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978-0-521-28547-6 - John Locke and the Theory of Sovereignty: Mixed Monarchy  
and the Right of Resistance in the Political Thought of the English Revolution

Julian H. Franklin

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# JOHN LOCKE AND THE THEORY OF SOVEREIGNTY

*Mixed Monarchy and the Right of Resistance in  
the Political Thought of  
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JULIAN H. FRANKLIN

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*To the memory of my father, Jerome A. Franklin*

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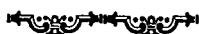
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## PREFACE



My purpose in this study is to describe and explain a fundamental transformation in the theory of sovereignty which entered the modern tradition via Locke. In the standard constitutionalist theory of the late sixteenth and early seventeenth centuries, the ultimate right of a people to depose a king for tyranny and to alter the powers of his office was normally equated with the rights of constituted bodies established as the people's representative. In this form, the principle of popular sovereignty was incompatible with the partial independence of the king in the normal workings of a mixed or limited monarchy. At the beginning of the English civil wars, in 1642, the attempts of Parliamentary theorists to combine recognition of the king's independence with a right of resistance in the Parliament led to manifold and deep confusion.

The resolution of these difficulties was the work of George Lawson, a political moderate writing in the later Interregnum. In Lawson's view the legal consequences, in 1642, of the conflict between king and Parliament, was an entire dissolution of the government and reversion of power to the people, which was alone entitled to constitute a new authority. Ultimate sovereignty – in the sense of constituent authority – was thus denied to Parliament and ascribed to the general community as a legal entity distinct from Parliament. In his *Politica sacra et civilis*, Lawson reworked the entire theory of sovereignty in the light of this conception. This work, in my opinion, is among the deepest treatments of this subject in his century.

Lawson's theory was to be neglected in the 1680s, in large part because its implications seemed too radical. But his idea of

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dissolution was taken up by Locke, whose adherence to this new conception provides us with a deeper understanding of his intellectual and political intentions as well as his stature as a political theorist. Although the theory of dissolution, as it was presented in the *Second Treatise*, was deliberately rejected by almost all his Whig contemporaries, Locke held fast to his position. He had found, and knew that he had found, the only adequate solution to the problem of resistance in a mixed constitution. It was, indeed, a solution to the problem of sovereignty in any constitution whatsoever, as well as a formula for the change of institutions by an independent act of the community. And it was perhaps for these reasons, more than any other, that the *Second Treatise* was belatedly received as a classic of modern constitutionalism.

A brief summary of the general theme of this book was presented to the Iowa Humanities Society in 1975. Parts of chapter 3 were included in a paper delivered at the 1976 Convention of the American Political Science Association and the Columbia University Seminar for the Study of Political and Social Thought. These opportunities to gauge reactions and receive suggestions were much appreciated. The manuscript was completed during the academic year 1975–6 with the help of a grant from the National Endowment for the Humanities.

Among the many individuals who gave me advice, criticism, and encouragement at various stages of my work are Ralph E. Giesey, Douglas Hodgson, Donald R. Kelley, J. G. A. Pocock, J. H. M. Salmon, and Eileen P. Sullivan. I am especially grateful for the judicious appraisal and encouragement I received from Abraham Ascher, and I am indebted to Herbert A. Deane for his careful reading and discerning comments. In revising the manuscript for publication, I profited greatly from several conversations with Quentin Skinner, whose criticisms were always to the point and generously constructive. I wish to thank my wife, Paula A. Franklin, for her editorial help and for managing to maintain her patience.



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All translations are my own unless otherwise indicated. The titles of seventeenth-century works have often been shortened. I have also modernized orthography and punctuation wherever I thought the original form might be distracting to the reader. The one exception is Locke's *Two Treatises*. Here I have strictly followed Laslett's text, which has now become standard and familiar. For speeches and statements in Parliament I have regularly cited Cobbett's *Parliamentary History of England* which, for most readers, will be the most convenient and readily available source. But for many citations I have included alternative references in parentheses.