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THOMAS HOBBES

Leviathan

REVISED STUDENT EDITION

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THE
INTRODUCTION.

NATURE (the Art whereby God hath made and governes 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 begining whereof is in some principall part within; why may we not say, that all Automata (Engines that move themselves by springs and wheeles as doth a watch) have an artificiall life? For what is the Heart, but a Spring; and the Nerves, but so many Strings; and the Joints, but so many Wheeles, giving motion to the whole Body, such as was intended by the Artificer? Art goes yet further, imitating that Rationall and most excellent worke of Nature, Man. For by Art is created that great Leviathan called a Common-wealth, or State, (in latine Civitas) which is but an Artificiall Man; though of greater stature and strength than the Naturall, for whose protection and defence it was intended; and in which, the Sovereignty is an Artificiall Soul, as giving life and motion to the whole body; The Magistrates, and other Officers of Judicature and Execution, artificiall Joints; Reward and Punishment (by which fashioned to the seate of the Sovereignty, every joynt and member is moved to performe his duty) are the Nerves, that do the same in the Body Naturall; The Wealth and Riches of all the particular members, are the Strength; Salus Populi (the peoples safety) its Business; Counsellors, by whom all things needfull for it to know, are suggested unto it, are the Memory; Equity and Lawes, an artificiall Reason and Will; Concord, Health; Sedition, Sickness; and Civill War, Death. Lastly, the Acts and Covenants, by which the parts of this Body Politique were at first made, set together, and united,
resemble that Fiat, or the Let us make man, pronounced by God in the Creation.

[2] To describe the Nature of this Artificiall 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 Sovereigne; and what it is that preserveth and dissolveth it.
Thirdly, what is a Christian Common-wealth.
Lastly, what is the Kingdom of Darkness.

Concerning the first, there is a saying much usurped of late, That Wisedome 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 shew 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 thy self, 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 sawcie 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, feare, &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, feare, hope, &c; not the similitude of the objects of the Passions, which are the things desired, feared, hoped, &c: for these the constitution individually, and particular education do so vary, and they are so easie to be kept from our knowledge, that the characters of mans heart, blotted and confounded as they are, with dissembling, lying, counterfeiting, and erroneous doctrines, are legible onely to him that searcheth hearts. And though by mens actions wee do discover their designe 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 decypher 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 onely with his acquaintance, which are but few. He that is to govern a whole Nation, must read in himself, not this, or that particular man; but Man-kind: which though it be hard to do, harder 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 onely to consider, if he also find not the same in himself. For this kind of Doctrine, admitteth no other Demonstration.
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Pope, and of his spirituall subjects, residing in the territories of other Christian Princes, that were it not for the mutuall emulation of those Princes, they might without warre, 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 conduces, 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 lawfull Marriage, or not, must be judged by Authority from Rome? That Subjects may be freed from their Alleagance, if by the Court of Rome, the King be judged an Heretique? That a King (as Chilperique of France) 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 *the veylest* of Purgatory; with other signs of private interest, enough to mortifie the most lively Faith, if (as I sayd) the civil Magistrate, and Custome did not more sustain it, than any opinion they have of the Sanctity, Visdome, or Probyt of their Teachers? So that I may attribute all the changes of Religion in the world, to one and the same cause; and that is, unpleasing Priests; and those not onely amongst Catholikes, but even in that Church that hath presumed most of Reformation.²

CHAP. XIII.

Of the Naturall Condition of Mankind, as concerning their Felicity, and Misery.

Nature hath made men so equall, in the faculties of body, and mind; as that though there bee found one man sometimes manifestly stronger in body, or of quicker mind then 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 himselfe any benefit, to which another may not pretend, as well as he. For as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others, that are in the same danger with himselfe.

And as to the faculties of the mind, (setting aside the arts grounded upon words, and especially that skill of proceeding upon general, and infallible rules, called Science; which very few have, and but in few things; as being not a native faculty, born with us; nor attained, (as Prudence,) while we look after somewhat els,) I find yet a greater equality amongst men, than that of strength. For Prudence, is but Experience; which equall time, equally bestowes on all men, in those things they equally apply themselves unto. That which may perhaps make such equality incredible, is but a vain conceit of ones owne wisdome, which almost all men think they have in a greater degree, than the Vulgar; that is, than all men but themselves, and a few others, whom by Fame, or for concurring with themselves, they approve. For such is the nature of men, that howsoever they may acknowledge many others to be more witty, or more eloquent, or more learned; Yet they will hardly believe there be many so wise as themselves: For they see their own wit at hand, and other mens at a distance. But this proveth rather that men are in that point equall, than unequall. For there is not ordinarily a greater signe of the equall distribution of any thing, than that every man is contented with his share.

From this equality of ability, ariseth equality of hope in the attaining of our Ends. And therefore if any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies; and in the way to their End, (which is principally their owne conserva- tion, and sometimes their delection only,) endeavour to destroy, or subdue one an other. And from hence it comes to passe, that where an Invader hath no more to feare, than an other mans single power; if one plant, sow, build, or possesse a convenient Seat, others may probably be expected to come prepared with forces united, to dispos- sesse, and deprive him, not only of the fruit of his labour, but also of his life, or liberty. And the Invader again is in the like danger of another.

And from this diffidence of one another, there is no way for any man to secure himselfe, so reasonable, as Anticipation; that is, by
force, or wiles, to master the persons of all men he can, so long, till he see no other power great enough to endanger him: And this is no more than his own conservation required, and is generally allowed. Also because there be some, that taking pleasure in contemplating their own power in the acts of conquest, which they pursue farther than their security requires; if others, that otherwise would be glad to be at ease within modest bounds, should not by invasion increase their power, they would not be able, long time, by standing only on their defence, to subsist. And by consequence, such augmentation of dominion over men, being necessary to a man's conservation, it ought to be allowed him.

Againe, men have no pleasure, (but on the contrary a great deal of griefe) in keeping company, where there is no power able to over-awe them all. For every man looketh that his companion should value him, at the same rate he sets upon himselfe; And upon all signes of contempt, or undervaluing, naturally endeavours, as far as he dares (which amongst them that have no common power to keep them in quiet, is far enough to make them destroy each other,) to extort a greater value from his contemners, by dammage; and from others, by the example.

So that in the nature of man, we find three principall causes of quarrell. First, Competition; Secondly, Diffidence; Thirdly, Glory.

The first, maketh men invade for Gain; the second, for Safety; and the third, for Reputation. The first use Violence, to make themselves Masters of other mens persons, wives, children, and cattell; the second, to defend them; the third, for trifles, as a word, a smile, a different opinion, and any other signe of undervalue, either direct in their Persons, or by reflexion in their Kindred, their Friends, their Nation, their Profession, or their Name.

Hereby it is manifest, that during the time men live without a common Power to keep them all in awe, they are in that condition which is called Warre; and such a warre, as is of every man, against every man. For WARR, consisteth not in Battell onely, or the act of fighting; but in a tract of time, wherein the Will to contend by Battell is sufficiently known: and therefore the notion of Time, is to be considered in the nature of Warre; as it is in the nature of Weather. For as the nature of Foule weather, lyeth not in a shoure or two of rain; but in an inclination thereto of many dayes together: So the nature of War, consisteth not in actuall fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is PEACE.

Whosoever therefore is consequent to a time of Warre, 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 withall. 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, continuall feare, and danger of violent death; And the life of man, solitary, poore, 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 himselfe, when taking a journey, he arnes himselfe, and seeks to go well accompanied; when going to sleep, he locks his dores; when even in his house he locks his chests; and this when he knowes there bee Lawes, and publike Officers, armed, to revenge all injuries shall bee done him; what opinion he has of his fellow subjects, when he rides armed; of his fellow Citizens, when he locks his dores; 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 mens 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 Lawes 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 warre 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 naturall lust, have no government at all; and live at this day in that brutish manner, as I said before. Howsoever, it may be perceived what manner of life
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there would be, where there were no common Power to feare; by the manner of life, which men that have formerly lived under a peacefull government, use to degenerate into, in a civill Warre.

But though there had never been any time, wherein particular men were in a condition of warre one against another; yet in all times, Kings, and Persons of Soveraigne authority, because of their Independency, are in continuall 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 Kingdomes; and continuall 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 warre 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 warre the two Cardinall vertues. Justice, and Injustice are none of the Faculties neither of the Body, nor Mind. If they were, they might be in a man that were alone in the world, as well as his Senses, and Passions. They are Qualities, that relate to men in Society, not in Solitude. It is consequent also to the same condition, that there be no Propriety, no Dominion, no Mine and Thine distinct; but onely that to be every mans, that he can get; and for so long, as he can keep it. And thus much for the ill condition, which man by meer Nature is actually placed in; though with a possibility to come out of it, consisting partly in the Passions, partly in his Reason.

The Passions that encline men to Peace, are Fearre of Death; Desire of such things as are necessary to commodious living; and a Hope by their Industry to obtain them. And Reason suggesteth convenient Articles of Peace, upon which men may be drawn to agreement. These Articles, are they, which otherwise are called the Lawes of Nature: whereof I shall speak more particularly, in the two following Chapters.

CHAP. XIV.

Of the first and second Naturall Lawes, and of Contracts.

The Right of Nature, which Writers commonly call Jus Naturale, is the Liberty each man hath, to use his own power, as he will himselfe, 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 Judgement, and Reason, hee shall conceive to be the aptest means thereunto.

By Liberty, is understood, according to the proper signification of the word, the absence of externall Impediments: which Impediments, may oft take away part of a mans power to do what hee would; but cannot hinder him from using the power left him, according as his judgement, and reason shall dictate to him.

A Law of Nature, (Lex Naturalis) is a Precept, or generall Rule, found out by Reason, by which a man is forbidden to do, that, which is destructive of his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved. For though they that speak of this subject, use to confound Jus, and Lex, Right and Law; yet they ought to be distinguished; because Right, consisteth in liberty to do, or to forbear; Whereas Law, determineth, and bindeth to one of them: so that Law, and Right, differ as much, as Obligation, and Liberty; which in one and the same matter are inconsistent.

And because the condition of Man, (as hath been declared in the precedent Chapter) is a condition of Warre 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 anothers body. And therefore, as long as this naturall 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 allowedeth men to live. And consequently it is a precept, or
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The Fundamentall Law of Nature.
To seek peace.  

The second Law of Nature.
Contract in way of peace.

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What it is to lay down a Right.

Renouncing a Right what it is.
Transferring Right what it is.

Obligation.

The first and second Naturall Lawes, and Contracts

Chap. 14

of it: and that he Ought, and it is his Duty, not to make void that voluntary act of his own: and that such hindrance is Injustice, and Injury, as being Sine jure; the Right being before renounced, or transferred. So that Injury, or Injustice, in the controversies of the world, is somewhat like to that, which in the disputations of Scholers is called Absurdity. For as it is there called an Absurdity, to contradict what one maintained in the Beginning: so in the world, it is called Injustice, and Injury, voluntarily to undo that, which from the beginning he had voluntarily done. The way by which a man either simply Renounce, or Transferreth his Right, is a Declaration, or Signification, by some voluntary and sufficient signe, or signes, that he doth so Renounce, or Transferre; or hath so Renounced, or Transferred the same, to him that accepteth it. And these Signes 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 mans word,) but from Feare of some evil consequency upon the rupture.

Whencesoever a man Transferrith his Right, or Renounce 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 himselfe. And therefore there be some Rights, which no man can be understood by any words, or other signes, 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 ayme thereby, at any Good to himself. The same may be sayd of Wounds, and Chayns, 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 mans 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 signes, seem to despoyle himselfe of the End, for which those signes were intended; he is not to be understood as if he meant it, or that it was his will: but that he

1 Syn.: Nature.  2 Syn.: Nature.
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 it selfe; For the Thing may be delivered together with the Translation of the Right; as in buying and selling with ready mony; 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 performe hereafter: in which cases, he that is to performe in time to come, being trusted, his performance is called Keeping of Promise, or Faith; and the faying of performance (if it be voluntary) Violation of Faith.

When the transferring of Right, is not mutuell; 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 signifie one and the same thing.

Signes of Contract, are either Express, or by Inference. Express, are words spoken with understanding of what they signifie: 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.

Signes by Inference, are sometimes the consequence of Words; sometimes the consequence of Silence; sometimes the consequence of Actions; sometimes the consequence of Forbearing an Action: and generally a signe by Inference, of any Contract, is whatsoever sufficiently argues the will of the Contractor.

Words alone, if they be of the time to come, and contain a bare promise, are an insufficient signe of a Free-gift and therefore not obligatory. For if they be of the time to come, as, To morrow I will Give, they are a signe I have not given yet, and consequently that my Right is not transferred, but remaineth till I transferre it by some other Act. But if the words be of the time Present, or Past, as, I have given, or do give to be delivered to morrow, then is my to morrow Right given away to day; and that by the vertue of the words, though there were no other argument of my will. And there is a great difference in the signification of these words, Volo hac tuum esse car, and Cras dabo; that is, between I will that this be thine to morrow, and, I will give it thee to morrow: For the word I will, in the former manner of speech, signifies an act of the will Present; but in the later, it signifies a promise of an act of the will to Come: and therefore the former words, being of the Present, transferre a future right; the later, that be of the Future, transferre nothing. But if there be other signes of the Will to transferre a Right, besides Words; then, though the gift be Free, yet may the Right be understood to passe by words of the future: as if a man propound a Prize to him that comes first to the end of a race. The gift is Free; and though the words be of the Future, yet the Right passeth: for if he would not have his words so understood, he should not have let them runne.

In Contracts, the right passeth, not only where the words are of the time Present, or Past; but also where they are of the Future: because all Contract is mutuell translation, or change of Right; and therefore he that promiseth only, because he hath already received the benefit for which he promiseth, is to be understood as if he intended the Right should passe: for unless he had been content to have his words so understood, the other would not have performed his part first. And for that cause, in buying, and selling, and other acts of Contract, a Promise is equivalent to a Covenant; and therefore obligatory.

He that performeth first in the case of a Contract, is said to Merit that which he is to receive by the performance of the other; and he hath it as Due. Also when a Prize is propounded to many, which is to be given to him onely that winneth; or mony is thrown amongst many, to be enjoyed by them that catch it; though this be a Free gift; yet so to Win, or so to Catch, is to Merit, and to have it as Due. For the Right is transferred in the Propounding of the Prize, and in throwing down the mony; though it be not determined to whom, but by the Event of the contention. But there is between these two sorts of Merit, this difference, that in Contract, I Merit by vertue of my own power, and the Contractors need; but in this case of Free gift, I am enabled to

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1 Syn.: so be
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Merit onely by the benignity of the Giver: In Contract, I merit at the Contractors hand that hee should depart with his right; In this case of Gift, I Merit not that the giver should part with his right; but that when he has parted with it, it should be mine, rather than anothers. And this I think to be the meaning of that distinction of the Schooles between Meritum congrui, and Meritum condigni. For God Almighty, having promised Paradise to those men (hoodwinkt with carnall desires,) that can walk through this world according to the Precepts, and Limits prescribed by him; they say, he that shall so walk, shall Merit Paradise Ex congruo. But because no man can demand a right to it, by his own Righteousnesse, or any other power in himselfe, but by the Free Grace of God oneley; they say, no man can Merit Paradise ex condigno. This I say, I think is the meaning of that distinction; but because Disputers do 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: onely this I say; when a gift is given indefinitely, as a prize to be contended for, he that winneth Meriteth, and may claime the Prize as Due.

If a Covenant be made, wherein neither of the parties performe presently, but trust one another; in the condition of meer Nature, (which is a condition of Warre of every man against every man,) upon any reasonable suspition, it is Voyd: But if there be a common Power set over them both, with right and force sufficient to compel performance; it is not Voyd. For he that performeth first, has no assurance the other will performe after; because the bonds of words are too weak to bridle mens ambition, avarice, anger, and other Passions, without the feare of some coercive Power; which in the condition of meer Nature, where all men are equal, and judges of the justnesse of their own fears, cannot possibly be supposed. And therefore he which performeth first, does but betray himselfe 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 feare is no more reasonable; and for that cause, he which the Covenant is to perform first, is obliged so to do.

The cause of feare, which maketh such a Covenant invalid, must be always something arising after the Covenant made; as some new fact, or other signe of the Will not to performe: else it cannot make the Covenant voyd. For that which could not hinder a man from promising, ought not to be admitted as a hindrance of performing.

He that transferrreth any Right, transferrreth the Means of enjoying it, as farre as lyeth in his power. As he that selleth Land, is understood to transferrre the Herbage, and whatsoever growse 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 mony to maintain Souldiers; and of appointing Magistrates for the administration of Justice.

To make Covenants with brutt 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 supernaturall, 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 not the Vow, but the Law that binds them.

The matter, or subject of a Covenant, is always something that falleth under deliberation; (For to Covenant, is an act of the Will; that is to say an act, and the last act, of deliberation;) and is therefore always understood to be something to come; and which is judged Possible for him that Covenanteth, to performe.

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 selfe,) yet to the value; or, if that also be impossible, to the unfeigned endeavour of performing as much as is possible: for to more no man can be obliged.

Men are freed of their Covenants two ways: by Performing; or by being Forgiven. For Performance, is the natural end of obligation; and Forgiveness, the restitution of liberty; as being a re-transferring of that Right, in which the obligation consisted.

Covenants entred into by fear, in the condition of meer Nature, are obligatory. For example, if I Covenant to pay a ransome, or service for my life, to an enemy; I am bound by it. For it is a Contract, wherein
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one receiveth the benefit of life; the other is to receive mony, or
service for it; and consequently, where no other Law (as in the
condition, of meer Nature) forbidddeth the performance, the Covenant
is valid. Therefore Prisoners of warre, if trusted with the payment of
their Ransome, are obliged to pay it: And if a weaker Prince, make a
disadvantageous peace with a stronger, for feare; he is bound to keep
it; unless (as hath been sayd before) there ariseth some new, and just
cause of feare, to renew the war. And even in Common-wealths, if I
be forced to redeem my selfe, from a Theefe by promising him money,
I am bound to pay it, till the Civill Law discharge me. For whatsoever
I may lawfully do without Obligation, the same I may lawfully
Covenant to do through feare: and what I lawfully Covenant, I cannot
lawfully break.

A former Covenant, makes veyd a later. For a man that hath passed
away his Right to one man to day, hath it not to passe to morrow to
another: and therefore the later promise passeth no Right, but is null.

A Covenant not to defend my selfe from force, by force, is always
voyd. For (as I have shewed before) no man can transferre, or lay
down his Right to save himselfe from Death, Wounds, and Imprison-
ment, (the avoyding whereof is the onely End of laying down any
Right,) and therefore the promise of not resisting force, in no
Covenant transferreth 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 ones selfe, 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 Civill 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 unwillingly given, is praeumed to be corrupted by Nature; and
therefore not to be received: and where a mans 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 himselfe 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 mans
nature, but two imaginable helps to strengthen it. And those are either
a Feare of the consequence of breaking their word; or a Glory, or
Pride in appearing not to need to break it. This later is a Generosity
too rarely found to be presumed on, especially in the pursuers of
Wealth, Command, or sensuall Pleasure; which are the greatest part
of Mankind. The Passion to be reckoned upon, is Fear; whereof there
be two very generall Objects: one, The Power of Spirits Invisible; the
other, The Power of those men they shall therein Offend. Of these
two, though the former be the greater Power, yet the feare of the later
is commonly the greater Feare. The Feare of the former is in every
man, his own Religion: which hath place in the nature of man before
Civil Society. The later hath not so; at least not place enough, to keep
men to their promises; because in the condition of meer Nature, the
inequality of Power is not discerned, but by the event of Battell. So
that before the time of Civill Society, or in the interruption thereof by
Warre, there is nothing can strengthen a Covenant of Peace agreed
on, against the temptations of Avarice, Ambition, Lust, or other
strong desire, but the feare of that Invisible Power, which they every
one Worship as God; and Fear as a Revenger of their perfidy. All
therefore that can be done between two men not subject to Civill
Power, is to put one another to swear by the God he feareth: Which
Swearing, or OATH, is a Forme of Speech, added to a Promise; by which he
that promiseth, signifieth, that unless he performe, he renounceth the mercy
of his God, or calleth to him for vengeance on himselfe. Such was the
Heathen Forme, Let Jupiter kill me else, as I kill this Beast. So is our
Forme, 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
feare of breaking faith might be the greater.

By this it appears, that an Oath taken according to any other

The forme of an Oath.
The End of an Oath.

No Oath, but by God.
Of Man

Forme, or Rite, then 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 feare, or flattery; yet they would have it thereby understood, they attributed to them Divine honour. And that Swearing unnecessarilly by God, is but prophaning of his name: and Swearing by other things, as men do in common discourse, is not Swearing, but an impious Custome, gotten by two much vehemence of talking.

It appears also, that the Oath addes nothing to the Obligation. For a Covenant, if lawfull, binds in the sight of God, without the Oath, as much as with it: if un lawfull, bindeth not at all: though it be confirmed with an Oath.

CHAP. XV.

Of other Lames of Nature.

From that law of Nature, by which we are obliged to transferre to another, such Rights, as being retained, hinder the peace of Mankind, there followeth a Third: which is this, That men performe their Covenants made: without which, Covenants are in vain, and but Empty words; and the Right of all men to all things remaining, wee are still in the condition of Warre.

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 has 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 mutuall trust, where there is a feare 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 feare be taken away; which while men are in the naturall condition of Warre, cannot be done. Therefore before the names of Just, and Unjust can have place, there must be some coercive Power, to compell 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 mutuall Contract men acquire, in recompense of the universal Right they abandon: and such power there is none before the erection of a Common-wealth. And this is also to be gathered out of the ordinary definition of Justice in the Schooles: For they say, that Justice is the constant Will of giving to every man his own. And therefore where there is no Owe, that is, no Propriety, there is no Injustice; and where there is no coercive Power erected, that is, where there is no Common-wealth, there is no Propriety; all men having Right to all things: Therefore where there is no Common-wealth, 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 Civill Power, sufficient to compell men to keep them: And then it is also that Propriety begins.

The Foole hath sayd in his heart, there is no such thing as Justice; and sometimes also with his tongue; seriously alleging, that every mans conservation, and contentment, being committed to his own care, there could be no reason, why every man might not do what he thought conduced thereunto: and therefore also to make, or not make; keep, or not keep Covenants, was not against Reason, when it conduced to ones benefit. He does not therein deny, that there be Covenants; and that they are sometimes broken, sometimes kept; and that such breach of them may be called Injustice, and the observance of them Justice: but he questioneth, whether Injustice, taking away the feare of God, (for the same Foole hath said in his heart there is no God,) may not sometimes stand with that Reason, which dictateth to every man his own good; and particularly then, when it condueth to such a benefit, as shall put a man in a condition, to neglect not only the dispraise, and revilings, but also the power of other men. The Kingdome of God is gotten by violence: but what if it could be gotten by unjust violence? were it against Reason so to get it, when it is impossible to receive hurt by it? and if it be not against Reason, it is not against Justice: or else Justice is not to be approved for good. From such reasoning as this, Successfull wickednesse hath obtained the name of Vertue: and some that in all other things have disallowed the violation of Faith; yet have allowed it, when it is for the getting of a Kingdome. And the Heathen that believed, that Saturn was deposed
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by his son Jupiter, believed nevertheless the same Jupiter to be the averger of Injustice: Somewhat like to a piece of Law in Cakes Commentaries on Littleton; where he says, If the right Heire of the Crown be attainted of Treason; yet the Crown shall descend to him, and eo instante the Atteynder be voyd: From which instances a man will be very prone to inferre; that when the Heire apparent of a Kingdome, shall kill him that is in possession, though his father; you may call it Injustice, or by what other name you will; yet it can never be against Reason, seeing all the voluntary actions of men tend to the benefit of themselves; and those actions are most Reasonable, that conduce most to their ends. This specious reasoning is nevertheless false.

For the question is not of promises mutual; where there is no security of performance on either side; as when there is no Civill Power erected over the parties promising; for such promisses are no Covenants: But either where one of the parties has performed already; or where there is a Power to make him performe; there is the question whether it be against reason, that is, against the benefit of the other to performe, or not. And I say it is not against reason. For the manifestation whereof, we are to consider; First, that when a man doth a thing, which notwithstanding any thing can be foreseen, and reckoned on, tendeth to his own destruction, howsoever some accident which he could not expect, arriving, may turne it to his benefit; yet such events do not make it reasonably or wisely done. Secondly, that in a condition of Warre, wherein every man to every man, for want of a common Power to keep them all in awe, is an Enemy, there is no man can hope by his own strength, or wit, to defend himselfe from destruction, without the help of Confederates; where every one expects the same defence by the Confederation, that any one else does; and therefore he which declares he thinks it reason to deceive those that help him, can in reason expect no other means of safety, than what can be had from his own single Power. He therefore that breaketh his Covenant, and consequently declareth that he thinks he may with reason do so, cannot be received into any Society, that unite themselves for Peace and Defence, but by the error of them that receive him; nor when he is received, be retayned in it, without seeing the danger of their error; which errors a man cannot reasonably reckon upon as the means of his security: and therefore if he be left, or cast out of Society, he perisheth; and if he live in Society, it is by the errors of other men, which he could not foresee, nor reckon

Other Lanes of Nature

upon; and consequently against the reason of his preservation; and so, as all men that contribute not to his destruction, forbear him oneely out of ignorance of what is good for themselves.

As for the Instance of gaining the secure and perpetuall 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 Instance of attaining Soveraignety 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 conduce to the preseruation of mans life on earth; but to the attaining of an eternall felicity after death; to which they think the breach of Covenant may conduce; and consequently be just and reasonable; (such are they that think it a work of merit to kill, or depose, or rebell against, the Soveraigne Power constituted over them by their own consent.) But because there is no naturally knowledge of mans estate after death; much lesse of the reward that is then to be given to breach of Faith; but onely a believe grounded upon other mens 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 Heretiques, and such as use not to forme 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 Injust, when they are attributed to Men, signifie one thing; and when they are attributed to Actions, another. When they are attributed to Men, they signifie Conformity, or Inconformity of Manners, to Reason. But when they are attributed to Actions, they signifie the Conformity, or Inconformity to Reason, not of Manners, or manner of life, but of particular Actions. A Just man
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therefore, is he that taketh all the care he can, that his Actions may be all Just: and an Unjust man, is he that neglecteth it. And such men are more often in our Language stiled by the names of Righteous, and Unrighteous; then 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 humane Actions the relish of Justice, is a certain Noblenesse or Gallantnesse of courage, (rarely found,) by which a man scorns 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 aVertue; and Injustice a Vice.

But the Justice of Actions denominates men, not Just, but Guiltlesse: and the Injustice of the same, (which is also called Injury,) gives them the name of Guilty.

Again, the Injustice of Manners, is the disposition, or aptitude to do Injuries; 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 dammage 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 dammage redoundeth to the stranger, to whom he had no Obligation; and therefore could not Injure him. And so also in Common-wealths, private men may remit to one another their debts; but not robberies or other violations, 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 Common-wealth.

Whosoever 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 pleases, 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 signi-

1. Syn.: but the

Other Laws of Nature

fied, 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 later in proportion Geometrical. Commutative therefore, they place in the equality of value of the things contracted for; And Distributive, in the distribution of equall benefit, to men of equall 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 which that is by Covenant, where the performance on one part, meriteth the performance of the other part, and falls under Justice Commutative, not Distributive,) is not due by Justice; but is rewarded of Grace onely. 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. Wherein, (being trusted by them that make him Arbitrator,) if he performe 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 shewn in due place.

As Justice depended 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 Forme, That a man which receiveth Benefit from another of me Grace, Endeavour that he 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 consequentely of mutuall 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

Chap. 15

Justices Commutative, and Distributive.

The fourth Law of Nature, Gratitude.
Ingratitude; and hath the same relation to Grace, that Injustice hath to Obligation by Covenant.

A fifth Law of Nature, is Compleasance; that is to say, That every man strive to accommodate himself to the rest. For the understanding whereof, we may consider, that there is in mens aptnesse to Society, a diversity of Nature, rising from their diversity of Affections: not unlike to that we see in stones brought together for building of an Aedifice. For as that stone which by the asperity, and irregularity of Figure, takes more room from others, than it selfe 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 combersome the eareunto. 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 warre that thereupon is to follow; and therefore doth that, which is contrary to the fundamentall Law of Nature, which commandeth to seek Peace. The observers of this Law, may be called Sociable, (the Latines call them Commodis) The contrary, Stubborn, Insociable, Froward, Intractable.

A sixth Law of Nature, is this, 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 signe of an aversion to Peace; and therefore contrary to the Law of Nature.

A seventh is, That in Revenues, (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 designe, than for correction of the offender, or direction 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 come, is a triumph, or glorying in the hurt of another, tending to no end; (for the End is always somewhat to Come;) and glorying to no end, is vain-glory, and contrary to reason; and to hurt without reason, tendeth to the introduction of Warre; which is against the Law of Nature; and is commonly stiled by the name of Cruelty.

And because all signes of hatred, or contempt, provoke to fight; insomuch 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 meer Nature; where, (as has been shewn before,) all men are equal. The inequality that now is, has bin introduced by the Laws civil. I know that Aristotle in the first booke of his Politiques, 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 bodys, 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 governe themselves, than be governed by others: Nor when the wise in their own conceit, contend by force, with them who distrust their owne wisdome, do they alwaies, or often, or almost at any time, get the Victory. If Nature therefore have made men equal; that equalitie is to be acknowledged: or if Nature have made men unequall; yet because men that think themselves equal, will not enter into conditions of Peace, but upon Equall terms, such equalitie 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 he is not content should be reserved to every one of the rest. As it is necessary for all men that seek peace, to lay downe certaine Rights of Nature; that is to say, not to have liberdie to do all they list; so it is necessarie for mans life, to retaine some; as right to governe their owne bodies; enjoy aire, water, motion, waies 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 naturall equalitie, and
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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 πανομπίστας; that is, a desire of more than their share.

The eleventh, Equity.

Also, if a man be trusted to judge between man and man, it is a precept of the Law of Nature, that he deal equally between them. For without that, the Controversies of men cannot be determined but by Warre. He therefore that is partial in judgment, doth what in him lies, to deterre men from the use of Judges, and Arbitrators; and consequently, (against the fundamental Law of Nature) is the cause of Warre.

The observance of this law, from 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, Acceptation of persons, προσκυνησις.

The twelfth, Equall use of things Common.

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 Equitie.

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 Lots there be two sorts, Arbitrary, and Natural. Arbitrary, is that which is agreed on by the Competitors: Natural, is either Primogeniture, (which the Greek calls Κινοομος, which signifies, Given by Lot; or) First Seizure.

And therefore those things which cannot be enjoyed in common, nor divided, ought to be adjudged to the First Possessor; and in some cases to the First-Borne, as acquired by lot.

The fourteenth, of Primogeniture, and First seizing.

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 Lawes, there may nevertheless arise questions concerning a mans

Other Lawes of Nature

action; First, whether it were done, or not done; Secondly (if done) whether against the Law, or not against the Law; the former whereof, is called a question Of Fact; the latter a question Of Right; therefore unless the parties to the question, Covenant mutually to stand to the sentence of another, they are as farre from Peace as ever. This other, 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 judgement 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 own case: 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; & 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 remained, 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 Lawes 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 Lawes of Nature, to be taken notice of by all men; whereof the most part are too busie in getting food, and the rest too negligent to understand; yet to leave all men excusable, they have been contracted into one easie sum, intelligible, even to the meanest capacity; and that is, Do not that to another, which thou wouldest not have done to thy selfe; which sheweth him, that he has no more to do in learning the Lawes of Nature, but,

[79] A Rule by which the Laws of Nature may easily be examined.
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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 his own into their place, that his own passions, and self-love, may add to nothing to the weight; and then there is none of these Laws of Nature that will not appear unto him very reasonable.

The Lawes of Nature oblige in foro interno; that is to say, they bind to a desire they should take place; but in foro externo; that is, to the putting them in act, not alwaies. For he that should be modest, and tractable, and performe all he promises, in such time, and place, where no man els should do so, should but make himselfe a prey to others, and procure his own certaine ruine, contrary to the ground of all Lawes of Nature, which tend to Natures preservation. And again, he that having sufficient Security, that others shall observe the same Lawes towards him, observes them not himselfe, seeketh not Peace, but War; & consequently the destruction of his Nature by Violence.

And whatsoever Lawes bind in foro interno, may be broken, not onely 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 Lawes 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 Warre shall preserve life, and Peace destroy it.

The same Lawes, because they oblige onely to a desire, and endeavour, I mean an unfeigned and constant endeavour, are easie to be observed. For in that they require nothing but endeavour; he that endeavoured his performance, fullfilled them; and he that fullfilled the Law, is Just.

And the Science of them, is the true and onely Moral Philosophy. For Morall Philosophy is nothing else but the Science of what is Good, and Evill, in the conversation, and Society of man-kind. Good, and Evill, are names that signify our Appetites, and Aversions; which in different tempers, customs, and doctrines of men, are different: And divers men, differ not onely in their Judgement, on the senses of what is pleasant, and unpleasant to the tast, smell, hearing, touch, and sight; but also of what is conformable, or disagreeable to Reason, in the actions of common life. Nay, the same man, in divers times, differs from himselfe; and one time praiseth, that is, calleth Good,
The word Person is latine: instead whereof the Greeks have πρόσωπον, which signifies the Face, as Persona in latine 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 Visard: And from the Stage, hath been translated to any Representor 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 himselfe, or an other; and he that acteth another, is said to beare his Person, or act in his name; (in which sense Cicero useth it where he saies, Unus sustineo tres Personas; Mei, Adversarii, & Judicem, I beare three Persons; my own, my Adversaries, and the Judges;) and is called in diverse occasions, diversely; as a Representor, or Representative, a Lieutenant, a Vicar, an Attorney, a Deputy, a Procurator, an Actor, and the like.

Of Persons Artificiall, some have their words and actions Owne by those whom they represent. And then the Person is the Actor; and he that owneth his words and actions, is the Author: In which case the Actor acteth by Authority. For that which in speaking of goods and possessions, is called an Owner, and in latine Dominus, in Grecce οικογειας speaking of Actions, is called an Author.\\footnote{Syn.: Author} And as the Right of possession, is called Dominion; so the Right of doing an Action, is called Authority and sometimes warrant.\\footnote{Syn.: 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 lesse than if he had made it himselfe; and no lesse subjected 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 Representer, not knowing the Authority he hath, doth it at his own perill. 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 contrariwise, 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 knowing what Authority he hath, but onely 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 before hand he was to expect no other assurance, than the Actors word; then is the Covenant valid; because the Actor in this case maketh himselfe 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 himselfe.

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 Overseer. 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 Governours of those things. And therefore, such things cannot be Personated, before there be some state of Civill Government.

Likewise Children, Fools, and Mad-men 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 then (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 Authority to the Guardian. But this again has no place but in a State Civill, because before such estate, there is no Dominion of Persons.

An Idol, or meer Figment of the brain, may be Personated; as were the Gods of the Heathen; 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
Of Man

them. But Idols cannot be Authors: for an Idol is nothing. The Authority proceeded from the State: and therefore before introduction of Civil Government, the Gods of the Heathen could not be Personated.

The true God may be Personated. As he was; first, by Moses; who governed the Israelites, (that were not his, but Gods people,) not in his own name, with Hoc dicit Moses; but in Gods Name, with Hoc dicit 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 himselfe, 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 himselfe; but was sent, and proceeded from them *both on the day of Pentecost.*

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 particular. 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 himselfe 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 farre he shall represent them, none of them owneth more, than they gave him commission to Act.

And if the Representative consist of many men, the voyce of the greater number, must be considered as the voyce 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 onlyc voyce the Representative hath.

And a Representative of even number, especially when the number is not great, whereby the contradictory voyces are oftentimes equall, is therefore oftentimes mute, and uncapable of Action. Yet in some cases contradictory voyces equall in number, may determine a question; as in condemning, or absolving, equality of voyces, even in that they condemne 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 voyces are equall, the not decreeing Execution, is a decree of Dilation.

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 effect 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 unapt, as for many things else, so for the government of a Multitude, especially in time of Warre.

Of Authors there be 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; that is to say, he undertaketh to do it, if the other doth it not, at, or before a certain time. And these Authors conditionall, are generally called Suretyes, in Latine Fidejussores, and Sponsors; and particularly for Debt, Praedeb; and for Appearance before a Judge, or Magistrate, Vades.

\[^2\] Syn.: both.
PART 2

OF COMMON-WEALTH.

CHAP. XVII.

Of the Causes, Generation, and Definition of a Common-Wealth.

The final Cause, End, or Designe of men, who naturally love Liberty, and Dominion over others, in the introduction of that restraint upon themselves, (in which we see them live in Common-wealths,) 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 Warre, which is necessarily consequent (as hath been shewn) to the natural Passions of men, when there is no visible Power to keep them in awe, and yea them by fear of punishment to the performance of their Covenants, and observation of those Lawes of Nature set down in the fourteenth and fifteenth Chapters.

For the Lawes of Nature (as Justice, Equity, Modesty, Mercy, and (in summe) 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 Lawes 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 robbe and spoyle one another, has been a Trade, and so farre from being reputed against the Law of Nature, that the greater spoyle they gained, the greater was their honour; and men observed no other Lawes therein, but the Lawes 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 Kingdomes 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 remembred for it in after ages with honour.

Nor is it the jouning 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. TheMultitude sufficient to confide in for our Security, is not determined by any certain number, but by comparison with the Enemy we feare; and is then sufficient, when the odds of the Enemy is not of so visible and conspicuous moment, to determine the event of warre, as to move him to attempt.

And be there never so great a Multitude; yet if their actions be directed according to their particular judgements, and particular appetitites, 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 mutuell opposition to nothing: whereby they are easily, not onely subdued by a very few that agree together; but also when there is no common enemy, they make warre 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 Lawes of Nature, without a common Power to keep them all in awe; we might as well suppose all Man-kind to do the same; and then there

The Causes, Generation and Definition

Nor from the conjunction of a few men or families:

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Nor from a great Multitude, unless directed by one judgement.

neither would be, nor need to be any Civill Government, or Common-wealth 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 judgement, for a limited time; as in one Battell, or one Warre. For though they obtain a Victory by their unanimous endeavoure 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 Warre 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 Politicall creatures;) and yet have no other direction, than their particular judgements and appetites; nor speech, whereby one of them can signifie to another, what he thinks expedient for the common benefit: and therefore some man may perhaps desire to know, why Man-kind 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 consequentely amongst men there ariseth on that ground, Envy and Hatred, and finally Warre; but amongst these not so.

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

Thirdly, that these creatures, having not (as man) the use of reason, do not see, nor think they see any fault, in the administration of their common businesse: whereas amongst men, there are very many, that thinke themselves wiser, and able to govern the Publique, better than the rest; and these strive to reforme and innovate, one this way, another that way; and thereby bring it into Distraction and Civill warre.

Fourthly, that these creatures, though they have some use of voice, in making knowne 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 likenesse of Evill; and Evill, in the likenesse of Good; and augment, or diminish the apparent greatness
Of Common-wealth

of Good and Evil; discontenting men, and troubling their Peace at their pleasure.

Fifthly, irrational creatures cannot distinguish between Injuries 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 loves to show his Wisdome, and controule the Actions of them that govern the Common-wealth.

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 Forraigners, and the injuries of one another, and thereby to secure them in such sort, as that by their owne industrious, and by the fruitses of the Earth, they may nourish themselves and live contentedly; is, to conferre 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 beare their Person; and every one to owne, and acknowledge himselfe to be Author of whatsoever he that so bearreth their Person, shall Act, or cause to be Acted, in those things which concern the Common Peace and Safetie; and therein to submit their Wills, every one to his Will, and their Judgements, to his Judgment. This is more than Consent, or Concord; it is a reall Unite 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 my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions in like manner. This done, the Multitude so united in one Person, is called a Common-wealth, in late Civitas. This is the Generation of that great Leviathan, or rather (to speake more reverently) of that Mortall God, to which wee owe under the Immortal God, our peace and defence. For by this Authoritie, given him by every particular man in the Common-wealth, he hath the use of so much Power and Strength conferred on him, that by terror thereof, he is enabled to compasse the wills of them all, to Peace at home, and mutuall ayd.

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'This is a cancel (see p. xxx) replacing 'per'.

CHAP. XVIII.

Of the Rights of Sovereignes by Institution.

A Common-wealth 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 Representa-
tives) every one, as well he that Voted for, as he that Voted against, it, shall Authorise all the Actions and Judgements, 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 Common-wealth are derived all the Rights, and Faculties of him, or them, on whom the Sovereigne Power is conferred by the consent of the People assembled.

First, because they Covenant, it is to be understood, they are not...
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 himselfe, 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 Sovereigne at his Institution; and others, or one other of his Subjects, or himselfe alone, pretend there was no such breach, there is in this case, no Judge to decide the controversie: it returns therefore to the Sword again; and every man recovereth the right of Protecting himselfe by his own strength, contrary to the designe they had in the Institution. It is therefore in vain to grant Sovereignty by way of precedent Covenant. The opinion that any Monarch receiveveth his Power by Covenant, that is to say on Condition, proceedeth from want of understanding this easie truth, that Covenants being but words, and breath, have no force to oblige, contain, constrain, or protect any man, but what it has from the publique Sword; that is, from the untyed hands of that Man, or Assembly of men that hath the Sovereignty, and whose actions are avouched by them all, and performed by the strength of them all, in him united. But when an Assembly of men is made Sovereigne; then no man imagineth any such Covenant to have past in the Institution; for no man is so dull as to say, for example, the People of Rome, made a Covenant with the Romans, to hold the Sovereignty on such or such conditions; which not performed, the Romans might lawfully depose the Roman People. That men see not the reason to be alike in a Monarchy, and in a Popular Government, proceedeth from the ambition of some, that are kinder to the government of an Assembly, whereof they may hope to participate, than of Monarchy, which they despair to enjoy.

Thirdly, because the major part hath by consenting voices declared a Sovereign; he that dissented must now consent with the rest; that is, be contented to avow all the actions he shall do, or else justly be destroyed by the rest. For if he voluntarily entered into the Congregati- 
om of them that were assembled, he sufficiency declared thereby his will (and therefore tacitely covenanted) to stand to what the major part should ordaine: and therefore if he refuse to stand thereto, or make Protestation against any of their Decrees, he does contrary to his Covenant, and therfore unjustly. And whether he be of the Congregati- 
on, or not; and whether his consent be asked, or not, he must either
submit to their decrees, or be left in the condition of warre he was in before; wherein he might without injustice be destroyed by any man whatsoever.

Fourthly, because every Subject is by this Institution Author of all the Actions, and Judgments of the Soveraigne Instituted; it follows, that whatsoever he doth, it can be no injury to any of his Subjects; nor ought he to be by any of them accused of Injustice. For he that doth any thing by authority from another, doth therein no injury to him by whose authority he acteth: But by this Institution of a Common-wealth, every particular man is Author of all the Soveraigne doth; and consequently he that complaineth of injury from his Soveraigne, complaineth of that whereof he himselfe is Author, and therefore ought not to accuse any man but himselfe; no nor himselfe of injury, because to do injury to ones selfe, is impossible. It is true that they that have Soveraigne power, may commit Iniquity; but not Injustice, or Injury in the proper signification.

Fiftly, and consequently to that which was sayd last, no man that hath Soveraigne power can justly be put to death, or otherwise in any manner by his Subjects punished. For seeing every Subject is Author of the actions of his Soveraigne, he punisheth another, for the actions committed by himselfe.

And because the End of this Institution, is the Peace and Defence of them all; and whosoever has right to the Means; it belongeth of Right, to whatsoever Man, or Assembly that hath the Soveraigny, to be Judge both of the means of Peace and Defence; and also of the hindrances, and disturbances of the same; and to do whatsoever he shall think necessary to be done, both before hand, for the preserving of Peace and Security, by prevention of Discord at home, and Hostility from abroad; and, when Peace and Security are lost, for the recovery of the same. And therefore,

Sixthly, it is annexed to the Soveraigny, to be Judge of what Opinions and Doctrines are averse, and what conducing to Peace; and consequently, on what occasions, how farre, and what, men are to be trusted withall, in speaking to Multitudes of people; and who shall examine the Doctrines of all books before they be published. For the Actions of men proceed from their Opinions; and in the well governing of Opinions, consisteth the well governing of mens 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 bc True, than Peace and Concord can be against the Law of Nature. It is true, that in a Common-wealth, where by the negligence, or unskilfulness of Governours, and Teachers, false Doctrines are by time generally received; the contrary Truths may be generally offensive: Yet the most sudden, and rough busling in of a new Truth, that can be, does never break the Peace, but only sometimes awake the Warre. For those men that are so remissly governed, that they dare take up Armes, to defend, or introduce an Opinion, are still in Warre; and their condition not Peace, but only a Cessation of Armes for fear of one another; and they live as it were, in the precincts of bataille continually. It belongeth therefore to him that hath the Soveraigne Power, to be Judge, or constuite all Judges of Opinions and Doctrines, as a thing necessary to Peace; therby to prevent Discord and Civil Warre.

Seventhly, is annexed to the Soveraigntie, the whole power of prescribing the Rules, whereby every man may know, what Goods he may enjoy, and what Actions he may doe, without being molested by any of his fellow Subjects: And this is it men call Propriety. For before constitution of Soveraign Power (as hath already been shewn) all men had right to all things; which necessarily causeth Warre: and therefore this Propriety, being necessary to Peace, and depending on Soveraign Power, is the Act of that Power, in order to the publique peace. These Rules of Propriety (or Mema and Tuum) and of Good, Evil, Lamefull, and Unlamefull in the actions of Subjects, are the Civill Lawes; that is to say, the Lawes of each Common-wealth in particular; though the name of Civill Law be now restrained to the antient Civill Lawes of the City of Rome, which being the head of a great part of the World, her Lawes at that time were in these parts the Civill Law.

Eighthly, is annexed to the Soveraigntie, the Right of Judicature; that is to say, of hearing and deciding all Controversies, which may arise concerning Law, either Civill, or Naturall, or concerning Fact. For without the decision of Controversies, there is no protection of one Subject, against the injuries of another; the Lawes concerning Mema and Tuum are in vaine; and to every man remaineth, from the naturall and necessary appetite of his own conservacion, the right of protecting himselfe by his private strength, which is the condition of Warre; and contrary to the end for which every Common-wealth is instituted.
Ninthly, is annexed to the Soveraignty, the Right of making Warre, and Peace with other Nations, and Common-wealths; that is to say, of Judging when it is for the publique good, and how great forces are to be assembled, armed, and payd for that end; and to levy mony upon the Subjects, to defray the expences 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 Soveraign Instituted, therefore hath; because the command of the Militia, without other Institution, maketh him that hath it Soverain. And therefore whosoever is made Generall of an Army, he that hath the Soveraig Power is always Generalissimo.

Tenthly, is annexed to the Soveraignty, the choosing of all Counsellours, Ministers, Magistrates, and Officers, both in Peace, and War. For seeing the Soveraign is charged with the End, which is the common Peace and Defence; he is understood to have Power to use such Means, as he shall think most fit for his discharge.

Eleventhly, to the Soveraign is committed the Power of Rewarding with riches, or honour; and of Punishing with corporall, 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 condue to the encouraging of men to serve the Common-wealth, or dertering of them from doing dis-service to the same.

Lastly, considering what values men are naturally apt to set upon themselves; what respect they look for from others; and how little they value other men; from whence continually arise amongst them, Emulation, Quarrells, Factions, and at last Warre, to the destroying of one another, and diminution of their strength against a Common Enemy; It is necessary that there be Lawes of Honour, and a publique rate of the worth of such men as have deserved, or are able to deserve well of the Common-wealth; and that there be force in the hands of some or other, to put those Lawes in execution. But it hath already been shewn, that not onely the whole Militia, or forces of the Common-wealth; but also the Judicature of all Controversies, is annexed to the Soveraignty. To the Soveraign therefore it belongeth also to give titles of Honour; and to appoint what Order of place, and dignity, each man shall hold; and what signes of respect, in publique or private meetings, they shall give to one another.

These are the Rights, which make the Essence of Soveraignty; and which are the marke, whereby a man may discern in what Man, or Assembly of men, the Soveraig Power is placed, and residieth. For these are incommunicable, and inseparable. The Power to coyn Mony; to dispose of the estate and persons of Infant heires; to have preemption in Markets; and all other Statute Praeogatives, may be transferred by the Soveraign; and yet the Power to protect his Subjects be retained. But if he transferre the Militia, he retaineth the Judicature in vain, for want of execution of the Lawes: Or if he grant away the Power of raising Mony; the Militia is in vain: or if he give away the government of Doctrines, men will be frighted into rebellion with the feare of Spirits. And so if we consider any one of the said Rights, we shall presently see, that the holding of all the rest, will produce no effect, in the conservation of Peace and Justice, the end for which all Common-wealths are Instituted. And this division is it, whereof it is said, a Kingdom divided in it selfe cannot stand: For unless this division precede, division into opposite Armies can never happen. If there had not first been an opinion received of the greatest part of England, that these Powers were divided between the King, and the Lords, and the House of Commons, the people had never been divided, and fallen into this Civill Warre; first between those that disagreed in Politiques; and after between the Dissenteres about the liberty of Religion; which have so instructed men in this point of Soveraign Right, that there be few now (in England,) that do not see, that these Rights are inseparable, and will be so generally acknowledged, at the next return of Peace; and so continue, till their miseries are forgotten; and no longer, except the vulgar be better taught than they have hitherto been.

And because they are essentiall and inseparable Rights, it follows necessarily, that in whatsoever words any of them seem to be granted away, yet if the Soveraig Power it selfe be not in direct termes renounced, and the name of Soveraig no more given by the Granters to him that Grants them, the Grant is void: for when he has granted all he can, if we grant back the Soveraignty, all is restored, as inseparably annexed thereunto.

And can by no Grant passe away without direct renouncing of the Soveraign Power.

1Scribal MS reads: the temporall factions of parliamentarians and royalists, by the name of Roundheads and Cavaliers, and since between the doctrinall factions of presbyterians and Independents.
This great Authority being Indivisible, and inseparably annexed to the Soveraigny, there is little ground for the opinion of them, that say of Soveraign Kings, though they be singulis majoris, of greater Power than every one of their Subjects, yet they be Universis minoris, of lesse power than them all together. For if by all together, they mean not the collective body as one person, then all together, and every one, signifies the same; and the speech is absurd. But if by all together, they understand them as one Person (which person the Soveraign bears,) then the power of all together, is the same with the Soveraigns power; and so again the speech is absurd: which absurdity they see well enough, when the Soveraignity is in an Assembly of the people; but in a Monarch they see it not; and yet the power of Soveraigny is the same in whomsoever it be placed.

And as the Power, so also the Honour of the Soverain, ought to be greater, than that of any, or all the Subjects. For in the Soveraigny is the fountain of Honour. The dignities of Lord, Earle, Duke, and Prince are his Creatures. As in the presence of the Master, the Servants are equal, and without any honour at all; So are the Subjects, in the presence of the Soverain. And though they shine some more, some lesse, when they are out of his sight; yet in his presence, they shine no more than the Starres 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 they that live under a Monarch, think it the fault of Monarchy; and they that live under the government of Democracy, or other Soveraign Assemblies, attribute all the inconvenience to that forme of Common-wealth; whereas the Power in all formes, if they be perfect enough to protect them, is the same; not considering that the estate of Man can never be without some incommodity or other; and that the greatest, that in any forme of Government can possibly happen to the people in general, is scarce sensible, in respect of the miseries, and horrible calamities, that accompany a Civill Warre; or that dissolute condition of masterlesse men, without sujection to Lawes, and a coercive Power to tye their hands from rapine, and revenge: nor considering that the greatest pressure of Soveraign Governors, proceedeth not from any delight, or profit, they can expect in the damage, or weakening of their Subjects, in whole vigor, consisteth their own strength and glory; but in the restiveness of themselves, that unwillingly contributing to their own defence, make it necessary for their Governours 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 of their Enemies. For all men are by nature provided of notable multiplying glasses, (that is their Passions and Selfe-love,) through which, every little payment appeareth a great grievance; but are destitute of those prospective glasses, (namely Morall and Civill Science,) to see a farre off the miseries that hang over them, and cannot without such payments be avoyded.

CHAP. XIX.

Of the several Kinds of COMMON-WEALTH by Institution, and of Succession to the Soveraigne Power.

The difference of Common-wealths, consisteth in the difference of the Soveraign, or the Person representative of all and every one of the Multitude. And because the Soveraigny 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 but Three kinds of Common-wealth. 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 Common-wealth a MONARCHY: when an Assembly of All that will come together, then it is a DEMOCRACY, or Popular Common-wealth: when an Assembly of a Part onely, then it is called an ARISTOCRACY. Other kind of Common-wealth there can be none: for either One, or More, or All, must have the Soveraign Power (which I have shewn to be indivisible) entire.

There be other names of Government, in the Histories, and books

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Tyranny and Oligarchy, but different names of Monarchy, and Aristocracy.

Subordinate Representatives dangerous.

of Policy; as Tyranny, and Oligarchy: But they are not the names of other Forms of Government, but of the same Forms disliked. For they that are discontented under Monarchy, call it Tyranny; and they that are displeased with Aristocracy, called 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 Governours.

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 Warre, 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 Advise, 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 Common-wealth, 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 whosoever 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 politque Person to procure the common interest; yet he is more, or no lesse careful to procure the private good of himselfe, his family, kindred and friends; and for the most part, if the publique interest chance to crosse 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 publique and private interest are most closely united, there is the publique most advanced. Now in Monarchy, the private interest is the same with the publique. The riches, power, and honour of a Monarch arise onely from the riches, strength and reputation of his Subjects. For no King can be rich, nor glorious, nor secure; whose Subjects are either poore, or contemptible, or too weak through want, or dissention, to maintain a war against their enemies: Whereas in a Democracy, or Aristocracy, the publique prosperity confrers not so much to the private fortune of one that is corrupt, or ambitious, as doth many times a perfidious advice, a treacherous action, or a Civill warre.

Secondly, that a Monarch receiveth counsell of whom, when, and where he pleaseth; and consequently may heare 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 Counsell, none are admitted but such as have a Right thereto from the beginning; which for the most part are of those who have bene 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 governe them in it. For the Understanding is by the flame of the Passions, never enlightened, but dazled: Nor is there any place, or time, wherein an Assemble can receive Counsell with secrecy, because of their owne Multitude.

Thirdly, that the Resolutions of a Monarch, are subject to no other.
Inconstancy, than that of Humane 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 firme, (which may happen by security, negligence, or private impediments,) or the diligent appearance of a few of the contrary opinion, undoeth to day, all that was concluded yesterday.

Fourthly, that a Monarch cannot disagree with himselfe, out of envy, or interest; but an Assembly may; and that to such a height, as may produce a Civill Warre.

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 possessed; which I confesse 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 civil Councell, and to be seduced by Orators, as a Monarch by Flatterers; and becoming one another's Flatterers, serve one another's Covetousnesse and Ambition by turns. And whereas the Favorites of Monarchs, are few, and they have none els to advance but their owne Kindred; the Favorites 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, Favorites of Sovereign Assemblies, though they have great power to hurt, have little to save. For to accuse, requires lesse Eloquence (such is mas Nature) than to excuse; and condemnation, than absolution more resembles Justice.

Sixthly, that it is an inconvenience in Monarchie, that the Sovereignty may descend upon an Infant, or one that cannot discern between Good and Evill: 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 governe by his right, and in his name; as Curators, and Protectors of his Person, and Authority. But to say there is inconvenience, 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 Civill Warre. 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 forme of Government we call Monarchy, we are to consider, that the precedent Monarch, hath appointed who shall have the Tution of his Infant Successor, either expressly by Testament, or tacitly, by not controlling the Custome 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 Soveraignety, is the same. Or else the precedent Monarch, hath not at all taken order for such Tution; And then the Law of Nature hath provided this sufficient rule, That the Tution 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 dammage, is not Tution, but Treachery. So that sufficient provision being taken, against all just quarrell, about the Government under a Child, if any contention arise to the disturbance of the publique Peace, it is not to be attributed to the forme of Monarchy, but to the ambition of Subjects, and ignorance of their Duty. On the other side, there is no great Common-wealth, the Soveraignty whereof is in a great Assembly, which is not, as to consultations of Peace, and Warre, and making of Lawes, in the same condition, as if the Government were in a Child. For as a Child wants the judgement to dissent from counsell 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 counsell of the major part, be it good, or bad. And as a Child has need of a Tutor, or Protector, to preserve his Person, and Authority. So also (in great Common-wealths,) the Soveraign Assembly, in all great dangers and troubles, have need of Custodes libertatis; that is of Dictators, or Protectors of their Authority; which are as much as Temporary Monarchs; to whom for a time, they may commit the entire exercise of their Power; and have (at the end of that time) been oftener deprived thereof, than Infant Kings, by their Protectors, Regents, or any other Tutors.

Though the Kinds of Soveraignetie be, as I have now shewn, but three; that is to say, Monarchie, where One Man has it; or Democracy, where the generall Assembly of Subjects hath it; or Aristocratie, where it is in an Assembly of certain persons nominated, or otherwise
distinguished from the rest: Yet he that shall consider the particular Common-wealths that have been, and are in the world, will not perhaps easily reduce them to three, and may thereby be inclined to think there be other Formes, arising from these mingled together. As for example, Elective Kingdomes; where Kings have the Soveraigne Power put into their hands for a time; or Kingdomes, wherein the King hath a power limited: which Governments, are nevertheless by most Writers called Monarchie. Likewise if a Popular, or Aristocrati-
cal Common-wealth, subdue an Enemies Countrie, and govern the same, by a President, Procurator, or other Magistrate; this may seeme perhaps at first sight, to be a Democraticall, or Aristocraticall Government. But it is not so. For Elective Kings, are not Soveraignes, but Ministers of the Soveraigne; not limited Kings, Soveraignes, but Ministers of them that have the Soveraigne Power: Nor are those Provinces which are in subjection to a Democracie, or Aristocracie of another Common-wealth, Democratically, or Aristocratically governed, but Monarchically.

And first, concerning an Elective King, whose power is limited to his life, as it is in many places of Christendom at this day; or to certaine Yeares or Moneths, as the Dictators power amongst the Romans; If he have Right to appoint his Successor, he is no more Elective but Hereditary. But if he have no Power to elect his Successor, then there is some other Man, or Assembly known, which after his decease may elect a new, or else the Common-wealth dieth, and dissolveth with him, and returneth to the condition of Warre. If it be known who have the power to give the Soveraignetie after his death, it is known also that the Soveraignetie was in them before: For none have right to give that which they have not right to possesse, and keep to themselves, if they think good. But if there be none that can give the Soveraignetie, after the decease of him that was first elected; then has he power, nay he is obliged by the Law of Nature, to provide, by establishing his Successor, to keep those that had trusted him with the Government, from relapsing into the miserable condition of Civil warre. And consequently he was, when elected, a Soveraigne absolute.

Secondly, that King whose power is limited, is not superiour to him, or them that have the power to limit it; and he that is not superiour, is not supreme; that is to say not Soveraigne. The Soveraignetie therefore was alwayes in that Assembly which had the Right to Limit him; and by consequence the government not

Monarchy, but either Democracy, or Aristocracy; as of old time in Sparte; where the Kings had a privilege to lead their Armies; but the Soveraignetie was in the Ephori.

Thirdly, whereas heretofore the Roman People, governed the land of Judea (for example) by a President; yet was not Judea therefore a Democracy; because they were not governed by any Assembly, into the which, any of them, had right to enter; nor by an Aristocracy; because they were not governed by any Assembly, into which, any man could enter by their Election: but they were governed by one Person, which though as to the people of Rome was an Assembly of the people, or Democracy; yet as to people of Judea, which had no right at all of participating in the government, was a Monarch. For though where the people are governed by an Assembly, chosen by themselves out of their own number, the government is called a Democracy, or Aristocracy; yet when they are governed by an Assembly, not of their own choosing, 'ts a Monarchy; not of One man, over another man; but of one people, over another people.

Of all these Formes of Government, the matter being mortall, so that not onely Monarchis, but also whole Assemblies dy, it is necessary for the conservation of the peace of men, that as there was order taken for an Artificiall Man, so there be order also taken, for an Artificiall Eternity of life; without which, men that are governed by an Assembly, should return into the condition of Warre in every age; and they that are governed by One man, assoone as their Governour dyeth. This Artificiall Eternity, is that which men call the Right of Succession.

There is no perfect forme of Government, where the disposing of the Succession is not in the present Soveraigne. For if it be in any other particular Man, or private Assembly, it is in a person subject, and may be assumed by the Soveraigne at his pleasure; and consequently the Right is in himselfe. And if it be in no particular man, but left to a new choyce; then is the Common-wealth dissolved; and the Right is in him that can get it; contrary to the intention of them that did institute the Common-wealth, for their perpetuall, and not temporary security.

In a Democracy, the whole Assembly cannot faile, unless the Multitude that are to be governed faile. And therefore questions of the right of Succession, have in that forme of Government no place at all.

In an Aristocracy, when any of the Assembly dyeth, the election of
another into his room belongeth to the Assembly, as the Soveraign, to whom belongeth the choosing of all Counsellours, and Officers. For that which the Representative doth, as Actor, every one of the Subjects doth, as Author. And though the Soveraign 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 publice shall require it) be recalled.

The greatest difficulty about the right of Succession, is in Monarchy: And the difficulty ariseth 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 ratiocination, than every man is accustomed to use. As to the question, who shall appoint the Successor, of a Monarch that hath the Soveraign Authority; that is to say, who shall determine of the right of Inheritance, (for Elective Kings and Princes have not the Soveraign 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 that right is again in the dissolved multitude. For the death of him that hath the Soveraign power in propriety, leaves the multitude without any Soverain at all; that is, without any Representative in whom they shall 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 equall right to submit himselfe to such as he thinks best able to protect him; or if he can, protect himselfe by his owne sword; which is a returne 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 alwaies 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 tacite signs sufficient.

By express Words, or Testament, which it is declared by him in his life time, viva voce, or by Writing; as the first Emperours of Rome declared who should be their Heires. For the word Heire does not of itselfe imply the Children, or nearest Kindred of a man; but whomesoever a man shall have 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 Heire, 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 allowed: whereof the one is Custome. And therefore where the Custome 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 Custome 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 Custome were to advance the Female. For whatsoever Custome a man may by a word controule, and doth not, it is a natural signe he would have that Custome stand.

But where neither Custome, nor Testament hath preceded, there it is to be understood, First, that a Monarchs will is, that the government remain Monarchicall; because he hath approved that government in himselfe. 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 'tis evident that a man receives always, by reflexion, the most honour from the greatness of his nearest kindred.

But if it be lawfull 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, may turn to the oppression of his Subjects; which is indeed a great inconvenience: but it proceedeth not necessarily from the subjection to a strangers government, but from the unskilfulness of the Governours, ignorant of the true rules of Politiques. And therefore the Romans when they had subdued many Nations, to make their Government digestible, were wont to take
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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 onely the Privileges, but also the Name of Romans; and took many of them into the Senate, and Offices of charge, *in* the Roman City. And this was it our most wise *King* James, aymed 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 Civill warres, which make both those Kingdomes, 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 lawfull.

### CHAP. XX.

### Of Dominion Paternall, and Despoticall.

A Common-wealth 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 voyces, for fear of death, or bonds, do authorise all the actions of that Man, or Assembly, that hath their lives and liberty in his Power.

And this kind of Dominion, or Soveraignty, differeth from Soveraignty by Institution, onely in this, That men who choose their Soveraign, 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 Common-

*1 Syn.: even in  2 Syn.: King, King*
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Saviour himselfe acknowledges, that men ought to pay such taxes as are by Kings imposed, where he says, Give to Caesar that which is Caesar; and payed such taxes himselfe. And that the Kings word, is sufficient to take any thing from any Subject, when there is need; and that the King is Judge of that need: For he himselfe, as King of the Jewes, commanded his Disciples to take the Asse, and Asses Colt to carry him into Jerusalem, saying * Go into the Village over against you, and you shall find a shee Asse tyed, and her Colt with her, with them, and bring them to me. And if any man ask you, what you mean by it, Say the Lord hath need of them: And they will let them go. They will not ask whether his necessity be a sufficient title: nor whether he be judge of that necessity; but acquiesce in the will of the Lord.

* Mat.21.3.

To these places may be added also that of Genesis, * You shall be as Gods, knowing Good and Evill. And verse 11. Who told thee that thou wast naked? hast thou eaten of the tree, of which I commanded thee thou shouldest not eat? For the Cognizance or Judicature of Good and Evill, being forbidden by the name of the fruit of the tree of Knowledge, as a triall of Adams obedience; The Divel to enflame the Ambition of the woman, to whom that fruit already seemed beautifull, told her that by tasting it, they should be as Gods, knowing Good and Evill. Whereupon having both eaten, they did indeed take upon them Gods office, which is Judicature of Good and Evill; but acquired no new ability to distinguish between them aright. And whereas it is sayd, that having eaten, they saw they were naked; no man hath so interpreted that place, as if they had been formerly blind, and saw not their own skins: the meaning is plain, that it was then they first judged their nakednesse (wherein it was Gods will to create them) to be uncomely; and by being ashamed, did tacitely censure God himselfe. And thereupon God saith, Hast thou eaten, &c. as if he should say, deest thou that owcest me obedience, take upon thee to judge of my Commandements? Whereby it is clearly, (though Allegorically,) signified, that the Commands of them that have the right to command, are not by their Subjects to be censured, nor disputed.

So that it appeareth plainly, to my understanding, both from Reason, and Scripture, that the Soveraigne Power, whether placed in One Man, as in Monarchy, or in one Assembly of men, as in Popular, and Aristocratitical Common-wealths, is as great, as possibly men can be imagined to make it. And though of so unlimeted a Power, men may fancy many evil consequences, yet the consequences of the want of it, which is perpetuall warre of every man against his neighbour, are much worse. The condition of man in this life shall never be without Inconveniences; but there happeneth in no Common-wealth any great Inconvenience, but what proceeds from the Subjects disobedience, and breach of those Covenants, from which the Common-wealth hath its being. And whossoever thinking Soveraigne Power too great, will seek to make it lesse; must subject himselfe, to the Power, that can limit it; that is to say, to a greater.

The greatest objection is, that of the Practise, 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 Kingdome long free from Seditition and Civil Warre. In those Nations, whose Common-wealths have been long-lived, and not been destroyed, but by foreign warre, the Subjects never did dispute of the Soveraigne Power. But howsoever, an argument from the Practise of men, that have not sifted to the bottom, and with exact reason weighed the causes, and nature of Common-wealths, 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 Common-wealths, consisteth in certain Rules, as doth Arithmetique and Geometry; not (as Tennis-play) on Practise onely: 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.

CHAP. XXI.

Of the Liberty of Subjects.

Liberty, or Freedome, signifieth (properly) the absence of Liberty what. Opposition; (by Opposition, I mean externall Impediments of motion:) and may be applied no lesse to Irrationall, and Inanimate creatures, than to Rationall. For whossoever is so tyed, or environed, as it cannot move, but within a certain space, which space is determined by the opposition of some externall 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 chyns; and of the water whilst it is kept in by banks, or vessels, that otherwise would spread it selfe into a larger space, we use to say, they are not at Liberty; to move in such manner, as without those externall impediments they would. But when the impediment of motion, is the constitution of the thing it selfe, we use not to say, it wants the Liberty; but the Power to move; as when a stone lyeth still, or a man is fastned to his bed by sickness.

And according to this proper, and generally received meaning of the word, A F R E E - M A N, is he, that in those things, which by his strength and wit he is able to do, is not hindered to doe what he has a will to. But when the words Free, and Liberty, are applyed to any thing but Bodie, they are abused; for that which is not subject to Motion, is not subject to Impediment: And therefore, when 'tis 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 Guifi is Free, there is not meant any Liberty of the Guifi, 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 Freemantle, 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 inclination to doe.

Feare, and Liberty are consistent; as when a man throweth his goods into the Sea for feare the ship should sink, he doth it nevertheless very willingly, and may refuse to doe it if he will: It is therefore the action, of one that was free, so a man sometimes pays his debt, only for feare of Imprisonment, which because no body hindered him from detaining, was the action of a man at Liberty. And generally all actions which men doe in Common-wealths, for feare of the law, are actions, which the doers had liberty to omit.

Liberty, and Necessity are consistent*; as in the water, that hath not only liberty, but a necessity of descending by the Channel; so likewise in the Actions which men voluntarily doe: which, because they proceed from their will, proceed from liberty; and yet, because every act of mans will, and every desire, and inclination proceedeth from some cause, and that from another cause, in a continuall chaine, (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 mens voluntary actions, would appeare 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, & no more, nor lesse. 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 Gods will is not the cause. And did not his will assure the necessity of mans will, and consequently of all that on mans will dependeth, the liberty of men would be a contradiction, *and an impediment 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 attaying of peace, and conservation of themselves thereby, have made an Artificial Man, which we call a Common-wealth; so also have they made Artificial Chains, called Civill Lames, which they themselves, by mutual covenants, have fastned at one end, to the lips of that Man, or Assembly, to whom they have given the Soveraigne 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 Common-wealth 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 praetermitted, men have the Liberty, of doing what their own reasons shall suggest, for the most profitable to themselves. For if we take Liberty in the proper sense, for corporall Liberty; that is to say, freedome from chains, and prison, it were very absurd for men to clamor as they doe, for the Liberty they so manifestly enjoy. Again, if we take Liberty, for an exemption from Lawes, it is no lesse absurd, for men to demand as they doe, 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 Lawes are of no power to protect them, without a Sword in the hands of a man, or men, to cause those laws to

1 This is a cancel (see my Introduction p. xxx); it replaced: 'As'.
2 Syn.: and
be put in execution. The Liberty of a Subject, lyeth therefore only in those things, which in regulating their actions, the Soveraign hath praetemitted: such as is the Liberty to buy, and sell, and otherwise contract with one another; to choose their own abroad, their own diet, their own trade of life, and institute their children as they themselves think fit; & the like.

Nevertheless we are not to understand, that by such Liberty, the Soveraign Power of life, and death, is either abolished, or limited. For it hath been already shewn, that nothing the Soveraign Representative can doe to a Subject, on what pretence soever, can properly be called Injustice, or Injury; because every Subject is Author of every act the Soveraign 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. And therefore it may, and doth often happen in Common-wealths, that a Subject may be put to death, by the command of the Soveraign Power; and yet neither do the other wrong: As when Jeopta caused his daughter to be sacrificed: In which, and the like cases, he that so dieth, had Liberty to doe the action, for which he is nevertheless, without Injury put to death. And the same holdeth also in a Soveraign Prince, that puttheth to death an Innocent Subject. For though the action be against the law of Nature, as being contrary to Equitie, (as was the killing of Uriah, by David) yet it was not an Injurie to Uriah; but to God. Not to Uriah, because the right to doe what he pleased, was given him by Uriah himself: And yet to God, because David was Gods Subject; and prohibited all Iniquitie by the law of Nature. Which distinction, David himself, when he repented the fact, evidently confirmed, saying, To thee only have I sinned. In the same manner, the people of Athens, when they banished the most potent of their Common-wealth for ten years, thought they committed no Injustice; and yet they never questioned what crime he had done; but what hurt he would doe: Nay they commanded the banishment of they knew not whom; and every Citizen bringing his Oystershell into the market place, written with the name of him he desired should be banished, without actuall 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 Soveraign People of Athens wanted right to banish them; or an Athenian the Libertie to Jest, or to be Just.

The Liberty, whereof there is so frequent, and honourable mention, in the Histories, and Philosophy of the Antient Greeks, and Romans, and in the writings, and discourse of those that from them have received all their learning in the Politiques, is not the Libertie of Particular men; but the Libertie of the Common-wealth: which is the same with that, which every man then should have, if there were no Civil Laws, nor Common-wealth at all. And the effects of it also be the same. For as amongst masterlesse men, there is perpetuall 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 Libertie in every Particular man: So in States, and Common-wealths not dependent on one another, every Common-wealth, (not every man) has an absolute Libertie, to doe what it shall judge (that is to say, what that Man, or Assembly that representeth it, shall judge) most conducing to their benefit. But withall, they live in the condition of a perpetuall war, and upon the confines of battell, with their frontiers armed, and canons planted against their neighbours round about. The Athenians, and Romans were free; that is, free Common-wealths: not that any particular man had the Libertie to resist their own Representative; but that their Representative had the Libertie to resist, or invade other people. There is written on the Turrets of the city of Luca in great characters at this day, the word LIBERTAS; yet no man can thence inferre, that a particular man has more Libertie, or Immunitie from the service of the Commonwealth there, than in Constantinople. Whether a Common-wealth be Monarchall, or Popular, the Freedome is still the same.

But it is an easy thing, for men to be deceived, by the specious name of Libertie; and for want of Judgement to distinguish, mistake that for their Private Inheritance, and Birth right, which is the right of the Publique only. And when the same error is confirmed by the authority of men in reputation for 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 Common-wealths, from Aristotle, Cicero, and other men, Greeks and Romanes, that living under Popular States, derived those Rights, not from the Principles of Nature, but transcribed them into their books, out of the Practise of
Of Common-wealth

their own Common-wealths, which were Popular; as the Grammarians describe the Rules of Language, out of the Pratice 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 Free-men, and all that lived under Monarchy were slaves; therefore Aristotle puts it down in his Politiques, (lib 6. cap. 2.) In democracy, Liberty is to be supposed: for 'tis 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 falseshow 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 dearly bought, as these Western parts have bought the learning of the Greek and Latine 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 passe away, when we make a Common-wealth; or (which is all one,) what Liberty we deny our selves, by owning all the Actions (without exception) of the Man, or Assembly we make our Sovereign. For in the act of our Submission, consisteth both our Obligation, and our Liberty; which must therefore be inferred by arguments taken from thence; there being no Obligation on any man, which ariseth 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 Authorise 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 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 14. Chapter, that Covenants, not to defend a mans own body, are void. Therefore,

If the Sovereign command a man (though justly condemned,) to kill, wound, or mayme himself; or to not resist those that assault him; or to abstain from the use of food, ayre, 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 shewn 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 Authorise, 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. 'Tis one thing to say, Kill me, or my fellow, if you please; another thing to say, I will kill my selfe, or my fellow. It followeth therefore, that

No man is bound by the words themselves, either to kill himselfe, 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 Souldier 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 substitueth a sufficient Souldier in his place: for in this case he desereth not the service of the Common-wealth. And there is allowance to be made for natural timorousnesse, 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 dis-
honourably. For the same reason, to avoid battle, is not Injustice, but Cowardice. But he that inrowleth himself a Souldier, or taketh, if he be pressed, mony, 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 Captaines leave. And when the Defence of the Common-wealth, requireth at once the help of all that are able to bear Arms, every one is obliged; because otherwise the Institution of the Common-wealth, which they have not the purpose, or courage to preserve, was in vain.

To resist the Sword of the Common-wealth, in defence of another man, guilty, or innocent, no man hath Liberty; because such Liberty, takes away from the Soveraign, 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 Soveraign Power unjustly, or committed some Capital crime, for which every one of them expecteth death, whether have they 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 Soveraign 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 lesse; and in some times more, in other times lesse, according as they that have the Soveraigny shall think most convenient. As for Example, there was a time, when in England a man might enter in to his own Land, (and dispossesse such as wrongfully possessed it,) by force. But in after-times, 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 Soveraigne, of debt, or of right of possession of lands or goods, or concerning any service required at his hands, or concerning any penalty, corporall, 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 Soveraign. For seeing the Soveraigne demandeth by force of a former Law, and not by vertue of his Power; he declareth thereby, that he requireth no more, than shall appear to be due by that Law. The sute therefore is not contrary to the will of the Soveraigne; 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 lyeth, in that case, no action of Law: for all that is done by him in Vertue of his Power, is done by the Authority of every Subject, and consequently, he that brings an action against the Soveraign, brings it against himselfe.

If a Monarch, or Soveraign 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 transferre the Soveraignety 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 Soveraign Power: and therefore the Soveraignity is still retayned; and consequently all those Powers, which are necessary to the exercising thereof; such as are the Power of Warre, and Peace, of Judicature, of appointing Officers, and Councellours, of levying Mony, and the rest named in the 18th Chapter.

The Obligation of Subjects to the Soveraigne, 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 Soveraignty is the Soule of the Common-wealth; which once departed from the Body, the members doe no more receive their motion from it. The end of Obedience is Protection; which, wheresoever a man seeth it, either in his own, or in another's sword, Nature applyeth his obedience to it, and his endeavours to maintain it. And though Soveraignty, in the intention of them that make it, be immortall; 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 naturall mortality, by Intestine Discord.
In case of Captivity.

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 corporall Libertie given him, on condition to be Subject to the Victor, he hath Libertie 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 detaine on the same termes, in a foreign country. But if a man be held in prison, or bonds, or is not trusted with the libertie of his bodie; he cannot be understood to be bound by Covenant to subjection; and therefore may, if he can, make his escape by any means whatsoever.

If a Monarch shall relinquish the Soveraignty, both for himself, and his heires; His Subjects returne to the absolute Libertie 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 Heyr. If therefore he will have no Heyr, there is no Soveraigny, nor Subjection. The case is the same, if he dye without known Kindred, and without declaration of his Heyr. For then there can no Heire be known, and consequently no Subjection be due.

If the Soveraign Banish his Subject; during the Banishment, he is not Subject. But he that is sent on a message, or hath leave to travell, is still Subject; but it is, by Contract between Soveraigns, not by vertue of the covenant of Subjection. For whoseover entrench into another's dominion, is Subject to all the Laws thereof; unless he have a privilege by the amity of the Soveraigns, or by speciall 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 libertie of his own Body; he is not understood to have given away the Right of Soveraigntie; 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.

Of Common-wealth

Systemes Subject, Politicall, and Private

CHAP. XXII.

Of Systemes Subject, Politicall, and Private.

Having spoken of the Generation, Forme, and Power of a Common-wealth, I am in order to speak next of the parts thereof. And first of Systemes, which resemble the similar parts, or Muscles of a Body natural; By Systemes; I understand any numbers of men joined in one Interest, or one Businesse. Of which, some are Regular, and some Irregular. Regular are those, where one Man, or Assembly of men, is constituted Representative of the whole number. All other are Irregular.

Of Regular, some are Absolute, and Independent, subject to none but their own Representative: such are only Common-wealths; Of which I have spoken already in the 5. last precedent chapters. Others are Dependent; that is to say, Subordinate to some Soveraign Power, to which every one, as also their Representative is Subject.

Of Systemes subordinate, some are Politicall, and some Private. Politicall (otherwise Called Bodies Politique, and Persons in Law.) are those, which are made by authority from the Soveraign Power of the Common-wealth. Private, are those, which are constituted by Subjects amongst themselves, or by authority from a stranger. For no authority derived from forraign power, within the Dominion of another, is Publique there, but Private.

And of Private Systemes, some are Lawfull; some Unlawfull. Lawfull, are those which are allowed by the Common-wealth: all other are Unlawfull. Irregular Systemes, are those which having no Representative, consist only in concourse of People; which if not forbidden by the Common-wealth, nor made on evil designe, (such as are conflux of People to markets, or shews, or any other harmless end,) are Lawfull. But when the Intention is evil, or (if the number be considerable) unknown, they are Unlawfull.

In Bodies Politique, the power of the Representative is always Limited: And that which prescribeth the Limits thereof, is the Power Soveraign. For Power Unlimited, is absolute Soveraignity. And the