

OF THE RIGHTS OF SOVEREIGNS BY INSTITUTIONS

A COMMONWEALTH is said to be instituted when a multitude of men do agree, and covenant, every one with every one, that to whatsoever man, or assembly of men, shall be given by the major part the right to present the person of them all, that is to say, to be their representative; every one, as well he that voted for it as he that voted against it, shall authorize all the actions and judgements of that man, or assembly of men, in the same manner as if they were his own, to the end to live peaceably amongst themselves, and be protected against other men.

From this institution of a Commonwealth are derived all the rights and faculties of him, or them, on whom the sovereign power is conferred by the consent of the people assembled.

First, because they covenant, it is to be understood they are not obliged by former covenant to anything repugnant hereunto. And consequently they that have already instituted a Commonwealth, being thereby bound by covenant to own the actions and judgements of one, cannot lawfully make a new covenant amongst themselves to be obedient to any other, in anything whatsoever, without his permission. And therefore, they that are subjects to a monarch cannot without his leave cast off monarchy and return to the confusion of a disunited multitude; nor transfer their person from him that beareth it to another man, other assembly of men: for they are bound, every man to every man, to own and be reputed author of all that already is their sovereign shall do and judge fit to be done; so that any one man dissenting, all the rest should break their covenant made to that man, which is injustice: and they have also every man given the sovereignty to him that beareth their person; and therefore if they depose him, they take from him that which is his own, and so again it is injustice. Besides, if he that attempteth to depose his sovereign be killed or punished by him for such attempt, he is author of his own punishment, as being, by the institution, author of all his sovereign shall do; and because it is injustice for a man to do anything for which he may be punished by his own authority, he is also upon that title unjust. And whereas some men have pretended for their disobedience to their sovereign a new covenant, made, not with men but with God, this also is unjust: for there is no covenant with God but by mediation of somebody that representeth God's person, which none doth but God's lieutenant who hath the sovereignty under God. But this pretence of covenant with God is so evident a lie, even in the pretenders' own consciences, that it is not only an act of an unjust, but also of a vile and unmanly disposition.

Secondly, because the right of bearing the person of them all is given to him they make sovereign, by covenant only of one to another, and not of him to any of them, there can happen no breach of covenant on the part of the sovereign; and consequently none of his subjects, by any pretence of forfeiture, can be freed from his subjection. That he which is made sovereign maketh no covenant with his subjects before hand is manifest; because either he must make it with the whole multitude, as one party to the covenant, or he must make a several covenant with every man. With the whole, as one party, it is impossible, because as they are not one person: and if he make so many several covenants as there be men, those covenants after he hath the sovereignty are void; because what act soever can be pretended by any one of them for breach thereof is the act both of himself, and of all the rest, because done in the person, and by the right of every one of them in particular. Besides, if any one or more of them pretend a breach of the covenant made by the sovereign at his institution, and others or one other of his subjects, or himself alone, pretend there was no such breach, there is in this case no judge to decide the controversy: it returns therefore to the sword again; and every man recovereth the right of protecting himself by his own strength, contrary to the design they had in the institution. It is therefore in vain to grant sovereignty by way of precedent covenant. The opinion that any monarch receiveth his power by covenant, that is to say, on condition, proceedeth from want of understanding this easy truth: that covenants being but words, and breath, have no force to oblige, contain, constrain, or protect any

man, but what it has from the public sword; that is, from the untied hands of that man, or assembly of men, that hath the sovereignty, and whose actions are avouched by them all, and performed by the strength of them all, in him united. But when an assembly of men is made sovereign, then no man imagineth any such covenant to have passed in the institution: for no man is so dull as to say, for example, the people of Rome made a covenant with the Romans to hold the sovereignty on such or such conditions; which not performed, the Romans might lawfully depose the Roman people. That men see not the reason to be alike in a monarchy and in a popular government proceedeth from the ambition of some that are kinder to the government of an assembly, whereof they may hope to participate, than of monarchy, which they despair to enjoy.

Thirdly, because the major part hath by consenting voices declared a sovereign, he that dissented must now consent with the rest; that is, be contented to avow all the actions he shall do, or else justly be destroyed by the rest. For if he voluntarily entered into the congregation of them that were assembled, he sufficiently declared thereby his will, and therefore tacitly covenanted, to stand to what the major part should ordain: and therefore if he refuse to stand thereto, or make protestation against any of their decrees, he does contrary to his covenant, and therefore unjustly. And whether he be of the congregation or not, and whether his consent be asked or not, he must either submit to their decrees or be left in the condition of war he was in before; wherein he might without injustice be destroyed by any man whatsoever.

Fourthly, because every subject is by this institution author of all the actions and judgements of the sovereign instituted, it follows that whatsoever he doth, can be no injury to any of his subjects; nor ought he to be by any of them accused of injustice. For he that doth anything by authority from another doth therein no injury to him by whose authority he acteth: but by this institution of a Commonwealth every particular man is author of all the sovereign doth; and consequently he that complaineth of injury from his sovereign complaineth of that whereof he himself is author, and therefore ought not to accuse any man but himself; no, nor himself of injury, because to do injury to oneself is impossible. It is true that they that have sovereign power may commit iniquity, but not injustice or injury in the proper signification.

Fifthly, and consequently to that which was said last, no man that hath sovereign power can justly be put to death, or otherwise in any manner by his subjects punished. For seeing every subject is author of the actions of his sovereign, he punisheth another for the actions committed by himself.

And because the end of this institution is the peace and defence of them all, and whosoever has right to the end has right to the means, it belonged of right to whatsoever man or assembly that hath the sovereignty to be judge both of the means of peace and defence, and also of the hindrances and disturbances of the same; and to do whatsoever he shall think necessary to be done, both beforehand, for the preserving of peace and security, by prevention of discord at home, and hostility from abroad; and when peace and security are lost, for the recovery of the same. And therefore,

Sixthly, it is annexed to the sovereignty to be judge of what opinions and doctrines are averse, and what conducing to peace; and consequently, on what occasions, how far, and what men are to be trusted withal in speaking to multitudes of people; and who shall examine the doctrines of all books before they be published. For the actions of men proceed from their opinions, and in the well governing of opinions consisteth the well governing of men's actions in order to their peace and concord. And though in matter of doctrine nothing to be regarded but the truth, yet this is not repugnant to regulating of the same by peace. For doctrine repugnant to peace can no more be true, than peace and concord can be against the law of nature. It is true that in a Commonwealth, where by the negligence or unskillfulness of governors and teachers false doctrines are by

time generally received, the contrary truths may be generally offensive: yet the most sudden and rough bustling in of a new truth that can be does never break the peace, but only sometimes awake the war. For those men that are so remissly governed that they dare take up arms to defend or introduce an opinion are still in war; and their condition, not peace, but only a cessation of arms for fear of one another; and they live, as it were, in the precincts of battle continually. It belonged therefore to him that hath the sovereign power to be judge, or constitute all judges of opinions and doctrines, as a thing necessary to peace; thereby to prevent discord and civil war.

Seventhly, is annexed to the sovereignty the whole power of prescribing the rules whereby every man may know what goods he may enjoy, and what actions he may do, without being molested by any of his fellow subjects: and this is it men call propriety. For before constitution of sovereign power, as hath already been shown, all men had right to all things, which necessarily causeth war: and therefore this propriety, being necessary to peace, and depending on sovereign power, is the act of that power, in order to the public peace. These rules of propriety (or *meum* and *tuum*) and of good, evil, lawful, and unlawful in the actions of subjects are the civil laws; that is to say, the laws of each Commonwealth in particular; though the name of civil law be now restrained to the ancient civil laws of the city of Rome; which being the head of a great part of the world, her laws at that time were in these parts the civil law.

Eighthly, is annexed to the sovereignty the right of judicature; that is to say, of hearing and deciding all controversies which may arise concerning law, either civil or natural, or concerning fact. For without the decision of controversies, there is no protection of one subject against the injuries of another; the laws concerning *meum* and *tuum* are in vain, and to every man remaineth, from the natural and necessary appetite of his own conservation, the right of protecting himself by his private strength, which is the condition of war, and contrary to the end for which every Commonwealth is instituted.

Ninthly, is annexed to the sovereignty the right of making war and peace with other nations and Commonwealths; that is to say, of judging when it is for the public good, and how great forces are to be assembled, armed, and paid for that end, and to levy money upon the subjects to defray the expenses thereof. For the power by which the people are to be defended consisteth in their armies, and the strength of an army in the union of their strength under one command; which command the sovereign instituted, therefore hath, because the command of the militia, without other institution, maketh him that hath it sovereign. And therefore, whosoever is made general of an army, he that hath the sovereign power is always *generalissimo*.

Tenthly, is annexed to the sovereignty the choosing of all counsellors, ministers, magistrates, and officers, both in peace and war. For seeing the sovereign is charged with the end, which is the common peace and defence, he is understood to have power to use such means as he shall think most fit for his discharge.

Eleventhly, to the sovereign is committed the power of rewarding with riches or honour; and of punishing with corporal or pecuniary punishment, or with ignominy, every subject according to the law he hath formerly made; or if there be no law made, according as he shall judge most to conduce to the encouraging of men to serve the Commonwealth, or deterring of them from doing disservice to the same.

Lastly, considering what values men are naturally apt to set upon themselves, what respect they look for from others, and how little they value other men; from whence continually arise amongst them, emulation, quarrels, factions, and at last war, to the destroying of one another, and diminution of their strength against a common enemy; it is necessary that there be laws of honour, and a public rate of the worth of such men as

have deserved or are able to deserve well of the Commonwealth, and that there be force in the hands of some or other to put those laws in execution. But it hath already been shown that not only the whole militia, or forces of the Commonwealth, but also the judicature of all controversies, is annexed to the sovereignty. To the sovereign therefore it belonged also to give titles of honour, and to appoint what order of place and dignity each man shall hold, and what signs of respect in public or private meetings they shall give to one another.

These are the rights which make the essence of sovereignty, and which are the marks whereby a man may discern in what man, or assembly of men, the sovereign power is placed and resideth. For these are incommunicable and inseparable. The power to coin money, to dispose of the estate and persons of infant heirs, to have pre-emption in markets, and all other statute prerogatives may be transferred by the sovereign, and yet the power to protect his subjects be retained. But if he transfer the militia, he retains the judicature in vain, for want of execution of the laws; or if he grant away the power of raising money, the militia is in vain; or if he give away the government of doctrines, men will be frightened into rebellion with the fear of spirits. And so if we consider any one of the said rights, we shall presently see that the holding of all the rest will produce no effect in the conservation of peace and justice, the end for which all Commonwealths are instituted. And this division is it whereof it is said, a kingdom divided in itself cannot stand: for unless this division precede, division into opposite armies can never happen. If there had not first been an opinion received of the greatest part of England that these powers were divided between the King and the Lords and the House of Commons, the people had never been divided and fallen into this Civil War; first between those that disagreed in politics, and after between the dissenters about the liberty of religion, which have so instructed men in this point of sovereign right that there be few now in England that do not see that these rights are inseparable, and will be so generally acknowledged at the next return of peace; and so continue, till their miseries are forgotten, and no longer, except the vulgar be better taught than they have hitherto been.

And because they are essential and inseparable rights, it follows necessarily that in whatsoever words any of them seem to be granted away, yet if the sovereign power itself be not in direct terms renounced and the name of sovereign no more given by the grantees to him that grants them, the grant is void: for when he has granted all he can, if we grant back the sovereignty, all is restored, as inseparably annexed thereunto.

This great authority being indivisible, and inseparably annexed to the sovereignty, there is little ground for the opinion of them that say of sovereign kings, though they be *singulis majores*, of greater power than every one of their subjects, yet they be *universis minores*, of less power than them all together. For if by all together, they mean not the collective body as one person, then all together and every one signify the same; and the speech is absurd. But if by all together, they understand them as one person (which person the sovereign bears), then the power of all together is the same with the sovereign's power; and so again the speech is absurd: which absurdity they see well enough when the sovereignty is in an assembly of the people; but in a monarch they see it not; and yet the power of sovereignty is the same in whomsoever it be placed.

And as the power, so also the honour of the sovereign, ought to be greater than that of any or all the subjects. For in the sovereignty is the fountain of honour. The dignities of lord, earl, duke, and prince are his creatures. As in the presence of the master, the servants are equal, and without any honour at all; so are the subjects, in the presence of the sovereign. And though they shine some more, some less, when they are out of his sight; yet in his presence, they shine no more than the stars in presence of the sun.

But a man may here object that the condition of subjects is very miserable, as being obnoxious to the lusts and other irregular passions of him or them that have so unlimited a power in their hands. And commonly they

that live under a monarch think it the fault of monarchy; and they that live under the government of democracy, or other sovereign assembly, attribute all the inconvenience to that form of Commonwealth; whereas the power in all forms, if they be perfect enough to protect them, is the same: not considering that the estate of man can never be without some incommodity or other; and that the greatest that in any form of government can possibly happen to the people in general is scarce sensible, in respect of the miseries and horrible calamities that accompany a civil war, or that dissolute condition of masterless men without subjection to laws and a coercive power to tie their hands from rapine and revenge: nor considering that the greatest pressure of sovereign governors proceedeth, not from any delight or profit they can expect in the damage weakening of their subjects, in whose vigour consisteth their own strength and glory, but in the restiveness of themselves that, unwillingly contributing to their own defence, make it necessary for their governors to draw from them what they can in time of peace that they may have means on any emergent occasion, or sudden need, to resist or take advantage on their enemies. For all men are by nature provided of notable multiplying glasses (that is their passions and self-love) through which every little payment appeareth a great grievance, but are destitute of those prospective glasses (namely moral and civil science) to see afar off the miseries that hang over them and cannot without such payments be avoided.

OF THE LIBERTY OF SUBJECTS

LIBERTY, or freedom, signifieth properly the absence of opposition (by opposition, I mean external impediments of motion); and may be applied no less to irrational and inanimate creatures than to rational. For whatsoever is so tied, or environed, as it cannot move but within a certain space, which space is determined by the opposition of some external body, we say it hath not liberty to go further. And so of all living creatures, whilst they are imprisoned, or restrained with walls or chains; and of the water whilst it is kept in by banks or vessels that otherwise would spread itself into a larger space; we use to say they are not at liberty to move in such manner as without those external impediments they would. But when the impediment of motion is in the constitution of the thing itself, we use not to say it wants the liberty, but the power, to move; as when a stone lieth still, or a man is fastened to his bed by sickness.

And according to this proper and generally received meaning of the word, a freeman is he that, in those things which by his strength and wit he is able to do, is not hindered to do what he has a will to. But when the words free and liberty are applied to anything but bodies, they are abused; for that which is not subject to motion is not to subject to impediment: and therefore, when it is said, for example, the way is free, no liberty of the way is signified, but of those that walk in it without stop. And when we say a gift is free, there is not meant any liberty of the gift, but of the giver, that was not bound by any law or covenant to give it. So when we speak freely, it is not the liberty of voice, or pronunciation, but of the man, whom no law hath obliged to speak otherwise than he did. Lastly, from the use of the words free will, no liberty can be inferred of the will, desire, or inclination, but the liberty of the man; which consisteth in this, that he finds no stop in doing what he has the will, desire, or inclination to do.

Fear and liberty are consistent: as when a man throweth his goods into the sea for fear the ship should sink, he doth it nevertheless very willingly, and may refuse to do it if he will; it is therefore the action of one that was free: so a man sometimes pays his debt, only for fear of imprisonment, which, because no body hindered him from detaining, was the action of a man at liberty. And generally all actions which men do in Commonwealths, for fear of the law, are actions which the doers had liberty to omit.

Liberty and necessity are consistent: as in the water that hath not only liberty, but a necessity of descending by the channel; so, likewise in the actions which men voluntarily do, which, because they proceed their will, pro-

ceed from liberty, and yet because every act of man's will and every desire and inclination proceedeth from some cause, and that from another cause, in a continual chain (whose first link is in the hand of God, the first of all causes), proceed from necessity. So that to him that could see the connexion of those causes, the necessity of all men's voluntary actions would appear manifest. And therefore God, that seeth and disposeth all things, seeth also that the liberty of man in doing what he will is accompanied with the necessity of doing that which God will and no more, nor less. For though men may do many things which God does not command, nor is therefore author of them; yet they can have no passion, nor appetite to anything, of which appetite God's will is not the cause. And did not His will assure the necessity of man's will, and consequently of all that on man's will dependeth, the liberty of men would be a contradiction and impediment to the omnipotence and liberty of God. And this shall suffice, as to the matter in hand, of that natural liberty, which only is properly called liberty.

But as men, for the attaining of peace and conservation of themselves thereby, have made an artificial man, which we call a Commonwealth; so also have they made artificial chains, called civil laws, which they themselves, by mutual covenants, have fastened at one end to the lips of that man, or assembly, to whom they have given the sovereign power, and at the other to their own ears. These bonds, in their own nature but weak, may nevertheless be made to hold, by the danger, though not by the difficulty of breaking them.

In relation to these bonds only it is that I am to speak now of the liberty of subjects. For seeing there is no Commonwealth in the world wherein there be rules enough set down for the regulating of all the actions and words of men (as being a thing impossible): it followeth necessarily that in all kinds of actions, by the laws pretermitted, men have the liberty of doing what their own reasons shall suggest for the most profitable to themselves. For if we take liberty in the proper sense, for corporal liberty; that is to say, freedom from chains and prison, it were very absurd for men to clamour as they do for the liberty they so manifestly enjoy. Again, if we take liberty for an exemption from laws, it is no less absurd for men to demand as they do that liberty by which all other men may be masters of their lives. And yet as absurd as it is, this is it they demand, not knowing that the laws are of no power to protect them without a sword in the hands of a man, or men, to cause those laws to be put in execution. The liberty of a subject lieth therefore only in those things which, in regulating their actions, the sovereign hath pretermitted: such as is the liberty to buy, and sell, and otherwise contract with one another; to choose their own abode, their own diet, their own trade of life, and institute their children as they themselves think fit; and the like.

Nevertheless we are not to understand that by such liberty the sovereign power of life and death is either abolished or limited. For it has been already shown that nothing the sovereign representative can do to a subject, on what pretence soever, can properly be called injustice or injury; because every subject is author of every act the sovereign doth, so that he never wanteth right to any thing, otherwise than as he himself is the subject of God, and bound thereby to observe the laws of nature. And therefore it may and doth often happen in Commonwealths that a subject may be put to death by the command of the sovereign power, and yet neither do the other wrong; as when Jephthah caused his daughter to be sacrificed: in which, and the like cases, he that so dieth had liberty to do the action, for which he is nevertheless, without injury, put to death. And the same holdeth also in a sovereign prince that putteth to death an innocent subject. For though the action be against the law of nature, as being contrary to equity (as was the killing of Uriah by David); yet it was not an injury to Uriah, but to God. Not to Uriah, because the right to do what he pleased was given him by Uriah himself; and yet to God, because David was God's subject and prohibited all iniquity by the law of nature....

The liberty whereof there is so frequent and honourable mention in the histories and philosophy of the ancient Greeks and Romans, and in the writings and discourse of those that from them have received all their learning in the politics, is not the liberty of particular men, but the liberty of the Commonwealth: which is the same with that which every man then should have, if there were no civil laws nor Commonwealth at all. And the effects of it also be the same. For as amongst masterless men, there is perpetual war of every man against his neighbour; no inheritance to transmit to the son, nor to expect from the father; no propriety of goods or lands; no security; but a full and absolute liberty in every particular man: so in states and Commonwealths not dependent on one another, every Commonwealth, not every man, has an absolute liberty to do what it shall judge, that is to say, what that man or assembly that representeth it shall judge, most conducing to their benefit. But withal, they live in the condition of a perpetual war, and upon the confines of battle, with their frontiers armed, and cannons planted against their neighbours round about. The Athenians and Romans were free; that is, free Commonwealths: not that any particular men had the liberty to resist their own representative, but that their representative had the liberty to resist, or invade, other people. There is written on the turrets of the city of Luca in great characters at this day, the word LIBERTAS; yet no man can thence infer that a particular man has more liberty or immunity from the service of the Commonwealth there than in Constantinople. Whether a Commonwealth be monarchical or popular, the freedom is still the same.

But it is an easy thing for men to be deceived by the specious name of liberty; and, for want of judgement to distinguish, mistake that for their private inheritance and birthright which is the right of the public only. And when the same error is confirmed by the authority of men in reputation for their writings on this subject, it is no wonder if it produce sedition and change of government. In these western parts of the world we are made to receive our opinions concerning the institution and rights of Commonwealths from Aristotle, Cicero, and other men, Greeks and Romans, that, living under popular states, derived those rights, not from the principles of nature, but transcribed them into their books out of the practice of their own Commonwealths, which were popular; as the grammarians describe the rules of language out of the practice of the time; or the rules of poetry out of the poems of Homer and Virgil. And because the Athenians were taught (to keep them from desire of changing their government) that they were freemen, and all that lived under monarchy were slaves; therefore Aristotle puts it down in his *Politics* "In democracy, liberty is to be supposed: for it is commonly held that no man is free in any other government." [Aristotle, *Politics*, Bk VI] And as Aristotle, so Cicero and other writers have grounded their civil doctrine on the opinions of the Romans, who were taught to hate monarchy: at first, by them that, having deposed their sovereign, shared amongst them the sovereignty of Rome; and afterwards by their successors. And by reading of these Greek and Latin authors, men from their childhood have gotten a habit, under a false show of liberty, of favouring tumults, and of licentious controlling the actions of their sovereigns; and again of controlling those controllers; with the effusion of so much blood, as I think I may truly say there was never anything so dearly bought as these western parts have bought the learning of the Greek and Latin tongues.

To come now to the particulars of the true liberty of a subject; that is to say, what are the things which, though commanded by the sovereign, he may nevertheless without injustice refuse to do; we are to consider what rights we pass away when we make a Commonwealth; or, which is all one, what liberty we deny ourselves by owning all the actions, without exception, of the man or assembly we make our sovereign. For in the act of our submission consisteth both our obligation and our liberty; which must therefore be inferred by arguments taken from thence; there being no obligation on any man which ariseth not from some act of his own; for all men equally are by nature free. And because such arguments must either be drawn from the express words, "I authorise all his actions," or from the intention of him that submitteth himself to his power (which intention is to be understood by the end for which he so submitteth), the obligation and liberty of the

subject is to be derived either from those words, or others equivalent, or else from the end of the institution of sovereignty; namely, the peace of the subjects within themselves, and their defence against a common enemy. First therefore, seeing sovereignty by institution is by covenant of every one to every one; and sovereignty by acquisition, by covenants of the vanquished to the victor, or child to the parent; it is manifest that every subject has liberty in all those things the right whereof cannot by covenant be transferred. I have shown before, in the fourteenth Chapter, that covenants not to defend a man's own body are void. Therefore,

If the sovereign command a man, though justly condemned, to kill, wound, or maim himself; or not to resist those that assault him; or to abstain from the use of food, air, medicine, or any other thing without which he cannot live; yet hath that man the liberty to disobey.

If a man be interrogated by the sovereign, or his authority, concerning a crime done by himself, he is not bound (without assurance of pardon) to confess it; because no man, as I have shown in the same chapter, can be obliged by covenant to accuse himself.

Again, the consent of a subject to sovereign power is contained in these words, "I authorise, or take upon me, all his actions"; in which there is no restriction at all of his own former natural liberty: for by allowing him to kill me, I am not bound to kill myself when he commands me. It is one thing to say, "Kill me, or my fellow, if you please"; another thing to say, "I will kill myself, or my fellow." It followeth, therefore, that

No man is bound by the words themselves, either to kill himself or any other man; and consequently, that the obligation a man may sometimes have, upon the command of the sovereign, to execute any dangerous or dishonourable office, dependeth not on the words of our submission, but on the intention; which is to be understood by the end thereof. When therefore our refusal to obey frustrates the end for which the sovereignty was ordained, then there is no liberty to refuse; otherwise, there is.

Upon this ground a man that is commanded as a soldier to fight against the enemy, though his sovereign have right enough to punish his refusal with death, may nevertheless in many cases refuse, without injustice; as when he substituteth a sufficient soldier in his place: for in this case he deserteth not the service of the Commonwealth. And there is allowance to be made for natural timorousness, not only to women (of whom no such dangerous duty is expected), but also to men of feminine courage. When armies fight, there is on one side, or both, a running away; yet when they do it not out of treachery, but fear, they are not esteemed to do it unjustly, but dishonourably. For the same reason, to avoid battle is not injustice, but cowardice. But he that enrolleth himself a soldier, or taketh impressed money, taketh away the excuse of a timorous nature, and is obliged, not only to go to the battle, but also not to run from it without his captain's leave. And when the defence of the Commonwealth requireth at once the help of all that are able to bear arms, every one is obliged; because otherwise the institution of the Commonwealth, which they have not the purpose or courage to preserve, was in vain.

To resist the sword of the Commonwealth in defence of another man, guilty or innocent, no man hath liberty; because such liberty takes away from the sovereign the means of protecting us, and is therefore destructive of the very essence of government. But in case a great many men together have already resisted the sovereign power unjustly, or committed some capital crime for which every one of them expecteth death, whether have they not the liberty then to join together, and assist, and defend one another? Certainly they have: for they but defend their lives, which the guilty man may as well do as the innocent. There was indeed injustice in the first breach of their duty: their bearing of arms subsequent to it, though it be to maintain what they

have done, is no new unjust act. And if it be only to defend their persons, it is not unjust at all. But the offer of pardon taketh from them to whom it is offered the plea of self-defence, and maketh their perseverance in assisting or defending the rest unlawful.

As for other liberties, they depend on the silence of the law. In cases where the sovereign has prescribed no rule, there the subject hath the liberty to do, or forbear, according to his own discretion. And therefore such liberty is in some places more, and in some less; and in some times more, in other times less, according as they that have the sovereignty shall think most convenient. As for example, there was a time when in England a man might enter into his own land, and dispossess such as wrongfully possessed it, by force. But in after times that liberty of forcible entry was taken away by a statute made by the king in Parliament. And in some places of the world men have the liberty of many wives: in other places, such liberty is not allowed.

If a subject have a controversy with his sovereign of debt, or of right of possession of lands or goods, or concerning any service required at his hands, or concerning any penalty, corporal or pecuniary, grounded on a precedent law, he hath the same liberty to sue for his right as if it were against a subject, and before such judges as are appointed by the sovereign. For seeing the sovereign demandeth by force of a former law, and not by virtue of his power, he declareth thereby that he requireth no more than shall appear to be due by that law. The suit therefore is not contrary to the will of the sovereign, and consequently the subject hath the liberty to demand the hearing of his cause, and sentence according to that law. But if he demand or take anything by pretence of his power, there lieth, in that case, no action of law: for all that is done by him in virtue of his power is done by the authority of every subject, and consequently, he that brings an action against the sovereign brings it against himself.

If a monarch, or sovereign assembly, grant a liberty to all or any of his subjects, which grant standing, he is disabled to provide for their safety; the grant is void, unless he directly renounce or transfer the sovereignty to another. For in that he might openly (if it had been his will), and in plain terms, have renounced or transferred it and did not, it is to be understood it was not his will, but that the grant proceeded from ignorance of the repugnancy between such a liberty and the sovereign power: and therefore the sovereignty is still retained, and consequently all those powers which are necessary to the exercising thereof; such as are the power of war and peace, of judicature, of appointing officers and counsellors, of levying money, and the rest named in the eighteenth Chapter.

The obligation of subjects to the sovereign is understood to last as long, and no longer, than the power lasteth by which he is able to protect them. For the right men have by nature to protect themselves, when none else can protect them, can by no covenant be relinquished. The sovereignty is the soul of the Commonwealth; which, once departed from the body, the members do no more receive their motion from it. The end of obedience is protection; which, wheresoever a man seeth it, either in his own or in another's sword, nature applieth his obedience to it, and his endeavour to maintain it. And though sovereignty, in the intention of them that make it, be immortal; yet is it in its own nature, not only subject to violent death by foreign war, but also through the ignorance and passions of men it hath in it, from the very institution, many seeds of a natural mortality, by intestine discord.

If a subject be taken prisoner in war, or his person or his means of life be within the guards of the enemy, and hath his life and corporal liberty given him on condition to be subject to the victor, he hath liberty to accept the condition; and, having accepted it, is the subject of him that took him; because he had no other way to preserve himself. The case is the same if he be detained on the same terms in a foreign country. But if a man

be held in prison, or bonds, or is not trusted with the liberty of his body, he cannot be understood to be bound by covenant to subjection, and therefore may, if he can, make his escape by any means whatsoever.

If a monarch shall relinquish the sovereignty, both for himself and his heirs, his subjects return to the absolute liberty of nature; because, though nature may declare who are his sons, and who are the nearest of his kin, yet it dependeth on his own will, as hath been said in the precedent chapter, who shall be his heir. If therefore he will have no heir, there is no sovereignty, nor subjection. The case is the same if he die without known kindred, and without declaration of his heir. For then there can no heir be known, and consequently no subjection be due.

If the sovereign banish his subject, during the banishment he is not subject. But he that is sent on a message, or hath leave to travel is still subject; but it is by contract between sovereigns, not by virtue of the covenant of subjection. For whosoever entereth into another's dominion is subject to all the laws thereof, unless he have a privilege by the amity of the sovereigns, or by special license.

If a monarch subdued by war render himself subject to the victor, his subjects are delivered from their former obligation, and become obliged to the victor. But if he be held prisoner, or have not the liberty of his own body, he is not understood to have given away the right of sovereignty; and therefore his subjects are obliged to yield obedience to the magistrates formerly placed, governing not in their own name, but in his. For, his right remaining, the question is only of the administration; that is to say, of the magistrates and officers; which if he have not means to name, he is supposed to approve those which he himself had formerly appointed.

OF THOSE THINGS THAT WEAKEN, OR TEND TO THE DISSOLUTION OF A COMMONWEALTH

THOUGH nothing can be immortal which mortals make; yet, if men had the use of reason they pretend to, their Commonwealths might be secured, at least, from perishing by internal diseases. For by the nature of their institution, they are designed to live as long as mankind, or as the laws of nature, or as justice itself, which gives them life. Therefore when they come to be dissolved, not by external violence, but intestine disorder, the fault is not in men as they are the matter, but as they are the makers and orderers of them. For men, as they become at last weary of irregular jostling and hewing one another, and desire with all their hearts to conform themselves into one firm and lasting edifice; so for want both of the art of making fit laws to square their actions by, and also of humility and patience to suffer the rude and cumbersome points of their present greatness to be taken off, they cannot without the help of a very able architect be compiled into any other than a crazy building, such as, hardly lasting out their own time, must assuredly fall upon the heads of their posterity.

Amongst the infirmities therefore of a Commonwealth, I will reckon in the first place those that arise from an imperfect institution, and resemble the diseases of a natural body, which proceed from a defectuous procreation.

Lack of Absolute Power. Of which this is one: that a man to obtain a kingdom is sometimes content with less power than to the peace and defence of the Commonwealth is necessarily required. From whence it cometh to pass that when the exercise of the power laid by is for the public safety to be resumed, it hath the resemblance of an unjust act, which disposeth great numbers of men, when occasion is presented, to rebel; in the same manner as the bodies of children gotten by diseased parents are subject either to untimely death, or to purge the ill quality derived from their vicious conception, by breaking out into biles and scabs. And when

kings deny themselves some such necessary power, it is not always (though sometimes) out of ignorance of what is necessary to the office they undertake, but many times out of a hope to recover the same again at their pleasure: wherein they reason not well; because such as will hold them to their promises shall be maintained against them by foreign Commonwealths; who in order to the good of their own subjects let slip few occasions to weaken the estate of their neighbours. So was Thomas Becket, Archbishop of Canterbury, supported against Henry the Second by the Pope; the subjection of ecclesiastics to the Commonwealth having been dispensed with by William the Conqueror at his reception, when he took an oath not to infringe the liberty of the Church....

Nor does this happen in monarchy only. For whereas the style of the ancient Roman Commonwealth was, "The Senate and People of Rome"; neither senate nor people pretended to the whole power; which first caused the seditions of Tiberius Gracchus, Caius Gracchus, Lucius Saturninus, and others; and afterwards the wars between the senate and the people under Marius and Sylla; and again under Pompey and Caesar to the extinction of their democracy and the setting up of monarchy.

The people of Athens bound themselves but from one only action, which was that no man on pain of death should propound the renewing of the war for the island of Salamis; and yet thereby, if Solon had not caused to be given out he was mad, and afterwards in gesture and habit of a madman, and in verse, propounded it to the people that flocked about him, they had had an enemy perpetually in readiness, even at the gates of their city: such damage, or shifts, are all Commonwealths forced to that have their power never so little limited.

In the second place, I observe the diseases of a Commonwealth that proceed from the poison of seditious doctrines, whereof one is that every private man is judge of good and evil actions. This is true in the condition of mere nature, where there are no civil laws; and also under civil government in such cases as are not determined by the law. But otherwise, it is manifest that the measure of good and evil actions is the civil law; and the judge the legislator, who is always representative of the Commonwealth. From this false doctrine, men are disposed to debate with themselves and dispute the commands of the Commonwealth, and afterwards to obey or disobey them as in their private judgments they shall think fit; whereby the Commonwealth is distracted and weakened.

Another doctrine repugnant to civil society is that whatsoever a man does against his conscience is sin; and it dependeth on the presumption of making himself judge of good and evil. For a man's conscience and his judgement is the same thing; and as the judgement, so also the conscience may be erroneous. Therefore, though he that is subject to no civil law sinneth in all he does against his conscience, because he has no other rule to follow but his own reason, yet it is not so with him that lives in a Commonwealth, because the law is the public conscience by which he hath already undertaken to be guided. Otherwise in such diversity as there is of private consciences, which are but private opinions, the Commonwealth must needs be distracted, and no man dare to obey the sovereign power farther than it shall seem good in his own eyes.

It hath been also commonly taught that faith and sanctity are not to be attained by study and reason, but by supernatural inspiration or infusion. Which granted, I see not why any man should render a reason of his faith; or why every Christian should not be also a prophet; or why any man should take the law of his country rather than his own inspiration for the rule of his action. And thus we fall again into the fault of taking upon us to judge of good and evil; or to make judges of it such private men as pretend to be supernaturally inspired, to the dissolution of all civil government. Faith comes by hearing, and hearing by those accidents which guide us into the presence of them that speak to us; which accidents are all contrived by God Almighty, and yet are

not supernatural, but only, for the great number of them that concur to every effect, unobservable. Faith and sanctity are indeed not very frequent; but yet they are not miracles, but brought to pass by education, discipline, correction, and other natural ways by which God worketh them in His elect, at such time as He thinketh fit. And these three opinions, pernicious to peace and government, have in this part of the world proceeded chiefly from tongues and pens of unlearned divines; who, joining the words of Holy Scripture together otherwise is agreeable to reason, do what they can to make men think that sanctity and natural reason cannot stand together.

A fourth opinion repugnant to the nature of a Commonwealth is this: that he that hath the sovereign power is subject to the civil laws. It is true that sovereigns are all subject to the laws of nature, because such laws be divine and cannot by any man or Commonwealth be abrogated. But to those laws which the sovereign himself, that is, which the Commonwealth, maketh, he is not subject. For to be subject to laws is to be subject to the Commonwealth, that is, to the sovereign representative, that is, to himself which is not subjection, but freedom from the laws. Which error, because it setteth the laws above the sovereign, setteth also a judge above him, and a power to punish him; which is to make a new sovereign; and again for the same reason a third to punish the second; and so continually without end, to the confusion and dissolution of the Commonwealth.

A fifth doctrine that tendeth to the dissolution of a Commonwealth is that every private man has an absolute propriety in his goods, such as excludeth the right of the sovereign. Every man has indeed a propriety that excludes the right of every other subject: and he has it only from the sovereign power, without the protection whereof every other man should have right to the same. But the right of the sovereign also be excluded, he cannot perform the office they have put him into, which is to defend them both from foreign enemies and from the injuries of one another; and consequently there is no longer a Commonwealth.

And if the propriety of subjects exclude not the right of the sovereign representative to their goods; much less, to their offices of judicature or execution in which they represent the sovereign himself.

There is a sixth doctrine, plainly and directly against the essence of a Commonwealth, and it is this: that the sovereign power may be divided. For what is it to divide the power of a Commonwealth, but to dissolve it; for powers divided mutually destroy each other. And for these doctrines men are chiefly beholding to some of those that, making profession of the laws, endeavour to make them depend upon their own learning, and not upon the legislative power.

And as false doctrine, so also oftentimes the example of different government in a neighbouring nation disposeth men to alteration of the form already settled. So the people of the Jews were stirred up to reject God, and to call upon the prophet Samuel for a king after the manner of the nations: so also the lesser cities of Greece were continually disturbed with seditions of the aristocratical and democratical factions....

And as to rebellion in particular against monarchy, one of the most frequent causes of it is the reading of the books of policy and histories of the ancient Greeks and Romans; from which young men, and all others that are unprovided of the antidote of solid reason, receiving a strong and delightful impression of the great exploits of war achieved by the conductors of their armies, receive withal a pleasing idea of all they have done besides; and imagine their great prosperity not to have proceeded from the emulation of particular men, but from the virtue of their popular form of government not considering the frequent seditions and civil wars produced by the imperfection of their policy. From the reading, I say, of such books, men have undertaken to

kill their kings, because the Greek and Latin writers in their books and discourses of policy make it lawful and laudable for any man so to do, provided before he do it he call him tyrant. For they say not regicide, that is, killing of a king, but tyrannicide, that is, killing of a tyrant, is lawful. From the same books they that live under a monarch conceive an the opinion that the subjects in a popular Commonwealth enjoy liberty, but that in a monarchy they are all slaves. I say, they that live under a monarchy conceive such an opinion; not that they live under a popular government: for they find no such matter. In sum, I cannot imagine how anything can be more prejudicial to a monarchy than the allowing of such books to be publicly read, without present applying such correctives of discreet masters as are fit to take away their venom: which venom I will not doubt to compare to the biting of a mad dog, which is a disease that physicians call hydrophobia, or fear of water. For as he that is so bitten has a continual torment of thirst, and yet abhorreth water; and is in such an estate as if the poison endeavoured to convert him into a dog; so when a monarchy is once bitten to the quick by those democratical writers that continually snarl at that estate, it wanteth nothing more than a strong monarch, which nevertheless out of a certain tyrannophobia, or fear of being strongly governed, when they have him, they abhor.

As there have been doctors that hold there be three souls in a man; so there be also that think there may be more souls, that is, more sovereigns, than one in a Commonwealth; and set up a supremacy against the sovereignty; canons against laws; and a ghostly authority against the civil; working on men's minds with words and distinctions that of themselves signify nothing, but bewray, by their obscurity, that there walketh (as some think invisibly) another kingdom, as it were a kingdom of fairies, in the dark. Now seeing it is manifest that the civil power and the power of the Commonwealth is the same thing; and that supremacy, and the power of making canons, and granting faculties, implieth a Commonwealth; it followeth that where one is sovereign, another supreme; where one can make laws, and another make canons; there must needs be two Commonwealths, of one and the same subjects; which is a kingdom divided in itself, and cannot stand. For notwithstanding the insignificant distinction of temporal and ghostly, they are still two kingdoms, and every subject is subject to two masters. For seeing the ghostly power challengeth the right to declare what is sin, it challengeth by consequence to declare what is law, sin being nothing but the transgression of the law; and again, the civil power challenging to declare what is law, every subject must obey two masters, who both will have their commands be observed as law, which is impossible. Or, if it be but one kingdom, either the civil, which is the power of the Commonwealth, must be subordinate to the ghostly, and then there is no sovereignty but the ghostly; or the ghostly must be subordinate to the temporal, and then there is no supremacy but the temporal. When therefore these two powers oppose one another, the Commonwealth cannot but be in great danger of civil war and dissolution. For the civil authority being more visible, and standing in the clearer light of natural reason, cannot choose but draw to it in all times a very considerable part of the people: and the spiritual, though it stand in the darkness of School distinctions and hard words; yet, because the fear of darkness and ghosts is greater than other fears, cannot want a party sufficient to trouble, and sometimes to destroy, a Commonwealth. And this is a disease which not unfitly may be compared to the epilepsy, or falling sickness (which the Jews took to be one kind of possession by spirits), in the body natural. For as in this disease there is an unnatural spirit or wind in the head that obstructeth the roots of the nerves and, moving them violently, taketh the motion which naturally they should have from the power of the soul in the brain; thereby causeth violent and irregular motions, which men call convulsions, in the parts; insomuch as he that is seized therewith falleth down sometimes into the water, and sometimes into the fire, as a man deprived of his senses: so also in the body politic, when the spiritual power moveth the members of a Commonwealth by the terror of punishments and hope of rewards, which are the nerves of it, otherwise than by the civil power, which is the soul of the Commonwealth, they ought to be moved; and by strange and hard words suffocates their un-

derstanding; it must needs thereby distract the people, and either overwhelm the Commonwealth with oppression, or cast it into the fire of a civil war.

Sometimes also in the merely civil government there be more than one soul: as when the power of levying money, which is the nutritive faculty, has depended on a general assembly; the power of conduct and command, which is the motive faculty, on one man; and the power of making laws, which is the rational faculty, on the accidental consent, not only of those two, but also of a third: this endangereth the Commonwealth, sometimes for want of consent to good laws, but most often for want of such nourishment as is necessary to life and motion. For although few perceive that such government is not government, but division of the Commonwealth into three factions, and call it mixed monarchy; yet the truth is that it is not one independent Commonwealth, but three independent factions; nor one representative person, but three. In the kingdom of God there may be three persons independent, without breach of unity in God that reigneth; but where men reign, that be subject to diversity of opinions, it cannot be so. And therefore if the king bear the person of the people, and the general assembly bear also the person of the people, and another assembly bear the person of a part of the people, they are not one person, nor one sovereign; but three persons, and three sovereigns.

To what disease in the natural body of man I may exactly compare this irregularity of a Commonwealth, I know not. But I have seen a man that had another man growing out of his side, with a head, arms, breast, and stomach of his own: if he had had another man growing out of his other side, the comparison might then have been exact.

Hitherto I have named such diseases of a Commonwealth as are of the greatest and most present danger. There be other, not so great, which nevertheless are not unfit to be observed. As first, the difficulty of raising money for the necessary uses of the Commonwealth, especially in the approach of war. This difficulty ariseth from the opinion that every subject hath of a propriety in his lands and goods exclusive of the sovereign's right to the use of the same. From whence it cometh to pass that the sovereign power, which foreseeeth the necessities and dangers of the Commonwealth, finding the passage of money to the public treasury obstructed by the tenacity of the people, whereas it ought to extend itself, to encounter and prevent such dangers in their beginnings, contracteth itself as long as it can, and when it cannot longer, struggles with the people by stratagems of law to obtain little sums, which, not sufficing, he is fain at last violently to open the way for present supply or perish; and, being put often to these extremities, at last reduceth the people to their due temper, or else the Commonwealth must perish. Insomuch as we may compare this distemper very aptly to an ague; wherein, the fleshy parts being congealed, or by venomous matter obstructed, the veins which by their natural course empty themselves into the heart, are not (as they ought to be) supplied from the arteries, whereby there succeedeth at first a cold contraction and trembling of the limbs; and afterwards a hot and strong endeavour of the heart to force a passage for the blood; and before it can do that, contenteth itself with the small refreshments of such things as cool for a time, till, if nature be strong enough, it break at last the contumacy of the parts obstructed, and dissipateth the venom into sweat; or, if nature be too weak, the patient dieth.

Again, there is sometimes in a Commonwealth a disease which resembleth the pleurisy; and that is when the treasury of the Commonwealth, flowing out of its due course, is gathered together in too much abundance in one or a few private men, by monopolies or by farms of the public revenues; in the same manner as the blood in a pleurisy, getting into the membrane of the breast, breedeth there an inflammation, accompanied with a fever and painful stitches.

Also, the popularity of a potent subject, unless the Commonwealth have very good caution of his fidelity, is a dangerous disease; because the people, which should receive their motion from the authority of the sovereign,

by the flattery and by the reputation of an ambitious man, are drawn away from their obedience to the laws to follow a man of whose virtues and designs they have no knowledge. And this is commonly of more danger in a popular government than in a monarchy, because an army is of so great force and multitude as it may easily be made believe they are the people. By this means it was that Julius Caesar, who was set up by the people against the senate, having won to himself the affections of his army, made himself master both of senate and people. And this proceeding of popular and ambitious men is plain rebellion, and may be resembled to the effects of witchcraft.

Another infirmity of a Commonwealth is the immoderate greatness of a town, when it is able to furnish out of its own circuit the number and expense of a great army; as also the great number of corporations, which are as it were many lesser Commonwealths in the bowels of a greater, like worms in the entrails of a natural man. To may be added, liberty of disputing against absolute power by pretenders to political prudence; which though bred for the most part in the lees of the people, yet animated by false doctrines are perpetually meddling with the fundamental laws, to the molestation of the Commonwealth, like the little worms which physicians call ascarides.

We may further add the insatiable appetite, or bulimia, of enlarging dominion, with the incurable wounds thereby many times received from the enemy; and the wens, of ununited conquests, which are many times a burden, and with less danger lost than kept; as also the lethargy of ease, and consumption of riot and vain expense.

Lastly, when in a war, foreign or intestine, the enemies get a final victory, so as, the forces of the Commonwealth keeping the field no longer, there is no further protection of subjects in their loyalty, then is the Commonwealth dissolved, and every man at liberty to protect himself by such courses as his own discretion shall suggest unto him. For the sovereign is the public soul, giving life and motion to the Commonwealth, which expiring, the members are governed by it no more than the carcass of a man by his departed, though immortal, soul. For though the right of a sovereign monarch cannot be extinguished by the act of another, yet the obligation of the members may. For he that wants protection may seek it anywhere; and, when he hath it, is obliged (without fraudulent pretence of having submitted himself out of fear) to protect his protection as long as he is able. But when the power of an assembly is once suppressed, the right of the same perisheth utterly, because the assembly itself is extinct; and consequently, there is no possibility for sovereignty to re-enter.