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Right of Revolution

CHAPTER 3 | Document 2

John Locke, Second Treatise, §§ 149, 155, 168, 207--10, 220--31, 240--43

1689

149. Though in a Constituted Commonwealth, standing upon its own Basis, and acting according to its own Nature, that is, acting for the preservation of the Community, there can be but *one Supream Power*, which is *the Legislative*, to which all the rest are and must be subordinate, yet the Legislative being only a Fiduciary Power to act for certain ends, there remains still *in the People a Supream Power* to remove or *alter the Legislative*, when they find the *Legislative* act contrary to the trust reposed in them. For all *Power given with trust* for the attaining an *end*, being limited by that end, whenever that *end* is manifestly neglected, or opposed, the *trust* must necessarily be *forfeited*, and the Power devolve into the hands of those that gave it, who may place it anew where they shall think best for their safety and security. And thus the *Community* perpetually *retains a Supream Power* of saving themselves from the attempts and designs of any Body, even of their Legislators, whenever they shall be so foolish, or so wicked, as to lay and carry on designs against the Liberties and Properties of the Subject. For no Man, or Society of Men, having a Power to deliver up their *Preservation*, or consequently the means of it, to the Absolute Will and arbitrary Dominion of another; whenever any one shall go about to bring them into such a Slavish Condition, they will always have a right to preserve what they have not a Power to part with; and to rid themselves of those who invade this Fundamental, Sacred, and unalterable Law of *Self-Preservation*, for which they enter'd into Society. And thus the *Community* may be said in this respect to be *always the Supream Power*, but not as considered under any Form of Government, because this Power of the People can never take place till the Government be dissolved.

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155. It may be demanded here, What if the Executive Power being possessed of the Force of the Commonwealth, shall make use of that force to hinder the *meeting and acting of the Legislative*, when the Original Constitution, or the publick Exigencies require it? I say using Force upon the People without Authority, and contrary to the Trust put in him, that does so, is a state of War with the People, who have a right to *reinstate their Legislative in the Exercise* of their Power. For having erected a Legislative, with an intent they should exercise the Power of making Laws, either at certain set times, or when there is need of it; when they are hindr'd by any force from, what is so necessary to the Society, and wherein the Safety and preservation of the People consists, the People have a right to remove it by force. In all States and Conditions the true remedy of *Force* without Authority, is to oppose *Force* to it. The use of *force* without Authority, always puts him that uses it into a *state of War*, as the Aggressor, and renders him liable to be treated accordingly.

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168. The old Question will be asked in this matter of *Prerogative*. But *who shall be Judge* when this Power is made a right use of? I Answer: Between an Executive Power in being, with such a Prerogative, and a Legislative that depends upon his will for their convening, there can be no *Judge on Earth*: As there can be none, between the Legislative, and the People, should either the Executive, or the Legislative, when they have got the Power in their hands, design, or go about to enslave, or destroy them. The People have no other remedy in this, as in all

other cases where they have no Judge on Earth, but to *appeal to Heaven*. For the Rulers, in such attempts, exercising a Power the People never put into their hands (who can never be supposed to consent, that any body should rule over them for their harm) do that, which they have not a right to do. And where the Body of the People, or any single Man, is deprived of their Right, or is under the Exercise of a power without right, and have no Appeal on Earth, there they have a liberty to appeal to Heaven, whenever they judge the Cause of sufficient moment. And therefore, tho' the *People* cannot be *Judge*, so as to have by the Constitution of that Society any Superiour power, to determine and give effective Sentence in the case; yet they have, by a Law antecedent and paramount to all positive Laws of men, reserv'd that ultimate Determination to themselves, which belongs to all Mankind, where there lies no Appeal on Earth, *viz.* to judge whether they have just Cause to make their Appeal to Heaven. And this Judgment they cannot part with, it being out of a Man's power so to submit himself to another, as to give him a liberty to destroy him; God and Nature never allowing a Man so to abandon himself, as to neglect his own preservation: And since he cannot take away his own Life, neither can he give another power to take it. Nor let any one think, this lays a perpetual foundation for Disorder: for this operates not, till the Inconvenience is so great, that the Majority feel it, and are weary of it, and find a necessity to have it amended. But this the Executive Power, or wise Princes, never need come in the danger of: And 'tis the thing of all others, they have most need to avoid, as of all others the most perilous.

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207. *Thirdly*, Supposing a Government wherein the Person of the Chief Magistrate is not thus Sacred; yet this *Doctrine* of the lawfulness of *resisting* all unlawful exercises of his Power, *will not* upon every slight occasion indanger him, or *imbroid the Government*. For where the injured Party may be relieved, and his damages repaired by Appeal to the Law, there can be no pretence for Force, which is only to be used, where a Man is intercepted from appealing to the Law. For nothing is to be accounted Hostile Force, but where it leaves not the remedy of such an Appeal. And 'tis such *Force* alone, that *puts* him that uses it *into a state of War*, and makes it lawful to resist him. A Man with a Sword in his Hand demands my Purse in the High-way, when perhaps I have not 12 *d.* in my Pocket; This Man I may lawfully kill. To another I deliver 100 *l.* to hold only whilst I alight, which he refuses to restore me, when I am got up again, but draws his Sword to defend the possession of it by force, if I endeavour to retake it. The mischief this Man does me, is a hundred, or possibly a thousand times more, than the other perhaps intended me, (whom I killed before he really did me any) and yet I might lawfully kill the one, and cannot so much as hurt the other lawfully. The Reason whereof is plain; because the one using *force*, which threatned my Life, I could not have *time to appeal* to the Law to secure it: And when it was gone, 'twas too late to appeal. The Law could not restore Life to my dead Carcass: The Loss was irreparable; which to prevent, the Law of Nature gave me a Right to *destroy* him, who had put himself into a state of War with me, and threatned my destruction. But in the other case, my Life not being in danger, I may have the *benefit of appealing* to the Law, and have Reparation for my 100 *l.* that way.

208. *Fourthly*, But if the unlawful acts done by the Magistrate, be maintained (by the Power he has got) and the remedy which is due by Law, be by the same Power obstructed; yet the *Right of resisting*, even in such manifest Acts of Tyranny, *will not* suddenly, or on slight occasions, *disturb the Government*. For if it reach no farther than some private Mens Cases, though they have a right to defend themselves, and to recover by force, what by unlawful force is taken from them; yet the Right to do so, will not easily ingage them in a Contest, wherein they are sure to perish; it being as impossible for one or a few oppressed Men to *disturb the Government*, where the Body of the People do not think themselves concerned in it, as for a raving mad Man, or heady Male-content to overturn a well-settled State; the People being as little apt to follow the one, as the other.

209. But if either these illegal Acts have extended to the Majority of the People; or if the Mischief and Oppression has light only on some few, but in such Cases, as the Precedent, and Consequences seem to threaten all, and they are perswaded in their Consciences, that their Laws, and with them their Estates, Liberties, and Lives are in danger, and perhaps their Religion too, how they will be hindered from resisting illegal force, used against them, I cannot tell. This is an *Inconvenience*, I confess, that *attends all Governments* whatsoever, when the Governours have brought it to this pass, to be generally suspected of their People; the most dangerous state which they can possibly put themselves in: wherein they are the less to be pitied, because it is so easie to be avoided; It being as impossible for a Governor, if he really means the good of his People, and the preservation of

them and their Laws together, not to make them see and feel it; as it is for the Father of a Family, not to let his Children see he loves, and takes care of them.

210. But if all the World shall observe Pretences of one kind, and Actions of another; Arts used to elude the Law, and the Trust of Prerogative (which is an Arbitrary Power in some things left in the Prince's hand to do good, not harm to the People) employed contrary to the end, for which it was given: if the People shall find the Ministers, and subordinate Magistrates chosen suitable to such ends, and favoured, or laid by proportionably, as they promote, or oppose them: If they see several Experiments made of Arbitrary Power, and that Religion underhand favoured (though publickly proclaimed against) which is readiest to introduce it, and the Operators in it supported, as much as may be; and when that cannot be done, yet approved still, and liked the better: if a *long Train of Actings shew the Councils* all tending that way, how can a Man any more hinder himself from being perswaded in his own Mind, which way things are going; or from casting about how to save himself, than he could from believing the Captain of the Ship he was in, was carrying him, and the rest of the Company to *Algiers*, when he found him always steering that Course, though cross Winds, Leaks in his Ship, and want of Men and Provisions did often force him to turn his Course another way for some time, which he steadily returned to again, as soon as the Wind, Weather, and other Circumstances would let him?

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220. In these and the like Cases, *when the Government is dissolved*, the People are at liberty to provide for themselves, by erecting a new Legislative, differing from the other, by the change of Persons, or Form, or both as they shall find it most for their safety and good. For the *Society* can never, by the fault of another, lose the Native and Original Right it has to preserve it self, which can only be done by a settled Legislative, and a fair and impartial execution of the Laws made by it. But the state of Mankind is not so miserable that they are not capable of using this Remedy, till it be too late to look for any. To tell *People they may provide for themselves*, by erecting a new Legislative, when by Oppression, Artifice, or being delivered over to a Foreign Power, their old one is gone, is only to tell them they may expect Relief, when it is too late, and the evil is past Cure. This is in effect no more than to bid them first be Slaves, and then to take care of their Liberty; and when their Chains are on, tell them, they may act like Freemen. This, if barely so, is rather Mockery than Relief; and Men can never be secure from Tyranny, if there be no means to escape it, till they are perfectly under it: And therefore it is, that they have not only a Right to get out of it, but to prevent it.

221. There is therefore, secondly, another way whereby *Governments are dissolved*, and that is; when the Legislative, or the Prince, either of them act contrary to their Trust.

First, The Legislative acts against the Trust reposed in them, when they endeavour to invade the Property of the Subject, and to make themselves, or any part of the Community, Masters, or Arbitrary Disposers of the Lives, Liberties, or Fortunes of the People.

222. The Reason why Men enter into Society, is the preservation of their Property; and the end why they chuse 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 every one designs to secure, by entering into Society, and for which the People submitted themselves to the Legislators of their own making; whenever the *Legislators endeavour 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 hath 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, *endeavour 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. What I have said here, concerning the Legislative, in

general, holds true also concerning the *supream* *Executor*, who having a double trust put in him, both to have a part in the Legislative, and the supreme Execution of the Law, Acts against both, when he goes about to set up his own Arbitrary Will, as the Law of the Society. He *acts* also *contrary to his Trust*, when he either employs the Force, Treasure, and Offices of the Society, to corrupt the *Representatives*, and gain them to his purposes: or openly preingages the *Electors*, and prescribes to their choice, such, whom he has by Sollicitations, Threats, Promises, or otherwise won to his designs; and employs them to bring in such, who have promised before-hand, what to Vote, and what to Enact. Thus to regulate Candidates and *Electors*, and new model the ways of *Election*, what is it but to cut up the Government by the Roots, and poison the very Fountain of publick Security? For the People having reserved to themselves the Choice of their *Representatives*, as the Fence to their Properties, could do it for no other end, but that they might always be freely chosen, and so chosen, freely act and advise, as the necessity of the Commonwealth, and the publick Good should, upon examination, and mature debate, be judged to require. This, those who give their Votes before they hear the Debate, and have weighed the Reasons on all sides, are not capable of doing. To prepare such an Assembly as this, and endeavour to set up the declared Abettors of his own Will, for the true *Representatives* of the People, and the Law-makers of the Society, is certainly as great a *breach of trust*, and as perfect a Declaration of a design to subvert the Government, as is possible to be met with. To which, if one shall add Rewards and Punishments visibly employ'd to the same end, and all the Arts of perverted Law made use of, to take off and destroy all that stand in the way of such a design, and will not comply and consent to betray the Liberties of their Country, 'twill be past doubt what is doing. What Power they ought to have in the Society, who thus employ it contrary to the trust went along with it in its first Institution, is easie to determine; and one cannot but see, that he, who has once attempted any such thing as this, cannot any longer be trusted.

223. To this perhaps it will be said, that the People being ignorant, and always discontented, to lay the Foundation of Government in the unsteady Opinion, and uncertain Humour of the People, is to expose it to certain ruine; And *no Government will be able long to subsist*, if the People may set up a new Legislative, whenever they take offence at the old one. To this, I Answer: Quite the contrary. People are not so easily got out of their old Forms, as some are apt to suggest. They are hardly to be prevailed with to amend the acknowledg'd Faults, in the Frame they have been accustom'd to. And if there be any Original defects, or adventitious ones introduced by time, or corruption; 'tis not an easie thing to get them changed, even when all the World sees there is an opportunity for it. This slowness and aversion in the People to quit their old Constitutions, has, in the many Revolutions which have been seen in this Kingdom, in this and former Ages, still kept us to, or, after some interval of fruitless attempts, still brought us back again to our old Legislative of King, Lords and Commons: And whatever provocations have made the Crown be taken from some of our Princes Heads, they never carried the People so far, as to place it in another Line.

224. But 'twill be said, this *Hypothesis* lays a ferment for frequent *Rebellion*. To which I Answer,

First, No more than any other *Hypothesis*. For when the *People* are made *miserable*, and find themselves *exposed to the ill usage of Arbitrary Power*, cry up their Governours, as much as you will for Sons of *Jupiter*, let them be Sacred and Divine, descended or authoriz'd from Heaven; give them out for whom or what you please, the same will happen. *The People generally ill treated*, and contrary to right, will be ready upon any occasion to ease themselves of a burden that sits heavy upon them. They will wish and seek for the opportunity, which, in the change, weakness, and accidents of humane affairs, seldom delays long to offer it self. He must have lived but a little while in the World, who has not seen Examples of this in his time; and he must have read very little, who cannot produce Examples of it in all sorts of Governments in the World.

225. Secondly, I Answer, such *Revolutions* happen not upon every little mismanagement in publick affairs. *Great mistakes* in the ruling part, many wrong and inconvenient Laws, and all the *slips* of humane frailty will be *born by the People*, without mutiny or murmur. But if a long train of Abuses, Prevarications, and Artifices, all tending the same way, make the design visible to the People, and they cannot but feel, what they lie under, and see, whither they are going; 'tis not to be wonder'd, that they should then rouze themselves, and endeavour to put the rule into such hands, which may secure to them the ends for which Government was at first erected; and without which, ancient Names, and specious Forms, are so far from being better, that they are much worse, than the state

of Nature, or pure Anarchy; the inconveniencies being all as great and as near, but the remedy farther off and more difficult.

226. Thirdly, I Answer, That *this Doctrine* of a Power in the People of providing for their safety a-new by a new Legislative, when their Legislators have acted contrary to their trust, by invading their Property, is *the best fence against Rebellion*, and the probablest means to hinder it. For Rebellion being an Opposition, not to Persons, but Authority, which is founded only in the Constitutions and Laws of the Government; those, whoever they be, who by force break through, and by force justify their violation of them, are truly and properly *Rebels*. For when Men by entering into Society and Civil Government, have excluded force, and introduced Laws for the preservation of Property, Peace, and Unity amongst themselves; those who set up force again in opposition to the Laws, do *Rebellare*, that is, bring back again the state of War, and are properly Rebels: Which they who are in Power (by the pretence they have to Authority, the temptation of force they have in their hands, and the Flattery of those about them) being likeliest to do; the properest way to prevent the evil, is to shew them the danger and injustice of it, who are under the greatest temptation to run into it.

227. 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 any one by force takes away the establish'd Legislative of any Society, and the Laws by them made pursuant to their trust, he thereby takes away the Umpirage, which every one had consented to, for a peaceable decision of all their Controversies, and a bar to the state of War amongst them. They, who remove, or change the Legislative, take away this decisive power, which no Body can have, but by the appointment and consent of the People; and so destroying the Authority, which the People did, and no Body else can set up, and introducing a Power, which the People hath not authoriz'd, they actually *introduce a state of War*, which is that of Force without Authority: And thus by removing the Legislative establish'd by the Society (in whose decisions the People acquiesced and united, as to that of their own will) they unty the Knot, and *expose the People a new to the state of War*. And if those, who by force take away the Legislative, are *Rebels*, the *Legislators* themselves, as has been shewn, can be no less esteemed so; when they, who were set up for the protection, and preservation of the People, their Liberties and Properties, shall by force invade, and endeavour to take them away; and so they putting themselves into a state of War with those, who made them the Protectors and Guardians of their Peace, are properly, and with the greatest aggravation, *Rebellantes* Rebels.

228. But if they, who say it *lays a foundation for Rebellion*, mean that it may occasion Civil Wars, or Intestine Broils, to tell the People they are absolved from Obedience, when illegal attempts are made upon their Liberties or Properties, and may oppose the unlawful violence of those, who were their Magistrates, when they invade their Properties contrary to the trust put in them; and that therefore this Doctrine is not to be allow'd, being so destructive to the Peace of the World. They may as well say upon the same ground, that honest Men may not oppose Robbers or Pirates, because this may occasion disorder or bloodshed. If any *mischief* come in such Cases, it is not *to be charged* upon him, who defends his own right, but *on him*, that *invades* his Neighbours. If the innocent honest Man must quietly quit all he has for Peace sake, to him who will lay violent hands upon it, I desire it may be consider'd, what a kind of Peace there will be in the World, which consists only in Violence and Rapine; and which is to be maintain'd only for the benefit of Robbers and Oppressors. Who would not think it an admirable Peace betwixt the Mighty and the Mean, when the Lamb, without resistance, yielded his Throat to be torn by the imperious Wolf? *Polyphemus's* Den gives us a perfect Pattern of such a Peace, and such a Government, where in *Ulysses* and his Companions had nothing to do, but quietly to suffer themselves to be devour'd. And no doubt *Ulysses*, who was a prudent Man, preach'd up *Passive Obedience*, and exhorted them to a quiet Submission, by representing to them of what concernment Peace was to Mankind; and by shewing the inconveniencies might happen, if they should offer to resist *Polyphemus*, who had now the power over them.

229. The end of Government is the good of Mankind, and which is *best for Mankind*, that the People should be always expos'd to the boundless will of Tyranny, or that the Rulers should be sometimes liable to be oppos'd, when they grow exorbitant in the use of their Power, and imploy it for the destruction, and not the preservation of the Properties of their People?

230. Nor let any one say, that mischief can arise from hence, as often as it shall please a busie head, or turbulent spirit, to desire the alteration of the Government. 'Tis true, such Men may stir, whenever they please, but it will be only to their own just ruine and perdition. For till the mischief be grown general, and the ill designs of the Rulers become visible, or their attempts sensible to the greater part, the People, who are more disposed to suffer, than right themselves by Resistance, are not apt to stir. The examples of particular Injustice, or Oppression of here and there an unfortunate Man, moves them not. But if they universally have a perswasion, grounded upon manifest evidence, that designs are carrying on against their Liberties, and the general course and tendency of things cannot but give them strong suspicions of the evil intention of their Governors, who is to be blamed for it? Who can help it, if they, who might avoid it, bring themselves into this suspicion? Are the People to be blamed, if they have the sence of rational Creatures, and can think of things no otherwise than as they find and feel them? And is it not rather *their fault*, who puts things in such a posture that they would not have them thought, to be as they are? I grant, that the Pride, Ambition, and Turbulency of private Men have sometimes caused great Disorders in Commonwealths, and Factions have been fatal to States and Kingdoms. But whether the *mischief* hath *oftner* begun *in the Peoples Wantonness*, and a Desire to cast off the lawful Authority of their Rulers; or *in the Rulers Insolence*, and Endeavours to get, and exercise an Arbitrary Power over their People; whether Opression, or Disobedience gave the first rise to the Disorder, I leave it to impartial History to determine. This I am sure, whoever, either Ruler or Subject, by force goes about to invade the Rights of either Prince or People, and lays the foundation for *overturning* the Constitution and Frame of *any Just Government*, is guilty of the greatest Crime, I think, a Man is capable of, being to answer for all those mischiefs of Blood, Rapine, and Desolation, which the breaking to pieces of Governments bring on a Countrey. And he who does it, is justly to be esteemed the common Enemy and Pest of Mankind; and is to be treated accordingly.

231. That *Subjects*, or *Foreigners* attempting by force on the Properties of any People, may be *resisted* with force, is agreed on all hands. But that *Magistrates* doing the same thing, may be *resisted*, hath of late been denied: As if those who had the greatest Priviledges and Advantages by the Law, had thereby a Power to break those Laws, by which alone they were set in a better place than their Brethren: Whereas their Offence is thereby the greater, both as being ungrateful for the greater share they have by the Law, and breaking also that Trust, which is put into their hands by their Brethren.

240. Here, 'tis like, the common Question will be made, *Who shall be Judge* whether the Prince or Legislative act contrary to their Trust? This, perhaps, ill affected and factious Men may spread amongst the People, when the Prince only makes use of his due Prerogative. To this I reply, *The People shall be Judge*; for who shall be *Judge* whether his Trustee or Deputy acts well, and according to the Trust reposed in him, but he who deputed him, and must, by having deputed him have still a Power to discard him, when he fails in his Trust? If this be reasonable in particular Cases of private Men, why should it be otherwise in that of the greatest moment; where the Welfare of Millions is concerned, and also where the evil, if not prevented, is greater, and the Redress very difficult, dear, and dangerous?

241. But farther, this Question, (*Who shall be Judge?*) cannot mean, that there is no Judge at all. For where there is no Judicature on Earth, to decide Controversies, amongst Men, *God* in Heaven is *Judge*: He alone, 'tis true, is Judge of the Right. But *every Man* is *Judge* for himself, as in all other Cases, so in this, whether another hath put himself into a State of War with him, and whether he should appeal to the Supreme Judge, as *Jephtha* did.

242. If a Controversie arise betwixt a Prince and some of the People, in a matter where the Law is silent, or doubtful, and the thing be of great Consequence, I should think the proper *Umpire*, in such a Case, should be the Body of the *People*. For in Cases where the Prince hath a Trust reposed in him, and is dispensed from the common ordinary Rules of the Law; there, if any Men find themselves aggrieved, and think the Prince acts contrary to, or beyond that Trust, who so proper to *Judge* as the Body of the *People*, (who, at first, lodg'd that Trust in him) how far they meant it should extend? But if the Prince, or whoever they be in the Administration, decline that way of Determination, the Appeal then lies no where but to Heaven. Force between either Persons, who have no known Superiour on Earth, or which permits no Appeal to a Judge on Earth, being properly a state

of War, wherein the Appeal lies only to Heaven, and in that State the *injured Party must judge* for himself, when he will think fit to make use of that Appeal, and put himself upon it.

243. To conclude, The *Power that every individual gave the Society*, when he entered into it, can never revert to the Individuals again, as long as the Society lasts, but will always remain in the Community; because without this, there can be no Community, no Common-wealth, which is contrary to the original Agreement: So also when the Society hath placed the Legislative in any Assembly of Men, to continue in them and their Successors, with Direction and Authority for providing such Successors, *the Legislative can never revert to the People* whilst that Government lasts: Because having provided a Legislative with Power to continue for ever, they have given up their Political Power to the Legislative, and cannot resume it. But if they have set Limits to the Duration of their Legislative, and made this Supreme Power in any Person, or Assembly, only temporary: Or else when by the Miscarriages of those in Authority, it is forfeited; upon the Forfeiture of their Rulers, or at the Determination of the Time set, *it reverts to the Society*, and the People have a Right to act as Supreme, and continue the Legislative in themselves, or erect a new Form, or under the old form place it in new hands, as they think good.

The Founders' Constitution

Volume 1, Chapter 3, Document 2

<http://press-pubs.uchicago.edu/founders/documents/v1ch3s2.html>

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Locke, John. *Two Treatises of Government*. Edited by Peter Laslett. New York: Mentor Books, New American Library, 1965. *See also*: Montuori



[Easy to print version.](#)

Declaration of Independence

IN CONGRESS, July 4, 1776.

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.— That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,— That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.— Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent: For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as

to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy of the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people. Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection

between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

[The 56 signatures on the Declaration were arranged in six columns:]

[Column 1]

Georgia:

Button Gwinnett
Lyman Hall
George Walton

[Column 2]

North Carolina:

William Hooper
Joseph Hewes
John Penn

South Carolina:

Edward Rutledge
Thomas Heyward, Jr.
Thomas Lynch, Jr.
Arthur Middleton

[Column 3]

Massachusetts:

John Hancock

Maryland:

Samuel Chase
William Paca
Thomas Stone
Charles Carroll of Carrollton

Virginia:

George Wythe
Richard Henry Lee
Thomas Jefferson
Benjamin Harrison
Thomas Nelson, Jr.
Francis Lightfoot Lee
Carter Braxton

[Column 4]

Pennsylvania:

Robert Morris
Benjamin Rush
Benjamin Franklin
John Morton

George Clymer
James Smith
George Taylor
James Wilson
George Ross

Delaware:

Caesar Rodney
George Read
Thomas McKean

[Column 5]

New York:

William Floyd
Philip Livingston
Francis Lewis
Lewis Morris

New Jersey:

Richard Stockton
John Witherspoon
Francis Hopkinson
John Hart
Abraham Clark

[Column 6]

New Hampshire:

Josiah Bartlett
William Whipple

Massachusetts:

Samuel Adams
John Adams
Robert Treat Paine
Elbridge Gerry

Rhode Island:

Stephen Hopkins
William Ellery

Connecticut:

Roger Sherman
Samuel Huntington
William Williams
Oliver Wolcott

New Hampshire:

Matthew Thornton

3

Right of Revolution

CHAPTER 3 | Document 13

James Wilson, Of the Study of the Law in the United States, Lectures on Law

1791 Works 1:76--79

A question deeply interesting to the American States now presents itself. Should the elements of a law education, particularly as it respects publick law, be drawn entirely from another country--or should they be drawn, in part, at least, from the constitutions and governments and laws of the United States, and of the several States composing the Union?

The subject, to one standing where I stand, is not without its delicacy: let me, however, treat it with the decent but firm freedom, which befits an independent citizen, and a professor in independent states.

Surely I am justified in saying, that the principles of the constitutions and governments and laws of the United States, and the republicks, of which they are formed, are materially different from the principles of the constitution and government and laws of England; for that is the only country, from the principles of whose constitution and government and laws, it will be contended, that the elements of a law education ought to be drawn. I presume to go further: the principles of our constitutions and governments and laws are materially *better* than the principles of the constitution and government and laws of England.

Permit me to mention one great principle, the *vital* principle I may well call it, which diffuses animation and vigour through all the others. The principle I mean is this, that the supreme or sovereign power of the society resides in the citizens at large; and that, therefore, they always retain the right of abolishing, altering, or amending their constitution, at whatever time, and in whatever manner, they shall deem it expedient.

By Sir William Blackstone, from whose Commentaries, a performance in many respects highly valuable, the elements of a foreign law education would probably be borrowed--by Sir William Blackstone, this great and fundamental principle is treated as a political chimera, existing only in the minds of some theorists; but, in practice, inconsistent with the dispensation of any government upon earth.

.....

And yet, even in England, there have been revolutions of government: there has been one within very little more than a century ago. The learned Author of the Commentaries admits the fact; but denies it to be a ground on which any constitutional principle can be established.

If the same precise "conjunction of circumstances" should happen a second time; the revolution of one thousand six hundred and eighty eight would form a precedent: but were only one or two of the circumstances, forming that conjunction, to happen again; "the precedent would fail us."

The three circumstances, which formed that conjunction, were these: 1. An endeavour to subvert the constitution, by breaking the original contract between the king and people. 2. Violation of the fundamental laws. 3. Withdrawing out of the kingdom.

Now, on this state of things, let us make a supposition--not a very foreign one--and see the consequences, which would unquestionably follow from the principles of Sir William Blackstone. Let us suppose, that, on some occasion, a prince should form a conjunction of only two of the circumstances; for instance, that he should only violate the fundamental laws, and endeavour to subvert the constitution: let us suppose, that, instead of completing the conjunction, by withdrawing out of his government, he should only employ some forty or fifty thousand troops to give full efficacy to the two first circumstances: let us suppose all this--and it is surely not unnatural to suppose, that a prince, who shall form the two first parts of the conjunction, will not, like James the second, run away from the execution of them--let us, I say, suppose all this; and what, on the principles of Sir William Blackstone, would be the undeniable consequence? In the language of the Commentaries, "our precedent would fail us."

But we have thought, and we have acted upon revolution principles, without offering them up as sacrifices at the shrine of revolution precedents.

Why should we not teach our children those principles, upon which we ourselves have thought and acted? Ought we to instil into their tender minds a theory, especially if unfounded, which is contradictory to our own practice, built on the most solid foundation? Why should we reduce them to the cruel dilemma of condemning, either those principles which they have been taught to believe, or those persons whom they have been taught to revere?

It is true, that the learned Author of the Commentaries concludes this very passage, by telling us, that "there are inherent, though latent powers of society, which no climate, no time, no constitution, no contract can ever destroy or diminish." But what does this prove? not that revolution principles are, in his opinion, recognized by the English constitution; but that the English constitution, whether considered as a law, or as a contract, cannot destroy or diminish those principles.

It is the opinion of many, that the revolution of one thousand six hundred and eighty eight did more than set a mere precedent, even in England. But be that as it may: a revolution principle certainly is, and certainly should be taught as a principle of the constitution of the United States, and of every State in the Union.

This revolution principle--that, the sovereign power residing in the people, they may change their constitution and government whenever they please--is not a principle of discord, rancour, or war: it is a principle of melioration, contentment, and peace. It is a principle not recommended merely by a flattering theory: it is a principle recommended by happy experience. To the testimony of Pennsylvania--to the testimony of the United States I appeal for the truth of what I say.

The Founders' Constitution

Volume 1, Chapter 3, Document 13

<http://press-pubs.uchicago.edu/founders/documents/v1ch3s13.html>

The University of Chicago Press

The Works of James Wilson. Edited by Robert Green McCloskey. 2 vols. Cambridge: Belknap Press of Harvard University Press, 1967.



[Easy to print version.](#)



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Confederate States of America - Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union

The people of the State of South Carolina, in Convention assembled, on the 26th day of April, A.D., 1852, declared that the frequent violations of the [Constitution of the United States](#), by the Federal Government, and its encroachments upon the reserved rights of the States, fully justified this State in then withdrawing from the Federal Union; but in deference to the opinions and wishes of the other slaveholding States, she forbore at that time to exercise this right. Since that time, these encroachments have continued to increase, and further forbearance ceases to be a virtue.

And now the State of South Carolina having resumed her separate and equal place among nations, deems it due to herself, to the remaining United States of America, and to the nations of the world, that she should declare the immediate causes which have led to this act.

In the year 1765, that portion of the British Empire embracing Great Britain, undertook to make laws for the government of that portion composed of the thirteen American Colonies. A struggle for the right of self-government ensued, which resulted, on the 4th of July 1776, in a [Declaration](#), by the Colonies, "that they are, and of right ought to be, FREE AND INDEPENDENT STATES; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do."

They further solemnly declared that whenever any "form of government becomes destructive of the ends for which it was established, it is the right of the people to alter or abolish it, and to institute a new government." Deeming the Government of Great Britain to have become destructive of these ends, they declared that the Colonies "are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved."

In pursuance of this [Declaration of Independence](#), each of the thirteen States proceeded to exercise its separate sovereignty; adopted for itself a Constitution, and appointed officers for the administration of government in all its departments-- Legislative, Executive and Judicial. For purposes of defense, they united their arms and their counsels; and, in 1778, they entered into a League known as the [Articles of Confederation](#), whereby they agreed to entrust the administration of their external relations to a common agent, known as the Congress of the United States, expressly declaring, in the [first Article](#) "that each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not, by this Confederation, expressly delegated to the United States in Congress assembled."

Under this Confederation the war of the Revolution was carried on, and on the 3rd of September, 1783, the contest ended, and a [definite Treaty](#) was signed by Great Britain, in which she acknowledged the independence of the Colonies in the following terms: "[ARTICLE 1](#)-- His Britannic Majesty acknowledges the said United States, viz: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be FREE, SOVEREIGN AND INDEPENDENT STATES; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same and every part thereof"

Thus were established the two great principles asserted by the Colonies, namely: the right of a State to govern itself; and the right of a people to abolish a Government when it becomes destructive of the ends for which it was instituted. And concurrent with the establishment of these principles, was the fact, that each Colony became and was recognized by the mother Country a FREE, SOVEREIGN AND INDEPENDENT STATE.

In 1787, [Deputies were appointed by the States to revise the Articles of Confederation](#), and on 17th September, 1787, these Deputies recommended for the adoption of the States, the [Articles of Union](#), known as the [Constitution of the United States](#).

The parties to whom this [Constitution](#) was submitted, were the several sovereign States; they were to agree or disagree, and when nine of them agreed the compact was to take effect among those concurring; and the General Government, as the common agent, was then invested with their authority.

If only nine of the thirteen States had concurred, the other four would have remained as they then were-- separate, sovereign States, independent of any of the provisions of the [Constitution](#). In fact, two of the States did not accede to the [Constitution](#) until long after it had gone into operation among the other eleven; and during that interval, they each exercised the functions of an independent nation.

By this [Constitution](#), certain duties were imposed upon the several States, and the exercise of certain of their powers was restrained, which necessarily implied their continued existence as sovereign States. But to remove all doubt, an [amendment](#) was added, which declared that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people. On the 23d May, 1788, South Carolina, by a Convention of her People, passed an Ordinance assenting to this Constitution, and afterwards altered her own Constitution, to conform herself to the obligations she had undertaken.

Thus was established, by compact between the States, a Government with definite objects and powers, limited to the express words of the grant. This limitation left the whole remaining mass of power subject to the clause reserving it to the States or to the people, and rendered unnecessary any specification of reserved rights.

We hold that the Government thus established is subject to the two great principles asserted in the [Declaration of Independence](#); and we hold further, that the mode of its formation subjects it to a third fundamental principle, namely: the law of compact. We maintain that in every compact between two or more parties, the obligation is mutual; that the failure of one of the contracting parties to perform a material part of the agreement, entirely releases the obligation of the other; and that where no arbiter is provided, each party is remitted to his own judgment to determine the fact of failure, with all its consequences.

In the present case, that fact is established with certainty. We assert that fourteen of the States have deliberately refused, for years past, to fulfill their constitutional obligations, and we refer to their own Statutes for the proof.

The Constitution of the United States, in its [fourth Article](#), provides as follows: "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."

This stipulation was so material to the compact, that without it that compact would not have been made. The greater number of the contracting parties held slaves, and they had previously evinced their estimate of the value of such a stipulation by making it a condition in the [Ordinance](#) for the government of the territory ceded by Virginia, which now composes the States north of the Ohio River.

The same [article of the Constitution](#) stipulates also for rendition by the several States of fugitives from justice from the other States.

The General Government, as the common agent, passed laws to carry into effect these stipulations of the States. For many years these laws were executed. But an increasing hostility on the part of the non-slaveholding States to the institution of slavery, has led to a disregard of their obligations, and the laws of the General Government have ceased to effect the objects of the Constitution. The States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New

York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin and Iowa, have enacted laws which either nullify the Acts of Congress or render useless any attempt to execute them. In many of these States the fugitive is discharged from service or labor claimed, and in none of them has the State Government complied with the stipulation made in the Constitution. The State of New Jersey, at an early day, passed a law in conformity with her constitutional obligation; but the current of anti-slavery feeling has led her more recently to enact laws which render inoperative the remedies provided by her own law and by the laws of Congress. In the State of New York even the right of transit for a slave has been denied by her tribunals; and the States of Ohio and Iowa have refused to surrender to justice fugitives charged with murder, and with inciting servile insurrection in the State of Virginia. Thus the constituted compact has been deliberately broken and disregarded by the non-slaveholding States, and the consequence follows that South Carolina is released from her obligation.

The ends for which the Constitution was framed are declared by itself to be "to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

These ends it endeavored to accomplish by a Federal Government, in which each State was recognized as an equal, and had separate control over its own institutions. The right of property in slaves was recognized by giving to free persons distinct political rights, by giving them the right to represent, and burthening them with direct taxes for three-fifths of their slaves; by authorizing the importation of slaves for twenty years, and by stipulating for the rendition of fugitives from labor.

We affirm that these ends for which this Government was instituted have been defeated, and the Government itself has been made destructive of them by the action of the non-slaveholding States. Those States have assumed the right of deciding upon the propriety of our domestic institutions; and have denied the rights of property established in fifteen of the States and recognized by the Constitution; they have denounced as sinful the institution of slavery; they have permitted open establishment among them of societies, whose avowed object is to disturb the peace and to eloign the property of the citizens of other States. They have encouraged and assisted thousands of our slaves to leave their homes; and those who remain, have been incited by emissaries, books and pictures to servile insurrection.

For twenty-five years this agitation has been steadily increasing, until it has now secured to its aid the power of the common Government. Observing the *forms* of the Constitution, a sectional party has found within that Article establishing the Executive Department, the means of subverting the Constitution itself. A geographical line has been drawn across the Union, and all the States north of that line have united in the election of a man to the high office of President of the United States, whose opinions and purposes are hostile to slavery. He is to be entrusted with the administration of the common Government, because he has declared that that "Government cannot endure permanently half slave, half free," and that the public mind must rest in the belief that slavery is in the course of ultimate extinction.

This sectional combination for the submersion of the Constitution, has been aided in some of the States by elevating to citizenship, persons who, by the supreme law of the land, are incapable of becoming citizens; and their votes have been used to inaugurate a new policy, hostile to the South, and destructive of its beliefs and safety.

On the 4th day of March next, this party will take possession of the Government. It has announced that the South shall be excluded from the common territory, that the judicial tribunals shall be made sectional, and that a war must be waged against slavery until it shall cease throughout the United States.

The guaranties of the Constitution will then no longer exist; the equal rights of the States will be lost. The slaveholding States will no longer have the power of self-government, or self-protection, and the Federal Government will have become their enemy.

Sectional interest and animosity will deepen the imitation, and all hope of remedy is rendered vain, by the fact that public opinion at the North has invested a great political error with the sanction of more erroneous religious belief.

We, therefore, the People of South Carolina, by our delegates in Convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared that the Union heretofore existing between this State and the other States of North America, is dissolved, and that the State of South Carolina has resumed her position among the nations of the world, as a separate and independent State; with full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do.

Adopted December 24, 1860

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