

and in the way to their end, which is principally their own conservation, and sometimes their delectation only, endeavour to destroy, or subdue one another. And from hence it comes to pass, that where an invader hath no more to fear, than another man's single power; if one plant, sow, build, or possess a convenient seat, others may probably be expected to come prepared with forces united, to dispossess, and deprive him, not only of the fruit of his labour, but also of his life, or liberty. And the invader again is in the like danger of another.

From diffidence war. And from this diffidence of one another, there is no way for any man to secure himself, so reasonable, as anticipation; that is, by force, or wiles, to master the persons of all men he can, so long, till he see no other power great enough to endanger him: and this is no more than his own conservation requireth, and is generally allowed. Also because there be some, that taking pleasure in contemplating their own power in the acts of conquest, which otherwise would be glad to be at ease within modest bounds, should not by invasion increase their power, they would not be able, long time, by standing only on their defence, to subsist. And by consequence, such augmentation of dominion over men being necessary to a man's conservation, it ought to be allowed him.

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

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

The first, maketh men invade for gain; the second, for safety; and the third, for reputation. The first use violence, to make themselves masters of other men's persons, wives, children, and cattle; the second, to defend them; the third, for trifles, as a word, a smile, a different opinion, and any other sign of undervalue, either direct in their persons, or by re-

Chapter 13

Of the Natural Condition of Mankind as concerning their Felicity and Misery

Men by nature equal. Nature hath made men so equal, in the faculties of the body, and mind; as that though there be found one man sometimes manifestly stronger in body, or of quicker mind than another; yet when all is reckoned together, the difference between man, and man, is not so considerable, as that one man can thereupon claim to himself any benefit, to which another may not pretend, as well as he. For as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others, that are in the same danger with himself.

And as to the faculties of the mind, setting aside the arts grounded upon words, and especially that skill of proceeding upon general, and infallible rules, called science; which very few have, and but in few things; as being not a native faculty, born with us; nor attained, as prudence, while we look after somewhat else, I find yet a greater equality amongst men, than that of strength. For prudence, is but experience; which equally apply themselves unto. That which may perhaps make such equality incredible, is but a vain conceit of one's own wisdom, which almost all men think they have in a greater degree, than the vulgar; that is, than all men but themselves, and a few others, whom by fame, or for concurring with themselves, they approve. For such is the nature of men, that howsoever they may acknowledge many others to be more witty, or more eloquent, or more learned; yet they will hardly believe there be many so wise as themselves; for they see their own wit at hand, and other men's at a distance. But this proveth rather that men are in that point equal, than unequal. For there is not ordinarily a greater sign of the equal distribution of any thing, than that every man is contented with his share.

From 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 nevertheless they cannot both enjoy, they become enemies;

by his actions, as I do by my words? But neither of us accuse man's nature in it. The desires, and other passions of man, are in themselves no sin. No more are the actions, that proceed from those passions, till they know a law that forbids them: which till laws be made they cannot know: nor can any law be made, till they have agreed upon the person that shall make it.

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

But though there had never been any time, wherein particular men were in a condition of war one against another; yet in all times, kings, and persons of sovereign authority, because of their independency, are in continual jealousies, and in the state and posture of gladiators; having their weapons pointing, and their eyes fixed on one another; that is, their forts, garrisons, and guns upon the frontiers of their kingdoms; and continual spies upon their neighbours; which is a posture of war. But because they uphold thereby, the industry of their subjects; there does not follow from it, that misery, which accompanies the liberty of particular men.

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

fection in their kindred, their friends, their nation, their profession, or their name.

Out of civil states, there is always war 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 war; and such a war, as is of every man, against every man. For war, consisteth not in battle only, or the act of fighting; but in a tract of time, wherein the will to contend by battle is sufficiently known: and therefore the notion of *time*, is to be considered in the nature of war; as it is in the nature of weather. For as the nature of foul weather, lieth not in a shower or two of rain; but in an inclination thereto in many days together: so the nature of war, consisteth not in actual fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is *PEACE*.

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

It may seem strange to some man, that has not well weighed these things; that nature should thus dissociate, and render men apt to invade, and destroy one another: and he may therefore, not trusting to this inference, made from the passions, desire perhaps to have the same confirmed by experience. Let him therefore consider with himself, when taking a journey, he arms himself, and seeks to go well accompanied; when going to sleep, he locks his doors; when even in his house he locks his chests; and this when he knows there be laws, and public officers, armed, and this when he knows injuries shall be done him; what opinion he has of his fellow-subjects, when he rides armed; of his fellow citizens, when he locks his doors; and of his children, and servants, when he locks his chests. Does he not there as much accuse mankind

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

Chapter 14

Of the First and Second Natural Laws, and of Contracts

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 himself, for the preservation of his own nature; that is to say, of his own life; and consequently, of doing any thing, which in his own judgment, and reason, he shall conceive to be the aptest means thereunto.

Liberty what. By LIBERTY, is understood, according to the proper signification of the word, the absence of external impediments: which impediments, may oft take away part of a man's power to do what he would; but cannot hinder him from using the power left him, according as his judgment, and reason shall dictate to him.

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

Naturally every man has right to every thing. *The fundamental law of nature.* And because the condition of man, as hath been declared in the precedent chapter, is a condition of war of every one against every one; in which case every one is governed by his own reason; and there is nothing he can make use of, that may not be a help unto him, in preserving his life against his enemies; it followeth, that in such a condition, every man has a right to every thing; even to one another's body. And therefore, as long as this natural right of every man to every thing endureth, there can be no security to any man, how strong or wise soever he be, of living out the time, which nature ordinarily alloweth men to live. And consequently it is a precept, or general rule of reason, *that*

every man, ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of war. The first branch of which rule, containeth the first, and fundamental law of nature; which is, to seek peace, and follow it. The second, the sum of the right of nature; which is, by all means we can, to defend ourselves.

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

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

Renouncing a right, what it is. Transferring right what. *Obligation. Duty. Injustice.* Right is laid aside, either by simply renouncing it; or by transferring it to another. By simply RENOUNCING; when he cares not to whom the benefit thereof redoundeth. By TRANSFERRING; when he intendeth the benefit thereof to some certain person, or persons. And when a man hath in either manner abandoned, or granted away his right; then he is said to be OBLIGED, or BOUND, not to hinder those, to whom such right is granted, or abandoned, from the benefit of it: and that he ought, and it is his duty, not to

make void that voluntary act of his own: and that such hindrance is INJUSTICE, and INJURY, as being *sine jure*; the right being before renounced, or transferred. So that injury, or injustice, in the controversies of the world, is somewhat like to that, which in the disputations of scholars is called *absurdity*. For as it is there called an absurdity, to contradict what one maintained in the beginning: so in the world, it is called injustice, and injury, voluntarily to undo that, which from the beginning he had voluntarily done. The way by which a man either simply renounceth, or transferreth his right, is a declaration, or signification, by some voluntary and sufficient sign, or signs, that he doth so renounce, or transfer; or hath so renounced, or transferred the same, to him that accepteth it. And these signs are either words only, or actions only; or, as it happeneth most often, both words, and actions. And the same are the BONDS, by which men are bound, and obliged: bonds, that have their strength, not from their own nature, for nothing is more easily broken than a man's word, but from fear of some evil consequence upon the rupture.

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

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

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

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

Free-gift. When the transferring of right, is not mutual: but one of the parties transferreth, in hope to gain thereby friendship, or service from another, or from his friends; or in hope to gain the reputation of charity, or magnanimity; or to deliver his mind from the pain of compassion; or in hope of reward in heaven; this is not contract, but GIFT, FREE-GIFT, GRACE: which words signify one and the same thing.

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

Signs of contract by inference. Signs by inference, are sometimes the consequence of words; sometimes the consequence of silence; sometimes the consequence of actions; sometimes the consequence of forbearing an action: and generally a sign by inference, of any contract, is whatsoever sufficiently argues the will of the contractor.

Free gift passeth by words of the present or past. Words alone, if they be of the time to come, and contain a bare promise, are an insufficient sign of a free-gift, and therefore not obligatory. For if they be of the time to come, as *to-morrow I will give*, they are a sign I have not given yet, and consequently that my right is not transferred, but remaineth till I transfer it by some other act. But if the words be of the

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

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

Merit what. He that performeth first in the case of a contract, is said to MERIT that which he is to receive by the performance of the other; and he hath it as *due*. Also when a prize is propounded to many, which is to be given to him only that winneth; or money is thrown amongst many, to be enjoyed by them that catch it; though this be a free gift; yet so to win, or so to catch, is to *merit*, and to have it as *due*. For the right is transferred in the propounding of the prize, and in throwing down the money; though it be not determined to whom, but by the event of the contention. But there is between these two sorts of merit, this difference, that in contract, I merit by virtue of my own power, and the contractor's need; but in this case of free gift, I am enabled to merit only by the benignity of the giver: in contract, I merit at the

contractor's hand that he should depart with his right; in this case of gift, I merit not that the giver should part with his right; but that when he has parted with it, it should be mine, rather than another's. And this I think to be the meaning of that distinction of the Schools, between *meritum congrui*, and *meritum condigni*. For God Almighty, having promised Paradise to those men, hoodwinked with carnal desires, that can walk through this world according to the precepts, and limits prescribed by him; they say, he that shall so walk, shall merit Paradise *ex congruo*. But because no man can demand a right to it, by his own righteousness, or any other power in himself, but by the free grace of God only; they say, no man can merit Paradise *ex condigno*. This I say, I think is the meaning of that distinction; but because disputers do not agree upon the signification of their own terms of art, longer than it serves their turn; I will not affirm any thing of their meaning: only this I say; when a gift is given indefinitely, as a prize to be contended for, he that winneth meriteth, and may claim the prize as due.

Covenants of mutual trust, when invalid. If a covenant be made, wherein neither of the parties perform presently, but trust one another; in the condition of mere nature, which is a condition of war of every man against every man, upon any reasonable suspicion, it is void: but if there be a common power set over them both, with right and force sufficient to compel performance, it is not void. For he that performeth first, has no assurance the other will perform after; because the bonds of words are too weak to bridle men's ambition, avarice, anger, and other passions, without the fear of some coercive power; which in the condition of mere nature, where all men are equal, and judges of the justness of their own fears, cannot possibly be supposed. And therefore he which performeth first, does but betray himself to his enemy; contrary to the right, he can never abandon, of defending his life, and means of living.

But in a civil estate, where there is a power set up to constrain those that would otherwise violate their faith, that fear is no more reasonable; and for that cause, he which by the covenant is to perform first, is obliged so to do.

The cause of fear, which maketh such a covenant invalid, must be always something arising after the covenant made; as some new fact, or other sign of the will not to perform: else it cannot make the covenant void. For that which could not

hinder a man from promising, ought not to be admitted as a hindrance of performing.

Right to the end, containeth right to the means. He that transferreth any right, transferreth the means of enjoying it, as far as lieth in his power. As he that selleth land, is understood to transfer the herbage, and whatsoever grows upon it: nor can he that sells a mill turn away the stream that drives it. And they that give to a man the right of government in sovereignty, are understood to give him the right of levying money to maintain soldiers; and of appointing magistrates for the administration of justice.

No covenant with beasts. To make covenants with brute beasts, is impossible; because not understanding our speech, they understand not, nor accept of any translation of right; nor can translate any right to another: and without mutual acceptance, 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 supernatural, or by his lieutenants that govern under him, and in his name: for otherwise we know not whether our covenants be accepted, or not. And therefore they that vow anything 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 always something that falleth under deliberation; for to covenant, is an act of the will; that is to say, an act, and the last act of deliberation; and is therefore always understood to be something to come; and which is judged possible for him that covenanteth, to perform.

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

Covenants how made void. Men are freed of their covenants two ways; by performing; or by being forgiven. For performance, is the natural end of obligation; and forgiveness, the restitution of liberty; as being a retransferring of that right, in which the obligation consisted.

Covenants extorted by fear are valid. Covenants entered into by fear, in the condition of mere nature, are obligatory. For example, if I covenant to pay a ransom, or service for my life, to an enemy; I am bound by it: for it is a contract, wherein one receiveth the benefit of life; the other is to receive money, or service for it; and consequently, forbiddeth the other law, as in the condition of mere nature, forbiddeth the performance, the covenant is valid. Therefore prisoners of war, if trusted with the payment of their ransom, are obliged to pay it: and if a weaker prince, make a disadvantageous peace with a stronger, for fear; he is bound to keep it, unless as hath been said before, there ariseth some new, and just cause of fear, to renew the war. And even in commonwealths, if I be forced to redeem myself from a thief by promising him money, I am bound to pay it, till the civil law discharge me. For whatsoever I may lawfully do without obligation, the same I may lawfully covenant to do through fear: and what I lawfully covenant, I cannot lawfully break.

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

A man's covenant not to defend himself is void. A covenant not to defend myself from force, by force, is always void. For, as I have showed before, no man can transfer, or lay down his right to save himself from death, wounds, and imprisonment, the avoiding whereof is the only end of laying down any right; and therefore the promise of not resisting force, in no covenant transferreth any right; nor is obliging. For though a man may covenant thus, *unless I do so, or so, I will kill me*; he cannot covenant thus, *unless I do so, or so, I will not resist you, when you come to kill me*. For man by nature chooseth the lesser evil, which is danger of death in resisting, rather than the greater, which is certain and present death in not resisting. And this is granted to be true by all men, in that they lead criminals to execution, and prison, with armed men, notwithstanding that such criminals have consented to the law, by which they are condemned.

No man obliged to accuse himself. A covenant to accuse oneself, without assurance of pardon, is likewise invalid. For in the condition of nature, where every man is judge, there is no place for accusation: and in the civil state, the accusation is followed with punishment; which being force, a man is not

obliged not to resist. The same is also true, of the accusation of those, by whose condemnation a man falls into misery; as of a father, wife, or benefactor. For the testimony of such an accuser, if it be not willingly given, is presumed to be corrupted by nature; and therefore not to be received: and where a man's testimony is not to be credited, he is not bound to give it. Also accusations upon torture, are not to be reputed as testimonies. For torture is to be used as means of conjecture, and light, in the further examination, and search of truth: and what is in that case confessed, tendeth to the ease of him that is tortured; not to the informing of the torturers: and therefore ought not to have the credit of a sufficient testimony: for whether he deliver himself by true, or false accusation, he does it by the right of preserving his own life.

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

mercy of his God, or calleth to him for vengeance on himself. Such was the heathen form, *Let Jupiter kill me else, as I kill this beast.* So is our form, *I shall do thus, and thus, so help me God.* And this, with the rites and ceremonies, which every one useth in his own religion, that the fear of breaking faith might be the greater.

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

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

Chapter 15

Of other Laws of Nature

The third law of nature, justice. From that law of nature, by which we are obliged to transfer to another, such rights, as being retained, hinder the peace of mankind, there followeth a third; which is this, *that men perform their covenants made:* without which, covenants are in vain, and but empty words; and the right of all men to all things remaining, we are still in the condition of war.

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

Justice and propriety begin with the constitution of commonwealth. But because covenants of mutual trust, where there is a fear of not performance on either part, as hath been said in the former chapter, are invalid; though the original of justice be the making of covenants; yet injustice actually there can be none, till the cause of such fear be taken away; which while men are in the natural condition of war, cannot be done. Therefore before the names of just, and unjust can have place, there must be some coercive power, to compel men equally to the performance of their covenants, by the terror of some punishment, greater than the benefit they expect by the breach of their covenant; and to make good that propriety, which by mutual contract men acquire, in recompense of the universal right they abandon: and such power there is none before the erection of a commonwealth. And this is also to be gathered out of the ordinary definition of justice in the Schools: for they say, that *justice is the constant will of giving to every man his own.* And therefore where there is no *own*, that is no propriety, there is no injustice; and where there is no coercive power erected, that is, where there is no commonwealth, there is no propriety; all men having right to all things: therefore where there is no

ity without stint: otherwise, when they limit him in what, and how far he shall represent them, none of them owneth more than they gave him commission to act.

An actor may be many men made one by plurality of voices. And if the representative consist of many men, the voice of the greater number, must be considered as the voice of them all. For if the lesser number pronounce, for example, in the affirmative, and the greater in the negative, there will be negatives more than enough to destroy the affirmatives; and thereby the excess of negatives, standing uncontradicted, are the only voice the representative hath.

Representatives, when the number is even, unprofitable. And a representative of even number, especially when the number is not great, whereby the contradictory voices are oftentimes equal, is therefore oftentimes mute, and incapable of action. Yet in some cases contradictory voices equal in number, may determine a question; as in condemning, or absolving, equality of votes, even in that they condemn not, do absolve; but not on the contrary condemn, in that they absolve not. For when a cause is heard; not to condemn, is to absolve: but on the contrary, to say that not absolving, is condemning, is not true. The like it is in a deliberation of executing presently, or deferring till another time: for when the voices are equal, the not decreeing execution, is a decree of dilation.

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

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 certain time. And these authors conditional, are generally called *SURETIES*, in Latin, *fidejussores*, and *sponsors*; and particularly for debt, *prædes*; and for appearance before judge, or magistrate, *vades*.

THE SECOND PART OF COMMONWEALTH

Chapter 17

Of the Causes, Generation, and Definition of a Commonwealth

The end of commonwealth, particular security. The final cause, end, or design of men, who naturally love liberty, and dominion over others, in the introduction of that restraint upon themselves, in which we see them live in commonwealths, is the foresight of their own preservation, and of a more contented life thereby; that is to say, of getting themselves out from that miserable condition of war, which is necessarily consequent, as hath been shown (chapter 13), to the natural passions of men, when there is no visible power to keep them in awe, and tie them by fear of punishment to the performance of their covenants, and observation of those laws of nature set down in the fourteenth and fifteenth chapters.

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

are but greater families, for their own security, enlarge their dominions, upon all pretences of danger, and fear of invasion, or assistance that may be given to invaders, and endeavour as much as they can, to subdue, or weaken their neighbours, by open force, and secret arts, for want of other caution, justly; and are remembered for it in after ages with honour.

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

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

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 judgment, for a limited time; as in one battle, or one war. For though they obtain a victory by their unanimous endeavour against a foreign enemy; yet afterwards, when either they have no common enemy, or he that by one part is held for an enemy, is by another part held for a friend, they must needs by the differ-

ence of their interests dissolve, and fall again into a war amongst themselves.

Why certain creatures without reason, or speech, do nevertheless 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 numbered amongst political creatures; and yet have no other direction, than their particular judgments and appetites; nor speech, whereby one of them can signify to another, what he thinks expedient for the common benefit; and therefore some men may perhaps desire to know, why mankind cannot do the same. To which I answer,

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

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

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

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

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

Lastly, the agreement of these creatures is natural; that of men, is by covenant only, which is artificial: and therefore it

The attaining to this sovereign power, is by two ways. One by natural force; as when a man maketh his children, to submit themselves, and their children to his government, as being able to destroy them if they refuse; or by war subdueth his enemies to his will, giving them their lives on that condition. The other, is when men agree amongst themselves, to submit to some man, or assembly of men, voluntarily, on confidence to be protected by him against all others. This latter, may be called a political commonwealth, or commonwealth by *institution*; and the former, a commonwealth by *acquisition*. And first, I shall speak of a commonwealth by institution.

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

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