THE SECOND TREATISE OF GOVERNMENT

JOHN LOCKE

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seem to threaten all, and they are persuaded in their consciences that their laws, and with them their estates, liberties, and lives are in danger, and perhaps their religion, too; how they will be hindered from resisting illegal force used against them I cannot tell. This is an inconvenience, I confess, that attends all governments whatsoever, when the governors have brought it to this pass to be generally suspected of their people; the most dangerous state which they can possibly put themselves in, wherein they are less to be pitied, because it is so easy to be avoided; it being as impossible for a governor, if he really means the good of his people, and the preservation of themselves and their laws together, not to make them see and feel it, as it is for the father of a family not to let his children see he loves and takes care of them.

210. But if all the world shall observe pretences of one kind and actions of another, arts used to elude the law, and the trust of prerogative—which is an arbitrary power in some things left in the prince's hand to do good, not harm to the people—employed contrary to the end for which it was given; if the people shall find the ministers and subordinate magistrates chosen suitable to such ends, and favored or laid by proportionably as they promote or oppose them; if they see several experiments made of arbitrary power, and that religion underhand favored, though publicly proclaimed against, which is readiest to introduce it, and the operators in it supported as much as may be, and when that cannot be done, yet approved still, and liked the better—if a long train of actions show the councils all tending that way, how can a man any more hinder himself from being persuaded in his own mind which way things are going, or from casting about how to save himself, than he could from believing the captain of the ship he was in was carrying him and the rest of the company to Algiers, when he found him always steering that course, though cross winds, leaks in his ship, and want of men and provisions did often force him to turn his course another way for some time, which he steadily returned to again as soon as the wind, weather, and other circumstances would let him.

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CHAPTER XIX

OF THE DISSOLUTION OF GOVERNMENT

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

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

First, when the legislative is altered [Civil society being a state of peace amongst those who are of it, from whom the state of war is excluded by theompigre which they have provided in their,
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(3) An assembly of representatives chosen pro tempore by the people. Such a form of government supposed, it is evident,

214. First, that when such a single person or prince sets up his own arbitrary will in place of the laws which are the will of the society declared by the legislative, then the legislative is changed; for that being in effect the legislative whose rules and laws are put in execution and required to be obeyed. When other laws are set up, and other rules pretended and enforced than what the legislative constituted by the society have enacted, it is plain that the legislative is changed. Whoever introduces new laws, not being thereunto authorized by the fundamental appointment of the society, or subverts the old, disowns and overturns the power by which they were made, and so sets up a new legislative.

215. Secondly, when the prince hinders the legislative from assembling in its due time, or from acting freely pursuant to those ends for which it was constituted, the legislative is altered; for it is not a certain number of men, no, nor their meeting, unless they have also freedom of debating and leisure of perfecting what is for the good of the society, wherein the legislative consists. When these are taken away or altered so as to deprive the society of the due exercise of their power, the legislative is truly altered; for it is not names that constitute governments but the use and exercise of those powers that were intended to accompany them, so that he who takes away the freedom or hinders the acting of the legislative in its due seasons in effect takes away the legislative and puts an end to the government.

216. Thirdly, when, by the arbitrary power of the prince, the electors or ways of election are altered without the consent and contrary to the common interest of the people, there also the legislative is altered; for if others than those whom the society has authorized thereunto do choose, or in another way than what the society has prescribed, those chosen are not the legislative appointed by the people.

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

218. Why in such a constitution as this the dissolution of the government in these cases is to be imputed to the prince is evident. Because he, having the force, treasure, and offices of the state to employ, and often persuading himself, or being flattered by others, that as supreme magistrate he is incapable of control—he alone is in a condition to make great advances toward such changes, under pretense of lawful authority, and has it in his hands to terrify or suppress opposers as factious, seditious, and enemies to the government. Whereas no other part of the legislative or people is capable by themselves to attempt any alteration of the legislative, without open and visible rebellion not enough to be taken notice of, which, when it prevails, produces effects very little different from foreign conquest. Besides, the prince in such a form of government having the power of dissolving the other parts of the legislative, and thereby rendering them private persons, they can never in opposition to him or without his concurrence alter the legislative by a law, his consent being necessary to give any of their decrees that sanction. But yet, so far as the other parts of the legislative in any way contribute to any attempt upon the government, and do either promote or not, what lies in them, hinder such designs, they are guilty and partake in this, which is certainly the greatest crime men can be guilty of one toward another.

219. There is one way more whereby such a government may be dissolved, and that is when he who has the supreme executive power neglects and abandons that charge, so that the laws already made can no longer be put in execution. This is demonstratively to reduce all to (anarchy) and so effectually to dissolve the government; for laws not being made for themselves, but to be by their execution to bind the minds of the society, to keep every part of the body politic in its due place and function, when that totally ceases, the government visibly ceases, and the people become a confused multitude, without order or connexion. Where there is no longer the administration of justice for the securing of men's rights, nor any remaining power within the community to direct the force to provide for the necessities of the public, there certainly is no government left. Where the laws cannot be executed, it is all one as if there were no laws; and a government without laws is, I suppose, a mystery in politics, inconceivable to human capacity and inconsistent with human society.

220. In these and the like cases, when the government is dissolved, the people are at liberty to provide for themselves by erecting a new legislative, differing from the other by the change of persons or form, or both, as they shall find it most for their safety and good; for the society can never by the fault of another lose that native and original right it has to preserve itself, which can only be done by a settled legislative, and a fair and impartial execution of the laws made by it. But the state of mankind is not so miserable that they are not capable of using this remedy till it be too late to look for any. To tell people they may provide for themselves by erecting a new legislative, when by oppression, artifice, or being delivered over to a foreign power, their old one is gone, is only to tell them they may expect relief when it is too late and the evil is past cure. This is in effect no more than to bid them first be slaves, and then to take care of their liberty; and when their chains are on, tell them they may act like freemen. This, if barely so, is rather mockery than relief; and men can never be secure from tyranny if there be no means to escape it till they are perfectly under it; and therefore it is that they have not only a right to get out of it, but to prevent it.

221. There is, therefore, secondly, another way whereby governments are dissolved, and that is when the legislative or the prince, either of them, act contrary to their trust.

First, the legislative acts against the trust reposed in them when they endeavor to invade the property of the subject, and to make themselves or any part of the community masters or arbitrary disposers of the lives, liberties, or fortunes of the people.

222. The reason why men enter into society is the preservation of their property; and the end why they choose and authorize a legislative is that there may be laws made and rules set as guards and fences to the properties of all the members of the society to
they might always be freely chosen, and, so chosen, freely act and advise as the necessity of the commonwealth and the public good should upon examination and mature debate be judged to require. This those who give their votes before they hear the debate and have weighed the reasons on all sides are not capable of doing. To prepare such an assembly as this, and endeavor to set up the declared abettors of his own will for the true representatives of the people and the lawmakers of the society, is certainly as great a breach of trust and as perfect a declaration of a design to subvert the government as is possible to be met with. To which if one shall add rewards and punishments visibly employed to the same end, and all the arts of perverted law made use of to take off and destroy all that stand in the way of such a design, and will not comply and consent to betray the liberties of their country, it will be past doubt what is doing. What power they ought to have in the society who thus employ it contrary to the trust that went along with it in its first institution is easy to determine; and one cannot but see that he who has once attempted any such thing as this cannot any longer be trusted.

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

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

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

Secondly, I answer, such rebellions happen not upon every little mismanagement in public affairs. Great mistakes in the ruling part, many wrong and inconvenient laws, and all the slips of human frailty will be born by the people without mutiny or murmur. But if a long train of abuses, prevails, and artifices, all tending the same way, make the design visible to the people, and they cannot but feel what they lie under and see whether they are going, it is not to be wondered that they should then rise themselves and endeavor to put the rule into such hands which may secure to them the ends for which government was at first erected, and without which ancient names and specious forms are so far from being better that they are much worse than the state of nature or pure anarchy—the inconveniences being all as great and as near, but the remedy farther off and more difficult.

225. Thirdly, I answer that this doctrine of a power in the people of providing for their safety anew by a new legislative, when their legislators have acted contrary to their trust by invading their property, is the best fence against rebellion and the best means to hinder it; for rebellion being an opposition not to persons, but authority which is founded only in the constit-

utions and laws of the government, these, whoever they be, who by force break through, and by force justify their violation of them, 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 amongst themselves, those who set up force again in opposition to the laws (rebels), that is, bring back again the state of war—and are properly rebels, which they who are in power, by the pretense they have to authority, the temptation of force they have in their hands, and the flattery of those about them, being likeliest to do, the properest way to prevent the evil is to show them the danger and injustice of it who are under the greatest temptation to run into it.

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

128. But if they who say "it lays a foundation for rebellion" mean that it may occasion civil wars or intestine broils, to tell the people they are absolved from obedience when illegal attempts are made upon their liberties or properties, and may oppose the unlawful violence of those who were their magistrates when they invade their properties contrary to the trust put in them, and that therefore this doctrine is not to be allowed, being so destructive to the peace of the world; they may as well say, upon the same ground, that honest men may not oppose robbers or pirates because this may occasion disorder or bloodshed. If any mischief come in such cases, it is not to be charged upon him who defends his own right, but on him that invades his neighbor's. If the innocent honest man must quietly quit all he has, for peace's sake, to him who will lay violent hands upon it, I desire it may be considered what a kind of peace there will be in the world, which consists only in violence and rapine, and which is to be maintained only for the benefit of robbers and oppressors. Who would not think it an admirable peace betwixt the mighty and the mean when the lamb without resistance yielded its throat to be torn by the imperious wolf? Polyphemus' den gives us a perfect pattern of such a peace and such a government, whereas Ulysses and his companions had nothing to do but quietly to suffer themselves to be devoured. And no doubt Ulysses, who was a prudent man, preached up passive obedience, and exhorted them to a quiet submission by representing to them of what concernment peace was to mankind, and by showing the inconveniences which might happen if they should offer to resist Polyphemus, who had now the power over them.

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

230. Nor let any one say that mischief can arise from hence.

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as often as it shall please a busy head or turbulent spirit to desire the alteration of the government. It is true such men may stir whenever they please, but it will be only to their own just ruin and perdition; for till the mischief be grown general, and the ill designs of the rulers become visible, or their attempts sensible to the greater part, the people, who are more disposed to suffer than right themselves by resistance, are not apt to stir. The examples of particular injustice or oppression of here and there an unfortunate man moves them not. But if they universally have a persuasion grounded upon manifest evidence that designs are carrying on against their liberties, and the general course and tendency of things cannot but give them strong suspicions of the evil intention of their governors, who is to be blamed for it? Who can help it if they who might avoid it bring themselves into this suspicion? Are the people to be blamed if they have the sense of rational creatures and can think of things no otherwise than as they find and feel them? And is it not rather their fault who put things into such a posture that they would not have them thought to be as they are? I grant that the pride, ambition, and turbulence of private men have sometimes caused great disorders in commonwealths, and factions have been fatal to states and kingdoms. But whether the mischief has often arisen in the people's wantonness and a desire to cast off the lawful authority of their rulers, or in the rulers' insolence and endeavors to get and exercise an arbitrary power over their people—whether oppression or disobedience gave the first rise to the disorder, I leave it to impartial history to determine. This I am sure: whoever, either ruler or subject, by force goes about to invade the rights of either prince or people and lays the foundation for overturning the constitution and frame of any just government is highly guilty of the greatest crime I think a man is capable of—being to answer for all those mischiefs of blood, rapine, and desolation, which the breaking to pieces of governments bring on a country. And he who does it is justly to be esteemed the common enemy and pest of mankind, and is to be treated accordingly.

231. That subjects or foreigners attempting by force on the properties of any people may be resisted with force, is agreed on
all hands. But that magistrates doing the same thing may be re-
sisted lax of late been denied; as if those who had the greatest
privileges and advantages by the law had thereby a power to break
those laws by which alone they were set in a better place than
their brethren; whereas their offense is thereby the greater, both
as being ungrateful for the greater share they have by the law,
and breaking also that trust which is put into their hands by their
brethren.

232. Whosoever uses force without right, as every one does in
society who does it without law, puts himself into a state of war
with those against whom he so uses it; and in that state all former
ties are canceled, all other rights cease, and every one has a right
to defend himself and to resist the aggressor. This is so evident
that Barclay himself, that great asserter of the power and sacred-
ness of kings, is forced to confess that it is lawful for the people in
some cases to resist their king; 1 and that, too, in a chapter wherein
he pretends to show that the divine law shuts up the people from all
manner of rebellion. Whereby it is evident, even by his own
doctrine, that, since they may in some cases resist, all resisting of
princes is not rebellion. His words are these:

Quod sequi dicit, Ergone populus tyrannicae crudelitati et
furori iugum semper praebeat? Ergone multitudine civitatis quae
fame, ferro, et flammas vastari, sequi, conjugato, et liberae fortuna
libidinis et tyranni libidinis exponit, inequ omnia vitae periculo

1 [William Barclay (1547–1608): Scottish writer on jurisprudence and
government. He went to France in 1575, studied law first at Paris and later
at Bourgo, and then taught law at Pout-a-Momson and later at Angers.
Although a staunch defender of the theory of the divine right of kings, he
had to concede, as can be seen in the quotations given here, that under cer-
tain circumstances a rebellion against the king was justified. Locke’s quota-
tions are from his most important work: De regno et regali potestate, ade-
vers Buchanum, Braudd, Brenton, et religione monachomachos (6 books,
dedicated to Henry IV of France, 1680). Books I and II refute Buch-
ham’s arguments in De jure regal apud Socrates; Books III and IV are di-
rected against Habeet Laste’s arguments in Vindictae contra tyrannos; and
Books V and VI against Jean Boude’s De iustia Herodici III deidicibus e
Franciae regno. Ills other works include: In libris moralizandam de rebus
credibus et de jure jurandae (dedicated to James 1 of England, 1609); and
In potestas Papae: an et quas non, in regv et principiis sociares jas et
imperium habeat (published posthumously in 1609).]

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omenaque miseries et molestias a rege deduci patientur? Num illis
quod omni animantum generi est a natura tributum, denegari
debet, ut sc. vim vi repellet, sese; ab injuria tueantur? Huic
breviter responsum sit, Populo universo negari defensionem, quae
juris naturalis est, neque utionem quae praeter naturam est ad-
versus regem concedi debere. Quapropter si rex non in singulares
tantum personas aliquet privatum edidit exerceret, sed, corpus
etiam reipublicae, cujus ipse caput est, i. e. totum populum, vel
insignem aliquam ejus partem immani et intolerandam saevitia seu
tyrannda divenet; populo, quodem, hoc caso resistendi ac tumendi
se ab injuria protestasse competit, sed tumendi se tantum, non enim
in principem invadendi: et restitueturiae iussante, non re-
cedendi à debitó reverentia propter acceptam injuriam. Prae-
serente desque imperio propulso et non vim praetertitam ul-
iciusi juri jubeat. Horum enim alterum à natura est, ut vitam
scilicet corporis tuae aminuir. Alterum vero contra naturam, ut
inferior de superiori suplicium sumat. Quod itaque populus
malum, antequam factum sit, impedit potest, ne fiat, id postquam
factum est, in regem authorem sceleti vindicare non potest:
populus ignar hoc amplius quam privatus quisquam habet: quod
huc, vel ipsi adversarius judiciis, excepto Buchanano, nullum
nihil in patentia remedium supereet. Cum ille si intolerabilla ty-
rannus est (modicum enim ferre omneum debet) resistere cum
reverentia possit.—Barclay, Contra Monarchomachos, lib. iii. c. s.

In English thus:

233. "But if anyone should ask: Must the people then always
lay themselves open to the cruelty and rage of tyranny? Must
they see their cities pillaged and laid in ashes, their wives and
children exposed to the tyrant’s lust and fury, and themselves
and families reduced by their king to ruins, and all the miseries of
want and oppression, and yet sit still? Must men alone be de-
barred the common privilege of opposing force with force, which
nature allows so freely to all other creatures for their preservation
from injury? I answer: Self-defense is a part of the law of na-
ture, nor can it be denied the community, even against the king
himself; but to revenge themselves upon him must by no means
be allowed them, it being not agreeable to that law. Wherefore, if the king should show an hatred, not only to some particular persons, but sets himself against the body of the commonwealth wherein he is the head, and shall with intolerable ill-usage cruelly tyrannize over the whole or a considerable part of the people, in this case the people have a right to resist and defend themselves from injury; but it must be with this caution, that they only defend themselves, but do not attack their prince; they may repair the damages received, but must not for any provocation exceed the bounds of due reverence and respect. They may repulse the present attempt, but must not revenge past violations; for it is natural for us to defend life and limb, but that an inferior should punish a superior ([against nature]) The mischief which is designed them the people may prevent before it be done, but when it is done, they must not revenge it on the king, though author of the villany. This therefore is the privilege of the people in general, above what any private person has: that particular men are allowed by our adversaries themselves—Buchanan 2 only excepted—to have no other remedy but patience, but the body of the people may with reverence resist intolerable tyranny; for when it is but moderate, they ought to endure it."

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

235. It is true he has annexed two limitations to it, to no purpose: First, he says, it must be with reverence. Secondly, it must be without retribution or punishment; and the reason he gives in: because an inferior cannot punish a superior.

First, how to resist force without striking again, or how to strike with reverence, will need some skill to make intelligible.

2 [George Buchanan (1526–1600): Scottish poet and humanist who spent much of his life in France. In De Deo regni apud Scotox (published in 1579 and acclaimed as a revolutionary work) he argued that power was derived from the people and did not lie in the king by virtue of divine right. In the same work he attempted to minimize the dependence of politics and government on religion by arguing that government arose as a result of man's social nature and was, therefore, a natural phenomenon. (Cl. sect 1, p. 34.3)]

3 [Juvenal (60–70s A.D.): A Roman poet who bitterly criticized the vices of Roman society.]
eum populo potestas est quam si id committat propter quod ipso jure rei esse desinat. Tunc enim se ipse principatu exuit atque in privatis constituit liber: hoc modo populus et superior efficitur, revocar a eum se. Jure illi quod ante regem inauguratum in institutione habitum. At sunt paucorum generum commissa ejusmodi quae hunc effectum parint. At ego cum plurima animo perlustr, duo tantum iuvare, duae, inquam, causas quisque rex ipso facto ex rege non regem se facti et omni honor et dignitate regiae atque in subditos potestate destituuit; quorum etiam meminit Winerum. Horum unus est, si regnum dispersit, quemadmodum de Neroe furtur, quod est nemo senatum populumque Romanum atque adeo urbem ipsum ferro flammanque vastare, ac novas sibi sedes quaerere deecessit. Et de Caligula, quod palam denunciatur se neque civem neque principem senatui amplius fore, inque animo haberet interrex unusque ordinis electissimo quoque Alexandriam comminisci, ac ut populum uno ictu intermitteret, unam e civicem optavit. Tilia cum rex alicuius meditaret et multum serio, omnes regnandi curam et animum ico abjicrit, ac proinde imperium in subditos amittit, ut dominus servit pro dedito habitu dominium.

236. Alter casus est, si rex in alienius clientelam se contulit, ac regnum quod liberum a majoribus et populo traditum acceptit, aliens dictione mancipavit. Nam tunc quamvis forte non e male se id agit populo plane ut incommodet: tamquam quid praecipuius est regnum dignitatis amicit, ut nummus scilicet in rege secundum Deum sit, et solo Deo inferior, atque populum etiam totum ignantem vel invitum, cujus libertatem sariant et tectam conservare debuit, in alienis gentibus ditionem et potestatem dedidit: hic velut quasdam regni ab alienatione efficit, ut nec quisque in regno imperium habuit retinent, nec in eum cui collatam vulnus, juris quiqquam transferat; atque etsi facto liberum jam et suae potestatis populum relinquuit, cujus recte exemplum unum annales Scotici suppediabant.—Barclay, 

Which in English runs thus:

237. "What, then, can there no case happen wherein the people may of right and by their own authority help themselves, take

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arms, and set upon their king imperiously dominare over them? None at all while he remains a king. 'Honor the king,' and 'He that resists the power resists the ordinance of God,' are divine graces that will never permit it. The people, therefore, can never come by a power over him, unless he does something that makes him cease to be a king; for then he divests himself of his crown and dignity and returns to the state of a private man, and the people become free and superior, the power which they had in the intervrbium, before they crowned him king, devolving to them again. But there are but few miscarriages which bring the matter to this state. After considering it well on all sides, I can find but two. Two cases there are, I say, whereby a king, ipso facto, becomes no king and loses all power and regal authority over his people: which are also taken notice of by Winzerus.

238. 'The first of these is he endeavor to overturn the government, that is, if he have a purpose and design to ruin the kingdom and commonwealth, as it is recorded of Nero, that he resolved to cut off the senate and people of Rome, lay the city waste with fire and sword, and then remove to some other place; and of Caligula, that he openly declared that he would be no longer a head to the people or senate, and that he had it in his thoughts to cut off the worthiest men of both ranks, and then retire to Alexandria, and he wished that the people had but one neck, that he might dispatch them all at a blow—such designs as these, when any king harbors in his thoughts and seriously promotes, he immediately gives up all care and thought of the commonwealth, and consequently forfeits the power of governing his subjects, as a master does the dominion over his slaves whom he has abandoned.
alienation of his kingdom, he himself loses the power he had in it before, without transferring any the least right to those on whom he would have bestowed it; and so by this act sets the people free, and leaves them at their own disposal. One example of this is to be found in the Scottish Annals."

239. In these cases Barclay, the great champion of absolute monarchy, is forced to allow that a king may be resisted and ceases to be a king. That is, in short, not to multiply cases, in whatever he has no authority, there he is no king and may be resisted; for whereasover the authority ceases, the king ceases, too, and becomes like other men who have no authority. And these two cases he instances in differ little from those above-mentioned to be destructive to governments, only that he has omitted the principle from which his doctrine flows; and that is the breach of trust in not preserving the form of government agreed on, and in not intending the end of government itself, which is the public good and preservation of property. When a king has dethroned himself and put himself in a state of war with his people, what shall hinder them from prosecuting him who is no king, as they would any other man who has put himself into a state of war with them? Barclay and those of his opinion would do well to tell us. This further I desire may be taken notice of out of Barclay, that he says, "The mischief that is designed them the people may prevent before it be done," whereby he allows resistance when tyranny is but in design. "Such design as these," says he, "when any king harbors in his thoughts and seriously promotes, he immediately gives up all care and thought of the commonwealth," so that, according to him, the subject of the public good is to be taken as an evidence of such design, or at least for a sufficient cause of resistance. And the reason of all he gives in these words: "Because he betrayed or forced his people whose liberty he ought carefully to have preserved." What he adds—"into the power and dominion of a foreign nation"—signifies nothing, the fault and forfeiture lying in the loss of their liberty which he ought to have preserved, and not in any distinction of the persons to whose dominion they were subjected. The people's right is equally invaded and their liberty lost whether they are made slaves to any

of their own or a foreign nation; and in this lies the injury, and against this only have they the right of defense. And there are instances to be found in all countries which show that it is not the change of nations in the persons of their governors but the change of government that gives the offense. Bilson, a bishop of our church, and a great stickler for the power and prerogative of princes, does, if I mistake not, in his treatise of "Christian Subjection," acknowledge that princes may forfeit their power and their title to the obedience of their subjects; and if there needed authority in a case where reason is so plain, I could send my reader to Bracton, Fortescue, and the author of The Mirror; and others—writers that cannot be suspected to be ignorant of our government, or enemies to it. But I thought Hooker alone might be enough to satisfy those men who, relying on him for their ecclesiastical policy, are by a strange fate carried to deny those principles upon which he builds it. Whether they are herein ready the tools of cunning workmen to pull down their own fabric, they were best look. This I am sure: their civil policy is so

4 [Thomas Bilson (ca. 1546-1616). Leckie is here referring to The True Difference Between Christian Subjection and De facto Rebellion (1600), in which Bilson showed the necessity for the submission of English subjects to royal authority. Like Barclay, however, he found it necessary to concede that in certain cases a revolt against royal authority was justified (cf. note 1, p. 1200, n. 5). His work is cited in the Protocols of the Protestants in Europe against the Catholicks who oppose this policy.]

5 [Henry de Bracton (d. 1268). An English lawyer and constitutional authority who, in his De legibus et consuetudinibus Anglie (first published in 1265), expounded the dual theory that the king must be the supreme being in this realm, but that he must be subject to law. "The king . . . ought to be subject to God and the law, since law makes the king.]

6 [Sir John Fortescue (1526-1601). An early English constitutional lawyer, and the author of De natura legum naturae, De substantiis legium Anglie, and De Memoria, or the Governance of England. His works are significant because in them he developed, and applied specifically to England, the theory of dominion regal of politicians, i.e., the constitutional principle that neither the king nor the people could make laws without the consent of the other.]

7 [Leckie apparently refers here to William Baldwin, the author, "with diverse learned men," of The Mirror for Magistrates. Published in 1576, it was addressed to the "nobility and all others in office against bringing upon themselves similar fates. Baldwin's Preface, in moder-
new, so dangerous, and so destructive to both rulers and people that as former ages never could bear the broaching of it, so it may be hoped those to come, redeemed from the impositions of these Egyptian under-tasks-masters, will abhor the memory of such servile flatterers who, while it seemed to serve their turn, resolved all government into absolute tyranny, and would have all men born to what their mean souls fitted them for—slavery.

240. Here, it is like, the common question will be made: Who shall be judge whether the prince or legislative act contrary to their trust? This, perhaps, ill-affected and factious men may spread amongst the people, when the prince only makes use of his due prerogative. To this I reply: The people shall be judge for who shall be judge whether his trustee or deputy acts well and according to the trust reposed in him but he who deputes him and must, by having deputed him, have still a power to discard him when he fails in his trust? If this be reasonable in particular cases of private men, why should it be otherwise in that of the greatest monarch where the welfare of millions is concerned, and also where the evil, if not prevented, is greater and the redress very difficult, dear, and dangerous?

241. But further, this question, Who shall be judge? cannot mean that there is no judge at all; for where there is no judicature on earth to decide controversies amongst men, God in heaven is Judge. He alone, it is true, is Judge of the right. But every man is judge for himself, as in all other cases, so in this, whether another has put himself into a state of war with him, and whether he should appeal to the Supreme Judge, as Jephthah did.

The work, reprint ed seven times, was very popular and had a great influence on contemporary British literature.

The original Mirror by Bawden and the subsequent "Parts added" to it by John Higgin and Thomas Buzenham have been re-edited by Lily B. Campbell, who has also contributed excellent introductions to the two editions: The Mirror for Magistrates, Cambridge University Press, 1938; Parts Added to the Mirror for Magistrates, Cambridge University Press, 1946.

OF THE DISSOLUTION OF GOVERNMENT

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

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