

HOBBS EXCERPTS

The Citizen:

PHILOSOPHICAL RUDIMENTS CONCERNING
GOVERNMENT AND SOCIETY

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PHILOSOPHICAL ELEMENTS OF A TRUE CITIZEN

LIBERTY

I

Of the State of Men Without Civil Society

1. The Introduction. 2. That the beginning of civil society is from mutual fear. 3. That men by nature are all equal. 4. Whence the will of mischieving each other ariseth. 5. The discord arising from comparison of wits. 6. From the appetite many have to the same thing. 7. The definition of *right*. 8. A right to the end, gives a right to the means necessary to that end. 9. By the right of nature, every man is judge of the means which tend to his own preservation. 10. By nature all men have equal right to all things. 11. This right which all men have to all things, is unprofitable. 12. The state of men without civil society, is a mere state of war: the definitions of *peace* and *war*. 13. War is an adversary to man's preservation. 14. It is lawful for any man, by natural right, to compel another whom he hath gotten in his power, to give caution of his future obedience. 15. Nature dictates the seeking after peace.

1. The faculties of human nature may be reduced unto four kinds: bodily strength, experience, reason, passion. Taking the beginning of this following doctrine from these, we will declare, in the first place, what manner of inclinations men who are endued with these faculties bear towards each other, and whether, and by what fac-

ultly they are born apt for society, and to preserve themselves against mutual violence; then proceeding, we will show what advice was necessary to be taken for this business, and what are the conditions of society, or of human peace; that is to say (changing the words only), what are the fundamental laws of nature.

2. The greatest part of those men who have written aught concerning commonwealths, either suppose, or require us or beg of us to believe, that man is a creature born fit* for society. The Greeks call him ζῷον πολιτικόν; and on this foundation they so build up the doctrine of civil society, as if for the preservation of peace, and the government of mankind, there were nothing else necessary than that men should agree to make certain

* *Born fit*. Since we now see actually a constituted society among men, and none living out of it, since we discern all desirous of congress and mutual correspondence, it may seem a wonderful kind of stupidity, to lay in the very threshold of this doctrine such a stumbling block before the reader, as to deny man to be born fit for society. Therefore I must more plainly say, that it is true indeed, that to man by nature, or as man, that is, as soon as he is born, solitude is an enemy; for infants have need of others to help them to live, and those of riper years to help them to live well. Wherefore I deny not that men (even nature compelling) desire to come together. But civil societies are not mere meetings, but bonds, to the making whereof faith and compacts are necessary; the virtue whereof yet tasted the miseries which accompany its defects, is altogether unknown; whence it happens, that those, because they know not what society is, cannot enter into it; these, because ignorant of the benefit it brings, care not for it. Manifest therefore it is, that all men, because they are born in infancy, are born unapt for society. Many also, perhaps most men, either through defect of mind or want of education, remain unfit during the whole course of their lives; yet have they, infants as well as those of riper years, a human nature. Wherefore man is made fit for society not by nature, but by education. Furthermore, although man were born in such a condition as to desire it, it follows not, that he therefore were born fit to enter into it. For it is one thing to desire, another to be in capacity fit for what we desire; for even they, who through their pride, will not stoop to equal conditions, without which there can be no society, do yet desire it.

covenants and conditions together, which themselves should then call laws. Which axiom, though received by most, is yet certainly false; and an error proceeding from our too slight contemplation of human nature. For they who shall more narrowly look into the causes for which men come together, and delight in each other's company, shall easily find that this happens not because naturally it could happen no otherwise, but by accident. For if by nature one man should love another, that is, as man, there could no reason be returned why every man should not equally love every man, as being equally man; or why he should rather frequent those, whose society affords him honour or profit. We do not therefore by nature seek society for its own sake, but that we may receive some honour or profit from it; these we desire primarily, that secondarily. How, by what advice, men do meet, will be best known by observing those things which they do when they are met. For if they meet for traffic, it is plain every man regards not his fellow, but his business; if to discharge some office, a certain market-friendship is begotten, which hath more of jealousy in it than true love, and whence factions sometimes may arise, but good will never; if for pleasure and recreation of mind, every man is wont to please himself most with those things which stir up laughter, whence he may, according to the nature of that which is ridiculous, by comparison of another man's defects and infirmities, pass the more current in his own opinion. And although this be sometimes innocent and without offence, yet it is manifest they are not so much delighted with the society, as their own vain glory. But for the most part, in these kind of meetings we wound the absent; their whole life, sayings, actions are examined, judged, condemned. Nay, it is very rare but some present receive a fling as soon as they part; so as his reason was not ill, who was wont always at parting to go out last. And these are indeed the true delights of society,

unto which we are carried by nature, that is, by those passions which are incident to all creatures, until either by sad experience or good precepts it so fall out, which in many never happens, that the appetite of present matters be dulled with the memory of things past: without which the discourse of most quick and nimble men on this subject, is but cold and hungry.

But if it so happen, that being met they pass their time in relating some stories, and one of them begins to tell one which concerns himself; instantly every one of the rest most greedily desires to speak of himself too; if one relate some wonder, the rest will tell you miracles, if they have them; if not, they will feign them. Lastly, that I may say somewhat of them who pretend to be wiser than others: if they meet to talk of philosophy, look, how many men, so many would be esteemed masters, or else they not only love not their fellows, but even persecute them with hatred. So clear is it by experience to all men who a little more narrowly consider human affairs, that all free congress ariseth either from mutual poverty, or from vain glory, whence the parties met endeavour to carry with them either some benefit, or to leave behind them that same *ἔδοκιμείν*, some esteem and honour with those, with whom they have been conversant. The same is also collected by reason out of the definitions themselves of *will, good, honour, profitable*. For when we voluntarily contract society, in all manner of society we look after the object of the will, that is, that which every one of those who gather together, propounds to himself for good. Now whatsoever seems good, is pleasant, and relates either to the senses, or the mind. But all the mind's pleasure is either glory, (or to have a good opinion of one's self), or refers to glory in the end; the rest are sensual, or conducing to sensuality, which may be all comprehended under the word *conveniences*. All society therefore is either for gain, or for glory; that is, not

so much for love of our fellows, as for the love of ourselves. But no society can be great or lasting, which begins from vain glory. Because that glory is like honour; if all men have it no man hath it, for they consist in comparison and precellence. Neither doth the society of others advance any whit the cause of my glorying in myself; for every man must account himself, such as he can make himself without the help of others. But though the benefits of this life may be much furthered by mutual help; since yet those may be better attained to by dominion than by the society of others, I hope no body will doubt, but that men would much more greedily be carried by nature, if all fear were removed, to obtain dominion, than to gain society. We must therefore resolve, that the original of all great and lasting societies consisted not in the mutual good will men had towards each other, but in the mutual feart they had of each other.

3. The cause of mutual fear consists partly in the natural equality of men, partly in their mutual will of hurting; whence it comes to pass, that we can neither expect from others, nor promise to ourselves the least security.

† *The mutual fear*. It is objected: it is so improbable that men should grow into civil societies out of fear, that if they had been afraid, they would not have endured each other's looks. They presume, I believe, that to fear is nothing else than to be affrighted. I comprehend in this word *fear*, a certain foresight of future evil; neither do I conceive fight the sole property of fear, but to distrust, suspect, take heed, provide so that they may not fear, is also incident to the fearful. They who go to sleep, shut their doors; they who travel, carry their swords with them, because they fear thieves. Kingdoms guard their coasts and frontiers with forts and castles; cities are compact with walls; and all for fear of neighbouring kingdoms and towns. Even the strongest armies, and most accomplished for fight, yet sometimes parley for peace, as fearing each other's power, and lest they might be overcome. It is through fear that men secure themselves by flight indeed, and in corners, if they think they cannot escape otherwise; but for the most part, by arms and defensive weapons; whence it happens, that daring to come forth they know each other's spirits. But then if they fight, civil society ariseth from the victory; if they agree, from their agreement.

For if we look on men full grown, and consider how brittle the frame of our human body is, which perishing, all its strength, vigour, and wisdom itself perisheth with it; and how easy a matter it is, even for the weakest man to kill the strongest: there is no reason why any man, trusting to his own strength, should conceive himself made by nature above others. They are equals, who can do equal things one against the other; but they who can do the greatest things, namely, kill, can do equal things. All men therefore among themselves are by nature equal; the inequality we now discern, hath its spring from the civil law.

4. All men in the state of nature have a desire and will to hurt, but not proceeding from the same cause, neither equally to be condemned. For one man, according to that natural equality which is among us, permits as much to others as he assumes to himself; which is an argument of a temperate man, and one that rightly values his power. Another, supposing himself above others, will have a license to do what he lists, and challenges respect and honour, as due to him before others; which is an argument of a fiery spirit. This man's will to hurt ariseth from vain glory, and the false esteem he hath of his own strength; the other's from the necessity of defending himself, his liberty, and his goods, against this man's violence.

5. Furthermore, since the combat of wits is the fiercest, the greatest discords which are, must necessarily arise from this contention. For in this case it is not only odious to contend against, but also not to consent. For not to approve of what a man saith, is no less than tacitly to accuse him of an error in that thing which he speaketh: as in very many things to dissent, is as much as if you accounted him a fool whom you dissent from. Which may appear hence, that there are no wars so sharply waged as between sects of the same religion, and factions of the

same commonweal, where the contestation is either concerning doctrines or politic prudence. And since all the pleasure and jollity of the mind consists in this, even to get some, with whom comparing, it may find somewhat wherein to triumph and vaunt itself; it is impossible but men must declare sometimes some mutual scorn and contempt, either by laughter, or by words, or by gesture, or some sign or other; than which there is no greater vexation of mind, and than from which there cannot possibly arise a greater desire to do hurt.

6. But the most frequent reason why men desire to hurt each other, ariseth hence, that many men at the same time have an appetite to the same thing; which yet very often they can neither enjoy in common, nor yet divide it; whence it follows that the strongest must have it, and who is strongest must be decided by the sword.

7. Among so many dangers therefore, as the natural lusts of men do daily threaten each other withal, to have a care of one's self is not a matter so scornfully to be looked upon, as if so be there had not been a power and will left in one to have done otherwise. For every man is desirous of what is good for him, and shuns what is evil, but chiefly the chiefest of natural evils, which is death; and this he doth by a certain impulsion of nature, no less than that whereby a stone moves downward. It is therefore neither absurd nor reprehensible, neither against the dictates of true reason, for a man to use all his endeavours to preserve and defend his body and the members thereof from death and sorrows. But that which is not contrary to right reason, that all men account to be done justly, and with right. Neither by the word *right* is anything else signified, than that liberty which every man hath to make use of his natural faculties according to right reason. Therefore the first foundation of natural right is this, that every man as much as in him lies endeavour to protect his life and members.

8. But because it is in vain for a man to have a right to the end, if the right to the necessary means be denied him, it follows, that since every man hath a right to preserve himself, he must also be allowed a right to use *all the means, and do all the actions, without which he cannot preserve himself.*

9. Now whether the means which he is about to use, and the action he is performing, be necessary to the preservation of his life and members or not, he himself, by the right of nature, must be judge. For say, another man judge that it is contrary to right reason that I should judge of mine own peril. Why now, because he judgeth of what concerns me, by the same reason, because we are equal by nature, will I judge also of things which do belong to him. Therefore it agrees with right reason, that is, it is the right of nature that I judge of his opinion, that is, whether it conduce to my preservation or not.

10. Nature hath given to every one a right to all; that is, it was lawful for every man, in the bare state of nature, † or before such time as men had engaged them-

† *In the bare state of nature.* This is thus to be understood: what any man does in the bare state of nature, is injurious to no man; not that in such a state he cannot offend God, or break the laws of nature; for injustice against men presupposeth human laws, such as in the state of nature there are none. Now the truth of this proposition thus conceived, is sufficiently demonstrated to the mindful reader in the articles immediately foregoing; but because in certain cases the difficulty of the conclusion makes us forget the premises, I will contract this argument, and make it most evident to a single view. Every man hath right to protect himself, as appears by the seventh article. The same man therefore hath a right to use all the means which necessarily conduce to this end, by the eighth article. But those are the necessary means which he shall judge to be such, by the ninth article. He therefore hath a right to make use of, and to do all whatsoever he shall judge requisite for his preservation; wherefore by the judgment of him that doth it, the thing done is either right or wrong, and therefore right. True it is therefore in the bare state of nature, &c. But if any man pretend somewhat to tend necessarily to his preservation, which yet he himself doth not confidently believe so, he may offend against the laws of nature, as in the

selves by any covenants or bonds, to do what he would, and against whom he thought fit, and to possess, use, and enjoy all what he would, or could get. Now because whatsoever a man would, it therefore seems good to him because he wills it, and either it really doth, or at least seems to him to contribute towards his preservation (but we have already allowed him to be judge, in the foregoing article, whether it doth or not, insomuch as we are to hold all for necessary whatsoever he shall esteem so), and by the 7th article it appears that by the right of nature those things may be done, and must be had, which necessarily conduce to the protection of life and members, it follows, that in the state of nature, to have all, and do all, is lawful for all. And this is that which is meant by that common saying, *nature hath given all to all.* From whence we understand likewise, that in the state of nature profit is the measure of right.

11. But it was the least benefit for men thus to have a common right to all things. For the effects of this right are the same, almost, as if there had been no right at all. For although any man might say of every thing, *this is mine*, yet could he not enjoy it, by reason of his neighbour, who having equal right and equal power, would pretend the same thing to be his.

12. If now to this natural proclivity of men, to hurt each other, which they derive from their passions, but chiefly from a vain esteem of themselves, you add, the right of all to all, wherewith one by right invades, the other by right resists, and whence arise perpetual jealousies and suspicions on all hands, and how hard a thing it

third chapter of this book is more at large declared. It hath been objected by some: if a son kill his father, doth he him no injury? I have answered, that a son cannot be understood to be at any time in the state of nature, as being under the power and command of them to whom he [lowes] his protection as soon as ever he is born, namely, either his father's or his mother's, or his that nourished him; as is demonstrated in the ninth chapter.

is to provide against an enemy invading us with an intention to oppress and ruin, though he come with a small number, and no great provision; it cannot be denied but that the natural state of men, before they entered into society, was a mere war, and that not simply, but a war of all men against all men. For what is WAR, but that same time in which the will of contesting by force is fully declared, either by words or deeds? The time remaining is termed PEACE.

13. But it is easily judged how disagreeable a thing to the preservation either of mankind, or of each single man, a perpetual war is. But it is perpetual in its own nature; because in regard of the equality of those that strive, it cannot be ended by victory. For in this state the conqueror is subject to so much danger, as it were to be accounted a miracle, if any, even the most strong, should close up his life with many years and old age. They of America are examples hereof, even in this present age: other nations have been in former ages; which now indeed are become civil and flourishing, but were then few, fierce, short-lived, poor, nasty, and deprived of all that pleasure and beauty of life, which peace and society are wont to bring with them. Whosoever therefore holds, that it had been best to have continued in that state in which all things were lawful for all men, he contradicts himself. For every man by natural necessity desires that which is good for him; nor is there any that esteems a war of all against all, which necessarily adheres to such a state, to be good for him. And so it happens, that through fear of each other we think it fit to rid ourselves of this condition, and to get some fellows; that if there needs must be war, it may not yet be against all men, nor without some helps.

14. Fellows are gotten either by constraint, or by consent; by constraint, when after fight the conqueror makes the conquered serve him, either through fear of

death, or by laying fetters on him; by consent, when men enter into society to help each other, both parties consenting without any constraint. But the conqueror may by right compel the conquered, or the strongest the weaker (as a man in health may one that is sick, or he that is of riper years a child), unless he will choose to die, to give caution of his future obedience. For since the right of protecting ourselves according to our own wills, proceeded from our danger, and our danger from our equality, it is more consonant to reason, and more certain for our conservation, using the present advantage to secure ourselves by taking caution, than when they shall be full grown and strong, and got out of our power, to endeavour to recover that power again by doubtful fight. And on the other side, nothing can be thought more absurd, than by discharging whom you already have weak in your power, to make him at once both an enemy and a strong one. From whence we may understand likewise as a corollary in the natural state of men, that a sure and irresistible power confers the right of dominion and ruling over those who cannot resist; insomuch, as the right of all things that can be done, adheres essentially and immediately unto this omnipotence hence arising.

15. Yet cannot men expect any lasting preservation, continuing thus in the state of nature, that is, of war, by reason of that equality of power, and other human faculties they are endued withal. Wherefore to seek peace, where there is any hopes of obtaining it, and where there is none, to enquire out for auxiliaries of war, is the dictate of right reason, that is, the law of nature; as shall be showed in the next chapter.

II

Of the Law of Nature Concerning Contracts

1. That the law of nature is not an agreement of men, but the dictate of reason. 2. That the fundamental law of nature, is to seek peace, where it may be had, and where not, to defend ourselves. 3. That the first special law of nature, is not to retain our right to all things. 4. What it is to quit our right: what to transfer it. 5. That in the transferring of our right, the will of him that receives it is necessarily required. 6. No words but those of the present tense, transfer any right. 7. Words of the future, if there be some other tokens to signify the will, are valid in the translation of right. 8. In matters of free gift, our right passeth not from us through any words of the future. 9. The definition of contract and compact. 10. In compacts, our right passeth from us through words of the future. 11. Compacts of mutual faith, in the state of nature are of no effect and vain; but not so in civil government. 12. That no man can make compacts with beasts, nor yet with God without revelation. 13. Nor yet make a vow to God. 14. That compacts oblige not beyond our utmost endeavour. 15. By what means we are freed from our compacts. 16. That promises extorted through fear of death, in the state of nature are valid. 17. A later compact contradicting the former, is invalid. 18. A compact not to resist him that shall prejudice my body, is invalid. 19. A compact to accuse one's self, is invalid. 20. The definition of swearing. 21. That swearing is to be conceived in that form which he useth that takes the oath. 22. An oath superadds nothing to the obligation which is made by compact. 23. An oath ought not to be pressed, but where the breach of compacts may be kept private, or cannot be punished but from God himself.

1. All authors agree not concerning the definition of the *natural law*, who notwithstanding do very often make

use of this term in their writings. The method therefore wherein we begin from definitions and exclusion of all equivocation, is only proper to them who leave no place for contrary disputes. For the rest, if any man say that somewhat is done against the law of nature, one proves it hence; because it was done against the general agreement of all the most wise and learned nations: but this declares not who shall be the judge of the wisdom and learning of all nations. Another hence, that it was done against the general consent of all mankind; which definition is by no means to be admitted. For then it were impossible for any but children and fools, to offend against such a law; for sure, under the notion of mankind, they comprehend all men actually endued with reason. These therefore either do nought against it, or if they do aught, it is without their joint accord, and therefore ought to be excused. But to receive the laws of nature from the consents of them who offend rather than observe them, is in truth unreasonable. Besides, men condemn the same things in others, which they approve in themselves; on the other side, they publicly commend what they privately condemn; and they deliver their opinions more by hearsay, than any speculation of their own; and they accord more through hatred of some object, through fear, hope, love, or some other perturbation of mind, than true reason. And therefore it comes to pass, that whole bodies of people often do those things by general accord, or consention, which those writers most willingly acknowledge to be against the law of nature. But since all do grant, that is done by right, which is not done against reason, we ought to judge those actions only wrong, which are repugnant to right reason, that is, which contradict some certain truth collected by right reasoning from true principles. But that wrong which is done, we say it is done against some law. Therefore true reason is a certain law; which, since it is no less a part of human nature than any

other faculty or affection of the mind, is also termed natural. Therefore the law of nature, that I may define it, is the dictate of right reason,* conversant about those things which are either to be done or omitted for the constant preservation of life and members, as much as in us lies.

2. But the first and fundamental law of nature is, that peace is to be sought after, where it may be found; and where not, there to provide ourselves for helps of war. For we showed in the last article of the foregoing chapter, that this precept is the dictate of right reason; but that the dictates of right reason are natural laws, that hath been newly proved above. But this is the first, because the rest are derived from this, and they direct the ways either to peace or self-defence.

3. But one of the natural laws derived from this fundamental one is this: that the right of all men to all things ought not to be retained; but that some certain rights ought to be transferred or relinquished. For if everyone should retain his right to all things, it must necessarily follow that some by right might invade, and others, by

* Right reason. By right reason in the natural state of men, I understand not, as many do, an infallible faculty, but the act of reasoning, that is, the peculiar and true ratiocination of every man concerning those actions of his, which may either redound to the damage or benefit of his neighbours. I call it peculiar, because although in a civil government the reason of the supreme, that is, the civil law, is to be received by each single subject for the right; yet being without this civil government, in which state no man can know right reason from false, but by comparing it with his own, every man's own reason is to be accounted, not only the rule of his own actions, which are done at his own peril, but also for the measure of another man's reason, in such things as do concern him. I call it true, that is, concluding from true principles rightly framed, because that the whole breach of the laws of nature consists in the false reasoning, or rather folly of those men, who see not those duties they are necessarily to perform towards others in order to their own conservation. But the principles of right reasoning about such like duties, are those which are explained in the second, third, fourth, fifth, sixth, and seventh articles of the first chapter.

the same right, might defend themselves against them. For every man by natural necessity endeavours to defend his body, and the things which he judgeth necessary towards the protection of his body. Therefore war would follow. He therefore acts against the reason of peace, that is, against the law of nature, whosoever he be, that doth not part with his right to all things.

4. But he is said to part with his right, who either absolutely renounceth it, or conveys it to another. He absolutely renounceth it, who by some sufficient sign or meet tokens declares, that he is willing that it shall never be lawful for him to do that again, which before *by right* he might have done. But he conveys it to another, who by some sufficient sign or meet tokens declares to that other, that he is willing it should be unlawful for him to resist him, in going about to do somewhat in the performance whereof he might before *with right* have resisted him. But that the conveyance of right consists merely in not resisting, is understood by this, that before it was conveyed, he to whom he conveyed it, had even then also a right to all; whence he could not give any new right; but the resisting right he had before he gave it, by reason whereof the other could not freely enjoy his rights, is utterly abolished. Whosoever therefore acquires some right in the natural state of men, he only procures himself security and freedom from just molestation in the enjoyment of his primitive right. As for example, if any man shall sell or give away a farm, he utterly deprives himself only from all right to this farm; but he does not so from others also.

5. But in the conveyance of right, the will is requisite not only of him that conveys, but of him also that accepts it. If either be wanting, the right remains. For if I would have given what was mine to one who refused to accept of it, I have not therefore either simply renounced my right, or conveyed it to any man. For the cause which

moved me to part with it to this man, was in him only, not in others too.

6. But if there be no other token extant of our will either to quit or convey our right, but only words; those words must either relate to the present or time past; for if they be of the future only, they convey nothing. For example, he that speaks thus of the time to come, *I will give tomorrow*, declares openly that yet he hath not given it. So that all this day his right remains, and abides tomorrow too, unless in the interim he actually bestows it: for what is mine, remains mine till I have parted with it. But if I shall speak of the time present, suppose thus; *I do give or have given you this to be received tomorrow*. By these words is signified that I have already given it, and that his right to receive it tomorrow is conveyed to him by me today.

7. Nevertheless, although words alone are not sufficient tokens to declare the will; if yet to words relating to the future there shall some other signs be added, they may become as valid as if they had been spoken of the present. If therefore, as by reason of those other signs, it appear that he that speaks of the future, intends those words should be effectual toward the perfect transferring of his right, they ought to be valid. For the conveyance of right depends not on words, but, as hath been instanced in the fourth article, on the declaration of the will.

8. If any man convey some part of his right to another, and doth not this for some certain benefit received, or for some compact, a conveyance in this kind is called a gift or free donation. But in free donation, those words only oblige us, which signify the present or the time past; for if they respect the future, they oblige not as words, for the reason given in the foregoing article. It must needs therefore be, that the obligation arise from some other tokens of the will. But, because whatsoever is voluntarily done, is done for some good to him that wills it; there

can no other token be assigned of the will to give it, except some benefit either already received, or to be acquired. But it is supposed that no such benefit is acquired, nor any compact in being; for if so, it would cease to be a free gift. It remains therefore, that a mutual good turn without agreement be expected. But no sign can be given, that he, who used future words toward him who was in no sort engaged to return a benefit, should desire to have his words so understood as to oblige himself thereby. Nor is it suitable to reason, that those who are easily inclined to do well to others, should be obliged by every promise, testifying their present good affection. And for this cause, a promiser in this kind must be understood to have time to deliberate, and power to change that affection, as well as he to whom he made that promise, may alter his desert. But he that deliberates, is so far forth free, nor can be said to have already given. But if he promise often, and yet give seldom, he ought to be condemned of levity, and be called not a donor, but doson.

9. But the act of two, or more, mutually conveying their rights, is called a *contract*. But in every contract, either both parties instantly perform what they contract for, insomuch as there is no trust had from either to other; or the one performs, the other is trusted; or neither perform. Where both parties perform presently, there the contract is ended as soon as it is performed. But where there is credit given, either to one or both, there the party trusted promiseth after-performance; and this kind of promise is called a *covenant*.

10. But the covenant made by the party trusted with him who hath already performed, although the promise be made by words pointing at the future, doth no less transfer the right of future time, than if it had been made by words signifying the present or time past. For the other's performance is a most manifest sign that he so understood the speech of him whom he trusted, as that

he would certainly make performance also at the appointed time; and by this sign the party trusted knew himself to be thus understood; which because he hindered not, was an evident token of his will to perform. The promises therefore which are made for some benefit received, which are also covenants, are tokens of the will; that is, as in the foregoing section hath been declared, of the last act of deliberating, whereby the liberty of non-performance is abolished, and by consequence are obligatory. For where liberty ceaseth, there beginneth obligation.

11. But the covenants which are made in contract of mutual trust, neither party performing out of hand, if there arise a just suspicion in either of them, are in the state of nature invalid. For he that first performs, by reason of the wicked disposition of the greatest part of men studying their own advantage either by right or wrong, exposeth himself to the perverse will of him with whom he hath contracted. For it suits not with reason, that any man should perform first, if it be not likely that the other will make good his promise after; which, whether it be probable or not, he that doubts it must be judge of, as hath been showed in the foregoing chapter in the ninth article. Thus, I say, things stand in the state of nature. But in a civil state, when there is a power which can compel both parties, he that hath contracted to perform first, must first perform; because, that since the other may be compelled, the cause which made him fear the other's non-performance, ceaseth.

12. But from this reason, that in all free gifts and contracts there is an acceptance of the conveyance of right

† *Arise*. For, except there appear some new cause of fear, either from somewhat done, or some other token of the will not to perform from the other part, it cannot be judged to be a just fear, for the cause which was not sufficient to keep him from making compact, must not suffice to authorize the breach of it, being made.

required, it follows that no man can compact with him who doth not declare his acceptance. And therefore we cannot compact with beasts, neither can we give or take from them any manner of right, by reason of their want of speech and understanding. Neither can any man covenant with God, or be obliged to him by vow; except so far forth as it appears to him by Holy Scriptures, that he hath substituted certain men who have authority to accept of such-like vows and covenants, as being in God's stead.

13. Those therefore do vow in vain, who are in the state of nature, where they are not tied by any civil law, except, by most certain revelation, the will of God to accept their vow or pact, be made known to them. For if what they vow be contrary to the law of nature, they are not tied by their vow; for no man is tied to perform an unlawful act. But if what is vowed be commanded by some law of nature, it is not their vow, but the law itself which ties them. But if he were free, before his vow, either to do it or not do it, his liberty remains; because that the openly declared will of the obliger is requisite to make an obligation by vow; which, in the case propounded, is supposed not to be. Now I call him the obliger, to whom any one is tied; and the obliged, him who is tied.

14. Covenants are made of such things only as fall under our deliberation. For it can be no covenant without the will of the contractor. But the will is the last act of him who deliberates; wherefore they only concern things *possible* and *to come*. No man, therefore, by his compact obligeth himself to an impossibility. But yet, though we often covenant to do such things as then seemed possible when we promised them, which yet afterward appear to be impossible, are we therefore freed from all obligation? The reason whereof is, that he who promiseth a future, in certainty receives a present benefit, on condition that he return another for it. For his will,

who performs the present benefit, hath simply before it for its object a certain good, [equally] valuable with the thing promised; but the thing itself not simply, but with condition if it could be done. But if it should so happen, that even this should prove impossible, why then he must perform as much as he can. Covenants, therefore, oblige us not to perform just the thing itself covenanted for, but our utmost endeavour; for this only is, the things themselves are not in our power.

15. We are freed from covenants two ways, either by performing, or by being forgiven. By performing, for beyond that we obliged not ourselves. By being forgiven, because he whom we obliged ourselves to, by forgiving is conceived to return to us that right which we passed over to him. For forgiving implies giving, that is, by the fourth article of this chapter, a conveyance of right to him to whom the gift is made.

16. It is a usual question, whether compacts extorted from us through fear, do oblige or not. For example, if, to redeem my life from the power of a robber, I promise to pay him 100*l.* next day, and that I will do no act whereby to apprehend and bring him to justice: whether I am tied to keep promise or not. But though such a promise must sometimes be judged to be of no effect, yet it is not to be accounted so because it proceedeth from fear. For then it would follow, that those promises which reduced men to a civil life, and by which laws were made, might likewise be of none effect (for it proceeds from fear of mutual slaughter, that one man submits himself to the dominion of another); and he should play the fool finely, who should trust his captive covenanting with the price of his redemption. It holds universally true, that promises do oblige when there is some benefit received, and that to promise, and the thing promised, be lawful. But it is lawful, for the redemption of my life, both to promise and to give what I will of mine own to any man,

even to a thief. We are obliged, therefore, by promises proceeding from fear, except the civil law forbid them; by virtue whereof, that which is promised becomes unlawful.

17. Whosoever shall contract with one to do or omit somewhat, and shall after covenant the contrary with another, he maketh not the former, but the latter contract unlawful. For he hath no longer right to do or to omit aught, who by former contracts hath conveyed it to another. Wherefore he can convey no right by latter contracts, and what is promised is promised without right. He is therefore tied only to his first contract, to break which is unlawful.

18. No man is obliged by any contracts whatsoever not to resist him who shall offer to kill, wound, or any other way hurt his body. For there is in every man a certain high degree of fear, through which he apprehends that evil which is done to him to be the greatest; and therefore by natural necessity he shuns it all he can, and it is supposed he can do no otherwise. When a man is arrived to this degree of fear, we cannot expect but he will provide for himself either by flight or fight. Since therefore no man is tied to impossibilities, they who are threatened either with death (which is the greatest evil to nature), or wounds, or some other bodily hurts, and are not stout enough to bear them, are not obliged to endure them. Furthermore, he that is tied by contract is trusted; for faith only is the bond of contracts; but they who are brought to punishment, either capital or more gentle, are fettered or strongly guarded; which is a most certain sign that they seemed not sufficiently bound from non-resistance by their contracts. It is one thing, if I promise thus: if I do it not at the day appointed, kill me. Another thing, if thus: if I do it not, though you should offer to kill me, I will not resist. All men, if need be, contract the first way, but there is need sometimes. This second way,

none; neither is it ever needful. For in the mere state of nature, if you have a mind to kill, that state itself affords you a right; insomuch as you need not first trust him, if for breach of trust you will afterwards kill him. But in a civil state, where the right of life and death and of all corporal punishment is with the supreme, that same right of killing cannot be granted to any private person. Neither need the supreme himself contract with any man patiently to yield to his punishment; but only this, that no man offer to defend others from him. If in the state of nature, as between two realms, there should a contract be made on condition of killing if it were not performed, we must presuppose another contract of not killing before the appointed day. Wherefore on that day, if there be no performance, the right of war returns, that is an hostile state, in which all things are lawful, and therefore resistance also. Lastly, by the contract of not resisting, we are obliged, of two evils to make choice of that which seems the greater. For certain death is a greater evil than fighting. But of two evils it is impossible not to choose the least. By such a compact, therefore, we should be tied to impossibilities; which is contrary to the very nature of compacts.

19. Likewise no man is tied by any compacts whatsoever to accuse himself, or any other, by whose damage he is like to procure himself a bitter life. Wherefore neither is a father obliged to bear witness against his son, nor a husband against his wife, nor a son against his father, nor any man against any one by whose means he hath his subsistence; for in vain is that testimony which is presumed to be corrupted from nature. But although no man be tied to accuse himself by any compact, yet in a public trial he may by torture be forced to make answer. But such answers are no testimony of the fact, but helps for the searching out of truth; insomuch as whether the party

tortured his answer be true or false, or whether he answer not at all, whatsoever he doth, he doth it by right.

20. Swearing is a speech joined to a promise, whereby the promiser declares his renouncing of God's mercy, unless he perform his word. Which definition is contained in the words themselves, which have in them the very essence of an oath, to wit, so *God help me*, or other equivalent, as with the Romans, *do thou Jupiter so destroy the deceiver, as I slay this same beast*. Neither is this any let, but that an oath may as well sometimes be affirmatory as promissory; for he that confirms his affirmation with an oath, promiseth that he speaks truth. But though in some places it was the fashion for subjects to swear by their kings, that custom took its original hence, that those kings took upon them divine honour. For oaths were therefore introduced, that by religion and consideration of the divine power, men might have a greater dread of breaking their faiths, than that wherewith they fear men, from whose eyes their actions may lie hid.

21. Whence it follows that an oath must be conceived in that form, which he useth who takes it; for in vain is any man brought to swear by a God whom he believes not, and therefore neither fears him. For though by the light of nature it may be known that there is a God, yet no man thinks he is to swear by him in any other fashion, or by any other name, than what is contained in the precepts of his own proper, that is (as he who swears imagines) the true religion.

22. By the definition of an oath, we may understand that a bare contract obligeth no less, than that to which we are sworn. For it is the contract which binds us; the oath relates to the divine punishment, which it could not provoke, if the breach of contract were not in itself unlawful; but it could not be unlawful, if the contract were not obligatory. Furthermore, he that renounceth the mercy of God, obligeth himself not to any punishment;

because it is ever lawful to deprecate the punishment, howsoever provoked, and to enjoy God's pardon if it be granted. The only effect therefore of an oath is this: to cause men, who are naturally inclined to break all manner of faith, through fear of punishment to make the more conscience of their words and actions.

23. To exact an oath where the breach of contract, if any be made, cannot but be known, and where the party compacted withal wants not power to punish, is to do somewhat more than is necessary unto self-defence, and shows a mind desirous not so much to benefit itself, as to prejudice another. For an oath, out of the very form of swearing, is taken in order to the provocation of God's anger, that is to say, of him that is omnipotent, against those who therefore violate their faith, because they think that by their own strength they can escape the punishment of men; and of him that is omniscient, against those who therefore usually break their trust, because they hope that no man shall see them.

DOMINION

V

Of the Causes and First Beginning of Civil Government

1. That the laws of nature are not sufficient to preserve peace.
 2. That the laws of nature, in the state of nature, are silent.
 3. That the security of living according to the laws of nature, consists in the concord of many persons.
 4. That the concord of many persons is not constant enough for a lasting peace.
 5. The reason why the government of certain brute creatures stands firm in concord only, and why not of men.
 6. That not only consent, but union also, is required to establish the peace of men.
 7. What union is.
 8. In union, the right of all men is conveyed to one.
 9. What civil society is.
 10. What a civil person is.
 11. What it is to have the supreme power, and what to be a subject.
 12. Two kinds of cities, natural, and by institution.
1. It is of itself manifest that the actions of men proceed from the will, and the will from hope and fear, insomuch as when they shall see a greater good or less evil likely to happen to them by the breach than observation of the laws, they will wittingly violate them. The hope therefore which each man hath of his security and self-preservation, consists in this, that by force or craft he may disappoint his neighbour, either openly or by stratagem. Whence we

may understand, that the natural laws, though well understood, do not instantly secure any man in their practice; and consequently, that as long as there is no caution had from the invasion of others, there remains to every man that same primitive right of self-defence by such means as either he can or will make use of, that is, a right to all things, or the right of war. And it is sufficient for the fulfilling of the natural law, that a man be prepared in mind to embrace peace when it may be had.

2. It is a fond saying, that all laws are silent in the time of war, and it is a true one, not only if we speak of the civil, but also of the natural laws, provided they be referred not to the mind, but to the actions of men, by chap. iii. art. 27. And we mean such a war, as is of all men against all men; such as is the mere state of nature; although in the war of nation against nation, a certain mean was wont to be observed. And therefore in old time, there was a manner of living, and as it were a certain economy, which they called *ληρορικὴν*, living by rapine; which was neither against the law of nature (things then so standing), nor void of glory to those who exercised it with valour, not with cruelty. Their custom was, taking away the rest, to spare life, and abstain from oxen fit for plough, and every instrument serviceable to husbandry. Which yet is not so to be taken, as if they were bound to do thus by the law of nature; but that they had regard to their own glory herein, lest by too much cruelty they might be suspected guilty of fear.

3. Since therefore the exercise of the natural law is necessary for the preservation of peace, and that for the exercise of the natural law security is no less necessary; it is worth the considering what that is which affords such a security. For this matter nothing else can be imagined, but that each man provide himself of such meet helps, as the invasion of one on the other may be rendered so dangerous, as either of them may think it better to refrain

than to meddle. But first, it is plain that the consent of two or three cannot make good such a security; because that the addition but of one, or some few on the other side, is sufficient to make the victory undoubtedly sure, and heartens the enemy to attack us. It is therefore necessary, to the end the security sought for may be obtained, that the number of them who conspire in a mutual assistance be so great, that the accession of some few to the enemy's party may not prove to them a matter of moment sufficient to assure the victory.

4. Furthermore, how great soever the number of them is who meet on self-defence, if yet they agree not among themselves of some excellent means whereby to compass this, but every man after his own manner shall make use of his endeavours, nothing will be done; because that, divided in their opinions, they will be a hindrance to each other; or if they agree well enough to some one action, through hope of victory, spoil, or revenge, yet afterward, through diversity of wits and counsels, or emulation and envy, with which men naturally contend, they will be so torn and rent, as they will neither give mutual help nor desire peace, except they be constrained to it by some common fear. Whence it follows that the consent of many (which consists in this only, as we have already defined in the foregoing section, that they direct all their actions to the same end and the common good), that is to say, that the society proceeding from mutual help only, yields not that security which they seek for, who meet and agree in the exercise of the above-named laws of nature; but that somewhat else must be done, that those who have once consented for the common good to peace and mutual help, may by fear be restrained lest afterwards they again dissent, when their private interest shall appear discrepant from the common good.

5. Aristotle reckons among those animals which he calls politic, not man only, but divers others, as the ant, the

bee, &c.; which, though they be destitute of reason, by which they may contract and submit to government, notwithstanding by consenting, that is to say, ensuing or eschewing the same things, they so direct their actions to a common end, that their meetings are not obnoxious unto any seditions. Yet is not their gathering together a civil government, and therefore those animals not to be termed political; because their government is only a consent, or many wills concurring in one object, not (as is necessary in civil government) one will. It is very true, that in those creatures living only by sense and appetite, their consent of minds is so durable, as there is no need of anything more to secure it, and by consequence to preserve peace among them, than barely their natural inclination. But among men the case is otherwise. For, first, among them there is a contestation of honour and preference; among beasts there is none: whence hatred and envy, out of which arise sedition and war, is among men; among beasts no such matter. Next, the natural appetite of bees, and the like creatures, is conformable; and they desire the common good, which among them differs not from their private. But man scarce esteems anything good, which hath not somewhat of eminence in the enjoyment, more than that which others do possess. Thirdly, those creatures which are void of reason, see no defect, or think they see none, in the administration of their commonweals; but in a multitude of men there are many who, supposing themselves wiser than others, endeavour to innovate, and divers innovators innovate divers ways; which is a mere distraction and civil war. Fourthly, these brute creatures, howsoever they may have the use of their voice to signify their affections to each other, yet want they that same art of words which is necessarily required to those motions in the mind, whereby good is represented to it as being better, and evil as worse than in truth it is. But the tongue of man is a trumpet

of war and sedition: and it is reported of Pericles, that he sometimes by his elegant speeches thundered and lightened, and confounded whole Greece itself. Fifthly, they cannot distinguish between *injury* and *harm*; thence it happens that as long as it is well with them, they blame not their fellows. But those men are of most trouble to the republic, who have most leisure to be idle; for they use not to contend for public places, before they have gotten the victory over hunger and cold. Last of all, the consent of those brutal creatures is natural; that of men by compact only, that is to say, artificial. It is therefore no matter of wonder, if somewhat more be needful for men to the end they may live in peace. Wherefore consent or contracted society, without some common power whereby particular men may be ruled through fear of punishment, doth not suffice to make up that security, which is requisite to the exercise of natural justice.

6. Since therefore the conspiring of many wills to the same end doth not suffice to preserve peace, and to make a lasting defence, it is requisite that, in those necessary matters which concern peace and self-defence, there be but one will of all men. But this cannot be done, unless every man will so subject his will to some other one, to wit, either man or council, that whatsoever his will is in those things which are necessary to the common peace, it be received for the wills of all men in general, and of every one in particular. Now the gathering together of many men, who deliberate of what is to be done or not to be done for the common good of all men, is that which I call a *council*.

7. This submission of the wills of all those men to the will of one man or one council, is then made, when each one of them obligeth himself by contract to every one of the rest, not to resist the will of that one man or council, to which he hath submitted himself; that is, that he refuse him not the use of his wealth and strength against

any others whatsoever; for he is supposed still to retain a right of defending himself against violence: and this is called *union*. But we understand that to be the will of the council, which is the will of the major part of those men of whom the council consists.

8. But though the will itself be not voluntary, but only the beginning of voluntary actions (for we will not to will, but to act); and therefore falls least of all under deliberation and compact; yet he who submits his will to the will of another, conveys to that other the right of his strength and faculties. Inasmuch as when the rest have done the same, he to whom they have submitted, hath so much power, as by the terror of it he can conform the wills of particular men unto unity and concord.

9. Now union thus made is called a city or civil society; and also a civil person. For when there is one will of all men, it is to be esteemed for one person; and by the word *one*, it is to be known and distinguished from all particular men, as having its own rights and properties. Inasmuch as neither any one citizen, nor all of them together (if we except him, whose will stands for the will of all), is to be accounted the city. A city therefore (that we may define it), is *one person*, whose will, by the compact of many men, is to be received for the will of them all; so as he may use all the power and faculties of each particular person to the maintenance of peace, and for common defence.

10. But although every city be a civil person, yet every civil person is not a city; for it may happen that many citizens, by the permission of the city, may join together in one person, for the doing of certain things. These now will be civil persons; as the companies of merchants, and many other convents. But cities they are not, because they have not submitted themselves to the will of the company simply and in all things, but in certain things only determined by the city, and on such terms as it is

lawful for any one of them to contend in judgment against the body itself of the sodality; which is by no means allowable to a citizen against the city. Such like societies, therefore, are civil persons subordinate to the city.

11. In every city, that man or council to whose will each particular man hath subjected his will so as hath been declared, is said to have the *supreme power*, or *chief command*, or *dominion*. Which power and right of commanding consists in this, that each citizen hath conveyed all his strength and power to that man or council; which to have done, because no man can transfer his power in a natural manner, is nothing else than to have parted with his right of resisting. Each citizen, as also every subordinate civil person, is called the *subject* of him who hath the chief command.

12. By what hath been said, it is sufficiently showed in what manner and by what degrees many natural persons, through desire of preserving themselves and by mutual fear, have grown together into a civil person, whom we have called a *city*. But they who submit themselves to another for fear, either submit to him whom they fear, or some other whom they confide in for protection. They act according to the first manner, who are vanquished in war, that they may not be slain; they according to the second, who are not yet overcome, that they may not be overcome. The first manner receives its beginning from natural power, and may be called the natural beginning of a city; the latter from the council and constitution of those who meet together, which is a beginning by institution. Hence it is that there are two kinds of cities: the one natural, such as is the paternal and despotical; the other institutive, which may be also called political. In the first, the lord acquires to himself such citizens as he will; in the other, the citizens by their own wills appoint

a lord over themselves, whether he be one man or one company of men, endued with the command in chief. But we will speak, in the first place, of a city political or by institution; and next, of a city natural.

VI

*Of the Right of Him,
Whether Council or One Man Only,
Who Hath the Supreme Power in the City*

1. There can no right be attributed to a multitude out of civil society, nor any action to which they have not under seal consented. 2. The right of the greater number consenting, is the beginning of a city. 3. That every man retains a right to protect himself according to his own free will, so long as there is no sufficient regard had to his security. 4. That a coercive power is necessary to secure us. 5. What the sword of justice is. 6. That the sword of justice belongs to him, who hath the chief command. 7. That the sword of war belongs to him also. 8. All judicature belongs to him too. 9. The legislative power is his only. 10. The naming of magistrates and other officers of the city belongs to him. 11. Also the examination of all doctrines. 12. Whatsoever he doth is unpunishable. 13. That the command his citizens have granted is absolute, and what proportion of obedience is due to him. 14. That the laws of the city bind him not. 15. That no man can challenge a propriety to anything against his will. 16. By the laws of the city only we come to know what theft, murder, adultery, and injury is. 17. The opinion of those who would constitute a city, where there should not be any one endued with an absolute power. 18. The marks of supreme authority. 19. If a city be compared with a man, he that hath the supreme power is in order to the city, as the human soul is in relation to the man. 20. That the supreme command cannot by right be dissolved through their consents, by whose compacts it was first constituted.

1. We must consider, first of all, what a multitude* of men, gathering themselves of their own free wills into society, is; namely, that it is not any one body, but many men, whereof each one hath his own will and his peculiar judgment concerning all things that may be proposed. And though by particular contracts each single man may have his own right and propriety, so as one may say *this is mine*, the other, *that is his*; yet will there not be any-

* *Multitude*, &c. The doctrine of the power of a city over its citizens almost wholly depends on the understanding of the difference which is between a multitude of men ruling, and a multitude ruled. For such is the nature of a city, that a multitude or company of citizens not only may have command, but may also be subject to command; but in diverse senses. Which difference I did believe was clearly enough explained in the first article; but by the objections of many against those things which follow, I discern otherwise. Wherefore it seemed good to me, to the end I might make a fuller explanation, to add these few things.

By multitude, because it is a collective word, we understand more than one: so as a multitude of men is the same with many men. The same word, because it is of the singular number, signifies one thing; namely, one multitude. But in neither sense can a multitude be understood to have one will given to it by nature, but to [either] several; and therefore neither is any one action whatsoever to be attributed to it. Wherefore a multitude cannot promise, contract, acquire right, convey right, act, have, possess, and the like, unless it be every one apart, and man by man; so as there must be as many promises, compacts, rights, and actions, as men. Wherefore a multitude is no natural person. But if the same multitude do contract one with another, that the will of one man, or the agreeing wills of the major part of them, shall be received for the will of all; then it becomes one person. For it is endued with a will, and therefore can do voluntary actions, such as are commanding, making laws, acquiring and transferring of right, and so forth; and it is oftener called the people, than the multitude. We must therefore distinguish thus. When we say the people or multitude wills, commands, or doth anything, it is understood that the city which commands, wills and acts by the will of one, or the concurring wills of more; which cannot be done but in an assembly. But as oft as anything is said to be done by a multitude of men, whether great or small, without the will of that man or assembly of men, that is understood to be done by a subjected people; that is, by many single citizens together; and not proceeding from one will, but from diverse wills of diverse men, who are citizens and subjects, but not a city.

thing of which the whole multitude, as a person distinct from a single man, can rightly say, this is *mine*, more than another's. Neither must we ascribe any action to the multitude, as its own; but if all or more of them do agree, it will not be an action, but as many actions as men. For although in some great sedition, it is commonly said, that the people of that city have taken up arms; yet is it true of those only who are in arms, or who consent to them. For the city, which is one person, cannot take up arms against itself. Whatsoever, therefore, is done by the multitude, must be understood to be done by every one of those by whom it is made up; and that he, who being in the multitude, and yet consented not, nor gave any help to the things that were done by it, must be judged to have done nothing. Besides, in a multitude not yet reduced into one person, in that manner as hath been said, there remains that same state of nature in which all things belong to all men; and there is no place for *meum* and *tuum*, which is called dominion and propriety, by reason that that security is not yet extant, which we have declared above to be necessarily requisite for the practice of the natural laws.

2. Next, we must consider that every one of the multitude, by whose means there may be a beginning to make up the city, must agree with the rest, that in those matters which shall be propounded by any one in the assembly, that be received for the will of all, which the major part shall approve of; for otherwise there will be no will at all of a multitude of men, whose wills and votes differ so variously. Now, if any one will not consent, the rest, notwithstanding, shall among themselves constitute the city without him. Whence it will come to pass, that the city retains its primitive right against the dissenter; that is, the right of war, as against an enemy.

3. But because we said in the foregoing chapter, the sixth article, that there was required to the security of

men, not only their consent, but also the subjection of their wills in such things as were necessary to peace and defence; and that in that union and subjection the nature of a city consisted; we must discern now in this place, out of those things which may be propounded, discussed, and stated in an assembly of men, all whose wills are contained in the will of the major part, what things are necessary to peace and common defence. But first of all, it is necessary to peace, that a man be so far forth protected against the violence of others, that he may live securely; that is, that he may have no just cause to fear others, so long as he doth them no injury. Indeed, to make men altogether safe from mutual harms, so as they cannot be hurt or injuriously killed, is impossible; and, therefore, comes not within deliberation. But care may be had, there be no just cause of fear; for security is the end wherefore men submit themselves to others; which if it be not had, no man is supposed to have submitted himself to aught, or to have quitted his right to all things, before that there was a care had of his security.

4. It is not enough to obtain this security, that every one of those who are now growing up into a city, do covenant with the rest, either by words or writing, *not to steal, not to kill*, and to observe the like laws; for the pravity of human disposition is manifest to all, and by experience too well known how little (removing the punishment) men are kept to their duties through conscience of their promises. We must therefore provide for our security, not by compacts, but by punishments; and there is then sufficient provision made, when there are so great punishments appointed for every injury, as apparently it prove a greater evil to have done it, than not to have done it. For all men, by a necessity of nature, choose that which to them appears to be the less evil.

5. Now, the right of punishing is then understood to be given to any one, when every man contracts not to

assist him who is to be punished. But I will call this right, *the sword of justice*. But these kind of contracts men observe well enough, for the most part, till either themselves or their near friends are to suffer.

6. Because, therefore, for the security of particular men, and, by consequence, for the common peace, it is necessary that the right of using the sword for punishment be transferred to some man or council; that man or council is necessarily understood by right to have the supreme power in the city. For he that by right punisheth at his own discretion, by right compels all men to all things which he himself wills; than which a greater command cannot be imagined.

7. But in vain do they worship peace at home, who cannot defend themselves against foreigners; neither is it possible for them to protect themselves against foreigners, whose forces are not united. And therefore it is necessary for the preservation of particulars, that there be some one council or one man, who hath the right to arm, to gather together, to unite so many citizens, in all dangers and on all occasions, as shall be needful for common defence against the certain number and strength of the enemy; and again, as often as he shall find it expedient, to make peace with them. We must understand, therefore, that particular citizens have conveyed their whole right of war and peace unto some one man or council; and that this right, which we may call *the sword of war*, belongs to the same man or council, to whom the sword of justice belongs. For no man can by right compel citizens to take up arms and be at the expenses of war, but he who by right can punish him who doth not obey. Both swords therefore, as well this of war as that of justice, even by the constitution itself of a city and essentially do belong to the chief command.

8. But because the right of the sword, is nothing else but to have power by right to use the sword at his own

will, it follows, that the judgment of its right use pertains to the same party; for if the power of judging were in one, and the power of executing in another, nothing would be done. For in vain would he give judgment, who could not execute his commands; or, if he executed them by the power of another, he himself is not said to have the power of the sword, but that other, to whom he is only an officer. All judgment therefore, in a city, belongs to him who hath the sword; that is, to him who hath the supreme authority.

9. Furthermore, since it no less, nay, it much more conduceth to peace, to prevent brawls from arising than to appease them being risen; and that all controversies are bred from hence, that the opinions of men differ concerning *meum* and *tuum*, *just* and *unjust*, *profitable* and *unprofitable*, *good* and *evil*, *honest* and *dishonest*, and the like; which every man esteems according to his own judgment: it belongs to the same chief power to make some common rules for all men, and to declare them publicly, by which every man may know what may be called his, what another's, what just, what unjust, what honest, what dishonest, what good, what evil; that is summarily, what is to be done, what to be avoided in our common course of life. But those ~~rules and measures~~ are usually called the civil laws, or the laws of the city, as being the commands of him who hath the supreme power in the city. And the *civil laws* (that we may define them) are nothing else but *the commands of him who hath the chief authority in the city, for direction of the future actions of his citizens.*

10. Furthermore, since the affairs of the city, both those of war and peace, cannot possibly be all administered by one man or one council without officers and subordinate magistrates; and that it appertaineth to peace and common defence, that they to whom it belongs justly to judge of controversies, to search into neighbouring councils,

prudently to wage war, and on all hands warily to attend the benefit of the city, should also rightly exercise their offices; it is consonant to reason that they depend on, and be chosen by him who hath the chief command both in war and in peace.

11. It is also manifest, that all voluntary actions have their beginning from, and necessarily depend on the will; and that the will of doing or omitting aught, depends on the opinion of the good and evil, of the reward or punishment which a man conceives he shall receive by the act or omission: so as the actions of all men are ruled by the opinions of each. Wherefore, by evident and necessary inference, we may understand that it very much concerns the interest of peace, that no opinions or doctrines be delivered to citizens, by which they may imagine that either by right they may not obey the laws of the city, that is, the commands of that man or council to whom the supreme power is committed, or that it is lawful to resist him, or that a less punishment remains for him that denies, than him that yields obedience. For if one command somewhat to be done under penalty of natural death, another forbid it under pain of eternal death, and both by their own right, it will follow that the citizens, although innocent, are not only by right punishable, but that the city itself is altogether dissolved. For no man can serve two masters; nor is he less, but rather more a master, whom we believe we are to obey for fear of damnation, than he whom we obey for fear of temporal death. It follows therefore that this one, whether man or court, to whom the city hath committed the supreme power, have also this right; that he both judge what opinions[†] and

† *Judge what opinions, &c.* There is scarce any principle, neither in the worship of God nor human sciences, from whence there may not spring dissensions, discords, reproaches, and by degrees war itself. Neither doth this happen by reason of the falsehood of the principle, but of the disposition of men, who, seeming wise to them-

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doctrines are enemies unto peace, and also that he forbid them to be taught.

12. Last of all, from this consideration, that each citizen hath submitted his will to his who hath the supreme command in the city, so as he may not employ his strength against him; it follows manifestly, that whatsoever shall be done by him who commands, must not be punished. For as he who hath not power enough, cannot punish him naturally, so neither can he punish him by right, who by right hath not sufficient power.

13. It is most manifest by what hath been said, that in every perfect city, that is, where no citizen hath right to use his faculties at his own discretion for the preservation of himself, or where the right of the private sword is excluded; there is a supreme power in some one, greater than which cannot by right be conferred by men, or

selves, will needs appear such to all others. But though such dissensions cannot be hindered from arising, yet may they be restrained by the exercise of the supreme power, that they prove no hindrance to the public peace. Of these kinds of opinions, therefore, I have not spoken in this place. There are certain doctrines wherewith subjects being tainted, they verily believe that obedience may be refused to the city, and that by right they may, nay ought, to oppose and fight against chief princes and dignities. Such are those which, whether directly and openly, or more obscurely and by consequence, require obedience to be given to others beside them to whom the supreme authority is committed. I deny not but this reflects on that power which many, living under other government, ascribe to the chief head of the Church of Rome, and also on that which elsewhere, out of that Church, bishops require in their's to be given to them; and last of all, on that liberty which the lower sort of citizens, under pretence of religion, do challenge to themselves. For what civil war was there ever in the Christian world, which did not either grow from, or was nourished by this root? The judgment therefore of doctrines, whether they be repugnant to civil obedience or not, and if they be repugnant, the power of prohibiting them to be taught, I do here attribute to the civil authority. For since there is no man who grants not to the city the judgment of those things which belong to its peace and defence, and it is manifest that the opinions which I have already recited do relate to its peace; it follows necessarily, that the examination of those opinions, whether they be such or not, must be referred to the city; that is, to him who hath the supreme authority.

greater than which no mortal man can have over himself. But that power, greater than which cannot by men be conveyed on a man, we call *absolute*. † For whosoever hath so submitted his will to the will of the city, that he can,

† *Absolute*. A popular state openly challengeth absolute dominion, and the citizens oppose it not. For, in the gathering together of many men, they acknowledge the face of a city; and even the unskilful understand, that matters there are ruled by council. Yet monarchy is no less a city than democracy; and absolute kings have their counsellors, from whom they will take advice, and suffer their power, in matters of greater consequence, to be guided but not recalled. But it appears not to most men, how a city is contained in the person of a king. And therefore they object against absolute command: first, that if any man had such a right, the condition of the citizens would be miserable. For thus they think; he will take all, spoil all, kill all; and every man counts it his only happiness, that he is not already spoiled and killed. But why should he do thus? Not because he can; for unless he have a mind to it, he will not do it. Will he, to please one or some few, spoil all the rest? First, though by right, that is, without injury to them, he may do it, yet can he not do it justly, that is, without breach of the natural laws and injury against God. And therefore there is some security for subjects in the oaths which princes take. Next, if he could justly do it, or that he made no account of his oath, yet appears there no reason why he should desire it, since he finds no good in it. But it cannot be denied, but a prince may sometimes have an inclination to do wickedly. But grant then, that thou hadst given him a power which were not absolute, but so much only as sufficed to defend thee from the injuries of others; which, if thou wilt be safe, is necessary for thee to give; are not all the same things to be feared? For he that hath strength enough to protect all, wants not sufficiency to oppress all. Here is no other difficulty then, but that human affairs cannot be without some inconvenience. And this inconvenience itself is in the citizens, not in the government. For if men could rule themselves, every man by his own command, that is to say, could they live according to the laws of nature, there would be no need at all of a city, nor of a common coercive power. Secondly, they object, that there is no dominion in the Christian world absolute. Which, indeed, is not true; for all monarchies, and all other states, are so. For although they who have the chief command, do not all those things they would, and what they know profitable to the city; the reason of that is, not the defect of right in them, but the consideration of their citizens, who bused about their private interest, and careless of what tends to the public, cannot sometimes be drawn to perform their duties without the hazard of the city. Wherefore princes sometimes forbear the exercise of their right; and prudently remit somewhat of the act, but nothing of their right.

BLACKSTONE COMMENTARIES
