

The Second Treatise of Government

John Locke

A biography of John Locke appears on p. 155.

This reading is from Locke's *Second Treatise of Government*, the treatise following the one in which he criticizes Robert Filmer's defense of the divine right of kings. Locke begins the *Second Treatise* by describing the "state of nature"—the condition that human beings are in before there is any government. People are free to do whatever they wish, provided their actions do not violate the "law of nature." The law of nature forbids harming others or taking their property, except as a way of punishing those who have broken the law of nature. (According to Locke, any transgressor of the law of nature may be punished by anyone.) Positively, the law of nature requires that a person preserve his or her own life and (except when doing so conflicts with self-preservation) the lives of others. People remain in this state of nature "till by their own consents they make themselves members of some politic society."

Political society arises when, through a "social contract," individuals transfer to the community their power to punish transgressors of the law of nature. Members of the community agree to abide by the decisions of the majority. The primary motive for people forming a political society, Locke explains, is to establish a fairer and more reliable way of preserving their property. Anticipating the objection that most people are born into a political society and do not formally enter into a social contract, Locke explains that consent can be tacit as well as explicit. In the final section, he shows how a social contract can be dissolved from without, by foreign conquest, or from within, when the rulers alter the legislature or abuse "the lives, liberties, or fortunes of the people."

CHAPTER II. OF THE STATE OF NATURE

To understand political power aright and derive it from its original,¹ we must consider what state all men are naturally in, and that is a state of perfect freedom to order their actions and dispose of their possessions and persons as they think fit, within the bounds of the law of nature, without asking leave or depending upon the will of any other man.

A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another—there being nothing more evident than that creatures of the same species and rank, promiscuously² born to all the same advantages of nature and the use of the same faculties, should also be equal one among another without subordination or subjection, unless the lord and master of them all should, by any manifest declaration of his will, set one above another and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty. . . .

¹original: origin. [D. C. ABEL]

²promiscuously: diversely. [D. C. ABEL]

But though this be a state of *liberty*, yet it is not a state of *license*. Though man in that state have an uncontrollable liberty to dispose of his person or possessions, yet he has not liberty to destroy himself, or so much as any creature in his possession, but where some nobler use than its bare preservation calls for it. The *state of nature* has a law of nature to govern it, which obliges everyone. And reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions. For men, being all the workmanship of one omnipotent and infinitely wise maker, all the servants of one sovereign master, sent into the world by his order, and about his business—they are his property, whose workmanship they are, made to last during his, not one another's pleasure. And being furnished with like faculties, sharing all in one community of nature, there cannot be supposed any such subordination among us that may authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of creatures are for ours. Everyone, as he is bound to preserve himself and not to quit³ his station willfully, so by the like reason, when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind and may not, unless it be to do justice on an offender, take away or impair the life, or what tends to the preservation of the life, the liberty, health, limb, or goods of another.

And that all men may be restrained from invading others' rights and from doing hurt to one another, and the law of nature be observed, which wills the peace and preservation of all mankind, the execution of the law of nature is, in that state, put into every man's hands, whereby everyone has a right to punish the transgressors of that law to such a degree as may hinder its violation. For the law of nature would, as all other laws that concern men in this world, be in vain if there were nobody that in the state of nature had a power to execute that law and thereby preserve the innocent and restrain offenders. And if *anyone* in the state of nature may punish another for any evil he has done, *everyone* may do so. For in that state of perfect equality where naturally there is no superiority or jurisdiction of one over another, what any may do in prosecution of that law, everyone must needs⁴ have a right to do.

And thus, in the state of nature one man comes by a power over another, but yet no absolute or arbitrary power to use⁵ a criminal, when he has got him in his hands, according to the passionate heats or boundless extravagancy of his own will; but only to retribute to him, so far as calm reason and conscience dictate, what is proportionate to his transgression, which is so much as may serve for reparation and restrain—for these two are the only reasons why one man may lawfully do harm to another, which is that we call *punishment*. In transgressing the law of nature, the offender declares himself to live by another rule than that of reason and common equity, which is that measure God has set to the actions of men for their mutual security. And so he becomes dangerous to mankind—the tie which is to secure them from injury and violence being slighted and

³*quit*: depart from. [D. C. ABEL]

⁴*needs*: necessarily. [D. C. ABEL]

⁵*use*: treat. [D. C. ABEL]

broken by him: which being a trespass against the whole species and the peace and safety of it, provided for by the law of nature, every man upon this score, by the right he has to preserve mankind in general, may restrain—or where it is necessary, destroy—things noxious to them, and so may bring such evil on any one who has transgressed that law, as may make him repent the doing of it and thereby deter him, and by his example others, from doing the like mischief. And in this case and upon this ground, every man has a right to punish the offender and be executioner of the law of nature. . . .

Besides the crime which consists in violating the law and varying from the right rule of reason, whereby a man so far becomes degenerate and declares himself to quit the principles of human nature and to be a noxious creature, there is commonly injury done to some person or other, and some other man receives damage by his transgression; in which case he who has received any damage, has, besides the right of punishment common to him with other men, a particular right to seek reparation from him that has done it. And any other person who finds it just may also join with him that is injured and assist him in recovering from the offender so much as may make satisfaction for the harm he has suffered.

From these two distinct rights, the one of *punishing* the crime for restraint and preventing the like offense, which right of punishing is in everybody, the other of *taking reparation*, which belongs only to the injured party, comes it to pass that the magistrate, who by being magistrate has the common right of punishing put into his hands, can often, where the public good demands not the execution of the law, remit the punishment of criminal offenses by his own authority, but yet cannot remit the satisfaction due to any private man for the damage he has received. That [satisfaction], he who has suffered the damage has a right to demand in his own name, and he alone can remit. The *damnified*⁶ person has this power of appropriating to himself the goods or service of the offender by right of self-preservation, as every man has a power to punish the crime, to prevent its being committed again, by the right he has of preserving all mankind and doing all reasonable things he can in order to that end. And thus it is, that every man in the state of nature has a power to kill a murderer, both to deter others from doing the like injury, which no reparation can compensate, by the example of the punishment that attends it from everybody; and also to secure men from the attempts of a criminal, who having renounced reason (the common rule and measure God has given to mankind), has, by the unjust violence and slaughter he has committed upon one, declared war against all mankind and therefore may be destroyed as a lion or a tiger, one of those wild savage beasts with whom men can have no society nor security. And upon this is grounded that great law of nature, "Whoso sheds man's blood, by man shall his blood be shed." And Cain was so fully convinced that everyone had a right to destroy such a criminal, that after the murder of his brother, he cries out, "Everyone that finds me shall slay me"⁷—so plain was it writ in the hearts of all mankind.

⁶*damnified*: having suffered damage. [D. C. ABEL]

⁷Genesis 4:14. [D. C. ABEL]

By the same reason may a man in the state of nature *punish the lesser breaches* of that law. It will perhaps be demanded,⁸ with death? I answer, each transgression may be punished to that degree, and with so much severity, as will suffice to make it an ill bargain to the offender, give him cause to repent, and terrify others from doing the like. . . .

It is often asked as a mighty objection, "Where are, or ever were there, any men in such a state of nature?" To which it may suffice as an answer at present, that since all princes and rulers of independent governments all through the world are in a state of nature, it is plain the world never was, nor ever will be, without numbers of men in that state. I have named all governors of independent communities, whether they are or are not in league with others—for it is not every compact that puts an end to the state of nature between men, but only this one of agreeing together mutually to enter into one community and make one body politic. Other promises and compacts men may make one with another, and yet still be in the state of nature. The promises and bargains for truck,⁹ and so on, between the two men in the desert¹⁰ island, mentioned by Garcilaso de la Vega¹¹ in his history of Peru, or between a Swiss and an Indian in the woods of America, are binding to them, though they are perfectly in a state of nature, in reference to one another—for truth and keeping of faith belongs to men as men, and not as members of society.

To those that say, there were never any men in the state of nature, I . . . affirm that all men are naturally in that state and remain so, till by their own consents they make themselves members of some politic society. . . .

CHAPTER V. OF PROPERTY

Whether we consider natural *reason*, which tells us that men, being once born, have a right to their preservation, and consequently to meat and drink and such other things as nature affords for their subsistence; or *revelation*, which gives us an account of those grants God made of the world to Adam and to Noah and his sons, it is very clear that God, as King David says (Psalms 115:16), "has given the earth to the children of men"—given it to mankind in common. . . .

God, who has given the world to men in common, has also given them reason to make use of it to the best advantage of life, and convenience. The earth and all that is therein is given to men for the support and comfort of their being. And though all the fruits it naturally produces and beasts it feeds belong to mankind in common, as they are produced by the spontaneous hand of nature; and nobody has originally a private dominion, exclusive of the rest of mankind, in any of them, as they are thus in their natural state: yet being given for the use of men, there must of necessity be a means to appropriate them some way or other, before they can be of any use or at all beneficial to any particular man. The

⁸*demanded*: asked. [D. C. ABEL]

⁹*truck*: barter. [D. C. ABEL]

¹⁰*desert*: desolate. [D. C. ABEL]

¹¹Garcilaso de la Vega (1539–1616) was a Spanish (Peruvian-born) historian. [D. C. ABEL]

fruit or venison which nourishes the wild Indian, who knows no enclosure and is still a tenant in common, must be his, and so his (that is, a part of him) that another can no longer have any right to it, before it can do him any good for the support of his life.

Though the earth and all inferior creatures be common to all men, yet every man has a property in his own person—this nobody has any right to but himself. The labor of his body and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature has provided and left it in, he has mixed his labor with, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state nature has placed it in, it has by this labor something annexed to it that excludes the common right of other men. For this labor being the unquestionable property of the laborer, no man but he can have a right to what that is once joined to, at least where there is enough, and as good, left in common for others.

He that is nourished by the acorns he picked up under an oak, or the apples he gathered from the trees in the wood, has certainly appropriated them to himself. Nobody can deny but the nourishment is his. I ask then, when did they begin to be his? When he digested? or when he ate? or when he boiled? or when he brought them home? or when he picked them up? And it is plain, if the first gathering made them not his, nothing else could. That labor put a distinction between them and common; that added something to them more than nature, the common mother of all, had done—and so they became his private right. And will anyone say he had no right to those acorns or apples he thus appropriated because he had not the consent of all mankind to make them his? Was it a robbery thus to assume to himself what belonged to all in common? If such a consent as that was necessary, man had starved, notwithstanding the plenty God had given him. We see in commons, which remain so by compact, that it is the taking any part of what is common and removing it out of the state nature leaves it in, which begins the property; without which the common is of no use. And the taking of this or that part does not depend on the express consent of all the commoners. Thus the grass my horse has bit, the turfs my servant has cut, and the ore I have dug in any place, where I have a right to them in common with others, become my property, without the assignation or consent of anybody: The labor that was mine, removing them out of that common state they were in, has fixed my property in them. . . .

CHAPTER VII. OF POLITICAL OR CIVIL SOCIETY

. . . Man being born (as has been proved) with a title to perfect freedom and an uncontrolled enjoyment of all the rights and privileges of the law of nature, equally with any other man or number of men in the world, has by nature a power not only to preserve his property—that is, his life, liberty, and estate—against the injuries and attempts of other men, but [also] to judge of and punish the breaches of that law in others, as he is persuaded the offense deserves, even with death itself, in crimes where the heinousness of the fact, in his opinion, requires it. But because no political society can be nor subsist without having in

itself the power to preserve the property, and in order thereunto, punish the offenses of all those of that society—there, and there only, is political society, where every one of the members has quitted¹² this natural power, resigned it up into the hand of the community in all cases that exclude him not from appealing for protection to the law established by it. And thus all private judgment of every particular member being excluded, the community comes to be umpire by settled standing rules, indifferent and the same to all parties; and by men having authority from the community for the execution of those rules, decides all the differences that may happen between any members of that society concerning any matter of right; and punishes those offenses which any member has committed against the society, with such penalties as the law has established. Whereby it is easy to discern who are, and who are not, in political society together. Those who are united into one body and have a common established law and judicature to appeal to, with authority to decide controversies between them and punish offenders, are in civil society one with another. But those who have no such common people (I mean on earth) are still in the state of nature, each being, where there is no other, judge for himself and executioner—which is, as I have before showed it, the perfect state of nature.

And thus the commonwealth comes by a power to set down what punishment shall belong to the several transgressions which they think worthy of it, committed among the members of that society (which is the *power of making laws*), as well as it has the power to punish any injury done unto any of its members by anyone that is not of it (which is the *power of war and peace*), and all this for the preservation of the property of all the members of that society, as far as it is possible. But though every man who has entered into civil society and is become a member of any commonwealth, has thereby quitted his power to punish offenses against the law of nature in prosecution of his own private judgment; yet with the judgment of offenses, which he has given up to the legislative¹³ in all cases where he can appeal to the magistrate, he has given a right to the commonwealth to employ his force for the execution of the judgments of the commonwealth, whenever he shall be called to it—which indeed are his own judgments, they being made by himself or his representative. And herein we have the original of the legislative and executive power of civil society, which is to judge by standing laws how far offenses are to be punished when committed within the commonwealth; and also to determine, by occasional judgments founded on the present circumstances of the fact, how far injuries from without are to be vindicated; and in both these to employ all the force of all the members when there shall be need.

Wherever, therefore, any number of men are so united into one society as to quit everyone 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 anyone joins himself to, and incorporates with, any government already made. For

¹²*quitted*: relinquished. [D. C. ABEL]

¹³*legislative*: legislature. [D. C. ABEL]

hereby 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 the state of nature into that of a *commonwealth*, by setting up a judge on earth with authority to determine all the controversies and redress the injuries that may happen to any member of the commonwealth; which judge is the legislative, or magistrates appointed by it. And wherever there are any number of men, however associated, that have no such decisive power to appeal to, there they are still in the state of nature. . . .

CHAPTER VIII. OF THE BEGINNING OF POLITICAL SOCIETIES

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 anyone divests himself of his natural liberty and puts on the bonds of civil society is by agreeing with other men to join and unite into a community, for their comfortable, safe, and peaceable living one among 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 conclude¹⁴ the rest.

For when any number of men have, by the consent of every individual, made a community, they have thereby made that community one body, with a power to act as one body, which is only by the will and determination of the majority. For that which acts¹⁵ any community, being only the consent of the individuals of it, and it being necessary to that which is one body to move one way, it is necessary the body should move that way whither the greater force carries it, which is the *consent of the majority*—or else it is impossible it should act or continue one body, one community, which the consent of every individual that united into it agreed that it should. And so everyone is bound by that consent to be concluded by the majority. And therefore we see that in assemblies empowered to act by positive laws, where no number is set by that positive law which empowers them, the act of the majority passes for the act of the whole and of course determines, as having by the law of nature and reason, the power of the whole.

And thus every man, by consenting with others to make one body politic under one government, puts himself under an obligation to everyone of that society to submit to the determination of the majority and to be concluded by it; or else this original compact, whereby he with others incorporates into one society, would signify nothing and be no compact, if he be left free and under no other ties than he was in before in the state of nature. For what appearance would there be of any compact? What new engagement if he were no farther tied by

¹⁴*conclude*: bind, oblige. [D. C. ABEL]

¹⁵*acts*: actuates; moves to action. [D. C. ABEL]

any decrees of the society than he himself thought fit and did actually consent to? This would be still as great a liberty as he himself had before his compact, or anyone else in the state of nature has, who may submit himself and consent to any acts of it if he thinks fit. . . .

Every man being, as has been showed, naturally free, and nothing being able to put him into subjection to any earthly power but only his own *consent*; it is to be considered what shall be understood to be a sufficient declaration of a man's consent, to make him subject to the laws of any government. There is a common distinction of an *express* and *tacit* consent, which will concern our present case. Nobody doubts but an express consent of any man entering into any society makes him a perfect member of that society, a subject of that government. The difficulty is what ought to be looked upon as a tacit consent and how far it binds—that is, how far anyone shall be looked on to have consented and thereby submitted to any government, where he has made no expressions of it at all. And to this I say that every man that has any possessions or enjoyment of any part of the dominions of any government, does thereby give his tacit consent and is as far forth obliged to obedience to the laws of that government, during such enjoyment, as anyone under it—whether this his possession be of land to him and his heirs forever, or a lodging only for a week, or whether it be barely traveling freely on the highway. And in effect, [this consent] reaches as far as the very being of anyone within the territories of that government. . . .

CHAPTER IX. OF THE ENDS¹⁶ OF POLITICAL SOCIETY AND GOVERNMENT

If man in the state of nature be so free, as has been said; if he be absolute lord of his own person and possessions, equal to the greatest, and subject to nobody, why will he part with his freedom? Why will he give up this empire and subject himself to the dominion and control of any other power? To which it is obvious to answer that though in the state of nature he has such a right, yet the enjoyment of it is very uncertain and constantly exposed to the invasion of others. For all being kings as much as he, every man his equal, and the greater part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very unsecure. This makes him willing to quit a condition which, however free, is full of fears and continual dangers—and it is not without reason that he seeks out and is willing to join in society with others who are already united, or have a mind to unite, for the mutual preservation of their lives, liberties, and estates, which I call by the general name *property*.

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 wants¹⁷ an established, settled, known law, received and allowed by common consent to be the standard of right and wrong, and the common

¹⁶*ends*: purposes, goals. [D. C. ABEL]

¹⁷*wants*: is lacking. [D. C. ABEL]

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 interest, as well as ignorant for want of study of 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 everyone 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 back and support the sentence when right, and to give it due execution. They who by any injustice offended, 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.

Thus mankind, notwithstanding all the privileges of the state of nature, being but in an ill condition while they remain in it, are quickly driven into society. Hence it comes to pass that we seldom find any number of men live any time together in this state. The inconveniences that they are therein exposed to by the irregular and uncertain exercise of the power every man has of punishing the transgressions of others, make them take sanctuary under the established laws of government and therein seek the preservation of their property. It is this [that] makes them so willingly give up every one his single power of punishing, to be exercised by such alone, as shall be appointed to it among them; and by such rules as the community, or those authorized by them to that purpose, shall agree on. And in this we have the original right and rise of both the legislative and executive power as well as of the governments and societies themselves.

For in the state of nature (to omit¹⁸ the liberty he has of innocent delights) a man has two powers:

The first is to do whatsoever he thinks fit for the preservation of himself and others within the permission of the law of nature—by which law, common to them all, he and all the rest of mankind are one community, make up one society, distinct from all other creatures. And were it not for the corruption and viciousness of degenerate men, there would be no need of any other—no necessity that men should separate from this great and natural community, and by positive agreements combine into smaller and divided associations.

The other power a man has in the state of nature is the power to punish the crimes committed against that law. Both these he gives up when he joins in a private (if I may so call it) or particular politic society and incorporates into any commonwealth, separate from the rest of mankind.

The first power—namely, of doing whatsoever he thought for the preservation of himself and the rest of mankind—he gives up to be regulated by laws made by the society, so far forth as the preservation of himself and the rest of that society shall require, which laws of the society in many things confine the liberty he had by the law of nature.

¹⁸omit: disregard. [D. C. ABEL]

Secondly, the power of punishing he wholly gives up and engages his natural force (which he might before employ in the execution of the law of nature, by his own single authority, as he thought fit) to assist the executive power of the society, as the law thereof shall require. For being now in a new state, wherein he is to enjoy many conveniences from the labor, assistance, and society of others in the same community, as well as protection from its whole strength, he is to part also with as much of his natural liberty in providing for himself as the good prosperity and safety of the society shall require—which is not only necessary but just, since the other members of the society do the like.

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 everyone 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 everyone's 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 commonwealth is bound to govern by established standing laws, promulgated and known to the people, and not by extemporary decrees; by indifferent and upright judges, who are to decide controversies by those laws; and to employ the force of the community at home only in the execution of such laws, or abroad to prevent or redress foreign injuries and secure the community from inroads and invasion. And all this [is] to be directed to no other end but the peace, safety, and public good of the people.

CHAPTER XIX. OF THE DISSOLUTION OF GOVERNMENT

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 everyone has with the rest to incorporate and act as one body, and so be one distinct commonwealth. The usual and almost only way whereby this union is dissolved is the inroad of foreign force making a conquest upon them. For in that case (not being able to maintain and support themselves as one entire and independent body), the union belonging to that body which consisted therein must necessarily cease, and so everyone 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. . . .

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 the

umpirage¹⁹ which they have provided in their legislative for the ending all differences that may arise amongst any of them, it is in their legislative that the members of a commonwealth are united and combined together into one coherent, living body. This is the soul that gives form, life, and unity to the commonwealth; from hence the several members have their mutual influence, sympathy, and connection. And therefore when the legislative is broken or dissolved, dissolution and death follows. . . .

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

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.

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 limit the power and moderate the dominion of every part and member of the society. For since it can never be supposed to be the will of the society that the legislative should have a power to destroy that which everyone designs to secure by entering into society, and for which the people submitted themselves to legislators of their own making, whenever the legislators endeavor to take away and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any farther obedience and are left to the common refuge which God has provided for all men against force and violence. Whensoever therefore the legislative shall transgress this fundamental rule of society and, either by ambition, fear, folly or corruption, endeavor to grasp themselves, or put into the hands of any other, an absolute power over the lives, liberties, and estates of the people, by this breach of trust they forfeit the power the people had put into their hands for quite contrary ends, and it devolves to the people, who have a right to resume their original liberty and, by the establishment of a new legislative (such as they shall think fit), provide for their own safety and security, which is the end for which they are in society. . . .

In both the forementioned cases, when either the legislative is changed or the legislators act contrary to the end for which they were constituted, those who are guilty are guilty of rebellion. For if anyone by force takes away the established legislative of any society and the laws by them made, pursuant to their trust, he thereby takes away the umpirage which everyone had consented to for a peaceable decision of all their controversies and a bar to the state of war 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

¹⁹umpirage: authority to make a final decision. [D. C. ABEL]

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 untie the knot and expose the people anew to the state of war. And if those who by force take away the legislative are rebels, the legislators themselves, as has been shown, can be no less esteemed²⁰ 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.

²⁰*esteemed*: considered. [D. C. ABEL]