

De Cive  
by Thomas Hobbes  
1651

Philosophicall Rudiments Concerning Government and Society. Or, A  
Dissertation Concerning Man in his severall habitudes and  
respects, as the Member of a Society, first Secular, and then  
Sacred.

Containing The Elements of Civill Politie in the Agreement which  
it hath both with Naturall and Divine Lawes.

In which is demonstrated, Both what the Origine of Justice is,  
and wherein the Essence of Christian Religion doth consist.  
Together with The Nature, Limits and Qualifications both of  
Regiment and Subjection.

By Tho: Hobbes.

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To the Right Honourable, William, Earle of Devonshire,  
My most honoured Lord

May it please your Lordship,

It was the speech of the Roman people (to whom the name of  
King had been render'd odious, as well by the tyrannie of the  
Tarquins, as by the Genius and Decretals of that City) 'Twas the  
speech I say of the publick, however pronounced from a private  
mouth, (if yet Cato the Censor were no more then such) That all  
Kings are to be reckon'd amongst ravenous Beasts. But what a  
Beast of prey was the Roman people, whilst with its conquering  
Eagles it erected its proud Trophees so far and wide over the  
world, bringing the Africans, the Asiaticks, the Macedonians, and  
the Achaeans, with many other despoyled Nations, into a specious  
bondage, with the pretence of preferring them to be Denizons of  
Rome? So that if Cato's saying were a wise one, 'twas every whit  
as wise that of pontius Telesinus; who flying about with open  
mouth through all the Companies of his Army, (in that famous  
encounter which he had with Sylla) cryed out, That Rome her  
selfe, as well as Sylla, was to be raz'd; for that there would

alwayes be Wolves and Depraedatours of their Liberty, unlesse the Forrest that lodg'd them were grubb'd up by the roots. To speak impartially, both sayings are very true; That Man to Man is a kind of God; and that Man to Man is an arrant. Wolfe. The first is true, if we compare Citizens amongst themselves; and the second, if we compare Cities. In the one, there's some analogie of similitude with the Deity, to wit, Justice and Charity, the twin-sisters of peace: But in the other, Good men must defend themselves by taking to them for a Sanctuary the two daughters of War, Deceipt and Violence: that is in plaine termes a meer brutall Rapacity: which although men object to one another as a reproach, by an inbred custome which they have of beholding their own actions in the persons of other men, wherein, as in a Mirroir, all things on the left side appeare to be on the right, & all things on the right side to be as plainly on the left; yet the naturall right of preservation which we all receive from the uncontroulable Dictates of Necessity, will not admit it to be a Vice, though it confesse it to be an Unhappinesse. Now that with Cato himselfe, (a person of so great a renowne for wisdome) Animosity should so prevaile instead of Judgement, and partiality instead of Reason, that the very same thing which he thought equall in his popular State, he should censure as unjust in a Monarchical, other men perhaps may have leisure to admire. But I have been long since of this opinion, That there was never yet any more-then-vulgar-prudence that had the luck of being acceptable to the Giddy people; but either it hath not been understood, or else having been so, hath been levell'd and cryed downe. The more eminent Actions and Apothegms both of the Greeks and Romans have been indebted for their Eulogies not so much to the Reason, as to the Greatnesse of them, and very many times to that prosperous usurpation (with which our Histories doe so mutually upbraid each other) which as a conquering Torrent carryes all before it, as well publick Agents as publick Actions, in the streame of Time. Wisdome properly so call'd is nothing else but this, The perfect knowledge of the Truth in all matters whatsoever. Which being derived from the Registers and Records of Things, and that as 'twere through the Conduit of certain definite Appellations, cannot possibly be the work of a suddaine Acutenesse, but of a well-ballanc'd Reason, which by the Compendium of a word, we call philosophy. For by this it is, that a way is open'd to us, in which we travell from the contemplation of particular things to the Inference or result of universall Actions. Now look how many sorts of things there are which

properly fall within the cognizance of humane reason, into so many branches does the tree of philosophy divide it selfe. And from the diversity of the matter about which they are conversant, there hath been given to those branches a diversity of Names too: For treating of Figures, tis call'd Geometry. of motion, physick; of naturall right, Moralls; put all together, and they make up philosophy. Just as the British, the Atlantick, and the Indian Seas, being diversly christen'd from the diversity of their shoares, doe notwithstanding all together make up The Ocean. And truely the Geometricians have very admirably perform'd their part. For whatsoever assistance doth accrew to the life of man, whether from the observation of the Heavens, or from the description of the Earth, from the notation of Times, or from the remotest Experiments of Navigation; Finally, whatsoever things they are in which this present Age doth differ from the rude simplenesse of Antiquity, we must acknowledge to be a debt which we owe meerly to Geometry. If the Morall philosophers had as happily discharg'd their duty, I know not what could have been added by humane Industry to the completion of that happinesse, which is consistent with humane life. For were the nature of humane Actions as distinctly knowne, as the nature of Quantity in Geometricall Figures, the strength of Avarice and Ambition, which is sustained by the erroneous opinions of the Vulgar, as touching the nature of Right and Wrong, would presently faint and languish; And Mankinde should enjoy such an Immortall peace, that (unlesse it were for habitation, on supposition that the Earth should grow too narrow for her Inhabitants) there would hardly be left any pretence for war. But now on the contrary, that neither the Sword nor the pen should be allowed any Cessation; That the knowledge of the Law of Nature should lose its growth, not advancing a whit beyond its antient stature; that there should still be such siding with the severall factions of philosophers, that the very same Action should bee decryed by some, and as much elevated by others; that the very same man should at severall times embrace his severall opinions, and esteem his own Actions farre otherwise in himselfe then he does in others; These I say are so many signes, so many manifest Arguments, that what hath hitherto been written by Morall philosophers, hath not made any progress in the knowledge of the Truth; but yet have took with the world, not so much by giving any light to the understanding, as entertainment to the Affections, whilest by the successfull Rhetorications of their speech they have confirmed them in their rashly received opinions. So that this part of philosophy hath

suffered the same destiny with the publick Wayes, which lye open to all passengers to traverse up and down or the same lot with high wayes and open streets; Some for divertisement, and some for businesse; so that what with the Impertinencies of some, and the Altercations of others, those wayes have never a seeds time, and therefore yield never a harvest. The onely reason of which unluckines should seem to be this; That amongst all the writers of that part of philosophy, there is not one that hath used an idoneous principle of Tractation: For we may not, as in a Circle, begin the handling of a Science from what point we please. There is a certain Clue of Reason, whose beginning is in the dark, but by the benefit of whose Conduct, wee are led as 'twere by the hand into the clearest light, so that the principle of Tractation is to be taken from that Darknesse, and then the light to be carried thither for the irradiating its doubts. As often therefore as any writer, doth either weakly forsake that Clue, or wilfully cut it asunder, he describes the Footsteps, not of his progresse in Science, but of his wandrings from it. And upon this it was, that when I applyed my Thoughts to the Investigation of Naturall Justice, I was presently advertised from the very word Justice, (wich signifies a steady Will of giving every one his Owne) that my first enquiry was to be, from whence it proceeded, that any man should call any thing rather his Owne, then another mans. And when I found that this proceeded not from Nature, but Consent, (for what Nature at first laid forth in common, men did afterwards distribute into severall Impropriations, I was conducted from thence to another Inquiry, namely to what end, and upon what Impulsives, when all was equally every mans in common, men did rather think it fitting, that every man should have his Inclosure; And I found the reason was, that from a Community of Goods, there must needs arise Contention whose enjoyment should be greatest, and from that Contention all kind of Calamities must unavoydably ensue, which by the instinct of Nature, every man is taught to shun. Having therefore thus arrived at two maximes of humane Nature, the one arising from the concupiscible part, which desires to appropriate to it selfe the use of those things in which all others have a joynt interest, the other proceeding from the rationally, which teaches every man to fly a contre-naturall Dissolution, as the greatest mischief that can arrive to Nature; Which principles being laid down, I seem from them to have demonstrated by a most evident connexion, in this little work of mine, first the absolute necessity of Leagues and Contracts, and thence the rudiments both of morall and of civill prudence. That

Appendage which is added concerning the Regiment of God, hath been done with this intent, that the Dictates of God Almighty in the Law of nature, might not seem repugnant to the written Law, revealed to us in his word. I have also been very wary in the whole tenour of my discourse, not to meddle with the civill Lawes of any particular nation whatsoever, That is to say, I have avoyded coming a shore, which those Times have so infested both with shelves, and Tempests. At what expence of time and industry I have beene in this scrutiny after Truth, I am not ignorant; but to what purpose, I know not. For being partiall Judges of our selves, we lay a partiall estimate upon our own productions. I therefore offer up this Book to your Lordships, not favour, but censure first, as having found by many experiments, that it is not the credit of the Author, nor the newnesse of the work, nor yet the ornament of the style, but only the weight of Reason, which recommends any Opinion to your Lordships Favour and Approbation. If it fortune to please, that is to say, if it be sound, if it be usefull, if it be not vulgar; I humbly offer it to your Lordship as both my Glory, and my protection; But if in any thing I have erred, your Lordship will yet accept it as a Testimony of my Gratitude, for that the means of study which I enjoyed by your Lordships Goodnesse, I have employed to the procurement of your Lordships Favour. The God of Heaven crown your Lordship with length of Dayes in this earthly Station, and in the heavenly Jerusalem, with a crown of Glory.

Your Honours most  
humble, and most  
devoted Servant,  
Tho. Hobbs.

#### The Authors Preface to the Reader

Reader, I promise thee here such things, which ordinarily promised, doe seeme to challenge the greatest attention, and I lay them here before thine eyes, whether thou regard the dignity or profit of the matter treated of, or the right method of handling it, or the honest motive, and good advice to undertake it, or lastly the moderation of the Authour. In this Book thou shalt finde briefly described the duties of men, First as Men, then as Subjects, Lastly, as Christians; under which duties are contained not only the elements of the Lawes of Nature, and of

Nations, together with the true originall, and power of Justice, but also the very essence of Christian Religion it selfe, so farre forth as the measure of this my purpose could well bear it.

Which kinde of doctrine (excepting what relates to Christian Religion) the most antient Sages did judge fittest to be delivered to posterity, either curiously adorned with Verse, or clouded with Allegories, as a most beautifull and hallowed mystery of Royall authority; lest by the disputations of private men, it might be defiled; Other philosophers in the mean time, to the advantage of mankinde, did contemplate the faces, and motions of things; others, without disadvantage, their natures, and causes. But in after times, Socrates is said to have been the first, who truly loved this civill Science, although hitherto not throughly understood, yet glimmering forth as through a cloud in the government of the Common weale, and that he set so great a value on this, that utterly abandoning, and despising all other parts of philosophy, he wholly embraced this, as judging it onely worthy the labour of his minde. After him comes Plato, Aristotle, Cicero, and other philosophers, as well Greeke, as Latine. And now at length all men of all Nations, not only philosophers, but even the vulgar, have, and doe still deale with this as a matter of ease, exposed and prostitute to every Mother-wit, and to be attained without any great care or study. And which makes mainly for its dignity, those who suppose themselves to have it, or are in such employment, as they ought to have it, doe so wonderfully please themselves in its Ideaea, as they easily brooke the followers of other arts to be esteemed and styled ingenuous, learned, skilfull, what you will; except prudent: for this Name, in regard of civill knowledge, they presume to be due to themselves onely. Whether therefore the worth of arts is to be weighed by the worthinesse of the persons who entertain them, or by the number of those who have written of them, or by the judgement of the wisest. certainly this must carry it, which so neerly relates to princes, and others engaged in the government of mankinde, in whose adulterate Species also the most part of men doe delight themselves, and in which the most excellent wits of philosophers have been conversant. The benefit of it when rightly delivered (that is) when derived from true principles by evident connexion, we shall then best discern, when we shall but well have considered the mischiefes that have befallen mankinde in its counterfeit and babling form; for in such matters as are speculated for the exercise of our wits, if any error escape us, it is without hurt; neither is there any losse, but of time

onely: but in those things which every man ought to meditate for the steerage of his life, it necessarily happens, that not onely from errorrs, but even from ignorance it selfe, there arise offences, contentions, nay even slaughter it selfe. Look now, how great a prejudice these are, such, and so great is the benefit arising from this doctrine of morality, truly declared. How many Kings (and those good men too) hath this one errorr, That a Tyrant King might lawfully be put to death, been the slaughter of? How many throats hath this false position cut, That a prince for some causes may by some certain men be deposed? And what blood-shed hath not this erroneus doctrine caused, That Kings are not superiours to, but administrators for the multitude? Lastly, how many rebellions hath this opinion been the cause of which teacheth that the knowledge whether the commands of Kings be just or unjust, belongs to private men, and that before they yeeld obedience, they not only may, but ought to dispute them? Besides, in the morall philosophy now commonly received, there are many things no lesse dangerous then those, which it matters not now to recite. I suppose those antients foresaw this, who rather chose to have the Science of justice wrapt up in fables, then openly exposed to disputations: for before such questions began to be moved, princes did not sue for, but already exercised the supreme power. They kept their Empire entire, not by arguments, but by punishing the wicked, and protecting the good; likewise Subjects did not measure what was just by the sayings and judgements of private men, but by the Lawes of the Realme; nor were they kept in peace by disputations, but by power and authority: yea they revered the supreme power, whether residing in one man or in a councill, as a certain visible divinity; therefore they little used as in our dayes, to joyn themselves with ambitious, and hellish spirits, to the utter ruine of their State; for they could not entertain so strange a phansie as not to desire the preservation of that by which they were preserved; in truth, the simplicity of those times was not yet capable of so learned a piece of folly. Wherefore it was peace, and a golden age, which ended not before that Saturn being expelled, it was taught lawfull to take up arms against Kings. This I say, the Antients not only themselves saw, but in one of their fables, they seem very aptly to have signified it to us; for they say, that when Ixion was invited by Jupiter to a banquet, he fell in love, and began to court Juno her selfe; offering to embrace her, he clasp't a clowd, from whence the Centaures proceeded, by nature halfe men, halfe horses, a fierce,

a fighting, and unquiet generation; which changing the names only, is as much as if they should have said, that private men being called to Counsels of State desired to prostitute justice, the onely sister and wife of the supreme, to their own judgements, and apprehensions, but embracing a false and empty shadow instead of it, they have begotten those hermaphrodite opinions of morall philosophers, partly right and comely, partly brutall and wilde, the causes of all contentions, and blood-sheds. Since therefore such opinions are daily seen to arise, if any man now shall dispell those cloudes, and by most firm reasons demonstrate that there are no authentically doctrines concerning right and wrong, good and evill, besides the constituted Lawes in each Realme, and government; and that the question whether any future action will prove just or unjust, good or ill, is to be demanded of none, but those to whom the supreme hath committed the interpretation of his Lawes; surely he will not only shew us the high way to peace, but will also teach us how to avoyd the close, darke, and dangerous by-paths of faction and sedition, then which I know not what can be thought more profitable.

Concerning my Method, I thought it not sufficient to use a plain and evident style in what I had to deliver, except I took my beginning from the very matter of civill government, and thence proceeded to its generation, and form, and the first beginning of justice; for every thing is best understood by its constitutive causes; for as in a watch, or some such small engine, the matter, figure, and motion of the wheelles, cannot well be known, except it be taken in sunder, and viewed in parts; so to make a more curious search into the rights of States, and duties of Subjects, it is necessary, (I say not to take them in sunder, but yet that) they be so considered, as if they were dissolved, (i.e.) that wee rightly understand what the quality of humane nature is, in what matters it is, in what not fit to make up a civill government, and how men must be agreed among themselves, that intend to grow up into a well-grounded State. Having therefore followed this kind of Method; In the first place I set down for a principle by experience known to all men, and denied by none, to wit, that the dispositions of men are naturally such, that except they be restrained through feare of some coercive power, every man will distrust and dread each other, and as by naturall right he may, so by necessity he will be forced to make use of the strength hee hath, toward the preservation of himself You will object perhaps, that there are some who deny this; truly so it happens, that very

many do deny it. But shall I therefore seem to fight against my self because I affirm that the same men confesse, and deny the same thing? In truth I do not, but they do, whose actions disavow what their discourses approve; of We see all countries though they be at peace with their neighbours, yet guarding their Frontiers with armed men, their Townes with Walls and ports, and keeping constant watches. To what purpose is all this, if there be no feare of the neighbouring power? Wee see even in well-governed States, where there are lawes and punishments appointed for offenders, yet particular men travell not without their Sword by their sides, for their defences, neither sleep they without shutting not only their doores against their fellow Subjects, but also their Trunks and Coffers for feare of domestiques. Can men give a clearer testimony of the distrust they have each of other, and all, of all? How since they doe thus, and even Countreyes as well as men, they publiquely professe their mutuall feare and diffidence; But in disputing they deny it, thats as much as to say, that out of a desire they have to contradict others, they gainsay themselves. Some object that this principle being admitted, it would needs follow, not onely that all men were wicked (which perhaps though it seeme hard, yet we must yeeld to, since it is so clearly declar'd by holy writ) but also wicked by nature (which cannot be granted without impiety). But this, that men are evill by nature, followes not from this principle; for though the wicked were fewer then the righteous, yet because we cannot distinguish them, there is a necessity of suspecting, heeding, anticipating, subjugating, selfe-defending, ever incident to the most honest, and fairest condition'd; much lesse do's it follow that those who are wicked are so by nature, for though from nature, that is from their first birth, as they are meerly sensible Creatures, they have this disposition, that immediately as much as in them lies, they desire and doe whatsoever is best pleasing to them, that either through feare they fly from, or through hardnesse repell those dangers which approach them, yet are they not for this reason to be accounted wicked; for the affections of the minde which arise onely from the lower parts of the soule are not wicked themselves, but the actions thence proceeding may be so sometimes, as when they are either offensive, or against duty. Unlesse you give Children all they aske for, they are peevish, and cry, I and strike their parents sometimes, and all this they have from nature, yet are they free from guilt, neither may we properly call them wicked; first, because they cannot hurt; next,

because wanting the free use of reason they are exempted from all duty; these when they come to riper yeares having acquired power whereby they may doe hurt, if they shall continue to doe the same things, then truly they both begin to be, and are properly accounted wicked; In so much as a wicked man is almost the same thing with a childe growne strong and sturdy, or a man of a childish disposition; and malice the same with a defect of reason in that age, when nature ought to be better governed through good education and experience. Unlesse therefore we will say that men are naturally evill, because they receive not their education and use of reason from nature, we must needs acknowledge that men may derive desire, feare, anger, and other passions from nature, and yet not impute the evill effects of those unto nature. The foundation therefore which I have laid standing firme, I demonstrate in the first place, that the state of men without civill society (which state we may properly call the state of nature) is nothing else but a meere warre of all against all; and in that warre all men have equall right unto all things; Next, that all men as soone as they arrive to understanding of this hatefull condition, doe desire (even nature it selfe compelling them) to be freed from this misery. But that this cannot be done except by compact, they all quitt that right which they have unto all things. Furthermore I declare, and confirme what the nature of compacts is; how and by what meanes the right of one might be transfer'd unto another to make their compacts valid; also what rights, and to whom they must necessarily be granted for the establishing of peace, I meane what those dictates of reason are, which may properly be term'd the Lawes of nature; and all these are contain'd in that part of this booke which I entitle Liberty.

These grounds thus layd, I shew farther what civill government, and the supreme power in it, and the divers kinds of it are; by what meanes it becomes so, & what rights particular men, who intend to constitute this civill government, must so necessarily transfer from themselves on the supreme power, whether it be one man, or an assembly of men, that except they doe so it will evidently appeare to be no civill government, but the rights which all men have to all things, that is the rights of tarre will still remaine. Next, I distinguish the divers kindes of it, to wit, Monarchie, Aristocratie, Democratie, and paternall Dominion, and that of Masters over their Servants; I declare how they are constituted, and I compare their severall conveniences and inconveniences each with. other. furthermore, I unfold what those things are which destroy it, and what his or

their duty is who rule in chiefe. Last of all, I explicate the natures of the Law, and of sinne, and I distinguish Law from Counsell, from compact, from that which I call Right; all which I comprehend under the title of Dominion.

In the last part of it which is entituled Religion, lest that right which by strong reason I had confirm'd the Sovereigne powers in the preceding discourse have over their Subjects, might seem to be repugnant to the sacred Scriptures, I shew in the first place how it repugns not the Divine right, for as much as God overrules all rulers by nature, (i.e.) by the Dictates of naturall reason. In the second, for as much as God himselfe had a peculiar dominion over the Jewes by vertue of that antient Covenant of Circumcision. In the third, because God doth now rule over us Christians by vertue of our Covenant of Baptisme; and therefore the authority of Rulers in chiefe, or of civill government, is not at all, we see, contrary to Religion.

In the last place I declare what duties are necessarily requir'd from us, to enter into the Kingdome of Heaven; and of those I plainly demonstrate, and conclude out of evident testimonies of holy writ, according to the interpretation made by all, that the obedience which I have affirm'd to be due from particular Christian Subjects unto their Christian princes cannot possibly in the least sort be repugnant unto Christian Religion. You have seene my Method, receive now the reason which mov'd me to write this; I was studying philosophie for my minde sake, and I had gathered together its first Elements in all kinds, and having digested them into three Sections by degrees, I thought to have written them so as in the first I would have treated of a body, and its generall properties; in the second of man and his speciall faculties, and affections; in the third, of civill government and the duties of Subjects: therefore the first Section would have contained the first philosophie, and certaine elements of physick; in it we would have considered the reasons of Time, Place, Cause, Power, Relation, Proportion, Quantity, Figure, and motion. In the second we would have beene conversant about imagination, Memory, intellect, ratiocination, appetite, till, good and Evill, honest and dishonest, and the like. what this last Section handles, I have now already shewed you. Whilest I contrive, order, pensively and slowly compose these matters, for I onely doe reason, I dispute not, it so happen'd in the interim, that my Country some few yeares before the civill tarres did rage, was boyling hot with questions concerning the rights of Dominion, and the obedience due from Subjects, the true

forerunners of an approaching tar. And was the cause which (all those other matters deferr'd) ripen'd, and pluckt from me this third part. Therefore it happens that what was last in order, is yet come forth first in time, and the rather, because I saw that grounded on its owne principles sufficiently knowne by experience it would not stand in need of the former Sections. I have not yet made it out of a desire of praise (although if I had, I might have defended my selfe with this faire excuse, that very few doe things laudably, who are not affected with commendation) but for your sakes Readers, who I perswaded my selfe, when you should rightly apprehend and thoroughly understand this Doctrine I here present you with, would rather chuse to brooke with patience some inconveniences under government (because humane affairs cannot possibly be without some) then selfe opiniatedly disturb the quiet of the publique; That, weighing the justice of those things you are about, not by the perswasion and advise of private men, but by the Lawes of the Realme, you will no longer suffer ambitious men through the streames of your blood to wade to their owne power; That you will esteeme it better to enjoy your selves in the present state though perhaps not the best, then by waging tarre, indeavour to procure a reformation for other men in another age, your selves in the meane while either kill'd, or consumed with age; Farthermore, for those who will not acknowledge themselves subject to the civill Magistrate, and will be exempt from all publique burthens, and yet will live under his Jurisdiction, and look for protection from the violence and injuries of others, that you would not looke on them as fellow Subjects, but esteeme them for enemies, and spies, and that yee rashly admit not for Gods Word all which either openly or privately they shall pretend to bee so. I say more plainly, if any preacher, Confessor, or Casuist, shal but say that this doctrin is agreeable with Gods word, namely, That the chief ruler, nay any private man may lawfully be put to death without the chiefes command, or that Subjects may resist, conspire, or covenant against the supreme power, that ye by no means beleieve them, but instantly declare their names. He who approves of these reasons, will also like my intention in writing this book.

Last of al, I have propounded to my self this rule through this whole discourse; First, not to define ought which concerns the justice of single actions, but leave them to be determined by the laws. Next not to dispute the laws of any government in special, that is, not to point which are the laws of any country, but to declare what the laws of all countries are. Thirdly not to

seem of opinion, that there is a lesse proportion of for obedience due to an Aristocracy or Democracy, then a Monarchy; though I have endeavoured by arguments in my tenth Chapter to gain a belief in men, that Monarchy is the most commodious government (which one thing alone I confesse in this whole book not to be demonstrated, but only probably stated) yet every where I expresly say, that in all kind of Government whatsoever, there ought to be a supreme and equall power. Fourthly, not in any wise to dispute the positions of Divines, except those which strip Subjects of their obedience, and shake the foundations of civill government. Lastly, lest I might imprudently set forth somewhat of which there would be no need, what I had thus written, I would not presently expose to publique interest, wherefore I got some few copies privately disperst among some of my friends, that discrying the opinions of others, if any things appeared erroneous, hard, or obscure, I might correct, soften, and explain them.

These things I found most bitterly excepted against: that I had made the civill powers too large, but this by Ecclesiasticall persons; that I had utterly taken away liberty of conscience, but this by Sectaries; that I had set princes above the civil Laws, but this by Lawyers; wherefore I was not much moved by these mens reprehensions, (as who in doing this did but do their own business) except it were tye those knots so much faster.

But for their sakes who have a litle been staggered at the principles themselves, to wit the nature of men, the authority or right of nature, the nature of compacts and contracts, and the originall of civill government, because in finding fault they have not so much followed their passions, as their common sense, I have therefore in some places added some annotations whereby I presumed I might give some satisfaction to their differing thoughts; Lastly I have endeavoured to offend none beside those whose principles these contradict, and whose tender mindes are lightly offended by every difference of opinions.

Wherefore if ye shall meet with some things which have more of sharpnesse, and lesse of certainty then they ought to have, since they are not so much spoken for the maintenance of parties, as the establishment of peace, and by one whose just grief for the present calamities of his country, may very charitably be allowed some liberty, it is his only request to ye Readers, ye will deign to receive them with an equall mind.

Philosophicall Elements of a true Citizen.

# Liberty

## Chapter One

### Of the state of men without Civill Society

I. The faculties of Humane nature may be reduc'd unto four kinds; Bodily strength, Experience, Reason, Passion. Taking the beginning of this following Doctrine from these, we will declare in the first place what manner of inclinations men who are endued with these faculties bare towards each other, and whether, and by what faculty, they are born apt for Society, and so preserve themselves against mutuall violence; then proceeding, we will shew what advice was necessary to be taken for this businesse, and what are the conditions of Society, or of Humane Peace; that is to say, (changing the words onely) what are the fundamentall Lawes of Nature.

II. The greatest part of those men who have written ought concerning Commonwealths, either suppose, or require us, or beg of us to believe, That Man is a Creature born fit for Society: The Greeks call him Zoon politikon, and on this foundation they so build up the Doctrine of Civill Society, as if for the preservation of Peace, and the Government of Man-kind there were nothing else necessary, then that Men should agree to make certaine Covenants and Conditions together, which themselves should then call Lawes. Which Axiom, though received by most, is yet certainly False, and an Errour proceeding from our too slight contemplation of Humane Nature; for they who shall more narrowly look into the Causes for which Men come together, and delight in each others company, shall easily find that this happens not because naturally it could happen no otherwise, but by Accident: For if by nature one Man should Love another (that is) as Man, there could no reason be return'd why every Man should not equally Love every Man, as being equally Man, or why he should rather frequent those whose Society affords him Honour or Profit. We doe not therefore by nature seek Society for its own sake, but that we may receive some Honour or Profit from it; these we desire Primarily, that Secondarily: How by what advice Men doe meet, will be best known by observing those things which they doe when they are met: For if they meet for Traffique, it's plaine every man regards not his Fellow, but his Businesse; if to discharge some Office, a certain Market-friendship is begotten,

which hath more of Jealousie in it then True love, and whence Factions sometimes may arise, but Good will never; if for Pleasure, and Recreation of mind, every man is wont to please himself most with those things which stirre up laughter, whence he may (according to the nature of that which is Ridiculous) by comparison of another mans Defects and Infirmities, passe the more currant in his owne opinion; and although this be sometimes innocent, and without offence; yet it is manifest they are not so much delighted with the Society, as their own Vain glory. But for the most part, in these kind of meetings, we wound the absent; their whole life, sayings, actions are examin'd, judg'd, condemn'd; nay, it is very rare, but some present receive a fling before they part, so as his reason was not ill, who was wont alwayes at parting to goe out last. And these are indeed the true delights of Society, unto which we are carried by nature, (i.e.) by those passions which are incident to all Creatures, untill either by sad experience, or good precepts, it so fall out (which in many never happens) that the Appetite, of present matters, be dul'd with the memory of things past, without which, the discourse of most quick and nimble men, on this subject, is but cold and hungry.

But if it so happen, that being met, they passe their time in relating some Stories, and one of them begins to tell one which concernes himselfe; instantly every one of the rest most greedily desires to speak of himself too. if one relate some wonder, the rest will tell you miracles, if they have them, if not, they'l feign them: Lastly, that I may say somewhat of them who pretend to be wiser then others; if they meet to talk of Philosophy, look how many men, so many would be esteem'd Masters, or else they not only love not their fellowes, but even persecute them with hatred: So clear is it by experience to all men who a little more narrowly consider Humane affaires, that all free congress ariseth either from mutual poverty, or from vain glory, whence the parties met, endeavour to carry with them either some benefit, or to leave behind them that same some esteem and honour with those, with whom they have been conversant: The same is also collected by reason out of the definitions themselves, of Will, Good, Honour, Profitable. For when we voluntarily contract Society, in all manner of Society we look after the object of the Will, i.e. that, which every one of those, who gather together, propounds to himselfe for good; now whatsoever seemes good, is pleasant, and relates either to the senses, or the mind, but all the mindes pleasure is either Glory, (or to have a good opinion of ones

selfe) or referres to Glory in the end; the rest are Sensuall, or conducing to sensuality, which may be all comprehended under the word Conveniencies. All Society therefore is either for Gain, or for Glory; (i.e.) not so much for love of our Fellowes, as for love of our Selves: but no society can be great, or lasting, which begins from Vain Glory; because that Glory is like Honour, if all, men have it, no man hath it, for they consist in comparison and precellence; neither doth the society of others advance any whit the cause of my glorying in my selfe; for every man must account himself, such as he can make himselfe, without the help of others. But though the benefits of this life may be much farthered by mutuall help, since yet those may be better attain'd to by Dominion, then by the society of others: I hope no body will doubt but that men would much more greedily be carried by Nature, if all fear were removed, to obtain Dominion, then to gaine Society. We must therefore resolve, that the Originall of all great, and lasting Societies, consisted not in the mutuall good will men had towards each other, but in the mutuall fear they had of each other.

Born fit] Since we now see actually a constituted Society among men, and none living out of it, since we discern all desirous of congresse, and mutuall correspondence, it may seeme a wonderfull kind of stupidity, to lay in the very threshold of this Doctrine, such a stumbling block before the Readers, as to deny Man to be born fit for Society: Therefore I must more plainly say, That it is true indeed, that to Man, by nature, or as Man, that is, as soone as he is born, Solitude is an enemy; for Infants have need of others to help them to live, and those of riper years to help them to live well, wherefore I deny not that men (even nature compelling) desire to come together. But civill Societies are not meer Meetings, but Bonds, to the making whereof, Faith and Compacts are necessary: The Vertue whereof to Children, and Fooles, and the profit whereof to those who have not yet tasted the miseries which accompany its defects, is altogether unknown; whence it happens, that those, because they know not what Society is, cannot enter into it; these, because ignorant of the benefit it brings, care not for it. Manifest therefore it is, that all men, because they are born in Infancy, are born unapt for Society. Many also (perhaps most men) either through defect of minde, or want of education remain unfit during the whole course of their lives; yet have Infants, as well as those of riper years, an humane nature; wherefore Man is made fit for Society not by Nature, but by Education: furthermore,

although Man were born in such a condition as to desire it, it followes not, that he therefore were Born fit to enter into it; for it is one thing to desire, another to be in capacity fit for what we desire; for even they, who through their pride, will not stoop to equall conditions, without which there can be no Society, do yet desire it.

The mutuall fear] It is objected: It is so improbable that men should grow into civill Societies out of fear, that if they had been afraid, they would not have endur'd each others looks: They Presume, I believe, that to fear is nothing else then to be affrighted: I comprehend in this word Fear, a certain foresight of future evill; neither doe I conceive flight the sole property of fear, but to distrust, suspect, take heed, provide so that they may not fear, is also incident to the fearfull. They who go to Sleep, shut their Dores; they who Travell carry their Swords with them, because they fear Theives. Kingdomes guard their Coasts and Frontiers with Forts, and Castles; Cities are compast with Walls, and all for fear of neighbouring Kingdomes and Townes; even the strongest Armies, and most accomplisht for Fight, yet sometimes Parly for Peace, as fearing each others Power, and lest they might be overcome. It is through fear that men secure themselves, by flight indeed, and in corners, if they think they cannot escaPe otherwise, but for the most part by Armes, and Defensive Weapons; whence it happens, that daring to come forth, they know each others Spirits; but then, if they fight, Civill Society ariseth from the Victory, if they agree, from their Agreement.

III. The cause of mutuall fear consists partly in the naturall equality of men, partly in their mutuall will of hurting: whence it comes to passe that we can neither expect from others, nor promise to our selves the least security: For if we look on men fullgrown, and consider how brittle the frame of our humane body is, (which perishing, all its strength, vigour, and wisdom it selfe perisheth with it) and how easie a matter it is, even for the weakest man to kill the strongest, there is no reason why any man trusting to his own strength should conceive himself made by nature above others: they are equals who can doe equall things one against the other; but they who can do the greatest things, (namely kill) can doe equall things. All men therefore among themselves are by nature equall; the inequality we now discern, hath its spring from the Civill Law.

IV. All men in the State of nature have a desire, and will to hurt, but not proceeding from the same cause, neither equally to

be condemn'd; for one man according to that naturall equality which is among us, permits as much to others, as he assumes to himself (which is an argument of a temperate man, and one that rightly values his power); another, supposing himselfe above others, will have a License to doe what he lists, and challenges Respect, and Honour, as due to him before others, (which is an Argument of a fiery spirit:) This mans will to hurt ariseth from Vain glory, and the false esteeme he hath of his owne strength; the other's, from the necessity of defending himselfe, his liberty, and his goods against this mans violence.

V. Furthermore, since the combate of Wits is the fiercest, the greatest discords which are, must necessarily arise from this Contention; for in this case it is not only odious to contend against, but also not to consent; for not to approve of what a man saith is no lesse then tacitely to accuse him of an Errour in that thing which he speaketh; as in very many things to dissent, is as much as if you accounted him a fool whom you dissent from; which may appear hence, that there are no Warres so sharply wag'd as between Sects of the same Religion, and Factions of the same Commonweale, where the Contestation is Either concerning Doctrines, or Politique Prudence. And since all the pleasure, and jollity of the mind consists in this; even to get some, with whom comparing, it may find somewhat wherein to Tryumph, and Vaunt it self; its impossible but men must declare sometimes some mutuall scorn and contempt either by Laughter, or by Words, or by Gesture, or some signe or other. then which there is no greater vexation of mind; and then from which there cannot possibly arise a greater desire to doe hurt.

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

VII. Among so many dangers therefore, as the naturall lusts of men do daily threaten each other withall, to have a care of ones selfe is not a matter so scornfully to be lookt upon, as if so be there had not been a power and will left in one to have done otherwise; for every man is desirous of what is good for him, and shuns what is evill, but chiefly the chiefest of naturall evils, which is Death; and this he doth, by a certain impulsion of nature, no lesse then that whereby a Stone moves downward: It is therefore neither absurd, nor reprehensible;

neither against the dictates of true reason for a man to use all his endeavours to preserve and defend his Body, and the Members thereof from death and sorrowes; but that which is not contrary to right reason, that all men account to be done justly, and with right; Neither by the word Right is any thing else signified, then that liberty which every man hath to make use of his naturall faculties according to right reason: Therefore the first foundation of naturall Right is this, That every man as much as in him lies endeavour to protect his life and members.

VIII. But because it is in vaine for a man to have a Right to the end, if the Right to the necessary meanes be deny'd him; it followes, that since every man hath a Right to preserve himself, he must also be allowed a Right to use all the means, and do all the actions, without which He cannot Preserve himself

IX. Now whether the means which he is about to use, and the action he is performing, be necessary to the preservation of his Life, and Members, or not, he Himself, by the right of nature, must be judg; for say another man, judg that it is contrary to right reason that I should judg of mine own perill: why now, because he judgeth of what concerns me, by the same reason, because we are equall by nature, will I judge also of things which doe belong to him; therefore it agrees with right reason (that is) it is the right of nature that I judge of his opinion, (i.e.) whether it conduce to my preservation, or not.

X. Nature hath given to every one a right to all. That is it was lawfull for every man in the bare state of nature, or before such time as men had engag'd themselves by any Covenants, or Bonds, to doe what hee would, and against whom he thought fit, and to possesse, use, and enjoy all what he would, or could get. Now because whatsoever a man would, it therefore seems good to him because he wills it, and either it really doth, or at least seems to him to contribute toward his preservation, (but we have already allowed him to be judge in the foregoing Article whether it doth or not, in so much as we are to hold all for necessary whatsoever he shall esteeme so) and by the 7. Article it appears that by the right of Nature those things may be done, and must be had, which necessarily conduce to the protection of life, and members, it followes, that in the state of nature, To have all, and do all is lawfull for all. And this is that which is meant by that common saying, Nature hath given all to all, from whence we understand likewise, that in the state of nature, Profit is the measure of Right.

In the meere state of Nature] This is thus to be understood:

What any man does in the bare state of Nature is injurious to no man; not that in such a State he cannot offend God, or break the Lawes of Nature; for Injustice against men presupposeth Humane Lawes, such, as in the State of Nature there are none: Now the truth of this proposition thus conceived is sufficiently demonstrated to the mindfull Reader in the Articles immediately foregoing; but because in certaine cases the difficulty of the conclusion makes us forget the premises, I will contract this Argument, and make it most evident to a single view; every man hath right to protect himself, as appears by the seventh Article. The same man therefore hath a right to use all the means which necessarily conduce to this end by the eighth Article: But those are the necessary means which he shall judge to be such by the ninth Article. He therefore hath a right to make use, of and to doe all whatsoever he shall judge requisite for his preservation: wherefore by the judgement of him that doth it, the thing done is either right, or wrong; and therefore right. True it is therefore in the bare State of Nature, &c but if any man pretend somewhat to tend necessarily to his preservation, which yet he himself doth not confidently believe so, he may offend against the Lawes of Nature, as in the third Chapter of this Book is more at large declar'd. It hath been objected by some: If a Sonne kill his Father, doth he him no injury? I have answered, That a Sonne cannot be understood to be at any time in the State of Nature, as being under the Power and command of them to whom he ownes his protection as soon as ever he is born, namely either his Fathers, or his Mothers, or his that nourisht him, as is demonstrated in the ninth Chapter.

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

XII. If now to this naturall proclivity of men, to hurt each other, which they derive from their Passions, but chiefly from a vain esteeme of themselves: You adde, the right of all to all, wherewith one by right invades, the other by right resists, and whence arise perpetuall jealousies and suspicions on all hands, and how hard a thing it is to provide against an enemy invading us, with an intention to oppresse, and ruine, though he come with a small Number, and no great Provision; it cannot be deny'd but that the naturall state of men, before they entr'd into Society,

was a meer War, and that not simply, but a War of all men, against all men; for what is WAR, but that same time in which the will of contesting by force, is fully declar'd either by Words, or Deeds? The time remaining, is termed PEACE.

XIII. But it is easily judg'd how disagreeable a thing to the preservation either of Man-kind, or of each single Man, a perpetuall War is: But it is perpetuall in its own nature, because in regard of the equality of those that strive, it cannot be ended by Victory; for in this state the Conquerour is subject to so much danger, as it were to be accounted a Miracle, if any, even the most strong should close up his life with many years, and old age. They of America are Examples hereof, even in this present Age: Other Nations have been in former Ages, which now indeed are become Civill, and Flourishing, but were then few, fierce, short-lived, poor, nasty, and destroy'd of all that Pleasure, and Beauty of life, which Peace and Society are wont to bring with them. Whosoever therefore holds, that it had been best to have continued in that state in which all things were lawfull for all men, he contradicts himself; for every man, by naturall necessity desires that which is good for him: nor is there any that esteemes a war of all against all, which necessarily adheres to such a State, to be good for him. And so it happens that through feare of each other we think it fit to rid our selves of this condition, and to get some fellowes; that if there needs must be war, it may not yet be against all men, nor without some helps.

XIV. Fellowes are gotten either by constraint, or by consent; By Constraint, when after fight the Conqueror makes the conquered serve him either through feare of death, or by laying fetters on him: By consent, when men enter into society to helpe each other, both parties consenting without any constraint. But the Conqueror may by right compell the Conquered, or the strongest the weaker, (as a man in health may one that is sick, or he that is of riper yeares a childe) unlesse he will choose to die, to give caution of his future obedience. For since the right of protecting our selves according to our owne wills proceeded from our danger, and our danger from our equality, its more consonant to reason, and more certaine for our conservation, using the present advantage to secure our selves by taking caution; then, when they shall be full growne and strong, and got out of our power, to endeavour to recover that power againe by doubtfull fight. And on the other side, nothing can be thought more absurd, then by discharging whom you already have weak in your power, to make him at once

both an enemy, and a strong one. From whence we may understand likewise as a Corollarie in the naturall state of men, That a sure and irresistible Power confers the right of Dominion, and ruling over those who cannot resist; insomuch, as the right of all things, that can be done, adheres essentially, and immediately unto this omnipotence hence arising.

XV. Yet cannot men expect any lasting preservation continuing thus in the state of nature (i.e.) of War, by reason of that equality of power, and other humane faculties they are endued withall. Wherefore to seek Peace, where there is any hopes of obtaining it, and where there is none, to enquire out for Auxiliaries of War, is the dictate of right Reason; that is, the Law of Nature, as shall be shewed in the next Chapter.

Chap. II.

Of the Law of Nature concerning Contracts.

I. All Authors agree not concerning the definition of the Naturall Law, who notwithstanding doe very often make use of this terme in their Writings. The Method therefore, wherein we begin from definitions, and exclusion of all equivocation, is only proper to them who leave no place for contrary Disputes; for the rest, if any man say, that somewhat is done against the Law of Nature, one proves it hence, because it was done against the generall Agreement of all the most wise, and learned Nations: But this declares not who shall be the judg of the wisdome and learning of all Nations: Another hence, That it was done against the Generall consent of all Man-kind; which definition is by no means to be admitted; for then it were impossible for any but Children, and Fools, to offend against such a Law; for sure, under the notion of Man-kind, they comprehend all men actually endued with Reason. These therefore either doe Naught against it, or if they doe Ought, it is without their joint accord, and therefore ought to be excus'd; but to receive the Lawes of Nature from the Consents of them, who oftner Break, then Observe them, is in truth unreasonable: besides, Men condemne the same things in others, which they approve in themselves; on the other side, they publickly commend what they privately condemne; and they deliver their Opinions more by Hear-say, then any Speculation of their own; and they accord more through hatred of some object,

through fear, hope, love, or some other perturbation of mind, then true Reason. And therefore it comes to passe, that whole Bodies of people often doe those things by Generall accord, or Contention, which those Writers most willingly acknowledge to be against the Law of Nature. But since all doe grant that is done by RIGHT, which is not done against Reason, we ought to judg those Actions onely wrong, which are repugnant to right Reason, (i.e.) which contradict some certaine Truth collected by right reasoning from true Principles; but that Wrong which is done, we say it is done against some Law: therefore True Reason is a certaine Law, which (since it is no lesse a part of Humane nature, then any other faculty, or affection of the mind) is also termed naturall. Therefore the Law of Nature, that I may define it, is the Dictate of right Reason, conversant about those things which are either to be done, or omitted for the constant preservation of Life, and Members, as much as in us lyes.

Right Reason.] By Right Reason in the naturall state of men, I understand not, as many doe, an infallible faculty, but the act of reasoning, that is, the peculiar and true ratiocination of every man concerning those actions of his which may either redound to the dammage, or benefit of his neighbours. I call it Peculiar, because although in a Civill Government the reason of the Supreme (i.e. the Civill Law) is to be received by each single subject for the right; yet being without this Civill Government, (in which state no man can know right reason from false, but by comparing it with His owne) every mans owne reason is to be accounted not onely the rule of His owne actions which are done at His owne perill, but also for the measure of another mans reason, in such things as doe concerne him. I call it True; that is, concluding from true principles rightly fram'd, because that the wHole breach of the Lawes of Nature consists in the false reasoning, or rather folly of those men who see not those duties they are necessarily to performe toward others in order to their owne conservation; but the Principles of Right reasoning about such like duties are those which are explained in the 2, 3, 4, 5, 6, and 7. articles of the first Chapter.

II. But the first and fundamentall Law of Nature is, That Peace is to be sought after where it may be found; and where not, there to provide our selves for helps of War: For we shewed in the last Article of the foregoing Chapter, that this precept is the dictate of right reason; but that the Dictates of right reason are naturall Lawes, that hath been newly prov'd above; But

this is the first, because the rest are deriv'd from this, and they direct the wayes either to Peace, or self-defence.

III. But one of the Naturall Lawes deriv'd from this fundamentall one is this, That the right of all men, to all things, ought not to be retain'd, but that some certain rights ought to be transferr'd, or relinquisht: for if every one should retain his right to all things, it must necessarily follow, that some by right might invade; and others, by the same right, might defend themselves against them, (for every man, by naturall necessity, endeavours to defend his Body, and the things which he judgeth necessary towards the protection of his Body) therefore War would follow. He therefore acts against the reason of Peace, (i.e.) against the Law of Nature, whosoever he be, that doth not part with his Right to all things.

IV. But he is said to part with his right, who either absolutely renounceth it, or conveys it to another. He absolutely renounceth it, who by some sufficient Signe, or meet Tokens, declares that he is willing that it shall never be lawfull for him to doe that again, which before, by Right, he might have done; but he conveys it to another, who by some sufficient Signe, or meet Tokens, declares to that other, that he is willing it should be unlawfull for him to resist him, in going about to do somewhat in the performance where he might before, with Right, have resisted him; but that the conveyance of Right consists meerly in not resisting, is understood by this, that before it was convey'd, he, to whom he convey'd it, had even then also a right to all, whence he could not give any new Right: But the resisting Right he had, before he gave it, by reason whereof the other could not freely enjoy his Rights, is utterly abolisht: Whosoever therefore acquires some Right in the naturall state of men, he onely procures himself security, and freedome from just molestation in the enjoyment of his Primitive Right: As for example, if any man shall sell, or give away a Farme, he utterly deprives himself only from all Right to this Farme, but he does not so from others also.

V. But in the conveyance of Right the will is requisite not onely of him that conveys, but of him also that accepts it. If either be wanting, the Right remains: for if I would have given what was mine, to one who refus'd to accept of it, I have not therefore either simply renounc'd my Right, or convey'd it to any man; for the cause which mov'd me to part with it to this Man was in him onely, not in others too.

VI. But if there be no other Token extant of our will either to quit, or convey our Right, but onely Words; those words must either relate to the present, or time past; for if they be of the future onely, they convey nothing: for example, he that speaks thus of the time to come, I will give to morrow, declares openly that yet he hath not given it; so that all this day his right remains, and abides to morrow too, unlesse in the interim he actually bestowes it: for what is mine, remains mine till I have parted with it. But if I shall speak of the time present, suppose thus; I doe give, or have given you this to be received to morrow, by these words is signified that I have already given it, and that his Right to receive it to morrow, is conveyed to him by me to day.

VII. Neverthelesse, although words alone are not sufficient tokens to declare the Will; if yet to words relating to the future, there shall some other signes be added, they may become as valid, as if they had been spoken of the present: If therefore, as by reason of those other signes, it appear, that he that speaks of the future, intends those words should be effectually toward the perfect transferring of his Right, they ought to be valid; for the conveyance of right depends not on words, but (as hath been instanc'd in the 4. Article) on the declaration of the Will.

VIII. If any man conveigh some part of his right to another, and doth not this for some certain benefit received, or for some compact, a conveighance in this kind is called a Gift, or free Donation. But in free donation those words onely oblige us which signifie the present, or the time past; for if they respect the future, they oblige not as words, for the reason given in the foregoing Article: It must needs therefore be, that the Obligation arise from some other tokens of the Will: But, because whatsoever is voluntarily done, is done for some good to him that wils it; there can no other token be assigned of the Will to give it, except some benefit either already receiv'd, or to be acquir'd; but is suppos'd, that no such benefit is acquired, nor any compact in being; for if so, it would cease to be a free gift: It remains therefore, that a mutuall good turne without agreement be expected; but no signe can be given, that he, who us' d future words toward him who was in no sort engag'd to return a benefit, should desire to have his words so understood, as to oblige himselfe thereby. Nor is it suitable to Reason, that those who are easily enclined to doe well to others, should be oblig'd by every promise, testifying their present good

affection: And for this cause, a promiser in this kind, must be understood to have time to deliberate, and power to change that affection as well as he to whom he made that promise, may alter his desert. But he that deliberates, is so farre forth free, nor can be said to have already given: But if he promise often, and yet give seldome, he ought to be condemn'd of levity, and be called not a Donour, but Dason.

IX. But the act of two, or more, mutually conveighing their Rights, is call'd a Contract. But in every Contract, either both parties instantly performe what they contract for, insomuch as there is no trust had from either to other; or the one performes, the other is trusted, or neither performe. Where both parties performe presently, there the Contract is ended, as soon as 'tis performed; but where there is credit given either to one, or both, there the party trusted promiseth after-performance; and this kind of promise is called a COVENANT.

X. But the Covenant made by the party trusted with him, who hath already performed, although the promise be made by words pointing at the future, doth no lesse transfer the right of future time, then if it had been made by words signifying the present, or time past: for the others performance is a most manifest signe that he so understood the speech of him whom he trusted, as that he would certainly make performance also at the appointed time; and by this signe the party trusted knew himselfe to be thus understood, which, because he hindred not, 'twas an evident token of his Will to performe. The promises therefore which are made for some benefit received (which are also Covenants) are Tokens of the Will; that is, (as in the foregoing Section hath been declared) of the last act of deliberating, whereby the liberty of non-performance is abolisht, and by consequence are obligatory; for where Liberty ceaseth, there beginneth Obligation.

XI. But the Covenants, which are made in contract of mutuall trust, neither party performing out of hand, if there arise a just suspicion in either of them, are in the state of nature invalid: for he that first performes by reason of the wicked disposition of the greatest part of men studying their owne advantage, either by right, or wrong, exposeth himself to the perverse will of him with whom he hath Contracted; for it suites not with reason, that any man should performe first, if it be not likely that the other will make good his promise after; which, whether it be probable, or not, he that doubts it, must be judge of, as hath been shewed in the foregoing Chapter in the 9.

Article. Thus, I say, things stand in the state of nature, but in a Civill State, when there is a power which can compell both parties, he that hath contracted to perform first, must first performe; because, that since the other may be compell'd, the cause which made him fear the others non-performance, ceaseth.

Arise] For, except there appear some new cause of fear, either from somewhat done, or some other token of the till not to performe from the other part, it cannot be judg'd to be a just fear; for the cause which was not sufficient to keep him from making Compact, must not suffice to authorize the breach of it, being made.

XII. But from this reason, that in all Free-gifts, and Compacts, there is an acceptance of the conveyance of Right required: it followes, that no man can Compact with him who doth not declare his acceptance; and therefore we cannot compact with Beasts, neither can we give, or take from them any manner of Right, by reason of their want of speech, and understanding, Neither can any man Covenant with God, or be oblig'd to him by Vow, except so far forth as it appears to him by Holy Scriptures, that he hath substituted certaine men who have authority to accept of such like Vowes and Covenants, as being in Gods stead.

XIII. Those therefore doe vow in vain, who are in the state of nature, where they are not tyed by any Civill Law, (except by most certain Revelation the Will of God to accept their Vow, or Pact, be made known to them) for if what they Vow, be contrary to the Law of Nature, they are not tyed by their Vow, for no man is tyed to perform an unlawfull act; but if what is vowed, be commanded by some Law of nature, it is not their Vow, but the Law it self which ties them; but if he were free before his vow, either to doe it, or not doe it, his liberty remaines, because that the openly declar'd Will of the obliger is requisite to make an obligation by Vow, which in the case propounded is suppos'd not to be: Now I call him the Obliger to whom any one is tyed, and the Obliged him who is tyed.

XIV. Covenants are made of such things onely as fall under our deliberation, for it can be no Covenant without the Will of the Contractor, but the Will is the last act of him who deliberates; therefore they onely concerne things possible, and to come; no man therefore, by his Compact, obligeth himself to an impossibility. But yet, though we often Covenant to doe such things as then seem' d possible when we promis'd them, which yet afterward appear to be impossible, are we therefore freed from

all obligation? The reason whereof is, that he who promiseth a future uncertainty receives a present benefit; on condition, that he return another for it: for his Will, who performes the present benefit hath simply before it, for its object, a certain good valuable with the thing promised; but the thing it selfe not simply, but with condition if it could be done; but if it should so happen, that even this should prove impossible, why then he must perform as much as he can. Covenants therefore oblige us not to perform just the thing it selfe covenanted for, but our utmost endeavour. for this onely is, the things themselves are not in our power.

XV. We are freed from Covenants two wayes, either by performing, or by being forgiven: By performing, for beyond that we oblig'd not our selves. By being for-given, because he whom we oblig'd our selves to by forgiving, is conceiv'd to return us that Right which we past over to him; for, forgiving, implies giving: that is, by the fourth Article of this Chapter, a conveyance of Right to him to whom the gift is made.

XVI. Its an usuall question, Whether Compacts extorted from us, through fear, do oblige, or not: For example, If to redeeme my life, from the power of a Robber, I promise to pay him 100 l. next day; and that I will doe no act whereby to apprehend, and bring him to Justice, whether I am tyed to keep promise, or not? But though such a Promise must sometimes be judged to be of no effect, yet it is not to be accounted so, because it proceeded from fear, for then it would follow that those promises which reduc'd men to a civill life, and by which Lawes were made, might likewise be of none effect, (for it proceeds from fear of mutuall slaughter, that one man submits himselfe to the Dominion of another:) And he should play the fool finely, who should trust his captive covenanting with the price of his redemption. It holds universally true, that promises doe oblige when there is some benefit received; and that to promisee and the thing promised, be lawfull: But it is lawfull, for the redemption of my life, both to promise, and to give what I will of mine owne to any man, even to a Thief. We are oblig'd therefore. by promises proceeding from fear, except the Civill Law forbid them, by vertue whereof, that which is promised becomes unlawfull.

XVII. Whosoever shall contract with one to doe, or omit somewhat, and shall after Covenant the contrary with another; he maketh not the former, but the latter Contract unlawfull: for, he hath no longer Right to doe, or to omit ought, who by former Contracts hath conveyed it to another; wherefore he can conveigh

no Right by latter Contracts, and what is promised, is promis'd without Right: He is therefore tyed onely to his first Contract; to break which is unlawfull.

XVIII. No man is oblig'd by any Contracts whatsoever not to resist him who shall offer to kill, wound, or any other way hurt his Body; for there is in every man a certain high degree of feare through which he apprehends that evill which is done to him to be the greatest, and therefore by naturall necessity he shuns it all he can, and 'tis suppos'd he can doe no otherwise: When a man is arrived to this degree of fear, we cannot expect but he will provide for himself either by flight, or fight. Since therefore no man is tyed to impossibilities, they who are threatned either with deathe (which is the greatest evill to nature) or wounds, or some other bodily hurts, and are not stout enough to bear them, are not obliged to endure them. Farthermore, he that is tyed by Contract is trusted, (for Faith only is the Bond of Contracts) but they who are brought to punishment, either Capitall, or more gentle, are fettered, or strongly guarded, which is a most certain signe that they seem' d not sufficiently bound from non resistance by their Contracts. Its one thing if I promise thus: If I doe it not at the day appointed, kill me. Another thing if thus: If I doe it not, though you should offer to kill me, I will not resist: All men, if need be, contract the first way; but there is need sometimes. This second way, none, neither is it ever needfull; for in the meer state of nature, if you have a mind to kill, that state it selfe affords you a Right; insomuch as you need not first trust him, if for breach of trust you will afterward kill him. But in a Civill State, where the Right of life, and death, and of all corporall punishment is with the Supreme; that same Right of killing cannot be granted to any private person. Neither need the Supreme himselfe contract with any man patiently to yeeld to his punishment, but onely this, that no man offer to defend others from him. If in the state of nature, as between two Cities, there should a Contract be made, on condition of killing, if it were not perform'd, we must presuppose another Contract of not killing before the appointed day. Wherefore on that day, if there be no performance, the right of Warre returnes; that is, an hostile state, in which all things are lawfull, and therefore resistance also. Lastly, by the contract of not resisting, we are oblig'd of two Evills to make choice of that which seemes the greater; for certaine Death is a greater evill then Fighting; but of two Evills it is impossible not to chuse the least: By such a Compact therefore we should be

tyed to impossibilities, which is contrary to the very nature of compacts.

XIX. Likewise no man is tyed by any Compacts whatsoever to accuse himself, or any other, by whose dammage he is like to procure himselfe a bitter life; wherefore neither is a Father oblig'd to bear witness against his Sonne, nor a Husband against his Wife, nor a Sonne against his Father; nor any man against any one, by whose meanes he hath his subsistence; for in vain is that testimony which is presum'd to be corrupted from nature; but although no man be tyed to accuse himself by any compact, yet in a publique tryall he may, by torture, be forc'd to make answer; but such answers are no testimony of the fact, but helps for the searching out of truth; insomuch as whether the party tortur'd his answer be true, or false, or whether he answer not at all, whatsoever he doth, he doth it by Right.

XX. Swearing is a speech joyned to a promise, whereby the promiser declares his renouncing of Gods mercy, unlesse he perform his word; which definition is contained in the words themselves, which have in them the very essence of an Oath, to wit, so God help me, or other equivalent, as with the Romans, Doe thou Jupiter so destroy the deceiver, as I slay this same Beast: neither is this any let, but that an Oath may as well sometimes be affirmatory, as promissory; for he that confirmes his affirmation with an Oath, promiseth that he speaks truth. But though in some places it was the fashion for Subjects to Swear by their Kings; that custome took its Originall hence, That those Kings took upon them Divine Honour; for Oathes were therefore introduc'd that by Religion, and consideration of the Divine Power men might have a greater dread of breaking their Faiths, then that wherewith they fear men, from whose eyes their actions may lie hid.

XXI. Whence it followes, that an Oath must be conceived in that forme which he useth, who takes it; for in vain is any man brought to Swear by a God whom he beleeves not, and therefore neither feares him. For though by the light of nature it may be known that there is a God, yet no man thinks he is to Swear by him in any other fashion, or by any other name then what is contain'd in the precepts of his own proper, that is, (as he who Swears imagines) the true Religion.

XXII. By the definition of an Oath we may understand, that a bare Contract obligeth no lesse, then that to which we are Sworn; for it is the contract which binds us, the Oath relates to the Divine punishment, which it could not provoke, if the breach of

contract were not in its selfe unlawfull; but it could not be unlawfull if the Contract were not obligatory. Furthermore, he that renounceth the mercy of God obligeth himselfe not to any punishment, because it is ever lawfull to deprecate the punishment howsoever provok'd, and to enjoy Gods Pardon if it be granted. The onely effect therefore of an Oath is this, To cause men who are naturally inclin'd to break all manner of faith, through fear of punishment, to make the more Conscience of their words and actions.

XXIII. To exact an Oath, where the breach of contract, if any be made, cannot but be known, and where the party compacted, withall wants not power to punish, is to do somewhat more then is necessary unto self-defence, and shewes a mind desirous not so much to benefit it selfe, as to prejudice another. For an Oath, out of the very form of swearing, is taken in order to the provocation of Gods anger, that is to say, of him that is Omnipotent against those who think, that by their own therefore violate their Faith, because they strength they can escape the punishment of men; and of him that is Omniscient against those, who therefore usually break their trust, because they hope that no man shall see them.

Chap. III.

Of the other Lawes of Nature.

I. Another of the Lawes of Nature is, to performe Contracts, or to keep trust; for it hath been shewed in the foregoing Chapter that the Law of Nature commands every man, as a thing necessary, to obtain Peace; to conveigh certain rights from each to other, and that this (as often as it shall happen to be done) is called a Contract: But this is so farre forth onely conducible to peace, as we shall performe Our selves, what we contract with others, shall be done, or omitted; and in vaine would Contracts be made, unlesse we stood to them. Because therefore, to stand to our Covenants, Or to keep faith, is a thing necessary for the obtaining of peace, it will prove by the second Article of the second Chapter to be a precept of the naturall Law.

II. Neither is there in this matter, any exception of the persons, with whom we Contract, as if they keep no faith with others; Or hold, that none ought to be kept, or are guilty of any other kind of vice: for he that Contracts, in that he doth

contract, denies that action to be in vaine, and it is against reason for a knowing man to doe a thing in vain; and if he think himself not bound to keep it, in thinking so, he affirms the Contract to be made in vain: He therefore, who Contracts with one with whom he thinks he is not bound to keep faith, he doth at once think a Contract to be a thing done in vaine, and not in vaine, which is absurd. Either therefore we must hold trust with all men, or else not bargain with them; that is, either there must be a declared Warre, Or a sure and faithfull Peace.

III. The breaking of a Bargain, as also the taking back of a gift, (which ever consists in some action, Or omission) is called an INJURY: But that action, or omission, is called unjust, insomuch as an injury, and an unjust action, or omission, signifie the same thing, and both are the same with breach of Contract and trust: And it seemes the word Iniury came to be given to any action, or omission, because they were without Right. He that acted, or omitted, having before conveyed bis Right to some other. And there is some likenesse between that, which in the common course of life we call Injury; and that, which in the Schools is usually called absurd. For even as he, who by Arguments is driven to deny the Assertion which he first maintain'd, is said to be brought to an absurdity; in like manner, he who through weaknesse of mind does, or omits that which before he had by Contract promis'd not to doe, or omit, commits an Injury, and falls into no lesse contradiction, then he, who in the Schools is reduc'd to an Absurdity. For by contracting for some future action, he wills it done; by not doing it, he wills it not done, which is to will a thing done, and not done at the same time, which is a contradiction. An Injury therefore is a kind of absurdity in conversation, as an absurdity is a kind of injury in disputation.

IV. From these grounds it followes, that an injury can be done to no man but him with whom we enter Covenant, or to whom somewhat is made over by deed of gift, or to whom somewhat is promis'd by way of bargain. And therefore damaging and injuring are often disjoyn'd: for if a Master command his Servant, who hath promis'd to obey him, to pay a summe of money, or carry some present to a third man; the Servant, if he doe it not, hath indeed damag'd this third party, but he injur'd his Master onely. So also in a civill government, if any man offend another, with whom he hath made no Contract, he damages him to whom the evill is done, but he injures none but him to whom the power of government belongs: for if he, who receives the hurt, should

expostulate the mischief. and he that did it, should answer thus, What art thou to me? Why should I rather doe according to yours, then mine owne will, since I do not hinder, but you may do your own, and not my mind? In which speech, where there hath no manner of pre-contract past, I see not, I confesse, what is reprehensible.

Injury can be done against no man] The word injustice relates to some Law: Injury to some Person, as well as some Law. For what's unjust, is unjust to all; but there may an injury be done, and yet not against me, nor thee, but some other; and sometimes against no private Person, but the Magistrate only; sometimes also neither against the Magistrate, nor any private man, but onely against God; for through Contract, and conveighance of Right, we say, that an injury is done against this, or that man. Hence it is (which we see in all kind of Government) that what private men contract between themselves by word, or writing, is releast againe at the will of the Obliger. But those mischiefes which are done against the Lawes of the Land, as theft, homicide, and the like, are punisht not as he wills, to whom the hurt is done, but according to the will of the Magistrate; that is, the constituted Lawes.

V. These words just, and unjust, as also justice, and injustice, are equivocall; for they signifie one thing when they are attributed to Persons, another when to actions: When they are attributed to Actions, Just signifies as much as what's done with Right, and unjust, as what's done with injury: he who hath done some just thing is not therefore said to be a just Person, but guiltlesse, and he that hath done some unjust thing, we doe not therefore say he is an unjust, but guilty man. But when the words are applyed to Persons; to be just, signifie as much as to be delighted in just dealing, to study how to doe righteousnesse, or to indeavour in all things to doe that which is just; and to be unjust, is to neglect righteous dealing, or to think it is to be measured not according to my contract, but some present benefit; so as the justice or injustice of the mind, the intention, or the man, is one thing; that of an action, or omission, another; and innumerable actions of a just man may be unjust, and of an unjust man, just: But that man is to be accounted just, who doth just things because the Law commands it, unjust things only by reason of his infirmity; and he is properly said to be unjust who doth righteousness for fear of the punishment annext unto the Law, and unrighteousnesse by reason of the iniquity of his mind.

VI. The justice of actions is commonly distinguisht into two

kinds; Commutative, and Distributive, the former whereof they say consists in Arithmetically, the latter in Geometrically proportion: and that is conversant in exchanging, in buying, selling, borrowing, lending, location, and conduction, and other acts whatsoever belonging to Contractors, where, if there be an equal return made, hence they say springs a commutative justice: But this is busied about the dignity, and merits of men; so as if there be rendered to every man kata per axian more to him who is more worthy, and lesse to him that deserves lesse, and that proportionably, hence they say ariseth distributive justice: I acknowledge here some certaine distinction of equality; to wit, that one is an equality simply so called, as when two things of equal value are compar'd together, as a pound of silver with twelve ounces of the same silver; the other is an equality, secundum, quod as when a 1000 pound is to be divided to an hundred men, 600 pounds are given to 60 men, and 400 to 40 where there is no equality between 600 and 400. But when it happens, that there is the same inequality in the number of them to whom it is distributed, every one of them shall take an equal part, whence it is called an equal distribution: But such like equality is the same thing with Geometrically proportion. But what is all this to Justice? for neither, if I sell my goods for as much as I can get for them, doe I injure the buyer, who sought, and desir'd them of me? neither if I divide more of what is mine to him who deserves lesse, so long as I give the other what I have agreed for, do I wrong to either? which truth our Saviour himself, being God, testifies in the Gospell. This therefore is no distinction of Justice, but of equality; yet perhaps it cannot be deny'd, but that Justice is a certain equality, as consisting in this onely; that since we are all equal by nature, one should not arrogate more Right to himselfe, then he grants to another, unlesse he have fairly gotten it by Compact. And let this suffice to be spoken against this distinction of Justice, although now almost generally receiv'd by all, lest any man should conceive an injury to be somewhat else, then the breach of Faith, or Contract, as hath been defin'd above.

VII. It is an old saying, Volenti non fit iniuria (the willing man receives no injury) yet the truth of it may be deriv'd from our Principles. For grant, that a man be willing that that should be done, which he conceives to be an injury. to him; why then that is done by his will, which by Contract was not lawfull to be done; but he being willing that should be done, which was not lawfull by Contract, the Contract it self (by the

15. 5 Article of the foregoing Chapter) becomes void: The Right therefore of doing it returns, therefore it is done by Right; wherefore it is no injury.

VIII. The third precept of the Naturall Law, is, That you suffer not him to be the worse for you, who out of the confidence he had in you, first did you a good turn; or that you accept not a gift, but with a mind to endeavour, that the giver shall have no just occasion to repent him of his gift. For without this he should act without reason that would conferre a benefit where he sees it would be lost; and by this meanes all beneficence, and trust, together with all kind of benevolence would be taken from among men, neither would there be ought of mutuall assistance among them, nor any commencement of gaining grace and favour. by reason whereof the state of Warre would necessarily remain, contrary to the fundamentall Law of Nature: But because the breach of this Law is not a breach of trust, or contract, (for we suppose no Contracts to have pass'd among them) therefore is it not usually termed an iniury, but because good turns and thankes have a mutuall eye to each other, it is called INGRATITUDE.

IX. The fourth precept of Nature, is, That every man render himself usefull unto others: which, that we may rightly understand, we must remember that there is in men, a diversity of dispositions to enter into society, arising from the diversity of their affections, not unlike that which is found in stones, brought together in the Building, by reason of the diversity of their matter, and figure. For as a stone, which in regard of its sharp and angular form takes up more room from other stones then it fills up it selfe, neither because of the hardnesse of its matter cannot well be prest together, or easily cut, and would hinder the building from being fitly compacted, is cast away, as not fit for use: so a man, who for the harshness of his disposition in retaining superfluties for himself, and detaining of necessaries from others, and being incorrigible, by reason of the stubbornnesse of his affections, is commonly said to be uselesse, and troublesome unto others. Now, because each one not by Right onely, but even by naturall necessity is suppos'd, with all his main might, to intend the procurement of those things which are necessary to his own preservation; if any man will contend on the other side for superfluties, by his default there will arise a Warre, because that on him alone there lay no necessity of contending, he therefore acts against the fundamentall Law of Nature: Whence it followes (which wee were to shew) that it is a precept of nature; That every man accommodate

himselfe to others. But he who breaks this Law may be called uselesse, and troublesome. Yet Cicero opposeth inhumanity to this usefulness, as having regard to this very Law.

X. The fift precept of the Law of nature is: That we must forgive him who repents, and asketh pardon for what is past; having first taken caution for the time to come. The pardon of what is past, or the remission of an offence, is nothing else but the granting of Peace to him that asketh it, after he hath warr'd against us, & now is become penitent. But Peace granted to him that repents not, that is, to him that retains an hostile mind, or that gives not caution for the future; that is, seeks not Peace, but oportunitie, is not properly Peace but feare, and therefore is not commanded by nature. Now to him that will not pardon the penitent, and that gives future caution, peace it selfe it seems is not pleasing; which is contrary to the naturall Law.

XI. The sixth precept of the naturall Law is, That in revenge. and punishments we must have our eye not at the evill past, but the future good. That is: It is not lawfull to inflict punishment for any other end, but that the offender may be corrected, or that others warned by his punishment may become better. But this is confirmed chiefly from hence, that each man is bound by the law of nature to forgive one another, provided he give caution for the future, as hath been shewed in the foregoing Article. Furthermore, because revenge, if the time past be onely considered, is nothing else but a certain triumph, and glory of minde, which points at no end, (for it contemplates onely what is past; but the end is a thing to come) but that which is directed to no end is vain; That revenge therefore which regards not the future, proceeds from vaine glory, and therefore without reason. But to hurt another without reason introduces a warre, and is contrary to the fundamentall Law of Nature; It is therefore a precept of the Law of nature, that in revenge wee look not backwards but forward. Now the breach of this Law, is commonly called CRUELTY.

XII. But because all signes of hatred, and contempt provoke most of all to brawling and fighting, insomuch as most men would rather lose their lives, (that I say not their Peace) then suffer reproach; it followes in the seventh place, That it is prescribed by the Law of nature, that no man either by deeds, or words, countenance, or laughter, doe declare himselfe to hate, or scorne another. The breach of which Law is called Reproach. But although nothing be more frequent then the scoffes and jeers of the

powerfull against the weak, and namely of Judges against guilty persons, which neither relate to the offence of the guilty, nor the duty of the Judges, yet these kind of men do act against the Law of nature, and are to be esteemed for contumelious.

XIII. The question whether of two men be the more worthy, belongs not to the naturall, but civill state; for it hath been shewed before, Chap. I. Art. 3. that all men by nature are equall, and therefore the inequality which now is, suppose from riches, power, nobility of kindred, is come from the civill Law. I know that Aristotle in his first book of Politiques affirmes as a foundation of the whole politicall science, that some men by nature are made worthy to command, others onely to serve; as if Lord and Master were distinguished not by consent of men, but by an aptnesse, that is, a certain kind of naturall knowledge, or ignorance; which foundation is not onely against reason (as but now hath been shewed) but also against experience: for neither almost is any man so dull of understanding as not to judge it better to be ruled by himselfe, then to yeeld himselfe to the government of another; neither if the wiser and stronger doe contest, have these ever, or often the upper hand of those. Whether therefore men be equall by nature, the equality is to be acknowledged, or whether unequall, because they are like to contest for dominion, its necessary for the obtaining of Peace, that they be esteemed as equall; and therefore it is in the eight place a precept of the Law of nature, That every man be accounted by nature equall to another, the contrary to which Law is PRIDE.

XIV. As it was necessary to the conservation of each man, that he should part with some of his Rights, so it is no lesse necessary to the same conservation, that he retain some others, to wit the Right of bodily protection, of free enjoyment of ayre, water, and all necessaries for life. Since therefore many common Rights are retained by those who enter into a peaceable state, and that many peculiar ones are also acquired, hence ariseth this ninth dictate of the naturall Law, to wit, That what Rights soever any man challenges to himselfe, he also grant the same as due to all the rest: otherwise he frustrates the equality acknowledged in the former Article. For what is it else to acknowledge an equality of persons in the making up of society, but to attribute equall Right and Power to those whom no reason would else engage to enter into society? But to ascribe equall things to equals, is the same with giving things proportionall to proportionals. The observation of this Law is called MEEKNES, the violation pleonexia, the breakers by the Latines are styled

Immodici & immodesti.

XV. In the tenth place it is commanded by the Law of nature, That every man in dividing Right to others, shew himselfe equall to either party. By the foregoing Law we are forbidden to assume more Right by nature to our selves, then we grant to others. We may take lesse if we will, for that sometimes is an argument of modesty. But if at any time matter of Right be to be divided by us unto others, we are forbidden by this Law to favour one more or lesse then another. For he that by favouring one before another, observes not this naturall equality, reproaches him whom he thus undervalues: but it is declared above, that a reproach is against the Lawes of Nature. The observance of this Precept is called EQUITY; the breach, Respect of Persons. The Greeks in one word term it *prosopolepsia*.

XVI. From the foregoing Law is collected this eleventh, Those things which cannot be divided, must be used in common, (if they can) and (that the quantity of the matter permit) every man as much as he lists, but if the quantity permit not, then with limitation, and proportionally to the number of the users: for otherwise that equality can by no means be observed, which we have shewed in the forgoing Article to be commanded by the Law of Nature.

XVII. Also what cannot be divided, nor had in common, it is provided by the Law of nature (which may be the twelfth Precept) that the use of that thing be either by turns, or adjudged to one onely by lot, and that in the using it by turns, it be also decided by lot who shall have the first use of it; For here also regard is to be had unto equality: but no other can be found, but that of lot.

XVIII. But all lot is twofold; arbitrary, or naturall; Arbitrary is that which is cast by the consent of the Contenders, and it consists in meer chance (as they say) or fortune. Naturall is primogeniture (in Greek *klironomia*, as it were given by lot) or first possession. Therefore the things which can neither be divided, nor had in common, must be granted to the first possessour, as also those things which belonged to the Father are due to the Sonne, unlesse the Father himselfe have formerly conveyed away that Right to some other. Let this therefore stand for the thirteenth Law of Nature.

XIX. The 14 Precept of the Law of nature is; That safety must be assured to the mediators for Peace. For the reason which commands the end, commands also the means necessary to the end. But the first dictate of Reason is Peace. All the rest are means

to obtain it, and without which Peace cannot be had. But neither can Peace be had without mediation, nor mediation without safety; it is therefore a dictate of Reason, that is, a Law of nature, That we must give all security to the Mediators for Peace.

XX. Furthermore, because, although men should agree to make all these, and whatsoever other Lawes of Nature, and should endeavour to keep them, yet doubts, and controversies would daily arise concerning the application of them unto their actions, to wit, whether what was done, were against the Law, or not, (which we call, the question of Right) whence will follow a fight between Parties, either sides supposing themselves wronged; it is therefore necessary to the preservation of Peace (because in this case no other fit remedy can possibly be thought on) that both the disagreeing Parties refer the matter unto some third, and oblige themselves by mutuall compacts to stand to his judgement in deciding the controversie. And he to whom they thus refer themselves is called an Arbiter. It is therefore the 15. Precept of the naturall Law, That both parties disputing concerning the matter of right submit themselves unto the opinion and judgement of some third.

XXI. But from this ground, that an Arbiter or Judge is chosen by the differing Parties to determine the controversie, we gather, that the Arbiter must not be one of the Parties: for every man is presumed to seek what is good for himselfe naturally, and what is just, onely for Peaces sake, and accidentally. and therefore cannot observe that same equality commanded by, the Law of nature so exactly as a third man would do: It is therefore in the sixteenth place contained in the Law of nature, That no man must be Judge or Arbiter in his own cause.

XXII. From the same ground followes in the seventeenth place, That no man must be Judge who propounds unto himself any hope of profit, or glory, from the victory of either part: for the like reason swayes here, as in the foregoing Law.

XXIII. But when there is some controversie of the fact it selfe, to wit, whether that bee done or not, which is said to bee done, the naturall Law wills, that the Arbiter trust both Parties alike, that is, (because they affirm contradictories) that hee believe neither: He must therefore give credit to a third, or a third and fourth, or more, that he may be able to give judgement of the fact, as often as by other signes he cannot come to the knowledge of it. The 18. Law of nature therefore injoynes

Arbiters, and Iudges of fact, That where firm and certain signes of the fact appear not, there they rule their sentence by such witnesses, as seem to be indifferent to both Parts.

XXIV. From the above declared definition of an Arbiter may be furthermore understood, That no contract or promise must Passe between him and the parties whose Iudge he is appointed, by vertue whereof he may be engaged to speak in favour of either part, nay, or be oblig'd to judge according to equity, or to pronounce such sentence as he shall truly judge to be equall. The Judge is indeed bound to give such sentence as he shall judge to be equall by the Law of Nature re-counted in the 15. Article. To the obligation of which Law nothing can be added by way of Compact. Such compact therefore would be in vain. Besides, if giving wrong judgement, he should contend for the equity of it, except such Compact be of no force, the Controversie would remain after Judgement given, which is contrary to the constitution of an Arbiter, who is so chosen, as both parties have oblig'd themselves to stand to the judgement which he should pronounce. The Law of Nature therefore commands the Judge to be dis-engaged, which is its 19 precept.

XXV. Farthermore, forasmuch as the Lawes of Nature are nought else but the dictates of Reason, so as, unlesse a man endeavour to preserve the faculty of right reasoning, he cannot observe the Lawes of Nature, it is manifest, that he, who knowingly, or willingly, doth ought, whereby the rationally faculty may be destroyed, or weakned, he knowingly, and willingly, breaks the Law of nature: For there is no difference between a man who performes not his Duty, and him who does such things willingly, as make it impossible for him to doe it. But they destroy and weaken the reasoning faculty, who doe that which disturbs the mind from its naturall state; that which most manifestly happens to Drunkards and Gluttons; we therefore sin in the 20 place against the Law of Nature by Drunkenesse.

XXVI. Perhaps some man, who sees all these precepts of Nature deriv'd by a certain artifice from the single dictate of Reason advising us to look to the preservation, and safegard of our selves, will say, That the deduction of these Lawes is so hard, that it is not to be expected they will be vulgarly known, and therefore neither will they prove obliging: for Lawes, if they be not known, oblige not, nay, indeed are not Lawes. To this I answer, it's true, That hope, fear, anger, ambition, covetousnesse, vain glory, and other perturbations of mind, doe hinder a man so, as he cannot attaine to the knowledge of these

Lawes, whilst those passions prevail in him: But there is no man who is not sometimes in a quiet mind; At that time therefore there is nothing easier for him to know, though he be never so rude and unlearn'd, then this only Rule, That when he doubts, whether what he is now doing to another, may be done by the Law of Nature, or not, he conceive himselfe to be in that others stead. Here instantly those perturbations which perswaded him to the fact, being now cast into the other scale, disswade him as much: And this Rule is not onely easie, but is Anciently celebrated in these words, *Quod tibi fieri non vis, alteri ne feceris*: Do not that to others, you would not have done to your self.

XXVII. But because most men, by reason of their perverse desire of present profit, are very unapt to observe these Lawes, although acknowledg'd by them, if perhaps some others more humble then the rest should exercise that equity and usefulness which Reason dictates, those not practising the same, surely they would not follow Reason in so doing; nor would they hereby procure themselves peace, but a more certain quick destruction, and the keepers of the Law become a meer prey to the breakers of it. It is not therefore to be imagin'd, that by Nature, (that is, by Reason) men are oblig'd to the exercise of all these Lawes in that state of men wherein they are not practis'd by others. We are oblig'd yet in the interim to a readinesse of mind to observe them whensoever their observation shall seeme to conduce to the end for which they were ordain'd. We must therefore conclude, that the Law of Nature doth alwayes, and every where oblige in the internall Court, or that of Conscience, but not alwayes in the externall Court, but then onely when it may be done with safety.

The exercise of all these Lawes] Nay among these Lawes some things there are, the omission whereof (provided it be done for Peace, or Self-preservation) seemes rather to be the fulfilling, then breach of the Naturall Law; for he that doth all things against those that doe all things, and plunders plunderers, doth equity; but on the other side, to doe that which in Peace is an handsome action, and becomming an honest man, is dejectednesse, and Poornesse of spirit, and a betraying of ones self in the time of War, But there are certain naturall Lawes, whose exercise ceaseth not even in the time of War it self; for I cannot understand what drunkennesse, or cruelty (that is, Revenge which respects not the future good) can advance toward Peace, or the preservation of any man. Briefly, in the state of nature, what's

just, and unjust, is not to be esteem'd by the Actions, but by the Counsell, and Conscience of the Actor. That which is done out of necessity, out of endeavour for Peace, for the preservation of our selves, is done with Right; otherwise every damage done to a man would be a breach of the naturall Law, and an injury against God.

XXVIII. But the Lawes which oblige Conscience, may be broken by an act, not onely contrary to them, but also agreeable with them, if so be that he who does it be of another opinion: for though the act it self be answerable to the Lawes, yet his Conscience is against them.

XXIX. The Lawes of Nature are immutable, and eternall; What they forbid, can never be lawfull; what they command, can never be unlawfull: For pride, ingratitude, breach of Contracts (or injury), inhumanity, contumely, will never be lawfull; nor the contrary vertues to these ever unlawfull, as we take them for dispositions of the mind, that is, as they are considered in the Court of Conscience, where onely they oblige, and are Lawes. Yet actions may be so diversified by circumstances, and the Civill Law, that what's done with equity at one time, is guilty of iniquity at another; and what suits with reason at one time, is contrary to it another. Yet Reason is still the same, and changeth not her end, which is Peace, and Defence; nor of the minde which she meanes to attaine them, to wit, those vertues we have declar'd above, and which cannot be abrogated by any Custome, or Law whatsoever.

XXX. It's evident by what hath hitherto been said, how easily the Lawes of Nature are to be observ'd, because they require the endeavour onely, (but that must be true and constant) which who so shall performe, we may rightly call him JUST. For he who tends to this with his whole might, namely, that his actions be squar'd according to the precepts of Nature, he shewes clearly that he hath a minde to fulfill all those Lawes, which is all we are oblig'd to by rationall nature. Now he that hath done all he is oblig'd to, is a Just Man.

XXXI. All Writers doe agree that the Naturall Law is the same with the Morall. Let us see wherefore this is true. We must know therefore, that Good and Evill are names given to things to signifie the inclination, or aversion of them by whom they were given. But the inclinations of men are diverse, according to their diverse Constitutions, Customes, Opinions; as we may see in those things we apprehend by sense, as by tasting, touching, smelling; but much more in those which pertain to the common

actions of life, where what this man commends, (that is to say, calls Good) the other undervalues, as being Evil; Nay, very often the same man at diverse times, praises, and dispraises the same thing. Whilst thus they doe, necessary it is there should be discord, and strife: They are therefore so long in the state of War, as by reason of the diversity of the present appetites, they mete Good and Evill by diverse measures. All men easily acknowledge this state, as long as they are in it, to be evill, and by consequence that Peace is good. They therefore who could not agree concerning a present, doe agree concerning a future Good, which indeed is a work of Reason; for things present are obvious to the sense, things to come to our Reason only. Reason declaring Peace to be good, it followes by the same reason, that all the necessary means to Peace be good also, and therefore, that Modesty, Equity, Trust, Humanity, Mercy (which we have demonstrated to be necessary to Peace) are good Manners, or habits, (that is) Vertues. The Law therefore, in the means to Peace, commands also Good Manners, or the practise of Vertue: And therefore it is call'd Morall.

XXXII. But because men cannot put off this same irrationall appetite, whereby they greedily prefer the present good (to which, by strict consequence, many unfore-seen evils doe adhere) before the future, it happens, that though all men doe agree in the commendation of the foresaid vertues, yet they disagree still concerning their Nature, to wit, in what each of them doth consist; for as oft as anothers good action displeaseth any man, that action hath the name given of some neighbouring vice; likewise the bad actions, which please them, are ever entituled to some Vertue; whence it comes to passe that the same Action is prais'd by these, and call'd Vertue, and dispraised by those, and termed vice. Neither is there as yet any remedy found by Philosophers for this matter; for since they could not observe the goodnesse of actions to consist in this, that it was in order to Peace, and the evill in this, that it related to discord, they built a morall Philosophy wholly estranged from the morall Law, and unconstant to it self; for they would have the nature of vertues seated in a certain kind of mediocrity betweene two extremes, and the vices in the extremes themselves; which is apparently false: For to dare is commended, and under the name of fortitude is taken for a vertue, although it be an extreme, if the cause be approved. Also the quantity of a thing given, whether it be great, or little, or between both, makes not liberality, but the cause of giving it. Neither is it injustice,

if I give any man more, of what is mine own, then I owe him. The Lawes of Nature therefore are the summe of Morall Philosophy, whereof I have onely delivered such precepts in this place, as appertain to the preservation of our selves against those dangers which arise from discord. But there are other precepts of rationally nature, from whence spring other vertues: for temperance also is a precept of Reason, because intemperance tends to sicknesse, and death. And so fortitude too, (that is) that same faculty of resisting stoutly in present dangers, (and which are more hardly declined then overcome) because it is a means tending to the preservation of him that resists.

XXXIII. But those which we call the Lawes of nature (since they are nothing else but certain conclusions understood by Reason, of things to be done, and omitted; but a Law to speak properly and accurately, is the speech of him who by Right commands somewhat to others to be done, or omitted) are not (in propriety of speech) Lawes, as they proceed from nature; yet as they are delivered by God in holy Scriptures, (as we shall see in the Chapter following) they are most properly called by the name of Lawes: for the sacred Scripture is the speech of God commanding over all things by greatest Right.

#### Chapter IV

That the Law of Nature is a Divine Law

I. The same Law which is Naturall, and Morall, is also wont to be called Divine, nor undeservedly, as well because Reason, which is the law of Nature, is given by God to every man for the rule of his actions; as because the precepts of living which are thence derived, are the same with those which have been delivered from the divine Majesty, for the LAWES of his heavenly Kingdome, by our Lord Iesus Christ, and his holy Prophets and Apostles. What therefore by reasoning we have understood above concerning the law of nature, we will endeavour to confirme the same in this Chapter by holy writ.

II. But first we will shew those places in which it is declared, that the Divine Law is seated in right reason. Psalm 37, 30, 31. The mouth of the righteous will be exercised in wisdom, and his tongue will be talking of Iudgement: The law of God is in his heart. Jerem. 31. 33. I will put my law in their inward parts, and write it in their hearts. Psal. 19. 7. The law

of the Lord is an undefiled law, converting the soule. ver. 8. The Commandement of the Lord is Pure, and giveth light unto the eyes. Deuteron. 30. 11. This Commandement which I command thee this day, it is not hidden from thee, neither is it far off, &c. vers. 14. But the word is very nigh unto thee, in thy mouth, and in thine heart; that thou maist doe it. Psal. 119. 34. Give me understanding, and I shall keep thy law. vers. 105. Thy word is a lamp unto my feet, and a light unto my paths. Proverbs 9. 10. The knowledge of the holy is understanding. John 1. 1. Christ the Law-giver himselfe is called the word. vers. 9. The same Christ is called the true light that ligiteth every man that cometh in the world. All which are descriptions of right reason, whose dictates, we have shewed before, are the lawes of nature.

III. But that which wee set downe for the fundamentall law of nature, namely, that Peace was to be sought for, is also the summe of the divine law, will be manifest by these places. Rom. 3. 17. Righteousnesse, (which is the summe of the law) is called the way of Peace Psal. 85. 10. Righteousnesse and Peace have kissed each other. Matth. 5. 9. Blessed are the Peace-makers, for they shall be called the children of God. And after Saint Paul in his 6. Chapter to the Hebrewes, and the last verse had called Christ (the Legislator of that law we treat of) an High-Priest for ever after the order of Melchizedeck; he addes in the following Chapter, the first verse, This Melchizedeck was King of Salem, Priest of the most high God, &c. vers. 2. First being by interpretation King of Righteousnesse, and after that also King of Salem, which is, King of peace. Whence it is cleare, that Christ the King in his Kingdome placeth Righteousnesse and Peace together. Psal. 34. Eschue evill and doe good, seek Peace and ensue it. Isaiah 9. 6, 7. Unto us a child is born, unto us a Sonne is given, and the government shall be upon his shoulder, and his name shall be called Wonderfull, Counsellour, the mighty God, the everlasting Father, the Prince of peace. Isaiah 52. 7. How beautifull upon the mountaines are the feet of him that bringeth good tidings, that publisheth Peace, that bringeth good tidings of good, that publisheth salvation, that saith unto Sion, thy God reigneth! 3 Luke 2. 14. In the Nativity of Christ, the voice of them that praised God saying, Glory be to God on high, and in earth Peace, good will towards men. And Isaiah 53. 5. The Gospell is called the chastisement of our Peace. Isay 59. 8. Righteousnesse is called the way of Peace. The way of Peace they know not, and there is no judgement in their goings. Micah 5. 4, 5. speaking of the Messias, he saith thus, hee shall stand and

feed in the strength of the Lord, in the Majesty of the name of the Lord his God, and they shall abide, for now shall he be great unto the end of the earth; And this man shall be your Peace, &c. Prov. 3. 1, 2. My sonne forget not my law, but let thine heart keep my Commandements, for length of dayes, and long life, and Peace, shall they adde to thee.

IV. What appertains to the first law of abolishing the community of all things, or concerning the introduction of meum & tuum, We perceive in the first place how great an adversary this same Community is to Peace, by those words of Abraham to Lot, Gen. 13. 8. Let there be no strife I Pray thee, between thee and me, and between thy heard-men, and my heard-men, for we be brethren. Is not the whole land before thee? Separate thy selfe I Pray thee from me. And all those places of Scripture by which we are forbidden to trespasse upon our neighbours, as, Thou shalt not kill, thou shalt not commit adultery, thou shalt not steal, &c. doe confirm the law of distinction between Mine, and Thine. for they suppose the right of all men to all things to be taken away.

V. The same precepts establish the second law of nature of keeping trust: for what doth, Thou shalt not invade anothers right, import, but this? Thou shalt not take possession of that, which by thy contract ceaseth to be thine; but expressly set down, Psal. 15. vers. 1. To him that asked, Lord who shall dwell in thy Tabernacle? It is answered, vers. 3, 4: He that sweareth unto his neighbour, and disappointeth him not; and Prov. 6. 1. My sonne if thou be surety for thy friend, if thou have stricken thy hand with a stranger, Thou art snared with the words of thy mouth.

VI. The third Law concerning gratitude is proved by these places, Deut. 25. 4. Thou shalt not muzzle the Oxe when he treadeth out the corn; which Saint Paul I. Cor. 9. 9. interprets to be spoken of men, not Oxen onely. Prov. 17. 13. Who so rewardeth evill for good, evill shall not depart from his house. And Deut. 20. 10, 11. When thou comest nigh unto a city to fight against it, then proclaim Peace unto it. And it shall be if it make thee answer of Peace, and open unto thee, then it shall be that all the people that is found therein, shall be tributaries unto thee, and they shall serve thee. Proverbs 3. 29. Devise not evill against thy neighbour, seeing he dwelleth securely by thee.

VII. To the fourth Law of accomodating our selves, these precepts are conformable, Exod. 23. 4, 5. If thou meet thine enemies Oxe, or his Asse going astray, thou shalt surely bring it

back to him again; if thou see the Asse of him that hateth thee lying under his burden, and wouldest forbear to help him, thou shalt surely help with him, vers. 9. Also, thou shalt not oppresse a stranger. Prov. 3. 30. Strive not with a man without a cause, if he have done thee no harme. Prov. 15. 18. A wrathfull man stirreth up strife, but he that is slow to anger, appeaseth strife. 18. 24. There is a friend that sticketh closer then a brother. The same is confirmed, Luke 10. By the Parable of the Samaritan, who had compassion on the Jew that was wounded by theeves, and by Christs precept, Matth. 5. 39. But I say unto you, that ye resist not evill, but whosoever shall smite thee on the right cheek, turn to him the other also, &c.

VIII. Among infinite other places which prove the fifth law, these are some. Matth. 6. 14. If you forgive men their trespasses, your heavenly Father will also forgive you: but if you forgive not men their trespasses, neither will your Father forgive your trespasses. Math. 18. 21. Lord how oft shall my Brother sinne against me, and I forgive him? till seven times? Jesus saith unto him, I say not till seven times, but till seventy times seven times: that is, toties quoties.

IX. For the confirmation of the sixth law, all those places are pertinent which command us to shew mercy; such as Mat. 5. 7. Blessed are the mercifull, for they shall obtain mercy. Levit. 19. 18. Thou shalt not avenge, nor bear any grudge against the children of thy people. But there are, who not onely think this law is not proved by Scripture, but plainly disproved from hence, that there is an eternall punishment reserved for the wicked after death, where there is no place either for amendment, or example. Some resolve this objection by answering, That God, whom no law restrains, refers all to his glory, but that man must not doe so; as if God sought his glory, (that is to say) pleased himselfe in the death of a sinner. It is more rightly answered, that the institution of eternall punishment was before sin, and had regard to this onely, that men might dread to commit sinne for the time to come.

X. The words of Christ prove this seventh, Matth. 5. 22. But I say unto you, That whosoever is angry with his brother without a cause, shall be in danger of the judgement, and whosoever shall say unto his Brother Racha, shall be in danger of the Counsell, but whosoever shall say, thou foole, shall be in danger of hell fire. Prov. 10. 18. Hee that uttereth a slander is a foole. Prov. 14. 21. Hee that despiseth his neighbour, sinneth. 15. 1. Grievous words stir up anger. Prov. 22. 10. Cast out the scorner,

and contention shall goe out, and reproach shall cease.

XI. The eighth law of acknowledging equality of nature, that is, of humility, is established by these places. Mat. 5. 3. Blessed are the Poor in spirit, for theirs is the Kingdom of heaven. Prov. 6. 16, 19. These six things doth the Lord hate, yea seven are an abomination unto him: A proud look, &c. Prov. 16. 5. Every one that is proud is an abomination unto the Lord, though hand joyne in hand, he shall not be unpunished. 11. 2. When pride cometh, then cometh shame, but with the lowly, is wisdom. Thus Isay 40. 3. (where the coming of the Messiah is shewed forth, for preparation towards his Kingdome) The voyce of him that cryed in the wilderness, was this: Prepare ye the way of the Lord, make strait in the desert a high way for our God. Every valley shall be exalted, and every mountain, and hill, shall be made low; which doubtlesse is spoken to men, and not to mountains.

XII. But that same Equity which we proved in the ninth place to be a Law of Nature, which commands every man to allow the same Rights to others they would be allowed themselves, and which containes in it all the other Lawes besides, is the same which Moses sets down, Levit. 19. 18. Thou shalt love thy neighbour as thy self; and our Saviour calls it the summe of the morall Law, Mat. 22. 36. Master, which is the great Commandement in the Law? Jesus said unto him, Thou shalt love the Lord thy God with all thine heart, and with all thy soul, and with all thy mind; this is the first and great Commandement, and the second is like unto it, Thou shalt love thy neighbour as thy self. On these two Commandements hang all the Law and the Prophets. But to love our neighbor as our selves, is nothing else, but to grant him all we desire to have granted to our selves.

XIII. By the tenth Law respect of Persons is forbid; as also by these places following, Mat. 5. 45. That ye may be children of your Father which is in Heaven; for he maketh the sun to rise on the Evill, and on the Good, &c. Collos. 3. 11. There is neither Greek, nor Jew, circumcision, nor uncircumcision, Barbarian, or Scythian, bond, or free, but Christ is all, & in all. Acts 10. 34. of a truth, I perceive, that God is no respecter of Persons. 2 Chron. 19. 7. There is no iniquity with the Lord our God, nor respect of Persons, nor taking of gifts. Ecclus. 35. 12. The Lord is Judge, and with him is no respect of Persons. Rom. 2. 11. For there is no respect of Persons with God.

XIV. The eleventh Law, which commands those things to be held in common which cannot be divided, I know not whether there be any expresse place in Scripture for it, or not; but the practise

appears every where in the common use of Wells, Wayes, Rivers, sacred things, &c. for else men could not live.

XV. We said in the twelfth place, that it was a Law of Nature, That where things could neither be divided, nor possess'd in common, they should be dispos'd by lot, which is confirmed as by the example of Moses, who by Gods command, Numb. 34. divided the severall parts of the land of promise unto the Tribes by Lot: So Acts I. 24. by the example of the Apostles, who receiv'd Matthias, before Justus, into their number, by casting Lots, and saying, Thou Lord, who knowest the hearts of all men, shew whether of these two thou hast chosen, &c. Prov. 16. 33. The lot is cast into the lappe, but the whole disposing thereof is of the Lord. And which is the thirteenth Law, the Succession was due unto Esau, as being the First-born of Isaac, if himself had not sold it, (Gen. 25. 30.) or that the Father had not otherwise appointed.

XVI. Saint Paul writing to the Corinthians, Epist. 1. Chap. 6. reprehends the Corinthians of that City for going to Law one with another before infidell Judges who were their enemies, calling it a fault, that they would not rather take wrong, and suffer themselves to be defrauded; for that is against that Law, whereby we are commanded to be helpful to each other. But if it happen the Controversie be concerning things necessary, what is to be done? Therefore the Apostle, Ver. 5. speaks thus, I speak to your shame. Is it so that there is not one wise man among you, no, not one that shall be able to judge between his brethren? He therefore, by those words confirmes that Law of Nature which we call'd the fifteenth, to wit, Where Controversies cannot be avoided, there by the consent of Parties to appoint some Arbiter, and him some third man; so as (which is the 16 Law) neither of the Parties may be judge in his own Cause.

XVII. But that the Judge, or Arbiter, must receive no reward for his Sentence, (which is the 17. Law) appears, Exod. 23. 8. Thou shalt take no gift; for the gift blindeth the wise, and perverteth the words of the righteous. Ecclus. 20. 29. Presents and gifts blind the eyes of the wise. Whence it followes, that he must not be more oblig'd to one part then the other, which is the 19. Law, and is also confirm'd, Deut. 1. 17. Ye shall not respect Persons in Judgment, ye shall hear the small as well as the great; and in all those places which are brought against respect of Persons.

XVIII. That in the judgement of Fact, witnesses must be had,

(which is the 18. Law) the Scripture not only confirmes, but requires more then one, Deut. 17. 6. At the mouth of two witnesses, or three witnesses, shall he that is worthy of death be put to death. The same is repeated, Deut. 19. 15.

XIX. Drunkennesse, which we have therefore in the last place numbred among the breaches of the Naturall Law, because it hinders the use of right Reason, is also forbid in sacred Scripture for the same reason. Prov. 20. 1. Wine is a mocker, strong drink is raging, whosoever is deceived thereby is not wise. And Chap. 31. 4, 5. It is not for Kings to drink wine, lest they drink, and forget the Law, and pervert the judgement of any of the afflicted: but that we might know that the malice of this vice consisted not formally in the quantity of the drink, but in that it destroyes Judgement and Reason, it followes in the next Verse, Give strong drink to him that is ready to perish, and wine to those that be heavy of heart. Let him drink, and forget his poverty, and remember his misery no more. Christ useth the same reason in prohibiting drunkenesse, Luk. 21. 34. Take heed to your selves, lest at any time your hearts be overcharg'd with surfetting and drunkennesse.

XX. That we said in the foregoing Chapter, The Law of Nature is eternall, is also prov'd out of the fifth of S. Matth. 18. Verily I say unto you, till Heaven and Earth Passe, one jot, or one tittle, shall in no wise Passe from the Law, and Psal. 119. v. 160. Every one of thy righteous judgements endureth for ever.

XXI. We also said, That the Lawes of Nature had regard chiefly unto Conscience; that is, that he is just, who by all possible endeavour strives to fulfill them. And although a man should order all his actions (so much as belongs to externall obedience) just as the Law commands, but not for the Lawes sake, but by reason of some punishment annext unto it, or out of Vain glory, yet he is unjust. Both these are proved by the Holy Scriptures. The first, Esay 55. 7. Let the wicked forsake his way, and unrighteous man his thoughts, and let him return unto the Lord, and he wil have mercy upon him, and to our God, for he will abundantly pardon. Ezek. 18. 31. Cast away from you all your transgressions whereby you have transgressed, & make you a new heart, and a new spirit; for why will you die O house of Israel? By which, and the like places, we may sufficiently understand that God will not punish their deeds whose heart is right. The

second out of the 29. of Isay 13. The Lord said, Forasmuch as this people draw near me with their mouth, and with their lips doe honour me, but have removed their heart far from me, therefore I will proceed, &c. Mat. 5. 20. Except your righteousnesse shall exceed the righteousnesse of the Scribes and Pharisees ye shall in no case enter into the Kingdom of Heaven; and in the following verses our Saviour explains to them how that the commands of God are broken, not by Deeds only, but also by the Will; for the Scribes and Pharises did in outward act observe the Law most exactly, but for Glories sake onely; else they would as readily have broken it. There are innumerable places of Scripture in which is most manifestly declar'd that God accepts the Will for the Deed, and that as well in good, as in evill actions.

XXII. That the Law of Nature is easily kept, Christ himself declares in the 11. Chapter of Saint Matthew 28, 29, 30. Come unto me, &c. Take my yoke upon you, and learn of me, &c. for my yoke is easie, and my burthen light.

XXIII. Lastly, the Rule by which I said any man might know whether what he was doing, were contrary to the Law, or not, to wit, what thou wouldst not be done to, doe not that to another, is almost in the self same words delivered by our Saviour, Mat. 7. 12. Therefore all things whatsoever ye would that men should do unto you, do you even so to them.

XXIV. As the law of nature is all of it Divine, so the Law of Christ by conversion, (which is wholly explain'd in the 5, 6, and 7. Chapter of S. Matthewes Gospell) is all of it also (except that one Commandement of not marrying her who is put away for adultery, which Christ brought for explication of the divine positive Law, against the Jewes, who did not rightly interpret the Mosaicall Law) the doctrine of Nature: I say the whole Law of Christ is explain'd in the fore-named Chapters, not the whole Doctrine of Christ; for Faith is a part of Christian Doctrine, which is not comprehended under the title of a Law; for Lawes are made, and given, in reference to such actions as follow our will, not in order to our Opinions, and, Belief which being out of our power, follow not the Will.