Section IX: Early Modern Europe, 1500-1789

1958


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Abstract
The century in which Richelieu and Louis XIV fashioned an absolute dynastic state in France is noteworthy in English history for a very different reason. While the state was being set for Louis XIV to declare, if he wished, "I am the state," Englishmen were establishing the principle that all political authority is limited by law. This idea, which is called constitutionalism, was surely not new, having had its roots in English, feudal, and medieval history. But, what is profoundly significant for Western Civilization is that this idea became an operative political principle in late seventeenth century England. In the eighteenth century the English successfully devised a frame of government which preserved the gains which they had made earlier. [excerpt]

Keywords
Contemporary Civilization, Parliament, Constitutionalism

Disciplines
European History | History | Political History

Comments
This is a part of Section IX: Early Modern Europe, 1500-1789. The Contemporary Civilization page lists all additional sections of Ideas and Institutions of Western Man, as well as the Table of Contents for both volumes.

More About Contemporary Civilization:
From 1947 through 1969, all first-year Gettysburg College students took a two-semester course called Contemporary Civilization. The course was developed at President Henry W.A. Hanson's request with the goal of "introducing the student to the backgrounds of contemporary social problems through the major concepts, ideals, hopes and motivations of western culture since the Middle Ages."

Gettysburg College professors from the history, philosophy, and religion departments developed a textbook for the course. The first edition, published in 1955, was called An Introduction to Contemporary Civilization and Its Problems. A second edition, retitled Ideas and Institutions of Western Man, was published in 1958 and 1960. It is this second edition that we include here. The copy we digitized is from the Gary T. Hawbaker '66 Collection and the marginalia are his.

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The century in which Richelieu and Louis XIV fashioned an absolute dynastic state in France is noteworthy in English history for a very different reason. While the stage was being set for Louis XIV to declare, if he wished, "I am the state," Englishmen were establishing the principle that all political authority is limited by law. This idea, which is called constitutionalism, was surely not new, having had its roots in English, feudal, and medieval history. But, what is profoundly significant for Western Civilization is that this idea became an operative political principle in late seventeenth century England. In the eighteenth century the English successfully devised a frame of government which preserved the gains which they had made earlier.

We have already seen that the death of Queen Elizabeth I in 1603 left her successors in a perplexing situation. There was a growing sentiment against the successful absolutist tendencies of the Tudors. There was dissatisfaction with the compromise religious settlement which Elizabeth had arranged. Finally, because the rising level of prices had rendered the customary royal revenues increasingly inadequate to balance expenditures, and because the queen was loath to request new taxes from Parliament, the treasury was empty.

The successor of the Virgin Queen was a Stuart cousin, twice removed, who ruled as James VI in Scotland and as James I in England (1603-1625). For more than a century his Tudor predecessors had studiously avoided making a frontal attack on the powers of Parliament. They accepted the principle that laws are made by the king and Parliament, acting together, and tried to control that body without making their hand more obvious than was absolutely necessary. This was a policy which required great perseverance and tact, qualities for which James Stuart was not distinguished. James brought with him from Scotland the conviction that divine-right monarchy was the only legitimate and orderly form of government, and that therefore parliaments should play a role distinctly inferior to the king. When Parliament refused to grant the new revenues which he requested, James proceeded to scrape money together as best he could. His reign was a succession of battles with Parliament, which he dissolved whenever it opposed him. His efforts to control the judiciary led Sir Edward Coke (1552-1634), chief justice of the Court of Common Pleas, to resurrect the half-forgotten Magna Carta and proclaim that it stood in the way of the king's efforts to exceed his lawful authority.

James' political views also brought him into immediate conflict with the Protestant dissenters in England. When a group of persons wishing to reform the Anglican church conferred with him to propose certain changes along Puritan lines (1604),...
James sputtered: "I shall make them conform themselves or I will harry them out of the land, or else do worse." The Puritans wished to introduce Calvinist theology, simplify ritual, and eliminate episcopacy from the Church of England. The king had read his Hooker: every man is a member of the English commonwealth and also of the Church of England. He drew from this the conclusion that anyone who wished to make innovations in the religious settlement must also harbor designs against the monarchy itself. "No bishop, no king," he declared. Religious dissent was thus equated with political disloyalty.

Outright violence was averted during the reign of James I. It soon became evident that his son, Charles I (1625-1649), was equally determined to be free of legislative control. When Parliament voted him certain revenues for one year only instead of for his entire reign, as had been customary in the past, and when it condemned his favorite minister, the king dissolved it. In 1628, in return for a grant of funds from another Parliament, Charles agreed to sign the Petition of Right. In subscribing to this document he promised not to levy taxes without the consent of Parliament, not to quarter soldiers in private homes or establish martial law in peacetime, and not to order arbitrary arrests. Englishmen now consider the Petition of Right one of the foundation stones of their liberty, almost on a par with Magna Carta. But Charles felt scarcely more bound by it than John felt bound by the earlier document. He soon dissolved Parliament and ruled England without it for a period of eleven years (1629-1640).

It is certain that, during this interval, Charles did not think of himself as a cruel tyrant, entitled to vent his passions on the English people. Nor did he expect them to think thus of him. He was the king chosen by God to rule England, and was now ruling it as God really intended that it should be governed. The king worked hard and administered a fairly honest and efficient government. He dared not impose new taxes and, therefore, had to cut expenses to the bone and resort to other devices to obtain money. He sold monopolies on certain basic commodities and revived every lapsed feudal law which his lawyers could discover, violators of which were fined heavily. For example, it was once the duty of seaport towns to equip naval vessels, but the custom had fallen into disuse. The king revived and extended it, collecting "ship money" in lieu of the former services. Meanwhile, Charles and his advisers made changes in the worship of the Church of England which offended and aroused the Puritans still further. Some 60,000 of them left England for the New World. A large number remained at home, seething with discontent.

The personal rule of Charles I continued until Scotland rose in revolt against his attempt to introduce elements of Anglicanism into the Presbyterian church there. This uprising was followed by a Scottish invasion of northern England. The king now needed more money than all his sources, regular and irregular, could yield. Parliament was called, then dissolved,
but another had to be summoned before the end of 1640. Given the state of the country, it was inevitable that once in session Parliament would make a strong and determined bid to limit the king. Under the leadership of John Pym (1584-1643) and others, some of Charles' chief supporters were impeached and executed, and his financial practices of eleven years were condemned. Parliament forced the king to disclaim any right to dissolve it and to acknowledge that future Parliaments should meet at least once every three years. In return, he was granted money to meet the Scottish invasion. Meanwhile, rebellion broke out in Ireland. Charles paused in his campaign against the Irish long enough to commit an irreparable blunder. In 1642, when Parliament was momentarily divided on the question of how far to limit the king, he entered the House of Commons at the head of some troops to arrest five of its members who were his outspoken opponents. The attempt having failed, he issued a call to arms against Parliament. In reply, Parliament began passing laws without royal approval and raised forces of its own. This meant civil war.

By no means all Englishmen deserted the king. In general, Anglicans and Catholics, who included most of the nobility, rallied to his support. The opposition came mostly from the south and east of England and consisted primarily of religious dissidents who, it happens, constituted a large part of the middle class. It is altogether appropriate to consider the English Civil War one of the religious wars, for by now the political and religious opposition which confronted James I at the beginning of the century had coalesced in the Puritan movement.

In 1644 the king suffered a military defeat at the hands of his opponents. The parliamentary majority, which had already made moderate changes in the Anglican church along Presbyterian lines, was ready to end the war upon the king's promise to accept the political and religious situation as it then stood. However, the army now entered the picture and prevented any such settlement from taking place. The military leaders were hostile both to the Presbyterian moderates in control of Parliament and to the king. They defeated Charles in battle and he surrendered in 1646. Then in 1648 the army purged the House of Commons of all but its more radical members. What remained sitting was the "Rump Parliament," which proceeded to execute the king (1649) and declare that England was now a commonwealth having neither king nor lords.

During the next eleven years England experimented with several republican forms of government, none of which proved permanently satisfactory. After the execution of the king there were two centers of political power left. One was the Rump Parliament, dominated by radical dissenters from Anglicanism, known then as Independents and later as Congregationalists. The other was the army, whose leader, Oliver Cromwell (1599-1658), had a long record of opposition to the Stuarts both in Parliament and on the battlefield. Cromwell was a Calvinist,
in many ways cut along the same pattern as Calvin himself. In 1653, disgusted with what he believed were the shortcomings of the Rump Parliament, he dissolved it, proclaiming: "Your hour is come, the Lord hath done with you."

England then passed to a form of government known as the Protectorate. A written constitution, the Instrument of Government, was drawn up (1653), significant because it was the first such document of modern times and the only one the English ever tried. The Instrument of Government made Cromwell lord protector for life, established a unicameral parliament, and made Calvinism with a congregational polity the state religion. This constitution failed to provide England with the anticipated regular government. No more successful than were his predecessors with their legislatures, Cromwell soon dissolved Parliament and eventually ruled as a military dictator. His control of the army kept him in power until his death in 1658. In spite of his efforts, he had failed to generate much popular enthusiasm for the Puritan settlement. General prosperity at home and a popular anti-Spanish and anti-Dutch policy abroad help explain why there were no serious attempts to overthrow the dictatorship during Cromwell's lifetime.

There was no one to replace the lord protector in 1658. His son succeeded him but soon abdicated. Negotiations were then begun to call back Parliament, which declared that "the government is and ought to be by King, Lords, and Commons." The monarchy was recalled in the person of the son of Charles I, who was proclaimed king as Charles II in 1660. The Restoration had begun.

In the midst of the Civil War an English philosopher and tutor who had fled to France completed a modest-sized volume which has become one of the most influential political writings of modern times. Thomas Hobbes (1588-1679), by his own admission, was a timid and fearful man. He attributed these traits to his mother's fright just prior to his premature birth, upon hearing of the impending arrival of the Spanish Armada. Hobbes lived through times which were full of turmoil at home and abroad. He and fear, Hobbes once wrote, like twins, were born together. Law and order were particularly appealing to him.

Hobbes was deeply interested in the physical sciences. He had contacts with such men as Francis Bacon, Galileo, and Descartes. He thought of himself as a mathematician and scientist, an opinion challenged both during his lifetime and since. He was convinced that political thought would have to reflect the method of the physical sciences if it were to be truthful and accurate. Hobbes accepted the seventeenth century scientific analysis of the universe in which nature and man -- all things -- consisted of only matter and motion. The first part of the Leviathan (1651), therefore, is an introduction to politics by the development of a theory of psychology which is based upon physics.
Hobbes defended absolutism as vigorously as James I, but with an important difference. Instead of relying upon Scripture for his authority, he turned to a thoroughly secular and scientific analysis of human nature. He described man as he saw him in an abstract or fictitious state of nature and then took the idea of a contract, which in itself went far back into the Middle Ages, as the instrument through which society and government come into existence. Because of the dreadful alternative to government -- war and the decay of society, as Hobbes saw it -- there was no real justification for ever breaking the contract, as the English had done.

The Leviathan was widely read at the time it appeared and has been the subject of much debate for three centuries. Men who have not accepted the Hobbesian evaluation of human nature or agreed with his explanation of the social contract have often felt compelled to use Hobbes as a starting point for their own interpretations.

PART I. Of Man
Chapter VI
Of the Interior Beginnings of Voluntary Motions; commonly called the Passions; and the Speeches by which they are expressed

There be in animals, (two sorts of motions) peculiar to them: one called vital; begun in generation, and continued without interruption through their whole life; such as are the course of the blood, the pulse, the breathing, the concoction, nutrition, excretion, etc., to which motions there needs no help of imagination: the other is animal motion, otherwise called voluntary motion; as to go, to speak, to move any of our limbs, in such manner as is first fancied in our minds. That sense is motion in the organs and interior parts of man's body, caused by the action of the things we see, hear, etc.; and that fancy is but the relics of the same motion, remaining after sense, has been already seen in the first and second chapters. And because going, speaking, and the like voluntary motions, depend always upon a precedent thought of whither, which way, and what; it is evident, that the imagination is the first internal beginning of all voluntary motion. And although unstudied men do not conceive any motion at all to be there, where the thing moved is invisible; or the space it is moved in is, for the shortness of it, insensible; yet that doth not hinder, but that such motions are. For let a space be never so little, that which is moved over a greater space, whereof that little one is part, must first be moved over that. These small beginnings of motion, within the body of man, before they appear in walking, speaking, striking and other visible actions, are commonly called endeavour.

This endeavour, when it is toward something which causes it, is called appetite, or desire; the latter, being the general name; and the other oftentimes restrained
to signify the desire of good, namely hunger and thirst. And when the endeavour is fromward something, it is generally called aversion.... For Nature itself does often press upon men those truths, which afterwards, when they look for somewhat beyond Nature, they stumble at. For the schools find in mere appetite to go, or move, no actual motion at all: but because some motion they must acknowledge, they call it metaphorical motion; which is but an absurd speech: for though words may be called metaphorical, bodies and motions cannot.

That which men desire, they are also said to love: and to hate those things for which they have aversion. So that desire and love are the same thing; save that by desire, we always signify the absence of the object; by love most commonly the presence of the same. So also by aversion, we signify the absence; and by hate, the presence of the object.

Of appetites and aversions, some are born with men; as appetite of food, appetite of excretion, and exoneration, which may also and more properly be called aversions, from somewhat they feel in their bodies; and some other appetites, not many. The rest, which are appetites of particular things, proceed from experience, and trial of their effects upon themselves or other men. For of things we know not at all, or believe not to be, we can have no further desire than to taste and try. But aversion we have for things, not only which we know have hurt us, but also that we do not know whether they will hurt us, or not.

Those things which we neither desire, nor hate, we are said to contemn; contempt being nothing else but an immobility, or contumacy of the heart, in resisting the action of certain things; and proceeding from that the heart is already moved otherwise, by other more potent objects; of from want of experience of them.

And because the constitution of a man's body is in continual mutation, it is impossible that all the same things should always cause in him the same appetites and aversions: much less can all men consent, in the desire of almost any one and the same object.

But whatsoever is the object of any man's appetite or desire, that is it which he for his part calleth good: and the object of his hate and aversion, evil; and of his contempt, vile and inconsiderable. For these words of good, evil, and contemptible, are ever used with relation to the person that useth them: there being nothing simply and absolutely so; nor any common rule of good and evil, to be taken from the nature of the objects themselves; but from the person of the man, where there is no common-wealth; or, in a commonwealth, from the person that representeth it; or from an arbitrator or judge, whom men disagreeing shall by consent set up, and make his sentence the rule thereof....

As, in sense, that which is really within us, is, as I have said before, only motion, caused by the action of...
external objects, but in apparence; to the sight, light
and colour; to the ear, sound; to the nostril, odour,
&c.: so, when the action of the same object is continued
from the eyes, ears, and other organs to the heart, the
real effect there is nothing but motion, or endeavour;
which consisteth in appetite, or aversion, to or from the
object moving. But the appearance, or sense of that mo-
tion is that we either call delight, or trouble of mind.

This motion, which is called appetite, and for the
appearance of it delight, and pleasure, seemeth to be a
corroboration of vital motion, and a help thereunto; and
therefore such things as caused delight, were not im-
properly called jucunda, à juvando, from helping or for-
tifying; and the contrary molesta, offensive, from hinder-
ing, and troubling the motion vital.

Pleasure therefore, or delight, is the apparence,
or sense of good; and molestation, or displeasure, the ap-
parence, or sense of evil. And consequently all appetite,
desire, and love, is accompanied with some delight more
or less; and all hatred and aversion, with more or less
displeasure and offence.

Of pleasures or delights, some arise from the sense
of an object present; and those may be called pleasure of
sense; the word sensual, as it is used by those only that
condemn them, having no place till there be laws. Of this
kind are all operations and exonerations of the body; as
also all that is pleasant, in the sight, hearing, smell,
taste, or touch. Others arise from the expectation, that
proceeds from foresight of the end, or consequence of
things; whether those things in the sense please or dis-
plesse. And these are pleasures of the mind of him that
draweth those consequences, and are generally called joy.
In the like manner, displeasures are some in the sense,
and called pain; other in the expectation of consequences,
and are called grief....

Chapter XIII
As of the Natural Condition of Mankind as
concerning their Felicity and Misery

Nature hath made men so equal, in the faculties of the
body and mind: as that though there be found one man some-
times manifestly stronger in body, or of quicker mind
than another, yet when all is reckoned together, the dif-
ference between man and man, is not so considerable, as
that one man can thereupon claim to himself any benefit,
to which another may not pretend, as well as he. For as
to the strength of body, the weakest has strength enough
to kill the strongest, either by secret machination, or
by confederacy with others, that are in the same danger
with himself.

And as to the faculties of the mind, setting aside
the arts grounded upon words, and especially that skill of
proceeding upon general and infallible rules, called sci-
ence; which very few have, and but in a few things; as
being not a native faculty, born with us; nor attained, as prudence, while we look after somewhat else, I find yet a greater equality amongst men than that of strength. For prudence is but experience; which equal time, equally bestows on all men, in those things they equally apply themselves unto. That which may perhaps make such equality incredible, is but a vain conceit of one's own wisdom, which almost all men think they have in a greater degree than the vulgar; that is, than all men but themselves, and a few others, whom by fame or for concurring with themselves, they approve. For such is the nature of men, that howsoever they may acknowledge many others to be more witty, or more eloquent, or more learned; yet they will hardly believe there be many so wise as themselves; for they see their own wit at hand, and other men's at a distance. But this proveth rather that men are in that point equal, than unequal. For there is not ordinarily a greater sign of the equal distribution of anything, than that every man is contented with his share.

From this equality of ability ariseth equality of hope in the attaining of our ends. And therefore if any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies; and in the way to their end, which is principally their own conservation, and sometimes their delection only, endeavour to destroy or subdue one another. And from hence it comes to pass, that where an invader hath no more to fear than another man's single power; if one plant, sow, build, or possess a convenient seat, others may probably be expected to come prepared with forces united, to dispossess and deprive him, not only of the fruit of his labour, but also of his life or liberty. And the invader again is in the like danger of another....

So that in the nature of man, we find three principal causes of quarrel. First, competition; secondly; diffusion; thirdly, glory.

The first, maketh men invade for gain; the second, for safety; and the third, for reputation. The first use violence, to make themselves masters of other men's persons, wives, children, and cattle; the second, to defend them; the third, for trifles, as a word, a smile, a different opinion, and any other sign of undervalue, either direct in their persons, or by reflection in their kindred, their friends, their nation, their profession, or their name.

Hereby is manifest, that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war, as is of every man, against every man. For war consisteth not in battle only, or the act of fighting; but in a tract of time, wherein the will to contend by battle is sufficiently known; and therefore the notion of time is to be considered in the nature of war, as it is in the nature of weather. For as the nature of foul weather lieth not in a shower or two of rain, but in an inclination thereto of
many days together; so the nature of war consisteth not in actual fighting, but in the known disposition thereto during all the time there is no assurance to the contrary. All other time is peace.

Whatsoever therefore is consequent to a time of war, where every man is enemy to every man, the same is consequent to the time wherein men live without other secur- ity than what their own strength and their own invention shall furnish them withal. In such condition there is no place for industry, because the fruit thereof is uncertain, and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts, no letters; no society; and, which is worst of all, continual fear and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.

It may seem strange to some man, that has not well weighed these things, that Nature should thus dissociate, and render men apt to invade and destroy one another; and he may therefore, not trusting to this inference, made from the passions, desire perhaps to have the same confirmed by experience. Let him therefore consider with himself, when taking a journey, he arms himself, and seeks to go well accompanied; when going to sleep, he locks his doors; when even in his house, he locks his chests; and this when he knows there be laws, and public officers, armed, to revenge all injuries shall be done him; what opinion he has of his fellow-subjects, when he rides armed; of his fellow-citizens, when he locks his doors; and of his children and servants, when he locks his chests. Does he not there as much accuse mankind by his actions as I do by my words? But neither of us accuse man's nature in it. The desires and other passions of man are in themselves no sin. No more are the actions that proceed from those passions, till they know a law that forbids them; which till laws be made they cannot know, nor can any law be made till they have agreed upon the person that shall make it. . . .

To this war of every man, against every man, this also is consequent; that nothing can be unjust. The notions of right and wrong, justice and injustice, have there no place. Where there is no common power, there is no law; where no law, no injustice. Force and fraud, are in war the two cardinal virtues. Justice and injustice are none of the faculties neither of the body nor mind. If they were, they might be in a man that were alone in the world, as well as his senses, and passions. They are qualities that relate to men in society, not in solitude. It is consequent also to the same condition, that there be no propriety, no dominion, no mine and thine distinct; but only that to be every man's that he can get; and for so long, as he can keep it. And thus much for the ill condition, which man by mere nature is actually placed in;
though with a possibility to come out of it, consisting partly in the passions, partly in his reason.

The passions that incline men to peace, are fear of death; desire of such things as are necessary to commodious living; and a hope by their industry to obtain them. (And reason suggesteth convenient articles of peace, upon which men may be drawn to agreement. These articles are they which otherwise are called the Laws of Nature:.)

Chapter XIV

Of the First and Second Natural Laws, and of Contracts

The right of Nature, which writers commonly call jus naturale, is the liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature; that is to say, of his own life; and consequently, of doing anything, which in his own judgment and reason he shall conceive to be the aptest means thereunto.

By liberty, is understood, according to the proper signification of the word, the absence of external impediments: which impediments may oft take away part of a man's power to do what he would; but cannot hinder him from using the power left him, according as his judgment and reason shall dictate to him.

A law of nature, lex naturalis, is a precept or general rule, found out by reason, by which a man is forbidden to do that which is destructive of his life, or taketh away the means of preserving the same; and to omit that, by which he thinketh it may be best preserved. For though they that speak of this subject, use to confound jus and lex, right and law: yet they ought to be distinguished; because right, consisteth in liberty to do, or to forbear; whereas law, determineth and bindeth to one of them; so that law and right differ as much as obligation and liberty; which in one and the same matter are inconsistent.

And because of the condition of man, as hath been declared in the precedent chapter, is a condition of war of every one against every one; in which case every one is governed by his own reason; and there is nothing he can make use of, that may not be a help unto him, in preserving his life against his enemies; it followeth, that in such a condition, every man has a right to everything; even to one another's body. And therefore, as long as this natural right of every man to everything endureth, there can be no security to any man, how strong or wise soever he be, of living out the time, which Nature ordinarily alloweth to live. And consequently it is a precept, or general rule of reason, "that every man ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of war." The first branch of which
rule, containeth the first, and fundamental law of Nature; which is, "to seek peace, and follow it." The second, the sum of the right of Nature: which is, "by all means we can, to defend ourselves."

From this fundamental law of Nature, by which men are commanded to endeavour peace, is derived this second law; "that a man be willing, when others are so too, as far-forth, as for peace, and defence of himself he shall think it necessary, to lay down this right to all things; and be contented with so much liberty against other men, as he would allow other men against himself." For as long as every man holdeth this right, of doing anything he liketh; so long are all men in the condition of war. But if other men will not lay down their right, as well as he; then there is no reason for any one to divest himself of his: for that were to expose himself to prey, which no man is bound to, rather than to dispose himself to peace. This is that law of the Gospel; "whatsoever you require that others should do to you, that do ye to them."

Whenever a man transferreth his right, or renounceth it, it is either in consideration of some right reciprocally transferred to himself; or for some other good he hopeth for thereby. For it is a voluntary act: and of the voluntary acts of every man, the object is some good to himself. And therefore there be some rights, which no man can be understood by any words, or other signs, to have abandoned or transferred. As first a man cannot lay down the right of resisting them that assault him by force, to take away his life; because he cannot be understood to aim thereby at any good to himself. The same may be said of wounds, and chains, and imprisonment; both because there is no benefit consequent to such patience; as there is to the patience of suffering another to be wounded, or imprisoned; as also because a man cannot tell, when he seeth men proceed against him by violence, whether they intend his death or not. And lastly the motive and end for which this renouncing, and transferring of right is introduced, is nothing else but the security of a man's person, in his life, and in the means of so preserving life, as not to be weary of it. (And therefore if a man by words, or other signs, seem to despoil himself of the end, for which those signs were intended; he is not to be understood as if he meant it, or that it was his will; but that he was ignorant of how such words and actions were to be interpreted.)

The mutual transferring of right, is that which men call contract....

PART II. Of Commonwealth
Chapter XVII
Of the Causes, Generation, and Definition of a Commonwealth

The final cause, end, or design of men, who naturally love liberty, and dominion over others, in the introduction
of that restraint upon themselves, in which we see them live in commonwealths, is the foresight of their own preservation, and of a more contented life thereby; that is to say, of getting themselves out from that miserable condition of war, which is necessarily consequent, as hath been shown in chapter xiii, to the natural passions of men, when there is no visible power to keep them in awe, and tie them by fear of punishment to the performance of their covenants, and observation of those laws of Nature set down in the fourteenth and fifteenth chapters.

For the laws of Nature, as justice, equity, modesty, mercy, and, in sum, "doing to others, as we would be done to," of themselves, without the terror of some power, to cause them to be observed, are contrary to our natural passions, that carry us to partiality, pride, revenge, and the like. And covenants, without the sword, are but words, and of no strength to secure a man at all. Therefore notwithstanding the laws of Nature, which every one hath then kept, when he has the will to keep them, when he can do it safely, if there be no power erected, or not great enough for our security; every man will, and may lawfully rely on his own strength and art, for caution against all other men. And in all places, where men have lived by small families, to rob and spoil one another, has been a trade, and so far from being reputed against the law of Nature, that the greater spoils they gained, the greater was their honour; and men observed no other laws therein, but the laws of honour; and men observed no other laws therein, but the laws of honour; that is, to abstain from cruelty, leaving to men their lives, and instruments of husbandry. (And as small families did then; so now do cities and kingdoms, which are but greater families, for their own security enlarge their dominions, upon all pretences of danger, and fear of invasion, or assistance that may be given to invaders, and endeavour as much as they can, to subdue, or weaken their neighbours, by open force and secret arts, for want of other caution, justly; and are remembered for it in after ages with honour.)

The only way to erect such a common power, as may be able to defend them from the invasion of foreigners, and the injuries of one another, and thereby to secure them in such sort, as that by their own industry, and by the fruits of the earth, they may nourish themselves and live contentedly, is, to confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will: which is as much as to say, to appoint one man, or assembly of men, to bear their person; and every one to own, and acknowledge himself to be author of whatsoever he that so beareth their person, shall act, or cause to be acted, in those things which concern the common peace and safety; and therein to submit their wills, every one to his will, and their judgments, to his judgment. This is more than consent, or concord; it is a real unity of them all, in one and the same person, made by covenant of every man with every man, in such manner, as if every man should
say to every man, "I authorize and give up my right of
governing myself, to this man, or to this assembly of men,
on this condition, that thou give up thy right to him, and
authorize all his actions in like manner." This done,
the multitude so united in one person is called a common-
wealth, in Latin civitas. This is the generation of that
great leviathan, or rather, to speak more reverently, of
that mortal god, to which we owe under the immortal God,
our peace and defence. For by this authority, given him
by every particular man in the commonwealth, he hath the
use of so much power and strength conferred on him, that
by terror thereof, he is enabled to perform the wills of
them all, to peace at home, and mutual aid against their
enemies abroad. And in him consisteth the essence of the
commonwealth; which, to define it, is "one person, of
whose acts a great multitude, by mutual covenants one
with another, have made themselves every one the author,
to the end he may use the strength and means of them all,
as he shall think expedient, for their peace and common
defence."

And he that carrieth this person is called sovereign,
and said to have sovereign power; and every one besides,
his subject.

The attaining to this sovereign power is by two ways.
One, by natural force; as when a man maketh his children
to submit themselves, and their children, to his govern-
ment, as being able to destroy them if they refuse; or by
war subdueth his enemies to his will, giving them their
lives on that condition. The other is, when men agree
amongst themselves to submit to some man, or assembly of
men, voluntarily, on confidence to be protected by him
against all others. This latter may be called a political
commonwealth, or commonwealth by institution; and the
former, a commonwealth by acquisition. And first, I shall
speak of commonwealth by institution.

Chapter XVIII
Of the Rights of Sovereigns by Institution

A commonwealth is said to be instituted, when a multi-
tude of men do agree, and covenant, every one, with every
one, that to whatsoever man, or assembly of men, shall be
given by the major part, the right to present the person
of them all, that is to say, to be their representative;
every one, as well he that voted for it, as he that voted
against it, shall authorize all the actions and judgments,
of that man, or assembly of men, in the same manner, as
if they were his own, to the end, to live peaceably amongst
themselves, and be protected against other men.

From this institution of a commonwealth are derived all
the rights and faculties of him, or them, on whom sovereign
power is conferred by the consent of the people assembled.
First, because they covenant, it is to be understood,
they are not obliged by former covenant to anything repug-
nant hereunto. And consequently they that have already
instituted a commonwealth, being thereby bound by covenant, to own the actions and judgments of one, cannot lawfully make a new covenant, amongst themselves, to be obedient to any other, in any thing whatsoever, without his permission. And therefore, they that are subjects to a monarch, cannot without his leave cast off monarchy, and return to the confusion of a disunited multitude; nor transfer their person from him that beareth it, to another man, or other assembly of men; for they are bound, every man to every man, to own, and be reputed author of all, that he that already is their sovereign, shall do, and judge fit to be done: so that any one man dissenting, all the rest should break their covenant made to that man, which is injustice: and they have also every man given the sovereignty to him that beareth their person; and therefore if they depose him, they take from him that which is his own, and so again it is injustice....

Secondly, because the right of bearing the person of them all, is given to him they make sovereign, by covenant only of one to another, and not of him to any of them; there can happen no breach of covenant on the part of the sovereign: and consequently none of his subjects, by any pretence of forfeiture, can be freed from his subjection....

...The opinion that any monarch receiveth his power by covenant, that is to say, on condition, proceedeth from want of understanding this easy truth, that covenants being but words and breath, have no force to oblige, contain, constrain, or protect any man, but what it has from the public sword; that is, from the united hands of that man, or assembly of men that hath the sovereignty, and whose actions are avouched by them all, and performed by the strength of them all, in him united....

Thirdly, because the major part hath by consenting voices declared a sovereign; he that dissented must now consent with the rest; that is, be contented to avow all the actions he shall do, or else justly be destroyed by the rest....

Fourthly, because every subject is by this institution author of all the actions and judgments of the sovereign instituted, it follows, that whatsoever he doth it can be no injury to any of his subjects, nor ought he to be by any of them accused of injustice....

Fifthly, and consequently to that which was said last, no man that hath sovereign power can justly be put to death, or otherwise in any manner by his subjects punished. For seeing every subject is author of the actions of his sovereign, he punisheth another for the actions committed by himself....

Sixthly, it is annexed to the sovereignty to be judge of what opinions and doctrines are averse and what conducing to peace; and consequently, on what occasions, how far, and what men are to be trusted withal, in speaking to multitudes of people, and who shall examine the doctrines of all books before they be published. For the actions of men proceed from their opinions, and in the well governing of
opinions consisteth the well-governing of men's actions, in order to their peace and concord. And though in matter of doctrine nothing ought to be regarded but the truth; yet this is not repugnant to regulating the same by peace. For doctrine repugnant to peace can be no more true than peace and concord can be against the law of Nature....

Seventhly, is annexed to the sovereignty, the whole power of prescribing the rules, whereby every man may know what goods he may enjoy, and what actions he may do, without being molested by any of his fellow-subjects; and this is it men call propriety....

Eighthly, is annexed to the sovereignty, the right of judicature; that is to say, of hearing and deciding all controversies, which may arise concerning law, either civil or natural, or concerning fact....

Ninthly, is annexed to the sovereignty, the right of making war and peace with other nations and commonwealths; that is to say, of judging when it is for the public good, and how great forces are to be assembled, armed, and paid for that end; and to levy money upon the subjects to defray the expenses thereof....

Tenthly, is annexed to the sovereignty, the choosing of all counsellors, ministers, magistrates, and officers, both in peace and war. For seeing the sovereign is charged with the end, which is the common peace and defence, he is understood to have power to use such means as he shall think most fit for his discharge.

Eleventhly, to the sovereignty is committed the power of rewarding with riches or honour, and of punishing with corporal or pecuniary punishment, or with ignominy, every subject according to the law he hath formerly made; or if there be no law made, according as he shall judge most to conduce to the encouraging of men to serve the commonwealth, or deterring of them from doing disservice to the same....

These are the rights, which make the essence of sovereignty; and which are the marks whereby a man may discern in what man, or assembly of men, the sovereign power is placed and resideth. For these are incommunicable, and inseparable. The power to coin money; to dispose of the estate and persons of infant heirs; to have pre-emption in markets; and all other statute prerogatives, may be transferred by the sovereign; and yet the power to protect his subjects be retained. But if he transfer the militia, he retains the judicature in vain, for want of execution of the laws: or if he grant away the power of raising money, the militia is in vain; or if he give away the government of doctrines, men will be frightened into rebellion with the fear of spirits. And so if we consider any one of the said rights, we shall presently see, that the holding of all the rest will produce no effect, in the conservation of peace and justice, the end for which all commonwealths are instituted. And this division is it, whereof it is said, "a kingdom divided in itself cannot stand:"

No revolution is ever justified.
unless this division precede, division into opposite armies can never happen. If there had not first been an opinion received of the greatest part of England, that these powers were divided between the King, and the Lords, and the House of Commons, the people had never been divided and fallen into this civil war; first between those that disagreed in politics; and after between the dissenters about the liberty of religion; which have so instructed men in this point of sovereign right, that there be few now in England that do not see that these rights are inseparable, and will be so generally acknowledged at the next return of peace; and so continue, till their miseries are forgotten; and no longer, except the vulgar be better taught than they have hitherto been.

But a man may here object, that the condition of subjects is very miserable; as being obnoxious to the lusts, and other irregular passions of him or them that have so unlimited a power in their hands. And commonly they that live under a monarch, think it the fault of monarchy; and they that live under the government of democracy, or other sovereign assembly, attribute all the inconvenience to that form of commonwealth; whereas the power in all forms, if they be perfect enough to protect them, is the same; not considering that the state of man can never be without some incommodity or other; and that the greatest, that in any form of government can possibly happen to the people in general, is scarce sensible, in respect of the miseries, and horrible calamities, that accompany a civil war, or that dissolve condition of masterless men, without subjection to laws, and a coercive power to tie their hands from rapine and revenge: nor considering that the greatest pressure of sovereign governors proceedeth not from any delight, or profit they can expect in the damage or weakening of their subjects, in whose vigour consisteth their own strength and glory; but in the restiveness of themselves, that unwillingly contributing to their own defence, make it necessary for their governors to draw from them what they can in time of peace, that they may have means on any emergent occasion, or sudden need, to resist, or take advantage on their enemies. For all men are by nature provided of notable multiplying glasses, that is their passions and self-love, through which every little payment appeareth a great grievance; but are destitute of those prospective glasses, namely, moral and civil science, to see afar off the miseries that hang over them, and cannot without such payments be avoided.

Chapter XX
Of Dominion Paternal, and Despotical

...it appeareth plainly, to my understanding, both from reason and Scripture, that the sovereign power, whether placed in one man, as in monarchy, or in one assembly of men, as in popular and aristocratical commonwealths, is as great as possibly men can be imagined to make it. And
though of so unlimited a power, men may fancy many evil consequences, yet the consequences of the want of it, which is perpetual war of every man against his neighbour, are much worse. (The condition of man in this life shall never be without inconveniences; but there happeneth in no commonwealth any great inconvenience but what proceeds from the subject's disobedience, and breach of those covenants, from which the commonwealth has its being. And whosoever thinking sovereign power too great, will seek to make it less, must subject himself to the power that can limit it; that is to say, to a greater.

The greatest objection is, that of the practice; when men ask where and when such power has by subjects been acknowledged. But one may ask them again, when or where has there been a kingdom long free from sedition and civil war. In those nations whose commonwealths have been long-lived, and not being destroyed but by foreign war, the subjects never did dispute of the sovereign power. But howsoever, an argument from the practice of men, that have not sifted to the bottom, and with exact reason weighed the causes and nature of commonwealths, and suffer daily those miseries that proceed from the ignorance thereof, is invalid. For though in all places of the world men should lay the foundation of their houses on the sand, it could not thence be inferred that so it ought to be. The skill of making and maintaining commonwealths, consisteth in certain rules, as doth arithmetic and geometry; not, as tennis-play, on practice only: which rules neither poor men have the leisure, nor men that have had the leisure, have hitherto had the curiosity, or the method to find out.

Chapter XXI
Of the Liberty of Subjects

...But as men, for the attaining of peace, and conservation of themselves thereby, have made an artificial man, which we call a commonwealth; so also have they made artificial chains, called civil laws, which they themselves, by mutual covenants, have fastened at one end, to the lips of that man, or assembly, to whom they have given the sovereign power; and at the other end to their own ears. These bonds, in their own nature but weak, may nevertheless be made to hold, by the danger, though not by the difficulty of breaking them.

In relation to these bonds only it is, that I am to speak now, of the liberty of subjects. For seeing there is no commonwealth in the world, wherein there be rules enough set down for the regulating of all the actions and words of men, as being a thing impossible; it followeth necessarily, that in all kinds of actions by the laws pretermitted, men have the liberty of doing what their own reasons shall suggest, for the most profitable to themselves. For if we take liberty in the proper sense, for corporal liberty; that is to say, freedom from chains
and prison; it were very absurd for men to clamour as they do for the liberty they so manifestly enjoy. Again, if we take liberty for an exemption from laws, it is no less absurd for men to demand as they do that liberty by which all other men may be masters of their lives. And yet, as absurd as it is, this is it they demand; not knowing that the laws are of no power to protect them, without a sword in the hands of a man, or men, to cause those laws to be put in execution. The liberty of a subject lieth therefore only in those things which in regulating their actions, the sovereign hath pretermitted: such as is the liberty to buy and sell, and otherwise contract with one another; to choose their own abode, their own diet, their own trade of life, and institute their children as they themselves think fit; and the like.

To come now to the particulars of the true liberty of a subject; that is to say, what are the things, which though commanded by the sovereign, he may nevertheless, without injustice, refuse to do; we are to consider what rights we pass away, when we make a commonwealth; or, which is all one, what liberty we deny ourselves, by owning all the actions, without exception, of the man, or assembly, we make our sovereign. For in the act of our submission consisteth both our obligation, and our liberty; which must therefore be inferred by arguments taken from thence; there being no obligation on any man, which ariseth not from some act of his own; for all men equally, are by Nature free. And because such arguments must either be drawn from the express words, I "authorize all his actions," or from the intention of him that submittest himself to his power, which intention is to be understood by the end for which he so submittest; the obligation and liberty of the subject, is to be derived, either from those words, or others equivalent; or else from the end of the institution of sovereignty, namely, the peace of the subjects within themselves, and their defence against a common enemy.

First therefore, seeing sovereignty by institution, is by covenant of every one to every one; and sovereignty by acquisition, by covenants of the vanquished to the victor, or child to the parent; it is manifest, that every subject has liberty in all those things, the right whereof cannot by covenant be transferred.

If the sovereign command a man, though justly condemned, to kill, wound, or maim himself; or not to resist those that assault him; or to abstain from the use of food, air, medicine, or any other thing, without which he cannot live; yet hath that man the liberty to disobey.

If a man be interrogated by the sovereign, or his authority, concerning a crime done by himself, he is not bound, without assurance of pardon, to confess it; because no man... can be obliged by covenant to accuse himself.

As for other liberties, they depend on the silence of the law. In cases where the sovereign has prescribed no
rule, there the subject hath the liberty to do, or forbear, according to his own discretion. And therefore such liberty is in some places more, and in some less; and in some times more, in other times less, according as they that have the sovereignty shall think most convenient. As for example, there was a time when, in England, a man might enter into his own land, and dispossess such as wrongfully possessed it, by force. But in aftertimes, that liberty of forcible entry was taken away by a statute made by the king in parliament. And in some places of the world, men have the liberty of many wives; in other places such liberty is not allowed....

The obligation of subjects to the sovereign is understood to last as long, and no longer, than the power lasteth by which he is able to protect them. For the right men have by nature to protect themselves, when none else can protect them, can by no covenant be relinquished. The sovereignty is the soul of the commonwealth, which once departed from the body, the members do no more receive their motion from it. The end of obedience is protection, which, wheresoever a man seeth it, either in his own or in another's sword, nature applieth his obedience to it, and his endeavour to maintain it. And though sovereignty, in the intention of them that make it, be immortal, yet it is in its own nature not only subject to violent death by foreign war, but also, through the ignorance and passions of men, it hath in it, from the very institution, many seeds of a natural mortality, by intestine discord....

A Review, and Conclusion

To conclude, there is nothing in this whole discourse, nor in that I writ before of the same subject in Latin, as far as I can perceive, contrary either to the Word of God, or to good manners; or to the disturbance of the public tranquility. Therefore I think it may be profitably printed, and more profitably taught in the universities, in case they also think so, to whom the judgment of the same belongeth. For seeing the universities are the fountains of civil and moral doctrine, from whence the preachers and the gentry, drawing such water as they find, use to sprinkle the same (both from the pulpit and in their conversation) upon the people, there ought certainly to be great care taken to have it pure, both from the venom of heathen politicians, and from the incantation of deceiving spirits. And by that means the most men, knowing their duties, will be the less subject to serve the ambition of a few discontented persons in their purposes against the state, and be the less grieved with the contributions necessary for their peace and defence; and the governors themselves have the less cause to maintain at the common charge any greater army than is necessary to make good the public liberty against the invasions and encroachments of foreign enemies.
And thus I have brought to an end my Discourse of Civil and Ecclesiastical Government, occasioned by the disorders of the present time, without partiality, without application, and without other design than to set before men's eyes the mutual relation between protection and obedience; of which the condition of human nature and the laws divine, both natural and positive, require an inviolable observation. And though in the revolution of states there can be no very good constellation for truths of this nature to be born under (as having an angry aspect from the dissolvers of an old government, and seeing but the backs of them that erect a new), yet I cannot think it will be condemned at this time either by the public judge of doctrine, or by any that desires the continuance of public peace. And in this hope I return to my interrupted speculation of bodies natural, wherein, if God give me health to finish it, I hope the novelty will as much please, as in the doctrine of this artificial body it useth to offend. For such truth as opposeth no man's profit nor pleasure is to all men welcome. *

The terms by which monarchy was restored to England in 1660 are important. Charles II (1660-1685) agreed to subscribe to Magna Carta and the Petition of Right, and to accept the religious settlement which Parliament would make. He agreed informally not to interfere with parliamentary economic policies. The last vestiges of feudalism were formally abolished in 1660, thus depriving the king of any possibility of gaining income from that source. The king was promised a regular income, which was made large enough for him to maintain a sizable court. However, it was not sufficient to permit him to follow a foreign policy of his own devising, nor did it allow him to engage in large-scale bribery to gain his ends. It is evident that in returning to monarchy responsible Englishmen had not yet deprived the king of all independent power. There was in effect what amounted to a gentleman's agreement between Charles II, who asserted that he did not want to pack his bags in flight any more, and the landed aristocracy, now firmly entrenched in Parliament. This agreement worked as long as the king and Parliament were in basic accord with each other.

Charles II was a pleasure-loving prince whose escapades led English society in a reaction against the decade of Puritan severity. But he was at heart an absolutist who was determined to push his latitude under the gentleman's agreement as far as possible without actually breaking the pact. He quarreled with and dissolved Parliaments as his father had done and was always looking for alternative sources of revenue. For many years, in

return for a pro-French foreign policy, he was given an annual secret subsidy by Louis XIV, in whose court he had grown to manhood. Furthermore, Charles had strong Catholic leanings. He opposed the religious settlement made by the Anglican Parliament in the 1660's, with its discriminations against those who refused to conform to the Church of England. The king himself was received into the Roman Catholic church on his deathbed in 1685.

Charles was succeeded by his brother, James II (1685-1688), who had been an avowed Catholic for many years. A serious debate had taken place during the latter years of the preceding reign over whether James should be allowed to succeed to the throne at all. One group, which acquired the name Tory, defended the monarchy and James, although it was primarily Anglican. The other group, called the Whigs, was varied in its composition but united in championing parliamentary supremacy and in its fear of a Catholic king. They did not believe that a king could be loyal to England, faithful to the political and religious settlement of the 1660's, and properly wary of France (now considered to be the chief foreign foe) while at the same time being a Roman Catholic.

During his reign of three years James II did nothing to quiet Whig fears or to inspire much confidence in the Tories. He proceeded to violate the provisions of the religious settlement and acted generally in an arbitrary manner. The event which finally precipitated revolution was the unexpected birth of a son in 1688 to the middle-aged king and his Catholic queen. Before the month was out a movement was under way to invite James' Protestant son-in-law to England. This son-in-law was the ruler of the United Provinces, William of Orange. His wife, Mary, was the Protestant daughter of James by a previous marriage. When in November 1688 William arrived in England with an army, much of the king's army deserted. James himself fled to France and William entered London.

In February 1689 Parliament proclaimed William and Mary joint sovereigns of England, after declaring that

King James the second, having endeavored to subvert the constitution of the kingdom, by breaking the original contract between king and people; and, by the advice of Jesuits and other wicked persons, having violated the fundamental laws; and having withdrawn himself out of the kingdom; has abdicated the government, and...the throne is thereby vacant.

These events constitute the Glorious Revolution in English history. It was glorious in the sense that few lives were lost and a minimum of bitterness generated; but even more important, it was glorious in the additional sense that it marks the achievement of constitutional government in England. The English constitution is not a single written document, similar to
the American constitution of 1787. Rather it is a body of laws
and customs by which the English ordered their political life.
And at this time the body of laws was changing because the Eng-
lish wished to make certain important features of their constit-
tution very explicit.

Both absolute and divine-right monarchy were now a thing
of the past in England. Without the consent of Parliament the
king could not make or repeal laws, levy taxes, or maintain a
standing army. To minimize his control of the military, Par-
liament began voting appropriations and the power to discipline
the army for only one year at a time. To remove his control of
the judiciary Parliament provided that judges should have fixed
salaries and life tenure, and that they could be removed only
by action of both houses, and not by the king. In 1701 the Act
of Settlement provided that without the consent of Parliament
the king could not leave the country, involve England in war,
or appoint foreigners to office. The king and his consort had
to be Protestants. And, finally, in the same act Parliament
prescribed the line of succession to the throne after the death
of the childless William, passing over many Catholic claimants
to settle on a suitable Protestant heir.

One by one the list of rights guaranteed to Englishmen by
formal legislative enactment grew. In 1689 the Toleration Act
granted all non-Catholic Trinitarians the right to public wor-
ship, although it limited officeholding to Anglicans. In prac-
tice even those groups discriminated against worshiped as they
pleased. Censorship was allowed to lapse in the 1690's. When
William and Mary came to the throne, they were asked to sub-
scribe to a Declaration of Rights, which was incorporated into
law as the Bill of Rights in December 1689. The reader might
compare the following excerpt from it with parts of the French
Declaration of the Rights of Man and of the Citizen (1789) and
with the American Bill of Rights (1791):

Whereas the late King James the Second, by the assist-
ance of divers evil counsellors, judges and ministers
employed by him, did endeavour to subvert and extirpate
the Protestant religion and the laws and liberties of this
kingdom;

By assuming and exercising a power of dispensing with
and suspending of laws and the execution of laws without
consent of Parliament;

By committing and prosecuting divers worthy prelates
for humbly petitioning to be excused from concurring to
the said assumed power;

By issuing and causing to be executed a commission
under the great seal for erecting a court called the Court
of Commissioners for Ecclesiastical Causes;

By levying money for and to the use of the Crown by
pretence of prerogative for other time and in other manner
than the same was granted by Parliament;

By raising and keeping a standing army within this
kingdom in time of peace without consent of Parliament,
and quartering soldiers contrary to law;
By causing several good subjects being Protestants to be disarmed at the same time when papists were both armed and employed contrary to law;
By violating the freedom of election of members to serve in Parliament;
By prosecutions in the Court of King's Bench for matters and causes cognizable only in Parliament, and by divers other arbitrary and illegal courses;
And whereas of late years partial corrupt and unqualified persons have been returned and served on juries in trials, and particularly divers jurors in trials for high treason which were not freeholders;
And excessive bail hath been required of persons committed in criminal cases to elude the benefit of the laws made for the liberty of the subjects;
And excessive fines have been imposed;
And illegal and cruel punishments inflicted;
And several grants and promises made of fines and forfeitures before any conviction or judgment against the persons upon whom the same were to be levied;
All of which are utterly and directly contrary to the known laws and statutes and freedom of this realm;...

....[the] Lords Spiritual and Temporal and Commons, pursuant to their respective letters and elections, being now assembled in a full and free representative of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties declare
That the pretended power of suspending of laws or the execution of laws by regal authority without consent of Parliament is illegal;
That the pretended power of dispensing with laws or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal;
That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of like nature, are illegal and pernicious;
That levying money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time, or in other manner than the same is or shall be granted, is illegal;
That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal;
That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law;
That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law;
That election of members of Parliament ought to be free;
That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament;

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted;

That jurors ought to be duly impanelled and returned; and jurors which pass upon men in trials for high treason ought to be freeholders;

That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void;

And that for redress of all grievances, and for the amending, strengthening and preserving of the laws, Parliaments ought to be held frequently.... *

John Locke (1632-1704), in the preface to Two Treatises of Government (1690), expressed the hope that his efforts would be sufficient to establish the throne of our great restorer, our present King William -- to make good his title in the consent of the people, which, being our only one of all lawful governments, he has more fully and clearly than any prince in Christendom; and to justify to the world the people of England whose love of their just and natural rights, with their resolution to preserve them, saved the nation when it was on the very brink of slavery and ruin.

On the face of it, then, Locke appears as an apologist for the Glorious Revolution, which Hobbes had not lived to see and which he would not have sanctioned had he survived. Born to a middle-class family which had fought on the side of Parliament during the Civil War, Locke received a good education, and for a time was a tutor at Oxford. He was interested in philosophy, science, and practiced medicine. He spent many years of his life as physician and secretary to the chief Whig nobleman, going with him to Holland when the nobleman fell out of favor with Charles II. Locke was in Holland when the Glorious Revolution began, returning to England on the boat carrying the new queen. It was at this time that he published the three books on which his fame as a writer primarily rests, the ideas for which he had been developing for many years. Letters on Toleration appeared in 1689, the same year in which the Toleration Act was passed. An Essay concerning Human Understanding and Two Treatises on Government followed in the next year. Locke spent the final years of his life in government service and retirement.

John Locke was more than an apologist for a successful revolution. As we shall see in the following chapter, he was also more than merely a political writer. In seeking to explain his conviction that revolution is sometimes justified, he covered much the same ground that Hobbes had covered before him; the state of nature, the contract, society and government. In so doing, he contributed mightily to the ideas of the American Revolution and the American political tradition. Beyond that, he has been one of the surest wellsprings of political liberalism in Western Civilization.

The first of the two treatises is a refutation of the theory of the divine right of kings, which the steps taken by Parliament had thoroughly discredited in England. The excerpt which follows is from The Second Treatise of Civil Government (1690):

**Chapter II**

**Of the State of Nature**

4. To understand political power right, and derive it from its original, 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, promiscuously born to all the same advantages of nature and the use of the same faculties, should also be equal one amongst 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....

6. But though this be a state of liberty, yet it is not a state of licence; 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 every one; 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
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The Glorious Revolution had placed the ultimate responsibility of governing England in the hands of Parliament, but it did not provide the executive machinery through which Parliament could perform that task. Such machinery developed gradually in the century after 1689. King William (1689-1702) found it convenient to choose his ministers from the party having a parliamentary majority. With few exceptions, his successors followed this practice. Charles II had met with his advisers in a small room called a cabinet. This term caught on and was soon applied to the chief royal ministers.

The reign of William, himself a believer in absolute monarchy, was dominated by war with France. One of the results of the Glorious Revolution was a reorientation of English foreign policy against France. In order to get the necessary financial support from Parliament, William was satisfied not to antagonize that body over domestic affairs. His successor was his sister-in-law, Anne (1702-1714), who was the last British monarch to use the veto power. In accordance with the Act of Settlement (1701), upon her death the throne passed to the elector of Hanover, who ascended the throne as George I (1714-1727). George much preferred to live in Germany, where he was an absolute monarch, and never learned to speak English. Neither he nor his son, George II (1727-1760), was popular in England. These royal Georges were tolerated because they were Protestants at a time when there was an active Catholic Stuart pretender to the throne and also because they generally left control of the

government in other hands.

Because George I was frequently absent from England and not consistently interested in day-to-day affairs when he was present, he stopped attending meetings of the Cabinet. But someone had to be responsible for exercising leadership in the Cabinet and representing it before Parliament. Between 1721 and 1742 that function was performed by Sir Robert Walpole (1676-1745), who held the title of Chancellor of the Exchequer and First Lord of the Treasury. Walpole is considered to have been the first prime minister of England. During his long tenure he was able to dominate the Cabinet, setting a precedent by forcing the dismissal of several ministers who opposed his policies. He was also the leader of the Whig party, which then had a majority in Parliament. But he owed his original appointment and his continuance in office to the king.

George III (1760-1820) was the first of the Hanoverian monarchs to have been born and reared in England. He was proud of his native country, and this pride was reflected in his popularity when he came to the throne. Early in his reign George attempted to change the direction which English political development was then taking. There is no evidence that he wanted to upset the distinguishing features of the British political system as they had appeared since 1689. He wanted to become an active agent of government: first, by picking and controlling his ministers; and second, by building up, through bribery and patronage, a party of the "king's friends" in Parliament.

This attempt by George III reached its climax during the ministry of Lord North (1770-1782). During that time some members of Parliament decided that the royal effort should be checked. In 1780 the House of Commons resolved that the "influence of the crown has increased, is increasing, and ought to be diminished." In 1782 a resolution was presented expressing a lack of confidence in the North Cabinet. It failed of adoption, but when the threat was made to introduce it again, Lord North resigned. England had now virtually achieved a system called cabinet, or parliamentary, government. This is a system in which the working executive, which in this case is the Cabinet, headed by a prime minister, is responsible for its authority and its tenure to the legislature. The details of this arrangement remained to be worked out during the next half century of British constitutional history, but the main outlines were already clearly evident.