Chapter VI

Of the Interiour Beginnings of Voluntary Motions, Commonly Called the Passions, *and the Speeches by Which They Are Expressed*

[1] There be in animals two sorts of *motions* peculiar to them: one called *vital*, begun in generation and continued without interruption through their whole life, such as are the *course* of the *blood*, the *pulse*, the *breathing*, the *concoction*,* *nutrition, excretion*, &c, to which motions there needs no help of imagination; the other is *animal motion*, otherwise called *voluntary motion*, as to *go*, to *speak*, to *move* any of our limbs, in such manner as is first fancied in our minds. That sense is motion in the organs and interior parts of man's body, caused by the action of the things we see, hear, &c, and that fancy is but the relics of the same motion, remaining after sense, has been already said in the first and second chapters. And because *going, speaking*, and the like voluntary motions depend always upon a precedent thought of *whither, which way*, and *what*, it is evident that the imagination is the first internal beginning of all voluntary motion. And although unstudied men do not conceive any motion at all to be there, where the thing moved is invisible, or the space it is moved in is (for the shortness of it) insensible, yet that doth not hinder, but that such motions are. For let a space be never so little, that which

Motion Vital and Animal.

4. OL: "but on many other occasions are not as he says." Although the English editions have the reading reproduced here, the Latin seems to make better sense.

is moved over a greater space whereof that little one is part must first be moved over that. These small beginnings of motion within the body of man, before they appear in walking, speaking, striking, and other visible actions, are commonly called ENDEAVOUR.

Endeavour

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

Appetite. Desire. Hunger. Thirst. Aversion.

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

Love. Hate.

[4] Of appetites and aversions some are born with men, as appetite of food, appetite of excretion and exoneration* (which may also and more properly be called aversions from somewhat they feel in their bodies) and some other appetites, not many. The rest, which are appetites of particular things, proceed from experience and trial of their effects upon themselves or other men. For of things we know not at all, or believe not to be, we can have no further desire than to taste and try. But aversion we have for things, not only which we know have hurt us, but also that we do not know whether they will hurt us or not.

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

Contempt.

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

[7] But whatsoever is the object of any man's appetite or desire that is it which he for his part calleth *good*; and the object of his hate and aversion, *evil*; and of his contempt, *vile* and *inconsiderable*. For these words of good, evil, and contemptible are ever used with relation to the person that useth

Good. Evil.

them, there being nothing simply and absolutely so, nor any common rule of good and evil to be taken from the nature of the objects themselves, but from the person of the man (where there is no commonwealth), or (in a commonwealth) from the person that representeth it, or from an arbitrator or judge whom men disagreeing shall by consent set up, and make his sentence the rule thereof.

Pulchrum. Turpe.

[8] The Latin tongue has two words whose significations approach to those of good and evil, but are not precisely the same; and those are *pulchrum* and *turpe*. Whereof the former signifies that which by some apparent signs promiseth good; and the latter, that which promiseth evil. But in our tongue we have not so general names to express them by. But for *pulchrum* we say, in some things, *fair*; in others, *beautiful*, or *handsome*, or *gallant*, or *honourable*, or *comely*, or *amiable*; and for *turpe*, *foul*, *deformed*, *ugly*, *base, nauseous*, and the like, as the subject shall require; all which words, in their proper places, signify nothing else but the *mien*, or countenance, that promiseth good and evil. So that of good there be three kinds: good in the promise, that is *pulchrum*; good in effect, as the end desired, which is called *jucundum, delightful*; and good as the means, which is called *utile, profitable*; and as many of evil; for *evil* in promise is that they call *turpe*; evil in effect and end is *molestum, unpleasant, troublesome*; and evil in the means *inutile, unprofitable, hurtful.*

Delightful. Profitable. Unpleasant. Unprofitable.

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

Delight. Displeasure.

[10] This motion which is called appetite, and for the appearence of it *delight* and *pleasure*, seemeth to be a corroboration* of vital motion, and a help thereunto; and therefore such things as caused delight were not improperly called *jucunda (a juvando*, from helping or fortifying); and the contrary, *molesta, offensive*, from hindering and troubling the motion vital.

Pleasure.

Offence.

[11] *Pleasure*, therefore, or *delight*, is the appearence, or sense, of good; and *molestation** or *displeasure*, the appearence, or sense, of evil. And consequently all appetite, desire, and love is accompanied with some delight more or less; and all hatred and aversion, with more or less displeasure and offence.

Pleasures of Sense.

[12] Of pleasures or delights, some arise from the sense of an object present, and those may be called *pleasures of sense* (the word *sensual*, as it is used by those only that condemn them, having no place till there be laws). Of this kind are all onerations* and exonerations of the body, as also all that is pleasant in the *sight, hearing, smell, taste, or touch*. Others arise from the expec-

tation that proceeds from foresight of the end or consequence of things, whether those things in the sense please or displease. And these are *pleasures of the mind* of him that draweth those consequences, and are generally called JOY. In the like manner displeasures are some in the sense, and called PAIN; others in the expectation of consequences, and are called GRIEF.

Pleasures of the Mind. Joy. Pain. Grief.

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

Hope. [14] For *appetite* with an opinion of attaining is called HOPE.

Despair. [15] The same without such opinion, DESPAIR.

Fear. [16] *Aversion* with opinion of *hurt* from the object, FEAR.

Courage. [17] The same with hope of avoiding that hurt by resistance, COURAGE.

Anger. [18] Sudden *courage*, ANGER.

Confidence. [19] Constant *hope*, CONFIDENCE of ourselves.

Diffidence. [20] Constant *despair*, DIFFIDENCE of ourselves.

Indignation. [21] *Anger* for great hurt done to another, when we conceive the same to be done by injury,* INDIGNATION.

Benevolence. Good Nature. [22] *Desire* of good to another, BENEVOLENCE, GOOD WILL, CHARITY. *If to man generally, GOOD NATURE.[1]

Covetousness. [23] *Desire* of riches, COVETOUSNESS, a name used always in signification of blame, because men contending for them are displeased with one another's attaining them, though the desire in itself be to be blamed or allowed, according to the means by which those riches are sought.

Ambition. [24] Desire of office or precedence, AMBITION, a name used also in the worse sense, for the reason before mentioned.

Pusillanimity. [25] *Desire* of things that conduce but a little to our ends, and fear of things that are but of little hindrance, PUSILLANIMITY.*

Magnanimity. [26] *Contempt* of little helps and hindrances, MAGNANIMITY.*

Valour. [27] *Magnanimity* in danger of death or wounds, VALOUR, FORTITUDE.

Liberality. [28] *Magnanimity* in the use of riches, LIBERALITY.

Miserableness. [29] *Pusillanimity*, in the same, WRETCHEDNESS, MISERABLENESS, or PARSIMONY; as it is liked or disliked.

Kindness. [30] *Love* of persons for society, KINDNESS.[2]

Natural Lust. [31] *Love* of persons for pleasing the sense only, NATURAL LUST.

1. Not in OL.

2. ¶¶30–33 have no analogue in OL.

[32] *Love* of the same, acquired from rumination, that is, imagination of pleasure past, LUXURY. *Luxury.*

[33] *Love* of one singularly, with desire to be singularly beloved, THE PASSION OF LOVE. The same, with fear that the love is not mutual, JEALOUSY. *The Passion of Love. Jealousy.*

[34] *Desire*, by doing hurt to another, to make him condemn some fact* of his own, REVENGEFULNESS. *Revengefulness.*

[35] *Desire* to know why, and how, CURIOSITY, such as is in no living creature but *man*, so that man is distinguished, not only by his reason, but also by this singular passion from other *animals*, in whom the appetite of food and other pleasures of sense by predominance take away the care of knowing causes, which is a lust of the mind that by a perseverance of delight in the continual and indefatigable generation of knowledge exceedeth the short vehemence of any carnal pleasure. *Curiosity.*

[36] **Fear* of power invisible, feigned* by the mind, or imagined from tales publicly allowed, RELIGION; not allowed, SUPERSTITION. And when the power imagined is truly such as we imagine, TRUE RELIGION.[3] *Religion. Superstition. True Religion.*

[37] *Fear* without the apprehension of why or what, PANIC TERROR, called so from the fables, that make *Pan* the author of them; whereas in truth there is always in him that so feareth first, some apprehension of the cause, though the rest run away by example, every one supposing his fellow to know why. And therefore this passion happens to none but in a throng, or multitude of people. *Panic Terror.*

[38] *Joy* from apprehension of novelty, ADMIRATION*; proper to man, because it excites the appetite of knowing the cause. *Admiration.*

[39] *Joy* arising from imagination of a man's own power and ability is that exultation of the mind which is called GLORYING; which, if grounded upon the experience of his own former actions, is the same with *confidence*; but if grounded on the flattery of others, or only supposed by himself, for delight in the consequences of it, is called VAINGLORY; which name is properly given, because a well grounded *confidence* begetteth attempt, whereas the supposing of power does not, and is therefore rightly called *vain*. *Glory. Vain-Glory.*

3. OL: "Fear of invisible powers, whether those [powers] are feigned or publicly allowed from tales, is *religion*; if they are not publicly allowed, *superstition*. Moreover, when those powers are really such as we have allowed, *true religion*." OL avoids a problem the English version raises: how (consistently with iii, 12) can we imagine an invisible power? Hobbes defends his definition briefly in the Latin Appendix, iii, 9–10 (OL III, 563), where he gives a paraphrase which may make his meaning clearer. Also relevant is Hobbes' reply to Bramhall's criticism of DCv xvi, 1, in EW IV, 292–3.

Dejection. [40] *Grief* from opinion of want of power is called DEJECTION of mind.

[41] The *vain-glory* which consisteth in the feigning or supposing of abilities in ourselves (which we know are not) is most incident to young men, and nourished by the histories or fictions of gallant persons; and is corrected oftentimes by age and employment.

Sudden Glory. Laughter. [42] *Sudden glory* is the passion which maketh those *grimaces* called LAUGHTER, and is caused either by some sudden act of their own that pleaseth them, or by the apprehension of some deformed thing in another, by comparison whereof they suddenly applaud themselves. And it is incident most to them that are conscious of the fewest abilities in themselves, who are forced to keep themselves in their own favour by observing the imperfections of other men. And therefore much laughter at the defects of others is a sign of pusillanimity. For of great minds one of the proper works is to help and free others from scorn, and compare themselves only with the most able.

Sudden Dejection. Weeping. [43] On the contrary, *sudden dejection* is the passion that causeth WEEPING, and is caused by such accidents as suddenly take away some vehement hope, or some prop of their power; and they are most subject to it that rely principally on helps external, such as are women and children. Therefore some weep for the loss of friends; others for their unkindness; others for the sudden stop made to their thoughts of revenge, by reconciliation. But in all cases, both laughter and weeping are sudden motions, custom taking them both away. For no man laughs at old jests, or weeps for an old calamity.

Shame. Blushing. [44] *Grief* for the discovery of some defect of ability is SHAME, or the passion that discovereth itself in BLUSHING, and consisteth in the apprehension of some thing dishonourable; and in young men is a sign of the love of good reputation and commendable; in old men it is a sign of the same, but because it comes too late, not commendable.

Impudence. [45] The *contempt* of good reputation is called IMPUDENCE.

Pity. [46] *Grief* for the calamity of another is PITY, and ariseth from the imagination that the like calamity may befall himself; and therefore is called also COMPASSION, and in the phrase of this present time a FELLOW-FEELING; and therefore for calamity arriving[4] from great wickedness, the best men have the least pity; and for the same calamity, those have least pity that think themselves least obnoxious* to the same.

Cruelty. [47] *Contempt*, or little sense, of the calamity of others is that which men call CRUELTY, proceeding from security of their own fortune. For, that any man should take pleasure in other men's great harms without other end of his own I do not conceive it possible.

[48] *Grief* for the success of a competitor in wealth, honour, or other good, if it be joined with endeavour to enforce* our own abilities to equal or exceed

4. So the English editions read; but OL suggests "arising."

him, is called EMULATION; but joined with endeavour to supplant* or hinder a competitor, ENVY. *Emulation. Envy.*

[49] When in the mind of man appetites and aversions, hopes and fears, concerning one and the same thing arise alternately, and diverse good and evil consequences of the doing or omitting the thing propounded come successively into our thoughts, so that sometimes we have an appetite to it, sometimes an aversion from it, sometimes hope to be able to do it, sometimes despair or fear to attempt it, the whole sum of desires, aversions, hopes and fears, continued till the thing be either done or thought impossible, is that we call DELIBERATION. *Deliberation.*

[50] Therefore of things past, there is no *deliberation*, because manifestly impossible to be changed; nor of things known to be impossible, or thought so, because men know or think such deliberation vain. But of things impossible which we think possible, we may deliberate, not knowing it is in vain. And it is called *deliberation*, because it is a putting an end to the *liberty* we had of doing or omitting, according to our own appetite or aversion.

[51] This alternate succession of appetites, aversions, hopes and fears is no less in other living creatures than in man; and therefore beasts also deliberate.

[52] Every *deliberation* is then said to *end*, when that whereof they deliberate is either done or thought impossible, because till then we retain the liberty of doing or omitting, according to our appetite or aversion.

[53] In deliberation, the last appetite or aversion immediately adhering to the action, or to the omission thereof, is that we call the WILL, the act (not the faculty) of *willing*. And beasts that have *deliberation* must necessarily also have *will*. The definition of the *will* given commonly by the Schools, that it is a *rational appetite*,[5] is not good. For if it were, then could there be no voluntary act against reason. For a *voluntary act* is that which proceedeth from the *will*, and no other. But if instead of a rational appetite, we shall say an appetite resulting from a precedent deliberation, then the definition is the same that I have given here. *Will* therefore *is the last appetite in deliberating*. And though we say in common discourse, a man had a will once to do a thing, that nevertheless he forbore to do, yet that is properly but an inclination, which makes no action voluntary; because the action depends not of it, but of the last inclination or appetite. For if the intervenient appetites make any action voluntary, then by the same reason all intervenient aversions should make the same action involuntary; and so *The Will.*

5. Cf. Thomas (*Summa theologiae* Ia, qu. 59, a. 1). A clear case of Hobbes offering a definition he knows is not universally agreed on. That it is also essential to his political reasoning will be seen in the sequel. The act of agreeing to establish a sovereign will be no less voluntary because it proceeds from fear (cf. vi, 54, with xiv, 27), nor will subsequent acts of obedience to the sovereign.

one and the same action should be both voluntary and involuntary.

[54] By this it is manifest that not only actions that have their beginning from covetousness, ambition, lust, or other appetites to the thing propounded, but also those that have their beginning from aversion or fear of those consequences that follow the omission are *voluntary actions.*

Forms of Speech in Passion.

[55] The forms of speech by which the passions are expressed are partly the same and partly different from those by which we express our thoughts. And first, generally all passions may be expressed *indicatively*, as *I love, I fear, I joy, I deliberate, I will, I command*; but some of them have particular expressions by themselves, which nevertheless are not affirmations (unless it be when they serve to make other inferences besides that of the passion they proceed from). Deliberation is expressed *subjunctively*, which is a speech proper to signify suppositions, with their consequences, as *if this be done, then this will follow*, and differs not from the language of reasoning, save that reasoning is in general words, but deliberation for the most part is of particulars. The language of desire and aversion is *imperative*, as *do this, forbear that*, which, when the party is obliged to do or forbear, is *command*; otherwise *prayer*, or else *counsel.* The language of vain-glory, of indignation, pity and revengefulness, *optative*; but of the desire to know there is a peculiar expression, called *interrogative*, as *what is it, when shall it, how is it done*, and *why so?* other language of the passions I find none; for cursing, swearing, reviling, and the like, do not signify as speech, but as the actions of a tongue accustomed.

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

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

Good and Evil apparent.

[58] *Continual success* in obtaining those things which a man from time to time desireth, that is to say, continual prospering, is that men call FELICITY; I mean the felicity of this life. For there is no such thing as perpetual tranquillity of mind, while we live *here;[6] because life itself is but motion, and can never be

Felicity.

6. Not in OL.

without desire, nor without fear, no more than without sense. *What kind of felicity God hath ordained to them that devoutly honour Him, a man shall no sooner know than enjoy, being joys that now are as incomprehensible as the word of school-men *beatifical vision* is unintelligible.[7]

Praise. Magnification. Makarismos.

[59] The form of speech whereby men signify their opinion of the goodness of anything is PRAISE. That whereby they signify the power and greatness of anything is MAGNIFYING. And that whereby they signify the opinion they have of a man's felicity is by the Greeks called *makarismos*,* for which we have no name in our tongue. And thus much is sufficient for the present purpose, to have been said of the PASSIONS.

7. Not in OL.

Chapter XIII
Of the Natural Condition *of* Mankind, *As Concerning Their Felicity, and Misery*[1]

Men by nature Equal.

[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

20. Omitted in OL. Clarendon professed to see here a reference to the Church of England (*Brief View*, p. 25). Certainly Archbishop Laud alienated many members of that church by his policies, which did lead to schism in the Church. But one central criticism of the Laudians was that they were too inclined to Romanism. I think it more natural to take the church that "presumed most of reformation" to be the Presbyterians, who, according to Hobbes, claimed to outdo the reformation both of Luther and of Calvin, departing as much from them as they had from the pope. (Cf. *Behemoth*, p. 136) In the ms. version Hobbes presented to Charles II this last clause is replaced by the following: "On whom men by common frailty are carried to execute their anger. They bear down not only religion, which they reduce to private fancy, but also the civil government that would uphold it, reducing it to the natural condition of private force."

1. OL: "Of the condition of mankind, as concerning their felicity in the present life."

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 anything than that every man is contented with his share.

From Equality proceeds Diffidence.

[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.

From Diffidence War.

[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,[2] 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

2. OL: "For since there are those who, from pride and a desire for glory, would conquer the whole world . . ."

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 contemners, 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.

Out of Civil States, there is always war of every one against everyone.

[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.[3] All other time is PEACE.

The Incommodities of such a War.

[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.[4]

[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

3. Hobbes' definition is more inclusive than that of Grotius (*De jure belli ac pacis* I, i, 2).

4. Cf. Thucydides I, ii–viii.

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.[5] 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.[6]

[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.[7] 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 peaceful government use to degenerate into, in a civil war.[8]

5. This seems inconsistent with vi, 23; but cf. xxvii, 1.

6. OL adds: "But why try to demonstrate to learned men what even dogs know, who bark at visitors, sometimes, indeed, only at those who are unknown, but in the night at everyone?"

7. OL: "But someone may say: there has never been a war of all against all. What! Did not Cain out of envy kill his brother Abel, a crime so great he would not have dared it if there had at that time been a common power which could have punished him?" The Biblically alert reader might object that Cain *was* living under a power able to punish his misdeeds. (Genesis 4:6–16 relates that God punished him immediately.) This, perhaps, prompted Leibniz to write to Hobbes offering him the following defense against charges of license and impiety: assuming God's existence as ruler of the world, there can be no purely natural state of man, nor does Hobbes really think there is. (Letter of July 1670) If Hobbes replied, we do not have his letter. Cf. also EW V, 183–84, and EL I, xiv, 12.

8. Hobbes may be thinking of Thucydides' description of the civil war in Corcyra (III, lxix–lxxxv), though his account of the anarchy resulting from the plague in Athens (II, l–lv) is also pertinent.

[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.

In such a War, nothing is Unjust.

[13] To this war of every man against every man, this also is consequent: that *nothing can be unjust.[9] 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.[10] 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.

The Passions that incline men to Peace.

[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.

9. OL: "nothing is to be called unjust." Perhaps this statement should be taken as qualified by the definition of the right of nature which follows (xiv, 1), so that no conduct is unjust if (in the agent's opinion) it is required for self-preservation. Hobbes' argument in *Leviathan* differs from the earlier EL and DCv, where the assertion of a common right of all to all things in the state of nature precedes (and partly justifies) the claim that the state of nature is a war of all against all (cf. EL I, xiv, 10–11; DCv i, 10–12). Here the absence of exclusive property rights in the state of nature is presented as a consequence of the fact that the state of nature is a war of all against all.

10. Not in OL. Absent this statement, Hobbes' argument seems to assume that *in war the laws are silent*, a maxim he elsewhere has reservations about (EL I, xix, 2, and DCv v, 2). With this statement, it seems he need not (for purposes of this argument) assume that the state of nature is a state of war.

Chapter XIV

Of the First and Second Natural Laws *and of* Contracts

Right of Nature what.

[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 anything which, in his own judgment and reason, he shall conceive to be the aptest means thereunto.[1]

Liberty what.

[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.[2]

A law of Nature what.

Difference of Right and Law.

[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.[3] For though they that speak of this subject use to confound *jus* and *lex* (*right* and *law*),[4] 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

1. Cf. Grotius: "Natural right (*jus naturale*) is a dictate of right reason indicating that some act is either morally necessary or morally shameful, because of its agreement or disagreement with man's nature as a rational and social being, and consequently that such an act is either commanded or forbidden by God, the author of nature." (*De jure belli ac pacis* I, i, 10, 12) Cf. below, ¶3, and xv, 40.

2. Not in OL. Cf. DCv ix, 9, where Hobbes complains that no previous writer has explained what the difference between liberty and bondage is.

3. OL: "seems to him to tend to his own loss." For the evolution of this definition, cf. EL I, xv, 1, and DCv ii, 1, which emphasize the lack of a universally agreed definition of natural law. Hobbes acknowledges the controversial nature of his definition in xv, 8. On the interpretation of the definition generally, see the concluding sections of xv (¶¶34–41).

4. Cf. *A Dialogue between a Philosopher and a Student of the Common Laws of England*, p. 73, where Coke is criticized for confusing these notions. Similarly, though Grotius distinguishes the different senses *jus* may have (*De jure belli ac pacis* I, i, 3–9), and identifies a sense in which it involves a liberty as the strict and proper sense of the term (I, i, 5), he still defines *jus naturale* in a way which makes it a command or prohibition (see n.1 above). There is a useful discussion of the history

right differ as much as obligation and liberty, which in one and the same matter are inconsistent.

Naturally every man has Right to every thing.

The Fundamental Law of Nature. To seek peace.

[4] And because the condition of man (as hath been declared in the precedent chapter) is a condition of war of everyone against everyone (in which case everyone 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 everything, even to one another's body. And therefore, as long as this natural right of every man to everything 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.*

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

[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,*[5] *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 anything 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 anyone 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."[6] And that law of

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of the concept of rights, tracing the Hobbesian analysis to Suarez (*On Laws and God the Lawgiver*, I, ii, 5) in John Finnis, *Natural Law and Natural Rights*, Oxford, 1980, pp. 205–10.

5. OL states the condition more objectively: "as often as provision has been made for the peace and his own defense."

6. That the law of nature prescribes the Golden Rule was the teaching of both Luther ("On Secular Authority," pp. 400–401 in Dillenberger) and of Aquinas (*Summa theologiae*, I–II, qu. 94, art. 4). But Hobbes' identification of *his* fundamental law of nature with the Golden Rule may seem a bold act of appropriation. In the Gospel (e.g., *Luke* 6:27–31) the Golden Rule typically occurs in a context in which we are commanded to love our enemies and do good to those who hate us.

all men: *quod tibi fieri non vis, alteri ne feceris.*[7]

What it is to lay down a Right.

[6] To *lay down* a man's *right* to anything 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.

Renouncing a Right what it is.

Transferring Right what.

Obligation.

Duty.

Injustice.

[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 [it is said] that he *ought*, and it is his DUTY, not to make void that voluntary act of his own,[8] and that such hindrance is INJUSTICE, and INJURY, as being *sine jure* [without right], 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)[8a] but from fear of some evil consequence upon the rupture.

That does not appear to be consistent with the condition that others must be willing to lay down their right also.

7. I.e., do not do to others what you do not want done to yourself. Cf. xv, 35.

8. OL: "And however he does this, he ought not to hinder the person who has the right from using the thing. For this would be to make his own act void." Note that OL does not contain a definition of "obligation."

8a. Not in OL.

Not all rights are alienable. [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. [Second], 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. [Third] 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.

Contract what. [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 itself. For the thing may be delivered together with the translation* of the right (as in buying and selling with ready money, or exchange of goods or lands); and it may be delivered some time after.

Covenant what. [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 meantime 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.*

Free-Gift. [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.

Signs of Contract Express. [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.

Signs of Contract by Inference.

[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.

Free gift passeth by words of the Present or Past.

[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 today; 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).

Signs of Contract are words both of the Past, Present, and Future.

[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.

Merit what.

[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 anything 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.[9]

Covenants of Mutual trust, when Invalid.

[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

9. Not in OL. The distinction between *meritum condigni* and *meritum congrui* is in Aquinas (*Summa theologiae* I-II, qu. 114, art. 3), where the view seems to be that no one can strictly merit eternal life by what he does of his own power, because the reward is out of proportion to anything he might do to deserve it; considered apart from divine grace, the just man's acts merit God's reward only by comparison with those of the unjust (he possesses *meritum congrui*, but not *meritum condigni*). But in relation to divine grace, the man who has received it is like an adopted son, to whom his inheritance is now owed. He possesses *meritum condigni*. Cf. xiv, 23.

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.

Right to the End, Containeth Right to the Means.

[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.

No Covenant with Beasts.

[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 acceptation, there is no covenant.

Nor with God without special Revelation.

[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.[10] And therefore, they that vow anything [OL: to God] 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, [OL: they vow in vain;] it is not the vow, but the law that binds them.

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10. In xviii, 3, Hobbes will narrow the conditions for mediation: only the sovereign can mediate a covenant with God (a view Clarendon found "destructive of our religion and against the express sense of Scripture," *Brief View*, p. 50). In Hobbes' favor: the covenant of Mt. Sinai did involve Moses' mediation (though not for the reason Hobbes gives here; cf. Exod. 20:18–21 and 33:17–23). Against Hobbes: the Abramic convenant does not involve a mediator. For Hobbes' discussion of that covenant, see xxvi, 41; xxxv, 4; and xl, 1–4. Hobbes' conceptions of contract as a mutual transfer of rights (xiv, 9), and of covenant as a special kind of contract (xiv, 11; xxxv, 4), combined with his assertion of God's absolute sovereignty (xxxi, 5), make it problematic that man could covenant with God even through a mediator.

[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.

No Covenant, but of Possible and Future.

[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 itself, 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).

Covenants, how made void.

[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 [¶20]) 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.

Covenants extorted by fear are valid.

[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.

The former Covenant to one, makes void the later to another.

If God's right follows from his omnipotence, it is obscure how God could give up his right. If he retains his omnipotence, but not his right, then the right did not follow from the omnipotence after all. To suppose that he does not retain his omnipotence seems an unattractive option. But if God always retains his right, then how can his promise of a reward for obedience give man a right to the reward if he obeys? This tension between the covenantal model and the theology of L xxxi appears also in xiv, 17, and xl, 1.

A man's Covenant not to defend himself is void.

[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.

No man obliged to accuse himself.

[30] A covenant to accuse oneself, 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.[11]

The End of an Oath.

[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, com-

11. In opposing self-incrimination and the use of torture Hobbes' contractarian approach here puts him on the side of those seeking to reform English law (see J. T. Langbein, *Torture and the Law of Proof*, Chicago, 1977, and L. W. Levy, *Origins of the Fifth Amendment*, New York, 1968). This may help to explain his claim (in the Dedicatory Letter) to be taking a middle course between those who contended for too great a liberty and those who contended for too great an authority.

mand, 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.

The form of an Oath.

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 everyone useth in his own religion, that the fear of breaking faith might be the greater.

No Oath but by God.

[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 anything 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 profaning 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.

An Oath adds nothing to the Obligation.

[33] It appears also that the oath adds nothing to the obligation.[12] For a covenant, if lawful, binds *in the sight of God[13] without the oath as much as with it; if unlawful, bindeth not at all, though it be confirmed with an oath.

12. A doctrine for which Hobbes was condemned by the University of Oxford. Cf. Wootton, pp. 123–24.

13. OL: "by the force of natural law."

CHAPTER XV

Of Other Laws of Nature

The third Law of Nature, Justice.

[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.

Justice and Injustice what.

[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 everything; 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*.

Justice and Propriety begin with the Constitution of Commonwealth.

[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 [xiv, 18–20]) 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.*[1] 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.

1. In his *Dialogue of the Common Laws* (p. 58) Hobbes attributes this definition to Aristotle and the common lawyers. It is also in Thomas, *Summa theologiae* II-II, qu. 58, art. 1.

Justice not Contrary to Reason.

[4] The fool[2] 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 [OL: right] reason so to get it, when it is impossible to receive hurt by it [OL: but only the supreme good]? and if it be not against reason, it is not against justice; or else justice is not to be approved for good."[3]

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, some-

2. Hobbes here paraphrases Ps. 14 (= Ps. 53), where what the 'fool' says is that there is no God. The Hebrew word translated "fool" connotes "moral, not intellectual deficiency . . . He is a person lacking in sense of honor and decency." (*The Psalms*, ed. by A. Cohen, Soncino Press, 1982, p. 33) The position Hobbes ascribes to the fool is very like the one Grotius ascribes to Carneades, whom he takes as representative of those who deny natural law (*De jure belli ac pacis*, Prolegomena, §§5 & 16–18). Since Hobbes himself had seemed to be close to Carneades' position in DCv i, 10 (proclaiming that "in the state of nature profit [*utilitas*] is the measure of right [*jus*]," his rejection of the fool here has been much discussed. I follow OL in introducing quotation marks to set off what the fool says from Hobbes' comment on his position. I also introduce sub-paragraphs, corresponding to the three parts of Hobbes' reply (¶¶5–7).

3. The fool alludes to a controversial verse in Matthew: "And from the days of John the Baptist until now, the kingdom of heaven suffereth violence, and the violent take it by force." (11:12, KJV) Grotius cites this passage as part of his argument that Jesus did not make war completely unlawful for Christians (*De jure belli ac pacis* I, ii, 7, 5).

what like to a piece of law in *Coke's* Commentaries on *Littleton*,[4] where he says: if the right heir of the crown be attainted* of treason, yet the crown shall descend to him, and *eo instante* [immediately] 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.[5] *For the manifestation whereof we are to consider: first, that when a man doth a thing which, notwithstanding anything 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.[6] *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 everyone expects the same defence by the confederation that anyone 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,

4. Edward Coke, *The first part of the Institutes of the Laws of England*, London, 1629, folio 16.

5. OL does not immediately address the case of state of nature covenants: "For the question is not of promises mutual in the natural condition of men, where there is no compelling power; for thus those promises would not be covenants. But if there is a compelling power and if the one party has performed his promise, the question is then whether the one who deceives does so with reason and in accordance with his own good. I say he acts against reason and imprudently."

6. OL: "For first, in a state anyone who does what, as far as can be foreseen and understood by reason, tends to his own destruction, even though something unforeseen happens which makes the outcome fortunate, has nevertheless acted imprudently, because what happens is unforeseen." I believe that in calling the fortunate outcome "unforeseen" Hobbes does not mean that it is (necessarily) improbable, but merely that it is not predictable with (tolerable) certainty. Cf. the note to §7.

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 [he has acted] 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.[7]

[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 anything destructive to our life, and consequently a law of nature.[8]

[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 supernatu-

7. OL: "Moreover, in the natural condition, where each one is an enemy to each one, no one can live securely without the aid of allies. But who, except by ignorance, will admit into society, which one enters by mutual covenants for the defense of the individual members, a man who thinks it rational to break covenants? Who, except by ignorance, will retain him if he has been admitted? So, either he will be cast out and perish, or he will owe his not being cast out to the ignorance of the others, which is contrary to right reason."

8. OL: "And supposing that a kingdom has been gotten by rebellion, even so it will have been gotten contrary to right reason, both because such successful outcomes are uncertain at the beginning, and because by their own example [the rebels] teach others to dare as much against them. The keeping of covenants, therefore, is a precept of reason, i.e., a natural law."

rally, 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]

Covenants not discharged by the Vice of the Person to whom they are made.

[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.

Justice of Men & Justice of Actions what.

[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 beholden 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.[10]

9. OL: "piety to pursue, depose, and kill their kings, under the pretext of a war of religion. But since there is no knowledge [*scientia*] of man's estate after death, but only trust in certain men who say that they know it supernaturally, or that they have received it from others who know it supernaturally (and so advancing, the others from others), the breaking of covenants according to their opinion is a violation, not of natural law, but of supernatural law. But we have no supernatural law except sacred Scripture. And it repeatedly prescribes obedience to kings and keeping pacts."

10. OL: "a custom or habit, as a virtue or vice. Thus a man who has a constant will to give to everyone what he has a right to, even if his actions have sometimes been unjust, is still just, provided he loves justice, himself condemns what he has done unjustly, even if he did it secretly, wishes he had not done it, and if he has done any harm, makes amends as far as he can. On the other hand, an unjust man is one who neglects justice, even if, from fear or some other unworthy [*sinistra*] cause, he has

[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*.

Justice of Manners, and Justice of Actions.

[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.

Nothing done to a man by his own consent can be injury.

[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 [i.e., that of the person acted on] to have it done being signified, is a release of that covenant; and so again there is no injury done him.

Justice Commutative and Distributive.

[14] Justice of actions is by writers[11] 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.

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never done any injury to anyone. What normally makes true justice, and gives it its relish, is a certain nobility [*generositas*] of soul, which disdains to owe anything to fraud and treachery."

11. Cf. Aristotle, *Nicomachean Ethics* V, ii-iv; Thomas Aquinas, *Summa theologiae* II–II, qu. 61.

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 [is] 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 [¶24]).

The fourth Law of Nature, Gratitude.

[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.

The fifth, Mutual accommodation, or Complaisance.

[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.*

The sixth, Facility to Pardon.

[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.

The seventh, that in Revenges men respect only the future good.

[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*.

The eighth, against Contumely.

[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*.*

The ninth, against Pride.

[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.[12] The inequality that now is, has been introduced by the laws civil. I know that *Aristotle* (in the first book of his Politics [ch. iii-vii], 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

12. Arguably, Hobbes claims more than he has accomplished, since the equality argued for in xiii, 1–2, is an equality of ability, and not of right. But Hobbes derives equality of right from equality of ability (xiii, 13; xiv, 4).

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*.

The tenth, against Arrogance.

[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, [right to] 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).[13] 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.

The eleventh Equity.

[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 [is called] *acception* of persons* (*prosopolepsia*).

The twelfth, Equal use of things Common.

[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

13. OL: "take care of their own bodies, to enjoy fire, water, air, and the other things without which a man cannot live." Note the greater breadth of the English version. It is not mere survival, but living well, which is the end of entry into civil society.

The thirteenth, of Lot.

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.*

The fourteenth, of Primogeniture, and first seizing.

[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.

The fifteenth, of Mediators.

[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.*

The sixteenth, of Submission to Arbitrement.

[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.

The seventeenth, No man is his own Judge.

[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.

The eighteenth, no man to be Judge, that has in him a natural cause of Partiality.

[33] And in a controversy of *fact* the judge (being to give no more credit to one [litigant] than to the other, if there be no other arguments) must give credit to a third [a non-litigant witness], or to a third and fourth; or more; for else the question is undecided, and left to force, contrary to the law of nature.

The nineteenth, of Witnesses.

[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.

A Rule by which the Laws of Nature may easily be examined.

[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 wouldst not have done to thyself*; which sheweth him that he has no more to do in learning the laws of nature but (when, weighing the actions of other men with his own, they seem too heavy) to put them into the other part of the balance, and 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.

The Laws of Nature oblige in Conscience always, but in effect then only where there is Security.

[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.[14] 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.[15]

The Laws of Nature are Eternal;

[38] *The laws of nature are immutable and eternal; for injustice, ingratitude, arrogance, pride, iniquity, acception of persons,

14. OL: "The laws of nature oblige in *foro interno*, i.e., their transgression is not properly to be called a crime, but a vice. But they do not always oblige in *foro externo*."

15. OL: "will was against it. For in the internal forum the mere intention becomes guilty."

and the rest, can never be made lawful. For it can never be that war shall preserve life, and peace destroy it.[16]

And yet Easy.

[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.

The Science of these Laws is the true Moral Philosophy.

[40] And the science of them [the laws of nature] 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.[17] 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.

16. Not in OL.

17. OL: "one who commands, whether orally or in writing, in such a way that everyone who is bound to obey knows that it is his word." OL has nothing

Chapter XXXI

Of the Kingdom of God by Nature

The scope of the following Chapters.

[1] That the condition of mere nature (that is to say, of absolute liberty, such as is theirs that neither are sovereigns nor subjects) is anarchy, and the condition of war; that the precepts by

which men are guided to avoid that condition are the laws of nature; that a commonwealth without sovereign power is but a word without substance, and cannot stand; that subjects owe to sovereigns simple obedience in all things wherein their obedience is not repugnant to the laws of God,[1] I have sufficiently proved in that which I have already written. There wants only, for the entire knowledge of civil duty, to know what are those laws of God. For without that a man knows not, when he is commanded anything by the civil power, whether it be contrary to the law of God or not, and so, either by too much civil obedience offends the Divine Majesty, or through fear of offending God transgresses the commandments of the commonwealth. To avoid both these rocks, it is necessary to know what are the laws divine. And seeing the knowledge of all law dependeth on the knowledge of the sovereign power, I shall say something, in that which followeth, of the KINGDOM OF GOD.

Who are subjects in the kingdom of God.

[2] "God is king, let the earth rejoice," saith the psalmist [Ps. 97:1]. And again, "God is king though the nations be angry; and he that sitteth on the cherubims, though the earth be moved" [Ps. 99:1]. Whether men will or not, they must be subject always to the divine power. By denying the existence or providence of God, men may shake off their ease, but not their yoke. But to call this power of God (which extendeth itself not only to man, but also to beasts, and plants, and bodies inanimate) by the name of kingdom is but a metaphorical use of the word. For he only is properly said to reign that governs his subjects by his word, and by promise of rewards to those that obey it, and by threatening them with punishment that obey it not. Subjects, therefore, in the kingdom of God are not bodies inanimate, nor creatures irrational (because they understand no precepts as his), nor atheists, nor they that believe not that God has any care of the actions of mankind (because they acknowledge no word for his, nor have hope of his rewards, or fear of his threatenings). They, therefore, that believe there is a God that governeth the world, and hath given precepts, and propounded rewards and punishments to mankind, are God's subjects; all the rest are to be understood as enemies.[2]

1. Clarendon commented on this text that it was "enough to destroy many of the prerogatives he hath given to his sovereign and to cancel many of the obligations he hath imposed on his subject. But if the reader will suspend his judgment till he hath read a few leaves more, he will find that Mr. Hobbes hath been wary enough to do himself no harm by his specious divinity, but hath a *salvo* to set all straight again." He then cites xxxiii, 1 ("those books only are canonical . . .") and might have added xxxiii, 24. (Cf. *Brief View*, p. 187)

2. Like Grotius (*De jure belli*, prolegomena, §11) Hobbes emphasizes both God's existence and his providence. Someone who admits the existence of God, but

A Threefold Word of God, Reason, Revelation, Prophecy.

[3] To rule by words requires that such words be manifestly made known, for else they are no laws. For to the nature of laws belongeth a sufficient and clear promulgation, such as may take away the excuse of ignorance; which in the laws of men is but of one only kind, and that is, proclamation, or promulgation by the voice of man. But God declareth his laws three ways: by the dictates of *natural reason*, by *revelation*, and by the *voice* of some man, to whom by the operation of miracles he [OL: God] procureth credit with the rest. From hence there ariseth a triple word of God, *rational*, *sensible*, and *prophetic*, to which correspondeth a triple hearing, *right reason*, *sense supernatural*, and *faith*. As for sense supernatural, *which consisteth in revelation, or inspiration, there have not been any universal laws so given, because God speaketh not in that manner but to particular persons, and to divers men divers things.[3]

A twofold Kingdom of God, Natural and Prophetic.

[4] From the difference between the other two kinds of God's word, *rational* and *prophetic*, there may be attributed to God a twofold kingdom, *natural* and *prophetic*: natural, wherein he governeth as many of mankind as acknowledge his providence by the natural dictates of right reason; and prophetic, *wherein, having chosen out one peculiar nation (the Jews) for his subjects, he governed them, and none but them,[4] not only by natural reason, but by positive laws, which he gave them by the mouths of his holy prophets. Of the natural kingdom of God I intend to speak in this chapter.

The Right of God's Sovereignty is derived from his Omnipotence.

[5] *The right of nature whereby God reigneth over men, and punisheth those that break his laws, is to be derived, not from his creating them (as if he required obedience, as of gratitude for his benefits), but from his *irresistible power*. I have formerly shown how the sovereign right ariseth from pact; to show how the same right may arise from nature requires no more but to show in what case it is never taken away.[5]

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denies that God has any concern for human beings, will be no better than one who simply denies the existence of God. The classic representative of this kind of position is Lucretius (who articulates it in terms of a polytheistic theology in *De rerum natura* I, 45–49; VI, 48–79). One question about Hobbes is whether his own position on divine providence is not equivalent to the Lucretian, in cutting all connection between human behavior and divine treatment. Cf. xxxi, 6.

3. OL: "since it is nothing but revelation made to an individual man, it obliges only him to whom it is made."

4. OL: "insofar as he governs his chosen people (viz., first the Israelites, then the Christians) . . ."

5. OL: "The right of the natural divine kingdom, by which God afflicts those who violate the laws of nature, is not derived from the fact that he created them

Seeing all men by nature had right to all things, they had right every one to reign over all the rest. But because this right could not be obtained by force, it concerned the safety of every one, laying by that right, to set up men (with sovereign authority) by common consent, to rule and defend them; whereas if there had been any man of power irresistible, there had been no reason why he should not by that power have ruled, and defended both himself and them, according to his own discretion. To those, therefore, whose power is irresistible, the dominion of all men adhereth naturally by their excellence of power; and consequently it is from that power that the kingdom over men, and the right of afflicting men at his pleasure, belongeth naturally to God Almighty, not as Creator and gracious, but as omnipotent. And though punishment be due for sin only (because by that word is understood affliction for sin), yet the right of afflicting is not always derived from men's sin, but from God's power.[6]

Sin not the cause of all Affliction.

[6] This question, *Why evil men often prosper, and good men suffer adversity*, has been much disputed by the ancient, and is the same with this of ours, *By what right God dispenseth the prosperities and adversities of this life*; and is of that difficulty as it hath shaken the faith, not only of the vulgar, but of philosophers, and which is more, of the Saints, concerning the Divine Providence. "How good," saith David, "is the God of Israel to those that are upright in heart; and yet my feet were almost gone, my treadings had well-nigh slipt; for I was grieved at the wicked, when I saw the ungodly in such prosperity." [Ps. 73:1–3] And *Job*, how earnestly does he expostulate with God, for the many afflictions he suffered, notwithstanding his righteousness?

This question, in the case of *Job*, is decided by God himself, not by arguments derived from *Job's* sin, but his own power. For whereas the friends of *Job* drew their arguments from his affliction to his sin, and he defended himself by the conscience* of his innocence, God himself taketh up the matter, and having justified the affliction by arguments drawn from his power, such as this, "Where wast thou, when I laid the foundations of

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when they did not exist, but from the fact that it is impossible to resist the divine power. It has been shown above that the supreme power among men arises from a pact; to undertand how the same right could arise from nature, we must consider in what case it could be sempiternal [i.e., everlasting, without beginning or end]."

6. OL: "For since all men by nature had a right to all things, and consequently, each one by nature would have a right of ruling (even if it was useless because of mutual resistance), if any one of them had so much power that he could have counted on a certain victory from it in the war against all men, what reason can be imagined why he should not wish to defend both himself and all other men, by his own discretion, reigning over all, rather than accept laws over himself by establishing civil rights for his own defense? To an omnipotent nature, which cannot be