

as the fayling of Vertue in the Pastors, maketh Faith faile in the People; and partly from bringing of the Philosophy, and doctrine of *Aristotle* into Religion, by the Schoole-men; from whence there arose so many contradictions, and absurdities; as brought the Clergy into a reputation both of Ignorance, and of Fraudulent intention; and enchained people to revolt from them, either against the will of their own Princes, as in *France*, and *Holland*; or with their will, as in *England*.

1601 Lastly, amongst the points by the Church of *Rome* declared necessary for Salvation, there be so many, manifestly to the advantage of the Pope, and of his spirituall subjects, residing in the territories of other Christian Princes, that were it not for the mutuall emulation of those Princes, they might without waere, or trouble, exclude all forraign Authority, as easily as it has been excluded in *England*. For who is there that does not see, to whose benefit it conduceth, to have it believed, that a King hath not his Authority from Christ, unless a Bishop crown him? That a King, if he be a Priest, cannot Marry? That whether a Prince be born in lawfull Marriage, or not, must be judged by Authority from *Rome*? That Subjects may be freed from their Allegiance, if by the Court of *Rome*, the King be judged an Hereique? That a King (as *Chilperique of France*) may be deposed by a Pope (as Pope *Zachary*), for no cause; and his Kingdome 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 recound the Fees of private Masses, and Vales of Purgatory; with other signes of private interest, enough to mortifie the most lively Faith, if (as I sayd) the civill Magistrate, and Custome did not more sustain it, than any opinion they have of the Sanctity, Wis-

dom, or Prohiby 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, displeasing Priests; and those not only amongst Catholics, but even in that Church that hath presumed most of Reformation.~~

CHAP. XIII

*Of the NATURAL CONDITION of Mankind,
as concerning their Felicity, and Misery*

NATURE hath made men so equal, in the faculties of body, and mind; as that though there bee found one man sometimes manifestly stronger in body, or of quicker mind than another; yet when all is reckoned together, the difference between man, and man, is not so considerable, as that one man can thereupon claim to 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 groundd upon words, and especially that skill of proceeding upon generall, 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 (61) those things they equally apply themselves unto. That which may perhaps make such equality incredible, is but a vain conceipt of ones owne wisdom, which almost all men

Men by nature Equall

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 Equally proceeds Diffidence

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 conservation, and sometimes their delectation 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 dispossesse, 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.

From Diffidence Warre

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 requireth, 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 mans conservation, it ought to be allowed him.

Again, men have no pleasure, (but on the contrary a great deale 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 contempters, by damage; 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.

1621 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 WARRE, consisteth not in

Out of Civil States, there is alwayes one against every one

Bartell onely, or the act of fighting; but in a tract of time, wherein the Will to contend by Bartell 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 shovre or two of rain; but in an inclination thereto of many dayes together: So the nature of War, consisteth not in actual fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is *PeaCe*.

The Incommodities of such a War

Whatsoever 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 armes 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 knows there be Lawes, and publike Officers, armed, to revenge all injuries shall be done him; what opinion he has of his fellow subjects, when he rides armed; of his fellow Citizens, when he locks his 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 mans 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.

1631 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 natural 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 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 Sovereigne 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 con-

tinnal Spyes 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.

In such a Warre, nothing is Unjust

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 only 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 incline men to Peace

The Passions that encline men to Peace, are Feare 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. [64]

CHAP. XIV Of the first and second NATURALL LAWES, and of CONTRACTS

CHAP. XIV

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 therunto.

By LIBERTY, is understood, according to the proper signification of the word, the absence of external Impediments: which Impediments, may oft take away part of a 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 what

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.

Difference of Right and Law

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

Naturally every man has Right to everything

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 alloweth men to live. And consequently it is a precept, or generall rule of Reason, *That every man, ought to endeavour Peace, as farre as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of Warre.* The first branch of which Rule, containeth the first, and Fundamentall Law of Nature; which is, *to seek Peace, and follow it.* The Second, the summe of the Right of Nature; which is, *By all means we can, to defend our selves.*

The second
Law of Nature

From this Fundamentall Law of Nature, by which men are commanded to endeavour Peace, is derived this second Law; *That a man be willing, when others are so too, as farre-forth, as for Peace, and 1651 defence of himselfe he shall think it necessary, to lay down this right to all things; and be contented with so much liberty against other men, as he would allow other men against himselfe.* For as long as every man holdeth this Right, of doing any thing he liketh; so long are all men in the condition of Warre. But if other men will not lay down their Right, as well as he; then there is no Reason for any one, to devalue himselfe of his: For that were to expose himselfe to Prey, (which no man is bound to) rather than to dispose himselfe to Peace. This is that Law of the Gospel; *Whatsoever you require that others should do to you, that do ye to them.* And that Law of all men, *Quod tibi fieri non vis, alteri ne feceris.*

What it is to lay down a Right
To lay downe a mans Right to any thing, is to devalue himselfe of the Liberty, of hindring another of the benefit of his own Right to the same. For he

that renounceth, or passeth away his Right, giveth not to any other man a Right which he had not before; because there is nothing to which every man had not Right by Nature: but onely standeth out of his way, that he may enjoy his own originall Right, without hindrance from him; not without hindrance from another. So that the effect which redoundeth to one man, by another mans defect of Right, is but so much diminution of impediments to the use of his own Right originall.

Right is layd aside, either by simply Renouncing it; or by Transferring it to another. By Simply Renouncing; when he cares not to whom the benefit thereof redoundeth. By TRANSFERRING; when he intendeth the benefit thereof to some certain person, or persons. And when a man hath in either manner abandoned, or granted away his Right; then is he said to be OBLIGED, or BOUND, not to hinder those, to whom such Right is granted, or abandoned, from the benefit of it: and that he

Transferring a
Right what
Right what

Duty

Obligation

Injustice

Ought, and it is his DUTY, not to make voyd 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 Renounceth, 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 onely, or Actions onely; 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 then a mans word,) but from Feare of some evil consequence upon the rupture.

Not all
Rights are
alienable

Whosoever a man Transferreth his Right, or Renounceth it; it is either in consideration of some Right reciprocally transferred to 1661 himselfe; 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 himselfe. 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 was ignorant of how such words and actions were to be interpreted.

Contract what 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 money; or exchange of goods, or lands: and it may be delivered some time after.

Again, one of the Contractors, may deliver the Thing contracted for on his part, and leave the other to perform his part at some determinate time after, and in the mean time be trusted; and then the Contract on his part, is called PACT, or COVENANT: Or both parts may contract now, to 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 fayling of performance (if it be voluntary) *Violation of Faith*.

When the transferring of Right, is not mutuall; but one of the partes 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 *Expresse*, or by *Inference*. *Expresse*, 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; 1671 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

Covenant
what

Signes of
Contract Ex-
presse

Signes of
Contract by
Inference

Contract, is whatsoever sufficiently argues the will of the Contractor.

*Free gift
passeth by
words of the
Present or
Past*

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 morrows 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, *Vole hoc num esse cras*, 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 be understood, he should not have let them runne.

*Signes of
Contract are
words both of
the Past, Pre-
sent, and Fu-
ture*

In Contracts, the right passeth, not onely where the words are of the time Present, or Past; but also where they are of the Future: because all Contract is mutuall translation, or change of Right; and therefore he that promiseth onely, 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 money 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 money; 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 *Merit* onely by the benignity of the Giver: In Contract, I merit at the Contractors hand that hee 1681 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 (hoodwink't 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 Righteousness, or any other power in himselfe, but by the Free Grace of God

Merit what

only; 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 termes 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.

Covenants of Mutual trust, when Invalid

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 suspicion, it is Voyd: But if there be a common Power set over them both, with right and force sufficient to compell 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 civill 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 by the Covenant is to perform first, is obliged so to do.

The cause of feare, which maketh such a Covenant invalid, must be alwayes 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 transferreth any Right, transferreth the Means of enjoying it, as farre as lyeth in his power. As he that selleth Land, is understood to transferre the Herbage, and whatsoever grows upon it; Nor can he that sells a Mill turn away the Stream that drives it. And they that give to a man the Right of government in Sovereignty, are understood to give him the right of levying money to maintain Souldiers; and of appointing Magistrates for the administration of justice.

To make Covenant with brut Beasts, is impossible; because not understanding our speech, they understand not, nor accept of any (69) translation of Right; nor can translate any Right to another: and without mutual acceptation, 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 alwayes something that falleth under deliberation. (For to 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 alwayes 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

Right to the End, Contains Right to the Means

No Covenant with Beasts

Nor with God without speciall Revelation

No Covenant, but of Possible and Future

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 unforged endeavour of performing as much as is possible: for to more no man can be obliged.

*Covenants
how made
voyd*

Men are freed of their Covenants two wayes; by Performing; or by being Forgiven. For Performance, is the naturall end of obligation; and Forgiveness, the restitution of liberty; as being a retransferring of that Right, in which the obligation consisted.

*Covenants
extorted by
fear are va-
lida*

Covenants entred into by fear, in the condition of mee Nature, are obligatory. For example, if I Covenant to pay a ransom, or service for my life, to an enemy; I am bound by it. For it is a Contract, wherein one receiveth the benefit of life; the other is to receive money, or service for it; and consequently, where no other Law (as in the condition, of mee Nature) forbiddeth 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 Prisoner, make a disadvantageous peace with a stronger, for feare; he is bound to keep it; unlesse (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 (thorough feare: and what I lawfully Covenant, I cannot lawfully break.

*The former
Covenant to
one, makes
voyd the later
to another*

A former Covenant, makes voyd a later. For a man that hath passed away his Right to one man to day, hath it not to paye it tomorrow 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 alwayes voyd. For (as I have shewed before) no man can transerre, or lay down his Right to save himselfe from Death, Wounds, and Imprisonment, (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, *Unlesse I do so, or so, kill me; he cannot Covenant thus, Unlesse 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 invalide. 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 willingly given, is presumed 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:

*A mans Co-
venant not to
defend him-
selfe, is voyd*

*No man
obliged to
accuse him-
selfe*

and therefore ought not to have the credit of a sufficient Testimony: for whether he deliver himself by true, or false Accusation, he does it by the Right of preserving his own life.

The End of an Oath

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 breake 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 Civill 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 Feare as a Revenger of their perfidy. All therefore that can be done 1711 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 promisseth, signifyeth, 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 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 unnecessarily 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 too 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 unlawfull, bindeth not at all; though it be confirmed with an Oath.

No Oath, but by God

An Oath addes nothing to the Obligation

CHAP. XV

Of other Lawes of Nature

FROM that law of Nature, by which we are obliged to transerre 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 vaine, and but Empty words; and the Right of all*

The third Law of Nature, Justice

times, 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 conditionally, are generally called *SURETYES*, in Latine *Fidejussores*, and *Sponsors*; and particularly for Debt, *Pyrades*; and for Appearance before a Judge, or Magistrate, *Vades*. 1851

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 wee 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 naturall Passions of men, when there is no visible Power to keep them in awe, and tye them by feare of punishment to the performance of their Covenants, and observation of those Lawes of Nature set down in the fourteenth and fifteenth Chapters.

Chap. 13

For the Lawes of Nature (as Justice, Equity, Modesty, Mercy, and (in summe) doing to others, as wee would be done to,) of themselves, without the terror of some Power, to cause them to be observed, are contrary to our naturall 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

Which is not to be had from the Law of Nature:

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 spoyles 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 remembered for it in after ages with honour.

Nor from the conjunction of a few men or families:
 Yes: Nor is it the joyning together of a small number of men, that gives them this security; because in small numbers, small additions 1861 on the one side or the other, make the advantage of strength so great, as is sufficient to carry the Victory; and therefore gives encouragement to an Invasion. The Multitude sufficient to confide in for our Security, is not determined by any certain number, but by comparison with the Enemy we 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.

Nor from a great Multitude, unless directed by one Judge-meat:
 And be there never so great a Multitude; yet if their actions be directed according to their particular judgements, and particular appetites, they can expect thereby no defence, nor protection, neither against a Common enemy, nor against the injuries of one another. For being distracted in opinions concerning the best use and application of their

strength, they do not help, but hinder one another; and reduce their strength by mutuall 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 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 endeavour against a forraign 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 consequently amongst men there ariseth on

And that continually

Why certain creatures without reason, or speech, do nevertheless live in Society, without any coëtive Power

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 enclined to their private, they procure thereby the common benefit. But man, whose Joy consisteth in comparing himself with other men, can relish nothing but what is eminent.

Thirdly, that these creatures, having not (as man) the use of reason, do not see, nor think they see any fault, in the administration of 1871 their common businesse: whereas amongst men, there are very many, that thinke themselves wiser, and abler 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 Distracti-
tion 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 man can represent to others, that which is Good, in the likeness of Evil; and Evil, in the likeness of Good; and augment, or diminish the apparent greatness of Good and Evil; discontenting men, and troubling their Peace at their pleasure.

Fiftly, irrational creatures cannot distinguish betweene *Injury*, and *Damage*; and therefore as long as they be at ease, they are not offended with their fellowes: whereas Man is then most troublesome, when he is most at ease: for then it is that he loves to shew his Wisdom, and controule the Actions of them that governe 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 industrie, and by the fruites 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 beareth their Person, shall Act, or cause to be

Acted, in those things which concerne 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 latine 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 *Immortall 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 (1881 conferred on him, that by terror thereof, he is enabled to forme the wills of them all, to Peace at home, and mutuall ayd against

The Definition of a Commonwealth

their enemies abroad. And in him consisteth the Essence of the Common-wealth; which (to define it,) is *One Person, of whose Acts a great Multitude, by mutuall Covenants one with another, have made themselves every one the Author, to the end he may use the strength and means of them all, as he shall think expedient, for their Peace and Common Defence.*

Sovereign, and Subject, what

And he that carryeth this Person, is called SOVERAIGNE, and said to have *Sovereigne Power*; and every one besides, his SUBJECT.

The attaining to this Sovereigne Power, is by two wayes. One, by Naturall force; as when a man maketh his children, to submit themselves, and their children to his government, as being able to destroy them if they refuse; or by Warre subdueth his enemies to his will, giving them their lives on that condition. The other, is when men agree amongst themselves, to submit to some Man, or Assembly of men, voluntarily, on confidence to be protected by him against all others. This later, may be called a Politicall Common-wealth or Common-wealth by *Institution*; and the former, a Common-wealth by *Acquisition*. And first, I shall speak of a Common-wealth by Institution.

CHAP. XVIII

Of the RIGHTS of Sovereignes by Institution

The act of Instituting a Commonwealth, what

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 *Representative*;) every one, as well he

that *Voted for it*, 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 obliged by former *Covenant* to any thing repugnant hereunto. And Consequently they that have already Instituted a Common-wealth, being thereby bound by *Covenant*, to own the Actions, and Judgements of one, cannot lawfully make a new *Covenant*, amongst themselves, to be obedient to any other, in any thing whatsoever, without his permission. And therefore, they that are subjects to a Monarch, cannot without his leave cast off Monarchy, and return to the confusion of a disunited Multitude; nor transferrè their Person from him that beareth it, to another *Man*, or other Assembly of men: for they 1891 are bound, every man to every man, to Own, and be reputed Author of all, that he that already is their Sovereigne, shall do, and judge fit to be done: so that any one man dissenting, all the rest should break their *Covenant* made to that man, which is injustice: and they have also every man given the Sovereignty to him that beareth their Person; and therefore if they depose him, they take from him that which is his own, and so again it is injustice. Besides, if he that attempteth to depose his Sovereign, be killed, or punished by him for such attempt, he is author of his own punishment, as being by the Institution, Author of all his Sovereign shall do: And because it is injustice for a man to do any thing, for which

The Consequences to such Institution, are 1. The Subjects cannot change the government

he may be punished by his own authority, he is also upon that title, unjust. And whereas some men have pretended for their disobedience to their Sovereign, a new Covenant, made, not with men, but with God; this also is unjust: for there is no Covenant with God, but by mediation of some body that representeth Gods Person; which none doth but Gods Lieutenant, who hath the Sovereignty under God. But this pretence of Covenant with God, is so evident a lye, even in the pretenders own consciences, that it is not onely an act of an unjust, but also of a vile, and unmanly disposition.

2. Sovereigne Power cannot be forfeited

Secondly, Because the Right of bearing the Person of them all, is given to him they make Sovereigne, by Covenant onely of one to another, and not of him to any of them; there can happen no breach of Covenant on the part of the Sovereigne; and consequently none of his Subjects, by any pretence of forfeiture, can be freed from his Subjection. That he which is made Sovereigne maketh no Covenant with his Subjects beforehand, is manifest; because either he must make it with the whole multitude, as one party to the Covenant; or he must make a severall Covenant with every man. With the whole, as one party, it is impossible; because as yet they are not one Person: and if he make so many severall Covenants as there be men, those Covenants after he hath the Sovereignty are voyd, 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 receiveth his Power by Covenant, that is to say on Condition, proceeded from want of understanding this easie truth, that Covenants being but words, and breath, have no force to oblige, constrain, constrain, or protect any man, but what it has from the publique Sword; that is, from the untied hands of that Man, or Assembly of men that hath the Sovereignty, and whose actions are avouched by them igo! 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 Sovereigne; 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 Congregation of them that were assembled, he sufficiently declared thereby his will (and therefore tacitely covenanted) to stand to what the major part should ordayne: and therefore if he refuse to stand thereto, or make Protestation against any of

3. No man can without injusite protest against the Institution of the Sovereigne declared by the major part

their Decrees, he does contrary to his Covenant, and therefore unjustly. And whether he be of the Congregation, 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.

4. The Sovereigns Actions cannot be justly accused by the Subjects

Fourthly, because every Subject is by this Institution Author of all the Actions, and Judgments of the Sovereigne Instituted; it followes, 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 Sovereigne doth; and consequently he that complaineth of injury from his Sovereigne, complaineth of that whereof he himself is Author; and therefore ought not to accuse any man but himself; no nor himselfe of injury; because to do injury to ones selfe, is impossible. It is true that they that have Sovereigne power, may commit Iniquity; but not Injustice, or Injury in the proper signification.

5. Whatsoever the Sovereigne doth, is unpunishable by the Subject

Fifthly, and consequently to that which was said last, no man that hath Sovereigne 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 Sovereigne; he punisheth another, for the actions committed by himselfe.

6. The Sovereigne is Judge of what is necessary for the Peace and Defence of his Subjects

And because the End of this Institution, is the Peace and Defence of them all; and whatsoever has right to the End, has right to the Means; it belongeth of Right, to whatsoever Man, or Assembly that hath the Sovereignty, 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 191 Hostility from abroad; and, when Peace and Security are lost, for the recovery of the same. And therefore,

Sixthly, it is annexed to the Sovereignty, 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 bookes 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 be 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 unskilfullnesse of Governours, and Teachers, false Doctrines are by time generally received; the contrary Truths may be generally offensive: Yet the most sudden, and rough busing in, of a new Truth, that can be, does never breake the Peace, but only sometimes awake the Warre. For those men that are so remissely 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 feare of one another; and they live as it were, in the prociuncs of bataille continually. It belongeth therefore to him that hath the Sovereign Power, to be Judge, or constitute all Judges of Opinions and Doctrines, as a thing necessary to Peace, thereby to prevent Discord and Civill Warre.

And Judge of what Doctrines are fit to be taught them

7. The Right of making Rules, whereby the Subjects may enjoy what is so his owne, as no other Subject can without injustice take it from him

Seventhly, is annexed to the Sovereigntie, the whole power of prescribing the Rules, whereby every man may know, what Goodes 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 Sovereign 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 Sovereign Power, is the Act of that Power, in order to the publique peace. These Rules of Propriety (or *Muum* and *Tuum*) and of Good, Evil, Lawfull, and Unlawfull in the actions of Subjects, are the Civill Lawes, that is to say, the Lawes of each Commonwealth in particular; though the name of Civill Law be now restrained to the ancient 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.

8. To him also belongeth the Right of all Judicature and decision of Controversies:

Eightly, is annexed to the Sovereigntie, 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 *Muum* and *Tuum* are in vaine; and to every man remaineth, from the naturall and necessary appetite of his own conservation, the right of protecting himselfe by his private strength, which is the condition 1921 of Warre; and contrary to the end for which every Commonwealth is instituted.

9. And of making War, and Peace, as he shall thinke best:

Ninthly, is annexed to the Sovereignty, 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 money upon the Subjects, to defray the expenses thereof. For the Power by which the people are to be defended, consisteth in their Armies; and the strength of an Army, in the union of their strength under one Command; which Command the Sovereign Instituted, therefore hath; because the command of the *Militia*, without other Institution, maketh him that hath it Sovereign. And therefore whosoever is made General of an Army, he that hath the Sovereign Power is alwayes Generalissimo.

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

Eleventhly, to the Sovereign is committed the Power of Rewarding with riches, or honour; and of Punishing with corporal, or pecuniary punishment, or with ignominy every Subject according to the Law he hath formerly made; or if there be no Law made, according as he shall judge most to conduce to the encouraging of men to serve the Common-wealth, or deterring 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

10. And of choosing all Councelhours, and Ministers, both of Peace, and Warre:

11. And of Rewarding, and Punishing, and that (where no former Law hath determined the measure of it) arbitrary:

12. And of Honour and Order

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 Commonwealth; but also the Judicature of all Controversies, is annexed to the Sovereignty. To the Sovereign 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 Rights are indivisible

These are the Rights, which make the Essence of Sovereignty; and which are the markes, whereby a man may discern in what Man, or Assembly of men, the Sovereign Power is placed, and resideth. For these are incommunicable, and inseparable. The Power to coyn Mony; to dispose of the estate and persons of Infant heires; to have præemption in Markets; and all other Statute Prærogatives, may be transferred by the Sovereign; and yet the Power to protect his Subjects be retained. But if he transerre the *Militia*, he retains 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 *Kingdome 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 Dissenters about the liberty of Religion; which have so instructed men in this point of Sovereign 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 Sovereign Power it selfe be not in direct termes renounced, and the name of Sovereign no more given by the Grantees to him that Grants them, the Grant is voyd: for when he has granted all he can, if we grant back the Sovereignty, all is restored, as inseparably annexed therunto.

The Power and Honour of Subjects vanishest in the presence of the Power Sovereign

This great Authority being Indivisible, and inseparably annexed to the Sovereignty, there is little ground for the opinion of them, that say of Sovereign Kings, though they be *singulis majores*, of greater Power than every one of their Subjects, yet they be *Universis minores*, 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*, signifie the same; and the speech is absurd. But if by *all together*, they understand them as one Person (which person the Sovereign bears,) then the power of all together, is the same with the Sovereigns power; and so again the speech is absurd: which absurdity they see well enough, when the Sovereignty is in an Assembly of the people; but in a Monarch they see it not; and yet the power of Sovereignty is the same in whomsoever it be placed.

And as the Power, so also the Honour of the

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

Sovereign, ought to be greater, than that of any, or all the Subjects. For in the Sovereignty 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 Sovereign. 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.

Sovereign Power not so hurtfull as the want of it, and the hurt proceeds for the greatest part from not submitting to a ready, lesse

1941 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 Sovereign Assembly, 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 generall, is scarce sensible, in respect of the miseries, and horrible calamities, that accompany a Civill Warre; or that dissolution of masterlesse men, without subjection to Lawes, and a coercive Power to tye their hands from rapine, and revenge: nor considering that the greatest pressure of Sovereign Governours, proceeded not from any delight, or profit they can expect in the damage, or weakening of their Subjects, in whose 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 on their Enemies. For all men are by nature provided of notable multiplying glasses, (that is their Passions and Self-love,) through which, every little payment appeareth a great grievance; but are destitute of those prospective glasses, (namely 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 severall Kinds of Common-wealth by Institution, and of Succession to the Sovereign Power

THE difference of Common-wealths consisteth in the difference of the Sovereign, or the Person representative of all and every one of the Multitude. And because the Sovereignty is either in one Man, or in an Assembly of more than one; and into that Assembly either Every man hath right to enter, or not every one, but Certain men distinguished from the rest; it is manifest, there can be but Three kinds of 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 Sovereign Power (which I have shewn to be indivisible) entire.

1951 There be other names of Government, in the

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