

From Thomas Hobbes's *Leviathan; or the Matter, Form, and Power of a Commonwealth Ecclesiastical and Civil*

Leviathan, first published in 1651, is the most famous of Hobbes's writings. Chapter 13 argues that in our "natural condition"—that is, without government—we would make each other miserable. Chapters 14 and 15 present Hobbes's "laws of nature," that is, the rules we ought to follow to escape this misery. Chapter 17 argues that nothing less than a powerful sovereign (government) will keep us safe. Chapter 21 describes our limited liberties under the sovereign, and discusses our duties for military service.

Chapter 13. Of The Natural Condition of Mankind as Concerning their Felicity, and Misery.

[1] Nature hath made men so equal, in the faculties of body, and mind; as that though there be found one man sometimes manifestly stronger in body, or of quicker mind than another; yet when all is reckoned together, the difference between man, and man, is not so considerable, as that one man can thereupon claim to himself any benefit, to which another may not pretend, as well as he. For as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others, that are in the same danger with himself.

[2] 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 else,) I find yet a greater equality amongst men, than that of strength. For prudence, is but experience; which equal time, equally bestows 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 one's own wisdom, 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 men's at a distance. But this proveth rather that men are in that point equal, than unequal. For there is not ordinarily a greater sign of the equal distribution of any thing, than that every man is contented with his share.

[3] 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 own conservation, and sometimes their delectation only,) endeavour to destroy, or subdue one another. And from hence it comes to pass, that where an invader hath no more to fear, than another man's single power; if one plant, sow, build, or possess a convenient seat, others may probably be expected to come prepared with forces united, to dispossess, 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.

[4] And from this diffidence of one another, there is no way for any man to secure himself, 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 man's conservation, it ought to be allowed him.

[5] Again, men have no pleasure, (but on the contrary a great deal of grief) 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 himself: and upon all signs 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.

[6] So that in the nature of man, we find three principal causes of quarrel. First, competition; secondly, diffidence; thirdly, glory.

[7] 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

men's persons, wives, children, and cattle; the second, to defend them; the third, for trifles, as a word, a smile, a different opinion, and any other sign of undervalue, either direct in their persons, or by reflection in their kindred, their friends, their nation, their profession, or their name.

[8] 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 war; and such a war, as is of every man, against every man. For WAR, consisteth not in battle only, or the act of fighting; but in a tract of time, wherein the will to contend by battle is sufficiently known: and therefore the notion of time, is to be considered in the nature of war; as it is in the nature of weather. For as the nature of foul weather, lieth not in a shower or two of rain; but in an inclination thereto of many days together: so the nature of war, consisteth not in actual fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is PEACE.

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

[10] It may seem strange to some man, that has not well weighed these things; that nature should thus dissociate, and render men apt to invade, and destroy one another: and he may therefore, not trusting to this inference, made from the passions, desire perhaps to have the same confirmed by experience. Let him therefore consider with himself, when taking a journey, he arms himself, and seeks to go well accompanied; when going to sleep, he locks his doors; when even in his house he locks his chests; and this when he knows there be laws, and public officers, armed, to revenge all injuries shall be done him; what opinion he has of his fellow subjects, when he rides armed; of his fellow citizens, when he locks his doors; and of his children, and servants, when he locks his chests. Does he not there as much accuse mankind by his actions, as I do by my words? But neither of us accuse man's nature in it. The desires, and other

passions of man, are in themselves no sin. No more are the actions, that proceed from those passions, till they know a law that forbids them: which till laws be made they cannot know: nor can any law be made, till they have agreed upon the person that shall make it.

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

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

[13] To this war of every man against every man, this also is consequent; that nothing can be unjust. The notions of right and wrong, justice and injustice have there no place. Where there is no common power, there is no law: where no law, no injustice. Force, and fraud, are in war the two cardinal virtues. Justice, and injustice are none of the 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 man's, that he can get; and for so long, as he can keep it. And thus much for the ill condition, which man by mere nature is actually placed in; though with a possibility to come out of it, consisting partly in the passions, partly in his reason.

[14] The passions that incline men to peace, are fear 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 Laws of Nature: whereof I shall speak more particularly, in the two following chapters.

Chapter 14. Of the First and Second Natural Laws, and of Contracts.

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

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

[3] A LAW OF NATURE, (*lex naturalis*.) is a precept, or general rule, found out by reason, by which a man is forbidden to do that, which is destructive of his life, or taketh away the means of preserving the same; and to omit that, by which he thinketh it may be best 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.

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

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

[6] To *lay down* a man's *right* to any thing, is to *divest* himself of the *liberty*, of hindering 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 only standeth out of his way, that he may enjoy his own original right, without hindrance from him; not without hindrance from another. So that the effect which redoundeth to one man, by another man's defect of right, is but so much diminution of impediments to the use of his own right original.

[7] Right is laid aside, either by simply renouncing it; or by transferring it to another. By *simply* RENOUNCING; when he cares not to whom the benefit thereof redoundeth. By 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 *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 scholars 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 sign, or signs, that he doth so renounce, or transfer; or hath so renounced, or transferred the same, to him that accepteth it. And these signs are either words only, or actions only; or

(as it happeneth most often) both words, and actions. And the same are the BONDS, by which men are bound, and obliged: bonds, that have their strength, not from their own nature, (for nothing is more easily broken than a man's word,) but from fear of some evil consequence upon the rupture.

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

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

[10] There is difference between transferring of right to the thing; and transferring, or tradition, that is, delivery of the thing it self. 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.

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

[12] When the transferring of right, is not mutual; but one of the parties transferreth, in hope to gain

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

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

[14] Signs 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 sign by inference, of any contract, is whatsoever sufficiently argues the will of the contractor.

[15] Words alone, if they be of the time to come, and contain a bare promise, are an insufficient sign of a free-gift and therefore not obligatory. For if they be of the time to come, as, *tomorrow I will give*, they are a sign I have not given yet, and consequently that my right is not transferred, but remaineth till I transfer 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 tomorrow*, then is my tomorrow's right given away to day; and that by the virtue 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 hoc tuum esse cras*, and *cras dabo*; that is, between *I will that this be thine tomorrow*, and, *I will give it thee tomorrow*: for the word I will, in the former manner of speech, signifies an act of the will present; but in the latter, it signifies a promise of an act of the will to come: and therefore the former words, being of the present, transfer a future right; the latter, that be of the future, transfer nothing. But if there be other signs of the will to transfer a right, besides words; then, though the gift be free, yet may the right be understood to pass 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 run.

[16] 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 mutual 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 pass: 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.

[17] 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 only 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 virtue of my own power, and the contractor's need; but in this case of free gift, I am enabled to merit only by the benignity of the giver: in contract, I merit at the contractor's hand that he 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 another's. And this I think to be the meaning of that distinction of the Schools, between *meritum congrui*, and *meritum condigni*. For God Almighty, having promised Paradise to those men (hoodwinked with carnal 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 himself, but by the free grace of God 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 terms of art, longer than it serves their turn; I will not affirm any thing of their meaning: only this I say; when a gift is given indefinitely, as a prize to be contended for, he that winneth meriteth, and may claim the prize as due.

[18] If a covenant be made, wherein neither of the parties perform presently, but trust one another; in the condition of mere nature, (which is a condition of war of every man against every man,) upon any reasonable suspicion, it is void: but if there be a common power set over them both, with right and force sufficient to compel performance, it is not void. For he that performeth first, has no assurance the other will perform after; because the bonds of words are too weak to bridle men's ambition, avarice, anger, and other passions, without the fear of some coercive power; which in the condition of mere nature, where all men are equal, and judges of the justness of their own fears, cannot possibly be supposed. And

therefore he which performeth first, does but betray himself to his enemy; contrary to the right (he can never abandon) of defending his life, and means of living.

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

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

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

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

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

[24] 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 perform.

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

[26] 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 retransferring of that right, in which the obligation consisted.

[27] Covenants entered into by fear, in the condition of mere 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 mere nature) forbiddeth the performance, the covenant is valid. Therefore prisoners of war, if trusted with the payment of their ransom, are obliged to pay it: and if a weaker prince, make a disadvantageous peace with a stronger, for fear; he is bound to keep it; unless (as hath been said before) there ariseth some new, and just cause of fear, to renew the war. And even in commonwealths, if I be forced to redeem myself from a thief by promising him money, I am bound to pay it, till the civil law discharge me. For whatsoever I may lawfully do without obligation, the same I may lawfully covenant to do through fear: and what I lawfully covenant, I cannot lawfully break.

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

[29] A covenant not to defend myself from force, by force, is always void. For (as I have showed before) no man can transfer, or lay down his right to save himself from death, wounds, and imprisonment, (the avoiding whereof is the only end of laying down any right, and therefore the promise of not resisting force, in no covenant 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.

[30] A covenant to accuse one self, without assurance of pardon, is likewise invalid. For in the condition of nature, where every man is judge, there is no place for accusation: and in the civil state, the accusation is followed with punishment; which being force, a man is not obliged not to resist. The same is also true, of the accusation of those, by whose condemnation a man falls into misery; as of a father, wife, or benefactor. For the testimony of such an

accuser, if it be not willingly given, is presumed to be corrupted by nature; and therefore not to be received: and where a man's testimony is not to be credited, he is not bound to give it. Also accusations upon torture, are not to be reputed as testimonies. For torture is to be used but as means of conjecture, and light, in the further examination, and search of truth: and what is in that case confessed, tendeth to the ease of him that is tortured, not to the informing of the torturers: and therefore ought not to have the credit of a sufficient testimony: for whether he deliver himself by true, or false accusation, he does it by the right of preserving his own life.

[31] The force of words, being (as I have formerly noted) too weak to hold men to the performance of their covenants; there are in man's nature, but two imaginable helps to strengthen it. And those are either a fear of the consequence of breaking their word; or a glory, or pride in appearing not to need to break it. This latter is a generosity too rarely found to be presumed on, especially in the pursuers of wealth, command, or sensual pleasure; which are the greatest part of mankind. The passion to be reckoned upon, is fear; whereof there be two very general 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 fear of the latter is commonly the greater fear. The fear of the former is in every man, his own religion: which hath place in the nature of man before civil society. The latter hath not so; at least not place enough, to keep men to their promises; because in the condition of mere nature, the inequality of power is not discerned, but by the event of battle. So that before the time of civil society, or in the interruption thereof by war, there is nothing can strengthen a covenant of peace agreed on, against the temptations of avarice, ambition, lust, or other strong desire, but the fear 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 civil power, is to put one another to swear by the God he feareth: which *swearing*, or OATH, is a *form of speech, added to a promise; by which he that promiseth, signifieth, that unless he perform, he renounceth the mercy of his God, or calleth to him for vengeance on himself*. Such was the heathen form, *Let Jupiter kill me else, as I kill this beast*. So is our form, *I shall do thus, and thus, so help me God*. And this, with the rites and ceremonies, which every one useth in his own religion, that the fear of breaking faith might be the greater.

[32] By this it appears, that an oath taken according to any other form, or rite, than his, that sweareth, is in vain; and no oath: and that there is no swearing by any thing which the swearer thinks not God. For though

men have sometimes used to swear by their kings, for fear, or flattery; yet they would have it thereby understood, they attributed to them divine honour. And that swearing unnecessarily by God, is but prophaning of his name: and swearing by other things, as men do in common discourse, is not swearing, but an impious custom, gotten by too much vehemence of talking.

[33] It appears also, that the oath adds nothing to the obligation. For a covenant, if lawful, binds in the sight of God, without the oath, as much as with it: if unlawful, bindeth not at all; though it be confirmed with an oath.

Chapter 15. Of Other Laws of Nature.

[1] From that law of nature, by which we are obliged to transfer to another, such rights, as being retained, hinder the peace of mankind, there followeth a third; which is this, *that men perform their covenants made*: without which, covenants are in vain, and but empty words; and the right of all men to all things remaining, we are still in the condition of war.

[2] 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*.

[3] But because covenants of mutual trust, where there is a fear of not performance on either part, (as hath been said in the former chapter,) are invalid; though the original of justice be the making of covenants; yet injustice actually there can be none, till the cause of such fear be taken away; which while men are in the natural condition of war, cannot be done. Therefore before the names of just, and unjust can have place, there must be some coercive power, to compel men equally to the performance of their covenants, by the terror of some punishment, greater than the benefit they expect by the breach of their covenant; and to make good that propriety, which by mutual contract men acquire, in recompense of the universal right they abandon: and such power there is none before the erection of a commonwealth. And this is also to be gathered out of the ordinary definition of justice in the Schools: for they say, that *justice is the constant will of giving to every man his own*. And therefore where there is no *own*, that is, no propriety, there is no injustice; and where there is no coercive power erected, that is, where there is no

commonwealth, there is no propriety; all men having right to all things: therefore where there is no commonwealth, there nothing is unjust. So that the nature of justice, consisteth in keeping of valid covenants: but the validity of covenants begins not but with the constitution of a civil power, sufficient to compel men to keep them: and then it is also that propriety begins.

[4] The fool hath said in his heart, there is no such thing as justice; and sometimes also with his tongue; seriously alleging, that every man's conservation, and contentment, being committed to his own care, there could be no reason, why every man might not 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 one's 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 fear of God, (for the same fool 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 conduceth 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 kingdom 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, successful wickedness hath obtained the name of virtue: 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 kingdom. And the heathen that believed, that *Saturn* was deposed by his son *Jupiter*, believed nevertheless the same *Jupiter* to be the avenger of injustice: somewhat like to a piece of law in *Coke's Commentaries on Littleton*; where he says, if the right heir of the crown be attainted of treason; yet the crown shall descend to him, and *eo instante* the attainder be void: from which instances a man will be very prone to infer; that when the heir apparent of a kingdom, 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.

[5] For the question is not of promises mutual, where there is no security of performance on either side; as when there is no civil power erected over the

parties promising; for such promises are no covenants: but either where one of the parties has performed already; or where there is a power to make him perform; there is the question whether it be against reason, that is, against the benefit of the other to perform, 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 turn it to his benefit; yet such events do not make it reasonably or wisely done. Secondly, that in a condition of war, 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 himself 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 retained 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 upon; and consequently against the reason of his preservation; and so, as all men that contribute not to his destruction, forbear him only out of ignorance of what is good for themselves.

[6] As for the instance of gaining the secure and perpetual felicity of heaven, by any way; it is frivolous: there being but one way imaginable; and that is not breaking, but keeping of covenant.

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

[8] There be some that proceed further; and will not have the law of nature, to be those rules which conduce to the preservation of man's life on earth; but to the attaining of an eternal felicity after death; to

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

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

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

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

[12] Again, the injustice of manners, is the disposition, or aptitude to do injury; and is injustice before it proceed to act; and without supposing any individual person injured. But the injustice of an action, (that is to say injury,) supposeth an individual

person injured; namely him, to whom the covenant was made: and therefore many times the injury is received by one man, when the damage redoundeth to another. As when the master commandeth his servant to give money to a stranger; if it be not done, the injury is done to the master, whom he had before covenanted to obey; but the damage redoundeth to the stranger, to whom he had no obligation; and therefore could not injure him. And so also in commonwealths, private men may remit to one another their debts; but not robberies or other violences, whereby they are endamaged; because the detaining of debt, is an injury to themselves; but robbery and violence, are injuries to the person of the commonwealth.

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

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

[15] 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 perform his trust, he is said to distribute to every man his own: and this is indeed just distribution, and may be called, (though improperly,) distributive justice; but more properly equity; which also is a law of nature, as shall be shown in due place.

[16] As justice dependeth on antecedent covenant; so does GRATITUDE depend on antecedent grace; that is to say, antecedent free-gift: and is the fourth law of nature; which may be conceived in this form, *that a man which receiveth benefit from another of mere grace, 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 consequently of mutual help; nor of reconciliation of one man to another; and therefore they are to remain still in the condition of *war*; which is contrary to the first and fundamental law of nature, which commandeth men to *seek peace*. The breach of this law, is called *ingratitude*; and hath the same relation to grace, that injustice hath to obligation by covenant.

[17] A fifth law of nature, is COMPLAISANCE; 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 men's aptness 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 edifice. For as that stone which by the asperity, and irregularity of figure, takes more room from others, than itself fills; and for the hardness, cannot be easily made plain, and thereby hindereth the building, is by the builders cast away as unprofitable, and troublesome: so also, a man that by asperity of nature, will strive to retain those things which to himself are superfluous, and to others necessary; and for the stubbornness of his passions, cannot be corrected, is to be left, or cast out of society, as cumbersome thereunto. For seeing every man, not only by right, but also by necessity of nature, is supposed to endeavour all he can, to obtain that which is necessary for his conservation; he that shall oppose himself against it, for things superfluous, is guilty of the war that thereupon is to follow; and therefore doth that, which is contrary to the fundamental law of nature, which commandeth to *seek peace*. The observers of this law, may be called SOCIABLE, (the Latins call them *commodi*;) the contrary, *stubborn, insociable, froward, intractable*.

[18] 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 sign of an aversion to peace; and therefore contrary to the law of nature.

[19] A seventh is, *that in revenges*, (that is, retribution of evil for evil,) *men look not at the greatness of the evil past,*

but the greatness of the good to follow. Whereby we are forbidden to inflict punishment with any other design, than for correction of the offender, or direction 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 war; which is against the law of nature; and is commonly styled by the name of *cruelty*.

[20] And because all signs 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*.

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

[22] 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 down certain rights of nature; that is to say, not to have liberty to do all they list: so is it necessary for man's life, to retain some; as right to govern their own bodies; enjoy air, water, motion, ways to go from place to place; and all things else

without which a man cannot live, or not live well. If in this case, at the making of peace, men require for themselves, that which they would not have to be granted to others, they do contrary to the precedent law, that commandeth the acknowledgment of natural equality, and therefore also against the law of nature. The observers of this law, are those we call *modest*, and the breakers *arrogant* men. The Greeks call the violation of this law *{pleonexia}*; that is, a desire of more than their share.

[23] 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 war. He therefore that is partial in judgment, doth what in him lies, to deter men from the use of judges, and arbitrators; and consequently, (against the fundamental law of nature,) is the cause of war.

[24] 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*, *{prosopolepsia}*.

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

[26] 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.

[27] 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 *{kleronomia}*, which signifies, *given by lot*;) or *first seizure*.

[28] 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-born, as acquired by lot.

[29] 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.

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

[31] 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 cause: and if he were never so fit; yet equity allowing to each party equal benefit, if one be admitted to be judge, the other is to be admitted also; and so the controversy, that is, the cause of war, remains, against the law of nature.

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

[33] 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.

[34] These are the laws of nature, dictating peace, for a means of the conservation of men in multitudes; and which only concern the doctrine of civil society. There be other things tending to the destruction of particular men; as drunkenness, and all other parts of intemperance; which may therefore also be reckoned amongst those things which the law of nature hath forbidden; but are not necessary to be mentioned, nor are pertinent enough to this place.

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

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

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

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

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

[40] And the science of them, is the true and only moral philosophy. For moral philosophy is nothing else but the science of what is good, and evil, in the conversation, and society of mankind. Good, and evil, are names that signify our appetites, and aversions; which in different tempers, customs, and doctrines of men, are different: and divers men, differ not only in their judgment, on the senses of what is pleasant, and unpleasant to the taste, smell, hearing, touch, and sight; but also of what is conformable, or disagreeable to reason, in the actions of common life. Nay, the same man, in divers times, differs from himself; and one time praiseth, that is, calleth good, what another time he dispraiseth, and calleth evil: from whence arise disputes, controversies, and at last war. And therefore so long a man is in the condition of mere nature, (which is a condition of war,) as private appetite is the measure of good, and evil: and consequently all men agree on this, that peace is good, and therefore also the way, or means of peace, which, (as I have shewed before) are *justice, gratitude, modesty, equity, mercy*, and the rest of the laws of nature, are good; that is to say, *moral virtues*; and their contrary *vices*, evil. Now the science of virtue and vice, is moral philosophy; and therefore the

true doctrine of the laws of nature, is the true moral philosophy. But the writers of moral philosophy, though they acknowledge the same virtues and vices; yet not seeing wherein consisted their goodness; nor that they come to be praised, as the means of peaceable, sociable, and comfortable living; place them in a mediocrity of passions: as if not the cause, but the degree of daring, made fortitude; or not the cause, but the quantity of a gift, made liberality.

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

[The following addition is from *Leviathan's* Review and Conclusion, §5:]

To the Laws of Nature, declared in Chapter 15, I would have this added, *that every man is bound by nature, as much as in him lieth, to protect in war, the authority, by which he is himself protected in time of peace.* For he that pretendeth a right of nature to preserve his own body, cannot pretend a right of nature to destroy him, by whose strength he is preserved: it is a manifest contradiction of himself. And though this law may be drawn by consequence, from some of those that are there already mentioned; yet the times require to have it inculcated, and remembered.

[Chapter 16 is omitted.]

PART 2. OF COMMONWEALTH.

Chapter 17. Of the Causes, Generation, and Definition of a Commonwealth.

[1] The final cause, end, or design 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 commonwealths,) is the foresight of their own preservation, and of a more contented life thereby; that is to say, of getting themselves out from that miserable condition of war, which is necessarily consequent (as hath been shown), to, the natural passions of men, when there is no visible power to keep them in awe, and tie them by fear of punishment to the performance of their covenants, and observation of those laws of nature set down in the fourteenth and fifteenth chapters.

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

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

[4] And be there never so great a multitude; yet if their actions be directed according to their particular judgments, and particular appetites, they can expect thereby no defence, nor protection, neither against a common enemy, nor against the injuries of one another. For being distracted in opinions concerning the best use and application of their strength, they do not help, but hinder one another; and reduce their strength by mutual opposition to nothing: whereby they are easily, not only subdued by a very few that agree together; but also when there is no common enemy, they make war upon each other, for their particular interests. For if we could suppose a great multitude of men to consent in the observation of

justice, and other laws of nature, without a common power to keep them all in awe; we might as well suppose all mankind to do the same; and then there neither would be, nor need to be any civil government, or commonwealth at all; because there would be peace without subjection.

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

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

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

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

[9] 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 business; whereas amongst men, there are very many, that think themselves wiser, and abler to govern the public, better than the rest; and these strive to reform and innovate, one this way, another that way; and thereby bring it into distraction and civil war.

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

[11] Fifthly, irrational creatures cannot distinguish between *injury*, and *damage*; and therefore as long as they be at ease, they are not offended with their

fellows: whereas man is then most troublesome, when he is most at ease: for then it is that he loves to shew his wisdom, and control the actions of them that govern the commonwealth.

[12] 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.

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

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

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

[Chapters 18-20 are omitted.]

Chapter 21: Of the Liberty of Subjects

[1] LIBERTY, or FREEDOM, signifieth (properly) the absence of opposition; (by opposition, I mean external impediments of motion;) and may be applied no less to irrational, and inanimate creatures, than to rational. For whatsoever is so tied, or environed, as it cannot move, but within a certain space, which space is determined by the opposition of some external body, we say it hath not liberty to go further. And so of all living creatures, whilst they are imprisoned, or restrained, with walls, or chains; and of the water whilst it is kept in by banks, or vessels, that otherwise would spread itself into a larger space, we use to say, they are not at liberty, to move in such manner, as without those external impediments they would. But when the impediment of motion, is in the constitution of the thing itself, we use not to say, it wants the liberty; but the power to move; as when a stone lieth still, or a man is fastened to his bed by sickness.

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

man; which consisteth in this, that he finds no stop, in doing what he has the will, desire, or inclination to do.

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

[4] *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 do: which, because they proceed from their will, proceed from liberty; and yet, because every act of man's will, and every desire, and inclination proceedeth from some cause, and that from another cause, in a continual chain, (whose first link is in the hand of God the first of all causes,) they proceed from *necessity*. So that to him that could see the connexion of those causes, the *necessity* of all men's voluntary actions, would appear manifest. And therefore God, that seeth, and disposeth all things, seeth also that the *liberty* of man in doing what he will, is accompanied with the *necessity* of doing that which God will, and no more, nor less. For though men may do many things, which God does not command, nor is therefore author of them; yet they can have no passion, nor appetite to any thing, of which appetite God's will is not the cause. And did not his will assure the *necessity* of man's will, and consequently of all that on man's will dependeth, the *liberty* of men would be a contradiction, and 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*.

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

[6] In relation to these bonds only it is, that I am to speak now, of the *liberty of subjects*. For seeing there is no commonwealth in the world, wherein there be rules enough set down, for the regulating of all the actions, and words of men, (as being a thing impossible;) it followeth necessarily, that in all kinds of actions, by

the laws praetermitted [i.e., all actions which the law has neither required nor forbidden], 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 corporal liberty; that is to say, freedom from chains, and prison, it were very absurd for men to clamour as they do, for the liberty they so manifestly enjoy. Again, if we take liberty, for an exemption from laws, it is no less absurd, for men to demand as they do, that liberty, by which all other men may be masters of their lives. And yet as absurd as it is, this is it they demand; not knowing that the laws are of no power to protect them, without a sword in the hands of a man, or men, to cause those laws to be put in execution. The liberty of a subject, lieth therefore only in those things, which in regulating their actions, the sovereign hath praetermitted: such as is the liberty to buy, and sell, and otherwise contract with one another; to choose their own abode, their own diet, their own trade of life, and institute their children as they themselves think fit; and the like.

[7] Nevertheless we are not to understand, that by such liberty, the sovereign power of life and death, is either abolished, or limited. For it has been already shown, that nothing the sovereign representative can do to a subject, on what pretence soever, can properly be called injustice, or injury; because every subject is author of every act the sovereign doth; so that he never wanteth right to any thing, otherwise, than as he himself is the subject of God, and bound thereby to observe the laws of nature. And therefore it may, and doth often happen in commonwealths, that a subject may be put to death, by the command of the sovereign power; and yet neither do the other wrong: as when *Jephtha* caused his daughter to be sacrificed: in which, and the like cases, he that so dieth, had liberty to do the action, for which he is nevertheless, without injury put to death. And the same holdeth also in a sovereign prince, that putteth to death an innocent subject. For though the action be against the law of nature, as being contrary to equity, (as was the killing of *Uriah*, by *David*;) yet it was not an injury to *Uriah*; but to *God*. Not to *Uriah*, because the right to do what he pleased, was given him by *Uriah* himself: and yet to *God*, because *David* was *God's* subject; and prohibited all iniquity 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 commonwealth for ten years, thought they committed no injustice; and yet they never questioned what crime he had done; but what hurt he would do: nay they commanded the banishment of they 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 actual accusing him, sometimes banished an *Aristides*, for his reputation of justice; and sometimes a scurrilous jester, as *Hyperbolus*, to make a jest of it. And yet a man cannot say, the sovereign people of *Athens* wanted right to banish them; or an *Athenian* the liberty to jest, or to be just.

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

[9] But it is an easy thing, for men to be deceived, by the specious name of *liberty*, and for want of judgment to distinguish, mistake that for their private inheritance, and birth right, which is the right of the public only. And when the same error is confirmed by the authority of men in 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 commonwealths, from *Aristotle*, *Cicero*, and other men, Greeks and Romans, that living under popular states, derived those rights, not from the principles of nature, but transcribed them into their books, out of the

practice of their own commonwealths, which were popular; as the grammarians describe the rules of language, out of the practice of the time; or the rules of poetry, out of the poems of Homer and Virgil. And because the Athenians were taught, (to keep them from desire of changing their government,) that they were freemen, and all that lived under monarchy were slaves; therefore Aristotle puts it down in his *Politics*, (*lib. 6. cap. 2.*) *In democracy, Liberty is to be supposed: for it is commonly held, that no man is Free in any other government.* And as Aristotle; so Cicero, and other writers have grounded their civil doctrine, on the opinions of the Romans, who were taught to hate monarchy, at first, by them that having deposed their sovereign, shared amongst them the sovereignty of *Rome*; and afterwards by their successors. And by reading of these Greek, and Latin authors, men from their childhood have gotten a habit (under a false show of liberty,) of favouring tumults, and of licentious controlling the actions of their sovereigns; and again of controlling those controllers, with the effusion of so much blood; as I think I may truly say, there was never any thing so dearly bought, as these western parts have bought the learning of the Greek and Latin tongues

[10] To come now to the particulars of the true liberty of a subject; that is to say, what are the things, which though commanded by the sovereign, he may nevertheless, without injustice, refuse to do; we are to consider, what rights we pass away, when we make a commonwealth; or (which is all one,) what liberty we deny ourselves, by owning all the actions (without exception) of the man, or assembly we make our sovereign. For in the act of our submission, consisteth both our obligation, and our liberty; which must therefore be inferred by arguments taken from thence; there being no obligation on any man, which ariseth not 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.

[11] First therefore, seeing sovereignty by institution, is by covenant of every one to every one; and sovereignty by acquisition, by covenants of the vanquished to the victor, or child to the parent; it is manifest, that every subject has liberty in all those things, the right whereof cannot by covenant be transferred. I have shewn before in the 14th chapter,

that covenants, not to defend a man's own body, are void. Therefore,

[12] If the sovereign command a man (though justly condemned,) to kill, wound, or maim himself; or not to resist those that assault him; or to abstain from the use of food, air, medicine, or any other thing, without which he cannot live; yet hath that man the liberty to disobey.

[13] If a man be interrogated by the sovereign, or his authority, concerning a crime done by himself, he is not bound (without assurance of pardon) to confess it; because no man (as I have shown in the same chapter) can be obliged by covenant to accuse himself.

[14] Again, the consent of a subject to sovereign power, is contained in these words, I authorize, or take upon me, all his actions; in which there is no restriction at all, of his own former natural liberty: for by allowing him to kill me, I am not bound to kill myself when he commands me. It is one thing to say, kill me, or my fellow, if you please; another thing to say, I will kill myself, or my fellow. It followeth therefore, that

[15] No man is bound by the words themselves, either to kill himself, or any other man; and consequently, that the obligation a man may sometimes have, upon the command of the sovereign to execute any dangerous, or dishonourable office, dependeth not on the words of our submission; but on the intention, which is to be understood by the end thereof. When therefore our refusal to obey, frustrates the end for which the sovereignty was ordained; then there is no liberty to refuse: otherwise there is.

[16] Upon this ground, a man that is commanded as a soldier to fight against the enemy, though his sovereign have right enough to punish his refusal with death, may nevertheless in many cases refuse, without injustice; as when he substituteth a sufficient soldier in his place: for in this case he deserteth not the service of the commonwealth. And there is allowance to be made for natural timorousness; not only to women, (of whom no such dangerous duty is expected,) but also to men of feminine courage. When armies fight, there is on one side, or both, a running away; yet when they do it not out of treachery, but fear, they are not esteemed to do it unjustly, but dishonourably. For the same reason, to avoid battle, is not injustice, but cowardice. But he that inrolleth himself a soldier, or taketh imprest money, taketh away the excuse of a timorous nature; and is obliged, not only to go to the battle, but also not to run from it, without his captain's leave. And when the defence of the commonwealth, requireth at once the help of all that are able to bear arms, every one is obliged; because otherwise the institution of the commonwealth, which they have not the purpose, or courage to preserve, was in vain.

[17] To resist the sword of the commonwealth, in defence of another man, guilty, or innocent, no man hath liberty; because such liberty, takes away from the sovereign, the means of protecting us; and is therefore destructive of the very essence of government. But in case a great many men together, have already resisted the sovereign power unjustly, or committed some capital crime, for which every one of them expecteth death, whether 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.

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

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

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

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

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

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

his heir. For then there can no heir be known, and consequently no subjection be due.

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

[25] If a monarch subdued by war, render himself subject to the victor; his subjects are delivered from

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