LICENSED.

Aug. 23.

J. Fraser.

TREATISES

Government:

In the former, The false Principles, and Foundation

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Sir ROBERT FILMER,

And his FOLLOWERS;

ARE

Detected and Dierthzown.

The latter is an

ESSAY

CONCERNING THE

True Original, Extent, and End

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Civil Government.

LONDON,

Printed for Awnsham Churchill, at the Black Swan in Ave-Mary-Lane, by Amen-Corner, 1690. state of War and Slavery ceases, as long the Compact endures. For, as has been said, no Man can, by agreement, pass over to another that which he hath not in himself, a Power over his own

vell as other Nations, that Men did fell themselves; but, 'tis plain, this was only to Drudgery, not to Slavery. For, it is evident, the Person sold was not under an Absolute, Arbitrary, Despotical Power. For the Master could not have Power to kill him, at any time, whom, at a certain time, he was obliged to let go free out of his service: And the Master of such a Servant was so far from having an Arbitrary Power over his Life, that he could not, at pleasure, so much as maim him, but the Loss of an Eye, or Tooth, set him free, Exod. XXI.

CHAP. V.

of PROPERTY.

Hether we consider natural Reason, which tells us, that Men, being once born, have a right to R 2 their

their Preservation, and consequently to Meat and Drink, and such other things, as Nature affords for their Subsistence: Or Revelation, which gives us an account of those Grants God made of the World to Adam, and to Noah, and his Sons; 'tis very clear, that God, as K. David fays, Psal. CXV. xvj. has given the earth to the Children of men, given it to Mankind in common. But this being supposed, it seems to some a very great difficulty how any one should ever come to have a Property in any thing; I will not content my self to answer, That if it be difficult to make out Property, upon a supposition, That God gave the World to Adam and his Posterity in common; it is impossible that any Man, but one universal Monarch, should have any Property upon a supposition, That God gave the World to Adam, and his Heirs in Succession, exclusive of all the rest of his Posterity. But I shall endeavour to shew, how Men might come to have a Property in several parts of that which God gave to Mankind in common, and that without any express Compact of all the Commoners.

26. God, who hath given the World to Men in common, hath also given them reason to make use of it to the best advantage of life, and convenience. The Earth, and

all that is therein, is given to Men for the Support and Comfort of their being. And though all the Fruits it naturally produces, and Beasts it feeds, belong to Mankind in common, as they are produced by the spontaneous hand of Nature; and no body has originally a private Dominion, exclusive of the rest of Mankind, in any of them, as they are thus in their natural state: yet being given for the use of Men, there must, of necessity, be a means to appropriate them some way or other before they can be of any use, or at all beneficial to any particular Men. The Fruit, or Venison which nourishes the wild Indian, who knows no Inclosure, and isstill a Tenant in common, must be his, and so his, i.e. a part of him, that another can no longer have any right to it, before it can do him any good for the support of his Life.

Creatures be common to all Men, yet every Man has a Property in his own Perform. This no Body has any Right to but himself. The Labour of his Body, and the Work of his Hands, we may say, are properly his. Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his Labour with it, and joined to it something.

thing that is his own, and thereby makes it his Property. It being by him removed from the common flate Nature placed it in, it hath by this labour something annexed to it, that excludes the common right of other Men. For this labour being the unquestionable Property of the Labourer, no Man but he can have a right to what that is once joined to, at least where there is enough, and as good lest in common for others.

28. He that is nourished by the Acorns he pickt up under an Oak, or the Apples he gathered from the Trees in the Wood; has certainly appropriated them to himfelf. No Body can deny but the nourishment is his. I ask then, when did they begin to be his? When he digested? or when he eat? Or when he boiled? Or when he brought them home? Or when he pickt them up? And 'tis plain, if the first gathering made them not his, nothing else could. That labour put a distinction between them and common. That added something to them more than Nature, the common Mother of all, had done; and io they became his private right. And will any one say he had no right to those Acorns or Apples he thus appropriated, because he had not the consent of all Mankind to make them his? Was it a Robbery thus

to assume to himself what belonged to all Common? If such a consent as that was necessary, Man had starved, notwithstanding the Plenty God had given him. We see in Commons, which remain so by Compact, that 'tis the taking any part of what is common, and removing it out of the state Nature leaves it in, which begins the Property; without which the Common is of no use. And the taking of this or that part, does not depend on the express consent of all the Commoners. Thus the Grass my Horse has bit; the Turfs my Servant has cut; and the Ore I have dig'd in any place where I have a right to them in common with others, become my Property, without the affignation or consent of any body. The labour that was mine, removing them out of that common state they were in, hath fixed my Property in them.

29. By making an explicit consent of every Commoner, necessary to any ones appropriating to himself any part of what is given in common. Children or Servants could not cut the Meat which their Father or Master had provided for them in common, without assigning to every one his peculiar part. Though the Water running in the Fountain be every ones; yet who can doubt but that in the Pitcher.

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hath taken it out of the hands of Nature where it was common, and belong'd equally to all her Children, and hath thereby appropriated it to him Case.

by appropriated it to himself. 30. Thus this Law of reason makes the Deer, that Indian's who hath killed it; itis allowed to be his goods who hath bestowed his labour upon it, though before, it was the common right of every one. And amongst those who are counted the Civiliz'd part of Mankind, who have made and multiplied positive Laws to determine Property, this original Law of Nature for the beginning of Property, in what was before common, still takes place; and by vertue thereof, what Fish any one catches in the Ocean, that great and still remaining Common of Mankind; or what Ambergriese any one takes up here, is by the labour that removes it out of that common state Nature lest it in, made his Property who takes that pains about it. And

even amongst us the Hare that any one is Hunting, is thought his who pursues her during the Chase. For being a Beast that is still looked upon as common, and no Man's private Possession; who ever has

imploy d so much labour about any of that kind, as to find and pursue her, has there-

by removed her from the state of Nature

wherein

wherein she was common, and hath be-

gan a Property.

31. It will perhaps be objected to this, That if gathering the Acorns, or other Fruits of the Earth, Oc. makes a right to them, then any one may ingross as much as he will. To which I Answer, Not so. The same Law of Nature that does by this means give us Property, does also bound that Property too. God has given us all things richly, I Tim. vi. 12. Is the Voice of Reason confirmed by Inspiration. But how far has he given it us, to enjoy? As much as any one can make use of to any advantage of life before it spoils; so much he may by his labour fix a Property in. Whatever is beyond this, is more than his share, and belongs to others. Nothing was made by God for Man to spoil or destroy. And thus considering the plenty of natural Provisions there was a long time in the World, and the few spenders, and to how small a part of that provision the industry of one Man could extend it self, and ingross it to the prejudice of others; especially keeping within the bounds set by reason of what might serve for his use; there could be then little room for quarrels or contentions about Property so establish'd.

32. But the chief matter of Property being now not the Fruits of the Earth, and the Beasts that subsist on it, but the Earth it self; as that which takes in and carries with it all the rest: I think it is plain, that Property in that too is acquired as the former. As much Land as a Man Tills, Plants, Improves, Cultivates, and can use the Product of; so much is his Property. He by his labour does as it were inclose it from the Common. Nor will it invalidate his right to fay, Every body else has an equal title to it; and therefore he cannot appropriate, he cannot inclose, without the confent of all his Fellow-Commoners, all Mankind. God when he gave the World in common to all Mankind, commanded Man also to labour, and the penury of his Condition required it of him. God and his Reason commanded him to Subdue the Earth, i.e. improve it for the benefit of Life, and therein lay out some thing upon it that was his own, his labour, He that in obedience to this Command of God, subdued, tilled and sowed any part of it, thereby annexed to it something that was his Property, which another had no Title to, nor could without injury take from him.

33. Nor was this appropriation of any parcel of Land, by improving it, any pre-

fill enough, and as good left; and more than the yet unprovided could use. So that in effect, there was never the less lest for others because of his inclosure for himfelf. For he that leaves as much as another can make use of, does as good as take nothing at all. No Body could think himself injur'd by the drinking of another Man, though he took a good draught, who had a whole River of the same Water lest him to quench his thirst. And the Case of Land and Water, where there is enough of both, is perfectly the same.

34. God gave the World to Men in Common, but since he gave it them for their benefit, and the greatest Conveniencies of Life they were capable to draw from it; it cannot be supposed he meant it should always remain common and uncultivated. He gave it to the use of the industrious and rational, (and labour was to be his title to it;) not to the phancy or covetousness of the quarrelsome and contentious. He that had as good left for his improvement, as was already taken up, needed not complain, ought not to meddle with what was already improved by another's labour: if he did, 'tis plain he desired the benefit of anothers pains which he had no right to, and not the ground which which God had given him in common with others to labour on, and whereof there was as good left as that already pold sessed; and more than he knew what to do with, or his industry could reach to.

35. 'Tistrue, in Land that is common in England, or any other Country, where there is plenty of people under Govern ment, who have Money and commerce, no one can inclose or appropriate any part, without the consent of all his Fellow-Commoners: Because this is left common by Compact, i.e. by the Law of the Land, which is not to be violated. And though it be Common, in respect of some Men, it is not so to all Mankind; but is the joint propriety of this Country, or this Parish Besides, the remainder, after such inclofure, would not be as good to the rest of the Commoners as the whole was, when they could all make use of the whole; whereas in the beginning and first peopling of the great Common of the World, it was quite otherwise. The Law Man was under was rather for appropriating. God Commanded, and his wants forced him to labour. That was his Property which could not be taken from him whereever he had fixed it. And hence subduing or cultivating the Earth, and having Dominion,

minion, we see, are join'd together. The one gave Title to the other. So that God, by commanding to subdue, gave Authority so far to appropriate. And the Condition of humane Life, which requires labour and materials to work on, necessa-

rily introduce private Possessions.

36. The measure of Property, Nature well set, by the Extent of Mens Labour, and the Conveniency of Life: no Man's Labour could subdue, or appropriate all; nor could his Enjoyment confume more than a small part; so that it was impossible for any Man, this way, to intrench upon the Right of another, or acquire, to himself, a Property, to the Prejudice of his Neighbour, who would still have room, for as good, and as large a Possession (after the other had taken out his) as before it was appropriated; which measure did confine every Man's Poslession, to a very moderate Proportion, and such as he might appropriate to himfelf, without Injury to any Body, in the first Ages of the World, when Men were more in danger to be loft, by wandering from their Company, in the then vait Wilderness of the Earth, than to be striatned for want of room to plant in. And the same measure may be allowed full, without prejudice to any Body, as dion

full as the World seems. For supposing a Man, or Family, in the state they were at first, peopling of the World by the Chil. dren of Adam, or Noah; let him plant in fome in-land, vacant places of America, we shall find that the Possessions, he could make himself, upon the measures we have given, would not be very large, nor, even to this day, prejudice the rest of Mankind, or give them reason to complain, or think themselves injured by this Man's Incroachment, though the Race of Men have now spread themselves to all the corners of the World, and do infinitely exceed the finall number was at the beginning. Nay the extent of Ground is of to little value, without Labour, that I have heard it affirmed, that, in Spain it felf, a Man may be permitted to plough, fow, and reap, without being diffurbed, upon Land he has no other Title to, but only his making use of it. But, on the contrary, the Inhabitants think themselvs beholden to him, who, by his Industry, on neglected, and confequently waste Land, has increased the stock of Corn, which they wanted. But be this as it will, which I lay no stress on; this I dare boldly affirm, That the same Rule of Propriety, (viz.) that every Man should have as much as he could make use of, would hold

hold still in the World, without straitning any body, since there is Land enough in the World, to suffice double the Inhabitants, had not the Invention of Money, and the tacit Agreement of Men, to put avalue on it, introduced (by Consent) larger Possessions, and a Right to them; which, how it has done, I shall, by and

by, shew more at large.

This is certain, That in the beginning, before the defire of having more than Men needed, had altered the intrinfick value of things, which depends only on their usefulness to the Life of Man; or had agreed, that a little piece of yellow Metal, which would keep without wasting or decay, should be worth a great piece of Flesh, or a whole heap of Corn; though Men had a Right to appropriate, by their Labour, each one to himself, as much of the things of Nature, as he could use: yet this could not be much, nor to the Prejudice of others, where the same plenty was still left, to those who would use the lame Industry.

Before the Appropriation of Land, he who gathered as much of the wild Fruit, killed, caught, or tamed as many of the Beafts as he could; he that so employed his Pains about any of the spontaneous Products of Nature, as any way to alter blod

them,

them, from the state Nature put them in by placing any of his Labour on them, did thereby acquire a Propriety in them; but if they perished, in his Possession, without their due use; if the Fruits rotted, or the Venison putrissed, before he could spend it, he offended against the common Law of Nature, and was liable to be punished; he invaded his Neighbour's share, for he had no Right, farther than his Use called for any of them, and they might serve to afford him Conveniences of Life.

38. The same measures governed the Possession of Land too: Whatsoever he tilled and reaped, laid up and made ufe of, before it spoiled, that was his peculiar Right; whatsoever he enclosed, and could feed, and make use of, the Cattle and Product was also his. But if either the Grass of his Inclosure rotted on the Ground, or the Fruit of his planting perished without gathering, and laying up, this part of the Earth, notwithstanding his Inclosure, was still to be looked on as Waste, and might be the Possession of any other. Thus, at the beginning, Cain might take as much Ground as he could till, and make it his own Land, and yet leave enough to Abel's Sheep to feed on; a few Acres would serve for both their Possessions. But as Families

Families increased, and industry inlarged their stocks, their Possessions inlarged with the need of them; but yet it was commonly without any fixed property in the ground they made use of, till they incorporated, setled themselves together, and built Cities, and then, by consent, they came in time, to fet out the bounds of their distinct Territories, and agree on limits between them and their Neighbours; and by Laws within themselves, setled the Properties of those of the same Society. For we see, that in that part of the World which was first inhabited, and therefore like to be best peopled, even as low down as Abraham's time, they wandered with their Flocks, and their Herds, which was their substance, freely up and down; and this Abraham did, in a Country where he was a stranger. Whence it is plain, that, at least, a great part of the Land lay in Common. That the Inhabitants valued it not, nor claimed Property in any more than they made use of. But when there was not room enough in the same place, for their Herds to feed together, they, by consent, as Abraham and Lot did, Gen. xiii. 5. separated and mlarged their Pasture, where it best liked them. themici And for the fame Reason Estate went from his Father, and his Bro. ther, and planted in Mount Seir, Gen.

private Dominion, and property in Adam, over all the World, exclusive of all other Men, which can no way be proved, nor any ones Property be made out from it; but supposing the World given as it was to the Children of Men in common, we see how labour could make Men distinct titles reserved parcels of it, for their private ruses; wherein there could be no doubt of right, no room for quarrel.

fore confideration it may appear, that the Property of labour should be able to overballance the Community of Land. For its labour indeed that puts the difference of value on every thing; and let any one consider, what the difference is between an Acre of Land planted with Tabaco, or Sugar; fown with Wheat or Barley; and an Acre of the same Land lying in common, without any Husbandry upon it; and he will find, that the improvement

ment of labour makes the far greater part of the value. I think it will be but a very modest Computation to say, that of the Products of the Earth useful to the Life of Man ? are the effects of labour: nay, if we will rightly estimate things as they come to our use, and cast up the several expences about them, what in them is purely owing to Nature, and what to labour, we shall find, that in most of them? are wholly to be put on the account of labour.

At. There cannot be a clearer demonfiration of any thing, than several Nations
of the Americans are of this, who are
rich in Land, and poor in all the Comforts of Life; whom Nature having furnished as liberally as any other people,
with the materials of Plenty, i. e. a fruitful Soil, apt to produce in abundance,
what might serve for food, rayment, and
delight; yet for want of improving it by
labour, have not no part of the Conveniencies we enjoy. And a King of a large
and fruitful Territory there, seeds, lodges,
and is clad worse than a day Labourer in
England.

42. To

42. To make this a little clearer, let i us but trace some of the ordinary provifions of Life, through their several progresses, before they come to our use, and see how much they receive of their value from human industry. Bread, Wine and Cloth are things of daily use and great plenty, yet notwithstanding Acorns, Water, and Leaves, or Skins, must be our Bread, Drink and Cloathing, did not la bour furnish us with these more useful Commodities. For whatever Bread is more worth than Acorns, Wine than Water, and Cloth or Silk than Leaves Skins or Moss, that is wholly owing tola bour and industry. The one of these be ing the food and rayment which unal sisted Nature furnishes us with; the other Provisions which our industry and pains prepare for us, which how much they exceed the other in value, when any one hath computed, he will then see how much labour makes the far greatest par of the value of things we enjoy in this World: and the ground which produce the materials, is scarce to be reckon'd in any, or at most, but a very small part it: so little, that even amongst us, Land

that is left wholly to Nature, that hath no improvement of Pasturage, Tillage, or Planting, is called, as indeed it is, wast; and we shall find the benefit of it amount to little more than nothing.

43. An Acre of Land that bears here Twenty Bushels of Wheat, and another in America, which, with the same Husbandry, would do the like, are, without doubt, of the same natural, intrinsick Value. But yet the Benefit Mankind receives from one in a Year is worth 51. and the other possibly not worth a Penny; if all the Profit an Indian received from it were to be valued, and sold here; at least, I may truly say, not 'Tis Labour then which puts the greatest part of Value upon Land, without which it would scarcely be worth any thing; tis to that we owe the greatest part of all its useful Products; for all that the Straw, Bran, Bread, of that Acre of Wheat, is more worth than the Product of an Acre of as good Land, which lies waste, is all the Effect of Labour. For 'tis not barely the Plough-man's Pains, the Reaper's and Thresher's Toil, and the Baker's Sweat,

Sweat, is to be counted into the Bread we eat; the Labour of those who broke the Oxen, who digged and wrought the Iron and Stones, who felled and framed the Timber imployed about the Plough Mill, Oven, or any other Utenfils, which are a vast Number, requisite to this Com from its fowing to its being made Bread must all be charged on the account of La bour, and received as an effect of that: Na. ture and the Earth furnished only theal most worthless Materials, as in themselves Twould be a strange Catalogue of things that Industry provided and made use of about every Loaf of Bread before it came to our use, if we could trace them; Iron, Wood, Leather, Bark, Timber, Stone, Bricks, Coals, Lime, Cloth, Dying Drugs, Pitch, Tar, Masts, Ropes, and all the Materials made use of in the Ship that brought any of the Commodities made use of by any of the Work-men, to any part of the Work, all which twould be almost impossible, at least to long, to reckon up.

44. From all which it is evident, that the tho, the things of Nature are given in common

common: Man (by being Master of himfelf, and Proprietor of his own Person,
and the Actions or Labour of it) had still
in himself the great Foundation of Property: and that which made up the great
part of what he applyed to the Support
or Comfort of his being, when Invention
and Arts had improved the conveniencies
of Life, was perfectly his own, and did
not belong in common to others.

45. Thus Labour, in the beginning, gave a Right of Property, where ever any one was pleased to imploy it, upon what was common, which remained, a long while, the far greater part, and is yet more than Mankind makes use of. Men, at first, for the most part, contented themselves with what un-assisted Nature offered to their Necessities; and though afterwards, in some parts of the World, where the Increase of People and Stock, with the Use of Money, had made Land scarce, and so of some Value, the several Communities setled the Bounds of their distinct Territories, and, by Laws, within themselves, regulated the Properties of the S 4

private Men of their Society, and fo, by Compact and Agreement, setled the Property which Labour and Industry began. And the Leagues, that have been made between several States and Kingdoms, either expresly or tacitly dis-owning all Claim and Right to the Land in the others Possession, have, by common Confent, given up their Pretences to their natural common Right, which originally they had to those Countries: and so have, by positive Agreement, settled a Property amongst themselves, in distinct Parts of the World; yet there are still great Tracts of Ground to be found, which the Inhabitants thereof, not having joyned with the rest of Mankind, in the consent of the Use of their common Money, lye waste, and are more than the People, who dwell on it, do, or can make use of, and so still lye in common. Though this can scarce happen amongst that part of Mankind that have consented to the Use of Money.

46. The greatest part of things really useful to the Life of Man, and such as the necessity of subsisting made the first

Commoners of the World look after, as. it doth the Americans now, are generally things of short duration, such as, if they are not consumed by use, will decay and perish of themselves. Gold, Silver, and Diamonds, are things, that Phancy, or Agreement hath put the Value on, more than real Use, and the necessary Support of Life: Now of those good things which Nature hath provided in common, every one hath a Right (as hath been said) to as much as he could use, and had a Property in all he could effect with his Labour : all that his Industry could extend to, to alter from the State Nature had put it in, was his. He that gathered a Hundred Bushels of Acorns or Apples, had thereby a Property in them; they were his Goods, as foon as gathered. He was only to look that he used them before they spoiled; else he took more than his share, and robb'd others. And indeed it was a foolish thing, as well as dishonest, to hoard up more than he could make use of. If he gave away a part to any body else, so that it perished not uselesly in his Possession, these he also made use of. And if he also bartered away Plumbs, that would have rotted in a Week, for for Nuts that would last good for his eat. ing a whole Year, he did no injury; he wasted not the common Stock; destroyed no part of the portion of Goods that belonged to others, so long as nothing perished uselesly in his hands. Again, If he would give his Nuts for a piece of Metal, pleased with its colour; or exchange his Sheep for Shells, or Wooll for a sparkling Pebble or a Diamond, and keep those by him all his Life, he invaded not the Right of others; he might heap up as much of these durable things as he pleased: the exceeding of the bounds of his just Property not lying in the largeness of his Possession, but the perishing of any thing uselesly in it.

47. And thus came in the use of Money, some lasting thing that Men might keep without spoiling, and that, by mutual consent, Men would take in exchange for the truly useful, but perishable Supports of Life.

18. And as different degrees of Industry were apt to give Men Possessions in different

different Proportions, so this Invention of Money gave them the opportunity to continue and enlarge them. For supposing an Island, separate from all possible Commerce with the rest of the World, wherein there were but a Hundred Families, but there were Sheep, Horses and Cowes, with other useful Animals, wholesome Fruits, and Land enough for Corn, for a Hundred thousand times as many, but nothing in the Island, either because of its Commonness, or perishableness, fit to supply the Place of Money: What reason could any one have there to enlarge his Possessions, beyond the use of his Family, and a plentiful supply to its Consumption, either in what their own Industry produced, or they could barter for like perishable, useful Commodities, with others? Where there is not something both lasting and scarce, and so valuable to be hoarded up, there Men will not be apt to enlarge their Posseisions of Land, were it never so rich, never so free for them to take. For I ask, What would a Man value Ten thoufand, or an Hundred thousand Acres of excellent Land, ready cultivated, and well stocked too with Cattle, in the where he had no hopes of Commerce with other parts of the World, to draw Money to him, by the Sale of the Product. It would not be worth the inclofing, and we should see him give up a gain to the wild Common of Nature what-ever was more than would supply the Conveniencies of Life, to be had there, for him and his Family.

World was America, and more so than that is now; for no such thing as Money was any where known. Find out something that hath the Use and Value of Money amongst his Neighbours, you shall see the same Man will begin presently to enlarge his Possessions.

little useful to the Life of Man, in proportion to Food, Rayment, and Carriage, has its value only from the consent of Men, whereof labour yet makes in great part the measure, It is plain, that the consent of Men have agreed to a difference of Men have agreed t

proportionate and unequal Possession of the Earth; I mean out of the bounds of Society and Compact: for in Governments the Laws regulate it, they having by consent, found out and agreed in a way how a Man may rightfully, and without injury, possess more than he himself can make use of by receiving Gold and Silver, which may continue long in a Mans Possession, without decaying for the overplus, and agreeing those Metals should have a value.

eafy to conceive, without any difficulty, how labour could at first begin a tistle of Property in the common things of nature, and how the spending it upon our uses bounded it. So that there could then be no reason of quark relling about title, nor any doubt about the largeness of Possession it gave. Right and Conveniency went together. For as a Man had a right to all he could imploy his labour upon, so he had no temptation to labour for more than he could make use of. This left no room for

for Controversie about the title, nor for incroachment on the right of others; what Portion a Man carved to himself, was easily seen; and it was useless as well as dishonest, to carve himself too much, or take more than he needed.

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