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To my teachers at Columbia College



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PREFACE

This volume contains the complete texts of many of the masterpieces of modern political theory, along with substantial selections from numerous others. An original introduction to each author's writings, contributed by an authority on that subject, includes biographical data, philosophical commentary, and bibliographical guides.

The idea for this collection developed from a conversation with Robert B. Miller, senior editor at Oxford University Press, and I appreciate his continuing encouragement and advice. Karen Shapiro was the able Project Editor, and Ian Gardiner proofread the manuscript with his customary conscientiousness. I am grateful especially to those scholars who provided introductions: Professors Bernard E. Brown (City University of New York/Graduate School), Joshua Cohen (Massachusetts Institute of Technology), Charles L. Griswold, Jr. (Boston University), the late Jean Hampton (University of Arizona), Michael O. Hardimon (University of California/San Diego), Mark Hulliung (Brandeis University), Arthur Kuflik (University of Vermont), Roger D. Masters (Dartmouth College), Richard Miller (Cornell University), Thomas W. Pogge (Columbia University), Gordon Schochet (Rutgers University), Steven B. Smith (Yale University), Jeremy Waldron (University of California/Berkeley), and Burleigh T. Wilkins (University of California, Santa Barbara).

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THOMAS HOBBES

Thomas Hobbes (1588–1679) was born in Malmesbury, England, arriving prematurely because, he claimed, rumors that the Spanish armada was off the coast of England ready to invade scared his mother: “She brought twins to birth, myself and fear at the same time.” Ironically, fear of death was the central psychological assumption of his moral and political theorizing as an adult. Hobbes’s father was a clergyman, whom some reports describe as prone to drink and violence, and who eventually deserted his family in order to avoid a charge of assault. Educated at the expense of his uncle, Hobbes attended Oxford from 1603 to 1608. Because he was not from a wealthy family, on graduation he got a job as the tutor and companion of William Cavendish, who eventually became the Earl of Devonshire. Thus began his long association with that family; except for a few brief periods, he remained in service to them for nearly seventy years. He also worked briefly for Sir Francis Bacon, serving as his amanuensis and translator.

According to his friend and biographer John Aubrey, Hobbes’s philosophical interests owed much to the geometer Euclid, whose proofs he loved because of the way they relied on logical reasoning to derive surprising and sometimes seemingly implausible conclusions from highly plausible and seemingly innocuous premises. However his first full-scale philosophical manuscript was not circulated until 1640. This work, called *The Elements of Laws, Natural and Politic*, advocated the creation of an absolute sovereign in order to secure the peace and stability of the community. Because of the antiroyalist sentiment at this time (which eventually resulted in full-scale civil war and the beheading of King Charles I), many people, including members of Parliament, were outraged by the manuscript, and Hobbes believed he had to flee for his life to Europe (he used to boast that he was one of the “first to flee” from England). Like many prominent royalist sympathizers he spent the rest of the civil war in Paris, where he enjoyed philosophical conversations with French intellectuals (such as Gassendi and Mersenne) and exiled British thinkers. During that time he wrote *De Cive* [*The Citizen*] (1642), a reworked version of his argument in *The Elements of Laws* (written in Latin but later published in English in 1651 under the title *The Philosophical Rudiments of Government*). In 1651 he published his masterpiece *Leviathan*, which contains his mature argument for absolute sovereignty.

Oliver Cromwell was in power when *Leviathan* was completed, and Cromwell supposedly welcomed the book because of the way its arguments could be used to justify any de facto political authority even if it was installed through rebellion. Accordingly, Hobbes was allowed to come home, unlike other royalist exiles (who resented Hobbes’s return and considered him to have sold out to the new Puritan regime). On his return, he continued philosophizing in areas other than political philosophy, producing works in philosophy of law, history, metaphysics, and epistemology (including ontology, scientific method, and free will), and topics in science and mathematics (including optics, geometry, and human physiology). After the restoration of King Charles

II, Hobbes enjoyed access to the king because of his wit and intelligence. However, he remained a highly controversial figure throughout the country, both because of his political absolutism and because of his materialist metaphysics and his views on free will and religion, which were viewed by many of the larger population as “atheistic” and heretical. Hobbes finally died at the ripe old age of 91.

Hobbes’s argument for absolute sovereignty in all his political writings makes use of the idea of a “social contract,” an idea also used by other political thinkers of his day but which Hobbes revolutionized in ways that powerfully influenced the political thinking of subsequent philosophers such as Locke, Rousseau, and Kant. Imagine, says Hobbes, a “state of nature” prior to the creation of all governments. In this state, human behavior would be unchecked by law, and since Hobbes believes that human beings are predominantly self-interested (concerned above all else with their own preservation), he argues that they would inevitably come into conflict with one another, while having little or no other-regarding sentiments or psychological resources to resolve those conflicts. So before long he says, there would be a “war of every one against every one,” so that every person’s life in this natural state would be “solitary, poor, nasty, brutish and short” (*Leviathan*, chap. 13). To remedy such war and satisfy their desire for self-preservation, people, Hobbes argues, would be rational to contract with one another to create a government run by a sovereign holding absolute power, because only absolute power is sufficient to resolve disputes that otherwise would precipitate conflict dissolving the commonwealth and threatening the lives of all. Such an argument is meant to show the kind of government we contemporary human beings would be rational to create and sustain, lest we descend into a state of war analogous to the one that would exist in the state of nature. Note that Hobbes doesn’t require that sovereignty be held only by an absolute monarchy; he also recognizes that sovereignty can be invested in a small number of people, constituting an oligarchy, or in all the people, constituting a democracy. Hobbes explicitly prefers the absolute monarchy, but believes the other two forms of government are also viable. What is not viable, in his view, is some form of “mixed” government with different branches of government holding different components of political authority, or governments in which power is supposed to be limited by a constitution or by a contract made between the government and the people. Such limits or divisions, says Hobbes, will only lead to conflicts that cannot be resolved by self-interested people, who require for peace a unified sovereignty with the power to decide any issue that might lead to conflict in the regime.

Hobbes’s use of this social contract argument was occasioned in large part by his rejection of the scholastic philosophizing of many of his contemporaries and his forebears, whom he thought were too inclined to appeal to authority rather than reason, and too inclined to use nonsensical or empty terms (such as *immaterial substance* or *consubstantiation*). Accordingly, Hobbes turned to science, and particularly to geometry, as a guide to constructing a theory of our moral and political life. Starting with what he took to be sound premises, Hobbes sought to construct a social contract argument so as to derive, in geometric fashion, valid conclusions about morals and politics in a way that would command assent even from those reluctant to endorse such conclusions. Hobbes’s faith in the power of reason to provide truth in moral and political matters makes him an enlightenment thinker, although, ironically,

it is partly because he thinks there will be persistent failures of rationality in any human community that peace must be secured by giving the ruler absolute power.

Does Hobbes's argument work? To create an absolute sovereign, Hobbes says that each person must agree with every other person to "give up" his or her "right to all things" to the sovereign, thereby "authorizing" the sovereign to rule in this community. But can people who are committed to securing their self-preservation above all else rationally risk giving up *all* their rights to another? Hobbes explicitly compares subjects to servants and sovereigns to masters. But is such voluntary political "enslavement" even psychologically possible for people as Hobbes describes them? Observant readers will note qualifications to the alienation of all power to the sovereign in Chapter 21. For example, Hobbes writes:

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.

But is such a qualification consistent with the idea that the sovereign has absolute power over his subjects? The ultimate validity of Hobbes's argument has been questioned by generations of readers, who have tended to be both intrigued by its power and alarmed by its conclusions.

For an overview of Hobbes's work, see Tom Sorell, *Hobbes* (London: Routledge & Kegan Paul, 1986). For a view of Hobbes's life by one of his contemporaries, see the discussion of Hobbes in John Aubrey's *Brief Lives*, Oliver Lawson Dick, ed. (Ann Arbor: University of Michigan Press, 1975). For three detailed examinations of the validity of Hobbes's social contract argument, see David Gauthier, *The Logic of Leviathan* (Oxford: Oxford University Press, 1969); Jean Hampton, *Hobbes and the Social Contract Tradition* (Cambridge: Cambridge University Press, 1986); and Gregory Kavka, *Hobbesian Moral and Political Theory* (Princeton: Princeton University Press, 1986). Many of the nonpolitical aspects of Hobbes's thinking are discussed in J. W. N. Watkins, *Hobbes's System of Ideas* (London: Hutchison, 1965). For a discussion of Hobbes's religious arguments in *Leviathan*, see A. P. Martinich, *The Two Gods of Leviathan* (Cambridge: Cambridge University Press, 1992), and S. A. Lloyd, *Ideals as Interest in Hobbes's Leviathan* (Cambridge: Cambridge University Press, 1992). Finally, for a collection of classic interpretive essays on Hobbes's work, see K. C. Brown, *Hobbes Studies* (Oxford: Blackwell, 1965).

J. H.

LEVIATHAN

THE INTRODUCTION

Nature (the art whereby God hath made and governs the world) is by the *art* of man, as in many other things, so in this also imitated, that it can make an artificial animal. For seeing life is but a motion of limbs, the beginning whereof is in some principal part within; why may we not say that all *automata* (engines that move themselves by springs

and wheels as doth a watch) have an artificial life? For what is the *heart*, but a *spring*; and the *nerves*, but so many *strings*; and the *joints*, but so many *wheels*, giving motion to the whole body, such as was intended by the artificer? *Art* goes yet further, imitating that rational and most excellent work of nature, *man*. For by art is created that great LEVIATHAN called a COMMONWEALTH, or STATE, (in Latin CIVITAS) which is but an artificial man; though of greater stature and strength than the natural, for whose protection and defence it was intended; and in which, the *sovereignty* is an artificial *soul*, as giving life and motion to the whole body; the *magistrates*, and other *officers* of judicature and execution, artificial *joints*; *reward* and *punishment* (by which fastened to the seat of the sovereignty every joint and member is moved to perform his duty) are the *nerves*, that do the same in the body natural; the *wealth* and *riches* of all the particular members, are the *strength*; *salus populi* (the *people's safety*) its *business*; *counsellors*, by whom all things needful for it to know are suggested unto it, are the *memory*; *equity*, and *laws*, an artificial *reason* and *will*; *concord*, *health*; *sedition*, *sickness*; and *civil war*, *death*. Lastly, the *pacts* and *covenants*, by which the parts of this body politic were at first made, set together, and united, resemble that *fiat*, or the *let us make man*, pronounced by God in the creation.

To describe the nature of this artificial man, I will consider

First, the *matter* thereof, and the *artificer*; both which is *man*.

Secondly, *how*, and by what *covenants* it is made; what are the *rights* and just *power* or *authority* of a sovereign; and what it is that *preserveth* and *dissolveth* it.

Thirdly, what is a *Christian commonwealth*.

Lastly, what is the *kingdom of darkness*.

Concerning the first, there is a saying much usurped of late, that *wisdom* is acquired, not by reading of *books*, but of *men*. Consequently whereunto, those persons, that for the most part can give no other proof of being wise, take great delight to show what they think they have read in men, by uncharitable censures of one another behind their backs. But there is another saying not of late understood, by which they might learn truly to read one another, if they would take the pains; and that is, *nosce teipsum*, *read thyself*: which was not meant, as it is now used, to countenance, either the barbarous state of men in power, towards their inferiors; or to encourage men of low degree, to a saucy behaviour towards their betters; but to teach us, that for the similitude of the thoughts and passions of one man, to the thoughts and passions of another, whosoever looketh into himself, and considereth what he doth, when he does *think*, *opine*, *reason*, *hope*, *fear*, &c. and upon what grounds; he shall thereby read and know, what are the thoughts and passions of all other men upon the like occasions. I say the similitude of passions, which are the same in all men, *desire*, *fear*, *hope*, &c.; not the similitude of the objects of the passions, which are the things *desired*, *feared*, *hoped*, &c.; for these the constitution individual, and particular education, do so vary and they are so easy to be kept from our knowledge, that the characters of man's heart, blotted and confounded as they are with dissembling, lying, counterfeiting, and erroneous doctrines, are legible only to him that searcheth hearts. And though by men's actions we do discover their design sometimes; yet to do it without comparing them with our own, and distinguishing all circumstances, by which the case may come to be altered, is to decypher without a key, and be for the most part deceived, by too much trust, or by too much diffidence; as he that reads, is himself a good or evil man.

But let one man read another by his actions never so perfectly, it serves him only with his acquaintance, which are but few. He that is to govern a whole nation, must read in himself, not this or that particular man; but mankind: which though it be hard to do, harder

than to learn any language or science; yet when I shall have set down my own reading orderly, and perspicuously, the pains left another, will be only to consider, if he also find not the same in himself. For this kind of doctrine admitteth no other demonstration.

Part 1 Of Man

CHAPTER 1

Of Sense

Concerning the thoughts of man, I will consider them first *singly*, and afterwards in *train*, or dependence upon one another. *Singly*, they are every one a *representation* or *appearance*, of some quality, or other accident of a body without us; which is commonly called an *object*. Which object worketh on the eyes, ears, and other parts of a man's body; and by diversity of working, produceth diversity of appearances.

The original of them all, is that which we call SENSE; (For there is no conception in a man's mind, which hath not at first, totally, or by parts, been begotten upon the organs of sense.) The rest are derived from that original.

To know the natural cause of sense, is not very necessary to the business now in hand; and I have elsewhere written of the same at large. Nevertheless, to fill each part of my present method, I will briefly deliver the same in this place.

The cause of sense, is the external body, or object, which presseth the organ proper to each sense, either immediately, as in the taste and touch; or mediately, as in seeing, hearing, and smelling; which pressure, by the mediation of nerves, and other strings and membranes of the body, continued inwards to the brain and heart, causeth there a resistance, or counter-pressure, or endeavour of the heart, to deliver it self: which endeavour, because *outward*, seemeth to be some matter without. And this *seeming*, or *fancy*, is that which men call *sense*; and consisteth, as to the eye, in a *light*, or *colour figured*; to the ear, in a *sound*; to the nostril, in an *odour*; to the tongue and palate, in a *savour*; and to the rest of the body, in *heat*, *cold*, *hardness*, *softness*, and such other qualities as we discern by *feeling*. All which qualities called *sensible*, are in the object, that causeth them, but so many several motions of the matter, by which it presseth our organs diversely. Neither in us that are pressed, are they any thing else, but divers motions; (for motion produceth nothing but motion.) But their appearance to us is fancy, the same waking, that dreaming. And as pressing, rubbing, or striking the eye, makes us fancy a light; and pressing the ear, produceth a din; so do the bodies also we see, or hear, produce the same by their strong, though unobserved action. For if those colours and sounds were in the bodies, or objects that cause them, they could not be severed from them, as by glasses, and in echoes by reflection, we see they are; where we know the thing we see, is in one place; the appearance in another. And though at some certain distance, the real and very object seem invested with the fancy it begets in us; yet still the object is one thing, the image or fancy is another. So that sense in all cases, is nothing else but original fancy, caused (as I have said) by the pressure, that is, by the motion, of external things upon our eyes, ears, and other organs thereunto ordained.

But the philosophy-schools, through all the universities of Christendom, grounded upon certain texts of *Aristotle*, teach another doctrine; and say, for the cause of *vision*, that the thing seen, sendeth forth on every side a *visible species* (in English) a *visible show*, *appari-*

tion, or *aspect*, or *a being seen*; the receiving whereof into the eye, is *seeing*. And for the cause of *hearing*, that the thing heard, sendeth forth an *audible species*, that is, an *audible aspect*, or *audible being seen*; which entering at the ear, maketh *hearing*. Nay for the cause of *understanding* also, they say the thing understood, sendeth forth *intelligible species*, that is, an *intelligible being seen*; which coming into the understanding, makes us understand. I say not this, as disapproving the use of universities; but because I am to speak hereafter of their office in a commonwealth. I must let you see on all occasions by the way, what things would be amended in them; amongst which the frequency of insignificant speech is one.

CHAPTER 2

Of Imagination

That when a thing lies still, unless somewhat else stir it, it will lie still for ever, is a truth that no man doubts of. But that when a thing is in motion, it will eternally be in motion, unless somewhat else stay it, though the reason be the same, (namely, that nothing can change it self,) is not so easily assented to. For men measure, not only other men, but all other things, by themselves: and because they find themselves subject after motion to pain, and lassitude, think every thing else grows weary of motion, and seeks repose of its own accord; little considering, whether it be not some other motion, wherein that desire of rest they find in themselves, consisteth. From hence it is, that the schools say, heavy bodies fall downwards, out of an appetite to rest, and to conserve their nature in that place which is most proper for them; ascribing appetite and knowledge of what is good for their conservation, (which is more than man has) to things inanimate, absurdly.

When a body is once in motion, it moveth (unless something else hinder it) eternally; and whatsoever hindreth it, cannot in an instant, but in time, and by degrees quite extinguish it: And as we see in the water, though the wind cease, the waves give not over rolling for a long time after; so also it happeneth in that motion, which is made in the internal parts of a man, then, when he sees, dreams, &c. For after the object is removed, or the eye shut, we still retain an image of the thing seen, though more obscure than when we see it. And this is it, the Latins call *imagination*, from the image made in seeing; and apply the same, though improperly, to all the other senses. But the Greeks call it *fancy*; which signifies *appearance*, and is as proper to one sense, as to another. IMAGINATION therefore is nothing but *decaying sense*; and is found in men, and many other living creatures, as well sleeping, as waking.

The decay of sense in men waking, is not the decay of the motion made in sense; but an obscuring of it, in such manner as the light of the sun obscureth the light of the stars; which stars do no less exercise their virtue, by which they are visible, in the day, than in the night. But because amongst many strokes, which our eyes, ears, and other organs receive from external bodies, the predominant only is sensible; therefore the light of the sun being predominant, we are not affected with the action of the stars. And any object being removed from our eyes, though the impression it made in us remain; yet other objects more present succeeding, and working on us, the imagination of the past is obscured, and made weak, as the voice of a man is in the noise of the day. From whence it followeth, that the longer the time is, after the sight or sense of any object, the weaker is the imagination. For the continual change of man's body destroys in time the parts which in sense were moved: so that distance of time, and of place, hath one and the same effect in us. For as at a great distance of place, that which we look at appears dim, and without distinction of the smaller parts; and as voices grow weak, and inarticulate: so also, after

great distance of time, our imagination for the past is weak; and we lose (for example) of cities we have seen, many particular streets, and of actions, many particular circumstances. This *decaying sense*, when we would express the thing it self, (I mean *fancy* it self,) we call *imagination*, as I said before: but when we would express the *decay*, and signify that the sense is fading, old and past, it is called *memory*. So that *imagination* and *memory* are but one thing, which for divers considerations hath divers names.

Much memory, or memory of many things, is called *experience*. Again, imagination being only of those things which have been formerly perceived by sense, either all at once, or by parts at several times; the former, (which is the imagining the whole object, as it was presented to the sense) is *simple imagination*; as when one imagineth a man, or horse, which he hath seen before. The other is *compounded*; as when from the sight of a man at one time, and of a horse at another, we conceive in our mind a Centaur. So when a man compoundeth the image of his own person with the image of the actions of another man; as when a man imagines himself a *Hercules* or an *Alexander*, (which happeneth often to them that are much taken with reading of romances) it is a compound imagination, and properly but a fiction of the mind. There be also other imaginations that rise in men, (though waking) from the great impression made in sense: as from gazing upon the sun, the impression leaves an image of the sun before our eyes a long time after; and from being long and vehemently attent upon geometrical figures, a man shall in the dark, (though awake) have the images of lines and angles before his eyes: which kind of fancy hath no particular name; as being a thing that doth not commonly fall into men's discourse.

The imaginations of them that sleep are those we call *dreams*. And these also (as all other imaginations) have been before, either totally or by parcels in the sense. And because in sense, the brain and nerves, which are the necessary organs of sense, are so benumbed in sleep, as not easily to be moved by the action of external objects, there can happen in sleep no imagination; and therefore no dream, but what proceeds from the agitation of the inward parts of man's body; which inward parts, for the connexion they have with the brain, and other organs, when they be distempered, do keep the same in motion; whereby the imaginations there formerly made, appear as if a man were waking: saving that the organs of sense being now benumbed, so as there is no new object, which can master and obscure them with a more vigorous impression, a dream must needs be more clear, in this silence of sense, than are our waking thoughts. And hence it cometh to pass, that it is a hard matter, and by many thought impossible to distinguish exactly between sense and dreaming. For my part, when I consider that in dreams, I do not often, nor constantly think of the same persons, places, objects, and actions that I do waking; nor remember so long a train of coherent thoughts, dreaming, as at other times; and because waking I often observe the absurdity of dreams, but never dream of the absurdities of my waking thoughts; I am well satisfied, that being awake, I know I dream not; though when I dream I think myself awake.

And seeing dreams are caused by the distemper of some of the inward parts of the body; divers distempers must needs cause different dreams. And hence it is, that lying cold breedeth dreams of fear, and raiseth the thought and image of some fearful object (the motion from the brain to the inner parts, and from the inner parts to the brain being reciprocal;) and that as anger causeth heat in some parts of the body, when we are awake; so when we sleep the over heating of the same parts causeth anger, and raiseth up in the brain the imagination of an enemy. In the same manner, as natural kindness, when we are awake, causeth desire; and desire makes heat in certain other parts of the body; so also, too much heat in those parts, while we sleep, raiseth in the brain an imagination of some kindness shown. In sum, our dreams are the reverse of our waking imaginations; the motion when we are awake, beginning at one end; and when we dream, at another.

The most difficult discerning of a man's dream, from his waking thoughts, is then, when by some accident we observe not that we have slept: which is easy to happen to a man full of fearful thoughts; and whose conscience is much troubled; and that sleepeth, without the circumstances, of going to bed, or putting off his clothes, as one that nod-deth in a chair. For he that taketh pains, and industriously lays himself to sleep, in case any uncouth and exorbitant fancy come unto him, cannot easily think it other than a dream. We read of *Marcus Brutus*, (one that had his life given him by *Julius Caesar*, and was also his favourite, and notwithstanding murdered him), how at *Philippi*, the night before he gave battle to *Augustus Caesar*, he saw a fearful apparition, which is commonly related by historians as a vision; but considering the circumstances, one may easily judge to have been but a short dream. For sitting in his tent, pensive and troubled with the horror of his rash act, it was not hard for him, slumbering in the cold, to dream of that which most affrighted him; which fear, as by degrees it made him wake; so also it must needs make the apparition by degrees to vanish; and having no assurance that he slept, he could have no cause to think it a dream, or any thing but a vision. And this is no very rare accident; for even they that be perfectly awake, if they be timorous, and superstitious, possessed with fearful tales, and alone in the dark, are subject to the like fancies; and believe they see spirits and dead men's ghosts walking in churchyards; whereas it is either their fancy only, or else the knavery of such persons, as make use of such superstitious fear, to pass disguised in the night, to places they would not be known to haunt.

From this ignorance of how to distinguish dreams, and other strong fancies, from vision and sense, did arise the greatest part of the religion of the Gentiles in time past, that worshipped satyrs, fawns, nymphs, and the like; and now-a-days the opinion that rude people have of fairies, ghosts, and goblins, and of the power of witches. For as for witches, I think not that their witchcraft is any real power; but yet that they are justly punished, for the false belief they have, that they can do such mischief, joined with their purpose to do it if they can: their trade being nearer to a new religion than to a craft or science. And for fairies, and walking ghosts, the opinion of them has I think been on purpose, either taught, or not confuted, to keep in credit the use of exorcism, of crosses, of holy water, and other such inventions of ghostly men. Nevertheless, there is no doubt, but God can make unnatural apparitions: But that he does it so often, as men need to fear such things, more than they fear the stay, or change, of the course of nature, which he also can stay, and change, is no point of Christian faith. But evil men under pretext that God can do any thing, are so bold as to say any thing when it serves their turn, though they think it untrue; it is the part of a wise man, to believe them no further, than right reason makes that which they say, appear credible. If this superstitious fear of spirits were taken away, and with it, prognostics from dreams, false prophecies, and many other things depending thereon, by which, crafty ambitious persons abuse the simple people, men would be much more fitted than they are for civil obedience.

And this ought to be the work of the schools: but they rather nourish such doctrine. For (not knowing what imagination, or the senses are), what they receive, they teach: some saying, that imaginations rise of themselves, and have no cause; others, that they rise most commonly from the will; and that good thoughts are blown (inspired) into a man by God, and evil thoughts by the Devil; or that good thoughts are poured (infused) into a man by God, and evil ones by the Devil. Some say the senses receive the species of things, and deliver them to the common sense; and the common sense delivers them over to the fancy, and the fancy to the memory, and the memory to the judgement, like handing of things from one to another, with many words making nothing understood.

The imagination that is raised in man (or any other creature indued with the faculty of imagining) by words, or other voluntary signs, is that we generally call *understanding*; and is common to man and beast. For a dog by custom will understand the call, or the rating of his master; and so will many other beasts. That understanding which is peculiar to man, is the understanding not only his will, but his conceptions and thoughts, by the sequel and contexture of the names of things into affirmations, negations, and other forms of speech; and of this kind of understanding I shall speak hereafter.

CHAPTER 3

Of the Consequence or Train of Imaginations

By *Consequence*, or TRAIN of thoughts, I understand that succession of one thought to another, which is called (to distinguish it from discourse in words) *mental discourse*.

When a man thinketh on any thing whatsoever, his next thought after, is not altogether so casual as it seems to be. Not every thought to every thought succeeds indifferently. But as we have no imagination, whereof we have not formerly had sense, in whole, or in parts; so we have no transition from one imagination to another, whereof we never had the like before in our senses. The reason whereof is this. All fancies are motions within us, relics of those made in the sense: and those motions that immediately succeeded one another in the sense, continue also together after sense: insomuch as the former coming again to take place, and be predominant, the latter followeth, by coherence of the matter moved, in such manner, as water upon a plain table is drawn which way any one part of it is guided by the finger. But because in sense, to one and the same thing perceived, sometimes one thing, sometimes another succeedeth, it comes to pass in time, that in the imagining of any thing, there is no certainty what we shall imagine next; only this is certain, it shall be something that succeeded the same before, at one time or another.

This train of thoughts, or mental discourse, is of two sorts. The first is *unguided*, *without design*, and inconstant; wherein there is no passionate thought, to govern and direct those that follow, to it self, as the end and scope of some desire, or other passion: in which case the thoughts are said to wander, and seem impertinent one to another, as in a dream. Such are commonly the thoughts of men, that are not only without company, but also without care of any thing; though even then their thoughts are as busy as at other times, but without harmony; as the sound which a lute out of tune would yield to any man; or in tune, to one that could not play. And yet in this wild ranging of the mind, a man may oft-times perceive the way of it, and the dependance of one thought upon another. For in a discourse of our present civil war, what could seem more impertinent, than to ask (as one did) what was the value of a Roman penny? Yet the coherence to me was manifest enough. For the thought of the war, introduced the thought of the delivering up the king to his enemies; the thought of that, brought in the thought of the delivering up of Christ; and that again the thought of the 30 pence, which was the price of that treason; and thence easily followed that malicious question, and all this in a moment of time; for thought is quick.

The second is more constant; as being *regulated* by some desire, and design. For the impression made by such things as we desire, or fear, is strong, and permanent, or, (if it cease for a time,) of quick return; so strong it is sometimes, as to hinder and break our sleep. From desire, ariseth the thought of some means we have seen produce the like of that which we aim at; and from the thought of that, the thought of means to that mean;

and so continually, till we come to some beginning within our own power. And because the end, by the greatness of the impression, comes often to mind, in case our thoughts begin to wander, they are quickly again reduced into the way; which observed by one of the seven wise men, made him give men this precept, which is now worn out, *Respice finem*; that is to say, in all your actions, look often upon what you would have, as the thing that directs all your thoughts in the way to attain it.

The train of regulated thoughts is of two kinds; one, when of an effect imagined, we seek the causes, or means that produce it: and this is common to man and beast. The other is, when imagining any thing whatsoever, we seek all the possible effects, that can by it be produced; that is to say, we imagine what we can do with it, when we have it. Of which I have not at any time seen any sign, but in man only; for this is a curiosity hardly incident to the nature of any living creature that has no other passion but sensual, such as are hunger, thirst, lust, and anger. In sum, the discourse of the mind, when it is governed by design, is nothing but *seeking*, or the faculty of invention, which the Latins called *sagacitas*, and *solertia*; a hunting out of the causes, of some effect, present or past; or of the effects, of some present or past cause. Sometimes a man seeks what he hath lost; and from that place, and time, wherein he misses it, his mind runs back, from place to place, and time to time, to find where, and when he had it; that is to say, to find some certain, and limited time and place, in which to begin a method of seeking. Again, from thence, his thoughts run over the same places and times, to find what action, or other occasion might make him lose it. This we call *remembrance*, or calling to mind: the Latins call it *reminiscentia*, as it were a *re-coming* of our former actions.

Sometimes a man knows a place determinate, within the compass whereof he is to seek; and then his thoughts run over all the parts thereof, in the same manner as one would sweep a room, to find a jewel; or as a spaniel ranges the field, till he find a scent; or as a man should run over the alphabet, to start a rhyme.

Sometime a man desires to know the event of an action; and then he thinketh of some like action past, and the events thereof one after another; supposing like events will follow like actions. As he that foresees what will become of a criminal, recons what he has seen follow on the like crime before; having this order of thoughts, the crime, the officer, the prison, the judge, and the gallows. Which kind of thoughts, is called *foresight*, and *prudence*, or *providence*; and sometimes *wisdom*; though such conjecture, through the difficulty of observing all circumstances, be very fallacious. But this is certain; by how much one man has more experience of things past, than another; by so much also he is more prudent, and his expectations the seldomer fail him. The *present* only has a being in nature; things *past* have a being in the memory only, but things *to come* have no being at all; the *future* being but a fiction of the mind, applying the sequels of actions past, to the actions that are present; which with most certainty is done by him that has most experience; but not with certainty enough. And though it be called prudence, when the event answereth our expectation; yet in its own nature, it is but presumption. For the foresight of things to come, which is providence, belongs only to him by whose will they are to come. From him only, and supernaturally, proceeds prophecy. The best prophet naturally is the best guesser; and the best guesser, he that is most versed and studied in the matters he guesses at: for he hath most *signs* to guess by.

A *sign* is the event antecedent of the consequent; and contrarily, the consequent of the antecedent, when the like consequences have been observed, before: and the oftener they have been observed, the less uncertain is the sign. And therefore he that has most experience in any kind of business, has most signs, whereby to guess at the future time: and consequently is the most prudent: and so much more prudent than he that is new in that

kind of business, as not to be equalled by any advantage of natural and extemporary wit: though perhaps many young men think the contrary.

Nevertheless it is not prudence that distinguisheth man from beast. There be beasts, that at a year old observe more, and pursue that which is for their good, more prudently, than a child can do at ten.

As prudence is a *presumption* of the *future*, contracted from the *experience* of time *past*; so there is a presumption of things past taken from other things (not future but) past also. For he that hath seen by what courses and degrees, a flourishing state hath first come into civil war, and then to ruin; upon the sight of the ruins of any other state, will guess, the like war, and the like courses have been there also. But this conjecture, has the same uncertainty almost with the conjecture of the future; both being grounded only upon experience.

There is no other act of man's mind, that I can remember, naturally planted in him, so as to need no other thing, to the exercise of it, but to be born a man, and live with the use of his five senses. Those other faculties, of which I shall speak by and by, and which seem proper to man only, are acquired, and increased by study and industry; and of most men learned by instruction, and discipline; and proceed all from the invention of words, and speech. For besides sense, and thoughts, and the train of thoughts, the mind of man has no other motion: though by the help of speech, and method, the same faculties may be improved to such a height, as to distinguish men from all other living creatures.

Whatsoever we imagine is *finite*. Therefore there is no idea, or conception of any thing we call *infinite*. No man can have in his mind an image of infinite magnitude; nor conceive infinite swiftness, infinite time, or infinite force, or infinite power. When we say any thing is infinite, we signify only, that we are not able to conceive the ends, and bounds of the things named; having no conception of the thing, but of our own inability. And therefore the name of God is used, not to make us conceive him; (for he is *incomprehensible*; and his greatness, and power are unconceivable;) but that we may honour him. Also because whatsoever (as I said before,) we conceive, has been perceived first by sense, either all at once, or by parts; a man can have no thought, representing any thing, not subject to sense. No man therefore can conceive any thing, but he must conceive it in some place; and indued with some determinate magnitude; and which may be divided into parts; nor that any thing is all in this place, and all in another place at the same time; nor that two, or more things can be in one, and the same place at once; for none of these things ever have, or can be incident to sense; but are absurd speeches, taken upon credit (without any signification at all,) from deceived philosophers, and deceived, or deceiving schoolmen.

CHAPTER 4

Of Speech

The invention of *printing*, though ingenious, compared with the invention of *letters*, is no great matter. But who was the first that found the use of letters, is not known. He that first brought them into *Greece*, men say was *Cadmus*, the son of *Agenor*, king of *Phoenicia*. A profitable invention for continuing the memory of time past, and the conjunction of mankind, dispersed into so many, and distant regions of the earth; and withal difficult, as proceeding from a watchful observation of the divers motions of the tongue, palate, lips, and other organs of speech; whereby to make as many differences of characters, to remember them. But the most noble and profitable invention of all other, was that of *SPEECH*, consisting of *names*

or *appellations*, and their connexion; whereby men register their thoughts; recall them when they are past; and also declare them one to another for mutual utility and conversation; without which, there had been amongst men, neither commonwealth, nor society, nor contract, nor peace, no more than amongst lions, bears, and wolves. The first author of speech was God himself, that instructed Adam how to name such creatures as he presented to his sight; for the Scripture goeth no further in this matter. But this was sufficient to direct him to add more names, as the experience and use of the creatures should give him occasion; and to join them in such manner by degrees, as to make himself understood; and so by succession of time, so much language might be gotten, as he had found use for; though not so copious, as an orator or philosopher has need of. For I do not find any thing in the Scripture, out of which, directly or by consequence can be gathered, that *Adam* was taught the names of all figures, numbers, measures, colours, sounds, fancies, relations; much less the names of words and speech, as *general*, *special*, *affirmative*, *negative*, *interrogative*, *optative*, *infinitive*, all which are useful; and least of all, of *entity*, *intentionality*, *quiddity*, and other insignificant words of the school.

But all this language gotten, and augmented by *Adam* and his posterity, was again lost at the tower of *Babel*, when, by the hand of God, every man was stricken, for his rebellion, with an oblivion of his former language. And being hereby forced to disperse themselves into several parts of the world, it must needs be, that the diversity of tongues that now is, proceeded by degrees from them, in such manner as need (the mother of all inventions) taught them; and in tract of time grew every where more copious.

The general use of speech, is to transfer our mental discourse, into verbal; or the train of our thoughts, into a train of words; and that for two commodities, whereof one is the registering of the consequences of our thoughts; which being apt to slip out of our memory, and put us to a new labour, may again be recalled, by such words as they were marked by. So that the first use of names is to serve for *marks*, or *notes* of remembrance. Another is, when many use the same words, to signify (by their connexion and order,) one to another, what they conceive, or think of each matter; and also what they desire, fear, or have any other passion for. And for this use they are called *signs*. Special uses of speech are these; first, to register, what by cogitation, we find to be the cause of any thing, present or past; and what we find things present or past may produce, or effect: which in sum, is acquiring of arts. Secondly, to show to others that knowledge which we have attained; which is, to counsel and teach one another. Thirdly, to make known to others our wills, and purposes, that we may have the mutual help of one another. Fourthly, to please and delight ourselves and others, by playing with our words, for pleasure or ornament, innocently.

To these uses, there are also four correspondent abuses. First, when men register their thoughts wrong, by the inconstancy of the signification of their words; by which they register for their conceptions, that which they never conceived, and so deceive themselves. Secondly, when they use words metaphorically; that is, in other sense than that they are ordained for; and thereby deceive others. Thirdly, when by words they declare that to be their will, which is not. Fourthly, when they use them to grieve one another: for seeing nature hath armed living creatures, some with teeth, some with horns, and some with hands, to grieve an enemy, it is but an abuse of speech, to grieve him with the tongue, unless it be one whom we are obliged to govern; and then it is not to grieve, but to correct and amend.

The manner how speech serveth to the remembrance of the consequence of causes and effects, consisteth in the imposing of *names*, and the *connexion* of them.

Of names, some are *proper*, and singular to one only thing, as *Peter*, *John*, *this man*, *this tree*; and some are *common* to many things, as *man*, *horse*, *tree*; every of which though but one name,

is nevertheless the name of divers particular things; in respect of all which together, it is called an *universal*; there being nothing in the world universal but names; for the things named, are every one of them individual and singular.

One universal name is imposed on many things, for their similitude in some quality, or other accident; and whereas a proper name bringeth to mind one thing only, universals recall any one of those many.

And of names universal, some are of more, and some of less extent; the larger comprehending the less large: and some again of equal extent, comprehending each other reciprocally. As for example, the name *body* is of larger signification than the word *man*, and comprehendeth it; and the names *man* and *rational*, are of equal extent, comprehending mutually one another. But here we must take notice, that by a name is not always understood, as in grammar, one only word; but sometimes by circumlocution many words together. For all these words, *he that in his actions observeth the laws of his country*, make but one name, equivalent to this one word, *just*.

By this imposition of names, some of larger, some of stricter signification, we turn the reckoning of the consequences of things imagined in the mind, into a reckoning of the consequences of appellations. For example, a man that hath no use of speech at all, (such as is born and remains perfectly deaf and dumb,) if he set before his eyes a triangle, and by it two right angles, (such as are the corners of a square figure,) he may by meditation compare and find, that the three angles of that triangle, are equal to those two right angles that stand by it. But if another triangle be shown him, different in shape from the former, he cannot know without a new labour, whether the three angles of that also be equal to the same. But he that hath the use of words, when he observes, that such equality was consequent, not to the length of the sides, nor to any other particular thing in his triangle; but only to this, that the sides were straight, and the angles three; and that that was all, for which he named it a triangle; will boldly conclude universally, that such equality of angles is in all triangles whatsoever; and register his invention in these general terms, *every triangle hath its three angles equal to two right angles*. And thus the consequence found in one particular, comes to be registered and remembered, as an universal rule, and discharges our mental reckoning, of time and place, and delivers us from all labour of the mind, saving the first, and makes that which was found true *here*, and *now*, to be true in *all times* and *places*.

But the use of words in registering our thoughts is in nothing so evident as in numbering. A natural fool that could never learn by heart the order of numeral words, as *one*, *two*, and *three*, may observe every stroke of the clock, and nod to it, or say *one, one, one*, but can never know what hour it strikes. And it seems, there was a time when those names of number were not in use; and men were fain to apply their fingers of one or both hands, to those things they desired to keep account of; and that thence it proceeded, that now our numeral words are but ten, in any nation, and in some but five, and then they begin again. And he that can tell ten, if he recite them out of order, will lose himself, and not know when he has done. Much less will he be able to add, and subtract, and perform all other operations of arithmetic. So that without words there is no possibility of reckoning of numbers; much less of magnitudes, of swiftness, of force, and other things, the reckonings whereof are necessary to the being, or well-being of mankind.

When two names are joined together into a consequence, or affirmation, as thus, *a man is a living creature*; or thus, *if he be a man, he is a living creature*, if the latter name *living creature*, signify all that the former name *man* signifieth, then the affirmation, or consequence is *true*; otherwise *false*. For *true* and *false* are attributes of speech, not of things. And where speech is not, there is neither *truth* nor *falsehood*. Error there may be, as when we expect that which shall not be, or suspect what has not been: but in neither case can a man be charged with untruth.

Seeing then that *truth* consisteth in the right ordering of names in our affirmations, a man that seeketh precise *truth* had need to remember what every name he uses stands for, and to place it accordingly; or else he will find himself entangled in words, as a bird in lime twigs, the more he struggles the more belimed. And therefore in geometry, (which is the only science that it hath pleased God hitherto to bestow on mankind,) men begin at settling the significations of their words; which settling of significations they call *definitions*, and place them in the beginning of their reckoning.

By this it appears how necessary it is for any man that aspires to true knowledge, to examine the definitions of former authors; and either to correct them, where they are negligently set down, or to make them himself. For the errors of definitions multiply themselves according as the reckoning proceeds, and lead men into absurdities, which at last they see, but cannot avoid, without reckoning anew from the beginning, in which lies the foundation of their errors. From whence it happens, that they which trust to books do as they that cast up many little sums into a greater, without considering whether those little sums were rightly cast up or not; and at last finding the error visible, and not mistrusting their first grounds, know not which way to clear themselves, but spend time in fluttering over their books; as birds that entering by the chimney, and finding themselves enclosed in a chamber, flutter at the false light of a glass window, for want of wit to consider which way they came in. So that in the right definition of names lies the first use of speech; which is the acquisition of science; and in wrong, or no definitions, lies the first abuse; from which proceed all false and senseless tenets; which make those men that take their instruction from the authority of books, and not from their own meditation, to be as much below the condition of ignorant men, as men endued with true science are above it. For between true science and erroneous doctrines, ignorance is in the middle. Natural sense and imagination are not subject to absurdity. Nature itself cannot err; and as men abound in copiousness of language, so they become more wise, or more mad than ordinary. Nor is it possible without letters for any man to become either excellently wise, or (unless his memory be hurt by disease or ill constitution of organs) excellently foolish. For words are wise men's counters, they do but reckon by them; but they are the money of fools, that value them by the authority of an *Aristotle*, a *Cicero*, or a *Thomas*, or any other doctor whatsoever, if but a man.

Subject to names, is whatsoever can enter into or be considered in an account, and be added one to another to make a sum, or subtracted one from another and leave a remainder. The Latins called accounts of money *rationes*, and accounting *ratiocinatio*; and that which we in bills or books of account call *items*, they call *nomina*, that is *names*; and thence it seems to proceed, that they extended the word *ratio* to the faculty of reckoning in all other things. The Greeks have but one word, λόγος, for both *speech* and *reason*; not that they thought there was no speech without reason, but no reasoning without speech: and the act of reasoning they called *syllogism*, which signifieth summing up of the consequences of one saying to another. And because the same things may enter into account for divers accidents, their names are (to show that diversity) diversly wrested and diversified. This diversity of names may be reduced to four general heads.

First, a thing may enter into account for *matter* or *body*; as *living*, *sensible*, *rational*, *hot*, *cold*, *moved*, *quiet*; with all which names the word *matter*, or *body*, is understood; all such being names of matter.

Secondly, it may enter into account, or be considered, for some accident or quality, which we conceive to be in it; as for *being moved*, for *being so long*, for *being hot*, &c.; and then, of the name of the thing it self, by a little change or wresting, we make a name for that accident, which we consider; and for *living* put into the account *life*; for *moved*, *motion*; for *hot*,

all debates of what kind soever. And when men that think themselves wiser than all others, clamour and demand right reason for judge, yet seek no more, but that things should be determined by no other men's reason but their own, it is as intolerable in the society of men, as it is in play after trump is turned, to use for trump on every occasion, that suite whereof they have most in their hand. For they do nothing else, that will have every of their passions, as it comes to bear sway in them, to be taken for right reason, and that in their own controversies: bewraying their want of right reason, by the claim they lay to it.

The use and end of reason, is not the finding of the sum and truth of one, or a few consequences, remote from the first definitions, and settled significations of names, but to begin at these, and proceed from one consequence to another. For there can be no certainty of the last conclusion, without a certainty of all those affirmations and negations, on which it was grounded and inferred. As when a master of a family, in taking an account, casteth up the sums of all the bills of expense into one sum, and not regarding how each bill is summed up, by those that give them in account; nor what it is he pays for; he advantages himself no more than if he allowed the account in gross, trusting to every of the accountants' skill and honesty: so also in reasoning of all other things, he that takes up conclusions on the trust of authors, and doth not fetch them from the first items in every reckoning, (which are the significations of names settled by definitions,) loses his labour; and does not know any thing, but only believeth.

When a man reckons without the use of words, which may be done in particular things, (as when upon the sight of any one thing, we conjecture what was likely to have preceded, or is likely to follow upon it;) if that which he thought likely to follow, follows not, or that which he thought likely to have preceded it, hath not preceded it, this is called *error*; to which even the most prudent men are subject. But when we reason in words of general signification, and fall upon a general inference which is false, though it be commonly called error, it is indeed an *absurdity*, or senseless speech. For error is but a deception, in presuming that somewhat is past or to come; of which, though it were not past, or not to come, yet there was no impossibility discoverable. But when we make a general assertion, unless it be a true one, the possibility of it is inconceivable. And words whereby we conceive nothing but the sound, are those we call *absurd*, *insignificant*, and *nonsense*. And therefore if a man should talk to me of a *round quadrangle*; or, *accidents of bread in cheese*; or *immaterial substances*; or of a *free subject*; a *free will*; or any *free*, but free from being hindered by opposition, I should not say he were in an error, but that his words were without meaning, that is to say, absurd.

I have said before, (in the second chapter,) that a man did excel all other animals in this faculty, that when he conceived any thing whatsoever, he was apt to inquire the consequences of it, and what effects he could do with it. And now I add this other degree of the same excellence, that he can by words reduce the consequences he finds to general rules, called *theorems*, or *aphorisms*; that is, he can reason, or reckon, not only in number, but in all other things, whereof one may be added unto or subtracted from another.

But this privilege is allayed by another; and that is, by the privilege of absurdity, to which no living creature is subject, but man only. And of men, those are of all most subject to it, that profess philosophy. For it is most true that Cicero saith of them somewhere; that there can be nothing so absurd, but may be found in the books of philosophers. And the reason is manifest. For there is not one of them that begins his ratiocination from the definitions, or explications of the names they are to use; which is a method that hath been used only in geometry; whose conclusions have thereby been made indisputable.

- I. The first cause of absurd conclusions I ascribe to the want of method; in that they begin not their ratiocination from definitions; that is, from settled significations of their words: as if they could cast account, without knowing the value of the numeral words, *one*, *two*, and *three*.
And whereas all bodies enter into account upon divers considerations, (which I have mentioned in the precedent chapter;) these considerations being diversely named, divers absurdities proceed from the confusion, and unfit connexion of their names into assertions. And therefore,
- II. The second cause of absurd assertions, I ascribe to the giving of names of *bodies* to *accidents*; or of *accidents* to *bodies*; as they do, that say, *faith is infused*, or *inspired*; when nothing can be *poured*, or *breathed* into any thing, but body; and that, *extension to body*; that *phantasm* are *spirits*, &c.
- III. The third I ascribe to the giving of names of the *accidents* of *bodies without us*, to the *accidents* of our *own bodies*; as they do that say, the *colour is in the body*; the *sound is in the air*, &c.
- IV. The fourth, to the giving of the names of *bodies* to *names*, or *speeches*; as they do that say, that *there be things universal*; that *a living creature is genus*, or *a general thing*, &c.
- V. The fifth, to the giving of the names of *accidents* to *names* and *speeches*; as they do that say, the *nature of a thing is its definition*; *a man's command is his will*; and the like.
- VI. The sixth, to the use of metaphors, tropes, and other rhetorical figures, instead of words proper. For though it be lawful to say, (for example) in common speech, *the way goeth*, or *leadeth hither*, or *thither*; the proverb says *this* or *that* (whereas ways cannot go, nor proverbs speak;) yet in reckoning, and seeking of truth, such speeches are not to be admitted.
- VII. The seventh, to names that signify nothing; but are taken up, and learned by rote from the schools, as *hypostatical*, *transubstantiate*, *consubstantiate*, *eternal-now*, and the like canting of schoolmen.

To him that can avoid these things it is not easy to fall into any absurdity, unless it be by the length of an account; wherein he may perhaps forget what went before. For all men by nature reason alike, and well, when they have good principles. For who is so stupid, as both to mistake in geometry, and also to persist in it, when another detects his error to him?

By this it appears that reason is not, as sense and memory, born with us; nor gotten by experience only, as prudence is; but attained by industry; first in apt imposing of names; and secondly by getting a good and orderly method in proceeding from the elements, which are names, to assertions made by connexion of one of them to another; and so to syllogisms, which are the connexions of one assertion to another, till we come to a knowledge of all the consequences of names appertaining to the subject in hand; and that is it, men call *SCIENCE*. And whereas sense and memory are but knowledge of fact, which is a thing past, and irrevocable; *Science* is the knowledge of consequences, and dependance of one fact upon another: by which, out of that we can presently do, we know how to do something else when we will, or the like, another time; because when we see how any thing comes about, upon what causes, and by what manner; when the like causes come into our power, we see how to make it produce the like effects.

Children therefore are not endued with reason at all, till they have attained the use of speech; but are called reasonable creatures, for the possibility apparent of having the use of reason in time to come. And the most part of men, though they have the use of reasoning a little way, as in numbering to some degree; yet it serves them to little use in common life; in which they govern themselves, some better, some worse, according to their differences of experience, quickness of memory, and inclinations to several ends; but specially according to good or evil fortune, and the errors of one another. For as for *science*, or certain rules of their actions, they are so far from it, that they know not what it is.

Geometry they have thought conjuring but for other sciences, they who have not been taught the beginnings and some progress in them, that they may see how they be acquired and generated, are in this point like children, that having no thought of generation, are made believe by the women that their brothers and sisters are not born, but found in the garden.

But yet they that have no *science*, are in better, and nobler condition, with their natural prudence; than men, that by mis-reasoning, or by trusting them that reason wrong, fall upon false and absurd general rules. For ignorance of causes, and of rules, does not set men so far out of their way, as relying on false rules, and taking for causes of what they aspire to, those that are not so, but rather causes of the contrary.

To conclude, the light of human minds is perspicuous words, but by exact definitions first snuffed, and purged from ambiguity; *reason* is the *pace*; increase of *science* the *way*; and the benefit of mankind, the *end*. And on the contrary, metaphors, and senseless and ambiguous words, are like *ignes fatui*; and reasoning upon them a wandering amongst innumerable absurdities; and their end, contention and sedition, or contempt.

As much experience, is *prudence*; so, is much science *sapience*. For though we usually have one name of wisdom for them both, yet the Latins did always distinguish between *prudencia* and *sapientia*; ascribing the former to experience, the latter to science. But to make their difference appear more clearly, let us suppose one man endued with an excellent natural use and dexterity in handling his arms; and another to have added to that dexterity, an acquired science, of where he can offend, or be offended by his adversary, in every possible posture or guard: the ability of the former, would be to the ability of the latter, as prudence to sapience; both useful but the latter infallible. But they that trusting only to the authority of books, follow the blind blindly, are like him that, trusting to the false rules of a master of fence ventures presumptuously upon an adversary, that either kills or disgraces him.

The signs of science are some, certain and infallible; some, uncertain. Certain when he that pretendeth the science of any thing, can teach the same, that is to say demonstrate the truth thereof perspicuously to another; uncertain, when only some particular events answer to his pretence, and upon many occasions prove so as he said they must. Signs of prudence are all uncertain; because to observe by experience, and remember all circumstances that may alter the success, is impossible. But in any business, whereof a man has not infallible science to proceed by; to forsake his own natural judgment, and be guided by general sentences read in authors, and subject to many exceptions, is a sign of folly, and generally scorned by the name of pedantry. And even of those men themselves, that in councils of the commonwealth love to show their reading of politics and history, very few do it in their domestic affairs, where their particular interest is concerned; having prudence enough for their private affairs; but in public they study more the reputation of their own wit, than the success of another's business.

CHAPTER 6

Of the Interior Beginnings of Voluntary Motions: Commonly Called the Passions; and the Speeches by Which They Are Expressed

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

This endeavour, when it is toward something which causes it, is called APPETITE, or DESIRE; the latter, being the general name; and the other, oftentimes restrained to signify the desire of food, namely *hunger* and *thirst*. And when the endeavour is fromward something, it is generally called AVERSION. These words, *appetite* and *aversion*, we have from the *Latins*; and they both of them signify the motions, one of approaching, the other of retiring. So also do the Greek words for the same, which are *ὄρμη* and *ἀφορμη*. 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.

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

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.

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.

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.

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 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.

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 *mine*, 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*.

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 apparence; 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 apparence, or sense of that motion is that we either call *delight*, or *trouble of mind*.

This motion, which is called appetite, and for the apparence 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 healing or fortifying; and the contrary, *molesta*, *offensive*, from hindering, and troubling the motion vital.

Pleasure therefore, (or *delight*;) is the apparence, or sense of good; and *molestation* or *displeasure*, the apparence, 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.

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 expectation, 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 consequence, 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.

These simple passions called *appetite*, *desire*, *love*, *aversion*, *hate*, *joy*, and *grief*, have their names for divers 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 it self.

- For *appetite*, with an opinion of attaining, is called HOPE.
- The same, without such opinion, DESPAIR.
- *Aversion*, with opinion of *hurt* from the object, FEAR.
- The same, with hope of avoiding that hurt by resistance, COURAGE.
- Sudden *courage*, ANGER.
- Constant *hope*, CONFIDENCE of ourselves.
- Constant *despair*, DIFFIDENCE of ourselves.
- *Anger* for great hurt done to another, when we conceive the same to be done by injury, INDIGNATION.
- *Desire* of good to another, BENEVOLENCE, GOOD WILL, CHARITY. If to man generally, GOOD NATURE.

- *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.
- *Desire* of office, or precedence, AMBITION: a name used also in the worse sense, for the reason before mentioned.
- *Desire* of things that conduce but a little to our ends, and fear of things that are but of little hindrance, PUSILLANIMITY.
- *Contempt* of little helps and hindrances, MAGNANIMITY.
- *Magnanimity*, in danger of death or wounds, VALOUR, FORTITUDE.
- *Magnanimity*, in the use of riches, LIBERALITY.
- *Pusillanimity*, in the same, WRETCHEDNESS, MISERABLENESS, or PARSIMONY; as it is liked or disliked.
- *Love* of persons for society, KINDNESS.
- *Love* of persons for pleasing the sense only, NATURAL LUST.
- *Love* of the same, acquired from rumination, that is, imagination of pleasure past, LUXURY.
- *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.
- *Desire*, by doing hurt to another, to make him condemn some fact of his own, REVENGEFULNESS.
- *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.
- *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.
- *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.
- *Joy*, from apprehension of novelty, ADMIRATION; proper to man, because it excites the appetite of knowing the cause.
- *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*.
- *Grief*, from opinion of want of power, is called DEJECTION of mind.
- 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*, 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.

- 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.
- *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.
- The contempt of good reputation is called *IMPUDENCE*.
- *Grief*, of the calamity of another, is *PITY*; and ariseth from the imagination that the like calamity may befall himself; and therefore is called also *COMPASSION*, and in the phrase of this present time a *FELLOW-FEELING*: and therefore for calamity arriving 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.
- *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.
- *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 him, is called *EMULATION*: but joined with endeavour to supplant, or hinder a competitor, *ENVY*.

When in the mind of man, appetites, and aversions, hopes, and fears, concerning one and the same thing, arise alternately; and divers 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*.

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.

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

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.

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

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*.

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

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 either in the countenance, motions of the body, actions, and ends, or aims, which we otherwise know the man to have.

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

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; because life itself is but motion, and can never be 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.

The form of speech whereby men signify their opinion of the goodness of any thing, is *PRAISE*. That whereby they signify the power and greatness of any thing, is *MAGNIFYING*. And that whereby they signify the opinion they have of a man's felicity, is by the Greeks called *μακαρισμός* 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*.

CHAPTER 7

Of the Ends, or Resolutions of Discourse

Of all *discourse*, governed by desire of knowledge, there is at last an *end*, either by attaining, or by giving over. And in the chain of discourse, wheresoever it be interrupted, there is an end for that time.

If the discourse be merely mental, it consisteth of thoughts that the thing will be, and will not be, or that it has been, and has not been, alternately. So that wheresoever you break off the chain of a man's discourse, you leave him in a presumption of *it will be*, or, *it will not be*; or *it has been*, or, *has not been*. All which is *opinion*. And that which is alternate appetite, in deliberating concerning good and evil; the same is alternate opinion, in the enquiry of the truth of *past*, and *future*. And as the last appetite in deliberation is called the *will*; so the last opinion in search of the truth of past, and future, is called the JUDGMENT, or *resolute and final sentence* of him that *discourseth*. And as the whole chain of appetites alternate, in the question of good, or bad, is called *deliberation*; so the whole chain of opinions alternate, in the question of true, or false, is called DOUBT.

No discourse whatsoever, can end in absolute knowledge of fact, past, or to come. For, as for the knowledge of fact, it is originally, sense; and ever after, memory. And for the knowledge of consequence, which I have said before is called science, it is not absolute, but conditional. No man can know by discourse, that this, or that, is, has been, or will be; which is to know absolutely: but only, that if this be, that is; if this has been, that has been; if this shall be, that shall be: which is to know conditionally; and that not the consequence of one thing to another; but of one name of a thing, to another name of the same thing.

And therefore, when the discourse is put into speech, and begins with the definitions of words, and proceeds by connexion of the same into general affirmations, and of these again into syllogisms; the end or last sum is called the conclusion; and the thought of the mind by it signified, is that conditional knowledge, or knowledge of the consequence of words, which is commonly called SCIENCE. But if the first ground of such discourse, be not definitions; or if the definitions be not rightly joined together into syllogisms, then the end or conclusion, is again OPINION, namely of the truth of somewhat said, though sometimes in absurd and senseless words, without possibility of being understood. When two, or more men, know of one and the same fact, they are said to be CONSCIOUS of it one to another; which is as much as to know it together. And because such are fittest witnesses of the facts of one another, or of a third; it was, and ever will be reputed a very evil act, for any man to speak against his *conscience*: or to corrupt or force another so to do: inasmuch that the plea of conscience, has been always hearkened unto very diligently in all times. Afterwards, men made use of the same word metaphorically, for the knowledge of their own secret facts, and secret thoughts; and therefore it is rhetorically said, that the conscience is a thousand witnesses. And last of all, men, vehemently in love with their own new opinions, (though never so absurd,) and obstinately bent to maintain them, gave those their opinions also that revered name of conscience, as if they would have it seem unlawful, to change or speak against them; and so pretend to know they are true, when they know at most, but that they think so.

When a man's discourse beginneth not at definitions, it beginneth either at some other contemplation of his own, and then it is still called opinion; or it beginneth at some saying of another, of whose ability to know the truth, and of whose honesty in not deceiving, he doubteth not; and then the discourse is not so much concerning the thing, as the person; and the resolution is called BELIEF, and FAITH: *faith*, in the man; *belief*, both of the

man, and of the truth of what he says. So that in belief are two opinions; one of the saying of the man; the other of his virtue. To *have faith in*, or *trust to*, or *believe a man*, signify the same thing; namely, an opinion of the veracity of the man: but to *believe what is said*, signifieth only an opinion of the truth of the saying. But we are to observe that this phrase, *I believe in*; as also the Latin, *credo in*; and the Greek, *πιστεύω εἰς*, are never used but in the writings of divines. Instead of them, in other writings are put, *I believe him*; *I trust him*; *I have faith in him*; *I rely on him*; and in Latin, *credo illi*; *fido illi*; and in Greek, *πιστεύω αὐτῷ*: and that this singularity of the ecclesiastic use of the word hath raised many disputes about the right object of the Christian faith.

But by *believing in*, as it is in the creed, is meant, not trust in the person; but confession and acknowledgment of the doctrine. For not only Christians, but all manner of men do so believe in God, as to hold all for truth they hear him say, whether they understand it, or not; which is all the faith and trust can possibly be had in any person whatsoever: but they do not all believe the doctrine of the creed.

From whence we may infer, that when we believe any saying whatsoever it be, to be true, from arguments taken, not from the thing it self, or from the principles of natural reason, but from the authority, and good opinion we have, of him that hath said it; then is the speaker, or person we believe in, or trust in, and whose word we take, the object of our faith; and the honour done in believing, is done to him only. And consequently, when we believe that the Scriptures are the word of God, having no immediate revelation from God himself, our belief, faith, and trust is in the church; whose word we take, and acquiesce therein. And they that believe that which a prophet relates unto them in the name of God, take the word of the prophet, do honour to him and in him trust, and believe, touching the truth of what he relateth, whether he be a true, or a false prophet. And so it is also with all other history. For if I should not believe all that is written by historians, of the glorious acts of *Alexander*, or *Caesar*; I do not think the ghost of *Alexander*, or *Caesar*, had any just cause to be offended; or any body else, but the historian. If *Livy* say the Gods made once a cow speak, and we believe it not; we distrust not God therein, but *Livy*. So that it is evident, that whatsoever we believe, upon no other reason, than what is drawn from authority of men only, and their writings; whether they be sent from God or not, is faith in men only.

CHAPTER 10

Of Power, Worth, Dignity, Honour, and Worthiness

The power of a man, (to take it universally), is his present means, to obtain some future apparent good; and is either *original* or *instrumental*.

Natural power, is the eminence of the faculties of body, or mind: as extraordinary strength, form, prudence, arts, eloquence, liberality, nobility. *Instrumental* are those powers, which acquired by these, or by fortune, are means and instruments to acquire more: as riches, reputation, friends, and the secret working of God, which men call good luck. For the nature of power, is in this point, like to fame, increasing as it proceeds; or like the motion of heavy bodies, which the further they go, make still the more haste.

The greatest of human powers, is that which is compounded of the powers of most men, united by consent, in one person, natural, or civil, that has the use of all their powers depending on his will; such as is the power of a common-wealth: or depending on the wills of each particular; such as is the power of a faction or of divers factions leagued. Therefore to have servants, is power; to have friends, is power: for they are strengths united.

Also riches joined with liberality, is power; because it procureth friends, and servants: without liberality, not so; because in this case they defend not; but expose men to envy, as a prey.

Reputation of power, is power; because it draweth with it the adherence of those that need protection.

So is reputation of love of a man's country, (called popularity,) for the same reason.

Also, what quality soever maketh a man beloved, or feared of many; of the reputation of such quality, is power; because it is a means to have the assistance, and service of many.

Good success is power; because it maketh reputation of wisdom, or good fortune; which makes men either fear him, or rely on him.

Affability of men already in power, is increase of power; because it gaineth love.

Reputation of prudence in the conduct of peace or war, is power; because to prudent men, we commit the government of ourselves, more willingly than to others.

Nobility is power, not in all places, but only in those commonwealths, where it has privileges: for in such privileges consisteth their power.

Eloquence is power, because it is seeming prudence.

Form is power; because being a promise of good, it recommendeth men to the favour of women and strangers.

The sciences, are small power; because not eminent; and therefore, not acknowledged in any man; nor are at all, but in a few, and in them, but of a few things. For science is of that nature, as none can understand it to be, but such as in a good measure have attained it.

Arts of public use, as fortification, making of engines, and other instruments of war; because they confer to defence, and victory, are power: and though the true mother of them, be science, namely the mathematics; yet, because they are brought into the light, by the hand of the artificer, they be esteemed (the midwife passing with the vulgar for the mother,) as his issue.

The *value*, or WORTH of a man, is as of all other things, his price; that is to say, so much as would be given for the use of his power: and therefore is not absolute; but a thing dependant on the need and judgment of another. An able conductor of soldiers, is of great price in time of war present, or imminent; but in peace not so. A learned and uncorrupt judge, is much worth in time of peace; but not so much in war. And as in other things, so in men, not the seller, but the buyer determines the price. For let a man (as most men do,) rate themselves at the highest value they can; yet their true value is no more than it is esteemed by others.

The manifestation of the value we set on one another, is that which is commonly called honouring, and dishonouring. To value a man at a high rate, is to *honour* him; at a low rate, is to *dishonour* him. But high, and low, in this case, is to be understood by comparison to the rate that each man setteth on himself.

The public worth of a man, which is the value set on him by the commonwealth, is that which men commonly call DIGNITY. And this value of him by the commonwealth, is understood, by offices of command, judicature, public employment; or by names and titles, introduced for distinction of such value.

To pray to another, for aid of any kind, is to HONOUR; because a sign we have an opinion he has power to help; and the more difficult the aid is, the more is the honour.

To obey, is to honour, because no man obeys them, whom they think have no power to help, or hurt them. And consequently to disobey, is to *dishonour*.

To give great gifts to a man, is to honour him; because it is buying of protection, and acknowledging of power. To give little gifts, is to dishonour; because it is but alms, and signifies an opinion of the need of small helps.

To be sedulous in promoting another's good; also to flatter, is to honour; as a sign we seek his protection or aid. To neglect, is to dishonour.

To give way, or place to another, in any commodity, is to honour; being a confession of greater power. To arrogate, is to dishonour.

To show any sign of love, or fear of another, is to honour; for both to love, and to fear, is to value. To contemn, or less to love or fear, than he expects, is to dishonour; for it is undervaluing.

To praise, magnify, or call happy, is to honour; because nothing but goodness, power, and felicity is valued. To revile, mock, or pity, is to dishonour.

To speak to another with consideration, to appear before him with decency, and humility, is to honour him; as signs of fear to offend. To speak to him rashly, to do any thing before him obscenely, slovenly, impudently, is to dishonour.

To believe, to trust, to rely on another, is to honour him; sign of opinion of his virtue and power. To distrust, or not believe, is to dishonour.

To hearken to a man's counsel, or discourse of what kind soever, is to honour; as a sign we think him wise, or eloquent, or witty. To sleep, or go forth, or talk the while, is to dishonour.

To do those things to another, which he takes for signs of honour, or which the law or custom makes so, is to honour; because in approving the honour done by others, he acknowledgeth the power which others acknowledge. To refuse to do them, is to dishonour.

To agree with in opinion, is to honour; as being a sign of approving his judgment, and wisdom. To dissent, is dishonour, and an upbraiding of error; and (if the dissent be in many things) of folly.

To imitate, is to honour; for it is vehemently to approve. To imitate one's enemy, is to dishonour.

To honour those another honours, is to honour him; as a sign of approbation of his judgment. To honour his enemies, is to dishonour him.

To employ in counsel, or in actions of difficulty, is to honour; as a sign of opinion of his wisdom, or other power. To deny employment in the same cases, to those that seek it, is to dishonour.

All these ways of honouring, are natural; and as well within, as without commonwealths. But in commonwealths, where he, or they that have the supreme authority, can make whatsoever they please, to stand for signs of honour, there be other honours.

A sovereign doth honour a subject, with whatsoever title, or office, or employment, or action, that he himself will have taken for a sign of his will to honour him.

The king of *Persia*, honoured *Mordecai*, when he appointed he should be conducted through the streets in the king's garment, upon one of the king's horses, with a crown on his head, and a prince before him, proclaiming, *thus shall it be done to him that the king will honour*. And yet another king of *Persia*, or the same another time, to one that demanded for some great service, to wear one of the king's robes, gave him leave so to do; but with this addition, that he should wear it as the king's fool; and then it was dishonour. So that of civil honour, the fountain is in the person of the commonwealth, and dependeth on the will of the sovereign; and is therefore temporary, and called *civil honour*; such as are magistracy, offices, titles; and in some places coats and scutcheons painted: and men honour such as have them, as having so many signs of favour in the commonwealth; which favour is power.

Honourable is whatsoever possession, action, or quality, is an argument and sign of power.

And therefore to be honoured, loved, or feared of many, is honourable; as arguments of power. To be honoured of few or none, *dishonourable*.

Dominion, and victory is honourable; because acquired by power; and servitude, for need, or fear, is dishonourable.

Good fortune (if lasting,) honourable, as a sign of the favour of God. Ill fortune, and losses, dishonourable. Riches, are honourable; for they are power. Poverty, dishonourable. Magnanimity, liberality, hope, courage, confidence, are honourable; for they proceed from the conscience of power. Pusillanimity, parsimony, fear, diffidence, are dishonourable.

Timely resolution, or determination of what a man is to do, is honourable; as being the contempt of small difficulties, and dangers. And irresolution, dishonourable; as a sign of too much valuing of little impediments, and little advantages: for when a man has weighed things as long as the time permits, and resolves not, the difference of weight is but little; and therefore if he resolve not, he overvalues little things, which is pusillanimity.

All actions, and speeches, that proceed, or seem to proceed from much experience, science, discretion, or wit, are honourable; for all these are powers. Actions, or words that proceed from error, ignorance, or folly, dishonourable.

Gravity, as far forth as it seems to proceed from a mind employed on something else, is honourable; because employment is a sign of power. But if it seem to proceed from a purpose to appear grave, it is dishonourable. For the gravity of the former, is like the steadiness of a ship laden with merchandise; but of the latter, like the steadiness of a ship ballasted with sand, and other trash.

To be conspicuous, that is to say, to be known, for wealth, office, great actions, or any eminent good, is honourable; as a sign of the power for which he is conspicuous. On the contrary, obscurity, is dishonourable.

To be descended from conspicuous parents, is honourable; because they the more easily attain the aids, and friends of their ancestors. On the contrary, to be descended from obscure parentage, is dishonourable.

Actions proceeding from equity, joined with loss, are honourable; as signs of magnanimity: for magnanimity is a sign of power. On the contrary, craft, shifting, neglect of equity, is dishonourable.

Covetousness of great riches, and ambition of great honours, are honourable; as signs of power to obtain them. Covetousness, and ambition, of little gains, or preferments, is dishonourable.

Nor does it alter the case of honour, whether an action (so it be great and difficult, and consequently a sign of much power,) be just or unjust: for honour consisteth only in the opinion of power. Therefore the ancient heathen did not think they dishonoured, but greatly honoured the Gods, when they introduced them in their poems, committing rapes, thefts, and other great, but unjust, or unclean acts: insomuch as nothing is so much celebrated in *Jupiter*, as his adulteries; nor in *Mercury*, as his frauds, and thefts: of whose praises, in a hymn of *Homer*, the greatest is this, that being born in the morning, he had invented music at noon, and before night, stolen away the cattle of *Apollo*, from his herdsmen.

Also amongst men, till there were constituted great commonwealths, it was thought no dishonour to be a pirate, or a highway thief; but rather a lawful trade, not only amongst the Greeks, but also amongst all other nations; as is manifest by the histories of ancient time. And at this day, in this part of the world, private duels are, and always will be honourable, though unlawful, till such time as there shall be honour ordained for them that refuse, and ignominy for them that make the challenge. For duels also are many times effects of courage; and the ground of courage is always strength or skill, which are power; though for the most part they be effects of rash speaking, and of the fear of dishonour, in one, or both the combatants; who engaged by rashness, are driven into the lists to avoid disgrace.

Scutcheons, and coats of arms hereditary, where they have any eminent privileges, are honourable; otherwise not: for their power consisteth either in such privileges, or in riches, or some such things as is equally honoured in other men. This kind of honour, commonly

called gentry, has been derived from the ancient Germans. For there never was any such thing known, where the German customs were unknown. Nor is it now any where in use where the Germans have not inhabited. The ancient Greek commanders, when they went to war, had their shields painted with such devices as they pleased; insomuch as an unpainted buckler was a sign of poverty, and of a common soldier; but they transmitted not the inheritance of them. The Romans transmitted the marks of their families: but they were the images, not the devices of their ancestors. Amongst the people of *Asia*, *Africa*, and *America*, there is not, nor was ever, any such thing. The Germans only had that custom; from whom it has been derived into *England*, *France*, *Spain*, and *Italy*, when in great numbers they either aided the Romans, or made their own conquests in these western parts of the world.

For *Germany*, being anciently, as all other countries, in their beginnings, divided amongst an infinite number of little lords, or masters of families, that continually had wars one with another; those masters, or lords, principally to the end they might, when they were covered with arms, be known by their followers; and partly for ornament, both painted their armour, or their scutcheon, or coat, with the picture of some beast, or other thing; and also put some eminent and visible mark upon the crest of their helmets. And this ornament both of the arms, and crest, descended by inheritance to their children; to the eldest pure, and to the rest with some note of diversity, such as the old master, that is to say in Dutch, the *Here-alt* thought fit. But when many such families, joined together, made a greater monarchy, this duty of the Herealt, to distinguish scutcheons, was made a private office apart. And the issues of these lords, is the great and ancient gentry; which for the most part bear living creatures, noted for courage, and rapine; or castles, battlements, belts, weapons, bars, palisades, and other notes of war; nothing being then in honour, but military virtue. Afterwards, not only kings, but popular commonwealths, gave divers manners of scutcheons, to such as went forth to the war, or returned from it, for encouragement, or recompense to their service. All which, by an observing reader, may be found in such ancient histories, Greek and Latin, as make mention of the German nation and manners, in their times.

Titles of *honour*, such as are duke, count, marquis, and baron, are honourable; as signifying the value set upon them by the sovereign power of the commonwealth: which titles, were in old time titles of office, and command, derived some from the Romans, some from the Germans and French. Dukes, in Latin *duces*, being generals in war; counts, *comites*, such as bare the general company out of friendship, and were left to govern and defend places conquered, and pacified: marquises, *marchiones*, were counts that governed the marches, or bounds of the empire. Which titles of duke, count, and marquis, came into the empire, about the time of *Constantine* the Great, from the customs of the German *militia*. But baron, seems to have been a title of the Gauls, and signifies a great man; such as were the king's, or prince's men, whom they employed in war about their persons; and seems to be derived from *vir*, to *ber*, and *bar*, that signified the same in the language of the Gauls, that *vir* in Latin; and thence to *bero*, and *baro*; so that such men were called *berones*, and after barones; and (in Spanish) *varones*. But he that would now more particularly the original of titles of honour, may find it, as I have done this, in Mr. Selden's most excellent treatise of that subject. In process of time these offices of honour, by occasion of trouble, and for reasons of good and peaceable government, were turned into mere titles; serving for the most part, to distinguish the precedence, place, and order of subjects in the commonwealth: and men were made dukes, counts, marquises, and barons of places, wherein they had neither possession, nor command: and other titles also, were devised to the same end.

WORTHINESS, is a thing different from the worth, or value of a man; and also from his merit, or desert; and consisteth in a particular power, or ability for that, whereof he is said to be worthy: which particular ability, is usually named FITNESS, or *aptitude*.

For he is worthiest to be a commander, to be a judge, or to have any other charge, that is best fitted, with the qualities required to the well discharging of it; and worthiest of riches, that has the qualities most requisite for the well using of them: any of which qualities being absent, one may nevertheless be a worthy man, and valuable for something else. Again, a man may be worthy of riches, office, and employment, that nevertheless, can plead no right to have it before another; and therefore cannot be said to merit or deserve it. For merit presupposeth a right, and that the thing deserved is due by promise: of which I shall say more hereafter, when I shall speak of contracts.

CHAPTER 11

Of the Difference of Manners

By manners, I mean not here, decency of behaviour; as how one man should salute another, or how a man should wash his mouth, or pick his teeth before company, and such other points of the *small morals*; but those qualities of mankind, that concern their living together in peace, and unity. To which end we are to consider, that the felicity of this life, consisteth not in the repose of a mind satisfied. For there is no such *finis ultimus*, (utmost aim,) nor *summum bonum*, (greatest good,) as is spoken of in the books of the old moral philosophers. Nor can a man any more live, whose desires are at an end, than he, whose senses and imaginations are at a stand. Felicity is a continual progress of the desire, from one object to another; the attaining of the former, being still but the way to the latter. The cause whereof is, that the object of man's desire, is not to enjoy once only, and for one instant of time; but to assure for ever, the way of his future desire. And therefore the voluntary actions, and inclinations of all men, tend, not only to the procuring, but also to the assuring of a contented life; and differ only in the way: which ariseth partly from the diversity of passions, in divers men; and partly from the difference of the knowledge, or opinion each one has of the causes, which produce the effect desired.

So that in the first place, I put for a general inclination of all mankind, a perpetual and restless desire of power after power, that ceaseth only in death. And the cause of this, is not always that a man hopes for a more intensive delight, than he has already attained to; or that he cannot be content with a moderate power: but because he cannot assure the power and means to live well, which he hath present, without the acquisition of more. And from hence it is, that kings, whose power is greatest, turn their endeavors to the assuring it at home by laws, or abroad by wars: and when that is done, there succeedeth a new desire; in some, of fame from new conquest; in others, of ease and sensual pleasure; in others, of admiration, or being flattered for excellence in some art, or other ability of the mind.

Competition of riches, honour, command, or other power, inclineth to contention, enmity, and war: because the way of one competitor, to the attaining of his desire, is to kill, subdue, supplant, or repel the other. Particularly, competition of praise, inclineth to a reverence of antiquity. For men contend with the living, not with the dead; to these ascribing more than due, that they may obscure the glory of the other.

Desire of ease, and sensual delight, disposeth men to obey a common power: because by such desires, a man doth abandon the protection might be hoped for from his own industry, and labour. Fear of death, and wounds, disposeth to the same: and for the same reason. On the contrary, needy men, and hardy, not contented with their present condition; as also, all men that are ambitious of military command, are inclined to continue the causes of war; and to stir up trouble and sedition: for there is no honour military but by war; not any such hope to mend an ill game, as by causing a new shuffle.

Desire of knowledge, and arts of peace, inclineth men to obey a common power: For such desire, containeth a desire of leisure; and consequently protection from some other power than their own.

Desire of praise, disposeth to laudable actions, such as please them whose judgment they value; for of those men whom we condemn, we condemn also the praises. Desire of fame after death does the same. And though after death, there be no sense of the praise given us on earth, as being joys, that are either swallowed up in the unspeakable joys of Heaven, or extinguished in the extreme torments of hell: yet is not such fame vain; because men have a present delight therein, from the foresight of it, and of the benefit that may redound thereby to their posterity: which though they now see not, yet they imagine; and any thing that is pleasure in the sense, the same also is pleasure in the imagination.

To have received from one, to whom we think ourselves equal, greater benefits than there is hope to requite, disposeth to counterfeit love; but really secret hatred; and puts a man into the estate of a desperate debtor, that in declining the sight of his creditor, tacitly wishes him there, where he might never see him more. For benefits oblige, and obligation is thralldom; and unrequitable obligation, perpetual thralldom: which is to one's equal, hateful. But to have received benefits from one, whom we acknowledge for superior, inclines to love; because the obligation is no new depression: and cheerful acceptance, (which men call *gratitude*,) is such an honour done to the obliger, as is taken generally for retribution. Also to receive benefits, though from an equal, or inferior, as long as there is hope of requital, disposeth to love: for in the intention of the receiver, the obligation is of aid, and service mutual; from whence proceedeth an emulation of who shall exceed in benefiting; the most noble and profitable contention possible; wherein the victor is pleased with his victory, and the other revenged by confessing it.

To have done more hurt to a man, than he can, or is willing to expiate, inclineth the doer to hate the sufferer. For he must expect revenge, or forgiveness; both which are hateful.

Fear of oppression, disposeth a man to anticipate, or to seek aid by society: for there is no other way by which a man can secure his life and liberty.

Men that distrust their own subtlety, are in tumult and sedition, better disposed for victory, than they that suppose themselves wise, or crafty. For these love to consult, the other (fearing to be circumvented,) to strike first. And in sedition, men being always in the precincts of battle, to hold together, and use all advantages of force, is a better strategem, than any that can proceed from subtlety of wit.

Vain-glorious men, such as without being conscious to themselves of great sufficiency, delight in supposing themselves gallant men, are inclined only to ostentation; but not to attempt: because when danger or difficulty appears, they look for nothing but to have their insufficiency discovered.

Vain-glorious men, such as estimate their sufficiency by the flattery of other men, or the fortune of some precedent action, without assured ground of hope from the true knowledge of themselves, are inclined to rash engaging; and in the approach of danger, or difficulty, to retire if they can: because not seeing the way of safety, they will rather hazard their honour, which may be salved with an excuse; than their lives, for which no salve is sufficient.

Men that have a strong opinion of their own wisdom in matter of government, are disposed to ambition. Because without public employment in council or magistracy, the honour of their wisdom is lost. And therefore eloquent speakers are inclined to ambition; for eloquence seemeth wisdom, both to themselves and others.

Pusillanimity disposeth men to irresolution, and consequently to lose the occasions, and fittest opportunities of action. For after men have been in deliberation till the time of action approach, if it be not then manifest what is best to be done, it is a sign, the differ-

ence of motives, the one way and the other, are not great: therefore not to resolve then, is to lose the occasion by weighing of trifles; which is pusillanimity.

Frugality, (though in poor men a virtue,) maketh a man unapt to achieve such actions, as require the strength of many men at once: for it weakeneth their endeavor, which is to be nourished and kept in vigour by reward.

Eloquence, with flattery, disposeth men to confide in them that have it; because the former is seeming wisdom, the latter seeming kindness. Add to them military reputation, and it disposeth men to adhere, and subject themselves to those men that have them. The two former, having given them caution against danger from him; the latter gives them caution against danger from others.

Want of science, that is, ignorance of causes, disposeth, or rather constraineth a man to rely on the advice, and authority of others. For all men whom the truth concerns, if they rely not on their own, must rely on the opinion of some other, whom they think wiser than themselves, and see not why he should deceive them.

Ignorance of the signification of words, which is want of understanding, disposeth men to take on trust, not only the truth they know not; but also the errors; and which is more, the non-sense of them they trust: for neither error nor non-sense, can without a perfect understanding of words, be detected.

From the same it proceedeth, that men give different names, to one and the same thing, from the difference of their own passions: as they that approve a private opinion, call it opinion; but they that dislike it, heresy: and yet heresy signifies no more than private opinion; but has only a greater tincture of choler.

From the same also it proceedeth, that men cannot distinguish, without study and great understanding, between the one action of many men, and many actions of one multitude; as for example, between one action of all the senators of *Rome* in killing *Cataline*, and the many actions of a number of senators in killing *Caesar*; and therefore are disposed to take for the action of the people, that which is a multitude of actions done by a multitude of men, led perhaps by the persuasion of one.

Ignorance of the causes, and original constitution of right, equity, law, and justice, disposeth a man to make custom and example the rule of his actions; in such manner, as to think that unjust which it hath been the custom to punish; and that just, of the impunity and approbation whereof they can produce an example, or (as the lawyers which only use this false measure of justice barbarously call it) a precedent; like little children, that have no other rule of good and evil manners, but the correction they receive from their parents and masters; save that children are constant to their rule, whereas, men are not so; because grown strong, and stubborn, they appeal from custom to reason, and from reason to custom, as it serves their turn; receding from custom when their interest requires it, and setting themselves against reason, as oft as reason is against them: which is the cause, that the doctrine of right and wrong, is perpetually disputed, both by the pen and the sword: whereas the doctrine of lines, and figures, is not so; because men care not, in that subject, what be truth, as a thing that crosses no man's ambition, profit or lust. For I doubt not, but if it had been a thing contrary to any man's right of dominion, or to the interest of men that have dominion, *that the three angles of a triangle, should be equal to two angles of a square*; that doctrine should have been, if not disputed, yet by the burning of all books of geometry, suppressed, as far as he whom it concerned was able.

Ignorance of remote causes, disposeth men to attribute all events, to the causes immediate, and instrumental: for these are all the causes they perceive. And hence it comes to pass, that in all places, men that are grieved with payments to the public, discharge their

anger upon the publicans, that is to say, farmers, collectors, and other officers of the public revenue; and adhere to such as find fault with the public government; and thereby, when they have engaged themselves beyond hope of justification, fall also upon the supreme authority, for fear of punishment, or shame of receiving pardon.

Ignorance of natural causes disposeth a man to credulity, so as to believe many times impossibilities: for such know nothing to the contrary, but that they may be true; being unable to detect the impossibility. And credulity, because men love to be hearkened unto in company, disposeth them to lying: so that ignorance it self without malice, is able to make a man both to believe lies, and tell them: and sometimes also to invent them.

Anxiety for the future time, disposeth men to inquire into the causes of things: because the knowledge of them, maketh men the better able to order the present to their best advantage.

Curiosity, or love of the knowledge of causes, draws a man from consideration of the effect, to seek the cause; and again, the cause of that cause; till of necessity he must come to this thought at last, that there is some cause, whereof there is no former cause, but is eternal; which is it men call God. So that it is impossible to make any profound inquiry into natural causes, without being inclined thereby to believe there is one God eternal; though they cannot have any idea of him in their mind, answerable to his nature. For as a man that is born blind, hearing men talk of warming themselves by the fire, and being brought to warm himself by the same, may easily conceive, and assure himself, there is somewhat there, which men call *fire*, and is the cause of the heat he feels; but cannot imagine what it is like; nor have an idea of it in his mind, such as they have that see it: so also, by the visible things of this world, and their admirable order, a man may conceive there is a cause of them, which men call God; and yet not have an idea, or image of him in his mind.

And they that make little, or no inquiry into the natural causes of things, yet from the fear that proceeds from the ignorance it self, of what it is that hath the power to do them much good or harm, are inclined to suppose, and feign unto themselves, several kinds of powers invisible; and to stand in awe of their own imaginations; and in time of distress to invoke them; as also in the time of an expected good success, to give them thanks; making the creatures of their own fancy, their gods. By which means it hath come to pass, that from the innumerable variety of fancy, men have created in the world innumerable sorts of gods. And this fear of things invisible, is the natural seed of that, which every one in himself calleth religion; and in them that worship, or fear that power otherwise than they do, superstition.

And this seed of religion, having been observed by many; some of those that have observed it, have been inclined thereby to nourish, dress, and form it into laws; and to add to it of their own invention, any opinion of the causes of future events, by which they thought they should be best able to govern others, and make unto themselves the greatest use of their powers.

CHAPTER 12

Of Religion

Seeing there are no signs, nor fruit of *religion*, but in man only; there is no cause to doubt, but that the seed of *religion*, is also only in man; and consisteth in some peculiar quality, or at least in some eminent degree thereof, not to be found in other living creatures.

And first, it is peculiar to the nature of man, to be inquisitive into the causes of the events they see, some more, some less; but all men so much, as to be curious in the search of the causes of their own good and evil fortune.

Secondly, upon the sight of any thing that hath a beginning, to think also it had a cause, which determined the same to begin, then when it did, rather than sooner or later.

Thirdly, whereas there is no other felicity of beasts, but the enjoying of their quotidian food, ease, and lusts; as having little or no foresight of the time to come, for want of observation, and memory of the order, consequence, and dependence of the things they see; man observeth how one event hath been produced by another; and remembereth in them antecedence and consequence; and when he cannot assure himself of the true causes of things, (for the causes of good and evil fortune for the most part are invisible,) he supposes causes of them, either such as his own fancy suggesteth; or trusteth to the authority of other men, such as he thinks to be his friends, and wiser than himself.

The two first, make anxiety. For being assured that there be causes of all things that have arrived hitherto, or shall arrive hereafter; it is impossible for a man, who continually endeavoureth to secure himself against the evil he fears, and procure the good he desireth, not to be in a perpetual solicitude of the time to come; so that every man, especially those that are over provident, are in an estate like to that of *Prometheus*. For as *Prometheus*, (which interpreted, is, *the prudent man*;) was bound to the hill *Caucasus*, a place of large prospect, where, an eagle feeding on his liver, devoured in the day, as much as was repaired in the night: so that man, which looks too far before him, in the care of future time, hath his heart all the day long, gnawed on by fear of death, poverty, or other calamity; and has no repose, nor pause of his anxiety, but in sleep.

This perpetual fear, always accompanying mankind in the ignorance of causes, as it were in the dark, must needs have for object something. And therefore when there is nothing to be seen, there is nothing to accuse, either of their good, or evil fortune, but some *power*, or agent *invisible*: in which sense perhaps it was, that some of the old poets said, that the gods were at first created by human fear: which spoken of the gods, (that is to say, of the many gods of the Gentiles) is very true. But the acknowledging of one God, eternal, infinite, and omnipotent, may more easily be derived, from the desire men have to know the causes of natural bodies, and their several virtues, and operations; than from the fear of what was to befall them in time to come. For he that from any effect he seeth come to pass, should reason to the next and immediate cause thereof, and from thence to the cause of that cause, and plunge himself profoundly in the pursuit of causes; shall at last come to this, that there must be (as even the heathen philosophers confessed) one first mover; that is, a first, and an eternal cause of all things; which is that which men mean by the name of God: and all this without thought of their fortune; the solicitude whereof, both inclines to fear, and hinders them from the search of the causes of other things; and thereby gives occasion of feigning of as many gods, as there be men that feign them.

And for the matter, or substance of the invisible agents, so fancied; they could not by natural cogitation, fall upon any other conceit, but that it was the same with that of the soul of man; and that the soul of man, was of the same substance, with that which appeareth in a dream, to one that sleepeth; or in a looking-glass, to one that is awake; which, men not knowing that such apparitions are nothing else but creatures of the fancy, think to be real, and external substances; and therefore call them ghosts; as the Latins called them *imagines*, and *umbræ*, and thought them spirits, that is, thin aerial bodies; and those invisible agents, which they feared, to be like them; save that they appear, and vanish when they please. But the opinion that such spirits were incorporeal, or immaterial, could never enter into the mind of any man by nature; because, though men may put

together words of contradictory signification, as *spirit*, and *incorporeal*; yet they can never have the imagination of any thing answering to them: and therefore, men that by their own meditation, arrive to the acknowledgment of one infinite, omnipotent, and eternal God, choose rather to confess he is incomprehensible, and above their understanding, than to define his nature by *spirit incorporeal*, and then confess their definition to be unintelligible: or if they give him such a title, it is not *dogmatically*, with intention to make the divine nature understood; but *piously*, to honour him with attributes, of significations, as remote as they can from the grossness of bodies visible.

Then, for the way by which they think these invisible agents wrought their effects; that is to say, what immediate causes they used, in bringing things to pass, men that know not what it is that we call *causing*, (that is, almost all men) have no other rule to guess by, but by observing, and remembering what they have seen to precede the like effect at some other time, or times before, without seeing between the antecedent and subsequent event, any dependence or connexion at all: and therefore from the like things past, they expect the like things to come; and hope for good or evil luck, superstitiously, from things that have no part at all in the causing of it: as the Athenians did for their war at *Lepanto*, demand another *Phormio*; the Pompeian faction for their war in *Africa*, another *Scipio*; and others have done in divers other occasions since. In like manner they attribute their fortune to a stander by, to a lucky or unlucky place, to words spoken, especially if the name of God be amongst them; as charming and conjuring (the liturgy of witches;) insomuch as to believe, they have power to turn a stone into bread, bread into a man, or any thing into any thing.

Thirdly, for the worship which naturally men exhibit to powers invisible, it can be no other, but such expression of their reverence, as they would use towards men; gifts, petitions, thanks, submission of body, considerate addresses, sober behavior, premeditated words, swearing (that is, assuring one another of their promises,) by invoking them. Beyond that reason suggesteth nothing; but leaves them either to rest there; or for further ceremonies, to rely on those they believe to be wiser than themselves.

Lastly, concerning how these invisible powers declare to men the things which shall hereafter come to pass, especially concerning their good or evil fortune in general, or good or ill success in any particular undertaking, men are naturally at a stand; save that using to conjecture of the time to come, by the time past, they are very apt, not only to take casual things, after one or two encounters, for prognostics of the like encounter ever after, but also to believe the like prognostics from other men, of whom they have once conceived a good opinion.

And in these four things, opinion of ghosts, ignorance of second causes, devotion towards what men fear, and taking of things casual for prognostics, consisteth the natural seed of *religion*; which by reason of the different fancies, judgments, and passions of several men, hath grown up into ceremonies so different, that those which are used by one man, are for the most part ridiculous to another.

For these seeds have received culture from two sorts of men. One sort have been they, that have nourished, and ordered them, according to their own invention. The other have done it, by God's commandment, and direction: but both sorts have done it, with a purpose to make those men that relied on them, the more apt to obedience, laws, peace, charity, and civil society. So that the religion of the former sort, is a part of human politics; and teacheth part of the duty which earthly kings require of their subjects. And the religion of the latter sort is divine politics; and containeth precepts to those that have yielded themselves subjects in the kingdom of God. Of the former sort, were all the founders of commonwealths, and the lawgivers of the Gentiles: of the latter sort, were

Abraham, Moses and our *blessed Saviour*; by whom have been derived unto us the laws of the kingdom of God.

And for that part of religion, which consisteth in opinions concerning the nature of powers invisible, there is almost nothing that has a name, that has not been esteemed amongst the Gentiles, in one place or another, a god, or devil; or by their poets feigned to be inanimated, inhabited, or possessed by some spirit or other.

The unformed matter of the world, was a god, by the name of *Chaos*.

The heaven, the ocean, the planets, the fire, the earth, the winds, were so many gods.

Men, women, a bird, a crocodile, a calf, a dog, a snake, an onion, a leek, deified. Besides that, they filled almost all places, with spirits called *demons*; the plains, with *Pan*, and *Panises*, or Satyrs; the woods, with Fawns, and Nymphs; the sea, with Tritons, and other Nymphs; every river, and fountain, with a ghost of his name, and with Nymphs; every house with its *Lares*, or familiars; every man with his *Genius*; hell with ghosts, and spiritual officers, as *Charon*, *Cerberus*, and the *Furies*; and in the night time, all places with *larvae*, *lemures*, ghosts of men deceased, and a whole kingdom of fairies and bugbears. They have also ascribed divinity, and built temples to meer accidents, and qualities; such as are time, night, day, peace, concord, love, contention, virtue, honour, health, rust, fever, and the like; which when they prayed for, or against, they prayed to, as if there were ghosts of those names hanging over their heads, and letting fall, or withholding that good, or evil, for, or against which they prayed. They invoked also their own wit, by the name of *Muses*; their own ignorance, by the name of *Fortune*; their own lust, by the name of *Cupid*; their own rage, by the name *Furies*; their own privy members, by the name of *Priapus*, and attributed their pollutions, to *Incubi*, and *Succubae*: insomuch as there was nothing, which a poet could introduce as a person in his poem, which they did not make either a *god*, or a *devil*.

The same authors of the religion of the Gentiles, observing the second ground for religion, which is men's ignorance of causes; and thereby their aptness to attribute their fortune to causes, on which there was no dependence at all apparent, took occasion to obtrude on their ignorance, instead of second causes, a kind of second and ministerial gods; ascribing the cause of fecundity, to *Venus*; the cause of arts, to *Apollo*; of subtlety and craft, to *Mercury*; of tempests and storms, to *Aeolus*; and of other effects, to other gods; insomuch as there was amongst the heathen almost as great variety of gods, as of business.

And to the worship, which naturally men conceived fit to be used towards their gods, namely, oblations, prayers, thanks, and the rest formerly named; the same legislators of the Gentiles have added their images, both in picture, and sculpture; that the more ignorant sort (that is to say, the most part or generality of the people,) thinking the gods for whose representation they were made, were really included, and as it were housed within them, might so much the more stand in fear of them: and endowed them with lands, and houses, and officers, and revenues, set apart from all other human uses; that is, consecrated, and made holy to those their idols; as caverns, groves, woods, mountains, and whole islands; and have attributed to them, not only the shapes, some of men, some of beasts, some of monsters; but also the faculties, and passions of men and beasts; as sense, speech, sex, lust, generation, (and this not only by mixing one with another, to propagate the kind of gods; but also by mixing with men, and women, to beget mongrel gods, and but inmates of heaven, as *Bacchus*, *Hercules*, and others;) besides anger, revenge, and other passions of living creatures, and the actions proceeding from them, as fraud, theft, adultery, sodomy, and any vice that may be taken for an effect of power, or a cause of pleasure; and all such vices, as amongst men are taken to be against law, rather than against honour.

Lastly, to the prognostics of time to come; which are naturally, but conjectures upon the experience of time past; and supernaturally, divine revelation; the same authors of the

religion of the Gentiles, partly upon pretended experience, partly upon pretended revelation, have added innumerable other superstitious ways of divination; and made men believe they should find their fortunes, sometimes in the ambiguous or senseless answers of the priests at *Delphi*, *Delos*, *Ammon*, and other famous oracles; which answers, were made ambiguous by design, to own the event both ways; or absurd, by the intoxicating vapour of the place, which is very frequent in sulphurous caverns: sometimes in the leaves of the Sybils; of whose prophecies (like those perhaps of *Nostradamus*; for the fragments now extant seem to be the invention of later times) there were some books in reputation in the time of the Roman republic: sometimes in the insignificant speeches of madmen, supposed to be possessed with a divine spirit, which possession they called enthusiasm; and these kinds of foretelling events, were accounted theomancy, or prophecy: sometimes in the aspect of the stars at their nativity; which was called horoscopy, and esteemed a part of judiciary astrology: sometimes in their own hopes and fears, called thumomancy, or presage: sometimes in the prediction of witches, that pretended conference with the dead; which is called necromancy, conjuring, and witchcraft; and is but juggling and confederate knavery: sometimes in the casual flight, or feeding of birds: called augury: sometimes in the entrails of a sacrificed beast; which was *aruspicina*: sometimes in dreams: sometimes in croaking of ravens, or chattering of birds: sometimes in the lineaments of the face; which was called metoposcopy; or by palmistry in the lines of the hand; in casual words, called *omina*: sometimes in monsters, or unusual accidents; as eclipses, comets, rare meteors, earthquakes, inundations, uncouth birds, and the like, which they called *portenta*, and *ostenta*, because they thought them to portend, or foreshow some great calamity to come; sometimes, in mere lottery, as cross and pile; counting holes in a sieve; dipping of verses in *Homer*, and *Virgil*; and innumerable other such vain conceits. So easy are men to be drawn to believe any thing, from such men as have gotten credit with them; and can with gentleness, and dexterity, take hold of their fear, and ignorance.

And therefore the first founders, and legislators of commonwealths among the Gentiles, whose ends were only to keep the people in obedience, and peace, have in all places taken care; first, to imprint in their minds a belief, that those precepts which they gave concerning religion, might not be thought to proceed from their own device, but from the dictates of some god, or other spirit; or else that they themselves were of a higher nature than mere mortals, that their laws might the more easily be received: so *Numa Pompilius* pretended to receive the ceremonies he instituted amongst the Romans, from the nymph *Egeria*: and the first king and founder of the kingdom of Peru, pretended himself and his wife to be the children of the Sun: and *Mahomet*, to set up his new religion, pretended to have conferences with the Holy Ghost, in form of a dove. Secondly, they have had a care, to make it believed, that the same things were displeasing the gods, which were forbidden by the laws. Thirdly, to prescribe ceremonies, supplications, sacrifices, and festivals, by which they were to believe, the anger of the gods might be appeased; and that ill success in war, great contagions of sickness, earthquakes, and each man's private misery, came from the anger of the gods, and their anger from the neglect of their worship, or the forgetting, or mistaking some point of the ceremonies required. And though amongst the ancient Romans, men were not forbidden to deny, that which in the poets is written of the pains, and pleasures after this life; which divers of great authority, and gravity in that state have in their *harangues* openly derided; yet that belief was always more cherished, than the contrary.

And by these, and such other institutions, they obtained in order to their end, (which was the peace of the commonwealth,) that the common people in their misfortunes, laying the fault on neglect, or error in their ceremonies, or on their own disobedience to

the laws, were the less apt to mutiny against their governors. And being entertained with the pomp, and pastime of festivals, and public games, made in honour of the gods, needed nothing else but bread to keep them from discontent, murmuring, and commotion against the state. And therefore the Romans, that had conquered the greatest part of the then known world, made no scruple of tolerating any religion whatsoever in the city of *Rome* itself, unless it had something in it, that could not consist with their civil government; nor do we read, that any religion was there forbidden, but that of the Jews; who (being the peculiar kingdom of God) thought it unlawful to acknowledge subjection to any mortal king or state whatsoever. And thus you see how the religion of the Gentiles was a part of their policy.

But where God himself, by supernatural revelation, planted religion; there he also made to himself a peculiar kingdom; and gave laws, not only of behaviour towards himself, but also towards one another; and thereby in the kingdom of God, the policy, and laws civil, are a part of religion; and therefore the distinction of temporal, and spiritual domination, hath there no place. It is true, that God is king of all the earth: yet may he be king of a peculiar, and chosen nation. For there is no more incongruity therein, than that he hath the general command of the whole army, should have withal a peculiar regiment, or company of his own. God is king of all the earth by his power: but of his chosen people, he is king by covenant. But to speak more largely of the kingdom of God, both by nature, and covenant, I have in the following discourse assigned another place.

From the propagation of religion, it is not hard to understand the causes of the resolution of the same into its first seeds, or principles; which are only an opinion of a deity, and powers invisible, and supernatural; that can never be so abolished out of human nature, but that new religions may again be made to spring out of them, by the culture of such men, as for such purpose are in reputation.

For seeing all formed religion, is founded at first, upon the faith which a multitude hath in some one person, whom they believe not only to be a wise man, and to labour to procure their happiness, but also to be a holy man, to whom God himself vouchsafeth to declare his will supernaturally; it followeth necessarily, when they that have the government of religion, shall come to have either the wisdom of those men, their sincerity, or their love suspected; or that they shall be unable to show any probable token of divine revelation; that the religion which they desire to uphold, must be suspected likewise; and (without the fear of the civil sword) contradicted and rejected.

That which taketh away the reputation of wisdom, in him that formeth a religion, or addeth to it when it is already formed, is the enjoining of a belief of contradictories: for both parts of a contradiction cannot possibly be true: and therefore to enjoin the belief of them, is an argument of ignorance; which detects the author in that; and discredits him in all things else he shall propound as from revelation supernatural: which revelation a man may indeed have of many things above, but of nothing against natural reason.

That which taketh away the reputation of sincerity, is the doing or saying of such things, as appear to be signs, that what they require other men to believe, is not believed by themselves; all which doings, or sayings are therefore called scandalous, because they be stumbling blocks, that make men to fall in the way of religion: as injustice, cruelty, profaneness, avarice, and luxury. For who can believe, that he that doth ordinarily such actions as proceed from any of these roots, believeth there is any such invisible power to be feared, as he affrighteth other men withal, for lesser faults?

That which taketh away the reputation of love, is the being detected of private ends: as when the belief they require of others, conduceth or seemeth to conduce to the acquiring of dominion, riches, dignity, or secure pleasure, to themselves only, or specially. For

that which men reap benefit by to themselves, they are thought to do for their own sakes, and not for love of others.

Lastly, the testimony that men can render of divine calling, can be no other, than the operation of miracles; or true prophecy, (which also is a miracle;) or extraordinary felicity. And therefore, to those points of religion, which have been received from them that did such miracles; those that are added by such, as approve not their calling by some miracle, obtain no greater belief, than what the custom and laws of the places, in which they be educated, have wrought into them. For as in natural things, men of judgment require natural signs, and arguments; so in supernatural things, they require signs supernatural, (which are miracles,) before they consent inwardly, and from their hearts.

All which causes of the weakening of men's faith, do manifestly appear in the examples following. First, we have the example of the children of Israel; who when *Moses*, that had approved his calling to them by miracles, and by the happy conduct of them out of *Egypt*, was absent but 40 days, revolted from the worship of the true God, recommended to them by him; and setting up (*Exod.* 32. 1, 2.) a golden calf for their god, relapsed into the idolatry of the Egyptians; from whom they had been so lately delivered. And again, after *Moses*, *Aaron*, *Joshua*, and that generation which had seen the great works of God in Israel, (*Judges* 2. 11.) were dead; another generation arose, and served *Baal*. So that miracles failing, faith also failed.

Again, when the sons of *Samuel*, (1 *Sam.* 8. 3.) being constituted by their father judges in *Bersabee*, received bribes, and judged unjustly, the people of Israel refused any more to have God to be their king, in other manner than he was king of other people; and therefore cried out to *Samuel*, to choose them a king after the manner of the nations. So that justice failing, faith also failed: insomuch, as they deposed their God, from reigning over them.

And whereas in the planting of Christian religion, the oracles ceased in all parts of the Roman empire, and the number of Christians increased wonderfully every day, and in every place, by the preaching of the Apostles, and Evangelists; a great part of that success, may reasonably be attributed, to the contempt, into which the priests of the Gentiles of that time, had brought themselves, by their uncleanness, avarice, and juggling between princes. Also the religion of the church of *Rome*, was partly, for the same cause abolished in *England*, and many other parts of Christendom; insomuch, as the failing of virtue in the pastors, maketh faith fail in the people: and partly from bringing of the philosophy, and doctrine of *Aristotle* into religion, by the Schoolmen; from whence there arose so many contradictions, and absurdities, as brought the clergy into a reputation both of ignorance, and of fraudulent intention; and inclined people to revolt from them, either against the will of their own princes, as in *France* and *Holland*; or with their will, as in *England*.

Lastly, amongst the points by the church of *Rome* declared necessary for salvation, there be so many, manifestly to the advantage of the Pope, and of his spiritual subjects, residing in the territories of other Christian princes, that were it not for the mutual emulation of those princes, they might without war, or trouble, exclude all foreign authority, as easily as it has been excluded in *England*. For who is there that does not see, to whose benefit it conduceth, to have it believed, that a king hath not his authority from Christ, unless a bishop crown him? That a king, if he be a priest, cannot marry? That whether a prince be born in lawful marriage, or not, must be judged by authority from *Rome*? That subjects may be freed from their allegiance, if by the court of *Rome*, the king be judged an heretic? That a king (as *Chilperic* of *France*) may be deposed by a pope (as Pope *Zachary*) for no cause; and his kingdom given to one of his subjects? That the clergy and regulars, in what country soever, shall be exempt from the jurisdiction of their king, in cases criminal? Or who does not see, to whose profit redound the fees of private masses, and vales of purga-

tory; with other signs of private interest, enough to mortify the most lively faith, if (as I said) the civil magistrate, and custom did not more sustain it, than any opinion they have of the sanctity, wisdom, or probity of their teachers? So that I may attribute all the changes of religion in the world, to one and the same cause; and that is, unpleasing priests; and those not only amongst Catholics, but even in that church that hath presumed most of reformation.

CHAPTER 13

Of the Natural Condition of Mankind as Concerning Their Felicity, and Misery

Nature hath made men so equal, in the faculties of body, and mind; as that though there 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 as himself.

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 someone else,) I find yet a greater equality amongst men, than that of strength. For prudence, is but experience; which equal time, equally bestows on all men, in those things they equally apply themselves unto. That which may perhaps make such equality incredible, is but a vain conceit of one's own wisdom, which almost all men think they have in a greater degree, than the vulgar; that is, than all men but themselves, and a few others, whom by fame, or for concurring with themselves, they approve. For such is the nature of men, that howsoever they may acknowledge many others to be more witty, or more eloquent, or more learned; yet they will hardly believe there be many so wise as themselves: For they see their own wit at hand, and other men's at a distance. But this proveth rather that men are in that point equal, than unequal. For there is not ordinarily a greater sign of the equal distribution of any thing, than that every man is contented with his share.

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.

And from this diffidence of one another, there is no way for any man to secure himself, so reasonable, as anticipation; that is, by force, or wiles, to master the persons of all men he can, so long, till he see no other power great enough to endanger him: and this is no more than his own conservation requireth, and is generally allowed. Also because there be some, that taking pleasure in contemplating their own power in the acts of conquest, which they pursue farther than their security requires; if others, that otherwise would be

glad to be at ease within modest bounds, should not by invasion increase their power, they would not be able, long time, by standing only on their defence, to subsist. And by consequence, such augmentation of dominion over men, being necessary to a man's conservation, it ought to be allowed him.

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

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

The first, maketh man 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.

Hereby it is manifest, that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war, as is of every man, against every man. For WAR, consisteth not in battle only, or the act of fighting; but in a tract of time, wherein the will to contend by battle is sufficiently known: and therefore the notion of *time*, is to be considered in the nature of war; as it is in the nature of weather. For as the nature of foul weather, lieth not in a shower or two of rain; but in an inclination thereto of many days together: so the nature of war, consisteth not in actual fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is PEACE.

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

It may seem strange to some man, that has not well weighed these things; that nature should thus dissociate, and render men apt to invade, and destroy one another: and he may therefore, not trusting to this inference, made from the passions, desire perhaps to have the same confirmed by experience. Let him therefore consider with himself, when taking a journey, he arms himself, and seeks to go well accompanied; when going to sleep, he locks his doors; when even in his house he locks his chests; and this when he knows there be laws, and public officers, armed, to revenge all injuries shall be done him; what opinion he has of his fellow subjects, when he rides armed; of his fellow citizens, when he locks his doors; and of his children, and servants, when he locks his chests. Does he not there as much accuse mankind by his actions, as I do by my words? But neither of us accuse man's nature in it. The desires, and other passions of man, are in themselves no sin. No more are the actions, that proceed from those passions, till they know a law that forbids them: which till laws

be made they cannot know: nor can any law be made, till they have agreed upon the person that shall make it.

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

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.

To this war of every man against every man, this also is consequent; that nothing can be unjust. The notions of right and wrong, justice and injustice have there no place. Where there is no common power, there is no law: where no law, no injustice. Force, and fraud, are in war the two cardinal virtues. Justice, and injustice are none of the faculties neither of the body, nor mind. If they were, they might be in a man that were alone in the world, as well as his senses, and passions. They are qualities, that relate to men in society, not in solitude. It is consequent also to the same condition, that there be no propriety, no dominion, no *mine* and *thine* distinct; but only that to be every man's, that he can get; and for so long, as he can keep it. And thus much for the ill condition, which many by mere nature is actually placed in; though with a possibility to come out of it, consisting partly in the passions, partly in his reason.

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

CHAPTER 14

Of the First and Second Natural Laws, and of Contracts

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

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.

A LAW OF NATURE, (*lex naturalis*), is a precept, or general rule, found out by reason, by which a man is forbidden to do that, which is destructive of his life, or taketh away the means of preserving the same; and to omit that, by which he thinketh it may be best preserved. For though they that speak of this subject, use to confound *jus*, and *lex*, *right* and *law*; yet they ought to be distinguished; because RIGHT, consisteth in liberty to do, or to forbear; whereas LAW, determineth, and bindeth to one of them: so that law, and right, differ as much, as obligation, and liberty; which in one and the same matter are inconsistent.

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

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

To lay down a man's right to any thing, is to divest himself of the liberty, of hindering another of the benefit of his own right to the same. For he that renounceth, or passeth away his right, giveth not to any other man a right which he had not before; because there is nothing to which every man had not right by nature: but only standeth out of his way, that he may enjoy his own original right, without hindrance from him; not without hindrance from another. So that the effect which redoundeth to one man, by another man's defect of right, is but so much diminution of impediments to the use of his own right original.

Right is laid aside, either by simply renouncing it; or by transferring it to another. By simply RENOUNCING; when he cares not to whom the benefit thereof redoundeth. By TRANSFERRING; when he intendeth the benefit thereof to some certain person, or persons. And when a man hath in either manner abandoned, or granted away his right; then is he said to be OBLIGED, or BOUND, not to hinder those, to whom such right is granted, or abandoned, from the benefit of it: and that he *ought*, and it is his DUTY, not to make void that voluntary act of his own: and that such hindrance is INJUSTICE, and INJURY, as being *sine jure*; the right being before renounced, or transferred. So that *injury*, or *injustice*, in the controversies of the world, is somewhat like to that, which in the disputations of scholars is called *absurdity*. For as it is there called an absurdity, to contradict what one maintained in the beginning: so in the world, it is called injustice, and injury, voluntarily to undo that, which from the beginning he had voluntarily done.

The way by which a man either simply renounceth, or transferreth his right, is a declaration, or signification, by some voluntary and sufficient sign, or signs, that he doth so renounce, or transfer; or hath so renounced, or transferred the same, to him that accepteth it. And these signs are either words only, or actions only; or (as it happeneth most often) both words, and actions. And the same are the BONDS, by which men are bound, and obliged: bonds, that have their strength, not from their own nature, (for nothing is more easily broken than a man's word,) but from fear of some evil consequence upon the rupture.

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

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

There is difference between transferring of right to the thing; and transferring, or tradition, that is, delivery of the thing it self. For the thing may be delivered together with the translation of the right; as in buying and selling with ready money; or exchange of goods, or lands: and it may be delivered some time after.

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

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

Signs 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, in whatsoever sufficiently argues the will of the contractor.

Words alone, if they be of the time to come, and contain a bare promise, are an insufficient sign of a free-gift and therefore not obligatory. For if they be of the time to come, as, *tomorrow I will give*, they are a sign I have not given yet, and consequently that my right is not transferred, but remaineth till I transfer it by some other act. But if the words be of the time present, or past, as, *I have given*, or *do give to be delivered tomorrow*, then is my tomorrow's right given away to day; and that by the virtue of the words, though there were no other argument of my will. And there is a great difference in the signification of these words, *volo hoc tuum esse cras*, and *cras dabo*; that is, between *I will that this be thine tomorrow*, and, *I will give it thee tomorrow*: for the word *I will*, in the former manner of speech, signifies an act of the will present; but in the latter, it signifies a promise of an act of the will to come: and therefore the former words, being of the present, transfer a future right; the latter, that be of the future, transfer nothing. But if there be other signs of the will to transfer a right, besides words; then, though the gift be free, yet may the right be understood to pass by words of the future: as if a man propound a prize to him that comes first to the end of a race; the gift is free; and though the words be of the future, yet the right passeth: for if he would not have his words so be understood, he should not have let them run.

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.

He that performeth first in the case of a contract, is said to MERIT that which he is to receive by the performance of the other; and he hath it as *due*. Also when a prize is propounded to many, which is to be given to him only that winneth; or money is thrown amongst many, to be enjoyed by them that catch it; though this be a free gift; yet so to win, or so to catch, is to *merit*, and to have it as DUE. For the right is transferred in the propounding of the prize, and in throwing down the money; though it be not determined to whom, but by the event of the contention. But there is between these two sorts of merit, this difference, that in contract, I merit by virtue of my own power, and the contractor's need; but in this case of free gift, I am enabled to merit only by the benignity of the giver: in contract, I merit at the contractor's hand that he should depart with his right; in this case of gift, I merit not that the giver should part with his right; but that when he has parted with it, it should be mine, rather than another's. And this I think to be the meaning of that distinction of the Schools, between *meritum congrui*, and *meritum condigni*. For God Almighty, having promised Paradise to those men (hoodwinked with carnal desires,) that can walk through this world according to the precepts, and limits prescribed by him; they say, he that shall so walk, shall merit Paradise *ex congruo*. But because no man can demand a right to it, by his own righteousness, or any other power in himself, but by the free grace of God only; they say, no man can merit Paradise *ex condigno*. This I say, I think is the meaning of that distinction; but because disputers do not agree upon the signification of their own terms of art, longer than it serves their turn; I will not affirm any thing of their meaning: only this I say; when a gift is given indefinitely, as a prize to be contended for, he that winneth meriteth, and may claim the prize as due.

If a covenant be made, wherein neither of the parties perform presently, but trust one another; in the condition of mere nature, (which is a condition of war of every man against every man,) upon any reasonable suspicion, it is void: but if there be a common power set over them both, with right and force sufficient to compel performance, it is not void. For

he that performeth first, has no assurance the other will perform after; because the bonds of words are too weak to bridle men's ambition, avarice, anger, and other passions, without the fear of some coercive power; which in the condition of mere nature, where all men are equal, and judges of the justness of their own fears, cannot possibly be supposed. And therefore he which performeth first, does but betray himself to his enemy; contrary to the right (he can never abandon) of defending his life, and means of living.

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.

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.

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.

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

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

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.

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

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 entered into by fear, in the condition of mere nature, are obligatory. For example, if I covenant to pay a ransom, or service for my life, to an enemy; I am bound by it. For it is a contract, wherein one receiveth the benefit of life; the other is to receive money, or service for it; and consequently, where no other law (as in the condition, of mere nature) forbiddeth the performance, the covenant is valid. Therefore prisoners of war, if trusted with the payment of their ransom, are obliged to pay it: and if a weaker prince, make a disadvantageous peace with a stronger, for fear; he is bound to keep it; unless (as hath been said before) there ariseth some new, and just cause of fear, to renew the war. And even in commonwealths, if I be forced to redeem myself from a thief by promising him

money, I am bound to pay it, till the civil law discharge me. For whatsoever I may lawfully do without obligation, the same I may lawfully covenant to do through fear: and what I lawfully covenant, I cannot lawfully break.

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

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 covenant to accuse one self, without assurance of pardon, is likewise invalid. For in the condition of nature, where every man is judge, there is no place for accusation: and in the civil state, the accusation is followed with punishment; which being force, a man is not obliged not to resist. The same is also true, of the accusation of those, by whose condemnation a man falls into misery; as of a father, wife, or benefactor. For the testimony of such an accuser, if it be not willingly given, is presumed to be corrupted by nature; and therefore not to be received: and where a man's testimony is not to be credited, he is not bound to give it. Also accusations upon torture, are not to be reputed as testimonies. For torture is to be used but as means of conjecture, and light, in the further examination, and search of truth: and what is in that case confessed, tendeth to the ease of him that is tortured, not to the informing of the torturers: and therefore ought not to have the credit of a sufficient testimony: for whether he deliver himself by true, or false accusation, he does it by the right of preserving his own life.

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

kill me else, as I kill this beast. So is our form, *I shall do thus, and thus, so help me God.* And this, with the rites and ceremonies, which every one useth in his own religion, that the fear of breaking faith might be the greater.

By this it appears, that an oath taken according to any other form, or rite, than his, that sweareth, is in vain; and no oath: and that there is no swearing by any thing which the swearer thinks not God. For though men have sometimes used to swear by their kings, for fear, or flattery; yet they would have it thereby understood, they attributed to them divine honour. And that swearing unnecessarily by God, is but prophaning of his name: and swearing by other things, as men do in common discourse, is not swearing, but an impious custom, gotten by too much vehemence of talking.

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

CHAPTER 15

Of Other Laws of Nature

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.

And in this law of nature, consisteth the fountain and original of JUSTICE. For where no covenant hath preceded, there hath no right been transferred, and every man has right to every thing; and consequently, no action can be unjust. But when a covenant is made, then to break it is *unjust*; and the definition of INJUSTICE, is no other than *the not performance of covenant.* And whatsoever is not unjust, is *just*.

But because covenants of mutual trust, where there is fear of not performance on either part, (as hath been said in the former chapter,) are invalid; though the original of justice be the making of covenants; yet injustice actually there can be none, till the cause of such fear be taken away; which while men are in the natural condition of war, cannot be done. Therefore before the names of just, and unjust can have place, there must be some coercive power, to compel men equally to the performance of their covenants, by the terror of some punishment, greater than the benefit they expect by the breach of their covenant; and to make good that propriety, which by mutual contract men acquire, in recompense of the universal right they abandon: and such power there is none before the erection of a commonwealth. And this is also to be gathered out of the ordinary definition of justice in the Schools: for they say, that *justice is the constant will of giving to every man his own.* And therefore where there is no *own*, that is, no propriety, there is no injustice; and where there is no coercive power erected, that is, where there is no commonwealth, there is no propriety; all men having right to all things: therefore where there is no commonwealth, there nothing is unjust. So that the nature of justice, consisteth in keeping of valid covenants: but the validity of covenants begins not but with the constitution of a civil power, sufficient to compel men to keep them: and then it is also that propriety begins.

The fool hath said in his heart, there is no such thing as justice; and sometimes also with his tongue; seriously alleging, that every man's conservation, and contentment, being committed to his own care, there could be no reason, why every man might not

do what he thought conduced thereunto: and therefore also to make, or not make; keep, or not keep covenants, was not against reason, when it conduced to one's benefit. He does not therein deny, that there be covenants; and that they are sometimes broken, sometimes kept; and that such breach of them may be called injustice, and the observance of them justice: but he questioneth, whether injustice, taking away the fear of God, (for the same fool hath said in his heart there is no God,) may not sometimes stand with that reason, which dictateth to every man his own good; and particularly then, when it conduceth to such a benefit, as shall put a man in a condition, to neglect not only the dispraise, and revilings, but also the power of other men. The kingdom of God is gotten by violence: but what if it could be gotten by unjust violence? were it against reason so to get it, when it is impossible to receive hurt by it? and if it be not against reason, it is not against justice; or else justice is not to be approved for good. From such reasoning as this, successful wickedness hath obtained the name of virtue: and some that in all other things have disallowed the violation of faith; yet have allowed it, when it is for the getting of a kingdom. And the heathen that believed, that *Saturn* was deposed by his son *Jupiter*, believed nevertheless the same *Jupiter* to be the avenger of injustice: somewhat like to a piece of law in *Coke's Commentaries on Littleton*; where he says, if the right heir of the crown be attainted of treason; yet the crown shall descend to him, and *eo instante* the attainder be void: from which instances a man will be very prone to infer; that when the heir apparent of a kingdom, shall kill him that is in possession, though his father; you may call it injustice, or by what other name you will; yet it can never be against reason, seeing all the voluntary actions of men tend to the benefit of themselves; and those actions are most reasonable, that conduce most to their ends. This specious reasoning is nevertheless false.

For the question is not of promises mutual, where there is no security of performance on either side; as when there is no civil power erected over the parties promising; for such promises are no covenants: but either where one of the parties has performed already; or where there is a power to make him perform; there is the question whether it be against reason, that is, against the benefit of the other to perform, or not. And I say it is not against reason. For the manifestation whereof, we are to consider; first, that when a man doth a thing, which notwithstanding any thing can be foreseen, and reckoned on, tendeth to his own destruction, howsoever some accident which he could not expect, arriving may turn it to his benefit; yet such events do not make it reasonably or wisely done. Secondly, that in a condition of war, wherein every man to every man, for want of a common power to keep them all in awe, is an enemy, there is no man can hope by his own strength, or wit, to defend himself from destruction, without the help of confederates; where every one expects the same defence by the confederation, that any one else does: and therefore he which declares he thinks it reason to deceive those that help him, can in reason expect no other means of safety, than what can be had from his own single power. He therefore that breaketh his covenant, and consequently declareth that he thinks he may with reason do so, cannot be received into any society, that unite themselves for peace and defence, but by the error of them that receive him; nor when he is received, be retained in it, without seeing the danger of their error; which errors a man cannot reasonably reckon upon as the means of his security: and therefore if he be left, or cast out of society, he perisheth; and if he live in society, it is by the errors of other men, which he could not foresee, nor reckon upon; and consequently against the reason of his preservation; and so, as all men that contribute not to his destruction, forbear him only out of ignorance of what is good for themselves.

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.

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

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

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.

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 all be 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 beholding for the contentment of his life, to fraud, or breach of promise. This justice of the manners, is that which is meant, where justice is called a virtue; and injustice a vice.

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*.

Again, the injustice of manners, is the disposition, or aptitude to do injury; and is injustice before it proceed to act; and without supposing any individual person injured. But the injustice of an action, (that is to say injury,) supposeth an individual person injured; namely him, to whom the covenant was made: and therefore many times the injury is received by one man, when the damage redoundeth to another. As when the master commandeth his servant to give money to a stranger; if it be not done, the injury is done to the master, whom he had before covenanted to obey; but the damage

redoundeth to the stranger, to whom he had no obligation; and therefore could not injure him. And so also in commonwealths, private men may remit to one another their debts; but not robberies or other violences, whereby they are endamaged; because the detaining of debt, is an injury to themselves; but robbery and violence, are injuries to the person of the commonwealth.

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

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

And distributive justice, the justice of an arbitrator; that is to say, the act of defining what is just. Wherein, (being trusted by them that make him arbitrator,) if he perform his trust, he is said to distribute to every man his own: and this is indeed just distribution, and may be called, (though improperly,) distributive justice; but more properly equity; which also is a law of nature, as shall be shown in due place.

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.

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 the building of an edifice. For as that stone which by the asperity, and irregularity of figure, takes more room from others, than itself fills; and for the hardness, cannot be easily made plain, and thereby hindereth the building, is by the builders cast away as unprofitable, and troublesome: so also, a man that by asperity of nature, will strive to retain those things which to himself are superfluous, and to others necessary; and for the stubbornness of his passions, cannot be corrected, is to be left, or cast out of society, as cumbersome thereunto. For seeing every man, not only by

right, but also by necessity of nature, is supposed to endeavour all he can, to obtain that which is necessary for his conservation; he that shall oppose himself against it, for things superfluous, is guilty of the war that thereupon is to follow; and therefore doth that, which is contrary to the fundamental law of nature, which commandeth to seek peace. The observers of this law, may be called SOCIABLE, (the Latins call them *commodi*;) the contrary, *stubborn, insociable, froward, intractable*.

A sixth law of nature, is that, *that upon caution of the future time, a man ought to pardon the offences past of them that repenting, desire it*. For PARDON, is nothing but granting of peace; which though granted to them that persevere in their hostility, be not peace, but fear; yet not granted to them that give caution of the future time, is sign of an aversion to peace; and therefore contrary to the law of nature.

A seventh is, *that in revenges*, (that is retribution of evil for evil,) *men look not at the greatness of the evil past, but the greatness of the good to follow*. Whereby we are forbidden to inflict punishment with any other design, than for correction of the offender, or direction to 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*.

And because all signs of hatred, or contempt, provoke to fight, insomuch as most men choose rather to hazard their life, than not to be revenged; we may in the eighth place, for a law of nature, set down this precept, *that no man by deed, word, countenance, or gesture, declare hatred, or contempt of another*. The breach of which law, is commonly called *contumely*.

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

On this law, dependeth another, *that at the entrance into conditions of peace, no man require to reserve to himself any right, which he is not content should be reserved to every one of the rest*. As it is necessary for all men that seek peace, to lay down certain rights of nature; that is to say, not to have liberty to do all they list: so is it necessary for man's life, to retain some; as right to govern their own bodies; enjoy air, water, motion, ways to go from place to place; and all things else without which a man cannot live, or not live well. If in this case, at the making of peace, men require for themselves, that which they would not have to be granted to others, they do contrary to the precedent law, that commandeth the acknowledgment of natural equality, and therefore also against the law of nature. The observers of

this law, are those we call *modest*, and the breakers *arrogant* men. The Greeks call the violation of this law *πλεονεξία*; that is, a desire of more than their share.

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 observance of this law, from the equal distribution to each man, of that which in reason belongeth to him, is called EQUITY, and (as I have said before) distributive justice: the violation, *acceptation of persons*, *προσωποληψία*.

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.

But some things there be, that can neither be divided, nor enjoyed in common. Then, the law of nature, which prescribeth equity, requireth, *that the entire right; or else, (making the use alternate,) the first possession, be determined by lot*. For equal distribution, is of the law of nature; and other means of equal distribution cannot be imagined.

Of lots there be two sorts, *arbitrary*, and *natural*. Arbitrary, is that which is agreed on by the competitors: natural, is either *primogeniture*, (which the Greek calls *κληρονομία*, which signifies, *given by lot; or first seizure*).

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

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

And because, though men be never so willing to observe these 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*.

And seeing every man is presumed to do all things in order to his own benefit, no man is a fit arbitrator in his 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.

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.

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

These are the 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.

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

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

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.

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

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.

And the science of them, is the true and only moral philosophy. For moral philosophy is nothing else but the science of what is *good*, and *evil*, in the conversation, and society of mankind. *Good*, and *evil*, are names that signify our appetites, and aversions; which in different tempers, customs, and doctrines of man, 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 comformable, 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.

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

CHAPTER 16

Of Persons, Authors, and Things Personated

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.*

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*.

The word person is Latin: instead whereof the Greeks have *πρόσωπον*, 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 apothèr, 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;) and is called in divers occasions, diversly; as a *representer*, or *representative*, a *lieutenant*, a *vicar*, an *attorney*, a *deputy*, a *procurator*, an *actor*, and the like.

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. For that which in speaking of goods and possessions, is called an *owner*, and in Latin *dominus*, in Greek *κύριος*; speaking of actions, is called author. And as the right of possession, is called 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.

From hence it followeth, that when the actor maketh a covenant by 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.

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.

When the actor doth any thing against the law of nature by command of the author, if he be obliged by former covenant to obey him, not he, but the author breaketh the law of

nature: for though the action be against the law of nature; yet it is not his: but contrarily, to refuse to do it, is against the law of nature, that forbiddeth breach of covenant.

And he that maketh a covenant with the author, by mediation of the actor, not knowing what authority he hath, but 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 assurance, 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.

There are few things, that are incapable of being represented by fiction. Inanimate things, as a church, an hospital, a bridge, may be personated by a rector, master, or overseer. But things inanimate, cannot be authors, nor therefore give authority to their actors: yet the actors may have authority to procure their maintenance, given them by those that are owners, or governors of those things. And therefore, such things cannot be personated, before there be some state of civil government.

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.

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 heathens could not be personated.

The true God may be personated. As he was; first, by Moses; who governed the Israelites, (that were not his, but God's people,) not in his own name, with *hoc dicit Moses*; but in God's name, with *hoc dicit Dominus*. Secondly, by the Son of man, his own Son, our blessed Saviour Jesus Christ, that came to reduce the Jews, and induce all nations into the kingdom of his father; not as of 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.

A multitude of men, are made *one* person, when they are by one man, or one person, represented; so that it be done with the consent of every one of that multitude in particular. For it is the *unity* of the 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: and *unity*, cannot otherwise be understood in multitude.

And because the multitude naturally is not *one*, but *many*; they cannot be understood for one; but many authors, of every thing their representative saith, or doth in their name; every man giving their common 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.

And if the representative consist of many men, the voice of the 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.

And a representative of even number, especially when the number 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: 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.

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 effects 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.

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; this 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 2 OF COMMONWEALTH

CHAPTER 17

Of the Causes, Generation, and Definition of a Commonwealth

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

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

greater was their honour; and men observed no other laws therein, but the laws of honour; that is, to abstain from cruelty, leaving to men their lives, and instruments of husbandry. And as small families did then; so now do cities and kingdoms which are but greater families (for their own security) enlarge their dominions, upon all pretences of danger, and fear of invasion, or assistance that may be given to invaders, endeavour as much as they can, to subdue, or weaken their neighbours, by open force, and secret arts, for want of other caution, justly; and are remembered for it in after ages with honour.

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.

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 is it enough for the security, which men desire should last all the time of their life, that they be governed, and directed by one judgment, for a limited time; as in one battle, or one war. For though they obtain a victory by their unanimous endeavour against a foreign enemy; yet afterwards, when either they have no common enemy, or he that by one part is held for an enemy, is by another part held for a friend, they must needs by the difference of their interests dissolve, and fall again into a war amongst themselves.

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

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.

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.

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.

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.

Fifthly, irrational creatures cannot distinguish between *injury*, and *damage*; and therefore as long as they be at ease, they are not offended with their fellows: whereas man is then most troublesome, when he is most at ease: for then it is that he loves to shew his wisdom, and control the actions of them that govern the commonwealth.

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

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

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

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 18

Of the Rights of Sovereigns by Institution

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.

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.

First, because they covenant, it is to be understood, they are not obliged by former covenant to any thing repugnant hereunto. And consequently they that have already instituted a 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, 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 any thing, 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. But this pretence of covenant with God, is so evident a lie, even in the pretender's own consciences, that it is not only an act of an unjust, but also of a vile, and unmanly disposition.

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. 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 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.

Thirdly, because the major part hath by consenting voices declared a sovereign; he that dissented must now consent with the rest; that is, be contented to avow all the actions he shall do, or else justly be destroyed by the rest. For if he voluntarily entered into the 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.

Fourthly, because every subject is by this institution author of all the 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 any thing 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.

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.

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,

Sixthly, it is annexed to the sovereignty, to be judge of what opinions and doctrines are averse, and what conducing to peace; and consequently, on what occasions, how 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 unskillfulness of governors, and teachers, false doctrines are by time generally received; the contrary truths may be generally offensive: Yet the most sudden, and rough busling in of a new truth, that can be, does never break the peace, but only sometimes awake the 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 of opinions and doctrines, as a thing necessary to peace; thereby to prevent discord and civil war.

Seventhly, is annexed to the sovereignty, the whole power of prescribing 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: 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.

Eighthly, is annexed to the sovereignty, the right of judicature; that 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.

Ninthly, is annexed to the sovereignty, the right of making war and 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.

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

Eleventhly, to the 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.

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.

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

And because they are essential and inseparable rights, it follows 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.

This great authority being indivisible, and inseparably annexed to the sovereignty, there is little ground for the opinion of them, that say of sovereign kings, though they be *singulis majores*, of greater power than every one of their subjects, yet they be *universis minores*, of 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 monarch they see it not; and yet the power of sovereignty is the same in whomsoever it be placed.

And as the power, so also the honour of the 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 presence of the sun.

But a man may here object, that the condition of subjects is very miserable; as being obnoxious to the lusts, and other irregular passions of him, or them that have so unlimited a power in their hands. And commonly that they 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 to 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 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 19

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

The difference of commonwealths, consisteth in the difference of the sovereign, or the person representative of all and every one of the multitude. And because the sovereignty is either in one man, or in an assembly of more than one; and into that assembly either every man hath right to enter, or not every one, but certain men distinguished from the rest; it is manifest, there can be but three kinds of 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.

There be other names of government, in the histories, and books of policy; as *tyranny*, and *oligarchy*: But they are not the names of other forms of government, but of the same forms misliked. For they that are discontented under *monarchy*, 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.

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. Which may serve as an admonition, for those that are the true, and absolute representative of a people, to instruct men in the nature of that office, and to take heed how they admit of any other general representation upon any occasion whatsoever, if they mean to discharge the trust committed to them.

The difference between these three kinds of commonwealth, 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 dissention, 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.

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: Nor is there any place, or time, wherein an assembly can receive counsel with secrecy, because of their own multitude.

Thirdly, that the resolutions of a monarch, are subject to no other inconstancy, than that of human nature; but in assemblies, besides that of nature, there ariseth an inconstancy from the number. For the absence of a few, that would have the resolution once taken, continue firm, (which may happen by security, negligence, or private impediments,) or the diligent appearance of a few of the contrary opinion, undoes to day, all that was concluded yesterday.

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.

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. But the same may as well happen, where the sovereign power is in an assembly: for their power is the same; and they are as subject to 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.

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 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. 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*; that is of dictators, or protectors of their authority; which are as much as temporary monarchs; to whom for a time, they may commit the entire exercise of their power; and have (at the end of that time) been oftener deprived thereof, than infant kings, by their protectors, regents, or any other tutors.

Though the kinds of sovereignty be, as I have now shown, but three; that is to say, monarchy, where one man has it; or democracy, where 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.

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. But if he have no power to elect his successor, then there is some other man, or assembly known, which after his decrease may elect anew, 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, may 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.

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 *suprême*; 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 armies; but the sovereignty was in the *Ephori*.

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

erned 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.

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*.

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.

In a democracy, the whole assembly cannot fail, unless the multitude that are to be governed fail. And therefore questions of the right of succession, have in that form of government no place at all.

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 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.

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.

By express words, or testament, when it is declared by him in his lifetime, *viva voce*, 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 decease of his predecessor, invested in the right of being monarch.

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

But where neither custom, nor testament hath preceded, there it is 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.

But if it be lawful for a monarch to dispose of the succession by words of contract, or testament, men may perhaps object a great inconvenience: for he may sell, or give his right of governing to a stranger; which, because strangers (that is, men not used to live under the same government, nor speaking the same language) do commonly undervalue one another, many 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. 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 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. It is not therefore any injury to the people, for a monarch to dispose of the succession by will; though by the fault of many princes, it hath been sometimes found inconvenient. Of the lawfulness of it, this also is an argument, that whatsoever inconvenience can 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 20

Of Dominion Paternal, and Despotical

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.

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; but 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.

But the rights, and consequences of sovereignty, are 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 chapter, for the same rights, and consequences of sovereignty by institution.

Dominion is acquired two ways; by generation, and by conquest. The right of dominion by generation, is that, which the parent hath over his children; and is called PATER-NAL. 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. 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; 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 is in favour of the father; because for the most part commonwealths have been erected by the fathers, not by the mothers of families. 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 history 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.

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; and by consequence the

dominion over it is hers. But if she expose 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.

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

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 residence. For the sovereign of each country hath dominion over all that reside therein.

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 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.

Dominion acquired by conquest, or victory in war, is that which some writers call DESPOTICAL, from *Δεσπότης*, 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) 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.

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.

And that which men do, when they demand (as it is now called) *quarter*, (which the Greeks called *Zwrypia*, *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.

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.

In sum, the rights and consequences of both *paternal* and *despotic* 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. 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 himself, if he can, with his own sword, which is the condition of war.

By this it appears; that a great family if it be not part of some commonwealth, is of itself, as to the rights of sovereignty, a little monarchy; 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.

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, (1 Sam. 8. 11, 12, &c.) *This shall be the right of the king 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, 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 maid-servants, and the choice of your youth, and employ them in his business. He shall take the tithe of your flocks; and you shall be his servants.* 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, (verse 19) *we will be as all other nations, and our king shall judge our causes, and go before us, to conduct our wars.* 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 (1 Kings, 3. 9): *Give to thy servant understanding, to judge thy people, and to discern between good and evil.* 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* forbade them, saying, (1 Sam. 24. 9) *God forbid I should do such an act against my Lord, the anointed of God.* For obedience of servants St. Paul saith; (Col. 3. 20) *Servants obey your masters in all things; and, (Verse 22) children obey your par-*

ents in all things. There is simple obedience in those that are subject to paternal, or despotical dominion. Again, (Matt. 23. 2, 3) *The Scribes and Pharisees sit in Moses' chair, and therefore all that they shall bid you observe, that observe and do.* There again is simple obedience. And St. Paul, (Titus 3. 2) *Warn them that they subject themselves to princes, and to those that are in authority, and obey them.* 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;* and paid such taxes himself. And that the king's word, is sufficient to take any thing from any subject, when there is need; and that the king is judge of that need: for he himself, as king of the Jews, commanded his disciples to take the ass, and ass's colt to carry him into Jerusalem, saying, (Matth. 21. 2, 3) *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.* 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.

To these places may be added also that of *Genesis*, (Genesis 3. 5) *Ye shall be as gods, knowing good and evil.* 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. And thereupon God saith, *Hast thou eaten, &c.* as if he should say, doest thou 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.

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.

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. 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, 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.

CHAPTER 21

Of the Liberty of Subjects

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

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

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

Liberty, and *necessity* are consistent: as in the water, that hath not only *liberty*, but a *necessity* of descending by the channel; so likewise in the actions which men voluntarily do: which, because they proceed from their will, proceed from *liberty*; and yet, because every act of man's will, and every desire, and inclination proceedeth from some cause, and that from another cause, in a continual chain, (whose first link is in the hand of God the first of all causes,) they proceed from *necessity*. So that to him that could see the connexion of those causes, the *necessity* of all men's voluntary actions, would appear manifest. And therefore God, that seeth, and disposeth all things, seeth also that the *liberty* of man in doing what he will, is accompanied with the *necessity* of doing that which God will, and no more, nor less.

For though men may do many things, which God does not command, nor is therefore author of them; yet they can have no passion, nor appetite to any thing, of which appetite God's will is not the cause. And did not his will assure the *necessity* of man's will, and consequently of all that on man's will dependeth, the *liberty* of men would be a contradiction, and impediment to the omnipotence and *liberty* of God. And this shall suffice, (as to the matter in hand) of that natural *liberty*, which only is properly called *liberty*.

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.

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. 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.

Nevertheless we are not to understand, that by such liberty, the sovereign power of life and death, is either abolished, or limited. For it has been already shown, that nothing the sovereign representative can do to a subject, on what pretence soever, can properly be called injustice, or injury; because every subject is author of every act the sovereign doth; so that he never wanteth right to any thing, otherwise, than as he himself is the subject of God, and bound thereby to observe the laws of nature. As 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 of the law of nature. Which distinction, *David* himself, when he repented the fact, evidently confirmed, saying, *To thee only have I sinned*. In the same manner, the people of *Athens*, when they banished the most potent of their commonwealth for ten years, thought they committed no injustice; and yet they never questioned what crime he had done; but what hurt he would do: nay they commanded the banishment of they know 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.

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

But it is an easy thing, for men to be deceived, by the specious name of *liberty*, and for want of judgment to distinguish, mistake that for their private inheritance, and birth right, which is the right of the public only. And when the same error is confirmed by the authority of men in reputation for their writings in this subject, it is no wonder if it produce sedition, and change of government. In these western parts of the world, we are made to receive our opinions concerning the institution, and rights of commonwealths, from *Aristotle*, *Cicero*, and other men, Greeks and Romans, that living under popular states, derived those rights, not from the principles of nature, but transcribed them into their books, out of the practice of their own commonwealths, which were popular; as the grammarians describe the rules of language, out of the practice of the time; or the rules of poetry, out of the poems of *Homer* and *Virgil*. And because the *Athenians* were taught, (to keep them from desire of changing their government,) that they were freemen, and all that lived under monarchy were slaves; therefore *Aristotle* puts it down in his *Politics*, (*lib. 6. cap. 2.*) *In democracy, Liberty is to be supposed: for it is commonly held, that no man is Free in any other government.* And as *Aristotle*; so *Cicero*, and other writers have grounded their civil doctrine, on the opinions of the *Romans*, who were taught to hate monarchy, at first, by them that having deposed their sovereign, shared amongst them the sovereignty of *Rome*; and afterwards by their successors. And by reading of these Greek, and Latin authors, men from their childhood have gotten a habit (under a false show of liberty,) of favouring tumults, and of licentious controlling the actions of their sovereigns; and again of controlling those controllers, with the effusion of so much blood; as I think I may truly say, there was never any thing so dearly bought, as these western parts have bought the learning of the Greek and Latin tongues.

To come now to the particulars of the true liberty of a subject; that is to say, what are the things, which though commanded by the sovereign, he may nevertheless, without

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

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

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.

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

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

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

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

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.

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.

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

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 counsellors, of levying money, and the rest named in the 18th chapter.

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 obe-

dience to it; and his endeavour to maintain it. And though sovereignty, in the intention of them that make it, be immortal; yet is it in its own nature, not only subject to violent death, by foreign war; but also through the ignorance, and passions of men, it hath in it, from the very institution, many seeds of a natural mortality, by intestine discord.

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.

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

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.

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.

CHAPTER 24

Of the Nutrition, and Procreation of a Commonwealth

The Nutrition of a commonwealth consisteth, in the *plenty*, and *distribution* of materials conducing to life: in *concoction*, or *preparation*; and, (when concocted) in the *conveyance* of it, by convenient conduits, to the public use.

As for the plenty of matter, it is a thing limited by nature, to those commodities, which from (the two breasts of our common mother) land, and sea, God usually either freely giveth, or for labour selleth to mankind.

For the matter of this nutriment, consisting in animals, vegetals, and minerals, God hath freely laid them before us, in or near to the face of the earth; so as there needeth no more but the labour, and industry of receiving them. Insomuch as plenty dependeth (next to God's favour) merely on the labour and industry of men.

This matter, commonly called commodities, is partly *native*, and partly *foreign*: *native*, that which is to be had within the territory of the commonwealth: *foreign*, that which is imported from without. And because there is no territory under the dominion of one commonwealth, (except it be of very vast extent,) that produceth all things needful for the maintenance, and motion of the whole body; and few that produce not something more than necessary; the superfluous commodities to be had within, become no more superfluous, but supply these wants at home, by importation of that which may be had abroad, either by exchange, or by just war, or by labour: for a man's labour also, is a commodity exchangeable for benefit, as well as any other thing: and there have been commonwealths that having no more territory, than hath served them for habitation, have nevertheless, not only maintained, but also increased their power, partly by the labour of trading from one place to another, and partly by selling the manufactures, whereof the materials were brought in from other places.

The distribution of the materials of this nourishment, is the constitution of *mine*, and *thine*, and *his*; that is to say, in one word *propriety*; and belongeth in all kinds of commonwealth to the sovereign power. For where there is no commonwealth, there is (as hath been already shown) a perpetual war of every man against his neighbour; and therefore every thing is his that getteth it, and keepeth it by force; which is neither *propriety*, nor *community*; but *uncertainty*. Which is so evident, that even *Cicero*, (a passionate defender of liberty,) in a public pleading, attributeth all propriety to the law civil. *Let the civil law*, saith he, *be once abandoned, or but negligently guarded, (not to say oppressed,) and there is nothing, that any man can be sure to receive from his ancestor, or leave to his children.* And again; *Take away the civil law, and no man knows what is his own, and what another man's.* Seeing therefore the introduction of *propriety* is an effect of commonwealth; which can do nothing but by the person that represents it, it is the act only of the sovereign; and consisteth in the laws, which none can make that have not the sovereign power. And this they well knew of old, who called that *Νόμος*, (that is to say, *distribution*;) which we call law; and defined justice, by *distributing* to every man *his own*.

In this distribution, the first law, is for division of the land itself: where in the sovereign assigneth to every man a portion, according as he, and not according as any subject, or any number of them, shall judge agreeable to equity, and the common good. The children of Israel, were a commonwealth in the wilderness; but wanted the commodities of the earth, till they were masters of the Land of Promise; which afterward was divided amongst them, not by their own discretion, but by the discretion of *Eleazar* the Priest, and *Joshua* their General, who, when there were twelve tribes, making them thirteen by subdivision of the tribe of *Joseph*; made nevertheless but twelve portions of the land; and ordained for the tribe of *Levi* no land; but assigned them the tenth part of the whole fruits; which division was therefore arbitrary. And though a people coming into possession of a land by war, do not always exterminate the ancient inhabitants, (as did the Jews,) but leave to many, or most, or all of them their estates; yet it is manifest they hold them afterwards, as of the victors' distribution; as the people of *England* held all theirs of *William the Conqueror*.

From whence we may collect, that the propriety which a subject hath in his lands, consisteth in a right to exclude all other subjects from the use of them; and not to exclude their sovereign, be it an assembly, or a monarch. For seeing the sovereign, that is to say, the commonwealth (whose person he representeth,) is understood to do nothing but in order to the common peace and security, this distribution of lands, is to be understood as done in order to the same: and consequently, whatsoever distribution he shall make in prejudice thereof, is contrary to the will of every subject, that committed his peace, and

safety to his discretion, and conscience; and therefore by the will of every one of them, is to be reputed void. It is true, that a sovereign monarch, or the greater part of a sovereign assembly, may ordain the doing of many things in pursuit of their passions, contrary to their own consciences, which is a breach of trust, and of the law of nature; but this is not enough to authorize any subject, either to make war upon, or so much as to accuse of injustice, or any way to speak evil of their sovereign; because they have authorized all his actions, and in bestowing the sovereign power, made them their own. But in what cases the commands of sovereigns are contrary to equity, and the law of nature, is to be considered hereafter in another place.

In the distribution of land, the commonwealth itself, may be conceived to have a portion, and possess, and improve the same by their representative; and that such portion may be made sufficient, to sustain the whole expense to the common peace, and defence necessarily required: Which were very true, if there could be any representative conceived free from human passions, and infirmities. But the nature of men being as it is, the setting forth of public land, or of any certain revenue for the commonwealth, is in vain; and tendeth to the dissolution of government, and to the condition of mere nature, and war, as soon as ever the sovereign power falleth into the hands of a monarch, or of an assembly, that are either too negligent of money, or too hazardous in engaging the public stock, into a long or costly war. Commonwealths can endure no diet: for seeing their expense is not limited by their own appetite, but by external accidents, and the appetites of their neighbours, the public riches cannot be limited by other limits, than those which the emergent occasions shall require. And whereas in *England*, there were by the Conqueror, divers lands reserved to his own use, (besides forests, and chases, either for his recreation, or for preservation of woods,) and divers services reserved on the land he gave his subjects; yet it seems they were not reserved for his maintenance in his public, but in his natural capacity. For he, and his successors did for all that, lay arbitrary taxes on all subjects' land, when they judged it necessary. Or if those public lands, and services, were ordained as a sufficient maintenance of the commonwealth, it was contrary to the scope of the institution; being (as it appeared by those ensuing taxes) insufficient, and (as it appears by the late small revenue of the crown) subject to alienation and diminution. It is therefore in vain, to assign a portion to the commonwealth; which may sell, or give it away; and does sell and give it away when it is done by their representative.

As the distribution of lands at home; so also to assign in what places, and for what commodities, the subject shall traffic abroad, belongeth to the sovereign. For if it did belong to private persons to use their own discretion therein, some of them would be drawn for gain, both to furnish the enemy with means to hurt the commonwealth, and hurt it themselves, by importing such things, as pleasing men's appetites, be nevertheless noxious, or at least unprofitable to them. And therefore it belongeth to the commonwealth, (that is, to the sovereign only,) to approve, or disapprove both of the places, and matter of foreign traffic.

Further, seeing it is not enough to the sustentation of a commonwealth, that every man have a propriety in a portion of land, or in some few commodities, or a natural property in some useful art, and there is no art in the world, but is necessary either for the being, or well being almost of every particular man; it is necessary, that men distribute that which they can spare, and transfer their propriety therein, mutually one to another, by exchange, and mutual contract. And therefore it belongeth to the commonwealth, (that is to say, to the sovereign,) to appoint in what manner, all kinds of contract between subjects, (as buying, selling, exchanging, borrowing, lending, letting, and taking to hire,) are to be made;

and by what words and signs they shall be understood for valid. And for the matter, and distribution of the nourishment, to the several members of the commonwealth, thus much (considering the model of the whole work) is sufficient.

By concoction, I understand the reducing of all commodities, which are not presently consumed, but reserved for nourishment in time to come, to some thing of equal value, and withal so portable, as not to hinder the motion of men from place to place; to the end a man may have in what place soever, such nourishment as the place affordeth. And this is nothing else but gold, and silver, and money. For gold and silver, being (as it happens) almost in all countries of the world highly valued, is a commodious measure of the value of all things else between nations; and money (of what matter soever coined by the sovereign of a commonwealth,) is a sufficient measure of the value of all things else, between the subject of that commonwealth. By the means of which measures, all commodities, moveable, and immoveable, are made to accompany a man, to all places of his resort, within and without the place of his ordinary residence; and the same passeth from man to man, within the commonwealth; and goes round about, nourishing (as it passeth) every part thereof; in so much as this concoction, is as it were the sanguification of the commonwealth: for natural blood is in like manner made of the fruits of the earth; and circulating, nourisheth by the way, every member of the body of man.

And because silver and gold, have their value from the matter itself; they have first this privilege, that the value of them cannot be altered by the power of one, nor of a few commonwealths; as being a common measure of the commodities of all places. But base money, may easily be enhanced, or abased. Secondly, they have the privilege to make commonwealths move, and stretch out their arms, when need is, into foreign countries; and supply, not only private subjects that travel, but also whole armies with provision. But that coin, which is not considerable for the matter, but for the stamp of the place, being unable to endure change of air, hath its effect at home only; where also it is subject to the change of laws, and thereby to have the value diminished, to the prejudice many times of those that have it.

The conduits, and ways by which it is conveyed to the public use, are of two sorts; one, that conveyeth it to the public coffers; the other, that issueth the same out again for the public payments. Of the first sort, are collectors, receivers, and treasurers; of the second are the treasurers again, and the officers appointed for payment of several public or private ministers. And in this also, the artificial man maintains his resemblance with the natural; whose veins receiving the blood from the several parts of the body, carry it to the heart; where being made vital, the heart by the arteries sends it out again, to enliven, and enable for motion all the members of the same.

The procreation, or children of a commonwealth, are those we call *plantations*, or *colonies*; which are numbers of men sent out from the commonwealth, under a conductor, or governor, to inhabit a foreign country, either formerly void of inhabitants, or made void then, by war. And when a colony is settled, they are either a commonwealth of themselves, discharged of their subjection to their sovereign that sent them, (as hath been done by many commonwealths of ancient time,) in which case the commonwealth from which they went, was called their metropolis, or mother, and requires no more of them, than fathers require of the children, whom they emancipate and make free from their domestic government, which is honour, and friendship; or else they remain united to their metropolis, as were the colonies of the people of *Rome*; and then they are no commonwealths themselves, but provinces, and parts of the commonwealth that sent them. So that the right of colonies (saving honour, and league with their metropolis,) dependeth wholly on their licence, or letters, by which their sovereign authorized them to plant.

CHAPTER 26

Of Civil Laws

By CIVIL LAWS, I understand the laws, that men are therefore bound to observe, because they are members, not of this, or that commonwealth in particular, but of a commonwealth. For the knowledge of particular laws belongeth to them, that profess the study of the laws of their several countries; but the knowledge of civil law in general, to any man. The ancient law of *Rome* was called their *civil law*, from the word *civitas*, which signifies a commonwealth: and those countries, which having been under the Roman empire, and governed by that law, retain still such a part thereof as they think fit, call that part the civil law, to distinguish it from the rest of their own civil laws. But that is not it I intend to speak of here; my design being not to show what is law here, and there; but what is law; as *Plato*, *Aristotle*, *Cicero*, and divers others have done, without taking upon them the profession of the study of the law.

And first it is manifest, that law in general, is not counsel, but command; nor a command of any to any man; but only of him, whose command is addressed to one formerly obliged to obey him. And as for civil law, it addeth only the name of the person commanding, which is *persona civitatis*, the person of the commonwealth.

Which considered, I define civil law in this manner. CIVIL LAW, is to every subject, those rules, which the commonwealth hath commanded him, by word, writing, or others sufficient sign of the will, to make use of, for the distinction of right, and wrong; that is to say, of what is contrary, and what is not contrary to the rule.

In which definition, there is nothing that is not at first evident. For every man seeth, that some laws are addressed to all the subjects in general; some to particular provinces; some to particular vocations; and some to particular men; and are therefore laws, to every of those to whom the command is directed; and to none else. As also, that laws are the rules of just, and unjust; nothing being reputed unjust, that is not contrary to some law. Likewise that none can make laws but the commonwealth; because our subjection is to the commonwealth only: and that commands, are to be signified by sufficient signs; because a man knows not otherwise how to obey them. And therefore, whatsoever can from this definition by necessary consequence be deduced, ought to be acknowledged for truth. Now I deduce from it this that followeth.

1. The legislator in all commonwealths, is only the sovereign, be he one man, as in a monarchy, or one assembly of men, as in a democracy, or aristocracy. For the legislator is he that maketh the law. And the commonwealth only, prescribes, and commandeth the observation of those rules, which we call law: therefore the commonwealth is the legislator. But the commonwealth is no person, nor has capacity to do any thing, but by the representative, (that is, the sovereign;) and therefore the sovereign is the sole legislator. For the same reason, none can abrogate a law made, but the sovereign; because a law is not abrogated, but by another law, that forbiddeth it to be put in execution.
2. The sovereign of a commonwealth, be it an assembly, or one man, is not subject to the civil laws. For having power to make, and repeal laws, he may when he please, free himself from that subjection, by repealing those laws that trouble him, and making of new; and consequently he was free before. For he is free, that can be free when he will: nor is it possible for any person to be bound to himself; because he that can bind, can release; and therefore he that is bound to himself only, is not bound.
3. When long use obtaineth the authority of a law, it is not the length of time that maketh the authority, but the will of the sovereign signified by his silence, (for silence is sometimes an

argument of consent;) and it is no longer law, than the sovereign shall be silent therein. And therefore if the sovereign shall have a question of right grounded, not upon his present will, but upon the laws formerly made; the length of time shall bring no prejudice to his right; but the question shall be judged by equity. For many unjust actions, and unjust sentences go uncontrolled a longer time, than any man can remember. And our lawyers account no customs law, but such as are reasonable, and that evil customs are to be abolished: But the judgment of what is reasonable, and of what is to be abolished, belongeth to him that maketh the law, which is the sovereign assembly, or monarch.

4. The law of nature, and the civil law, contain each other, and are of equal extent. For the laws of nature, which consist in equity, justice, gratitude, and other moral virtues on these depending, in the condition of mere nature (as I have said before in the end of the 15th chapter,) are not properly laws, but qualities that dispose men to peace and to obedience. When a commonwealth is once settled, then are they actually laws, and not before; as being then the commands of the commonwealth; and therefore also civil laws: for it is the sovereign power that obliges men to obey them. For in the differences of private men, to declare, what is equity, what is justice, and what is moral virtue, and to make them binding, there is need of the ordinances of sovereign power, and punishments to be ordained for such as shall break them; which ordinances are therefore part of the civil law. The law of nature therefore is a part of the civil law in all commonwealths of the world. Reciprocally also, the civil law is a part of the dictates of nature. For justice, that is to say, performance of covenant, and giving to every man his own, is a dictate of the law of nature. But every subject in a commonwealth, hath covenanted to obey the civil law, (either one with another, as when they assemble to make a common representative, or with the representative it self one by one, when subdued by the sword they promise obedience, that they may receive life;) and therefore obedience to the civil law is part also of the law of nature. Civil, and natural law are not different kinds, but different parts of law; whereof one part being written, is called civil, the other unwritten, natural. But the right of nature, that is, the natural liberty of man, may be the civil law be abridged, and restrained: nay, the end of making laws, is no other, but such restraint; without the which there cannot possibly be any peace. And law was brought into the world for nothing else, but to limit the natural liberty of particular men, in such manner, as they might not hurt, but assist one another, and join together against a common enemy.
5. If the sovereign of one commonwealth, subdue a people that have lived under other written laws, and afterwards govern them by the same laws, by which they were governed before; yet those laws are the civil laws of the victor, and not of the vanquished commonwealth. For the legislator is he, not by whose authority the laws were first made, but by whose authority they now continue to be laws. And therefore where there be divers provinces, within the dominion of a commonwealth, and in those provinces diversity of laws, which commonly are called the customs of each several province, we are not to understand that such customs have their force, only from length of time; but that they were anciently laws written, or otherwise made known, for the constitutions, and statutes of their sovereigns; and are now laws, not by virtue of the prescription of time, but by the constitutions of their present sovereigns. But if an unwritten law, in all the provinces of a dominion, shall be generally observed, and no iniquity appear in the use thereof; that law can be no other but a law of nature, equally obliging all mankind.
6. Seeing then all laws, written and unwritten, have their authority, and force, from the will of the commonwealth; that is to say, from the will of the representative; which in a monarchy is the monarch, and in other commonwealths the sovereign assembly; a man may wonder from whence proceed such opinions, as are found in the books of lawyers of eminence in several commonwealths, directly, or by consequence making the legislative power depend on private men, or subordinate judges. As for example, *that the common law, hath no controller but the parliament*; which is true only where a parliament has the sovereign power, and cannot be assembled, nor dissolved, but by their own discretion. For if there be a right in any else to dissolve them, there is a right also to control them, and consequently to control their controllings.

And if there be no such right, then the controller of laws is not *parliamentum*, but *rex in parlamento*. And where a parliament is sovereign, if it should assemble never so many, or so wise men, from the countries subject to them, for whatsoever cause; yet there is no man will believe, that such an assembly hath thereby acquired to themselves a legislative power. *Item*, that the two arms of a commonwealth, are *force, and justice; the first whereof is in the king; the other deposited in the hands of the parliament*. As if a commonwealth could consist, where the force were in any hand, which justice had not the authority to command and govern.

7. That law can never be against reason, our lawyers are agreed; and that not the letter, (that is, every construction of it,) but that which is according to the intention of the legislator, is the law. And it is true: but the doubt is of whose reason it is, that shall be received for law. It is not meant of any private reason; for then there would be as much contradiction in the laws, as there is in the Schools; nor yet, (as Sir Edward Coke makes it,) *an artificial perfection of reason, gotten by long study, observation, and experience*, (as his was.) For it is possible long study may increase, and confirm erroneous sentences: and where men build on false grounds, the more they build, the greater is the ruin: and of those that study, and observe with equal time, and diligence, the reasons and resolutions are, and must remain discordant: and therefore it is not the *juris prudentia*, or wisdom of subordinate judges; but the reason of this our artificial man the commonwealth, and his command, that maketh law: and the commonwealth being in their representative but one person, there cannot easily arise any contradiction in the laws; and when there doth, the same reason is able, by interpretation, or alteration, to take it away. In all courts of justice, the sovereign (which is the person of the commonwealth,) is he that judgeth: the subordinate judge, ought to have regard to the reason, which moved his sovereign to make such law, that his sentence may be according thereunto; which then is his sovereign's sentence; otherwise it is his own, and an unjust one.
8. From this, that the law is a command, and a command consisteth in declaration, or manifestation of the will of him that commandeth, by voice, writing, or some other sufficient argument of the same, we may understand, that the command of the commonwealth is law only to those, that have means to take notice of it. Over natural fools, children, or madmen there is no law, no more than over brute beasts; nor are they capable of the title of just, or unjust; because they had never power to make any covenant, or to understand the consequences thereof; and consequently never took upon them to authorize the actions of any sovereign, as they must do that make to themselves a commonwealth. And as those from whom nature, or accident hath taken away the notice of all laws in general; so also every man, from whom any accident, not proceeding from his own default, hath taken away the means to take notice of any particular law, is excused, if he observe it not; and to speak properly, that law is no law to him. It is therefore necessary, to consider in this place, what arguments, and signs be sufficient for the knowledge of what is the law; that is to say, what is the will of the sovereign, as well in monarchies, as in other forms of government.

And first, if it be a law that obliges all the subjects without exception, and is not written, nor otherwise published in such places as they may take notice thereof, it is a law of nature. For whatsoever men are to take knowledge of for law, not upon other men's words, but every one from his own reason, must be such as is agreeable to the reason of all men; which no law can be, but the law of nature. The laws of nature therefore need not any publishing, nor proclamation; as being contained in this one sentence, approved by all the world, *Do not that to another, which thou thinkest unreasonable to be done by another to thyself*.

Secondly, if it be a law that obliges only some condition of men, or one particular man, and be not written, nor published by word, then also it is a law of nature; and known by the same arguments, and signs, that distinguish those in such a condition, from other subjects. For whatsoever law is not written, or some way published by him that makes it law, can be known no way, but by the reason of him that is to obey it; and is therefore also a law not only civil, but natural. For example, if the sovereign employ a public minister,

without written instructions what to do; he is obliged to take for instructions the dictates of reason; as if he make a judge, the judge is to take notice, that his sentence ought to be according to the reason of his sovereign, which being always understood to be equity, he is bound to it by the law of nature: or if an ambassador, he is (in all things not contained in his written instructions) to take for instruction that which reason dictates to be most conducing to his sovereign's interest; and so of all other ministers of the sovereignty, public and private. All which instruction of natural reason may be comprehended under one name of *fidelity*; which is a branch of natural justice.

The law of nature excepted, it belongeth to the essence of all other laws, to be made known, to every man that shall be obliged to obey them, either by word, or writing, or some other act, known to proceed from the sovereign authority. For the will of another, cannot be understood, but by his own word, or act, or by conjecture taken from his scope and purpose; which in the person of the commonwealth, is to be supposed always consonant to equity and reason. And in ancient time, before letters were in common use, the laws were many times put into verse; that the rude people taking pleasure in signing, or reciting them, might the more easily retain them in memory. And for the same reason *Solomon* adviseth a man, to bind the ten commandments upon his ten fingers. And for the law which *Moses* gave to the people of Israel at the renewing of the covenant, he biddeth them to teach it their children, by discoursing of it both at home, and upon the way; at going to bed, and at rising from bed; and to write it upon the posts, and doors of their houses; and (*Deut.* 31.12) to assemble the people, man, woman, and child, to hear it read.

Nor is it enough the law be written, and published; but also that there be manifest signs, that it proceedeth from the will of the sovereign. For private men, when they have, or think they have force enough to secure their unjust designs, and convoy them safely to their ambitious ends, may publish for laws what they please, without or against the legislative authority. There is therefore requisite, not only a declaration of the law, but also sufficient signs of the author, and authority. The author, or legislator is supposed in every commonwealth to be evident, because he is the sovereign, who having been constituted by the consent of every one, is supposed by every one to be sufficiently known. And though the ignorance, and security of men be such, for the most part, as that when the memory of the first constitution of their commonwealth is worn out, they do not consider, by whose power they use to be defended against their enemies, and to have their industry protected, and to be righted when injury is done them; yet because no man that considers, can make question of it, no excuse can be derived from the ignorance of where the sovereignty is placed. And it is a dictate of natural reason, and consequently an evident law of nature, that no man ought to weaken that power, the protection whereof he hath himself demanded, or wittingly received against others. Therefore of who is sovereign, no man, but by his own fault, (whatsoever evil men suggest,) can make any doubt. The difficulty consisteth in the evidence of the authority derived from him; the removing whereof, dependeth on the knowledge of the public registers, public counsels, public ministers, and public seals; by which all laws are sufficiently verified; verified, I say, not authorized: for the verification, is but the testimony and record; not the authority of the law; which consisteth in the command of the sovereign only.

If therefore a man have a question of injury, depending on the law of nature; that is to say, on common equity; the sentence of the judge, that by commission hath authority to take cognizance of such causes, is a sufficient verification of the law of nature in that individual case. For though the advice of one that professeth the study of the law, be useful for the avoiding contention; yet it is but advice: it is the judge must tell men what is law, upon the hearing of the controversy.

But when the question is of injury, or crime, upon a written law; every man by recourse to the registers, by himself or others, may (if he will) be sufficiently informed, before he do such injury, or commit the crime, whether it be an injury, or not: nay he ought to do so: for when a man doubts whether the act he goeth about, be just, or unjust; and may inform himself, if he will; the doing is unlawful. In like manner, he that supposeth himself injured, in a case determined by the written law, which he may by himself or others see and consider; if he complain before he consults with the law, he does unjustly, and bewrayeth a disposition rather to vex other men, than to demand his own right.

If the question be of obedience to a public officer; to have seen his commission, with the public seal, and heard it read; or to have had the means to be informed of it, if a man would, is a sufficient verification of his authority. For every man is obliged to do his best endeavour, to inform himself of all written laws, that may concern his own future actions.

The legislator known; and the laws, either by writing, or by the light of nature, sufficiently published; there wanteth yet another very material circumstance to make them obligatory. For it is not the letter, but the intendment, or meaning; that is to say, the authentic interpretation of the law (which is the sense of the legislator,) in which the nature of the law consisteth; and therefore the interpretation of the laws dependeth on the authority sovereign; and the interpreters can be none but those, which the sovereign, (to whom only the subject oweth obedience) shall appoint. For else, by the craft of an interpreter, the law may be made to bear a sense, contrary to that of the sovereign; by which means the interpreter becomes the legislator.

All laws, written, and unwritten, have need of interpretation. The unwritten law of nature, though it be easy to such, as without partiality, and passion, make use of their natural reason, and therefore leaves the violators thereof without excuse; yet considering there be very few, perhaps none, that in some cases are not blinded by self love, or some other passion; it is now become of all laws the most obscure; and has consequently the greatest need of able interpreters. The written laws, if they be short, are easily misinterpreted, from the divers significations of a word, or two: if long they be more obscure by the divers significations of many words: insomuch as no written law, delivered in few, or many words, can be well understood, without perfect understanding of the final causes, for which the law was made; the knowledge of which final causes is in the legislator. To him therefore there cannot be any knot in the law, insoluble; either by finding out the ends, to undo it by; or else by making what ends he will, (as *Alexander* did with his sword in the Gordian knot,) by the legislative power; which no other interpreter can do.

The interpretation of the laws of nature, in a commonwealth, dependeth not on the books of moral philosophy. The authority of writers, without the authority of the commonwealth, maketh not their opinions law, be they never so true. That which I have written in this treatise, concerning the moral virtues, and of their necessity, for the procuring, and maintaining peace, though it be evident truth, is not therefore presently law; but because in all commonwealths in the world, it is part of the civil law: For though it be naturally reasonable; yet it is by the sovereign power that it is law: otherwise, it were a great error, to call the laws of nature unwritten law; whereof we see so many volumes published, and in them so many contradictions of one another, and of themselves.

The interpretation of the law of nature, is the sentence of the judge constituted by the sovereign authority, to hear and determine such controversies, as depend thereon; and consisteth in the application of the law to the present case. For in the act of judicature, the judge doth no more but consider, whether the demand of the party, be consonant to natural reason, and equity; and the sentence he giveth, is therefore the interpretation of the law of nature; which interpretation is authentic; not because it is his private sentence; but

because he giveth it by authority of the sovereign, whereby it becomes the sovereign's sentence; which is law for that time, to the parties pleading.

But because there is not judge subordinate, nor sovereign, but may err in a judgment of equity; if afterward in another like case he find it more consonant to equity to give a contrary sentence, he is obliged to do it. No man's error becomes his own law; nor obliges him to persist in it. Neither (for the same reason) becomes it a law to other judges, though sworn to follow it. For though a wrong sentence given by authority of the sovereign, if he know and allow it, in such laws as are mutable, be a constitution of a new law, in cases, in which every little circumstance is the same; yet in laws immutable, such as are the laws of nature, they are no laws to the same, or other judges, in the like cases for ever after. Princes succeed one another; and one judge passeth, another cometh; nay, heaven and earth shall pass; but not one title of the law of nature shall pass; for it is the eternal law of God. Therefore all the sentences of precedent judges that have ever been, cannot all together make a law contrary to natural equity: nor any examples of former judges, can warrant an unreasonable sentence, or discharge the present judge of the trouble of studying what is equity (in the case he is to judge,) from the principles of his own natural reason. For example sake, it is against the law of nature, *to punish the innocent*; and innocent is he that acquitteth himself judicially, and is acknowledged for innocent by the judge. Put the case now, that a man is accused of a capital crime, and seeing the power and malice of some enemy, and the frequent corruption and partiality of judges, runneth away for fear of the event, and afterwards is taken, and brought to a legal trial, and maketh it sufficiently appear, he was not guilty of the crime, and being thereof acquitted, is nevertheless condemned to lose his goods; this is a manifest condemnation of the innocent. I say therefore, that there is no place in the world, where this can be an interpretation of a law of nature, or be made a law by the sentences of precedent judges, that had done the same. For he that judged it first, judged unjustly; and no injustice can be a pattern of judgment to succeeding judges. A written law may forbid innocent men to fly, and they may be punished for flying; but that flying for fear of injury, should be taken for presumption of guilt, after a man is already absolved of the crime judicially, is contrary to the nature of a presumption, which hath no place after judgment given. Yet this is set down by a great lawyer for the common law of England. *If a man, (saith he) that is innocent, be accused of felony, and for fear flyeth for the same; albeit he judicially acquitteth himself of the felony; yet if it be found that he fled for the felony; he shall notwithstanding his innocency, forfeit all his goods, chattles, debts, and duties. For as to the forfeiture of them, the law will admit no proof against the presumption in law, grounded upon his flight.* Here you see, *an innocent man judicially acquitted, notwithstanding his innocency*, (when no written law forbade him to fly) after his acquittal, *upon a presumption in law*, condemned to lose all the goods he hath. If the law ground upon his flight a presumption of the fact, (which was capital,) the sentence ought to have been capital: if the presumption were not of the fact, for what then ought he to lose his goods? This therefore is no law of England; nor is the condemnation grounded upon a presumption of law, but upon the presumption of the judges. It is also against law, to say that no proof shall be admitted against a presumption of law. For all judges, sovereign and subordinate, if they refuse to hear proof, refuse to do justice: for though the sentence be just, yet the judges that condemn without hearing the proofs offered, are unjust judges; and their presumption is but prejudice; which no man ought to bring with him to the seat of justice, whatsoever precedent judgments, or examples he shall pretend to follow. There be other things of this nature, wherein men's judgments have been perverted, by trusting to precedents: but this is enough to show, that though the sentence of the judge, be a law to the party pleading, yet it is no law to any judge, that shall succeed him in that office.

In like manner, when question is of the meaning of written laws, he is not the interpreter of them, that writeth a commentary upon them. For commentaries are commonly more subject to cavil, than the text; and therefore need other commentaries; and so there will be no end of such interpretation. And therefore unless there be an interpreter authorized by the sovereign, from which the subordinate judges are not to recede, the interpreter can be no other than the ordinary judges, in the same manner, as they are in cases of the unwritten law; and their sentences are to be taken by them that plead, for laws in that particular case; but not to bind other judges, in like cases to give like judgments. For a judge may err in the interpretation even of written laws; but no error of a subordinate judge, can change the law, which is the general sentence of the sovereign.

In written laws, men use to make a difference between the letter, and the sentence of the law: and when by the letter, is meant whatsoever can be gathered from the bare words, it is well distinguished. For the significations of almost all words, are either in themselves, or in the metaphorical use of them, ambiguous; and may be drawn in argument, to make many senses; but there is only one sense of the law. But if by the letter, be meant the literal sense, then the letter, and the sentence or intention of the law, is all one. For the literal sense is that, which the legislator intended, should by the letter of the law be signified. Now the intention of the legislator is always supposed to be equity: for it were a great contumely for a judge to think otherwise of the sovereign. He ought therefore, if the word of the law do not fully authorize a reasonable sentence, to supply it with the law of nature; or if the case be difficult, to respite judgment till he have received more ample authority. For example, a written law ordaineth, that he which is thrust out of his house by force, shall be restored by force: it happens that a man by negligence leaves his house empty, and returning is kept out by force, in which case there is no special law ordained. It is evident, that this case is contained in the same law: for else there is no remedy for him at all; which is to be supposed against the intention of the legislator. Again, the word of the law, commandeth to judge according to the evidence: a man is accused falsely of a fact, which the judge saw himself done by another; and not be him that is accused. In this case neither shall the letter of the law be followed to the condemnation of the innocent, nor shall the judge give sentence against the evidence of the witnesses; because the letter of the law is to the contrary: but procure of the sovereign that another be made judge, and himself witness. So that the incommmodity that follows the bare words of a written law, may lead him to the intention of the law, whereby to interpret the same the better; though no incommmodity can warrant a sentence against the law. For every judge of right, and wrong, is not judge of what is commodious, or incommodious to the commonwealth.

The abilities required in a good interpreter of the law, that is to say, in a good judge, are not the same with those of an advocate; namely the study of the laws. For a judge, as he ought to take notice of the fact, from none but the witnesses; so also he ought to take notice of the law, from nothing but the statutes, and constitutions of the sovereign, alleged in the pleading, or declared to him by some that have authority from the sovereign power to declare them; and need not take care beforehand, what he shall judge; for it shall be given him what he shall say concerning the fact, by witnesses; and what he shall say in point of law, from those that shall in their pleadings show it, and by authority interpret it upon the place. the Lords of parliament in England were judges, and most difficult causes have been heard and determined by them; yet few of them were much versed in the study of the laws, and fewer had made profession of them: and though they consulted with lawyers, that were appointed to be present there for that purpose; yet they alone had the authority of giving sentence. In like manner, in the ordinary trials of right, twelve men of the common people, are the judges, and give sentence, not only of the fact,

but of the right; and pronounce simply for the complainant, or for the defendant; that is to say, are judges not only of the fact, but also of the right: and in question of crime, not only determine whether done, or not done; but also whether it be *murder, homicide, felony, assault*, and the like, which are determinations of law: but because they are not supposed to know the law of themselves, there is one that hath authority to inform them of it, in the particular case they are to judge of. But yet if they judge not according to that he tells them, they are not subject thereby to any penalty; unless it be made appear, they did it against their consciences, or had been corrupted by reward.

The things that make a good judge, or good interpreter of the laws, are, first, *a right understanding* of that principal law of nature called *equity*; which depending not on the reading of other men's writings, but on the goodness of a man's own natural reason, and meditation, is presumed to be in those most, that have had most leisure, and had the most inclination to meditate thereon. Secondly, *contempt of unnecessary riches, and preferments*. Thirdly, *to be able in judgment to divest himself of all fear, anger, hatred, love, and compassion*. Fourthly, and lastly, *patience to hear; diligent attention in hearing; and memory to retain, digest and apply what he hath heard*.

The difference and division of the laws, has been made in divers manners, according to the different methods, of those men that have written of them. For it is a thing that dependeth not on nature, but on the scope of the writer; and is subservient to every man's proper method. In the Institutions of *Justinian*, we find seven sorts of civil laws.

1. The *edicts, constitutions, and epistles of the prince*, that is, of the emperor; because the whole power of the people was in him. Like these, are the proclamations of the kings of *England*.
2. The *decrees of the whole people of Rome*, (comprehending the senate,) when they were put to the question by the senate. These were laws, at first, by the virtue of the sovereign power residing in the people; and such of them as by the emperors were not abrogated, remained laws, by the authority imperial. For all laws that bind, are understood to be laws by his authority that has power to repeal them. Somewhat like to these laws, are the acts of parliament in *England*.
3. The *decrees of the common people*, (excluding the senate,) when they were put to the question by the *tribune* of the people. For such of them as were not abrogated by the emperors, remained laws by the authority imperial. Like to these, were the orders of the House of Commons in *England*.
4. *Senatus consulta*, the order of the senate; because when the people of *Rome* grew so numerous, as it was inconvenient to assemble them; it was thought fit by the emperor, that men should consult the senate, instead of the people: and these have some resemblance with the acts of council.
5. The *edicts of praetors*, and (in some cases) of the *aediles*: such as are the chief justices in the courts of *England*.
6. *Response prudentum*; which were the sentences, and opinions of those lawyers, to whom the emperor gave authority to interpret the law, and to give answer to such as in matter of law demanded their advice; which answers, the judges in giving judgment were obliged by the constitutions of the emperor to observe: and should be like the reports of cases judged, if other judges be by the law of *England* bound to observe them. For the judges of the common law of *England*, are not properly judges, but *juris consulti*; of whom the judges, who are either the lords, or twelve men of the country, are in point of law to ask advice.
7. Also, *unwritten customs*, (which in their own nature are an imitation of law,) by the tacit consent of the emperor, in case they be not contrary to the law of nature, are very laws.

Another division of laws, is into *natural* and *positive*. *Natural* are those which have been laws from all eternity; and are called not only *natural*, but also *moral* laws; consisting in the moral virtues, as justice, equity, and all habits of the mind that conduce to peace, and charity; of which I have already spoken in the fourteenth and fifteenth chapters.

Positive, are those which have not been from eternity; but have been made laws by the will of those that have had the sovereign power over others; and are either written, or made known to men, by some other argument of the will of their legislator.

Again, of positive laws, some are *human*, some *divine*; and of human positive laws, some are *distributive*, some *penal*. *Distributive* are those that determine the rights of the subjects, declaring to every man what it is, by which he acquireth and holdeth a propriety in lands, or goods, and a right or liberty of action: and these speak to all the subjects. *Penal* are those, which declare, what penalty shall be inflicted on those that violate the law; and speak to the ministers and officers ordained for execution. For though every one ought to be informed of the punishments ordained beforehand for their transgression; nevertheless the command is not addressed to the delinquent, (who cannot be supposed will faithfully punish himself,) but to public ministers appointed to see the penalty executed. And these penal laws are for the most part written together with the laws distributive; and are sometimes called judgments. For all laws are general judgments, or sentences of the legislator; as also every particular judgment, is a law to him, whose case is judged.

Divine positive laws (for natural laws being eternal, and universal, are all divine,) are those, which being the commandments of God, (not from all eternity, nor universally addressed to all men, but only to a certain people, or to certain persons,) are declared for such, by those whom God hath authorized to declare them. But this authority of man to declare what be these positive laws of God, how can it be known? God may command a man by a supernatural way, to deliver laws to other men. But because it is of the essence of law, that he who is to be obliged, be assured of the authority of him that declareth it, which we cannot naturally take notice to be from God, *how can a man without supernatural revelation be assured of the revelation received by the declarer?* and *how can he be bound to obey them?* For the first questions, how a man can be assured of the revelation of another, without a revelation particularly to himself, it is evidently impossible. For though a man maybe induced to believe such revelation, from the miracles they see him do, or from seeing the extraordinary sanctity of his life, or from seeing the extraordinary wisdom, or extraordinary felicity of his actions, all which are marks of God's extraordinary favour; yet they are not assured evidences of special revelation. Miracles are marvellous works: but that which is marvellous to one, may not be so to another. Sanctity may be feigned; and the visible felicities of this world, are most often the work of God by natural, and ordinary causes. And therefore no man can infallibly know by natural reason, that another has had a supernatural revelation of God's will; but only a belief; every one (as the signs thereof shall appear greater, or lesser) a firmer, or a weaker belief.

But for the second, how he can be bound to obey them; it is not so hard. For if the law declared, be not against the law of nature (which is undoubtedly God's law) and he undertake to obey it, he is bound by his own act; bound I say to obey it, but not bound to believe it: for men's belief, and interior cogitations, are not subject to the commands, but only to the operation of God, ordinary, or extraordinary. Faith of supernatural law, is not a fulfilling, but only an assenting to the same; and not a duty that we exhibit to God, but a gift which God freely giveth to whom he pleaseth; as also unbelief is not a breach of any of his laws; but a rejection of them all, except the laws natural. But this that I say, will be made yet clearer, by the examples and testimonies concerning this point in holy Scripture. The covenant God made with *Abraham* (in a supernatural manner) was thus, (*Gen. 17. 10*) *This is the covenant which thou shalt observe between me and thee and thy seed after thee. Abraham's seed* had not this revelation, nor were yet in being; yet they are a party to the covenant, and bound to obey what *Abraham* should declare to them for God's law; which they could not be, but in virtue of the obedience they owed to their parents; who (if they be subject to

no other earthly power, as here in the case of *Abraham*) have sovereign power over their children and servants. Again, where God saith to *Abraham*, *In thee shall all nations of the earth be blessed; for I know thou wilt command thy children, and thy house after thee to keep the way of the Lord, and to observe righteousness and judgment*, it is manifest, the obedience of his family, who had no revelation, depended on their former obligation to obey their sovereign. At Mount *Sinai* *Moses* only went up to God; the people were forbidden to approach on pain of death; yet were they bound to obey all that *Moses* declared to them for God's law. Upon what ground, but on this submission of their own, *Speak thou to us, and we will hear thee; but let not God speak to us, lest we die?* By which two places it sufficiently appeareth, that in a commonwealth, a subject that has no certain and assured revelation particularly to himself concerning the will of God, is to obey for such, the command of the commonwealth: for if men were at liberty, to take for God's commandments, their own dreams, and fancies, or the dreams and fancies of private men; scarce two men would agree upon what is God's commandment; and yet in respect of them, every man would despise the commandments of the commonwealth. I conclude therefore, that in all things not contrary to the moral law, (that is to say, to the law of nature,) all subjects are bound to obey that for divine law, which is declared to be so, by the laws of the commonwealth. Which also is evident to any man's reason; for whatsoever is not against the law of nature, may be made law in the name of them that have the sovereign power; and there is no reason men should be the less obligated by it, when it is propounded in the name of God. Besides, there is no place in the world where men are permitted to pretend other commandments of God, than are declared for such by the commonwealth. Christian states punish those that revolt from Christian religion, and all other states, those that set up any religion by them forbidden. For in whatsoever is not regulated by the commonwealth, it is equity, (which is the law of nature, and therefore an eternal law of God) that every man equally enjoy his liberty.

There is also another distinction of laws, into *fundamental* and *not fundamental*, but I could never see in any author, what a fundamental law signifieth. Nevertheless one may very reasonably distinguish laws in that manner.

For a fundamental law in every commonwealth is that which being taken away, the commonwealth faileth, and is utterly dissolved; as a building whose foundation is destroyed. And therefore a fundamental law is that, by which subjects are bound to uphold whatsoever power is given to the sovereign, whether a monarch, or a sovereign assembly, without which the commonwealth cannot stand; such as is the power of war and peace, of judicature, of election of officers, and of doing whatsoever he shall think necessary for the public good. Not fundamental is that, the abrogating whereof, draweth not with it the dissolution of the commonwealth; such as are the laws concerning controversies between subject and subject. Thus much of the division of laws.

I find the words *lex civilis*, and *jus civile*, that is to say, *law* and *right civil*, promiscuously used for the same thing, even in the most learned authors; which nevertheless ought not to be so. For *right is liberty*, namely that liberty which the civil law leaves us; but *civil law* is an *obligation*; and takes from us the liberty which the law of nature gave us. Nature gave a right to every man to secure himself by his own strength, and to invade a suspected neighbour, by way of prevention: but the civil law takes away that liberty, in all cases where the protection of the law may be safely stayed for. Insomuch as *lex* and *jus*, are as different as *obligation* and *liberty*.

Likewise *laws* and *charters* are taken promiscuously for the same thing. Yet charters are donations of the sovereign; and not laws, but exemptions from law. The phrase of a law is, *jubeo, injungo, I command*, and *enjoin*: the phrase of a charter is, *dedi, concessi, I have given, I have granted*: but what is given or granted, to a man, is not forced upon him, by a law. A law

may be made to bind all the subjects of a commonwealth: a liberty, or, charter is only to one man, or some one part of the people. For to say all the people of a commonwealth, have liberty in any case whatsoever; is to say, that in such case, there hath been no law made; or else having been made, is now abrogated.

CHAPTER 27

Of Crimes, Excuses, and Extenuations

A *sin*, is not only a transgression of a law, but also any contempt of the legislator. For such contempt, is a breach of all his laws at once. And therefore may consist, not only in the *commission* of a fact, or in the speaking of words by the laws forbidden or in the *omission* of what the law commandeth, but also in the *intention*, or purpose to transgress. For the purpose to break the law, is some degree of contempt of him, to whom it belongeth to see it executed. To be delighted in the imagination only, of being possessed of another man's goods, servants, or wife, without any intention to take them from him by force or fraud, is no breach of the law, that saith, *Thou shalt not covet*: nor is the pleasure a man may have in imagining, or dreaming of the death of him, from whose life he expecteth nothing but damage, and displeasure, a sin; but the resolving to put some act in execution, that tendeth thereto. For to be pleased in the fiction of that, which would please a man if it were real, is a passion so adherent to the nature both of man, and every other living creature, as to make it a sin, were to make sin of being a man. The consideration of this, has made me think them too severe, both to themselves, and others, that maintain, that the first motions of the mind, (though checked with the fear of God) be sins. But I confess it is safer to err on that hand, than on the other.

A *CRIME*, is a sin, consisting in the committing (by deed, or word) of that which the law forbiddeth, or the omission of what it hath commanded. So that every crime is a sin; but not every sin a crime. To intend to steal, or kill, is a sin, though it never appear in word, or fact: for God that seeth the thoughts of man, can lay it to his charge: but till it appear by something done, or said, by which the intention may be argued by a human judge, it hath not the name of crime: which distinction the Greeks observed, in the word *ἀμαρτημα*, and *ἑγκλημα*, or *αἰτία*; whereof the former, (which is translated *sin*,) signifieth any swerving from the law whatsoever; but the two latter, (which are translated *crime*,) signify that sin only, whereof one man may accuse another. But of intentions, which never appear by any outward act, there is no place for human accusation. In like manner the Latins by *peccatum*, which is *sin*, signify all manner of deviation from the law; but by *crimen*, (which word they derive from *cerno*, which signifies to perceive,) they mean only such sins, as may be made appear before a judge; and therefore are not mere intentions.

From this relation of sin to the law, and of crime to the civil law, may be inferred, first, that where law ceaseth, sin ceaseth. But because the law of nature is eternal, violation of covenants, ingratitude, arrogance, and all facts contrary to any moral virtue, can never cease to be sin. Secondly, that the civil law ceasing, crimes cease: for there being no other law remaining, but that of nature, there is no place for accusation; every man being his own judge, and accused only by his own conscience, and cleared by the uprightness of his own intention. When therefore his intention is right, his fact is no sin: if otherwise, his fact is sin; but not crime. Thirdly, that when the sovereign power ceaseth, crime also ceaseth: for where there is no such power, there is no protection to be had from the law; and therefore every one may protect himself by his own power: for no man in the institu-

tion of sovereign power can be supposed to give away the right of preserving his own body; for the safety whereof all sovereignty was ordained. But this is to be understood only of those, that have not themselves contributed to the taking away of the power that protected them: for that was a crime from the beginning.

The source of every crime, is some defect of the understanding; or some error in reasoning; or some sudden force of the passions. Defect in the understanding, is *ignorance*; in reasoning, *erroneous opinion*. Again, ignorance is of three sorts; of the *law*, and of the *sovereign*, and of the *penalty*. Ignorance of the law of nature excuseth no man; because every man that hath attained to the use of reason, is supposed to know, he ought not to do to another, what he would not have done to himself. Therefore into what place soever a man shall come, if he do any thing contrary to that law, it is a crime. If a man come from the *Indies* hither, and persuade men here to receive a new religion, or teach them any thing that tendeth to disobedience of the laws of this country, though he be never so well persuaded of the truth of what he teacheth, he commits a crime, and may be justly punished for the same, not only because his doctrine is false, but also because he does that which he would not approve in another, namely, that coming from hence, he should endeavour to alter the religion there. But ignorance of the civil law, shall excuse a man in a strange country, till it be declared to him; because, till then no civil law is binding.

In the like manner, if the civil law of a man's own country, be not so sufficiently declared, as he may know it if he will; nor the action against the law of nature; the ignorance is a good excuse: in other cases ignorance of the civil law, excuseth not.

Ignorance of the sovereign power, in the place of a man's ordinary residence, excuseth him not; because he ought to take notice of the power, by which he hath been protected there.

Ignorance of the penalty, where the law is declared, excuseth no man: for in breaking the law, which without a fear of penalty to follow, were not a law, but vain words, he undergoeth the penalty, though he know not what it is; because, whosoever voluntarily doth any action, accepteth all the known consequences of it; but punishment is a known consequence of the violation of the laws, in every commonwealth: which punishment, if it be determined already by the law, he is subject to that; if not, then is he subject to arbitrary punishment. For it is reason, that he which does injury, without other limitation than that of his own will, should suffer punishment without other limitation, than that of his will whose law is thereby violated.

But when a penalty, is either annexed to the crime in the law itself, or hath been usually inflicted in the like cases; there the delinquent is excused from a greater penalty. For the punishment foreknown, if not great enough to deter men from the action, is an invitation to it: because when men compare the benefit of their injustice, with the harm of their punishment, by necessity of nature they choose that which appeareth best for themselves: and therefore when they are punished more than the law had formerly determined, or more than others were punished for the same crime; it is the law that tempted, and deceiveth them.

No law, made after a fact done, can make it a crime: because if the fact be against the law of nature, the law was before the fact; and a positive law cannot be taken notice of, before it be made; and therefore cannot be obligatory. But when the law that forbiddeth a fact, is made before the fact be done; yet he that doth the fact, is liable to the penalty ordained after, in case no lesser penalty were made known before, neither by writing, nor by example, for the reason immediately before alleged.

From defect in reasoning, (that is to say, from error,) men are prone to violate the laws, three ways. First, by presumption of false principles: as when men from having observed how in all places, and in all ages, unjust actions have been authorized by the force, and

victories of those who have committed them; and that potent men, breaking through the cobweb laws of their country, the weaker sort, and those that have failed in their enterprises, have been esteemed the only criminals; have thereupon taken for principles, and grounds of their reasoning, *that justice is but a vain word: that whatsoever a man can get by his own industry, and hazard, is his own: that the practice of all nations cannot be unjust: that examples of former times are good arguments of doing the like again*; and many more of that kind: which being granted, no act in itself can be a crime, but must be made so (not by the law, but) by the success of them that commit it; and the same fact be virtuous, or vicious, as fortune pleaseth; so that what *Marius* makes a crime, *Sylla* shall make meritorious, and *Caesar*, (the same laws standing) turn again into a crime, to the perpetual disturbance of the peace of the commonwealth.

Secondly, by false teachers, that either misinterpret the law of nature, making it thereby repugnant to the law civil; or by teaching for laws, such doctrines of their own, or traditions of former times, as are inconsistent with the duty of a subject.

Thirdly, by erroneous inferences from true principles; which happens commonly to men that are hasty, and precipitate in concluding, and resolving what to do; such as are they, that have both a great opinion of their own understanding, and believe that things of this nature require not time and study, but only common experience, and a good natural wit; whereof no man thinks himself unprovided: whereas the knowledge, of right and wrong, which is no less difficult, there is no man will pretend to, without great and long study. And of those defects in reasoning, there is none that can excuse (though some of them may extenuate) a crime, in any man, that pretendeth to the administration of his own private business; much less in them that undertake a public charge; because they pretend to the reason, upon the want whereof they would ground their excuse.

Of the passions that most frequently are the causes of crime, one, is vain glory, or a foolish overrating of their own worth; as if difference of worth, were an effect of their wit, or riches, or blood, or some other natural quality, not depending on the will of those that have the sovereign authority. From whence proceedeth a presumption that the punishments ordained by the laws, and extended generally to all subjects, ought not to be inflicted on them, with the same rigour they are inflicted on poor, obscure, and simple men, comprehended under the name of the *vulgar*.

Therefore it happeneth commonly, that such as value themselves by the greatness of their wealth, adventure on crimes, upon hope of escaping punishment, by corrupting public justice, or obtaining pardon by money, or other rewards.

And that such as have multitude of potent kindred; and popular men, that have gained reputation amongst the multitude, take courage to violate the laws, from a hope of oppressing the power, to whom it belongeth to put them in execution.

And that such as have a great, and false opinion of their own wisdom, take upon them to reprehend the actions, and call in question the authority of them that govern, and so to unsettle the laws with their public discourse, as that nothing shall be a crime, but what their own designs require should be so. It happeneth also to the same men, to be prone to all such crimes, as consist in craft, and in deceiving of their neighbours; because they think their designs are too subtle to be perceived. These I say are effects of a false presumption of their own wisdom. For of them that are the first movers in the disturbance of commonwealth, (which can never happen without a civil war,) very few are left alive long enough, to see their new designs established: so that the benefit of their crimes, redoundeth to posterity, and such as would least have wished it: which argues they were not so wise, as they thought they were. And those that deceive upon hope of not being observed, do commonly deceive themselves, (the darkness in which they believe they lie hidden,

being nothing else but their own blindness;) and are no wiser than children, that think all hid, by hiding their own eyes.

And generally all vain-glorious men, (unless they be withal timorous,) are subject to anger; as being more prone than others to interpret for contempt, the ordinary liberty of conversation: and there are few crimes that may not be produced by anger.

As for the passions, of hate, lust, ambition, and covetousness, what crimes they are apt to produce, is so obvious to every man's experience and understanding, as there needeth nothing to be said of them, saving that they are infirmities, so annexed to the nature, both of man, and all other living creatures, as that their effects cannot be hindered, but by extraordinary use of reason, or a constant severity in punishing them. For in those things men hate, they find a continual, and unavoidable molestation; whereby either a man's patience must be everlasting, or he must be eased by removing the power of that which molesteth him. The former is difficult; the latter is many times impossible, without some violation of the law. Ambition, and covetousness are passions also that are perpetually incumbent, and pressing; whereas reason is not perpetually present, to resist them: and therefore whensoever the hope of impunity appears, their effects proceed. And for lust, what it wants in the testing, it hath in the vehemence, which sufficeth to weigh down the apprehension of all easy, or uncertain punishments.

Of all passions, that which inclineth men least to break the laws, is fear. Nay, (excepting some generous natures,) it is the only thing, (when there is appearance of profit or pleasure by breaking the laws,) that makes men keep them. And yet in many cases a crime may be committed through fear.

For not every fear justifies the action it produceth, but the fear only of corporeal hurt, which we call *bodily fear*, and from which a man cannot see how to be delivered, but by the action. A man is assaulted, fears present death, from which he sees not how to escape, but by wounding him that assaulteth him; if he wound him to death, this is no crime; because no man is supposed at the making of a commonwealth, to have abandoned the defence of his life, or limbs, where the law cannot arrive time enough to his assistance. But to kill a man, because from his actions, or his threatenings, I may argue he will kill me when he can, (seeing I have time, and means to demand protection, from the sovereign power,) is a crime. Again, a man receives words of disgrace, or some little injuries, (for which they that made the laws, had assigned no punishment, nor thought it worthy of a man that hath the use of reason, to take notice of,) and is afraid, unless he revenge it, he shall fall into contempt, and consequently be obnoxious to the like injuries from others; and to avoid this, breaks the law, and, protects himself for the future, by the terror of his private revenge. This is a crime: for the hurt is not corporeal, but phantastical, and (though in this corner of the world, made sensible by a custom not many years since begun, amongst young and vain men,) so light, as a gallant man, and one that is assured of his own courage, cannot take notice of. Also a man may stand in fear of spirits, either through his own superstition, or through too much credit given to other men, that tell him of strange dreams and visions; and thereby be made believe they will hurt him, for doing, or omitting divers things, which nevertheless, to do, or omit, is contrary to the laws; and that which is so done, or omitted, is not to be excused by this fear; but is a crime. For (as I have shown before in the second chapter) dreams be naturally but the fancies remaining in sleep, after the impressions our senses had formerly received waking; and when men are by any accident unassured they have slept, seem to be real visions; and therefore he that presumes to break the law upon his own, or another's dream, or pretended vision, or upon other fancy of the power of invisible spirits, than is permitted by the commonwealth, leaveth the law of nature, which is a certain offence, and followeth the imagery of his own, or another pri-

vate man's brain, which he can never know whether it signifieth any thing, or nothing, nor whether he that tells his dream, say true, or lie; which if every private man should have leave to do, (as they must by the law of nature, if any one have it) there could no law be made to hold, and so all commonwealth would be dissolved.

From these different sources of crimes, it appears already, that all crimes are not (as the Stoics of old time maintained) of the same alloy. There is place, not only for EXCUSE, by which that which seemed a crime, is proved to be none at all; but also for EXTENUATION, by which the crime, that seemed great, is made less. For though all crimes do equally deserve the name of injustice, as all deviation from a straight line is equally crookedness, which the Stoics rightly observed; yet it does not follow that all crimes are equally unjust, no more than that all crooked lines are equally crooked; which the Stoics not observing, held it as great a crime, to kill a hen, against the law, as to kill one's father.

That which totally excuseth a fact, and takes away from it the nature of a crime, can be none but that, which at the same time, taketh away the obligation of the law. For the fact committed once against the law, if he that committed it be obliged to the law, can be no other than a crime.

The want of means to know the law, totally excuseth: For the law whereof a man has no means to inform himself, is not obligatory. But the want of diligence to inquire, shall not be considered as a want of means; nor shall any man, that pretendeth to reason enough for the government of his own affairs, be supposed to want means to know the laws of nature; because they are known by the reason he pretends to: only children, and madmen are excused from offences against the law natural.

Where a man is captive, or in the power of the enemy (and he is then in the power of the enemy, when his person, or his means of living, is so,) if it be without his own fault, the obligation of the law ceaseth; because he must obey the enemy, or die; and consequently such obedience is no crime: for no man is obliged (when the protection of the law faileth,) not to protect himself, by the best means he can.

If a man, by the terror of present death, be compelled to do a fact against the law, he is totally excused; because no law can oblige a man to abandon his own preservation. And supposing such a law were obligatory; yet a man would reason thus, *If I do it not, I die presently; if I do it, I die afterwards; therefore by, doing it, there is time of life gained;* nature therefore compels him to the fact.

When a man is destitute of food, or other thing necessary for his life, and cannot preserve himself any other way, but by some fact against the law; as if in a great famine he take the food by force, or stealth, which he cannot obtain for money, nor charity; or in defence of his life, snatch away another man's sword, he is totally excused, for the reason next before alleged.

Again, facts done against the law, by the authority of another, are by that authority excused against the author; because no man ought to accuse his own fact in another, that is but his instrument: but it is not excused against a third person thereby injured; because in the violation of the law, both the author and actor are criminals. From hence it followeth that when that man, or assembly, that hath the sovereign power, commandeth a man to do that which is contrary to a former law, the doing of it is totally excused: for he ought not to condemn it himself, because he is the author; and what cannot justly be condemned by the sovereign, cannot justly be punished by any other. Besides, when the sovereign commandeth any thing to be done against his own former law, the command, as to that particular fact, is an abrogation of the law.

If that man, or assembly, that hath the sovereign power, disclaim any right essential to the sovereignty, whereby there accrueth to the subject, any liberty inconsistent with the

sovereign power, that is to say, with the very being of a commonwealth, if the subject shall refuse to obey the command in any thing, contrary to the liberty granted, this is nevertheless a sin, and contrary to the duty of the subject: for he ought to take notice of what is inconsistent with the sovereignty, because it was erected by his own consent, and for his own defence; and that such liberty as is inconsistent with it, was granted through ignorance of the evil consequence thereof. But if he not only disobey, but also resist a public minister in the execution of it, then it is a crime; because he might have been righted, (without any breach of the peace,) upon complaint.

The degrees of crime are taken on divers scales, and measured, first, by the malignity of the source, or cause: secondly, by the contagion of the example: thirdly, by the mischief of the effect: and fourthly, by the concurrence of times, places, and persons.

The same fact done against the law, if it proceed from presumption of strength, riches, or friends to resist those that are to execute the law, is a greater crime than if it proceed from hope of not being discovered, or of escape by flight: for presumption of impunity by force, is a root, from whence springeth, at all times, and upon all temptations, a contempt of all laws; whereas in the latter case, the apprehension of danger, that makes a man fly, renders him more obedient for the future. A crime which we know to be so, is greater than the same crime proceeding from a false persuasion that it is lawful: for he that committeth it against his own conscience, presumeth on his force, or other power, which encourages him to commit the same again: but he that doth it by error, after the error shewn him, is conformable to the law.

He, whose error proceeds from the authority of a teacher, or an interpreter of the law publicly authorized, is not so faulty, as he whose error proceedeth from a peremptory pursuit of his own principles, and reasoning: for what is taught by one that teacheth by public authority, the commonwealth teacheth, and hath a resemblance of law, till the same authority controlleth it; and in all crimes that contain not in them a denial of the sovereign power, nor are against an evident law, excuseth totally: whereas he that groundeth his actions on his private judgment, ought according to the rectitude, or error thereof, to stand, or fall.

The same fact, if it have been constantly punished in other men, is a greater crime, than if there have been many precedent examples of impunity. For those examples are so many hopes of impunity, given by the sovereign himself: and because he which furnishes a man with such a hope, and presumption of mercy, is encourageth him to offend, hath his part in the offence; he cannot reasonably charge the offender with the whole.

A crime arising from a sudden passion, is not so great, as when the same ariseth from long meditation: for in the former case there is a place for extenuation, in the common infirmity of human nature: but he that doth it with premeditation, has used circumspection, and cast his eye, on the law, on the punishment, and on the consequence thereof to human society; all which in committing the crime, he hath contemned, and postponed to his own appetite. But there is no suddenness of passion sufficient for a total excuse: for all the time between the first knowing of the law, and the commission of the fact, shall be taken for a time of deliberation; because he ought by meditation of the law, to rectify the irregularity of his passions.

Where the law is publicly, and with assiduity, before all the people read and interpreted; a fact done against it, is a greater crime, than where men are left without such instruction, to enquire of it with difficulty, uncertainty, and interruption of their callings, and be informed by private men: for in this case, part of the fault is discharged upon common infirmity; but in the former, there is apparent negligence, which is not without some contempt of the sovereign power.

Those facts which the law expressly condemneth, but the law-maker by other manifest signs of his will tacitly approveth, are less crimes, than the same facts, condemned both by the law and lawmaker. For seeing the will of the law-maker is a law, there appear in this case two contradictory laws; which would totally excuse, if men were bound to take notice of the sovereign's approbation, by other arguments, than are expressed by his command. But because there are punishments consequent, not only to the transgression of his law, but also to the observing of it, he is in part a cause of the transgression, and therefore cannot reasonably impute the whole crime to the delinquent. For example, the law condemneth duels; the punishment is made capital: on the contrary part, he that refuseth duel, is subject to contempt and scorn, without remedy; and sometimes by the sovereign himself thought unworthy to have any charge, or preferment in war. If thereupon he accept duel; considering all men lawfully endeavour to obtain the good opinion of them that have the sovereign power, he ought not in reason to be rigorously punished; seeing part of the fault may be discharged on the punisher: which I say, not as wishing liberty of private revenges, or any other kind of disobedience; but a care in governors, not to countenance any thing obliquely, which directly they forbid. The examples of princes, to those that see them, are, and ever have been, more potent to govern their actions, than the laws themselves. And though it be our duty to do, not what they do, but what they say; yet will that duty never be performed, till it please God to give men an extraordinary, and supernatural grace to follow that precept.

Again, if we compare crimes by the mischief of their effects, first, the same fact, when it redounds to the damage of many, is greater, than when it redounds to the hurt of few. And therefore, when a fact hurteth, not only in the present, but also, (by example) in the future, it is a greater crime, than if it hurt only in the present: for the former, is a fertile crime, and multiplies to the hurt of many; the latter is barren. To maintain doctrines contrary to the religion established in the commonwealth, is a greater fault, in an authorized preacher, than in a private person: so also is it, to live profanely, incontinently, or do any irreligious act whatsoever. Likewise in a professor of the law, to maintain any point, or do any act, that tendeth to the weakening of the sovereign power, is a greater crime, than in another man: also in a man that hath such reputation for wisdom, as that his counsels are followed, or his actions imitated by many, his fact against the law, is a greater crime, than the same fact in another: for such men not only commit crime, but teach it for law to all other men. And generally all crimes are the greater, by the scandal they give; that is to say, by becoming stumbling-blocks to the weak, that look not so much upon the way they go in, as upon the light that other men carry before them.

Also facts of hostility against the present state of the commonwealth, are greater crimes, than the same acts done to private men: for the damage extends itself to all: such are the betraying of the strengths, or revealing of the secrets of the commonwealth to an enemy; also all attempts upon the representative of the commonwealth, be it a monarch, or an assembly; and all endeavours by word, or deed to diminish the authority of the same, either in the present time, or in succession; which crimes the Latins understand by *crimina laesae majestatis*, and consist in design, or act, contrary to a fundamental law.

Likewise those crimes, which render judgments of no effect, are greater crimes, than injuries done to one, or a few persons; as to receive money to give false judgment, or testimony, is a greater crime, than otherwise to deceive a man of the like, or a greater sum; because not only he has wrong, that falls by such judgments; but all judgments are rendered useless, and occasion ministered to force, and private revenges.

Also robbery, and depeculation of the public treasure, or revenues, is a greater crime, than the robbing, or defrauding of a private man; because to rob the public, is to rob many at once.

Also the counterfeit usurpation of public ministry, the counterfeiting of public seals, or public coin, than counterfeiting of a private man's person, or his seal; because the fraud thereof, extendeth to the damage of many.

Of facts against the law, done to private men, the greater crime, is that, where the damage in the common opinion of men, is most sensible. And therefore

To kill against the law, is a greater crime, than any other injury, life preserved.

And to kill with torment, greater, than simply to kill.

And mutilation of a limb, greater, than the spoiling a man of his goods.

And the spoiling a man of his goods, by terror of death, or wounds, than by clandestine surreption.

And by clandestine surreption, than by consent fraudulently obtained.

And the violation of chastity by force, greater, than by flattery.

And of a woman married, than of a woman not married.

For all these things are commonly so valued; though some men are more, and some less sensible of the same offence. But the law regardeth not the particular, but the general inclination of mankind.

And therefore the offence men take, from contumely, in words, or gesture, when they produce no other harm, than the present grief of him that is reproached, hath been neglected in the laws of the Greeks, Romans, and other both ancient, and modern commonwealths; supposing the true cause of such grief to consist, not in the contumely, (which takes no hold upon men conscious of their own virtue,) but in the pusillanimity of him that is offended by it.

Also a crime against a private man, is much aggravated by the person, time, and place. For to kill one's parent, is a greater crime, than to kill another: for the parent ought to have the honour of a sovereign, (though he have surrendered his power to the civil law,) because he had it originally by nature. And to rob a poor man, is a greater crime, than to rob a rich man; because it is to the poor a more sensible damage.

And a crime committed in the time or place appointed for devotion, is greater, than if committed at another time or place: for it proceeds from a greater contempt of the law.

Many other cases of aggravation, and extenuation might be added: but by these I have set down, it is obvious to every man, to take the altitude of any other crime proposed.

Lastly, because in almost all crimes there is an injury done, not only to some private men, but also to the commonwealth; the same crime, when the accusation is in the name of the commonwealth, is called public crime: and when in the name of a private man, a private crime; and the pleas according thereunto called public, *judicia publica*, Pleas of the Crown; or Private Pleas. As in an accusation of murder, if the accuser be a private man, the plea is a Private Plea; if the accuser be the sovereign, the plea is a Public Plea.

CHAPTER 28

Of Punishments, and Rewards

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.

Before I infer any thing 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 commonwealth, 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, that before the institution of commonwealth, every man had a right to every thing, 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.

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

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.

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.

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.

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.

Sixthly, whereas to certain actions, there be annexed by nature, divers hurtful consequences; as when a man in assaulting another, is himself 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.

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.

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. 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.

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.

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.

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 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.

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.

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.

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.

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.

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.

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 hon-

ourable 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.

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. 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.

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 for ever, 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, 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 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.

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 any thing but some future good: For there can arrive no good to the commonwealth, by punishing the innocent. Secondly, of that, which forbiddeth ingratitude: 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; that is to say, an equal distribution of justice; which in punishing the innocent is not observed.

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. 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.

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 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.

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.

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.

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.* 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 29

Of Those Things That Weaken, or Tend to the Dissolution of a Commonwealth

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, 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.

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.

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 hiles 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. 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.

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 *Sylla*; and again under *Pompey* and *Caesar*, to the extinction of their democracy, and the setting up of monarchy.

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.

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

Another doctrine repugnant to civil society, is, that *whatsoever a man does against his conscience, is sin*; 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.

It hath been also commonly taught, *that faith and sanctity, are not to be attained by study and reason, but by supernatural inspiration, or infusion*, 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. Faith comes by hearing, and hearing by those accidents, which guide us into the presence of them that speak to us; which 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.

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.

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.

And if the propriety of subjects, exclude not the right of the sovereign representative to their goods; much less to their offices of judicature, or execution, in which they represent the sovereign himself.

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 commonwealth, 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.

And as false doctrine, so also oftentimes the example of different 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: 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. 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. 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.

And as to rebellion in particular against monarchy; one of the most 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 seditions, 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 any thing 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.

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 it into the fire of a civil war.

Sometimes also in the merely civil government, there be more 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; 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.

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.

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. From whence it cometh to pass, that the sovereign power, which foreseeth the necessities and dangers of the commonwealth, (finding the passage of money to the public treasure obstructed, by the tenacity to 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 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.

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.

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.

Another infirmity of a commonwealth, is the immoderate greatness 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*.

We may further add, the insatiable appetite, or *Bulimia*, of enlarging dominion; with the incurable *wounds* thereby many times received from the enemy; and the *wens*, of un-united conquests, which are many times a burthen, and with less danger lost, than kept; as also the *lethargy* of ease, and *consumption* of riot and vain expense.

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 carcase 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 any where; 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. 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 30

Of the Office of the Sovereign Representative

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.

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.

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 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.

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.

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, 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.

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 any thing that setteth up a power to bridle their affections; and learned men, any thing that discovereth their errors, and thereby lesseneth their author-

ity: 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. 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 man, needs no more to learn it, than to hear it? 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.

And (to descend to particulars) the people are to be taught, first, that 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 decrepid 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.

Secondly, they are to be taught, that they ought not to be led with 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 assembly,) 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* 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.

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.

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, with-

out 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 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 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. And this accordeth with the fifth commandment.

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 any thing which by the sovereign authority is theirs. Of 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.

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 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.

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

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.

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 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 man-

ner. Impunity maketh insolence; insolence hatred; and hatred, an endeavour to pull down all oppressing and contumelious greatness, though with the ruin of the commonwealth.

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 several trades, and callings. Seeing then the benefit that every one 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 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.

And whereas many men, by accident inevitable, become unable to 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.

But for such as have strong bodies, the case is otherwise: they are to 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 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.

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: for *no law can be unjust*. The law is made by the sovereign power, and all that is done by such power, 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*.

For the use of laws, (which are but rules authorized) is 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. 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.

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 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.

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 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.

In like manner it belongeth to the office, and duty of the sovereign, 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: nor does it tend 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 encreaseth 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.

Another business of the sovereign, is to choose good counsellors; 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. 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 any one 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.

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.

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 gen-

eral 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.

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. It belongeth therefore to the safety of the people, both that they be good conductors, and faithful subjects, to whom the sovereign commits his armies.

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.

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 any thing 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.

BARUCH SPINOZA

Baruch (Benedict) Spinoza (1632–1677) was born in Amsterdam, a descendent of Portuguese Marranos, that is, Jews who had fled the Inquisition for the relative safety of Holland. Virtually nothing is known of Spinoza's early life. He was educated at a traditional Jewish yeshiva where he studied Hebrew and Talmud. Spinoza was a polymath who spoke Spanish, Portuguese, and Dutch, and wrote his major philosophical works in Latin. At the age of 24, he was put under the *herem* or edict of excommunication expelling him from the synagogue. The reasons for the ban on Spinoza are not fully known, although they are almost certainly connected to the increasingly heterodox opinions on religion that he had come to espouse.

Spinoza left Amsterdam in 1660, settling first in Rijnsburg, a suburb of Leiden, and later moving to Voorsburg outside The Hague. He earned his living as a lens grinder and famously turned down an offer of a professorship at Heidelberg on the grounds that it would interfere with his independence of mind. Spinoza lived a life of uncommon detachment and isolation. He was befriended by members of some of the more liberal Protestant sects of the time, but Spinoza was not an apostate and refused to convert to Christianity. Although he lived alone and aloof, he was sought out by the leading scientists and philosophers of the day, including Leibniz and Henry Oldenburg, the secretary of the Royal Academy in London. Spinoza died of consumption in The Hague at the age of 44.

Spinoza was a writer who combined an unusual degree of boldness and secrecy. As an excommunicated Jew living on the margins of Dutch society, he knew at first hand the sting of religious persecution and the dangers of speaking one's mind openly. His signet ring bore the Latin inscription *caute*, or caution. He took pains to conceal his opinions even from those most intimate with him. With the exception of an early commentary on the philosophy of Descartes (1663), none of the other works published by Spinoza bore his name. His major work of political philosophy, the *Theologico-Political Treatise* (TPT) was published anonymously in 1670 and carried the imprimatur of a fictitious Hamburg publishing house. The work for which he is best known, the *Ethics*, was published posthumously for reasons of prudence and safety. A shorter work, *The Political Treatise*, was left unfinished at the time of his death.

At the same time that he expressed a prudent fear of the power of the multitude, Spinoza took an active stand on the major political struggles of his time. Like Machiavelli's *Prince*, which Spinoza greatly admired, the TPT was a passionate and partisan tract written to advance the fortunes of a political cause. This cause was the republican faction in Dutch politics championed by Jan de Witt against the monarchist faction led by the House of Orange and supported by the Calvinist clergy. Like the Collegiants and Mennonites with whom he associated, Spinoza was a republican in politics and an advocate of toleration in theology. The best state, he declared, is one where "everyone's judgment is free and unshackled" and where "each may worship God as his conscience dictates." Two years after the publication of the TPT, De Witt and