

JOHN LOCKE  
“Of Civil Government” †  
1690

*John Locke, writing during the Glorious Revolution, summed up the principles for which the Whigs contended, providing a basis for modern theories of liberal government. A century later, Americans of the Revolutionary generation, familiar with his writings, regarded them as a synopsis of the constitutional principles vindicated in the Glorious Revolution. Although other writers, notably Baron de Montesquieu, were more influential and more frequently cited in American Revolutionary debates, Locke's eloquent summation of liberal constitutional principles seemed to hold up to Americans a mirror of the ideas of their own Revolution.*

Man being born, as has been proved, with a Title to perfect Freedom, and an uncontrouled enjoyment of all the Rights and Priviledges of the Law of Nature, equally with any other Man, or Number of Men in the World, hath by Nature a Power, not only to preserve his Property, that is, his Life, Liberty and Estate, against the Injuries and Attempts of other Men; but to judge of, and punish the breaches of that Law in others, as he is perswaded the Offence deserves. . . .

Whenever, therefore, any number of men are so united into one society as to quit every one his executive power of the law of nature and to resign it to the public, there and there only is a political or civil society. And this is done wherever any number of men, in the state of nature, enter into society to make one people, one body politic, under one supreme government, or else when any one joins himself to, and incorporates with any government already made; for thereby he authorizes the society or, which is all one, the legislative thereof to make laws for him as the public good of the society shall require, to the execution whereof his own assistance, as to his own decrees, is due. And this puts men out of a state of nature into that of a commonwealth by setting up a judge on early, with authority to determine

all the controversies and redress the injuries that may happen to any member of the commonwealth, which judge is the legislative or magistrates appointed by it. . . .

Men being, as has been said, by nature all free, equal, and independent, no one can be put out of this estate and subjected to the political power of another without his own consent. The only way whereby any one divests himself of his natural liberty and puts on the bonds of civil society is by agreeing with other men to join and unite into a community for their comfortable, safe, and peaceable living one amongst another, in a secure enjoyment of their properties and a greater security against any that are not of it. This any number of men may do, because it injures not the freedom of the rest; they are left as they were in the liberty of the state of nature. When any number of men have so consented to make one community or government, they are thereby presently incorporated and make one body politic wherein the majority have a right to act and conclude the rest. . . .

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

First there wants an established, settled, known law, received and allowed by common consent to be the standard of right and wrong and the common measure to decide all controversies between them; for though the law of nature be plain and intelligible to all rational creatures, yet men, being biased by their interests as well as ignorant for want of studying it, are not apt to allow of it as a law binding to them in the application of it to their particular cases.

Secondly, in the state of nature there wants a known and indifferent judge with authority to determine all differences according to the established law; for every one in that state being both judge and executioner of the law of nature, men being partial to themselves, passion and revenge is very apt to carry them too far and with too much heat in their own cases, as well as negligence and unconcernedness to make them too remiss in other men's.

Thirdly, in the state of nature there often wants power to go back and support the sentence when right, and to give it due execution. They who by any injustice offend will seldom fail, where they are able, by force, to make good their injustice; such resistance many times makes the punishment dangerous and frequently destructive to those who attempt it.

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But though Men when they enter into Society, give up the Equality, Liberty, and Executive Power they had in the State of Nature, into the hands of the Society to be so far disposed of by the Legislative, as the good of the Society shall require; yet it being only with an intention in every one the better to preserve himself his Liberty and Property; (For no rational Creature can be supposed to change his condition with an intention to be worse) the power of the Society, or Legislative constituted by them, can never be supposed to extend farther than the common good; but is obliged to secure every ones Property by providing against those three defects above-mentioned, that made the State of Nature so unsafe and uneasy. And so whoever has the Legislative or Supreme Power of any Common-wealth, is bound to govern by establish'd standing Laws, promulgated and known to the People, and not by Extemporary Decrees; by indifferent and upright Judges, who are to decide Con-

troversies by those Laws; and to employ the force of the Community at home, only in the Execution of such Laws, or abroad to prevent or redress Foreign Injuries, and secure the Community from Inroads and Invasion. And all this to be directed to no end, but the Peace, Safety, and publick good of the People.

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

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

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

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

Though in a Constituted Commonwealth, standing upon its own Basis, and acting according to its own Nature, that is, acting for the preservation of the Community, there can be but one Supream Power, which is the Legislative, to which all the rest are and must be subordinate, yet the Legislative being only a Fiduciary Power to act for certain ends, there remains still in the People a Supream Power to remove or alter the Legislative, when they find the Legislative act contrary to the trust reposed in them. For all Power given with trust for the attaining an end, being limited by that end, whenever that end is manifestly neglected, or opposed, the trust must necessarily be forfeited, and the Power devolve into the hands of those that gave it, who may place it anew where they shall think best for their safety and security. . . .