

Second Treatise of Government

John Locke

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[Brackets] enclose editorial explanations. Small ·dots· enclose material that has been added, but can be read as though it were part of the original text. Occasional •bullets, and also indenting of passages that are not quotations, are meant as aids to grasping the structure of a sentence or a thought. Every four-point ellipsis indicates the omission of a brief passage that seems to present more difficulty than it is worth.—The division into numbered sections is Locke's.

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Chapter 14: Prerogative

159. When the legislative and executive powers are in distinct hands (as they are in all moderated monarchies and well-formed governments), the good of the society requires that various things should be left to the discretion of the executive. The legislators can't foresee and make legal provision for everything that may in future be useful to the community, so the executor of the laws—having the power in his hands—has by the common law of nature a right to make use of it for the good of the society in many cases of difficulty where the existing law doesn't deal with the difficulty—until the legislature can conveniently be assembled to make laws that do. There are many things that the law can't possibly provide for, and those must be left to the discretion of him who has the executive power in his hands. . . . Indeed, it is appropriate that the laws themselves should in some cases give way to the executive power, or rather to the fundamental law of nature and government that

All the members of the society are to be preserved *as much as may be* [here = 'as far as is reasonably possible'].

Many events may occur in which a strict and rigid adherence to the laws may do harm; for example, a house is burning and the fire can be stopped from spreading by pulling down the house next door, which is against the law. Again, a man may come within the punitive reach of the law (which doesn't distinguish one person from another) through an illegal action that deserves reward and pardon; so the ruler should have a power to mitigate the severity of the law and pardon some offenders. Since the purpose of government is the preservation of all *as much as may be*, even the guilty should be spared when this will do no harm to the innocent.

[Since 'executive power' was introduced at the start of Chapter 12, this is the first time the executive has been referred to as 'the ruler'.]

160. The word 'prerogative' is the name for this power to act according to discretion, for the public good, without the support of the law and sometimes even against it.

[The remainder of this short section re-states section 159's reason for giving such a prerogative to the holder(s) of executive power.]

161. This power, while employed for the benefit of the community and in accordance with the trust and purposes of the government, is an undoubted prerogative that the executive has, and it is never called into question. The people seldom if ever think with careful precision about the executive's prerogative. They are far from examining it as long as it is used to some extent *for* and not obviously *against* the good of the people. If a question *does* arise between the executive power and the people about something claimed as a prerogative, the dispute is easily decided by considering whether the disputed exercise of the prerogative tends to the good or to the harm of the people.

162. It is easy to conceive that in the early days of governments, when commonwealths were not much bigger than families, they had very few laws; their governors were like fathers watching over them for their good, and the government was almost all *prerogative*. A few established laws were all that was needed, and the ruler's discretion and care supplied the rest. But when weak monarchs were led to use this power for their own private ends and not for the public good (being led to this by their own mistakes, or

by the flattery of others), the people had to have laws that explicitly set limits to the prerogative with respect to matters in which they had found it working to their disadvantage. Thus the people found that they had to declare limitations of prerogative, where previously they and their ancestors had given the utmost latitude to monarchs who used the latitude only in the right way, namely for the good of their people.

163. When the people have established positive laws setting limits to the executive's prerogative, some have said that in doing this they have *encroached upon the prerogative*. But those who say this have a very wrong notion of government. The people in such a case haven't taken from the monarch anything that rightly belonged to him. All they have done is to declare that the power which they had left indefinitely in his or his ancestors' hands, to be exercised •for their good, wasn't something they intended him to have if he used it •otherwise. . . . Alterations in government that tend to the good of the community can't be an encroachment upon anybody, since nobody in government can have a right tending to any other purpose. Nothing is an *encroachment* unless it prejudices or hinders the public good. Those who say otherwise speak as if the monarch had interests other than the good of the community, and was not given the executive power *for* the good of the community—which •attitude• is the source of almost all the evils and disorders that happen in kingly governments. And indeed if that is so—i.e. if in some commonwealth the monarch *does* have interests separate from those of the people—then the people under his government are not •a society of rational creatures who created a community for their mutual good; they are not •people who have set rulers over themselves to guard and promote that good; rather, they are to be looked on as •a herd of inferior creatures under the command of a master who

keeps them and uses them for his own pleasure or profit. If men were so devoid of reason—so like the lower animals—as to enter into society upon such terms, *then* prerogative might indeed be what some men think it is, namely an arbitrary power to do things that are harmful to the people.

164. But a rational creature can't be supposed voluntarily to subject himself to someone else for his own harm (though someone who finds a good and wise ruler may not think it either necessary or useful to set precise bounds to the ruler's power in all things). So prerogative can be nothing but •the people's permitting their rulers to choose freely to do *for the public good* various things on which the law is silent or even against the direct letter of the law; and •their accepting such choices when they have been made. A •good monarch—one mindful of the trust put into his hands, and careful about the good of his people—can't have *too much* prerogative, i.e. power to do good. Whereas a •weak and poorly performing monarch—

one who would claim that the power his predecessors exercised without the direction of the law is a prerogative belonging to him by the right of his position, a right that he may exercise as he wishes, to make or promote interests distinct from those of the public—causes the people to claim their right, and to limit the power that they had been content to tacitly allow while it was exercised for their good.

165. Look into the history of England and you will find that prerogative was always largest in the hands of our wisest and best monarchs, because the people, seeing the over-all tendency of their actions to be for the public good, didn't object to what was done outside the law for that purpose. (I speak of 'the over-all tendency' of the monarch's conduct, because even a good monarch• may have a frailty or make

a mistake leading to small failures to achieve the public good. Monarchs are only men, made like other men.) So the people, finding reason to be satisfied with these monarchs whenever they acted outside or contrary to the letter of the law, accepted what they did and uncomplainingly allowed the monarchs to enlarge their prerogative as they wished. In this the people rightly judged that the monarchs weren't doing anything that would harm their laws, because they were acting consistently with the foundation and purpose of all laws, namely the public good.

166. Some people argue that absolute monarchy is the best government because it is what God himself governs the universe by; and that line of thought would give these God-like monarchs ·I have been discussing· some right to arbitrary power on the grounds that such kings partake of God's wisdom and goodness. This is the basis for the saying, *The reigns of good monarchs have been always most dangerous to the liberties of their people.* ·Here is why there is truth in that·. Good monarchs may have successors who •have different ideas about how to manage the government, and who •take actions of their good predecessors as precedents and make them the standard of their own prerogative—as though what had been done purely for the •good of the people *they* had a right to do for the •harm of the people, if they so pleased. When this has happened it has often led to disputes and sometimes to public disorders, before the people could recover their original right and get something that never was a prerogative to be openly declared not to be a prerogative. . . . A ·genuine· prerogative is nothing but the power of doing public good without a rule.

167. The power of calling parliaments in England—settling their precise time, place, and duration—is certainly a prerogative of the king, but one that is entrusted to him to be used for the good of the nation. . . . [Locke then re-states the

reasons for allowing such a prerogative to the holder of the executive power.]

168. On the matter of prerogative, there is an old question: *Who is to judge whether this power is being used rightly?* I answer: between

- an executive power that is in existence and has such a prerogative, and
- a legislature that can't convene without the executive's calling them together,

there can be no judge on earth. Just as there can be none between •the legislature and •the people in a situation where either the executive or the legislature, having got the power in their hands, plan or begin to enslave or destroy the people. In this case, as in all other cases where they have no judge on earth, the people's only other remedy is to appeal to heaven. In such cases the rulers, exercising a power that the people never put into their hands, . . . do what they have no right to do. And when the people as a whole (or any individual man) are deprived of their right or are subject to an exercise of power without right, and have no appeal on earth, then they are free to appeal to heaven if they judge the issue to be important enough for that. And therefore, although •the constitution of the society in question doesn't give the people any superior power to act as judge, making and enforcing a decision in the case, they have, by •a law antecedent to (and outranking) all positive laws of men, reserved to themselves a final decision. It is the one that is open to all mankind when no appeal can be made on earth, namely the judgment as to whether they have just cause to make their appeal to heaven. . . . Don't think that this lays a perpetual foundation for disorder; for the appeal to heaven comes into play only when the trouble is so great that the majority feel it, are weary of it, and see that it *must* be amended. But the executive power, or wise monarchs, need never come into danger of this; and it is the thing above all others that they need to avoid, because it is dangerous above all others.

Chapter 15: Paternal, political, and despotic power, considered together

169. I have had occasion in earlier chapters to speak of these separately, but it may be worthwhile to consider them together, as the great mistakes about government that have recently been made have (I think) arisen from confusing these distinct powers with one another.

170. First, then, paternal or **parental** power is simply what parents have over their children to govern them for their own good until they come to the use of reason, or to a state of knowledge that should make them capable of understanding the rules—whether the law of nature or the civic law of their country—that they are to govern themselves by. I say ‘capable’ of this, meaning: as capable as the general run of people who live as freemen under that law. The affection and tenderness that God has planted in the hearts of parents towards their children shows that this isn’t meant to be a severe arbitrary government, but only for the help, instruction, and preservation of the children. But happen it as it will [= ‘whatever the details of how this is handled in individual families’], I have shown that •there is no reason why parental power should be thought ever to extend to life and death over the children any more than over anyone else; and that there is no basis on which to claim that parental power should keep the *adult* offspring in subjection to the will of his parents, though his having received life and upbringing from his parents obliges him to give respect, honour, gratitude, assistance and support, all his life, to both father and mother. So paternal government is indeed a natural government, but its purposes don’t stretch out to those of political government, nor does its scope. . . . [Something connected with this section is attached to the end of the whole work.]

171. Secondly, **political** power is the power that every man has in the state of nature and gives up into the hands of the society, and within the society to the governors whom the society has set over itself on the explicitly stated or tacitly understood condition that the power in question shall be employed for their good and for the preservation of their property. So this power. . . .is to •preserve his property by whatever means *he* thinks good and •the law of nature allows him, and to •punish breaches of the law of nature by others, doing this in ways that (according to *his* best judgment) are most likely to favour the preservation of himself and of the rest of mankind. Thus, •as possessed by each man in the state of nature, this power has as its purpose and scope the preservation of all of the man’s society (i.e. of all mankind); so •as power in the hands of the magistrate it can’t have any purpose or scope other than that; and so it can’t be an absolute arbitrary power over their lives and fortunes, which are to be preserved as much as possible. •It is indeed a power sometimes to deprive people of their freedom, or even of their lives, but only under strictly set conditions. It is a power to make laws and to attach such penalties to them as may help the preservation of the whole community by cutting off the parts that are so gangrenous that they threaten the sound and healthy parts. Those parts and *only* those parts; no severity of punishment is lawful unless it tends to preserve the life and health of the community. And this power stems purely from compact and agreement—from the mutual consent of those who make up the community.

172. Thirdly, **despotic** power is an absolute, arbitrary power that one man has over another to take away his life whenever

he pleases. •Nature doesn't give this power, for it doesn't distinguish one man from another; and it can't be given to someone by •agreement ·with the other man·, for no man has such an arbitrary power over his own life, and therefore can't give it to someone else. Despotic power can only come from an aggressor's giving up his right to his own life by putting himself into a state of war with someone else. The aggressor has

- deserted reason, which God gave us to be the rule between man and man, and the common bond whereby mankind is united into one fellowship and society;
- renounced the way of peace that reason teaches, and used the force of war to achieve his unjust purposes against someone else; and so has •walked out on his own kind and joined the wild animals, by adopting for his own conduct *their* rule of right, namely force.

In this way he has rendered himself liable to be destroyed by the injured person or by anyone else who is willing to join with the victim in carrying out justice, as we would against any other wild beast or noxious brute with which mankind can't associate and from which it can't be secure. Thus, the only people who are subject to a despotic power are captives taken in a just and lawful war—·captives, that is, who were fighting on the unjust and unlawful side in such a war·. This power is just a continuation of the state of war; it doesn't come from any agreement, and *couldn't* do so, for what agreement can be made with a man who is not master of his own life? What condition can he perform? And

once he is allowed to be master of his own life, the despotic and arbitrary power of his master ceases. Someone who is master of himself and of his own life also has a right to the means of preserving it; so that as soon as any agreement is made, slavery ceases; and so anyone who bargains over conditions with his captive has thereby given up his absolute power and put an end to the state of war.

173. •Nature gives **paternal** power to parents for the benefit of their children during their minority, to make up for their lack of the skills and knowledge needed to manage their property. (Here and throughout I use 'property' to refer to the property that people have in their *persons* as well as in their *goods*.) Voluntary •agreement gives **political** power to governors for the benefit of their subjects, to secure them in the possession and use of their properties. And •forfeiture gives **despotic** power to lords for their own benefit, over those who have been stripped of all property.

174. If you think about how these kinds of power differ in their origins, scopes, and purposes, you will see clearly that •paternal power comes as far short of •that of the magistrate as •despotic goes beyond it; and that absolute dominion—whoever has it—is so far from being *one kind of* civil society that it is as *inconsistent with* such society as slavery is with property. Paternal power occurs when the child's youth makes him unable to manage his property; political power occurs when men have property at their own disposal; and despotic power occurs over men who have no property at all.

Chapter 16: Conquest

175. Though governments can't arise in any way but the one I have described, and political systems can't be based on anything but the •consent of the people, ambition has filled the world with such disorders that this •consent is not much noticed in the din of war that makes such a large part of the history of mankind. As a result, many people have mistaken *the force of arms* for *the consent of the people*—or, anyway, have credited armed force with doing things that really only consent can do—and have counted conquest as one of the sources of government. But •conquest is as far from •setting up any government as •demolishing a house is from •building a new one to replace it. Conquest often makes way for a new form of a commonwealth by destroying one that already exists, but without the people's consent it can never erect a new one.

176. The aggressor who enters into a state of war with someone else and unjustly invades his victim's rights can't in this way come to have a *right* over whomever he has conquered. You will easily agree with this unless you think that robbers and pirates have a *right* to govern people they have mastered by force, or that men are bound by promises that were extorted from them by unlawful force. If a robber breaks into my house and with a dagger at my throat makes me sign documents conveying my estate to him, would this give him any title to my estate? •Obviously not! Well, that is just the kind of 'title' that an unjust conqueror wins through his sword when he forces me into submission. The harm is the same whether committed by the wearer of a crown or by some petty villain, and the crime is the same too. The offender's status and the number of his followers make no difference to the offence, except perhaps to make it worse.

The only difference is this: •little robbers are punished by great robbers who want to keep them obedient, whereas •great robbers are rewarded with laurels and processions because they are too big to be held in the weak hands of justice in this world, and have in their own possession the power that ought to be used to punish them. What is my remedy against a robber who breaks into my house? *Appeal to the law for justice*. But perhaps •justice is denied, or •I am crippled and cannot move •so as to go to the law-court, or •because I have been robbed I don't have the •financial means to go to law. If God has taken away all means for seeking remedy, there is nothing left but patience [= 'being resigned to what has happened', 'putting up with it']. But my son may become able to seek the relief of the law which is denied to me; he (or *his* son) may renew his appeal until he recovers what he has a right to. But the conquered and their children have no court, no arbitrator on earth to appeal to. Then they may appeal to heaven, as Jephtha did [*Judges* 11:30-31], and repeat their appeal until they have recovered the native right of their ancestors—namely, to have over them a legislature that the majority approve and freely accepted. If you object 'But this would cause endless trouble', I answer: no more trouble than justice causes when it lies open to all who appeal to it! Someone who troubles his neighbour without a cause is punished for it by the justice of the court he appeals to; and someone who appeals to heaven had better be sure that he has right on his side, and indeed a right that is worth the trouble and cost of the appeal, because he will be confronting a tribunal that can't be deceived and will be sure to punish everyone according to what harm he has done to his fellow subjects (that is, to any human being). It is

clear from this that someone who conquers in an •unjust war can't get from his conquest any right to the subjection and obedience of the conquered.

177. But supposing victory favours the right side, let us consider a conqueror in a •lawful war, and see what power he gets and over whom. First, it is obvious that his conquest doesn't give him power over those who conquered *with* him. Those who fought on his side can't suffer by the conquest; they must be at least as much freemen after the conquest as they were before. In most cases they serve by agreement, on condition that they will share the spoils with their leader and get other advantages that come with the conquering sword—or at least have a part of the conquered country given to them. I hope that the conquering allies are not to be made slaves by the conquest, wearing their laurels only to show that they are sacrifices to their leaders' triumph! Those who base absolute monarchy upon the right of the sword imply that their heroes, the founders of such monarchies, are utter Drawcansirs who forget that any officers or soldiers fought on their side in the battles they won, or helped them to subdue and occupy the countries they had conquered. [Drawcansir is a blustering braggart in a 1672 play; he enters a battle and kills all the combatants.] Some say that the English monarchy is based on the Norman conquest, and that our monarchs have thereby a right to absolute rule. History doesn't support this; but if it *were* true, and if William the Conqueror had a right to make war on this island, his rule through conquest couldn't apply to anyone except the Saxons and Britons who were then inhabitants of this country and to their descendants. The Normans who came with him and helped him to conquer, and all their descendants, are freemen; they are not *subjects by conquest*, whatever powers conquest bestows on the conqueror. And if you or I claim to be free

because we are descended from them, it will be very hard to prove that we are not. And the law of this country doesn't distinguish between the descendants of the Normans and the descendants of the Saxons and Britons, making it clear that the law doesn't intend that these two groups should differ in their freedom or privileges.

178. Suppose that the conquerors and the conquered *don't* incorporate into one people, under the same laws and freedom. In that case (which rarely happens), what power does a lawful conqueror have over those he has subdued? The power he has, I say, is purely despotic. He has an absolute power over the lives of those who have forfeited them by waging an unjust war, but not over the lives or fortunes of those who didn't take part in the war, and not over the possessions even of those who were actually engaged in it.

179. Secondly, I say then that the conqueror gets power *only* over those who have actually assisted, allowed, or consented to the unjust force that has been used against him. The people •never had a power to do something unjust, such as to start an unjust war; so they •can't have given their governors a power to do such a thing; so they •ought not to be charged as guilty of the violence and injustice that is committed in an unjust war except insofar as they actually abet it. (The reasoning behind that also supports this: if our governors use violence or oppression against *you*, they weren't empowered to do so by the rest of us, and so *we* are not guilty of what *they* have done.) Conquerors seldom trouble themselves to distinguish combatants from innocent civilians, and willingly allow the confusion of war to sweep them all into one heap; but this makes no difference to what is *right*. . . .

180. Thirdly, the power a conqueror gets over those he overcomes in a just war is completely despotic: he has an absolute power over •the lives of those who have forfeited them by putting themselves into a state of war; but this doesn't give him a right and title to •their possessions. I am sure of this, but at first sight it may seem a strange doctrine, as it is so flatly contrary to the practice of the world. We are all familiar with the way people, speaking of the governing of countries, say of some person and some country that 'He conquered it'; as if conquest automatically conferred a right of possession. Well, it *is* one part of the subjection of the conquered not to argue against the conditions cut out to them by the conquering sword; but what the strong and powerful *do*, however universally they do it, is seldom the rule of right.

181. In most wars force gets tangled up with damage, so that the aggressor harms the estates of those he makes war on; but what puts a man into the state of war is just *the use of force*, not *the use of force to do damage*. Whether the aggressor

begins the injury by force,

or else

inflicts the injury quietly, by fraud, and then refuses to make reparation and maintains it by force (which is the same thing as beginning it by force),

either way, it is the unjust use of *force* that makes the war. Compare someone who •breaks open my house and violently turns me out of doors with someone who •gets into my house peaceably and then by force keeps me out of it. These are in effect *doing the same thing*. (I am assuming that the intruder and I have no common judge on earth to whom I can appeal and to whom we are both obliged to submit.) It is the unjust use of force, then, that puts a man into a state of war with

someone else and leads to his forfeiting his •right to• life. [Locke then repeats the comparison with wild beasts.]

182. The misdeeds of a father are not faults of his children, who may be rational and peaceable despite their father's brutishness and injustice. So he by his misdeeds and violence can only forfeit *his own* life, and doesn't involve his children in his guilt or his destruction. His goods still continue to belong to his children. (Nature wills the preservation of all mankind as much as possible, and makes the goods belong to the children to help them to survive.) Given that they haven't taken part in the war—whether through infancy, absence, or choice—they have done nothing to forfeit the goods; nor has the conqueror any right to take them away simply on the grounds that he has subdued by force the person who attempted to destroy him. Still, he may have *some* right to them, to make good the damages he has sustained by the war and the defence of his own right [Locke's exact phrase]. We shall see in due course *how far* this right •of the conqueror's• reaches into the possessions of the conquered. Thus, someone who by conquest has a right over a man's person to destroy him if he pleases doesn't thereby get a right to possess and use his estate; for the brutal force that the aggressor has used is what gives his •conquering• adversary a right to take away his life. . . ., but what gives the adversary title to the defeated aggressor's goods is the damage he has sustained •through the aggression•. Similarly, I may kill a thief who attacks me on the highway, but I may not take the seemingly less drastic course of taking his money and letting him go, for this would be robbery on my side. His force and the state of war he put himself into made him forfeit his life, but it didn't give me title to his goods. So: the right of conquest extends only to the •lives of those who took part in the war, and not to their

•estates except to make reparation for the damages received and the costs of the war—and even there the rights of the innocent wife and children are to be respected.

183. However much justice the conqueror has on his side, he has no right to seize more than the vanquished could forfeit: the latter's life is at the victor's mercy, as are his service and his goods if these are needed for reparation; but the conqueror can't take the goods of the conquered person's wife and children—for they too had a title to the goods he had used and shared in the estate he had possessed. Consider an example involving two men in the state of nature (as all commonwealths are in the state of nature relative to one another): suppose that I have injured another man and have refused to make reparations, so it comes to a state of war in which my defending by force what I had unjustly acquired makes me the aggressor. In this war I am conquered; my life then is forfeit, it is at the mercy of the other man, but not the lives of my wife and children! They didn't make the war or take part in it. I couldn't forfeit their lives, which were not mine to forfeit. My wife had a share in my estate, and I couldn't forfeit that either. And my children also, being born of me, had a right to be maintained through my labour or my goods. Here, then, is what it comes down to:- The conqueror has a right to reparation for damages received, and the children have a right to their father's estate for their survival; as for the wife's share, it is clear that her husband can't forfeit what is *hers*, whether it became hers through her own work or through some agreement. What must be done in the case ·that there is not enough to go around·? I answer that the fundamental law of nature is that as far as possible all should be preserved; from which it follows that if there isn't enough fully to •recompense the conqueror for his losses and to •provide for the maintenance, he who has

enough and to spare must forgo some of his full reparations and give way to the greater right of those who are in danger of perishing without it.

184. Suppose that the rights of the conqueror are so broad that

- the costs and damages of the war are to be reimbursed to the conqueror to the last penny,

and

- the children of the vanquished are to be deprived of all their father's goods and left to starve and die,

still this won't give him a title to any *country* that he conquers. The ·cost of the· damages of war can hardly 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. If I haven't taken away the conqueror's land (and as the loser how *could* I?), hardly any damage I have done to him can amount to the value of my land (supposing it to be as much cultivated as his land is, and somewhere near the size of his land that I had overrun). Usually in a war the most harm that is done amounts to the destruction of the crops and other output of a year or two (it seldom reaches four or five). As for money and other riches and treasure that might be taken away, these are not nature's goods, and have only a notional imaginary value. Nature has put no value on them ·as men do·; they are of no more account by nature's standard than the wampum of the American Indians is to a European monarch, or the silver money of Europe would formerly have been to an Indian. If we set aside the notional value of money, ·we are left with the value of land and the products of land·. Even if as aggressor I spoiled *five years'* worth of product ·of my victim's land·, that doesn't add up to the value of ·my· land held *in perpetuity*; the disproportion is greater than that between five and five hundred. (This

is based on the assumption that all land is possessed and none remains waste. If there is more land than people in general can possess and make use of, and anyone has liberty to make use of the waste, the loss of half a year's product of one's land is worth more than the inheritance [Locke's phrase, perhaps meaning 'the perpetual ownership of some comparable tract of land'; this is the first occurrence of 'inheritance' or any cognate of it in this chapter]; but under those circumstances conquerors aren't much interested in taking the lands of the vanquished.) Thus, no damage that men in the state of nature. . . . suffer from one another can give a conqueror power to dispossess the descendants of the vanquished, and take from them the inheritance that ought to be theirs and their descendants' through all the generations. The conqueror will indeed be apt to think himself master; and the subdued, just because they *are* subdued, can't stand up for their rights. But if that is the whole case for giving the land of the vanquished to the conqueror, this must rest on the entirely unacceptable principle that whoever is strongest has a right to whatever he pleases to take.

185. Thus, the winner in a just war does not get, by winning, any right of dominion over

- those who joined in the war on his side, •those in the subdued country who didn't oppose him, or •the posterity even of those who did oppose him.

These are all free from any subjection to him, and if their former government is dissolved they are at liberty to start making themselves another.

186. What usually happens *in fact* is that the conqueror compels them, with a sword at their breasts, to accept his conditions and submit to whatever government he chooses to allow them; but the question is: what *right* has he to do this? If it be said that in submitting they give their *consent* to

the government in question, this allows that their consent is necessary for the conqueror to have a right to rule over them, and leaves just one question open: Does a person *consent* when he makes a promise under a threat of unlawful force? how far does such a promise bind him? I reply that it doesn't bind *at all*, because when someone gets something from me by force, I still have a right to it, and he is obliged to give it back to me at once. He who takes my horse from me by force ought immediately to give it back, and I have a right to *take* it back ·if I can·. By the same reasoning, he who forced a promise from me ought immediately to give it back, i.e. to clear me of the obligation of it; and I am entitled to take it back, i.e. choose whether to do what I have promised to do. The law of nature lays obligations on me only by the rules nature prescribes, so it can't oblige me through a violation of nature's rules such as extortion through force. . . .

187. It follows from all this that when the conqueror in a just war uses his force to impose a government on the subdued against whom he had no right of war (i.e. who didn't join in the war against him), they have no obligation to obey this government.

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

189. I say that this doesn't extend to their non-adult children; for since a father doesn't himself have a power over the life or liberty of his child, no act of his can possibly forfeit the child's life or liberty. So the children, whatever may happen to the fathers, are freemen; the absolute power of the conqueror reaches no further than the persons of the men who were subdued by him, and it dies when they do.

And if he spares their lives and governs them as slaves, subjected to his absolute arbitrary power, he has no such right of dominion over their children. He can have no power over them except by their own consent, whatever he may *force* them to say or do; and he has no lawful authority when their submission comes from his force rather than their consent.

190. Every man is born with a double right:— •First, a right of freedom to *his person*; no-one else has any power over this—it is entirely *his* to use as he wishes. •Secondly, a right before any other man to inherit with his brethren his father's goods.

191. By the •first of these a man is naturally free from subjection to any government, even if he was born in a place under its jurisdiction. But if he renounces obedience to the lawful government of the country he was born in, he must also give up the rights that he had through its laws, and the possessions that came down to him from his ancestors (if the government was made by their consent).

192. By the •second, the inhabitants of any country, who are descended from those who were subdued and had a government forced upon them against their will, retain a right to the possessions they inherited from their ancestors. . . . For the original conqueror never had any title to the land of that country, so the descendants and legatees of those who were forced to submit to the yoke of a government by constraint always have a right to shake it off, freeing themselves from the usurpation or tyranny that the sword has brought down on them, until their rulers give them a form of government that they'll willingly consent to. Who doubts that the Greek Christians, descendants of the ancient possessors of that country, are entitled to throw off the Turkish yoke under which they have groaned for so long, whenever they have an

opportunity to do so? For no government can have a right to obedience from a people who haven't freely consented to it; and they can't be supposed to have done *that* until either

- they are put into a full state of liberty to choose their government and governors,

or at least

- (1) they have standing laws to which they have given their free consent directly or through their representatives, and also (2) they are allowed the property to which they are entitled.

Condition (2) means that they are the proprietors of what they have in such a way that nobody can take away any part of it without their own consent. Without that, men under any government are not freemen but slaves under the force of war.

193. Even supposing that the conqueror in a just war *does* have a right to the estates of the conquered, as well as power over their persons (which he plainly *doesn't*), this still doesn't imply that the continuing government has any kind of *absolute* power. The descendants of those who were conquered will all be freemen; if the conqueror doesn't grant them estates and possessions to inhabit his newly conquered country, it won't be worth anything; and if he does grant them estates and possessions, then they have property, and the nature of property is that *without a man's own consent it can't be taken from him*.

194. Their persons are free by a natural right, and their properties, whether large or small, are *their own*, to be dealt with by their choice and not by the conqueror's—otherwise they are not properties. Suppose the conqueror gives one man a thousand acres, for him and his heirs for ever; and to another man he *lets* a thousand acres for his life, with a rental of £50 or £500. Doesn't the former man have a right

to his thousand acres for ever? and doesn't the other have a right to *his* thousand acres for his lifetime, while paying the agreed rent? And doesn't the tenant for life *own* all that his labour and industry brings in over and above his rent, even if it is double the rent? Can anyone say that the king (or conqueror), after making a grant, may use his power to take away all or part of the land from the heirs of the first man, or from the second man (the tenant) during his lifetime when he is paying the rent? Or can he whenever he pleases take away from either of them the goods or money they have earned through the land in question? If he can, then *all* free and voluntary contracts are nullified: all it takes to dissolve them at any time is enough power; and all the grants and promises of men in power are nothing but a mockery. Can there be anything more ridiculous than to say 'I give this to you and your descendants for ever', saying it in the surest and most solemn form of gift-giving that can be devised, when it's understood that I have the right to take it away from you again tomorrow if I want to?

195. I shan't discuss now whether monarchs are exempt from the laws of their country, but I am sure of this much: they owe subjection to the laws of God and of nature. No body, no power, can exempt them from the obligations of

that eternal law. Where promises are concerned, those obligations are so great and so strong that omnipotent God himself can be bound by them. Grants, promises, and oaths are bonds that hold the Almighty. Compare that fact with what some flatterers say to monarchs, 'namely that *they* are so great that they needn't keep their promises'. Yet all the monarchs of the world, together with all their courtiers, are by comparison with the great God like a drop in the bucket, or a speck of dust on the balance— inconsiderable, nothing!

196. Here it is in brief: if the conqueror has a just cause, he gets 'through his conquest' a despotic right over the persons of all those who actually aided and supported the war against him, and a right to use their labour and estates to make up for the damages he has suffered and the costs he has incurred (so long as he doesn't infringe anyone else's rights). He has no power over such of the people as didn't consent to the war, or over the children of the captives themselves, and no power over the possessions of either group. So his conquest does not entitle him to have dominion over them, or to pass on such dominion to his posterity. If he tries to take their properties, he is an aggressor, and thereby puts himself into a state of war against them. [The section ends with historical and biblical examples.]

Chapter 17: Usurpation

197. As conquest may be called a foreign usurpation, so usurpation is a kind of domestic conquest. But the equivalence is not exact: a ‘domestic conqueror’ *might* have right on his side, but an usurper can never do so, because an action counts as a usurpation only if it involves getting possession of something that someone else has a right to. A usurpation, as such, is a change only in *who* has the government, not in the forms and rules of the government. If the usurper goes further, and extends his power beyond what rightly belonged to the lawful monarchs or governors of the commonwealth whom he has dislodged, he is guilty not merely of usurpation but also of tyranny.

198. The designation of *who* is to rule is as natural and necessary a part of any lawful government as is the form of the government itself, and is something that was originally established by the people. Compare these two:

- having no form of government at all; •agreeing on a monarchy, without having a procedure for deciding who shall be monarch.

The anarchy will be much alike! Hence all commonwealths with an established form of government have rules also for appointing those who are to share in the public authority, and settled methods of getting them into office. Whoever gets into the exercise of any part of the power by ways other than those prescribed by the laws of the community has no right to be obeyed, even if he doesn’t change the form of the commonwealth; because he is not the person the laws have appointed, and so not the person the people have consented to. And no such usurper—or anyone whose rule is derived from him—can *ever* be entitled to his position as ruler until the people are free to consent, and *do* consent, to allow and confirm in him the power he has till then usurped.

Chapter 18: Tyranny

199. Whereas usurpation is the exercise of power to which someone else has a right, tyranny is the exercise of power to which nobody can have a right. That is what happens when someone employs the power he has in his hands, not for the good of those who are under it but for his own private individual advantage. It is what happens when a governor, however entitled he is to govern, is guided not by the law

but by his own wants, and his commands and actions are directed not to preserving his subjects’ properties but to satisfying his own ambition, revenge, covetousness, or any other irregular passion.

200. If you doubt this to be true, or to be reasonable, because it is written by a mere lowly subject, I hope you will take it from the authority of a king! King James I in his

1603 speech to the parliament said this:

In making good laws and constitutions, I will always put the welfare of the public and of the whole commonwealth ahead of any particular and private purposes of mine; because I think that the wealth and welfare of the commonwealth is *my* greatest welfare and worldly happiness. In this respect a lawful king sharply differs from a tyrant: for. . . the greatest point of difference between the two is that whereas •the proud and ambitious tyrant thinks his kingdom and people are only ordained for satisfying his desires and unreasonable appetites, •the righteous and just king does on the contrary acknowledge that he has been given the task of preserving the wealth and property of his people.

And in his 1609 speech to the parliament he said:

The king binds himself by a *double* oath to observe the fundamental laws of his kingdom. •Just by *being* a king he tacitly binds himself to protect not just the people but also the laws of his kingdom. By his oath at his coronation he explicitly binds himself to the same thing. . . . If a king governing in a settled kingdom stops ruling according to his laws, he thereby stops being a king and degenerates into a tyrant.

And a little after:

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

Thus that learned king, who had a good grasp of concepts, distinguishes *king* from *tyrant* through this and this alone: •a king limits his power to what the laws allow, and governs for the good of the public, whereas •a tyrant puts his own

will and appetite ahead of everything.

201. It is a mistake to think that only monarchies can go wrong in this way; other forms of government are also open to it. Whenever power is put into *some* hands for the government of the people and the preservation of their properties, and is then diverted from that purpose and used to impoverish, harass, or subdue the people to the arbitrary and irregular commands of those that have the power, then that immediately becomes tyranny, whether the power-holders are one or many. There was *one* tyrant at Syracuse, but we read of the *thirty* tyrants at Athens; and the intolerable government of the Ten Men at Rome was no better.

202. Wherever law ends, tyranny begins, if the breach of the law brings harm to someone else; and anyone in authority who exceeds the power given him by the law, using the force at his disposal to do to the subject things that aren't allowed by the law, thereby stops being an officer of the law; and because he acts without authority he may •rightly• be opposed, as may any other man who by force invades the right of someone else. This is acknowledged to hold for subordinate officers of the law. Someone who is authorized to arrest me •in the street may be opposed as a thief and a robber if he tries to break into •my house to arrest me—even if I know that his legal authority (and the arrest-warrant in his pocket) empower him to arrest me when I am •out of my house. I'd like to know why this shouldn't hold just as well for the highest as well as the lowest-ranked officials of government. Is it reasonable that the oldest brother, just because he has most of his father's estate, should thereby have a right to take away any of his younger brother's shares? Or that a rich man who possessed a whole county should get from that a right to seize the cottage and garden of his poor

neighbour? Being the lawful owner of great riches, . . . far from being an excuse (let alone a reason) for robbery and oppression, makes it much worse. Well, all of this applies not only to *having great wealth* but equally to *having great power*, which is not an entitlement to help oneself to more and engage in one's own kind of robbery and oppression. Exceeding the bounds of authority is no more a right in a great officer of government than in a low-level one, no more justifiable in a king than in a constable. It is indeed *worse* in the king because •more trust has been placed in him, •he already has a much greater share than the rest of his brethren, and •his education, employment, and counsellors are supposed to have given him more knowledge of the measures of right and wrong.

203. You may want to object:- 'Then may the commands of a monarch be opposed? May he be resisted whenever anyone finds himself aggrieved and *imagines* he hasn't been treated rightly? This will unhinge and overturn all systems of administration, leaving us with nothing but anarchy and confusion instead of government and order.'

204. Here is my answer:- It is wrong to use force against anything except unjust and unlawful force; whoever opposes a government for any other reason draws on himself a just condemnation from both God and man; and my philosophy of these matters doesn't bring a threat of danger or confusion, as is often suggested. Here are four observations in support of this.

205. First:- In some countries the *person* of the monarch is sacred, as a matter of law; so whatever he commands or does, his person is still free from all question or violence, not liable to force or to any judicial censure or condemnation. Yet the subjects may oppose the illegal acts of any lower official, or anyone commissioned by the monarch. In those

countries, the only way the monarch can lose his personal immunity is by putting himself into a state of war with his people, dissolving the government, and leaving the people to the defence that everyone has *in the state of nature*. When that happens, who can tell how it will all end? A remarkable example of how it can end is presented to the world by a neighbour kingdom. In all other cases the sacredness of the monarch's person exempts him, while the government stands, from all violence and harm whatsoever. And this is a wise constitution: for the harm a monarch can do *unaided* is not likely to happen often, or to go very far. Even if some monarch is weak and ill-natured enough to *want* to do it, he can't by his own personal strength subvert the laws or oppress the body of the people. When a headstrong monarch comes to the throne, he may do some troublesome things; but the disadvantages of those are quite outweighed by the peace of the public and the security of the government that comes from having the person of the head of government thus placed out of the reach of danger. For it is safer for the body politic that a few private men should sometimes be in danger of suffering than that the head of the commonwealth should be easily and casually exposed to danger.

206. Second:- This privilege of the king's *person* doesn't confer immunity against questioning, opposition, and resistance for those who use unjust and unlawful force and claim they were commissioned to do this by the king. Here is a plain case of that. Someone has the king's writ to arrest me, this being a full commission from the king; but he can't break into my house to arrest me, or carry out this command of the king's on certain days or in certain places, if the *law* forbids him to, even if the *commission* doesn't state any such exceptions. If anyone breaks the law, the king's commission doesn't excuse him; for the king has his authority only

•through the law, so he cannot empower anyone to act
 •against the law. . . . The commission or command of any government official ·from the king down to the constable· to do something for which he has no authority is as empty and insignificant as the ‘commission’ or command of any private man. The only difference between the two is that the official has authority to a certain extent and for certain purposes, while the private man has none; ·but the restrictions on the official’s authority are crucial·, because what gives the right of acting is not the •commission but the •authority; and there can be no authority against the laws. But ·when private citizens resist commissioned but unauthorized action by government officials·, notwithstanding such resistance the king’s person and authority are still both secured, and so ·there is· no danger to governor or government.

207. Third:- Consider now a government in which the person of the ruler is not sacred. My doctrine of the lawfulness of resisting all unlawful exercises of power won’t on every slight occasion endanger him or disturb the government; for where the injured party can be relieved and his damages made good by appeal to the law, he can’t claim a right to use force, which is only to be used where a man is *prevented* from appealing to the law. No exercise of force by the government counts as hostile if it leaves open the possibility of such an appeal; it is only when force closes *that* door that it puts the user of it into a state of war, and makes it lawful to resist him. •A man with a sword in his hand demands my purse on the highway when I have almost no money with me; this man I may lawfully kill. To •another man I hand £100 to hold while I get off my horse; he then refuses to give it back to me, and draws his sword to defend his possession of it by force if I try to take it back from him. The harm this man does to me may be a hundred or even a thousand times more than

the other intended to do to me (I killed him before he really did me any harm); and yet I can lawfully *kill* the one, and cannot so much as *hurt* the other lawfully. The reason for the difference is obvious. •The first man used force, which threatened my life, and I had no time to appeal to the law to make me safe. And once my life was taken, it would have been too late to appeal: the law couldn’t restore life to my dead carcass; the loss would have been irreparable; and it is in order to prevent *that* that the law of nature gave me a right to destroy the man who had put himself into a state of war with me and threatened my destruction. But •the second man did not put my life in danger; so I can have the benefit of appealing to the law and getting reparation for my £100 in that way.

208. Fourth:- If an official uses his power to maintain his unlawful acts and to obstruct the appeal to law for a remedy, this is manifest tyranny and there is a right to resist it; but even in cases like this, if the harm is slight there won’t be resistance that will disturb the government. For if the trouble concerns the cases of only a few private men, though they •have a right to defend themselves and to recover by force what through unlawful force has been taken from them, they will be disinclined to •exercise their right by engaging in a contest in which they are sure to perish. ·And they *are* sure to perish·, because it is as impossible for a few oppressed men to disturb the government when the body of the people don’t think themselves concerned in it as it is for a raving madman or headstrong malcontent to overturn a well settled state; the people being no more inclined to follow the oppressed few ·into a fight· than to follow the solitary madman.

209. But suppose these illegal acts have affected the majority of the people, or have affected only a few but seem to set a dangerous precedent threatening everyone, so that the people are persuaded in their consciences that their laws are in danger and—along with the laws—their estates, liberties, and lives, and perhaps their religion too. When *that* happens, I can't see how the people can be hindered from resisting the illegal force that has been ·or threatens to be· used against them. Such resistance is a difficulty that will confront *any* government in which the governors have managed to become generally suspected by their people. It is the most dangerous state that governors can possibly put themselves in, but they don't deserve much pity because the trouble is so easy to avoid. If a governor really does intend the good of his people, and the preservation of them and their laws, the people are bound to see and feel this, just as the children in a family will see that their father loves and takes care of them.

210. But if everyone can see in the government

- claims of one kind, and actions of another;
- skill employed to evade the law;
- prerogative employed contrary to the purpose for which it was given (namely to do good, not harm,

to the people);

- the ministers and lower officers of the law chosen with an eye to such purposes, and promoted or dismissed according to whether they further or oppose them;
- various things done as try-outs of arbitrary power: surreptitious favour shown to the religion (though publicly denounced) which is readiest to introduce such power, and the operators in it [= officials of the religion in question?] supported as much as the government can get away with, and, when open support isn't possible, still ·surreptitiously· approved and liked;

- if a long train of actions show the ·governmental· councils all tending that way, how can a man *not* be convinced of which way things are going and look around for some way to save himself? Suppose you are in a ship whose captain is steering a course towards Algiers; cross-winds, leaks in his ship, and shortage of men and provisions often force him to head in a different direction, but as soon as the weather and other circumstances allow it he always turns back on course for Algiers. Won't you conclude that the captain is trying to take you and everyone else in the ship to Algiers? [At that time Algiers was a maximally unattractive destination—a centre for maritime piracy, where many Englishmen were in slavery.]

Chapter 19: The dissolution of government

211. Anyone who wants to speak clearly about the dissolution of •government ought first to distinguish that from the dissolution of a •society. What makes a *community*, and brings men out of the loose state of nature into one politic society, is the agreement that everyone has with everyone else to come together and act as one body and so be one distinct commonwealth. When such a union is dissolved, it is almost always through conquest by a foreign force; for when that happens (so that the people can't maintain and support themselves as one unified and independent body), the union constituting that body must necessarily come to an end, returning everyone to the state he was in before, with a liberty to provide for his own safety as he thinks fit, in some other society. Whenever the •society is dissolved, it is certain that the •government of that society can't survive. Conquerors' swords often cut off governments at the roots, mangling to pieces the societies and separating the subdued or scattered multitude from the protection of the society that ought to have preserved them from violence. This way of dissolving of governments is too well known—and too much *allowed*—for me to need to say anything more about it. It doesn't need much argument to show that when a society is dissolved, its government can't survive; just as the frame of a house can't survive when the materials of it are scattered and dissipated by a whirlwind, or jumbled into a confused heap by an earthquake.

212. Governments can be dissolved not only by being overturned from outside but also by being dissolved from within. There are two ways for this to happen. I shall discuss one in this and the following eight sections, starting on the second in section 221.

The first way is by the legislature's being altered. Civil society is a state of peace among its members; they are kept from the state of war by the provisions they have made for the legislature to act as umpire, ending any conflicts that may arise among of them. So it is •the legislature that unites the members of a commonwealth, combining them into one coherent living body. •It is the soul that gives form, life, and unity to the commonwealth, bringing its various members into relationships of mutual influence, sympathy, and connection. Therefore, when the legislature is broken or dissolved, dissolution and death follow for the society, because the essence of the society, and its unity, consists in its having *one will*, declared and kept by a legislature established by the majority for that very purpose. The first and fundamental act of a society is the constituting of a legislature. . . . When one or more *other* people take it upon themselves to make laws, without being appointed to do so by the people, they are making laws without authority, so the people aren't obliged to obey; and this is a way for them to come again out of subjection—no longer under *any* government—and be free to constitute for themselves a new legislature as they think best. For they will be entirely at liberty to resist the force of those who try without authority to impose anything upon them. When those whom the society has chosen to be the declarers of the public will are excluded from that role, and their place usurped by others who have not been appointed to it, everyone is free to do what he likes.

213. This is usually brought about by members of the commonwealth who have some power, and misuse it; so it's hard to think about it clearly, and know who is to blame for it, unless we know the form of government in which it

happens. So let us suppose that the legislature is placed in the agreement of three distinct persons. 1. •A single hereditary person, having the constant, supreme, executive power, and with it the power of convoking and dissolving the other two within certain periods of time. •2. An assembly of hereditary nobility. •3. An assembly of representatives chosen by the people to serve for limited periods of time. With a government of that form, four things are evident. •I shall give them a section each.

214. First, when such a single person (or king) sets up his own arbitrary will in place of the laws, which are the will of the society as declared by the legislature, then the legislature is changed. What makes something *the legislature* is its issuing rules and laws that are applied and required to be obeyed; so when laws are set up and rules announced and enforced *other than* those enacted by the legislature that the society has set up, it is clear that the legislature has been changed. Whoever subverts the old laws or introduces new laws without the authority of fundamental appointment [Locke's phrase] by the society thereby disowns and overturns the power by which the old laws were made, and in that way sets up a new legislature.

215. Secondly, when the king prevents the legislature from assembling at its due time, or from acting freely to achieve the purposes for which it was set up, the legislature is altered. What constitutes a legislature is not merely •a certain number of men, or •a certain number of men *meeting together*, unless they have the freedom to discuss and enough time to complete the business of the good of the society. When the freedom or the time is taken away or altered, depriving the society of the •fruits of• the proper exercise of the legislature's power, the legislature is truly altered. . . . He who takes away the freedom or blocks the

action of the legislature in its due seasons in effect takes away the legislature and puts an end to the government.

216. Thirdly, when, by the arbitrary power of the king changes are made in •who is to vote •for members of the legislature• or in •how that vote is to be conducted, without the consent of the people and contrary to their common interests, there again the legislature is altered. For if the voting is done by people other than those whom the society has authorized to vote, or is done in another way than what the society has prescribed, those chosen are not the legislature appointed by the people.

217. Fourthly, if the people are delivered into the subjection of a foreign power, whether by the king or by the legislature, that is certainly a change of the legislature and thus a dissolution of the government. . . .

218. It is obvious why, in a three-part form of government such as I supposed in section 213, the dissolution of the government in these ways is to be blamed on the king. He has at his disposal the force, the treasure and the offices of the state, and he may persuade himself—or be flattered by others into thinking—that as the supreme officer of the law he isn't under any control. Because of all this, he is the only one in a position to make great advances toward such changes •of the legislature• with a pretence of lawful authority; and he alone has available to him the means to terrify or suppress any who oppose him, saying that they are factious, seditious, and enemies to the government. In contrast with him, no other part of the legislature or the people as a whole can by themselves try to alter the legislature except by open and visible rebellion. . . ., and when *this* prevails it has much the same effects as foreign conquest. Besides, the king in such a form of government has the power of dissolving the other parts of the legislature, thereby turning them into private

persons; so they can never in opposition to him (or without his agreement) alter the legislature by a law, his consent being necessary to make any of their decrees valid. But if the other parts of the legislature *do* in any way contribute to any attempt on the government, and either promote such designs or fail to block them when they could have done so, they are guilty of taking part in this, which is certainly the greatest crime men can be guilty of towards one another.

219. There is one more way for such a government to be dissolved, and that is when ‘the king’, he who has the supreme executive power, neglects and abandons his function so that laws that have already been made can no longer be enforced. This is to reduce everything inevitably and immediately to anarchy, and so in effect to dissolve the government. Laws are not made for their own sakes but so as to serve as the bonds of the society that will keep every part of the body politic in its proper place and function; and they can do that only if they are enforced. When enforcement stops, the government visibly comes to an end and the people become a confused, disorderly, disconnected multitude. When there is no longer any administration of justice for securing men’s rights, and no remaining power within the community to direct the public’s force or provide for its necessities, there is certainly no government left. When the laws can’t be *applied* it is the same as having no laws, and a government without laws is an absurdity. . . .

220. In cases like these, when the government is dissolved the people are at liberty to provide for themselves by setting up a new legislature that differs from the previous one either in its personnel or its structure or both, depending on what the people find to be best for their safety and welfare. For a society can’t ever through someone else’s fault lose its inborn original right to preserve itself, which it can do only through

a settled legislature and a fair and impartial application of the laws the legislature makes. But the state of mankind is not so miserable that they can’t use this remedy until it is too late, which is how things would stand if they couldn’t work towards a remedy until the government had entirely collapsed. When a government has *gone*—whether by oppression, trickery, or being handed over to a foreign power—telling the people ‘You may provide for yourselves by setting up a new legislature’ is only telling them that they may expect relief when it is too late and the evil is past cure. It amounts to telling them to be slaves first, and then to take care of their liberty; and telling them when their chains are on that they may act like freemen. This is mockery rather than relief. Men can never be secure from tyranny if they have no way to escape from it until they are completely *under* it. And that’s why they have not only a right to get out of it but also a right to prevent it.

221. That brings us to the second way in which governments are dissolved (discussion of the first began in section 212), namely when the legislature or the king act contrary to their trust. I shall discuss this in two parts. The legislature will be dealt with in this and the following ten sections; the king will come into section 222, but only as manipulating the legislature. Discussion of the king as acting other than through the legislature will start at section 232. The legislature acts against the trust given to them when they try to invade the property of the subject, and to make themselves—or any part of the community—masters of the lives, liberties, or fortunes of the people, having all of these at the disposal of their will.

222. . . . It can never be supposed to be the will of the society that the legislature should have a power to destroy what everyone aimed to keep safe by entering into society and

submitting themselves to legislators of their own making. So when the legislators try to take away and destroy the property of the people or to reduce them to slavery, they put themselves into a state of war with the people, who are thereby absolved from any further obedience and are left to the common escape that God has provided for all men against force and violence. So whenever the legislature breaks this fundamental rule of society and—whether through ambition, fear, folly or corruption—try to grasp for themselves or for anyone else an absolute power over the lives, liberties, and estates of the people, by this breach of trust they forfeit the power the people had put into their hands for quite different purposes. And then the people have a right to resume their original ·natural· liberty, and to set up a new legislature. . . .to provide for their own safety and security. . . . What I have said here about the legislature in general holds true also for the supreme executive, ·the king·. He has a double trust put in him, both •to have a part in the legislature and •to be in charge of the enforcement of the law; and he acts against *both* when he tries to set up his own arbitrary will as the law of the society. He also acts contrary to his trust when he either •employs the force, treasure, and offices of the society to corrupt the representatives and win them over to his schemes; or •openly courts the electorate, persuading them to choose the legislators whom he has already won over to his side by persuasion, threats, promises, or whatever—thus getting the electorate to bring in ones who have promised before-hand how they will vote and what legislation they will pass. Regulating candidates and electors in this way, re-shaping the electoral procedures—what is this but digging up the government by the roots, and poisoning the very fountain of public security? The people kept *for themselves* the choice of their representatives, as the fences around their properties; and the only reason they could have for this was

so that the representatives would always be freely chosen, and—having been chosen—would freely act and advise in ways that they judged, after examination and mature debate, to be necessary for the commonwealth and the public good. Representatives can't do this if they have given their votes in advance, before hearing the debate and weighing the reasons on all sides. For someone to prepare such a ·legislative· assembly as *this*, and try to set up the declared supporters of his own will as the true representatives of the people and the law-makers of the society, is certainly as great a breach of trust, and as complete an admission that he plans to subvert the government, as could be met with. If there is any doubt as to whether that is what is going on, it will be blown away if rewards and punishments are visibly employed for the same purpose, with all the tricks of perverted law being used to eliminate and destroy all who stand in the way of such a design and refuse to go along with and consent to betraying the liberties of their country. It is easy to see what power in the society ought to be allowed to those who have used their power contrary to the trust with which they were given it; anyone can see that someone who has once attempted such a thing as this can no longer be trusted ·with anything·.

223. You may want to object:

The people are ignorant and always discontented. To base government on *their* unsteady opinions and uncertain moods is to expose it to certain ruin. No government can last for long if the people can set up a new legislature whenever they take offence at the old one.

I answer, Quite the contrary! It is harder to get people out of their old forms ·of government· than some writers are apt to suggest. It is almost impossible to get them to amend the admitted faults in the system they have grown used

to. And if there are any systemic defects, or less deep ones introduced by decay or by the passage of time, it's hard to get them changed even when everyone sees that there's an opportunity to do so. This slow reluctance of the people to give up their old constitutions has, in the many revolutions that have occurred in this kingdom recently and in earlier centuries, still kept us to our old legislature of •king, •lords and •commons (or, when we didn't *keep* to it, there was a period of fruitless attempts to have a different form of government, after which we *returned* to the system of king, lords, and commons). And whatever provocations have made the crown be taken from some of our monarchs' heads, they never carried the people so far as to give it to someone who is not in the same line of descent.

224. 'But', it will be said, 'this hypothesis creates a ferment for frequent rebellion!' To which I have three answers. •First, It doesn't do so more than any other hypothesis does: for when the people are made miserable and find themselves exposed to mistreatment by arbitrary power,

praise their governors as much as you will as sons of Jupiter, let them be sacred and divine, descended from heaven or authorized by it, make them out to be anyone or anything you please,

and the same thing will happen! The people who are generally and wrongfully ill-treated will be ready on any occasion to free themselves of a burden that sits heavily on them. They will want an opportunity to do this, and will look for one; and in the changes, weakness and accidents of human affairs they usually won't have to look for long. Someone who hasn't seen examples of this in his own lifetime must be very young, and someone who can't cite examples of it in all sorts of governments in the world can't have read much!

225. •Secondly, I answer that such revolutions don't happen with every little mismanagement in public affairs. Great mistakes by the rulers, many wrong and inconvenient laws, and all the slips of human frailty—these will be born by the people without mutiny or murmur. But if a long series of abuses, lies, and tricks, all tending the same way, make the *design* visible to the people so that they can't help •feeling what they are oppressed by and •seeing where they are going, it's not surprising that they should then rouse themselves and try to put the ruling power into hands that will achieve for them the purposes for which government was at first established. When those purposes are not achieved, governments based on ancient names and glittering rituals are no better than the state of nature, or pure anarchy. Indeed, they are *worse*, because under such governments the inconveniences are as great and as near as in the state of nature, and the remedy for them further off and more difficult.

226. •Thirdly, to the charge that this hypothesis 'creates a ferment for frequent rebellion' I answer that on the contrary this doctrine giving the people a power to provide anew for their safety by establishing a new legislature, when their legislators have acted contrary to their trust by invading their property, is the best *barrier* to rebellion and the best means to *block* it. Here is why. Rebellion is opposition not to •persons but to •authority, of which the only basis is the constitutions and laws of the government. So those who by force break through, and by force justify their violation of the constitution and laws, are truly and properly *rebels*. For when men by entering into society and civil-government have excluded force and introduced laws for the preservation of property, peace, and unity among themselves, those who set up force again in opposition to the laws do *rebellare*,

that is, bring back *again* the state of *war* [*bellare* is Latin for 'make war', so that 'rebel' = *rebellare* = 'make war again']. Those who are most likely to rebel against the constitution and the laws are those who are in power, because of their claim to authority, the temptation of the force they have at their disposal, and the flattery of those around them; and the best way to prevent this evil is to show those likely offenders the danger and injustice of it.

227. In both of the aforementioned cases, where the legislature is changed, and where

the legislators act contrary to the purpose for which they were made legislators,

those who are guilty are *guilty of rebellion*. [The rest of the section explains this. The explanation is very wordy, and can easily be worked out from what has gone before. In brief: someone who changes the legislature or who as a legislator acts contrary to his trust thereby introduces a state of war, he wars-again, he rebels.]

228. Those who say I am laying a foundation for rebellion mean that my doctrine may lead to civil wars or internal unrest. What do they infer from that?

I tell the people that they are absolved from obedience when illegal attempts are made upon their liberties or properties, and that they may oppose the unlawful violence of those who were their law-officers, when they invade their properties contrary to the trust put in them.

Do my opponents hold that this doctrine of mine is not to be allowed because it is so destructive to the peace of the world? That would be like saying that honest men may not oppose robbers or pirates because this may lead to disorder or bloodshed! If any harm comes about in such a case, it

is not to be charged against him who defends his own right but against him who attacks his neighbours. [The rest of the section jeeringly elaborates this comparison. A typical sample: 'Who would not think it an admirable peace between the powerful and the weak when the lamb passively yields his throat to be torn by the imperious wolf?']

229. The purpose of government is the good of mankind. Which is better for mankind: that the people be always exposed to the limitless will of tyranny, or that the rulers be sometimes liable to meet with opposition when they grow exorbitant in the use of their power and use it for the destruction and not the preservation of the properties of their people?

230. Don't say: 'Mischief can arise from that whenever it shall please a busy head or turbulent spirit [Locke's phrase] to want to alter the government.' Indeed, men like that may stir up trouble whenever they please, but it will be only to their own rightful ruin and perdition. That is because the people, who are more disposed to suffer than to right themselves by resistance, are not likely to rise up until the mischief has become general, and the wicked schemes of the rulers have become visible or their attempts have made themselves felt in the lives of the majority. They are not moved by individual examples of injustice, here and there an unfortunate man oppressed. But if they all become convinced on clear evidence that schemes are being launched against their liberties, and the general course and tendency of things forces them to suspect the evil intention of their governors, who is to be blamed for that? Who can help it if rulers bring themselves under this suspicion when they could have avoided it? Are the people to be blamed if they have the sense of rational creatures, and think of things as they find and feel them? . . . I grant that the pride, ambition,

and turbulence of private men have sometimes caused great disorders in commonwealths, and factions have been fatal to states and kingdoms. But whether the mischief has oftener begun in

- the people's irresponsibility and a desire to throw off the lawful authority of their rulers, or in
- the rulers' insolence and attempts to get and exercise an arbitrary power over their people,

i.e. whether it has usually been

- disobedience or •oppression

that started the disorder, I leave to impartial history to decide. I am sure of this, though. Anyone—whether ruler or subject—who by force tries to invade the rights of either monarch or people, and lays the foundation for overturning the constitution and structure of any just government, is highly guilty of the greatest crime a man is capable of. Such a person must answer for all the mischiefs of blood, looting, and desolation that come on a country when its government is broken to pieces. And he who does it should be regarded as the common enemy and pest of mankind, and treated accordingly.

231. Everyone agrees that •subjects or •foreigners who bring force against the properties of any people may be resisted with force. But it has recently been denied that one may resist •law-officers who do the same thing. As if those to whom the laws give the greatest privileges and advantages automatically get also a power to *break* those laws, the very laws that put them in a better place than their brethren! Actually, their privileged position makes their offence even worse: in it they •show themselves as ungrateful for the bigger share that the law gives them, and they •break the trust that was put into their hands by their brethren.

232. Anyone who uses force without right (as everyone in society *does* if he uses force without law) puts himself into a •state of war with those against whom he uses it; and in •that state all former bonds are cancelled, all other rights cease, and everyone has a right to defend himself, and to resist the aggressor. This is so obvious that Barclay himself, that great assertor of the power and sacredness of kings, is forced to admit that *it is sometimes lawful for the people to resist their king*; and he says it, what's more, in a chapter in which he offers to show that the divine law blocks the people from every kind of •rebellion! In fact his own doctrine makes it clear that since the people may •resist in some cases, not all resistance to monarchs is rebellion. His words are these. [Locke gives them first in Latin in this section, then in English occupying the whole of the next section.]

233. Someone may ask:

Must the people then always lay themselves open to the cruelty and rage of tyranny? Must they see their cities pillaged and reduced to ashes, their wives and children exposed to the tyrant's lust and fury, and themselves and their households brought by their king to ruin and to all the miseries of want and oppression—and yet *sit still*? The common privilege of opposing force with force, which nature allows so freely to all other creatures for their preservation from injury—must men *alone* be debarred from having it?

I answer that self-defence is a part of the law of nature, and it can't be denied to the community, even against the king himself; but that law doesn't allow them to *revenge* themselves upon him. So if the king in hatred sets himself not merely against this or that person but against the body of the commonwealth of which he is the head, and with intolerable ill usage cruelly tyrannizes over all or many

of the people, *then* the people have a right to resist and defend themselves from injury. But in doing this they must be careful only to •defend themselves, and not to •attack their king. They may make good the damages they have received, but must not under *any* provocation cross the line of appropriate reverence and respect. They may push back the present attempt but must not take *revenge* for past violences; for it is natural for us to •defend life and limb, but it is against nature for •an inferior to *punish* a superior. . . . So this is the privilege of the people in general, as compared with any private person: particular men. . . . have no other remedy but patience, whereas the body of the people may respectfully resist intolerable tyranny. ·I stress *intolerable*; for when the tyranny is only moderate they ought to endure it·. [End of quotation from Barclay]

234. That is the extent to which this great advocate of monarchical power allows for resistance.

235. It is true that he has put two limitations on such resistance. First, •it must be done with reverence. Secondly, •it must be without retribution or punishment because an inferior cannot punish a superior. First, it will need some skill to make clear how one is to resist force without striking back, or how to strike with reverence! Someone who opposes an assault with nothing but a shield to take the blows, or in some more respectful posture but without a sword in his hand tries to lessen the assailant's confidence and force, will quickly come to the end of his resistance and will find that such a defence will only serve to make things worse for him. [Locke now quotes the Latin poet Juvenal to that effect. Then:] This will always be the outcome of such an imaginary 'resistance' in which men may not strike back. So someone who is allowed to resist must be allowed to strike. And then let our author or anyone else join a knock

on the head or a cut on the face with as much reverence and respect as he thinks fit. For all I know, someone who can reconcile blows with reverence deserves to be rewarded for his ·reconciling· labours by being beaten up only in a civil and respectful manner. Secondly, *An inferior cannot punish a superior*. That is true, generally speaking, while he is his superior. But resisting force with force is the state of *war* that levels the ground and cancels all former relations of reverence, respect, and superiority. The only superior/inferior relationship that remains is this: he who opposes the unjust aggressor is his superior in that he has a right when he wins to punish the offender, both for the breach of the peace and for all the evils that followed from it. So Barclay is more consistent with himself when, in another place, he denies that it is *ever* lawful to resist a king. But in that place he describes two ways in which a king *may* un-king himself. [Again Locke gives them first in Latin, starting in this section and running on to the end of **236**, and then in English in the following two sections.]

237. . . . The people can never come by a power over the king unless he does something that makes him cease to be a king. When he does that, he divests himself of his crown and dignity, and returns to the state of a private man; and then the people become free and superior, regaining the power that they had. . . . before they crowned him king. But there aren't many ways for this to happen. After considering it thoroughly I can find only two cases in which a king ceases to be a king and loses all power and regal authority over his people. . . . The first is, •if he tries to overturn the government, that is, if he plans to ruin the kingdom and commonwealth. An example is Nero, of whom it is recorded that he resolved to cut off the senate and people of Rome, lay the city waste with fire and sword, and then go to some other place. And

Caligula is reported to have openly declared that he would no longer be a head to the people or the senate, and that he was thinking of cutting off the worthiest men of both ranks and then retiring to Alexandria; and that he wished that the people had only one neck so that he could kill them all by one blow. When any king harbours in his thoughts such plans as these, and seriously promotes them, he thereby gives up all care and thought of the commonwealth, and consequently loses the power of governing his subjects—just as a master loses command over his slaves when he abandons them.

238. The other case is •when a king makes himself dependent on someone else, and subjects his kingdom—left to him by his ancestors and freely put into his hands by the people—to the command of that other person. Even if the king doesn't *intend* to harm the people, he has *alienated* [here = 'made to be foreign'] his kingdom: because he has •given up the principal part of royal dignity, namely being immediately under God supreme in his kingdom; and also •because he betrayed or forced his people, whose liberty he ought to have carefully preserved, into the power and dominion of a foreign nation. By this alienation (as it were) of his kingdom he loses the power he had in it previously, without transferring the faintest right to those to whom he wants to give the power; and so by this he act sets the people free, leaving them to behave as they see fit. [End of quotation from Barclay]

239. Barclay, the great champion of absolute monarchy, is forced to allow that in these cases a king may be resisted and stops being a king. Cutting a long story short: *when he has no authority he is no king, and may be resisted*, for where the authority ceases the king ceases too, and becomes like other men who have no authority. The two circumstances that Barclay mentions don't differ much from the ones I cited as destructive to governments. The only difference is that

he omits the principle from which his doctrine flows, namely the breach of trust involved in •not preserving the form of government that had been agreed on, and in •not aiming to achieve the purpose of government as such, which is the public good and preservation of property. When a king has dethroned himself and entered a state of war against his people, what is to hinder them from prosecuting him—no longer a king—as they would any other man who has made war against them? Barclay and those who agree with him would do well to answer that. Notice that Barclay says that the people may prevent *planned* harm before it occurs; so he allows resistance when tyranny is still at the design stage. He says that when any king harbours in his thoughts and seriously promotes such designs, he immediately gives up all care and thought of the commonwealth; so that according to Barclay the neglect of the public good is to be taken as an evidence of such a design, or at least as a sufficient ground for resistance. And he gives the reason for all this in these words: 'Because he betrayed or forced his people, whose liberty he ought carefully to have preserved. . . .' What he adds, namely '. . . into the power and dominion of a foreign nation', signifies nothing; because the fault and forfeiture comes from the loss of their liberty, which he ought to have preserved, and not from any facts about *which* persons the power was handed over to. Whether they are made slaves to members of their own nation or a foreign one, the people's right is invaded and their liberty lost, just the same; and *this* is the injury, and against only *this* do they have the right of defence. And there are instances to be found in all countries which show that what gives offence is not the change of *nationality in their governors* but the change of *government*. [Locke then names several writers who agree with his position and who cannot be suspected to be ignorant of our government or to be enemies to it'. And

he writes scornfully of those who have endorsed Hooker's political conclusions while denying his Lockean premises. Their work, he says, can be twisted around by 'cunninger workmen' to serve even worse purposes. He describes the latter as men who were willing when it suited them to 'resolve all government into absolute tyranny, and hold that all men are born to slavery, which is what their skimpy souls fitted them for'.]

240. At this point you are likely to ask:

Who is to be the judge of whether the monarch or legislature have acted contrary to their trust? That they *have* so acted is the sort of thing that can be spread around among the people by discontented and factious men, when all the king has done is to make use of his legitimate prerogative.

To this I reply, *The people should be judge*; for who should judge whether a trustee or deputy has acted well and according to the trust reposed in him, if not the person who deposes him? Having deposed him, he must have still a power to discard him when he fails in his trust. If this is reasonable in particular cases of private men, why should it be otherwise in this most important case where the welfare of millions is concerned, and where the threatened evil is greater, and redressing it is very difficult, costly, and dangerous?

241. Furthermore, the question 'Who is to be the judge?' can't mean that there is no judge at all; for when there is no judicature on earth to decide controversies among men, God in heaven is the judge. It is true that God alone is the judge of what is right. But every man is judge for himself, in this case as in all others, of whether another man has put himself into a state of war with him, and whether he should appeal to the supreme judge.

242. If a controversy arises between a king and *some* of the people, in a matter of great importance where the law

is silent, or doubtful, I think the right umpire would be the body of the people. For in cases where the king has a trust placed in him and is dispensed from the common ordinary rules of the law, if any private men are aggrieved and think that the king acts beyond that trust or contrary to it, the body of the people who first placed that trust in him are clearly the best judges of how far they meant the trust to extend. If that way of settling the matter is turned down by the king, or whoever is administering the government, the only court of appeal is in heaven. . . . What we have here is properly a state of war, in which the only appeal is to heaven; and in that state the injured party must judge for himself when it is fit for him to make such an appeal.

243. To conclude, the power that every individual gave to the society when he entered into it can never revert to the individuals again as long as the society lasts, but will always remain in the community; because without this there can't be a community, a commonwealth, and that would be contrary to the original agreement. So also when the society has placed the legislative power in any assembly of men, to continue in them and their successors with direction and authority for providing such successors, the legislative power can never revert to the people while that government lasts; because having provided a legislature with power to continue for ever, they have given to it their political power and cannot get it back. But •if they have set limits to the duration of their legislature, and given this supreme power to some person or assembly only temporarily, or •if it is forfeited through the misbehaviour of those in authority, •at the set time or •at the time of the forfeiture the power does revert to the society, and then the people have a right to act as supreme and to continue the legislature in themselves; or to set up a new form of government, or retain the old form while placing it in new hands, as they see fit.

Locke on children

[In this work, especially in section 170, Locke endorses a kindly exercise of parental power. His feeling for children and for how they should be managed was notable, given his circumstances (he was a childless bachelor) and the time and place where he lived. Here is a version of a passage from his work *Some Thoughts Concerning Education* (at his time 'education' often meant more generally 'upbringing').]

62. The rebukes and criticisms that children's faults will sometimes make almost unavoidable should be given in calm, serious words, and *alone and in private*; whereas the commendations children deserve should be given in the presence of others. This doubles the reward by spreading their praise; and the parents' reluctance to make the children's faults public will make the children set a greater value on their own good name, and teach them to be all the more careful to preserve the good opinion of others while they think they have it. Whereas if their misbehaviour is made public and they are exposed to shame, they will take it that their good name is lost; that check on them will be taken off; and the more they suspect that their reputation with other people is already blemished, the less they will care about preserving others' good thoughts of them.

63. But if children are brought up in the right way, there won't be as much need for the usual rewards and punishments as we have imagined there is, and as the general practice has established. All the innocent folly, playing and childish actions of children should be left perfectly free and

unrestrained as far is consistent with the respect due to others who are present; and that should be interpreted very liberally. These faults (not of •the children but of •their age) should be left to be cured by time and good examples and increasing maturity. If that were done, children would escape a great deal of misapplied and useless correction, which is bad in one or other of these two ways. **(1)** It fails to overpower the natural •high-spirited• disposition of childhood; so it is applied more and more often, always ineffectively; and this robs it of effectiveness in cases where it is necessary. **(2)** It is effective in restraining the natural gaiety of the young, so that it serves only to harm the child's mental and physical make-up. When the noise and bustle of children's play proves to be inconvenient, or unsuitable to the place or company they are in (which can only be where their parents are), a look or a word from the father or mother will be enough to get them either to leave the room or to quieten down for a while—that is, this will be enough if the parents have established the authority that they should. But •on most occasions• this playful mood, which is wisely adapted by nature to their age and character, should be *encouraged*, to keep up their spirits and improve their strength and health, rather than curbed or restrained. The main skill •in child-rearing• is to bring some sport and play into everything they have to do.