

De Cive  
by Thomas Hobbes  
1651

DOMINION

Chapter V

Of the causes, and first begining of civill Government

I. It is of it selfe manifest, that the actions of men proceed from the will, and the will from hope, and feare, insomuch as when they shall see a greater good, or lesse evill, likely to happen to them by the breach, then observation of the Lawes, they'l wittingly violate them. The hope therefore which each man hath of his security, and self-preservation, consists in this, that by force or craft he may disappoint his neighbour, either openly, or by stratagem. Whence we may understand, that the naturall lawes, though well understood, doe not instantly secure any man in their practise, and consequently, that as long as there is no caution had from the invasion of others, there remains to every man that same primitive Right of self-defence, by such means as either he can or will make use of (that is) a Right to all things, or the Right of warre; and it is sufficient for the fulfilling of the naturall law, that a man be prepared in mind to embrace Peace when it may be had.

II. It is an old saying, That all lawes are silent in the time of warre, and it is a true one, not onely if we speak of the civill, but also of the naturall lawes, provided they be referr'd not to the mind, but to the actions of men, by the third Chapter, Art. 29. And we mean such a war as is of all men against all men; such as is the meer state of nature; although in the warre of nation against nation a certain mean was wont to be observed. And therefore in old time there was a manner of living, and as it were a certain oeconomy, which they called leotrikon, living by Rapine, which was neither against the law of nature, (things then so standing) nor voyd of glory to those who exercised it with valour, not with cruelty. Their custome was, taking away the rest, to spare life, and abstain from Oxen fit for plough, and every instrument serviceable to husbandry, which yet is not so to be taken, as if they were bound to doe thus by the law of nature, but that they had regard to their own glory herein, lest by too

much cruelty, they might be suspected guilty of feare.

III. Since therefore the exercise of the naturall law is necessary for the preservation of Peace, and that for the exercise of the naturall law security is no lesse necessary, it is worth the considering what that is which affords such a security: for this matter nothing else can be imagined, but that each man provide himselfe of such meet helps, as the invasion of one on the other may bee rendered so dangerous, as either of them may think it better to refrain, then to meddle. But first it is plain, that the consent of two or three cannot make good such a security; because that the addition but of one, or some few on the other side, is sufficient to make the victory undoubtedly sure, and hartens the enemy to attacque us. It is therefore necessary, to the end the security sought for may be obtained, that the number of them who conspire in a mutuall assistance be so great, that the accession of some few to the enemies party may not prove to them a matter of moment sufficient to assure the victory.

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

V. Aristotle reckons among those animals which he calls Politique, not man only, but divers others; as the Ant, the Bee, &c. which though they be destitute of reason, by which they may

contract, and submit to government, notwithstanding by consenting, (that is to say) ensuing, or eschewing the same things, they so direct their actions to a common end, that their meetings are not obnoxious unto any seditions. Yet is not their gathering together a civill government, and therefore those animals not to be termed politicall, because their government is onely a consent, or many wills concurring in one object, not (as is necessary in civill government) one will. It is very true that in those creatures, living only by sense and appetite, their consent of minds is so durable, as there is no need of any thing more to secure it, and (by consequence) to preserve peace among them, then barely their naturall inclination. But among men the case is otherwise. For first among them there is a contestation of honour and preferment; among beasts there is none: whence hatred and envy, out of which arise sedition and warre, is among men, among beasts no such matter. Next, the naturall appetite of Bees, and the like creatures, is conformable, and they desire the common good which among them differs not from their private; but man scarce esteems any thing good which hath not somewhat of eminence in the enjoyment, more then that which others doe possesse. Thirdly, those creatures which are voyd of reason, see no defect, or think they see none, in the administration of their Common-weales; but in a multitude of men there are many who supposing themselves wiser then others, endeavour to innovate, and divers Innovators innovate divers wayes, which is a meer distraction, and civill warre. Fourthly, these brute creatures, howsoever they may have the use of their voyce to signify their affections to each other, yet want they that same art of words which is necessarily required to those motions in the mind, whereby good is represented to it as being better, and evill as worse then in truth it is; But the tongue of man is a trumpet of warre, and sedition; and it is reported of Pericles, that he sometimes by his elegant speeches thundered, and lightened, and confounded whole Greece it selfe. Fiftly, they cannot distinguish between injury and harme; Thence it happens that as long as it is well with them, they blame not their fellowes: But those men are of most trouble to the Republicque, who have most leasure to be idle; for they use not to contend for publique places before they have gotten the victory over hunger, and cold. Last of all, the consent of those brutall creatures is naturall, that of men by compact onely, (that is to say) artificiall; it is therefore no matter of wonder if somewhat more be needfull for men to the end they may live in peace. Wherefore consent, or contracted society,

without some common power whereby particular men may be ruled through feare of punishment, doth not suffice to make up that security which is requisite to the exercise of naturall justice.

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

VII. This submission of the wils of all those men to the will of one man, or one Counsell, is then made, when each one of them obligeth himself by contract to every one of the rest, not to resist the will of that one man, or counsell, to which he hath submitted himselfe; that is, that he refuse him not the use of his wealth, and strength, against any others whatsoever (for he is supposed still to retain a Right of defending himselfe against violence) and this is called UNION. But we understand that to be the will of the counsell, which is the will of the major part of those men of whom the Counsell consists.

VIII. But though the will it self be not voluntary, but only the beginning of voluntary actions (for we will not to will, but to act ) and therefore falls least of all under deliberation, and compact; yet he who submits his will to the will of an other, conveighs to that other the Right of his strength, and faculties; insomuch as when the rest have done the same, he to whom they have submitted hath so much power, as by the terrour of it hee can conforme the wills of particular men unto unity, and concord.

IX. Now union thus made is called a City, or civill society, and also a civill Person; for when there is one will of all men, it is to be esteemed for one Person, and by the word (one) it is to be knowne, and distinguished from all particular men, as having its own Rights and properties; insomuch as neither any one Citizen, nor all of them together (if we except him whose will stands for the will of all) is to be accounted the City. A CITY therefore (that we may define it) is one Person, whose will, by the compact of many men, is to be received for the will of them all; so as he may use all the power and faculties of each

particular person, to the maintenance of peace, and for common defence.

X. But although every City be a civill Person, yet every civill Person is not a City; for it may happen that many Citizens, by the permission of the City, may joyne together in one Person, for the doing of certain things. These now will be civill Persons, as the companies of Merchants, and many other Convents; but Cities they are not, because they have not submitted themselves to the will of the company simply, and in all things, but in certain things onely determined by the City; and on such termes as it is lawfull for any one of them to contend in judgement against the body it selfe of the sodality; which is by no means allowable to a Citizen against the City; such like societies therefore are civill Persons subordinate to the City.

XI. In every city, That Man, or Counsell, to whose will each particular man hath subjected his will (so as hath been declared) is said to have the SUPREME POWER, or CHIEFE COMMAND, or DOMINION; which Power, and Right of commanding, consists in this, that each Citizen hath conveighed all his strength and power to that man, or Counsell; which to have done (because no man can transferre his power in a naturall manner) is nothing else then to have parted with his Right of resisting. Each Citizen, as also every subordinate civill Person, is called the SUBJECT of him who hath the chiefe command.

XII. By what hath been sayed, it is sufficiently shewed, in what manner, and by what degrees many naturall Persons, through desire of preserving themselves, and by mutuall feare, have growne together into a civill Person, whom we have called a City. But they who submit themselves to another for feare, either submit to him whom they feare, or some other whom they confide in for protection; They act according to the first manner who are vanquished in warre, that they may not be slain; they according to the second, who are not yet overcome, that they may not be overcome. The first manner receives its beginning from naturall Power, and may be called the naturall beginning of a City; the latter from the Counsell, and constitution of those who meet together, which is a beginning by institution. Hence it is, that there are two kinds of Cities, the one naturall, such as is the paternall, and despotically; the other institutive, which may be also called politicall. In the first the Lord acquires to himselfe such Citizens as he will; in the other the Citizens by their own wills appoint a Lord over themselves, whether he be one

man, or one company of men endued with the command in chiefe. But we will speak in the first place of a City politicall or by institution, and next of a City naturall.

## Chap. VI

Of the right of him, whether Counsell, or one Man onely, who hath the supreme power in the City

I. We must consider first of all what a multitude of men (gathering themselves of their owne free wills into society) is, namely, that it is not any one body, but many men, whereof each one hath his owne will, and his peculiar judgment concerning all things that may be propos'd. And though by particular Contracts each single man may have his own Right, and Propriety, so as one may say This is mine, the other, That is his; yet will there not be any thing of which the whole multitude, as a Person distinct from a single man, can rightly say, This is mine, more then anothers. Neither must we ascribe any action to the multitude, as it's one, but (if all, or more of them doe agree) it will not be an Action, but as many actions, as Men. For although in some great Sediton, it's commonly said, That the People of that City have taken up Armes; yet is it true of those onely who are in Armes, or who consent to them. For the City, which is one Person, cannot take up Armes against it selfe. Whatsoever therefore is done by the multitude, must be understood to be done by every one of those by whom it is made up; and that he, who being in the Multitude, and yet consented not, nor gave any helps to the things that were done by it, must be judg'd to have done nothing. Besides, in a multitude not yet reduc'd into one Person, in that manner as hath been said, there remaines that same state of nature in which all things belong to all men and there is no place for Meum & Tuum, which is call'd Dominion, and Propriety, by reason that that security is not yet extant which we have declar'd above to be necessarily requisite for the practise of the Naturall Laws.

Multitude, &c.] The Doctrine of the Power of a City over it's Citizens, almost wholly depends on the understanding of the difference which is between a multitude of men ruling, and a multitude ruled: For such is the nature of a City, That a multitude, or company of Citizens, not onely may have command, but may also be subject to command, but in diverse senses; which difference I did beleve was clearly enough explained in this

first Article,, but by the objections of many against those things which follow, I discern otherwise; wherefore it seemed good to me, to the end I might make a fuller explication, to adde these few things. By Multitude, because it is a collective word, we understand more then one, so as a multitude of men is the same with many men; The same word, because it is of the singular number, signifies one thing, namely, one multitude; but in neither sense can a multitude be understood to have one will given to it by nature, but to either a severall; and therefore neither is any one action whatsoever to be attributed to it: therefore a Multitude cannot promise, contract, acquire Right, convey Right, act, have, Possesse, and the like, unlesse it be every one apart, and Man by Man; so as there must be as many promises, compacts, rights, and actions, as Men. therefore a Multitude is no naturall Person; but if the same Multitude doe Contract one with another, that the will of one man, or the agreeing wills of the major part of them, shall be received for the will of all, then it becomes one Person; for it is endu'd with a will, and therefore can doe voluntary actions, such as are Commanding, making Lawes, acquiring and transferring of Right, and so forth; and it is oftner call'd the People, then the Multitude. We must therefore distinguish thus. then we say the People, or Multitude, wills, commands, or doth any thing, it is understood that the City which Commands, tills and Acts by the will of one, or the concurring wills of more, which cannot be done, but in an Assembly; But as oft as any thing is said to be done by a Multitude of Men, whether great, or small, without the will of that man, or assembly of men, that's understood to be done by a subjected People, that is, by many single Citizens together, and not proceeding from one till, but from diverse wills of diverse men, who are Citizens, and Subjects, but not a City.

II. Next, we must consider that every one of the Multitude (by whose meanes there may be a beginning to make up the City) must agree with the rest, that in those matters which shall be propounded by any one in the Assembly, that be received for the will of all which the major part shall approve of; for otherwise there will be no will at all of a Multitude of Men, whose Wills and Votes differ so variously. Now if any one will not consent, the rest notwithstanding shall among themselves constitute the City without him: Whence it will come to passe, that the City retaines its primitive Right against the Dissentour, that is, the Right of tar, as against an Enemy.

III. But because we said in the foregoing Chapter, the sixth Article, That there was requir'd to the security of men, not onely their Consent, but also the Subjection of their wills in such things as were necessary to Peace and Defence; and that in that Union, and Subjection, the nature of a City consisted; We must discerne now in this place, out of those things which may be propounded, discuss'd, and stated in an Assembly of men, (all whose wills are contain'd in the will of the major part) what things are necessary to Peace, and common defence: But first of all, it is necessary to Peace, that a man be so farre forth protected against the violence of others, that he may live securely, that is, that he may have no just cause to fear others, so long as he doth them no injury. Indeed, to make men altogether safe from mutuall harmes, so as they cannot be hurt, or injuriously kill'd, is impossible, and therefore comes not within deliberation. But care may be had there be no just cause of fear; for security is the end wherefore men submit themselves to others, which if it be not had, no man is suppos'd to have submitted himselfe to ought, or to have quitted his Right to all things, before that there was a care had of his security.

IV. It is not enough to obtain this security, that every one of those who are now growing up into a City, doe covenant with the rest, either by words, or writing, Not to steal, not to kill, and to observe the like Lawes; for the pravity of humane disposition is manifest to all, and by experience too well known how little (removing the punishment) men are kept to their duties, through conscience of their promises. We must therefore provide for our security, not by Compacts, but by Punishments; and there is then sufficient provision made, when there are so great punishments appointed for every injury, as apparently it prove a greater evill to have done it, then not to have done it: for all men, by a necessity of nature, chuse that which to them appears to be the lesse evill.

V. Now the right of punishing is then understood to be given to any one, when every man Contracts not to assist him who is to be punished. But I will call this Right, The Sword of Justice. But these kind of contracts men observe well enough, for the most part, till either themselves, or their near friends are to suffer.

VI. Because therefore for the security of particular men, and, by consequence for the common peace, it is necessary that the right of using the Sword for punishment, be transferred to some Man or Counsell, that Man or Counsell is necessarily

understood by Right to have the supreme Power in the City. For he that by Right punisheth at his own discretion, by Right compells all men to all things which he himselfe wills; then which a greater command cannot be imagined.

VII. But in vain doe they worship peace at home, who cannot defend themselves against forrainers; neither is it possible for them to protect themselves against forrainers, whose forces are not united; and therefore it is necessary for the preservation of particulars, that there be some one Counsell, or one man, who hath the Right to arm, to gather together, to unite so many Citizens in all dangers, and on all occasions, as shall be needfull for common defence against the certain number, and strength of the enemy; and again, (as often as he shall finde it expedient) to make peace with them. We must understand therefore, that particular Citizens have conveyed their whole Right of Warre, and Peace, unto some one Man or Counsell; And that this right (which we may call the Sword of Warre) belongs to the same Man, or Counsell, to whom the Sword of Justice belongs; for no Man can by Right compell Citizens to take up armes, and be at the expences of Warre, but he who by Right can punish him who doth not obey. Both Swords therefore, as well this of War, as that of Justice, even by the constitution it selfe of a City, and essentially, doe belong to the chiefe command.

VIII. But because the right of the Sword is nothing else but to have power by right to use the sword at his own will, it followes, that the judgement of its right use pertaines to the same party: for if the Power of judging were in one, and the power of executing in another, nothing would be done. For in vain would he give judgement, who could not execute his commands; or if he executed them by the power of another, he himselfe is not said to have the Power of the Sword, but that other, to whom he is onely an Officer. All judgement therefore in a City belongs to him who hath the swords, (i.e.) to him, who hath the supreme authority.

IX. Furthermore, since it no lesse, nay it much more conduceth to Peace to prevent brawles from arising, then to appease them being risen; and that all controversies are bred from hence, that the opinions of men differ concerning Meum & Tuum, just and unjust, profitable and unprofitable, good and evill, honest and dishonest, and the like, which every man esteems according to his own judgement; it belongs to the same chiefe power to make some common Rules for all men, and to declare them publicquely, by which every man may know what may be

called his, what anothers, what just, what unjust, what honest, what dishonest, what good, what evill, that is summarily, what is to be done, what to be avoyded in our common course of life. But those Rules and measures are usually called the civill Lawes, or the Lawes of the City, as being the Commands of him who hath the supreme power in the City. And the CIVILL LAWES (that we may define them) are nothing else but the commands of him who hath the chiefe authority in the City, for direction of the future actions of his Citizens.

X. Furthermore, since the affaires of the City, both those of Warre, and Peace, cannot possibly be all administred by one man, or one Counsell, without Officers and subordinate Magistrates, and that it appertains to Peace, and common defence, that they to whom it belongs justly to judge of controversies, to search into neighbouring counsels, prudently to wage war, and on all hands warily to attend the benefit of the City, should also rightly exercise their offices; it is consonant to reason, that they depend on, and be chosen by him who hath the chiefe command both in War, and in Peace.

XI. It is also manifest, that all voluntary actions have their beginning from, and necessarily depend on the will, and that the will of doing, or omitting ought, depends on the opinion of the good and evill of the reward, or punishment, which a man conceives he shall receive by the act, or omission; so as the actions of all men are ruled by the opinions of each; wherefore by evident and necessary inference, we may understand that it very much concerns the interest of Peace, that no opinions or doctrines be delivered to Citizens, by which they may imagine, that either by Right they may not obey the Lawes of the City, that is, the commands of that man, or Counsell, to whom the supreme power is committed, or that it is lawfull for to resist him, or that a lesse punishment remains for him that denies, then him that yeelds obedience. For if one command somewhat to be done under penalty of naturall death, another forbids it under pain of eternall death, and both by their own Right, it will follow that the Citizens, although innocent, are not onely by Right punishable, but that the City it selfe is altogether dissolved; for no man can serve two Masters: nor is he lesse, but rather more, a Master, whom we believe we are to obey for feare of damnation, then he whom we obey for feare of temporall death. It followes therefore, that this one, whether Man, or Court, to whom the City hath committed the supreme Power, have also this Right, That he both judge what opinions and doctrines are enemies

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

Judge what opinions, & c.] There is scarce any Principle, neither in the worship of God, nor humane sciences, from whence there may not spring dissensions, discords, reproaches, and by degrees war it selfe; neither doth this happen by reason of the falshood of the Principle, but of the disposition of men, who seeming wise to themselves, will needs appear such to all others: But though such dissensions cannot be hindered from arising, yet may they be restrained by the exercise of the supreme Power, that they Prove no hinderance to the publique peace. of these kind of opinions therefore I have not spoken of in this place. There are certain doctrines wherewith Subjects being tainted, they verily believe that obedience may be refused to the City, and that by Right they may, nay ought, to oppose, and fight against chiefe Princes, and dignities. Such are those, which whether directly, and openly, or more obscurely, and by consequence require obedience to be given to others beside them to whom the supreme authority is committed. I deny not, but this reflects on that Power which many living under other government, ascribe to the chiefe head of the Church of Rome, and also on that, which elsewhere out of that Church, Bishops require in theirs, to be given to them; and last of all, on that liberty which the lower sort of Citizens under pretence of Religion doe challenge to themselves; for what civill war was there ever in the Christian world, which did not either grow from, or was nourisht by this Root? The judgement therefore of doctrines, whether they be repugnant to civill obedience or not, and if they be repugnant, the Power of prohibiting them to be taught, I doe here attribute to the civill authority; for since there is no man who grants not to the City the judgement of those things which belong to its Peace, and defence, and it is manifest, that the opinions which I have already recited do relate to its Peace, it followes necessarily, that the examination of those opinions, whether they be such, or not, must be referred to the City, that is, to him who hath the supreme authority.

XII. Last of all, from this consideration, that each Citizen hath submitted his Will to his who hath the Supreme Command in the City, so as he may not employ his strength against him; it followes manifestly, that whatsoever shall be done by him who commands, must not be punisht; for as he who hath not power enough, cannot punish him naturally; so neither can he punish him by Right, who by Right hath not sufficient power.

XIII. It is most manifest by what hath been said, That in

every perfect City (that is, where no Citizen hath Right to use his faculties, at his owne discretion, for the preservation of himselfe, or where the Right of the private Sword is excluded) there is a Supreme Power in some one, greater then which cannot by Right be conferr'd by men, or greater then which no mortall man can have over himself. But that power, greater then which cannot by men, be conveigh'd on a man, we call ABSOLUTE: for whosoever hath so submitted his will to the will of the City, That he can, unpunisht, doe any thing, make Lawes, judge Controversies, set Penalties, make use, at his own pleasure, of the strength, and wealth of men, and all this by Right, truly he hath given him the greatest dominion that can be granted. This same may be confirm'd by experience in all the Cities which are, or ever have beene; for though it be sometimes in doubt, what Man, or Counsell, hath the Chief Command, yet ever there is such a Command, and alwayes exercis'd, except in the time of Sedition, and Civill War, and then there are two Chiefe Commands made out of one: Now those seditious persons who dispute against absolute Authority, doe not so much care to destroy it, as to conveigh it on others; for removing this power, they together take away Civill Society, and a confusion of all things returnes. There is so much obedience joyn'd to this absolute Right of the Chief Ruler, as is necessarily requir'd for the Government of the City, that is to say, so much as that Right of his may not be granted in vaine. Now this kind of obedience, although for some reasons it may sometimes, by Right, be deny'd, yet because a greater cannot be perform'd, we will call it SIMPLE. But the obligation to performe this growes not immediatly from that Contract by which we have conveigh'd all our Right on the City, but mediately from hence, That, without obedience, the Cities Right would be frustrate, and by consequence there would be no City constituted. For it is one thing if I say, I give you Right to Command what you will; another, if I say, I will doe whatsoever you Command; and the Command may be such, as I would rather die then doe it; forasmuch therefore as no man can be bound to will being kill'd, much lesse is he tyed to that, which to him is worse then death: if therefore I be commanded to kill my self, I am not bound to doe it; for though I deny to doe it, yet the Right of dominion is not frustrated, since others may be found, who being commanded, will not refuse to doe it; neither doe I refuse to doe that which I have contracted to doe. In like manner, if the Chief Ruler command any man to kill him, he is not tyed to doe it, because it cannot be conceiv'd that he made any such Covenant; nor if he

command to execute a Parent, whether he be innocent, or guilty, and condemned by the Law, since there are others, who, being commanded, will doe that, and a Son will rather die, then live infamous, and hated of all the world. There are many other cases, in which, since the Commands are shamefull to be done by some, and not by others, Obedience may, by Right, be perform'd by these, and refus'd by those; and this, without breach of that absolute Right which was given to the Chief Ruler. For in no case is the Right taken away from him, of slaying those who shall refuse to obey him. But they who thus kill men, although by Right given them from him that hath it, yet if they use that Right otherwise then right Reason requires, they sin against the Lawes of Nature, (that is) against God.

Absolute] A popular state openly challengeth absolute dominion, and the Citizens oppose it not, for in the gathering together of many men, they acknowledge the face of a City; and even the unskilfull understand, that matters there are rul'd by Counsell. Yet monarchy is no lesse a City, then Democracy, and absolute Kings have their Counsellours, from whom they will take advice, and suffer their Power, in matters of greater consequence, to be guided, but not recall'd. But it appears not to most men how a City is contain'd in the person of a King; and therefore they object against Absolute Command: First, that if any man had such a Right, the condition of the Citizens would be miserable: For thus they think, he will take all, spoil all, kill all; and every man counts it his onely happinesse that he is not already spoil'd and kill'd. But why should he doe thus? not because he can; for unlesse he have a mind to it, he will not doe it. till he, to please one, or some few, spoil all the rest? First, though by Right, that is, without injury to them, he may doe it, yet can he not doe it justly, that is, without breach of the Naturall Lawes, and injury against God. And therefore there is some security for Subjects in the Oaths which princes take. Next, if he could justly doe it, or that he made no account of his Oath, yet appeares there no reason why he should desire it, since he findes no good in it. But it cannot be deny'd but a prince may sometimes have an inclination to doe wickedly; but grant then that thou hadst given him a power which were not absolute, but so much onely as suffic'd to defend thee from the injuries of others, which, if thou wilt be safe, is necessary for thee to give; are not all the same things to be feared? for he that hath strength enough to protect all, wants not sufficiency to oppresse all. Here is no other difficulty then, but that

humane affaires cannot be without some inconvenience. And this inconvenience it self is in the Citizens, not in the Government; for if men could rule themselves, every man by his own command, that's to say, could they live according to the Lawes of Nature, there would be no need at all of a City, nor of a common coercive power. Secondly, they object, That there is no Dominion in the Christian world Absolute; which indeed is not true, for all Monarchies, and all other States, are so; for although they, who have the chief Command, doe not all those things they would, and what they know profitable to the City, the reason of that is not the defect of Right in them, but the consideration of their Citizens, who busied about their private interest, and carelesse of what tends to the publique, cannot sometimes be drawn to performe their duties without the hazard of the City. therefore princes sometimes forbear the exercise of their Right, and prudently remit somewhat of the act, but nothing of their Right.

XIV. Neither can any man give somewhat to himselfe; for he is already suppos'd to have what he can give himself; nor can he be oblig'd to himselfe, for the same party being both the obliged, and the Obliger, and the Obliger having power to release the obliged, it were meerly in vain for a man to be obliged to himselfe, because he can release himself at his own pleasure; and he that can doe this, is already actually free. Whence its plaine, that the City is not tyed to the Civill Lawes; for the Civill Lawes are the Lawes of the City, by which, if she were engag'd, she should be engag'd to her selfe. Neither can the City be oblig'd to her Citizen, because, if he will, he can free her from her obligation; and he will, as oft as she wills, (for the will of every Citizen is in all things comprehended in the will of the City); the City therefore is free when she pleaseth, that is, she is now actually free; but the will of a Councill, or one who hath the Supreme Authority given him, is the will of the City; he therefore containes the wills of all particular Citizens: Therefore neither is he bound to the Civill Lawes (for this is to be bound to himself) nor to any of his Citizens.

XV. Now because (as hath been shewn above) before the constitution of a City all things belong'd to all men, nor is there that thing which any man can so call his, as any other may not, by the same Right, claime as his own, (for where all things are common, there can be nothing proper to any man) it followes, that propriety receiv'd its beginning when Cities receiv'd theirs, and that that onely is proper to each man which he can keep by the Lawes, and the power of the whole City, (that is) of

him on whom its chief command is conferr'd. Whence we understand, that each particular Citizen hath a propriety, to which none of his fellow-Citizens hath Right, because they are tyed to the same Lawes; but he hath no propriety in which the Chief Ruler (whose Commands are the Lawes, whose will contains the will of each man, and who, by every single person, is constituted the Supreme Judge) hath not a Right. But although there be many things which the City permits to its Citizens, and therefore they may sometimes goe to Law against their Chief; yet is not that action belonging to Civill Right, but to Naturall Equity; neither is it concerning what by Right he may doe who hath the Supreme power, but what he hath been willing shouLd be done, and therefore he shall be judge himself, as though (the equity of the cause being well understood) he could not give wrong judgment.

Propriety receiv'd its beginning, &c.] What's objected by some, That the propriety of goods, even before the constitution of Cities, was found in Fathers of Families, that objection is vaine, because I have already declar'd, That a Family is a little City. For the Sonnes of a Family have a propriety of their goods granted them by their Father, distinguisht indeed from the rest of the Sons of the same Family, but not from the propriety of the Father himself; but the Fathers of diverse Families, who are subject neither to any common Father, nor Lord, have a common Right in all things.

What by Right he may doe, &c.] As often as a Citizen is granted to have an action of Law against the Supreme, i.e. against the City, the question is not in that action, whether the City may, by Right, keep possession of the thing in controversie, but whether by the Lawes formerly made she would keep it; for the Law is the declared will of the Supreme: since then the City may raise money from the Citizens under two Titles, either as Tribute, or as Debt, in the former case there is no action of Law allowed; for there can be no question whether the City have Right to require Tribute: in the latter it is allowed, because the City will take nothing from its Citizens by fraud, or cunning, and yet if need require, all they have, openly; and therefore he that condemnes this place, saying, That by this doctrine it is easie for princes to free themselves from their Debts, he does it impertinently.

XVI. Theft, further, AduLtery, and all injuries are forbid by the Lawes of nature; but what is to be called Theft, what further, what Adultery, what injury in a Citizen, this is not to be determined by the naturall, but by the civill Law: for not

every taking away of the thing which another possesseth, but onely another mans goods is theft; but what is ours, and what anothers, is a question belonging to the civill Law. In like manner, not every killing of a man is further, but onely that which the civill Law forbids; neither is all encounter with women Adultery, but onely that which the civill Law prohibits. Lastly, all breach of promise is an injury, where the promise it selfe is lawfull, but where there is no Right to make any compact, there can be no conveighance of it, and therefore there can no injury follow, as hath been said in the second Chapter, Artic. 17. Now what we may contract for, and what not, depends wholly upon the civill Lawes. The City of Lacedoemon therefore rightly ordered that those young men who could so take away certain goods from others as not to be caught, should goe unpunisht; for it was nothing else, but to make a Law that what was so acquired should be their own, and not anothers. Rightly also is that man every where slain, whom we kill in warre, or by the necessity of selfe-defence. So also that copulation which in one City is Matrimony, in another will be judged Adultery. Also those contracts which make up Marriage in one Citizen, doe not so in another, although of the same City. because that he who is forbidden by the City (that is by that one man, or Councell, whose the supreme power is) to contract ought, hath no Right to make any contract, and therefore having made any, it is not valid, and by consequence, no Marriage. But his contract which received no prohibition, was therefore of force, and so was Matrimony: neither addes it any force to any unlawfull contracts, that they were made by an Oath, or Sacrament, for those adde nothing to the strengthening of the contract, as hath been said above Chap. 2. Artic. 22. What therefore Theft, what Murther, what Adultery, and in generall what injury is, must be known by the civill Lawes, that is, the commands of him who hath the supreme authority.

That they were made by an Oath or Sacrament, &c.] Whether Matrimony bee a Sacrament (in which sense that word is used by some Divines) or not, it is not my purpose to dispute: Onely I say, that the legitimate contract of a man and woman to live together, i.e. granted by the civill Law, whether it be a Sacrament, or not, is surely a legitimate Marriage; but that copulation which the City hath prohibited is no marriage, since it is of the essence of Marriage to be a legitimate contract. There were legitimate marriages in many places, as among the Jewes, the Grecians, the Romans, which yet might be dissolved.

But with those who permit no such contracts, but by a Law that they shall never be broke, Wedlock cannot be dissolved; and the reason is, because the City hath commanded it to be indissoluble, not because Matrimony is a Sacrament. Wherefore the ceremonies which at weddings are to be performed in the Temple, to blesse, or (if I may say so) to consecrate the husband and wife, will perhaps belong only to the office of Clergy-men; all the rest, namely who, when, and by what contracts Marriages may be made, pertains to the Lawes of the City.

XVII. This same supreme command, and absolute power, seems so harsh to the greatest part of men, as they hate the very naming of them; which happens chiefly through want of knowledge, what humane nature, and the civill Lawes are, and partly also through their default, who when they are invested with so great authority, abuse their power to their own lust. That they may therefore avoyd this kind of supreme authority, some of them will have a City well enough constituted, if they who shall be the Citizens convening, doe agree concerning certaine Articles propounded, and in that convent agitated and approved; and doe command them to be observed, and punishments prescribed to be inflicted on them who shall break them: to which purpose, and also to the repelling of a forraign enemy, they appoint a certain and limited return, with this condition, that if that suffice not, they may call a new convention of estates. Who sees not in a City thus constituted, that the Assembly who prescribed those things had an absolute power? If therefore the assembly continue, or from time to time have a certain day, and place of meeting, that power will be perpetuall. But if they wholly dissolve, either the City dissolves with them, and so all is returned to the state of War, or else there is somewhere a power left to punish those who shall transgresse the Lawes, whosoever, or how many soever they be that have it, which cannot possibly be without an absolute power: for he that by right hath this might given, by punishments to restrain what Citizens he pleaseth, hath such a power, as a greater cannot possibly be given by any Citizens.

XVIII. It is therefore manifest, that in every City there is some one man, or Councill, or Court, who by Right hath as great a power over each single Citizen, as each man hath over himselfe considered out of that civill state, that is, supreme and absolute, to be limited onely by the strength and forces of the City it selfe, and by nothing else in the world: for if his power were limited, that limitation must necessarily proceed from some

greater power; For he that prescribes limits, must have a greater power then he who is confin'd by them; now that confining power is either without limit, or is again restrained by some other greater then it selfe, and so we shall at length arrive to a power which hath no other limit, but that which is the terminus ultimus of the forces of all the Citizens together. That same is called the supreme command, and if it bee committed to a councill, a supreme councill, but if to one man, the supreme Lord of the City. Now the notes of supreme command are these, To make and abrogate Lawes. To determine War and peace, to know, and judge of all controversies, either by himselfe, or by Judges appointed by him; to elect all Magistrates; Ministers, and Counsellors. Lastly, if there be any man who by Right can doe some one action which is not lawfull for any Citizen or Citizens to doe beside himselfe, that man hath obtained the supreme power: For those things which by Right may not be done by any one or many Citizens, the City it selfe can onely doe: He therefore that doth those things useth the Cities Right, which is the supreme power.

XIX. They who compare a City and its Citizens, with a man and his members, almost all say, that he who hath the supreme power in the City, is in relation to the whole City, such as the head is to the whole man; But it appeares by what hath been already said, that he who is endued with such a power, (whether it be a man, or a Court) hath a relation to the City, not as that of the head, but of the soule to the body. For it is the soule by which a man hath a will, that is, can either will, or nill; so by him who hath the supreme power, and no otherwise, the City hath a will, and can either will or nill. A Court of Counsellors is rather to be compared with the head, or one Counsellor, whose only Counsell (if of any one alone) the chief Ruler makes use of in matters of greatest moment: for the office of the head is to counsell, as the soules is to command.

XX. Forasmuch as the supreme command is constituted by vertue of the compacts which each single Citizen, or subject, mutually makes with the other. but all contracts, as they receive their force from the contractors, so by their consent they lose it again, and are broken; perhaps some may inferre hence, that by the consent of all the subjects together, the supreme authority may be wholly taken away. Which inference if it were true, I cannot discern what danger would thence by Right arise to the supreme Commanders. For since it is supposed, that each one hath obliged himselfe to each other, if any one of them shall refuse,

whatsoever the rest shall agree to doe, he is bound notwithstanding; neither can any man without injury to me, doe that which by contract made with me, he hath obliged himselfe not to doe. But it is not to be imagined that ever it will happen, that all the subjects together, not so much as one excepted, will combine against the supreme power; wherefore there is no feare for Rulers in chiefe, that by any Right they can be despoyled of their authority. If notwithstanding it were granted, that their Right depended onely on that contract which each man makes with his fellow-citizen, it might very easily happen, that they might be robbed of that Dominion under pretence of Right; for subjects being called either by the command of the City, or seditiously flocking together, most men think that the consents of all are contained in the votes of the greater part. Which in truth is false; for it is not from nature that the consent of the major part should be received for the consent of all, neither is it true in tumults, but it proceeds from civill institution, and is then onely true, when that Man or Court which hath the supreme power, assembling his subjects, by reason of the greatnesse of their number, allowes those that are elected a power of speaking for those who elected them, and will have the major part of voyces, in such matters as are by him propounded to be discust, to be as effectuall as the whole. But we cannot imagine that he who is chiefe, ever convened his subjects with intention that they should dispute his Right, unlesse, weary of the burthen of his charge, he declared in plain termes, that he renounces and abandons his government. Now because most men through ignorance esteem not the consent of the major part of Citizens only, but even of a very few, provided they be of their opinion, for the consent of the whole City, it may very well seem to them, that the supreme authority may by right be abrogated, so it be done in some great Assembly of Citizens by the votes of the greater number; But though a government be constituted by the contracts of particular men with particulars, yet its Right depends not on that obligation onely; there is another tye also toward him who commands; for each Citizen compacting with his fellow, sayes thus, I conveigh my Right on this party, upon condition, that you passe yours to the same; by which means, that Right which every man had before to use his faculties to his own advantage, is now wholly translated on some certain man, or Councell, for the common benefit; wherefore what by the mutuall contracts each one hath made with the other, what by the donation of Right which every man is bound to ratifie to him that commands, the

government is upheld by a double obligation from the Citizens, first that which is due to their fellow citizens, next that which they owe to their prince. Wherefore no subjects how many soever they be, can with any Right despoyle him who bears the chiefe Rule, of his authority, even without his own consent.

## Chap. VII

Of the three kindes of Government, Democracy, Aristocracy, Monarchie.

I. We have already spoken of a City by institution in its Genus; we will now say somewhat of its species. As for the difference of Cities, it is taken from the difference of the Persons, to whom the Supreme Power is committed; this Power is committed either to one Man, or Councill, or some one Court consisting of many men. Furthermore, a Councill of many men, consists either of all the Citizens, (insomuch as every man of them hath a Right to Vote, and an interest in the ordering of the greatest affaires, if he will himselfe) or of a part onely; from whence there arise three sorts of Government: The one, when the Power is in a Councill, where every Citizen hath a right to Vote, and it is call'd a DEMOCRATY. The other, when it is in a Councill, where not all, but some part onely have their suffrages, and we call it an ARISTOCRATY. The third is that, when the Supreme Authority rests onely in one, and it is stiled a MONARCHY. In the first, he that governes is called demos, The PEOPLE. In the second, the NOBLES. In the third, the MONARCH.

II. Now, although Ancient Writers of Politiques have introduc'd three other kindes of Government opposite to these, to wit, Anarchy or confusion to Democracy, Oligarchy, that is, the command of some few, to Aristocracy, and Tyranny to Monarchy, yet are not these three distinct formes of Government, but three diverse Titles given by those who were either displeas'd with that present Government, or those that bare Rule. For men, by giving names, doe usually, not onely signifie the things themselves, but also their own affections, as love, hatred, anger, and the like, whence it happens that what one man calls a Democracy, another calls an Anarchy; what one counts an Aristocracy, another esteemes an Oligarchie. and whom one titles a King, another stiles him a Tyrant; so as we see these names betoken not a diverse kinde of Government, but the diverse opinions of the Subjects concerning him who hath the Supreme

Power. For first, who sees not that Anarchy is equally opposite to all the forenam'd Formes? For that word signifies that there is no Government at all, that is, not any City. But how is it possible that no City should be the species of a City?

Farthermore, what difference is there between an Oligarchie, which signifies the Command of a few, or Grandees, or an Aristocracy, which is that of the Prime, or Chief Heads, more then that men differ so among themselves, that the same things seeme not good to all men? Whence it happens, that those persons, who by some are look'd on as the best, are by others esteem'd to be the worst of all men.

III. But men, by reason of their passions, will very hardly be perswaded that a Kingdome, and Tyranny, are not diverse kindes of Cities, who though they would rather have the City subject to one, then many, yet doe they not beleieve it to be well govern'd unlesse it accord with their judgements: But we must discover by Reason, and not by Passion, what the difference is between a King, and a Tyrant: but first, they differ not in this, That a Tyrant hath the greater Power, for greater then the Supreme cannot be granted; nor in this, That one hath a limited power, the other not; for he, whose authority is limited, is no King, but his Subject that limits him. Lastly, neither differ they in their manner of acquisition; for if in a Democraticall, or Aristocraticall Government some one Citizen should, by force, possesse himself of the Supreme Power, if he gain the consent of all the Citizens, he becomes a legitimate Monarch; if not, he is an Enemy, not a Tyrant. They differ therefore in the sole exercise of their command, insomuch as he is said to be a King, who governs wel, and he a Tyrant that doth otherwise. The case therefore is brought to this passe, That a King legitimately constituted in his Government, if he seeme to his Subjects to Rule well, and to their liking, they afford him the appellation of a King, if not, they count him a Tyrant. Wherefore we see a Kingdome, and Tyranny, are not diverse Formes of Government, but one and the self-same Monarch hath the name of a King given him in point of Honour, and Reverence to him, and of a Tyrant in way of contumely, and reproach. But what we frequently finde in bookes said against Tyrants, took its originall from Greek, and Roman Writers, whose Government was partly Democraticall, and partly Aristocraticall, and therefore not Tyrants onely, but even Kings were odious to them.

IV. There are, who indeed doe think it necessary, That a Supreme Command should be somewhere extant in a, City. but if it

should be in any one, either Man, or Councill, it would follow (they say) that all the Citizens must be slaves. Avoiding this condition, they imagine that there may be a certaine Form of Government compounded of those three kinds we have spoken of, yet different from each particular, which they call a mixt Monarchie, or mixt Aristocracy, or mixt Democracy, according as any one of these three sorts shall be more eminent then the rest: For example, if the naming of Magistrates, and the arbitration of War, and Peace, should belong to the King, Judicature to the Lords, and contribution of Monies to the People, and the power of making Lawes too altogether, this kind of State would they call a mixt Monarchie forsooth. But if it were possible that there could be such a State, it would no whit advantage the liberty of the subject; for as long as they all agree, each single Citizen is as much subject as possibly he can be; but if they disagree, the State returns to a Civill War, and the Right of the private Sword, which certainly is much worse then any subjection whatsoever: But that there can be no such kind of Government hath been sufficiently demonstrated in the foregoing Chapter, Artic: 6, 7, 8, 9, 10, 11, 12.

But that there can be no such kinde of Government] Most men grant, That a Government ought not to be divided, but they would have it moderated, and bounded by some limits. Truly it is very reasonable it should be so; but if these men, when they speak of moderating, and limiting, do understand dividing it, they make a very fond distinction. Truly, for my part, I wish that not onely Kings, but all other Persons endued with Supreme Authority would so temper themselves as to commit no wrong, and onely minding their charges contain themselves within the limits of the naturall, and divine Lawes: But they who distinguish thus, they would have the chief Power bounded, and restrain'd by others; which, because it cannot be done, but that they who doe set the limits, must needs have some part of the Power, whereby they may be enabled to doe it, the Government is properly divided, not moderated.

V. Let us see a little now in the constituting of each Form of Government, what the constitutours doe. Those who met together with intention to erect a City, were almost in the very act of meeting a Democracy; for in that they willingly met, they are suppos'd oblig'd to the observation of what shall be determin'd by the major part: which, while that convent lasts, or is adjourn'd to some certain dayes, and places, is a clear Democracy; for that convent, whose will is the will of all the

Citizens, hath the Supreme Authority; and because in this Convent every man is suppos'd to have a Right to give his voice, it followes, that it is a Democracy by the definition given in the first Article of this Chap. But if they depart, and break up the Convent, and appoint no time, or place, where, and when they shall meet again, the publick weal returns to Anarchy, and the same state it stood in before their meeting, that is, to the state of all men warring against all. The People therefore retains the supreme power no longer then there is a certain day and place publicly appointed, and known, to which whosoever will, may resort. For except that be known and determind, they may either meet at divers times, and places, that is in factions, or not at all; and then it is no longer demos, the People, but a dissolute multitude, to whom we can neither attributes any Action, or Right: Two things therefore frame a Democratie, whereof one (to wit the perpetuall prescription of Convents) makes demos, the People, the other (which is a plurality of voyces) to kratos or the power.

VI. Furthermore, it will not be sufficient for the People, so as to maintain its supremacy, to have some certain known times, and places of meeting, unlesse that either the intervals of the times be of lesse distance, then that any thing may in the mean time happen whereby (by reason of the defect of power) the City may be brought into some danger, or at least that the exercise of the supreme authority be, during the intervall, granted to some one man, or Councill. For unlesse this be done, there is not that wary care, and heed taken for the defence and Peace of single men which ought to be, and therefore will not deserve the name of a City, because that in it for want of security, every mans Right of defending himselfe at his own pleasure, returns to him again.

VII. Democracy is not framed by contract of particular persons with the People, but by mutuall compacts of single men each with other. But hence it appears in the first place, that the Persons contracting, must be in being before the contract it selfe. But the People is not in being before the constitution of government, as not being any Person, but a multitude of single Persons; wherefore there could then no contract passe between the People and the Subject. Now, if after that government is framed, the subject make any contract with the People, it is in vain, because the People contains within its will, the will of that subject to whom it is supposed to be obliged; and therefore may at its own will and pleasure disengage it selfe, and by consequence is now actually free. But in the second place, that

single Persons doe contract each with other may be inferred from hence, that in vain sure would the City have been constituted, if the Citizens had been engaged by no contracts to doe, or omit what the City should command to be done or omitted. Because therefore such kind of compacts must be understood to passe as necessary to the making up of a City, but none can be made (as is already shewed) between the Subject and the People; it followes, that they must be made between single Citizens, namely that each man contract to submit his will to the will of the major part, on condition that the rest also doe the like, as if every one should say thus, I give up my Right unto the People for your sake, on condition, that you also deliver up yours, for mine.

VIII. An Aristocracy, or Councell of Nobles endued with supreme authoritie, receives its originall from a Democracy, which gives up its Right unto it; where we must understand that certain men distinguisht from others, either by eminence of title, blood, or some other Character, are propounded to the People, and by plurality of voyces are elected; and being elected, the whole Right of the People, or City, is conveighed on them, insomuch as whatsoever the People might doe before, the same by Right may this Court of elected Nobles now doe. Which being done, it is clear that the People, considered as one Person, (its supreme authority being already transferred on these) is no longer now in being.

IX. As in Democracy the People, so in an Aristocracy the Court of Nobles is free from all manner of obligation; for seeing subjects not contracting with the People, but by mutuall compacts among themselves, were tyed to all that the People did, hence also they were tyed to that act of the People in resigning up its Right of government into the hands of Nobles. Neither could this Court, although elected by the People, be by it obliged to any thing; for being erected, the People is at once dissolved, as was declared above, and the authority it had as being a Person utterly vanisheth. Wherefore the obligation which was due to the Person must also vanish, and perish together with it.

X. Aristocracy hath these considerations, together with Democracy; First, that without an appointment of some certain times, and places, at which the Court of Nobles may meet, it is no longer a Court, or one Person, but a dissolute multitude without any supreme power; Secondly, that the times of their assembling cannot be disjoyned by long intervalls, without prejudice to the supreme power, unlesse its administration be transferred to some one man: Now the reasons why this happens,

are the same which we set down in the fifth Article.

XI. As an Aristocratie, so also a monarchy is derived from the Power of the People, transferring its Right, (that is) its Authoritie on one man: Here also we must understand, that some one man, either by name, or some other token, is propounded to be taken notice of above all the rest, and that by a plurality of voyces the whole Right of the People is conveighed on him, insomuch as whatsoever the People could doe before he were elected, the same in every Respect may he by Right now doe, being elected; which being done, the People is no longer one Person, but a rude multitude, as being only one before by vertue of the supreme command, whereof they now have made a conveyance from themselves on this one Man.

XII. And therefore neither doth the Monarch oblige himselfe to any for the command he receives, for he receives it from the People; but as hath been shewed above, the People, as soon as that act is done, ceaseth to be a Person; but the Person vanishing, all obligation to the Person vanisheth. The subjects therefore are tyed to perform obedience to the Monarch, by those compacts only by which they mutually obliged themselves to the observation of all that the People should command them, (that is) to obey that Monarch, if he were made by the People.

XIII. But a Monarchy differs as well from an Aristocracy, as a Democratie, in this chiefly, that in those there must be certain set times and places for deliberation, and consultation of affaires, that is, for the actuall exercise of it in all times, and places; For the People, or the Nobles not being one naturall Person must necessarily have their meetings. The Monarch who is one by nature, is alwayes in a present capacity to execute his authority.

XIV. Because we have declared above in the 7. 9. and 12. Articles, that they who have gotten the supreme command are by no compacts obliged to any man, it necessarily followes, that they can doe no injury to the subjects; for injury according to the definition made in the third Article of the third Chapter, is nothing else but a breach of contract: and therefore where no contracts have part, there can be no injury. Yet the People, the Nobles, and the Monarch may diverse wayes transgresse against the other Lawes of nature, as by cruelty, iniquity, contumely, and other like vices, which come not under this strict, and exact notion of injury. But if the subject yeeld not obedience to the supreme, he will in propriety of speech be said to be injurious as well to his fellow subjects, because each man hath compacted

with the other to obey, as to his chief Ruler, in resuming that Right, which he hath given him, without his consent. And in a Democracy, or Aristocracy, if any thing be decreed against any Law of nature, the City it selfe (i.e.) the civill Person sinnes not, but those subjects only by whose votes it was decreed; for sinne is a consequence of the naturall expresse will, not of the politicall, which is artificiall; for if it were otherwise, they would be guilty, by whom the decree was absolutely disliked: But in a Monarchie, if the Monarch make any decree against the Lawes of nature, he sins himselve, because in him the civill will and the naturall are all one.

XV. The people who are about to make a Monarch, may give him the supremacy either simply without limitation of time, or for a certaine season; and time determined; if simply, we must understand that he who receives it, hath the selfe-same power which they had, who gave it, on the same grounds: therefore that the People by Right could make him a Monarch, may he make another Monarch: insomuch as the Monarch to whom the command is simply given, receives a Right not of possession onely, but of succession also, so as he may declare whom hee pleaseth for his successor.

XVI. But if the power be given for a time limited, we must have regard to somewhat more then the bare gift onely: First, whether the People conveighing its authority, left it selfe any Right to meet at certain times, and places, or not. Next, if it have reserved this power, whether it were done, so as they might meet before that time were expired, which they prescribed to the Monarch. Thirdly, whether they were contented to meet onely at the will of that temporary Monarch and not otherwise. Suppose now the People had delivered up its Power to some one man for term of life onely; which being done, let us suppose in the first place, that every man departed from the Counsell without making any order at all concerning the place where (after his death) they should meet again to make a new election. In this case it is manifest by the fifth Article of this Chapter, that the People ceaseth to be a Person, and is become a dissolute multitude, every one whereof hath an equall, to wit, a naturall Right to meet with whom he lists at divers times, and in what places shall best please him; nay, and if he can, engrosse the supreme power to himselve, and settle it on his own head. What Monarch soever therefore hath a command in such a condition, he is bound by the Law of nature (set down in the Article of the third Chapter of not returning evill for good) prudently to provide, that by his

death the City suffer not a dissolution, either by appointing a certain day, & place, in which those subjects of his who have a mind to it may assemble themselves, or else by nominating a successor: whether of these shall to him seem most conducive to their common benefit. He therefore who on this foresaid manner hath received his command during life, hath an absolute Power, and may at his discretion dispose of the succession. In the next place, if we grant that the people departed not from the election of the temporary Monarch, before they decreed a certain time and place of meeting after his death, then the Monarch being dead, the authority is confirmed in the people, not by any new acts of the subjects, but by vertue of the former Right; for all the supreme command (as Dominion) was in the People, but the use, and exercise of it was only in the temporary Monarch, as in one that takes the benefit, but hath not the Right. But if the People after the election of a temporarie Monarch, depart not from the Court before they have appointed certain times, and places to convene, during the time prescribed him (as the Dictators in ancient times were made by the People of Rome) such an one is not to be accounted a Monarch, but the Prime Officer of the People; and if it shall seem good, the People may deprive him of his office even before that time, as the People of Rome did, when they conferred an equall power on Minutius Master of the horse, with Quintus Fabius Maximus, whom before they had made Dictator. The reason whereof is, hat it is not to be imagined, that, whether Man or Counsell who hath the readiest, and most immediate power to act, should hold his command on such termes as not to be able actually to execute it; for command is nothing else but a Right of commanding, as oft as nature allowes it possible. Lastly, if the People having declared a temporary Monarch, depart from the Court on such termes, as it shall not be lawfull for them to meet without the command of the Monarch, we must understand the People to be immediately dissolved, and that his authority who is thus declared, is absolute; forasmuch as it is not in the power of all the subjects to frame the City anew, unlesse he give consent who hath now alone the authority. Nor matters it, that he hath perhaps made any promise to assemble his Subjects on some certain times, since there remains no Person now in being, but at his discretion, to whom the promise was made. What we have spoken of these four cases of a People electing a Temporary Monarch will be more clearly explain'd by comparing them with an absolute Monarch, who hath no heir apparent; for the People is Lord of the subject in such a manner as there can be no

Heir but whom it self doth appoint. Besides, the spaces between the times of the subjects meeting may be fitly compar'd to those times wherein the Monarch sleeps, for in either the Acts of commanding ceases, the Power remains: Farthermore, to dissolve the convent, so as it cannot meet againe, is the death of the People; just as sleeping, so as he can never wake more, is the death of a man: As therefore a King, who hath no Heir, going to his rest, so as never to rise again, (i.e.) dying, if he commit the exercise of his Regall Authority to any one till he awake, does by consequence give him the Succession; the People also electing a Temporary Monarch, and not reserving a power to convene, delivers up to him the whole Dominion of the Country: Furthermore, as a King going to sleep for some season, entrusts the administration of his Kingdome to some other, and waking takes it again; so the people having elected a Temporary Monarch, and withall retaining a right to meet at a certain day, and place, at that day receives its supremacy again. And as a King who hath committed the execution of his Authority to another, himself in the mean while waking, can recall this commission againe when he pleaseth; so the People, who during the time prescribed to the Temporary Monarch, doth by Right convene, may if they please, deprive the Monarch of his Authority. Lastly, the King, who commits his Authority to another while himself sleeps, not being able to wake againe till he whom he entrusted, give consent, loses at once both his power, and his life; so the people, who hath given the Supreme Power to a temporary Monarch in such sort as they cannot assemble without his command is absolutely dissolv'd, and the power remains with him whom they have chosen.

XVII. If the Monarch promise ought to any one, or many subjects together, by consequence whereof the exercise of his power may suffer prejudice, that Promise or Compact whether made by Oath, or without it, is null: for all Compact is a conveyance of Right, which by what hath been said in the fourth Article of the second Chapter, requires meet, and proper signes of the Will in the conveyer. But he who sufficiently signifies his will of retaining the end, doth also sufficiently declare that he quits not his Right to the means necessary to that end. Now he who hath promis'd to part with somewhat necessary to the Supreme Power, and yet retaines the Power it selfe, gives sufficient tokens, That he no otherwise promis'd it then so farre forth as the power might be retain'd without it. Whensoever therefore it shall appear that what is promis'd cannot be perform'd without

prejudice to the Power, the promise must be valued as not made, (i.e.) of no effect.

XVIII. We have seen how Subjects, nature dictating, have oblig'd themselves by mutuall Compacts to obey the SuPreme Power. We will see now by what meanes it comes to passe that they are releas'd from these bonds of obedience. And first of all this happens by rejection, namely, if a man cast off, or forsake, but conveigh not the Right of his Command on some other; for what is thus rejected, is openly expos'd to all alike, catch who catch can; whence again, by the Right of nature, every subject may heed the preservation of himselfe according to his own judgement. In the second place, If the Kingdome fall into the power of the enemy, so as there can no more opposition be made against them, we must understand that he, who before had the Supreme Authority, hath now lost it: For when the Subjects have done their full indeavour to prevent their falling into the enemies hands, they have fulfill'd those Contracts of obedience which they made each with other, and what, being conquer'd, they promise afterwards, to avoid death, they must, with no lesse endeavour, labour to performe. Thirdly, in a Monarchy, (for a Democracy, and Aristocracy cannot fail) if there be no successour, all the subjects are discharg'd from their obligations; for no man is suppos'd to be tyed he knows not to whom, for in such a case it were impossible to perform ought. And by these three wayes all subjects are restor'd from their civill subjection to that liberty, which all men have to all things, to wit, naturall, and salvage, (for the naturall state hath the same proportion to the Civill, I mean liberty to subjection, which Passion hath to Reason, or a Beast to a Man:) Furthermore, each subject may lawfully be freed from his subjection by the will of him who hath the Supreme Power, namely, if he change his soile, which may be done two wayes, either by permission, as he, who gets license to dwell in another Country; or Command, as he, who is Banisht: In both cases he is free from the Lawes of his former Country, because he is tyed to observe those of the latter.

Chap. VIII

Of the Rights of Lords over their Servant

I. In the two fore-going Chapters we have treated of an institutive, or fram'd Government, as being that which receives

its originall from the consent of many, who by Contract and Faith mutually given, have oblig'd each other. Now followes, what may be said, concerning a naturall Government, which may also be call'd, Acquired, because it is that which is gotten by power, and naturall force. But we must know in the first place by what means the Right of Dominion may be gotten over the Persons of men. Where such a Right is gotten, there is a kind of a little Kingdome; for to be a King, is nothing else but to have Dominion over many Persons; and thus a Great Family is a Kingdom, & a Little Kingdome a Family. Let us return again to the state of nature, and consider men as if but even now sprung out of the earth, and suddainly (like Mushromes) come to full maturity without all kind of engagement to each other: There are but three wayes only whereby one can have the Dominion over the Person of another; whereof the first is, if by mutuall Contract made between themselves (for Peace, & self-defences sake) they have willingly given up themselves to the Power and Authority of some man, or Councel of Men, & of this we have already spoken. The 2d is, If a man taken Prisoner in the Wars, or overcome; or else distrusting his own forces, (to avoid Death) promises the Conquerour, or the stronger Party, his Service, i.e. to do all whatsoever he shall command him; in which Contract the good which the vanquisht, or inferiour, in strength doth receive, is the grant of his life, which by the Right of War in the naturall state of men he might have depriv'd him of, but the good which he promises, is his service and obedience. By vertue therefore of this promise, there is as absolute service and obedience due from the vanquisht, to the vanquisher, as possibly can be, excepting what repugns the Divine Lawes; for he who is oblig'd to obey the Commands of any man before he knowes what he will command him, is simply, and without any restriction tyed to the performance of all Commands whatsoever. Now he that is thus tyed, is call'd a SERVANT, he to whom he is tyed, a LORD. Thirdly, there is a Right acquir'd over the Person of a Man, by Generation; of which kind of acquisition somewhat shall be spoken in the following Chapter.

II. Every one that is taken in the War, and hath his life spar'd him, is not suppos'd to have Contracted with his Lord; for every one is not trusted with so much of his naturall liberty, as to be able, if he desir'd it, either to flie away, or quit his service, or contrive any mischief to his Lord. And these serve indeed but within Prisons, or bound within Irons, and therefore they were call'd not by the common name of Servant onely, but by the peculiar name of Slave, even as now at this day un serviteur,

and un serf or un esclave have diverse significations.

III. The obligation therefore of a Servant to his Lord ariseth not from a simple grant of his life, but from hence rather, That he keeps him not bound, or imprison'd, for all obligation derives from Contract; but where's no trust, there can be no Contract, as appears by the 2. Chap. Artic. 9. where a Compact is defin'd to be the promise of him who is trusted. There is therefore a confidence and trust which accompanies the benefit of pardon'd life, whereby the Lord affords him his corporall liberty. so that if no obligation, nor bonds of Contract had happen'd, he might not onely have made his escape, but also have kill'd his Lord, who was the preserver of his life.

IV. Wherefore such kind of Servants as are restrain'd by imprisonment, or bonds, are not comprehended in that definition of Servants given above, because those serve not for the Contracts sake, but to the end they may not suffer; and therefore if they flie, or kill their Lord, they offend not against the Lawes of Nature, for to bind any man is a plain signe, that the binder supposes him that is bound not to be sufficiently tyed by any other obligation.

V. The Lord therefore hath no less Dominion over a Servant that is not, then over one that is bound, for he hath a Supreme Power over both, and may say of his Servant no lesse then of another thing, whether animate, or inanimate, This is mine; whence it followes, that whatsoever the Servant had before his servitude, that afterwards becomes the Lords; and whatsoever he hath gotten, it was gotten for his Lord: for he that can by Right dispose of the Person of a man, may surely dispose of all those things which that Person could dispose of. There is therefore nothing which the Servant may retaine as his own against the will of his Lord; yet hath he, by his Lords distribution, a propriety, and Dominion over his own goods, insomuch as one Servant may keep, and defend them against the invasion of his fellow Servant, in the same manner as hath been shewed before, that a subject hath nothing properly his owne against the will of the Supreme Authority, but every subject hath a propriety against his fellow subject.

VI. Since therefore both the Servant himself, and all that belongs to him are his Lords, and by the Right of Nature every man may dispose of his owne in what manner he pleases; the Lord may either sell, lay to pledge, or by Testament convey the Dominion he hath over his Servant, according to his own will and pleasure.

VII. Furthermore, what hath before been demonstrated concerning subjects in an institutive Government, namely, that he who hath the Supreme Power can doe his subject no injury; is true also concerning Servants, because they have subjected their will to the will of the Lord; wherefore, whatsoever he doth, it is done with their wills, but no injury can be done to him that willeth it.

VIII. But if it happen that the Lord, either by captivity or voluntary subjection, doth become a Servant or Subject to another, that other shall not onely be Lord of him, but also of his Servants; Supreme Lord over these, immediate Lord over him. Now because not the Servant only, but also all he hath are his Lords; therefore his Servants now belong to this man, neither can the mediate Lord dispose otherwise of them then shall seeme good to the Supreme. And therefore, if sometime in civill Governments, the Lord have an absolute power over his Servants, that's suppos'd to be deriv'd from the Right of Nature, and not constituted, but slightly pass'd over by the Civill Law.

IX. A servant is by the same manner freed from his servitude, that a Subject in an institutive government, is freed from his subjection; First, if his Lord enfranchise him, for the Right which the servant transferred to his Lord over himselfe, the same may the Lord restore to the servant again. And this manner of bestowing of liberty is called MANUMISSION; which is just as if a City should permit a Citizen to conveigh himselfe under the jurisdiction of some other City. Secondly, if the Lord cast off his servant from him, which in a City is banishment; neither differs it from Manumission in effect, but in manner onely: for there, liberty is granted as a favour, here, as a punishment: In both, the Dominion is renounced. Thirdly, if the servant be taken prisoner, the old servitude is abolished by the new; for as all other things, so servants also are acquired by warre, whom in equity the Lord must protect, if he will have them to be his. Fourthly, the servant is freed for want of knowledge of a successour, the Lord dying (suppose) without any Testament, or Heire, for no man is understood to be obliged, unlesse he know to whom he is to perform the obligation. Lastly, the servant that is put in bonds, or by any other means deprived of his corporall liberty, is freed from that other obligation of contract, for there can be no contract where there is no trust, nor can that faith be broken which is not given. But the Lord who himselfe serves another, cannot so free his servants, but that they must still continue under the power of the supreme, for, as hath been

shewed before, such servants are not his, but the supreme Lords.

X. We get a right over irrationall Creatures in the same manner, that we doe over the Persons of men, to wit, by force and naturall strength; for if in the state of nature it is lawfull for every one, by reason of that warre which is of all against all, to subdue, and also to kill men as oft as it shall seem to conduce unto their good, much more will the same be lawfull against Brutes; namely at their own discretion, to reduce those to servitude which by art may be tamed, and fitted for use, and to persecute and destroy the rest by a perpetuall warre, as dangerous and noxious. Our Dominion therefore over beasts, hath its originall from the right of nature, not from divine positive Right: for if such a Right had not been before the publishing of the sacred Scriptures, no man by right might have killed a beast for his food, but he to whom the divine pleasure was made manifest by holy Writ; a most hard condition for men indeed whom the beasts might devoure without injury, and yet they might not destroy them: Forasmuch therefore as it proceeds from the right of nature, that a beast may kill a man; it is also by the same Right, that a man may slay a beast.

## Chap. IX

Of the right of Parents over their children and of hereditary Government

I. Socrates is a man, and therefore a living creature, is a right reasoning, and that most evident, because there is nothing needfull to the acknowledging of the truth of the consequence, but that the word Man be understood, because a living creature is in the definition it selfe of a Man, and every one makes up the proposition which was desired, namely this, Man is a living Creature; And this, Sophroniscus is Socrates his Father, and therefore his Lord, is perhaps a true inference, but not evident, because the word Lord is not in the definition of a Father: wherefore it is necessary to make it more evident, that the connexion of Father and Lord be somewhat unfolded. Those that have hitherto endeavoured to prove the Dominion of a Parent over his children, have brought no other argument then that of generation, as if it were of it selfe evident, that what is begotten by me, is mine; just as if a man should think, that because there is a triangle, it appeares presently without any

farther discourse, that its angles are equall to two Rights. Besides, since Dominion (that is) supreme Power is indivisible, insomuch as no man can serve two Masters, but two Persons male and female, must concurre in the act of generation, its impossible that Dominion should at all be acquired by generation onely. Wherefore we will with the more diligence in this place, enquire into the original of paternal Government.

II. Wee must therefore returne to the state of nature, in which, by reason of the equality of nature all men of riper yeares are to be accounted equall; There by right of nature the Conqueror is Lord of the conquered: by the Right therefore of nature, the Dominion over the Infant first belongs to him who first hath him in his power'd but it's manifest that he who is newly born is in the Mothers power before any others, insomuch as she may rightly, and at her own wil, either breed him up, or adventure him to fortune.

III. If therefore she breed him (because the state of nature is the state of warre) she is supposed to bring him up on this condition, that being grown to full age he become not her enemy; (which is) that he obey her. For since by naturall necessity we all desire that which appears good unto us, it cannot be understood that any man hath on such termes afforded life to another, that he might both get strength by his years, and at once become an enemy; but each man is an enemy to that other whom he neither obeys nor commands. And thus in the state of nature, every woman that bears children, becomes both a Mother, and a Lord. But what some say, that in this case, the Father by reason of the preeminence of sexe, and not the Mother, becomes Lord, signifies nothing. For both reason shewes the contrary, because the inequality of their naturall forces is not so great, that the man could get the Dominion over the woman without warre. And custome also contradicts not; for women, namely Amazons, have in former times waged war against their adversaries, and disposed of their children at their own wils, and at this day in divers places, women are invested with the principall authority. Neither doe their husbands dispose of their children, but themselves; which in truth they do by the right of nature; forasmuch as they who have the supreme power, are not tyed at all (as hath bin shewed) to the civill lawes. Adde also that in the state of nature it cannot be known who is the Father but by the testimony of the Mother; the child therefore is his whose the Mother will have it, and therefore hers; Wherefore originall Dominion over children belongs to the Mother, and among men no lesse then other

creatures: The birth follows the belly.

IV. The Dominion passes from the Mother to others, divers wayes; first, if she quit and forsake her Right by exposing the child. He therefore that shall bring up the childe thus exposed, shall have the same Dominion over it, which the Mother had. For that life which the Mother had given it (not by getting, but nourishing it) she now by exposing, takes from it; Wherefore the obligation also which arose from the benefit of life, is by this exposition made voyd. Now the preserved, oweth all to the preserver, whether in regard of his education as to a Mother, or of his service, as to a Lord; for although the Mother in the state of nature, where all men have a right to all things, may recover her sonne again (namely by the same Right that any body else might doe it) yet may not the Sonne rightly transferre himselfe again unto his Mother.

V. Secondly, if the Mother be taken prisoner, her Sonne is his that took her, because that he who hath Dominion over the Person, hath also Dominion over all belonging to the Person; Wherefore over the Sonne also, as hath been shewed in the foregoing Chapter, in the fifth Article. Thirdly, if the Mother be a subject under what government soever, he that hath the supreme authority in that government, will also have the Dominion over him that is born of her. for he is Lord also of the Mother, who is bound to obey him, in all things. Fourthly, if a woman for societie sake give her selfe to a man on this condition; that he shall bear the sway; he that receives his being from the contribution of both Parties, is the Fathers, in regard of the command he hath over the Mother; but if a woman bearing rule shall have children by a Subject, the children are the Mothers: for otherwise the woman can have no children without prejudice to her authority. And universally, if the society of the male and female be such an union, as the one have subjected himselfe to the other, the children belong to him or her that commands.

VI. But in the state of nature, if a man, and woman contract so, as neither is subject to the command of the other, the children are the Mothers for the reasons above given in the third Article, unlesse by pacts it be otherwise provided. For the Mother may by pact dispose of her Right as she lists, as heretofore hath been done by the Amazons, who of those children which have been begotten by their neighbours, have by pact allowed them the males, and retained the females to themselves; but in a civill government, if there be a contract of marriage between a man and woman, the children are the Fathers; because in

all Cities, viz. constituted of Fathers, not Mothers governing their families, the domesticall command belongs to the man, and such a contract, if it be made according to the civill Laws, is called MATRIMONY; but if they agree only to lye together, the children are the Fathers, or the Mothers variously, according to the differing civill Lawes of divers Cities.

VII. Now because by the third Article the Mother is originally Lord of her Children, and from her the Father, or some body else by derived Right, it is manifest that the Children are no lesse subject to those by whom they are nourisht, and brought up, then Servants to their Lords, and Subjects to him who beares the Supreme Rule; and that a Parent cannot be injurious to his Sonne as long as he is under his power. A Son also is freed from subjection on the same manner as a subject and servant are. For emancipation is the same thing with manumission, and abdication with banishment.

VIII. The enfranchised son, or released servant, doe now stand in lesse fear of their Lord and Father, being deprived of his naturall and lordly power over them, and (if regard be had to true and inward Honour) doe Honour him lesse, then before. For Honour (as hath been said in the section above) is nothing else but the estimation of anothers power; and therefore he that hath least power, hath alwayes least Honour. But it is not to be imagin'd that the enfranchiser ever intended so to match the enfranchised with himself, as that he should not so much as acknowledge a benefit, but should so carry himself in all things, as if he were become wholly his equall; It must therefore be ever understood, That he who is freed from subjection, whether he be a servant, sonne, or some colony, doth promise all those externall signes, at least whereby Superiours used to be Honour'd by their inferiours. From whence it followes, That the precept of honouring our Parents, belongs to the law of nature, not onely under the title of Gratitude, but also of Agreement.

IX. What then, will some one demand, is the difference between a sonne, or between a subject, and a servant? Neither doe I know that any Writer hath fully declared what liberty, and what slavery is. Commonly to doe all things according to our own phancies, and that without punishment, is esteem'd to be liberty; not to be able to doe this, is judg'd bondage; which in a Civill Government, and with the peace of mankind cannot possibly be done, because there is no City without a Command, and a restraining Right. LIBERTY, that we may define it, is nothing else but an absence of the lets, and hinderances of motion, as

water shut up in a vessell is therefore not at liberty, because the vessell hinders it from running out, which the vessell being broken, is made free. And every man hath more or lesse liberty, as he hath more or lesse space in which he employes himself: as he hath more liberty, who is in a large, then he that is kept in a close prison. And a man may be free toward one part, and yet not toward another; as the traveller is bounded on this, and that side with hedges, or stone walls, lest he spoyle the vines, or corne, neighbouring on the high way. And these kinde of lets are externall, and absolute; in which sense all Servants, and Subjects are free, who are not fetter'd and imprisoned. There are others which are arbitrary, which doe not absolutely hinder motion, but by accident; to wit, by our own choyce, as he that is in a ship is not so hindered, but he may cast himselfe into the Sea, if he will: and here also the more wayes a man may move himselfe, the more liberty he hath, and herein consists civill liberty; for no man, whether subject, sonne, or servant, is so hindred by the punishments appointed by the City, the Father, or the Lord, how cruell soever, but that he may doe all things, and make use of all meanes necessary to the preservation of his life and health. For my part therefore I cannot finde what reason a meer servant hath to make complaints, if they relate onely to want of liberty, unlesse he count it a misery to be restrained from hurting himselfe, and to receive that life, (which by warre, or misfortune, or through his own idlenesse was forfeited) together with all manner of sustenance, and all things necessary to the conservation of health, on this condition only, that he will be rul'd: for he that is kept in by punishments layd before him, so as he dares not let loose the reines to his will in all things; is not opprest by servitude, but is governed and sustained. But this priviledge free subjects and sonnes of a family, have above servants, (in every government, and family, where servants are) that they may both undergoe the more honourable offices of the City or family, and also enjoy a larger possession of things superfluous. And herein layes the difference between a free subject, and a servant, that he is FREE, but a SERVANT is he who also indeed, who serves his City onely; serves his fellow subject: all other liberty is an exemption from the Lawes of the City, and proper only to those that bear Rule.

X. A Father, with his sonnes and servants growne into a civill Person by vertue of his paternall jurisdiction, is called a FAMILY. This family, if through multiplying of children, and acquisition of servants, it becomes numerous, insomuch as without

casting the uncertain dye of warre, it cannot be subdued, will be termed an Hereditary Kingdome; which though it differ from an institutive Monarchy, being acquired by force in the original, & manner of its constitution; yet being constituted, it hath all the same properties, and the Right of authority is every where the same, insomuch as it is not needfull to speak any thing of them apart.

XI. It hath been spoken, by what Right supreme authorities are constituted. Wee must now briefly tell you by what right they may be continued. Now the Right by which they are continued, is that which is called the right of SUCCESSION. Now because in a Democratie, the supreme authority is with the People, as long as there be any subjects in being, so long it rests with the same Person; for the People hath no Successour. In like manner in an Aristocracy, one of the Nobles dying, some other by the rest is substituted in his place; and therefore except they all dye together, which I suppose will never happen, there is no succession. The Querie therefore of the Right of Succession takes place onely in an absolute Monarchy. For they who exercise the supreme power for a time onely, are themselves no Monarchs, but Ministers of state.

XII. But first, if a Monarch shall by Testament appoint one to succeed him, the Person appointed shall succeed; for if he be appointed by the People, he shall have all the Right over the City which the People had, as hath been shewed in the 7. Chap. Art. 11. But the People might choose him; by the same Right therefore may he choose another; But in an hereditary Kingdome there are the same Rights as in an institutive; Wherefore, every Monarch may by his will make a successour.

XIII. But what a man may transferre on another by Testament, that by the same Right may he yet living, give, or sell away; To whomsoever therefore he shall make over the supreme power, whether by gift, or sale, it is rightly made.

XIV. But if living, he have not declared his will concerning his successour by Testament, nor otherwise, it is supposed, First, that he would not have his Government reduced to an Anarchy, or the state of warre, (that is) to the destruction of his subjects; as well because he could not doe that without breach of the Lawes of nature, whereby he was obliged to the performance of all things necessarily conducing to the preservation of Peace, as also because if that had been his will, it had not been hard for him to have declared that openly. Next, because the Right passeth according to the will of the Father, we

must judge of the successour according to the signes of his will. It is understood therefore, that he would have his subjects to be under a Monarchicall Government rather then any other, because he himselfe in ruling, hath before approved of that state by his example, and hath not afterward either by any word or deed condemned it.

XV. Furthermore, because by naturall necessity all men wish them better from whom they receive glory, and honour, then others; but every man after death receives honour and glory from his children, sooner then from the power of any other men: hence we gather, that a father intends better for his children, then any other persons. It is to be understood therefore, that the will of the father, dying without Testament, was, that some of his children should succeed him; yet this is to be understood with this proviso, that there be no more apparent tokens to the contrary: of which kind, after many successions, custome may be one, for he that makes no mention of his succession, is supposed to consent to the customes of his Realme.

XVI. Among children the Males carry the preheminance, in the beginning perhaps, because for the most part (although not alwayes) they are fitter for the administration of greater matters, but specially of wars; but afterwards, when it was grown a custome, because that custome was not contradicted; and therefore the will of the Father, unlesse some other custome or signe doe clearly repugne it, is to be interpreted in favour of them.

XVII. Now because the Sonnes are equall, and the power cannot be divided, the eldest shall succeed; for if there be any difference by reason of age, the eldest is supposed more worthy, for nature being judge, the most in years (because usually it is so) is the wisest. But other judge there cannot be had. But if the Brothers must be equally valued, the succession shall be by lot. But primogeniture is a naturall lot, and by this the eldest is already prefer'd; nor is there any that hath power to judge, whether by this, or any other kind of lots the matter is to be decided. Now the same reason which contends thus for the first-born sonne, doth no lesse for the first born daughter.

XVIII. But if he have no children, then the command shall pass to his Brothers & Sisters, for the same reason, that the children should have succeeded if he had had them: for those that are nearest to us in nature, are supposed to be nearest in benevolence; and to his brothers, sooner then his sisters, and to the elder sooner then the yonger; for the reason is the same for

these which it was for the children.

XIX. Furthermore, by the same reason that men succeed to the power, doe they also succeed to the Right of succession: for if the first-born dye before the Father, it will be judged, that he transferred his Right of succession unto his children, unlesse the Father have otherwise decreed it, and therefore the Nephewes will have a fairer pretence to the succession, then the Uncles. I say all these things will be thus, if the custome of the place (which the Father by not contradicting, will be judged to have consented to) doe not hinder them.

Chap. X

A comparison between 3. kinds of government, according to their severall inconveniences.

I. What Democracy, Aristocracy, and monarchy are, hath already been spoken, but which of them tends most to the preservation of the subjects Peace, and procuring their advantages, we must see by comparing them together. But first let us set forth the advantages, and disadvantages of a City in generall, lest some perhaps should think it better, that every man be left to live at his own will, then to constitute any civill society at all. Every man indeed out of the state of civill government hath a most entire, but unfruitfull liberty; because that he who by reason of his own liberty acts all at his own will, must also by reason of the same liberty in others, suffer al at anothers wil; but in a constituted City, every subject retains to himselfe as much freedom as suffices him to live well, and quietly, & there is so much taken away from others, as may make them not to be feared. Out of this state, every man hath such a Right to all, as yet he can enjoy nothing; in it, each one securely enjoyes his limited Right; Out of it, any man may rightly spoyle, or kill one another; in it, none but one. Out of it we are protected by our own forces; in it, by the power of all. Out of it no man is sure of the fruit of his labours; in it, all men are. Lastly, out of it, there is a Dominion of Passions, war, fear, poverty, slovinlinesse, solitude, barbarisme, ignorance, cruelty. In it, the Dominion of reason, peace, security, riches, decency, society, elegancy, sciences, and benevolence.

II. Aristotle in his seventh book, and fourteenth Chapter of his Politiques saith, that there are two sorts of governments,

whereof the one relates to the benefit of the Ruler, the other to that of the Subjects; as if where Subjects are severely dealt with, there were one, and where more mildly, there were another form of government; which opinion may by no means be subscribed to, for all the profits and disprofits arising from government are the same, and common both to the Ruler, and the Subject; The Damages which befall some particular subjects through misfortune, folly, negligence, sloth, or his own luxury, may very well be severed from those which concern the Ruler, but those relate not to the government it selfe, being such as may happen in any form of government whatsoever. If these same happen from the first institution of the City, they will then be truly called the inconveniencies of government, but they will be common to the Ruler with his subjects, as their benefits are common; but the first and greatest benefit, Peace, and defence, is common to both, for both he that commands, and he who is commanded, to the end that he may defend his life, makes use at once of all the forces of his fellow-subjects; and in the greatest inconvenience that can befall a City, namely the slaughter of subjects, arising from Anarchy, both the Commander, and the Parties commanded, are equally concerned. Next, if the Ruler levie such a summe of vast monies from his subjects, as they are not able to maintain themselves, and their families, nor conserve their bodily strength, and vigour, the disadvantage is as much his, as theirs, who with never so great a stock, or measure of riches, is not able to keep his authority or his riches without the bodies of his subjects; but if he raise no more then is sufficient for the due administration of his power, that is a benefit equall to himselfe and his subjects, tending to a common Peace, and defence. Nor is it imaginable which way publick treasures can be a grievance to private subjects, if they be not so exhausted, as to be wholly deprived from all possibility to acquire, even by their industry, necessaries to sustain the strength of their bodies, and mindes; for even thus the grievance would concern the Ruler; nor would it arise from the ill institution, or ordination of the government, (because in all manner of governments subjects may be opprest) but from the ill administration of a well established government.

III. Now that Monarchy of the foresaid forms, of Democracy, Aristocracy, and Monarchy, hath the preheminance, will best appear by comparing the conveniences and inconveniences arising in each one of them. Those arguments therefore that the whole universe is governed by one God; that the Ancients preferr'd the

Monarchicall state before all others, ascribing the Rule of the Gods to one Jupiter; that in the beginning of affairs, and of Nations, the decrees of Princes were held for Laws; that paternall government instituted by God himselfe in the Creation, was Monarchicall. that other governments were compacted by the artifice of men out of the ashes of Monarchy, after it had been ruined with seditions; and that the people of God were under the jurisdiction of Kings, although I say these doe hold forth Monarchy as the more eminent to us, yet because they doe it by examples and testimonies, and not by solid reason, we will passe them over.

Compacted by the artifice of men, &c.] It seems the Ancients who made that same fable of Prometheus pointed at this. They say, that Prometheus having stolne fire from the Sunne, formed a man out of clay, and that for this deed he was tortured by Jupiter with a perpetuall gnawing in his liver. which is, that by humane invention (which is signified by Prometheus) Laws and Justice were by imitation taken from Monarchy, by vertue whereof (as by fire removed from its naturall orbe) the multitude (as the durt and dregs of men) was as it were quickned and formed into a civill Person, which is termed Aristocracy, or Democracy; but the Awthours and Abettors being found, who might securely and quietly have lived under the naturall jurisdiction of Kings, doe thus smart for it, that being exposed still to alteration, they are tormented with perpetuall cares, suspitions, and dissentions.

IV. Some there are who are discontented with the government under one, for no other reason, but because it is under one; as if it were an unreasonable thing that one man among so many, should so farre excell in power, as to be able at his own pleasure to dispose of all the rest; these men sure, if they could, would withdraw themselves from under the Dominion of one God. But this exception against one is suggested by envie, while they see one man in possession of what all desire: for the same cause they would judge it to be as unreasonable, if a few commanded, unlesse they themselves either were, or hoped to be of the number; for if it be an unreasonable thing that all men have not an equall Right, surely an Aristocracy must be unreasonable also. But because we have shewed that the state of equality is the state of warre, and that therefore inequality was introduc'd by a generall consent; this inequality whereby he, whom we have voluntarily given more to, enjoyes more, is no longer to be accompted an unreasonable thing. The inconveniences therefore which attend the Dominion of one man, attend his Person, not his

Unity. Let us therefore see whether brings with it the greater grievances to the subject, the command of one man, or of many.

V. But first, we must remove their opinion who deny that to be any City at all, which is compacted of never so great a number of servants under a common Lord. In the 9. Artic. of the 5. Chapter, a City is defined to be one Person made out of many men, whose will by their own contracts is to be esteemed as the wills of them all, insomuch as he may use the strength and faculties of each single Person for the publick Peace and safety; and by the same article of the same Chapter, One Person is that, when the wills of many are contained in the will of one. But the will of each servant is contained in the will of his Lord, as hath been declared in the 5. Article of the 8. Chapter, so as he may employ all their forces and faculties according to his own will, and pleasure; it followes therefore that that must needs be a city, which is constituted by a Lord, and many servants; neither can any reason be brought to contradict this which doth not equally combat against a City constituted by a Father, and his Sonnes; for to a Lord who hath no children, servants are in the nature of sonnes; for they are both his honour, and safeguard; neither are servants more subject to their Lords, then children to their Parents, as hath been manifested above in the 5. Article of the 8. Chapter.

VI. Among other grievances of supreme authority one is, that the Ruler, beside those monies necessary for publick charges, as the maintaining of publick Ministers, building, and defending of Castles, waging warres, honourable sustaining his own houshold, may also, if he will, exact others through his lust, whereby to enrich his sonnes, kindred, favourites, and flatterers too. I confesse this is a grievance, but of the number of those which accompany all kindes of government, but are more tolerable in a Monarchy then in a Democracy; for though the Monarch would enrich them, they cannot be many, because belonging but to one. But in a Democracy, look how many Demagoges, (that is) how many powerfull Oratours there are with the people (which ever are many, and daily new ones growing) so many Children, Kinsmen, friends, & Flatterers, are to be rewarded; for every of them desire not onely to make their families as potent, as illustrious in wealth, as may be, but also to oblige others to them by benefits for the better strengthning of themselves. A Monarch may in great part satisfie his Officers and Friends, because they are not many, without any cost to his Subjects, I mean, without robbing them of any of those Treasures given in for the maintenance of War, and

Peace; In a Democracy, where many are to be satisfied, and alwayes new ones, this cannot be done without the Subjects oppression. Though a Monarch may promote unworthy Persons, yet oft times he will not doe it; but in a Democracy all the popular men are therefore suppos'd to doe it, because it is necessary; for else, the power of them who did it would so encrease, as it would not onely become dreadfull to those others, but even to the whole City also.

VII. Another grievance is, that same perpetuall fear of death which every man must necessarily be in, while he considers with himself that the Ruler hath power. not onely to appoint what punishments he lists on any Transgressions, but that he may also in his wrath, and sensuality, slaughter his innocent Subjects, and those who never offended against the Lawes. And truly this is a very great grievance in any forme of Government wheresoever it happens: (for it is therefore a grievance because it is; not, because it may be done) but it is the fault of the Ruler, not of the Government; For all the acts of Nero are not essentiall to Monarchie; yet Subjects are lesse often undeservedly condemn'd under one Ruler, then under the People: For Kings are onely severe against those who either trouble them with impertinent Counsells, or oppose them with reproachfull words, or controule their Wills; but they are the cause that that excesse of power which one Subject might have above another becomes harmlesse. Wherefore some Nero or Caligula reigning, no men can undeservedly suffer, but such as are known to him, namely Courtiers, and such as are remarkable for some eminent Charge; and not all neither, but they onely who are possessed of what he desires to enjoy; for they that are offensive, and contumelious, are deservedly punisht. Whosoever therefore in a Monarchy will lead a retired life, let him be what he will that Reignes, he is out of danger: for the ambitious onely suffer, the rest are protected from the injuries of the more potent. But in a popular Dominion there may be as many Nero's, as there are Oratours who sooth the People; for each one of them can doe as much as the People, and they mutually give way to each others appetite (as it were by this secret pact, Spare me to day, and Ile spare thee to morrow) while they exempt those from punishment, who to satisfie their lust, and private hatred, have undeservedly slain their fellow-subjects. Furthermore, there is a certain limit in private power, which if it exceed, it may prove pernicious to the Realme, and by reason whereof it is necessary sometimes for Monarchs to have a care that the common-weale do thence receive no prejudice.

When therefore this power consisted in the multitude of Riches, they lessened it by diminishing their heaps; but if it were in popular applause, the powerfull party without any other crime laid to his charge, was taken from among them. The same was usually practised in Democracies; for the Athenians inflicted a punishment of ten yeares banishment on those that were powerfull, meerly because of their powers, without the guilt of any other crime; and those who by liberall gifts did seek the favour of the common people, were put to death at Rome, as men ambitious of a Kingdome. In this Democracy and Monarchy were eaven; yet differ'd they much in fame, because fame derives from the People, and what is done by many, is commended by many: and therefore what the Monarch does, is said to be done out of envie to their vertues, which if it were done by the People, would be accounted Politie.

VIII. There are some who therefore imagine Monarchy to bee more grievous then Democracy, because there is lesse liberty in that, then in this. If by liberty they mean an exemption from that subjection which is due to the Lawes (i.e.) the commands of the People, neither in Democracy, nor in any other state of government whatsoever, is there any such kind of liberty. If they suppose liberty to consist in this, that there be few lawes, few prohibitions, and those too such, that except they were forbidden, there could be no Peace; then I deny that there is more liberty in Democracy then Monarchy; for the one as truly consisteth with such a liberty, as the other. For although the word liberty, may in large, and ample letters be written over the gates of any City whatsoever, yet is it not meant the Subjects, but the Cities liberty, neither can that word with better Right be inscribed on a City which is governed. by the people, then that which is ruled by a Monarch. But when private men or subjects demand liberty, under the name of liberty, they ask not for liberty, but dominion, which yet for want of understanding, they little consider; for if every man would grant the same liberty to another, which he desires for himselfe, as is commanded by the law of nature, that same naturall state would return again, in which all men may by Right doe all things, which if they knew, they would abhor, as being worse then all kind of civill subjection whatsoever. But if any man desire to have his single freedome, the rest being bound, what does he else demand but to have the Dominion? for who so is freed from all bonds, is Lord over all those that still continue bound. Subjects therefore have no greater liberty in a Popular, then in a Monarchicall State. That which deceives them, is the equall participation of

command, and publique places; for where the authority is in the People, single subjects doe so far forth share in it as they are parts of the People ruling; and they equally partake in publique Offices so far forth as they have equall voices in choosing Magistrates, and publique Ministers. And this is that which Aristotle aim'd at, himself also, through the custome of that time, mis-calling Dominion liberty, in his sixth Book, and second Chapter of Politiques. In a popular State there is liberty by supposition; which is a speech of the vulgar, as if no man were free out of this State. From whence, by the way, we may collect, That those Subjects, who in a Monarchy deplore their lost liberty, doe onely stomack this, that they are not receiv'd to the steerage of the Common-weal.

IX. But perhaps for this very reason some will say, That a Popular State is much to be preferr'd before a Monarchicall. because that, where all men have a hand in publique businesses, 'there all have an opportunity to shew their wisdom, knowledge, and eloquence, in deliberating matters of the greatest difficulty and moment; which by reason of that desire of praise which is bred in humane nature, is to them who excell in such like faculties, and seeme to themselves to exceed others, the most delightfull of all things. But in a Monarchy, this same way to obtain praise, and honour, is shut up to the greatest part of Subjects; and what is a grievance, if this be none? Ile tell you: To see his opinion whom we scorne, preferr'd before ours; to have our wisdom undervalued before our own faces; by an uncertain tryall of a little vaine glory, to undergoe most certaine enmities (for this cannot be avoided, whether we have the better, or the worse); to hate, and to be hated, by reason of the disagreement of opinions; to lay open our secret Counsells, and advises to all, to no purpose, and without any benefit; to neglect the affaires of our own Family: These, I say, are grievances. But to be absent from a triall of wits, although those trialls are pleasant to the Eloquent, is not therefore a grievance to them, unlesse we will say, that it is a grievance to valiant men to be restrained from fighting, because they delight in it.

X. Besides, there are many reasons why deliberations are lesse succesfull in great Assemblies, then in lesser Councils; whereof one is, that to advise rightly of all things conducing to the preservation of a Common-weal, we must not onely understand matters at home, but Forraign Affaires too: at Home, by what goods the Country is nourished, and defended, and whence they are

fetched; what places are fit to make Garrisons of; by what means Souldiers are best to be raised, and maintained; what manner of affections the Subjects bear toward their Prince, or Governours of their Country, and many the like: Abroad, what the power of each neighbouring Country is, and wherein it consists; what advantage, or disadvantage we may receive from them; what their dispositions are both to us-ward, and how affected to each other among themselves, and what Counsell daily passeth among them. Now, because very few in a great Assembly of men understand these things, being for the most part unskilfull (that I say not incapable) of them, what can that same number of advisers with their impertinent Opinions contribute to good Counsells, other then meer letts and impediments?

XI. Another reason why a great Assembly is not so fit for consultation is, because every one who delivers his opinion holds it necessary to make a long continued Speech, and to gain the more esteem from his Auditours, he polishes, and adornes it with the best, and smoothest language. Now the nature of Eloquence is to make Good and Evill, Profitable and Unprofitable, Honest and Dishonest, appear to be more or lesse then indeed they are, and to make that seem just, which is unjust, according as it shall best suit with his end that speaketh. For this is to perswade; and though they reason, yet take they not their rise from true Principles, but from vulgar received opinions, which, for the most part, are erroneous; neither endeavour they so much to fit their speech to the nature of the things they speak of, as to the Passions of their mindes to whom they speak; whence it happens that opinions are delivered not by right reason, but by a certain violence of mind. Nor is this fault in the Man, but in the nature it selfe of Eloquence, whose end (as all the Masters of Rhetorick teach us) is not truth (except by chance) but victory, and whose property is not to inform, but to allure.

XII. The third reason why men advise lesse successfully in a great convent is, because that thence arise Factions in a commonweal, and out of Factions, Seditious, and Civill War; for when equall Oratours doe combat with contrary Opinions, and Speeches, the conquered hates the Conquerour, and all those that were of his side, as holding his Counsell, and wisdom in scorne: and studyes all meanes to make the advise of his adversaries prejudiciall to the State, for thus he hopes to see the glory taken from him, and restored unto himself. Farthermore, where the Votes are not so unequall, but that the conquered have hopes by the accession of some few of their own opinion at

another sitting to make the stronger Party, the chief heads do call the rest together; they advise apart how they may abrogate the former judgment given; they appoint to be the first and earliest at the next convent; they determine what, and in what order each man shall speak, that the same businesse may again be brought to agitation, that so what was confirmed before by the number of their then present adversaries, the same may now in some measure become of no effect to them, being negligently absent. And this same kind of industry and diligence which they use to make a people, is commonly called a faction. But when a faction is inferiour in votes, and superiour, or not much inferiour in power, then what they cannot obtain by craft, and language, they attempt by force of armes, and so it comes to a civill warre. But some will say, these things doe not necessarily, nor often happen; he may as well say, that the chief Parties are not necessarily desirous of vain glory, and that the greatest of them seldom disagree in great matters.

XIII. It followes hence, that when the legislative power resides in such convents as these, the Laws must needs be inconstant, and change, not according to the alteration of the state of affaires, nor according to the changeableness of mens mindes, but as the major part, now of this, then of that faction, do convene; insomuch as the Laws do flote here, and there, as it were upon the waters.

XIV. In the fourth place, the counsels of great assemblies have this inconvenience, that whereas it is oft of great consequence, that they should be kept secret, they are for the most part discovered to the enemy before they can be brought to any effect, and their power, and will, is as soon known abroad, as to the People it selfe commanding at home.

XV. These inconveniences which are found in the deliberations of great assemblies do so farre forth evince Monarchy to be better then Democracy, as in Democracy affairs of great consequence are oftner trusted to be discussed by such like Committees, then in a Monarchy. Neither can it easily bee done otherwayes; for there is no reason why every man should not naturally rather minde his own private, then the publique businesse, but that here he sees a means to declare his eloquence, whereby he may gain the reputation of being ingenuous, and wise, and returning home to his friends, to his Parents, to his wife, and children, rejoyce, and triumph in the applause of his dexterous behaviour: As of old all the delight Marcus Coriolanus had in his warlike actions, was, to see his praises so

well pleasing to his Mother. But if the People in a Democracy would bestow the power of deliberating in matters of Warre, and Peace, either on one, or some very few, being content with the nomination of Magistrates, and publique Ministers, that is to say, with the authority without the ministration, then it must be confest, that in this particular, Democracy and Monarchy would be equall.

XVI. Neither do the conveniencies or inconveniences which are found to be more in one kind of government then another, arise from hence, namely, because the government it self, or the administration of its affairs, are better committed to one, then many; or on the other side, to many, then to some few. For Government, is the power, the administration of it, is the. act. now the Power in all kind of government is equall; the acts only differ, that is to say the actions, and motions of a common-weale, as they flow from the deliberations of many, or few, of skilfull, or impertinent men. Whence we understand, that the conveniences, or inconveniences of any government, depend not on him in whom the authority resides, but on his Officers; and therefore nothing hinders, but that the common-weale may be well governed, although the Monarch be a woman, or youth, or infant, provided that they be fit for affaires, who are endued with the publique Offices, and charges; And that which is said, Woe to the land whose King is a childe, doth not signifie the condition of a Monarchy to be inferiour to a Popular state, but contrariwise, that by accident it is the grievance of a Kingdome, that the King being a childe, it often happens, that many by ambition, and power, intruding themselves into publique counsels, the government comes to be administred in a Democraticall manner, and that thence arise those infelicities which for the most part accompany the Dominion of the People.

XVII. But it is a manifest sign, that the most absolute Monarchy is the best state of government, that not onely Kings, but even those Cities which are subject to the people, or to Nobles, give the whole command of warre to one only, and that so absolute, as nothing can be more (wherein by the way this must be noted also, that no King can give a Generall greater authority over his army, then he himselfe by Right may exercise over all his subjects). Monarchy therefore is the best of all governments in the Camps. But what else, are many Common-wealths, then so many Camps strengthened with armes, and men against each other, whose state (because not restrained by any common power, howsoever an uncertain peace, like a short truce, may passe

between them) is to be accounted for the state of nature, which is the state of War.

XVIII. Lastly, since it was necessary for the preservation of our selves to be subject to some Man, or Councell, we cannot on better condition be subject to any, then one whose interest depends upon our safety, and welfare; and this then comes to passe when we are the inheritance of the Ruler; for every man of his own accord endeavours the preservation of his inheritance. But the Lands, and Monies of the Subjects are not onely the Princes Treasure, but their bodies, and active minds; which will be easily granted by those who consider at how great rates the Dominion of lesser Countries is valued, and how much easier it is for men to procure mony, then money men; nor doe we readily meet with any example that shewes us when any subject, without any default of his own, hath by his Prince been despoiled of his life, or goods, through the sole licenciousnesse of his Authority.

XIX. Hitherto we have compared a Monarchicall, with a Popular State; we have said nothing of Aristocracy; we may conclude of this, by what hath been said of those, that, that which is hereditary, and content with the election of Magistrates; which transmits its deliberations to some few, and those most able; which simply imitates the government of Monarchs most, and the People least of all, is for the Subjects both better, and more lasting then the rest.

## Chap. XI

Places and Examples of Scripture of the Rights of Government agreeable to what hath been said before

I. We have in the 6. Chapter, and the 2. Article, so derived the Originall of institutive, or politicall Government from the consent of the Multitude, that it appears they must either all consent, or be esteem'd as Enemies. Such was the beginning of Gods Government over the Jewes instituted by Moses, If ye will obey my voice indeed, & c. Ye shall be unto me a Kingdome of Priests, & c. And Moses came, and called the Elders of the People, & c. And all the people answered, and said: All that the Lord hath spoken we will do, Exod. 19. ver. 5, 6, 7, 8. Such also was the beginning of Moyses his power under God, or of his Vicegerency. And all the people saw the thunderings and lightnings, and the noyse of the Trumpet, &c. And they said unto

Moyses, speak thou unto us, and we will hear. Exod. 20. 18, 19. The like beginning also had Sauls Kingdome. When yee saw that Nahash King of the children of Ammon came out against you, yee said unto me, nay, but a King shall raign over us, when the Lord your God was your King; Now therefore behold the King whom yee have chosen, and whom yee have desired. 1 Sam. 12. 12. But the major part only consenting, and not all (for there were certain Sons of Belial, who said, How shall this man save us? and they dispised him, 1 Sam. 10. 27.) those who did not consent were put to death as Enemies; And the people said unto Samuel, Who is he that said, shall Saul reign over us? Bring the men that we may put them to death. 1 Sam. 11:

II. In the same 6. Chapter, the 6. and 7. Articles, I have shewed, that all judgment and Wars depend upon the will and pleasure of him who beares the Supreme Authority; that is to say, in a Monarchy, on a Monarch, or King; and this is confirmed by the Peoples owne judgement. Wee also will be like all the Nations, and our King shall JUDGE us, and goe out before us, and fight our BATTELS. 1 Sam. 8. 20. And what pertaines to judgements, and all other matters, whereof there is any controversie, whether they be Good, or Evill, is confirmed by the testimony of King Solomon. Give therefore thy Servant an understanding heart to JUDGE thy People, that I may discerne between GOOD and EVILL. 1. Kings 3. 9. And that of Absolom, There is no man deputed of the King to heare thee. 2. Sam. 15. 3.

III. That Kings may not be punished by their subjects, as hath been shewed above in the sixth Chapter, and the twelfth Article, King David also confirmes, who, though Saul sought to slay him, did notwithstanding refrain his hand from killing him, and forbad Abishai, saying, Destroy him, not. for who can stretch forth his hand against the Lords Anointed, and be innocent? 1 Sam: iv. 9. And when he had cut off the skirt of his garment, The Lord forbid (saith he) that I should doe this thing unto my Master the Lords Anointed, to stretchforth mine hand against him. 1 Sam. 24. 7. And commanded the Amalekite, who for his sake had slain Saul, to be put to death. 2 Sam. 1. 15.

IV. That which is said in the 17. Chapter of judges, at the 6. verse. In those dayes there was no King in Israel, but every man did that which was right in his own eyes (as though where there were not a Monarchy, there were an Anarchy or confusion of all things) may be brought as a testimony to prove the excellency of Monarchy above all other forms of government, unlesse that by the word King may perhaps be understood, not one man onely, but

also a Court, provided that in it there reside a supreme power; which if it be taken in this sense, yet hence it may follow, that without a supreme and absolute power (which we have endeavoured to prove in the sixth Chapter) there will be a liberty for every man to doe what hee hath a minde, or whatsoever shall seem right to himselfe; which cannot stand with the preservation of mankinde, and therefore in all Government whatsoever, there is ever a supreme power understood to be somewhere existent.

V. We have in the 8. Chapter, the 7. and 8. Article, said, that Servants must yeeld a simple obedience to their Lords, and in the 9. Chapter, Article 7. that Sonnes owe the same obedience to their Parents. Saint Paul sayes the same thing concerning Servants, Servants obey in all things your Masters according to the flesh, not with eye service, as men-pleasers, but in singleness of heart, fearing God. Colos. 3. 22. Concerning Sonnes, Children obey your Parents in all things, for this is well pleasing unto the Lord. Colos. 3. 20. Now as wee by simple obedience understand ALL THINGS which are not contrary to the Lawes of God; so in those cited places of Saint Paul, after the word ALL THINGS, we must suppose, excepting those which are contrary to the Lawes of God.

VI. But that I may not thus by peecemeale prove the right of Princes, I will now instance those testimonies which altogether establish the whole power, (namely that there is an absolute and simple obedience due to them from their subjects) And first out of the new Testament. The Scribes and Pharisees sit in Moyses seat; all therefore, whatsoever they bid you observe, that observe, and doe. Mat. 23. 2. Whatsoever they bid you, (sayes he) observe, that is to say, obey simply: Why? Because they sit in Moyses seat; namely, the civill Magistrates, not Aaron, the Priests. Let every soule be subject to the higher powers, for there is no Power but of God, the powers that be are ordained of God; whosoever therefore resisteth the Power, resisteth the ordinance of God, and they that resist shall receive to themselves damnation. Rom. 13. 1. Now because the powers that were in Saint Pauls time were ordained of God, and all Kings did at that time require an absolute entire obedience from their subjects, it followes that such a power was ordained of God. Submit your selves unto every ordinance of man for the Lords sake, whether it bee to the King as supreme, or unto Governours, as unto them that are sent by him, for the punishment of wicked doers, and for the praise of them that doe well, for so is the will of God. 1 Pet. 2. 13. Again Saint Paul to Titus, Put them in

mind to bee subject to Principalities and Powers, to obey Magistrates, &c. Chap. 3. vers. 1. What Principalities? Was it not to the Principalities of those times, which required an absolute obedience? Furthermore, that we may come to the example of Christ himselfe, to whom the Kingdome of the Jewes belonged by hereditary Right, derived from David himselfe; He when he lived in the manner of a subject, both paid tribute unto Caesar, and pronounced it to be due to him. Give unto Caesar (saith he) the things which are Caesars, and unto God, the things which are Gods. Mat. 22. 21. When it pleased him to shew himselfe a King, he required entire obedience. Goe (said he) into the village over against you, and straightway yee shall finde an Asse tyed, and a Colt with her, loose them, and bring them unto me; and if any man say ought unto you, yee shall say the Lord hath need of them. Mat: 2. This he did therefore by the right of being Lord, or a King of the Jewes. But to take away a subjects goods on this pretence onely, because the Lord hath need of them, is an absolute power. The most evident places in the old Testament are these, Goe thou near, and heare ALL that the Lord our God shall say, and speak thou unto us all that the Lord our God shall speak unto thee, and we will hear it, and doe it. Deut. 5. 27. But under the word all, is contained absolute obedience. Again to Joshua. And they answered Joshua saying, ALL that thou commandest us, we will doe, and whithersoever thou sendest us, we will goe; according as we hearkened unto Moyses in ALL things, so will we hearken unto thee, onely the Lord thy God be with thee, as he was with Moyses; whosoever hee be that doth rebell against thy Commandement, and will not hearken unto thy words in ALL that thou commandest him, he shall be put to death. Joshua 1. 16, 17, 18. And the Parable of the Bramble. Then said all the trees unto the Bramble, Come thou, and reign over us; And the Bramble said unto the trees, If in truth yee anoint me King over you, then come and put your trust in my shadow. and if not, let fire come out of the Bramble, and devoure the Cedars of Lebanon. Judges 9. vers. 14, 15. The sense of which words is, that we must acquiese to their sayings, whom we have truly constituted to be Kings over us, unlesse we would chuse rather to be consumed by the fire of a civill warre. But the Regall authority is more particularly described by God himselfe, in the 1. Sam. 8. vers. 9. &c. Shew them the Right of the King that shall reign over them, & c. This shall be the Right of the King that shall reign over you; he will take your Sons, and appoint them for himself, for his Chariots, and to be his horsemen, and some shall runne before his Chariots,

& c. And he will take your daughters to be confectionaries, &c. And he will take your vineyards, and give them to his Servants, &c. Is not this power absolute? And yet it is by God himself styled the KINGS RIGHT; neither was any man among the Jewes, no not the High Priest himselfe, exempted from this obedience. For when the King (namely Solomon) said to Abiathar the Priest, Get thee to Anathoth unto thine own fields, for thou art worthy of death, but I will not at this time put thee to death, because thou barest the Ark of the Lord God before David my father, and because thou hast been afflicted in all wherein my Father was afflicted. So Solomon thrust out Abiathar from being Priest unto the Lord. 1 Kings. 2. 26. It cannot by any argument be proved, that this act of his displeased the Lord; neither read we, that either Solomon was reprov'd, or that his Person at that time was any whit lesse acceptable to God.

## Chap XII

Of the internal causes, tending to the dissolution of any Government

I. Hitherto hath been spoken by what causes, and Pacts, Common-weals are constituted, and what the Rights of Princes are over their subjects; Now we will briefly say somewhat concerning the causes which dissolve them, or the reasons of seditions. Now as in the motion of naturall bodies, three things are to be considered, namely, internall disposition, that they be susceptible of the motion to be produced; the externall Agent, whereby a certain and determined motion may in act be produced; and the action it selfe: So also in a Common-weale where the subjects begin to raise tumults, three things present themselves to our regard; First the Doctrines and the Passions contrary to Peace, wherewith the mindes of men are fitted and disposed; next their quality and condition who sollicite, assemble, and direct them already thus disposed, to take up armes, and quit their allegiance; Lastly, the manner how this is done, or the faction it selfe. But one, and the first which disposeth them to sedition, is this, That the knowledge of good and evill belongs to each single man. In the state of nature indeed, where every man lives by equall Right, and have not by any mutuall Pacts submitted to the command of others, we have granted this to be true, nay in the first Chapter, Article 9. we have demonstrated it. But in the civil state it is false. For it was shown in chap.

6. art. 9] that the civill Lawes were the Rules of good and evill, just and unjust, honest and dishonest; that therefore what the Legislator commands, must be held for good, and what he forbids for evill; and the Legislator is ever that Person who hath the supreme power in the Commonweale, that is to say, the Monarch in a Monarchy. We have confirmed the same truth in the eleventh Chapter, Article 2. out of the words of Solomon; for if private men may pursue that as good, and shun that as evill which appears to them to be so, to what end serve those words of his? Give therefore unto thy servant an understanding heart to judge thy People, that I may discern between good and evill. Since therefore it belongs to Kings to discerne betweene good and evill, wicked are those, though usuall sayings, that he onely is a King who does righteously, and that Kings must not be obeyed, unlesse they command us just things, and many other such like. Before there was any government, just and unjust had no being, their nature onely being relative to some command, and every action in its own nature is indifferent; that it becomes just, or unjust, proceeds from the right of the Magistrate: Legitimate Kings therefore make the things they command, just, by commanding them, and those which they forbid, unjust, by forbidding them; but private men while they assume to themselves the knowledge of good and evill, desire to be even as Kings, which cannot be with the safety of the Common weale. The most ancient of all Gods commands is, Gen. 2. 15. Thou shalt not eat of the tree of knowledge of good and evill; and the most ancient of all diabolicall tentations, Chap. 3. vers. 5. Yee shall be as Gods, knowing good and evill; and Gods first expostulation with man, vers. 11. Who told thee that thou wert naked? Hast thou eaten of the tree, whereof I commanded thee that thou shouldest not eat? As if he had said, how comest thou to judge that nakedness, wherein it seemed good to me to create thee, to be shamefull, except thou have arrogated to thy selfe the knowledge of good and evill?

II. Whatsoever any man doth against his conscience is a sinne, for he who doth so, contemns the Law. But we must distinguish: That is my sinne indeed, which committing, I doe beleve to be my sinne; but what I beleve to be another mans sin, I may sometimes doe that without any sin of mine. For if I be commanded to doe that which is a sin in him who commands me, if I doe it, and he that commands me be by Right, Lord over me, I sinne not; for if I wage warre at the Commandement of my Prince, conceiving the warre to be unjustly undertaken, I doe not

therefore doe unjustly, but rather if I refuse to doe it, arrogating to my selfe the knowledge of what is just and unjust, which pertains onely to my Prince. They who observe not this distinction, will fall into a necessity of sinning, as oft as any thing is commanded them, which either is, or seems to be unlawfull to them: for if they obey, they sin against their conscience, and if they obey not, against Right. If they sin against their conscience, they declare that they fear not the paines of the world to come; if they sinne against Right, they doe as much as in them lyes, abolish humane society, and the civill life of the present world. Their opinion therefore who teach, that subjects sinne when they obey their Princes commands, which to them seem unjust, is both erroneous, and to be reckoned among those which are contrary to civill obedience; and it depends upon that originall error which we have observed above in the foregoing Article; for by our taking upon us to judge of good and evill, we are the occasion, that as well our obedience, as disobedience, becomes sin unto us.

III. The third seditious doctrine springs from the same root, That Tyrannicide is lawfull; Nay, at this day it is by many Divines, and of old it was by all the Philosophers, Plato, Aristotle, Cicero, Seneca, Plutarch, and the rest of the maintainers of the Greek, and Roman Anarchies, held not only lawful, but even worthy of the greatest praise. And under the title of Tyrants, they mean not onely Monarchs, but all those who bear the chief rule in any Government whatsoever; for not Pisistratus onely at Athens, but those thirty also who succeeded him, and ruled together, were all called Tyrants. But he, whom men require to be put to death as being a Tyrant, commands either by Right, or without Right; if without Right, he is an enemy, and by Right to be put to death; but then this must not be called the killing a Tyrant, but an enemy: if by Right, then the divine interrogation takes place, Who hath told thee that he was a Tyrant, hast thou eaten of the tree whereof I commanded thee that thou shouldest not eat? For why doest thou call him a Tyrant, whom God hath made a King, except that thou being a private Person, usurpest to thy selfe the knowledge of good and evill? But how pernicious this opinion is to all governments, but especially to that which is Monarchicall, we may hence discern, namely, that by it every King, whether good or ill, stands exposed to be condemned by the judgement, and slain by the hand of every murtherous villain.

IV. The fourth adversary opinion to Civill Society, is

theirs, who hold, That they who bear Rule are Subject also to the Civill Lawes. Which hath been sufficiently proved before not to be true in the 6. Chap. Artic. 14. from this Argument, That a City can neither be bound to it self, nor to any subject; not to it selfe, because no man can be obliged except it be to another; not to any Subject, because the single wills of the Subjects are contained in the will of the City, insomuch, that if the City will be free from all such obligation, the Subjects will so too; and by consequence she is so. But that which holds true in a City, that must be supposed to be true in a man, or an assembly of men, who have the Supreme Authority, for they make a City, which hath no being but by their Supreme Power. Now that this Opinion cannot consist with the very being of Government, is evident from hence, that by it the knowledge of what is Good and Evill, that is to say, the definition of what is, and what is not against the Lawes, would return to each single Person: Obedience therefore will cease as oft as any thing seemes to be commanded contrary to the Civill Lawes, and together with it, all coercive jurisdiction, which cannot possibly be without the destruction of the very essence of Government. Yet this Errour hath great props, Aristotle, and others; who, by reason of humane infirmity, suppose the Supreme Power to be committed with most security to the Lawes onely; but they seem to have lookt very shallowly into the nature of, Government, who thought that the constraining Power, the interpretation of Lawes, and the making of Lawes, (all which are powers necessarily belonging to Government) should be left wholly to the Lawes themselves. Now although particular Subjects may sometimes contend in judgement, and goe to Law with the Supreme Magistrate, yet this is onely then, when the question is not what the Magistrate may, but what by a certain Rule he hath declared he would doe. As, when by any Law the Judges sit upon the life of a Subject, the question is not whether the Magistrate could by his absolute Right deprive him of his life; but whether by that Law his will was that he should be deprived of it; but his will was, he should, if he brake the Law. else, his will was he should not: This therefore, that a Subject may have an action of Law against his Supreme Magistrate, is not strength of Argument sufficient to prove that he is tyed to his own Lawes. On the contrary, it is evident, that he is not tied to his owne Lawes, because no man is bound to himself. Lawes therefore are set for Titius, and Caius, not for the Ruler: however, by the ambition of Lawyers, it is so ordered, that the Lawes, to unskilfull men seeme not to depend on the Authority of

the Magistrate, but their Prudence.

V. In the fifth place, That the Supreme Authority may be divided, is a most fatal Opinion to all Common-wealths. But diverse men divide it diverse ways. For some divide it so as to grant a Supremacy to the Civill Power in matters pertaining to Peace, and the benefits of this life, but in things concerning the salvation of the Soul they transfer it on others. Now, because justice is of all things most necessary to Salvation, it happens, that Subjects measuring justice, not as they ought, by the Civill Lawes, but by the precepts and doctrines of them who, in regard of the Magistrate, are either private mens or strangers, through a superstitious fear dare not perform the obedience due to their Princes, through fear falling into that which they most feared: Now what can be more pernicious to any state, then that men should, by the apprehension of everlasting torments, be deterred from obeying their Princes, that is to say, the Lawes, or from being just? There are also some who divide the Supreme Authority so as to allow the power of War, and Peace, unto one, (whom they call a Monarch) but the right of raising Monies they give to some others, and not to him: But because monies are the sinewes of War, and Peace, they who thus divide the Authority, doe either really not divide it at all, but place it wholly in them, in whose power the money is, but give the name of it to another, or if they doe really divide it, they dissolve the Government: for neither upon necessity can War be waged, nor can the publique Peace be preserved without Money.

VI. It is a common doctrine, That faith and holinesse are not acquired by study, and naturall reason, but are alwayes supernaturally infused, and inspired into men: which, if it were true, I understand not why we should be commanded to give an account of our faith; or why any man, who is truly a Christian, should not be a Prophet; or lastly, why every man should not judge what's fit for him to doe, what to avoid, rather out of his own inspiration, then by the precepts of his Superiours, or right Reason. A return therefore must be made to the private knowledge of Good and Evil; which cannot be granted without the ruine of all Governments. This Opinion hath spread it self so largely through the whole Christian world, that the number of Apostates from natural reason is almost become infinite. And it sprang from sick-brained men, who having gotten good store of Holy Words by frequent reading of the Scriptures, made such a connexion of them usually in their preaching, that their Sermons, signifying just nothing, yet to unlearned men seemed most divine; for he whose

non-sense appears to be a Divine speech, must necessarily seeme to be inspired from above.

VII. The seventh Doctrine opposite to Government, is this, That each subject hath an absolute Dominion over the goods he is in possession of. That is to say, such a propriety as excludes not only the right of all the rest of his fellow-subjects to the same goods, but also of the Magistrate himself. Which is not true; for they who have a Lord over them, have themselves no Lordship, as hath been proved, Chap. 8. Artic. 5. Now the Magistrate is Lord of all his Subjects, by the constitution of Government. Before the yoke of Civill Society was undertaken, no man had any Proper Right; all things were common to all men. Tell me therefore, how gottest thou this propriety but from the Magistrate? How got the Magistrates it, but that every man transferred his Right on him? And thou therefore hast also given up thy Right to him; thy Dominion therefore, and Propriety, is just so much as he will, and shall last so long as he pleases; even as in a Family, each Son hath such proper goods, and so long lasting, as seeme good to the Father. But the greatest part of men who professe Civill Prudence, reason otherwise; we are equall (say they) by nature; there is no reason why any man should by better Right take my goods from me, then I his from him; we know that mony sometimes is needfull for the defence and maintenance of the publique; but let them, who require it, shew us the present necessity, and they shall willingly receive it. They who talk thus, know not, that what they would have, is already done from the beginning in the very constitution of Government, and therefore speaking as in a dissolute multitude, and yet not fashioned Government, they destroy the frame.

VIII. In the last place, it's a great hindrance to Civill Government, especially Monarchicall, that men distinguish not enough between a People and a Multitude. The People is somewhat that is one, having one will, and to whom one action may be attributed; none of these can properly be said of a Multitude. The People rules in all Governments, for even in Monarchies the People Commands; for the People wills by the will of one man; but the Multitude are Citizens, that is to say, Subjects. In a Democracy, and Aristocracy, the Citizens are the Multitude, but the Court is the People. And in a Monarchy, the Subjects are the Multitude, and (however it seeme a Paradox) the King is the People. The common sort of men, and others who little consider these truthes, do alwayes speak of a great number of men, as of the People, that is to say, the City; they say that the City hath

rebelled against the King (which is impossible) and that the People will, and nill, what murmuring and discontented Subjects would have, or would not have, under pretence of the People, stirring up the Citizens against the City, that is to say, the Multitude against the People. And these are almost all the Opinions wherewith Subjects being tainted doe easily Tumult. And forasmuch as in all manner of Government Majesty is to be preserv'd by him, or them who have the Supreme Authority, the crimen laesae Majestatis naturally cleaves to these Opinions.

IX. There is nothing more afflicts the mind of man then Poverty, or the want of those things which are necessary for the preservation of life, and honour; and though there be no man but knowes that riches are gotten with industry, and kept by frugality, yet all the poor commonly lay the blame on the Evill Government, excusing their own sloth, and luxury, as if their private goods forsooth were wasted by publique exactions; But men must consider, that they who have no patrimony, must not onely labour that they may live, but fight too, that they may labour. Every one of the Jewes, who in Esdras his time built the Walls of Jerusalem, did the work with one hand, and held the Sword in the other. In all Government we must conceive that the hand which holds the Sword is the King, or Supreme Councell, which is no lesse to be sustained, and nourisht, by the Subjects care and industry, then that wherewith each man procures himself a private fortune; and that Customes, and Tributes, are nothing else but their reward who watch in Armes for us, that the labours and endeavours of single men may not be molested by the incursion of enemies; and that their complaint, who impute their poverty to publick Persons, is not more just, then if they should say that they are become in want by paying of their debts: But the most part of men consider nothing of these things, for they suffer the same thing with them who have a disease they call an Incubus, which springing from Gluttony, it makes men believe they are invaded, opprest, and stifled with a great weight: Now it is a thing manifest of it selfe, that they who seeme to themselves to be burthened with the whole load of the Common-weal, are prone to be Seditious; and that they are affected with change, who are distasted at the present state of things.

X. Another noxious disease of the mind is theirs, who having little employment, want Honour and Dignity. All men naturally strive for Honour, and Preferment, but chiefly they who are least troubled with caring for necessary things. For these men are invited by their vacancy sometimes to disputation among

themselves concerning the Common-weal, sometimes to an easie reading of Histories, Politiques, Orations, Poems, and other pleasant Books; and it happens, that hence they think themselves sufficiently furnisht both with wit, and learning, to administer matters of the greatest consequence. Now because all men are not what they appear to themselves, and if they were, yet all (by reason of the multitude) could not be received to publique Offices, its necessary that many must be passed by. These therefore conceiving themselves affronted, can desire nothing more, partly out of envy to those who were preferred before them, partly out of hope to overwhelm them, then ill successe to the publique Consultations; and therefore its no marvell if with greedy appetites they seek for occasions of innovations.

XI. The hope of overcoming is also to be numbred among other seditious inclinations. For let there be as many men as you wil, infected with opinions repugnant to Peace, and civill Government; let there be as many as there can, never so much wounded and torne with affronts, and calumnies, by them who are in Authority; yet if there be no hope of having the better of them, or it appear not sufficient, there will no sedition follow; every man will dissemble his thoughts, and rather content himself with the present burthen, then hazard an heavier weight. There are four things necessarily requisite to this hope: Numbers, Instruments, mutuall trust, and Commanders. To resist publique Magistrates without a great number, is not Sedition, but Desperation. By Instruments of war I mean all manner of armes, munition, and other necessary provision, without which Number can doe nothing, nor Arms neither without mutuall trust; Nor all these without union under some Commander, whom of their own accord, they are content to, obey. not as being engaged by their submission to his command (for we have already in this very Chapter, supposed these kind of men not to understand, being obliged beyond that which seems right and good in their own eyes) but for some opinion they have of his vertue, or military skill, or resemblance of humours. If these four be near at hand to men grieved with the present state, and measuring the justice of their actions by their own judgements, there will be nothing wanting to sedition and confusion of the Realme, but one to stirre up and quicken them.

XII. Salust his Character of Catiline, (then whom there never was a greater Artist in raising seditions) is this, That he had great eloquence, and little wisdome. he separates wisdome from eloquence, attributing this as necessary to a man born for commotions, adjudging that as an instructresse of Peace, and

quietnesse. Now, eloquence is twofold. The one is an elegant, and cleare expression of the conceptions of the mind, and riseth partly from the contemplation of the things themselves, partly from an understanding of words taken in their own proper, and definite signification; the other is a commotion of the Passions of the minde (such as are hope, fear, anger, pittie) and derives from a metaphoricall use of words fitted to the Passions: That forms a speech from true Principles, this from opinions already received, what nature soever they are of. The art of that is Logick, of this Rhetorick; the end of that is truth, of this victory. Each hath its use, that in deliberations, this in exhortations; for that is never disjoyned from wisdome, but this almost ever. But that this kind of powerfull eloquence, separated from the true knowledge of things, that is to say, from wisdome, is the true character of them who sollicite, and stirre up the people to innovations, may easily be gathered out of the work it selfe which they have to doe; for they could not poyson the people with those absurd opinions contrary to Peace and civill society, unlesse they held them themselves, which sure is an ignorance greater then can well befall any wise man. For he that knows not whence the Lawes derive their power, which are the Rules of just and unjust, honest and dishonest, good and evill; what makes and preserves Peace among men, what destroyes it; what is his, and what anothers; Lastly, what he would have done to himselfe (that he may doe the like to others) is surely to be accounted but meanly wise. But that they can turn their Auditors out of fools into madmen; that they can make things to them who are ill-affected seem worse, to them who are well-affected seem evil; that they can enlarge their hopes, lessen their dangers beyond reason: this they have from that sort of eloquence, not which explains things as they are, but from that other, which by moving their mindes, makes all things to appear to bee such as they in their mindes prepared before, had already conceived them.

XIII. Many men who are themselves very well affected to civill society, doe through want of knowledge, cooperate to the disposing of subjects mindes to sedition, whilst they teach young men a doctrine conformable to the said opinions in their Schooles, and all the people in their Pulpits. Now they who desire to bring this disposition into Act, place their whole endeavour in this, First, that they may joyn the ill affected together into faction and conspiracy; next, that themselves may have the greatest stroke in the faction: They gather them into faction, while they make themselves the relators, and

interpreters of the counsels and actions of single men, and nominate the Persons and Places, to assemble and deliberate of such things whereby the present government may be reformed, according as it shall seem best to their interests. Now to the end that they themselves may have the chief rule in the faction, The faction must be kept in a faction, that is to say, they must have their secret meetings apart with a few, where they may order what shall afterward be propounded in a general meeting, and by whom, and on what subject, and in what order each of them shall speak, and how they may draw the powerfullest, and most popular men of the faction to their side: And thus when they have gotten a faction big enough, in which they may rule by their eloquence, they move it to take upon it the managing of affaires; and thus they sometimes oppresse the Commonwealth, namely where there is no other faction to oppose them, but for the most part they rend it, and introduce a civill warre. For folly and eloquence concur in the subversion of government in the same manner (as the fable hath it) as heretofore the daughters of Pelias King of Thessaly, conspired with Medea against their father; They going to restore the decrepit old man to his youth again, by the counsell of Medea, they cut him into peeces, and set him in the fire to boyle, in vain expecting when he would live again; So the common people through their folly (like the daughters of Pelias) desiring to renew the ancient government, being drawne away by the eloquence of ambitious men, as it were by the witchcraft of Medea, divided into faction, they consume it rather by those flames, then they reforme it.

### Chap. XIII

#### Concerning the duties of them who bear Rule

I. By what hath hitherto been said, the duties of Citizens and in any kind of government whatsoever, and the Power of the supreme Ruler over them are apparent; but we have as yet said nothing of the duties of Rulers, and how they ought to behave themselves towards their Subjects; We must then distinguish between the Right, and the exercise of supreme authority, for they can be divided; as for example, when he who hath the Right, either cannot, or will not be present in judging trespasses, or deliberating of affaires: For Kings sometimes by reason of their age cannot order their affaires, sometimes also though they can doe it themselves, yet they judge it fitter, being satisfied in

the choyce of their Officers and Counsellors, to exercise their power by them. Now where the Right and exercise are severed, there the government of the Commonweale, is like the ordinary government of the world, in which God, the mover of all things, produceth naturall effects by the means of secondary causes; but where he, to whom the Right of ruling doth belong, is himselfe present in all judicatures, consultations, and publique actions, there the administration is such, as if God beyond the ordinary course of nature, should immediately apply himself unto all matters. We will therefore in this Chapter summarily and briefly speak somewhat concerning their duties who exercise authority, whether by their own or others Right. Nor is it my purpose to descend into those things, which being divers from others, some Princes may doe, for this is to be left to the Politicall Practices of each Common weale.

II. Now all the duties of Rulers are contained in this one sentence, The safety of the people is the supreme Law; for although they who among men obtain the chiefest Dominion, cannot be subject to Lawes properly so called, that is to say, to the will of men, because to be chief, and subject, are contradictories; yet is it their duty in all things, as much as possibly they can, to yeeld obedience unto right reason, which is the naturall, morall, and divine Law. But because dominions were constituted for Peaces sake, and Peace was sought after for safeties sake, he, who being placed in authority, shall use his power otherwise then to the safety of the people, will act against the reasons of Peace, that is to say, against the Lawes of nature; Now as the safety of the People dictates a Law by which Princes know their duty, so doth it also teach them an art how to procure themselves a benefit; for the power of the Citizens, is the power of the City, that is to say, his that bears the chief Rule in any state.

III. By the people in this place we understand, not one civill Person, namely the City it selfe which governs, but the multitude of subjects which are governed; for the City was not instituted for its own, but for the subjects sake; and yet a particular care is not required of this or that man; for the Ruler (as such) provides no otherwise for the safety of his people, then by his Lawes, which are universall; and therefore he hath fully discharged himselfe, if he have throughly endeavoured by wholesome constitutions, to establish the welfare of the most part, and made it as lasting as may be; and that no man suffer ill, but by his own default, Or by some chance which could not be

prevented; but it sometimes conduces to the safety of the most part, that wicked men doe suffer.

IV. But by safety must be understood, not the sole preservation. of life in what condition soever, but in order to its happines. For to this end did men freely assemble themselves, and institute a government, that they might, as much as their humane condition would afford, live delightfully. They therefore who had undertaken the administration of power in such a kinde of government, would sinne against the Law of nature (because against their trust who had committed that power unto them) if they should not study, as much as by good Laws could be effected, to furnish their subjects abundantly, not only with the good things belonging to life, but also with those which advance to delectation. They who have acquired Dominion by arms, doe all desire that their subjects may be strong in body and mind, that they may serve them the better; wherefore if they should not endeavour to provide them, not only with such things whereby they may live, but also with such whereby they may grow strong and lusty, they would act against their own scope and end.

V. And first of all, Princes doe beleve that it mainly concerns eternall salvation, what opinions are held of the Deity, and what manner of worship he is to be adored with; which being supposed, it may be demanded, whether chief Rulers, and whosoever they be, whether one or more, who exercise supreme authority, sin not against the Law of nature, if they cause not such a doctrine, and worship, to be taught and practised (or permit a contrary to be taught and practised) as they beleve necessarily conduceth to the eternall salvation of their subjects? It is manifest that they act against their conscience, and that they will, as much as in them lies, the eternall perdition of their subjects; for if they willed it not, I see no reason why they should suffer, (when being supreme they cannot be compelled) such things to be taught and done, for which they beleve them to be in a damnable state. But we will leave this difficulty in suspence.

VI. The benefits of subjects respecting this life only, may be distributed into foure kindes. 1. That they be defended against forraign enemies. 2. That Peace be preserved at home. 3. That they be enrich't as much as may consist with publique security. 4. That they enjoy a harmelesse liberty; For supreme Commanders can conferre no more to their civill happinesse, then that being preserved from forraign and civill warres, they may quietly enjoy that wealth which they have purchased by their own industry.

VII. There are two things necessary for the Peoples defence; To be warned, and to be forearmed; for the state of Common-wealths considered in themselves, is natural, that is to say, hostile; neither if they cease from fighting, is it therefore to be called Peace, but rather a breathing time, in which one enemy observing the motion and countenance of the other, values his security not according to the Pacts, but the forces and counsels of his adversary; And this by naturall Right, as hath been shewed in the second Chapter, 10. Artic. from this, that contracts are invalid in the state of nature, as oft as any just fear doth intervene; It is therefore necessary to the defence of the City, First, that there be some who may as near as may be, search into, and discover the counsels and motions of all those who may prejudice it. For discoverers to Ministers of State, are like the beames of the Sunne to the humane soule, and we may more truly say in vision politicall, then naturall, that the sensible, and intelligible Species of outward things, not well considered by others, are by the ayre transported to the soule, (that is to say to them who have the Supreme Authority) and therefore are they no lesse necessary to the preservation of the State, then the rayes of the light are to the conservation of man; or if they be compared to Spiders webs, which extended on all sides by the finest threds, doe warn them, keeping in their small holds, of all outward motions; They who bear Rule can no more know what is necessary to be commanded for the defence of their Subjects without Spies, then those Spiders can when they shall goe forth, and whether they shall repair, without the motion of those threds.

VIII. Farthermore, its necessarily requisite to the peoples defence, that they be fore-armed. Now to be fore-armed is to be furnisht with Souldiers, Armes, Ships, Forts and Monies, before the danger be instant; for the listing of Souldiers, and taking up of Armes after a blow is given, is too late, at least if not impossible. In like manner, not to raise Forts, and appoint Garrisons in convenient places, before the Frontiers are invaded, is to be like those Country Swains (as Demosthenes said) who ignorant of the art of Fencing, with their Bucklers guarded those parts of the body where they first felt the smart of the strokes. But they who think it then seasonable enough to raise Monies for the maintenance of Souldiers, and other Charges of War, when the danger begins to shew it self, they consider not surely how difficult a matter it is to wring suddainly out of close-fisted men so vast a proportion of Monies; for almost all men, what they

once reckon in the number of their goods, doe judge themselves to have such a right and propriety in it, as they conceive themselves to be injured whensoever they are forced to imploy but the least part of it for the publique good. Now a sufficient stock of monies to defend the Country with Armes, will not soon be raised out of the treasure of Imposts, and Customes; we must therefore, for fear of War, in time of Peace hoord up good summs, if we intend the safety of the Common-weal. Since therefore it necessarily belongs to Rulers for the Subjects safety to discover the Enemies Counsell, to keep Garrisons, and to have Money in continuall readinesse, and that Princes are by the Law of Nature bound to use their whole endeavour in procuring the welfare of their Subjects, it followes, that its not onely lawfull for them to send out Spies, to maintain Souldiers, to build Forts, and to require Monies for these purposes, but also, not to doe thus, is unlawfull. To which also may be added, whatsoever shall seeme to conduce to the lesning of the power of forraigners whom they suspect, whether by sleight, or force. For Rulers are bound according to their power to prevent the evils they suspect, lest peradventure they may happen through their negligence.

IX. But many things are required to the conservation of inward Peace, because many things concur (as hath been shewed in the foregoing Chapter) to its perturbation. We have there shewed, that some things there are which dispose the minds of men to sedition, others which move and quicken them so disposed. Among those which dispose them, we have reckoned in the first place certaine perverse doctrines. Its therefore the duty of those who have the chief Authority; to root those out of the mindes of men, not by commanding, but by teaching; not by the terrour of penalties, but by the perspicuity of reasons; the Lawes whereby this evill may be withstood are not to be made against the Persons erring, but against the Errours themselves. Those errours which in the foregoing Chapter we affirmed were inconsistent with the quiet of the Common-weal, have crept into the mindes of ignorant men, partly from the Pulpit, partly from the daily discourses of men, who by reason of little employment, otherwise, doe finde leasure enough to study; and they got into these mens mindes by the teachers of their youth in publique schooles. Wherefore also, on the other side, if any man would introduce sound Doctrine, he must begin from the Academies: There, the true, and truly demonstrated foundations of civill Doctrine are to be laid, wherewith young men being once endued, they may afterward both in private and publique instruct the vulgar. And

this they will doe so much the more cheerfully, and powerfully, by how much themselves shall be more certainly convinced of the truth of those things they profess, and teach; for seeing at this day men receive propositions, though false, and no more intelligible, then if a man should joyne together a company of termes drawn by chance out of an urne, by reason of the frequent use of hearing them; how much more would they for the same reason entertain true doctrines suitable to their own understandings, and the nature of things? I therefore conceive it to be the duty of Supreme Officers to cause the true elements of civill Doctrine to be written, and to command them to be taught in all the Colledges of their severall Dominions.

X. In the next place we shewed that grief of mind arising from want did dispose the Subjects to Sedition, which want, although deriv'd from their own luxury, and sloth, yet they impute it to those who govern the Realm, as though they were drained and opprest by publique Pensions. Notwithstanding it may sometimes happen that this complaint may be just, namely, when the burthens of the Realm are unequally imposed on the Subjects; For that which to all together is but a light weight, if many withdraw themselves, it wil be very heavy, nay, even intollerable to the rest: Neither are men wont so much to grieve at the burthen it self, as at the inequality. With much earnestnes therefore men strive to be freed from taxes, & in this conflict the lesse happy, as being overcome, do envy the more fortunate. To remove therefore all just complaint, its the interest of the publique quiet, and by consequence it concernes the duty of the Magistrate, to see that the publique burthens be equally born. Furthermore, since what is brought by the subjects to publick use, is nothing else but the price of their bought Peace, its reason good, that they who equally share in the peace, should also pay an equall part either by contributing their Monies, or their labours to the Common-weal. Now it is the Law of Nature (by the 15. Article of the 3. Chapter) that every man in distributing right to others, doe carry himself equall to all; wherefore Rulers are by the naturall Law obliged to lay the burthens of the Common-weal equally on their Subjects.

XI. Now in this place we understand an equality, not of Money, but of Burthen, that is to say, an equality of reason between the Burthens, and the Benefits. For although all equally enjoy Peace, yet the benefits springing from thence, are not equall to all; for some get greater possessions, others lesse; and againe, some consume lesse, others more. It may therefore be

demanded whether Subjects ought to contribute to the publique, according to the rate of what they gain, or of what they spend, that is to say, whether the persons must be taxt, so as to pay contribution according to their wealth, or the goods themselves, that every man contribute according to what he spends. But if we consider, where Monies are raised according to wealth, there they who have made equall gain, have not equall possessions, because that one preserves what he hath got by frugality, another wastes it by luxury, and therefore equally rejoycing in the benefit of Peace, they doe not equally sustaine the Burthens of the Common-weal: and on the other side, where the goods themselves are taxt, there every man, while he spends his private goods, in the very act of consuming them he undiscernably payes part due to the Common-weal, according to, not what he hath, but what by the benefit of the Realm he hath had. It is no more to be doubted, but that the former way of commanding monies is against equity, and therefore against the duty of Rulers, the latter is agreeable to reason, and the exercise of their authority.

XII. In the third place, we said that that trouble of minde which riseth from ambition was offensive to publique Peace. For there are some who seeming to themselves to be wiser then others, and more sufficient for the managing of affaires then they who at present doe govern, when they can no otherwise declare how profitable their vertue would prove to the Common-weale, they shew it, by harming it; but because ambition and greedinesse of honours cannot be rooted out of the mindes of men, its not the duty of Rulers to endeavour it; but by constant application of rewards, and punishments, they may so order it, that men may know that the way to honour is, not by contempt of the present government, nor by factions, and the popular ayre, but by the contraries. They are good men who observe the Decrees, the Lawes and Rights of their Fathers; if with a constant order we saw these adorned with honours, but the factious punisht, and had in contempt by those who bear command, there would be more ambition to obey, then withstand. Notwithstanding it so happens sometimes, that as we must stroke a horse by reason of his too much fiercenesse, so a stiffe-neckt subject must be flatter'd for fear of his power; but as that happens when the rider, so this, when the Commander is in danger of falling. But we speak here of those, whose authority and power is intire. Their duty (I say) it is to cherish obedient subjects, and to depresse the factious all they can; nor can the publique power be otherwise preserved, nor the subjects quiet without it.

XIII. But if it be the duty of Princes to restrain the factious, much more does it concern them to dissolve and dissipate the factions themselves. Now I call a faction, a multitude of subjects gathered together, either by mutuall contracts among themselves, or by the power of some one, without his or their authority who bear the supreme Rule: A faction therefore is as it were a City in a City; for as by an Union of men in the state of nature a City receives its being, so by a new union of subjects, there ariseth a faction. According to this definition, a multitude of subjects who have bound themselves simply to obey any forreign Prince, or Subject, or have made any Pacts, or Leagues of mutuall defence between themselves against all men, not excepting those who have the supreme power in the City, is a faction. Also favour with the vulgar if it be so great, that by it an Army may be rais'd, except publique caution be given, either by hostages, or some other pledges, contains faction in it; The same may be said of private wealth, if it exceed, because all things obey mony. Forasmuch therefore as it is true, that the state of Cities among themselves is naturall, and hostile, those Princes who permit factions, doe as much as if they received an enemy within their walls, which is Contrary to the subjects safety, and therefore also against the Law of nature.

XIV. There are two things necessary to the enriching of Subjects, Labour and thrift; there is also a third which helps, to wit the naturall increase of the earth and water; and there is a fourth too, namely the Militia, which sometimes augments, but more frequently lessens the subjects stock. The two first are only necessary. For a City constituted in an Island of the Sea, no greater then will serve for dwelling, may grow rich without sowing, or fishing, by merchandize, and handicrafts only; but there is no doubt if they have a territory, but they may be richer with the same number, or equally rich, being a greater number. But the fourth, namely the Militia, was of old reckoned in the number of the gaining Arts, under the notion of Booting or taking Prey; and it was by mankind, (disperst by families) before the constitution of civill societies, accounted just and honourable; for preying, is nothing else but a warre waged with small forces; And great Common-weales, namely that of Rome, and Athens, by the spoyles of warre, forraigne tribute, and the territories they have purchased by their armes, have sometimes so improved the Common-wealth, that they have not onely not required any publique monies from the poorer sort of subjects, but have

also divided to each of them both monies and lands. But this kind of increase of riches, is not to be brought into rule and fashion: For the Militia in order to profit, is like a Dye wherewith many lose their estates, but few improve them. Since therefore there are three things only, the fruits of the earth and water, Labour and Thrift, which are expedient for the enriching of subjects, the duty of Commanders in chief, shall be conversant onely about those three. For the first, those lawes will be usefull which countenance the arts that improve the increase of the earth, and water, such as are husbandry, and fishing. For the second, all Lawes against idlenesse, and such as quicken industry, are profitable; the art of Navigation (by help whereof the commodities of the whole world, bought almost by labour only, are brought into one City) and the Mechanicks, (under which I comprehend all the arts of the most excellent workmen) and the Mathematicall sciences, the fountains of navigatory and mechanick employments, are held in due esteem and honour. For the third, those lawes are usefull, whereby all inordinate expence, as well in meats, as in clothes, and universally in all things which are consumed with usage, is forbidden. Now because such lawes are beneficiall to the ends above specified, it belongs also to the Office of supreme Magistrates, to establish them.

XV. The liberty of subjects consists not in being exempt from the Lawes of the City, or that they who have the supreme power cannot make what Laws they have a mind to; but because all the motions and actions of subjects, are never circumscribed by Lawes, nor can be, by reason of their variety, it is necessary that there be infinite cases, which are neither commanded, nor prohibited, but every man may either doe, or not doe them, as he lists himselfe. In these, each man is said to enjoy his liberty, and in this sense liberty is to be understood in this place, namely, for that part of naturall Right, which is granted and left to Subjects by the civill Lawes. As water inclosed on all hands with banks, stands still and corrupts; having no bounds, it spreads too largely, and the more passages it findes, the more freely it takes its current; so subjects, if they might doe nothing without the commands of the Law would grow dull, and unwildly, if all, they would be disperst, and the more is left undetermined by the Lawes, the more liberty they enjoy. Both extremes are faulty, for Lawes were not invented to take away, but to direct mens actions, even as nature ordained the banks, not to stay, but to guide the course of the streame. The measure

of this liberty is to be taken from the subjects, and the Cities good. Wherefore in the first place it is against the charge of those who command, and have the authority of making lawes, that there should be more lawes then necessarily serve for good of the Magistrate, and his Subjects; for since men are wont commonly to debate what to do, or not to do, by naturall reason, rather then any knowledge of the Lawes, where there are more Lawes then can easily be remembred, and whereby such things are forbidden, as reason of it selfe prohibites not of necessity, they must through ignorance, without the least evill intention, fall within the compasse of Lawes, as gins laid to entrap their harmlesse liberty, which supreme Commanders are bound to preserve for their subjects by the Lawes of nature.

XVI. It is a great part of that liberty which is harmlesse to civill government, and necessary for each subject to live happily, that there be no penalties dreaded, but what they may both foresee, and look for. and this is done, where there are either no punishments at all defined by the Lawes, or greater not required then are defined. Where there are none defined, there he that hath first broken the Law, expects an indefinite or arbitrary punishment, and his feare is supposed boundlesse, because it relates to an unbounded evill; now the Law of nature commands them who are not subject to any civill Lawes, (by what we have said in the third Chapter, Artic. 11.) and therefore supreme Commanders, that in taking revenge and punishing, they must not so much regard the past evill, as the future good, and they sin, if they entertain any other measure in arbitrary punishment, then the publique benefit. But where the punishment is defined, either by a Law prescribed, as when it is set down in plain words, that he that shall doe thus, or thus, shall suffer so and so; or by practice, as when the penalty, (not by any Law prescribed, but arbitrary from the beginning) is afterward determined by the punishment of the first. delinquent (for naturall equity commands that equall transgressors be equally punished); there to impose a greater penalty then is defined by the Law, is against the Law of nature. For the end of punishment is not to compell the will of man, but to fashion it, & make it such as he would have it who hath set the penalty. And deliberation is nothing else but a weighing, as it were in scales, the conveniencies, and inconveniencies of the fact we are attempting; where, that which is more weighty, doth necessarily according to its inclination prevaile with us. If therefore the Legislator doth set a lesse penalty on a crime, then will make

our feare more considerable with us, then our lust; that excesse of lust above the feare of punishment, whereby sinne is committed, is to be attributed to the Legislator (that is to say) to the supreme; and therefore if he inflict a greater punishment, then himselfe hath determined in his Lawes, he punisheth that in another, in which he sinned himselfe.

XVII. It pertaines therefore to the harmlesse and necessary liberty of subjects, that every man may without feare, enjoy the rights which are allowed him by the Lawes; for it is in vain to have our own distinguisht by the Lawes from anothers, if by wrong judgement; robbery, theft, they may bee again confounded. But it falls out so, that these doe happen where Judges are corrupted; for the fear whereby men are deterred from doing evill, ariseth not from hence, namely, because penalties are set, but because they are executed; for we esteeme the future by what is past, seldome expecting what seldome happens. If therefore Judges corrupted either by Gifts, Favour, or even by pittie it self, do often forbear the execution of the Penalties due by the Law, and by that meanes put wicked men in hope to passe unpunisht: honest Subjects encompast with murtherers, theeves and knaves, will not have the liberty to converse freely with each other, nor scarce to stirre abroad without hazard; nay, the City it self is dissolved, and every mans right of protecting himself at his own will returnes to him. The Law of Nature therefore gives this precept to Supreme Commanders, that they not onely doe righteousnesse themselves, but that they also by penalties cause the Judges, by them appointed, to doe the same; that is to say, that they hearken to the complaints of their Subjects; and as oft as need requires, make choice of some extraordinary Judges, who may hear the matter debated concerning the ordinary ones.

Chap. XIV

Of Lawes and Trespases

I. Hey who lesse seriously consider the force of words, doe sometimes confound Law with Counsell, sometimes with Covenant, sometimes with Right. They confound Law with Counsell, who think, that it is the duty of Monarchs not onely to give ear to their Counsellours, but also to obey them, as though it were in vaine to take Counsell, unlesse it were also followed. We must fetch the distinction between Counsell, and Law, from the difference between Counsell, and Command. Now COUNSELL is a precept in which

the reason of my obeying it, is taken from the thing it self which is advised; but COMMAND is a precept in which the cause of my obedience depends on the will of the Commander. For it is not properly said, Thus I will, and thus I Command, except the will stand for a Reason. Now when obedience is yielded to the Lawes, not for the thing it self, but by reason of the advisers will, the Law is not a Counsell, but a Command, and is defined thus, LAW is the command of that Person (whether Man, or Court) whose precept contains in it the reason of obedience; as the Precepts of God in regard of Men, of Magistrates in respect of their Subjects, and universally of all the powerfull in respect of them who cannot resist, may be termed their Lawes. Law and Counsell therefore differ many ways; Law belongs to him who hath power over them whom he adviseth, Counsell to them who have no power. To follow what is prescribed by Law, is duty, what by Counsell, is free-will. Counsell is directed to his end that receives it, Law, to his that gives it. Counsell is given to none but the willing, Law even to the unwilling. To conclude, the right of the Counsellour is made void by the will of him to whom he gives Counsell, the right of the Law-giver is not abrogated at the pleasure of him who hath a Law imposed.

II. They confound Law, and Covenant, who conceive the Lawes to be nothing else but certain omologemata or forms of living, determined by the common consent of men: Amongst whom is Aristotle, who defines Law on this manner, *Nomos esti logos orismenos kath omologian koinen poleos, minuon pos dei prattein ekasta*, that is to say, Law is a speech limited according to the common consent of the City, declaring every thing that we ought to doe. Which definition is not simply of Law, but of the Civill Law; for it is manifest that the Divine Lawes sprang not from the consent of men, nor yet the Lawes of Nature; for if they had their originall from the consent of men, they might also by the same consent be abrogated; but they are unchangeable. But indeed that's no right definition of a Civill Law; for in that place a City is taken either for one civill person, having one will, or for a multitude of men who have each of them the liberty of their private wills. If for one person, those words, common consent, are ill placed here, for one person hath no common consent; neither ought he to have said, (declaring what was needfull to be done) but commanding; for what the City declares, it commands its Subjects. He therefore by a City understood a multitude of men declaring by common consent (imagine it a writing confirm'd by Votes) some certain formes of living; but these are nothing else

but some mutuall contracts which oblige not any man (and therefore are no Lawes) before that a Supreme Power being constituted which can compell, have sufficient remedy against the rest, who otherwise are not likely to keep them. Lawes therefore, according to this definition of Aristotle, are nothing else, but naked, and weak contracts, which then at length, when there is one who by right doth exercise the Supreme Power, shall either become Lawes, or no Lawes, at his will and pleasure: Wherefore he confounds Contracts with Lawes, which he ought not to have done; for Contract is a promise, Law a command. In Contracts we say, I will do this; In Lawes, Doe this. Contracts oblige us, Lawes tie us fast, being obliged. A Contract obligeth of it self, The Law holds the party obliged by vertue of the universall Contract of yeelding obedience; Therefore in Contract its first determined what is to be done, before we are obliged to doe it; But in Law we are first obliged to performe, and what is to be done, is determined afterwards. Aristotle therefore ought to have defined a civill law thus, A civill law is a speech limited by the will of the City, commanding every thing behoofefull to be done, which is the same with that we have given above in the 6. Chap. art. 9. to wit, that the civill lawes are the command of him (whether man, or Court of men) who is endued with supreme Power in the city, concerning the future actions of his Subjects.

Contracts oblige us. To be obliged, and to be tyed being obliged, seems to some men to be one, and the same thing, and that therefore here seems to be some distinction in words, but none indeed. More cleerly therefore, I say thus, That a man is obliged by his contracts, that is, that he ought to performe for his promise sake; but that the Law tyes him being obliged, that is to say, it compells him to make good his promise, for fear of the punishment appointed by the Law.

III. They confound Lawes with Right, who continue still to doe what is permitted by divine Right, notwithstanding it be forbidden by the civill Law: That which is prohibited by the divine Law, cannot bee permitted by the civill, neither can that which is commanded by the divine Law, be prohibited by the civill. Notwithstanding that which is permitted by the divine Right, that is to say, that which may be done by divine Right, doth no whit hinder why the same may not be forbidden by the civill Lawes; for inferiour Lawes may restrain the liberty allowed by the superiour, although they cannot enlarge them. Now naturall liberty is a Right not constituted, but allowed by the Lawes. For the Lawes being removed, our liberty is absolute; This

is first restrained by the naturall, and divine Lawes, the residue is bounded by the civill Law, and what remains may again be restrained by the constitutions of particular Towns, and Societies. There is great difference therefore between Law, and Right; For Law is a fetter, Right is freedome, and they differ like contraries.

IV. All Law may be divided, first according to the diversity of its Authors into Divine and humane. The Divine, according to the two wayes whereby God hath made known his will unto men, is twofold, naturall (or morall) and positive; naturall is that which God hath declared to all men by his eternall word borne with them, to wit, their naturall Reason; and this is that Law which in this whole book I have endeavoured to unfold. Positive is that, which God hath revealed to us by the word of Prophesie, wherein he hath spoken unto men as a man: Such are the Lawes which he gave to the Jewes concerning their government, and divine worship, and they may be termed the Divine civill Lawes, because they were peculiar to the civill government of the Jewes, his peculiar people. Again, the naturall Law may be divided into that of Men, which alone hath obtained the title of the Law of nature, and that of Cities, which may be called that of Nations, but vulgarly it is termed the Right of Nations. The precepts of both are alike, but because Cities once instituted doe put on the personall proprieties of men, that Law, which speaking of the duty of single men, we call naturall, being applyed to whole Cities, and Nations, is called the Right of Nations. And the same Elements of naturall law, and Right, which have hitherto been spoken of, being transferred to whole Cities and Nations, may be taken for the Elements of the lawes, and Right of Nations.

V. All humane law is civill. For the state of men considered out of civill society, is hostile, in which, because one is not subject to another, there are no other Lawes, beside the dictates of naturall reason, which is the divine Law. But in civill government the City onely, that is to say, that man, or Court, to whom the supreme power of the City is committed, is the Legislator, and the Lawes of the City are civill. The civill Lawes may be divided according to the diversity of their subject matter, into sacred, or secular; sacred are those which pertain to Religion, that is to say, to the ceremonies, and worship of God (to wit what Persons, things, places, are to be consecrated, and in what fashion, what opinions concerning the Deity are to be taught publicquely, and with what words, and in what order supplications are to be made, and the like) and are not

determined by any divine positive Law. For the civill sacred Lawes are the humane Lawes (which are also called Ecclesiasticall) concerning things sacred; but the secular under a generall notion, are usually called the civill Lawes.

VI. Again, the civill Law (according to the two offices of the. Legislator, whereof one is to judge; the other to constrain men to acquiesce to his judgements) hath two parts; the one distributive, the other vindicative, or penall. By the distributive it is, that every man hath his proper Right, that is to say, it sets forth Rules for all things, whereby we may know what is properly ours, what another mans; so as others may not hinder us from the free use and enjoyment of our own; and we may not interrupt others in the quiet possession of theirs; and what is lawfull for every man to doe or omit, and what is not lawfull. Vindicative is that whereby it is defined what punishment shall be inflicted on them who break the Law.

VII. Now distributive, and vindicative, are not two severall Species of the Lawes, but two parts of the same Law. For if the Law should say no more, but (for example) whatsoever you take with your net in the Sea, be it yours, its in vain; For although another should take that away from you which you have caught, it hinders not, but that it still remains yours; for in the state of nature where all things are common to all, yours, and others, are all one, insomuch as what the Law defines to be yours, was yours even before the Law, and after the Law ceases not to bee yours, although in another mans possession. Wherefore the Law doth nothing, unlesse it bee understood to bee so yours, as all other men be forbidden to interrupt your free use, and secure enjoyment of it at all times, according to your own will, and pleasure. For this is that which is required to a propriety of goods, not that a man may be able to use them, but to use them alone, which is done by prohibiting others to be an hinderance to him. But in vain doe they also prohibit any men, who doe not withall strike a fear of punishment into them; in vain therefore is the Law, unlesse it contain both parts, that which forbids injuries to be done, and that which punisheth the doers of them. The first of them which is called distributive, is Prohibitory, and speaks to all; the second which is styled vindicative, or paenary, is mandatory, and onely speaks to publique Ministers.

VIII. From hence also we may understand, that every civill Law hath a penalty annexed to it, either explicitly, or implicitly; For where the penalty is not defined, neither by any writing, nor by example of any one who hath suffered the

punishment of the transgressed Law there the penalty is understood to be arbitrary, namely, to depend on the will of the Legislator, that is to say, of the supreme Commander. For in vain is that Law which may be broken without punishment.

IX. Now because it comes from the civill Lawes, both that every man have his proper Right, and distinguisht from anothers, and also that he is forbidden to invade anothers Rights, it followes, that these Precepts ( Thou shalt not refuse to give the honour defin'd by the Lawes unto thy Parents: Thou shalt not kill the man whom the Lawes forbid thee to kill: Thou shalt avoid all copulation forbidden by the Laws: Thou shalt not take away anothers goods against the Lords will: Thou shalt not frustrate the Laws and Judgements by false testimony) are Civill Lawes. The naturall Lawes command the same things but implicitly. for the law of nature (as hath been said in the 3. Chap. Art. 2.) commands us to keep contracts, and therefore also to performe obedience when we have covenanted obedience, and to abstaine from anothers goods when it is determin'd by the civill Law what belongs to another. But all Subjects (by the 13. Art. of the 6. Chap.) do covenant to obey his commands who hath the supreme power, that is to say the civill Lawes, in the very constitution of government, even before it is possible to break them. For the Law of nature did oblige in the state of nature, where first (because nature hath given all things to all men) nothing did properly belong to another, and therefore it was not possible to invade anothers right; next, where all things were common, and therefore all carnall copulations lawfull; Thirdly, where was the state of Warre, and therefore lawfull to kill; Fourthly, where all things were determined by every mans own judgement, and therefore paternall respects also: Lastly, where there were no publique judgements, and therefore no use of bearing witness, either true, or false.

X. Seeing therefore our obligation to observe those Laws, is more ancient then the promulgation of the Laws themselves, as being contained in the very constitution of the City, by the vertue of the naturall Law which forbids breach of Covenant, the Law of nature commands us to keep all the civill Laws; for where we are tyed to obedience, before we know what will be commanded us, there we are universally tyed to obey in all things. Whence it followes, that no civil Law whatsoever, which tends not to a reproach of the Deity (in respect of whom, Cities themselves have no right of their own, and cannot be said to make Lawes) can possibly be against the Law of nature; for though the Law of

nature forbid theft, adultery, &c. yet if the civill Law command us to invade any thing, that invasion is not theft, adultery, &c. For when the Lacedemonians of old permitted their youths by a certaine Law, to take away other mens goods, they commanded that these goods should not bee accounted other mens, but their own who took them; and therefore such surreptions were no thefts. In like manner, copulations of heathen Sexes, according to their Lawes, were lawfull marriages.

XI. Its necessary to the essence of a Law, that the Subjects be acquainted with two things, First, what man or Court hath the supreme power, that is to say, the Right of making Lawes. Secondly, what the Law it self sayes; for he that neither knew either to whom or what he is tyed to, cannot obey, and by consequence is in such a condition, as if he were not tyed at all. I say not that it is necessary to the essence of a Law, that either one, or the other be perpetually known, but onely that it be once knowne; and if the Subject afterward forget either the Right he hath who made the Law, or the Law it self, that makes him no lesse tyed to obey, since he might have remembered it, had he had a will to obey.

XII. The knowledge of the Legislator depends on the Subject himselfe; for the right of making Lawes could not be conferr'd on any man without his owne consent, and covenant, either exprest, or suppos'd; exprest, when from the beginning the Citizens doe themselves constitute a forme of governing the City, or when by promise they submit themselves to the Dominion of any one; or suppos'd at least, as when they make use of the benefit of the Realme, and Lawes, for their protection and conservation against others. For to whose Dominion we require our fellow Subjects to yeeld obedience for our good, his Dominion we acknowledge to be legitimate by that very request. And therefore ignorance of the power of making Lawes, can never be a sufficient excuse; for every man knowes what he hath done himselfe.

XIII. The knowledge of the lawes depends on the Legislator, who must publish them, for otherwise they are not Lawes; for Law is the command of the Law-maker, and his command is the Declaration of his Will; it is not therefore a Law, except the will of the Law-maker be declar'd, which is done by promulgation. Now in promulgation two things must be manifest, whereof one is, that he or they who publish a Law, either have a right themselves to make Lawes, or that they doe it by authority deriv'd from him or them who have it; the other is the sense of the Law it selfe. Now, that the first, namely publisht Lawes proceed from him who

hath the supreme command, cannot be manifest (speaking exactly and philosophically) to any, but them who have received them from the mouth of the Commander; the rest beleeve, but the reasons of their beliefe are so many, that it is scarce possible they should not believe. And truly in a Democratical City where every one may be present at the making of Laws if he will, he that shall be absent, must beleeve those that were present; but in monarchies and Aristocracies, because its granted but to few to be present, and openly to heare the commands of the monarch or the Nobles, it was necessary to bestow a power on those few of publishing them to the rest. And thus we beleeve those to be the Edicts and Decrees of Princes, which are propounded to us for such, either by the writings, or voices of them, whose office it is to publish them. But yet when we have these causes of beliefe, that we have seen the Prince, or supreme Councill constantly use such Counsellors, Secretaries, publishers, and seales, and the like arguments for the declaring of his will; that he never took any authority from them; that they have bin punished who not giving credit to such like promulgations have transgress the Law; not onely he who thus believing shall not obey the Edicts and Decrees set forth by them is every where accus'd, but he that not believing, shall not yield obedience, is punished. For the constant permission of these things is a manifest signe enough, and evident declaration of the Commanders will; provided there be nothing contain'd in the Law, Edict or Decree, derogatory from his supreme power: For it is not to be imagin'd that he would have ought taken from his power by any of his Officers as long as he retaines a will to governe. Now the sense of the law, when there is any doubt made of it, is to be taken from them to whom the supreme authority hath committed the knowledge of causes, or Judgements; for to judge is nothing else then by interpretation to apply the lawes to particular cases. Now we may know who they are that have this Office granted them, in the same manner, as we know who they be that have authority given them to publish Laws.

XIV. Againe the civill law according to its two fold manner of publishing, is of two sorts, written & unwritten; By written, I understand that which wants a voice, or some other signe of the will of the Legislator that it may become. a Law. For all kind of Laws are of the same age with mankinde, both in nature, and time, and therefore of more antiquity then the invention of letters, and the Art of writing. Wherefore not a writing, but a voice is necessary for a written law. this alone is requisite to the being, that to the Remembrance of a Law; for we reade, that

before letters were found out for the help of memory, that Lawes contracted into Meetre, were wont to be sung. The unwritten is that which wants no other publishing then the voice of nature, or naturall reason; such are the lawes of nature. For the naturall Law although it be distinguisht from the civill, for as much as it commands the Will, yet so farre forth as it relates to our actions it is civill; for example, this same, Thou shalt not covet, which onely appertaines to the minde, is a naturall Law, onely. but this, Thou shalt not invade, is both naturall and civill. For seeing it is impossible to prescribe such universall Rules, whereby all future contentions which perhaps are infinite, may be determined, its to be understood that in all cases not mentioned by the written lawes, the law of naturall equity is to be followed, which commands us to distribute equally to equals; and this by the vertue of the civill law, which also punisheth those who knowingly and willingly doe actually transgresse the lawes of nature.

XV. These things being understood, it appeares first, That the Lawes of Nature, although they were describ'd in the Books of some Philosophers, are not for that reason to be termed Written lawes: and that the Writings of the Interpreters of the Lawes, were no Lawes, for want of the Supreme Authority; nor yet those orations of the Wise, (that is to say) Judges, but so farre forth as by the consent of the Supreme power they part into custome; and that then they are to be received among the Written lawes, not for the Customes sake (which by its own force doth not constitute a Law) but for the Will of the Supreme Commander, which appeares in this, that he hath suffer'd his Sentence, whether equall, or unequall, to passe into custome.

XVI. Sinne, in its largest significacion, comprehends every deed, word and thought, against right reason. For every man by reasoning seeks out the meanes to the end which he propounds to himselfe. If therefore he reason right (that is to say, beginning from most evident principles, he makes a discourse out of consequences continually necessary,) he will proceede in a most direct way; otherwise hee'l goe astray, that is to say, he will either doe, say, or endeavour, somewhat against his proper end: which when he hath done, he will indeed in reasoning be said to have erred, but in action and will to have sinned; for sin followes errour, just as the Will doth the understanding: And this is the most generall acception of the word, under which is contain'd every imprudent action, whether against the Law, as to overthrow another mans house, or not against the Law, as to build

his owne upon the Sand.

XVII. But when we speak of the Lawes, the word Sinne is taken in a more strict sense, and signifies not every thing done against right reason, but that onely which is blameable, and therefore is call'd malum culpae, the evill of fault; but yet if any thing be culpable it is not presently to be term'd a sinne, or fault, but onely if it be blameable with reason. We must therefore enquire what is to be blameable with reason, what against reason. Such is the nature of man, that every one calls that good which he desires, and evill which he eschewes; and therefore through the diversity of our affections, it happens that one counts that good, which another counts evill; and the same man what now he esteem'd for good, he immediately looks on as evill; and the same thing which he calls good in himselfe, he tearmes evill in another. For we all measure good and evill by the pleasure or paine we either feele at present, or expect hereafter. Now seeing the prosperous actions of enemies (because they increase their honours, goods, and power) and of equals, (by reason of that strife of honours which is among them) both seeme and are irkesome, and therefore evill to all; and men use to repute those evill, that is to say, to lay some fault to their charge from whom they receive evill; its impossible to be determined by the consent of single men whom the same things doe not please and displease, what actions are, and what not to be blam'd. They may agree indeed in some certaine generall things, as that theft, adultery, and the like are sinnes, as if they should say that all men account those things evill to which they have given names which are usually taken in an evill sense; but we demand not whether theft be a Sinne, but what is to be term'd theft, and so concerning other in like manner. For as much therefore as in so great a diversity of censurers, what is by reason blameable, is not to be measur'd by the reason of one man more then another, because of the equality of humane nature, and there are no other reasons in being, but onely those of particular men, and that of the City, it followes, that the City is to determine what with reason is culpable: So as a fault, that is to say, a SINNE, is that, which a man do's, omits, sayes, or wills, against the reason of the City, that is, contrary to the Lawes.

XVIII. But a man may doe somewhat against the Lawes through humane infirmity, although he desire to fulfill them, and yet his action as being against the Lawes, is rightly blam'd, and call'd a Sinne. But there are some, who neglect the Lawes, and as oft as

any hope of gain and impunity doth appear to them, no conscience of contracts and betrothed faith can withhold them from their violation. Not only the deeds, but even the mindes of these men are against the Lawes. They who sinne onely through infirmity, are good men even when they sinne; but these even when they doe not sin, are wicked. For though both the action, and the mind be repugnant to the Lawes, yet those repugnancies are distinguisht by different appellations, for the irregularity of the action is called adikema, unjust deed; that of the mind adikia, and kakia, injustice, and malice; that is, the infirmity of a disturbed soule, this the pravity of a sober mind.

XIX. But seeing there is no sin which is not against some Law, and that there is no Law which is not the command of him who hath the supreme power, and that no man hath a supreme power which is not bestowed on him by our own consent; in what manner will he be said to sinne, who either denies that there is a God, or that he governs the world, or casts any other reproach upon him? For he will say, that he never submitted his will to Gods will, not conceiving him so much as to have any being. And granting that his opinion were erroneus, and therefore also a sin, yet were it to be numbred among those of imprudence or ignorance, which by right cannot be punished. This speech seems so farre forth to be admitted, that though this kind of sin be the greatest and most hurtful, yet is it to be refer'd to sins of imprudence; but that it should be excused by imprudence or ignorance, is absurd. For the Atheist is punisht either immediately by God himselfe, or by Kings constituted under God; not as a Subject is punished by a King, because he keeps not the Lawes, but as one enemy by another, because he would not accept of the Lawes; that is to say, by the Right of warre, as the Giants warring against God: For whosoever are not subject either to some common Lord, or one to another, are enemies among themselves.

(Yet is it to be referred to sins of imprudence) Many find fault that I have referr'd Atheisme to imprudence, and not to injustice; yea by some it is taken so, as if I had not declared my selfe an enemy bitter enough against Atheists: They object farther, that since I had elsewhere said that it might be knowne there is a God, by naturall reason, I ought to have acknowledged that they sin at least against the Law of nature, and therefore are not only guilty of imprudence, but injustice too. But I am so much an enemy to Atheists, that I have both diligently sought for, and vehemently desired to find some Law whereby I might

condemne them of injustice; but when I found none, I enquired next what name God himselfe did give to men so detested by him. Now God speaks thus of the Atheist: The fool hath said in his heart, there is no God. therefore I placed their sinne in that rank which God himselfe referres to; next, I shew them to be enemies of God. But I conceive the name of an enemy to be sometimes somewhat sharper, then that of an unjust man. Lastly, I affirme that they may under that notion be justly punished both by God, and supreme Magistrates, and therefore by no meanes excuse or extenuate this sinne. Now that I have said that it might be known by naturall reason that there is a God, is so to be understood, not as if I had meant that all men might know this, except they think that because Archimedes by naturall reason found out what proportion the circle hath to the square, it followes thence, that every one of the vulgar could have found out as much. I say therefore, that although it may be knowne to some by the light of reason that there is a God, yet men that are continually engaged in pleasures, or seeking of riches and honour, also men that are not wont to reason aright, or cannot do it, or care not to doe it, lastly, fools, in which number are Atheists, cannot know this.

XX. Seeing that from the vertue of the Covenant whereby each Subject is tyed to the other to perform absolute and universall obedience (such as is defined above Chap. 6. art. 13.) to the City, that is to say, to the Soveraign power, whether that be one man or Councel, there is an obligation derived to observe each one of the civill Lawes, so that that Covenant contains in it self all the Laws at once; it is manifest that the subject who shall renounce the generall Covenant of obedience, doth at once renounce all the Lawes. Which trespasse is so much worse then any other one sinne, by how much to sinne alwayes, is worse then to sinne once. And this is that sin which is called TREASON; and it is a word or deed whereby the Citizen, or Subject, declares that he will no longer obey that man or Court to whom the supreme power of the City is entrusted. And the Subject declares this same will of his by deed, when he either doth, or endeavours to do violence to the Soveraigns Person, or to them who execute his commands; of which sort are Traytors, Regicides, and such as take up armes against the City, or during a warre, flye to the enemies side. And they shew the same will in word, who flatly deny that themselves or other subjects are tyed to any such kind of obedience, either in the whole, as he who should say that wee must not obey him (keeping the obedience which we owe to God

intire) simply, absolutely, and universally; or in part, as he who should say, that he had no Right to wage warre at his own will, to make Peace, list souldiers, levie monies, electing Magistrates, and publique Ministers, enacting Lawes, deciding controversies, setting penalties, or doing ought else, without which the State cannot stand. And these and the like words and deeds are Treason by the naturall, not the civill Law. But it may so happen, that some action which before the civill Law was made, was not Treason, yet will become such, if it be done afterwards. As if it be declared by the Law, that it shall be accounted for a sign of renouncing publique obedience (that is to say for Treason) if any man shall coyn monies, or forge the Privie Seale, he that after that Declaration shall doe this, will be no lesse guilty of Treason then the other. Yet he sinnes lesse, because he breakes not all the Laws at once, but one Law only; for the Law by calling that Treason which by nature is not so, doth indeed by Right set a more odious name, and perhaps a more grievous punishment on the guilty persons, but it makes not the sinne it selfe more grievous.

XXI. But that sinne which by the Law of nature is Treason, is a Transgression of the naturall, not the civill Law. For since our obligation to civill obedience, by vertue whereof the civill Lawes are valid, is before all civill Law, and the sin of Treason is naturally nothing else but the breach of that obligation; it followes that by the sin of Treason, that Law is broken which preceded the civill Law, to wit, the naturall, which forbids us to violate Covenants, and betrothed faith. But if some Sovereign Prince should set forth a Law on this manner, Thou shalt not rebell, he would effect just nothing: For except Subjects were before obliged to obedience, that is to say, not to rebell, all Law is of no force; now the obligation which obligeth to what we were before obliged to, is superfluous.

XXII. Hence it followes, that Rebels, Traytors, and all others convicted of Treason, are punisht not by civill, but naturall Right; that is to say, not as civill Subjects, but as Enemies to the Government, not by the Right of Sovereignty, and Dominion, but by the Right of Warre.

XXIII. There are some who think that those acts which are done against the Law, when the punishment is determined by the Law it selfe, are expiated, if the punished willingly undergoe the punishment; and that they are not guilty before God of breaking the naturall Law (although by breaking the civill Lawes, we break the naturall too, which command us to keep the civill)

who have suffered the punishment which the Law required; as if by the Law, the fact were not prohibited, but a punishment were set instead of a price, whereby a licence might be bought of doing what the Law forbids. By the same reason they might inferre too, that no transgression of the Law were a sin, but that every man might enjoy the liberty which he hath bought by his own perill. But we must know that the words of the Law may be understood in a twofold sense, the one as containing two parts (as hath been declared above in the seventh Art.) namely that of absolutely prohibiting, as, Thou shalt not doe this; and revenging, as, he that doth this, shall be punisht; The other, as containing a condition, for example, Thou shalt not doe this thing, unlesse thou wilt suffer punishment; and thus, the Law forbids not simply, but conditionally. If it be understood in the first sense, he that doth it, sins, because he doth what the Law forbids to be done; if in the second, he sins not, because he cannot be said to doe what is forbidden him, that performs the condition; For in the first sense, all men are forbidden to doe it; in the second, they only who keep themselves from the punishment. In the first sense, the vindicative part of the Law obligeth not the guilty, but the Magistrate to require punishment; in the second, he himselve that owes the punishment is obliged to exact it, to the payment whereof, if it be capitall, or otherwise grievous, he cannot be obliged. But in what sense the Law is to be taken, depends on the will of him who hath the Sovereignty. When there is therefore any doubt of the meaning of the Law, since we are sure they sinne not who doe it not, it will be sin if we doe it, howsoever the Law may afterward be explained; for so to doe that which a man doubts whether it be a sin or not, when he hath freedome to forbear it, is a contempt of the Lawes, and therefore by the 28. Art. of the third Chapter, a sin against the Law of nature. Vain therefore is that same distinction of obedience into Active and Passive, as if that could be expiated by penalties constituted by humane decrees, which is a sinne against the Law of nature, which is the Law of God; or as though they sinned not, who sinne at their own perill.