

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 com-

Endeavour monly called ENDEAVOUR.

[2] This endeavour, when it is toward something which causes it, is called

Appetite. Desire. APPETITE or DESIRE, the latter being the general name, and the other
Hunger. Thirst. oftentimes restrained to signify the desire of food, namely *hunger* and
Aversion. *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.

[3] That which men desire they are also said to LOVE, and to HATE those

Love. Hate. 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.

[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.

Contempt. [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.

[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.

[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*.

[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 appearance, 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 appearance, or sense of that motion, is that we either call DE-
LIGHT, or TROUBLE OF MIND.

[10] This motion which is called appetite, and for the appearance 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.

[11] *Pleasure*, therefore, or *delight*, is the appearance, or sense, of good; and *molestation** or *displeasure*, the appearance, 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.

[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 operations* and exonerations of the body, as also all that is pleasant in the *sight*, *hearing*, *smell*, *taste*, or *touch*. Others arise from the expect-

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.

[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 arriving⁴ 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*.

[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.

*Forms of Speech
in Passion.*

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

Good and Evil apparent.

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.

[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

[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.

*Praise. Magnification.
Makarismos.*

7. Not in OL.

CHAPTER XIII
*Of the NATURAL CONDITION
of MANKIND, As Concerning Their
Felicity, and Misery*¹

[1] Nature hath made men so equal in the faculties of body and mind as

Men by nature Equal.

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.

[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 Equality
proceeds Diffidence.*

[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.

From Diffidence War.

[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.

[8] Hereby it is manifest that during the time men live without a com-

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

mon 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.

[9] Whatsoever therefore is consequent to a time of war, where every

*The Incommodities
of such a War.*

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.

[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

*In such a War,
nothing is Unjust.*

Force and fraud are in war the two cardinal virtues. Justice and injustice are none of the faculties neither of the body, nor mind. If they were, they might be in a man that were alone in the world, as well as his senses and passions. They are qualities that relate to men in society, not in solitude. It is consequent also to the same condition that there be no propriety,* no dominion, no *mine* and *thine* distinct, but only that to be every man's that he can get, and for so long as he can keep it. And thus much for the ill condition which man by mere nature is actually placed in, though with a possibility to come out of it, consisting partly in the passions, partly in his reason.

[14] The passions that incline men to peace are fear of death, desire of such things as are necessary to commodious* living, and a hope by their industry to obtain them. And reason suggesteth convenient articles of peace, upon which men may be drawn to agreement. These articles are they which otherwise are called the Laws of Nature, whereof I shall speak more particularly in the two following chapters.

*The Passions that
incline men to Peace.*

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

[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 *Right of Nature 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 *Liberty what.*

[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 *A law of Nature what.*

Difference of Right and Law.

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.

[4] And because the condition of man (as hath been declared in the

*Naturally every
man has Right to
every thing.*

*The Fundamental Law
of Nature. To seek
peace.*

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.*

[5] From this fundamental law of nature, by which men are com-

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

manded 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

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

[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.

What it is to lay down a Right.

[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.

Renouncing a Right what it is.

Transferring Right what.

Obligation. Duty. Injustice.

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.

[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.

*Signs of Contract
by Inference.*

[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.

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

But if there be other signs of the will to transfer a right besides words, then though the gift be free, yet may the right be understood to pass by words of the future (as, if a man propound a prize to him that comes first to the end of a race, the gift is free, and though the words be of the future, yet the right passeth; for if he would not have his words so be understood, he should not have let them run).

[16] In contracts the right passeth, not only where the words are of the time present or past, but also where they are of the future, because all contract is mutual translation, or change of right; and therefore he that promiseth only (because he hath already received the benefit for which he promiseth) is to be understood as if he intended the right should pass; for unless he had been content to have his words so understood, the other would not have performed his part first. And for that cause, in buying and selling, and other acts of contract, a promise is equivalent to a covenant, and therefore obligatory.

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

[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

Merit what.

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

[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 com-

mon 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.

[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.

*Right to the End,
Containeth Right
to the Means.*

[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.

*No Covenant
with Beasts.*

[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.

*Nor with God without
special Revelation.*

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 covenant 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.

[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.

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

[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

*No man obliged
to accuse himself.*

[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-

The End of an Oath.

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.

So that before the time of civil society, or in the interruption thereof by

The form of an Oath.

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.

[32] By this it appears that an oath taken according to any other form or

No Oath but by God.

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.

[33] It appears also that the oath adds nothing to the obligation.¹² For a

An Oath adds nothing to the Obligation.

covenant, if lawful, binds *in the sight of God¹³ 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

[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.

The third Law of Nature, Justice.

[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 Injustice what.

[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.

Justice and Propriety begin with the Constitution of Commonwealth.

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.

[4] The fool² 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

[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.

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

[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

*Justice of Men &
Justice of Actions what.*

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*.

[12] Again, the injustice of manners is the disposition or aptitude to do injury, and is injustice before it proceed to act and without

*Justice of Manners, and
Justice of Actions.*

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

[13] Whatsoever is done to a man conformable to his own will, signified

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

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.

[14] Justice of actions is by writers¹¹ divided into *commutative* and *distributive*;

*Justice 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.

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]).

[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 fourth Law of Nature, Gratitude.

[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

The fifth, Mutual accommodation, or Complaisance.

commandeth *to seek peace*. The observers of this law may be called SOCIABLE (the Latins call them *commodi*); the contrary, *stubborn, insociable, froward,* intractable*.

[18] A sixth law of nature is this *that upon caution* of the future time, a man ought to pardon the offences past of them that, repenting, desire it*.

The sixth, Facility
to Pardon.

For PARDON is nothing but granting of peace, which (though granted to them that persevere in their hostility be not peace but fear, yet) not granted to them that give caution of the future time is sign of an aversion to peace; and therefore contrary to the law of nature.

[19] A seventh is *that in revenges* (that is, retribution of evil for evil) *men*

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

look not at the greatness of the evil past, but the greatness of the good to follow. Whereby we are forbidden to inflict punishment with any other design than for correction of the offender, or direction of others. For this law is consequent to the next before it, that commandeth pardon upon security* of the future time. Besides, revenge without respect to the example and profit to come is a triumph, or glorying, in the hurt of another, tending to no end (for the end is always somewhat to come); and glorying to no end is vain-glory, and contrary to reason; and to hurt without reason tendeth to the introduction of war, which is against the law of nature, and is commonly styled by the name of *cruelty*.

[20] And because all signs of hatred or contempt provoke to fight, insomuch as most men choose rather to hazard their life than not

The eighth, against
Contumely.

to be revenged, we may in the eighth place, for a law of nature, set down this precept *that no man by deed, word, countenance, or gesture, declare hatred or contempt of another*. The breach of which law is commonly called *contumely*.*

[21] The question ‘who is the better man?’ has no place in the condition of mere nature, where (as has been shewn before) all men are equal.¹²

The ninth,
against Pride.

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*.

[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 tenth, against
Arrogance.

[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.

The eleventh Equity.

[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*).

[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.

The twelfth, Equal use
of things Common.

[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

The fourteenth, of Primogeniture, and first seizing. which is agreed on by the competitors; natural is either *primogeniture** (which the Greek calls *kleronomia*, which signifies, *given by lot*) or *first seizure*.

[28] And therefore those things which cannot be enjoyed in common, nor divided, ought to be adjudged to the first possessor; and in some cases to the first-born, as acquired by lot.

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

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.

[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.

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

[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.

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

[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

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

The Laws of Nature are Eternal;

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 XVI

Of PERSONS, AUTHORS, and Things Personated

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

A Person what.

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

*Person Natural,
and Artificial.*

[3] The word Person is Latin, instead whereof the Greeks have *prosopon*, which signifies the *face*, as *persona* in Latin signifies the *disguise or outward appearance* of a man, counterfeited on the stage, and sometimes more particularly that part of it which disguiseth the face (as a mask or vizard*); and from the stage hath been translated* to any representer of speech and action, as well in tribunals as theatres. So that a *person* is the same that an *actor* is, both on the stage and in common conversation; and to *personate* is to *act*, or *represent*, himself or another; and he that acteth another is said to bear his person, or act in his name (in which sense *Cicero* useth it where he says *Unus sustineo tres personas: mei, adversarii, et judicis*, I bear three persons: my own, my adversary's, and the judge's),¹ and is called in divers occasions diversely (as a *representer*, or *representative*, a *lieutenant*, a *vicar*, an *attorney*, a *deputy*, a *procurator*, an *actor*, and the like).

*The word
Person, whence.*

[4] *Of persons artificial, some have their words and actions *owned* by those whom they represent. And then the person is the *actor*, and he that owneth his words and actions is the *AUTHOR*, in which case the actor acteth by authority.² For that which in speaking of goods and possessions is called an *owner* (and in Latin *dominus*, in Greek *kurios*), speaking of actions is called author. And as the right of possession is called

Actor, Author.

corresponding to the final sentence of this paragraph. Cf. xxvi, 8, where the paraphrase also ignores the final sentence. Suarez also assumes (as Hobbes seems to here) that, to be law in the strict sense of the term (i.e., a precept which binds those to whom it is given), a precept must be a command of a superior (cf. *On Laws and God the Lawgiver*, II, vi). Grotius seems to reject this view, holding that natural law is binding even on God (Cf. *De jure belli ac pacis*, I, i, 10).

1. *De oratore*, II, 102; cf. in the Appendix, OL III, 533–36.

2. OL: “The words and deeds of those who represent are sometimes acknowledged as their own by whom they represent; and then the one who represents is called the actor, and the one who is represented is called the author, as the one by whose authority the actor acts.”

Authority. dominion, so the right of doing any action is called AUTHORITY. So that by authority is always understood a right of doing any act; and *done by authority*, done by commission or licence from him whose right it is.

[5] From hence it followeth that when the actor maketh a covenant by

*Covenants by Authority
bind the Author.*

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

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

[7] When the actor doth anything against the law of nature by command

But not the Actor.

of the author, if he be obliged by former covenant to obey him, not he, but the author breaketh the law of nature; for though the action be against the law of nature, yet it is *not his; but contrarily, to refuse to do it is against the law of nature that forbiddeth breach of covenant.³

[8] And he that maketh a covenant with the author by mediation of the

*The Authority
is to be shown.*

actor, not knowing what authority he hath, but only takes his word, in case such authority be not made manifest unto him upon demand, is no longer obliged; for the covenant made with the author is not valid without his counter-assurance.* But if he that so covenanteth *knew beforehand he was to expect no other assurance⁴ than the actor's word, then is the covenant valid, because the actor in this case maketh himself the author. And therefore, as when the authority is evident the covenant obligeth the author, not the actor, so when the authority is feigned it obligeth the actor only, there being no author but himself.

[9] There are few things *that are incapable of being represented by

*Things personated,
Inanimate.*

fiction.⁵ Inanimate things (as a church, an hospital, a bridge) may be personated by a rector, master, or overseer. But things inanimate cannot be authors, nor therefore give authority to their actors; yet the actors may have authority to procure their maintenance given

3. OL: "not the actor's but the author's; because the actor would have violated the law if he had not done it, since he had covenanted to do it."

4. OL: "was not expecting any other assurance."

5. OL: "of which there cannot be a person. For although a person is by nature something which understands, still, that whose person is borne is not always necessarily so."

them by those that are owners or governors of those things. And therefore, such things cannot be personated before there be some state of civil government.

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

Irrational.

[11] An idol, or mere figment of the brain, may be personated (as were the gods of the heathen, which by such officers as the state appointed were personated, and held possessions, and other goods, and rights, which men from time to time dedicated and consecrated unto them). But idols cannot be authors; for an idol is nothing. The authority proceeded from the state; and therefore, before introduction of civil government the gods of the heathen could not be personated.

False Gods;

[12] *The true God may be personated. As he was, first by *Moses*, who governed the Israelites (that were not his, but God's people) not in his own name (with *hoc dicit Moses* [thus says Moses]), but in God's name (with *hoc dicit Dominus* [thus says the Lord]). Secondly, by the Son of man, his own Son, our blessed Saviour *Jesus Christ*, that came to reduce* the Jews, and induce all nations into the kingdom of his father, not as of himself, but as sent from his father. And thirdly, by the Holy Ghost, or Comforter, speaking and working in the Apostles; which Holy Ghost was a Comforter that came not of himself, but was sent and proceeded from them both.⁶

The true God.

6. OL: "Also, the person of the true God is borne and has been borne. For he created the world in his own person; and in redeeming the human race, Jesus Christ bore the person of God; and in sanctifying the elect, the Holy Ghost bore the person of the same God. This we are taught in the catechism authorized by the state, viz., *to believe in God the father, who created me and the whole world; and in God the Son, who redeemed me and the whole human race; and in the Holy Ghost, who sanctified me and all the elect people of God.*" The revision stems from concerns about the orthodoxy of the English version. Cf. the Appendix, OL III, 563 & xlii, 3. In the large-paper copy the English concludes: "proceeded from them both on the day of Pentecost." Bramhall complained that Hobbes' interpretation of the trinity implied that there was a time when there was no trinity, and hence that its three persons were not coeternal (*Catching of Leviathan*, p. 474). Hobbes claimed not to see why (EW IV, 317), though it seems a clear implication of the large-paper version of this passage.

In EW IV, 316, Hobbes defends his explanation of the doctrine of the trinity as

[13] A multitude of men are made *one* person, when they are by one

*A Multitude of men,
how one Person.*

man, or one person, represented so that it be done with the consent of every one of that multitude in particular.⁷ For it is the *unity* of the representer, not the *unity* of the represented, that maketh the person *one*. And it is the representer that beareth the person, and but one person,⁸ and *unity* cannot otherwise be understood in multitude.

[14] And because the multitude naturally is not *one*, but *many*, they

Every one is Author.

cannot be understood for one, but many, authors of everything their representative saith or doth in their name, every man giving their common representer authority from himself in particular, and owning all the actions the representer doth, in case they give him authority without stint; otherwise, when they limit him in what, and how far, he shall represent them, none of them owneth more than they gave him commission to act.⁹

[15] And if the representative consist of many men, the voice of the

*An Actor may be Many
men made One by
Plurality of Voices.*

greater number must be considered as the voice of them all. For if the lesser number pronounce (for example) in the affirmative, and the greater in the negative, *there will be negatives more than enough to destroy the affirmatives; and thereby the excess of negatives, standing uncontradicted, are the only voice the representative hath.¹⁰

[16] And a representative of even number, especially when the number

*Representatives,
when the number is
even, unprofitable.*

is not great, whereby the contradictory voices are oftentimes equal, is therefore oftentimes mute and incapable of action. Yet in some cases contradictory voices equal in number may determine a question (as, in condemning or absolving, equality of votes, even in that they condemn not, do absolve; but not on the contrary condemn, in that they absolve not). For when a cause is heard, not to condemn is to absolve;

an attempt to meet the objection of “Lucian and heathen scoffers” who say it involves a contradiction to hold that God is one and three. His account of the trinity shows it not to be contradictory. But then he abandons the account, claiming to have discovered his error independently of Bramhall. So it seems that he leaves Lucian unanswered.

7. OL: “it is represented by one who has authority from each one.”

8. Not in OL.

9. OL: “But the authority given is limited; each one is the author of only those actions which are contained in the commission.”

10. OL: “the negative voices exceeding the affirmative, as [the excess] is not contradicted by [the affirmatives], it is the voice of the person, i.e., of all. For otherwise, the person would be mute, which is contrary to nature.”

but on the contrary, to say that not absolving is condemning, is not true. The like it is in a deliberation of executing presently, or deferring till another time; for when the voices are equal, the not decreeing execution is a decree of dilation.*

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

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

PART II

OF COMMONWEALTH¹

CHAPTER XVII

Of the Causes, Generation, and Definition of a COMMONWEALTH

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

The End of Commonwealth, particular Security.

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

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

1. OL: “De Civitate sive Republica.” Similarly in xvii, 13.

men their lives and instruments of husbandry.² And as small families did then, so now do cities and kingdoms (which are but greater families) for their own security enlarge their dominions upon all pretences* of danger and fear of invasion or assistance that may be given to invaders, [and] endeavour as much as they can to subdue or weaken their neighbours, by open force and secret arts for want of other caution, justly (and are remembered for it in after ages with honour).

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

Nor from the conjunction of a few men or families.

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

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

[5] Nor is it enough for the security, which men desire should last all the time of their life, that they be governed and directed by one judgment for a limited time, as in one battle or one war. For though they obtain a victory by their unanimous endeavour against a foreign enemy, yet afterwards, when either they have no common enemy,

And that continually.

2. OL: "The histories of ancient Greece teach the same thing also, that where there were no authorities except the paternal, theft, on land and sea, was a trade not only lawful, but also, provided they abstained from cruelty and from the tools of agriculture, honorable." Cf. Thucydides I, 5–6, and Aquinas, *Summa theologiae*, I–II, qu. 94, art. 4.

or he that by one part is held for an enemy is by another part held for a friend, they must needs by the difference of their interests dissolve, and fall again into a war amongst themselves.

[6] It is true that certain living creatures (as bees and ants) live sociably

*Why certain creatures
without reason, or
speech, do nevertheless
live in Society, without
any coercive Power.*

one with another (which are therefore by *Aristotle* numbered amongst political creatures),³ and yet have no other direction than their particular judgments and appetites, nor speech whereby one of them can signify to another what he thinks expedient for the common benefit; and therefore some man

may perhaps desire to know why mankind cannot do the same. To which I answer,

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

[8] Secondly, that amongst these creatures the common good differeth not from the private; and being by nature inclined to their private, they procure thereby the common benefit. But *man, whose joy consisteth in comparing himself with other men, can relish nothing but what is eminent.⁴

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

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

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

3. Cf. *History of Animals* I, i (488a8–13), where Aristotle classes bees and ants with man as political animals (“social” translates *politike* in the Oxford translation); in *Politics* I, ii (1253a7–18) he holds that man is more a political animal than other gregarious animals, because he alone has a sense of good and evil, and of justice and injustice.

4. OL: “to a man nothing is so pleasant in his own goods as that they are greater than those of others.”

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

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

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

The Generation of a Commonwealth.

The Definition of a Commonwealth.

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

Sovereign, and Subject, what.

[15] The attaining to this sovereign power is by two ways. One, by natural force, as when a man maketh his children to submit themselves and their children to his government, as being able to destroy them if they

refuse, or by war subdueth his enemies to his will, giving them their lives on that condition. The other is when men agree amongst themselves to submit to some man, or assembly of men, voluntarily, on confidence to be protected by him against all others. This latter may be called a political commonwealth, or commonwealth by *institution*, and the former, a commonwealth by *acquisition*. And first, I shall speak of a commonwealth by institution.

CHAPTER XVIII

Of the RIGHTS of Sovereigns by Institution

[1] *A *commonwealth* is said to be *instituted*, when a *multitude* of men do agree and *covenant*, *every one with every one*, that to whatsoever *man* or *assembly of men* shall be given by the major part the *right* to *present* the person of them all (that is to say, to be their *representative*) every one, as well he that *voted for it* as he that *voted against it*, shall *authorize* all the actions and judgments of that man or assembly of men, in the same manner as if they were his own, to the end, to live peaceably amongst themselves and be protected against other men.¹

The act of Instituting a Commonwealth, what

The Consequences to such Institution are

I. The Subjects cannot change the form of government.

[2] *From this institution of a commonwealth are derived all the *rights* and *faculties* of him, or them, on whom the sovereign power is conferred by the consent of the people assembled.²

[3] First, because they covenant, it is to be understood they are not obliged by former covenant to anything repugnant hereunto. And consequently they that have already instituted a commonwealth, being thereby bound by covenant to own the actions and judgments of one, cannot lawfully make a new covenant amongst themselves to be obedient to any other, in any thing whatsoever,

1. OL: "A commonwealth is instituted when men, coming together voluntarily, agree, every one with every one, that they will all obey whatever man or assembly the greater part, by their votes, shall give the right of bearing the person of them all. Each of them, then, is obliged to obey him whom the greater part elected, and is to be considered the author of all his actions, whether he voted for him or not. For unless the votes of all are understood to be included in the majority of votes, they have come together in vain, and contrary to the end each one proposed for himself, viz., the peace and protection of all."

2. OL: "From the form of the institution are derived all the power [*potestas*] and all the rights of the one having supreme power [*summam potestatem*], as well as the duties of all the citizens."

without his permission. And therefore, they that are subjects to a monarch cannot without his leave cast off monarchy and return to the confusion of a disunited multitude, nor transfer their person from him that beareth it to another man, or other assembly of men; for they are bound, every man to every man, to own, and be reputed author of, all that he that already is their sovereign shall do and judge fit to be done; so that, any one man dissenting, all the rest should break their covenant made to that man, which is injustice. And they have also every man given the sovereignty to him that beareth their person; and therefore if they depose him, they take from him that which is his own, and so again it is injustice. Besides, if he that attempteth to depose his sovereign be killed, or punished by him for such attempt, he is author of his own punishment, as being, by the institution, author of all his sovereign shall do; and because it is injustice for a man to do anything for which he may be punished by his own authority, he is also, upon that title, unjust.

And whereas some men have pretended for their disobedience to their sovereign a new covenant, made (not with men, but) with God, this also is unjust; for there is no covenant with God but by mediation of somebody that representeth God's person, which none doth but God's lieutenant, who hath the sovereignty under God.³ But this pretence of covenant with God is so evident a lie, even in the pretenders' own consciences, that it is not only an act of an unjust, but also of a vile and unmanly disposition.

[4] Secondly, because the right of bearing the person of them all is given to him they make sovereign by covenant only of one to another, and not of him to any of them, there can happen no breach of covenant on the part of the sovereign; and consequently none of his subjects, by any pretence of forfeiture, can be freed from his subjection.

II. Sovereign Power cannot be forfeited.

That he which is made sovereign maketh no covenant with his subjects beforehand is manifest, because either he must make it with the whole multitude, as one party to the covenant, or he must make a several* covenant with every man. With the whole, as one party, it is impossible, because as yet they are not one person; and if he make so many several covenants as there be men, those covenants after he hath the sovereignty are void, because what act soever can be pretended by any one of them for breach thereof is the act both of himself and of all the rest, because done in the person and by the right of every one of them in particular.

Besides, if any one (or more) of them pretend a breach of the covenant made by the sovereign at his institution, and others (or one other) of his subjects (or himself alone) pretend there was no such breach, there is in this case no judge to decide the controversy; it returns therefore to the

3. Cf. xiv, 23, and the note thereto.

sword again; and every man recovereth the right of protecting himself by his own strength, contrary to the design they had in the institution. It is therefore in vain to grant sovereignty by way of precedent covenant.

The opinion that any monarch receiveth his power by covenant, that is to say, on condition, proceedeth from want of understanding this easy truth, that covenants, being but words and breath, have no force to oblige, contain, constrain, or protect any man, but what it has from the public sword, that is, from the untied hands of that man or assembly of men that hath the sovereignty, and whose actions are avouched by them all, and performed by the strength of them all, in him united. But when an assembly of men is made sovereign, then no man imagineth any such covenant to have passed in the institution; for no man is so dull as to say, for example, the people of *Rome* made a covenant with the Romans, to hold the sovereignty on such or such conditions, which not performed, the Romans might lawfully depose the Roman people. That men see not the reason to be alike in a monarchy and in a popular government proceedeth from the ambition of some that are kinder to the government of an assembly, whereof they may hope to participate, than of monarchy, which they despair to enjoy.

[5] Thirdly, because the major part hath by consenting voices declared

*III. No man can
without injustice protest
against the Institution of
the Sovereign declared
by the major part.*

a sovereign, he that dissented must now consent with the rest, that is, be contented to avow all the actions he shall do, or else justly be destroyed by the rest. For if he voluntarily entered into the congregation of them that were assembled, he sufficiently declared thereby his will (and therefore tacitly covenanted) to stand to what the major part should ordain; and therefore, if he refuse to stand thereto, or make protestation against any of their decrees, he does contrary to his covenant, and therefore unjustly. And whether he be of the congregation or not, and whether his consent be asked or not, he must either submit to their decrees or be left in the condition of war he was in before, wherein he might without injustice be destroyed by any man whatsoever.

[6] Fourthly, because every subject is by this institution author of all the

*IV. The Sovereign's
Actions cannot be justly
accused by the Subject.*

actions and judgments of the sovereign instituted, it follows that, whatsoever he doth, it can be no injury to any of his subjects, nor ought he to be by any of them accused of injustice. For he that doth anything by authority from another doth therein no injury to him by whose authority he acteth; but by this institution of a commonwealth every particular man is author of all the sovereign doth; and consequently he that complaineth of injury from his sovereign complaineth of that whereof he himself is author, and therefore ought not to accuse any man but himself; no nor himself of injury, because to do injury to one's self

is impossible. *It is true that they that have sovereign power may commit iniquity, but not injustice, or injury in the proper signification.⁴

[7] Fifthly, and consequently to that which was said last, no man that hath sovereign power can justly be put to death, or otherwise in any manner by his subjects punished. For seeing every subject is author of the actions of his sovereign, he punisheth another for the actions committed by himself.

V. Whatsoever the Sovereign doth is unpunishable by the Subject.

[8] And because the end of this institution is the peace and defence of them all, and whosoever has right to the end has right to the means, it belongeth of right to whatsoever man or assembly that hath the sovereignty, to be judge both of the means of peace and defence, and also of the hindrances and disturbances of the same, and to do whatsoever he shall think necessary to be done, both beforehand (for the preserving of peace and security, by prevention of discord at home and hostility from abroad) and, when peace and security are lost, for the recovery of the same. And therefore,

VI. The Sovereign is judge of what is necessary for the Peace and Defence of his Subjects.

[9] Sixthly,⁵ it is annexed to the sovereignty to be judge of what opinions and doctrines are averse, and what conducing, to peace; and consequently, on what occasions, how far, and what men are to be trusted withal, in speaking to multitudes of people, and who shall examine the doctrines of all books before they be published. For the actions of men proceed from their opinions, and in the well-governing of opinions consisteth the well-governing of men's actions, in order to their peace and concord. And though in matter of doctrine nothing ought to be regarded but the truth, yet this is not repugnant to regulating of the same by peace. For doctrine repugnant to peace can no more be true than peace and concord can be against the law of nature. It is true that in a commonwealth where (by the negligence or unskilfulness of governors and teachers) false doctrines are by time generally received, the contrary truths may be generally offensive. Yet the most sudden and rough bustling in of a new truth that can be does never break the peace, but only sometimes awake the war. For those men that are so remissly governed that they dare take up arms to defend or introduce an opinion are still in war, and their condition not peace, but only a cessation of arms for fear of one another; and they live, as it were, in the precincts of battle continually. It belongeth therefore to him that hath the sovereign power to be judge (or constitute* all judges)

And Judge of what Doctrines are fit to be taught them

4. OL: "That he who has the supreme power can act inequitably, I have not denied. For what is done contrary to the law of nature is called inequitable; what is done contrary to the civil law, unjust. For just and unjust were nothing before the state was constituted."

5. The marginal summaries suggest that we might better regard ¶8 as stating the sixth right of the sovereign (with ¶9 making explicit one of its implications).

of opinions and doctrines, as a thing necessary to peace, thereby to prevent discord and civil war.

[10] Seventhly, is annexed to the sovereignty the whole power of pre-

VII. The Right of making Rules, whereby the Subjects may every man know what is so his own, as no other Subject can without injustice take it from him.

scribing the rules whereby every man may know what goods he may enjoy, and what actions he may do, without being molested* by any of his fellow-subjects; and this is it men call *propriety*. For before constitution of sovereign power (as hath already been shown) all men had right to all things, which necessarily causeth war;⁶ and therefore, this propriety, being necessary to peace, and depending on sovereign power, is the act of that power, in order to the public peace. These rules of propriety (or *meum* and *tuum*) and of *good, evil, lawful, and unlawful* in the actions of subjects are the civil laws; that is to say, the laws of each commonwealth in particular (though the name of civil law be now restrained* to the ancient civil laws of the city of *Rome*, which being the head of a great part of the world, her laws at that time were in these parts the civil law).

[11] Eighthly, is annexed to the sovereignty the right of judicature, that

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

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

[12] Ninthly, is annexed to the sovereignty the right of making war and

IX. And of making War, and Peace, as he shall think best.

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

X. And of choosing all Counsellours and Ministers, both of Peace and War.

[13] Tenthly, is annexed to the sovereignty the choosing of all counsellors, ministers, magistrates, and officers, both in peace and war. For seeing the sovereign is charged with the

6. Note that here Hobbes presents the right of all to all as a cause, rather than a consequence, of the war of all against all. Cf. xiii, 13.

end, which is the common peace and defence, he is understood to have power to use such means as he shall think most fit for his discharge.

[14] Eleventhly, to the sovereign is committed the power of rewarding with riches or honour, and of punishing with corporal or pecuniary punishment or with ignominy,* every subject according to the law he hath formerly made (or if there be no law made, according as he shall judge most to conduce to the encouraging of men to serve the commonwealth, or deterring of them from doing disservice to the same).

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

[15] Lastly, considering what values men are naturally apt to set upon themselves, what respect they look for from others, and how little they value other men, from whence continually arise amongst them emulation, quarrels, factions, and at last war, to the destroying of one another, and diminution of their strength against a common enemy, it is necessary that there be laws of honour and a public rate* of the worth of such men as have deserved (or are able to deserve) well of the commonwealth, and that there be force in the hands of some or other to put those laws in execution. But it hath already been shown that not only the whole *militia*, or forces of the commonwealth, but also the judicature of all controversies is annexed to the sovereignty. To the sovereign therefore it belongeth also to give titles of honour, and to appoint what order of place and dignity each man shall hold, and what signs of respect, in public or private meetings, they shall give to one another.

XII. And of Honour and Order.

[16] *These are the rights which make the essence of sovereignty, and which are the marks whereby a man may discern in what man, or assembly of men, the sovereign power is placed and resideth. For these are incommunicable* and inseparable. The power to coin money, to dispose of the estate and persons of infant heirs, to have preemption* in markets, and all other statute prerogatives may be transferred by the sovereign, and yet the power to protect his subjects be retained. But if he transfer the *militia*, he retains the judicature in vain, for want of execution of the laws; or if he grant away the power of raising money, the *militia* is in vain; or if he give away the government of doctrines, men will be frightened into rebellion with the fear of spirits. And so if we consider any one of the said rights, we shall presently see, that the holding of all the rest will produce no effect, in the conservation of peace and justice, the end for which all commonwealths are instituted. And this division is it, whereof it is said *a kingdom divided in itself cannot stand*;⁷ for unless this division precede, division into opposite armies can never happen. If there had not first been an opinion received of the greatest part of *England*, that these powers were

These Rights are indivisible.

7. Cf. Matthew 12:25, Mark 3:24, Luke 11:17.

divided between the King, and the Lords, and the House of Commons, the people had never been divided and fallen into this civil war, first between those that disagreed in politics, and after between the dissenters about the liberty of religion,⁸ which have so instructed men in this point of sovereign right that there be few now (in *England*) that do not see that these rights are inseparable, and will be so generally acknowledged at the next return of peace; and so continue, till their miseries are forgotten, and no longer, except the vulgar be better taught than they have hitherto been.⁹

[17] And because they are essential and inseparable rights, it follows

*And can by no Grant
pass away without
direct renouncing of the
Sovereign Power.*

necessarily that in whatsoever words any of them seem to be granted away, yet if the sovereign power itself be not in direct terms renounced, and the name of sovereign no more given by the grantees to him that grants them, the grant is void; for

when he has granted all he can, if we grant back the sovereignty, all is restored, as inseparably annexed thereunto.

[18] This great authority being indivisible, and inseparably annexed to

*The Power and Honour
of Subjects vanisheth in
the presence of the
Power Sovereign.*

the sovereignty, there is little ground for the opinion of them that say of sovereign kings, though they be *singulis majores*, of greater power than every one of their subjects, yet they be *universis minores*, of less power than them all together. For if

by *all together* they mean not the collective body as one person, then *all together*, and *every one*, signify the same; and the speech is absurd. But if by *all together* they understand them as one person (which person the sovereign bears), then the power of all together is the same with the sovereign's power; and so again the speech is absurd; which absurdity they see well enough when the sovereignty is in an assembly of the people; but in a

8. From "those that disagreed in politics . . ." the scribal ms. reads: "the temporal factions of parliamentarians and royalists, by the name of Roundheads and Cavaliers, and since between the doctrinal factions of presbyterians and independents."

9. OL: "And these are the principal rights of the sovereign, as has been fully demonstrated here, and as can be more briefly demonstrated in this one argument. For no one will deny that all these are rights of the commonwealth. But the commonwealth can neither act nor speak except through its person, i.e., him who has the supreme power. All these rights, then, belong to him who in the commonwealth has the supreme power, whether he is a man or an assembly of men. There are other lesser rights belonging to the sovereign, which differ in different commonwealths and can be lost without the power of protecting the citizens being lost. Such rights can be transferred to private citizens. But those greater rights which we have enumerated cannot be transferred. For if the right of the militia is lost, the right of judging will be in vain, because of the lack of power. If the right of raising money is lost, there will be no soldiers. If the right of regulating doctrines is lost,

monarch they see it not; and yet the power of sovereignty is the same in whomsoever it be placed.

[19] And as the power, so also the honour of the sovereign ought to be greater than that of any or all the subjects. For in the sovereignty is the fountain of honour. The dignities of lord, earl, duke, and prince are his creatures. As in the presence of the master, the servants are equal, and without any honour at all, so are the subjects in the presence of the sovereign. And though they shine, some more, some less, when they are out of his sight, yet in his presence they shine no more than the stars in [the] presence of the sun.

[20] But a man may here object that the condition of subjects is very miserable, as being obnoxious to the lusts and other irregular passions of him or them that have so unlimited a power in their hands. And commonly, they that live under a monarch think it the fault of monarchy, and they that live under the government of democracy or other sovereign assembly attribute all the inconvenience to that form of commonwealth (whereas the power in all forms, if they be perfect* enough to protect them, is the same), not considering that the estate of man can never be without some incommodity* or other, and that the greatest that in any form of government can possibly happen to the people in general is scarce sensible, in respect* of the miseries and horrible calamities that accompany a civil war (or that dissolute condition of masterless men, without subjection to laws and a coercive power to tie their hands from rapine* and revenge), nor considering that the greatest pressure* of sovereign governors proceedeth not from any delight or profit they can expect in the damage or weakening

Sovereign Power not so hurtful as the want of it, and the hurt proceeds for the greatest part from not submitting readily to a less.

superstitious citizens will be stirred to rebellion by their own fancies. In sum, if any one of these rights is lacking, all the others will cease, and there will be that division of which Christ himself said, *a kingdom divided against itself cannot stand*. For without an antecedent division of these rights, there will be no division of the people into opposed armies. The opinion of those who taught that the rights of the kingdom of England were divided between the King, the Lords, and the House of Commons, was the cause of the civil war which followed, as also the controversies on political and religious questions, by which, however, the people has now been so instructed concerning the royal right, that there are few now in England, I think, who do not see that the aforesaid rights are inseparable, and they will be publicly recognized as soon as peace has returned, and as long as the memory of past calamities remains, but no longer, unless the people are better instructed.” Tricaud notes that OL’s version of this passage seems more appropriate to the political circumstances of the late 40s and early 50s than to the time of its publication in 1668, when peace had been restored.

of their subjects (in whose vigour consisteth their own strength and glory), but in the restiveness of themselves that, unwillingly contributing to their own defence, make it necessary for their governors to draw from them what they can in time of peace, that they may have means on any emergent occasion, or sudden need, to resist or take advantage on their enemies. For all men are by nature provided of notable multiplying* glasses (that is their passions and self-love), through which every little payment appeareth a great grievance, but are destitute of those prospective glasses (namely moral and civil science), to see afar off the miseries that hang over them, and cannot without such payments be avoided.

CHAPTER XIX

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

[1] The difference of commonwealths consisteth in the difference of the

*The different Forms
of Commonwealths
but three.*

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

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

[2] There be other names of government in the histories and books of policy* (as *tyranny* and *oligarchy*).¹ But they are not the names of other forms of government, but of the same forms misliked. For they that are discontented under *monar-*

1. Among the writers Hobbes is criticizing here would be Aristotle (*Politics* III, vii) and Polybius (*Histories* VI, iii–ix).

chy call it *tyranny*; and they that are displeased with *aristocracy* call it *oligarchy*; so also, they which find themselves grieved under a *democracy* call it *anarchy* (which signifies want of government); and yet I think no man believes that want of government is any new kind of government; nor by the same reason ought they to believe that the government is of one kind when they like it, and another when they dislike it or are oppressed by the governors.

[3] It is manifest that men who are in absolute liberty may, if they please, give authority to one man to represent them every one, as well as give such authority to any assembly of men whatsoever; and consequently may subject themselves, if they think good, to a monarch as absolutely as to any other representative. Therefore, where there is already erected a sovereign power, there can be no other representative of the same people, but only to certain particular ends, by the sovereign limited. For that were to erect two sovereigns, and every man to have his person represented by two actors that by opposing one another must needs divide that power which (if men will live in peace) is indivisible, and thereby reduce the multitude into the condition of war, contrary to the end for which all sovereignty is instituted. And therefore, as it is absurd to think that a sovereign assembly, inviting the people of their dominion to send up their deputies with power to make known their advice or desires, should therefore hold such deputies (rather than themselves) for the absolute representative of the people, so it is absurd also to think the same in a monarchy. And I know not how this, so manifest a truth, should of late be so little observed that in a monarchy, he that had the sovereignty from a descent of 600 years, was alone called sovereign, had the title of Majesty from every one of his subjects, and was unquestionably taken by them for their king, was notwithstanding never considered as their representative, that name without contradiction passing for the title of those men which at his command were sent up by the people to carry their petitions, and give him (if he permitted it) their advice.² Which may serve as an admonition for those that are the true and absolute representative of a people, to instruct men in the nature of that office, and to take heed how they admit of any other

*Subordinate
Representatives
dangerous.*

2. Tricaud points out that the claim of a six hundred years' succession is an exaggeration if Hobbes is reckoning from the Norman Conquest of 1066 even to the end of Charles I's reign in 1649. But if (as Tricaud suggests) Hobbes is dating the beginning of the monarchy from the reign of Edward the Confessor (1042–1066), then (as Sommerville points out in correspondence) (a) it is difficult to see why he does not go back further than Edward, and (b) it is awkward that he later says that William acquired his throne by conquest (e.g., in xxiv, 6). A similar passage in *Behemoth* (p. 1 in Holmes) raises similar questions.

general representation upon any occasion whatsoever, if they mean to discharge the trust committed to them.

[4] The difference between these three kinds of commonwealth

*Comparison of
Monarchy, with
Sovereign Assemblies.*

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

[5] Secondly, that a monarch receiveth counsel of whom, when, and where he pleaseth, and consequently may hear the opinion of men versed in the matter about which he deliberates, of what rank or quality soever, and as long before the time of action, and with as much secrecy, as he will.

*But when a sovereign assembly has need of counsel, none are admitted but such as have a right thereto from the beginning, which for the most part are of those who have been versed more in the acquisition of wealth than of knowledge, and are to give their advice in long discourses, which may (and do commonly) excite men to action, but not govern them in it. For the *understanding* is by the flame of the passions, never enlightened, but dazzled.³ Nor is there any place or time wherein an assembly can receive counsel with secrecy, because of their own multitude.

[6] Thirdly, that the resolutions of a monarch are subject to no other inconstancy than that of human nature; but in assemblies, besides that of

3. OL: "But when an assembly has need of counsel, it can have no counsellors from outside its own body, who for the most part are unskilled in civic matters; the rest, since they are orators, give their opinions in speeches full either of pretence or of inept learning, and either disrupt the commonwealth or do it no good."

nature, there ariseth an inconstancy from the number. For the absence of a few that would have the resolution, once taken, continue firm (which may happen by security,* negligence, or private impediments), or the diligent appearance of a few of the contrary opinion, undoes today all that was concluded yesterday.

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

[8] Fifthly, that in monarchy there is this inconvenience: *that any subject, by the power of one man, for the enriching of a favourite or flatterer, may be deprived of all he possesseth; which I confess is a great and inevitable inconvenience.⁴ But the same may as well happen where the sovereign power is in an assembly; for their power is the same,⁵ and they are as subject to evil counsel, and to be seduced by orators, as a monarch by flatterers; and becoming one another's flatterers, serve one another's covetousness and ambition by turns. And whereas the favourites of monarchs are few, and they have none else to advance but their own kindred, the favourites of an assembly are many, and the kindred much more numerous than of any monarch. Besides, there is no favourite of a monarch which cannot as well succour his friends as hurt his enemies; but orators, that is to say, favourites of sovereign assemblies, though they have great power to hurt, have little to save. For to accuse requires less eloquence (such is man's nature) than to excuse; and condemnation than absolution more resembles justice.

[9] Sixthly, that it is an inconvenience in monarchy that the sovereignty may descend upon an infant, or one that cannot discern between good and evil, and consisteth in this, that the use of his power must be in the hand of another man, or of some assembly of men, which are to govern by his right and in his name, as curators and protectors of his person and authority. But to say there is inconvenience in putting the use of the sovereign power into the hand of a man, or an assembly of men, is to say that all government is more inconvenient than confusion and civil war. And therefore all the danger that can be pretended must arise from the contention of those that for an office of so great honour and profit may become competitors.

To make it appear that this inconvenience proceedeth not from that form of government we call monarchy, we are to consider that the precedent monarch hath appointed who shall have the tuition* of his infant

4. OL: "that the monarch, to enrich some friend, can deprive a good citizen of all his property; nevertheless, we do not read that this has ever been done." Cf. EL II, v, 5.

5. OL adds: "and each can err."

successor, either expressly by testament, or tacitly by not controlling the custom in that case received; and then such inconvenience (if it happen) is to be attributed, not to the monarchy, but to the ambition and injustice of the subjects, which in all kinds of government where the people are not well instructed in their duty and the rights of sovereignty is the same. Or else the precedent monarch hath not at all taken order for such tuition, and then the law of nature hath provided this sufficient rule, that the tuition shall be in him that hath by nature most interest in the preservation of the authority of the infant, and to whom least benefit can accrue by his death or diminution. For seeing every man by nature seeketh his own benefit and promotion, to put an infant into the power of those that can promote themselves by his destruction or damage is not tuition, but treachery.⁶ So that sufficient provision being taken against all just quarrel about the government under a child, if any contention arise to the disturbance of the public peace, it is not to be attributed to the form of monarchy, but to the ambition of subjects, and ignorance of their duty.

On the other side, there is no great commonwealth the sovereignty whereof is in a great assembly which is not, as to consultations of peace, and war, and making of laws, in the same condition as if the government were in a child. For as a child wants the judgment to dissent from counsel given him, and is thereby necessitated to take the advice of them or him to whom he is committed, so an assembly wanteth the liberty to dissent from the counsel of the major part, be it good or bad. And as a child has need of a tutor, or protector, to preserve his person and authority, so also (in great commonwealths) the sovereign assembly, in all great dangers and troubles, have need of *custodes libertatis* [guardians of liberty]; that is of dictators or protectors of their authority, which are as much as temporary monarchs, to whom (for a time) they may commit the entire exercise of their power; and have (at the end of that time) been oftener deprived thereof than infant kings, by their protectors, regents, or any other tutors.⁷

[10] Though the kinds of sovereignty be, as I have now shown, but three, that is to say, monarchy (where one man has it) or democracy (where

6. OL adds: "as if one were to entrust the care of a lamb to a hungry wolf."

7. "Keepers of the Liberty of England" were appointed after the execution of Charles I. See S. R. Gardiner, ed., *Constitutional Documents of the Puritan Revolution 1625–1660*, 3rd ed., Oxford, 1906, p. 389. Cromwell was not given the title of Lord Protector until some years after the publication of the English *Leviathan*, a fact Hobbes will stress in defending himself against Wallis' accusation that he wrote *Leviathan* "in defence of Oliver's title." (EW IV, 413–15) Still, Tricaud points out, as commander in chief of the Army in 1651 Cromwell was de facto sovereign, according to the theory of L xviii, 12.

the general assembly of subjects hath it) or aristocracy (where it is in an assembly of certain persons nominated or otherwise distinguished from the rest), yet he that shall consider the particular commonwealths that have been (and are) in the world will not perhaps easily reduce them to three, and may thereby be inclined to think there be other forms, arising from these mingled together. As for example, elective kingdoms (where kings have the sovereign power put into their hands for a time) or kingdoms wherein the king hath a power limited, which governments are nevertheless by most writers called monarchy. Likewise, if a popular or aristocratical commonwealth subdue an enemy's country, and govern the same by a president,* procurator, or other magistrate, this may seem perhaps at first sight to be a democratical or aristocratical government. But it is not so. For elective kings are not sovereigns, but ministers of the sovereign; nor limited kings sovereigns, but ministers of them that have the sovereign power; nor are those provinces which are in subjection to a democracy or aristocracy of another commonwealth, democratically or aristocratically governed, but monarchically.

[11] And first, concerning an elective king, whose power is limited to his life (as it is in many places of Christendom at this day) or to certain years or months (as the dictator's power amongst the Romans), if he have right to appoint his successor, he is *no more elective but hereditary.⁸ But if he have no power to elect his successor, then there is some other man or assembly known which after his decease may elect a new [king], or else the commonwealth dieth, and dissolveth with him, and returneth to the condition of war. If it be known who have the power to give the sovereignty after his death, it is known also that the sovereignty was in them before, for none have right to give that which they have not right to possess and keep to themselves, if they think good. But if there be none that can give the sovereignty after the decease of him that was first elected, then has he power, nay he is obliged by the law of nature to provide, by establishing his successor, to keep those that had trusted him with the government from relapsing into the miserable condition of civil war. And consequently he was, when elected, a sovereign absolute.

[12] Secondly, that king whose power is limited is not superior to him or them that have the power to limit it; and he that is not superior is not supreme, that is to say not sovereign. The sovereignty therefore was always in that assembly which had the right to limit him; and by consequence the government not monarchy, but either democracy or aristocracy (as of old time in *Sparta*, where the kings had a privilege to lead their

8. OL: "no longer a temporary monarch, but has the supreme authority for himself and his heirs."

armies, but the sovereignty was in the *Ephori*).

[13] *Thirdly, whereas heretofore the Roman people governed the land of *Judea* (for example) by a president, yet was not *Judea* therefore a democracy, because they were not governed by any assembly into which any of them had right to enter, nor by an aristocracy, because they were not governed by any assembly into which any man could enter by their election; but they were governed by one person which (though as to the people of *Rome* was an assembly of the people or democracy, yet) as to [the] people of *Judea*, which had no right at all of participating in the government, was a monarch. For though where the people are governed by an assembly, chosen by themselves out of their own number, the government is called a democracy or aristocracy, yet when they are governed by an assembly not of their own choosing, it is a monarchy, not of *one* man over another man, but of one people over another people.⁹

[14] Of all these forms of government, the matter being mortal (so that not only monarchs, but also whole assemblies die), it is necessary for the conservation of the peace of men that, as there was order taken for an artificial man, so there be order also taken for an artificial eternity of life, without which men that are governed by an assembly should return into the condition of war in every age, and they that are governed by one man, as soon as their governor dieth. This artificial eternity is that which men call the right of *succession*.

[15] There is no perfect form of government where the disposing of the succession is not in the present sovereign. For if it be in any other particular man or private assembly, it is in a person subject, and may be assumed by the sovereign at his pleasure; and consequently the right is in himself. And if it be in no particular man, but left to a new choice, then is the commonwealth dissolved, and the right is in him that can get it, contrary to the intention of them that did institute the commonwealth for their perpetual (and not temporary) security.

[16] In a democracy the whole assembly cannot fail unless the multitude

9. OL: "After Pompey had conquered Judea, the Roman people reigned. By what name shall we call the form of the government of the Jews under the Roman people? It was not a democracy or an aristocracy, because it was not ruled by an assembly of Judaeans men. So was it a monarchy, when the supreme power resided not in one man, but in the Roman assembly? Why not? Although the supreme power of the Roman people was either an aristocracy or a democracy in relation to the Roman citizens, it was still a monarchy in relation to the Jews. For the rule of one state over many states is a monarchy, just as the rule of one man over many men is." Note that Hobbes vacillates about the proper classification of the Roman constitution. Polybius had explained the unparalleled success of the Roman state by its mixture of monarchic, aristocratic and democratic elements. Cf. *Histories* VI, x–xviii.

that are to be governed fail. And therefore questions of the right of succession have in that form of government no place at all.

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

*The present Monarch
hath Right to dispose of
the Succession.*

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

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

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

*Succession passeth
by express Words;*

decease of his predecessor, invested in the right of being monarch.

[21] But where testament and express words are wanting, other natural signs of the will are to be followed, whereof the one is custom.

*Or, by not controlling
a Custom.*

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

[22] But where neither custom nor testament hath preceded, there it is

*Or, by presumption
of natural affection.*

to be understood, first, that a monarch's will is that the government remain monarchical, because he hath approved that government in himself. Secondly, that a child of his own, male or female, be preferred before any other, because men are presumed to be more inclined by nature to advance their own children than the children of other men; and of their own, rather a male than a female, because men are naturally fitter than women for actions of labour and danger. Thirdly, where his own issue faileth, rather a brother than a stranger; and so still,* the nearer in blood rather than the more remote, because it is always presumed that the nearer of kin is the nearer in affection; and it is evident that a man receives always, by reflection, the most honour from the greatness of his nearest kindred.

[23] But if it be lawful for a monarch to dispose of the succession by

*To dispose of the
Succession, though to
a King of another
Nation, not unlawful.*

words of contract or testament, men may perhaps object a great inconvenience: for he may sell or give his right of governing to a stranger, which, because strangers (that is, men not used to live under the same government, nor speaking the same language) do commonly undervalue one another, may turn to the oppression of his subjects; which is indeed a great inconvenience; but it proceedeth not necessarily from the subjection to a stranger's government, but *from the unskilfulness of the governors, ignorant of the true rules of politics.¹⁰

And therefore the Romans, when they had subdued many nations, to make their government digestible were wont to take away that grievance as much as they thought necessary by giving, sometimes to whole nations and sometimes to principal men of every nation they conquered, not only the

10. OL: "either from the ruler's lack of skill or from the stubbornness of the citizens, some of whom are unwilling to endure the customs of the others, as would be equitable."

privileges but also the name of Romans, and took many of them into the senate and offices of charge, even in the Roman city. And this was it our most wise king, king *James*, aimed at, in endeavouring the union of his two realms of *England* and *Scotland*. *Which, if he could have obtained, had in all likelihood prevented the civil wars which make both those kingdoms, at this present, miserable.¹¹

It is not, therefore, any injury to the people for a monarch to *dispose of the succession by will, though by the fault of many princes it hath been sometimes found inconvenient.¹² Of the lawfulness of it, this also is an argument: that whatsoever inconvenience can arrive by giving a kingdom to a stranger may arrive also by so marrying with strangers, as the right of succession may descend upon them; yet this by all men is accounted lawful.

CHAPTER XX

Of Dominion PATERNAL *and* DESPOTICAL

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

*A Commonwealth
by Acquisition.*

[2] And this kind of dominion or sovereignty differeth from sovereignty by institution only in this, that men who choose their sovereign do it for fear of one another, and not of him whom they institute; but in this case they subject themselves to him they are afraid of. In both cases they do it for fear, which is to be noted by them that hold all such covenants as proceed from fear of death or violence void; which, if it were true, no man in any kind of commonwealth could be obliged to obedience. It is true that in a commonwealth *once instituted or acquired, promises proceeding from fear of death or violence are no covenants, nor obliging, when the thing promised is contrary to the laws;¹ but

*Wherein different
from a Common-
wealth by Institution.*

11. OL: "If he had accomplished this, it does not seem that the civil war which makes each country wretched, could have occurred." As Tricaud suggests, OL's use of the present tense would be odd in a text written in the late 1660s.

12. OL: "make a foreigner his successor, though inconvenience does sometimes come from that, through the fault either of the rulers or of their citizens."

1. OL: "where force is prohibited and the laws command robbery to be reported, promises extorted by fear are invalid."

the reason is not, because it was made upon fear, but because he that promiseth hath no right in the thing promised. Also, when he may lawfully perform and doth not, it is not the invalidity of the covenant that absolveth him, but the sentence* of the sovereign. Otherwise, *whensoever a man lawfully promiseth, he unlawfully breaketh; but when the sovereign, who is the actor, acquitteth him, then he is acquitted by him that extorted the promise, as by the author of such absolution.²

[3] But the rights and consequences of sovereignty are the same in both.

*The Rights of
Sovereignty the
same in both.*

His power cannot, without his consent, be transferred to another; he cannot forfeit it; he cannot be accused by any of his subjects of injury; he cannot be punished by them; he is judge of what is necessary for peace, and judge of doctrines; he is sole legislator, and supreme judge of controversies, and of the times and occasions of war and peace; to him it belongeth to choose magistrates, counsellors, commanders, and all other officers and ministers, and to determine of rewards and punishments, honour and order. The reasons whereof are the same which are alleged in the precedent chapter³ for the same rights and consequences of sovereignty by institution.

[4] Dominion is acquired two ways: by generation and by conquest.

*Dominion Paternall
how attained.*

The right of dominion by generation is that which the parent hath over his children, and is called PATERNAL. And is not so derived from the generation as if therefore the parent had dominion over his child because he begat him, but from the child's consent, either express or by other sufficient arguments declared.⁴

*Not by Generation,
but by Contract;*

For as to the generation, God hath ordained to man a helper, and there be always two that are equally parents; the dominion therefore over the child should belong equally to both, and he be equally subject to both, which is impossible; for no man can obey two masters. And whereas some have attributed the dominion to the man only, as being of the more excellent sex,⁵ they misreckon in it. For there is not always that difference of strength or prudence between the man and the woman as that the right can be determined without war. In commonwealths this controversy is decided by the civil law, and for the most part (but not always) the sentence

2. OL: "it is universally true that a promise lawfully made is unlawfully broken."

3. This seems to be a reference to ch. xviii, not xix. Similarly in ¶14. But in ¶9 "the precedent chapter" seems to refer to ch. xix.

4. Grotius contends that parents acquire a right over their children simply by generation in *De jure belli ac pacis*, II, v, 1–7. A requirement that the child consent will be difficult to reconcile with the child's immaturity in its earliest years.

5. Cf. Aristotle, *Politics* I, xii; Aquinas, *Summa theologiae*, Supp., qu. 81, art. 3, ad 1; *Summa contra gentiles* III, cxxiii, 3–4; and Grotius, *De jure belli*, II, v, 1.

is in favour of the father, because for the most part commonwealths have been erected by the fathers, not by the mothers of families.⁶

But the question lieth now in the state of mere nature, where there are supposed no laws of matrimony, no laws for the education of children, but the law of nature, and the natural inclination of the sexes, one to another, and to their children. In this condition of mere nature either the parents between themselves dispose of the dominion over the child by contract, or do not dispose thereof at all. If they dispose thereof, the right passeth according to the contract. We find in history⁷ that the *Amazons* contracted with the men of the neighbouring countries, to whom they had recourse for issue, that the issue male should be sent back, but the female remain with themselves, so that the dominion of the females was in the mother.

[5] If there be no contract, the dominion is in the mother. For in the condition of mere nature, where there are no matrimonial laws, it cannot be known who is the father unless it be declared by the mother; and therefore the right of dominion over the child dependeth on her will, and is consequently hers. Again, seeing the infant is first in the power of the mother, so as she may either nourish or expose it, if she nourish it, it oweth its life to the mother, and is therefore obliged to obey her rather than any other,⁸ and by consequence the dominion over it is hers. But if she expose

Or Education;

6. Hobbes' discussion of women has received much attention recently. See, for example, Carole Pateman, *The Sexual Contract* (Stanford UP, 1988) and Susan Moller Okin, *Women in Western Political Thought* (Princeton UP, 1979). It may be an exaggeration to represent Hobbes as holding that there is no difference between men and women in strength or prudence. (Pateman, p. 44) But he does seem here to hold that there are no general differences between them sufficient to justify the subordination of women to men. (In his earlier works, cf. EL II, iv, 2; DCv ix, 3.) This is in line with his view that there is no dominion in the state of nature (xiii, 13). But there are, surprisingly, numerous passages in Hobbes which suggest more patriarchalist views (e.g., xix, 22; xx, 15; xxii, 26; xxv, 9; xxx, 11). Apparently to explain these, Pateman holds that in the natural state all women become servants and are excluded both from the original pact and from politics generally. This seems hard to reconcile with Hobbes' acceptance of women as sovereigns (e.g., below in ¶¶6–7, and a very interesting passage from the Latin *Leviathan*, xlii, 78a).

7. The Amazons are now regarded as a mythical nation of women warriors (cf. William Blake Tyrrell, *Amazons: a study in Athenian mythmaking*); but Hobbes might have found stories of this kind presented as history in such classical sources as Quintus Curtius' *History of Alexander*, VI, 24–32.

8. This seems to be a case where receipt of a benefit, independently of any voluntary act of the recipient, gives rise to an obligation in the recipient, contrary to the doctrine of xxi, 10. As the paragraph continues, Hobbes suggests a doctrine of hypothetical consent: though the infant is unable to actually give consent, consent is presumed because of the importance of the end to adult humans.

it, and another find and nourish it, the dominion is in him that nourisheth it. For it ought to obey him by whom it is preserved, because preservation of life being the end for which one man becomes subject to another, every man is supposed to promise obedience to him in whose power it is to save or destroy him.

[6] If the mother be the father's subject, the child is in the father's

*Or Precedent
subjection one of the
Parents to the other.*

power; and if the father be the mother's subject (as when a sovereign queen marrieth one of her subjects),⁹ the child is subject to the mother, because the father also is her subject.

[7] If a man and woman, monarchs of two several kingdoms, have a child, and contract concerning who shall have the dominion of him, the right of the dominion passeth by the contract. If they contract not, the dominion followeth the dominion of the place of his [sc. the child's] residence. For the sovereign of each country hath dominion over all that reside therein.¹⁰

[8] He that hath the dominion over the child hath dominion also over the children of the child, and over their children's children. For he that hath dominion over the person of a man hath dominion over all that is his, without which dominion were but a title, without the effect.

*The Right of Succession
follows the Rules of the
Right of Possession.*

[9] The right of succession to paternal dominion proceedeth in the same manner as doth the right of succession to monarchy, of which I have already sufficiently spoken in the precedent chapter.

[10] Dominion acquired by conquest, or victory in war, is that which

*Despotical Dominion
how attained.*

some writers call *DESPOTICAL*, from *despotes*, which signifieth a *lord* or *master*, and is the dominion of the master over his servant.

And this dominion is then acquired to the victor when the vanquished, to avoid the present stroke of death, covenanteth either in express words, or by other sufficient signs of the will, that so long as his life and the liberty of his body is allowed him, the victor shall have the use thereof, at his pleasure. And after such covenant made, the vanquished is a *SERVANT*, and not before; for by the word *servant* (whether it be derived from *servire*, to serve, or from *servare*, to save, which I leave to grammarians to dispute)

9. Not only was Hobbes born in the reign of Elizabeth I, who declined to marry (perhaps because she feared her independence would not survive that step), he also lived through the reigns of three Stuart kings who descended from the marriage of Mary Queen of Scotland with one of her subjects.

10. In 1554 Mary Tudor (Queen of England from 1553 to 1558) married Philip of Spain, who became Philip II, King of Spain, in 1556. So for two years the Queen of England was the wife of the King of Spain. But they had no children. Philip also proposed marriage to Elizabeth.

is not meant a captive (which is kept in prison or bonds till the owner of him that took him, or bought him of one that did, shall consider what to do with him; for such men, commonly called slaves, have no obligation at all, but may break their bonds or the prison, and kill or carry away captive their master, justly), but one that, being taken, hath corporal liberty allowed him, and upon promise not to run away, nor to do violence to his master, is trusted by him.

[11] It is not therefore the victory that giveth the right of dominion over the vanquished, but his own covenant. Nor is he obliged because he is conquered (that is to say, beaten, and taken or put to flight), but because he cometh in, and submitteth to the victor; nor is the victor obliged by an enemy's rendering himself (without promise of life) to spare him for this his yielding to discretion,* which obliges not the victor longer than in his own discretion he shall think fit.

*Not by the Victory,
but by the Consent
of the Vanquished.*

[12] And that which men do, when they demand (as it is now called) *quarter* (which the Greeks called *zogria*, *taking alive*) is to evade the present fury of the victor by submission, and to compound for their life with ransom or service; and therefore he that hath quarter hath not his life given, but deferred till farther deliberation; for it is not an yielding on condition of life, but to discretion. And then only is his life in security, and his service due, when the victor hath trusted him with his corporal liberty. For slaves that work in prisons, or fetters, do it not of duty, but to avoid the cruelty of their task-masters.

[13] The master of the servant is master also of all he hath, and may exact the use thereof; that is to say, of his goods, of his labour, of his servants, and of his children, as often as he shall think fit. For he holdeth his life of his master, by the covenant of obedience, that is, of owning and authorizing whatsoever the master shall do. And in case the master, if he refuse, kill him, or cast him into bonds, or otherwise punish him for his disobedience, he is himself the author of the same, and cannot accuse him of injury.

[14] In sum, the rights and consequences of both *paternal* and *despotical* dominion are the very same with those of a sovereign by institution, and for the same reasons, which reasons are set down in the precedent chapter.¹¹ So that for a man that is monarch of divers nations, whereof he hath, in one the sovereignty by institution of the people assembled, and in another by conquest (that is by the submission of each particular, to avoid death or bonds), to demand of one nation more than of the other from the title of conquest, as being a conquered nation, is an act of ignorance of the rights of sovereignty. For the sovereign is absolute over both alike, or else there is no sovereignty at all (and so every man may lawfully protect him-

11. I.e., ch. xviii, not ch. xix. Cf. above, n.3.

self, if he can, with his own sword, which is the condition of war).

[15] By this it appears that a great family, if it be not part of some com-
monwealth, is of itself (as to the rights of sovereignty) a little mon-
archy (whether that family consist of a man and his children, or of
a man and his servants, or of a man and his children and servants

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

[16] Let us now consider what the Scripture teacheth in the same point.

To *Moses* the children of Israel say thus: "Speak thou to us, and we will hear thee; but let not God speak to us, lest we die." (Exod. 20:19.) This is absolute obedience to *Moses*. Concerning the right of kings, God himself, by the mouth of Samuel, saith:

This shall be the right of the king¹² you will have to reign over you. He shall take your sons, and set them to drive his chariots, and to be his horsemen, and to run before his chariots [. . .] and gather in his harvest, and to make his engines of war and instruments of his chariots; and shall take your daughters to make perfumes, to be his cooks and bakers. He shall take your fields, your vine-yards, and your olive-yards [even the best of them] and give them to his servants. He shall take the tithe of your corn and wine, and give it to the men of his chamber and to his other servants. He shall take your man-servants, and your

12. The King James Version here reads "the manner of the king" and more recent translations tend to have something equivalent (cf. RSV, NRSV). But apparently the Hebrew [*mishpat ha-melek*] can mean "the rights of the king." Cf. *The Interpreter's Bible* II, 920–22. Calvin uses the term *jus* in citing this text in his *Institutes* IV, xx, 26. But the translation and interpretation of this passage were controversial in Hobbes' day. Cf. Languet, *A Defense of Liberty*, pp. 172–74, Grotius, *De jure belli* I, iv, 3, and Milton, *Political Writings*, ed. by Martin Dzelzainis, Cambridge UP, 1991, pp. 13–14, 85.

maid-servants, and the choice of your youth[, and your asses], and employ them in his business. He shall take the tithe of your flocks; and you shall be his servants.¹³

This is absolute power, and summed up in the last words “you shall be his servants.” Again, when the people heard what power their king was to have, yet they consented thereto, and say thus “we will be as all other nations, and our king shall judge our causes, and go before us, to conduct our wars.” (verse 19) Here is confirmed the right that sovereigns have, both to the *militia* and to all *judicature*, in which is contained as absolute power as one man can possibly transfer to another. Again, the prayer of king *Solomon* to God was this: “Give to thy servant understanding, to judge thy people, and to discern between good and evil.” (1 Kings 3:9) It belongeth therefore to the sovereign to be *judge*, and to prescribe the rules of *discerning good and evil*, which rules are laws; and therefore in him is the legislative power.

Saul sought the life of *David*; yet when it was in his power to slay *Saul*, and his servants would have done it, *David* forbad them, saying “God forbid I should do such an act against my Lord, the anointed of God.” (1 Sam. 24:[9]) For obedience of servants *St. Paul* saith “Servants obey your masters in all things,¹⁴ and children obey your parents in all things.” (Vs. 20) There is simple obedience in those that are subject to paternal or despotical dominion. Again, “The Scribes and Pharisees sit in Moses chair, and therefore all that they shall bid you observe, that observe and do.” (Matt. 23:2, 3) There again is simple obedience. And *St. Paul* “Warn them that they subject themselves to princes, and to those that are in authority, and obey them.” (Titus 3:[1]) This obedience is also simple.

Lastly, our Saviour himself acknowledges that men ought to pay such taxes as are by kings imposed, where he says “Give to Caesar that which is Caesar’s,”¹⁵ and paid such taxes himself. And that the king’s word is suffi-

13. 1 Sam. 8:11–17. Modern translations (e.g., RSV, NRSV) translate the last line: “You shall be his slaves.” Although Scripture represents God himself as speaking through Samuel in this enumeration of the “rights” of kings, Samuel is speaking to discourage the people from having a king. The sixteenth- and seventeenth-century debates about this passage are the subject of a recent monograph by Annette Weber-Mockl, *Das Recht des Königs, der über euch herrschen soll: Studien zu 1 Samuel 8, 11ff. in der Literatur der frühen Neuzeit*, Berlin, 1986.

14. Col. 3:22. Modern translations have “slaves” where Hobbes (and the KJV) has “servants.”

15. Matt. 22:21 (= Mark 12:17, Luke 20:25). This verse, when quoted fully, is perhaps more commonly used to support a distinction between religious and secular authorities. Cf. Luther, *On Secular Authority*, ed. by Harro Höpfl, Cambridge UP, 1991, p. 28.

cient to take any thing from any subject when there is need (and that the king is judge of that need), for he himself, as king of the Jews,¹⁶ commanded his disciples to take the ass and ass's colt to carry him into Jerusalem, saying

Go into the village over against you, and you shall find a she ass tied, and her colt with her; untie them, and bring them to me. And if any man ask you, what you mean by it, say the Lord hath need of them, and they will let them go. (Matt. 21:2, 3)

They will not ask whether his necessity be a sufficient title, nor whether he be judge of that necessity, but acquiesce in the will of the Lord.

[17] To these places may be added also that of *Genesis*: "Ye shall be as gods, knowing good and evil." (Genesis 3:5) And verse 11. "Who told thee that thou wast naked? hast thou eaten of the tree, of which I commanded thee thou shouldest not eat?" For the cognizance or judicature of *good* and *evil*, being forbidden by the name of the fruit of the tree of knowledge, as a trial of *Adam's* obedience, the devil to inflame the ambition of the woman, to whom that fruit already seemed beautiful, told her that by tasting it they should be as gods, knowing *good* and *evil*. Whereupon, having both eaten, they did indeed take upon them God's office, which is judicature of *good* and *evil*, but acquired no new ability to distinguish between them aright. And whereas it is said that, having eaten, they saw they were naked, no man hath so interpreted that place as if they had been formerly blind, and saw not their own skins; the meaning is plain, that it was then they first judged their nakedness (wherein it was God's will to create them) to be uncomely,* and by being ashamed, did tacitly censure *God himself.¹⁷ And thereupon God saith *Hast thou eaten*, &c. as if he should say, doest thou

16. This would seem to imply that Jesus claimed to be the King of the Jews, though normally Hobbes prefers to emphasize Jesus' statement that his kingdom is not of this world. See the references to John 18:36 in the index.

17. OL: "God's work." Hobbes' account of the fall is puzzling: (a) he denies that Adam and Eve acquired a new ability to distinguish between good and evil, but (b) says that only after they ate of the tree did they judge their nakedness to be improper. (a) and (b) will be consistent only if their judgment after eating of the tree does not reflect a new ability to judge between good and evil (perhaps because nakedness is shameful, not inherently, but only if it is the violation of a divine command). This may be a consistent application of the doctrine Hobbes will advocate in xxxi, 5, but it seems a somewhat stretched interpretation of the biblical narrative.

that owest me obedience, take upon thee to judge of my commandments? Whereby it is clearly (though allegorically) signified that the commands of them that have the right to command are not by their subjects to be censured, nor disputed.¹⁸

[18] So that it appeareth plainly, to my understanding, both from reason and Scripture, that the sovereign power (whether placed in one man, as in monarchy, or in one assembly of men, as in popular and aristocratical commonwealths) is as great as possibly men can be imagined to make it. And though of so unlimited a power men may fancy many evil consequences, yet the consequences of the want of it, which is perpetual war of every man against his neighbour, are much worse. The condition of man in this life shall never be without inconveniences; but there happeneth in no commonwealth any great inconvenience, but what proceeds from the subject's disobedience and breach of those covenants from which the commonwealth hath its being. And whosoever, thinking sovereign power too great, will seek to make it less, must subject himself to the power that can limit it, that is to say, to a greater.

*Sovereign Power ought
in all Commonwealths
to be absolute.*

[19] The greatest objection is that of the practice, when men ask where and when such power has by subjects been acknowledged. *But one may ask them again, when or where has there been a kingdom long free from sedition and civil war.¹⁹ In those nations whose commonwealths have been long-lived, and not been destroyed but by foreign war, the subjects never did dispute of the sovereign power. But howsoever, an argument from the practice of men that have not sifted to the bottom, and with exact reason weighed the causes and nature of commonwealths, and suffer daily those miseries that proceed from the ignorance thereof, is invalid. For though in all places of the world men should lay the foundation of their houses on the sand, it could not thence be inferred, that so it ought to be. *The skill of making and maintaining commonwealths consisteth in certain rules,²⁰ as doth arithmetic and geometry, not (as tennis-play) on practice only; which rules, neither poor men have the leisure, nor men that have had the leisure have hitherto had the curiosity or the method to find out.

18. Since Adam and Eve's censure of God was only tacit, the application of this doctrine to human sovereigns suggests that even silent disapproval of their actions will violate the subject's obligations (in apparent contradiction to the doctrine of xxxii, 5, and xl, 2).

19. OL: "But I ask them in turn where and when there has been a commonwealth free of sedition and civil war, where the power was not absolute."

20. OL: "The science of making and maintaining commonwealths has definite and infallible rules."

CHAPTER XXI

Of the LIBERTY of Subjects

[1] LIBERTY, or FREEDOM, signifieth (properly) the absence of opposition (by opposition, I mean external impediments of motion) and may

Liberty what.

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

[2] And according to this proper and generally received meaning of the

What it is to be Free.

word, a FREE-MAN* is *he that in those things which by his strength and wit he is able to do is not hindered to do what he has a will to.* But

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

*Fear and Liberty
consistent.*

[3] Fear and liberty are consistent, as when a man throweth his goods into the sea for *fear* the ship should sink, he doth it nevertheless very willingly, and may refuse to do it if he will; it is therefore

1. In defining liberty so that it will be consistent with necessity (cf. ¶4) Hobbes knows he is taking a stand on a controversial issue, which he explores most fully in his dispute with Bramhall (EW IV, 229–78, and EW V). On this topic, see Quentin Skinner, “Thomas Hobbes on the Proper Signification of Liberty,” *Transactions of the Royal Historical Society* 40 (1990): 121–51.

2. Not in OL.

the action of one that was *free*;³ so a man sometimes pays his debt only for *fear* of imprisonment, which (because nobody hindered him from detaining*) was the action of a man at *liberty*. And generally all actions which men do in commonwealths for *fear* of the law *are actions which the doers had *liberty* to omit.⁴

[4] *Liberty* and *necessity* are consistent: as in the water, that hath not only *liberty*, but a *necessity* of descending by the channel, *so likewise in the actions which men voluntarily do, which, because they proceed from their will, proceed from *liberty*, and yet, because every act of man's will and every desire and inclination proceedeth from some cause, and that from another cause in a continual chain (whose first link is in the hand of God the first of all causes), they proceed from *necessity*. So that to him that could see the connection of those causes, the *necessity* of all men's voluntary actions would appear manifest.⁵ And therefore God, that seeth and disposeth all things, seeth also *that the *liberty* of man in doing what he will is accompanied with the *necessity* of doing that which God will, and no more nor less.⁶ For though men may do many things *which God does not command, nor is therefore author of them, yet they can have no passion nor appetite to anything of which appetite God's will is not the cause.⁷ *And did not his will assure the *necessity* of man's will, and consequently of all that on man's will dependeth, the *liberty* of men would be a contradiction and impediment to the omnipotence and *liberty* of God.⁸ And this shall suffice (as to the matter in hand) of that natural *liberty*, which only is properly called *liberty*.

*Liberty and
Necessity consistent.*

3. The same example occurs in Aristotle's discussion of voluntary action, *Nicomachean Ethics*, III, i. Aristotle holds that the person who throws his goods into the sea to avoid shipwreck acts voluntarily, or at least that his action is more properly regarded as voluntary than as involuntary.

4. OL: "were free if they could have not done them."

5. OL: "Similarly, all voluntary actions, which by their nature are free, are nevertheless necessary, because they have causes, and those causes other causes, and so continually until the first cause of all causes, viz. the divine will. So that to those who saw the connection of all causes, the necessity of all actions would be manifest, even though the actions are voluntary."

6. OL: "the necessity of all actions proceeding from his own will."

7. OL: "contrary to the divine laws, i.e., many things of which God is not the author, nevertheless they have no passion, will or appetite whose first and full cause is not from God's will." Cf. xxxi, 5–6, and xlv, 26.

8. OL: "For if God's will did not impose a necessity on the human will, and consequently on all actions depending on it, the freedom of the human will would take away the omnipotence and omniscience and liberty of God."

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

*Artificial Bonds,
or Covenants.*

[6] In relation to these bonds only it is that I am to speak now of the *liberty of subjects*. For seeing there is no commonwealth in the world wherein there be rules enough set down for the regulating of all the actions and words of men (as being a thing impossible), it followeth necessarily that in all kinds of actions by the laws praetermitted* men have the liberty of doing what their own reasons shall suggest for the most profitable to themselves. *For if we take liberty in the proper sense, for corporal liberty (that is to say, freedom from chains and prison), it were very absurd for men to clamour as they do for the liberty they so manifestly enjoy.⁹ Again, if we take liberty for an exemption from laws, it is no less absurd for men to demand as they do that liberty by which all other men may be masters of their lives. And yet, as absurd as it is, this is it they demand, not knowing that the laws are of no power to protect them without a sword in the hands of a man, or men, to cause those laws to be put in execution. The liberty of a subject lieth, therefore, only in those things which, in regulating their actions, the sovereign hath praetermitted (such as is the liberty to buy, and sell, and otherwise contract with one another; to choose their own abode, their own diet, their own trade of life, and institute* their children as they themselves think fit; and the like).

*Liberty of Subjects
consisteth in Liberty
from covenants.*

[7] Nevertheless we are not to understand that by such liberty the sovereign power of life and death is either abolished or limited. For it has been already shown [xviii, 6] that *nothing the sovereign representative can do to a subject, on what pretence soever, can properly be called injustice, or injury, because every subject is author of every act the sovereign doth, so that he never wanteth right to anything (otherwise than as he himself is the subject of God, and bound thereby to observe the laws of nature).¹⁰

*Liberty of the Subject
consistent with the
unlimited power of the
Sovereign.*

9. OL: "But if civil liberty were understood to concern the liberty of the body from prison and chains, it would be most absurd for our rebels today to complain and demand liberty, when they showed most plainly by their rebellion that they already enjoyed it."

10. OL: "he who has the supreme power, i.e., the commonwealth, can do no injury to his citizens, even though, by iniquity, he can be injurious to God."

And therefore it may (and doth often) happen in commonwealths that a subject may be put to death by the command of the sovereign power, and yet neither do the other wrong, as when *Jephtha* caused his daughter to be sacrificed (in which, and the like cases, he that so dieth had liberty to do the action for which he is nevertheless without injury put to death). And the same holdeth also in a sovereign prince that putteth to death an innocent subject. For though the action be against the law of nature, as being contrary to equity (as was the killing of *Uriah* by *David*), yet it was not an injury to *Uriah*, but to *God*. Not to *Uriah*, because the right to do what he pleased was given him by *Uriah* himself; and yet to *God*, because *David* was *God's* subject, and prohibited all iniquity by the law of nature. Which distinction *David* himself, when he repented the fact, evidently confirmed, saying, "To thee only have I sinned."^{11, 12}

*In the same manner, the people of Athens, when they banished the most potent of their commonwealth for ten years, thought they committed no injustice; and yet they never questioned what crime he had done, but what hurt he would do; nay they commanded the banishment of they knew not whom, and every citizen bringing his oystershell into the market place, written with the name of him he desired should be banished, without actual accusing him, sometimes banished an *Aristides*, for his reputation of justice, and sometimes a scurrilous jester, as *Hyperbolus*, to make a jest of it. And yet a man cannot say the sovereign people of *Athens* wanted right to banish them, or an *Athenian* the liberty to jest or to be just.¹³

[8] The liberty whereof there is so frequent and honourable mention in the histories and philosophy of the ancient Greeks and Romans, and in the writings and discourse of those that from them have received all their learning in the politics,¹⁴ is

The Liberty which writers praise, is the Liberty of Sovereigns; not of Private men.

11. OL: "Therefore, it can happen, and often does happen in commonwealths, that an innocent person is put to death by the command of the sovereign, though without injury, as when *Jephtha* commanded that his daughter be killed. Also in the killing of *Uriah*, even though *David* acted unjustly, and sinned greatly against *God*, nevertheless he did not sin against *Uriah*, who had made himself the author of that act. 'To thee only have I sinned' are *David's* own words to *God*. For the king could be obligated only to *God*."

12. What *Jephtha's* daughter innocently did was to come to greet him after his victory over the *Ammonites*, he having made a vow to sacrifice the first person (or perhaps, first animal) to come to meet him if he was granted victory. See *Judges* 11:29–40. For the story of *David* and *Uriah*, see 2 *Samuel* 11. "To thee only have I sinned" quotes *Ps.* 51:4.

13. See page 584.

14. Though *Hobbes* may have important similarities to *Machiavelli*, the argument of this paragraph is directed against the republican tradition he represents. Cf. *The Discourses* I, iv–v, xvi–xviii, xl.

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

[9] But it is an easy thing for men to be deceived by the specious* name of liberty and (for want of judgment to distinguish) mistake that for their private inheritance and birth right, which is the right of the public only. And when the same error is confirmed by the authority of men in reputation for their writings in this subject, it is no wonder if it produce sedition and change of government. In these western parts of the world, we are made to receive our opinions concerning the institution and rights of commonwealths from *Aristotle*, *Cicero*, and other men, Greeks and Romans, that, living under *popular states,¹⁵ derived those rights, not from the principles of nature, but transcribed them into their books out of the practice of their own commonwealths, which were popular, as the grammarians describe the rules of language out of the practice of the time, or the rules of poetry out of the poems of *Homer* and *Virgil*. And because the Athenians were taught (to keep them from desire of changing their government) that *they were freemen,¹⁶ and all that lived under monarchy were slaves, therefore Aristotle puts it down in his *Politics*, (Bk. vi, ch. ii) “In democracy, Liberty is to be supposed; for it is commonly held that no man is Free in

15. OL: “democratic and aristocratic commonwealths.”

16. OL: “only those are free who live in a popular commonwealth.”

any other government.”¹⁷ And as *Aristotle*, so *Cicero* and other writers have grounded their civil doctrine on the opinions of the Romans, who were taught to hate monarchy, at first by them that having deposed their sovereign shared amongst them the sovereignty of *Rome*, and afterwards by their successors. And by reading of these Greek and Latin authors men from their childhood have gotten a habit (under a false show of liberty) of favouring tumults and of licentious controlling the actions of their sovereigns, and again of controlling those controllers, with the effusion of so much blood as I think I may truly say: there was never anything so dearly bought, as these western parts have bought the learning of the Greek and Latin tongues.

[10] To come now to the particulars of the true liberty of a subject (that is to say, what are the things which, though commanded by the sovereign, he may nevertheless without injustice refuse to do), we are to consider what rights we pass away, when we make a commonwealth, or (which is all one) what liberty we deny ourselves by owning all the actions (without exception) of the man or assembly we make our sovereign. For in the act of our *submission* consisteth both our *obligation* and our *liberty*, which must therefore be inferred by arguments taken from thence, there being no obligation on any man which ariseth not from some act of his own; for all men equally are by nature free. And because such arguments must either be drawn from the express words *I authorize all his actions*,¹⁸ or from the intention of him that submitteth himself to his power (which intention is to be understood by the end for which he so submitteth), the obligation and liberty of the subject is to be derived, either from those words (or others equivalent) or else from the end of the institution of sovereignty, namely, the peace of the subjects within themselves, and their defence against a common enemy.

*Liberty of Subjects
how to be measured.*

[11] First, therefore, seeing sovereignty by institution is by covenant of every one to every one, and sovereignty by acquisition, by covenants of the vanquished to the victor, or child to the parent, it is manifest that every subject has liberty in all those things the right whereof cannot by covenant be transferred. I have shown before in the 14th chapter [¶29] that covenants not to defend a man's own body are void. Therefore,

*Subjects have Liberty
to defend their own
bodies, even against
them that lawfully
invade them;*

17. A free translation of 1317a40. But Aristotle is merely reporting a common opinion, and elsewhere he is critical of the false conception of liberty characteristic of the most democratic states (1310a26–35).

18. OL gives the formula of submission in the following form: “I make myself the author of all the actions of that man to whom we have granted supreme power.”

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

Are not bound to hurt themselves;

[13] If a man be interrogated by the sovereign, or his authority, concerning a crime done by himself, he is not bound (without assurance of pardon) to confess it, because no man (as I have shown in the same chapter [xiv, 30]) can be obliged by covenant to accuse himself.

[14] Again, the consent of a subject to sovereign power is contained in these words **I authorize, or take upon me, all his actions*,¹⁹ in which there is no restriction at all of his own former natural liberty; for by allowing him to kill me, I am not bound to kill myself when he commands me. It is one thing to say *kill me, or my fellow, if you please*, another thing to say *I will kill myself, or my fellow*.²⁰ It followeth, therefore, that

[15] No man is bound by the words themselves, either to kill himself or **any other man*;²¹ and consequently, that the obligation a man may sometimes have, upon the command of the sovereign, to execute any dangerous or dishonourable office, dependeth not on the words of our submission, but on the intention, which is to be understood by the end thereof. When, therefore, our refusal to obey frustrates the end for which the sovereignty was ordained, then there is no liberty to refuse; otherwise **there is*.²²

[16] Upon this ground a man that is commanded as a soldier to fight against the enemy, though his sovereign have right enough to punish his refusal with death, may nevertheless in many cases refuse without injustice, as when he substituteth a sufficient

Nor to warfare, unless they voluntarily undertake it.

soldier in his place; for in this case he deserteth not the service of the commonwealth. **And* there is allowance to be made for natural timorousness, not only to women (of whom no such dangerous duty is expected), but also to men of feminine courage.²³ When armies fight, there is, on one

19. OL: "I am the author of all the actions of him to whom we have granted the supreme power."

20. Note that what in the preceding sentence had seemed to be a right not to kill oneself has apparently become as well a right not to kill any other man (or fellow citizen? OL: *conciuis*).

21. OL: *conciuem*.

22. OL: "he can use his natural liberty." This is one of those passages which gives rise to Bramhall's accusation that *Leviathan* is a "rebel's catechism." Even a limited right to refuse dangerous or dishonorable commands makes the empowerment of the sovereign problematic.

23. OL: "Moreover, something is to be subtracted from the supreme right because of the natural timidity of certain men, not only of women, from whom duties of such great danger are never expected, but also of men of feminine courage."

side or both, a running away; yet when they do it not out of treachery, but fear, they are not esteemed to do it unjustly, but dishonourably. For the same reason, to avoid battle is not injustice, but cowardice. But he that enrolleth himself a soldier, or taketh imprest* money, taketh away the excuse of a timorous nature, and is obliged, not only to go to the battle, but also not to run from it without his captain's leave. And when the defence of the commonwealth requireth at once the help of *all that are able to bear arms, every one is obliged,²⁴ because otherwise the institution of the commonwealth, which they have not the purpose or courage to preserve, was in vain.

[17] To resist the sword of the commonwealth in defence of another man, guilty or innocent, no man hath liberty, because such liberty takes away from the sovereign the means of protecting us, and is therefore destructive of the very essence of government. But in case a great many men together have already resisted the sovereign power unjustly, or committed some capital crime for which every one of them expecteth death, whether have they not the liberty then to join together, and assist, and defend one another? Certainly they have; for they but defend their lives, which the guilty man may as well do as the innocent. There was indeed injustice in the first breach of their duty; their bearing of arms subsequent to it, though it be to maintain what they have done, is no new unjust act. And if it be only to defend their persons, it is not unjust at all. But the offer of pardon taketh from them to whom it is offered the plea of self-defence, and maketh their perseverance in assisting or defending the rest unlawful.

[18] As for other liberties, they depend on the silence of the law. In cases where the sovereign has prescribed no rule, there the subject hath the liberty to do or forbear, according to his own discretion. And therefore such liberty is in some places more, and in some less, and in some times more, in other times less, according as they that have the sovereignty shall think most convenient. As, for example, there was a time when in *England* a man might enter into his own land and dispossess such as wrongfully possessed it by force. But in aftertimes that liberty of forcible entry was taken away by a statute made (by the king) in parliament. And in some places of the world men have the liberty of many wives; in other places such liberty is not allowed.²⁵

The Greatest Liberty of Subjects, dependeth on the Silence of the Law.

[19] If a subject have a controversy with his sovereign (of debt, or of

24. OL: "all citizens, each person who either can bear arms or contribute something, however little, to victory, is obliged to military service."

25. Hobbes here seems to sanction polygamy, to the dismay of Clarendon (cf. *A Brief View*, p. 88).

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

[20] If a monarch or sovereign assembly grant a liberty to all or any of his subjects, which grant standing, he is disabled to provide for their safety, the grant is void, unless he directly renounce or transfer the sovereignty to another. For in that he might openly (if it had been his will) and in plain terms have renounced or transferred it, and did not, it is to be understood it was not his will, but that the grant proceeded from ignorance of the repugnancy between such a liberty and the sovereign power; and therefore the sovereignty is still retained, and consequently all those powers which are necessary to the exercising thereof (such as are the power of war and peace, of judicature, of appointing officers and councillors, of levying money, and the rest named in the 18th chapter).²⁶

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

which, once departed from the body, the members do no more receive their motion from it. The end of obedience is protection, which, wheresoever a man seeth it, either in his own or in another's sword, nature applieth his obedience to it, and his endeavour to maintain it. And though sovereignty, in the intention of them that make it, be immortal, yet is it in its own nature, not only subject to violent death by foreign war, but also through the ignorance and passions of men it hath in it, from the very

26. This seems to be intended to nullify any claims to rights Parliament might have on the basis of historical concessions by the King, such as were made in Magna Carta and the Petition of Right.

institution, many seeds of a natural mortality by intestine* discord.

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

In case of Captivity.

[23] If a monarch shall relinquish the sovereignty, both for himself and his heirs, his subjects return to the absolute liberty of nature, because (though nature may declare who are his sons, and who are the nearest of his kin, yet) it dependeth on his own will (as hath been said in the precedent chapter)²⁷ who shall be his heir. If therefore he will have no heir, there is no sovereignty, nor subjection. The case is the same if he die without known kindred and without declaration of his heir. For then there can no heir be known, and consequently no subjection be due.

In case the Sovereign cast off the government from himself and his Heirs.

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

In case of Banishment.

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

In case the Sovereign render himself Subject to another.

27. The reference seems to be to xix, 20, rather than to anything in ch. xx. Cf. the note to the similar expression in xx, 3. Perhaps at one stage the order of chapters xix and xx was reversed.

CHAPTER XXVIII

Of PUNISHMENTS *and* REWARDS

[1] A PUNISHMENT *is an evil inflicted by public authority on him that hath done or omitted that which is judged by the same authority to be a transgression of the law, to the end that the will of men may thereby the better be disposed to obedience.*¹

*The Definition
of Punishment.*

[2] Before I infer anything from this definition, there is a question to be answered of much importance, which is: by what door the right or authority of punishing in any case came in? For by that which has been said before, no man is supposed bound by covenant not to resist violence; and consequently, it cannot be intended* that he gave any right to another to lay violent hands upon his person. In the making of a common-

*Right to Punish
whence derived.*

14. OL adds: “and of divine worship.”

1. OL: “Punishment is an evil inflicted on a transgressor of the law by public authority, to the end that the wills of the subjects may be conformed to obedience by fear of this evil.” Cf. Grotius, *De jure belli*, II, xx, 1: “Punishment, in its general meaning, is an evil of suffering which is inflicted on account of an evil of acting.”

wealth, every man giveth away the right of defending another, but not of defending himself. Also, he obligeth himself to assist him that hath the sovereignty in the punishing of another, but of himself not. But to covenant to assist the sovereign in doing hurt to another, unless he that so covenanteth have a right to do it himself, is not to give him a right to punish. It is manifest therefore that the right which the commonwealth (that is, he or they that represent it) hath to punish is not grounded on any concession or gift of the subjects.

But I have also showed formerly [xiv, 4] that before the institution of commonwealth, every man had a right to everything, and to do whatsoever he thought necessary to his own preservation, subduing, hurting, or killing any man in order thereunto. And this is the foundation of that right of punishing which is exercised in every commonwealth. For the subjects did not give the sovereign that right, but only (in laying down theirs) strengthened him to use his own as he should think fit, for the preservation of them all; so that it was not given, but left to him, and to him only, and (excepting the limits set him by natural law) as entire as in the condition of mere nature, and of war of every one against his neighbour.

*Private injuries
and revenges no
Punishments:*

[3] From the definition of punishment, I infer, first, that neither private revenges nor injuries of private men can properly be styled punishments, because they proceed not from public authority.²

*Nor denial of
preferment:*

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

*Nor pain inflicted
without public hearing:*

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

*Nor pain inflicted
by Usurped power:*

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

*Nor pain inflicted
without respect to
the future good.*

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

[8] Sixthly, whereas to certain actions there be annexed by nature divers hurtful consequences (as when a man, in assaulting another, is himself

2. Grotius had allowed punishment by private men. Cf. *De jure belli*, II, xx, 8.

slain or wounded, or when he falleth into sickness by the doing of some unlawful act), such hurt, though in respect of God, who is the author of nature, it may be said to be inflicted, and therefore a punishment divine, yet it is not contained in the name of punishment in respect of men, because it is not inflicted by the authority of man.

Natural evil consequences, no punishments.

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

Hurt inflicted, if less than the benefit of transgressing, is not Punishment.

[10] Eighthly, if a punishment be determined and prescribed in the law itself, and after the crime committed there be a greater punishment inflicted, the excess is not punishment, but an act of hostility. For seeing the aim of punishment is not a revenge, but terror, and the terror of a great punishment unknown is taken away by the declaration of a less, the unexpected addition is no part of the punishment.

Where the Punishment is annexed to the Law, a greater hurt is not Punishment, but Hostility.

But where there is no punishment at all determined by the law, there whatsoever is inflicted hath the nature of punishment. For he that goes about the violation of a law wherein no penalty is determined expecteth an indeterminate, that is to say, an arbitrary punishment.

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

Hurt inflicted for a fact done before the Law, no Punishment.

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

The Representative of the Commonwealth Unpunishable.

[13] Lastly, harm inflicted upon one that is a declared enemy falls not under the name of punishment, because seeing they were either never subject to the law, and therefore cannot transgress it, or having been subject to it and professing to be no longer so, by consequence deny they can transgress it, all the harms that can be done them must be taken as acts of hostility. But in declared hostility all infliction of evil is lawful. From whence it followeth, that if a subject shall, by fact or word, wittingly and deliberately deny the authority of the representative of the commonwealth, (whatsoever penalty hath been

Hurt to Revolted Subjects is done by right of War, not by way of Punishment.

formerly ordained for treason) he may lawfully be made to suffer whatsoever the representative will. For in denying subjection he denies such punishment as by the law hath been ordained, and therefore suffers as an enemy of the commonwealth, that is, according to the will of the representative. For the punishments set down in the law are to subjects, not to enemies; such as are they, that having been by their own act subjects, deliberately revolting, deny the sovereign power.

[14] The first and most general distribution of punishments is into *divine* and *human*. Of the former I shall have occasion to speak in a more convenient place hereafter [xxxi, 2; xxxviii, 6–14; xliv, 14–16, 23–40].

[15] *Human* are those punishments that be inflicted by the commandment of man, and are either *corporal*, or *pecuniary*, or *ignominy*, or *imprisonment*, or *exile*, or mixed of these.

[16] *Corporal punishment* is that which is inflicted on the body directly, and according to the intention of him that inflicteth it, such as are stripes, or wounds, or deprivation of such pleasures of the body as were before lawfully enjoyed.

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

[18] *Pecuniary punishment* is that which consisteth not only in the deprivation of a sum of money, but also of lands or any other goods which are usually bought and sold for money. And in case the law that ordaineth such a punishment be made with design to gather money from such as shall transgress the same, it is not properly a punishment, but the price of privilege and exemption from the law, which doth not absolutely forbid the fact, but only to those that are not able to pay the money (except where the law is natural, or part of religion; for in that case it is not an exemption from the law, but a transgression of it; as, where a law exacteth a pecuniary mulct of them that take the name of God in vain, the payment of the mulct is not the price of a dispensation to swear, but the punishment of the transgression of a law indispensable). In like manner, if the law impose a sum of money to be paid to him that has been injured, this is but a satisfaction for the hurt done him, and extinguisheth the accusation of the party injured, not the crime of the offender.

[19] *Ignominy* is the infliction of such evil as is made dishonourable (or the deprivation of such good as is made honourable) by the commonwealth. For there be some things honourable by nature: as, the effects of

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

[20] *Imprisonment* is when a man is by public authority deprived of liberty, and may happen from two divers ends, whereof one is the safe custody of a man accused, the other is the inflicting of pain on a man condemned. *Imprisonment.*

The former is not punishment, because no man is supposed to be punished before he be judicially heard and declared guilty. And therefore, whatsoever hurt a man is made to suffer by bonds or restraint before his cause be heard, over and above that which is necessary to assure his custody, is against the law of nature.

But the latter is punishment, because evil, and inflicted by public authority, for somewhat that has by the same authority been judged a transgression of the law. Under this word imprisonment I comprehend all restraint of motion caused by an external obstacle, be it a house (which is called by the general name of a prison) or an island (as when men are said to be confined to it) or a place where men are set to work (as in old time men have been condemned to quarries, and in these times to galleys), or be it a chain or any other such impediment.

[21] *Exile* (banishment) is when a man is for a crime condemned to depart out of the dominion of the commonwealth (or out of a certain part thereof), and during a prefixed time, or forever, not to return into it; and seemeth not in its own nature, without other circumstances, to be a punishment, but rather an escape, or a public commandment to avoid punishment by flight. And **Cicero* says,³ there was never any such punishment ordained in the city of *Rome*, but calls it a refuge of men in danger. For if a man banished be nevertheless permitted to enjoy his goods, and the revenue of his lands, the mere change of air is no punishment, nor does it tend to that benefit of the commonwealth for which all punishments are ordained (that is to say, to the forming of men's wills to the observation of the law), but many times to the damage of the commonwealth. For a banished man is a lawful enemy of the commonwealth that banished him, as being *Exile.*

3. OL: "Cicero, who was most knowledgeable about Roman laws, says." Cf. *Pro Caecina* §100.

no more a member of the same. But if he be withal deprived of his lands or goods, then the punishment lieth not in the exile, but is to be reckoned amongst punishments pecuniary.

[22] All punishments of innocent subjects, be they great or little, are against the law of nature. For punishment is only for transgression of the law; and therefore, there can be no punishment of the innocent. It is therefore a violation, first, of that law of nature which forbiddeth all men, in their revenges, to look at anything

but some future good [xv, 19]. For there can arrive no good to the commonwealth, by punishing the innocent. Secondly, of that which forbiddeth ingratitude [xv, 16]. For seeing all sovereign power is originally given by the consent of every one of the subjects, to the end they should, as long as they are obedient, be protected thereby, the punishment of the innocent is a rendering of evil for good. And thirdly, of the law that commandeth equity [xv, 23], that is to say, an equal distribution of justice, which in punishing the innocent is not observed.

[23] But the infliction of what evil soever on an innocent man that is not a subject, if it be for the benefit of the commonwealth, and without violation of any former covenant, is no breach of the law of nature.

For all men that are not subjects are either enemies or else they have ceased from being so by some precedent covenants. But against enemies, whom the commonwealth judgeth capable to do them hurt, it is lawful by the original right of nature to make war, wherein the sword judgeth not, nor doth the victor make distinction of nocent* and innocent as to the time past, nor has other respect of mercy than as it conduceth to the good of his own people.⁴

And upon this ground it is that also in subjects who deliberately deny the authority of the commonwealth established the vengeance is lawfully extended, not only to the fathers, but also to the third and fourth generation not yet in being (and consequently innocent of the fact for which they are afflicted), because the nature of this offence consisteth in the renouncing of subjection, which is a relapse into the condition of war, commonly called rebellion; and they that so offend suffer, not as subjects, but as enemies. For *rebellion* is but war renewed.

[24] REWARD is either of *gift* or by *contract*. When by contract, it is called *salary* and *wages*, which is benefit due for service performed or promised. When of gift, it is benefit proceeding from the *grace* of them that bestow it, to encourage or enable men to do them service.

*And therefore, when the sovereign of a commonwealth appointeth a salary to any public office, he that receiveth it is bound in justice to perform

4. Cf. Grotius' treatment of these issues, *De jure belli* III, iv & xi.

his office; otherwise, he is bound only in honour, to acknowledgment and an endeavour of requital. For though men have no lawful remedy when they be commanded to quit their private business to serve the public without reward or salary, yet they are not bound thereto by the law of nature, nor by the institution of the commonwealth, unless the service cannot otherwise be done; because it is supposed the sovereign may make use of all their means, insomuch as the most common soldier, may demand the wages of his warfare, as a debt.⁵

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

Benefits bestowed for fear, are not Rewards.

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

Salaries Certain and Casual.

5. OL: "For although all subjects are obliged to quit their private business to serve the commonwealth, even without wages, if there is need, nevertheless, this is not [an obligation imposed] by the law of nature or by the institution of the commonwealth unless the commonwealth cannot otherwise be defended. For it is supposed that the sovereign can fairly use the resources of all subjects, and that from these resources those who defend the commonwealth, having set aside their own affairs, ought to be compensated, so that the lowest of soldiers can demand the wages of his service as a thing owed by right."

[27] Hitherto I have set forth the nature of man, whose pride and other passions have compelled him to submit himself to government, together with the great power of his governor, whom I compared to *Leviathan*, taking that comparison out of the two last verses of the one and fortieth of *Job*, where God, having set forth the great power of *Leviathan*, calleth him King of the Proud. "There is nothing," saith he, "on earth to be compared with him. He is made so as not to be afraid. He seeth every high thing below him, and is king of all the children of pride." [Job 41:33–34] But because he is mortal and subject to decay, as all other earthly creatures are, and because there is that in heaven (though not on earth) that he should stand in fear of, and whose laws he ought to obey, I shall in the next following chapters speak of his diseases and the causes of his mortality, and of what laws of nature he is bound to obey.

CHAPTER XXIX

Of those things that Weaken or tend to the DISSOLUTION *of a* COMMONWEALTH

- [1] Though nothing can be immortal which mortals make, yet if men had the use of reason they pretend to, their commonwealths might be secured at least from perishing by internal diseases. For by the nature of their institution they are designed to live as long as mankind, or as the laws of nature, or as justice itself,

*Dissolution of
Commonwealths
proceedeth from their
Imperfect Institutions.*

which gives them life. Therefore, when they come to be dissolved, not by external violence but intestine* disorder, the fault is not in men as they are the *matter*, but as they are the *makers* and orderers of them. For men, as they become at last weary of irregular* jostling* and hewing* one another, and desire with all their hearts to conform themselves into one firm and lasting edifice, so for want, both of the art of making fit laws to square their actions by, and also of humility and patience to suffer the rude* and cumbersome points of their present greatness to be taken off, they cannot, without the help of a very able architect, be compiled into any other than a crazy building, such as, hardly lasting out their own time, must assuredly fall upon the heads of their posterity.

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

[3] Of which this is one: *that a man, to obtain a kingdom, is sometimes content with less power than to the peace and defence of the commonwealth is necessarily required.* From whence it cometh to pass that, when the exercise of the power laid by is for the public safety to be resumed, it hath the resemblance of an unjust act, which disposeth great numbers of men (when occasion is presented) to rebel (in the same manner as the bodies of children, gotten by diseased parents, are subject either to untimely death, or to purge the ill quality, derived from their vicious* conception, by breaking out into biles* and scabs). And when kings deny themselves some such necessary power, it is not always (though sometimes) out of ignorance of what is necessary to the office they undertake, but many times out of a hope to recover the same again at their pleasure. Wherein they reason not well, because such as will hold them to their promises shall be maintained against them by foreign commonwealths, who in order to the good of their own subjects let slip few occasions to *weaken* the estate of their neighbours.

Want of Absolute power.

So was *Thomas Becket*, Archbishop of *Canterbury*, supported against *Henry* the Second by the Pope, the subjection of ecclesiastics to the commonwealth having been dispensed with by *William the Conqueror* at his reception, when he took an oath not to infringe the liberty of the church. And so were the *barons*, whose power was by *William Rufus* (to have their help in transferring the succession from his elder brother to himself) increased to a degree inconsistent with the sovereign power, maintained in their rebellion against King *John* by the French.

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

[5] The people of *Athens* bound themselves but from one only action, which was that no man on pain of death should propound the renewing of the war for the island of *Salamis*; and yet thereby, if *Solon* had not caused to be given out he was mad, and afterwards (in gesture and habit of a madman, and in verse) propounded it to the people that flocked about him, they had had an enemy perpetually in readiness, even at the gates of their city; such damage or shifts are all commonwealths forced to, that have their power never so little limited.¹

1. This paragraph is not in OL. The anecdote is from Plutarch's *Life of Solon*, viii.

[6] In the second place, I observe the *diseases* of a commonwealth that proceed from the poison of seditious doctrines, whereof one is:

*Private Judgement
of Good and Evil.*

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

[7] Another doctrine repugnant to civil society is that *whatsoever a man*

Erroneous conscience.

*does against his conscience is sin;*² and it dependeth on the presumption of making himself judge of good and evil. For a man's conscience and his judgment is the same thing; and as the judgment, so also the conscience may be erroneous. Therefore, though he that is subject to no civil law sinneth in all he does against his conscience, because he has no other rule to follow but his own reason, yet it is not so with him that lives in a commonwealth, because the law is the public conscience, by which he hath already undertaken to be guided. Otherwise, in such diversity as there is of private consciences, which are but private opinions, the commonwealth must needs be distracted, and no man dare to obey the sovereign power farther than it shall seem good in his own eyes.

[8] It hath been also commonly taught *That faith and sanctity are not to*

Pretence of Inspiration.

*be attained by study and reason, but by supernatural inspiration or infusion,*³ which granted, I see not why any man should render a reason of his faith, or why every Christian should not be also a prophet, or why any man should take the law of his country, rather than his own inspiration, for the rule of his action. *And thus we fall again into the fault of taking upon us to judge of good and evil, or to make judges of it such private men as pretend to be supernaturally inspired, to the dissolution of all civil government.⁴ Faith comes by hearing,⁵ and hearing by those accidents which guide us into the presence of *them that speak to us,⁶ which

2. Cf. Calvin, *Institutes* II, ii, 22, viii, 1.

3. Cf. Calvin, *Institutes* I, vii, 5.

4. OL: "This, again, is to arrogate to oneself the judgment of good and evil, and disregarding the laws of the commonwealth, to offer oneself to be governed either by one's own discretion or by that of private men who fraudulently claim to have been supernaturally inspired."

5. An allusion to Romans 10:17, to be discussed in xliii, 8.

6. OL: "those whom it is useful to hear."

accidents are all contrived by God Almighty, and yet are not supernatural, but only (for the great number of them that concur to every effect) unobservable. Faith and sanctity are, indeed, not very frequent, but yet they are not miracles, but brought to pass by education, discipline, correction, and other natural ways, by which God worketh them in his elect at such time as he thinketh fit.

*And these three opinions, pernicious to peace and government, have in this part of the world proceeded chiefly from the tongues and pens of unlearned divines who, joining the words of Holy Scripture together otherwise than is agreeable to reason, do what they can to make men think that sanctity and natural reason cannot stand together.⁷

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

*Subjecting the
Sovereign Power
to Civil Laws.*

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

*Attributing of absolute
Propriety to Subjects.*

[11] And if the propriety of subjects exclude not the right of the sovereign representative to their goods, much less [does it exclude his right] to their offices of judicature or execution, in which they represent the sovereign himself.

[12] There is a sixth doctrine plainly and directly against the essence of a commonwealth, and it is this: *That the sovereign power may be divided.* For what is it to divide the power of a common-

*Dividing of the
Sovereign Power.*

7. Not in OL.

wealth, but to dissolve it; for powers divided mutually destroy each other. And for these doctrines men are chiefly beholding to some of those that, making profession of the laws, endeavour to make them depend upon their own learning, and not upon the legislative power.

[13] And as false doctrine, so also oftentimes the example of different

*Imitation of
Neighbour Nations.*

government in a neighbouring nation disposeth men to alteration of the form already settled. So the people of the Jews were stirred up to reject God, and to call upon the prophet *Samuel* for a king after the manner of the nations [1 Samuel 8:4–9]; so also the lesser cities of *Greece* were continually disturbed with seditions of the aristocratical and democratical factions, one part of almost every commonwealth desiring to imitate the Lacedemonians, the other, the Athenians [Thucydides, III, 82].

And I doubt not but many men have been contented to see the late troubles in *England*, out of an imitation of the Low Countries, supposing there needed no more to grow rich than to change, as they had done, the form of their government.⁸ For the constitution of man's nature is of itself subject to desire novelty. When, therefore, they are provoked to the same by the neighbourhood also of those that have been enriched by it, it is almost impossible for them not to be content with those that solicit them to change, and love the first beginnings, though they be grieved with the continuance of disorder (like hot bloods that, having gotten the itch, tear themselves with their own nails, till they can endure the smart no longer).

[14] And as to rebellion in particular against monarchy, one of the most

*Imitation of the
Greeks, and Romans.*

frequent causes of it is the reading of the books of policy* and histories of the ancient Greeks and Romans, from which young men (and all others that are unprovided of the antidote of solid reason), receiving a strong and delightful impression of the great exploits of war achieved by the conductors of their armies, receive withal a pleasing idea of all they have done besides, and imagine their great prosperity not to have proceeded from the emulation* of particular men, but from the virtue of their popular form of government (not considering the frequent sedi-

8. OL: "And I doubt not but many of our men have been glad to see the war which is now going on in England, thinking that nothing more is needed to grow rich but to set aside their king, as the Dutch have; for they attribute to the Dutch change of government the wealth they owe to their own industry." This is one of a number of passages in which temporal references in OL cast doubt on its having been composed in the late 1660s. Others are xviii, 16, xix, 23, and xxi, 6. Tuck offers a brief defense of the priority of the English version in the introduction to his edition of *Leviathan* (p. x), but does not attempt to deal with all the relevant evidence.

tions and civil wars produced by the imperfection of their policy*).

From the reading, I say, of such books, men have undertaken to kill their kings, because the Greek and Latin writers, in their books and discourses of policy, make it lawful and laudable for any man so to do, provided, before he do it, he call him tyrant. For they say not *regicide*, that is, killing of a king, but *tyrannicide*, that is, killing of a tyrant is lawful. From the same books they that live under a monarch conceive an opinion that the subjects in a popular commonwealth enjoy liberty, but that in a monarchy they are all slaves. I say, they that live under a monarchy conceive such an opinion, not they that live under a popular government: for they find no such matter.

In sum, I cannot imagine how anything can be more prejudicial to a monarchy than the allowing of such books to be publicly* read without present applying such correctives of discreet masters as are fit to take away their venom, which venom I will not doubt* to compare to the biting of a mad dog, which is a disease the physicians call *hydrophobia*, or *fear of water*. For as he that is so bitten has a continual torment of thirst, and yet abhorreth water, and is in such an estate as if the poison endeavoured to convert him into a dog, so when a monarchy is once bitten to the quick by those democratical writers that continually snarl at that estate, it wanteth* nothing more than a strong monarch, which nevertheless out of a certain *tyrannophobia* (or fear of being strongly governed), when they have him, they abhor.

[15] As there have been doctors that hold there be three souls in a man, so there be also that think there may be more souls (that is, more sovereigns) than one in a commonwealth, and set up a *supremacy* against the *sovereignty*, *canons* against *laws*, and a *ghostly** *authority* against the *civil*, working on men's minds with words and distinctions that of themselves signify nothing, but bewray* (by their obscurity) that there walketh (as some think, invisibly) another kingdom, as it were a kingdom of fairies, in the dark.

Now, seeing it is manifest that the civil power and the power of the commonwealth is the same thing, and that supremacy, and the power of making canons and granting faculties, implieth a commonwealth, it followeth that where one is sovereign, another supreme, where one can make laws and another make canons, there must needs be two commonwealths of one and the same subjects, which is a kingdom divided in itself, and cannot stand. For notwithstanding the insignificant distinction of *temporal* and *ghostly*, they are still two kingdoms, and every subject is subject to two masters. For seeing the *ghostly* power challengeth the right to declare what is sin, it challengeth by consequence to declare what is law (sin being nothing but the transgression of the law); and again, the civil power

challenging to declare what is law, every subject must obey two masters, who both will have their commands be observed as law, which is impossible. Or, if it be but one kingdom, either the *civil*, which is the power of the commonwealth, must be subordinate to the *ghostly*, and then there is no sovereignty but the *ghostly*, or the *ghostly* must be subordinate to the *temporal*, and then there is no supremacy but the temporal.

When, therefore, these two powers oppose one another, the commonwealth cannot but be in great danger of civil war and dissolution. For the *civil* authority being more visible, and standing in the clearer light of natural reason, cannot choose but draw to it in all times a very considerable part of the people; and the *spiritual*, though it stand in the darkness of School distinctions and hard words, yet because the fear of darkness and ghosts is greater than other fears, cannot want a party sufficient to trouble, and sometimes to destroy a commonwealth; and this is a disease which not unfitly may be compared to the epilepsy, or falling sickness (which the Jews took to be one kind of possession by spirits) in the body natural. For as in this disease there is an unnatural spirit (or wind) in the head that obstructeth the roots of the nerves and, moving them violently, taketh away the motion which naturally they should have from the power of the soul in the brain, and thereby causeth violent and irregular motions (which men call convulsions) in the parts, insomuch as he that is seized therewith falleth down sometimes into the water, and sometimes into the fire, as a man deprived of his senses, so also in the body politic, when the spiritual power moveth the members of a commonwealth (by the terror of punishments and hope of rewards, which are the nerves of it) otherwise than by the civil power (which is the soul of the commonwealth) they ought to be moved, and by strange and hard words suffocates their understanding, it must needs thereby distract the people, and either *overwhelm the commonwealth with oppression, or cast it⁹ into the fire of a civil war.

[16]¹⁰ Sometimes also in the merely civil government there be more

Mixed Government.

than one soul, as when the power of levying money (which is the nutritive faculty) has depended on a general assembly, the power of conduct and command (which is the motive faculty) on one man, and the power of making laws (which is the rational faculty) on the accidental consent, not only of those two, but also of a third; this endangereth the commonwealth, sometimes for want of consent to good laws, but most often for want of such nourishment as is necessary to life and motion. For although few perceive, that such government is not government, but division of the commonwealth into three factions, and call it mixed monarchy,

9. OL: "the commonwealth is dissolved by vacillating laws or it is cast."

10. This paragraph and the next have no analogue in OL.

yet the truth is that it is not one independent commonwealth, but three independent factions, nor one representative person, but three. In the kingdom of God there may be three persons independent, without breach of unity in God that reigneth; but where men reign, that be subject to diversity of opinions, it cannot be so. And therefore, if the king bear the person of the people, and the general assembly bear also the person of the people, and another assembly bear the person of a part of the people, they are not one person, nor one sovereign, but three persons, and three sovereigns.

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

[18] *Hitherto I have named such diseases of a commonwealth as are of the greatest and most present danger. There be other, not so great, which nevertheless are not unfit to be observed. As first, the difficulty of raising money for the necessary uses of the commonwealth, especially in the approach of war. This difficulty ariseth from the opinion that every subject hath of a propriety in his lands and goods, exclusive of the sovereign's right to the use of the same.¹¹ *Want of Money.*

From whence it cometh to pass that the sovereign power, which foreseeeth the necessities and dangers of the commonwealth, finding the passage of money to the public treasure obstructed by the tenacity of the people, whereas it ought to extend itself to encounter and prevent such dangers in their beginnings, contracteth itself as long as it can, and when it cannot longer, struggles with the people by stratagems of law, to obtain little sums, which not sufficing, he is fain at last violently to open the way for present supply or perish; and being put often to these extremities, at last reduceth the people to their due temper, or else the commonwealth must perish. Insomuch as we may compare this distemper very aptly to an ague, wherein, the fleshy parts being congealed or by venomous matter obstructed, the veins which by their natural course empty themselves into the heart are not (as they ought to be) supplied from the arteries; whereby there succeedeth at first a cold contraction, and trembling of the limbs, and afterwards a hot and strong endeavour of the heart to force a passage for the

11. OL: "There is also sometimes in commonwealths a disease to be compared with tertian fever [a fever recurring on alternate days], viz., when evil citizens, from hatred of government or the ruler, or because civil war is advantageous to them, by carping criticism of the rulers prevent the gathering of the necessary funds to be collected from the citizens for the well-being of the commonwealth."

blood; and before it can do that, contenteth itself with the small refreshments of such things as cool for a time, till (if nature be strong enough) it break at last the contumacy of the parts obstructed, and dissipateth the venom into sweat, or (if nature be too weak) the patient dieth.

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

Monopolies and abuses of Publicans.

Popular men.

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

[21] Another infirmity of a commonwealth is the immoderate greatness

Excessive greatness of a Town or multitude of Corporations.

Liberty of disputing against Sovereign Power.

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

[22] We may further add the insatiable appetite, or *Bulimia*, of enlarging

Dissolution of the Commonwealth.

dominion, with the incurable *wounds* thereby many times received from the enemy, and the *wens*,* of ununited conquests, which are many times a burden, and with less danger lost than kept, as also the *lethargy* of ease, and *consumption* of riot and vain expense.

[23] Lastly, when in a war (foreign or intestine) the enemies get a final victory, so as (the forces of the commonwealth keeping the field no longer),

there is no farther protection of subjects in their loyalty, then is the commonwealth DISSOLVED, and every man at liberty to protect himself by such courses as his own discretion shall suggest unto him. For the sovereign is the public soul, giving life and motion to the commonwealth, which expiring, the members are governed by it no more than the carcass of a man by his departed (though immortal) soul. For though the right of a sovereign monarch cannot be extinguished by the act of another, yet the obligation of the members may. For he that wants protection may seek it anywhere; and when he hath it, is obliged (without fraudulent pretence of having submitted himself out of fear) to protect his protection as long as he is able.¹² But when the power of an assembly is once suppressed, the right of the same perisheth utterly, because the assembly itself is extinct; and consequently, there is no possibility for the sovereignty to re-enter.

CHAPTER XXX

Of the OFFICE of the Sovereign Representative

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

*The Procuration of the
Good of the People.*

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

*By Instruction
& Laws.*

[3] And because, if the essential rights of sovereignty (specified before in the eighteenth chapter) be taken away, the commonwealth is thereby dissolved, and every man returneth into the condition and calamity of a war with every other man (which is the greatest evil that can happen in this life), it is the office of the sovereign to maintain those rights entire; and consequently, against his duty, first, to transfer to another or to lay from himself any of them. For he

*Against the duty of a
Sovereign to relinquish
any Essential Right of
Sovereignty:*

12. Clarendon complained that by this “the entire loss of one battle” would “put an end to the sovereignty of any prince in Europe.” (*Brief View*, pp. 167–68).

*Or not to see the
people taught the
grounds of them.*

that deserteth the means, deserteth the ends; and he deserteth the means that, being the sovereign, acknowledgeth himself subject to the civil laws, and renounceth the power of supreme judicature, or of making war or peace by his own authority, or of judging of the necessities of the commonwealth, or of levying money and soldiers (when and as much as in his own conscience he shall judge necessary), or of making officers and ministers both of war and peace, or of appointing teachers and examining what doctrines are conformable or contrary to the defence, peace, and good of the people.

Secondly, it is against his duty to let the people be ignorant or misinformed of the grounds and reasons of those his essential rights, because thereby men are easy to be seduced and drawn to resist him, when the commonwealth shall require their use and exercise.

*Objection of those that
say there are no
Principles of Reason for
absolute Sovereignty.*

[4] *And the grounds of these rights have the rather* need to be diligently and truly taught, because they cannot be maintained by any civil law or terror of legal punishment. For a

civil law that shall forbid rebellion (and such is all resistance to the essential rights of sovereignty) is not (as a civil law) any obligation but by virtue only of the law of nature that forbiddeth the violation of faith; which natural obligation, if men know not, they cannot know the right of any law the sovereign maketh. And for the punishment, they take it but for an act of hostility, which, when they think they have strength enough, they will endeavour by acts of hostility to avoid.¹

[5] As I have heard some say that justice is but a word, without substance, and that whatsoever a man can by force or art acquire to himself (not only in the condition of war, but also in a commonwealth) is his own, which I have already showed to be false; so there be also that maintain that there are no grounds, nor principles of reason, to sustain those essential rights which make sovereignty absolute. For if there were, they would have been found out in some place or other, whereas we see there has not hitherto been any commonwealth where those rights have been acknowledged or challenged.* Wherein they argue as ill as if the savage people of America should deny there were any grounds, or principles of reason, so to build a house as to last as long as the materials, because they never yet saw any so well built. Time and industry produce every day new knowledge.*And as the art of well building is derived from principles of reason,

1. OL: "Moreover, the grounds of these rights ought the more to be taught because they are a matter of natural right, not civil right, and their transgression is not to be punished as a violation of the civil laws, but avenged as a hostile act. For [transgressions of these rights] involve rebellion, i.e., the transgression (or rather, repudiation) of all civil laws at once, and for that reason, they would be prohibited in vain by the civil law."

observed by industrious men that had long studied the nature of materials and the divers effects of figure and proportion, long after mankind began (though poorly) to build, so, long time after men have begun to constitute commonwealths, imperfect and apt to relapse into disorder, there may principles of reason be found out by industrious meditation, to make their constitution (excepting by external violence) everlasting. And such are those which I have in this discourse set forth, which, whether they come not into the sight of those that have power to make use of them, or be neglected by them or not, concerneth my particular interest, at this day, very little. But supposing that these of mine are not such principles of reason, yet I am sure they are principles from authority of Scripture, as I shall make it appear when I shall come to speak of the kingdom of God (administered by *Moses*) over the Jews, his peculiar* people by covenant.²

[6] But they say, again, that though the principles be right, yet common people are not of capacity enough to be made to understand them. I should be glad that the rich and potent* subjects of a kingdom, or those that are accounted the most learned, were no less incapable than they. But all men know that the obstructions to this kind of doctrine proceed not so much from the difficulty of the matter, as from the interest of them that are to learn. Potent men digest hardly anything that setteth up a power to bridle their affections; and learned men, anything that discovereth their errors, and thereby lesseneth their authority; whereas the common people's minds, unless they be tainted with dependence on the potent, or scribbled over with the opinions of their doctors,* are like clean paper, fit to receive whatsoever by public authority shall be imprinted in them.

*Objection from
the Incapacity of
the vulgar.*

*Shall whole nations be brought to *acquiesce* in the great mysteries of Christian religion (which are above reason), and millions of men be made believe that the same body may be in innumerable places at one and the same time (which is against reason), and shall not men be able, by their teaching and preaching (protected by the law), to make that received which is so consonant to reason that any unprejudicated*

2. OL: "Therefore, even if men have instituted their commonwealths without the final perfection, so that some collapse more quickly, others more slowly, from some defect in their institution, nevertheless, it is not impossible to institute a commonwealth in such a way that it will never perish except by external force. Whether the principles which I have laid down can accomplish this, I do not know; nevertheless, they are such as are found in Sacred Scripture, as will be evident when I discuss the kingdom of God (administered by *Moses*) over the Jews, his peculiar people by the old covenant."

man needs no more to learn it than to hear it?³

I conclude, therefore, that in the instruction of the people in the essential rights (which are the natural and fundamental laws) of sovereignty, there is no difficulty (whilst a sovereign has his power entire) but what proceeds from his own fault, or the fault of those whom he trusteth in the administration of the commonwealth; and consequently, it is his duty to cause them so to be instructed; and not only his duty, but his benefit also, and security against the danger that may arrive to himself in his natural person from rebellion.

[7] And (to descend to particulars) the people are to be taught, first, that

*Subjects are to be
taught, not to affect
change of Government:*

they ought not to be in love with any form of government they see in their neighbour nations, more than with their own, nor (whatsoever present prosperity they behold in nations that are otherwise governed than they) to desire change. For the prosperity of a people ruled by an aristocratical or democratical assembly cometh not from aristocracy, nor from democracy, but from the obedience and concord of the subjects; nor do the people flourish in a monarchy because one man has the right to rule them, but because they obey him. Take away, in any kind of state, the obedience (and consequently the concord of the people) and they shall not only not flourish, but in short time be dissolved. And they that go about by disobedience, to do no more than reform the commonwealth, shall find they do thereby destroy it, like the foolish daughters of *Peleus* (in the fable) which, desiring to renew the youth of their decrepit father, did by the counsel of *Medea* cut him in pieces and boil him, together with strange herbs, but made not of him a new man. This desire of change is like the breach of the first of God's commandments; for there God says *Non habebis Deos alienos*, Thou shalt not have the Gods of other nations, and in another place, concerning *kings*, that they are *Gods*.⁴

[8] Secondly, they are to be taught that they ought not to be led with

*Nor adhere (against
the Sovereign) to
Popular men:*

admiration of the virtue of any of their fellow subjects, how high soever he stand, nor how conspicuously soever he shine in the commonwealth, nor of any assembly (except the sovereign as-

3. OL: "Shall whole nations be taught to acquiesce in the greatest and most difficult mysteries of religion, which are above reason, and shall learned men not make themselves understood, preaching and teaching those things which agree exquisitely with natural reason."

4. The first reference is to Exodus 20:3, which Hobbes quotes in the Vulgate translation. The second is to Psalm 82:6, whose interpretation scholars still debate (cf. *The Interpreter's Bible* IV, 442–446). In Hobbes' day it was common to assume that God was speaking to kings when he said 'Ye are gods.' Cf. James I's "Speech to Parliament," in Wootton, *Divine Right and Democracy*, p. 109.

sembly), so as to defer to them any obedience or honour appropriate to the sovereign only, whom (in their particular stations) they represent, nor to receive any influence from them but such as is conveyed by them from the sovereign authority. For that sovereign cannot be imagined to love his people as he ought that is not jealous of them, but suffers them by the flattery of popular men to be seduced from their loyalty, as they have often been (not only secretly, but openly), so as to proclaim marriage with them *in facie Ecclesiae* [in the presence of the Church] by preachers and by publishing the same in the open streets, which may fitly be compared to the violation of the second of the ten commandments.

[9] Thirdly, in consequence to this they ought to be informed how great a fault it is to speak evil of the sovereign representative (whether one man or an assembly of men), or to argue and dispute his power, or any way to use his name irreverently, whereby he may be brought into contempt with his people, and their obedience (in which the safety of the commonwealth consisteth) slackened. Which doctrine the third commandment by resemblance pointeth to.

*Nor to Dispute the
Sovereign Power:*

[10] Fourthly, seeing people cannot be taught this, nor when it is taught remember it, nor after one generation past so much as know in whom the sovereign power is placed, without setting apart from their ordinary labour some certain times in which they may attend those that are appointed to instruct them, it is necessary that some such times be determined wherein they may assemble together and (after prayers and praises given to God, the sovereign of sovereigns) hear those their duties told them, and the positive laws, such as generally concern them all, read and expounded, and be put in mind of the authority that maketh them laws. To this end had the Jews every seventh day a *sabbath*, in which the law was read and expounded, and in the solemnity whereof they were put in mind that their king was God, that having created the world in six days he rested the seventh day, and by their resting on it from their labour, that that God was their king, which redeemed them from their servile and painful labour in *Egypt*, and gave them a time, after they had rejoiced in God, to take joy also in themselves by lawful recreation. So that the first table of the commandments is spent all in setting down the sum of God's absolute power, not only as God, but as king by pact (in peculiar) of the Jews, and may therefore give light to those that have sovereign power conferred on them by the consent of men, to see what doctrine they ought to teach their subjects.

*And to have days
set apart to learn
their Duty:*

[11] And because the first instruction of children dependeth on the care of their parents, it is necessary that they should be obedient to them whilst they are under their tuition, and not only so, but that also afterwards (as gratitude requireth) they acknowledge the benefit of

*And to Honour
their Parents.*

their education by external signs of honour. To which end they are to be taught that originally the father of every man was also his sovereign lord, with power over him of life and death, and that the fathers of families, when by instituting a commonwealth they resigned that absolute power, yet it was never intended they should lose the honour due unto them for their education. *For to relinquish such right was not necessary to the institution of sovereign power, nor would there be any reason why any man should desire to have children, or take the care to nourish and instruct them, if they were afterwards to have no other benefit from them than from other men.⁵ And this accordeth with the fifth commandment.

[12] *Again, every sovereign ought to cause justice to be taught, which (consisting in taking from no man what is his) is as much as to say, to cause men to be taught not to deprive their neighbours by violence or fraud of anything which by the sovereign authority is theirs. Of

*And to avoid
doing of Injury:*

things held in propriety those that are dearest to a man are his own life and limbs; and in the next degree (in most men) those that concern conjugal affection; and after them riches and means of living. Therefore, the people are to be taught to abstain from violence to one another's person by private revenges, from violation of conjugal honour, and from forcible rapine* and fraudulent surreption of one another's goods. For which purpose also it is necessary they be showed the evil consequences of false judgment by corruption either of judges or witnesses, whereby the distinction of propriety is taken away and justice becomes of no effect; all which things are intimated in the sixth, seventh, eighth, and ninth commandments.⁶

[13] Lastly, they are to be taught that, not only the unjust facts, but the designs and intentions to do them (though by accident hindered) are injustice, which consisteth in the pravity* of the will as well as in the irregularity of the act. And this is the intention of the tenth commandment, and the sum of the second table, which is reduced all to

*And to do all this
sincerely from
the heart.*

5. Not in OL.

6. OL: "Next, it is the duty of the sovereign that citizens be taught justice, i.e., first, that no citizen kill another citizen or do him bodily harm, except by public authority, which is the sixth commandment. And it is violated not only by those who kill by deception or, as they say, dishonorably, but also by those who make a practice of saying that honor requires them to act as they do. The whole custom vain men have of provoking others to duels is murder. Almost every commonwealth has prohibited this practice by imposing very severe penalties, but so far in vain. Nor do I see how it can be completely extinguished by laws unless, perhaps, to the laws already made is added this: that all nobles, or all who wish to be considered noble, are bound by an oath not to provoke a fellow citizen to single combat, and not to respond if provoked. In this way that Hector-like greed for praise (though we do not read that Hector ever killed a fellow citizen) would be tempered

this one commandment of mutual charity: *Thou shalt love thy neighbour as thyself*, as the sum of the first table is reduced to *the love of God*, whom they had then newly received as their king.

[14] As for the means and conduits by which the people may receive this instruction, we are to search by what means so many opinions contrary to the peace of mankind, upon weak and false principles, have nevertheless been so deeply rooted in them. I mean those which I have in the precedent chapter specified: as, that men shall judge of what is lawful and unlawful, not by the law itself, but by their own consciences (that is to say, by their own private judgments); that subjects sin in obeying the commands of the commonwealth, unless they themselves have first judged them to be lawful; that their propriety in their riches is such as to exclude the dominion which the commonwealth hath over the same; that it is lawful for subjects to kill such as they call tyrants; that the sovereign power may be divided, and the like, which come to be instilled into the people by this means. *The use of Universities.*

They whom necessity or covetousness keepeth attent on their trades and labour, and they, on the other side, whom superfluity* or sloth carrieth after their sensual pleasures (which two sorts of men take up the greatest part of mankind), being diverted from the deep meditation which the learning of truth, not only in the matter of natural justice, but also of all other sciences necessarily requireth, receive the notions of their duty chiefly from divines in the pulpit, and partly from such of their neighbours or familiar acquaintance as having the faculty of discoursing readily and plausibly seem wiser, and better learned in cases of law and conscience, than themselves. And the divines, and such others as make show of learning, derive their knowledge from the universities and from the schools of law, or from the books which by men eminent in those schools and universities have been published. It is, therefore, manifest that the instruction of the people dependeth wholly *on the right teaching of youth in the universities.⁷

But are not (may some man say) the universities of England learned

by the infamy of perjury, and someone who is provoked would have the most honorable pretext for declining combat.

“In addition, citizens are to be taught how serious an evil it is to take from a fellow citizen, either by force or by fraud, conjugal honor, or any other goods, and how great a harm it is to public justice and the common peace to corrupt witnesses and judges in trials. These matters are involved in the seventh, eighth and ninth commandments of the Decalogue.”

7. OL: “on the rightness of the opinions which the universities teach. Therefore, before all else the universities are to be reformed.”

enough already to do that? or is it you will undertake to teach the universities? *Hard questions. Yet to the first, I doubt not to answer that till towards the latter end of Henry the Eighth, the power of the Pope was always upheld against the power of the commonwealth principally by the universities; and that the doctrines maintained by so many preachers against the sovereign power of the king, and by so many lawyers and others that had their education there, is a sufficient argument that, though the universities were not authors of those false doctrines, yet they knew not how to plant the true. For in such a contradiction of opinions, it is most certain that they have not been sufficiently instructed; and it is no wonder if they yet retain a relish of that subtle liquor wherewith they were first seasoned against the civil authority.⁸

But to the latter question, it is not fit, nor needful, for me to say either aye or no; for any man that sees what I am doing may easily perceive what I think.

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

[16] The inequality of subjects proceedeth from the acts of sovereign power, and therefore has no more place in the presence of the sovereign (that is to say, in a court of justice) than the inequality between kings and their subjects, in the presence of the King of kings. The honour of great

8. OL: "Troublesome questions. But I shall reply to the first. Before the time of King Henry VIII, in the matter of the power of the pope over Christian kings, when all the universities taught that the papal power in spiritual matters was supreme in England, did they teach rightly? You will deny it. So they could have been taught. Those ministers who in great number incited the people against an excellent king by their sermons, whence did they bring their seditious doctrines into the pulpit, and whence did they obtain the titles of learned men and teachers, i.e., obtain their authority among the people, except from the universities? Did they do this rightly? You will deny it. So they could have been taught."

persons is to be valued for their beneficence and the aids they give to men of inferior rank, or not at all. And the violences, oppressions, and injuries they do are not extenuated, but aggravated by the greatness of their persons, because they have least need to commit them. The consequences of this partiality towards the great proceed in this manner. Impunity maketh insolence; insolence, hatred; and hatred, an endeavour to pull down all oppressing and contumelious* greatness, though with the ruin of the commonwealth.⁹

[17] To equal justice appertaineth also the equal imposition of taxes, the equality whereof dependeth not on the equality of riches, but on the equality of the debt that every man oweth to the commonwealth for his defence. It is not enough for a man to labour for the maintenance of his life, but also to fight (if need be) for the securing of his labour. They must either do as the Jews did after their return from captivity in re-edifying* the temple (build with one hand and hold the sword in the other), or else they must hire others to fight for them. For the impositions that are laid on the people by the sovereign power are nothing else but the wages due to them that hold the public sword, to defend private men in the exercise of their several trades and callings.

Seeing, then, the benefit that everyone receiveth thereby is the enjoyment of life, which is equally dear to poor and rich, the debt which a poor man oweth them that defend his life is the same which a rich man oweth for the defence of his, saving that the rich, who have the service of the poor, may be debtors not only for their own persons, but for many more. Which

9. OL: "It is, moreover, the duty of the sovereign to provide that punishments which the laws establish for all citizens who have transgressed them be exacted equally from all. Crimes against the sovereign, of course, can be pardoned by him without inequity; for pardoning is a matter for him who has suffered the injury. But an injury done against a citizen, without his consent or fair compensation, cannot be pardoned by anyone else. Will not he who offers impunity to the murderer of my father or my son be called in some way a murderer also?"

It is the duty of the sovereign also to see that ordinary citizens are not oppressed by the great, much more that he himself not oppress them because of the counsel of the great, considering the example of Rehoboam. [1 Kings 12:13–14] For the common people are the strongest element of the commonwealth. It is also the sovereign's duty to take care lest the great provoke those of modest means to hostile action by insults. The sovereign can, of course, rightly reproach a citizen of ill repute for his baseness, but to reproach someone for having a humble station is both inequitable and dangerous to the commonwealth. If the great, because they are great, demand to be honored on account of their power, why are not the common people to be honored, because they are many and much more powerful. The sedition of those in Holland, called the Beggars, ought to serve as a warning how dangerous it is to the commonwealth to scorn citizens of modest means.

considered, the equality of imposition consisteth rather in the equality of that which is consumed than of the riches of the persons that consume the same. For what reason is there that he which laboureth much, and sparing* the fruits of his labour, consumeth little, should be more charged than he that living idly, getteth little, and spendeth all he gets, seeing the one hath no more protection from the commonwealth than the other? But when the impositions are laid upon those things which men consume, every man payeth equally for what he useth, nor is the commonwealth defrauded by the luxurious waste of private men.

[18] *And whereas many men, by accident inevitable, become unable to

Public Charity.

maintain themselves by their labour, they ought not to be left to the charity of private persons, but to be provided for (as far-forth as the necessities of nature require) by the laws of the commonwealth. For as it is uncharitableness in any man to neglect the impotent, so it is in the sovereign of a commonwealth to expose them to the hazard of such uncertain charity.¹⁰

[19] But for such as have strong bodies the case is otherwise; they are to

Prevention of Idleness.

be forced to work; and to avoid the excuse of not finding employment, there ought to be such laws as may encourage all manner of arts (as navigation, agriculture, fishing, and all manner of manufacture that requires labour). The multitude of poor (and yet strong) people still increasing, they are to be transplanted into countries not sufficiently inhabited, where, nevertheless, they are not to exterminate those

The inequality of the citizens has not proceeded from something special in them [i.e., the great], but from the will of the sovereign, i.e., the will of the commonwealth. So much the less, then, ought they to adopt an uncivil superiority. Kings, indeed, ought not to provoke the common people; much less should their fellow citizens do so, however powerful they are, lest when the common people desire vengeance against them, they attack at the same time the commonwealth, which did not prohibit [their insolence]." Hobbes seems to be under the misapprehension that the Beggars' Revolt of 1566 was class warfare (in fact it was inspired by nationalism and religious differences, and led by members of the nobility). Clarendon complained of the English version of these paragraphs that it showed an "extreme malignity to the nobility, by whose bread he hath always been sustained." He compares Hobbes' language to that of the Levellers. (*Brief View*, p. 181)

10. OL: "And since there are some who, through no fault of their own, but because of accidents they could not have foreseen, fall into misfortunes, so that they cannot provide for their maintenance by their own industry, it is the duty of the sovereign to see that they do not lack the things necessary for life. For since the right of nature permits those who are in extreme necessity to steal, or even to take by force, the goods of others, they ought to be maintained by the commonwealth, and not left to the uncertain charity of private citizens, lest they be troublesome to the commonwealth." Cf. xv, 17.

they find there, but constrain them to inhabit closer together, and not range a great deal of ground to snatch what they find, but to court each little plot with art and labour, to give them their sustenance in due season. And when all the world is overcharged with inhabitants, then the last remedy of all is war, which provideth for every man, by victory or death.

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

[21] *For the use of laws (which are but rules authorized) is *Such as are Necessary.* not to bind the people from all voluntary actions, but to direct and keep them in such a motion as not to hurt themselves by their own impetuous desires, rashness, or indiscretion, as hedges are set, not to stop travellers, but to keep them in the way.¹¹ And therefore, a law that is not needful, having not the true end of a law, is not good. A law may be conceived to be good when it is for the benefit of the sovereign, though it be not necessary for the people; but it is not so. For the good of the sovereign and people cannot be separated. It is a weak sovereign that has weak subjects, and a weak people whose sovereign wanteth power to rule them at his will. Unnecessary laws are not good laws, but traps for money which, where the right of sovereign power is acknowledged, are superfluous (and where it is not acknowledged, insufficient to defend the people).

[22] The perspicuity consisteth, not so much in the words of the law itself, as in a declaration of the causes and motives for which it was made. That is it that shows us the meaning of the legislator; and the meaning of the legislator known, the law is more easily understood by few than many words. For all words are subject to ambiguity; and therefore, multiplication of words in the body of the law is multiplication of ambiguity; besides, it seems to imply (by too much diligence) that whosoever can evade the words is without the compass of the law. And this is a cause of many unnecessary processes.* For when I consider how short were the laws of ancient times, and how they grew by degrees still longer, methinks I see a contention between the penners and pleaders of the law, the former *Such as are Perspicuous.*

11. OL: "For the end of laws is not to restrain people from a harmless liberty, but to prevent them from rushing into dangers or harm to themselves or to the commonwealth, from impetuous passions, rashness or foolishness, as roads are hedged not as an obstacle to travelers, but to prevent them from wandering off, with injury to their fellow citizens."

seeking to circumscribe the latter, and the latter to evade their circumscriptions; and that the pleaders have got the victory. It belongeth therefore to the office of a legislator (such as is in all commonwealths the supreme representative, be it one man or an assembly) to make the reason perspicuous, why the law was made, and the body of the law itself as short, but in as proper and significant terms, as may be.

[23] It belongeth also to the office of the sovereign to make a right application of punishments and rewards. And seeing the end of punishing is

Punishments.

not revenge and discharge of choler,* but correction, either of the offender or of others by his example, the severest punishments are to be inflicted for those crimes that are of most danger to the public, such as are those which proceed from malice to the government established, those that spring from contempt of justice, those that provoke indignation in the multitude, and those which, unpunished, seem authorized, as when they are committed by sons, servants, or favourites of men in authority. For indignation carrieth men, not only against the actors and authors of injustice, but against all power that is likely to protect them, as in the case of *Tarquin*, when for the insolent act of one of his sons he was driven out of *Rome*, and the monarchy itself dissolved.

But crimes of infirmity (such as are those which proceed from great provocation, from great fear, great need, or from ignorance whether the fact be a great crime or not), there is place many times for lenity, without prejudice to the commonwealth; and lenity, when there is such place for it, is required by the law of nature. The punishment of the leaders and teachers in a commotion, not the poor seduced people, when they are punished, can profit the commonwealth by their example. To be severe to the people is to punish that ignorance which may in great part be imputed to the sovereign, whose fault it was they were no better instructed.

[24] In like manner it belongeth to the office and duty of the sovereign

Rewards.

to apply his rewards always so as there may arise from them benefit to the commonwealth, wherein consisteth their use and end; and is then done, when they that have well served the commonwealth are, with as little expense of the common treasure as is possible, so well recompensed as others thereby may be encouraged, both to serve the same as faithfully as they can, and to study the arts by which they may be enabled to do it better.

To buy with money or preferment from a popular ambitious subject, to be quiet and desist from making ill impressions in the minds of the people, has nothing of the nature of reward (which is ordained, not for disservice, but for service past), nor a sign of gratitude, but of fear;¹² nor does it tend

12. OL adds in parentheses: "moreover, the commonwealth is king of the children of pride, and is so made that he ought not to fear," alluding to the passage from *Job* cited in xxviii, 27.

to the benefit, but to the damage of the public. It is a contention with ambition, like that of *Hercules* with the monster *Hydra*, which, having many heads, for every one that was vanquished there grew up three. For in like manner, when the stubbornness of one popular man is overcome with reward, there arise many more (by the example) that do the same mischief, in hope of like benefit; and as all sorts of manufacture, so also malice increaseth by being vendible.* And though sometimes a civil war may be deferred by such ways as that, yet the danger grows still the greater, and the public ruin more assured. It is, therefore, against the duty of the sovereign, to whom the public safety is committed, to reward those that aspire to greatness by disturbing the peace of their country, and not rather to oppose the beginnings of such men, with a little danger, than after a longer time, with greater.

[25] Another business of the sovereign is to choose good counselors; I mean such, whose advice he is to take in the government of the commonwealth. For this word counsel, *consilium*, corrupted from *considium*, is of a large signification, and comprehendeth all assemblies of men that sit together, not only to deliberate what is to be done hereafter, but also to judge of facts past and of law for the present. I take it here in the first sense only; and in this sense, there is no choice of counsel, neither in a democracy nor aristocracy, because the persons counselling are members of the person counselled. The choice of counsellors, therefore, is proper to monarchy, in which the sovereign that endeavoureth not to make choice of those that in every kind are the most able, dischargeth not his office as he ought to do. The most able counsellors are they that have least hope of benefit by giving evil counsel, and most knowledge of those things that conduce to the peace and defence of the commonwealth.

Counsellors.

It is a hard matter to know who expecteth benefit from public troubles, but the signs that guide to a just suspicion is the soothing* of the people in their unreasonable or irremediable grievances, by men whose estates are not sufficient to discharge their accustomed expenses, and may easily be observed by anyone whom it concerns to know it. But to know who has most knowledge of the public affairs is yet harder; and they that know them need them a great deal the less. For to know who knows the rules almost of any art is a great degree of the knowledge of the same art, because no man can be assured of the truth of another's rules but he that is first taught to understand them.

But the best signs of knowledge of any art are much conversing in it and constant good effects of it. Good counsel comes not by lot nor by inheritance; and therefore, there is no more reason to expect good advice from the rich or noble in matter of state, than in delineating the dimensions of a fortress (unless we shall think there needs no method in the study of the

politics, as there does in the study of geometry, but only to be lookers on, which is not so; for the politics is the harder study of the two). Whereas in these parts of Europe it hath been taken for a right of certain persons to have place in the highest council of state by inheritance, it is derived from the conquests of the ancient Germans, wherein many absolute lords, joining together to conquer other nations, would not enter into the confederacy without such privileges as might be marks of difference, in time following, between their posterity and the posterity of their subjects; which privileges, being inconsistent with the sovereign power, by the favour of the sovereign they may seem to keep; but contending for them as their right, they must needs by degrees let them go, and have at last no further honour than adhereth naturally to their abilities.

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

[27] The best counsel in those things that concern not other nations, but only the ease and benefit the subjects may enjoy by laws that look only inward, is to be taken from the general informations and complaints of the people of each province, who are best acquainted with their own wants, and ought therefore, when they demand nothing in derogation* of the essential rights of sovereignty, to be diligently taken notice of. For without those essential rights (as I have often before said) the commonwealth cannot at all subsist.

[28] A commander of an army in chief, if he be not popular, shall not be beloved nor feared as he ought to be by his army; and consequently, cannot perform that office with good success. He must, therefore, be industrious, valiant, affable, liberal and fortunate, that he may gain an opinion both of sufficiency* and of loving his soldiers. This is popularity, and breeds in the soldiers both desire, and courage, to recommend themselves to his favour, and protects the severity of the general, in punishing (when need is) the mutinous or negligent soldiers. *But this love of soldiers (if caution be not given of the commander's fidelity) is a dangerous thing to sovereign power, especially when it is in the hands of an assembly not popular.¹³ It belongeth, therefore, to the safety of the people, both that

13. OL: "But unless there is security for the commander's fidelity, he becomes dangerous to the commonwealth by the favor of his soldiers; and he is most dangerous to a democratic commonwealth."

they be good conductors, and faithful subjects, to whom the sovereign commits his armies.

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

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