CONTENTS

PREFACE ix

NICCOLÒ MACHIAVELLI 1
The Prince 4
Discourses (selections) 51

THOMAS HOBBES 78
Leviathan (selections) 80

BARUCH SPINOZA 197
Theologico-Political Treatise (Chaps. XVI, XX) 200

JOHN LOCKE 213
Second Treatise of Government 217
Letter Concerning Tolerance 292

MONTESQUIEU 320
The Spirit of the Laws (selections) 323

JEAN-JACQUES ROUSSEAU 366
Discourse on the Origin of Inequality 370
Of the Social Contract 420

DAVID HUME 486
An Enquiry Concerning the Principles of Morals (Sec. III) 490
"Of Parties in General" 501
"Of the Original Contract" 505
"Of the Origin of Government" 515

ADAM SMITH 518
The Theory of Moral Sentiments (Pt. IV) 522
The Wealth of Nations (selections) 531
PREFACE

This volume contains the complete texts of many of the masterpieces of modern political theory, along with substantial selections from numerous others. An original introduction to each author's writings, contributed by an authority on that subject, includes biographical data, philosophical commentary, and bibliographical guides.

The idea for this collection developed from a conversation with Robert B. Miller, senior editor at Oxford University Press, and I appreciate his continuing encouragement and advice. Karen Shapiro was the able Project Editor, and Ian Gardiner proofread the manuscript with his customary conscientiousness. I am grateful especially to those scholars who provided introductions: Professors Bernard E. Brown (City University of New York/Graduate School), Joshua Cohen (Massachusetts Institute of Technology), Charles L. Griswold, Jr. (Boston University), the late Jean Hampton (University of Arizona), Michael O. Hardimon (University of California/San Diego), Mark Hulliung (Brandeis University), Arthur Kuflik (University of Vermont), Roger D. Masters (Dartmouth College), Richard Miller (Cornell University), Thomas W. Pogge (Columbia University), Gordon Schochet (Rutgers University), Steven B. Smith (Yale University), Jeremy Waldron (University of California/Berkeley), and Burleigh T. Wilkins (University of California, Santa Barbara).

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THOMAS HOBBES

Thomas Hobbes (1588–1679) was born in Malmesbury, England, arriving prematurely because, he claimed, rumors that the Spanish armada was off the coast of England ready to invade scared his mother: "She brought twins to birth, myself and fear at the same time." Ironically, fear of death was the central psychological assumption of his moral and political theorizing as an adult. Hobbes’s father was a clergyman, whom some reports describe as prone to drink and violence, and who eventually deserted his family in order to avoid a charge of assault. Educated at the expense of his uncle, Hobbes attended Oxford from 1603 to 1608. Because he was not from a wealthy family, on graduation he got a job as the tutor and companion of William Cavendish, who eventually became the Earl of Devonshire. Thus began his long association with that family; except for a few brief periods, he remained in service to them for nearly seventy years. He also worked briefly for Sir Francis Bacon, serving as his amanuensis and translator.

According to his friend and biographer John Aubrey, Hobbes’s philosophical interests owed much to the geometer Euclid, whose proofs he loved because of the way they relied on logical reasoning to derive surprising and sometimes seemingly implausible conclusions from highly plausible and seemingly innocuous premises. However his first full-scale philosophical manuscript was not circulated until 1640. This work, called The Elements of Laws, Natural and Politic, advocated the creation of an absolute sovereign in order to secure the peace and stability of the community. Because of the antiroyalist sentiment at this time (which eventually resulted in full-scale civil war and the beheading of King Charles I), many people, including members of Parliament, were outraged by the manuscript, and Hobbes believed he had to flee for his life to Europe (he used to boast that he was one of the "first to flee" from England). Like many prominent royalist sympathizers he spent the rest of his life in Europe (he used to boast that he was one of the "first to flee" from Europe). He enjoyed access to the king because of his wit and intelligence. However, he remained a highly controversial figure throughout the country, both because of his political absolutism and because of his materialist metaphysics and his views on free will and religion, which were viewed by many of the larger population as "atheistic" and heretical. Hobbes finally died at the ripe old age of 91.

Hobbes’s argument for absolute sovereignty in all his political writings makes use of the idea of a "social contract," an idea also used by other political thinkers of his day but which Hobbes revolutionized in ways that powerfully influenced the political thinking of subsequent philosophers such as Locke, Rousseau, and Kant. Imagine, says Hobbes, a "state of nature" prior to the creation of all governments. In this state, human behavior would be unchecked by law, and since Hobbes believes that human beings are predominantly self-interested (concerned above all else with their own preservation), he argues that they would inevitably come into conflict with one another, while having little or no other-regarding sentiments or psychological resources to resolve those conflicts. So before long he says, there would be a "war of every one against every one," so that every person’s life in this natural state would be "solitary, poor, nasty, brutish and short" (Leviathan, chap. 13). To remedy such war and satisfy their desire for self-preservation, people, Hobbes argues, would be rational to contract with one another to create a government run by a sovereign holding absolute power, because only absolute power is sufficient to resolve disputes that otherwise would precipitate conflict dissolving the commonwealth and threatening the lives of all. Such an argument is meant to show the kind of government we contemporary human beings would be rational to create and sustain, lest we descend into a state of war analogous to the one that would exist in the state of nature. Note that Hobbes doesn’t require that sovereignty be held only by an absolute monarchy; he also recognizes that sovereignty can be invested in a small number of people, constituting an oligarchy, or in all the people, constituting a democracy. Hobbes explicitly prefers the absolute monarchy, but believes the other two forms of government are also viable. What is not viable, in his view, is some form of "mixed" government with different branches of government holding different components of political authority, or governments in which power is supposed to be limited by a constitution or by a contract made between the government and the people. Such limits or divisions, says Hobbes, will only lead to conflicts that cannot be resolved by self-interested people, who require for peace a unified sovereignty with the power to decide any issue that might lead to conflict in the regime.

Hobbes’s use of this social contract argument was occasioned in large part by his rejection of the scholastic philosophizing of many of his contemporaries and his forebears, whom he thought were too inclined to appeal to authority rather than reason, and too inclined to use nonsensical or empty terms (such as immaterial substance or consubstantiation). Accordingly, Hobbes turned to science, and particularly to geometry, as a guide to constructing a theory of our moral and political life. Starting with what he took to be sound premises, Hobbes sought to construct a social contract argument so as to derive, in geometric fashion, valid conclusions about morals and politics in a way that would command assent even from those reluctant to endorse such conclusions. Hobbes’s faith in the power of reason to provide truth in moral and political matters makes him an enlightenment thinker, although, ironically,
it is partly because he thinks there will be persistent failures of rationality in any human community that peace must be secured by giving the ruler absolute power.

Does Hobbes’s argument work? To create an absolute sovereign, Hobbes says that each person must agree with every other person to “give up” his or her “right to all things” to the sovereign, thereby “authorizing” the sovereign to rule in this community. But can people who are committed to securing their self-preservation above all else rationally give up all their rights to another? Hobbes explicitly compares subjects to servants and sovereigns to masters. But is such voluntary political “enslavement” even psychologically possible for people as Hobbes describes them? Observer readers will note qualifications to the alienation of all power to the sovereign in Chapter 21. For example, Hobbes writes:

The obligation of subjects to the sovereign is understood to last as long, and no longer, than the power lasteth, by which he is able to protect them. For the right men have by nature to protect themselves when none else can protect them can by no covenant be relinquished.

But is such a qualification consistent with the idea that the sovereign has absolute power over his subjects? The ultimate validity of Hobbes’s argument has been questioned by generations of readers, who have tended to be both intrigued by its power and alarmed by its conclusions.


J. H.

LEVIATHAN

THE INTRODUCTION

Nature (the art whereby God hath made and governs the world) is by the art of man, as in many other things, so in this also imitated, that it can make an artificial animal. For seeing life is but a motion of limbs, the beginning whereof is in some principal part within; why may we not say that all automata (engines that move themselves by springs and wheels as doth a watch) have an artificial life? For what is the heart, but a spring; and the nerves, but so many strings; and the joints, but so many wheels, giving motion to the whole body, such as was intended by the artificer? Art goes yet further, imitating that rational and most excellent work of nature, man. For by art is created that great LEVIATHAN called a COMMONWEALTH, or STATE, (in Latin CIVITAS) which is but an artificial man; though of greater stature and strength than the natural, for whose protection and defence it was intended; and in which, the sovereignty is an artificial soul, as giving life and motion to the whole body; the magistrates, and other officers of judicature and execution, artificial joints; reward and punishment (by which fastened to the seat of the sovereignty every joint and member is moved to perform his duty) are the nerves, that do the same in the body natural; the wealth and riches of all the particular members, are the strength; salus populi (the people’s safety) its business; counsellors, by whom all things needful for it to know are suggested unto it, are the memory; equity, and laws, an artificial reason and will; concord, health; sedition, sickness; and civil war, death. Lastly, the acts and covenants, by which the parts of this body politic were at first made, set together, and united, resemble that fast, or the let us make man, pronounced by God in the creation.

To describe the nature of this artificial man, I will consider first, the matter thereof, and the artificer; both which is man.

Secondly, how, and by what covenants it is made; what are the rights and just power or authority of a sovereign; and what it is that preserves and dissolves it.

Thirdly, what is a Christian commonwealth.

Lastly, what is the kingdom of darkness.

Concerning the first, there is a saying much usurped of late, that wisdom is acquired, not by reading of books, but of men. Consequently whereunto, those persons, that for the most part can give no other proof of being wise, take great delight to show what they think they have read in men, by uncharitable censures of one another behind their backs. But there is another saying not of late understood, by which they might learn truly to read one another, if they would take the pains; and that is, nosce teipsum, read thyself: which was not meant, as it is now used, to countenance, either the barbarous state of men in power, towards their inferiors; or to encourage men of low degree, to a saucy behaviour towards their betters; but to teach us, that for the similitude of the thoughts and passions of one man, to the thoughts and passions of another, whosoever looketh into himself, and considereth what he doth, when he does think, opine, reason, hope, fear, &c. and upon what grounds; he shall thereby read and know, what are the thoughts and passions of all other men upon the like occasions. I say the similitude of passions, which are the same in all men, desire, fear, hope, &c.; not the similitude of the objects of the passions, which are the things desired, feared, hoped, &c.; for these the constitution individual, and particular education, do so vary and they are so easy to be kept from our knowledge, that the characters of man’s heart, blotted and confounded as they are with dissembling, lying, counterfeiting, and erroneous doctrines, are legible only to him that searcheth hearts. And though by men’s actions we do discover their design sometimes; yet to do it without comparing them with our own, and distinguishing all circumstances, by which the case may come to be altered, is to decipher without a key, and be for the most part deceived, by too much trust, or by too much diffidence; as he that reads, is himself a good or evil man.

But let one man read another by his actions never so perfectly, it serves him only with
than to learn any language or science; yet when I shall have set down my own reading orderly, and perspicuously, the pains left another, will be only to consider, if he also find not the same in himself. For this kind of doctrine admitteeth no other demonstration.

Part 1
Of Man

CHAPTER 1

Of Sense
Concerning the thoughts of man, I will consider them first singly, and afterwards in train, or dependence upon one another. Singly, they are every one a representation or appearance, of some quality, or other accident of a body without us; which is commonly called an object. Which object worketh on the eyes, ears, and other parts of a man’s body; and by diversity of working, produceth diversity of appearances.

The original of them all, is that which we call Sense; (For there is no conception in a man’s mind, which hath not at first, totally, or by parts, been begotten upon the organs of sense.) The rest are derived from that original.

To know the natural cause of sense, is not very necessary to the business now in hand; and I have elsewhere written of the same at large. Nevertheless, to fill each part of my present method, I will briefly deliver the same in this place.

The cause of sense, is the external body, or object, which presseth the organ proper to each sense, either immediately, as in the taste and touch; or meditately, as in seeing, hearing, and smelling; which pressure, by the mediation of nerves, and other strings and membranes of the body, continued inwards to the brain and heart, causeth there a resistance, or counter-pressure, or endeavour of the heart, to deliver it self: which endeavour, because outward, seemeth to be some matter without. And this seeing, or, fancy, is that which men call sense; and consistseth, as to the eye, in a light, or colour figured; to the ear, in a sound; to the nostril, in an odour; to the tongue and palate, in a savour; and to the rest of the body, in heat, cold, hardness, softness, and such other qualities as we discern by feeling. All which qualities called sensible, are in the object, that causeth them, but so many several motions of the matter, by which it presseth our organs diversely. Neither in us that are pressed, are they any thing else, but divers motions; (for motion produceth nothing but motion.) But their appearance to us is fancy, the same waking, that dreaming. And as pressing, rubbing, or striking the eye, makes us fancy a light; and pressing the ear, produceth a din; so do the bodies also we see, or hear, produce the same by their strong, though unobserved action. For if those colours and sounds were in the bodies, or objects that cause them, they could not be severed from them, as by glasses, and in echoes by reflection, we see they are; where we know the thing we see, is in one place; the appearance in another. And though at some certain distance, the real and very object seem invested with the fancy it begetts in us; yet still the object is one thing, the image or fancy is another. So that sense in all cases, is nothing else but original fancy, caused (as I have said) by the pressure, that is, by the motion, of external things upon our eyes, ears, and other organs thereunto ordained.

But the philosophy-schools, through all the universities of Christendom, grounded upon certain texts of Aristotle, teach another doctrine; and say, for the cause of vision, that the thing seen, sendeth forth on every side a visible species (in English) a visible show, appari-

CHAPTER 2

Of Imagination
That when a thing lies still, unless somewhat else stir it, it will lie still for ever, is a truth that no man doubts of. But that when a thing is in motion, it will eternally be in motion, unless somewhat else stay it, though the reason be the same, (namely, that nothing can change it self,) is not so easily assented to. For men measure, not only other men, but all other things, by themselves: and because they find themselves subject after motion to pain, and lassitude, think every thing else grows weary of motion, and seeks repose of its own accord; little considering, whether it be not some other motion, wherein that desire of rest they find in themselves, consisteth. From hence it is, that the schools say, heavy bodies fall downwards, out of an appetite to rest, and to conserve their nature in that place which is most proper for them; ascribing appetite and knowledge of what is good for their conservation, (which is more than man has) to things inanimate, absurdly.

When a body is once in motion, it moveth (unless something else hinder it) eternally; and whatsoever hindreth it, cannot in an instant, but in time, and by degrees quite extinguish it: And as we see in the water, though the wind cease, the waves give not over rolling for a long time after; so also it happeneth in that motion, which is made in the internal parts of a man, then, when he sees, dreams, &c. For after the object is removed, or the eye shut, we still retain an image of the thing seen, though more obscure than when we see it. And this it is, the Latins call imagination, from the image made in seeing; and apply the same, though improperly, to all the other senses. But the Greeks call it fancy; which signifies appearance, and is as proper to one sense, as to another. IMAGINATION therefore is nothing but decaying sense; and is found in men, and many other living creatures, as well sleeping, as waking.

The decay of sense in men waking, is not the decay of the motion made in sense; but an obscuring of it, in such manner as the light of the sun obscureth the light of the stars; which stars do no less exercise their virtue, by which they are visible, in the day, than in the night. But because amongst many strokes, which our eyes, ears, and other organs receive from external bodies, the predominant only is sensible; therefore the light of the sun being predominant, we are not affected with the action of the stars. And any object being removed from our eyes, though the impression it made in us remain; yet other objects more present succeeding, and working on us, the imagination of the past is obscured, and made weak, as the voice of a man is in the noise of the day. From whence it followeth, that the longer the time is, after the sight or sense of any object, the weaker is the imagination. For the continual change of man’s body destroys in time the parts which in sense were moverd: so that distance of time, and of place, hath one and the same effect in us. For as at a great distance of place, that which we look at appears dim, and without distinction of the smaller parts; and as voices grow weak, and inarticulate: so also, after
great distance of time, our imagination for the past is weak; and we lose (for example) of cities we have seen, many particular streets, and of actions, many particular circumstances. This decaying sense, when we would express the thing it self, (I mean fancy it self,) we call imagination, as I said before: but when we would express the decay, and signify that the sense is fading, old and past, it is called memory. So that imagination and memory are but one thing, which for divers considerations hath divers names.

Much memory, or memory of many things, is called experience. Again, imagination being only of those things which have been formerly perceived by sense, either all at once, or by parts at several times; the former, (which is the imagining the whole object, as it was presented to the sense) is simple imagination; as when one imagined a man, or horse, which he hath seen before. The other is compounded, as when from the sight of a man at one time, and of a horse at another, we conceive in our mind a Centaur. So when a man compounding the image of his own person with the image of the actions of another man; as when a man imagines himself a Hercules or an Alexander, (which happeneth often to them that are much taken with reading of romances) it is a compounded imagination, and properly but a fiction of the mind. There be also other imaginations that rise in men, (though waking) from the great impression made in sense: as from gazing upon the sun, the impression leaves an image of the sun before our eyes a long time after; and from being long and vehemently attent upon geometrical figures, a man shall in the dark, (though awake) have the images of lines and angles before his eyes: which kind of fancy hath no particular name; as being a thing that doth not commonly fall into men's discourse.

The imaginations of them that sleep are those we call dreams. And these also (as all other imaginations) have been before, either totally or by parcels in the sense. And because in sense, the brain and nerves, which are the necessary organs of sense, are so benumbed in sleep, as not easily to be moved by the action of external objects, there can happen in sleep no imagination; and therefore no dream, but what proceeds from the agitation of the inward parts of man's body; which inward parts, for the connexion they have with the brain, and other organs, when they be distempered, do keep the same in motion; whereby the imaginations there formerly made, appear as if a man were waking: saving that the organs of sense being now benumbed, so as there is no new object, which can master and obscure them with a more vigorous impression, a dream must needs be more clear, in this silence of sense, than are our waking thoughts. And hence it cometh to pass, that it is a hard matter, and by many thought impossible to distinguish exactly between sense and dreaming. For my part, when I consider that in dreams, I do not often, nor constantly think of the same persons, places, objects, and actions that I do waking; nor remember so long a train of coherent thoughts, dreaming, as at other times; and because waking I often observe the absurdity of dreams, but never dream of the absurdities of my waking thoughts; I am well satisfied, that being awake, I know I dream not; though when I dream I think myself awake.

And seeing dreams are caused by the distemper of some of the inward parts of the body; divers distempers must needs cause different dreams. And hence it is, that lying cold blooded dreams of fear, and raiseth the thought and image of some fearful object (the motion from the brain to the inner parts, and from the inner parts to the brain being reciprocal) and that as anger causeth heat in some parts of the body, when we are awake; so when we sleep the over heating of the same parts causeth anger, and raiseth up in the brain the imagination of an enemy. In the same manner, as natural kindness, when we are awake, causeth desire; and desire makes heat in certain other parts of the body; so also, too much heat in those parts, while we sleep, raiseth in the brain an imagination of some kindness shown. In sum, our dreams are the reverse of our waking imaginations; the motion when we are awake, beginning at one end; and when we dream, at another.
The imagination that is raised in man (or any other creature indued with the faculty of imagining) by words, or other voluntary signs, is that we generally call understanding; and is common to man and beast. For a dog by custom will understand the call, or the rating of his master, and so will many other beasts. That understanding which is peculiar to man, is the understanding not only his will, but his conceptions and thoughts, by the sequel and contexture of the names of things into affirmations, negations, and other forms of speech; and of this kind of understanding I shall speak hereafter.

CHAPTER 3

Of the Consequence or Train of Imaginations

By Consequence, or TRAIN of thoughts, I understand that succession of one thought to another, which is called (to distinguish it from discourse in words) mental discourse.

When a man thinketh on any thing whatsoever, his next thought after, is not altogether so casual as it seems to be. Not every thought to every thought succeeds indifferently. But as we have no imagination, whereas we have not formerly had sense, in whole, or in parts; so we have no transition from one imagination to another, whereas we never had the like before in our senses. The reason whereof is this. All fancies are motions within us, relics of those made in the sense: and those motions that immediately succeeded one another in the sense, continue also together after sense: insomuch as the former coming again to take place, and be predominant, the latter followeth, by coherence of the matter moved, in such manner, as water upon a plain table is drawn which way any one part of it is guided by the finger. But because in sense, to one and the same thing perceived, sometimes one thing, sometimes another succeedeth, it comes to pass in time, that in the imagining of any thing, there is no certainty what we shall imagine next; only this is certain, it shall be something that succeeded the same before, at one time or another.

This train of thoughts, or mental discourse, is of two sorts. The first is unguided, without design, and inconstant; wherein there is no passionate thought, to govern and direct those that follow, to it self, as the end and scope of some desire, or other passion: in which case the thoughts are said to wander, and seem impertinent one to another, as in a dream. Such are commonly the thoughts of men, that are not only without company, but also without care of any thing; though even then their thoughts are as busy as at other times, but without harmony; as the sound which a lute out of tune would yield to any man; or in tune, to one that could not play. And yet in this wild ranging of the mind, a man may oft-times perceive the way of it, and the dependance of one thought upon another. For in a discourse of our present civil war, what could seem more impertinent, than to ask (as one did) what was the value of a Roman penny? Yet the coherence to me was manifest enough. For the thought of the war, introduced the thought of the delivering up the king to his enemies; the thought of that, brought in the thought of the delivering up of Christ; and that again the thought of the 30 pence, which was the price of that treason; and thence easily followed that malicious question, and all this in a moment of time; for thought is quick.

The second is more constant; as being regulated by some desire, and design. For the impression made by such things as we desire, or fear, is strong, and permanent, or, (if it cease for a time,) of quick return; so strong it is sometimes, as to hinder and break our sleep. From desire, ariseth the thought of some means we have seen produce the like of that which we aim at; and from the thought of that, the thought of means to that mean;
CHAPTER 4
Of Speech

The invention of printing, though ingenious, compared with the invention of letters, is no great matter. But who was the first that found the use of letters, is not known. He that first brought them into Greece, men say was Cadmus, the son of Agenor, king of Phoenicia. A profitable invention for continuing the memory of time past, and the conjunction of mankind, dispersed into so many, and distant regions of the earth; and which difficult, as proceeding from a watchful observation of the divers motions of the tongue, palate, lips, and other organs of speech; whereby to make as many differences of characters, to remember them. But the most noble and profitable invention of all other, was that of SPEECH, consisting of names or appellations, and their connexion; whereby men register their thoughts; recall them when they are past; and also declare them one to another for mutual utility and conversation; without which, there had been amongst men, neither commonwealth, nor society, nor contract, nor peace, no more than amongst lions, bears, and wolves. The first author of speech was God himself, that instructed Adam how to name such creatures as he presented to his sight; for the Scripture goeth no further in this matter. But this was sufficient to direct him to add more names, as the experience and use of the creatures should give him occasion; and to join them in such manner by degrees, as to make himself understood; and so by succession of time, so much language might be gotten, as he had found use for; though not so copious, as an orator or philosopher has need of. For I do not find any thing in the Scripture, out of which, directly or by consequence can be gathered, that Adam was taught the names of all figures, numbers, measures, colours, sounds, fancies, relations; much less the names of words and speech, as general, special, affirmative, negative, interrogative, optative, infinitive, all which are useful; and least of all, of entity, intentionality, quiddity, and other insignificant words of the school.

But all this language gotten, and augmented by Adam and his posterity, was again lost at the tower of Babel, when, by the hand of God, every man was stricken, for his rebellion, with an oblivion of his former language. And being hereby forced to disperse themselves into several parts of the world, it must needs be, that the diversity of tongues that now is, proceeded by degrees from them, in such manner as need (the mother of all inventions) taught them; and in tract of time grew everywhere more copious.

The general use of speech, is to transfer our mental discourse, into verbal; or the train of our thoughts, into a train of words; and that for two commodities, whereof one is the registering of the consequences of our thoughts; which being apt to slip out of our memory, and put us to a new labour, may again be recalled, by such words as they were marked by. So that the first use of names is to serve for marks, or nota of remembrance. Another is, when many use the same words, to signify (by their connexion and order,) one to another, what they conceive, or think of each matter; and also what they desire, fear, or have any other passion for. And for this use they are called signs. Special uses of speech are these; first, to register, what by cogitation, we find to be the cause of any thing, present or past; and what we find things present or past may produce, or effect; which in sum, is acquiring of arts. Secondly, to show to others that knowledge which we have attained; which is, to counsel and teach one another. Thirdly, to make known to others our wills, and purposes, that we may have the mutual help of one another. Fourthly, to please and delight ourselves and others, by playing with our words, for pleasure or ornament, innocently.

To these uses, there are also four correspondent abuses. First, when men register their thoughts wrong, by the inconstancy of the signification of their words; by which they register for their conceptions, that which they never conceived, and so deceive themselves. Secondly, when they use words metaphorically; that is, in other sense than that they are ordained for; and thereby deceive others. Thirdly, when by words they declare that to be their will, which is not. Fourthly, when they use them to grieve one another: for seeing nature hath armed living creatures, some with teeth, some with horns, and some with hands, to grieve an enemy, it is but an abuse of speech, to grieve him with the tongue, unless it be one whom we are obliged to govern; and then it is not to grieve, but to correct and amend.

The manner how speech serveth to the remembrance of the consequence of causes and effects, consisteth in the imposing of names, and the connexion of them.

Of names, some are proper, and singular to one only thing, as Peter, John, this man, this tree: and some are common to many things, as man, horse, ten; every of which though but one name,
THOMAS HOBBES

Seeing then that truth consisteth in the right ordering of names in our affirmations, a man that seeketh precise truth had need to remember what every name he uses stands for, and to place it accordingly; or else he will find himself entangled in words, as a bird in lime twigs, the more he struggles the more belimed. And therefore in geometry, (which is the only science that it hath pleased God hitherto to bestow on mankind,) men begin at setting the significations of their words; which setting of significations they call definitions, and place them in the beginning of their reckoning.

By this it appears how necessary it is for any man that aspires to true knowledge, to examine the definitions of former authors; and either to correct them, where they are negligently set down, or to make them himself. For the errors of definitions multiply themselves according as the reckoning proceeds, and lead men into absurdities, which at last they see, but cannot avoid, without reckoning anew from the beginning, in which lies the foundation of their errors. From whence it happens, that they which trust to books do as they that cast up many little sums into a greater, without considering whether those little sums were rightly cast up or not; and at last finding the error visible, and not mistrusting their first grounds, know not which way to clear themselves, but spend time in fluttering over their books; as birds that entering by the chimney, and finding themselves enclosed in a chamber, flutter at the false light of a glass window, for want of wit to consider which way they came in. So that in the right definition of names lies the first use of speech; which is the acquisition of science; and in wrong, or no definitions, lies the first foundation of their errors. From whence it happens, that they which trust to books do as wise men's counters, they do but reckon by them; but they are the money of fools, that value them by the authority of an Aristotle, a Cicero, or a Thomas, or any other doctor whatsoever, if but a man.

Subject to names, is whatsoever can enter into or be considered in an account, and be added one to another to make a sum, or subtracted one from another and leave a remainder. The Latins called accounts of money rationes, and accounting ratiocinatio; and that which we in bills or books of account call items, they call nomina, that is names; and thence it seems to proceed, that they extended the word ratio to the faculty of reckoning in all other things. The Greeks have but one word, λόγος, for both speech and reason; not that they thought there was no speech without reason, but no reasoning without speech: and the act of reasoning they called syllogism, which signifies summing up of the consequences of one saying to another. And because the same things may enter into account for divers accidents, their names are (to show that diversity) diversly wrested and diversified. This diversity of names may be reduced to four general heads.

First, a thing may enter into account for matter or body, as living, sensible, rational, hot, cold, moved, quiet; with all which names the word matter, or body, is understood; all such being names of matter.

Secondly, it may enter into account, or be considered, for some accident or quality, which we conceive to be in it; as for being moved, for being so long, for being hot, &c.; and then, of the name of the thing it self, by a little change or wresting, we make a name for that accident, which we consider; and for living put into the account life, for moved, motion; for hot,
of different constitutions of both and prejudices of opinion, gives every thing a tincture of our different passions. And therefore in reasoning a man must take heed of words; which besides the significations of what we imagine of their nature, have a signification also of the nature, disposition, and interest of the speaker; such as are the names of virtues and vices; for one man calleth wisdom, what another calleth fear; and one cruelty, what another justice; one prodigality, what another magnanimity; and one gravity, what another stupidity, &c. And therefore such names can never be true grounds of any rationalization. No more can metaphors, and tropes of speech; but these are less dangerous, because they profess their inconstancy; which the other do not.

CHAPTER 5

Of Reason and Science

When a man reasoneth, he does nothing else but conceive a sum total, from addition of parcels, or conceive a remainder, from subtraction of one sum from another; which (if it be done by words,) is conceiving of the consequence of the names of all the parts, to the name of the whole; or from the names of the whole and one part, to the name of the other part. And though in some things, (as in numbers,) besides adding and subtracting, men name other operations, as multiplying and dividing, yet they are the same; for multiplication, is but adding together of things equal; and division, but subtracting of one thing, as often as we can. These operations are not evident to numbers only, but to all manner of things that can be added together, and taken one out of another. For as arithmeticians teach to add and subtract in numbers; so the geometricians teach the same in lines, figures (solid and superficial,) angles, proportions, times, degree of swiftness, force, power, and the like; the logicians teach the same in consequences of words; adding together two names to make an affirmation, and two affirmations to make a syllogism; and many syllogisms to make a demonstration; and from the sum, or conclusion of a syllogism, they subtract one proposition to find the other. Writers of politics add together actions to find men’s duties; and lawyers, laws and facts, to find what is right and wrong in the actions of private men. In sum, in what matter soever there is place for addition and subtraction, there also is place for reason; and where these have no place, there reason has nothing at all to do.

Out of all which we may define, (that is to say determine,) what that is, which is meant by this word reason, when we reckon it amongst the faculties of the mind. For REASON, in this sense, is nothing but reckoning (that is, adding and subtracting) of the consequences of general names agreed upon for the marking and signifying of our thoughts; I say marking them when we reckon by ourselves, and signifying, when we demonstrate or approve our reckonings to other men.

And as in arithmetic, unpractised men must, and professors themselves may often err, and cast up false; so also in any other subject of reasoning, the ablest, most attentive, and most practised men may deceive themselves, and infer false conclusions; but that reason itself is always right reason, as well as arithmetical is a certain and infallible art: but no one man’s reason, nor the reason of any one number of men, makes the certainty; no more than an account is therefore well cast up, because a great many men have unanimously approved it. And therefore, as when there is a controversy in an account, the parties must by their own accord, set up for right reason, the reason of some arbitrator, or judge, to whose sentence they will both stand, or their controversy must either come to blows, or be undecided, for want of a right reason constituted by nature; so is it also in
all debates of what kind soever. And when men that think themselves wiser than all others, clamour and demand right reason for judge, yet seek no more, but that things should be determined by no other men's reason but their own, it is as intolerable in the society of men, as it is in play after trump is turned, to use for trump on every occasion, that suite whereof they have most in their hand. For they do nothing else, that will have every of their passions, as it comes to bear sway in them, to be taken for right reason, and that in their own controversies: bewraying their want of right reason, by the claim they lay to it.

The use and end of reason, is not the finding of the sum and truth of one, or a few consequences, remote from the first definitions, and settled significations of names, but to begin at these, and proceed from one consequence to another. For there can be no certainty of the last conclusion, without a certainty of all those affirmations and negations, on which it was grounded and inferred. As when a master of a family, in taking an account, should be determined by no other men's reason but their own, it is as intolerable in the sequences, remote from the first definitions, and settled significations of names, but to casteth up the sums of all the bills of expense into one sum, and not regarding how each or is likely to follow upon it;) if that which he thought likely to follow, follows not, or of the last conclusion, without a certainty of all those affirmations and negations, on every of their passions, as it comes to bear sway in them, to be taken for right reason, and that in their own controversies: bewraying their want of right reason, by the claim they lay to it.

When a man reckons without the use of words, which may be done in particular things, (as when upon the sight of any one thing, we conjecture what was likely to have preceded, or is likely to follow upon it) if that which he thought likely to follow, follows not, or that which he thought likely to have preceded it, hath not preceded it, this is called error; to which even the most prudent men are subject. But when we reason in words of general significance, and fall upon a general inference which is false, though it be commonly cast, he pays for; he advantages himself more than if he allowed the account in geoss, trusting to every of the accountants' skill and honesty: so also in reasoning of all other things, he that takes up conclusions on the trust of authors, and doth not fetch them from the first items in every reckoning, (which are the significations of names settled by definitions,) loses his labour; and does not know any thing, but only believe.

The first cause of absurd conclusions I ascribe to the want of method; in that they begin not their ratiocination from definitions; that is, from settled significations of their words: as if they could cast account, without knowing the value of the numeral words, one, two, and three.

And whereas all bodies enter into account upon divers considerations, (which I have mentioned in the precedent chapter,) these considerations being diversely named, divers absurdities proceed from the confusion, and unfast connexion of their names into assertions. And therefore,

I. The second cause of absurd assertions, I ascribe to the giving of names of bodies to accidents; or of accidents to bodies; as they do, that say, faith is infused, or inspired; when nothing can be poured, or breathed into any thing, but body; and that, extension to body; that phantasms are spirits, &c.

II. The third I ascribe to the giving of names of the accidents of bodies without to, to the accidents of our own bodies; as they do that say, the colour is in the body; the sound is in the air, &c.

III. The fourth, to the giving of the names of bodies to names, or speeches; as they do that say, that there be things universal; that a living creature is genus, or a general thing, &c.

IV. The fifth, to the giving of the names of accidents to names and speeches; as they do that say, the nature of a thing is its definition; a man's command is his will; and the like.

V. The sixth, to the use of metaphors, tropes, and other rhetorical figures, instead of words proper. For though it be lawful to say, (for example) in common speech, the way goeth, or leadeth hither, or thither; the proverb says this or that' (whereas ways cannot go, not proverbs speak) yet in reckoning, and seeking of truth, such speeches are not to be admitted.

VI. The seventh, to names that signify nothing; but are taken up, and learned by rote from the schools, as hypostatical, transubststantiate, consubstantiate, eternal-now; and the like canting of schoolmen.

To him that can avoid these things it is not easy to fall into any absurdity, unless it be by the length of an account; wherein he may perhaps forget what went before. For all men by nature reason alike, and well, when they have good principles. For who is so stupid, as both to mistake in geometry, and also to persist in it, when another detects his error to him? By this it appears that reason is not, as sense and memory, born with us; nor gotten by experience only, as prudence is; but attained by industry; first in apt imposing of names; and secondly by getting a good and orderly method in proceeding from the elements, which are names, to assertions made by connexion of one of them to another; and so to syllogisms, which are the connexions of one assertion to another, till we come to a knowledge of all the consequences of names appertaining to the subject in hand; and that is it, men call SCIENCE. And whereas sense and memory are but knowledge of fact, which is a thing past, and irrecoverable, SCIENCE is the knowledge of consequences, and dependance of one fact upon another: by which, out of that we can presently do, we know how to do something else when we will, or the like, another time; because when we see how any thing comes about, upon what causes, and by what manner; when the like causes come into our power, we see how to make it produce the like effects.

Children therefore are not endued with reason at all, till they have attained the use of speech; but are called reasonable creatures, for the possibility apparent of having the use of reason in time to come. And the most part of men, though they have the use of reasoning a little way, as in numbering to some degree; yet it serves them to little use in common life; in which they govern themselves, some better, some worse, according to their differences of experience, quickness of memory, and inclinations to several ends; but specially according to good or evil fortune, and the errors of one another. For as for science, or certain rules of their actions, they are so far from it, that they know not what it is.
Geometry they have thought conjuring but for other sciences, they who have not been taught the beginnings and some progress in them, that they may see how they be acquired and generated, are in this point like children, that having no thought of generation, are made believe by the women that their brothers and sisters are not born, but found in the garden.

But yet they that have no science, are in better, and nobler condition, with their natural prudence; than men, that by mis-reasoning, or by trusting them that reason wrong, fall upon false and absurd general rules. For ignorance of causes, and of rules, does not set men so far out of their way, as relying on false rules, and taking for causes of what they aspire to, those that are not so, but rather causes of the contrary.

To conclude, the light of human minds is perspicuous words, but by exact definitions first snuffed, and purged from ambiguity; reason is the pace; increase of science the way; and the benefit of mankind, the end. And on the contrary, metaphors, and senseless and ambiguous words, are like ignis fatui; and reasoning upon them a wandering amongst innumerable absurdities; and their end, contention and sedition, or contempt.

As much experience, is prudence; so, is much science sapience. For though we usually have one name of wisdom for both, yet the Latins did always distinguish between prudentia and sapientia; ascribing the former to experience, the latter to science. But to make their difference appear more clearly, let us suppose one man endued with an excellent natural use and dexterity in handling his arms; and another to have added to that dexterity, an acquired science, of where he can offend, or be offended by his adversary, in every possible posture or guard: the ability of the former, would be to the ability of the latter, as prudence to sapience; both useful but the latter infallible. But they that trusting only to the authority of books, follow the blind blindly, are like him that, trusting to the false rules of a master of fence ventures presumptuously upon an adversary, that either kills or disgraces him.

The signs of science are, certain and infallible; some, uncertain. Certain when he that pretendeth the science of any thing, can teach the same, that is to say demonstrate the truth thereof perspicuously to another; uncertain, when only some particular events answer to his petence, and upon many occasions prove so as he said they must. Signs of prudence are all uncertain; because to observe by experience, and remember all circumstances that may alter the success, is impossible. But in any business, whereof a man has not infallible science to proceed by; to forsake his own natural judgment, and be guided by general sentences read in authors, and subject to many exceptions, is a sign of folly, and generally scorned by the name of pedantry. And even of those men themselves, that in councils of the commonwealth love to show their reading of politics and history, very few do it in their domestic affairs, where their particular interest is concerned; having prudence enough for their private affairs; but in public they study more the reputation of their own wit, than the success of another's business.

CHAPTER 6

Of the Interior Beginnings of Voluntary Motions: Commonly Called the Passions; and the Speeches by Which They Are Expressed

There be in animals, two sorts of motions peculiar to them: one called vital; begun in generation, and continued without interruption through their whole life; such as are the course of the blood, the pulse, the breathing, the conception, nutrition, excretion, &c.; to which motions there needs no help of imagination: the other is animal motion, otherwise called voluntary motion; as to go, to speak, to move any of our limbs, in such manner as is first fancied in our minds. That sense is motion in the organs and interior parts of man's body, caused by the action of the things we see, hear, &c.; and that fancy is but the relics of the same motion, remaining after sense, has been already said in the first and second chapters. And because going, speaking, and the like voluntary motions, depend always upon a precedent thought of whether, which way, and what; it is evident, that the imagination is the first internal beginning of all voluntary motion. And although untrained men do not conceive any motion at all to be there, where the thing moved is invisible; or the space it is moved in, is (for the shortness of it) insensible; yet that doth not hinder, but that such motions are.

For let a space be never so little, that which is moved over a greater space, whereof that little one is part, must first be moved over that. These small beginnings of motion, within the body of man, before they appear in walking, speaking, striking, and other visible actions, are commonly called ENDEAVOUR.

This endeavour, when it is toward something which causes it, is called APPETITE, or DESIRE; the latter, being the general name; and the other, oftentimes restrained to signify the desire of food, namely hunger and thirst. And when the endeavour is fromward something, it is generally called AVERSION. These words, appetite and aversion, we have from the Latins; and they both of them signify the motions, one of approaching, the other of retiring. So also do the Greek words for the same, which are ἀφήσεως and ἀφαφήσεως. For nature itself does often press upon men those truths, which afterwards, when they look for somewhat beyond nature, they stumble at. For the Schools find in mere appetite to go, or move, no actual motion at all: but because some motion they must acknowledge, they call it metaphorical motion; which is but an absurd speech: for though words may be called metaphorical; bodies and motions cannot.

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

Of appetites and aversions, some are born with men; as appetite of food, appetite of excretion and exoration, (which may also and more properly be called aversions, from somewhat they feel in their bodies;) and some other appetites, nor many. The rest, which are appetites of particular things, proceed from experience, and trial of their effects upon themselves or other men. For of things we know not at all, or believe not to be, we can have no further desire, than to taste and try. But aversion we have for things, not only which we know have hurt us, but also that we do not know whether they will hurt us, or not.

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

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

But whatsoever is the object of any man's appetite or desire, that is it which he for his part calleth good; and the object of his hate and aversion, evil; and of his contempt, vile and inconsiderable. For these words of good, evil, and contemptible, are ever used with relation, to the person that useth them: there being nothing simply and absolutely so; nor any common rule of good and evil, to be taken from the nature of the objects themselves; but from the person of the man (where there is no commonwealth) or, (in a commonwealth,) from the person that representeth it; or from an arbitrator or judge, whom men disagreeing shall by consent set up, and make his sentence the rule thereof.
The Latin tongue has two words, whose significations approach to those of good and evil; but are not precisely the same; and those are pulchrum and turpe. Whereof the former signifies that, which by some apparent signs promises good; and the latter, that which promises evil. But in our tongue we have not so general names to express them by: But for pulchrum we say in some things, fair: in others, beautiful, or handsome, or gallant, or tolerable, or comely, or amiable, and for turpe, foul, deformed, ugly, base, nauseous, and the like, as the subject shall require; all which words, in their proper places, signify nothing else but the mens, or countenance, that promises good and evil. So that of good there be three kinds; good in the promise, that is pulchrum; good in effect, as the end desired, which is called jucundum, delightful; and good as the means, which is called aureum, profitable; and as many of evil: for evil in promise, is that they call turpe; evil in effect, and, is molestum, unpleasant, troublesome; and evil in the means, inutile, unprofitable, hurtful.

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

This motion, which is called appetite, and for the apparence of it delight, and pleasure, seemeth to be a corroboration of vital motion, and a help thereunto; and therefore such things as caused delight, were not improperly called jucunda, (a jucunda,) from healing or arresting; and the contrary, molesta, offensive, from hindering, and troubling the motion vital. Pleasure therefore, (or delight,) is the apparence, or sense of good; and molestation or displeasure, the apparence, or sense of evil. And consequently all appetite, desire, and love, is accompanied with some delight more or less; and all hatred and aversion, with more or less displeasure and offence.

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

These simple passions called appetite, desire, love, aversion, hate, joy, and grief, have their names for divers considerations diversified. As first, when they one succeed another, they are diversely called from the opinion men have of the likelihood of attaining what they desire. Secondly, from the object loved or hated. Thirdly, from the consideration of many of them together. Fourthly, from the alternation or succession it self.

For appetite, with an opinion of attaining, is called hope.

The same, without such opinion, despair.

Aversion, with opinion of hurt from the object, fear.

The same, with hope of avoiding that hurt by resistance, courage.

Sudden courage, anger.

Constant hope, confidence of ourselves.

Constant despair, diffidence of ourselves.

Anger for great hurt done to another, when we conceive the same to be done by injury, indignation.

Desire of good to another, benevolence, good will, charity. If to man generally, good nature.
On the contrary, sudden dejection, is the passion that causeth WEEPING; and is caused by such accidents, as suddenly take away some vehement hope, or some prop of their power; and they are most subject to it, that rely principally on helps external, such as are women, and children. Therefore some weep for the loss of friends; others for their unkindness; others for the sudden stop made to their thoughts of revenge, by reconciliation. But in all cases, both laughter, and weeping, are sudden motions; custom taking them both away. For no man laughs at old jests; or weeps for an old calami ty.

Grief, for the discovery of some defect of ability, is SHAME, or the passion that discovereth itself in BLUSHING; and consisteth in the apprehension of some thing dishonourable; and in young men, is a sign of the love of good reputation, and commendable; in old men it is a sign of the same; but because it comes too late, not commendable.

The contempt of some reputation is called IMPUDENCE.

Grief, of the calami ty of another, is PITY, and ariseth from the imagination that the like calami ty may befall himself; and therefore is called also COMPASSION, and in the phrase of this present time a FELLOW-FEELING: and therefore for calamity arising from great wickedness, the best men have the least pity; and for the same calami ty, those have least pity, that think themselves least obnoxious to the same.

Contempt, or little sense of the calami ty of others, is that which men call CRUELTY; proceeding from security of their own fortune. For, that any man should take pleasure in other men's great harms, without other end of his own, I do not conceive it possible.

Grief, for the success of a competitor in wealth, honour, or other good, if it be joined with endeavour to enforce our own abilities to equal or exceed him, is called EMULATION: but joined with endeavours to supplant, or hinder a competitor, ENVY.

These forms of speech, I say, are expressions, or voluntary significations of our passions; but certain signs they be not; because they may be used arbitrarily, whether they that use them, have such passions or not. The best signs of passions present, are either in the countenance, motions of the body, actions, and ends, or aims, which we otherwise know the man to have.

And because in deliberation, the appetites, and aversions, are raised by foresight of the good and evil consequences, and sequels of the action whereof we deliberate; the good or evil effect thereof dependeth on the foresight of a long chain of consequences, of which very seldom any man is able to see to the end. But for so far as a man seeth, if the good in those consequences be greater than the evil, the whole chain is that which writers call apparent, or seeming good. And contrarily, when the evil exceedeth the good, the whole is apparent, or seeming evil: so that he who hath by experience, or reason, the greatest and surest prospect of consequences, deliberates best himself; and is able when he will, to give the best counsel unto others.

Continual success in obtaining those things which a man from time to time desireth, that is to say, continual prospering, is that men call FELICITY; I mean the felicity of this life. For there is no such thing as perpetual tranquillity of mind, while we live here; because life itself is but motion, and can never be without desire, nor without fear, no more than without sense. What kind of felicity God hath ordained to them that devoutly honour Him, a man shall no sooner know, than enjoy; being joys, that now are as incomprehensible, as the word of school-men beatific vision is unintelligible.

The form of speech whereby men signify their opinion of the goodness of any thing, is PRAISE. That whereby they signify the power and greatness of any thing, is MAGNIFYING. And that whereby they signify the opinion they have of a man's felicity, is by the Greeks called μακεραπτικος for which we have no name in our tongue. And thus much is sufficient for the present purpose, to have been said of the PASSIONS.
CHAPTER 7
Of the Ends, or Resolutions of Discourse

Of all discourse, governed by desire of knowledge, there is at last an end, either by attaining, or by giving over. And in the chain of discourse, wheroever it be interrupted, there is an end for that time.

If the discourse be merely mental, it consisteth of thoughts that the thing will be, and will not be, or that it has been, and has not been, alternately. So that wheresoever you break off the chain of a man's discourse, you leave him in a presumption of it will be, or, it will not be; or it has been, or, has not been. All which is opinion. And that which is alternate appetite, in deliberating concerning good and evil; the same is alternate opinion, in the enquiry of the truth of past, and future. And as the last appetite in deliberation is called the will; so the last opinion in search of the truth of past, and future, is called the JUDGMENT, or resolute and final sentence of him that discoursed. And as the whole chain of appetites alternate, in the question of good, or bad, is called delibration; so the whole chain of opinions alternate, in the question of true, or false, is called DOUBT.

No discourse whatsoever, can end in absolute knowledge of fact, past, or to come. For, as for the knowledge of fact, it is originally, sense; and ever after, memory. And for the knowledge of consequence, which I have said before is called science, it is not absolute, but conditional. No man can know by discourse, that this, or that, is, has been, or will be; which is to know absolutely: but only, that if this be, that is; if this has been, that has been; if this shall be, that shall be: which is to know conditionally; and that not the consequence as for the knowledge of feet, it is originally, sense; and ever after, memory. And for the knowledge of consequence, which I have said before is called science, it is not absolute, but only, that if this be, that is; if this has been, that has been; if this will be, or will not be; or it has been, or, has not been. All which is opinion. And that which is alternate appetite, in deliberating concerning good and evil; the same is alternate opinion, in the enquiry of the truth of past, and future. And as the last appetite in deliberation is called the will; so the last opinion in search of the truth of past, and future, is called the JUDGMENT, or resolute and final sentence of him that discoursed. And as the whole chain of appetites alternate, in the question of good, or bad, is called delibration; so the whole chain of opinions alternate, in the question of true, or false, is called DOUBT.

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CHAPTER 10
Of Power, Worth, Dignity, Honour, and Worthiness

The power of a man, (to take it universally), is his present means, to obtain some future apparent good; and is either original or instrumental.

Natural power, is the eminence of the faculties of body, or mind: as extraordinary strength, form, prudence, arts, eloquence, liberality, nobility. Instrumental are those powers, which acquired by these, or by fortune, are means and instruments to acquire more: as riches, reputation, friends, and the secret working of God, which men call good luck. For the nature of power, is in this point, like to fame, increasing as it proceeds; or like the motion of heavy bodies, which the further they go, make still the more haste.

The greatest of human powers, is that which is compounded of the powers of most men, united by consent, in one person, natural, or civil, that has the use of all their powers depending on his will; such as is the power of a common-wealth: or depending on the wills of each particular; such as is the power of a faction or of divers factions united. Therefore to have servants, is power; to have friends, is power: for they are strengths united.
Also riches joined with liberality, is power; because it procureth friends, and servants: without liberality, nor so; because in this case they defend not; but expose men to envy, as a prey.

Reputation of power, is power; because it draweth with it the adherence of those that need protection.

So is reputation of love of a man's country, (called popularity,) for the same reason.

Also, what quality soever maketh a man beloved, or feared of many; of the reputation of such quality, is power; because it is a means to have the assistance, and service of many.

Good success is power; because it maketh reputation of wisdom, or good fortune; which makes men either fear him, or rely on him.

Affability of men already in power, is increase of power; because it gaineth love.

Reputation of prudence in the conduct of peace or war, is power; because to prudent men, we commit the government of ourselves, more willingly than to others.

Nobility is power, not in all places, but only in those commonwealths, where it has privileges: for in such privileges consisteth their power.

Eloquence is power, because it is seeming prudence.

Form is power; because being a promise of good, it recommendeth men to the favour of women and strangers.

The sciences, are small power; because not eminent; and therefore, not acknowledged in any man; nor are at all, but in a few, and in them, but of a few things. For science is of that nature, as none can understand it to be, but such as in a good measure have attained it.

Arts of public use, as fortification, making of engines, and other instruments of war; because they confer to defence, and victory, are power: and though the true mother of them, be science, namely the mathematics; yet, because they are brought into the light, by the hand of the artificer, they be esteemed (the midwife passing with the vulgar for the mother,) as his issue.

The value, or WORTH of a man, is as of all other things, his price; that is to say, so much as would be given for the use of his power: and therefore is not absolute; but a thing dependant on the need and judgment of another. An able conductor of soldiers, is of great price in time of war present, or imminent; but in peace not so. A learned and uncorrupt man, is of great price in time of war present, or imminent; but in peace not so. A learned and uncorrupt judge, is much worth in time of peace; but not so much in war. And as in other things, so in men, not the seller, but the buyer determines the price. For let a man (as most men do,) rate themselves at the highest value they can; yet their true value is no more than it is esteemed by others.

The manifestation of the value we set on one another, is that which is commonly called honouring, and dishonouring. To value a man at a high rate, is to honour him; at a low rate, is to dishonour him. But high, and low, in this case, is to be understood by comparison to the rate that each man setteth on himself.

The public worth of a man, which is the value set on him by the commonwealth, is that which men commonly call DIGNITY. And this value of him by the commonwealth, is understood, by offices of command, judicature, public employment; or by names and titles, introduced for distinction of such value.

To pray to another, for aid of any kind, is to HONOUR; because a sign we have an opinion he has power to help; and the more difficult the aid is, the more is the honour.

To obey, is to honour, because no man obeys them, whom they think have no power to help, or hurt them. And consequently to disobey, is to dishonour.

To give great gifts to a man, is to honour him; because it is buying of protection, and acknowledging of power. To give little gifts, is to dishonour, because it is but alms, and signifies an opinion of the need of small helps.

To be sedulous in promoting another's good; also to flatter, is to honour; as a sign we seek his protection or aid. To neglect, is to dishonour.

To give way, or place to another, in any commodity, is to honour; being a confession of greater power. To arrogate, is to dishonour.

To show any sign of love, or fear of another, is to honour; for both to love, and to fear, is to value. To contemn, or to less to love or fear, than he expects, is to dishonour; for it is undervaluing.

To praise, magnify, or call happy, is to honour; because nothing but goodness, power, and felicity is valued. To revile, mock, or pity, is to dishonour.

To speak to another with consideration, to appear before him with decency, and humility, is to honour him; as signs of fear to offend. To speak to him rashly, to do any thing before him obstinately, slovenly, impudently, is to dishonour.

To believe, to trust, to rely on another, is to honour him; sign of opinion of his virtue and power. To distrust, or not believe, is to dishonour.

To hearken to a man's counsel, or discourse of what kind soever, is to honour; as a sign we think him wise, or eloquent, or witty. To sleep, or go forth, or talk the while, is to dishonour.

To do those things to another, which he takes for signs of honour, or which the law or custom makes so, is to honour; because in approving the honour done by others, he acknowledgeth the power which others acknowledge. To refuse to do them, is to dishonour.

To agree with in opinion, is to honour; as being a sign of approving his judgment, and wisdom. To dissent, is dishonour, and an upbraiding of error; and (if the dissent be in many things) of folly.

To imitate, is to honour; for it is vehemently to approve. To imitate one's enemy, is to dishonour.

To honour those another honours, is to honour him; as a sign of approbation of his judgment. To honour his enemies, is to dishonour him.

To employ in counsel, or in actions of difficulty, is to honour; as a sign of opinion of his wisdom, or other power. To deny employment in the same cases, to those that seek it, is to dishonour.

All these ways of honouring, are natural; and as well within, as without commonwealths. But in commonwealths, where he, or they that have the supreme authority, can make whatsoever they please, to stand for signs of honour, there be other honours.

A sovereign doth honour a subject, with whatsoever title, or office, or employment, or action, that he himself will have taken for a sign of his will to honour him.

The king of Persia, honoured Mordcai, when he appointed he should be conducted through the streets in the king's garment, upon one of the king's horses, with a crown on his head, and a prince before him, proclaiming, that shall it be done to him that the king will honour. And yet another king of Persia, or the same another time, to one that demanded for some great service, to wear one of the king's robes, gave him leave so to do; but with this addition, that he should wear it as the king's fool; and then it was dishonour. So that of civil honour, the fountain is in the person of the commonwealth, and dependeth on the will of the sovereign; and is therefore temporary, and called civil honour; such as are magistracy, offices, titles; and in some places coats and scutcheons painted; and men honour such as have them, as having so many signs of favour in the commonwealth; which favour is power.

Honourable is whatsoever possession, action, or quality, is an argument and sign of power. And therefore to be honoured, loved, or feared of many, is honourable; as arguments of power. To be honoured of few or none, dishonourable.

Dominion, and victory is honourable; because acquired by power; and servitude, for need, or fear, is dishonourable.
Good fortune (if lasting,) honourable, as a sign of the favour of God. Ill fortune, and losses, dishonourable. Riches, are honourable; for they are power. Poverty, dishonourable. Magnanimity, liberality, hope, courage, confidence, are honourable; for they proceed from the conscience of power. Pusillanimity, parsimony, fear, diffidence, are dishonourable.

Temply resolution, or determination of what a man is to do, is honourable; as being the contempt of small difficulties, and dangers. And irresolution, dishonourable; as a sign of too much valuing of little impediments, and little advantages: for when a man has weighed things as long as the time permits, and resolves not, the difference of weight is but little; and therefore if he resolve not, he overvalues little things, which is pusillanimity.

All actions, and speeches, that proceed, or seem to proceed from much experience, science, discretion, or wit, are honourable; for all these are powers. Actions, or words that proceed from error, ignorance, or folly, dishonourable.

Gravity, as far forth as it seems to proceed from a mind employed on something else, is honourable; because employment is a sign of power. But if it seem to proceed from a purpose to appear grave, it is dishonourable. For the gravity of the former, is like the steadiness of a ship laden with merchandise; but of the latter, like the steadiness of a ship ballasted with sand, and other trash.

To be conspicuous, that is to say, to be known, for wealth, office, great actions, or any eminent good, is honourable; as a sign of the power for which he is conspicuous. On the contrary, obscurity, is dishonourable.

To be descended from conspicuous parents, is honourable; because they the more easily attain the aids, and friends of their ancestors. On the contrary, to be descended from obscure parentage, is dishonourable.

Actions proceeding from equity, joined with loss, are honourable; as signs of magnanimity: for magnanimity is a sign of power. On the contrary, craft, shifting, neglect of equity, is dishonourable.

Covetousness of great riches, and ambition of great honours, are honourable; as signs of power to obtain them. Covetousness, and ambition, of little gains, or preferments, is dishonourable.

Nor does it alter the case of honour, whether an action (so it be great and difficult, and consequently a sign of much power,) be just or unjust: for honour consisteth only in the opinion of power. Therefore the ancient heathen did not think they dishonoured, but greatly honoured the Gods, when they introduced them in their poems, committing rapes, thefts, and other great, but unjust, or unclean acts: insomuch as nothing is so much celebrated in Jupiter, as his adulteries; nor in Jupiter, as make mention of the German nation and manners, in their times.

Nor does it alter the case of honour, whether an action (so it be great and difficult, and consequently a sign of much power,) be just or unjust: for honour consisteth only in the opinion of power. Therefore the ancient heathen did not think they dishonoured, but greatly honoured the Gods, when they introduced them in their poems, committing rapes, thefts, and other great, but unjust, or unclean acts: insomuch as nothing is so much celebrated in Jupiter, as his adulteries; nor in Jupiter, as his frauds, and thefts: of whose praises, in a hymn of Homer, the greatest is this, that being born in the morning, he had invented music at noon, and before night, stolen away the cattle of Jupiter,

Also amongst men, till there were constituted great commonwealths, it was thought no dishonour to be a pirate, or a highway thief; but rather a lawful trade, not only amongst the Greeks, but also amongst all other nations; as is manifest by the histories of ancient time. And at this day, in this part of the world, private duels are, and always will be honourable, though unlawful, till such time as there shall be honour ordained for them that refuse, and ignominy for them that make the challenge. For duels also are many times effects of courage; and the ground of courage is always strength or skill, which are power; though for the most part they be effects of rash speaking, and of the fear of dishonour, in one, or both the combatants; who engaged by rashness, are driven into the lists to avoid disgrace.

Scutcheons, and coats of arms hereditary, where they have any eminent privileges, are honourable; otherwise not: for their power consisteth either in such privileges, or in riches, or some such things as is equally honoured in other men. This kind of honour, commonly called gentry, has been derived from the ancient Germans. For there never was any such thing known, where the German customs were unknown. Nor is it now any where in use where the Germans have not inhabited. The ancient Greek commanders, when they went to war, had their shields painted with such devices as they pleased; insomuch as an unpainted buckler was a sign of poverty, and of a common soldier; but they transmitted not the inheritance of them. The Romans transmitted the marks of their families: but they were the images, nor the devices of their ancestors. Amongst the people of Asia, Africa, and America, there is not, nor was ever, any such thing. The Germans only had that custom; from whom it has been derived into England, France, Spain, and Italy, when in great numbers they either aided the Romans, or made their own conquests in these western parts of the world.
For he is worthiest to be a commander, to be a judge, or to have any other charge, that is best fitted, with the qualities required to the well discharging of it; and worthiest of riches, that has the qualities most requisite for the well using of them: any of which qualities being absent, one may nevertheless be a worthy man, and valuable for something else. Again, a man may be worthy of riches, office, and employment, that nevertheless, can plead no right to have it before another; and therefore cannot be said to merit or deserve it. For merit presupposeth a right, and that the thing deserved is due by promise: of which I shall say more hereafter, when I shall speak of contracts.

CHAPTER 11
Of the Difference of Manners

By manners, I mean not here, decency of behaviour; as how one man should salute another, or how a man should wash his mouth, or pick his teeth before company; and such other points of the small morals; but those qualities of mankind, that concern their living together in peace, and unity. To which end we are to consider, that the felicity of this life, consisteth not in the repose of a mind satisfied. For there is no such finis ultimus, (utmost aim,) nor summum bonum, (greatest good,) as is spoken of in the books of the old moral philosophers. Nor can a man any more live, whose desires are at an end, than he, whose senses and imaginations are at a stand. Felicity is a continual progress of the desire, from one object to another; the attaining of the former, being still but the way to the latter. The cause whereof is, that the object of man's desire, is not to enjoy once only, and for one instant of time; but to assure for ever, the way of his future desire. And therefore the voluntary actions, and inclinations of all men, tend, not only to the procuring, but also to the assuring of a contented life; and differ only in the way: which ariseth partly from the diversity of passions, in divers men; and partly from the difference of the knowledge, or opinion each one has of the causes, which produce the effect desired.

So that in the first place, I put for a general inclination of all mankind, a perpetual and restless desire of power after power, that ceaseless only in death. And the cause of this, is not always that a man hopes for a more intensive delight, than he has already attained to; or that he cannot be content with a moderate power: but because he cannot assure the power and means to live well, which he hath present, without the acquisition of more. And from hence it is, that kings, whose power is greatest, turn their endeavors to the assuring it at home by laws, or abroad by wars: and when that is done, there succeedeth a new desire; in some, of fame from new conquest; in others, of ease and sensual pleasure; in others, of industry, and labour. Fear of death, and wounds, disposeth to the same: because not seeing the way of safety, they will rather hazard their honour, which may be salved with an excuse; than their lives, for which no insufficiency discovered.

The competition of riches, honour, command, or other power, inclineth men to obey a common power: For such desire, containeth a desire of leisure; and consequently protection from some other power than their own.

Desire of knowledge, and arts of peace, inclineth men to obey a common power: For such desire, containeth a desire of leisure; and consequently protection from some other power than their own.

Desire of praise, disposeth to laudable actions, such as please them whose judgment they value; for of those men whom we commend, we commend also the praises. Desire of fame after death does the same. And though after death, there be no sense of the praise given us on earth, as being joys, that are either swallowed up in the unspeakeable joys of Heaven, or extinguished in the extreme torments of hell: yet is not such fame vain; because men have a present delight therein, from the foresight of it, and of the benefit that may redound thereby to their posterity: which though they now see not, yet they imagine; and any thing that is pleasure in the sense, the same also is pleasure in the imagination.

To have received from one, to whom we think ourselves equal, greater benefits than there is hope to require, disposeth to counterfeit love; but really secret hatred; and puts a man into the estate of a desperate debtor, that in declining the sight of his creditor, tacitly wishes him there, where he might never see him more. For benefits oblige, and obligation is thraldom; and unrequitable obligation, perpetual thraldom: which is to one's equal, hateful. But to have received benefits from one, whom we acknowledge for superior, inclines to love; because the obligation is no new depression: and cheerful acceptance, (which men call gratitudine, is such an honour done to the obliger, as is taken generally for retribution. Also to receive benefits, though from an equal, or inferior, as long as there is hope of requital, disposeth to love: for in the intention of the receiver, the obligation is of aid, and service mutual; from whence proceedeth an emulation of who shall exceed in benefiting; the most noble and profitable contention possible; wherein the victor is pleased with his victory, and the other revenged by confessing it.

To have done more hurt to a man, than he can, or is willing to expiate, inclineth the doer to hate the sufferer. For he must expect revenge, or forgiveness; both which are hateful.

Fear of oppression, disposeth a man to anticipate, or to seek aid by society: for there is no other way by which a man can secure his life and liberty.

Men that distrust their own subtility, are in tumult and sedition, better disposed for victory, than they that suppose themselves wise, or crafty. For these love to consult, the other (fearing to be circumvented,) to strike first. And in sedition, men being always in the precincts of battle, to hold together, and use all advantages of force, is a better strategem, than any that can proceed from subtelty of wit.

Vain-glorious men, such as without being conscious to themselves of great sufficiency, delight in supposing themselves gallant men, are inclined only to ostentation; but not to attempt: because when danger or difficulty appears, they look for nothing but to have their insufficiency discovered.

Vain-glorious men, such as estimate their sufficiency by the flattery of other men, or the fortune of some precedent action, without assured ground of hope from the true knowledge of themselves, are inclined to rash engaging; and in the approach of danger, or difficulty, to retire if they can: because not seeing the way of safety, they will rather hazard their honour, which may be salved with an excuse; than their lives, for which no salve is sufficient.

Men that have a strong opinion of their own wisdom in matter of government, are disposed to ambition. Because without public employment in council or magistracy, the honour of their wisdom is lost. And therefore eloquent speakers are inclined to ambition; for eloquence seemeth wisdom, both to themselves and others.

Pusillanimity disposeth men to irresolution, and consequently to lose the occasions, and fittest opportunities of action. For after men have been in deliberation till the time of action approach, if it be not then manifest what is best to be done, it is a sign, the differ-
ence of motives, the one way and the other, are not great: therefore not to resolve then, is to lose the occasion by weighing of trifles; which is pusillanimity.

Frugality, (though in poor men a virtue,) maketh a man unapt to achieve such actions, as require the strength of many men at once: for it weakeneth their endeavor, which is to be nourished and kept in vigour by reward.

Eloquence, with flattery, disposeth men to confide in them that have it; because the former is seeming wisdom, the latter seeming kindness. Add to them military reputation, and it disposeth men to adhere, and subject themselves to those men that have them. The two former, having given them caution against danger from him; the latter gives them caution against danger from others.

Want of science, that is, ignorance of causes, disposeth, or rather constrainteth a man to rely on the advice, and authority of others. For all men whom the truth concerns, if they rely not on their own, must rely on the opinion of some other, whom they think wiser than themselves, and see not why he should deceivethem.

Ignorance of the signification of words, which is want of understanding, disposeth men to take on trust, not only the truth they know not; but also the errors; and which is more, the non-sense of them they trust: for neither error nor non-sense, can without a perfect understanding of words, be detected.

From the same it proceedeth, that men give different names, to one and the same thing, from the difference of their own passions: as they that approve a private opinion, call it opinion; but they that dislike it, heresy: and yet heresy signifies no more than private opinion, but has only a greater tincture of choler.

From the same also it proceedeth, that men cannot distinguish, without study and great understanding, between the one action of many men, and many actions of one multitude; as for example, between one action of all the senators of Rome in killing Catiline, and the many actions of a number of senators in killing Caesar: and therefore are disposed to take for the action of the people, that which is a multitude of actions done by a multitude of men, led perhaps by the persuasion of one.

Ignorance of the causes, and original constitution of right, equity, law, and justice, disposeth a man to make custom and example the rule of his actions; in such manner, as to think that unjust which it hath been the custom to punish; and that just, of the impunity and approbation wherein they can produce an example, or (as the lawyers which only use this false measure of justice barbarously call it) a precedent; like little children, that have no other rule of good and evil manners, but the correction they receive from their parents and masters; save that children are constant to their rule, whereas, men are not so; because grown strong, and stubborn, they appeal from custom to reason, and from reason to custom, as it serves their turn; receding from custom when their interest requires it, and setting themselves against reason, as oft as reason is against them: which is the cause, that the doctrine of right and wrong, is perpetually disputed, both by the pen and the sword: whereas the doctrine of lines, and figures, is not so; because men care not, in that subject, what be truth, as a thing that crosses no man's ambition, profit or lust. For I doubt not, but if it had been a thing contrary to any man's right of dominion, or to the interest of men that have dominion, that the three angles of a triangle, should be equal to two angles of a square; that doctrine should have been, if not disputed, yet by the burning of all books of geometry, suppressed, as far as be whom it concerned was able.

Ignorance of remote causes, disposeth men to attribute all events, to the causes immediate, and instrumental: for these are all the causes they perceive. And hence it comes to pass, that in all places, men that are grieved with payments to the public, discharge their anger upon the publicans, that is to say, farmers, collectors, and other officers of the public revenue; and adhere to such as find fault with the public government; and thereby, when they have engaged themselves beyond hope of justification, fall also upon the supreme authority, for fear of punishment, or shame of receiving pardon.

Ignorance of natural causes disposeth a man to credulity, so as to believe many tinctures of impossibilities: for such know nothing to the contrary, but that they may be true; being unable to detect the impossibility. And credulity, because men love to be hearkened unto in company, disposeth them to lying; so that ignorance it self without malice, is able to make a man both to believe lies, and tell them; and sometimes also to invent them.

Anxiety for the future time, disposeth men to inquire into the causes of things: because the knowledge of them, maketh men the better able to order the present to their best advantage.

Curiosity, or love of the knowledge of causes, draws a man from consideration of the effect, to seek the cause; and again, the cause of that cause; till of necessity he must come to this thought at last, that there is some cause, whereas there is no former cause, but is eternal; which is it men call God. So that it is impossible to make any profound inquiry into natural causes, without being inclined thereby to believe there is one God eternal; though they cannot have any idea of him in their mind, answerable to his nature. For as a man that is born blind, hearing men talk of warming themselves by the fire, and being brought to warm himself by the same, may easily conceive, and assure himself, there is somewhat there, which men call fire, and is the cause of the heat he feels; but cannot imagine what it is like; nor have an idea of it in his mind, such as they have that see it: so also, by the visible things of this world, and their admirable order, a man may conceive there is a cause of them, which men call God; and yet nor have an idea, or image of him in his mind.

And they that make little, or no inquiry into the natural causes of things, yet from the fear that proceeds from the ignorance it self, of what it is that hath the power to do them much good or harm, are inclined to suppose, and feign unto themselves, several kinds of powers invisible; and to stand in awe of their own imaginations; and in time of distress to invite them; as also in the time of an expected good success, to give them thanks; making the creatures of their own fancy, their gods. By which means it hath come to pass, that from the innumerable variety of fancy, men have created in the world innumerable sorts of gods. And this fear of things invisible, is the natural seed of that, which every one in himself calleth religion; and in them that worship, or fear that power otherwise than they do, superstition.

And this seed of religion, having been observed by many; some of those that have observed it, have been inclined thereby to nourish, dress, and form it into laws; and to add to it of their own invention, any opinion of the causes of future events, by which they thought they should be best able to govern others, and make unto themselves the greatest use of their powers.

CHAPTER 12

Of Religion

Seeing there are no signs, nor fruit of religion, but in man only; there is no cause to doubt, but that the seed of religion, is also only in man; and consisteth in some peculiar quality, or at least in some eminent degree thereof, not to be found in other living creatures.
And first, it is peculiar to the nature of man, to be inquisitive into the causes of the events they see, some more, some less; but all men so much, as to be curious in the search of the causes of their own good and evil fortune.

Secondly, upon the sight of any thing that hath a beginning, to think also it had a cause, which determined the same to begin, when it did, rather than sooner or later.

Thirdly, whereas there is no other felicity of beasts, but the enjoying of their quotidiant food, ease, and lusts; as having little or no foresight of the time to come, for want of observation, and memory of the order, consequence, and dependence of the things they see; man observeth how one event hath been produced by another; and remembereth in them antecedence and consequence; and when he cannot assure himself of the true causes of things, (for the causes of good and evil fortune for the most part are invisible,) he supposes causes of them, either such as his own fancy suggesteth; or trusteth to the authority of other men, such as he thinks to be his friends, and wiser than himself.

The two first, make anxiety. For being assured that there be causes of all things that have arrived hitherto, or shall arrive hereafter; it is impossible for a man, who continually endeavoureth to secure himself against the evil he fears, and procure the good he desireth, not to be in a perpetual solicitude of the time to come; so that every man, especially those that are over provident, are in an estate like to that of Prometheus, (which interpreted, is, the prudent man,) was bound to the hill Caucasus, a place of large prospect, where, an eagle feeding on his liver, devoured in the day, as much as was repaired in the night: so that man, which looks too far before him, in the care of future time, hath his seed in the dark, must needs have for object something. And therefore when there is nothing to be seen, there is nothing to accuse, either of their good, or evil fortune, but some power, or agent invisible: in which sense it was, that some of the old poets said, that the gods were at first created by human fear: which spoken of the gods, (that is, the name of the man,) is very true.

This perpetual fear, always accompanying mankind in the ignorance of causes, as it was in the dark, must needs have for object something. And therefore when there is nothing to be seen, there is nothing to accuse, either of their good, or evil fortune, but some power, or agent invisible: in which sense it was, that some of the old poets said, that the gods were at first created by human fear: which spoken of the gods, (that is, the name of the man,) is very true. But the acknowledging of one God, eternal, infinite, and omnipotent, may more easily be derived, from the desire men have to know the causes of natural bodies, and their several virtues, and operations; than from the fear of what was to befall them in time to come. For he that from any effect he seeth, is to know the causes of natural bodies, and their several virtues, and operations; than from the fear of what was to befall them in time to come. For he that from any effect he seeth, is to know the causes of nature by natural cogitation, fall upon any other conceit, but that it was the same with that of the soul of man; and that the soul of man, was of the same substance, with that which appeareth in a dream, to one that sleepest; or in a looking-glass, to one that is awake; which, men not knowing that such apparitions are nothing else but creations of the fancy, think to be real, and external substances; and therefore call them ghosts; as the Latins called them imagines, and umbrae, and thought them spirits, that is, thin aerial bodies; and those invisible agents, which they feared, to be like them; save that they appear, and vanish when they please. But the opinion that such spirits were incorporeal, or immaterial, could never enter into the mind of any man by nature; because, though men may put together words of contradictory signification, as spirit, and incorporeal; yet they can never have the imagination of any thing answering to them: and therefore, men that by their own meditation, arrive to the acknowledgment of one infinite, omnipotent, and eternal God, choose rather to confess he is incomprehensible, and above their understanding, than to define his nature by spirit incorporeal, and then confess their definition to be unintelligible: or if they give him such a title, it is not dogmatically, with intention to make the divine nature understood; but piously, to honour him with attributes, of significations, as remote as they can from the grossness of bodies visible.

Then, for the way by which they think these invisible agents wrought their effects; that is to say, what immediate causes they used, in bringing things to pass, men that know not what it is that we call causing, (that is, almost all men) have no other rule to guess by, but by observing, and remembering what they have seen to precede the like effect at some other time, or times before, without seeing between the antecedent and subsequent event, any dependence or connexion at all: and therefore from the like things past, they expect the like things to come; and hope for good or evil luck, superstitionly, from things that have no part at all in the causing of it: as the Athenians did for their war at Lepanto, demand another Phormio; the Pompeian faction for their war in Africa, another Scipio; and others have done in divers other occasions since. In like manner they attribute their fortune to a stander by, to a lucky or unlucky place, to words spoken, especially if the name of God be amongst them; as charming and conjuring (the liturgy of witches;) insomuch as to believe, they have power to turn a stone into bread, bread into a man, or any thing into any thing.

Thirdly, for the worship which naturally men exhibit to powers invisible, it can be no other, but such expression of their reverence, as they would use towards men; gifts, petitions, thanks, submission of body, considerate addresses, sober behavior, premeditated ceremonies, to rely on those they believe to be wiser than themselves.

Lastly, concerning how these invisible powers declare to men the things which shall hereafter come to pass, especially concerning their good or evil fortune in general, or good or ill success in any particular undertaking, men are naturally at a stand; save that using to conjecture of the time to come, by the time past, they are very apt, not only to take casual things, after one or two encounters, for prognostics of the like encounter ever after, but also to believe the like prognostics from other men, of whom they have once conceived a good opinion.

And in these four things, opinion of ghosts, ignorance of second causes, devotion towards what men fear, and taking of things casual for prognostics, consisteth the natural seed of religion; which by reason of the different fancies, judgments, and passions of several men, hath grown up into ceremonies so different, that those which are used by one man, are for the most part ridiculous to another.

For these seeds have received culture from two sorts of men. One sort have been they, that have nourished, and ordered them, according to their own invention. The other have done it, by God's commandment, and direction: but both sorts have done it, with a purpose to make those men that relied on them, the more apt to obedience, laws, peace, charity, and civil society. So that the religion of the former sort, is a part of human politics; and teacheth part of the duty which earthly kings require of their subjects. And the religion of the latter sort is divine politics; and containeth precepts to those that have yielded themselves subjects in the kingdom of God. Of the former sort, were all the founders of commonwealths, and the lawgivers of the Gentiles: of the latter sort, were
Vanish, or Satyrs; the woods, with Fawns, and Nymphs; the sea, with Tritons, and other
amongst the Gentiles, in one place or another, a god, or devil; or by their poets feigned to
be inanimated, inhabited, or possessed by some spirit or other.

The unformed matter of the world, was a god, by the name of Chaos.

The heaven, the ocean, the planets, the fire, the earth, the winds, were so many gods.

Men, women, a bird, a crocodile, a calf, a dog, a snake, an onion, a leek, defiled. Besides
that, they filled almost all places, with spirits called daimons; the plains, with Pan, and
Panisus, or Satyrs; the woods, with Taurus, and other Nymphs, every river, and fountain,
with a ghost of his name, and with Nymphs; every house with its Larus, or familiar; every
man with his Genius; hell with ghosts, and spiritual officers, as Chaos, Cerberus,
and the Furies; and in the night time, all places with larus, lamus, ghosts of men deceased,
and a whole kingdom of fairies and bugbears. They have

The same authors of the religion of the Gentiles, observing the second ground for
religion, which is men's ignorance of causes; and thereby their aptness to attribute their
fortune to causes, on which there was no dependence at all apparent, took occasion to

And to the worship, which naturally men conceived fit to be used towards their
gods; namely, oblations, prayers, thanks, and the rest formerly named; the same legislators of
the Gentiles have added their images, both in picture, and sculpture; that the more ignorant
sort (that is to say, the most part or generality of the people,) thinking the gods for whose
representation they were made, were really included, and as it were housed within them,
and so much the more stand in fear of them: and endowed them with lands, and houses,
and officers, and revenues, set apart from all other human uses; that is, consecrated, and
made holy to those their idols; as caverns, groves, woods, mountains, and whole islands;
and have attributed to them, not only the shapes, some of men, some of beasts, some of
monsters; but also the faculties, and passions of men and beasts; as sense, speech, sex, lust,
genius: (and this not only by mixing one with another, to propagate the kind of gods;
but also by mixing with men, and women, to beget mongrel gods, and but inmates of
heaven, as Bacchus, Hercules, and others: besides anger, revenge, and other passions of
living creatures, and the actions proceeding from them, as fraud, theft, adultery, sodomy, and
any vice that may be taken for an effect of power, or a cause of pleasure; and all such vices,
as amongst men are taken to be against law, rather than against honour.

Lastly, to the prognostics of time to come; which are naturally, but conjectures upon
the experience of time past; and supernaturally, divine revelation; the same authors of the

religion of the Gentiles, partly upon pretended experience, partly upon pretended revelation,
and made men believe they should find their fortunes, sometimes in the ambiguous or senseless answers
of the priests at Delphi, Delos, Ammon, and other famous oracles; which answers, were made
ambiguous by design, to own the event both ways; or absurd, by the intoxicating vapour
of the place, which is very frequent in sulphurous caverns: sometimes in the leaves of the
Sybil; of whose prophecies (like those perhaps of Nastradamus; for the fragments now
extent seem to be the invention of later times) there were some books in reputation in
the time of the Roman republic: sometimes in the insignificant speeches of madmen,
supposed to be possessed with a divine spirit, which possession they called enthusiasm; and
these kinds of foretelling events, were accounted theomancy, or prophecy; sometimes in
the aspect of the stars at their nativity; which was called horoscopy; and esteemed a part of
justice astrology: sometimes in their own hopes and fears, called thumomancy, or
presage; sometimes in the prediction of witches, that pretended conference with the dead;

And the same founders, and legislators of commonwealths among the
Gentiles, whose ends were only to keep the people in obedience, and peace, have in all
places taken care; first, to imprint in their minds a belief, that those precepts which they
gave concerning religion, might not be thought to proceed from their own device, but from the dictates of some god, or other spirit; or else that they themselves were of a higher
nature than mere mortals, that their laws might the more easily be received: so

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nature than mere mortals, that their laws might the more easily be received: so
Numa Pompilius pretended to receive the ceremonies he instituted amongst the Romans, from
the nymph Egeria: and the first king and founder of the kingdom of Peru, pretended him­
self and his wife to be the children of the Sun: and

To set up his new religion, pretended to have conferences with the Holy Ghost, in form of a dove. Secondly, they have
had a care, to make it believed, that the same things were displeasing the gods, which
were forbidden by the laws. Thirdly, to prescribe ceremonies, supplications, sacrifices, and
festivals, by which they were to believe, the anger of the gods might be appeased; and that
in such cases, as they thought them to pretend, or foreshow some great calamity to come;

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the laws, were the less apt to mutiny against their governors. And being entertained with the pomp, and pastime of festivals, and public games, made in honour of the gods, needed nothing else but bread to keep them from discontent, murmuring, and commotion against the state. And therefore the Romans, that had conquered the greatest part of the then known world, made no scruple of tolerating any religion whatsoever in the city of Rome itself, unless it had something in it, that could not consist with their civil government; nor do we read, that any religion was there forbidden, but that of the Jews; who (being the peculiar kingdom of God) thought it unlawful to acknowledge subjection to any mortal king or state whatsoever. And thus you see how the religion of the Gentiles made to himself a peculiar kingdom; and gave laws, not only of behaviour towards him—men, as for such purpose are in reputation.

But where God himself, by supernatural revelation, planted religion; there he also made to himself a peculiar kingdom; and gave laws, not only of behaviour towards himself, but also towards one another; and thereby in the kingdom of God, the policy, and laws civil, are a part of religion; and therefore the distinction of temporal, and spiritual domination, hath there no place. It is true, that God is king of all the earth: yet may be be king of a peculiar, and chosen nation. For there is no more incongruity therein, than that he hath the general command of the whole army, should have withal a peculiar regiment, or company of his own. God is king of all the earth by his power: but of his chosen people, he is king by covenant. But to speak more largely of the kingdom of God, both by nature, and covenant, I have in the following discourse assigned another place.

From the propagation of religion, it is not hard to understand the causes of the resolution of the same into its first seeds, or principles; which are only an opinion of a deity, and powers invisible, and supernatural; that can never be so abolished out of human nature, but that new religions may again be made to spring out of them, by the culture of such men, as for such purpose are in reputation. For seeing all formed religion, is founded at first, upon the faith which a multitude hath in some one person, whom they believe not only to be a wise man, and to labour to procure their happiness, but also to be a holy man, to whom God himself vouchsaith to declare his will supernaturally; it followeth necessarily, when they that have the government of religion, shall come to have either the wisdom of those men, their sincerity, or their love suspected; or that they shall be unable to show any probable token of divine revelation; that the religion which they desire to uphold, must be suspected likewise; and (without the fear of the civil sword) contradicted and rejected.

That which taketh away the reputation of wisdom, in him that formeth a religion, or addeth to it when it is already formed, is the enjoining of a belief of contradictories: for both parts of a contradiction cannot possibly be true: and therefore to enjoin the belief of them, is an argument of ignorance; which detects the author in that; and discredits him in all things else he shall propound as from revelation supernatural: which revelation a man may indeed have of many things above, but of nothing against natural reason.

That which taketh away the reputation of sincerity, is the doing or saying of such things, as appear to be signs, that what they require other men to believe, is not believed by themselves; all which doings, or sayings are therefore called scandalous, because they are stumbling blocks, that make men to fall in the way of religion: as injustice, cruelty, profaneness, avarice, and luxury. For who can believe, that he that doth ordinarily such actions as proceed from any of these roots, believeth there is any such invisible power to be feared, as he affrighteth other men withal, for lesser faults?

That which taketh away the reputation of love, is the being detected of private ends; as when the belief they require of others, conduceth or seemeth to conduceth to the acquiring of dominion, riches, dignity, or secure pleasure, to themselves only, or specially. For that which men reap benefit by to themselves, they are thought to do for their own sakes, and not for love of others.

Lastly, the testimony that men can render of divine calling, can be no other, than the operation of miracles; or true prophecy, (which also is a miracle;) or extraordinary felicity. And therefore, to those points of religion, which have been received from them that did such miracles; those that are added by such, as approve not their calling by some miracle, obtain no greater belief, than what the custom and laws of the places, in which they be educated, have wrought into them. For as in natural things, men of judgment require natural signs, and arguments; so in supernatural things, they require signs supernatural, (which are miracles,) before they consent inwardly, and from their hearts.

All which causes of the weakening of men's faith, do manifestly appear in the examples following. First, we have the example of the children of Israel; who when Moses, had approved his calling to them by miracles, and by the happy conduct of them out of Egypt, was absent but 40 days, revolted from the worship of the true God, recommended to them by him; and setting up (Exod. 32. 1, 2.) a golden calf for their god, eclipsed into the idolatry of the Egyptians; from whom they had been so lately delivered. And again, after Moses, Aaron, Jairus, and that generation which had seen the great works of God in Israel, (Judges 2. 11.) were dead; another generation arose, and served Baal. So that miracles failing, faith also failed.

Again, when the sons of Samuel, (1 Sam. 8. 3.) being constituted by their father judges in Bersabee, received bribes, and judged unjustly, the people of Israel refused any more to have God to be their king, in other manner than he was king of other people; and therefore cried out to Samuel, to choose them a king after the manner of the nations. So that justice failing, faith also failed: insomuch, as they deposed their God, from reigning over them.

And whereas in the planting of Christian religion, the oracles ceased in all parts of the Roman empire, and the number of Christians increased wonderfully every day, and in every place, by the preaching of the Apostles, and Evangelists; a great part of that success, may reasonably be attributed, to the contempt, into which the priests of the Gentiles of that time, had brought themselves, by their uncleanness, avarice, and juggling between princes. Also the religion of the church of Rome, was partly, for the same cause abolished in England, and many other parts of Christendom; insomuch, as the failing of virtue in the pastors, maketh faith fail in the people: and partly from bringing of the philosophy, and doctrine of Aristotle into religion, by the Schoolmen; from whence there arose so many contradictions, and absurdities, as brought the clergy into a reputation both of ignorance, and of fraudulent intention; and inclined people to revolt from them, either against the will of their own princes, as in France and Holland; or with their will, as in England.

Lastly, amongst the points by the church of Rome declared necessary for salvation, there be so many, manifestly to the advantage of the Pope, and of his spiritual subjects, residing in the territories of other Christian princes, that were it not for the mutual emulation of those princes, they might without war, or trouble, exclude all foreign authority, as easily as it has been excluded in England. For who is there that does not see, to whose benefit it conduceth, to have it believed, that a king hath not his authority from Christ, unless a bishop crown him? That a king, if he be a priest, cannot marry? That whether a prince be born in lawful marriage, or not, must be judged by authority from Rome? That subjects may be deposed by a pope (as Pope Zachary) for no cause; and his kingdom given to one of his subjects? That the clergy and regulars, in what country soever, shall be exempt from the jurisdiction of their king, in cases criminal? Or who does not see, to whose profit redound the fees of private masses, and vales of purga-
CHAPTER 13

Of the Natural Condition of Mankind as Concerning Their Felicity, and Misery

Nature hath made men so equal, in the faculties of body, and mind; as that though there be found one man sometimes manifestly stronger in body, or of quicker mind than another; yet when all is reckoned together, the difference between man, and man, is not so considerable, as that one man can thereupon claim to himself any benefit, to which another may not pretend, as well as he. For as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others, that are in the same danger as himself. And as to the faculties of the mind, (setting aside the arts grounded upon words, and especially that skill of proceeding upon general, and infelible rules, called science; which is to be considered in the nature of war; as it is in the nature of weather. For as the nature of foul weather, lieth not in a shower or two of rain; but in an inclination thereto of many days together; so the nature of war, consisteth not in actual fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is PEACE.

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

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

It may peradventure be thought, there was never such a time, nor condition of war as
this; and I believe it was never generally so, over all the world: but there are many places,
where they live so now. For the savage people in many places of America, except the
government of small families, the concord whereof dependeth on natural lust, have no gov­
ernment at all; and live at this day in that brutish manner, as I said before. Howsoever, it
may be perceived what manner of life there would be, where there were no common power
to fear; by the manner of life, which men that have formerly lived under a peacefull gov­
ernment, use to degenerate into, in a civil war.

But though there had never been any time, wherein particular men were in a condition
of war one against another; yet in all times, kings, and persons of sovereign authority,
because of their independency, are in continual jealousies, and in the state and posture of
gladiators; having their weapons pointing, and their eyes fixed on one another; that is;
their forts, garrisons, and guns upon the frontiers of their kingdoms; and continual spies
upon their neighbours; which is a posture of war. But because they uphold thereby, the
industry of their subjects; there does not follow from it, that misery, which accompanies
the liberty of particular men.

To this war of every man against every man, this also is consequent; that nothing can
be unjust. The notions of right and wrong, justice and injustice have there no place.
Where there is no common power, there is no law: where no law, no injustice. Force, and
fraud, are in war the two cardinal virtues. Justice, and injustice are none of the feculties
be unjust. The notions of right and wrong, justice and injustice have there no place.

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

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

CHAPTER 14

Of the First and Second Natural Laws, and of Contracts

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as his judgment, and reason shall dictate to him.

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

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

From this fundamental law of nature, by which men are commanded to endeavor
peace, is derived this second law; that a man be willing, when others are so too, as furthef, as
for peace, and defense of himself he shall think it necessary, to lay down this right to all things;
and be contented with so much liberty against other men, as he would allow other men against himself.
For as long as every man holdeth this right, of doing any thing he liketh; so long are all
men in the condition of war. But if other men will not lay down their right, as well as he;
then there is no reason for any one, to divest himself of his: for that were to expose him­
self to prey, (which no man is bound to) rather than to dispose himself to peace. This is
that law of the Gospel; whatsoever you require that others should do for you, do ye to them.
And that law of all men, quod tibi fieri non vis, alteri ne feceris.

To lay down a man's right to any thing, is to divest himself of the liberty, of hindering
another of the benefic of his own right to the same. For he that renounceth, or passeth away
his right, giveth not to any other man a right which he had not before; because there is
nothing to which every man had not right by nature: but only standeth out of his way, that
he may enjoy his own original right, without hindrance from him; not without hindrance
from another. So that the effect which redoundeth to one man, by another man's defect of
right, is but so much diminution of impediments to the use of his own right original.

Right is laid aside, either by simply renouncing it; or by transferring it to another.
By simply Renouncing; when he cares not to whom the benefit thereof redoundeth. By
Transferreng; when he intendeth the benefit thereof to some certain person, or persons.

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

By Liberty, is understood, according to the proper signification of the word, the
absence of external impediments: which impediments, may oft take away part of a man's
power to do what he would; but cannot hinder him from using the power left him, according
as his judgment, and reason shall dictate to him.
The way by which a man either simply renounceth, or transferreth his right, is a declaration, or signification, by some voluntary and sufficient sign, or signs, that he doth so renounce, or transfer; or hath so renounced, or transferred the same, to him that accepteth it. And these signs are either words only, or actions only; or (as it happeneth most often) both words, and actions. And the same are the BONDS, by which men are bound, and obliged: bonds, that have their strength, not from their own nature, (for nothing is more easily broken than a man's word,) but from fear of some evil consequence upon the rupture.

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

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

There is difference between transferring of right to the thing; and transferring, or tradition, that is, delivery of the thing itself. For the thing may be delivered together with the translation of the right; as in buying and selling with ready money; or exchange of goods, or lands; and it may be delivered some time after.

Again, one of the contractors, may deliver the thing contracted for on his part, and leave the other to perform his part at some determinate time after, and in the mean time be trusted; and then the contract on his part, is called PACT, or COVENANT: or both parts may contract now, to perform hereafter: in which cases, he that is to perform in time to come, being trusted, his performance is called keeping of promise, or faith; and the failing of performance (if it be voluntary) violation of faith.

When the transferring of right, is not mutual; but one of the parties transferreth, in hope to gain thereby friendship, or service from another, or from his friends; or in hope to gain the reputation of charity, or magnanimity; or to deliver his mind from the pain of compassion; or in hope of reward in heaven; this is not contract, but GIFT, FREE-GIFT, GRACE; which words signify one and the same thing.

Signs of contract, are either express, or by inference. Express, are words spoken with understanding of what they signify: and such words are either of the time present, or past; as, I give, I grant, I have given, I have granted, I will that this be yours: or of the future; as, I will give, I will grant: which words of the future are called PROMISE.

Signs by inference, are sometimes the consequence of words; sometimes the consequence of actions; sometimes the consequence of forbearing an action: and generally a sign by inference, of any contract, in whosoever sufficiently argues the will of the contractor.


does not agree upon the signification of their own terms of art, longer than it serves their turn; I will not affirm any thing of their meaning: only this I say, when a gift is given indefinitely, as a prize to be contended for, he that winneth meriteh, and may claim the prize as due.

If a covenant be made, wherein neither of the parties perform presently, but trust one another; in the condition of mere nature, (which is a condition of war of every man against every man,) upon any reasonable suspicion, it is void: but if there be a common power set over them both, with right and force sufficient to compel performance, it is not void. For
he that performeth first, has no assurance the other will perform after; because the bonds of words are too weak to bridle men's ambition, avarice, anger, and other passions, without the fear of some coercive power, which in the condition of mere nature, where all men are equal, and judges of the justness of their own fears, cannot possibly be supposed. And therefore he which performeth first, does but betray himself to his enemy; contrary to the right (he can never abandon) of defending his life, and means of living.

But in a civil estate, where there is a power set up to constrain those that would otherwise violate their faith, that fear is no more reasonable; and for that cause, he which by the covenant is to perform first, is obliged so to do.

The cause of fear, which maketh such a covenant invalid, must be always something arising after the covenant made; as some new fact, or other sign of the will not to perform: else it cannot make the covenant void. For that which could not hinder a man from promising, ought not to be admitted as a hindrance of performing.

He that transferrareth any right, transferrareth the means of enjoying it, as far as lieeth in his power. As he that selleth land, is understood to transfer the herbage, and whatsoever grows upon it; nor can he that sells a mill turn away the stream that drives it. And they that give to a man the right of government in sovereignty, are understood to give him the right of levyng money to maintain soldiers; and of appointing magistrates for the administration of justice.

To make covenants with brute beasts, is impossible; because not understanding our speech, they understand not, nor accept of any translation of right; nor can translate any right to another: and without mutual acceptance, there is no covenant.

To make covenant with God, is impossible, but by mediation of such as God speaketh to, either by revelation supernatural, or by his lieutenants that govern under him, and in his name: for otherwise we know not whether our covenants be accepted, or not. And therefore they that vow any thing contrary to any law of nature, vow in vain; as being a thing unjust to pay such vow. And if it be a thing commanded by the law of nature, it is therefore impossible, to the unfeigned endeavour of performing as much as is possible: for to more than is possible for him that covenanteth, to perform.

And therefore, to promise that which is known to be impossible, is no covenant. But if that prove impossible afterwards, which before was thought possible, the covenant is valid, and bindeth, (though not to the thing it self,) yet to the value, or if that also be impossible, to the unfeigned endeavour of performing as much as is possible: for to more than is possible for him that covenanteth, to perform.

Money, I am bound to pay it, till the civil law discharge me. For whatsoever I may lawfully do without obligation, the same I may lawfully covenant to do through fear: and what I lawfully covenant, I cannot lawfully break.

A former covenant, makes void a later. For a man that hath passed away his right to one man, to have it not to pass tomorrow to another: and therefore the later promise passeth no right, but is null.

A covenant not to defend myself from force, by force, is always void. For (as I have showed before) no man can transfer, or lay down his right to save himself from death, wounds, and imprisonment, (the avoiding whereof is the only end of laying down any right, and therefore the promise of not resisting force, in no covenant transferrareth any right; nor is obliging. For though a man may covenant thus, unless I do so, or, so, kill me; he cannot covenant thus, unless I do so, or, so I will not resist you, when you come to kill me. For man by nature chooseth the lesser evil, which is danger of death in resisting; rather than the greater, which is certain and present death in not resisting. And this is granted to be true by all men, in that they lead criminals to execution, and prison, with armed men, notwithstanding that such criminals have consented to the law, by which they are condemned.

A covenant to accuse one self, without assurance of pardon, is likewise invalid. For in the condition of nature, where every man is judge, there is no place for accusation: and in the civil state, the accusation is followed with punishment; which being force, a man is not obliged not to resist. The same is also true, of the accusation of those, by whose condemnation a man falls into misery; as of a father, wife, or benefactor. For the testimony of such an accuser, if it be not willingly given, is presumed to be corrupted by nature; and therefore not to be received: and where a man's testimony is not to be credited, he is not bound to give it. Also accusations upon torture, are not to be reputed as testimonies. For torture is to be used but as means of conjecture, and light, in the further examination, and search of truth: and what is in that case confessed, tendeth to the ease of him that is tortured, not to the informing of the torturers: and therefore ought not to have the credit of a sufficient testimony: for whether he deliver himself by true, or false accusation, he does it by the right of preserving his own life.

The force of words, being (as I have formerly noted) too weak to hold men to the performance of their covenants; there are in man's nature, but two imaginable helps to strengthen it. And those are either a fear of the consequence of breaking their word; or a glory, or pride in appearing not to need to break it. This latter is a generosity too rarely found to be presumed on, especially in the pursuers of wealth, command, or sensual pleasure; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the greatest part of mankind. The passion to be reckoned upon, is fear; which are the great...
kill me else, as I kill this beast. So is our form, I shall do thus, and thus, so help me God. And this, with the rites and ceremonies, which every one useth in his own religion, that the fear of breaking faith might be the greater.

By this it appears, that an oath taken according to any other form, or rite, than his, that sweareth, is in vain; and no oath: and that there is no swearing by any thing which the swearer thinks not God. For though men have sometimes used to swear by their kings, for fear, or flattery; yet they would have it thereby understood, they attributed to them divine honour. And that swearing unnecessarily by God, is but prophaning of his name: and binds in the sight of God. without the oath, as much as with it: if unlawfull, bindeth not performance of covenant.

From that law of nature, by which we are obliged to transfer to another, such rights, as every thing; and consequently, no action can be unjust. But when a covenant is made, every man has right to all things remaining, we are still in the condition of war.

And in this law of nature, consisteth the fountain and original of JUSTICE. For where no covenant hath preceded, there hath no right been transferred, and every man hath right to every thing; and consequently, no action can be unjust. But when a covenant is made, then to break it is unjust; and the definition of INJUSTICE, is no other than the not performance of covenant. And whatsoever is not unjust, is just.

But because covenants of mutual trust, under where is fear of not performance on either part, (as hath been said in the former chapter,) are invalid; though the original of justice be the making of covenants; yet injustice actually there can be none, till the cause of such fear be taken away; which while men are in the natural condition of war, cannot be done. Therefore before the names of just, and unjust can have place, there must be some coercive power, to compel men equally to the performance of their covenants, by the terror of some punishment, greater than the benefit they expect by the breach of their covenant; and to make good that propriety, which by mutual contract men acquire, in recompense of the universal right they abandon: and such power there is none before the erection of a commonwealth. And this is also to be gathered out of the ordinary definition of justice in the Schools: for they say, that justice is the constant will of giving to every man his own. And therefore where there is no power, that is, no propriety, there is no injustice; and where there is not coercive power erected, that is, where there is no commonwealth, there is no propriety; all men having right to all things: therefore where there is no commonwealth, there nothing is unjust. So that the nature of justice, consisteth in keeping of valid covenants: but the validity of covenants begins not but with the constitution of a civil power, sufficient to compel men to keep them: and then it is also that propriety begins.

The fool hath said in his heart, there is no such thing as justice; and sometimes also with his tongue; seriously alleging, that every man's conservation, and contentment, being committed to his own care, there could be no reason, why every man might not
As for the instance of gaining the secure and perpetual felicity of heaven, by any way; it is frivolous: there being but one way imaginable; and that is not breaking, but keeping of covenant.

And for the other instances of attaining sovereignty by rebellion; it is manifest, that though the event follow, yet because it cannot reasonably be expected, but rather the contrary; and because by gaining it so, others are taught to gain the same in like manner, the attempt thereof is against reason. Justice therefore, that is to say, keeping of covenant, is a rule of reason, by which we are forbidden to do any thing destructive to our life; and consequently a law of nature.

There be some that proceed further; and will not have the law of nature, to be those rules which conduci to the preservation of man's life on earth; but to the attaining of an eternal felicity after death; to which they think the breach of covenant may conduci; and consequently be just and reasonable; (such are they that think it a work of merit to kill, or depose, or rebel against, the sovereign power constituted over them by their own consent.) But because there is no natural knowledge of man's estate after death; much less of the reward that is then to be given to breach of faith; but only a belief grounded upon other men's saying, that they know it supernaturally, or that they know those, that knew them, that knew others, that knew it supernaturally; breach of faith cannot be called a precept of reason, or nature.

Others, that allow for a law of nature, the keeping of faith, do nevertheless make exception of certain persons; as heretics, and such as use not to perform their covenant to others: and this also is against reason. For if any fault of a man, be sufficient to discharge our covenant made; the same ought in reason to have been sufficient to have hindered the making of it.

The names of just, and unjust, when they are attributed to men, signify one thing; and when they are attributed to actions, another. When they are attributed to men, they signify conformity, or inconformity of manners, to reason. But when they are attributed to actions, they signify the conformity, or inconformity to reason, not of manners, or manner of life, but of particular actions. A just man therefore, is he that taketh all the care he can, that his actions may all be just: and an unjust man, is he that neglecteth it. And such men are more often in our language styled by the names of righteous, and unrighteous; than just, and unjust; though the meaning be the same. Therefore a righteous man, does not lose that title, by one, or a few unjust actions, that proceed from sudden passion, or mistake of things, or persons: nor does an unrighteous man, lose his character, for such actions, as he does, or forbears to do, for fear: because his will is not framed by the justice, but by the apparent benefit of what he is to do. That which gives to human actions the relish of justice, is a certain nobleness or gallantness of courage, (rarely found,) by which a man scorches to be beholding for the contentment of his life, to fraud, or breach of promise. This justice of the manners, is that which is meant, where justice is called a virtue; and injustice a vice.

But the justice of actions denominates men, not just, but guilty: and the injustice of the same, (which is also called injury,) gives them but the name of guilty.

Again, the injustice of manners, is the disposition, or aptitude to do injury; and is injustice before it proceed to act; and without supposing any individual person injured. But the injustice of an action, (that is to say injury,) supposeth an individual person injured; namely him, to whom the covenant was made: and therefore many times the injury is received by one man, when the damage redoundeth to another. As when the master commandeth his servant to give money to a stranger; if it be not done, the injury is done to the master, whom he had before covenanted to obey; but the damage redoundeth to the stranger, to whom he had no obligation; and therefore could not injure him. And so also in commonwealths, private men may remit to one another their debts; but not robberies or other violence, whereby they are endamaged; because the detaining of debt, is an injury to themselves; but robbery and violence, are injuries to the person of the commonwealth.

Whatsoever is done to a man, conformable to his own will signified to the doer, is no injury to him. For if he that doeth it, hath not passed away his original right to do what he please, by some antecedent covenant, there is no breach of covenant; and therefore no injury done him. And if he have; then his will to have it done being signified, is a release of that covenant: and so again there is no injury done him.

Justice of actions, is by writers divided into commutative, and distributive: and the former they say consisteth in proportion arithmetical; the latter in proportion geometrical. Commutative therefore, they place in the equality of value of the things contracted for; and distributive, in the distribution of equal benefit, to men of equal merit. As if it were injustice to sell dearer than we buy; or to give more to a man than he merits. The value of all things contracted for, is measured by the appetite of the contractors: and therefore the just value, is that which they be contented to give. And merit, (besides that which is by covenant, where the performance on one part, merieth the performance of the other part, and falls under justice commutative, not distributive,) is not due by justice; but is rewarded of grace only. And therefore this distinction, in the sense wherein it useth to be expounded, is not right. To speak properly, commutative justice, is the justice of a contractor; that is, a performance of covenant, in buying, and selling; hiring, and letting to hire; lending, and borrowing; exchanging, bartering, and other acts of contract.

And distributive justice, the justice of an arbitrator; that is to say, the act of defining what is just. Whereas, (being trusted by them that make him arbitrator,) if he perform his trust, he is said to distribute to every man his own; and this is indeed just distribution, and may be called, (though improperly,) distributive justice; but more properly equity; which also is a law of nature, as shall be shown in due place.

As justice dependeth on antecedent covenant; so does GRATITUDE depend on antecedent grace; that is to say, antecedent free-gift: and is the fourth law of nature: which may be conceived in this form, that a man which receiveth benefit from another of mere grace, endeavours that be which giveth it, have no reasonable cause to repent him of his good will. For no man giveth, but with intention of good to himself; because gift is voluntary; and of all voluntary acts, the object is to every man his own good; of which if men see they shall be frustrated, there will be no beginning of benevolence, or trust; nor consequently of mutual help; nor of reconciliation of one man to another; and therefore they are to remain still in the condition of war; which is contrary to the first and fundamental law of nature, which commandeth men to seek peace. The breach of this law, is called ingratitude; and hath the same relation to grace, that injustice hath to obligation by covenant.

A fifth law of nature, is COMPLAISANCE; that is to say, that every man strive to accommodate himself to the rut. For the understanding whereof, we may consider, that there is in men's aptness to society, a diversity of nature, rising from their diversity of affections; nor unlike to that we see in stones brought together for the building of an edifice. For as that stone which by the asperity, and irregularity of figure, takes more room from others, than itself fills; and for the hardness, cannot be easily made plain, and thereby hindereth the building, is by the builders cast away as unprofitable, and troublesome: so also, a man that by asperity of nature, will strive to retain those things which to himself are superfluous, and to others necessary; and for the stubbornness of his passions, cannot be corrected, is to be left, or cast out of society, as cumbersome thereunto. For seeing every man, not only by
right, but also by necessity of nature, is supposed to endeavour all he can, to obtain that which is necessary for his conservation; he that shall oppose himself against it, for things superfluous, is guilty of the war that thereupon is to follow; and therefore doth that, which is contrary to the fundamental law of nature, which commandeth to seek peace. The observers of this law, may be called SOCIABLE, (the Latins call them commodi;) the contrary, stubborn, insociable, froward, intractable.

A sixth law of nature, is that, that upon caution of the future time, a man ought to pardon the offences past of them that repenting, desire it. For PARDON, is nothing but granting of peace; which though granted to them that persevere in their hostility, be not peace, but fear; yet not granted to them that give caution of the future time, is sign of an aversion to peace; and therefore contrary to the law of nature.

A seventh is, that in revenge, (that is retribution of evil for evil,) men look not at the greatness of the evil past, but the greatness of the good to follow. Whereby we are forbidden to inflict punishment with any other design, than for correction of the offender, or direction to the profit of others. For this law is consequent to the next before it, that commandeth pardon, upon security of the future time. Besides, revenge without respect to the example, and profit to others, is the height of barbarism; for it is a fit arbitrator in his cause: and if he were never so fit; yet equity allowing to each party to seek peace.

And therefore those things which cannot be enjoyed in common, or divided, ought to be adjudged to the first possessor; and in some cases to the first-born, as acquired by lot. For equal distribution, is of the law of nature; and other means of equal distribution cannot be imagined.

Of law: there are two sorts, arbitrary, and natural. Arbitrary, is that which is agreed on by the competitors: natural, is either primogeniture, (which the Greeks call κληρονομία, which signifies, given by lot; or first seizure.) And from this followeth another law, that such things as cannot be divided, be enjoyed in common, if it can be; and if the quantity of the thing permit, without stint; otherwise proportionably to the number of them that have right. For otherwise the distribution is unequal, and contrary to equity.

For without that, the controversies of men cannot be so justly decided; and if there be no other arguments, must give credit to a third; or to a third and fourth; and from this followeth another law, that upon precaution of the future time, a man ought to pardon the offences past of them that repenting, desire it. For PARDON, is nothing but granting of peace; which though granted to them that persevere in their hostility, be not peace, but fear; yet not granted to them that give caution of the future time, is sign of an aversion to peace; and therefore contrary to the law of nature.

And because all signs of hatred, or contempt, provoke to fight, inasmuch as most men choose rather to hazard their life, than not to be revenged; we may in the eighth place, for a law of nature, set down this precept, that no man by deed, word, countenance, or gesture, declare hatred, or contempt of another. The breach of which law, is commonly called contumely.

The question who is the better man, has no place in the condition of mere nature; where, (as has been shewn before,) all men are equal. The inequality that now is, has been introduced by the laws civil. I know that Aristotle in the first book of his Politics, for a foundation of his doctrine, maketh men by nature, some more worthy to command, meaning the wiser sort, (such as he thought himself to be for his philosophy;) others to serve, (meaning those that had strong bodies, but were not philosophers as he;) as if master and servant were not introduced by consent of men, but by difference of wit: which is not only against reason; but also against experience. For there are very few so foolish, that had not rather govern themselves, than be governed by others; nor when the wise in their own conceit, contend by force, with them who distrust their own wisdom, do they always, or often, or almost at any time, get the victory. If nature therefore have made men equal, that equality is to be acknowledged: or if nature have made men unequal; yet because men that think themselves equal, will not enter into conditions of peace, but upon equal terms, such equality must be admitted. And therefore for the ninth law of nature, I put this, that every man acknowledge other for his equal by nature. The breach of this precept is pride.

On this law, dependeth another, that at the entrance into conditions of peace, no man require to reserve to himself any right, which be not content should be reserved to every one of the rest. As it is necessary for all men that seek peace, to lay down certain rights of nature; that is to say, not to have liberty to do all they list: so is it necessary for man's life, to retain some; as right to govern their own bodies; enjoy air, water, motion, ways to go from place to place; and all things else without which a man cannot live, or not live well. If in this case, at the making of peace, men require for themselves, that which they would not have to be granted to others, they do contrary to the precedent law, that commandeth the acknowledgment of natural equality, and therefore also against the law of nature. The observers of this law, are those we call modest, and the breakers arrogant men. The Greeks call the violation of this law πεινενεξία; that is, a desire of more than their share.

Also if a man be trusted to judge between man and man, it is a precept of the law of nature, that be dealt equally between them. For without that, the controversies of men cannot be determined but by war. He therefore is partial in judgment, doth what in him lies, to deter men from the use of judges, and arbitrators; and consequently, (against the fundamental law of nature,) is the cause of war.

The observance of this law, by the equal distribution to each man, of that which in reason belongeth to him, is called EQUITY, and (as I have said before) distributive justice: the violation, reception of persons, προσωποληψία.

And from this followeth another law, that such things as cannot be divided, be enjoyed in common, if it can be; and if the quantity of the thing permit, without stint; otherwise proportionably to the number of them that have right. For otherwise the distribution is unequal, and contrary to equity.

But some things there be, that can neither be divided, nor enjoyed in common. Then, the law of nature, which prescribeth equity, requireth, that the entire right; or else, (making the use alternate,) the first possession, be determined by lot. For equal distribution, is of the law of nature; and other means of equal distribution cannot be imagined.

Of law: there are two sorts, arbitrary, and natural. Arbitrary, is that which is agreed on by the competitors: natural, is either primogeniture, (which the Greeks call κληρονομία, which signifies, given by lot; or first seizure.) And therefore those things which cannot be enjoyed in common, or divided, ought to be adjudged to the first possessor; and in some cases to the first-born, as acquired by lot.

It is also a law of nature, that all men that mediate peace, be allowed safe conduct. For the law that commandeth peace, as the end, commandeth intercession, as the means; and to intercession the means is safe conduct.

And because, though men be never so willing to observe these laws, there may nevertheless arise questions concerning a man's action; first, whether it were done, or not done; secondly, (if done,) whether against the law, or not against the law; the latter a question of fact; therefore unless the parties to the question, covenant mutually to stand to the sentence of another, they are as far from peace as ever. This other, to whose sentence they submit, is called an ARBITRATOR. And therefore it is of the law of nature, that they that are at controversy, submit their right to the judgment of an arbitrator.

And seeing every man is presumed to do all things in order to his own benefit, no man is a fit arbitrator in his cause; and if he were never so fit; yet equity allowing to each party equal benefit, if one be admitted to be judge, the other is to be admitted also; and so the controversy, that is, the cause of war, remains, against the law of nature.

For the same reason no man in any cause ought to be received for arbitrator, to whom greater profit, or honour, or pleasure apparently ariseth out of the victory of one party, than of the other: for he hath taken (though an unavoidable bribe, yet) a bribe; and no man can be obliged to trust him. And thus also the controversy, and the condition of war remaineth, contrary to the law of nature.

For the same reason no man in any cause ought to be received for arbitrator, to whom greater profit, or honour, or pleasure apparently ariseth out of the victory of one party, than of the other: for he hath taken (though an unavoidable bribe, yet) a bribe; and no man can be obliged to trust him. And thus also the controversy, and the condition of war remaineth, contrary to the law of nature.

And in a controversy of fact, the judge being to give no more credit to one, than to the other, (if there be no other arguments,) must give credit to a third; or to a third and fourth; or more: for else the question is undecided, and left to force, contrary to the law of nature. These are the laws of nature, dictating peace, for a means of the conservation of men in multitudes; and which only concern the doctrine of civil society. There be other things tending to the destruction of particular men; as drunkenness, and all other parts of
intemperance; which may therefore also be reckoned amongst those things which the law of nature hath forbidden; but are not necessary to be mentioned, nor are pertinent enough to this place.

And though this may seem too subtle a deduction of the laws of nature, to be taken notice of by all men; whereas the most part are too busy in getting food, and the rest too negligent to understand; yet to leave all men inexcusable, they have been contracted into one easy sum, intelligible, even to the meanest capacity; and that is, Do not that to another, which thou wouldst not have done to thyself; which sheweth him, that he has no more to do in learning the laws of nature, but, when weighing the actions of other men with his own, they seem too heavy, to put them into the other part of the balance, and their own into their place, that his own passions, and self-love, may add nothing to the weight; and then there is none of these laws of nature that will not appear unto him very reasonable.

The laws of nature oblige in foro externo; that is to say, they bind to a desire they should take place: but in foro interno; that is, to the putting them in act, not always. For he that should be modest, and tractable, and perform all he promises, in such time, and place, where no man else should do so, should but make himself a prey to others, and procure his own certain ruin, contrary to the ground of all laws of nature, which tend to nature's preservation. And again, he that having sufficient security, that others shall observe the same laws towards him, observes them not himself, seeketh not peace, but war; and consequently the destruction of his nature by violence.

And whatsoever laws bind in foro interno, may be broken, not only by a fact contrary to the law, but also by a fact according to it, in case a man think it contrary. For though his action in this case, be according to the law; yet his purpose was against the law; which, where the obligation is in foro interno, is a breach.

The laws of nature are immutable and eternal; for injustice, ingratitude, arrogance, pride, iniquity, acception of persons, and the rest, can never be made lawful. For it can never be that war shall preserve life, and peace destroy it.

The same laws, because they oblige only to a desire, and endeavour, I mean an unfeigned and constant endeavour, are easy to be observed. For in that they require nothing but endeavour, he that endeavoureth their performance, fulfilleth them; and he that fulfilleth the law, is just.

And the science of them, is the true and only moral philosophy. For moral philosophy is nothing else but the science of what is good, and evil, in the conversation, and society of mankind. Good, and evil, are names that signify our appetites, and aversions; which in different tempers, customs, and doctrines of man, are different: and divers men, differ not only in their judgment, on the senses of what is pleasant, and unpleasant to the taste, smell, hearing, touch, and sight; but also of what is comformable, or disagreeable to reason, in the actions of common life. Nay, the same man, in divers times, differs from himself; and one time praises, that is, calleth good, what another time he displeaseth, and calleth evil: from whence arise disputes, controversies, and at last war. And therefore so long a man is in the condition of mere nature, (which is a condition of war,) as private appetite is the measure of good, and evil: and consequently all men agree on this, that peace is good; and therefore also the way, or means of peace, which, (as I have shewed before) are justice, gratitude, modesty, equity, mercy, and the rest of the laws of nature, are good; that is to say, moral virtues; and their contrary vices; evil. Now the science of virtue and vice, is moral philosophy; and therefore the true doctrine of the laws of nature, is the true moral philosophy. But the writers of moral philosophy, though they acknowledge the same virtues and vices; yet not seeing wherein consisted their goodness; nor that they come to be praised, as the means of peaceable, sociable, and comfortable living; place them in a mediocrity of passions: as if not the cause, but the degree of daring, made fortitude; or not the cause, but the quantity of a gift, made liberality.

These dictates of reason, men use to call by the name of laws; but improperly: for they are but conclusions, or theorems concerning what conduceth to the conservation and defence of themselves; whereas law, properly, is the word of him, that by right hath command over others. But yet if we consider the same theorems, as delivered in the word of God, that by right commandeth all things; then are they properly called laws.

CHAPTER 16

Of Persons, Authors, and Things Personated

A person, is he, whose words or actions are considered, either as his own, or as representing the words or actions of another man, or of any other thing to whom they are attributed, whether truly or by fiction.

When they are considered as his own, then is he called a natural person; and when they are considered as representing the words and actions of another, then is he a feigned or artificial person.

The word person is Latin: instead whereof the Greeks have πρόσωπον, which signifies the face, as persona in Latin signifies the disguise, or outward appearance of a man, counterfeited on the stage; and sometimes more particularly that part of it, which disguiseth the face, as a mask or vizard: and from the stage, hath been translated to any speaker of speech and action, as well in tribunals, as theatres. So that a person, is the same that an actor is, both on the stage and in common conversation; and to personate, is to act, or represent himself, or another; and he that acteth another, is said to bear his person, or act in his name; (in which sense Cicero useth it where he says, Unus sustineo tres personas; mei, adversarii, et judicis, I bear three persons; my own, my adversary's, and the judge's;) and is called in divers occasions, diversly; as a representative, or representative, a lieutenant, a vicar, an attorney, a deputy, a procurator, an actor, and the like.

Of persons artificial, some have their words and actions owned by whom they represent. And then the person is the actor; and he that owneth his words and actions, is the AUTHORITY: in which case the actor acteth by authority. For that which in speaking of goods and possessions, is called an owner, and in Latin dominus, in Greek κύριος speaking of actions, is called author. And as the right of possession, is called dominion; so the right of doing any action, is called AUTHORITY. So that by authority, is always understood a right of doing any act: and done by authority, done by commission, or licence from him whose right it is.

From hence it followeth, that when the actor maketh a covenant by authority, he bindeth thereby the author, no less than if he had made it himself; and no less subjecteth him to all the consequences of the same. And therefore all that hath been said formerly, (chap. 14) of the nature of covenants between man and man in their natural capacity, is true also when they are made by their actors, representers, or procurators, that have authority from them, so far forth as is in their commission, but no farther.

And therefore he that maketh a covenant with the actor, or representor, not knowing the authority he hath, doth it at his own peril. For no man is obliged by a covenant, whereof he is not author; nor consequently by a covenant made against, or beside the authority he gave.

When the actor doth any thing against the law of nature by command of the author, if he be obliged by former covenant to obey him, not he, but the author breaketh the law of
nature: for though the action be against the law of nature; yet it is not his: but contrarily,
to refuse to do it, is against the law of nature, that forbiddeth breach of covenant.

And he that maketh a covenant with the author, by mediation of the actor, not know-
ing what authority he hath, but only takes his word; in case such authority be not made
manifest unto him upon demand, is no longer obliged: for the covenant made with the
author, is not valid, without his counter-assurance. But if he that so covenanteth, knew
beforehand he was to expect no other assurance, than the actor's word; then is the
covenant valid; because the actor in this case maketh himself the author. And therefore, as
when the authority is evident, the covenant obligeth the author, not the actor; so when
the authority is feigned, it obligeth the actor only; there being no author but himself.

There are few things, that are incapable of being represented by fiction. Inanimate
things, as a church, an hospital, a bridge, may be personated by a rector, master, or over-
seen. But things inanimate, cannot be authors, nor therefore give authority to their actors:
yet the actors may have authority to procure their maintenance, given them by those that
are owners, or governors of those things. And therefore, such things cannot be personated,
between them no state of civil government.

Likewise children, fools, and madmen that have no use of reason, may be personated
by guardians, or curators; but can be no authors, (during that time) of any action done by
them, longer than (when they shall recover the use of reason) they shall judge the same
reasonable. Yet during the folly, he that hath right of governing them, may give author-
ity to the guardian. But this again has no place but in a state civil, because before such
estate, there is no dominion of persons.

An idol, or mere figment of the brain, may be personated; as were the gods of the hea-
thens; which by such officers as the state appointed, were personated, and held possessions,
and other goods, and rights, which men from time to time dedicated, and consecrated
unto them, longer than (when they shall recover the use of reason) they shall judge the same
reasonable. But idols cannot be authors: for an idol is nothing. The authority proceeded
beforehand he was to expect no other assurance, than the actor's word; then is the
true God may be personated. As he was; first, by Moses; who governed the Israelites, (that
were not his, but God's people,) not in his own name, with bos dicti Mosse; but in God's name, with bos dicti Dominus. Secondly, by the Son of man, his own Son, our
blessed Saviour Jesus Christ, that came to reduce the Jews, and induce all nations into
the kingdom of his father; not as of himself, but as sent from his father. And thirdly, by the
Holy Ghost, or Comforter, speaking, and working in the Apostles: which Holy Ghost,
was a Comforter that came not of himself; but was sent, and proceeded from them both.

A multitude of men, are made one person, when they are by one man, or one person,
represented; so that it be done with the consent of every one of that multitude in par-
cular. For it is the unity of the representor, not the unity of the represented, that maketh
the person one. And it is the representor that beareth the person, and but one person: and
unity, cannot otherwise be understood in multitude.

And because the multitude naturally is not one, but many; they cannot be understood
for one; but many authors, of every thing their representative saith, or doth in their name;
every man giving their common representor, authority from himself in particular; and
owning all the actions the representor doth, in case they give him authority without stint: otherwise, when they limit him in what, and how far he shall represent them, none of
them oweth more, than they gave him commission to act.

And if the representative consist of many men, the voice of the greater number, must
be considered as the voice of them all. For if the lesser number pronounce (for example) in
the affirmative, and the greater in the negative, there will be negatives more than enough
to destroy the affirmatives; and thereby the excess of negatives, standing uncontradicted,
are the only voice the representative hath.

And a representative of even number, especially when the number is not great,
whereby the contradictory voices are oftentimes equal, is therefore oftentimes mute, and
incapable of action. Yet in some cases contradictory voices equal in number, may deter-
mine a question; as in condemning, or absolving, equality of votes, even in that they con-
demn not, do absolve; but not on the contrary condemn, in that they absolve not. For
when a cause is heard; not to condemn, is to absolve: but on the contrary, to say that not
absolving, is condemning, is not true. The like it is in a deliberation of executing
presently, or deferring till another time: for when the voices are equal, the not decreing
execution, is a decree of dilatation.

Or if the number be odd, as three, or more, (men, or assemblies;) whereof every one has
by a negative voice, authority to take away the effects of all the affirmative voices of the rest,
this number is no representative; because by the diversity of opinions, and interests of men,
it becomes oftentimes, and in cases of the greatest consequence, a mute person, and unape,
as for many things else, so for the government of a multitude, especially in time of war.

Of authors there are two sorts. The first simply so called; which I have before defined to
be him, that owneth the action of another simply. The second is he, that owneth an action,
or covenant of another conditionally; this is to say, he undertaketh to do it, if the other
doth it not, at, or before a certain time. And these authors conditional, are generally called
SURETIES, in Latin, sponsores, and sponsors; and particularly for debt, praesidus; and for
appearance before a judge, or magistrate, vades.

PART 2

OF COMMONWEALTH

CHAPTER 17

Of the Causes, Generation, and Definition of a Commonwealth

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

For the laws of nature (as justice, equity, modesty, mercy, and (in sum) doing to others, as we
would be done to,) of themselves, without the terror of some power, to cause them to be
observed, are contrary to our natural passions, that carry us to partiality, pride, revenge,
and the like. And covenants, without the sword, are but words, and of no strength to
perform the performance of their covenants, and observation of those laws of nature set down in
the fourteenth and fifteenth chapters.

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

Nor is it the joining together of a small number of men, that gives them this security; because in small numbers, small additions on the one side or the other, make the advantage of strength so great, as is sufficient to carry the victory; and therefore gives encouragement to an invasion. The multitude sufficient to confide in for our security, is not determined by any certain number, but by comparison with the enemy we fear; and is then sufficient, when the odds of the enemy is not of so visible and conspicuous moment, to determine the event of war, as to move him to attempt.

And be there never so great a multitude; yet if their actions be directed according to their particular judgments, and particular appetites, they can expect thereby no defence, nor protection, neither against a common enemy, nor against the injuries of one another. For being distracted in opinions concerning the best use and application of their strength, they do not help, but hinder one another; and reduce their strength by mutual opposition to nothing: whereby they are easily, not only subdued by a very few that agree together; but also when there is no common enemy, they make war upon each other, for their particular interests. For if we could suppose a great multitude of men to consent in the observation of justice, and other laws of nature, without a common power to keep them all in awe; we might as well suppose all mankind to do the same; and then there neither would be, nor need to be any civil government, or commonwealth at all; because there would be peace without subjection.

Nor is it enough for the security, which men desire should last all the time of their life, that they be governed, and directed by one judgment, for a limited time; as in one battle, or one war. For though they obtain a victory by their unanimous endeavour against a foreign enemy; yet afterwards, when either they have no common enemy, or he that by one part is held for an enemy, is by another part held for a friend, they must needs by the difference of their interests dissolve, and fall again into a war amongst themselves.

It is true, that certain living creatures, as bees, and ants, live sociably one with another, (which are therefore by Aristotle numbered amongst political creatures;) and yet have no other direction, than their particular judgments and appetites; nor speech, whereby one of them can signify to another, what he thinks expedient for the common benefit: and therefore some man may perhaps desire to know, why mankind cannot do the same. To which I answer,

First, that men are continually in competition for honour and dignity, which these creatures are not; and consequently amongst men there ariseth on that ground, envy and hatred, and finally war; but amongst these not so.

Secondly, that amongst these creatures, the common good differeth not from the private; and being by nature inclined to their private, they procure thereby the common benefit. But man, whose joy consisteth in comparing himself with other men, can relish nothing but what is eminent.

Thirdly, that these creatures, having nor, (as man) the use of reason, do not see, nor think they see any fault, in the administration of their common business; whereas amongst men, there are very many, that think themselves wiser, and able to govern the public, better than the rest; and these strive to reform and innovate, one this way, another that way; and thereby bring it into distraction and civil war.

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Fourthly, that these creatures, though they have some use of voice, in making known to one another their desires, and other affections; yet they want that art of words, by which some men can represent to others, that which is good, in the likeness of evil; and evil, in the likeness of good; and augment, or diminish the apparent greatness of good and evil, discontenting men, and troubling their peace at their pleasure.

Fifthly, irrational creatures cannot distinguish between injury, and damage; and therefore as long as they be at ease, they are not offended with their fellows: whereas man is then most troublesome, when he is most at ease; for then it is that he desires to shew his wisdom, and control the actions of them that govern the commonwealth.

Lastly, the agreement of these creatures is natural; that of men, is by covenant only, which is artificial: and therefore it is no wonder if there be somewhat else required (besides covenant) to make their agreement constant and lasting; which is a common power, to keep them in awe; and to direct their actions to the common benefit.

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

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

The attaining to this sovereign power, is by two ways. One, by natural force; as when a man maketh his children, to submit themselves, and their children to his government, as being able to destroy them if they refuse; or by war subdueth his enemies to his will, giving them their lives on that condition. The other, is when men agree amongst themselves, to submit to some man, or assembly of men, voluntarily, on confidence to be protected by him against all others. This latter, may be called a political commonwealth, or commonwealth by institution; and the former, a commonwealth by acquisition. And first, I shall speak of a commonwealth by institution.
Chapter 18

Of the Rights of Sovereigns by Institution

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

From this institution of a commonwealth are derived all the rights, and faculties of him, or them, on whom the sovereign power is conferred by the consent of the people assembled. First, because they covenant, it is to be understood, they are not obliged by former covenant to any thing repugnant hereunto. And consequently they that have already instituted a commonwealth, being thereby bound by covenant, to own the actions, and judgments of one, cannot lawfully make a new covenant, amongst themselves, to be obedient to any other, in any thing whatsoever, without his permission. And therefore, they that are subjects to a monarch, cannot without his leave cast off monarchy, and return to the confusion of a disunited multitude; nor transfer their person from him that beareth it, to another man, or other assembly of men: for they are bound, every man to every man, to own, and be obedient to his own sovereign. So that any one man dissenting, all the rest should break their covenant made to that man, which is injustice: and they have also every man given the sovereignty to him that beareth their person; and therefore if they depose him, they take from him that which is his own, and so again it is injustice. Besides, if he that attempteth to depose his sovereign, be killed, or punished by him for such attempt, he is author of his own punishment, as being by the institution, author of all his sovereign shall do: and because it is injustice for a man to do any thing, for which he may be punished by his own authority, he is also upon that title, unjust. And whereas some men have pretended for their disobedience to their sovereign, a new covenant, made, not with men, but with God; this also is unjust: for there is no covenant with God, but by mediation of somebody that representeth God’s person; which none doth but God’s lieutenant, who hath the sovereignty under God. But this pretence of covenant with God, is so evident a lie, even in the pretender’s own consciences, that it is not to be pretended by any one of them for breach thereof, is the act both of himself, and of all those who have given it to him, for which he may lawfully be killed, or punished by him for such attempt, he is author of his own punishment, as being by the institution, author of all his sovereign shall do: and because it is injustice for a man to do any thing, for which he may be punished by his own authority, he is also upon that title, unjust. And whereas some men have pretended for their disobedience to their sovereign, a new covenant, made, not with men, but with God; this also is unjust: for there is no covenant with God, but by mediation of somebody that representeth God’s person; which none doth but God’s lieutenant, who hath the sovereignty under God. But this pretence of covenant with God, is so evident a lie, even in the pretender’s own consciences, that it is not only an act of an unjust, but also of a vile, and unmanly disposition.

Secondly, because the right of bearing the person of them all, is given to him they make sovereign, by covenant only of one to another, and not of him to any of them; there can happen no breach of covenant on the part of the sovereign; and consequently none of his subjects, by any pretence of forfeiture, can be freed from his subjection. That he which is made sovereign maketh no covenant with his subjects beforehand, is manifest; because either he must make it with the whole multitude, as one party to the covenant; or he must make a several covenant with every man. With the whole, as one party, it is impossible; because as yet they are not one person: and if he make so many several covenants as there be men, those covenants after he hath the sovereignty are void, because what act soever can be pretended by any one of them for breach thereof, is the act both of himself, and of all the rest, because done in the person, and by the right of every one of them in particular. Besides, if any one, or more of them, pretend a breach of the covenant made by the sovereign at his institution; and others, or one other of his subjects, or himself alone, pretend there was no such breach, there is in this case, no judge to decide the controversy; it returns therefore to the sword again; and every man recovereth the right of protecting himself by
opinions; and in the well-governing of opinions, consisteth the well-governing of men's actions, in order to their peace, and concord. And though in matter of doctrine, nothing ought to be regarded but the truth; yet this is not repugnant to regulating of the same by peace. For doctrine repugnant to peace, can no more be true, than peace and concord can be against the law of nature. It is true, that in a commonwealth, where by the negligence, or unskilfulness of governors, and teachers, false doctrines are by time generally received; the contrary truths may be generally offensive: Yet the most sudden, and rough bustling in of a new truth, that can be, does never break the peace, but only sometimes awake the war. For those men that are so remissly governed, that they dare take up arms, to defend, or introduce an opinion, are still in war; and their condition not peace, but only a cessation of arms for fear of one another; and they live as it were, in the precipices of battle continually. It belongeth therefore to him that hath the sovereign power, to be judge, or constitute all judges of opinions and doctrines, as a thing necessary to peace; whereby to prevent discord and civil war.

Seventhly, is annexed to the sovereignty, the whole power of prescribing the rules, whereby every man may know, what goods he may enjoy, and what actions he may do, without being molested by any of his fellow-subjects; and this is it men call propriety. For before constitution of sovereign power (as hath already been shown) all men had right to all things; which necessarily causeth war: and therefore this propriety, being necessary to peace, and depending on sovereign power, is the act of that power, in order to the public peace. These rules of propriety (or meum and tuum) and of good, evil, lawful, and unlawful in the actions of subjects, are the civil laws; that is to say, the laws of every commonwealth in particular; though the name of civil law be now restrained to the ancient civil laws of the city of Rome; which being the head of a great part of the world, her laws at that time were in these parts the civil law.

Rightly, is annexed to the sovereignty, the right of judicature; that is to say, of hearing and deciding all controversies, which may arise concerning law, either civil, or natural; or concerning fact. For without the decision of controversies, there is no protection of one subject, against the injuries of another; the laws concerning meum and tuum are in vain; and to every man remaineth, from the natural and necessary appetite of his own conservation, the right of protecting himself by his private strength, which is the condition of war; and contrary to the end for which every commonwealth is instituted.

Ninthly, is annexed to the sovereignty, the right of making war and peace with other nations, and commonwealths; that is to say, of judging when it is for the public good, and how great forces are to be assembled, armed, and paid for that end; and to levy money upon the subjects, to defray the expenses thereof. For the power by which the people are to be defended, consisteth in their armies; and the strength of an army, in the union of their strength under one command; which command the sovereign instituted, therefore hath; because the command of the militia, without other institution, maketh him that hath it sovereign. And therefore whosoever is made general of an army, he that hath the sovereign power is always generalissimo.

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

Eleventhy, to the sovereign is committed the power of rewarding with riches, or honour; and of punishing with corporal, or pecuniary punishment, or with ignominy every subject according to the law he hath formerly made; or if there be no law made, according as he shall judge most to conduce to the encouraging of men to serve the commonwealth, or deterring of them from doing disservice to the same.
are equal, and without any honour at all; so are the subjects, in the presence of the sovereign. And though they shine some more, some less, when they are out of his sight; yet in his presence, they shine no more than the stars in presence of the sun.

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

CHAPTER 19

Of the Several Kinds of Commonwealth by Institution, and of Succession to the Sovereign Power

The difference of commonwealth, consisteth in the difference of the sovereign, or the person representative of all and every one of the multitude. And because the sovereignty is either in one man, or in an assembly of more than one; and into that assembly either every man hath right to enter, or not every one, but certain men distinguished from the rest; it is manifest, there can be but three kinds of commonwealth. For the representative must needs be one man, or more: and if more, then it is the assembly of all, or but of a part. When the representative is one man, then is the commonwealth a MONARCHY: when an assembly of all that will come together, then it is a DEMOCRACY, or popular commonwealth: when an assembly of a part only, then it is called an ARISTOCRACY. Other kind of commonwealth there can be none: for either one, or more, or all, must have the sovereign power (which I have shown to be indivisible) entire.

There be other names of government, in the histories, and books of policy; as tyranny, and oligarchy: But they are not the names of other forms of government, but of the same forms misplaced. For they that are discontented under monarchy, call it tyranny; and they that are displeased with aristocracy, call it oligarchy: so also, they which find themselves grieved under a democracy, call it anarchy, (which signifies want of government,) and yet I think no man believes, that want of government, is any new kind of government: nor by the same reason ought they to believe, that the government is of one kind, when they like it, and another, when they dislike it, or are oppressed by the governors.

It is manifest, that men who are in absolute liberty, may, if they please, give authority to one man, to represent them every one; as well as give such authority to any assembly of men whatsoever; and consequently may subject themselves, if they think good, to a monarch, as absolutely, as to any other representative. Therefore, where there is already erected a sovereign power, there can be no other representative of the same people, but only to certain particular ends, by the sovereign limited. For that were to erect two sovereigns; and every man to have his person represented by two actors, that by opposing one another, must needs divide that power, which (if men will live in peace) is indivisible; and thereby reduce the multitude into the condition of war, contrary to the end for which all sovereignty is instituted. And therefore as it is absurd, to think that a sovereign assembly, inviting the people of their dominion, to send up their deputies, with power to make known their advice, or desires, should therefore hold such deputies, rather than themselves, for the absolute representative of the people: so it is absurd also, to think the same in a monarchy. And I know not how this so manifest a truth, should of late be so little observed; that in a monarchy, he that had the sovereignty from a descent of 600 years, was alone called sovereign, had the title of Majesty from every one of his subjects, and was unquestionably taken by them for their king; was notwithstanding never considered as their representative; that name without contradiction passing for the title of those men, which at his command were sent up by the people to carry their petitions, and give him (if he permitted it) their advice. Which may serve as an admonition, for those that are the true, and absolute representative of a people, to instruct men in the nature of that office, and to take heed how they admit of any other general representation upon any occasion whatsoever, if they mean to discharge the trust committed to them.

The difference between these three kinds of commonwealth, consisteth not in the difference of power; but in the difference of convenience, or aptitude to produce the peace, and security of the people; for which end they were instituted. And to compare monarchy with the other two, we may observe; first, that whatsoever beareth the person of the people, or is one of that assembly that bears it, beareth also his own natural person. And though he be careful in his politic person to procure the common interest; yet he is more, or no less careful to procure the private good of himself, his family, kindred and friends; and for the most part, if the public interest chance to cross the private, he prefers the private: for the passions of men, are commonly more potent than their reason. From whence it follows, that where the public and private interest are most closely united, there is the public most advanced. Now in monarchy, the private interest is the same with the public. The riches, power, and honour of a monarch arise only from the riches, strength and reputation of his subjects. For no king can be rich, nor glorious, nor secure, whose subjects are either poor, or contemptible, or too weak through want, or dissent, to maintain a war against their enemies: whereas in a democracy, or aristocracy, the public prosperity confers not so much to the private fortune of one that is corrupt, or ambitious, as doth many times a pernicious advice, a treacherous action, or a civil war.

Secondly, that a monarch receiveth counsel of whom, when, and where he pleaseth; and consequently may hear the opinion of men versed in the matter about which he deliberates, of what rank or quality soever, and as long before the time of action, and with as much secrecy, as he will. But when a sovereign assembly has need of counsel, none are admitted but such as have a right thereto from the beginning; which for the most part are of those who have been versed more in the acquisition of wealth than of knowledge; and are to give their advice in long discourses, which may, and do commonly excite men to action, but not govern them in it. For the understanding is by the flame of the passions, never enlightened, but dazzled: Nor is there any place, or time, wherein an assembly can receive counsel with secrecy, because of their own multitude.
Thirdly, that the resolutions of a monarch, are subject to no other inconstancy, than that of human nature; but in assemblies, besides that of nature, there ariseth an inconstancy from the number. For the absence of a few, that would have the resolution once taken, continue firm, (which may happen by security, negligence, or private impediments,) or the diligent appearance of a few of the contrary opinion, undoes to day, all that was concluded yesterday.

Fourthly, that a monarch cannot disagree with himself, out of envy, or interest; but an assembly may; and to such a height, as may produce a civil war.

Fifthly, that in monarchy there is this inconvenience; that any subject, by the power of one man, for the enriching of a favourite or flatterer, may be deprived of all he possesseth; which I confess is a great and inevitable inconvenience. But the same may as well happen, where the sovereign power is in an assembly: for their power is the same; and they are as subject to evil counsel, and to be seduced by orators, as a monarch by flatterers; and becoming one another's flatterers, serve one another's covetousness and ambition by turns. And whereas the favourites of monarchs, are few, and they have none else to advance but their own kindred; the favourites of an assembly, are many; and the kindred much more numerous, than of any monarch. Besides, there is no favourite of a monarch, which cannot as well succour his friends, as hurt his enemies: but orators, that is to say, favourites of sovereign assemblies, though they have great power to hurt, have little to save. For to accuse, requires less eloquence (such is man's nature) than to excuse; and condemnation, than absolution more resembles justice.

Sixthly, that it is an inconvenience in monarchy, that the sovereignty may descend upon an infant, or one that cannot discern between good and evil and consisteth in this, that the use of his power, must be in the hand of another man, or of some assembly of men, which are to govern by his right, and in his name; as curators, and protectors of his person, and authority. But to say there is inconstancy, in putting the use of the sovereign power, into the hand of a man, or an assembly of men; is to say that all government is more inconvenient, than confusion, and civil war. And therefore all the danger that can be pretended, must arise from the contention of those, that for an office of so great honour, and profit, may become competitors. To make it appear, that this inconvenience, proceedeth not from that form of government we call monarchy, we are to consider, that the precedent monarch, hath appointed who shall have the tuition of his infant successor, either expressly by testament, or tacitly, by not controlling the custom in that case received: and then such inconvenience, (if it happen) is to be attributed, not to the monarchy, but to the ambition, and injustice of the subjects, which in all kinds of government, where the people are not well instructed in their duty, and the rights of sovereignty, is the same. Or else the precedent monarch hath not at all taken order for such tuition; and then the law of nature hath provided this sufficient rule, that the tuition shall be in him, that hath by nature most interest in the preservation of the authority of the infant, and to whom least benefit can accrue by his death, or diminution. For seeing every man by nature seeketh his own benefit, and promotion; to put an infant into the power of those, that can promote themselves by his destruction, or damage, is not tuition, but treachery. So that sufficient provision being taken, against all just quarrel, about the government under a child, if any contention arise to the disturbance of the public peace, it is not to be attributed to the form of monarchy, but to the ambition of subjects, and ignorance of their duty. On the other side, there is no great commonwealth, the sovereignty whereof is in a great assembly, which is not, as to consultations of peace, and war, and making of laws, in the same condition, as if the government were in a child. For as a child wants the judgment to dissent from counsel given him, and is thereby necessitated to take the advice of them, or him, to whom he is committed: so an assembly wanteth the liberty, to dissent from the counsel of the major part, be it
There is no perfect form of government, where the disposing of the succession is not in the present sovereign. For if it be in any other particular man, or private assembly, it is in a person subject, and may be assumed by the sovereign at his pleasure; and consequently the right is in himself. And if it be in no particular man, but left to a new choice; then is the commonwealth dissolved; and the right is in him that can get it; contrary to the intention of them that did institute the commonwealth, for their perpetual, and not temporary security.

In a democracy, the whole assembly cannot fail, unless the multitude that are to be governed fail. And therefore questions of the right of succession, have in that form of government no place at all.

In an aristocracy, when any of the assembly dieth, the election of another into his room belongeth to the assembly, as the sovereign, to whom belongeth the choosing of all counsellors and officers. For that which the representative doth, as actor, every one of the subjects doth, as author. And though the sovereign assembly may give power to others, to elect new men, for supply of their court; yet it is still by their authority, that the election is made; and by the same it may (when the public shall require it) be recalled.

The greatest difficulty about the right of succession, is in monarchy: and the difficulty arising from this, that at first sight, it is not manifest who is to appoint the successor; nor many times, who it is whom he hath appointed. For in both these cases, there is required a more exact rationing, than every man is accustomed to use. As to the question, who shall appoint the successor, of a monarch that hath the sovereign authority; that is to say, who shall determine of the right of inheritance, for elective kings and princes have not the sovereign power in propriety, but in use only we are to consider, that either he that is in possession, has right to dispose of the succession, or else right that is again in the dissolved multitude. For the death of him that hath the sovereign power in propriety, leaves the multitude without any sovereign at all; that is, without any representative in whom they should be united, and be capable of doing any one action at all: and therefore they are incapable of election of any new monarch; every man having equal right to submit himself to such as he thinks best able to protect him; or if he can, protect himself by his own sword, which is a return to confusion, and to the condition of a war of every man against every man, contrary to the end for which monarchy had its first institution. Therefore it is manifest, that by the institution of monarchy, the disposing of the successor, is always left to the judgment and will of the present possessor.

And for the question (which may arise sometimes) who it is that the monarch in possession, hath designed to the succession and inheritance of his power; it is determined by his express words, and testament; or by other tacit signs sufficient.

By express words, or testament, when it is declared by him in his lifetime, vivas voce, or by writing; as the first emperors of Rome declared who should be their heirs. For the word heir does not of itself imply the children, or nearest kindred of a man; but whomsoever a man shall any way declare, he would have to succeed him in his estate. If therefore a monarch declare expressly, that such a man shall be his heir, either by word or writing, then is that man immediately after the decease of his predecessor, invested in the right of being monarch.

But where testament, and express words are wanting, other natural signs of the will are to be followed: whereof the one is custom. And therefore where the custom is that the next of kindred absolutely succeedeth, there also the next of kindred hath right to the succession; for that, if the will of him that was in possession had been otherwise, he might easily have declared the same in his life time. And likewise where the custom is, that the next of the male kindred succeedeth, there also the right of succession is in the next of the kindred male, for the same reason. And so it is if the custom were to advance the female. For whatsoever custom a man may by a word control, and does not, it is a natural sign he would have that custom stand.

But where neither custom, nor testament hath preceeded, there it is to be understood, first, that a monarch's will is, that the government remain monarchical; because he hath approved that government in himself. Secondly, that a child of his own, male, or female, be preferred before any other; because men are presumed to be more inclined by nature, to advance their own children, than the children of other men; and of their own, rather a male than a female; because men, are naturally fitter than women, for actions of labour and danger. Thirdly, where his own issue faileth, rather a brother than a stranger; and so still the nearer in blood, rather than the more remote; because it is always presumed that the nearer of kin, is the nearer in affection; and it is evident that a man receives always, by reflection, the most honour from the greatness of his nearest kindred.

But if it be lawful for a monarch to dispose of the succession by words of contract, or testament, men may perhaps object a great inconvenience: for he may sell, or give his right of governing to a stranger; which, because strangers (that is, men not used to live under the same government, nor speaking the same language) do commonly undervalue one another, many turn to the oppression of his subjects; which is indeed a great inconvenience: but it proceeded not necessarily from the subscription to a stranger's government, but from the unskilfulness of the governors, ignorant of the true rules of politics. And therefore the Romans when they had subdued many nations, to make their government digestible, were wont to take away that grievance, as much as they thought necessary, by giving sometimes to whole nations, and sometimes to principal men of every nation they conquered, not only the privileges, but also the name of Romans; and took many of them into the senate, and offices of charge, even in the Roman city. And this was it our most wise king, king James, aimed at, in endeavouring the union of his two realms of England and Scotland. Which if he could have obtained, had in all likelihood prevented the civil wars, which make both those kingdoms, at this present, miserable. It is not therefore any injury to the people, for a monarch to dispose of the succession by will; though by the fault of many princes, it hath been sometimes found inconvenient. Of the lawfulness of it, this also is an argument, that whatsoever inconvenience can arise by giving a kingdom to a stranger, may arise also by so marrying with strangers, as the right of succession may descend upon them: yet this by all men is accounted lawful.

CHAPTER 20

Of Dominion Paternal, and Despotical

A commonwealth by acquisition, is that, where the sovereign power is acquired by force; and it is acquired by force, when men singly, or many together by plurality of voices, for fear of death, or bonds, do authorize all the actions of that man, or assembly, that hath their lives and liberty in his power.

And this kind of dominion, or sovereignty, differeth from sovereignty by institution, only in this, that men who choose their sovereign, do it for fear of one another, and not of
him whom they institute: but in this case, they subject themselves, to him they are afraid of. In both cases they do it for fear: which is to be noted by them, that hold all such covenants, as proceed from fear of death, or violence, void: which if it were true, no man, in any kind of commonwealth, could be obliged to obedience. It is true, that in a commonwealth once instituted, or acquired, promises proceeding from fear of death or violence, are no covenants, nor obliging, when the thing promised is contrary to the laws; but the reason is not, because it was made upon fear, but because he that promiseth, hath no right in the thing promised. Also, when he may lawfully perform, and doth not, it is not the invalidity of the covenant, that absolveth him, but the sentence of the sovereign. Otherwise, whenever a man lawfully promiseth, he unlawfully breaketh: but when the sovereign, who is the actor, acquitteth him, then he is acquitted by him that exerted the promise, as by the author of such absolution.

But the rights, and consequences of sovereignty, are the same in both. His power cannot, without his consent, be transferred to another: he cannot forfeit it: he cannot be accused by any of his subjects, of injury: he cannot be punished by them: he is judge of what is necessary for peace; and judge of doctrines: he is sole legislator; and supreme judge of controversies; and of the times, and occasions of war, and peace: to him it belongeth to choose magistrates, counsellors, commanders, and all other officers, and ministers; and to determine of rewards, and punishments, honour, and order. The reasons whereof, are the same which are alleged in the precedent chapter, for the same rights, and consequences of sovereignty by institution.

Dominion is acquired two ways: by generation, and by conquest. The right of dominion by generation, is that, which the parent hath over his children; and is called PATERNO. And is not so deriv'd from the generation, as if therefore the parent had dominion over his child because he begat him; but from the child's consent, either express, or by other sufficient arguments declared. For as to the generation, God hath ordained to man a helper; and there be always two that are equally parents: the dominion therefore over the child, should belong equally to both; and he be equally subject to both, which is impossible; for no man can obey two masters. And whereas some have attributed the dominion to the man only, as being of the more excellent sex; they misconstrue it in it. For there is not always that difference of strength, or prudence between the man and the woman, as that the right can be determined without war. In commonwealths, this controversy is decided by the civil law: and for the most part, (but not always) the sentence is in favour of the father; because for the most part commonwealths have been erected by the fathers, not by the mothers of families. But the question lieth now in the state of mere nature; where there are supposed no laws of matrimony; no laws for the education of children; but the law of nature, and the natural inclination of the sexes, one to another, and to their children. In this condition of mere nature, either the parents between themselves dispose of the dominion over the child by contract; or do not dispose thereof at all. If they dispose thereof, the right passeth according to the contract. We find in history that the Amazons contracted with the men of the neighbouring countries, to whom they had recourse for issue, that the issue male should be sent back, but the female remain with themselves: so that the dominion of the females was in the mother.

If there be no contract, the dominion is in the mother. For in the condition of mere nature, where there are no matrimonial laws, it cannot be known who is the father, unless it be declared by the mother: and therefore the right of dominion over the child dependeth on her will, and is consequently hers. Again, seeing the infant is first in the power of the mother, so as she may either nourish, or expose it; if she nourish it, it oweth its life to the mother; and is therefore obliged to obey her, rather than any other; and by consequence the
For obedience of servants St. Paul saith; (Col. 3. 20) Servants obey your masters in all things; and, (Verse 22) children obey your parents, that you may be saved; for the Lord's sake.

And you shall be his servants.

his engines of war, and instruments of his chariots; and shall take your daughters to make perfumes, and your sons are set down in the precedent chapter. So that for a man that is monarch of divers nations, wherein he hath, in one the sovereignty by institution of the people assembled, and in another by conquest, that is by the submission of each particular, to avoid death or bonds; to demand of one nation more than of the other, from the title of conquest, as being a conquered nation, is an act of ignorance of the rights of sovereignty. For the sovereign is absolute over both alike; or else there is no sovereignty at all; and so every man may lawfully protect himself, if he can, with his own sword, which is the condition of war.

By this it appears; that a great family if it be not part of some commonwealth, is of itself, as to the rights of sovereignty, a little monarchy; whether that family consist of a man and his children; or of a man and his servants; or of a man, and his children, and servants together; wherein the father or master is the sovereign. But yet a family is not properly a commonwealth; unless it be of that power by its own nature, or by other opportunities, as not to be subdued without the hazard of war. For where a number of men are manifestly too weak to defend themselves united, every one may use his own reason in time of danger, to save his own life, either by flight, or by submission to the enemy, as he shall think best; in the same manner as a very small company of soldiers, surprised by an army, may cast down their arms, and demand quarter, or run away, rather than be put to the sword. And thus much shall suffice; concerning what I find by speculation, and deduction, of sovereign rights, from the nature, need, and designs of men, in erecting of commonwealths, and putting themselves under monarchs, or assemblies, entrusted with power enough for their protection.

Let us now consider what the Scripture teacheth in the same point. To Moses, the children of Israel say thus: Speak thou to us, and we will hear thee; but let not God speak to us, lest we die. (Exod. 20. 19.) This is absolute obedience to Moses. Concerning the right of kings, God himself by the mouth of Samuel, saith, (1 Sam. 8. 11, 12, &c.) This shall be the right of the king you will have to reign over you. He shall take your sons, and set them to drive his chariots, and as his horsemen, and to run before his chariots; and gather in his harvest; and to make his engines of war, and instruments of his chariots; and shall take your daughters to make perfumes, to be his cooks, and bakers. He shall take your fields, your vine-yards, and your olive-yards, and give them to his servants. He shall take the tithes of your corn and wine, and give it to the men of his chamber, and to his other servants. He shall take your man-servants, and your maid-servants, and the choice of your youth, and employ them in his business. He shall take the tithes of your flocks; and you shall be his servants. Again, when the people heard what power their king was to have, yet they consented thereto, and say thus, (verse 19) we will be as all other nations, and our king shall judge our cause, and go before us, to conduct our wars. Here is confirmed the right that sovereigns have, both to the militia, and to all judicature, in which is contained as absolute power, as one man can possibly transfer to another. Again, the prayer of king Solomon to God, was this (1 Kings, 3. 9) Give to thy servant understanding, to judge thy people, and to discern between good and evil. It belongeth therefore to the sovereign to be judge, and to prescribe the rules of discerning good and evil: which rules are laws; and therefore in him is the legislative power. Saul sought the life of David; yet when it was in his power to slay Saul, and his servants would have done it, David forbade them, saying, (1 Sam. 24. 9) God forbid I should do such an act against my Lord, the anointed of God. For obedience of servants St. Paul saith; (Col. 3. 20) Servants obey your masters in all things; and, (Verse 22) children obey your parents, that you may be saved; for the Lord's sake.

Again, when the people heard what power their king was to have, yet when it was in his power to slay Saul, and his servants would have done it, David forbade them, saying, (1 Sam. 24. 9) God forbid I should do such an act against my Lord, the anointed of God. For obedience of servants St. Paul saith; (Col. 3. 20) Servants obey your masters in all things; and, (Verse 22) children obey your parents, that you may be saved; for the Lord's sake.

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

CHAPTER 21
Of the Liberty of Subjects

LIBERTY, or FREEDOM, signifieth (properly) the absence of opposition; (by opposition,
I mean external impediments of motion;) and may be applied to less to irrational, and
inanimate creatures, than to rational. For whatsoever is so tied, or environed, as it cannot
move, but within a certain space, which space is determined by the opposition of some
external body, we say it hath not liberty to go further. And so of all living creatures, whilst
they are imprisoned, or restrained, with walls, or chains; and of the water whilst it is kept
in by banks, or vessels, that otherwise would spread itself into a larger space, we use to say,
they are not at liberty, to move in such manner, as without those external impediments
they would. But when the impediment of motion, is in the constitution of the thing
itself, we use not to say, it wants the liberty; but the power to move; as when a stone lieth
still, or a man is fastened to his bed by sickness.

And according to this proper, and generally received meaning of the word, a FREEMAN,
is he, that in those things, which by his strength and wit he is able to do, is not hindered to do what
he has a will to. But when the words free, and liberty, are applied to any thing but bodies, they
are abused; for that which is not subject to motion, is not subject to impediment: and therefore,
when it is said (for example) the way is free, no liberty of the way is signified, but of those
that walk in it without stop. And when we say a gift is free, there is not meant any
liberty of the gift, but of the giver, that was not bound by any law, or covenant to give it.
So when we speak freely, it is not the liberty of voice, or pronunciation, but of the man, whom
no law hath obliged to speak otherwise than he did. Lastly, from the use of the word free-
will, no liberty can be inferred of the will, desire, or inclination, but the liberty of the man,
which consisteth in this, that he finds no stop, in doing what he has the will, desire, or in-
cination to do.

Fear, and liberty are consistent: as when a man throweth his goods into the sea for fear
the ship should sink, he doth it nevertheless very willingly, and may refuse to do it if he
will: it is therefore the action of one that was free; so a man sometimes pays his debt, only
for fear of imprisonment, which because nobody hindered him from detaining, was the
action of a man at liberty. And generally all actions which men do in commonwealths, for
fear of the law, are actions, which the does had liberty to omit.

Liberty, and necessity are consistent: as in the water, that hath not only liberty, but a neces-
sity of descending by the channel; so likewise in the actions which men voluntarily do: which,
because they proceed from their will, proceed from liberty; and yet, because every act
of man's will, and every desire, and inclination proceedeth from some cause, and that
from another cause, in a continual chain, (whose first link is in the hand of God the first
of all causes,) they proceed from necessity. So that to him that could see the connexion of those
causes, the necessity of all men's voluntary actions, would appear manifest. And therefore
God, that seeth, and disposeth all things, seeth also that the liberty of man in doing what
he will, is accompanied with the necessity of doing that which God will, and no more, nor less.

LEVIATHAN
For though men may do many things, which God does not command, nor is therefore author
of them; yet they can have no passion, nor appetite to any thing, of which appetite God's
will is not the cause. And did not his will assure the necessity of man's will, and consequently
of all that on man's will dependeth, the liberty of men would be a contradiction, and impedi-
ment to the omnipotence and liberty of God. And this shall suffice, (as to the matter in hand)
of that natural liberty, which only is properly called liberty.

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

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

Nevertheless we are not to understand, that by such liberty, the sovereign power of life
and death, is either abolished, or limited. For it has been already shown, that nothing the
sovereign representative can do to a subject, on what pretence soever, can properly be
called injustice, or injury; because every subject is author of every act the sovereign doth;
so that he never wanteth right to any thing, otherwise, than as he himself is the subject
of God, and bound thereby to observe the laws of nature. As therefore it may, and doth
often happen in commonwealths, that a subject may be put to death, by the command of
the sovereign power; and yet neither do the other wrong: as when Japheth caused his
daughter to be sacrificed; in which, and the like cases, he that so dieth, had liberty to do
the action, for which he is nevertheless, without injury put to death. And the same hold-
eth also in a sovereign prince, that puteth to death an innocent subject. For though the
action be against the law of nature, as being contrary to equity, (as was the killing of
Uriah, by David,) yet it was not an injury to Uriah; but to God. Not to Uriah, because the
right to do what he pleased, was given him by Uriah himself: and yet to God, because
David was God's subject; and prohibited all iniquity of the law of nature. Which distinc-
tion, David himself, when he repeated the fact, evidently confirmed, saying, To thee only
have I sinned. In the same manner, the people of Athens, when they banished the most part
of their commonwealth for ten years, thought they committed no injustice; and yet they
never questioned what crime he had done; but what hurt he would do: nay they commanded
the banishment of they know not whom; and every citizen bringing his oystershell into
the market place, written with the name of him he desired should be banished, without
actual accusing him, sometimes banished an Aristides, for his reputation of justice; and sometimes a scurrilous jester, as Hyperbolus, to make a jest of it. And yet a man cannot say, the sovereign people of Athens wanted right to banish them; or an Athenian the liberty to jest, or to be just.

The liberty, whereof there is so frequent and honourable mention, in the histories, and philosophy of the ancient Greeks, and Romans, and in the writings, and discourse of those that from them have received all their learning in the politics, is not the liberty of particular men; but the liberty of the commonwealth: which is the same with that, which every man then should have, if there were no civil laws, nor commonwealth at all. And the effects of it also be the same. For as amongst masterless men, there is perpetual war, of every man against his neighbour; no inheritance, to transmit to the son, nor to expect from the father; no propriety of goods, or lands; no security; but a full and absolute liberty in every particular man: so in states, and commonwealths not dependent on one another, every commonwealth, (not every man) has an absolute liberty, to do what it shall judge (that is to say, what that man, or assembly that representeth it, shall judge) most conducing to their benei. But withal, they live in the condition of a perpetual war, and upon the confines of battle, with their frontiers armed, and cannons planted against their neighbours round about. The Athenians, and Romans were free; that is, free commonwealths: not that any particular men had the liberty to resist their own representative; but that their representative had the liberty to resist, or invade other people. There is written on the turrets of the city of Lucca in great characters at this day, the word LIBERTAS: yet no man can thence infer, that a particular man has more liberty, or immunity from the service of the commonwealth there, than in Constantinople. Whether a commonwealth be monarchical, or popular, the freedom is still the same.

But it is an easy thing, for men to be deceived, by the specious name of liberty, and for want of judgment to distinguish, mistake that for their private inheritance, and birth right, which is the right of the public only. And when the same error is confirmed by the authority of men in their writings in this subject, it is no wonder if it produce sedition, and change of government. In these western parts of the world, we are made to receive our opinions concerning the institution, and rights of commonwealths, from Aristotle, Cicero, and other men, Greeks and Romans, that living under popular states, derived those rights, not from the principles of nature, but transcribed them into their books, out of the practice of their own commonwealths, which were popular; as the grammarians describe the rules of language, out of the practice of the time; or the rules of poetry, out of the poems of Homer and Virgil. And because the Athenians were taught, (to keep them from desire of changing their government,) that they were freemen, and all that lived under monarchy were slaves; therefore Aristotle puts it down in his Politie, (lib. 6. cap. 2.) In democracy, Liberty is to be supposed; for it is commonly held, that no man is Free in any other government. And as Aristotle; so Cicero, and other writers have grounded their civil doctrine, on the opinions of the Romans, who were taught to hate monarchy, at first, by them that having deposed their sovereign, shared amongst them the sovereignty of Rome; and afterwards by their successors. And by reading of these Greek, and Latin authors, men from their childhood have gotten a habit (under a false show of liberty,) of favouring tumults, and of licentious controlling the actions of their sovereigns; and again of controlling those controllers, with the effusion of so much blood; as I think I may truly say, there was never any thing so deceitfully bought, as these western parts have bought the learning of the Greek and Latin tongues.

To come now to the particulars of the true liberty of a subject; that is to say, what are the things, which though commanded by the sovereign, he may nevertheless, without injustice, refuse to do; we are to consider, what rights we pass away, when we make a commonwealth; or (which is all one,) what liberty we deny ourselves, by owning all the actions (without exception) of the man, or assembly we make our sovereign. For in the act of our submission, consisteth both our obligation, and our liberty; which must therefore be inferred by arguments taken from thence; there being no obligation on any man, which arises nor from some act of his own; for all men equally, are by nature free. And because such arguments, must either be drawn from the express words, I authorize all his actions, or from the intention of him that submitteth himself to his power, (which intention is to be understood by the end for which he so submitteth,) the obligation, and liberty of the subject, is to be derived, either from those words, (or others equivalent;) or else from the end of the institution of sovereignty, namely, the peace of the subjects within themselves, and their defence against a common enemy.

First therefore, seeing sovereignty by institution, is by covenant of every one to every one; and sovereignty by acquisition, by covenants of the vanquished to the victor, or child to the parent; it is manifest, that every subject has liberty in all those things, the right whereof cannot by covenant be transferred. I have shewn before in the 14th chapter, that covenants, not to defend a man's own body, are void. Therefore, if the sovereign command a man (though justly condemned,) to kill, wound, or main himself; or not to resist those that assault him; or to abstain from the use of food, air, medicine, or any other thing, without which he cannot live; yet hath that man the liberty to disobey.

If a man be interrogated by the sovereign, or his authority, concerning a crime done by himself, he is not bound (without assurance of pardon) to confess it; because no man (as I have shown in the same chapter) can be obliged by covenant to accuse himself. Again, the consent of a subject to sovereign power, is contained in these words, I authorize, or take upon me, all his actions; in which there is no restriction at all, of his own former natural liberty: for by allowing him to kill me, I am not bound to kill myself when he commands me. It is one thing to say, kill me, or my fellow, if you please; another thing to say, I will kill myself, or my fellow. It followeth therefore, that no man is bound by the words themselves, either to kill himself, or any other man; and consequently, that the obligation a man may sometimes have, upon the command of the sovereign to execute any dangerous, or dishonourable office, dependeth not on the words of our submission; but on the intention, which is to be understood by the end thereof. When therefore our refusal to obey, frustrates the end for which the sovereignty was ordained; then there is no liberty to refuse: otherwise there is.

Upon this ground, a man that is commanded as a soldier to fight against the enemy, though his sovereign have right enough to punish his refusal with death, may nevertheless in many cases refuse, without injustice; as when he submitteth a sufficient soldier in his place: for in this case he deserteth not the service of the commonwealth. And there is allowance to be made for natural timorousness; not only to women, (of whom no such dangerous duty is expected,) but also to men of feminine courage. When armies fight, there is on one side, or both, a running away; yet when they do it not out of treachery, but fear, they are not esteemed to do it unjustly, but dishonourably. For the same reason, to avoid battle, is not injustice, but cowardice. But he that involveth himself a soldier, or taketh impertinent money, taketh away the excuse of a timorous nature; and is obliged, not only to go to the battle, but also not to run from it, without his captain's leave. And when the defence of the commonwealth, requireth at once the help of all that are able to bear arms, every one is obliged; because otherwise the institution of the commonwealth, which they have not the purpose, or courage to preserve, was in vain.
To resist the sword of the commonwealth, in defence of another man, guilty, or innocent, no man hath liberty; because such liberty, takes away from the sovereign, the means of protecting us; and is therefore destructive of the very essence of government. But in case a great many men together, have already resisted the sovereign power unjustly, or committed some capital crime, for which every one of them expecteth death, whether they have not the liberty then to join together, and assist, and defend one another? Certainly they have: for they but defend their lives, which the guilty man may as well do, as the innocent. There was indeed injustice in the first breach of their duty; their bearing of arms subsequent to it, though it be to maintain what they have done, is no new unjust act. And if it be only to defend their persons, it is not unjust at all. But the offer of pardon taketh from them, to whom it is offered, the plea of self-defence, and maketh their perseverance in assisting, or defending the rest, unlawful.

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

If a subject have a controversy with his sovereign, of debts, or of right of possession of lands or goods, or concerning any service required at his hands, or concerning any penalty, corporal, or pecuniary, grounded on a precedent law; he hath the same liberty to sue for his right, as if it were against a subject; and before such judges, as are appointed by the sovereign. For seeing the sovereign demandeth by force of a former law, and not by virtue of his power, he declareth thereby, that he requireth no more, than shall appear to be due by that law. The suit therefore is not contrary to the will of the sovereign; and consequently the subject hath the liberty to demand the hearing of his cause; and sentence, according to that law. But if he demand, or take any thing by pretence of his power; there lieth, in that case, no action of law: for all that is done by him in virtue of his power, is done by the authority of every subject, and consequently, he that brings an action against the sovereign, brings it against himself.

If a monarch, or sovereign assembly, grant a liberty to all, or any of his subjects, which grant standing, he is disabled to provide for their safety, the grant is void; unless he directly renounce, or transfer the sovereignty to another. For in that he might openly, (if it had been his will,) and in plain terms, have renounced, or transferred it, and did not; it is to be understood it was not his will; but that the grant proceeded from ignorance of the repugnancy between such a liberty and the sovereign power: and therefore the sovereignty is still retained; and consequently all those powers, which are necessary to the exercising thereof; such as are the power of war, and peace, of judicature, of appointing officers, and councillors, of levyng money, and the rest named in the 18th chapter.

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

If a subject be taken prisoner in war; or his person, or his means of life be within the guards of the enemy; and hath his life and corporal liberty given him, on condition to be subject to the victor, he hath liberty to accept the condition; and having accepted it, is the subject of him that took him; because he had no other way to preserve himself. The case is the same, if he be detained on the same terms, in a foreign country. But if a man be held in prison, or bonds, or is not trusted with the liberty of his body; he cannot be understood to be bound by covenant to submission; and therefore may, if he can, make his escape by any means whatsoever.

If a monarch shall relinquish the sovereignty, both for himself, and his heirs; his subjects return to the absolute liberty of nature; because, though nature may declare who are his sons, and who are the nearest of his kin; yet it dependeth on his own will, (as hath been said in the precedent chapter,) who shall be his heir. If therefore he will have no heir, there is no sovereignty, nor subjection. The case is the same, if he die without known kindred, and without declaration of his heir. For then there can no heir be known, and consequently no subjection be due.

If the sovereign banish his subject; during the banishment, he is not subject. But he that is sent on a message, or hath leave to travel, is still subject; but it is, by contract between sovereigns, not by virtue of the covenant of subjection. For whossoever entereth into another's dominion, is subject to all the laws thereof; unless he have a privilege by the amity of the sovereigns, or by special licence.

If a monarch subdued by war, render himself subject to the victor; his subjects are delivered from their former obligation, and become obliged to the victor. But if he be held prisoner, or have not the liberty of his own body; he is not understood to have given away the right of sovereignty; and therefore his subjects are obliged to yield obedience to the magistrates formerly placed, governing not in their own name, but in his. For, his right remaining, the question is only of the administration; that is to say, of the magistrates and officers; which, if he have not means to name, he is supposed to approve those, which he himself had formerly appointed.

CHAPTER 24

Of the Nutrition, and Procreation of a Commonwealth

The Nutrition of a commonwealth consisteth, in the plenty, and distribution of materials conducting to life: in concoction, or preparation; and, (when concocted) in the conveyance of it, by convenient conduits, to the public use.

As for the plenty of matter, it is a thing limited by nature, to those commodities which from the two breasts of our common mother land, and sea, God usually either freely giveth, or for labour selleth to mankind.

For the matter of this nutriment, consisting in animals, vegetals, and minerals, God hath freely laid them before us, in or near to the face of the earth; so as there needeth no more but the labour, and industry of receiving them. Insomuch as plenty dependeth (next to God's favour) merely on the labour and industry of men.
This matter, commonly called commodities, is partly native, and partly foreign: native, that which is to be had within the territory of the commonwealth: foreign, that which is imported from without. And because there is no territory under the dominion of one commonwealth, (except it be of very vast extent,) that produceth all things needful for the maintenance, and motion of the whole body; and few that produce not something more than necessary; the superfluous commodities to be had within, become no more superfluous, but supply these wants at home, by importation of that which may be had abroad, either by exchange, or by just war, or by labour: for a man's labour also, is a commodity exchangeable for benefit, as well as any other thing: and there have been commonwealths either by exchange, or by just war, or by labour: for a man's labour also, is a commodity exchangeable for benefit, as well as any other thing: and there have been commonwealths that having no more territory, than hath served them for habitation, have nevertheless, nor only maintained, but also encreas'd their power, partly by the labour of trading from one place to another, and partly by selling the manufactures, whereof the materials were brought in from other places.

The distribution of the materials of this nourishment, is the constitution of mine, and thine, and his; that is to say, in one word propriety; and belongeth in all kinds of commonwealth to the sovereign power. For where there is no commonwealth, there is (as hath been already shewn) a perpetual war of every man against his neighbour; and therefore every thing is his that geteth it, and keepeth it by force; which is neither propriety, nor community, but uncertainty. Which is so evident, that even Cicero, (a passionate defender of liberty,) in a public pleading, attributeh all propriety to the law civil. Let the civil law, saith he, be once abandoned, or but negligently guarded, (not to say oppressed,) and there is nothing, that any man can be sure to receive from his ancestor, or leave to his children. And again, Take away the civil law, and no man knows what is his own, and what another man's. Seeing therefore the introduction of propriety is an effect of commonwealth; which can do nothing but by the person that represents it, it is the act only of the sovereign; and consisteth in the laws, which none can make that have not the sovereign power. And this they well knew of, who called that Nõygos, (that is to say, distribution,) which we call law; and defined justice, by distributing to every man his own.

In this distribution, the first law, is for division of the land itself: where in the sovereign assigneth to every man a portion, according as he, and not according as any subject, or any number of them, shall judge agreeable to equity, and the common good. The children of Israel, were a commonwealth in the wilderness; but wanted the commodities of the earth, till they were masters of the Land of Promise; which afterward was divided amongst them, not by their own discretion, but by the discretion of Elazar the Priest, and Joshua their General, who, when there were twelve tribes, making them thirteen by subdivision of the tribe of Joseph; made nevertheless but twelve portions of the land; and ordained for the tribe of Levi no land; but assigned them the tenth part of the whole fruits; which division was therefore arbitrary. And though a people coming into possession of a land by war, do not always exterminate the ancient inhabitants, (as did the Jews,) but leave to many, or most, or all of them their estates; yet it is manifest they hold them afterwards, as of the victors' distribution; as the people of England held all theirs of William the Conqueror.

From whence we may collect, that the propriety which a subject hath in his lands, consisteth in a right to exclude all other subjects from the use of them; and not to exclude their sovereign, be it an assembly, or a monarch. For seeing the sovereign, that is to say, the commonwealth (whose person he representeth,) is understood to do nothing but in order to the common peace and security, this distribution of lands, is to be understood as done in order to the same: and consequently, whatsoever distribution he shall make in prejudice thereof, is contrary to the will of every subject, that committed his peace, and safety to his discretion, and conscience; and therefore by the will of every one of them, is to be reputed void. It is true, that a sovereign monarch, or the greater part of a sovereign assembly, may ordain the doing of many things in pursuit of their passions, contrary to their own consciences, which is a breach of trust, and of the law of nature; but this is not enough to authorize any subject, either to make war upon, or so much as to accuse of injustice, or any way to speak evil of their sovereign; because they have authorized all his actions, and in bestowing the sovereign power, made them their own. But in what cases the commands of sovereigns are contrary to equity, and the law of nature, is to be considered hereafter in another place.

In the distribution of land, the commonwealth itself, may be conceived to have a portion, and possess, and improve the same by their representative; and that such portion may be made sufficient, to sustain the whole expense to the common peace, and defence necessarily required: Which were very true, if there could be any representative conceived free from human passions, and infirmities. But the nature of men being as it is, the setting forth of public land, or of any certain revenue for the commonwealth, is in vain; and tendeth to the dissolution of government, and to the condition of mere nature, and war, as soon as ever the sovereign power falleth into the hands of a monarch, or of an assembly, that are either too negligent of money, or too hazardous in engaging the public stock, into a long or costly war. Commonwealths can endure no diet: for seeing their expense is not limited by their own appetite, but by external accidents, and the appetites of their neighbours, the public riches cannot be limited by other limits, than those which the emergent occasions shall require. And whereas in England, there were by the Conqueror, divers lands reserved to his own use, (besides forests, and chases, either for his recreation, or for preservation of woods,) and divers services reserved on the land he gave his subjects; yet it seems they were not reserved for his maintenance in his public, but in his natural capacity. For he, and his successors did for all that, lay arbitrary taxes on all subjects' land, when they judged it necessary. Or if those public lands, and services, were ordained as a sufficient maintenance of the commonwealth, it was contrary to the scope of the institution; being (as it appeared by those ensuing taxes) insufficient, and (as it appears by the late small revenue of the crown) subject to alienation and diminution. It is therefore in vain, to assign a portion to the commonwealth; which may sell, or give it away; and does sell and give it away when it is done by their representative.

As the distribution of lands at home; so also to assign in what places, and for what commodities, the subject shall traffic abroad, belongeth to the sovereign. For if it did belong to private persons to use their own discretion therein, some of them would be drawn for gain, both to furnish the enemy with means to hurt the commonwealth, and hurt themselves, by importing such things, as pleasing men's appetites, be nevertheless noxious, or at least unprofitable to them. And therefore it belongeth to the commonwealth, (that is, to the sovereign only,) to approve, or disapprove both of the places, and matter of foreign traffic.

Further, seeing it is not enough to the sustentation of a commonwealth, that every man have a propriety in a portion of land, or in some few commodities, or a natural property in some useful art, and there is no art in the world, but is necessary either for the being, or well being almost of every particular man; it is necessary, that men distribute that which they can spare, and transfer their propriety therein, mutually one to another, by exchange, and mutual contract. And therefore it belongeth to the commonwealth, (that is to say, to the sovereign,) to appoint in what manner, all kinds of contract between subjects, (as buying, selling, exchanging, borrowing, lending, letting, and taking to hire,) are to be made;
and by what words and signs they shall be understood for valid. And for the matter, and distribution of the nourishment, to the several members of the commonwealth, thus much (considering the model of the whole work) is sufficient.

By concoction, I understand the reducing of all commodities, which are not presently consumed, but reserved for nourishment in time to come, to some thing of equal value, and withal so portable, as not to hinder the motion of men from place to place; to the end a man may have in what place soever, such nourishment as the place afforded. And this is nothing else but gold, and silver, and money. For gold and silver, being (as it happens) almost in all countries of the world highly valued, is a commodious measure of the value of all things else between nations; and money (of what matter soever coined by the sovereign of a commonwealth,) is a sufficient measure of the value of all things else, between the subject of that commonwealth. By the means of which measures, all commodities, moveable, and immovable, are made to accompany a man, to all places of his resort, within and without the place of his ordinary residence; and the same passeth from man to man, within the commonwealth; and goes round about, nourishing (as it passeth) every part thereof; in so much as this concoction, is as it were the saccharification of the commonwealth: for natural blood is in like manner made of the fruits of the earth; and circulating, nouriseth by the way, every member of the body of man.

And because silver and gold, have their value from the matter itself; they have first this privilege, that the value of them cannot be altered by the power of one, nor of a few commonwealths; as being a common measure of the commodities of all places. But base money, may easily be enhanced, or abased. Secondly, they have the privilege to make commonwealths move, and stretch out their arms, when need is, into foreign countries; and supply, not only private subjects that travel, but also whole armies with provision. But that coin, which is not moveable, and immovable, is made to accompany a man, to all places of his resort, within and without the place of his ordinary residence; and the same passeth from man to man, within the commonwealth; and goes round about, nourishing (as it passeth) every part thereof; in so much as this concoction, is as it were the saccharification of the commonwealth: for natural blood is in like manner made of the fruits of the earth; and circulating, nouriseth by the way, every member of the body of man.

The conduits, and ways by which it is conveyed to the public use, are of two sorts; one, that conveyeth it to the public coffer; the other, that issueth the same out again for the public payments. Of the first sort, are collectors, receivers, and treasurers; of the second are the treasurer again, and the officers appointed for payment of several public or private ministers. And in this also, the artificial man maintains his resemblance with the natural; whose veins receiving the blood from the several parts of the body, carrieth it to the heart; where being made vital, the heart by the arteries sends it out again, to enliven, and enable for motion all the members of the same.

The procreation, or children of a commonwealth, are those we call plantations, or colonies, which are numbers of men sent out from the commonwealth, under a conductor, or governor, to inhabit a foreign country, either formerly void of inhabitants, or made void, then, by war. And when a colony is settled, they are either a commonwealth of themselves, discharged of their subjection to their sovereign that sent them, (as hath been done by many commonwealths of ancient time,) in which case the commonwealth from which they went, was called their metropolis, or mother, and requires no more of them, than fathers require of the children, whom they emancipate and make free from their domestic government, which is honour, and friendship; or else they remain united to their metropolis, as were the colonies of the people of Rome; and then they are no commonwealths themselves, but provinces, and parts of the commonwealth that sent them. So that the right of colonies (saving honour, and league with their metropolis,) dependeth wholly on their licence, or letters, by which their sovereign authorized them to plant.

By CIVIL LAWS, I understand the laws, that men are therefore bound to observe, because they are members, not of this, or that commonwealth in particular, but of a commonwealth. For the knowledge of particular laws belongeth to them, that profess the study of the laws of their several countries; but the knowledge of civil law in general, to any man. The ancient law of Rome was called their civil law, from the word civitas, which signifies a commonwealth: and those countries, which having been under the Roman empire, and governed by that law, retain still such a part thereof as they think fit, call that part the civil law, to distinguish it from the rest of their own civil laws. But that is not it I intend to speak of here; my design being not to show what is law here, and there; but what is law; as Plato, Aristotle, Cicero, and divers others have done, without taking upon them the profession of the study of the law.

And first it is manifest, that law in general, is not counsel, but command; nor a command of any to any man; but only of him, whose command is addressed to one formerly obliged to obey him. And as for civil law, it addeth only the name of the person commanding, which is persona civitatis, the person of the commonwealth.

Which considered, I define civil law in this manner. CIVIL LAW, is to every subject, those rules, which the commonwealth hath commanded him, by word, writing, or others sufficient sign of the will, to make use of, for the distinction of right, and wrong; that is to say, of what is contrary, and what is not contrary to the rule.

In which definition, there is nothing that is not at first evident. For every man seeth, that some laws are addressed to all the subjects in general; some to particular provinces; some to particular vocations; and some to particular men; and are therefore laws, to every of those to whom the command is directed; and to none else. As also, that laws are the rules of just, and unjust; nothing being reputed unjust, that is not contrary to some law. Likewise that none can make laws but the commonwealth; because our subject is to the commonwealth only: and that commands, are to be signified by sufficient signs; because a man knows not otherwise how to obey them. And therefore, whatsoever can from this definition by necessary consequence be deduced, ought to be acknowledged for truth. Now I deduce from it this that followeth.

1. The legislator in all commonwealths, is only the sovereign, be he one man, as in a monarchy, or one assembly of men, as in a democracy, or aristocracy. For the legislator is he that maketh the law. And the commonwealth only, prescribes, and commandeth the observation of those rules, which we call law; therefore the commonwealth is the legislator. But the commonwealth is no person, nor has capacity to do any thing, but by the representative, (that is, the sovereign) and therefore the sovereign is the sole legislator. For the same reason, none can abrogate a law made, but the sovereign; because a law is not abrogated, but by another law, that forbiddeth it to be put in execution.

2. The sovereign of a commonwealth, be it an assembly, or one man, is not subject to the civil laws. For having power to make, and repeal laws, he may when he pleaseth, free himself from that subjection, by repealing those laws that trouble him, and making of new; and consequently he was free before. For he is free, that can be free when he will: nor is it possible for any person to be bound to himself; because he that can bind, can release; and therefore he that is bound to himself only, is not bound.

3. When long use obtaineth the authority of a law, it is not the length of time that maketh the authority, but the will of the sovereign signified by his silence; (for silence is sometimes an
162

THOMAS HOBBES

argument of consent;) and it is no longer law, than the sovereign shall be silent therein. And therefore if the sovereign shall have a question of right grounded, nor upon his present will, but upon the laws formerly made; the length of time shall bring no prejudice to his right; but the question shall be judged by equity. For many unjust actions, and unjust sentences go uncontroll'd a longer time, than any man can remember. And our lawyers account no customs law, but such as are reasonable, and that evil customs are to be abolished: But the judgment of what is reasonable, and of what is to be abolished, belongeth to him that maketh the law, which is the sovereign assembly, or monarch.

4. The law of nature, and the civil law, contain each other, and are of equal extent. For the laws of nature, which consist in equity, justice, gratitude, and other moral virtues on these depending, in the condition of mere nature (as I have said before in the end of the 15th chapter,) are not properly laws, but qualities that dispose men to peace and to obedience. When a commonwealth is once settled, then are they actually laws, and not before; as being then the commands of the commonwealth; and therefore also civil laws: for it is the sovereign power that obliges men to obey them. For in the differences of private men, to declare, what is equity, what is justice, and what is moral virtue, and to make them binding, there is need of the ordinances of sovereign power, and punishments to be ordained for such as shall break them; which ordinances are therefore part of the civil law. The law of nature therefore is a part of the civil law in all commonwealths of the world. Reciprocally also, the civil law is a part of the dictates of nature. For justice, that is to say, performance of covenant, and giving to every man his own, is a dictate of the law of nature. But every subject in a commonwealth, hath covenanted to obey the civil law, (either one with another, as when they assemble to make a common representative, or with the representative it self one by one, when subdued by the sword they promise obedience, that they may receive life;) and therefore obedience to the civil law, is no other, but such restraint; with the which out the whole cannot possibly be any peace. And law was brought into the world for nothing else, but to limit the natural liberty of particular men, in such manner, as they might not hurt, but assist one another, and join together against a common enemy.

5. If the sovereign of one commonwealth, subjects a people that have lived under other written laws, and afterwards govern them by the same laws, by which they were governed before; yet those laws are the civil laws of the victor, and not of the vanquished commonwealth. For the legislator is he, by whose authority the laws were first made, but by whose authority they now continue to be laws. And therefore where those be divers provinces, within the dominion of a commonwealth, and in those provinces diversity of laws, which commonly are called the customs of each several province, we are not to understand that such customs have their force, only from length of time; but that they were anciently laws written, or otherwise made known, for the constitutions, and statutes of their sovereign; and are now laws, not by virtue of the prescription of time, but by the constitutions of their present sovereigns. But if an unwritten law, in all the provinces of a dominion, shall be generally observed, and no iniquity appear in the use thereof; that law can be no other but a law of nature, equally obliging all mankind.

6. Seeing then all laws, written and unwritten, have their authority, and force, from the will of the commonwealth; that is to say, from the will of the representative, which in a monarchy is the monarch, and in other commonwealths the sovereign assembly; a man may wonder from whence proceed such opinions, as are found in the books of lawyers of eminence in several commonwealths, directly, or by consequence making the legislative power depend on private men, or subordinate judges. As for example, that the common law, hath no controller but the parliament; which is true only where a parliament has the sovereign power, and cannot be assembled, nor dissolved, but by their own discretion. For if there be a right in any else to dissolve them, there is a right also to control them, and consequently to control their controllings.

7. That law can never be against reason, our lawyers agreed; and that not the letter, (that is, every construction of it,) but that which is according to the intention of the legislator, is the law. And it is true: but the doubt is of whose reason it is, that shall be received for law. It is not meant of any private reason; for then there would be as much contradiction in the laws, as there is in the Schools; nor yet, (as Sir Edward Coke makes it, an artificial perfection of reason, gotten by long study, observation, and experience, (as his was,) For it is possible long study may increase, and confirm erroneous sentences: and where men build on false grounds, the more they build, the greater is the ruin: and of those that study, and observe with equal time, and diligence, the reasons and resolutions are, and must remain discordant; and therefore it is not the juris prudentia, or wisdom of subordinate judges; but the reason of this our artificial man the commonwealth, and his command, that maketh law: and the commonwealth being in their representative but one person, there cannot easily arise any contradiction in the laws; and when there doth, the same reason is able, by interpretation, or alteration, to take it away. In all courts of justice, the sovereign (which is the person of the commonwealth,) is he that judgeth: the subordinate judge, ought to have regard to the reason, which moved his sovereign to make such law, that his sentence may be according thereunto, which then is his sovereign's sentence; otherwise it is his own, and an unjust one.

8. From this, that the law is a command, and a command consisteth in declaration, or manifestation of the will of him that commandeth; by voice, writing, or some other sufficient argument of the same, we may understand, that the command of the commonwealth is law only to those, that have means to take notice of it. Over natural fools, children, or madmen there is no law, no more than over brute beasts; nor are they capable of the title of just, or unjust; because they had never power to make any covenant, or to understand the consequences thereof; and consequently never took upon them to authorize the actions of any sovereign, as they must do that make to themselves a commonwealth. And as those from whom nature, or accident hath taken away the notice of all laws in general; so also every man, from whom any accident, not proceeding from his own default, hath taken away the means to take notice of any particular law, is excused, if he observe it not; and to speak expressly, that law is no law to him. It is therefore necessary, to consider in this place, what arguments, and signs be sufficient for the knowledge of what is the law; that is to say, what is the will of the sovereign, as well in monarchies, as in other forms of government.

And first, if it be a law that obliges all the subjects without exception, and is not written, nor otherwise published in such places as they may take notice thereof, it is a law of nature. For whatsoever men are to take knowledge of for law, not upon other men's words, but every one from his own reason, must be such as is agreeable to the reason of all men; which no law can be, but the law of nature. The laws of nature therefore need not any publishing, nor proclamation; as being contained in this one sentence, approved by all the world, Do not that to another, which thou thinkest unreasonable to be done by another to thyself.

Secondly, if it be a law that obliges only some condition of men, or one particular man, and be not written, nor published by word, then also it is a law of nature; and known by the same arguments, and signs, that distinguish those in such a condition, from other subjects. For whatsoever law is not written, or some way published by him that makes it law, can be known no way, but by the reason of him that is to obey it; and is therefore also a law not only civil, but natural. For example, if the sovereign employ a public minister,
But when the question is of injury, or crime, upon a written law; every man by recourse to the registers, by himself or others, may (if he will) be sufficiently informed, before he do such injury, or commit the crime, whether it be an injury, or not: nay he ought to do so: for when a man doubts whether the act he goeth about, be just, or unjust; and may inform himself, if he will; the doing is unlawful. In like manner, he that supposeth himself injured, in a case determined by the written law, which he may by himself or others see and consider; if he complain before he consents with the law, he does unjustly, and bewrayeth a disposition rather to vex other men, than to demand his own right.

If the question be of obedience to a public officer; to have seen his commission, with the public seal, and heard it read; or to have had the means to be informed of it, if a man would, is a sufficient verificatiion of his authority. For every man is obliged to do his best endeavour, to inform himself of all written laws, that may concern his own future actions. The legislator known; and the laws, either by writing, or by the light of nature, sufficiently published; there wanteth yet another very material circumstance to make them obligatory. For it is not the letter, but the intendment, or meaning; that is to say, the authentic interpretation of the law (which is the sense of the legislator,) in which the nature of the law consisteth; and therefore the interpretation of the laws dependeth on the authority of the sovereign; and the interpreters can be none but those, which the sovereign, (to whom only the subject oweth obedience) shall appoint. For else, by the craft of an interpreter, the law may be made to bear a sense, contrary to that of the sovereign; by which means the interpreter becomes the legislator.

All laws, written, and unwritten, have need of interpretation. The unwritten law of nature, though it be easy to such, as without partiality, and passion, make use of their natural reason, and therefore leaves the violators thereof without excuse; yet considering there be very few, perhaps none, that in some cases are not blinded by self love, or some other passion; it is now become of all laws the most obscure; and has consequently the greatest need of able interpreters. The written laws, if they be short, are easily misinterpreted, from the divers significations of a word, or two: if long they be more obscure by the divers significations of many words: insomuch as no written law, delivered in few, or many words, can be well understood, without perfect understanding of the final causes, for which the law was made; the knowledge of which final causes is in the legislator. To him therefore there cannot be any knot in the law, insoluble; either by finding out the ends, to undo it by; or else by making what ends he will, (as Alexander did with his sword in the Gordian knot,) by the legislative power; which no other interpreter can do.

The interpretation of the laws of nature, in a commonwealth, dependeth not on the book of moral philosophy. The authority of writers, without the authority of the commonwealth, maketh not their opinions law, be they never so true. That which I have written in this treatise, concerning the moral virtues, and of their necessity, for the procuring, and maintaining peace, though it be evident truth, is not therefore presently law; but because in all commonwealths in the world, it is part of the civil law: For though it be naturally reasonable; yet it is by the sovereign power that it is law: otherwise, it were a great error, to call the laws of nature unwritten law; whereof we see so many volumes published, and in them so many contradictions of one another, and of themselves.

The interpretation of the law of nature, is the sentence of the judge constituted by the sovereign authority, to hear and determine such controversies, as depend thereon; and consisteth in the application of the law to the present case. For in the act of judicature, the judge doth no more but consider, whether the demand of the party, be consonant to natural reason, and equity; and the sentence he giveth, is therefore the interpretation of the law of nature; which interpretation is authentic; not because it is his private sentence; but
because he giveth it by authority of the sovereign, whereby it becomes the sovereign's
sentence; which is law for that time, to the parties pleading.

But because there is not judge subordinate, nor sovereign, but may err in a judgment
of equity; if afterward in another like case he find it more consonant to equity to give a
contrary sentence, he is obliged to do it. No man's error becomes his own law; nor obliges
him to persist in it. Neither (for the same reason) becomes it a law to other judges, though
sworn to follow it. For though a wrong sentence given by authority of the sovereign, if he
know and allow it, in such laws as are mutable, be a constitution of a new law, in cases, in
which every little circumstance is the same; yet in laws immutable, such as are the laws
of nature, they are no laws to the same, or other judges, in the like cases for ever after.
Princes succeed one another; and one judge passeth, another cometh; nay, heaven and
earth shall pass; but not one title of the law of nature shall pass; for it is the eternal law
of God. Therefore all the sentences of precedent judges that have ever been, cannot all
together make a law contrary to natural equity; nor any examples of former judges, can
warrant an unreasonable sentence, or discharge the present judge from the trouble of studying
what is equity (in the case he is to judge,) from the principles of his own natural reason.
For example sake, it is against the law of nature, to punish the innocent; and innocent is
he that acquitteth himself judicially, and is acknowledged for innocent by the judge. Put
the case now, that a man is accused of a capital crime, and seeing the power and malice of
some enemy, and the frequent corruption and partiality of judges, runneth away for fear
of the event, and afterwards is taken, and brought to a legal trial, and maketh it sufficiently
appear, he was not guilty of the crime, and being thereof acquitted, is nevertheless con­
demned to lose his goods; this is a manifest condemnation of the innocent. I say therefore,
that there is no place in the world, where this can be an interpretation of a law of nature,
or be made a law by the sentences of precedent judges, that had done the same. For he that
judged it first, judged unjustly; and no injustice can be a pattern of judgment to succeed­
ing judges. A written law may forbid innocent men to fly, and they may be punished
for flying; but that flying for fear of injury, should be taken for presumption of guilt, after
a man is already absolved of the crime judicially, is contrary to the nature of a presump­
tion, which hath no place after judgment given. Yet this is set down by a great lawyer
for the common law of England. If a man, (saith he) that is innocent, be accused of felony, and for
fear flyeth for the same, albeit he judicially acquit himself of the felony; yet if it be found that
he fled for the felony; he shall notwithstanding his innocence, forfeit all his goods, chattels, debts,
and duties. For as to the forfeiture of them, the law will admit no proof against the presumption in
law, grounded upon his flight. Here you see, an innocent man judicially acquitted, notwithstanding
his innocence, (when no written law forbid him to fly) after his acquittal, upon a presum­
tion in law, condemned to lose all the goods he hath. If the law ground upon his flight a presumption of the fact, (which was capital,) the sentence ought to have been capital: if the presumption
were not of the fact, for what then ought he to lose his goods? This therefore is no law of England; nor is the condemnation grounded upon a presumption of law, but upon the presumption of the judges. It is also against law, to say that no proof shall be admitted against a presumption of law. For all judges, sovereign and subordinate,
if they refuse to hear proof, refuse to do justice: for though the sentence be just, yet the
judges that condemn without hearing the proofs offered, are unjust judges; and their presump­
tion is but prejudice; which no man ought to bring with him to the seat of justice, whatsoever precedent judgments, or examples he shall pretend to follow. There be other things of this nature, wherein men's judgments have been perverted, by trusting to preced­ents: but this is enough to show, that though the sentence of the judge, be a law to the
party pleading, yet it is no law to any judge, that shall succeed him in that office.

In like manner, when question is of the meaning of written laws, he is not the interpreter
of them, that writeth a commentary upon them. For commentaries are commonly more sub­
tect to cavil, than the text; and therefore need other commentaries; and so there will be no end of such interpretation. And therefore unless there be an interpreter authorized by the sovereign, from which the subordinate judges are not to receade, the interpreter can be no other than the ordinary judges, in the same manner, as they are in cases of the unwritten
law; and their sentences are to be taken by them that plead, for laws in that particular
case; but not to bind other judges, in like cases to give like judgments. For a judge may
err in the interpretation even of written laws; but no error of a subordinate judge, can change the law, which is the general sentence of the sovereign.

In written laws, men use to make a difference between the letter, and the sentence of
the law: and when by the letter, is meant whatsoever can be gathered from the bare words,
it is well distinguished. For the significations of almost all words, are either in themselves,
or in the metaphorical use of them, ambiguous; and may be drawn in argument, to make
many senses; but there is only one sense of the law. But if by the letter, be meant the literal sense, then the letter, and the sentence or intention of the law, is all one. For the literal
sense is that, which the legislator intended, should by the letter of the law be signified.
Now the intention of the legislator is always supposed to be equity: for it were a great contumely for a judge to think otherwise of the sovereign. He ought therefore, if the
word of the law do not fully authorize a reasonable sentence, to supply it with the law of
nature; or if the case be difficult, to respite judgment till he have received more ample
authority. For example, a written law ordaineth, that he which is thrust out of his house
by force, shall be restored by force: it happens that a man by negligence leaves his house
empty, and returning is kept out by force, in which case there is no special law ordained.
It is evident, that this case is contained in the same law: for else there is no remedy for
him at all; which is to be supposed against the intention of the legislator. Again, the word
of the law, commandeth to judge according to the evidence: a man is accused falsely of a
fact, which the judge saw himself done by another; and not be him that is accused. In this
case neither shall the letter of the law be followed to the condemnation of the innocent,
nor shall the judge give sentence against the evidence of the witnesses; because the letter
of the law is to the contrary: but procure of the sovereign that another be made judge, and
himself witness. So that the incommodity that follows the bare words of a written law,
may lead him to the intention of the law, whereby to interpret the same the better;
though no incommodity can warrant a sentence against the law. For every judge of right,
and wrong, is not judge of what is commodious, or incommodious to the commonwealth.
The abilities required in a good interpreter of the law, that is to say, in a good judge,
are not the same with those of an advocate; namely the study of the laws. For a judge,
as he ought to take notice of the fact, from none but the witnesses; so also he ought to
take notice of the law, from nothing but the statutes, and constitutions of the sovereign,
alleged in the pleading, or declared to him by some that have authority from the sovereign
power to declare them; and need not take care beforehand, what he shall judge; for
it shall be given him what he shall say concerning the fact, by witnesses; and what he shall
say in point of law, from those that shall in their pleadings show it, and by authority
interpret it upon the place. The lords of parliament in England were judges, and most dif­
cult causes have been heard and determined by them; yet few of them were much versed
in the study of the laws, and fewer had made profession of them: and though they con­sulted with lawyers, that were appointed to be present there for that purpose; yet they
alone had the authority of giving sentence. In like manner, in the ordinary trials of right,
twelve men of the common people, are the judges, and give sentence, not only of the fact,
but of the right; and pronounce simply for the complainant, or for the defendant; that is to say, are judges not only of the fact, but also of the right: and in question of crime, not only determine whether done, or not done; but also whether it be murder, homicide, felony, assault, and the like, which are determinations of law: but because they are not supposed to know the law of themselves, there is one that hath authority to inform them of it, in the particular case they are to judge of. But yet if they judge not according to that he tells them, they are not subject thereby to any penalty; unless it be made appear, they did it against their consciences, or had been corrupted by reward.

The things that make a good judge, or good interpreter of the laws, are, first, a right understanding of that principal law of nature called equity, which depending not on the reading of other men's writings, but on the goodness of a man's own natural reason, and meditation, is presumed to be in those men, that have had most leisure, and had the most inclination to meditate thereon. Secondly, contempt of unnecessary riches, and preferences. Thirdly, to be able in judgment to divest himself of all fear, anger, hatred, love, and compassion.

Fourthly, and lastly, patience to hear; diligent attention in hearing; and memory to retain, digest and apply what he hath heard.

The difference and division of the laws, has been made in divers manners, according to the different methods, of those men that have written of them. For it is a thing that dependeth not on nature, but on the scope of the writer; and is subservient to every man's proper method. In the Institutions of Justinian, we find seven sorts of civil laws.

1. The edicts, constitutions, and epistles of the prince, that is, of the emperor; because the whole power of the people was in him. Like these, are the proclamations of the kings of England.

2. The decrees of the whole people of Rome, (comprehending the senate,) when they were put to the question by the senate. These were laws, at first, by the virtue of the sovereign power residing in the people; and such of them as by the emperors were not abrogated, remained laws, by the authority imperial. For all laws that bind, are understood to be laws by his authority that has power to repeal them. Somewhat like to these laws, are the acts of parliament in England.

3. The decrees of the common people, (excluding the senate,) when they were put to the question by the tribune of the people. For such of them as were not abrogated by the emperors, remained laws by the authority imperial. Like these, were the orders of the House of Commons in England.

4. Senators consults, the order of the senate; because when the people of Rome grew so numerous, as it was inconvenient to assemble them; it was thought fit by the emperor, that men should consult the senate, instead of the people; and these have some resemblance with the acts of council.

5. The edicts of praetors, and (in some cases) of the aediles: such as are the chief justices in the courts of England.

6. Response prudentum; which were the sentences, and opinions of those lawyers, to whom the emperor gave authority to interpret the law, and to give answer to such as in matter of law demanded their advice; which answers, the judges in giving judgment were obliged by the constitutions of the emperor to observe: and should be like the reports of cases judged, if other judges be by the law of England bound to observe them. For the judges of the common law of England, are not properly judges, but privy counsellors of whom the judges, who are either the lords, or twelve men of the country, are in point of law to ask advice.

7. Also, unwritten customs, which in their own nature are an imitation of law; by the tacit consent of the emperor, in case they be not contrary to the law of nature, are very laws.

Another division of laws, is into natural and positive. Natural are those which have been laws from all eternity; and are called not only natural, but also moral laws; consisting in the moral virtues, as justice, equity, and all habits of the mind that conduces to peace, and charity; of which I have already spoken in the fourteenth and fifteenth chapters.
no other earthly power, as here in the case of Abraham) have sovereign power over their children and servants. Again, where God saith to Abraham, In thee shall all nations of the earth be blessed; for I know thou wilt command thy children, and thy house after thee to keep the way of the Lord, and to observe righteousness and judgment, it is manifest, the obedience of his family, who had no revelation, depended on their former obligation to obey their sovereign. At Mount Sinai Moses only went up to God; the people were forbidden to approach on pain of death; yet were they bound to obey all that Moses declared to them for God's law. Upon what ground, but on this submission of their own, Speak thou to us, and we will hear thee; but let not God speak to us, lest we die? By which two places it sufficiently appeareth, that in a commonwealth, a subject that has no certain and assured revelation particularly to himself concerning the will of God, is to obey for such, the command of the commonwealth: for if men were at liberty, to take for God's commandments, their own dreams, and fancies, or the dreams and fancies of private men; scarce two men would agree upon what is God's commandment; and yet in respect of them, every man would despise the commandments of the commonwealth. I conclude therefore, that in all things not contrary to the moral law, (that is to say, to the law of nature,) all subjects are bound to obey that for divine law, which is declared to be so, by the laws of the commonwealth. Which also is evident to any man's reason; for whatsoever is not against the law of nature, may be made law in the name of them that have the sovereign power; and there is no reason men should be the less obligated by it, when it is propounded in the name of God. Besides, there is no place in the world where men are permitted to pretend other commandments of God, than are declared for such by the commonwealth. Christian states punish those that revolt from Christianity, and all other states, those that set up any religion by them forbidden. For in whatsoever is not regulated by the commonwealth, it is equity, (which is the law of nature, and therefore an eternal law of God) that every man equally enjoy his liberty. There is also another distinction of laws, into fundamental and not fundamental, but I could never see in any author, what a fundamental law signifieth. Nevertheless one may very reasonably distinguish laws in that manner.

For a fundamental law in every commonwealth is that which being taken away, the commonwealth faileth, and is utterly dissolved; as a building whose foundation is destroyed. And therefore a fundamental law is that, by which subjects are bound to uphold whatsoever power is given to the sovereign, whether a monarch, or a sovereign assembly, without which the commonwealth cannot stand; such as is the power of war and peace, of judicature, of election of officers, and of doing whatsoever he shall think necessary for the public good. Not fundamental is that, the abrogating whereof, draweth not with it the dissolution of the commonwealth; such as are the laws concerning controversies between subject and subject. Thus much of the division of laws.

I find the words lex civilis, and jus civile, that is to say, law and right civil, promiscuously used for the same thing, even in the most learned authors; which nevertheless ought not to be so. For right is liberty, namely that liberty which the civil law leaves us; but civil law is an obligation; and takes from us the liberty which the law of nature gave us. Nature gave a right to every man to secure himself by his own strength, and to invade a suspected neighbour, by way of prevention: but the civil law takes away that liberty, in all cases where the protection of the law may be safely stayed for. Insomuch as lex and jus, are as different as obligation and liberty.

Likewise laws and charters are taken promiscuously for the same thing. Yet charters are donations of the sovereign; and not laws, but exemptions from law. The phrase of a law is, jubeo, injungo, I command, and enjoyn: the phrase of a charter is, dedit, concessi, I have given, I have granted: but what is given or granted, to a man, is not forced upon him, by a law. A law
tion of sovereign power can be supposed to give away the right of preserving his own body, for the safety whereof all sovereignty was ordained. But this is to be understood only of those, that have not themselves contributed to the taking away of the power that protected them; for that was a crime from the beginning.

The source of every crime, is some defect of the understanding; or some error in reasoning; or some sudden force of the passions. Defect in the understanding, is ignorance; in reasoning, erroneous opinion. Again, ignorance is of three sorts; of the law, and of the sovereign, and of the penalty. Ignorance of the law of nature excusat no man; because every man hath attained to the use of reason, is supposed to know, he ought not to do to another, that he would not have himself done to himself. Therefore into what place soever a man shall what he would not have done to himself. Therefore into what place soever a man shall not be sufficiently declared as he may know it if he will; nor the action against the law of nature, the ignorance of the truth of what he teacheth, he commits a crime, and may be justly punished for the same, not only because his doctrine is false, but also because he does that which he would not approve in another, namely, that coming from hence, he should endeavour to alter the religion there. But ignorance of the civil law, shall excuse a man in a strange country, till he be declared to him; because, till then no civil law is binding.

In the like manner, if the civil law of a man's own country, be not so sufficiently declared, as he may know it if he will; nor the action against the law of nature; the ignorance is a good excuse: in other cases ignorance of the civil law, excusat nor.

Ignorance of the sovereign power, in the place of a man's ordinary residence, excusat him not; because he ought to take notice of the power, by which he hath been protected there.

Ignorance of the penalty, where the law is declared, excusat no man: for in breaking the law, which without a fear of penalty to follow, were not a law, but vain words, he hath no reason to be afraid; though he know not what it is; because, whosoever voluntarily doth any action, accepteth all the known consequences of it; but punishment is a known consequence of the violation of the laws, in every commonswealth: which punishment, if it be determined already by the law, he is subject to that; if not, then he is subject to arbitrary punishment. For it is reason, that he which does injury, without other limitation than that of his own will, should suffer punishment without other limitation, than that of his will where his law is thereby violated.

But when a penalty is, either annexed to the crime in the law itself, or hath been usually inflicted in the like cases; there the delinquent is excused from a greater penalty. For the punishment foreknown, if not great enough to deter men from the action, is an invitation to the punishment; and if the law sufficiently forewarned, and to deter men from the action, is an invitation to the punishment, by necessity of nature they choose that which appeareth best for themselves; and therefore when they are punished more than the law had formerly determined, or more than others were punished for the same crime; it is the law that tempted, and deceived them.

No law, made after a fact done, can make it a crime: because if the fact be against the law of nature, the law was before the fact; and a positive law cannot be taken notice of, before it be made; and therefore cannot be obligatory. But when the law that forbiddeth a fact, is made before the fact be done; yet he that doth the fact, is liable to the penalty ordained after, in case no lesser penalty were made known before, neither by writing, nor by example, for the reason immediately before alleged.

From defect in reasoning, (that is to say, from error) men are prone to violate the laws, three ways. First, by presumption of false principles: as when men from having observed how in all places, and in all ages, unjust actions have been authorized by the force, and victories of those who have committed them; and that potent men, breaking through the cobweb laws of their country, its weaker sort, and those that have failed in their enterprises, have been esteemed the only criminals; have thereupon taken for principles, and grounds of their reasoning, that justice is but a vain word: that whatsoever a man can get by his own industry, and hazard, is his own: that the practice of all nations cannot be unjust: that examples of former times are good arguments of doing the like again; and many more of that kind: which being granted, no act in itself can be a crime, but must be made so (not by the law, but) by the success of them that commit it; and the same fact be virtuous, or vicious, as fortune pleaseth; so that what Marius makes a crime, Sulla shall make meritorious, and Caesar, (the same laws standing) turn again into a crime, to the perpetual disturbance of the peace of the commonswealth.

Secondly, by false teachers, that either misinterpret the law of nature, making it thereby repugnant to the law civil; or by teaching for laws, such doctrines of their own, or traditions of former times, as are inconsistent with the duty of a subject.

Thirdly, by erroneous inferences from true principles; which happens commonly to men that are hasty, and precipitate in concluding, and resolving what to do; such as are they, that have both a great opinion of their own understanding, and believe that things of this nature require not time and study, but only common experience, and a good natural wit; whereof no man thinks himself unprovided: whereas the knowledge, of right and wrong, which is no less difficult, there is no man will pretend to, without great and long study. And of those defects in reasoning, there is none that can excuse (though some of them may extenuate) a crime, in any man, that pretendeth to the administration of his own private business; much less in them that undertake a public charge; because they pretend to the reason, upon the want whereof they would ground their excuse.

Of the passions that most frequently are the causes of crime, one, is vain glory, or a foolish overrating of their own worth; as if difference of worth, were an effect of their wit, or riches, or blood, or some other natural quality, not depending on the will of those that have the sovereign authority. From whence proceedeth a presumption that the punishments ordained by the laws, and extended generally to all subjects, ought not to be inflicted on them, with the same rigour they are inflicted on poor, obscure, and simple men, comprehended under the name of the vulgar.

Therefore it happeneth commonly, that such as value themselves by the greatness of their wealth, adventure on crimes, upon hope of escaping punishment, by corrupting public justice, or obtaining pardon by money, or other rewards. And that such as have multitude of potent kindred; and popular men, that have gained reputation amongst the multitude, take courage to violate the laws, from a hope of oppressing the power, to whom it belongeth to put them in execution. And that such as have a great, and false opinion of their own wisdom, take upon them to reprehend the actions, and call in question the authority of them that govern, and so to unsettle the laws with their public discourse, as that nothing shall be a crime, but what their own designs require should be so. It happeneth also to the same men, to be prone to all such crimes, as consist in craft, and in deceiving of their neighbours; because they think their designs are too subtle to be perceived. These I say are effects of a false presumption of their own wisdom. For of them that are the first movers in the disturbance of commonswealth, (which can never happen without a civil war,) very few are left alive long enough, to see their new designs established: so that the benefit of their crimes, redoundeth to posterity, and such as would least have wished it: which argues they were not so wise, as they thought they were. And those that deceive upon hope of not being observed, do commonly deceive themselves, (the darkness in which they believe they lie hidden,
THOMAS HOBBES

THOMAS HOBBES

being nothing else but their own blindness;) and are no wiser than children, that think all
hid, by hidding their own eyes.

And generally all vain-gloryous men, (unless they be wicthal timorous,) are subject to
anger, as being more prone than others to interpret for contempt, the ordinary liberty of
conversation: and there are few crimes that may not be produced by anger.

As for the passions, of harte, lust, ambition, and covetousness, what crimes they are apt
to produce, is so obvious to every mans experience and understanding, as there needeth
nothing to be said of them, saving that they are infinitums, so annexed to the nature, both
of man, and all other living creatures, as that their effects cannot be hindered, but by man,
and all other living creatures, as that their effects cannot be hindered, but by man,
whose patience must be everlasting, or he must be easied by removing the power of that
which molesteth him. The former is difficult; the latter is many times impossible, without
some violation of the law. Ambition, and covetousness are passions also that are perpetually
incumbent, and pressing; whereas reason is not perpetually present, to resist them; and
therefore whenever the hope of immunity appears, their effects proceed. And for lust,
what it wants in the testing, it hath in the vehemence, which sufficeth to weigh down the
apprehension of all easy, or uncertain punishments.

Of all passions, that which inclineth men least to break the laws, is fear. Nay, (excepting
some generous natures,) it is the only thing, (when there is appearance of profit or pleasure
by breaking the laws,) that makes men keep them. And yet in many cases a crime
may be committed through fear.

For no fear justifies the action it produceth, but the fear only of corporeal hurt, which
we call bodily fear, and from which a man cannot see how to be delivered, but by the
action. A man is assaulted, fears present death, from which he sees not how to escape,
but by wounding him that assaulteth him; if he wound him to death, this is no crime;
because no man is supposed at the making of a commonwealth, to have abandoned the
defence of his life, or limbs, where the law cannot arrive time enough to his assistance.
But to kill a man, because from his actions, or his threatenings, I may argue he will kill
me when he can, (seeing I have time, and means to demand protection, from the sovereign
power,) is a crime. Again, a man receives words of disgrace, or some little injuries, (for which
they that made the laws, had assigned no punishment, nor thought it worthy of a man
that hath the use of reason, to take notice of,) and is afraid, unless he revenge it, he shall
fall into contempt, and consequently be obnoxious to the like injuries from others; and
for this, breaks the law, and, protects himself for the future, by the terror of his private
revenge. This is a crime: for the hurt is not corporeal, but phantastical, and (though in
this corner of the world, made sensible by a custom not many years since begun, amongst
young and vain men,) so light, as a gallant man, and one that is assured of his own courage,
cannot take notice of. Also a man may stand in fear of spirits, either through his own
superstition, or through too much credit given to other men, that tell him of strange
dreams and visions; and thereby be made believe they will hurt him, for doing, or omitting
divers things, which nevertheless, to do, or omit, is contrary to the laws; and that which
is so done, or omitted, is not to be excused by this fear; but is a crime. For (as I have shown
before in the second chapter) dreams be naturally but the fancies remaining in sleep, after
the impressions our senses had formerly received waking; and when men are by any accident
unassured they have slept, seem to be real visions; and therefore he that presumes to
break the law upon his own, or another's dream, or pretended vision, or upon other fancy
of the power of invisible spirits, than is permitted by the commonwealth, leaveth the law
of nature, which is a certain offence, and followeth the imagery of his own, or another pri-

LEVIATHAN

vate man's brain, which he can never know whether it signifieth any thing, or nothing,
nor whether he that tells his dream, say true, or lie; which if every private man should
have leave to do, (as they must by the law of nature, if any one have it,) there could no law
be made to hold, and so all commonwealth would be dissolved.

From these different sources of crimes, it appears already, that all crimes are not (as the
Stoics of old time maintained) of the same allay. There is place, not only for EXCUSE, by
which that which seemed a crime, is proved to be none at all; but also for EXTENUA-
TION, by which the crime, that seemed great, is made less. For though all crimes do
equally deserve the name of injustice, as all deviation from a straight line is equally
crookedness, which the Stoics rightly observed; yet it does not follow that all crimes are
equally unjust, no more than that all crooked lines are equally crooked; which the Stoics
not observing, held it as great a crime, to kill a hen, against the law, as to kill one's father.

That which totally excuseth a fact, and takes away from it the nature of a crime, can be
none but that, which at the same time, taketh away the obligation of the law. For the fact
committed once against the law, if he that committed it be obliged to the law, can be no
other than a crime.

The want of means to know the law, totally excuseth: For the law whereof a man has
no means to inform himself, is not obligatory. But the want of diligence to inquire, shall
not be considered as a want of means; nor shall any man, that pretendeth to reason enough
for the government of his own affairs, be supposed to want means to know the laws of
nature; because they are known by the reason he pretends to: only children, and madmen
are excused from offences against the law natural.

Where a man is captive, or in the power of the enemy (and he is then in the power of the
enemy, when his person, or his means of living, is so,) if it be without his own fault, the obli-
gation of the law ceaseth; because he must obey the enemy, or die; and consequently such
obedience is no crime: for no man is obliged (when the protection of the law faileth,) not
to protect himself, by the best means he can.

If a man, by the terror of present death, be compelled to do a fact against the law, he
is totally excuseth: because no law can oblige a man to abandon his own preservation. And
supposing such a law were obligatory; yet a man would reason thus.

If I do it not, I die presently; if I do it, I die afterwards; therefore by, doing it, there is time of life gained;
therefore compels him to the fact.

When a man is destitute of food, or other thing necessary for his life, and cannot pre-
serve himself any other way, but by some fact against the law; as if in a great famine he
take the food by force, or stealth, which he cannot obtain for money, nor charity; or in
defence of his life, snatch away another man's sword, he is totally excuseth, for the reason
next before alleged.

Again, facts done against the law, by the authority of another, are by that authority ex-
cuseth against the author; because no man ought to accuse his own fact in another, that is
but his instrument: but it is not excused against a third person thereby injured; because
in the violation of the law, both the author and actor are criminals. From hence it fol-
loweth that when that man, or assembly, that hath the sovereign power, commandeth a
man to do that which is contrary to a former law, the doing of it is totally excuseth: for he
ought not to condemn it himself, because he is the author; and what cannot justly be
condemned by the sovereign, cannot justly be punished by any other. Besides, when the
sovereign commandeth any thing to be done against his own former law, the command,
as to that particular fact, is an abrogation of the law.

If that man, or assembly, that hath the sovereign power, disclaim any right essential to

the sovereignty, whereby there accrue to the subject, any liberty inconsistent with the
sovereign power, that is to say, with the very being of a commonwealth, if the subject shall refuse to obey the command in any thing, contrary to the liberty granted, this is nevertheless a sin, and contrary to the duty of the subject: for he ought to take notice of what is inconsistent with the sovereignty, because it was erected by his own consent, and for his own defence; and that such liberty as is inconsistent with it, was granted through ignorance of the evil consequence thereof. But if he not only disobey, but also resist a public minister in the execution of it, then it is a crime; because he might have been righted, (without any breach of the peace,) upon complaint.

The degrees of crime are taken on divers scales, and measured, first, by the malignity of the source, or cause: secondly, by the contagion of the example: thirdly, by the mischief of the effect: and fourthly, by the concurrence of times, places, and persons.

The same fact done against the law, if it proceed from presumption of strength, riches, or friends to resist those that are to execute the law, is a greater crime than if it proceed from hope of not being discovered, or of escape by flight: for presumption of impunity by force, is a root from hope of not escape from danger, that makes a man fly, whereas in the latter case, the apprehension of danger, that makes a man fly, renders him more obedient for the persuasion that it is lawful; for he that cometh against his own conscience, presumeth on his force, or other power, which encourages him to commit the same again: but he that doth it by error, after the error shown him, is conformable to the law.

He, whose error proceeds from the authority of a teacher, or an interpreter of the law publicly authorized, is not so faulty, as he whose error proceedeth from a peremptory pursuit of his own principles, and reasoning: for what is taught by one that teacheth by public authority, the commonwealth teacheth, and hath a resemblance of law, till the same authority controlleth it; and in all crimes that contain not in them a denial of the sovereign power, nor are against an evident law, excuseth totally: whereas he that groundeth his actions on his private judgment, ought according to the rectitude, or error thereof, to stand, or fall.

The same fact, if it have been constantly punished in other men, is a greater crime, than if there have been many precedent examples of impunity. For those examples are so many hopes of impunity, given by the sovereign himself: and because he which furnishes a man with such a hope, and presumption of mercy, is encourageth him to offend, hath his part in the offence; he cannot reasonably charge the offender with the whole.

A crime arising from a sudden passion, is not so great, as when the same ariseth from long meditation: for in the former case there is a place for extenuation, in the common infirmity of human nature: but he that doth it with premeditation, has used circumspection, and cast his eye, on the law, on the punishment, and on the consequence thereof to human society; all which in committing the crime, he hath contemned, and postposed to his own appetite. But there is no suddenness of passion sufficient for a total excuse: for all the time between the first knowing of the law, and the commission of the fact, shall be taken for a time of deliberation: because he ought by mediation of the law, to rectify the irregularity of his passions.

Where the law is publicly, and with assiduity, before all the people read and interpreted; a fact done against it, is a greater crime, than where men are left without such instruction, to enquire of it with difficulty, uncertainty, and interruption of their callings, and be informed by private men: for in this case, part of the fault is discharged upon common infirmity; but in the former, there is apparent negligence, which is not without some contempt of the sovereign power.

Those facts which the law expressly condemneth, but the law-maker by other manifest signs of his will tacitly approveth, are less crimes, than the same facts, condemned both by the law and law-maker. For seeing the will of the law-maker is a law, there appear in this case two contradictory laws; which would totally excuse, if men were bound to take notice of the sovereign's approbation, by other arguments, than are expressed by his command. But because there are punishments consequent, not only to the transgression of his law, but also to the observing of it, he is in part a cause of the transgression, and therefore cannot reasonably impute the whole crime to the delinquent. For example, the law condemneth duels; the punishment is made capital: on the contrary part, he that refuseth duel, is subject to contempt and scorn, without remedy; and sometimes by the sovereign himself thought unworthy to have any charge, or preference in war. If thereupon he accept duel, considering all men lawfully endeavour to obtain the good opinion of them that have the sovereign power, he ought not in reason to be rigorously punished; seeing part of the fault may be discharged on the punisher: which I say, not as wishing liberty of private revenges, or any other kind of disobedience; but a care in governors, not to countenance any thing obliquely, which directly they forbid. The examples of princes, to those that see them, are, and ever have been, more potent to govern their actions, than the laws themselves. And though it be our duty to do, not what they do, but what they say; yet will that duty never be performed, till it please God to give men an extraordinary, and supernatural grace to follow that precept.

Again, if we compare crimes by the mischief of their effects, first, the same fact, when it redounds to the damage of many, is greater, than when it redounds to the hurt of few. And therefore, when a fact hurteth, not only in the present, but also, (by example) in the future, it is a greater crime, than if it hurt only in the present: for the former, is a fertile cause to govern their actions, than the laws themselves. And though it be our duty to do, not what they do, but what they say; yet will that duty never be performed, till it please God to give men an extraordinary, and supernatural grace to follow that precept.

Also facts of hostility against the present state of the commonwealth, are greater crimes, than the same acts done to private men: for the damage extends itself to all: such are the betraying of the strengths, or revealing of the secrets of the commonwealth to an enemy; also all attempts upon the representative of the commonwealth, be it a monarch, or an assembly; and all endeavours by word, or deed to diminish the authority of the same, either in the present time, or in succession; which crimes the Latins understand by crimina laesae majestatis, and consist in design, or act, contrary to a fundamental law.

Likewise those crimes, which render judgments of no effect, are greater crimes, than injuries done to one, or a few persons; as to receive money to give false judgment, or testimony, is a greater crime, than otherwise to deceive a man of the like, or a greater sum; because not only he has wrong, that falls by such judgments; but all judgments are rendered useless, and occasion ministered to force, and private revenges.

Also robbery, and depredation of the public treasure, or revenues, is a greater crime, than the robbing, or defrauding of a private man: because to rob the public, is to rob many at once.
Also the counterfeit usurpation of public ministry, the counterfeiting of public seals, or public coin, than counterfeiting of a private man's person, or his seal; because the fraud thereof, extendeth to the damage of many.

Of facts against the law, done to private men, the greater crime, is that, where the damage in the common opinion of men, is most sensible. And therefore to kill against the law, is a greater crime, than any other injury, life preserved. And to kill with torment, greater, than simply to kill. And mutilation of a limb, greater, than the spoiling a man of his goods. And the spoiling a man of his goods, by terror of death, or wounds, than by clandestine surreption.

And by clandestine surreption, than by consent fraudulently obtained. And the violation of chastity by force, greater, than by flattery. And of a woman married, than of a woman not married.

For all these things are commonly so valued; though some men are more, and some less sensible of the same offence. But the law regardeth not the particular, but the general inclination of mankind.

And therefore the offence men take, from contumely, in words, or gesture, when they produce no other harm, than the present grief of him that is reproached, hath been neglected in the laws of the Greeks, Romans, and other both ancient, and modern commonwealths; supposing the true cause of such grief to consist, not in the contumely, (which takes no hold upon men conscious of their own virtue,) but in the pusillanimity of him that is offended by it.

Also a crime against a private man, is much aggravated by the person, time, and place. For to kill one's parent, is a greater crime, than to kill another: for the parent ought to have the honour of a sovereign, (though he have surrendered his power to the civil law,) because he had it originally by nature. And to rob a poor man, is a greater crime, than to rob a rich man; because it is to the poor a more sensible damage.

And a crime committed in the time or place appointed for devotion, is greater, than if committed at another time or place: for it proceeds from a greater contempt of the law.

Many other cases of aggravation, and extenuation might be added: but by these I have set down, it is obvious to every man, to take the altitude of any other crime proposed.

Lastly, because in almost all crimes there is an injury done, not only to some private men, but also to the commonwealth; the same crime, when the accusation is in the name of the commonwealth, is called public crime: and when in the name of a private man, a private crime; and the pleas according thereunto called public, judicata publica, Pleas of the Crown; or Private Pleas. As in an accusation of murder, if the accuser be a private man, the plea is a Private Plea; if the accuser be the sovereign, the plea is a Public Plea.

CHAPTER 28
Of Punishments, and Rewards

A PUNISHMENT, is an evil inflicted by public authority, on him that hath done, or omitted that which is judged by the same authority to be a transgression of the law; to the end that the will of men may thereby the better be disposed to obedience.

Before I infer any thing from this definition, there is a question to be answered, of much importance; which is, by what door the right, or authority of punishing in any case, came in. For by that which has been said before, no man is supposed bound by covenant, not to resist violence; and consequently it cannot be intended, that he gave any right to another to lay violent hands upon his person. In the making of a commonwealth, every man giveth away the right of defending another; but not of defending himself. Also he obligeth himself, to assist him that hath the sovereignty, in the punishing of another; but of himself not. But to covenant to assist the sovereign, in doing hurt to another, unless he that so covenaneth have a right to do it himself, is not to give him a right to punish. It is manifest therefore that the right which the commonwealth (that is, he, or they that represent it) hath to punish, is not grounded on any concession, or gift of the subjects.

From the definition of punishment, I infer, first, that neither private revenges, nor injuries of private men, can properly be styled punishment; because they proceed not from public authority.

Secondly, that to be neglected, and unpreferred by the public favour, is not a punishment; because no new evil is thereby on any man inflicted; he is only left in the estate he was in before.

Thirdly, that the evil inflicted by public authority, without precedent public condemnation, is not to be styled by the name of punishment; but of an hostile act; because the fact for which a man is punished, ought first to be judged by public authority, to be a transgression of the law.

Fourthly, that the evil inflicted by usurped power, and judges without authority from the sovereign, is not punishment; but an act of hostility; because the acts of power usurped, have not for author, the person condemned; and therefore are not acts of public authority.

Fifthly, that all evil which is inflicted without intention, or possibility of disposing the delinquent, or (by his example) other men, to obey the laws, is not punishment; but an act of hostility; because without such an end, no hurt done is contained under that name.

Sixthly, whereas to certain actions, there be annexed by nature, divers hurtful consequences; as when a man in assaulting another, is himself slain, or wounded; or when he fall into sickness by the doing of some unlawful act; such hurt, though in respect of God, who is the author of nature, it may be said to be inflicted, and therefore a punishment divine; yet it is not contained in the name of punishment in respect of men, because it is not inflicted by the authority of man.

Seventhly, if the harm inflicted be less than the benefit; or contentment that naturally followeth the crime committed, that harm is not within the definition; and is rather the price, or redemption, than the punishment of a crime: because it is of the nature of punishment, to have for end, the disposing of men to obey the law; which end (if it be less than the benefit of the transgression) it attaineth not, but worketh a contrary effect.

Eighthly, if a punishment be determined and prescribed in the law itself, and after the crime committed, there be a greater punishment inflicted, the excess is not punishment, but an act of hostility. For seeing the aim of punishment is not a revenge, but terror; and the terror of a great punishment unknown, is taken away by the declaration of a less, the unexpected addition is no part of the punishment. But where there is no punishment at all determined by the law, there whatsoever is inflicted, hath the nature of punishment. For
he that goes about the violation of a law, wherein no penalty is determined, expecteth an
indeterminate, that is to say, an arbitrary punishment.

Ninthly, harm inflicted for a fact done before there was a law that forbade it, is not
punishment, but an act of hostility: for before the law, there is no transgression of the law:
but punishment supposeth a fact judged, to have been a transgression of the law; therefore
harm inflicted before the law made, is not punishment, but an act of hostility.

Tenthly, hurt inflicted on the representative of the commonwealth, is not punishment,
but an act of hostility: because it is of the nature of punishment, to be inflicted by public
authoritie, which is the authority only of the representative itself.

Lastly, harm inflicted upon one that is a declared enemy, falls not under the name of
punishment: because seeing they were either never subject to the law, and therefore cannot
transgress it; or having been subject to it, and professing to be no longer so, by conse­
quence deny they can transgress it, all the harms that can be done them, must be taken
as acts of hostility. But in declared hostility, all infliction of evil is lawful. From whence it
followeth, that if a subject shall by fact, or word, wittingly, and deliberately deny the
right of the representative of the commonwealth, (whosoever penalty hath been
formerly ordained for treason,) he may lawfully be made to suffer whatsoever the repre­
sentative will: For in denying subjection, he denies such punishment as by the law hath
formerly ordained; and therefore suffers as an enemy of the commonwealth; that is, according
to the will of the representative. For the punishments set down in the law, are to subjects,
not to enemies; such as are stripes, or wounds, or deprivation of such
pleasures of the body, as were before lawfully enjoyed.

And of these, some be capital, some less than capital. Capital, is the infliction of death;
and that either simply, or with torment. Less than capital, are stripes, wounds, chains, and
any other corporal pain, not in its own nature mortal. For if upon the infliction of a pun­
ishment death follow not in the intention of the inflictor, the punishment is not to be
esteemed capital, though the harm prove mortal by an accident not to be foreseen; in
which case death is not inflicted, but hastened.

Pecuniary punishment, is that which consisteth not only in the deprivation of a sum of
money, but also of lands, or any other goods which are usually bought and sold for money.
And in case the law, that ordaineth such a punishment, be made with design to gather
money, from such as shall transgress the same, it is not properly a punishment, but the price
of privilege and exemption from the law, which doth not absolutely forbid the fact, but
only to those that are not able to pay the money: except where the law is natural, or part of
religion; for in that case it is not an exemption from the law, but a transgression of it.
As where a law exacteth a pecuniary mulct, of them that use the name of God in vain,
the payment of the mulct, is not the price of a dispensation to swear, but the punishment
of the transgression of a law indispensible. In like manner if the law impose a sum of
money to be paid, to him that has been injured; this is but a satisfaction for the hurt done
him; and extinguisheth the accusation of the party injured, nor the crime of the offender.

Ignominy, is the infliction of such evil, as is made dishonourable; or the deprivation of
such good, as is made honourable by the commonwealth. For there be some things hon­
ourable by nature; as the effects of courage, magnanimity, strength, wisdom, and other
abilities of body and mind: others made honourable by the commonwealth; as badges, titles,
offices, or any other singular mark of the sovereign's favour. The former, (though they may
fail by nature, or accident,) cannot be taken away by a law; and therefore the loss of them
is not punishment. But the latter, may be taken away by the public authority that made
them honourable, and are properly punishments: such are degrading men condemned, of
their badges, titles, and offices; or declaring them incapable of the like in time to come.

Imprisonment, is when a man is by public authority deprived of liberty; and may happen
from two divers ends: whereas one is the safe custody of a man accused; the other is the in­
licting of pain on a man condemnel. The former is not punishment; because no man is
supposed to be punished, before he be judicially heard, and declared guilty. And therefore
whosoever hurt a man is made to suffer by bonds, or restraint, before his cause be heard,
and above that which is necessary to assure his custody, is against the law of nature. But
the latter is punishment, because evil, and inflicted by public authority, for somewhat that
has by the same authority been judged a transgression of the law. Under this word imprison­
ment, I comprehend all restraint of motion, caused by an external obstacle, be it a house,
which is called by the general name of a prison; or an island, as when men are said to be confined
to it; or a place where men are set to work, as in old time men have been condemned to
quarters, and in these times to galleys; or be it a chain, or any other such impediment.

Exile (banishment) is when a man is for a crime, condemned to depart out of the
dominion of the commonwealth, or out of a certain part thereof; and during a prefixed
time, or for ever, not to return into it: and seemeth not in its own nature, without other
circumstances, to be a punishment; but rather an escape, or a public commandment to
avoid punishment by flight. And Cicero says, there was never any such punishment
ordained in the city of Rome; but calls it a refuge of men in danger. For if a man banished,
be nevertheless permitted to enjoy his goods, and the revenue of his lands, the mere
change of air is no punishment; nor does it tend to that benefit of the commonwealth,
for which all punishments are ordained, (that is to say, to the forming of men's wills to the
observation of the law;) but many times to the damage of the commonwealth. For a ban­
ished man, is a lawful enemy of the commonwealth that banished him; as being no more
a member of the same. But if he be withal deprived of his lands, or goods, then the pun­
ishment lieth not in the exile, but is to be reckoned amongst punishments pecuniary.

All punishments of innocent subjects, be they great or little, are against the law of nature:
For punishment is only for transgression of the law, and therefore there can be no punish­
ment of the innocent. It is therefore a violation, first, of that law of nature, which forbid­
eth all men, in their revenges, to look at any thing but some future good: For there can
arrive no good to the commonwealth, by punishing the innocent. Secondly, of that, which
forbideth ingratitude: For seeing all sovereign power, is originally given by the consent
of every one of the subjects, to the end they should as long as they are obedient, be
protected thereby; the punishment of the innocent, is a rendering of evil for good. And thirdly,
of the law that commandeth equity; that is to say, an equal distribution of justice; which
in punishing the innocent is not observed.

But the infliction of what evil soever, on an innocent man, that is not a subject, if it be for
the benefit of the commonwealth, and without violation of any former covenant, is no breach
of the law of nature. For all men that are not subjects, are either enemies, or else they have
come from being so by some precedent covenants. But against enemies, whom the com­
monwealth judgeth capable to do them hurt, it is lawful by the original right of nature to
make war; wherein the sword judgeth not, nor doth the victor make distinction of nocent,
and innocent, as to the time past; nor has other respect of mercy, than as it conduceth to
the good of his own people. And upon this ground it is, that also in subjects, who deliberately deny the authority of the commonwealth established, the vengeance is lawfully extended, not only to the fathers, but also to the third and fourth generation not yet in being, and consequently innocent of the fact, for which they are afflicted: because the nature of this offence, consisteth in the renouncing of submission; which is a relapse into the condition of war, commonly called rebellion; and they that so offend, suffer not as subjects, but as enemies. For rebellion, is but war renewed.

Reward, is either of gift, or by contract. When by contract, it is called salary, and wages; which is benefit due for service performed, or promised. When of gift, it is benefit proceeding from the grace of them that bestow it, to encourage, or enable men to do them service. And therefore when the sovereign of a commonwealth appointeth a salary to any public office, he that receiveth it, is bound in justice to perform his office; otherwise, he is bound in honour, to acknowledgment, and an endeavour of requital. For though men have no lawful remedy, when they be commanded to quit their private business, to serve the public, without reward or salary; yet they are not bound thereto, by the law of nature, nor by the institution of the commonwealth, unless the service cannot otherwise be done; because it is supposed the sovereign may make use of all their means, insomuch as the most common soldier, may demand the wages of his warfare, as a debt.

The benefits which a sovereign bestoweth on a subject, for fear of some power, and ability he hath to do hurt to the commonwealth, are not properly rewards; for they are not salaries; because there is in this case no contract supposed, every man being obliged already not to do the commonwealth disservice: nor are they graces; because they be extorted by fear, which ought not to be incident to the sovereign power: but are rather sacrifices, which the sovereign (considered in his natural person, and not in the person of the commonwealth) makes, for the appeasing the discontent of him he thinks more potent than himself; and encourage not to obedience, but on the contrary, to the continuance, and increasing of further extortion.

And whereas some salaries are certain, and proceed from the public treasury; and others uncertain, and casual, proceeding from the execution of the office for which the salary is ordained; the latter is in some cases hurtful to the commonwealth; as in the case of judicature. For where the benefit of the judges, and ministers of a court of justice, ariseth for the multitude of causes that are brought to their cognizance, there must needs follow two inconveniences: one, is the nourishing of suits; for the more suits, the greater benefit: and another that depends on that, which is contention about jurisdiction; each court drawing to itself, as many causes as it can. But in offices of execution there are not those inconveniences; because their employment cannot be increased by any endeavour of their own. And thus much shall suffice for the nature of punishment and reward; which are, as it were, the nerves and tendons, that move the limbs and joints of a commonwealth.

Hitherto I have set forth the nature of man, (whose pride and other passions have compelled him to submit himself to government;) together with the great power of his governor, whom I compared to Leviathan, taking that comparison out of the two last verses of the one and fortieth of Job; where God having set forth the great power of Leviathan, calleth him king of the proud. There is nothing, saith he, on earth, to be compared with him. He is made so as not to be afraid. He saith every high thing below him; and is king of all the children of pride. But because he is mortal, and subject to decay, as all other earthly creatures are; and because there is that in heaven, (though not on earth) that he should stand in fear of, and whose laws he ought to obey; I shall in the next following chapters speak of his diseases, and the causes of his mortality; and of what laws of nature he is bound to obey.

CHAPTER 29

Of Those Things That Weaken, or Tend to the Dissolution of a Commonwealth

Though nothing can be immortal, which mortals make; yet, if men had the use of reason they pretend to, their commonwealths might be secured, at least, from perishing by internal diseases. For by the nature of their institution, they are designed to live, as long as mankind, or as justice itself, which gives them life. Therefore when they come to be dissolved, not by external violence, but intestine disorder, the fault is not in men, as they are the makers; but as they are the masters, and orderers of them. For men, as they become at last weary of irregular jesting, and hewing one another, and desire with all their hearts, to conform themselves into one firm and lasting edifice; so for want, both of the art of making fit laws, to square their actions by, and also of humility, and patience, to suffer the rude and cumbrous points of their present greatness to be taken off, they cannot without the help of a very able architect, be compiled, into any other than a crazy building, such as hardly lasting out their own time, must assuredly fall upon the heads of their posterity.

Amongst the infirmities therefore of a commonwealth, I will reckon in the first place, those that arise from an imperfect institution, and resemble the diseases of a natural body, which proceed from a defective procreation.

Of which, this is one, that a man to obtain a kingdom, is sometimes content with less power, than to the peace, and defence of the commonwealth is necessarily required. From whence it comes to pass, that when the exercise of the power laid by, is for the public safety to be resumed, it hath the resemblance of an unjust act; which disposeth great numbers of men (when occasion is presented) to rebel; in the same manner as the bodies of children, gotten by diseased parents, are subject either to untimely death, or to purge the ill quality, derived from their vicious conception, by breaking out into bilis and scabs. And when kings deny themselves some such necessary power, it is not always (though sometimes), out of ignorance of what is necessary to the office they undertake; but many times out of a hope to recover the same again at their pleasure: Wherein they reason not well; because such as will hold them to their promises, shall be maintained against them by foreign commonwealths; who in order to the good of their own subjects let slip few occasions to weaken the estate of their neighbours. So was Thomas Becket, archbishop of Canterbury, supported against Henry the Second, by the Pope; the subjection of ecclesiastics to the commonwealth, having been dispensed with by William the Conqueror at his reception, when he took an oath, not to infringe the liberty of the church. And so were the barons, whose power was by William Rufus (to have their help in transferring the succession from his elder brother, to himself) increased to a degree, inconsistent with the sovereign power, maintained in their rebellion against King John, by the French.

Nor does this happen in monarchy only. For whereas the style of the ancient Roman commonwealth, was, the senate, and people of Rome; neither senate, nor people pretended to the whole power; which first caused the seditions, of Tiberius Gracchus, Caius Gracchus, Lucius Saturninus, and others; and afterwards the wars between the senate and the people, under Marius and Sylla; and again under Pompey and Caesar, to the extirpation of their democracy, and the setting up of monarchy.

The people of Athens bound themselves, but from one only action; which was, that no man on pain of death should propound the renewing of the war for the island of Salamis; and yet thereby, if Solon had not caused to be given out he was mad, and afterwards in gesture-and
habit of a madman, and in verse, propounded it to the people that flocked about him, they had had an enemy perpetually in readiness, even at the gates of their city; such damage, or shifts, are all commonwealths forced to, that have their power never so little limited.

In the second place, I observe the disease of a commonwealth, that proceed from the poison of seditious doctrines, whereby one is, That every private man is judge of good and evil actions. This is true in the condition of mere nature, where there are no civil laws; and also under civil government, in such cases as are not determined by the law. But otherwise it is manifest, that the measure of good and evil actions, is the civil law; and the judge the legislator, who is always representative of the commonwealth. From this false doctrine, men are disposed to debate with themselves, and dispute the commands of the commonwealth; and afterwards to obey, or disobey them, as in their private judgments they shall think fit. Whereby the commonwealth is distracted and weakened.

Another doctrine repugnant to civil society, is, that whatsoever a man does against his conscience, is sin; and it dependeth on the presumption of making himself judge of good and evil. For a man's conscience, and his judgment is the same thing; and as the judgment, so also the conscience may be erroneous. Therefore, though he that is subject to no civil law, sinnoth in all he does against his conscience, because he has no other rule to follow but his own reason; yet it is not so with him that lives in a commonwealth; because the law is the public conscience, by which he hath already undertaken to be guided. Otherwise in such diversity, as there is of private consciences, which are but private opinions, the commonwealth must needs be distracted, and no man dare to obey the sovereign power, further than it shall seem good in his own eyes.

It hath been also commonly taught, that faith and sanctity, are not to be attained by study and reason, but by supernatural inspiration, or infusion, which granted, I see not why any man should render a reason of his faith; or why every Christian should not be also a prophet; or why any man should take the law of his country, rather than his own inspiration, for the rule of his action. And thus we fall again into the fault of taking upon us to judge of good and evil; or to make judges of it, such private men as pretend to be supernaturally inspired, to the dissolution of all civil government. Faith comes by hearing, and hearing by those accidents, which guide us into the presence of them that speak to us; which accidents are all contrived by God Almighty; and yet are not supernatural, but only, for the great number of them that concur to every effect, unobservable. Faith and sanctity, are indeed not very frequent; but yet they are not miracles, but brought to pass by education, discipline, correction, and other natural ways, by which God worketh them in his elect, at such time as he thinketh fit. And these three opinions, pernicious to peace and government, have in this part of the world, proceeded chiefly from the tongues, and pens of unlearned divines; who joining the words of Holy Scripture together, otherwise than is agreeable to reason, do what they can, to make men think, that sanctity and natural reason, cannot stand together.

A fourth opinion, repugnant to the nature of a commonwealth, is this, that he that hath the sovereign power, is subject to the civil laws. It is true, that sovereigns are all subject to the laws of nature; because such laws be divine, and cannot by any man, or commonwealth be abrogated. But to those laws which the sovereign himself, that is, which the commonwealth maketh, he is not subject. For to be subject to laws, is to be subject to the commonwealth, that is to the sovereign representative, that is to himself; which is not subject, but freedom from the laws. Which error, because it setteth the laws above the sovereign, setteth also a judge above him, and a power to punish him; which is to make a new sovereign; and again for the same reason a third, to punish the second; and so continually without end, to the confusion, and dissolution of the commonwealth.

A fifth doctrine, that tendeth to the dissolution of a commonwealth, is, that every private man hath an absolute propriety in his goods; such, as excludes the right of the sovereign. Every man has indeed a propriety that excludes the right of every other subject; and he has it only from the sovereign power; without the protection whereof, every other man should have equal right to the same. But if the right of the sovereign also be excluded, he cannot perform the office they have put him into; which is, to defend them both from foreign enemies, and from the injuries of one another; and consequently there is no longer a commonwealth.

And if the propriety of subjects, exclude not the right of the sovereign representative to their goods; much less to their offices of judicature, or execution, in which they represent the sovereign himself.

There is a sixth doctrine, plainly, and directly against the essence of a commonwealth; and it is this, that the sovereign power may be divided. For what is it to divide the power of a commonwealth, but to dissolve it; for powers divided mutually destroy each other. And for these doctrines, men are chiefly beholding to some of those, that making profession of the laws, endeavour to make them depend upon their own learning, and not upon the legislative power.

And as false doctrine, so also oftentimes the example of different government in a neighbouring nation, disposeth men to alteration of the form already settled. So the people of the Jews were stirred up to reject God, and to call upon the prophet Samuel, for a king after the manner of the nations: so also the lesser cities of Greece, were continually disturbed, with seditions of the aristocratical, and democratical factions; one part of almost every commonwealth, desiring to imitate the Lacedemonians; the other, the Athenians. And I doubt not, but many men, have been contented to see the late troubles in England, out of an imitation of the Low Countries; supposing there needed no more to grow rich, than to change, as they had done, the form of their government. For the constitution of man's nature, is of itself subject to desire novelty: When therefore they are provoked to the same, by the neighbourhood also of those that have been enriched by it, it is almost impossible for them, not to be content with those that solicit them to change; and love the first beginnings, though they be grieved with the continuance of disorder; like hot bloods, that having gotten the itch, tear themselves with their own nails, till they can endure the smart no longer.

And as to rebellion in particular against monarchy; one of the most frequent causes of it, is the reading of the books of policy, and histories of the ancient Greeks, and Romans; from which, young men, and all others that are unprovided of the antidote of solid reason, receiving a strong, and delightful impression, of the great exploits of war, achieved by the commanders of their armies, receive withal a pleasing idea, of all they have done besides; and imagine their great prosperity, not to have proceeded from the emulation of particular men, but from the virtue of their popular form of government: not considering the frequent seditions, and civil wars, produced by the imperfection of their policy. From the reading, I say, of such books, men have undertaken to kill their kings, because the Greek and Latin writers, in their books and discourses of policy, make it lawful, and laudable, for any man so to do; provided, before he do it, he call him tyrant. For they say not regicide, that is, killing of a king, but tyrannicide, that is, killing of a tyrant is lawful. From the same books, they that live under a monarch conceive an opinion, that the subjects in a popular commonwealth enjoy liberty; but that in a monarchy they are all slaves. I say, they that live under a monarchy conceive such an opinion; not they that live under a popular government: for they find no such matter. In sum, I cannot imagine, how any thing can be more prejudicial to a monarchy, than the allowing of such books to be publicly
Through the difficulty of raising money, for the necessary uses of the commonwealth, it is necessary to extend itself, to encounter, and prevent such dangers in their beginnings, contrivance as to the commonwealth. It is not only by the difficulty of raising money, but also of a third; this endangereth the commonwealth, sometimes for want of consent to good laws; but most often for want of such nourishment, as is necessary to life, and motion. For although few perceive, that such government, is not government, but division of the commonwealth into three factions, and call it mixed monarchy; yet the truth is, that it is not one independent commonwealth, but three independent factions; nor one representative person, but three. In the kingdom of God, there may be three persons independent, without breach of unity in God that reigneth; but where men reign, that be subject to diversity of opinions, it cannot be so. And therefore if the king bear the person of the people, and the general assembly bestow also the person of the people, and another assembly bear the person of a part of the people, they are not one person, nor one sovereign, but three persons, and three sovereigns.

To what disease in the natural body of man I may exactly compare this irregularity of a commonwealth, I know not. But I have seen a man, that had another man growing out of his side, with an head, arms, breast, and stomach, of his own: if he had had another man growing out of his other side, the comparison might then have been exact.

Hitherto I have named such diseases of a commonwealth, as are of the greatest, and most present danger. There be other, not so great, which nevertheless are not unfit to be observed. As first, the difficulty of raising money, for the necessary uses of the commonwealth; especially in the approach of war. This difficulty ariseth from the opinion, that every subject hath of a propriety in his lands and goods, exclusive of the sovereign's right to the use of the same. From whence it cometh to pass, that the sovereign power, which foresteth the necessities and dangers of the commonwealth, (finding the passage of money to the public treasure obstructed, by the tenacity of the people,) whereas it ought to extend itself, to encounter, and prevent such dangers in their beginnings, confracteth itself as long as it can, and when it cannot longer, struggles with the people by strangernes of law, to obtain little sums, which are insufficient, he is fain at last violently to open the way for present supply, or perish: and being put often to these extremities, at last reduceth the people to their due temper; or else the commonwealth must perish. Insomuch as we may compare this distemper very aptly to an ague; wherein, the fleshy parts being congealed, or by venomous matter obstructed; the veins which by their natural course empty themselves into the heart, are not (as they ought to be) supplied from the arteries, whereby there succeedeth at first a cold contraction, and trembling of the limbs: and afterwards a hot, and strong endeavour of the heart, to force a passage for the blood; and before it can do that, contenteth itself with the small refreshments of such things as do for a time, till (if nature be strong enough), it break at last the conumty of the parts obstructed, and dissipateth the venom into sweat; or (if nature be too weak) the patient dieth.

Again, there is sometimes in a commonwealth, a disease, which resembleth the pleurisy; and that is, when the treasure of the commonwealth, flowing out of its due course, is gathered together in too much abundance in one, or a few private men, by monopolies, or by farms of the public revenues; in the same manner as the blood in a pleurisy, getting into the membrane of the breast, breedeth there an inflammation, accompanied with a fever, and painful stitches.

Also the popularity of a potent subject, (unless the commonwealth have very good caution of his fidelity,) is a dangerous disease; because the people (which should receive their motion from the authority of the sovereign,) by the flattery, and by the reputation of an ambitious man, are drawn away from their obedience to the laws, to follow a man, of whose virtues, and designs they have no knowledge. And this is commonly of more danger in a
popular government, than in a monarchy; because an army is of so great force, and multitude, as it may easily be made believe, they are the people. By this means it was, that Julius Caesar, who was set up by the people against the senate, having won to himself the affections of his army, made himself master, both of senate and people. And this proceeding of popular, and ambitious men, is plain rebellion; and may be resembled to the effects of witchcraft.

Another infirmity of a commonwealth, is the immediate greatness of a town, when it is able to furnish out of its own circuit, the number, and expense of a great army: as also the great number of corporations; which are as it were many lesser commonwealths in the bowels of a greater, like worms in the entrails of a natural man. To which may be added, the liberty of disputing against absolute power, by pretenders to political prudence; which though bred for the most part in the lees of the people; yet animated by false doctrines, are perpetually meddling with the fundamental laws, to the molestation of the commonwealth; like the little worms, which physicians call ascarides.

We may further add, the insatiable appetite, or Bulimia, of enlarging dominion; with the incurable wounds thereby many times received from the enemy; and the venem, of ununitied conquests, which are many times a burthen, and with less danger lost, than kept; as also the lethargy of ease, and consumption of riot and vain expense.

Lastly, when in a war (foreign or intestine,) the enemies get a final victory; so as (the forces of the commonwealth keeping the field no longer), there is no further protection of subjects in their loyalty; then is the commonwealth DISSOLVED, and every man at liberty to protect himself by such courses as his own discretion shall suggest unto him. For the sovereign, is the public soul, giving life and motion to the commonwealth; which expiring, the members are governed by it no more, than the carcase of a man, by his departed (though immortal) soul. For though the right of a sovereign monarch cannot be extinguished by the act of another; yet the obligation of the members may. For he that wants protection, may seek it anywhere; and when he hath it, is obliged (without fraudulent pretence of having submitted himself out of fear,) to protect his protection as long as he is able. But when the power of an assembly is once suppressed, the right of the same perisheth utterly; because the assembly itself is extinct; and consequently, there is no possibility for the sovereignty to re-enter.

CHAPTER 30

Of the Office of the Sovereign Representative

The office of the sovereign, (be it a monarch, or an assembly,) consisteth in the end, for which he was trusted with the sovereign power, namely the procurement of the safety of the people; to which he is obliged by the law of nature, and to render an account thereof to God, the author of that law, and to none but him. But by safety here, is not meant a bare preservation, but also all other contentments of life, which every man by lawful industry, without danger, or hurt to the commonwealth, shall acquire to himself.

And this is intended should be done, not by care applied to individuals, further than their protection from injuries, when they shall complain; but by a general providence, contained in public instruction, both of doctrine, and example; and in the making, and executing of good laws, to which individual persons may apply their own cases.

And because, if the essential rights of sovereignty (specified before in the eighteenth chapter) be taken away, the commonwealth is thereby dissolved, and every man returneth into the condition, and calamity of a war with every other man, (which is the greatest evil that can happen in this life;) it is the office of the sovereign, to maintain those rights entire; and consequently against his duty, first, to transfer to another, or to lay from himself any of them. For he that deserveth the means, deserveth the ends; and he deserveth the means, that being the sovereign, acknowledgeth himself subject to the civil laws; and renounceth the power of supreme judicature; or of making war, or peace by his own authority; or of judging of the necessities of the commonwealth; or of levying money, and soldiers, when, and as much as in his own conscience he shall judge necessary; or of making officers, and ministers both of war and peace; or of appointing teachers, and examining what doctrines are conformable, or contrary to the defence, peace, and good of the people. Secondly, it is against his duty, to let the people be ignorant, or misinformed of the grounds, and reasons of those his essential rights; because thereby men are easy to be seduced, and drawn to resist him, when the commonwealth shall require their use and exercise.

And the grounds of these rights, have the rather need to be diligently, and truly taught; because they cannot be maintained by any civil law, or terror of legal punishment. For a civil law, that shall forbid rebellion (and such is all resistance to the essential rights of sovereignty), is not (as a civil law) any obligation, but by virtue only of the law of nature, that forbiddeth the violation of faith; which natural obligation if men know not, they cannot know the right of any law the sovereign makereth. And for the punishment, they take it, for an act of hostility, which when they think they have strength enough, they will endeavour by acts of hostility, to avoid.

As I have heard some say, that justice is but a word, without substance: and that whatsoever a man can by force, or art, acquire to himself (not only in the condition of war, but also in a commonwealth,) is his own, which I have already showed to be false: so there be also that maintain, that there are no grounds, nor principles of reason, to sustain those essential rights, which make sovereignty absolute. For if there were, they would have been found out in some place, or other; whereas we see, there has not hitherto been any commonwealth, where those rights have been acknowledged, or challenged. Wherein they argue as ill, as if the savage people of America, should deny there were any grounds, or principles of reason, so to build a house, as to last as long as the materials, because they never yet saw any so well built. Time, and industry, produce every day new knowledge. And as the art of well building, is derived from principles of reason, observed by industrious men, that had long studied the nature of materials, and the divers effects of figure, and proportion, long after mankind began (though poorly) to build: so, long time after men have begun to constitute commonwealths, imperfect, and apt to relapse into disorder, there may principles of reason be found out, by industrious meditation, to make their constitution (excepting by external violence) everlasting. And such are those which I have in this discourse set forth: which whether they come not into the sight of those that have power to make use of them, or be neglected by them, or not, concerneth my particular interest, at this day, very little. But supposing that these of mine are not such principles of reason; yet I am sure they are principles from authority of Scripture; as I shall make it appear, when I shall come to speak of the kingdom of God, (administered by Moses,) over the Jews, his peculiar people by covenant.

But they say again, that though the principles be right, yet common people are not of capacity enough to be made to understand them. I should be glad, that the rich, and potent subjects of a kingdom, or those that are accounted the most learned, were no less incapable than they. But all men know, that the obstructions to this kind of doctrine, proceed not so much from the difficulty of the matter, as from the interest of them that are to learn. Potent men, digest hardly any thing that setteth up a power to bridle their affections; and learned men, any thing that discovereth their errors, and thereby lesseneth their author-
ity: whereas the common people's minds, unless they be tainted with dependence on the potent, or scribbled over with the opinions of their doctors, are like clean paper, fit to receive whatsoever by public authority shall be imprinted in them. Shall whole nations be brought to *acquiesce* in the great mysteries of Christian religion, which are above reason; and millions of men be made believe, that the same body may be in innumerable places, at one and the same time, which is against reason; and shall not men be able, by their teaching, and preaching, protected by the law, to make that received, which is so consonant co

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And (to descend to particulars) the people are to be taught, first, that they ought not to be in love with any form of government they see in their neighbour nations, more than with their own, nor, (whatsoever present prosperity they behold in nations that are otherwise governed than they,) to desire change. For the prosperity of a people ruled by an aristocratical, or democratical assembly, cometh not from aristocracy, nor from democracy, but from the obedience, and concord of the subjects: nor do the people flourish in a monarchy, because one man has the right to rule them, but because they obey him. Take away in any kind of state, the obedience, (and consequently the concord of the people,) and they shall not only not flourish, but in short time be dissolved. And they that go about by disobedience, to do no more than reform the commonwealth, shall find they do thereby destroy it; like the foolish daughters of Peleus, (in the fable,) which desiring to renew the youth of their decrepit father, did by the counsel of Medea, cut him in pieces, and boil him, together with strange herbs, but made not of him a new man. This desire of change, is like the breach of the first of God's commandments; for there God says, *Thou shalt not have the Gods of other nations;* and in another place, *Thou shalt not have the Gods of other nations,* which redeemed them from their servile, and painful labour in Egypt, and gave them a sabbath, in which the law was read and expounded; and in the solemnity whereof they were put in mind, that their king was God; that having created the world in six days, he rested the seventh day; and by their resting on it from their labour, that that God was their king, which redeemed them from their servile, and painful labour in Egypt; and gave them a time, after they had rejoiced in God, to take joy also in themselves, by lawful recreation.

So that the first table of the commandments, is spent all in setting down the sum of God's absolute power; not only as God, but as king by pact, (in peculiar,) of the Jews; and may therefore give light, to those that have sovereign power conferred on them by the consent of men, to see what doctrine they ought to teach their subjects.

And because the first instruction of children, dependeth on the care of their parents; it is necessary that they should be obedient to them, whilst they are under their tuition; and not only so, but that also afterwards (as gratitude requir'd,) they acknowledge the benefit of their education, by external signs of honour. To which end they are to be taught, that originally the father of every man was also his sovereign lord, with power over him of life and death; and that the fathers of families, when by instituting a commonwealth, they resigned that absolute power, yet it was never intended, they should lose the honour due unto them for their education. For to relinquish such right, was not necessary to the institution of sovereign power, nor would there be any reason, why any man should desire to have children, or take the care to nourish, and instruct them, if they were afterwards to have no other benefit from them, than from other men. And this accordeth with the fifth commandment.

Again, every sovereign ought to cause justice to be taught, which (consisting in taking from no man what is his,) is as much as to say, to cause men to be taught not to deprive their neighbours, by violence, or fraud, of any thing which by the sovereign authority is theirs. Of things held in propriety, those that are dearest to a man are his own life, and limbs; and in the next degree (in most men,) those that concern conjugal affection; and after them riches and means of living. Therefore the people are to be taught, to abstain from violence to one another's person, by private revenges; from violation of conjugal honour; and from forcible rapine, and fraudulent surrender of one another's goods. For which purpose also it is necessary they be showed the evil consequences of false judgment, by corruption either of judges or witnesses, whereby the distinction of propriety is taken away, and justice becomes of no effect: all which things are intimated in the sixth, seventh, eighth, and ninth commandments.

Lastly, they are to be taught, that not only the unjust facts, but the designs and intentions to do them, (though by accident hindered,) are unjust; which consisteth in the pravity of the will, as well as in the irregularity of the act. And this is the intention of the tenth commandment, and the sum of the second table; which is reduced all to this one commandment of mutual charity, *thou shalt love thy neighbour as thyself:* as the sum of the first table is reduced to *the love of God;* whom they had then newly received as their king.

As for the means, and conduits, by which the people may receive this instruction, we are to search, by what means so many opinions, contrary to the peace of mankind, upon weak and false principles, have nevertheless been so deeply rooted in them. I mean those, which I have in the precedent chapter specified: as that men shall judge of what is lawful and unlawful, not by the law itself, but by their own consciences; that is to say, by
their own private judgments: that subjects sin in obeying the commands of the commonwealth, unless they themselves have first judged them to be lawful: that their propriety in their riches is such, as to exclude the dominion, which the commonwealth hath over the same: that it is lawful for subjects to kill such, as they call tyrants: that the sovereign power may be divided, and the like; which come to be instilled into the people by this means. They whom necessity, or covetousness keepeth attend on their trades, and labour; and they, on the other side, whom superfluity, or sloth carrieth after their sensual pleasures, (which two sorts of men take up the greatest part of mankind,) being diverted from the deep meditation, which the learning of truth, not only in the matter of natural justice, but also of all other sciences necessarily requireth, receive the notions of their duty, chiefly from divines in the pulpit, and partly from such of their neighbours, or familiar acquaintance, as having the faculty of discoursing readily, and plausibly, seem wiser and better learned in cases of law, and conscience, than themselves. And the divines, and such others as make show of learning, derive their knowledge from the universities, and from the schools of law, or from the books, which by men eminent in those schools, and universities have been published. It is therefore manifest, that the instruction of the people, depended wholly, on the right teaching of youth in the universities. But are not (may some man say) the universities of England learned enough already to do that? or is it you will undertake to teach the universities? Hard questions. Yet to the first, I doubt not to answer; that till towards the latter end of Henry the Eighth, the power of the Pope, was always upheld against the power of the commonwealth, principally by the universities; and that the doctrines maintained by so many preachers, against the sovereign power of the king, and by so many lawyers, and others, that had their education there, is a sufficient argument, that though the universities were not authors of false doctrines, yet they knew not how to plant the true. For in such a contradiction of opinions, it is most certain, that they have not been sufficiently instructed; and it is no wonder, if they yet retain a relish of that subtle liquor, wherewith they were first seasoned, against the civil authority. But to the latter question, it is not fit, nor needful for me to say either aye, or no: for any man that sees what I am doing, may easily perceive what I think.

The safety of the people, requir eth further, from him, or them that have the sovereign power, that justice be equally administered to all degrees of people; that is, that as well the rich and mighty, as poor and obscure persons, may be righted of the injuries done them; so as the great, may have no greater hope of impunity, when they do violence, dishonour, or any injury to the meaner sort, than when one of these, does the like to one of them: For in this consisteth equity; to which, as being a precept of the law of nature, a sovereign is as much subject, as any of the meanest of his people. All breaches of the law, are offences against the commonwealth: but there be some, that are also against private persons. Those that concern the commonwealth only, may without breach of equity be pardoned; for every man may pardon what is done against himself, according to his own discretion. But an offence against a private man, cannot in equity be pardoned, without the consent of him that is injured; or reasonable satisfaction.

The inequality of subjects, proceedeth from the acts of sovereign power; and therefore has no more place in the presence of the sovereign; that is to say, in a court of justice, than the inequality between kings, and their subjects, in the presence of the King of kings. The honour of great persons, is to be valued for their beneficence and the aids they give to men of inferior rank, or not at all. And the violations, oppressions, and injuries they do, are not extinguated, but aggravated by the greatness of their persons; because they have least need to commit them. The consequences of this partiality towards the great, proceed in this man-

ner. Impunity maketh insolence; insolence hatred; and hatred, an endeavour to pull down all oppressing and contumelious greatness, though with the ruin of the commonwealth.

To equal justice, appertaineth also the equal imposition of taxes; the equality whereof dependeth not on the equality of riches, but on the equality of the debt, that every man oweth to the commonwealth for his defence. It is not enough, for a man to labour for the maintenance of his life; but also to fight, (if need be,) for the securing of his labour. They must either do as the Jews did after their return from captivity, in re-ediifying the temple, build with one hand, and hold the sword in the other; or else they must hire others to fight for them. For the impositions, that are laid on the people by the sovereign power, are nothing else but the wages, due to them that hold the public sword, to defend private men in the exercise of several trades, and callings. Seeing then the benefit that every one receiveth thereby, is the enjoyment of life, which is equally dear to poor and rich; the debt which a poor man oweth them that defend his life, is the same which a rich man oweth for the defence of his; saving that the rich, who have the service of the poor, may be debtors not only for their own persons, but for many more. Which considered, the equality of imposition, consisteth rather in the equality of that which is consumed, than of the riches of the persons that consume the same. For what reason is there, that he which laboureth much, and sparing the fruits of his labour, consumeth little, should be more charged, than he that living idly, getreth little, and spendeth all he gets; seeing the one hath no more protection from the commonwealth, than the other? But when the impositions, are laid upon those things which men consume, every man payeth equally for what he useth: nor is the commonwealth defrauded by the luxurious waste of private men.

And whereas many men, by accident inevitable, become unable to maintain themselves by their labour; they ought not to be left to the charity of private persons; but to be provided for, (as far as the necessities of nature require,) by the laws of the commonwealth. For as it is uncharitableness in any man, to neglect the impotent; so it is in the sovereign of a commonwealth, to expose them to the hazard of such uncertain charity.

But for such as have strong bodies, the case is otherwise: they are to be forced to work; and to avoid the excuse of not finding employment, there ought to be such laws, as may encourage all manner of arts; as navigation, agriculture, fishing, and all manner of manufactures, that require labour. The multitude of poor, and yet strong people still increasing, they are to be transplanted into countries not sufficiently inhabited: where nevertheless, they are not to exterminate those they find there; but constrain them to inhabit closer together, and not range a great deal of ground, to snatch what they find; but to court each little plot with art and labour, to give them their sustenance in due season. And when all the world is overcharged with inhabitants, then the last remedy of all is war; which provideth for every man, by victory, or death.

To the care of the sovereign, belongeth the making of good laws. But what is a good law? By a good law, I mean not a just law: for no law can be unjust. The law is made by the sovereign power, and all that is done by such power, is warranted, and owned by every one of the people; and that which every man will have so, no man can say is unjust. It is in the laws of a commonwealth, as in the laws of gaming: whatsoever the gamblers all agree on, is injustice to none of them. A good law is that, which is needful, for the good of the people, and withal pertinacious.

For the use of laws, (which are but rules authorized) is not to bind the people from all voluntary actions; but to direct and keep them in such a motion, as not to hurt themselves by their own impetuous desires, rashness, or indiscretion; as hedges are set, not to stop travellers, but to keep them in the way. And therefore a law that is not needful, having not the true end of a law, is not good. A law may be conceived to be good, when it is for
the benefit of the sovereign; though it be not necessary for the people; but it is not so. For
the good of the sovereign and people, cannot be separated. It is a weak sovereign, that has
weak subjects; and a weak people, whose sovereign wanteth power to rule them at his
will. Unnecessary laws are not so good laws; but traps for money: which where the right of
sovereign power is acknowledged, are superfluous; and where it is not acknowledged,
sufficient to defend the people.

The perspicuity consists not so much in the words of the law itself, as in a declara-
tion of the causes, and motives, for which it was made. That is it, that shows us the mean-
ing of the legislator; and the meaning of the legislator known, the law is more easily
understood by few, than many words. For all words, are subject to ambiguity; and there-
fore understood by few, than many words. For all words, are subject to ambiguity; for
multiplication of words in the body of the law, is multiplication of ambiguity: for
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another business of the sovereign, is to choose good counsellors; I mean such, whose
advice he is to take in the government of the commonwealth. For this word counsel, cons-
ultum, corrupted from consilium, is of a large significance, and comprehended all assemblies
of men that sit together, not only to deliberate what is to be done hereafter, but also to judge
of facts past, and of law for the present. I take it here in the first sense only: and in this sense,
there is no choice of counsel, neither in a democracy, nor aristocracy; because the persons
counselling are members of the person counselled. The choice of counsellors therefore is
proper to monarchy; in which, the sovereign that endeavoureth not to make choice of those,
that in every kind are the most able, dischargeth not his office as he ought to do. The most
able counsellors, are they that have least hope of benefit by giving evil counsel, and most
knowledge of those things that conduct to the peace, and defence of the commonwealth. It is
a hard matter to know who expecteth benefit from public troubles; but the signs that guide
to a just suspicion, is the soothing of the people in their unreasonable, or irremediable griev-
ances, by men whose estates are not sufficient to discharge their accustomed expenses and
may easily be observed by any one whom it concerns to know it. But to know, who has most
knowledge of the public affairs, is yet harder, and they that know them, need them a great
deal the less. For to know, who knows the rules almost of any art, is a great degree of the
knowledge of the same art; because no man can be assured of the truth of another's rules; but
he that is first taught to understand them. But the best signs of knowledge of any art, are,
both conversing in it, and constant good effects of it. Good counsel comes not by lot, nor by
inheritance; and therefore there is no more reason to expect good advice from the rich, or
noble, in matter of state, than in delineating the dimensions of a fortress; unless we shall
think there needs no method in the study of the politics, (as there does in the study of geom-
ecry,) but only to be lookers on; which is not so. For the politics is the harder study of the
two. Whereas in these parts of Europe, it hath been taken for a right of certain persons, to have
place in the highest council of state by inheritance; it is derived from the conquests of the
ancient Germans; wherein many absolute lords joining together to conquer other nations,
would not enter into the confederacy, without such privileges, as might be marks of difference
in time following, between their posterity, and the posterity of their subjects; which
privileges being inconsistent with the sovereign power, by the favour of the sovereign, they
may seem to keep; but contending for them at their right, they must needs by degrees let
them go; and have at last no further honour, than adherence naturally to their abilities.

And how able soever be the counsellors in any affair, the benefit of their counsel is
greater, when they give every one his advice, and the reasons of it apart, than when they
do it in an assembly, by way of orations; and when they have premeditated, then when
they speak on the sudden; both because they have more time, to survey the consequences
of action; and are less subject to be carried away to contradiction, through envy, emulation,
or other passions arising from the difference of opinion.

The best counsel, in those things that concern not other nations, but only the ease,
and benefit the subjects may enjoy, by laws that look only inward, is to be taken from the gen-

for every one that was vanquished, there grew up three. For in like manner, when the
stubbornness of one popular man, is overcome with reward, there arise many more (by the
example) that do the same mischief, in hope of like benefit: and as Ilough sometimes a civil war,
may be deferred, by such ways as that, yet the danger grows still the greater, and the public
ruin more assured. It is therefore against the duty of the sovereign, to whom the public
safety is committed, to reward those that aspire to greatness by disturbing the peace of
their country, and not rather to oppose the beginnings of such men, with a little danger,
than after a longer time with greater.
eral informations, and complaints of the people of each province, who are best acquainted with their own wants, and ought therefore, when they demand nothing in derogation of the essential rights of sovereignty, to be diligently taken notice of. For without those essential rights, (as I have often before said,) the commonwealth cannot at all subsist.

A commander of an army in chief, if he be not popular, shall not be beloved, nor feared as he ought to be by his army; and consequently cannot perform that office with good success. He must therefore be industrious, valiant, affable, liberal and fortunate, that he may gain an opinion both of sufficiency, and of loving his soldiers. This is popularity, and breeds in the soldiers both desire, and courage, to recommend themselves to his favour; and protects the severity of the general, in punishing (when need is) the mutinous, or negligent soldiers. But this love of soldiers, (if caution be not given of the commander's fidelity,) is a dangerous thing to sovereign power; especially when it is in the hands of an assembly not popular. It belongeth therefore to the safety of the people, both that they be good conductors, and faithful subjects, to whom the sovereign commits his armies.

But when the sovereign himself is popular; that is, reverenced and beloved of his people, there is no danger at all from the popularity of a subject. For soldiers are never so generally unjust, as to side with their captain; though they love him, against their sovereign, when they love not only his person, but also his cause. And therefore those, who by violence have at any time suppressed the power of their lawful sovereign, before they could settle themselves in his place, have been always put to the trouble of contriving their titles, to save the people from the shame of receiving them. To have a known right to sovereign power, is so popular a quality, as he that has it needs no more, for his own part, to turn the hearts of his subjects to him, but that they see him able absolutely to govern his own family: nor, on the part of his enemies, but a disbanding of their armies. For the greatest and most active part of mankind, has never hitherto been well contented with the present.

Concerning the offices of one sovereign to another, which are comprehended in that law, which is commonly called the law of nations, I need not say any thing in this place; because the law of nations, and the law of nature, is the same thing. And every sovereign hath the same right, in procuring the safety of his people, that any particular man can have, in procuring the safety of his own body. And the same law, that dictates to men that have no civil government, what they ought to do, and what to avoid in regard of one another, dictates the same to commonwealths, that is, to the consciences of sovereign princes, and sovereign assemblies; there being no court of natural justice, but in the conscience only; where not man, but God reigneth; whose laws, (such of them as oblige all mankind,) in respect of God, as he is the author of nature, are natural; and in respect of the same God, as he is King of kings, are law. But of the kingdom of God, as King of kings, and as King also of a peculiar people, I shall speak in the rest of this discourse.

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