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A REVIEW, AND CONCLUSION

THE INTRODUCTION

Nature (the art whereby God hath made and governes 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 begining whereof is in some principall part within; why may we not say, that all Automata (Engines that move themselves by springs and wheelles as doth a watch) have an artificiall life? For what is the Heart, but a Spring; and the Nerves, but so many Strings; and the Joynts, but so many Wheelles, giving motion to the whole Body, such as was intended by the Artificer? Art goes yet further, imitating that Rationall and most excellent worke of Nature, Man. For by Art is created that great LEVIATHAN called a COMMON-WEALTH, or STATE, (in latine CIVITAS) which is but an Artificiall Man; though of greater stature and strength than the Naturall, for whose protection and defence it was intended; and in which, the Sovereignty is an Artificiall Soul, as giving life and motion to the whole body; The Magistrates, and other Officers of Judicature and Execution, artificiall Joynts; Reward and Punishment (by which fastned to the seat of the Sovereignty, every joynt and member is moved to performe his duty) are the Nerves, that do the same in the Body Naturall; The Wealth and Riches of all the particular members, are the Strength; Salus Populi (the Peoples Safety) its Businesse; Counsellors, by whom all things needfull for it to know, are suggested unto it, are the Memory; Equity and Lawes, an artificiall Reason and Will; Concord, Health; Sedition, Sicknesse; and Civill War, Death. Lastly, the Pacts and Covenants, by which the parts of this Body Politique 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 Artificiall 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 Sovereigne; and what it is that Preserveth and Dissolveth it.

Thirdly, what is a Christian Common-Wealth.

Lastly, what is the Kingdome of Darkness.

Concerning the first, there is a saying much usurped of late, That Wisedome 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 shew 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 Thy Self: 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 sawcie 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 himselfe, and considereth what he doth, when he does Think, Opine, Reason, Hope, Feare, &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, Feare, Hope, &c; not the similitude or The Objects of the Passions, which are the things Desired, Feared, Hoped, &c: for these the constitution individuall, and particular education do so vary, and they are so easie to be kept from our knowledge, that the characters of mans heart, blotted and confounded as they are, with dissembling, lying, counterfeiting, and erroneous doctrines, are legible onely to him that searcheth hearts. And though by mens actions wee do discover their designee 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 himselfe a good or evill man.

But let one man read another by his actions never so perfectly, it serves him onely with his acquaintance, which are but few. He that is to govern a whole Nation, must read in himselfe, not this, or that particular man; but Man-kind; 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 onely to consider, if he also find not the same in himselfe. For this kind of Doctrine, admitteth no other Demonstration.

PART 1 OF MAN

CHAPTER I. OF SENSE

Concerning the Thoughts of man, I will consider them first Singly, and afterwards in Trayne, or dependance upon one another. Singly, they are every one a Representation or Apparence, of some quality, or other Accident of a body without us; which is commonly called an Object. Which Object worketh on the Eyes, Eares, and other parts of mans body; and by diversity of working, produceth

Church of Rome, was partly, for the same cause abolished in England, and many other parts of Christendome; insomuch, as the fayling of Vertue in the Pastors, maketh Faith faile in the People: and partly from bringing of the Philosophy, and doctrine of Aristotle into Religion, by the Schoolemen; from whence there arose so many contradictions, and absurdities, as brought the Clergy into a reputation both of Ignorance, and of Fraudulent intention; and enclined 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 spirituall subjects, residing in the territories of other Christian Princes, that were it not for the mutuall emulation of those Princes, they might without warre, or trouble, exclude all forraign 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, unlesse a Bishop crown him? That a King, if he be a Priest, cannot Marry? That whether a Prince be born in lawfull Marriage, or not, must be judged by Authority from Rome? That Subjects may be freed from their Alleageance, if by the Court of Rome, the King be judged an Heretique? That a King (as Chilperique of France) may be deposed by a Pope (as Pope Zachary,) for no cause; and his Kingdome 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 criminall? Or who does not see, to whose profit redound the Fees of private Masses, and Vales of Purgatory; with other signes of private interest, enough to mortifie the most lively Faith, if (as I sayd) the civill Magistrate, and Custome did not more sustain it, than any opinion they have of the Sanctity, Wisdome, or Probity of their Teachers? So that I may attribute all the changes of Religion in the world, to one and the some cause; and that is, unpleasing Priests; and those not onely amongst Catholiques, but even in that Church that hath presumed most of Reformation.

CHAPTER XIII. OF THE NATURALL CONDITION OF MANKIND,

AS CONCERNING THEIR FELICITY, AND MISERY

Nature hath made men so equall, in the faculties of body, and mind; as that though there bee found one man sometimes manifestly stronger in body, or of quicker mind then 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 himselfe any benefit, to which another may not pretend, as well as he. For as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others, that are in the same danger with himselfe.

And as to the faculties of the mind, (setting aside the arts grounded upon words, and especially that skill of proceeding upon generall, and infallible rules, called Science; which very few have, and but in few things; as being not a native faculty, born with us; nor attained, (as Prudence,) while we look after somewhat els,) I find yet a greater equality amongst men, than that of strength. For Prudence, is but Experience; which equall time, equally bestowes 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 ones owne wisdome, 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 mens at a distance. But this proveth rather that men are in that point equall, than unequall. For there is not ordinarily a greater signe of the equall distribution of any thing, than that every man is contented with his share.

From Equality Proceeds Diffidence

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 neverthesse they cannot both enjoy, they become enemies; and in the way to their End, (which is principally their owne conservation, and sometimes their delectation only,) endeavour to destroy, or subdue one an other. And from hence it comes to passe, that where an Invader hath no more to feare, than an other mans single power; if one plant, sow, build, or possesse a convenient Seat, others may probably be expected to come prepared with forces united, to dispossesse, and deprive him, not only of the fruit of his labour, but also of his life, or liberty. And the Invader again is in the like danger of another.

From Diffidence Warre

And from this diffidence of one another, there is no way for any man to secure himselfe, 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 mans conservation, it ought to be allowed him.

Againe, men have no pleasure, (but on the contrary a great deale of griefe) 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 himselfe: And upon all signes 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 dommage; and from others, by the example.

So that in the nature of man, we find three principall causes of quarrel. First, Competition; Secondly, Diffidence; Thirdly, Glory.

The first, maketh men invade for Gain; the second, for Safety; and the third, for Reputation. The first use Violence, to make themselves Masters of other mens persons, wives, children, and cattell; the second, to defend them; the third, for trifles, as a word, a smile, a different opinion, and any other signe of undervalue, either direct in their Persons, or by reflexion in their Kindred, their Friends, their Nation, their Profession, or their Name.

Out Of Civil States,

There Is Always Warre Of Every One Against Every One 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 Warre; and such a warre, as is of every man, against every man. For WARRE, consisteth not in Battell onely, or the act of fighting; but in a tract of time, wherein the Will to contend by Battell is sufficiently known: and therefore the notion of Time, is to be considered in the nature of Warre; as it is in the nature of Weather. For as the nature of Foule weather, lyeth not in a showre or two of rain; but in an inclination thereto of many dayes together: So the nature of War, consisteth not in actuall fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is PEACE.

The Incommodities Of Such A War

Whatsoever therefore is consequent to a time of Warre, 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 withall. 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, continuall feare, and danger of violent death; And the life of man, solitary, poore, 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 himselfe, when taking a journey, he armes himselfe, and seeks to go well accompanied; when going to sleep, he locks his dores; when even in his house he locks his chests; and this when he knows there bee Lawes, and publike Officers, armed, to revenge all injuries shall bee done him; what opinion he has of his fellow subjects, when he rides armed; of his fellow Citizens, when he locks his dores; 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 mans 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 Lawes 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 warre 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 naturall 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 feare; by the manner of life, which men that have formerly

lived under a peacefull government, use to degenerate into, in a civill Warre.

But though there had never been any time, wherein particular men were in a condition of warre one against another; yet in all times, Kings, and persons of Sovereigne authority, because of their Independency, are in continuall 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 Kingdomes; and continuall Spyes upon their neighbours; which is a posture of War. But because they uphold thereby, the Industry of their Subjects; there does not follow from it, that misery, which accompanies the Liberty of particular men.

In Such A Warre, Nothing Is Unjust

To this warre 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 warre the two Cardinall vertues. 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 onely that to be every mans that he can get; and for so long, as he can keep it. And thus much for the ill condition, which man by meer 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

The Passions that encline men to Peace, are Feare 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 Lawes of Nature: whereof I shall speak more particularly, in the two following Chapters.

CHAPTER XIV. OF THE FIRST AND SECOND NATURALL LAWES, AND OF CONTRACTS

Right Of Nature What

The RIGHT OF NATURE, which Writers commonly call Jus Naturale, is the Liberty each man hath, to use his own power, as he will himselfe, 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 Judgement, and Reason, hee shall conceive to be the aptest means thereunto.

Liberty What

By LIBERTY, is understood, according to the proper signification of the word, the absence of externall Impediments: which Impediments, may oft take away part of a mans power to do what hee would; but cannot hinder him from using the power left him, according as his judgement, and reason shall dictate to him.

A Law Of Nature What

A LAW OF NATURE, (*Lex Naturalis*,) is a Precept, or generall 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.

Naturally Every Man Has Right To Everything

And because the condition of Man, (as hath been declared in the precedent Chapter) is a condition of Warre 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 anothers body. And therefore, as long as this naturall 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.

The Fundamental Law Of Nature

And consequently it is a precept, or generall rule of Reason, "That every man, ought to endeavour Peace, as farre as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of Warre." The first branch, of which Rule, containeth the first, and Fundamentall Law of Nature; which is, "To seek Peace, and follow it." The Second, the summe of the Right of Nature; which is, "By all means we can, to defend our selves."

The Second Law Of Nature

From this Fundamentall Law of Nature, by which men are commanded to endeavour Peace, is derived this second Law; "That a man be willing, when others are so too, as farre-forth, as for Peace, and defence of himselfe 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 himselfe." For as long as every man holdeth this Right, of doing any thing he liketh; so long are all men in the condition of Warre. But if other men will not lay down their Right, as well as he; then there is no Reason for any one, to devest himselfe of his: For that were to expose himselfe to Prey, (which no man is bound to) rather than to dispose himselfe to Peace. This is that Law of the Gospell; "Whatsoever you require that others should do to you, that do ye to them." And that Law of all men, "Quod tibi feiri non vis, alteri ne feceris."

What it is to lay down a Right

To Lay Downe a mans Right to any thing, is to Devest himselfe of the Liberty, of hindring 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 onely standeth out of his way, that he may enjoy his own originall Right, without hindrance from him; not without hindrance from another. So that the effect which redoundeth to one man, by another mans defect of Right, is but so much diminution of impediments to the use of his own Right originall.

Renouncing (or) Transferring Right What;

Obligation Duty Justice

Right is layd 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 his DUTY, not to make voyd 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 Scholers 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 signe, or signes, that he doth so Renounce, or Transferre; or hath so Renounced, or Transferred the same, to him that accepteth it. And these Signes are either Words onely, or Actions onely; 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 then a mans word,) but from Feare of some evill consequence upon the rupture.

Not All Rights Are Alienable

Whensoever a man Transferreth his Right, or Renounceth it; it is either in consideration of some Right reciprocally transferred to himselfe; 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 Himselfe. And therefore there be some Rights, which no man can be understood by any words, or other signes, 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 ayme thereby, at any Good to himselfe. The same may be sayd of Wounds, and Chayns, 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 or Right is introduced, is nothing else but the security of a mans 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 signes, seem to despoyle himselfe of the End, for which those signes were intended; he is not to be understood as if he meant it, or that it was his will; but that he was ignorant of how such words and actions were to be interpreted.

Contract What

The mutuall 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 selfe. For the Thing may be delivered together with the Translation of the Right; as in buying and selling with ready mony; or exchange of goods, or lands: and it may be delivered some time after.

Covenant What

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 performe hereafter: in which cases, he that is to performe in time to come, being trusted, his performance is called Keeping Of Promise, or Faith; and the fayling of performance (if it be voluntary) Violation Of Faith.

Free-gift

When the transferring of Right, is not mutuall; 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, FREEGIFT, GRACE: which words signifie one and the same thing.

Signes Of Contract Expresse

Signes of Contract, are either Expresse, or By Inference. Expresse, are words spoken with understanding of what they signifie; 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.

Signes Of Contract By Inference

Signes 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 signe by Inference, of any Contract, is whatsoever sufficiently argues the will of the Contractor.

Free Gift Passeth By Words Of The Present Or Past

Words alone, if they be of the time to come, and contain a bare promise, are an insufficient signe of a Free-gift and therefore not obligatory. For if they be of the time to Come, as, To Morrow I Will Give, they are a signe I have not given yet, and consequently that my right is not transferred, but remaineth till I transferre 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 to morrow," then is my to morrows Right given away to day; and that by the vertue of the words, though there were no other argument of my will. And there is a great difference in the signification of these words, Volos Hoc Tuum Esse Cras, and Cros Dabo; that is between "I will that this be thine to morrow," and, "I will give it to thee to morrow:" For the word I Will, in the former manner of speech, signifies an act of the will Present; but in the later, it signifies a promise of an act of the will to Come: and therefore the former words, being of the Present, transferre a future right; the later, that be of the Future, transferre nothing. But if there be other signes of the Will to transferre a Right, besides Words; then, though the gift be Free, yet may the Right be understood to passe 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 runne.

Signes Of Contract Are Words Both Of The Past, Present, and Future In Contracts, the right passeth, not onely where the words are of the time Present, or Past; but also where they are of the Future; because all Contract is mutuall translation, or change of Right; and therefore he that promiseth onely, because he hath already received the benefit for which he promiseth, is to be understood as if he intended the Right should passe: for unlesse he had been content to have his words so understood, the other would not have performed his part first. And for that cause, in buying, and selling, and other acts of Contract, A Promise is equivalent to a Covenant; and therefore obligatory.

Merit What

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 onely that winneth; or mony 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 vertue of my own power, and the Contractors need; but in this case of Free Gift, I am enabled to Merit onely by the benignity of the Giver; In Contract, I merit at The Contractors hand that hee 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 anothers. And this I think to be the meaning of that distinction of the Schooles, between Meritum Congruui, and Meritum Condigni. For God Almighty, having promised Paradise to those men (hoodwinkt with carnall 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 Righteousnesse, or any other power in himselfe, but by the Free Grace of God onely; 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 termes of Art, longer than it serves their turn; I will not affirme any thing of their meaning: onely this I say; when a gift is given indefinitely, as a prize to be contended for, he that winneth Meriteth, and may claime the Prize as Due.

Covenants Of Mutuall Trust, When Invalid

If a Covenant be made, wherein neither of the parties performe presently, but trust one another; in the condition of meer Nature, (which is a condition of Warre of every man against every man,) upon any reasonable suspition, it is Voyd; But if there be a common Power set over them bothe, with right and force sufficient to compell performance; it is not Voyd. For he that performeth first, has no assurance the other will performe after; because the bonds of words are too weak to bridle mens ambition, avarice, anger, and other Passions, without the feare of some coerceive Power; which in the condition of meer Nature, where all men are equall, and judges of the justnesse of their own fears cannot possibly be supposed. And therefore he which performeth first, does but betray himselfe to his enemy; contrary to the Right (he can never abandon) of defending his life, and means of living.

But in a civill estate, where there is a Power set up to constrain those that would otherwise violate their faith, that feare 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 Feare, which maketh such a Covenant invalid, must be alwayes something arising after the Covenant made; as some new fact, or other signe of the Will not to performe; else it cannot make the Covenant Voyd. For that which could not hinder a man from promising, ought not to be admitted as a hindrance of performing.

Right To The End, Containeth Right To The Means

He that transferreth any Right, transferreth the Means of enjoying it, as farre as lyeth in his power. As he that selleth Land, is understood to transferre the Herbage, and whatsoever growes 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 mony to maintain Souldiers; and of appointing Magistrates for the administration of Justice.

No Covenant With Beasts

To make Covenant with bruit Beasts, is impossible; because not understanding our speech, they understand not, nor accept of any translation of Right; nor can translate any Right to another; and without mutuall acceptation, there is no Covenant.

Nor With God Without Special Revelation

To make Covenant with God, is impossible, but by Mediation of such as God speaketh to, either by Revelation supernaturall, 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.

No Covenant, But Of Possible And Future

The matter, or subject of a Covenant, is alwayes 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 alwayes understood to be something to come; and which is judged Possible for him that Covenanteth, to performe.

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 selfe,) 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.

Covenants How Made Voyd

Men are freed of their Covenants two wayes; by Performing; or by being Forgiven. For

Performance, is the naturall end of obligation; and Forgivenessse, the restitution of liberty; as being a retransferring of that Right, in which the obligation consisted.

Covenants Extorted By Feare Are Valide

Covenants entred into by feare, in the condition of meer Nature, are obligatory. For example, if I Covenant to pay a ransome, 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 mony, or service for it; and consequently, where no other Law (as in the condition, of meer Nature) forbiddeth the performance, the Covenant is valid. Therefore Prisoners of warre, if trusted with the payment of their Ransome, are obliged to pay it; And if a weaker Prince, make a disadvantageous peace with a stronger, for feare; he is bound to keep it; unlesse (as hath been sayd before) there ariseth some new, and just cause of feare, to renew the war. And even in Common-wealths, if I be forced to redeem my selfe from a Theefe by promising him mony, I am bound to pay it, till the Civill Law discharge me. For whatsoever I may lawfully do without Obligation, the same I may lawfully Covenant to do through feare: and what I lawfully Covenant, I cannot lawfully break.

The Former Covenant To One, Makes Voyd The Later To Another

A former Covenant, makes voyd a later. For a man that hath passed away his Right to one man to day, hath it not to passe to morrow to another: and therefore the later promise passeth no Right, but is null.

A Mans Covenant Not To Defend Himselfe, Is Voyd

A Covenant not to defend my selfe from force, by force, is alwayes voyd. For (as I have shewed before) no man can transferre, or lay down his Right to save himselfe from Death, Wounds, and Imprisonment, (the avoyding whereof is the onely 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, "Unlesse 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 evill, which is danger of death in resisting; rather than the greater, which is certain and present death in not resisting. And this is granted to be true by all men, in that they lead Criminals to Execution, and Prison, with armed men, notwithstanding that such Criminals have consented to the Law, by which

they are condemned.

No Man Obliged To Accuse Himselfe

A Covenant to accuse ones Selfe, without assurance of pardon, is likewise invalide. For in the condition of Nature, where every man is Judge, there is no place for Accusation: and in the Civill 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 praesumed to be corrupted by Nature; and therefore not to be received: and where a mans Testimony is not to be credited, his 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 himselfe by true, or false Accusation, he does it by the Right of preserving his own life.

The End Of An Oath; The Forme Of As Oath

The force of Words, being (as I have formerly noted) too weak to hold men to the performance of their Covenants; there are in mans nature, but two imaginable helps to strengthen it. And those are either a Feare of the consequence of breaking their word; or a Glory, or Pride in appearing not to need to breake it. This later is a Generosity too rarely found to be presumed on, especially in the pursuers of Wealth, Command, or sensuall Pleasure; which are the greatest part of Mankind. The Passion to be reckoned upon, is Fear; whereof there be two very generall 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 feare of the later is commonly the greater Feare. The Feare of the former is in every man, his own Religion: which hath place in the nature of man before Civill Society. The later hath not so; at least not place enough, to keep men to their promises; because in the condition of meer Nature, the inequality of Power is not discerned, but by the event of Battell. So that before the time of Civill Society, or in the interruption thereof by Warre, there is nothing can strengthen a Covenant of Peace agreed on, against the temptations of Avarice, Ambition, Lust, or other strong desire, but the feare of that Invisible Power, which they every one Worship as God; and Feare as a Revenger of their perfidy. All therefore that can be done between two men not subject to Civill Power, is to put one another to swear by the God he feareth: Which Swearing or OATH, is a Forme Of Speech, Added To A Promise; By Which He That Promiseth, Signifieth, That Unlesse He Performe, He Renounceth The Mercy Of His God, Or Calleth To Him For Vengeance On Himselfe. Such was the Heathen Forme, "Let Jupiter kill me else, as I kill this Beast." So is our Forme, "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 feare of breaking faith might be the greater.

No Oath, But By God

By this it appears, that an Oath taken according to any other Forme, or Rite, then his, that sweareth, is in vain; and no Oath: And 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 feare, 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 Custome, gotten by too much vehemence of talking.

An Oath Addes Nothing To The Obligation

It appears also, that the Oath addes nothing to the Obligation. For a Covenant, if lawfull, binds in the sight of God, without the Oath, as much as with it; if unlawfull, bindeth not at all; though it be confirmed with an Oath.

CHAPTER XV. OF OTHER LAWES OF NATURE

The Third Law Of Nature, Justice

From that law of Nature, by which we are obliged to transferre to another, such Rights, as being retained, hinder the peace of Mankind, there followeth a Third; which is this, That Men Performe Their Covenants Made: without which, Covenants are in vain, and but Empty words; and the Right of all men to all things remaining, wee are still in the condition of Warre.

Justice And Injustice What

And in this law of Nature, consisteth the Fountain and Originall 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.

Justice And Propriety Begin With The Constitution of Common-wealth But because Covenants of mutuall trust, where there is a feare of not performance on either part, (as hath been said in the former Chapter,) are invalid; though the Originall of Justice be the making of Covenants; yet Injustice actually there can be none, till the cause of such feare be taken away; which while men are in the naturall condition of Warre, cannot be done. Therefore before the names of Just, and Unjust can have place, there must be some coercive Power, to compell men equally to the performance of their Covenants, by the terrour of some punishment, greater than the benefit they expect by the breach of their Covenant; and to make good that Propriety, which by mutuall Contract men acquire, in recompence of the universall Right they abandon: and such power there is none before the erection of a Common-wealth. And this is also to be gathered out of the ordinary definition of Justice in the Schooles: 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 coerceive Power erected, that is, where there is no Common-wealth, there is no Propriety; all men having Right to all things: Therefore where there is no Common-wealth, 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 Civill Power, sufficient to compell men to keep them: And then it is also that Propriety begins.

Justice Not Contrary To Reason

The Foole hath sayd in his heart, there is no such thing as Justice; and sometimes also with his tongue; seriously alleaging, that every mans 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 ones 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 feare of God, (for the same Foole 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 onely the dispraise, and revilings, but also the power of other men. The Kingdome 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, Succesfull wickednesse hath obtained the Name of Vertue; 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 Kingdome. And the Heathen that believed, that Saturn was deposed by his son Jupiter, believed neverthesse the same Jupiter to be the avenger of Injustice: Somewhat like to a piece of Law in Cokes Commentaries on Litleton; where he sayes, If the right Heire of the

Crown be attainted of Treason; yet the Crown shall descend to him, and Eo Instante the Atteynder be voyd; From which instances a man will be very prone to inferre; that when the Heire apparent of a Kingdome, 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 mutuall, where there is no security of performance on either side; as when there is no Civill 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 performe; there is the question whether it be against reason, that is, against the benefit of the other to performe, 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 turne it to his benefit; yet such events do not make it reasonably or wisely done. Secondly, that in a condition of Warre, 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 himselfe 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 retayned 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 onely out of ignorance of what is good for themselves.

As for the Instance of gaining the secure and perpetuall 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 Instance of attaining Sovereignty by Rebellion; it is manifest, that though the event follow, yet because it cannot reasonably be expected, but rather the contrary; and because by gaining it so, others are taught to gain the same in like manner, the attempt thereof is against reason. Justice therefore, that is to say, Keeping of Covenant, is a Rule of Reason, by which we are forbidden to do any thing destructive to our life; and consequently a Law of Nature.

There be some that proceed further; and will not have the Law of Nature, to be those Rules which conduce to the preservation of mans life on earth; but to the attaining of an eternall 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 rebell against, the Sovereigne Power constituted over them by their own consent.) But because there is no naturall knowledge of mans estate after death; much lesse of the reward that is then to be given to breach of Faith; but onely a believe grounded upon other mens 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.

Covenants Not Discharged By The Vice Of The Person To Whom Made

Others, that allow for a Law of Nature, the keeping of Faith, do nevertheless make exception of certain persons; as Heretiques, and such as use not to performe 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 hindred the making of it.

Justice Of Men, And Justice Of Actions What

The names of Just, and Unjust, when they are attributed to Men, signifie one thing; and when they are attributed to Actions, another. When they are attributed to Men, they signifie Conformity, or Inconformity of Manners, to Reason. But when they are attributed to Actions, they signifie the Conformity, or Inconformity to Reason, not of Manners, or manner of life, but of particular Actions. A Just man therefore, is he that taketh all the care he can, that his Actions may be all Just: and an Unjust man, is he that neglecteth it. And such men are more often in our Language stiled by the names of Righteous, and Unrighteous; then 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, of forbears to do, for feare: because his Will is not framed by the Justice, but by the apparant benefit of what he is to do. That which gives to humane Actions the relish of Justice, is a certain Noblenesse or Gallantnesse 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 Vertue; and Injustice a Vice.

But the Justice of Actions denominates men, not Just, but Guiltlesse; and the Injustice of the same, (which is also called Injury,) gives them but the name of Guilty.

Justice Of Manners, And Justice Of Actions

Again, the Injustice of Manners, is the disposition, or aptitude to do Injurie; and is Injustice before it proceed to Act; and without supposing any individuall person injured. But the Injustice of an Action, (that is to say Injury,) supposeth an individuall person Injured; namely him, to whom the Covenant was made: And therefore many times the injury is received by one man, when the dammage redoundeth to another. As when The Master commandeth his servant to give mony to a stranger; if it be not done, the Injury is done to the Master, whom he had before Covenanted to obey; but the dammage redoundeth to the stranger, to whom he had no Obligation; and therefore could not Injure him. And so also in Common-wealths, private men may remit to one another their debts; but not robberies or other violences, whereby they are endammaged; because the detaining of Debt, is an Injury to themselves; but Robbery and Violence, are Injuries to the Person of the Common-wealth.

Nothing Done To A Man, By His Own Consent Can Be Injury

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 originall 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 Commutative, And Distributive

Justice of Actions, is by Writers divided into Commutative, and Distributive; and the former they say consisteth in proportion Arithmetically; the later in proportion Geometrically. Commutative therefore, they place in the equality of value of the things contracted for; And Distributive, in the distribution of equall benefit, to men of equall 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 onely. 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 performe his Trust, he is said to distribute to every man his own: and his 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 shewn in due place.

The Fourth Law Of Nature, Gratitude

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 Forme, "That a man which receiveth Benefit from another of meer 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 himselfe; 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 mutuall 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 Fundamentall Law of Nature, which commandeth men to Seek Peace. The breach of this Law, is called Ingratitude; and hath the same relation to Grace, that Injustice hath to Obligation by Covenant.

The Fifth, Mutuall accommodation, or Compleasance

A fifth Law of Nature, is COMPLEASANCE; that is to say, "That every man strive to accommodate himselfe to the rest." For the understanding whereof, we may consider, that there is in mens aptnesse to Society; a diversity of Nature, rising from their diversity of Affections; not unlike to that we see in stones brought together for building of an Aedifice. For as that stone which by the asperity, and irregularity of Figure, takes more room from others, than it selfe fills; and for the hardnesse, 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 himselfe 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 combersome thereunto. For seeing every man, not onely 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 himselfe against it, for things superfluous, is guilty of the warre that thereupon is to follow; and therefore doth that, which is contrary to the fundamentall Law of Nature, which commandeth To Seek Peace. The observers of this Law, may be called SOCIABLE, (the Latines call them Comodi;) The contrary, Stubborn, Insociable, Froward, Intractable.

The Sixth, Facility To Pardon

A sixth Law of Nature is this, "That upon caution of the Future time, a man ought to pardon the offences past of them that repenting, desire it." For PARDON, is nothing but granting of Peace; which though granted to them that persevere in their hostility, be not Peace, but Feare; yet not granted to them that give caution of the Future time, is signe of an aversion to Peace; and therefore contrary to the Law of Nature.

The Seventh, That In Revenges, Men Respect Onely The Future Good

A seventh is, " That in Revenges, (that is, retribution of evil for evil,) Men look not at the greatnesse of the evill past, but the greatnesse of the good to follow." Whereby we are forbidden to inflict punishment with any other designe, than for correction of the offender, or direction of others. For this Law is consequent to the next before it, that commandeth Pardon, upon security of the Future Time. Besides, Revenge without respect to the Example, and profit to come, is a triumph, or glorying in the hurt of another, tending to no end; (for the End is alwayes 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 Warre; which is against the Law of Nature; and is commonly stiled by the name of Cruelty.

The Eighth, Against Contumely

And because all signes of hatred, or contempt, provoke to fight; insomuch as most men choose rather to hazard their life, than not to be revenged; we may in the eighth place, for a Law of Nature set down this Precept, "That no man by deed, word, countenance, or gesture, declare Hatred, or Contempt of another." The breach of which Law, is commonly called Contumely.

The Ninth, Against Pride

The question who is the better man, has no place in the condition of meer Nature; where, (as has been shewn before,) all men are equall. The inequality that now is, has been introduced by the Lawes civill. I know that Aristotle in the first booke of his Politiques, for a foundation of his doctrine, maketh men by Nature, some more worthy to Command, meaning the wiser sort (such as he thought himselfe 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 governe themselves, than be governed by others: Nor when the wise in their own conceit, contend by force, with them who distrust their owne wisdom, do they alwaies, or often, or almost at any time, get the Victory. If Nature therefore have made men equall, that equalitie is to be acknowledged; or if Nature have made men unequall; yet because men that think themselves equall, will not enter into conditions of Peace, but upon Equall termes, such equalitie must be admitted. And therefore for the ninth Law of Nature, I put this, "That every man acknowledge other for his Equall by Nature." The breach of this Precept is Pride.

The Tenth Against Arrogance

On this law, dependeth another, "That at the entrance into conditions of Peace, no man require to

reserve to himselfe 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 certaine Rights of Nature; that is to say, not to have libertie to do all they list: so is it necessarie for mans life, to retaine some; as right to governe their owne bodies; enjoy aire, water, motion, waies 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 acknowledgement of naturall equalitie, and therefore also against the law of Nature. The observers of this law, are those we call Modest, and the breakers Arrogant Men. The Greeks call the violation of this law pleonexia; that is, a desire of more than their share.

The Eleventh Equity

Also "If a man be trusted to judge between man and man," it is a precept of the Law of Nature, "that he deale Equally between them." For without that, the Controversies of men cannot be determined but by Warre. He therefore that is partiall in judgment, doth what in him lies, to deterre men from the use of Judges, and Arbitrators; and consequently, (against the fundamentall Lawe of Nature) is the cause of Warre.

The observance of this law, from the equall distribution to each man, of that which in reason belongeth to him, is called EQUITY, and (as I have sayd before) distributive justice: the violation, Acception Of Persons, Prosopolepsia.

The Twelfth, Equall Use Of Things Common

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 Unequall, and contrary to Equitie.

The Thirteenth, Of Lot

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 equall distribution, is of the Law of Nature; and other means of equall distribution cannot be imagined.

The Fourteenth, Of Primogeniture, And First Seising

Of Lots there be two sorts, Arbitrary, and Naturall. Arbitrary, is that which is agreed on by the Competitors; Naturall, is either Primogeniture, (which the Greek calls Kleronomia, which signifies, Given by Lot;) or First Seisure.

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-Borne, as acquired by Lot.

The Fifteenth, Of Mediators

It is also a Law of Nature, "That all men that mediate Peace, be allowed safe Conduct." For the Law that commandeth Peace, as the End, commandeth Intercession, as the Means; and to Intercession the Means is safe Conduct.

The Sixteenth, Of Submission To Arbitrement

And because, though men be never so willing to observe these Lawes, there may nevertheless arise questions concerning a mans 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 later a question Of Right; therefore unlesse the parties to the question, Covenant mutually to stand to the sentence of another, they are as farre 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 controversie, submit their Right to the judgement of an Arbitrator."

The Seventeenth, No Man Is His Own Judge

And seeing every man is presumed to do all things in order to his own benefit, no man is a fit Arbitrator in his own cause: and if he were never so fit; yet Equity allowing to each party equall benefit, if one be admitted to be Judge, the other is to be admitted also; & so the controversie, that is,

the cause of War, remains, against the Law of Nature.

The Eighteenth, No Man To Be Judge, That Has In Him Cause Of Partiality

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 unavoydable bribe, yet) a bribe; and no man can be obliged to trust him. And thus also the controversie, and the condition of War remaineth, contrary to the Law of Nature.

The Nineteenth, Of Witnessse

And in a controversie 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 Lawes of Nature, dictating Peace, for a means of the conservation of men in multitudes; and which onely concern the doctrine of Civill Society. There be other things tending to the destruction of particular men; as Drunkenness, and all other parts of Intemperance; which may therefore also be reckoned amongst those things which the Law of Nature hath forbidden; but are not necessary to be mentioned, nor are pertinent enough to this place.

A Rule, By Which The Laws Of Nature May Easily Be Examined

And though this may seem too subtile a deduction of the Lawes of Nature, to be taken notice of by all men; whereof the most part are too busie in getting food, and the rest too negligent to understand; yet to leave all men unexcusable, they have been contracted into one easie sum, intelligible even to the meanest capacity; and that is, "Do not that to another, which thou wouldest not have done to thy self;" which sheweth him, that he has no more to do in learning the Lawes 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 ballance, and his own into their place, that his own passions, and selfe-love, may adde nothing to the weight; and then there is none of these Lawes of Nature that will not appear unto him very reasonable.

The Lawes Of Nature Oblige In Conscience Always,

But In Effect Then Onely When There Is Security The Lawes 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 alwayes. For he that should be modest, and tractable, and performe all he promises, in such time, and place, where no man els should do so, should but make himselfe a prey to others, and procure his own certain ruine, contrary to the ground of all Lawes of Nature, which tend to Natures preservation. And again, he that shall observe the same Lawes towards him, observes them not himselfe, seeketh not Peace, but War; & consequently the destruction of his Nature by Violence.

And whatsoever Lawes bind In Foro Interno, may be broken, not onely 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; which where the Obligation is In Foro Interno, is a breach.

The Laws Of Nature Are Eternal;

The Lawes of Nature are Immutable and Eternall, For Injustice, Ingratitude, Arrogance, Pride, Iniquity, Acception of persons, and the rest, can never be made lawfull. For it can never be that Warre shall preserve life, and Peace destroy it.

And Yet Easie

The same Lawes, because they oblige onely to a desire, and endeavour, I mean an unfeigned and constant endeavour, are easie to be observed. For in that they require nothing but endeavour; he that endeavoureth their performance, fulfilleth them; and he that fulfilleth the Law, is Just.

The Science Of These Lawes, Is The True Morall Philosophy

And the Science of them, is the true and onely Moral Philosophy. For Morall Philosophy is nothing else but the Science of what is Good, and Evill, in the conversation, and Society of mankind. Good, and Evill, are names that signifie our Appetites, and Aversions; which in different tempers, customes, and doctrines of men, are different: And divers men, differ not onely in their Judgement, on the senses of what is pleasant, and unpleasant to the tast, smell, hearing, touch, and sight; but also

of what is conformable, or disagreeable to Reason, in the actions of common life. Nay, the same man, in divers times, differs from himselfe; 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 as man is in the condition of meer Nature, (which is a condition of War,) as private Appetite is the measure of Good, and Evill: 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, & the rest of the Laws of Nature, are good; that is to say, Morall Vertues; and their contrarie Vices, Evill. Now the science of Vertue and Vice, is Morall Philosophie; and therefore the true Doctrine of the Lawes of Nature, is the true Morall Philosophie. But the Writers of Morall Philosophie, though they acknowledge the same Vertues and Vices; Yet not seeing wherein consisted their Goodnesse; nor that they come to be praised, as the meanes 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 Lawes; but improperly: for they are but Conclusions, or Theoremes 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 Theoremes, as delivered in the word of God, that by right commandeth all things; then are they properly called Lawes.

CHAPTER XVI. OF PERSONS, AUTHORS, AND THINGS PERSONATED

A Person What

A PERSON, is he "whose words or actions are considered, either as his own, or as representing the words or actions of an other man, or of any other thing to whom they are attributed, whether Truly or by Fiction."

Person Naturall, And Artificiall

When they are considered as his owne, then is he called a Naturall Person: And when they are considered as representing the words and actions of an other, then is he a Feigned or Artificiall person.

The Word Person, Whence

The word Person is latine: instead whereof the Greeks have Prosopon, which signifies the Face, as Persona in latine signifies the Disguise, or Outward Appearance of a man, counterfeited on the Stage; and somtimes more particularly that part of it, which disguiseth the face, as a Mask or Visard: And from the Stage, hath been translated to any Representer of speech and action, as well in Tribunalls, as Theaters. 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 himselfe, or an other; and he that acteth another, is said to beare his Person, or act in his name; (in which sence Cicero useth it where he saies, "Unus Sustineo Tres Personas; Mei, Adversarii, & Judicis, I beare three Persons; my own, my Adversaries, and the Judges;") and is called in diverse occasions, diversly; as a Representer, or Representative, a Lieutenant, a Vicar, an Attorney, a Deputy, a Procurator, an Actor, and the like.

Actor, Author; Authority

Of Persons Artificiall, 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 latine Dominus, in Greeke Kurios; 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 alwayes understood a Right of doing any act: and Done By Authority, done by Commission, or Licence from him whose right it is.

Covenants By Authority, Bind The Author

From hence it followeth, that when the Actor maketh a Covenant by Authority, he bindeth thereby the Author, no lesse than if he had made it himselfe; and no lesse 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 naturall 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 perill. 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.

But Not The Actor

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.

The Authority Is To Be Shewne

And he that maketh a Covenant with the Author, by mediation of the Actor, not knowing what Authority he hath, but onely 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 before hand he was to expect no other assurance, than the Actors word; then is the Covenant valid; because the Actor in this case maketh himselfe 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 onely; there being no Author but himselfe.

Things Personated, Inanimate

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 Governours of those things. And therefore, such things cannot be Personated, before there be some state of Civill Government.

Irrational

Likewise Children, Fooles, and Mad-men 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 then (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 Civill, because before such estate, there is no Dominion of Persons.

False Gods

An Idol, or meer 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 Civill Government, the Gods of the Heathen could not be Personated.

The True God

The true God may be Personated. As he was; first, by Moses; who governed the Israelites, (that were not his, but Gods people,) not in his own name, with *Hoc Dicit Moses*; but in Gods Name, with *Hoc Dicit Dominus*. Secondly, by the son of man, his own Son our Blessed Saviour Jesus Christ, that came to reduce the Jewes, and induce all Nations into the Kingdome of his Father; not as of himselfe, 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 himselfe; but was sent, and proceeded from them both.

A Multitude Of Men, How One Person

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.

Every One Is Author

And because the Multitude naturally is not One, but Many; they cannot be understood for one; but many Authors, of every thing their Representative faith, or doth in their name; Every man giving their common Representer, Authority from himselfe 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 farre he shall represent them, none of them owneth more, than they gave him commission to Act.

An Actor May Be Many Men Made One By Plurality Of Voyces

And if the Representative consist of many men, the voyce of the greater number, must be considered as the voyce 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 excesse of Negatives, standing uncontradicted, are the onely voyce the Representative hath.

Representatives, When The Number Is Even, Unprofitable

And a Representative of even number, especially when the number is not great, whereby the contradictory voyces are oftentimes equall, is therefore oftentimes mute, and incapable of Action. Yet in some cases contradictory voyces equall in number, may determine a question; as in condemning, or absolving, equality of votes, even in that they condemne not, do absolve; but not on the contrary condemne, in that they absolve not. For when a Cause is heard; not to condemne, 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 voyces are equall, the not decreeing Execution, is a decree of Dilation.

Negative Voyce

Or if the number be odde, as three, or more, (men, or assemblies;) whereof every one has by a Negative Voice, authority to take away the effect of all the Affirmative Voices of the rest, This number is no Representative; because by the diversity of Opinions, and Interests of men, it becomes oftentimes, and in cases of the greatest consequence, a mute Person, and unapt, as for many things else, so for the government of a Multitude, especially in time of Warre.

Of Authors there be two sorts. The first simply so called; which I have before defined to be him, that owneth the Action of another simply. The second is he, that owneth an Action, or Covenant of another conditionally; that is to say, he undertaketh to do it, if the other doth it not, at, or before a certain time. And these Authors conditionall, are generally called SURETYES, in Latine Fidejussores, and Sponsores; and particularly for Debt, Praedes; and for Appearance before a Judge, or Magistrate, Vades.

PART II. OF COMMON-WEALTH

CHAPTER XVII. OF THE CAUSES, GENERATION, AND DEFINITION OF A

COMMON-WEALTH

The End Of Common-wealth, Particular Security

The finall Cause, End, or Designe of men, (who naturally love Liberty, and Dominion over others,) in the introduction of that restraint upon themselves, (in which wee see them live in Common-wealths,) 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 Warre, which is necessarily consequent (as hath been shewn) to the naturall Passions of men, when there is no visible Power to keep them in awe, and tye them by feare of punishment to the performance of their Covenants, and observation of these Lawes of Nature set down in the fourteenth and fifteenth Chapters.

Which Is Not To Be Had From The Law Of Nature:

For the Lawes of Nature (as Justice, Equity, Modesty, Mercy, and (in summe) Doing To Others, As Wee Would Be Done To,) if themselves, without the terrour of some Power, to cause them to be observed, are contrary to our naturall 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 Lawes 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 robbe and spoyle one another, has been a Trade, and so farre from being reputed against the Law of Nature, that the greater spoyles they gained, the greater was their honour; and men observed no other Lawes therein, but the Lawes of Honour; that is, to abstain from cruelty, leaving to men their lives, and instruments of husbandry. And as small Familyes did then; so now do Cities and Kingdomes 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 remembred for it in after ages with honour.

Nor From The Conjunction Of A Few Men Or Familyes

Nor is it the joyning 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 feare; and is then sufficient, when the odds of the Enemy is not of so visible and conspicuous moment, to determine the event of warre, as to move him to attempt.

Nor From A Great Multitude, Unlesse Directed By One Judgement

And be there never so great a Multitude; yet if their actions be directed according to their particular judgements, 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 mutuall opposition to nothing: whereby they are easily, not onely subdued by a very few that agree together; but also when there is no common enemy, they make warre 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 Lawes of Nature, without a common Power to keep them all in awe; we might as well suppose all Man-kind to do the same; and then there neither would be nor need to be any Civill Government, or Common-wealth at all; because there would be Peace without subjection.

And That Continually

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 judgement, for a limited time; as in one Battell, or one Warre. For though they obtain a Victory by their unanimous endeavour against a forraign 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 Warre amongst themselves.

Why Certain Creatures Without Reason, Or Speech,

Do Neverthelesse Live In Society, Without Any Coercive Power

It is true, that certain living creatures, as Bees, and Ants, live sociably one with another, (which are therefore by Aristotle numbred amongst Politicall creatures;) and yet have no other direction, than their particular judgements and appetites; nor speech, whereby one of them can signifie to another, what he thinks expedient for the common benefit: and therefore some man may perhaps desire to know, why Man-kind 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 Warre; but amongst these not so.

Secondly, that amongst these creatures, the Common good differeth not from the Private; and being by nature enclined to their private, they procure thereby the common benefit. But man, whose Joy consisteth in comparing himselfe 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 businesse: whereas amongst men, there are very many, that thinke themselves wiser, and abler to govern the Publique, better than the rest; and these strive to reforme and innovate, one this way, another that way; and thereby bring it into Distraction and Civill warre.

Fourthly, that these creatures, though they have some use of voice, in making knowne 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 likenesse of Evill; and Evill, in the likenesse of Good; and augment, or diminish the apparent greatnesse of Good and Evill; discontenting men, and troubling their Peace at their pleasure.

Fiftly, irrationall creatures cannot distinguish betweene Injury, and Dammage; and therefore as long as they be at ease, they are not offended with their fellowes: whereas Man is then most troublesome, when he is most at ease: for then it is that he loves to shew his Wisdome, and controule the Actions of them that governe the Common-wealth.

Lastly, the agreement of these creatures is Naturall; that of men, is by Covenant only, which is Artificiall: 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 Generation Of A Common-wealth

The only way to erect such a Common Power, as may be able to defend them from the invasion of Forraigners, and the injuries of one another, and thereby to secure them in such sort, as that by their owne industrie, and by the fruites of the Earth, they may nourish themselves and live contentedly; is, to conferre 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 beare their Person; and every one to owne, and acknowledge himselfe to be Author of whatsoever he that so beareth their Person, shall Act, or cause to be Acted, in those things which concerne the Common Peace and Safetie; and therein to submit their Wills, every one to his Will, and their Judgements, to his Judgment. This is more than Consent, or Concord; it is a reall Unitie 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 my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions in like manner." This done, the Multitude so united in one Person, is called a COMMON-WEALTH, in latine CIVITAS. This is the Generation of that great LEVIATHAN, or rather (to speake more reverently) of that Mortall God, to which wee owe under the Immortall God, our peace and defence. For by this Authoritie, given him by every particular man in the Common-Wealth, he hath the use of so much Power and Strength conferred on him, that by terror thereof, he is inabled to forme the wills of them all, to Peace at home, and mutuall ayd against their enemies abroad.

The Definition Of A Common-wealth

And in him consisteth the Essence of the Common-wealth; which (to define it,) is "One Person, of whose Acts a great Multitude, by mutuall 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."

Soveraigne, And Subject, What

And he that carryeth this Person, as called SOVERAIGNE, and said to have Soveraigne Power; and every one besides, his SUBJECT.

The attaining to this Soveraigne Power, is by two wayes. One, by Naturall 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 Warre 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 later,

may be called a Politicall Common-wealth, or Common-wealth by Institution; and the former, a Common-wealth by Acquisition. And first, I shall speak of a Common-wealth by Institution.

CHAPTER XVIII. OF THE RIGHTS OF SOVERAIGNES BY INSTITUTION

The Act Of Instituting A Common-wealth, What

A Common-wealth 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 Authorise all the Actions and Judgements, 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.

The Consequences To Such Institution, Are

I. The Subjects Cannot Change The Forme Of Government

**From this Institution of a Common-wealth
are derived all the Rights, and**

Soveraign Power Ought In All Common-wealths To Be Absolute

So it appeareth plainly, to my understanding, both from Reason, and Scripture, that the Soveraign Power, whether placed in One Man, as in Monarchy, or in one Assembly of men, as in Popular, and Aristocraticall Common-wealths, is as great, as possibly men can be imagined to make it. And though of so unlimited a Power, men may fancy many evill consequences, yet the consequences of the want of it, which is perpetuall warre of every man against his neighbour, are much worse. The condition of man in this life shall never be without Inconveniencies; but there happeneth in no Common-wealth any great Inconvenience, but what proceeds from the Subjects disobedience, and breach of those Covenants, from which the Common-wealth had its being. And whosoever thinking Soveraign Power too great, will seek to make it lesse; must subject himselfe, to the Power, that can limit it; that is to say, to a greater.

The greatest objection is, that of the Practise; 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 Kingdome long free from Sedition and Civill Warre. In those Nations, whose Common-wealths have been long-lived, and not been destroyed, but by forraign warre, the Subjects never did dispute of the Soveraign Power. But howsoever, an argument for the Practise of men, that have not sifted to the bottom, and with exact reason weighed the causes, and nature of Common-wealths, 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 Common-wealths, consisteth in certain Rules, as doth Arithmetique and Geometry; not (as Tennis-play) on Practise onely: 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 XXI. OF THE LIBERTY OF SUBJECTS

Liberty What

Liberty, or FREEDOME, signifieth (properly) the absence of Opposition; (by Opposition, I mean externall Impediments of motion;) and may be applyed no lesse to Irrational, and Inanimate creatures, than to Rationall. For whatsoever is so tyed, or environed, as it cannot move, but within a certain space, which space is determined by the opposition of some externall 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 chayns; and of the water whilest it is kept in by banks, or vessels, that otherwise would spread it selfe into a larger space, we use to say, they are not at Liberty, to move in such manner, as without those externall impediments they would. But when the impediment of motion, is in the constitution of the thing it selfe, we use not to say, it wants the Liberty; but the Power to move; as when a stone lyeth still, or a man is fastned to his bed by sicknesse.

What It Is To Be Free

And according to this proper, and generally received meaning of the word, A FREE-MAN, is "he, that in those things, which by his strength and wit he is able to do, is not hindred to doe what he has a will to." But when the words Free, and Liberty, are applyed to any thing but Bodies, they are abused; for that which is not subject to Motion, is not subject to Impediment: And therefore, when 'tis 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 Guift is free, there is not meant any liberty of the Guift, 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 pronounciation, but of the man, whom no law hath obliged to speak otherwise then he did. Lastly, from the use of the word Freewill, no liberty can be inferred to 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 doe.

Feare And Liberty Consistent

Feare and Liberty are consistent; as when a man throweth his goods into the Sea for Feare the ship should sink, he doth it neverthesse very willingly, and may refuse to doe it if he will: It is therefore the action, of one that was Free; so a man sometimes pays his debt, only for Feare of Imprisonment, which because no body hindred him from detaining, was the action of a man at Liberty. And generally all actions which men doe in Common-wealths, for Feare of the law, or actions, which the doers had Liberty to omit.

Liberty And Necessity Consistent

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 doe; which (because they proceed from their will) proceed from Liberty; and yet because every act of mans will, and every desire, and inclination proceedeth from some cause, which causes in a continuall chaine (whose first link in the hand of God the first of all causes) proceed from Necessity. So that to him that could see the connexion of those causes, the Necessity of all mens voluntary actions, would

appeare 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, & no more, nor lesse. 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 Gods will is not the cause. And did not his will assure the Necessity of mans will, and consequently of all that on mans 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 naturall Liberty, which only is properly called Liberty.

Artificial Bonds, Or Covenants

But as men, for the atteyning of peace, and conservation of themselves thereby, have made an Artificiall Man, which we call a Common-wealth; so also have they made Artificiall Chains, called Civill Lawes, which they themselves, by mutuall covenants, have fastned at one end, to the lips of that Man, or Assembly, to whom they have given the Sovereigne Power; and at the other end to their own Ears. These Bonds in their own nature but weak, may neverthelesse be made to hold, by the danger, though not by the difficulty of breaking them.

Liberty Of Subjects Consisteth In Liberty From Covenants

In relation to these Bonds only it is, that I am to speak now, of the Liberty of Subjects. For seeing there is no Common-wealth in the world, 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 wee take Liberty in the proper sense, for corporall Liberty; that is to say, freedome from chains, and prison, it were very absurd for men to clamor as they doe, for the Liberty they so manifestly enjoy. Againe, if we take Liberty, for an exemption from Lawes, it is no lesse absurd, for men to demand as they doe, 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 Lawes 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, lyeth 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 aboad, their own diet, their own trade of life, and institute their children as they themselves think fit; & the like.

Liberty Of The Subject Consistent With

Unlimited Power Of The Sovereign

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 shewn, that nothing the Sovereign Representative can doe to a Subject, on what pretence soever, can properly be called Injustice, or Injury; because every Subject is Author of every act the Sovereign doth; so that he never wanteth Right to any thing, otherwise, than as he himself is the Subject of God, and bound thereby to observe the laws of Nature. And therefore it may, and doth often happen in Common-wealths, that a Subject may be put to death, by the command of the Sovereign Power; and yet neither doe 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 doe the action, for which he is neverthelesse, 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 Equitie, (as was the killing of Uriah, by David;) yet it was not an Injurie to Uriah; but to God. Not to Uriah, because the right to doe what he pleased, was given him by Uriah himself; And yet to God, because David was Gods Subject; and prohibited all Iniquitie by the law of Nature. Which distinction, David himself, when he repented the fact, evidently confirmed, saying, "To thee only have I sinned." In the same manner, the people of Athens, when they banished the most potent of their Common-wealth for ten years, thought they committed no Injustice; and yet they never questioned what crime he had done; but what hurt he would doe: Nay they commanded the banishment of they knew not whom; and every Citizen bringing his Oystershell into the market place, written with the name of him he desired should be banished, without actuall 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 Libertie to Jest, or to be Just.

The Liberty Which Writers Praise, Is The Liberty Of Sovereigns;

Not Of Private Men

The Libertie, whereof there is so frequent, and honourable mention, in the Histories, and Philosophy of the Antient Greeks, and Romans, and in the writings, and discourse of those that from them have received all their learning in the Politiques, is not the Libertie of Particular men; but the Libertie of the Common-wealth: which is the same with that, which every man then should have, if there were no Civil Laws, nor Common-wealth at all. And the effects of it also be the same. For as amongst masterlesse men, there is perpetuall 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 Libertie in every Particular man: So in States, and Common-wealths not dependent on one another, every Common-wealth, (not every man) has an absolute Libertie, to doe what it shall judge (that is to say, what that Man, or Assemblie that representeth it, shall judge) most conducing to their benefit. But withall, they live in the condition of a perpetuall war, and upon the confines of battel, with their frontiers armed, and canons planted against their neighbours round about. The Athenians, and Romanes, were free; that is, free Common-wealths: not that any particular men had the Libertie to resist their own Representative; but that their

Representative had the Libertie to resist, or invade other people. There is written on the Turrets of the city of Luca in great characters at this day, the word LIBERTAS; yet no man can thence inferre, that a particular man has more Libertie, or Immunitie from the service of the Commonwealth there, than in Constantinople. Whether a Common-wealth be Monarchicall, or Popular, the Freedome is still the same.

But it is an easy thing, for men to be deceived, by the specious name of Libertie; and for want of Judgement to distinguish, mistake that for their Private Inheritance, and Birth right, which is the right of the Publique 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 westerne parts of the world, we are made to receive our opinions concerning the Institution, and Rights of Common-wealths, from Aristotle, Cicero, and other men, Greeks and Romanes, 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 Common-wealths, which were Popular; as the Grammarians describe the Rules of Language, out of the Practise 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 Politiques,(lib.6.cap.2) "In democracy, Liberty is to be supposed: for 'tis commonly held, that no man is Free in any other Government." And as Aristotle; so Cicero, and other Writers have grounded their Civill 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 Latine Authors, men from their childhood have gotten a habit (under a false shew 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 deerly bought, as these Western parts have bought the learning of the Greek and Latine tongues.

Liberty Of The Subject How To Be Measured

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 neverthelesse, without Injustice, refuse to do; we are to consider, what Rights we passe away, when we make a Common-wealth; or (which is all one,) what Liberty we deny our selves, 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 expresse words, "I Authorise all his Actions," or from the Intention of him that submitteth himselfe 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.

Subjects Have Liberty To Defend Their Own Bodies,

Even Against Them That Lawfully Invade Them

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 14. Chapter, that Covenants, not to defend a mans own body, are voyd. Therefore,

Are Not Bound To Hurt Themselves;

If the Sovereign command a man (though justly condemned,) to kill, wound, or mayme himselfe; or not to resist those that assault him; or to abstain from the use of food, ayre, 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 himselfe, he is not bound (without assurance of Pardon) to confesse it; because no man (as I have shewn in the same Chapter) can be obliged by Covenant to accuse himselfe.

Again, the Consent of a Subject to Sovereign Power, is contained in these words, "I Authorise, or take upon me, all his actions;" in which there is no restriction at all, of his own former naturall Liberty: For by allowing him to Kill Me, I am not bound to Kill my selfe when he commands me. "'Tis one thing to say 'Kill me, or my fellow, if you please;' another thing to say, 'I will kill my selfe, or my fellow.'" It followeth therefore, that

No man is bound by the words themselves, either to kill himselfe, 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 refusall to obey, frustrates the End for which the Sovereignty was ordained; then there is no Liberty to refuse: otherwise there is.

Nor To Warfare, Unless They Voluntarily Undertake It

Upon this ground, a man that is commanded as a Souldier to fight against the enemy, though his Sovereign have Right enough to punish his refusall with death, may neverthesse in many cases refuse, without Injustice; as when he substituteth a sufficient Souldier in his place: for in this case he

deserteth not the service of the Common-wealth. And there is allowance to be made for naturall timorousnesse, not onely 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 trechery, but fear, they are not esteemed to do it unjustly, but dishonourably. For the same reason, to avoyd battell, is not Injustice, but Cowardise. But he that inrowleth himselfe a Souldier, or taketh imprest mony, taketh away the excuse of a timorous nature; and is obliged, not onely to go to the battell, but also not to run from it, without his Captaines leave. And when the Defence of the Common-wealth, requireth at once the help of all that are able to bear Arms, every one is obliged; because otherwise the Institution of the Common-wealth, which they have not the purpose, or courage to preserve, was in vain.

To resist the Sword of the Common-wealth, 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 Capitall crime, for which every one of them expecteth death, whether have they not the Liberty then to joyn 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 onely 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, unlawfull.

The Greatest Liberty Of Subjects, Dependeth On The Silence Of The Law

As for other Lyberties, 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 lesse; and in some times more, in other times lesse, 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 in to his own Land, (and dispossesse such as wrongfully possessed it) by force. But in after-times, 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 controversie with his Sovereigne, of Debt, or of right of possession of lands or goods, or concerning any service required at his hands, or concerning any penalty corporall, 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 vertue of his Power; he declareth thereby, that he requireth no more, than shall appear to be due by that Law. The sute 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 lyeth, in that case, no action of Law: for all that is done by him in Vertue of his Power, is done by the Authority of every subject, and consequently, he that brings an action against the Sovereign, brings it against himselfe.

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 voyd; unlesse he directly renounce, or transferre the Sovereignty to another. For in that he might openly, (if it had been his will,) and in plain termes, 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 retayned; and consequently all those Powers, which are necessary to the exercising thereof; such as are the Power of Warre, and Peace, of Judicature, of appointing Officers, and Councillours, of levying Mony, and the rest named in the 18th Chapter.

In What Cases Subjects Absolved Of Their Obedience To Their Sovereign

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 Soule of the Common-wealth; which once departed from the Body, the members doe 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 anothers sword, Nature applyeth his obedience to it, and his endeavour to maintaine it. And though Sovereignty, in the intention of them that make it, be immortall; yet is it in its own nature, not only subject to violent death, by forreign war; but also through the ignorance, and passions of men, it hath in it, from the very institution, many seeds of a naturall mortality, by Intestine Discord.

In Case Of Captivity

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 corporall Libertie given him, on condition to be Subject to the Victor, he hath Libertie to accept the condition; and having accepted it, is the subject of him that took him; because he had no other way to preserve himselfe. The case is the same, if he be detained on the same termes, in a forreign country. But if a man be held in prison, or bonds, or is not trusted with the libertie of his bodie; he cannot be understood to be bound by Covenant to subjection; and therefore may, if he can, make his escape by any means whatsoever.

In Case The Sovereign Cast Off The Government From Himself And Heyrs

If a Monarch shall relinquish the Sovereignty, both for himself, and his heires; His Subjects returne to the absolute Libertie of Nature; because, though Nature may declare who are his Sons, and who are the nerest of his Kin; yet it dependeth on his own will, (as hath been said in the precedent chapter,) who shall be his Heyr. If therefore he will have no Heyre, there is no Sovereignty, nor Subjection. The case is the same, if he dye without known Kindred, and without declaration of his Heyre. For then there can no Heire be known, and consequently no Subjection be due.

In Case Of Banishment

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 travell, is still Subject; but it is, by Contract between Sovereigns, not by vertue of the covenant of Subjection. For whosoever entreth into anothers dominion, is Subject to all the Lawes thereof; unless he have a privilege by the amity of the Sovereigns, or by speciall licence.

In Case The Sovereign Render Himself Subject To Another

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 Sovereigntie; 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 XXII. OF SYSTEMES SUBJECT, POLITICALL, AND PRIVATE

The Divers Sorts Of Systemes Of People