

CLASSICAL SOCIOLOGICAL THEORY

SECOND EDITION

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THOMAS HOBBS

Thomas Hobbes (1588–1679), English philosopher and scientist, is almost universally regarded as the founder of modern social thought. Hobbes attempted to use the new science of his day to explain the nature of man and society, without recourse to the religious and moral assumptions of the Greco-Christian tradition.

Hobbes was born in 1588 in Malmesbury, England, the son of a poor clergyman who deserted his family when Thomas was sixteen years old. He was recognized early as a brilliant boy and mastered the curriculum of the Renaissance grammar school, with its emphasis on Latin, Greek, and poetry. A fine linguist and translator, he was fluent in Latin, Greek, French, and Italian, and all his life wrote Latin and English verse. With these skills, a bright, lower-class boy could expect opportunities in the church, law, or medicine, or perhaps a place in an aristocratic household. Many seventeenth-century writers lived as bachelor secretaries, conducting correspondence, drafting speeches, giving advice, and tutoring the children. It was into the household of Sir William Cavendish that Hobbes was recruited in 1608, and he remained in such employment for the rest of his life, sitting in anterooms while his master and other great men discussed affairs of state, managing the lord's financial affairs, providing advice, and touring Europe with noblemen's sons.

Hobbes's first trip to Europe (1610–1615), particularly his stay in Venice, stimulated his interest in science and philosophy by bringing him into contact with the leaders of Renaissance thought in Europe. These men were skeptics grappling with the rise of the modern state and with deep divisions in the church. Modern political reality, based on deceit and intimidation, was a far cry from the recently rediscovered writings of Cicero and Aristotle, and

also seemed to render traditional ethics irrelevant. Shaken by the Wars of Religion that followed the Reformation, these men condemned honor, patriotism, and religious principle as dangerous illusions, declaring that the only certain principle of human conduct was *self-preservation*. In one sense Hobbes's lifework was to transform this culture from within: What the skeptics regarded as a fact of human nature, Hobbes makes the fundamental *right* on which a new kind of ethics can be constructed.

Another visit to Europe from 1634 to 1636 gave Hobbes the tools he needed to answer skepticism without a retreat to Greco-Christian ethics, which he believed to be discredited. Whereas sixteenth-century skepticism had questioned the possibility of ever having true knowledge of anything, the new philosophers of Paris, led by René Descartes, insisted that human beings could still know reality even if there is no resemblance at all between our sense experience and the external world. Descartes's own solution rested on a complex argument about God that few found convincing. But the search for a firm basis of knowledge, not fallible like our senses, led others, including Hobbes, to the new physics of Galileo and to geometry. Hobbes visited Galileo at Florence in 1636, and during the next three years worked on a philosophy that would incorporate but go beyond Descartes. Entitled *The Elements of Philosophy* and written in Latin, it comprised three parts: a section on physics, showing that the causes of all things lay in diversity of motion; a section on psychology, showing that bodily motions were involved in human thinking and volition; and a section that developed the political implications of these arguments. The book was never published as a whole but was the basis of most of Hobbes's later work.

Increasing strife in England forced Hobbes to flee England for Paris, where he joined other Royalist exiles and found himself cut off from his English income. In 1640, hoping to avert civil war, he published the third part of his Latin treatise as *The Elements of Law, Natural and Politic*. Basing human rights on the principles of natural science, Hobbes argued that in a “state of nature,” man’s restless appetites drive him to seek his own preservation, and that whatever is necessary for this (provided it does not endanger other people’s preservation) is therefore legitimate. Yet this is the *only* right man possesses, which means that in times of strife, an entire population might agree to renounce its freedoms in order to achieve social peace or harmony. Indeed, Hobbes intended his theory of rights as a defense of absolute monarchy—a view that was to irk John Locke and arouse the fury of Jean-Jacques Rousseau. Hobbes’s views antagonized almost everyone in the England of his day: The believers in divine right of kings condemned his atheism and his effort to base sovereignty on a social contract, and parliamentarians were outraged by his advocacy of absolute monarchy.

Believing himself a marked man, Hobbes stayed in exile until 1651. He made his living as a mathematics tutor to the Prince of Wales, the future Charles II, but worked chiefly on his philosophy. *De cive* (1642) expanded *The Elements of Law*, focusing on the relation between church and state, and argued that because church and state were one body, with the ruler at the head, he thus had the right to interpret Scripture, to decide religious disputes, and to determine the form of public worship. In 1651 there appeared an English edition of *De cive* and, in the same year, Hobbes’s masterpiece, *Leviathan*. Illness and poverty, together with difficulties stemming from his move back to England, delayed the completion of *The Elements of Philosophy*; as a result, Section One did not appear until 1655, under the title *Matter (De Corpore)*, and Section Two in 1658, as *Man (De Homine)*, published as Hobbes turned seventy. Both works show a decline in his powers and have never excited the enthusiasm that still greets his earlier works.

It can hardly be said that in the years after age seventy Hobbes retired from public life. He acquired a new prominence when the Prince of Wales, his former pupil, was restored to the throne as Charles II. He resumed his controversy with the church and entered into new ones over mathematics, physics, and constitutional law. He published an account of the English Civil War, *Behemoth* (1679), and in his eighties produced complete translations of the *Odyssey* and the *Iliad*. Hobbes died in Derbyshire on December 4, 1679.

Hobbes’s reputation as a thinker rests on his social philosophy, in particular *Leviathan*. In accordance with his view that everything is matter in motion, Hobbes argues that all human desires are connected with the need to keep the body in motion and so avoid death. The most important passions are hope, or “appetite,” and fear; the former impels people toward society, the latter drives them from it. All seemingly unselfish motives are seen as indirect ways of furthering our own interests, and human life is a constant struggle to satisfy desire.

To help them in this process, human beings are endowed with reason, which shows them the most effective ways to gain satisfaction and avoid disappointment. These strategies Hobbes calls “power,” and power cannot be acquired without conflict. First people must struggle for scarce resources, then they must prevent others from taking the power they have obtained, and finally, even when they are secure in their possessions, they seek the feeling of superiority that springs from having power over others. As a result, in the absence of external controls they are in a chronic “state of war” with one another, and face a life that is “solitary, poore, nasty, brutish, and short.”

Human beings need society and covet its benefits, yet by their nature they seem unable to cooperate. No one can be trusted to refrain from harming others when it benefits him to do so. Hobbes’s solution to this paradox is that people in the “state of nature,” before they make any other agreements, must first contract with one another to establish a power that will force them to keep their promises. This social

contract makes it rational for them to act on their selfish desire for peaceful relationships because they are guaranteed the benefits they wish for as long as they themselves refrain from harming others. The power or "sovereign" can call on the collective strength of all other members of society to oppose any lawbreaker. With the assurance of security, industry, cultivation, and trading become possible.

Hobbes's theory holds that all social relationships are artificial in that they are the product of calculation rather than impulse or affection. Society is sustained not by a moral consensus but through a kind of cost-benefit analysis. Even the family is not based on natural affection but holds together because of the dominion of the father, which is based on

force. It is important to note that the sovereign not only monopolizes the force that ensures social peace, he also determines what is right and wrong: the rules of social interaction. There is no moral authority higher than self-interest, and what matters for society is not that its rules are "correct" but that they are clearly and authoritatively determined. Thus people relinquish the right of private judgment just as they give up the right to defend themselves. Anything less will bring about a return to "perpetual warre of every man against his neighbour."

From his descriptive sociology, then, Hobbes derives a moral conclusion: Human beings must give their consent to absolute government. Anything less makes government unstable and social life impossible.

LEVIATHAN

1651

THE INTRODUCTION

NATURE (the Art whereby God hath made and governes the World) is by the *Art* of man, as in many other things, so in this also imitated, that it can make an Artificial Animal. For seeing life is but a motion of Limbs, the begining whereof is in some principall part within; why may we not say, that all *Automata* (Engines that move themselves by springs and wheelles as doth a watch) have an artificiall life? For what is the *Heart*, but a *Spring*; and the *Nerves*, but so many *Strings*; and the *Joynts*, but so many *Wheelles*, giving motion to the whole Body, such as

was intended by the Artificer? *Art* goes yet further, imitating that Rationall and most excellent worke of Nature, *Man*. For by *Art* is created that great LEVIATHAN called a COMMON-WEALTH, or STATE, (in latine CIVITAS) which is but an Artificiall Man; though of greater stature and strength than the Naturall, for whose protection and defence it was intended; and in which, the *Soveraignty* is an Artificiall *Soul*, as giving life and motion to the whole body; The *Magistrates*, and other *Officers* of Judicature and Execution, artificiall *Joynts*; *Reward* and *Punishment* (by which fastned to the seate of the *Soveraignty*, every joynt and member is moved

to performe his duty) are the *Nerves*, that do the same in the Body Naturall; The *Wealth* and *Riches* of all the particular members, are the *Strength*; *Salus Populi* (the *peoples safety*) its *Businesse*; *Counsellors*, by whom all things needfull for it to know, are suggested unto it, are the *Memory*; *Equity* and *Lawes*, an artificiall *Reason* and *Will*; *Concord*, *Health*; *Sedition*, *Sickness*; and *Civill war*, *Death*. Lastly, the *Pacts* and *Covenants*, by which the parts of this Body Politique were at first made, set together, and united, resemble that *Fiat*, or the *Let us make man*, pronounced by God in the Creation.

To describe the Nature of this Artificiall man, I will consider

First, the *Matter* thereof, and the *Artificer*; both which is *Man*.

Secondly, *How*, and by what *Covenants* it is made; what are the *Rights* and just *Power* or *Authority* of a *Soveraigne*; and what it is that *preserveth* and *dissolveth* it.

Thirdly, what is a *Christian Common-wealth*. Lastly, what is the *Kingdome of Darkness*.

Concerning the first, there is a saying much usurped of late, That *Wisdom* is acquired, not by reading of *Books*, but of *Men*. Consequently whereunto, those persons, that for the most part can give no other proof of being wise, take great delight to shew what they think they have read in men, by uncharitable censures of one another behind their backs. But there is another saying not of late understood, by which they might learn truly to read one another, if they would take the pains; and that is, *Nosce teipsum, Read thy self*: which was not meant, as it is now used, to countenance, either the barbarous state of men in power, towards their inferiors; or to encourage men of low degree, to a sawcie behaviour towards their betters; But to teach us, that for the similitude of the thoughts, and Passions of one man, to the thoughts, and Passions of another, whosoever looketh into himself, and considereth what he doth, when he does *think*, *opine*, *reason*, *hope*, *feare*, &c. and upon what grounds; he shall thereby read and know, what are the thoughts, and

Passions of all other men, upon the like occasions. I say the similitude of *Passions*, which are the same in all men, *desire*, *feare*, *hope*, &c; not the similitude of the *objects* of the Passions, which are the things *desired*, *feared*, *hoped*, &c: for these the constitution individuall, and particular education do so vary, and they are so easie to be kept from our knowledge, that the characters of mans heart, blotted and confounded as they are, with dissembling, lying, counterfeiting, and erroneous doctrines, are legible onely to him that searcheth hearts. And though by mens actions wee do discover their designe sometimes; yet to do it without comparing them with our own, and distinguishing all circumstances, by which the case may come to be altered, is to decypher without a key, and be for the most part deceived, by too much trust, or by too much diffidence; as he that reads, is himself a good or evil man.

But let one man read another by his actions never so perfectly, it serves him onely with his acquaintance, which are but few. He that is to govern a whole Nation, must read in himself, not this, or that particular man; but Man-kind: which though it be hard to do, harder than to learn any Language, or Science; yet, when I shall have set down my own reading orderly, and perspicuously, the pains left another, will be onely to consider, if he also find not the same in himself. For this kind of Doctrine, admitteth no other Demonstration.

XII Of Man

Lastly, amongst the points by the Church of *Rome* declared necessary for Salvation, there be so many, manifestly to the advantage of the Pope, and of his spirituall subjects, residing in the territories of other Christian Princes, that were it not for the mutuall emulation of those Princes, they might without warre, or trouble, exclude all forraign Authority, as easily as it has been excluded in *England*. For who is there that does not see, to whose benefit it conduceth, to have it believed, that a King hath not his Authority from Christ, unlesse a Bishop crown him?

That a King, if he be a Priest, cannot Marry? That whether a Prince be born in lawfull Marriage, or not, must be judged by Authority from *Rome*? That Subjects may be freed from their Alleageance, if by the Court of *Rome*, the King be judged an Heretique? That a King (as *Chilperique* of *France*) may be deposed by a Pope (as Pope *Zachary*.) for no cause; and his Kingdome given to one of his Subjects? That the Clergy, and Regulars, in what Country soever, shall be exempt from the Jurisdiction of their King, in cases criminall? Or who does not see, to whose profit redound the Fees of private Masses, and Vales of Purgatory; with other signes of private interest, enough to mortifie the most lively Faith, if (as I sayd) the civill Magistrate, and Custome did not more sustain it, than any opinion they have of the Sanctity, Wisdom, or Probity of their Teachers? So that I may attribute all the changes of Religion in the world, to one and the same cause; and that is, unpleasing Priests; and those not onely amongst Catholiques, but even in that Church that hath presumed most of Reformation.

XIII Of the Naturall Condition of Mankind, as concerning their Felicity, and Misery

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

And as to the faculties of the mind, (setting aside the arts grounded upon words, and especially that skill of proceeding upon generall, and infallible rules, called Science; which very few have, and but in few things; as being not a native faculty, born

with us; nor attained, (as Prudence,) while we look after somewhat els,) I find yet a greater equality amongst men, than that of strength. For Prudence, is but Experience; which equall time, equally bestowes on all men, in those things they equally apply themselves unto. That which may perhaps make such equality incredible, is but a vain conceipt of ones owne wisdom, which almost all men think they have in a greater degree, than the Vulgar; that is, than all men but themselves, and a few others, whom by Fame, or for concurring with themselves, they approve. For such is the nature of men, that howsoever they may acknowledge many others to be more witty, or more eloquent, or more learned; Yet they will hardly believe there be many so wise as themselves: For they see their own wit at hand, and other mens at a distance. But this proveth rather that men are in that point equall, than unequall. For there is not ordinarily a greater signe of the equall distribution of any thing, than that every man is contented with his share.

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

And from this diffidence of one another, there is no way for any man to secure himselfe, so reasonable, as Anticipation; that is, by force, or wiles, to master the persons of all men he can, so long, till he see no other power great enough to endanger him: And this is no more than his own conservation requireth, and is generally allowed. Also because there be some, that taking pleasure in contemplating

their own power in the acts of conquest, which they pursue farther than their security requires; if others, that otherwise would be glad to be at ease within modest bounds, should not by invasion increase their power, they would not be able, long time, by standing only on their defence, to subsist. And by consequence, such augmentation of dominion over men, being necessary to a mans conservation, it ought to be allowed him.

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

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

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

Hereby it is manifest, that during the time men live without a common Power to keep them all in awe, they are in that condition which is called Warre; and such a warre, as is of every man, against every man. For WARRE, consisteth not in Battell onely, or the act of fighting; but in a tract of time, wherein the Will to contend by Battell is sufficiently known: and therefore the notion of *Time*, is to be considered in the nature of Warre; as it is in the nature of Weather. For as the nature of Foule weather, lyeth not in a showre or two of rain; but in an inclination thereto of many dayes together: So the nature of

Warre, consisteth not in actuall fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is PEACE.

Whatsoever therefore is consequent to a time of Warre, where every man is Enemy to every man; the same is consequent to the time, wherein men live without other security, than what their own strength, and their own invention shall furnish them withall. In such condition, there is no place for Industry; because the fruit thereof is uncertain: and consequently no Culture of the Earth; no Navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society; and which is worst of all, continuall feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short.

It may seem strange to some man, that has not well weighed these things; that Nature should thus dissociate, and render men apt to invade, and destroy one another: and he may therefore, not trusting to this Inference, made from the Passions, desire perhaps to have the same confirmed by Experience. Let him therefore consider with himselfe, when taking a journey, he armes himselfe, and seeks to go well accompanied; when going to sleep, he locks his dores; when even in his house he locks his chests; and this when he knows there bee Lawes, and publike Officers, armed, to revenge all injuries shall bee done him; what opinion he has of his fellow subjects, when he rides armed; of his fellow Citizens, when he locks his dores; and of his children, and servants, when he locks his chests. Does he not there as much accuse mankind by his actions, as I do by my words? But neither of us accuse mans nature in it. The Desires, and other Passions of man, are in themselves no Sin. No more are the Actions, that proceed from those Passions, till they know a Law that forbids them: which till Lawes be made they cannot know: nor can any Law be made, till they have agreed upon the Person that shall make it.

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

But though there had never been any time, wherein particular men were in a condition of warre one against another; yet in all times, Kings, and Persons of Sovereigne authority, because of their Independency, are in continuall jealousies, and in the state and posture of Gladiators; having their weapons pointing, and their eyes fixed on one another; that is, their Forts, Garrisons, and Guns upon the Frontiers of their Kingdomes; and continuall Spyes upon their neighbours; which is a posture of War. But because they uphold thereby, the Industry of their Subjects; there does not follow from it, that misery, which accompanies the Liberty of particular men.

To this warre of every man against every man, this also is consequent; that nothing can be Unjust. The notions of Right and Wrong, Justice and Injustice have there no place. Where there is no common Power, there is no Law: where no Law, no Injustice. Force, and Fraud, are in warre the two Cardinall vertues. Justice, and Injustice are none of the Faculties neither of the Body, nor Mind. If they were, they might be in a man that were alone in the world, as well as his Senses, and Passions. They are Qualities, that relate to men in Society, not in Solitude. It is consequent also to the same condition, that there be no Propriety, no Dominion, no *Mine* and *Thine* distinct; but onely that to be every mans that he can get; and for so long, as he can keep it. And thus much for the ill condition, which man

by meer Nature is actually placed in; though with a possibility to come out of it, consisting partly in the Passions, partly in his Reason.

The Passions that encline men to Peace, are Feare of Death; Desire of such things as are necessary to commodious living; and a Hope by their Industry to obtain them. And Reason suggesteth convenient Articles of Peace, upon which men may be drawn to agreement. These Articles, are they, which otherwise are called the Lawes of Nature: whereof I shall speak more particularly, in the two following Chapters.

XIV Of the first and second Naturall Lawes, and of Contracts

The RIGHT OF NATURE, which Writers commonly call *Jus Naturale*, is the Liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own Nature; that is to say, of his own Life; and consequently, of doing any thing, which in his own Judgement, and Reason, hee shall conceive to be the aptest means thereunto.

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

A LAW OF NATURE, (*Lex Naturalis*.) is a Precept, or generall Rule, found out by Reason, by which a man is forbidden to do, that, which is destructive of his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved. For though they that speak of this subject, use to confound *Jus*, and *Lex*, *Right* and *Law*; yet they ought to be distinguished; because RIGHT, consisteth in liberty to do, or to forbear; Whereas LAW, determineth, and bindeth to one of them: so that Law, and Right, differ as much, as Obligation, and Liberty; which in one and the same matter are inconsistent.

And because the condition of Man, (as hath been declared in the precedent Chapter) is a condition of

Warre of every one against every one; in which case every one is governed by his own Reason; and there is nothing he can make use of, that may not be a help unto him, in preserving his life against his enemyes; It followeth, that in such a condition, every man has a Right to every thing; even to one anothers body. And therefore, as long as this naturall Right of every man to every thing endureth, there can be no security to any man, (how strong or wise soever he be,) of living out the time, which Nature ordinarily alloweth men to live. And consequently it is a precept, or generall rule of Reason, *That every man, ought to endeavour Peace, as farre as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of Warre.* The first branch of which Rule, containeth the first, and Fundamentall Law of Nature; which is, *to seek Peace, and follow it.* The Second, the summe of the Right of Nature; which is, *By all means we can, to defend our selves.*

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

To lay downe a mans Right to any thing, is to devert himselfe of the Liberty, of hindring another of the benefit of his own Right to the same. For he that renounceth, or passeth away his Right, giveth not to any other man a Right which he had not before; because there is nothing to which every man had not

Right by Nature: but onely standeth out of his way, that he may enjoy his own originall Right, without hindrance from him; not without hindrance from another. So that the effect which redoundeth to one man, by another mans defect of Right, is but so much diminution of impediments to the use of his own Right originall.

Right is layd aside, either by simply Renouncing it; or by Transferring it to another. By *Simply RENOUNCING*; when he cares not to whom the benefit thereof redoundeth. By *TRANSFERRING*; when he intendeth the benefit thereof to some certain person, or persons. And when a man hath in either manner abandoned, or granted away his Right; then is he said to be *OBLIGED*, or *BOUND*, not to hinder those, to whom such Right is granted, or abandoned, from the benefit of it: and that he *Ought*, and it is his *DUTY*, not to make voyd that voluntary act of his own: and that such hindrance is *INJUSTICE*, and *INJURY*, as being *Sine Jure*; the Right being before renounced, or transferred. So that *Injury*, or *Injustice*, in the controversies of the world, is somewhat like to that, which in the disputations of Scholers is called *Absurdity*. For as it is there called an *Absurdity*, to contradict what one maintained in the Beginning: so in the world, it is called *Injustice*, and *Injury*, voluntarily to undo that, which from the beginning he had voluntarily done. The way by which a man either simply Renounceth, or Transferreth his Right, is a Declaration, or Signification, by some voluntary and sufficient signe, or signes, that he doth so Renounce, or Transfere; or hath so Renounced, or Transferred the same, to him that accepteth it. And these Signes are either Words onely, or Actions onely; or (as it happeneth most often) both Words and Actions. And the same are the *BONDS*, by which men are bound, and obliged: Bonds, that have their strength, not from their own Nature, (for nothing is more easily broken than a mans word,) but from Feare of some evill consequence upon the rapture.

Whensoever a man Transferreth his Right, or Renounceth it; it is either in consideration of some Right reciprocally transferred to himselfe; or for

some other good he hopeth for thereby. For it is a voluntary act: and of the voluntary acts of every man, the object is some *Good to himselfe*. And therefore there be some Rights, which no man can be understood by any words, or other signes, to have abandoned, or transferred. As first a man cannot lay down the right of resisting them, that assault him by force, to take away his life; because he cannot be understood to ayne thereby, at any Good to himself. The same may be sayd of Wounds, and Chayns, and Imprisonment; both because there is no benefit consequent to such patience; as there is to the patience of suffering another to be wounded, or imprisoned: as also because a man cannot tell, when he seeth men proceed against him by violence, whether they intend his death or not. And lastly the motive, and end for which this renouncing, and transferring of Right is introduced, is nothing else but the security of a mans person, in his life, and in the means of so preserving life, as not to be weary of it. And therefore if a man by words, or other signes, seem to despoyle himselfe of the End, for which those signes were intended; he is not to be understood as if he meant it, or that it was his will; but that he was ignorant of how such words and actions were to be interpreted.

The mutuall transferring of Right, is that which men call CONTRACT.

OF COMMON-WEALTH

XVII Of the Causes, Generation, and Definition of a Common-Wealth

The finall Cause, End, or Designe of men, (who naturally love Liberty, and Dominion over others,) in the introduction of that restraint upon themselves, (in which wee see them live in Common-wealths,) is the foresight of their own preservation, and of a more contented life thereby; that is to say, of getting themselves out from that miserable condition of Warre, which is necessarily consequent (as hath been shewn) to the naturall Passions of men, when

there is no visible Power to keep them in awe, and tye them by feare of punishment to the performance of their Covenants, and observation of those Lawes of Nature set down in the fourteenth and fifteenth Chapters.

For the Lawes of Nature (as *Justice, Equity, Modesty, Mercy*, and (in summe) *doing to others, as wee would be done to,*) of themselves, without the terrour of some Power, to cause them to be observed, are contrary to our naturall Passions, that carry us to Partiality, Pride, Revenge, and the like. And Covenants, without the Sword, are but Words, and of no strength to secure a man at all. Therefore notwithstanding the Lawes of Nature, (which every one hath then kept, when he has the will to keep them, when he can do it safely,) if there be no Power erected, or not great enough for our security; every man will and may lawfully rely on his own strength and art, for caution against all other men. And in all places, where men have lived by small Families, to robbe and spoyle one another, has been a Trade, and so farre from being reputed against the Law of Nature, that the greater spoyles they gained, the greater was their honour; and men observed no other Lawes therein, but the Lawes of Honour; that is, to abstain from cruelty, leaving to men their lives, and instruments of husbandry. And as small Familyes did then; so now do Cities and Kingdomes which are but greater Families (for their own security) enlarge their Dominions, upon all pretences of danger, and fear of Invasion, or assistance that may be given to Invaders, endeavour as much as they can, to subdue, or weaken their neighbours, by open force, and secret arts, for want of other Caution, justly; and are remembered for it in after ages with honour.

Nor is it the joyning together of a small number of men, that gives them this security; because in small numbers, *small additions on the one side or the other*, make the advantage of strength so great, as is sufficient to carry the Victory; and therefore gives encouragement to an Invasion. The Multitude sufficient to confide in for our Security, is not determined by any certain number, but by comparison with the Enemy we feare; and is then sufficient,

when the odds of the Enemy is not of so visible and conspicuous moment, to determine the event of warre, as to move him to attempt.

And be there never so great a Multitude; yet if their actions be directed according to their particular judgements, and particular appetites, they can expect thereby no defence, nor protection, neither against a Common enemy, nor against the injuries of one another. For being distracted in opinions concerning the best use and application of their strength, they do not help, but hinder one another; and reduce their strength by mutuall opposition to nothing: whereby they are easily, not onely subdued by a very few that agree together; but also when there is no common enemy, they make warre upon each other, for their particular interests. For if we could suppose a great Multitude of men to consent in the observation of Justice, and other Lawes of Nature, without a common Power to keep them all in awe; we might as well suppose all Man-kind to do the same; and then there neither would be, nor need to be any Civil Government, or Common-wealth at all; because there would be Peace without subjection.

Nor is it enough for the security, which men desire should last all the time of their life, that they be governed, and directed by one judgement, for a limited time; as in one Battell, or one Warre. For though they obtain a Victory by their unanimous endeavour against a forraign enemy; yet afterwards, when either they have no common enemy, or he that by one part is held for an enemy, is by another part held for a friend, they must needs by the difference of their interests dissolve, and fall again into a Warre amongst themselves.

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

First, that men are continually in competition for Honour and Dignity, which these creatures are not; and consequently amongst men there ariseth on that ground, Envy and Hatred, and finally Warre; but amongst these not so.

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

Thirdly, that these creatures, having not (as man) the use of reason, do not see, nor think they see any fault, in the administration of their common businesse: whereas amongst men, there are very many, that thinke themselves wiser, and abler to govern the Publique, better than the rest; and these strive to reforme and innovate, one this way, another that way; and thereby bring it into Distraction and Civill warre.

Fourthly, that these creatures, though they have some use of voice, in making knowne to one another their desires, and other affections; yet they want that art of words, by which some men can represent to others, that which is Good, in the likenesse of Evill; and Evill, in the likenesse of Good; and augment, or diminish the apparent greatnesse of Good and Evill; discontenting men, and troubling their Peace at their pleasure.

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

Lastly, the agreement of these creatures is Naturall; that of men, is by Covenant only, which is Artificiall: and therefore it is no wonder if there be somewhat else required (besides Covenant) to make their Agreement constant and lasting; which is a Common Power, to keep them in awe, and to direct their actions to the Common Benefit.

The only way to erect such a Common Power, as may be able to defend them from the invasion

of Forraigners, and the injuries of one another, and thereby to secure them in such sort, as that by their owne industrie, and by the fruites of the Earth, they may nourish themselves and live contentedly; is, to conferre all their power and strength upon one Man, or upon one Assembly of men, that may reduce all their Wills, by plurality of voices, unto one Will: which is as much as to say, to appoint one man, or Assembly of men, to beare their Person; and every one to owne, and acknowledge himselfe to be Author of whatsoever he that so beareth their Person, shall Act, or cause to be Acted, in those things which concerne the Common Peace and Safetie; and therein to submit their Wills, every one to his Will, and their Judgements, to his Judgment. This is more than Consent, or Concord; it is a reall Unitie of them all, in one and the same Person, made by Covenant of every man with every man, in such manner, as if every man should say to every man, *I Authorise and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions in like manner.* This done, the Multitude so united in one Person, is called a COMMON-WEALTH, in latine CIVITAS. This is the Generation of that great LEVIATHAN, or rather (to speake more reverently) of that *Mortall God*, to which wee owe under the *Immortall God*, our peace and defence. For by this Authoritie, given him by every particular man in the Common-Wealth, he hath the use of so much Power and Strength conferred on him, that by terror thereof, he is inabled to forme the wills of them all, to Peace at home, and mutuall ayd against their enemies abroad. And in him consisteth the Essence of the Common-wealth; which (to define it,) is *One Person, of whose Acts a great Multitude, by mutuall Covenants one with another, have made themselves every one the Author, to the end he may use the strength and means of them all, as he shall think expedient, for their Peace and Common Defence.*

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

The attaining to this Soveraigne Power, is by two wayes. One, by Naturall force; as when a man maketh his children, to submit themselves, and their children to his government, as being able to destroy them if they refuse; or by Warre subdueth his enemies to his will, giving them their lives on that condition. The other, is when men agree amongst themselves, to submit to some Man, or Assembly of men, voluntarily, on confidence to be protected by him against all others. This later, may be called a Politicall Common-wealth or Common-wealth by *Institution*; and the former, a Common-wealth by *Acquisition*. And first, I shall speak of a Common-wealth by Institution.

XVIII Of the Rights of Soveraignes by Institution

A *Common-wealth* is said to be *Instituted*, when a *Multitude* of men do Agree, and *Covenant, every one, with every one*, that to whatsoever *Man, or Assembly of Men*, shall be given by the major part, the *Right to Present* the Person of them all, (that is to say, to be their *Representative*;) every one, as well he that *Voted for it*, as he that *Voted against it*, shall *Authorise* all the Actions and Judgements, of that Man, or Assembly of men, in the same manner, as if they were his own, to the end, to live peaceably amongst themselves, and be protected against other men.

From this Institution of a Common-wealth are derived all the *Rights, and Facultyes* of him, or them, on whom the Soveraigne 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 any thing repugnant hereunto. And Consequently they that have already Instituted a Common-wealth, 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 any thing 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 transferre their Person from him that beareth it, to another Man, or other Assembly of men: for they are bound, every man to every man, to Own, and be reputed Author of all, that he that already is their Sovereigne, 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 any thing, 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 some body that representeth Gods Person; which none doth but Gods Lieutenant, who hath the Sovereignty under God. But this pretence of Covenant with God, is so evident a lye, even in the pretenders own consciences, that it is not onely 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 Sovereigne, by Covenant onely of one to another, and not of him to any of them; there can happen no breach of Covenant on the part of the Sovereigne; and consequently none of his Subjects, by any pretence of forfeiture, can be freed from his Subjection. That he which is made Sovereigne maketh no Covenant with his Subjects beforehand, is manifest; because either he must make it with the whole multitude, as one party to the Covenant; or he must make a severall Covenant with every man. With the whole, as one party, it is impossible; because as yet they are not one Person: and if he make so many severall

Covenants as there be men, those Covenants after he hath the Sovereignty are voyd, because what act soever can be pretended by any one of them for breach thereof, is the act both of himselfe, 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 Sovereigne at his Institution; and others, or one other of his Subjects, or himselfe alone, pretend there was no such breach, there is in this case, no Judge to decide the controversie: it returns therefore to the Sword again; and every man recovereth the right of Protecting himselfe by his own strength, contrary to the designe 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 easie 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 publique Sword; that is, from the untyed 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 Sovereigne; then no man imagineth any such Covenant to have past 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 Sovereigne; 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 tacitely covenanted) to stand to what the major part should ordayne: 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 warre 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 Judgments of the Sovereigne Instituted; it followes, that whatsoever he doth, it 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 any thing by authority from another, doth therein no injury to him by whose authority he acteth: But by this Institution of a Common-wealth, every particular man is Author of all the Sovereigne doth; and consequently he that complaineth of injury from his Sovereigne, complaineth of that whereof he himselfe is Author; and therefore ought not to accuse any man but himselfe; no nor himselfe of injury; because to do injury to ones selfe, is impossible. It is true that they that have Sovereigne power, may commit Iniquity; but not Injustice, or Injury in the proper signification.

Fifthly, and consequently to that which was sayd last, no man that hath Sovereigne 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 Sovereigne; he punisheth another, for the actions committed by himselfe.

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 belongeth of Right, to whatsoever Man, or Assembly that hath the Sovereignty, to be Judge both of the meanes 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 before hand, 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 farre, and what, men are to be trusted withall, in speaking to Multitudes of people; and who shall examine the Doctrines of all bookes 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 mens Actions, in order to their Peace, and Concord. And though in matter of Doctrine, nothing ought 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 Common-wealth, where by the negligence, or unskilfullnesse of Governours, and Teachers, false Doctrines are by time generally received; the contrary Truths may be generally offensive: Yet the most sudden; and rough busling in of a new Truth, that can be, does never breake the Peace, but only somtimes awake the Warre. For those men that are so remissely governed, that they dare take up Armes, to defend, or introduce an Opinion, are still in Warre; and their condition not Peace, but only a Cessation of Armes for feare of one another; and they live as it were, in the precincts of battaile continually. It belongeth 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 Civill Warre.

Seventhly, is annexed to the Sovereigntie, the whole power of prescribing the Rules, whereby every man may know, what Goods he may enjoy and what Actions he may doe, 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 shewn) all men had right to all things; which necessarily causeth Warre: and therefore this Propriety, being necessary to Peace, and depending on Sovereign Power, is the Act of that Power, in order to the publique peace.

These Rules of Propriety (or *Meum* and *Tuum*) and of *Good*, *Evill*, *Lawfull*, and *Unlawfull* in the actions of Subjects, are the Civill Lawes, that is to say, the Lawes of each Common-wealth in particular; though the name of Civill Law be now restrained to the antient Civill Lawes of the City of *Rome*; which being the head of a great part of the World, her Lawes at that time were in these parts the Civill Law.

Eighthly, is annexed to the Sovereigntie, the Right of Judicature; that is to say, of hearing and deciding all Controversies, which may arise concerning Law, either Civill, or Naturall, or concerning Fact. For without the decision of Controversies, there is no protection of one Subject, against the injuries of another; the Lawes concerning *Meum* and *Tuum* are in vaine; and to every man remaineth, from the naturall and necessary appetite of his own conservation, the right of protecting himselfe by his private strength, which is the condition of Warre; and contrary to the end for which every Common-wealth is instituted.

Ninthly, is annexed to the Sovereignty, the Right of making Warre, and Peace with other Nations, and Common-wealths; that is to say, of Judging when it is for the publique good, and how great forces are to be assembled, armed, and payd for that end; and to levy mony 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 Generall of an Army, he that hath the Sovereign Power is alwayes Generallissimo.

Tenthly, is annexed to the Sovereignty, the choosing of all Councillours, 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 corporall, 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 Common-wealth, or deterring of them from doing dis-service 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, Quarrells, Factions, and at last Warre, to the destroying of one another, and diminution of their strength against a Common Enemy; It is necessary that there be Lawes of Honour, and a publique rate of the worth of such men as have deserved, or are able to deserve well of the Common-wealth; and that there be force in the hands of some or other, to put those Lawes in execution. But it hath already been shewn, that not onely the whole *Militia*, or forces of the Common-wealth; but also the Judicature of all Controversies, is annexed to the Sovereignty. To the Sovereign therefore it belongeth also to give titles of Honour; and to appoint what Order of place, and dignity, each man shall hold; and what signes of respect, in publique or private meetings, they shall give to one another.

These are the Rights, which make the Essence of Sovereignty; and which are the markes, 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 coyn Mony; to dispose of the estate and persons of Infant heires; to have præmption in Markets; and all other Statute Prærogatives, may be transferred by the Sovereign; and yet the Power to protect his Subjects be retained. But if he transferre the *Militia*, he retains the Judicature in vain, for want of execution of the Lawes: Or if he grant away the Power of raising Mony; the *Militia* is in vain: or if he give away the government of Doctrines, men will be frighted into rebellion with the feare 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 Common-wealths are Instituted. And this division is it, whereof it is said, *a Kingdome divided in it selfe cannot stand*: For unlesse 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 Civill Warre; first between those that disagreed in Politiques; 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 hetherto been.

And because they are essentiall and inseparable Rights, it follows necessarily, that in whatsoever words any of them seem to be granted away, yet if the Sovereign Power it selfe be not in direct termes renounced, and the name of Sovereign no more given by the Grantees to him that Grants them, the Grant is voyd: 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 lesse 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*, signifie 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 Sovereigns 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, Earle, Duke, and Prince are his Creatures. As in the presence of the Master, the Servants are equall, and without any honour at all; So are the Subjects, in the presence of the Sovereign. And though they shine some more, some lesse, when they are out of his sight; yet in his presence, they shine no more than the Starres 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 forme of Common-wealth; whereas the Power in all formes, 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 forme of Government can possibly happen to the people in generall, is scarce sensible, in respect of the miseries, and horrible calamities, that accompany a Civill Warre; or that dissolute condition of masterlesse men, without subjection to Lawes, and a coercive Power to tye their hands from rapine, and revenge: nor considering that the greatest pressure of Sovereign Governours, proceedeth not from any delight, or profit they can expect in the dammage, or weakening of their Subjects, in whose vigor, consisteth their own strength and glory; but in the restiveness of themselves, that unwillingly contributing to their own defence, make it necessary for their Governours 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 Morall and Civill Science,) to see a farre off the miseries that hang over them, and cannot without such payments be avoyded.

XXI Of the Liberty of Subjects

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

And according to this proper, and generally received meaning of the word, A FREE-MAN, is *he, that in those things, which by his strength and wit he is able to do, is not hindred to doe what he has a will to.* But when the words *Free*, and *Liberty*, are applied to any thing but *Bodies*, they are abused; for that which is not subject to Motion, is not subject to Impediment: And therefore, when 'tis said (for example). The way is free, no liberty of the way is signified, but of those that walk in it without stop. And when we say a Guift is free, there is not meant any liberty of the Guift, but of the Giver, that was not bound by any law, or Covenant to give it. So when

we speak freely, it is not the liberty of voice, or pronounciation, but of the man, whom no law hath obliged to speak otherwise then he did. Lastly, from the use of the word *Freewill*, no liberty can be inferred to the will, desire, or inclination, but the liberty of the man; which consisteth in this, that he finds no stop, in doing what he has the will, desire, or inclination to doe.

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

Liberty and *Necessity* are Consistent: As in the water, that hath not only *liberty*, but a *necessity* of descending by the Channel; so likewise in the Actions which men voluntarily doe: which (because they proceed from their will) proceed from *liberty*; and yet because every act of mans will, and every desire, and inclination proceedeth from some cause, and that from another cause, which causes in a continuall chaine (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 mens voluntary actions, would appeare manifest. And therefore God, that seeth, and disposeth all things, seeth also that the *liberty* of man in doing what he will, is accompanied with the *necessity* of doing that which God will, & no more, nor lesse. For though men may do many things, which God does not command, nor is therefore Author of them; yet they can have no passion, nor appetite to any thing, of which appetite Gods will is not the cause. And did not his will assure the *necessity* of mans will, and consequently of all that on mans will dependeth, the *liberty* of men would be a contradiction, and impediment to the omnipotence and *liberty* of God. And this shall suffice, (as to the

matter in hand) of that naturall *liberty*, which only is properly called *liberty*.

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

In relation to these Bonds only it is, that I am to speak now, of the *Liberty of Subjects*. For seeing there is no Common-wealth in the world, 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 prætermitted, men have the Liberty, of doing what their own reasons shall suggest, for the most profitable to themselves. For if wee take Liberty in the proper sense, for corporall Liberty; that is to say, freedome from chains, and prison, it were very absurd for men to clamor as they doe, for the Liberty they so manifestly enjoy. Againe, if we take Liberty, for an exemption from Lawes, it is no lesse absurd, for men to demand as they doe, that Liberty, by which all other men may be masters of their lives. And yet as absurd as it is, *this is it they demand*; not knowing that the Lawes are of no power to protect them, without a Sword in the hands of a man, or men, to cause those laws to be put in execution. The Liberty of a Subject, lyeth therefore only in those things, which in regulating *their actions*, the Sovereign hath prætermitted: such as is the Liberty to buy, and sell, and otherwise contract with one another; to choose their own aboad, their own diet, their own trade of life, and institute their children as they themselves think fit; & the like.

Neverthelesse we are *not to understand*, that by such Liberty, the Sovereign Power of life, and death, is either abolished, or limited. For it has been already shewn, that nothing the Sovereign Representative

can doe to a Subject, on what pretence soever, can properly be called Injustice, or Injury; because every Subject is Author of every act the Sovereign doth; so that he never wanteth Right to any thing, otherwise, than as he himself is the Subject of God, and bound thereby to observe the laws of Nature. . . .

...

To come now to the particulars of the true Liberty of a Subject; that is to say, what are the things, which though commanded by the Sovereign, he may neverthelesse, without Injustice, refuse to do; we are to consider, what Rights we passe away, when we make a Common-wealth; or (which is all one,) what Liberty we deny our selves, by owning all the Actions (without exception) of the Man, or Assembly we make our Sovereign. For in the act of our *Submission*, consisteth both our *Obligation*, and our *Liberty*; which must therefore be inferred by arguments taken from thence; there being no Obligation on any man, which ariseth not from some Act of his own; for all men equally, are by Nature Free. And because such arguments, must either be drawn from the expresse words, *I Authorise all his Actions*, or from the Intention of him that submitteth himselfe to his Power, (which Intention is to be understood by the End for which he so submitteth;) The Obligation, and Liberty of the Subject, is to be derived, either from those Words, (or others equivalent;) or else from the End of the Institution of Sovereignty; namely, the Peace of the Subjects within themselves, and their Defence against a common Enemy.

First therefore, seeing Sovereignty by Institution, is by Covenant of every one to every one; and Sovereignty by Acquisition, by Covenants of the Vanquished to the Victor, or Child to the Parent; It is manifest, that every Subject has Liberty in all those things, the right whereof cannot by Covenant be transferred. I have shewn before in the 14. Chapter, that Covenants, not to defend a mans own body, are voyd. Therefore,

If the Sovereign command a man (though justly condemned,) to kill, wound, or mayme himselfe;

or not to resist those that assault him; or to abstain from the use of food, ayre, medicine, or any other thing, without which he cannot live; yet hath that man the Liberty to disobey.

If a man be interrogated by the Sovereign, or his Authority, concerning a crime done by himselfe, he is not bound (without assurance of Pardon) to confesse it; because no man (as I have shewn in the same Chapter) can be obliged by Covenant to accuse himselfe.

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

No man is bound by the words themselves, either to kill himselfe, or any other man; And consequently, that the Obligation a man may sometimes have, upon the Command of the Sovereign to execute any dangerous, or dishonourable Office, dependeth not on the Words of our Submission; but on the Intention; which is to be understood by the End thereof. When therefore our refusall to obey, frustrates the End for which the Sovereignty was ordained; then there is no Liberty to refuse: otherwise there is.

Upon this ground, a man that is commanded as a Souldier to fight against the enemy, though his Sovereign have Right enough to punish his refusall with death, may neverthesse in many cases refuse, without Injustice; as when he substituteth a sufficient Souldier in his place: for in this case he deserteth not the service of the Common-wealth. And there is allowance to be made for naturall timorousnesse, not onely to women, (of whom no such dangerous duty is expected,) but also to men of feminine courage. When Armies fight, there is on one side, or both, a running away; yet when they do it not out of trechery, but fear, they are not esteemed to do it unjustly, but dishonourably. For the same reason, to avoyd

battell, is not Injustice, but Cowardise. But he that inrowleth himselfe a Souldier, or taketh imprest mony, taketh away the excuse of a timorous nature; and is obliged, not onely to go to the battell, but also not to run from it, without his Captaines leave. And when the Defence of the Common-wealth, requireth at once the help of all that are able to bear Arms, every one is obliged; because otherwise the Institution of the Common-wealth, which they have not the purpose, or courage to preserve, was in vain.

To resist the Sword of the Common-wealth, in defence of another man, guilty, or innocent, no man hath Liberty; because such Liberty, takes away from the Sovereign, the means of Protecting us; and is therefore destructive of the very essence of Government. But in case a great many men together, have already resisted the Sovereign Power unjustly, or committed some Capitall crime, for which every one of them expecteth death, whether have they not the Liberty then to joyn together, and assist, and defend one another? Certainly they have: For they but defend their lives, which the Guilty man may as well do, as the Innocent. There was indeed injustice in the first breach of their duty; Their bearing of Arms subsequent to it, though it be to maintain what they have done, is no new unjust act. And if it be onely to defend their persons, it is not unjust at all. But the offer of Pardon taketh from them, to whom it is offered, the plea of self-defence, and maketh their perseverance in assisting, or defending the rest, unlawfull.

As for other Lyberties, they depend on the silence of the Law. In cases where the Sovereign has prescribed no rule, there the Subject hath the liberty to do, or forbear, according to his own discretion. And therefore such Liberty is in some places more, and in some lesse; and in some times more, in other times lesse, according as they that have the Sovereignty shall think most convenient. As for Example, there was a time, when in *England* a man might enter in to his own Land, (and dispossesse such as wrongfully possessed it) by force. But in after-times, that Liberty of Forcible entry, was taken away by a Statute made

(by the King) in Parliament. And in some places of the world, men have the Liberty of many wives: in other places, such Liberty is not allowed.

If a Subject have a controversie with his Sovereigne, of Debt, or of right of possession of lands or goods, or concerning any service required at his hands, or concerning any penalty corporall, or pecuniary, grounded on a precedent Law; He hath the same Liberty to sue for his right, as if it were against a Subject; and before such Judges, as are appointed by the Sovereign. For seeing the Sovereign demandeth by force of a former Law, and not by vertue of his Power; he declareth thereby, that he requireth no more, than shall appear to be due by that Law. The sute therefore is not contrary to the will of the Sovereign; and consequently the Subject hath the Liberty to demand the hearing of his Cause; and sentence, according to that Law. But if he demand, or take any thing by pretence of his Power; there lyeth, in that case, no action of Law: for all that is done by him in Vertue of his Power, is done by the Authority of every subject, and consequently, he that brings an action against the Sovereign, brings it against himselfe.

If a Monarch, or Sovereign Assembly, grant a Liberty to all, or any of his Subjects; which Grant standing, he is disabled to provide for their safety, the Grant is voyd; unlesse he directly renounce, or transferre the Sovereignty to another. For in that he

might openly, (if it had been his will,) and in plain termes, have renounced, or transferred it, and did not; it is to be understood it was not his will; but that the Grant proceeded from ignorance of the repugnancy between such a Liberty and the Sovereign Power; and therefore the Sovereignty is still retayned; and consequently all those Powers, which are necessary to the exercising thereof; such as are the Power of Warre, and Peace, of Judicature, of appointing Officers, and Councillours, of levying Mony, and the rest named in the 18th Chapter.

The Obligation of Subjects to the Sovereign, is understood to last as long, and no longer, than the power lasteth, by which he is able to protect them. For the right men have by Nature to protect themselves, when none else can protect them, can by no Covenant be relinquished. The Sovereignty is the Soule of the Common-wealth; which once departed from the Body, the members doe no more receive their motion from it. The end of Obedience is Protection; which, wheresoever a man seeth it, either in his own, or in anothers sword, Nature applyeth his obedience to it, and his endeavour to maintaine it. And though Sovereignty, in the intention of them that make it, be immortall; yet is it in its own nature, not only subject to violent death, by forreign war; but also through the ignorance, and passions of men, it hath in it, from the very institution, many seeds of a naturall mortality, by Intestine Discord.