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-25511>.

<sup>3</sup> Roger Maynwaring (or "Manwering") was a clergyman and Bishop of St. David's during the reign of Charles I. In 1627, Charles ordered his sermon on the divine right of kings printed. See Vivienne Larminie, "Maynwaring [Manwaring], Roger (1589/90?-1653), bishop of St David's," *Oxford Dictionary of National Biography*, 23 Sep. 2004; Accessed 16 Aug. 2022.

<https://www-oxforddnb-com.proxy-um.researchport.umd.edu/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-18011>.

<sup>4</sup> Refers to Adam from the book of Genesis in the Bible. Filmer sources the origin of monarchical power in the powers granted to Adam by God. Throughout the treatises, but particularly in the first, Locke refers to Bible verses (King James version) to examine Filmer's arguments and refute them.

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§. 9. I have been fain to trouble my Reader with these several Quotations in our A—<sup>s</sup> own words that in them might be seen his own Description of his *Fatherly Authority*, as it lies scatter'd 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 fFtherhood*, in our A—s sense is a Divine unalterable Right of Sovereignty, whereby a Father or a Prince, hath an Absolute Arbitrary unlimited and unlimitable Power, over the Lives, Libertys, and Estates of his Children or Subjects, so that he may take or alienate their Estates, sell, castrate, or use their Persons as he pleases, they being all his slaves, and he Lord and Proprietor of every thing, and his unbounded Will their Law.

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§. 11. The sovereignty of *Adam*, being that on which as a sure basis, our A— builds

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his Mighty Absolute Monarchy, I expected that in his *Patriarcha*, this his main supposition 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 there so taken for granted without Proof, that I could scarce believe my self, when upon attentive Reading that Treatise, I found there so mighty a Structure, rais'd upon the bare supposition of this Foundation; for it is scarce credible, that in a Discourse where he pretends to confute the *Erroneous Principle* of Mans *Natural Freedom*, he does it by a bare supposition of *Adams Authority*, without offering any Proof for that *Authority*. Indeed he confidently says, that *Adam had Royal Authority*. p. 12, and 13. *Absolute Lordship and Dominion of life and death*, p. 13. *An 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 great Foundation of Government; not

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any thing that looks like an Argument, but these words; *To confirm this Natural Right of Regal Power, we find in the Decalogue, that the Law which enjoyns Obedience to Kings, is delivered in the Terms, Honour thy 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 enjoyns obedience to Queens, is delivered in the Terms of *Honour thy Mother*, as if all Power were Originally in the mother? The Argument as Sr. *Rob.* puts it, will hold as well for one as the other, but of this more in its due place.

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<sup>5</sup> Author's. Throughout the treatise, Locke substitutes "Author" and variations thereof with the first letter (A) and a series of dashes following. Approximate recreations have been made here. "Authors" refers to Sir Robert Filmer.

§. 13. If he has in that Chapter, or any where in the whole Treatise, given any other Proofs of *Adams Royal Authority*, other then by often repeating it, which among some Men goes for Argument, I desire any body for him to shew me the Place and Page, 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 so much cryed up this Book, to consider whether they do not give the World cause to suspect, that 'tis not the Force of Reason and Argument, that makes them for Absolute Monarchy, but some other by interest, and therefore are resolved to applaud any Author, that writes in Favour of this Doctrin, whether he support it with reason or no. But I hope they do not expect that rational and indifferent Men should be brought over to their Opinion, because this their great Dr. 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

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whence it is rather naturally to be concluded, that there is little to be said.

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### CHAP. III.

#### *Of Adams Title to Sovereignty by Creation.*

§. 15. SIR *Rob.* 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 *Adams* being Created, which was nothing but his receiving a Being immediately from Omnipotency, and the hand of God, gave *Adam* a *Sovereignty* over any thing, I cannot see, nor consequently understand how a *Supposition of natural Freedom is a denial of Adams Creation*, and would be glad any body else (since our *A—* did not vouchsafe 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 Gods imme-

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diate 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 Lyon, 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 adoe, our *A—* by this Argument will make the Lion have as good a Title to it as he, and certainly the Ancienter. No! for *Adam* had his title *by the appointment of God*, says our *A-* in another place. Then bare *Creation* gave him not Dominion, and one might have *supposed Mankind Free* without *denying the Creation of Adam*, since 'twas Gods *Appointment* made him Monarch.

§. 16. But let us see how he puts *his Creation* and this *Appointment* together. *By the appointment of God*, says Sir *Rbt.* *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 Gods appointment*. For whatsoever Providence orders, or the Law of

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Nature directs, or positive Revelation declares, may be said to be *by Gods 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, but that *as soon as Adam was Created* he was *de facto* Monarch, because *by Right of Nature it was due to Adam, to be Governour of his Posterity*. But he could not *de facto* be by providence Constituted the Governour of the World at a time, when there was actually no Government, no Subjects to be governed, which our *A*— 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 before cited, *Adam* says he *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 any thing but by his Grant or Permission or by Succession from him*. 2. Let us understand then by *Monarch Proprietor of the World*, and by *Appointment Gods actual Donation*, and revealed positive Grant made to *Adam*, I. *Gen.* 28. as we see Sir *Robt.* himself does in this parallel place, and then his Argu-

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ment 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 which 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 mistake not, that which God says to *Eve*, 3 *Gen.* 16, *The original Grant of Government*, which not being till after the fall, when *Adam* was somewhat, at least in time and very much distant in condition, from his *Creation*, I cannot see, how our *A* can say in this Sense, that *by Gods appointment as soon as Adam was Created he was Monarch of the World*. *Secondly*, were it true that Gods actual Donation *appointed Adam Monarch of the World as soon as he was Created*, yet the Reason here given for it 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*

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*be Governor of his Posterity*; for having given him the Right of Government by Nature, there was no need of 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 *by Gods appointment* the Law of Nature, (though it be a pretty harsh Expression for it, in this place) and *by Monarch of the World*, 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 Governour of Mankind, for by Right of Nature it was due to Adam to be Governour of his Posterity*, which amounts to this, he was *Governour by Right of Nature*, because he was *Governour by Right of Nature*; But supposing we should grant that a Man is *by Nature Governour* of his children, *Adam* could not hereby *be Monarch as soon as Created*, for this Right of Nature being founded in his being their Father, how *Adam* could have a *Natural Right* to be *Governour* before he was a Father, by which only he had that *Right*, is, methinks, hard to conceive unless he will have him to be a Father before he was a Father, and to have a Title before he had it.

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§. 20. I fear I have tired my Readers Patience by dwelling longer on this passage than the weightiness of any Argument in it, seems to require: but I have unavoidably been engag'd in it by our *A-s* way of Writing, who hudling several Suppositions together, and that in doubtful and general terms makes such a medly and confusion, that it is impossible to shew his Mistakes, without examining the several Senses, wherein his Words may be taken, and without seeing how in any of these various Meanings, they will consist together, and have any Truth in them; for in this present passage before us, how can any one argue against this Position of his, that *Adam was a King from his Creation*, unless one examine whether the Words, *from his Creation*, be to be taken as they may for 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, p. 11. *Creation made Man Prince of his Posterity*. How farther can one judge of the truth of his being thus King, till one has examined whether King be to be taken, as the words in the beginning of this passage would perswade, on supposition of his *Pri-*

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*vate Dominion*, which was by Gods positive Grant, *Monarch of the World by Appointment*; or *King* on Supposition of his *Fatherly Power* over his Off spring which was by Nature, *due by the Right of Nature*; whether, I say King be to be taken in both, or one only of these two Senses or in neither of them, but only this, that Creation made him Prince in a way different from both the other; for though this assertion, that *Adam was King from his Creation* be true, in no Sense yet it stands here as an evident conclusion drawn from the preceding words, though in truth it be but a bare assertion joyn'd to other assertions of the same kind, which confidently put together in words of undetermined and dubious meaning, look like a sort of arguing, when there is indeed neither Proof nor Connection: A way very familiar with our *A-* of which having given the Reader a taste, here, I shall as much as the Argument will permit me, avoid touching on 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 Stile, are apt to pass for strong Reason and good Sense, till they come to be look'd into with Attention.

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## CHAP. VI.

### *Of Adams Title to Sovereignty by Fatherhood.*

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§. 51. *Grotius* tells us not here how far this *jus in liberos*,<sup>6</sup> this Power of Parents over their Children extends, but our *A-* always very clear in the point assures us, 'tis *Supreme Power*, and like that of

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<sup>6</sup> Right to children.

Absolute Monarchs over their Slaves, Absolute Power of Life and Death: He that should 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*,<sup>7</sup> may there be allowed: But 'tis but an ill way of pleading for

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Absolute Monarchy, and Sr. *Robts.* bare Sayings will scarce Establish it, one slaves 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'm sure all Slaves are, and then I may without presumption oppose my single Opinion to his, and be as confident that my Saying, that begetting of Children makes them not Slaves to their Fathers, sets all Mankind Free, as his affirming the contrary makes them all Slaves. But that this position, which is the Foundation of all their Doctrin, who would have Monarchy to be *Jure divino*,<sup>8</sup> may have all fair play, let us hear what reasons others give for it, since our *A-* offers none.

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§. 64. By our *A-s* Doctrin, the Father having Absolute jurisdiction over his Children, has also the same over their Issue, and the consequence is good, were it true, that the Father had such a Power, and yet I ask our *A-* whether the Grand-father by his Sovereignty, could discharge the Grand-Child from Paying to his Father, the honour due to him by the *5th* Commandment;<sup>9</sup> If the Grand-Father, hath by *right of Fatherhood*, Sole Sovereign Power in him, and by *Honour thy Father* be commanded, that Obedience which is due to the Sovereign, 'tis certain the Grand-Father might dispense with the Grand-Sons Honour his Father, which since 'tis evident in common Sense, he cannot 'tis evident *Honour thy 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 *5th* Commandment, cannot be that Political Dominion, which our *A-* would derive from it, for that being in every civil Society, Supream somewhere, 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*; 'tis an eternal Law, annex'd purely to

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the relation of Parents and Children, and so contains nothing of the Magistrates Power in it, nor is Subjected to it.

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<sup>7</sup> For reason the will.

<sup>8</sup> By divine right.

<sup>9</sup> The 5th Commandment refers to the Old Testament biblical story of the 10 Commandments, received by Moses from God. The 5th Commandment instructs the honoring of fathers and mothers by their children.

§. 66. *The Law that enjoyns Obedience to Kings is delivered, says our A–, in the Terms, Honour thy Father, as if all Power were Originally in the Father, O. 254.*<sup>10</sup> And that Law is also delivered, say I, in the Terms, *Honour thy Mother*, as if all Power were Originally in the Mother. I appeal whether the Argument be not as good on one side as the other, *Father* and *Mother* being joynd all along in the Old and New Testament, where Honour or Obedience is injoynd Children, again

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our A– tells us, *O. 254.*<sup>11</sup> *that this command Honour thy Father gives the right to govern, and makes the Form of Government Monarchical.* To which I answer, that, if by *Honour thy Father*, be meant Obedience to the Political Power of the Magistrate, it concerns not any duty we owe to our Natural Fathers who are Subjects, because they by our A–s Doctrin, are divested of all that Power, it being placed wholly in the Prince, and so being equally Subjects and Slaves with their Children, can have no right by that Title, to any such *Honour or Obedience* as contains in it Political Subjection; if *Honour thy Father and Mother* signifies the duty we owe our Natural Parents, as by our Saviours Interpretation, *Math. 15. 4.* and all the other mention'd places, 'tis plain 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 Supream Magistrate, are things inconsistent, and therefore this command, which must necessarily comprehend the Persons of our Natural Fathers, must mean a duty we owe them distinct from our Obedience to the Ma-

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gistrate, and from which the most Absolute Power of Princes cannot absolve us, what this duty is, we shall in its due place examin.

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§. 69. But that he means here Paternal Power, and no other, is past doubt from the Inference he makes in these words immediately following, *I see not then how the Children of Adam or of any Man else can be free from Subjection to their Parents*, whereby it appears that the *Power* on one side and the *Subjection* on the other, our A– here speaks of, is that *Natural Power* and *subjection* between Parents and Children; for that which every Mans Children owed could be no other, and that our A– always affirms to be absolute and unlimited. This natural *Power* of Parents over their Children, *Adam* had over his Posterity, says our A–, and this *Power* of Parents over their Children, his Children had over theirs in his Life time, says our A– 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 any body reconcile one to another, or to common Sense; for the *Salvo*,

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<sup>10</sup> *Observations*, 254. This likely refers to Filmer's 1652 publication *Observations Concerning the Originall of Government, upon Mr Hobs Leviathan, Mr Milton against Salmasius, H. Grotius De Jure Belli*.

<sup>11</sup> *Observations*, 254.

he has put in of *Subordination*, makes it more absurd: to have one *Absolute, Unlimited, nay 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 *A-* says, his *Slaves, Children and Grand Children* are equally in this State of Subjection and Slavery, and yet says our *A-*, *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, and one part of the Subjects have an Absolute Unlimited Power over the other by the natural Right of Parentage.

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## CHAP. IX.

### *Of Monarchy, by Inheritance from Adam.*

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§. 96. If *Paternal Right*, the Act of *Begetting*, give a Man *Rule and Dominion*, Inheritance or Primogeniture can give no Title; for he that cannot succeed to his Fathers Title, which was *Begetting*, cannot succeed to that Power over his Brethren, which his Father had by *Paternal Right* over them, but I shall have more to say on this by and by. This is plain in the mean time, 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 other, and so begin a new Government upon a new Foundation, I say, any Government began upon either of these, can by Right of Succession come to those only, who have the Title of him, they succeed to. Power founded on *Contract*, can descend only to him, who has Right by that Contract, Power founded on *Begetting*, he only can have that *Begets*, and Power founded on the positive *Grant* or Donation of God, he only can have by Right of Succession, to whom that Grant directs it.

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## CHAP. XI.

### *Who HEIR?*

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§. 129. Our *A-* to make good the Title of his Book, *p. 13.* begins his History of the descent of *Adams Regal Power, p. 13.* In these words: *This Lordship, which Adam by Command had over the whole World, and by Right descending from him, the Patriarchs did enjoy was a large, &c.* How

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does he prove that the Patriarchs by descent did enjoy it? for *Dominion of Life and Death*, says he, *we find Judah the Father pronounced Sentence of Death against Thamar his Daughter-in Law for playing the Harlot*, p. 13. How does this prove that *Judah* had Absolute and Sovereign Authority, *He pronounced Sentence of Death*? The pronouncing of Sentence of Death is not a certain mark of Sovereignty, but 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 ill prove that he had Sovereign Authority, as if one should say, *Judge Jefferies*, pronounced Sentence of Death in the late Times, therefore *Judge Jefferies*, had Sovereign Authority: But it will be said, *Judah* did it not by Commission from another, and therefore 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 Sentence of Death against Thamar*, our *A-* thinks it is very good Proof, that because he did it, therefore he

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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 be good from doing to a Right of doing, *Absalon* too may be reckon'd amongst our *A-s* Sovereigns, for he pronounced such a Sentence of Death against his Brother *Amnon*, and much upon a like occasion, and had it executed too; if that be sufficient to prove a Dominion of Life and Death.

But allowing this all to be 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 *absolutes Dominion of any Monarch*? *Judah*, says our *A-*, *Judah* a younger Son of *Jacob*, his Father and Elder Brethren living, so that if our *A-s* own Proof be to be taken, a younger Brother may in the Life of his Father and Elder Brothers, *by Right of descent*, enjoy *Adams* Monarchical Power, and if one so qualified may be Monarch by descent, I know not why every Man may not, and if *Judah*, his Father and Elder Brother living were one of *Adams* Heirs, I know not who can be excluded from this Inheritance, all Men by Inheritance may be Monarchs as well as *Judah*.

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§. 130. Touching War, we see that *Abraham* Commanded an Army of 318. Soldiers of his own Family, and *Esau* met his Brother *Jacob* with 400 Men at Armes; For matter of Peace;, *Abraham* made a League with *Abimelech*, &c. p. 13. Is it not possible for a Man to have 318. 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 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 Gods Institution descended from *Adam* by Inheritance, and that the very Person and Power of this Planter were 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 *Abrahams* Case; Those who were Rich in the *Patriarchs* Days, as in the *West-Indies* now, bought Men and Maid Servants, and by their increase as well as purchasing of new, came to have large and numerous Families, which though they made use of in War or Peace, can it be thought the Power they had over them was an

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Inheritance descended from *Adam*, when 'twas the Purchase of their Money? A Mans Riding in an expedition against an Enemy, his Horse bought in a Fair would be as good a Proof that the owner *enjoy'd the Lordship which Adam by Command had over the whole World, by Right descending to him*, as *Abrahams* leading out the Servants of his Family, is that the Patriarchs enjoy'd this Lordship by descent from *Adam* since the Title to the Power, the Master had in both Cases, whether over Slaves or Horses, was only from his purchase; and the getting a Dominion over any thing by Bargain, and Money is 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 Politic Societies; may not therefore a Man in the *West Indies* who hath with him Sons of his own Friends, or Companions, Souldiers 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 *ratifie the articles too with an Oath*, without being a Sovereign, an Absolute King over those who went with him; he that says he cannot, must then allow many Masters of Ships, many Private Planters to be Absolute Monarchs,

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for as much as this they have done, War and Peace cannot be made for Politic Societies, but by the Supream Power of such Societies, because War or Peace, giving a different Motion to the force of such a Politic Body, none can make War or Peace, but that which has the direction of the force of the whole body, and that in Politic Societies is only the Supream 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 *Partysans*, but the enmity of the Parties, where they have no Superior to Appeal to.

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§. 146. For I demand when Mankind were all yet 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 was then no thoughts, 'tis plain, of *Adams Heir*, no right to Government known then upon that Title, no care taken by God or Man, of *Adams Fatherly Authority*: If when Mankind were but one People, dwelt all together, and were of one Language, and were upon Building a City together, and when 'twas plain, they could not but know the Right Heir, for *Shem* lived till *Isaacs* time, a long while after the Division at *Babel*; If then, I say, they were not under the Monarchical Government of *Adams* Fatherhood, by right descending to the Heir, 'tis plain there was no regard had to the *Fatherhood*, no Monarchy acknowledg'd due to *Adams Heir*, no Empire of *Shems* in *Asia*, and consequently no such Division of the World by *Noah*,

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as our *A-* has talked of. As far as we can conclude any thing from Scripture in this matter, it seems from this place, that if they had any Government, it was rather a Common wealth than an Absolute Monarchy; For the Scripture tells us, *Gen. II. they said*, 'twas not a Prince commanded, the Building of this City and Tower, 'twas not by the command of one *Monarch*, but by the consultation of many, a

Free People, *let us build us a City*; They built it for themselves as Free-men, not as Slaves for their Lord and Master, *that we be not scattered abroad*, having a City once built, and fixed Habitations to settle their Bodies and Families. This was the consultation and design of a People, that were at liberty to part asunder, but desired to keep in one Body, and could not have been either necessary or likely in Men tyed together under the Government of one Monarch, who if they had been, as our *A-* tells us, all *Slaves* under the Absolute Dominion of a Monarch, needed not have taken such care to hinder themselves, from wandering out of the reach of his Dominion. I demand whether this be not plainer in Scripture than any thing of *Adams Heir or Fatherly Authority*.

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§. 154. And methinks he should have let *Homer* and his Wars of *Troy* alone, since his great Zeal to Truth or Monarchy car-

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ried him, to such a pitch of transport against *Philosophers and Poets*, that he tells us in his Preface, that there *are too many in these days, who please themselves in running after the Opinions of Philosophers and Poets, to find out such an Original of Government, as might promise them some Title to Liberty, to the great Scandal of Christianity, and bringing in of Atheism*. And yet these Heathen Philosophers, *Aristotle* and Poet *Homer*, are not rejected by our zealous Christian Politician when ever they offer any thing that seems to serve his turn.

But to return to his Scripture History, our *A-* farther 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 Supream Fathers*. If it be 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 *A-* will say, that changing of Masters, is returning *out of Bondage*, or that a Slave *returns out of Bondage*, when he is removed from one Gally to another: If then they *returned out of Bondage*, 'tis plain that in those days, whatever our *A-* in his Preface says to the contrary, there was difference between a *Son*, a *Subject*, and a *Slave*; and

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that neither the *Patriarchs* before, nor their Rulers after this *Egyptian Bondage*, *numbered their Sons or Subjects amongst their Possessions*, and disposed of them with as Absolute a Dominion, as they did *their other Goods*.

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AN  
ESSAY

**Concerning the  
True Original, Extent and End  
OF  
CIVIL GOVERNMENT.**

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**BOOK. II.**

**CHAP. I.**

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§. 2. To this purpose, I think it may not be amiss, to set down what I take to be Political Power. That the Power of a Magistrate over a Subject, may be distinguished from that of a Father over his

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Children, a Master over his Servant, a Husband over his Wife, and a Lord over his Slave. All which distinct Powers happening sometimes together in the same Man, if he be considered under these different Relations, it may help us to distinguish these Powers one from another, and shew the difference betwixt a Ruler of a Common-wealth, a Father of a Family, and a Captain of a Galley.

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**CHAP. III.**

*Of the State of War.*

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§. 17. And hence it is that he who attempts to get an other Man into his Absolute Power, does thereby put himself into a state of War with him; It being to be understood as a Declaration of a

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Design upon his Life. For I have reason to conclude, that he who would get me into his Power without my Consent, would use me as he pleased when he had got me there, and destroy me too when he had a phansy<sup>12</sup> to it; for no body can desire to have me in his Absolute Power, unless it

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<sup>12</sup> Fancy

be to compel me by force to that which is against the Right of my Freedom, *i. e.* make me a Slave. To be free from such force, is the only security of my Preservation, and reason bids me look on him, as an Enemy to my Preservation, who would take away that Freedom, which is the Fence to it, so that he who makes an attempt to enslave me, thereby puts himself into a State of War with me. He that in the State of Nature, would take away the Freedom that belongs to any one in that

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State, must necessarily be supposed to have a design to take away every thing else, that Freedom being the Foundation of all the rest; As he that, in the State of Society, would take away the Freedom belonging to those of that Society or Common-wealth, must be supposed to design to take away from them every thing else and so be looked on as in a State of War.

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#### CHAP. IV.

#### *Of SLAVERY.*

§. 22. THE natural Liberty of Man is to be free from any Superior Power on Earth, and not to be under the Will or Legislative Authority of Man, but to have only the Law of Nature for his Rule. The Liberty of Man, in Society, is to be under no other Legislative Power, but that established, by consent, in the Commonwealth; nor under the Dominion of any Will, or Restraint of any Law, but what that Legislative shall enact, according to the Trust put in it. Freedom then is not what Sir R. F. tells us, *O.*<sup>13</sup> *A. 55. A Liberty for every one to do what he lists, to live as he pleases, and not to be tied by any Laws:* but Freedom of Men under Government, is, to have a standing Rule to live by, common to every one of that Society, and made by the Legislative Power erected in it. A Liberty to follow my own Will in all things, where that Rule prescribes not; not to be subject to the inconstant, uncertain, unknown, Arbitrary Will of another Man. As Freedom of Nature is to be under no other restraint but the Law of Nature.

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§. 23. This Freedom from Absolute, Arbitrary Power, is so necessary to, and closely joyned with a Man's Preservation, that he cannot part with it, but by what forfeits his Preservation and Life together. For a Man, not having the Power of his own Life, cannot, by Compact, or his own Consent, enslave himself to any one, nor put himself under the Absolute, Arbitrary Power of another, to take away his Life, when he pleases. No body can give more Power than he has himself; and he that cannot take away his own Life, cannot give another Power over it. Indeed having, by his fault, forfeited his own Life, by some Act that deserves Death; he, to whom he has forfeited it, may (when he has him in his Power) delay to take it, and make use of him to his own service, and he does him no injury by it. For, when-ever he finds the hardship of his Slavery out-weigh the value of his Life, 'tis in his Power, by resisting the Will of his Master, to draw on himself the Death he desires.

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<sup>13</sup> *Observations.*

§. 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, if once Compact enter between them, and make an agreement for a limited Power on the one

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side, and Obedience, on the other; the State of War and Slavery ceases, as long as the Compact endures. For, as has been said, no Man can, by agreement, pass over to another that which he hath not in himself, a Power over his own Life.

I confess, we find among the *Jews*, as well as other Nations, that Men did sell themselves; but, 'tis plain, this was only Drudgery, not to Slavery. For, it is evident, the Person sold was not under an Absolute, Arbitrary, Despotical 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: And the Master of such a Servant was so far from having an Arbitrary Power over his Life, that he could not, at pleasure, so much as maim him, but the Loss of an Eye, or Tooth, set him free, *Exod. XXI.*

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## CHAP. V.

### *Of PROPERTY.*

§. 25. WHETHER we consider natural Reason, which tells us, that Men, being once born, have a right to

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their Preservation, and consequently to Meat and Drink, and such other things, as Nature affords for their Subsistence: or Revelation, which gives us an account of those Grants God made of the World to *Adam*, and to *Noah*, and his Sons, 'tis very clear, that God, as *K. David* says, *Psal. CXV. xvi. has given the earth to the Children of men*, given it to Mankind in common. But this being supposed, it seems to some a very great difficulty how any one should ever come to have a Property in any thing; I will not content myself to answer, That if it be difficult to make out *Property*, upon a supposition That God gave the World to *Adam*, and his Posterity in common; 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 shall endeavour to shew, how Men might come to have a Property in several parts of that which God gave to Mankind in common, and that without any express Compact of all the Commoners.

§. 26. God, who hath given the World to Men in common, hath also given them reason to make use of it to the best advantage of life, and convenience. The Earth, and

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all that is therein, is given to Men for the Support and Comfort of their being. And though all the Fruits it naturally produces, and Beasts it feeds, belong to Mankind in common, as they are produced by the spontaneous hand of Nature; and no body has originally a private Dominion, exclusive of the rest of Mankind, in any of them, as they are thus in their natural state: yet being

given for the use of Men, there must, of necessity, be a means to appropriate them some way or other before they can be of any use, or at all beneficial to any particular Men. The Fruit, or Venison which nourishes the wild *Indian*, who knows no Inclosure, and is still a Tenant in common, must be his, and so his, *i. e.* a part of him, that another can no longer have any right to it, before it can do him any good for the support of his Life.

§. 27. Though the Earth, and all inferior Creatures be common to all Men, yet every Man has a *Property* in his own *Person*. This no Body has any Right to but himself. The *Labour* of his Body, and the *Work* of his Hands, we may say, are properly his. Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his Labour with it, and joined to it some-

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thing that is his own, and thereby makes it his Property. It being by him removed from the common state Nature placed it in, it hath by this labour something annexed to it, that excludes the common right of other Men. For this *labour* being the unquestionable Property of the Labourer, no Man but he can have a right to what that is once joined to, at least where there is enough, and as good left in common for others.

§. 28. He that is nourished by the Acorns he pickt up under an Aak, or the Apples he gathered from the Trees in the Wood; has certainly appropriated them to himself. No Body can deny but the nourishment is his. I ask then, when did they begin to be his? when he digested? or when he eat? Or when he boiled? Or when he brought them home? Or when he pickt them up? And 'tis plain, if the first gathering made them not his, nothing else could. That labour put a distinction between them and common. That added something to them more than Nature, the common Mother of all, had done; and so they became his private right. And will any one say he had no right to those Acorns or Apples he thus appropriated, because he had not the consent of all Mankind to make them his? Was it a Robbery thus

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to assume to himself what belonged to all in Common? If such a consent as that was necessary, Man had starved, notwithstanding the Plenty God had given him. We see in Commons, which remain so by Compact, that 'tis the taking any part of what is common, and removing it out of the state Nature leaves it in, which begins the Property; without which the Common is of no use. And the taking of this or that part, does not depend on the express consent of all the Commoners. Thus the Grass my Horse has bit; the Turfs my Servant has cut; and the Ore I have dig'd in any place where I have a right to them in common with others, become my Property, without the assignation or consent of any body. The labour that was mine, removing them out of that common state they were in, hath fixed my Property in them.

§. 29. By making an explicit consent of every Commoner, necessary to any ones 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 every one his peculiar part. Though the Water running in the Fountain be every ones, yet who can doubt but that in the Pitcher

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is his only who drew it out? His labour hath taken it out of the hands of Nature where it was common, and belong'd equally to all her Children, and hath thereby appropriated it to himself.

§. 30. Thus this Law of reason makes the Deer, that *Indian's* who hath killed it; 'tis allowed to be his goods who hath bestowed his labour upon it, though before, it was the common right of every one. And amongst those who are counted the Civiliz'd 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 vertue thereof, what Fish any one catches in the Ocean, that great and still remaining Common of Mankind; or what Ambergrise any one takes up here, is by the labour that removes it out of that common state Nature left it in, made his Property, who takes that pains about it. And even amongst us the Hare that any one is Hunting, is thought his who pursues her during the Chase. For being a Beast that is still looked upon as common, and no Man's private Possession; who-ever has imploy'd so much labour about any of that kind, as to find and pursue her, has thereby removed her from the state of Nature

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wherein she was common, and hath begun a Property.

§. 31. It will perhaps be objected to this, That if gathering the Acorns, or other Fruits of the Earth, *&c.* makes a right to them, then any one may ingross as much as he will. To which I Answer, Not so. The same Law of Nature that does by this means give us Property, does also bound that Property too. *God has given us all things richly*, 1 Tim. vi. 12. Is the Voice of Reason confirmed by Inspiration. But how far has he given it us, *to enjoy?* As much as any one can make use of to any advantage of life before it spoils; so much he may by his labour fix a Property in. Whatever is beyond this, is more than his share, and belongs to others. Nothing was made by God for Man to spoil or destroy. And thus considering the plenty of natural Provisions there was a long time in the World, and the few spenders, and to how small a part of that provision the industry of one Man could extend it self, 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 be then little room for quarrels or contentions about Property so establish'd.

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§. 32. But the chief matter of Property being now not the Fruits of the Earth, and the Beasts that subsist on it, but the Earth it self; 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 the former. As much Land as a Man Tills, Plants, Improves, Cultivates, and can use the Product of; so much is his Property. He by his labour does as it were inclose it from the Common. Nor will it invalidate his right to say, Every body else has an equal title to it; and therefore he cannot appropriate, he cannot inclose, without the consent of all his Fellow-Commoners, 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 him to subdue the Earth, *i. e.* improve it for the benefit of Life, and therein lay out something upon it that was his own, his labour. He that in obedience to this Command of God,

subdued, tilled and sowed any part of it, thereby annexed to it something that was his Property, which another had no Title to, nor could without injury take from him.

§. 33. Nor was this appropriation of any parcel of Land, by improving it, any pre-

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judice to any other Man, since there was still enough, and as good left; and more than the yet unprovided could use. So that in effect, there was never the less left for others because of his inclosure for himself. For he that leaves as much as another can make use of, does as good as take nothing at all. No Body could think himself injur'd by the drinking of another Man, though he took a good draught, who had a whole River of the same Water left him to quench his 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 them for their benefit, and the greatest Conveniencies of Life they were capable to draw from it, it cannot be supposed he meant it should always remain common and uncultivated. He gave it to the use of the industrious and rational, (and labour was to be his title to it;) not to the phancy or covetousness of the quarrelsome and contentious. He that had as good left for his improvement, as was already taken up, needed not complain, ought not to meddle with what was already improved by another's labour: if he did, 'tis plain he desired the benefit of anothers pains which he had no right to, and not the ground

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which God had given him in common with others to labour on, and whereof there was as good left as that already possessed; and more than he knew what to do with, or his industry could reach to.

§. 35. 'Tis true, in Land that is common in *England*, or any other Country, where there is plenty of people under Government, who have Money and commerce, no one can inclose or appropriate any part, 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 be Common, in respect of some Men, it is not so to all Mankind; but is the joint property of this Country, or this Parish. Besides, the remainder, after such inclosure, 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 his wants forced him to labour. That was his Property which could not be taken from him where-ever he had fixed it. And hence subduing or cultivating the Earth, and having Do-

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minion, we see are join'd together. The one gave Title to the other. So that God, by commanding to subdue, gave Authority so far to appropriate. And the Condition of humane Life, which requires labour and materials to work on, necessarily introduce private Possessions.

§. 36. The measure of Property, Nature has well set, by the Extent of Mens Labour, and the Conveniency of Life: no Man's labour could subdue, or appropriate all; nor could his Enjoyment consume more than a small part; so that it was impossible for any Man, this way, to intrench upon the Right of another, or acquire to 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 before it was appropriated; which measure did confine every Man's Possession, to a very moderate Proportion, and such as he might appropriate to himself, without Injury to any Body, 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 want of room to plant in. And the same measure may be allowed still, without prejudice to any Body, as

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full as the World seems. For supposing a Man, or Family, in the state they were at first, peopling of the World by the Children of *Adam*, or *Noah*; let him plant in some in-land, vacant places of *America*, we shall find that the Possessions, he could make himself, upon the measures we have given, would not be very large, nor, even to this day, prejudice the rest of Mankind, or give them reason to complain, or think themselves injured by this Man's Incroachment, though the Race of Men have now spread themselves to all the corners of the World, and do infinitely exceed the small number was at the beginning. Nay the extent of Ground is of so little value, without Labour, that I have heard it affirmed, that, in *Spain* it self a Man may be permitted to plough, sow, and reap, without being disturbed, upon Land he has no other Title to, but only 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; this I dare boldly affirm, That the same Rule of Propriety, (*viz.*) that every Man should have as much as he could make use of, would

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hold still in the World, without straitening any body; since there is Land enough 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; which, how it has done, I shall, by and by, shew more at large.

§. 37. This is certain, That in the beginning, before the desire of having more than Man needed, had altered the intrinsick 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; though 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 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 he who appropriates land to himself by his labour, does not lessen, but increase the common stock of mankind: for the provisions serving to the support of human life, produced [226]by one acre of inclosed and cultivated land, are (to speak much within compass) ten times more than those which are yielded by an acre of land of an equal richness lying waste in common. And therefore he that incloses land, and has a greater plenty of the conveniencies of life from ten acres, than he could have from an 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 an hundred lying in common. I have here rated the improved land very low, in making its product but as ten to one, when it is much nearer an 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 conveniencies of life, as ten acres of equally fertile land do in *Devonshire*, where they are well cultivated?<sup>14</sup>

Before the Appropriation of Land, he who gathered as much of the wild Fruit, killed, caught, or tamed as many of the Beasts as he could; he that so employed his Pains about any of the spontaneous Products of Nature, as any way to alter

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them, from the state Nature put them in, by placing any of his Labour on them, did thereby acquire a Propriety in them: but if they perished, in his Possession, without their due use; if the Fruits rotted, or the Venison putrified, before he could spend it, 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, farther than his Use called for any of them, and they might serve to afford him Conveniencies 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 Inclosure rotted on the Ground, or the Fruit of his planting perished without gathering, and laying up, this part of the Earth, notwithstanding his Inclosure, was still to be looked on 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

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Families increased, and industry enlarged their stocks, their Possessions enlarged with the need of them; but yet it was commonly without any fixed property in the ground 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 agree on limits between them and their Neighbours; and by Laws within themselves, settled the Properties of those of the same Society. For we see, that in that part of the World which was first inhabited, and therefore like to be best peopled, even as low down as *Abraham's* time, they wandered with their Flocks, and their Herds, which was their substance, freely up and down; and this *Abraham* did, in a Country where he was a stranger. Whence it is plain, that, at least a great part of the Land lay in Common. That the Inhabitants valued it not, nor claimed Property in any more than they made use of. But when there was not room enough in the same place, for their Herds to feed together, they, by consent, as *Abraham* and *Lot* did, *Gen. xiii. 5.* separated and enlarged their Pasture, where it best liked

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them. And for the same Reason *Esau* went from his Father, and his Brother, and planted in *Mount Seir*, *Gen. xxxvi. 6.*

§. 39. And thus, without supposing any private Dominion, and property in *Adam*, over all the World, exclusive of all other Men, which can no way be proved, nor any ones Property be made out from it;

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<sup>14</sup> "To which let me add...cultivated?" This is not in the 1690 printed edition but comes from a later edition.

but supposing the World given as it was to the Children of Men in common, we see how labour could make Men distinct titles to several parcels of it, for their private uses; wherein there could be no doubt of right, no room for quarrel.

§. 40. Nor is it so strange as perhaps before consideration it may appear, that the Property of labour should be able to over-balance the Community of Land. For tis labour indeed that puts the difference of value on every thing; and let any one consider what the difference is between an Acre of Land planted with Tabaco 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 improve

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ment of labour makes the far greater part of the value. I think it will be but a very modest Computation to say, that of the Products of the Earth useful to the Life of Man 9/10 are the effects of labour: nay, if we will rightly estimate things as they come to our use, and cast up the several expences about them, what in them is purely owing to Nature, and what to labour, we shall find, that in most of them 99/100 are wholly to be put on the account of labour.

§. 41. There cannot be a clearer demonstration of any thing, than several Nations of the *Americans*<sup>15</sup> are of this, who are rich in Land, and poor in all the Comforts of Life; whom Nature having 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, rayment, and delight; yet for want of improving it by labour, have not 1/100 part of the Conveniencies we enjoy. And a King of a large and fruitful Territory there, feeds, lodges, and is clad worse than a day Labourer in *England*.

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§. 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 they receive of their value 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 Cloathing, did not labour furnish us with these more useful Commodities. For whatever Bread is more 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 being the food and rayment which unassisted Nature furnishes us with; the other Provisions which our industry and pains prepare for us, which how much they exceed the other in value, when any one hath computed, he will then see how much labour makes the far greatest part of the value of things we enjoy in this World: and the ground which produces the materials, is scarce to be reckon'd in as any, or at most, but a very small part of it: so little, that even amongst us, Land

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that is left wholly to Nature, that hath no improvement of Pasturage, Tillage, or Planting, is called, as indeed it is, wast;<sup>16</sup> and we shall find the benefit of it amount to little more than nothing.

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<sup>15</sup> Locke uses "Americans" to refer to Native or Indigenous Americans, and not British or European colonists.

<sup>16</sup> Waste

This shews how much numbers of men are to be preferred to largeness of dominions; and that the increase of lands, and the right employing of them, is the great art of government: and that prince, who shall be so wise and godlike, as by established laws of liberty to secure protection and encouragement to the honest industry of mankind, against the oppression of power and narrowness of party, will quickly be too hard for his neighbours: but this by the by. To return to the argument in hand,<sup>17</sup>

§. 43. An Acre of Land that bears here Twenty Bushels of Wheat, and another in *America*, which, with the same Husbandry, would do the like, are, without doubt, of the same natural, intrinsic Value. But yet the Benefit Mankind receives from one in a Year is worth 5*l.* and the other possibly not worth a Penny; if all the Profit an *Indian* received from it were to be valued, and sold here; at least, I may truly say, not 1/1000. 'Tis Labour then which puts the greatest part of Value upon Land, without which it would scarcely be worth any thing; 'tis to that we owe the greatest part of all its useful Products; for all that the Straw, Bran, Bread, of that Acre of Wheat, is more worth than the Product of an Acre of as good Land, which lies waste, is all the Effect of Labour. For 'tis not barely the Plough-man's Pains, the Reaper's and Thresher's Toil, and the Baker's

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Sweat, is to be counted into the Bread we eat; the Labour of those who broke the Oxen, who digged 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 sowing to its being made Bread, must all be charged on the account of Labour, and received as an effect of that: Nature and the Earth furnished only the almost worthless Materials, as in themselves. 'Twould 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, made use of by any of the Work-men, to any part of the Work; all which 'twould be almost impossible, at least too long, to reckon up.

§. 44. From all which it is evident, that tho' the things of Nature are given in

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common: Man (by being Master of himself, and Proprietor of his own Person, and the Actions or Labour of it) had still in himself the great Foundation of Property: and that which made up the great part of what he applied to the Support or Comfort of his being, when Invention and Arts had improved the conveniencies 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, where ever any one was pleased to employ it upon what was common, which remained, a long while, the far greater part, and is yet more than Mankind makes use of. Men, at first, for the most part, contented themselves with what un-assisted 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

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<sup>17</sup> "This shews how much numbers...argument in hand," From a later edition.

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private Men of their Society, and so, by Compact and Agreement, settled the Property which Labour and Industry began. And the Leagues, that have been made between several States and Kingdoms, either expressly or tacitly dis-owning all Claim and Right to the Land in the others Possession, have, by common Consent, given up their Pretences to their natural common Right, which originally they had to those Countries: and so have, by positive Agreement, settled a Property amongst themselves, in distinct Parts of the World; yet there are still great Tracts of Ground to be found, which the Inhabitants thereof, not having joied with the rest of Mankind, in the consent of the Use of their common Money, lye waste, and are more than the People, who dwell on it, do, or can make use of, and so still lye in common. Though this can scarce happen amongst that part of Mankind that have consented to the Use of Money.

§. 46. The greatest part of things really useful to the Life of Man, and such as the necessity of subsisting made the first

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Commoners of the World look after, as it doth the *Americans* now, are generally things of short duration, such as, if they are not consumed by use, will decay and perish of themselves. Gold, Silver and Diamonds, are things that Phancy, or Agreement hath put the Value on, more than real Use, and the necessary Support of Life: Now of those good things which Nature hath provided in common, every one had a Right (as hath been said) to as much as he could use, and Property in all that he could effect with his Labour: all that his Industry could extend to, to alter from the State Nature had put it in, was his. He that gathered a Hundred Bushels of Acorns or Apples, had thereby a Property in them; they were his Goods as soon as gathered. He was only to look, that he used them before they spoiled; else he took more than his share, and robb'd 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 any body else, so that it perished not uselesly in his Possession, these he also made use of. And if he also bartered away Plumbs,<sup>18</sup> that would have rotted in a Week,

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for Nuts that would last good for his eating a whole Year, he did no injury; he wasted not the Common Stock; destroyed no part of the portion of Goods that belonged to others, so long as nothing perished uselesly in his hands. Again, If he would give his Nuts for a piece of Metal, pleased with its colour; or exchange his Sheep for Shells, or Wooll for a sparkling Pebble or a Diamond, and keep those by him all his Life, he invaded not the Right of others; he might heap up as much of these durable things as he pleased; the exceeding of the bounds of his just Property not lying in the largeness of his Possession, but the perishing of any thing uselesly in it.

§. 47. And thus came in the use of Money, some lasting thing that Men might keep without spoiling, and that, by mutual consent, Men would take in exchange for the truly useful, but perishable Supports of Life.

§. 48. And as different degrees of Industry were apt to give Men Possessions in

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<sup>18</sup> Plumbs.

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different proportions, so this Invention of Money gave them the opportunity to continue and enlarge them. For supposing an Island, separate from all possible Commerce with the rest of the World, wherein there were but a Hundred Families, but there were Sheep, Horses and Cowes, 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, fit to supply the Place of Money: What reason could any one 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 they could barter for like perishable, useful Commodities, with others? Where there is not something both lasting and scarce, and so valuable to be hoarded up, there Men will not be apt to enlarge their Possessions of Land, were it never so rich, never so free for them to take. For I ask, What would a Man value Ten thousand, or an Hundred thousand Acres of excellent Land, ready cultivated, and well stocked too with Cattle, in the

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middle of the in-land Parts of *America*, where he had no hopes of Commerce with other parts of the World, to draw Money to him, by the Sale of the Product. It would not be worth the inclosing, and we should see him give up again to the wild Common of Nature, what-ever was more than would supply the Conveniencies 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 that is now; for no such thing as Money was any where known. Find out something that hath the Use and Value of Money amongst his Neighbours, you shall see the same Man will begin presently to enlarge his Possessions.

§. 50. But since Gold and Silver, being little useful to the Life of Man, in proportion to Food, Rayment, and Carriage, has its value only from the consent of Men, whereof labour yet makes in great part the measure, It is plain, that the consent of Men have agreed to a dis-

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proportionate and unequal Possession of the Earth; I mean out of the bounds of Society and Compact: for in Governments the Laws regulate it, they having by consent, found out and agreed in a way how a Man may rightfully, and without injury, possess more than he himself can make use of by receiving Gold and Silver, which may continue long in a Mans Possession, without decaying for the overplus, and agreeing those Metals should have a value. they having, by a tacit and voluntary consent, found out a way how a man may fairly possess more land than he himself can use the product of, by receiving in exchange for the overplus gold and silver, which may be hoarded up without injury to any one; these metals not spoiling or decaying in the hands of the possessor. This partage of things in an inequality of private possessions, men have made practicable out of the bounds of society, and without compact, only by putting a value on gold and silver, and tacitly agreeing in the use of money: for in governments, the laws regulate the right of property, and the possession of land is determined by positive constitutions.<sup>19</sup>

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<sup>19</sup> “they having...positive constitutions.” From a later edition.

§. 51. And thus, I think, it is very easy to conceive, without any difficulty, how labour could at first begin a title of Property in the common things of nature, and how the spending it upon our uses bounded it. So that there could then be no reason of quarrelling about title, nor any doubt about the largeness of Possession it gave. Right and Conveniency 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

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for Controversie about the title, nor for incroachment on the right of others; what Portion a Man carved to himself, was easily seen; and it was useless as well as dishonest, to carve himself too much, or take more than he needed.

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## CHAP. VII.

### *Of Political or Civil Society.*

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§. 85. Master and Servant are Names as old as History, but given to those of far different condition; for a Free-man 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 thereof; 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 whereof is the preservation of Property.

§. 86. Let us therefore consider a Master of a Family with all these subordinate Re-

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lations of Wife, Children, Servants and Slaves, united under the domestick rule of a Family; which what resemblance soever it may have in its order, offices, and number too, with a little Commonwealth; yet is very far from it, both in its constitution, power and end: or if it must be thought a Monarchy, and the *Paterfamilias*,<sup>20</sup> the absolute Monarch in it, absolute Monarchy will have but a very shattered and short Power, when 'tis 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

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<sup>20</sup> Male father of the family, or head of the household.

Power as *Paterfamilias* as great, whether there be any Slaves in his family or no) he has no Legislative power of Life and Death over any of them, and none too 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 differ from that which is properly political Society, we shall best see, by considering wherein political Society it self consists.

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#### CHAP. XIV.

#### *Of PREROGATIVE.*

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§. 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. As there can be none between the Legislative and the People, should either the executive, or the Legislative, when they have got 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 any body should rule over them for their harm, do that which they have not a right to do. And where the Body of the People, or any single Man, is deprived of their Right, or are under the Exercise of a power without right, having no Appeal on earth, they have a liberty to appeal to Heaven, when-ever they judge the Cause

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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 reserv'd that ultimate Determination to themselves, which belongs to all Mankind, where there lies no Appeal on Earth; by a Law antecedent, and paramount to all positive Laws of MEn, whether they have just Cause to make their Appeal to Heaven. And this Judgment they cannot part with, it being out of a Man's power so to submit himself to another, as to give him a liberty to destroy him; God and Nature never allowing a Man so to abandon himself, as to neglect his own preservation. And since he cannot take away his own Life, neither can he give another power to take it. Nor let any one think this lays a perpetual foundation for Disorder; for this operates not, 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 this the Executive Power, or wise Princes never need come in the danger of. And 'tis the thing, of all others, they have most need to avoid, as, of all others, the most perilous.

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## CHAP. XV.

### *Of Paternal, Political, and Despotical Power, considered together.*

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§. 173. Nature gives the first of these, *viz.* Paternal Power, to Parents, for the Benefit of their Children, during their Minority, to supply their want of Ability, and understanding how 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 Goods.) Voluntary Agreement gives the second, *viz.* Political Power, to Governours, for the Benefit of their Subjects, to secure them in the Possession and Use of their Properties. And Forfeiture gives the third, Despotical Power, to Lords, for their own Benefit over those who are stripp'd 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 Despotical exceeds it; and that Absolute Dominion, however placed, is so far from being one kind of civil Society, that it is as inconsistent

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with it as Slavery is with Property. Paternal Power is only where Minority makes the Child incapable to manage his Property; Political where Men have Property in their own disposal; and Despotical over such as have no Property at all.

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## CHAP. XVI.

### *Of CONQUEST.*

§. 175. **T**HOUGH Governments can originally have no other Rise, than that before mentioned, nor Polities be founded on any thing but the Consent of the People; yet such have been the Disorders, Ambition has fill'd the World with, that in the noise of War, which makes so great a part of the History of Mankind, this Consent is little taken notice of: and therefore many have mistaken the force of Arms for the Consent of the People, and reckon Conquest as one of the Originals of Government. But Conquest is as far from setting up any Government, as demolishing an House is from building a new one in the place. Indeed it often makes way for a new Frame of a Commonwealth, by destroying the former;

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but, without the Consent of the People, can never erect a new one.

§. 176. That the Aggressor, who puts himself into the state of War with another, and Unjustly invades another Man's right, can, by such an unjust War, never come to have a right over the Conquered, will be easily agreed by all Men, who will not think that Robbers and Pyrates have a Right of Empire over whomsoever they have Force enough to master, or that Men are bound by

Promises, which unlawful Force extorts from them. Should a Robber break into my House, and with a Dagger at my Throat make me seal Deeds to convey my Estate to him, would this give him any Title? Just such a Title by his Sword, has an unjust Conqueror, who forces me into Submission. The Injury and the Crime is 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 be to aggravate it. The only difference is, 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 have the Power in their own

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possession, which should punish Offenders. What is my Remedy against a Robber that so broke into my House? Appeal to the Law for Justice. But perhaps Justice is deny'd, or I am crippled and cannot stir; Robbed and have not 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 able, may seek the Relief of the Law, which I am denied: he or his Son may renew his Appeal, till he recover his Right. But the Conquered, or their Children, have no Court, no Arbitrator on Earth to appeal to. Then they may appeal, as *Jephtha* did, to Heaven, 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 should approve, and freely acquiesce in. If it be objected, this would cause endless trouble; I answer, No more than Justice does, where she lies open to all that appeal to her. He that troubles his Neighbour, without a Cause, is punished for it, by the Justice of the Court he appeals to. And he that 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

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will be sure to retribute to every one according to the Mischiefs he hath created to his Fellow-Subjects; that is, any part of Mankind. From whence 'tis plain, that he that 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*, 'Tis plain he gets no Power by his Conquest over those that Conquered with him. They that fought on his side cannot suffer by the Conquest, but must, at least, be as much Free-men as they were before. And most commonly they serve upon Terms, and on Condition to share 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 Countrey bestowed upon them. And the conquering People, are not, I hope, to be Slaves by Conquest, and wear their Laurels only to shew they are Sacrifices to their Leader's Triumph. They that found Absolute Monarchy upon the Title of the Sword, make their Heroes, who are the Founders of such Monarchies, arrant *Draw-can-sirs*,<sup>21</sup> and forget they had any Officers and Soldiers

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<sup>21</sup> Braggarts; could also reference a character from the 2nd Duke of Buckingham's 1670s play, *The Rehearsal* (Wikipedia: <https://en.wikipedia.org/wiki/Drawcansir>).

that fought on their side, in the Battles they won, or assisted them in the subduing, or shared in possessing the Countries they Master'd. We are told by some, that the English Monarchy is founded in the Norman Conquest, and that our Princes have thereby a Title to absolute Dominion: which if it were true, (as by the History it appears otherwise) and that *William* had a right to make War on this Island; yet his Dominion by Conquest could reach no farther than to the *Saxons* and *Britons*, that were then Inhabitants of this Country. The *Normans* that came with him, and helped to Conquer, and all descended from them are Freemen, and no Subjects by Conquest; let that give what Dominion it will. And if I, or any Body else, shall claim freedom, as derived from them, it will be very hard to prove the contrary: And 'tis plain, the Law that has made no distinction between the one and the other, intends not there should be any difference in their Freedom or Privileges.

§. 178. But supposing, which seldom happens, that the Conquerors and Conquer'd never incorporate into one People, under the same Laws and Freedom. Let us see next, what Power a lawful Conquerer has over the subdued, and that I

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say is purely Despotical. 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 ingaged not in the War, nor over the Possessions even of those who were actually engaged in it.

§. 179. *Secondly*, I say then the Conquerour gets no Power but only over those who have actually assisted, concurr'd, 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 is to make an unjust War, (for they never had such a Power in themselves:) They ought not to be charged, as guilty of the violence and injustice that is committed in an unjust War, any farther than they actually abet it, no more than they are to be thought guilty of any Violence or Oppression their Governours should use upon the People themselves, or any part of their Fellow-Subjects, they having impowered them no more to the one than to the other. Conquerors, 'tis true, seldom trouble themselves to make the distinction, but they willingly permit the confusion of War to sweep all together; but yet this alters not the Right; for the Conquerour's Power over the Lives of the Conquered,

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being only because they have used force to do or maintain an injustice, he can have that power only over those who have concurr'd 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 have made no forfeiture of their Lives, than he has over any other, who without any injuries or provocations, have lived upon fair terms with him.

§. 180. *Thirdly*, The Power a Conquerer gets over those he overcomes in a just War, is perfectly despotical; he has an absolute Power over the Lives of those, who by putting themselves in a state of War, have forfeited them; but he has not thereby a right and title to their Possessions. This I doubt not, but at first sight, will seem a strange Doctrine, it being so quite contrary to the practice of the World. There being nothing more familiar in speaking of the dominion of Countries, than to say such an one Conquer'd it. As if Conquest, without any more ado, convey'd a right of Possession. But when we consider, that the practice of the strong and powerful, how universal soever it may be, is

seldom the rule of Right, however it be one part of the subjection of the Conquer'd, not to argue against the Conditions cut out to

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them by the Conquering Sword.

§. 181. Though in all War there be 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 'tis the use of force only that puts a Man into the State of War. For whether by force he begins the injury; or else having quietly, and by fraud, done the injury, he refuses to make reparation, and by force maintains it, which is the same thing as at first to have done it by force; 'tis the unjust use of force that makes the War. For he that breaks open my House, and violently turns me out of Doors; or having peaceably got in, by force keeps me out, does in effect the same thing; supposing 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. 'Tis the unjust use of force then that puts a Man into the state of War with another, and thereby he that is guilty of it makes a forfeiture of his Life. For quitting reason, which is the rule given between Man and Man, and using force the way of Beasts, he becomes liable to be destroy'd by him he uses force against, as any savage ravenous Beast, that is dangerous to his being.

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§. 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 but his own Life, but involves not his Children in his guilt or destruction. His goods which nature, that willeth the preservation of all Mankind as much as is possible, hath made to belong to the Children to keep them from perishing, do still continue to belong to his Children. For supposing them not to have join'd in the War, either through infancy or choice, they have done nothing to forfeit them, nor has the Conquerour any right to take them away, by the bare right of having subdued him that by force attempted his destruction, though perhaps he may have some right to them to repair the dammages he has sustained by the War, and the defence of his own right, which how far it reaches to the possessions of the Conquer'd, we shall see by and by; so that he that by Conquest has a right over a Mans Person, to destroy him if he pleases, has not thereby 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,

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as a noxious Creature; but 'tis damage sustain'd that alone gives him title to another Mans Goods: For though I may kill a Thief that sets on me in 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 put himself in, made him forfeit his Life, but gave me no title to his Goods. The right then of Conquest extends only to the Lives of those who join'd in the War, but not to their Estates, but only in order to make reparation for the damages received, and the Charges of the War, and that too with reservation of the right of the innocent Wife and Children.

§. 183. Let the Conquerer have as much Justice on his side, as could be suppos'd, he has no right to seize more than the vanquish'd could forfeit: his Life is at the Victors Mercy; and his service and goods he 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 enjoy'd, and their shares in the estate he possessed. For Example, I in the state of nature (and all Commonwealths are in the state of nature one with another) have injured another Man, and refusing to give satisfaction, it comes to

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a state of War, wherein my defending by force, what I had gotten unjustly, makes me the Aggressor; I am conquered: my Life, 'tis true, as forfeit, is at mercy, but not my Wives and Childrens. They made not the 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, that neither could I forfeit. And my Children also, being born of me, had a right to be maintain'd out of my Labour or Substance. Here then is the Case; The Conquerour has a Title to Reparation for Damages received, and the Children have a Title to their Father's Estate for their Subsistence. For as to the Wife's share, whether her own Labour or Compact gave her a Title to it, 'tis plain, her Husband could not forfeit what was hers. What must be done in the case? I answer; The Fundamental Law of Nature being, that all, as much as may be, should be preserved, it follows, that if there be not enough fully to satisfy both, *viz.* for the Conquerour's Losses, and Childrens Maintenance, he that hath, and to spare, must remit something of his full Satisfaction, and give way to the pressing and preferable Title of those, who are in danger to perish without it.

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§. 184. But supposing the Charge and Damages of the War are to be made up to the Conquerour, to the utmost Farthing, and that the Children of the vanquished, spoiled of all their Father's Goods, are to be left to starve and perish; yet the satisfying of what shall, on this score, be due to the Conquerour, will scarce give him a Title to any Countrey he shall conquer. For the Damages of War can scarce 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 Conquerour's Land, which, being vanquished, it is impossible I should; scarce any other spoil I have done him can amount to the value of mine, supposing it of an extent any way coming near what I had over-run of his, and equally cultivated too. The destruction of a Years 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 taken away, these are none of Natures Goods, they have but a phantastical imaginary value, Nature has put no such upon them. They are of no more account by her standard, than the Wampompeke of the *Americans* to an *European* Prince, or the

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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 him that is disseiz'd: which will be easily granted, if one do but take away the imaginary value of Money, the disproportion being more than between five, and five thousand. Though, at the same time, half a years product is more worth than the Inheritance, where there being more Land than the Inhabitants possess and make use of, any one has liberty to make use of the waste: But there

Conquerours take little care to possess themselves of the Lands of the vanquished. 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 Conquerour 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 Conquerour indeed will be apt to think himself Master. And 'tis the very condition of the subdued not to be able to dispute their Right: But, if that be all, it gives no other Title, than what bare Force gives to the stronger over the weaker.

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And, by this reason, he that is strongest will have a right to whatever he pleases to seize on.

§. 185. Over those then that joined with him in the War, and over those of the subdued Countrey that opposed him not, and the Posterity even of those that did, the Conquerour, even in a just War, hath, by his Conquest, no right of Dominion. They are free from any subjection to him, and if their former Government be dissolved, they are at liberty to begin and erect another to themselves.

§. 186. The Conquerour, 'tis 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 he has to do so? If it be said, they submit by their own consent; then this allows their own consent to be necessary to give the Conquerour 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 which I shall say, they bind not at all, because whatsoever another gets from me by force, I still retain the Right of, and he is obliged presently to restore. He that forces my Horse from

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me, ought presently to restore him, and I have still a right to retake him. By the same reason, he that forced a Promise from me ought presently to restore it, *i. e.* quit me, of the Obligation of it; or I may resume it my self, *i. e.* chuse 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 the extorting any thing from me by force. Nor does it at all alter the case, to say 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 my self to a Thief, who demands it with a Pistol at my Breast.

§. 187. From all which it follows, that the Government of a Conquerour, imposed, by force, on the subdued, against whom he had no right of War, or who joined not in the War against him, where he had right, has no obligation upon them.

§. 188. But let us suppose that all the Men of that Community being all Members of the same Body Politick, may be taken to have join'd in that unjust War, wherein they are subdued, and so their Lives are at the Mercy of the Conquerour.

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§. 189. I say, this concerns not their Children, who are in their Minority. For since a Father hath not, 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 Free men, and the Absolute Power of

the Conquerour reaches no farther than the Persons of the Men that were subdued by him, and 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, but by their own consent, whatever he may drive them to say or do; and he has no lawful Authority, whilst 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, but 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, though he be born in a place under its Jurisdiction. But if he disclaim the lawful Government of the Countrey

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he was born in, he must also quit the Right, that belong'd to him, by the Laws of it, and the Possessions there descending to him, from his Ancestors, if it were a Government made by their consent.

§. 192. By the second, the Inhabitants of any Countrey, who are descended, and derive a Title to their Estates from those who are subdued, and had a Government forced upon them, against their free consents, retain a Right to the Possession of their Ancestors, though they consent not freely to the Government, whose hard Conditions were, by force, imposed on the Possessors of that Countrey. For the first Conqueror never having had a Title to the Land of that Countrey, the People, who are the Descendants of, or claim under those, who were forced to submit to the Yoke of a Government by constraint, have always a Right to shake it off, and free themselves from the Usurpation, or Tyranny the Sword hath brought in upon them; till their Rulers put them under such a Frame of Government, as they willingly, and of choice consent to (which they can never be supposed to do, till either they are put in a full state of Liberty to chuse their Government and Governours, or at least till they have such standing Laws, to which they have, by themselves, or their

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Representatives, given their free consent, and also till they are allowed their due Property, which is so to be Proprietors of what they have, that no body can take away any part of it without their own consent, without which, Men under any Government are not in the state of Freemen, but are direct Slaves under the force of War.) And who doubts but the *Grecian* Christians, Descendants of the antient Possessors of that Countrey, may justly cast off the *Turkish* Yoke they have so long groaned under, when-ever they have a Power to do it?

§. 193. But granting that the Conquerour in a just War, has a Right to the Estates, as well as Power over the Persons of the Conquered; which, 'tis plain, he hath not: nothing of Absolute Power will follow from hence, in the continuance of the Government. Because the Descendants of these being all Free-men, if he grants them Estates, and Possessions to inhabit his Countrey, without which it would be worth nothing, whatsoever he grants them, they have so far as it is granted, Property in. The nature whereof is, that, without a Man's own consent, it cannot be taken from him.

§. 194. Their Persons are free, by a native Right, and their Properties, be they

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more or less, are their own, and at their own dispose, and not at his; or else it is no Property. Supposing the Conquerour gives to one Man a Thousand Acres, to him and his Heirs for ever; to another he lets a Thousand Acres, for his Life, under the Rent of 50*l.* or 500*l. per An.* Has not the one of these a Right to his Thousand Acres for ever, and the other, during his Life, paying the said Rent? And hath not the Tenant, for Life, a Property in all that he gets over and above his Rent, by his Labour and Industry, during the said term, supposing it be double the Rent? Can any one say, the King, or Conquerour, after his Grant, may, by his Power of Conquerour, take away all, or part of the Land, from the Heirs of one, or from the other, during his Life, he paying the Rent? Or can he take away, from either, the Goods or Money they have got upon the said Land, at his pleasure? If he can, then all free and voluntary Contracts cease, and are void, in the World; there needs nothing but Power enough to dissolve them at any time. And all the Grants and Promises of Men, in Power, are but Mockery and Collusion. For can there be any thing more ridiculous than to say, I give you and yours this for ever, and that in the surest and

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most solemn way of conveyance can be devised: and yet it is to be understood, that I have Right, if I please, to take it away from you again to morrow?

§. 195. I will not dispute now whether Princes are exempt from the Laws of their Countrey, but this I am sure, they owe subjection to the Laws of God, and Nature. No Body, no Power can exempt them from the Obligations of that Eternal Law. Those are so great, and so strong, in the case of Promises, that Omnipotency it self can be tyed by them. Grants, Promises, and Oaths are Bonds that hold the Almighty: what-ever some Flatterers say to Princes of the World, who, all together, with all their People joined to them, are, in comparison of the great God, but as a Drop of the Bucket, or a Dust on the Balance, inconsiderable, nothing!

§. 196. The short of the Case, in Conquest, is this, The Conquerour, if he have a just Cause, has a Despotical Right over the Persons of all, that actually aided, and concurred in the War against him, and a Right to make up his Damage and Cost out of their Labour and Estates, so he injure not the Right of any other. Over the rest of the People, if there were any that consented not to the War, and

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over the Children of the Captives themselves, or the Possessions of either he has no Power, and so can have, by Virtue of Conquest, no lawful Title himself to Dominion over them, or derive it to his Posterity; but is an Aggressour, and puts himself in a state of War against them, and has no better a Right of Principality, he, nor any of His Successors, than *Hingar*, or *Hubba*, the *Danes*,<sup>22</sup> had here in *England*, or *Spartacus*, had he conquered *Italy*; which is to have their Yoke cast off, as soon as God shall give those, under their subjection, 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; wherefore he*

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<sup>22</sup> Hingar and Hubba were thought to have led the Danish invasion of Britain in the fifth century. See Andrew Bailey, et. al., eds., *The Broadview Anthology of Social and Political Thought: From Plato to Nietzsche* (Toronto: Broadview Press, 2008), 547 fn. 3.

*went forth, and he rebelled against the King of Assyria, and served him not, 2 Kings XVIII.vii.* Whence it is plain, that shaking off a power, which Force, and not Right, hath set over any one, though it hath the Name of Rebellion; yet is no Offence before God, but is that which he allows and countenances, though even Promises and Covenants, when obtain'd by force, have intervened. For 'tis very probable, to any one that reads

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the story of *Abaz* and *Hezekiah*, attentively, that the *Assyrians* subdued *Abaz*, and deposed him, and made *Hezekiah* King in his Father's life time; and that *Hezekiah*, by agreement, had done him Homage, and paid him Tribute till this time.

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## CHAP. XIX.

### *Of the Dissolution of Government.*

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§. 220. In these, and the like Cases, when the Government is dissolved, the People are at liberty to provide for themselves,

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by erecting a new Legislative, differing from the other, by the change of Persons, or Form, or both, as they shall find it most for their safety and good. For the Society can never, by the fault of another, lose the native and original Right it has to preserve it self; 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 be 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, 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, tell them, they may act like Free-men. This, if barely so, is rather Mockery than Relief, and Men can never be secure from Tyranny, if there be no means to escape it, till they are perfectly under it: And therefore it is, that they have not only a Right to get out of it, but to prevent it.

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§. 239. In these Cases *Barclay*,<sup>23</sup> 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: In whatsoever he has no Authority, there he is no King, and may be resisted: For wheresoever the Authority ceases, the King ceases too, and becomes like other Men who have no Authority. And these two Cases he instances in, differ little from those above mention'd, to be destructive to Governments, only that he 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 intending the end of Government it self; which is the publick good and preservation of Property. When a King has Dethron'd himself, and put himself in a state of War with his People, what shall 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. This farther I desire may be taken notice of out of *Barclay*, that he says, *The mischief that is designed them, the people may prevent before it be done*: whereby he allows *resistance* when tyranny is but in design. *Such designs as these* (says he) *when any king harbours in his thoughts and seriously promotes, he immediately gives up all care and thought of the common-wealth*; so that, according to him, the neglect of the public good is to be taken as an evidence of such *design*, or at least for a sufficient cause of *resistance*. And the reason of all, he gives in these words, *Because he betrayed or forced his people, whose liberty he ought carefully to have preserved*. What he adds, *into the power and dominion of a foreign nation*, signifies nothing, the fault and forfeiture lying in the loss of their *liberty*, which he *ought to have preserved*, and not in any distinction of the persons to whose dominion they were subjected. The peoples right is equally invaded, and their liberty lost, whether they are made slaves to any of their [413] own, or a *foreign nation*; and in this lies the injury, and against this only have they the right of defence. And there are instances to be found in all countries, which shew, that it is not the change of nations in the persons of their governors, but the change of government, that gives the offence.<sup>24</sup> *Bilson*,<sup>25</sup> a Bishop of our Church, and a great Stickler for the Power and Prerogative of Prin-

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ces, does, if I mistake not, in his Treatise of *Christian Subjection*, acknowledge, That Princes may forfeit their Power, and their title, to the Obedience of their Subjects; and if there needed authority in a Case where reason is so plain, I could send my Reader to *Bracton*, *Fortescue*, and the Author of the *Mirror*,<sup>26</sup> and others, Writers, that cannot be suspected to be ignorant of our Government, or Enemies to it. But I thought *Hooker* alone might be enough to satisfie those Men, who relying on

<sup>23</sup> William Barclay was a Scottish lawyer and writer in the late 16th and early 17th centuries. Barclay's most important work, the six book *De regno et regali potestate, adversus Buchananum, Brutum, Boucherium, et reliquos monarchomachos*, was published in the early 1600s. See Marie-Claude Tucker, "Barclay, William [Guillaume] (1546–1608), civil lawyer," *Oxford Dictionary of National Biography*, 23 Sep. 2004; Accessed 16 Aug. 2022. <https://www-oxforddnb-com.proxy-um.researchport.umd.edu/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-1352>.

<sup>24</sup> "This farther...the offence." From a later edition.

<sup>25</sup> Thomas Bilson was the Bishop of Winchester and author of *The True Difference between Christian Subjection and Unchristian Rebellion* (1585) among other works. Though his works championed hereditary monarchy, he also allowed for political resistance under particular legal and constitutional structures. See William Richardson, "Bilson, Thomas (1546/7–1616), bishop of Winchester," *Oxford Dictionary of National Biography*, Retrieved 16 Aug. 2022, from <https://www-oxforddnb-com.proxy-um.researchport.umd.edu/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-2401>.

<sup>26</sup> *The Mirror for Magistrates* was a collection of English poems published in the mid-16th century. The poems illustrates the fates of historical English monarchs and nobles.

him for their ecclesiastical Polity, are by a strange fate carried to deny those Principles upon which he builds it. Whether they are herein made the Tools of Cunniger Workmen, to pull down their own fabrick, they were best look. This I am sure, their civil Policy is so new, so dangerous, and so destructive to both Rulers and People, that as former Ages never could bear the broaching of it; so it may be hoped, those to come, redeem'd from the Impositions of these *Egyptian* Under-Taskmasters, will abhor the Memory of such servile Flatterers, who whilst it seem'd to serve their turn, resolv'd all Government into absolute Tyranny, and would have all Men born to what their mean Souls fitted them, Slavery.

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§. 243. To conclude, The Power that e-

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very individual gave the Society, when he entered into it, can never revert to the Individuals again, so long as the Society lasts, but will always remain in the Community; because without this, there can be no Community, no Commonwealth, which is contrary to the original Agreement: so also when the Society hath placed the Legislative in any Assembly of Men, to continue in them and their Successors, with Direction and Authority for providing such Successors, the Legislative can never revert to the People whilst that Government lasts: Because having provided a Legislative with Power, to continue for ever, they have given up their Political Power to the Legislative, and cannot resume it. But if they have set Limits to the Duration of their Legislative, and made this Supreme Power, in any Person, or Assembly, only temporary: Or else when, by the Miscarriages of those in Authority, it is forfeited; upon the Forfeiture of their Rulers, or at the Determination of the Time set, it reverts to the Society, and the People have a Right to act as Supreme, and continue the Legislative in themselves, or place it in a new Form, or new hands, as they thing good.

*FINIS.*

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<sup>27</sup> The last three pages are mislabeled. This is actually page 466.

<sup>28</sup> The last three pages are mislabeled. This is actually page 467 (last page in book).