

Leviathan

Part 2. Commonwealth

Thomas Hobbes

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[Brackets] enclose editorial explanations. Small ·dots· enclose material that has been added, but can be read as though it were part of the original text. Occasional •bullets, and also indenting of passages that are not quotations, are meant as aids to grasping the structure of a sentence or a thought. Every four-point ellipsis indicates the omission of a brief passage that seems to present more difficulty than it is worth. Longer omissions are reported, between [brackets], in normal-sized type.

Hobbes wrote *Leviathan* in Latin and in English; it is not always clear which parts were done first in English and which in Latin. The present text is based on the English version, but sometimes the Latin seems better and is followed instead. Edwin Curley's fine edition of the English work (Hackett, 1994) has provided all the information used here regarding the Latin version, the main lines of the translations from it, and other information given here between square brackets.—Biblical references are given at the end.

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Part 2. Commonwealth

Chapter 17. The causes, creation, and definition of a commonwealth

Men naturally love liberty, and dominion over others; so what is the final cause or end or design they have in mind when they introduce the *restraint upon themselves* under which we see them live in commonwealths? It is the prospect of their own preservation and, through that, of a more contented life; i.e. of getting themselves out of the miserable condition of war which (as I have shown) necessarily flows from the natural passions of men when there is no visible power to keep them in awe and tie them by fear of punishment to keep their covenants and to obey the laws of nature set down in my chapters 14 and 15.

For the laws of nature—enjoining justice, fairness, modesty, mercy, and (in short) treating others as we want them to treat us—are in themselves contrary to our natural passions, unless some power frightens us into observing them. In the absence of such a power, our natural passions carry us to partiality, pride, revenge, and the like. And covenants without the sword are merely words, with no strength to secure a man at all. Every man has obeyed the laws of nature when he has wanted to, which is when he could do it safely; but if there is no power set up, or none that is strong enough for our security, no-one can safely abide by the laws; and in that case every man will and *lawfully may* rely on his own strength and skill to protect himself against all other men. In all places where men have lived in small families with no larger organized groupings, the trade of *robber* was so far from being regarded as against the law of nature that it was outright honoured, so that the greater spoils someone

gained by robbery, the greater was his honour. The only constraints on robbery came from the laws of honour, which enjoined robbers to abstain from cruelty and to let their victims keep their lives and their farm implements. These days cities and kingdoms (which are only greater families) do what small families used to do back then: for their own security they enlarge their dominions, on the basis of claims that they are in danger and in fear of invasion, or that assistance might be given to invaders by the country they are attacking. They try as hard as they can to subdue or weaken their neighbours, by open force and secret manoeuvres; and if they have no other means for their own security, they do this *justly*, and are honoured for it in later years.

Nor can the joining together of a small number of men give them this security that everyone seeks; because when the numbers are small, a small addition on the one side or the other makes the advantage of strength so great that it suffices to carry the victory, and so it gives encouragement for an invasion. How many must we be, to be secure? That depends not on any particular number, but on comparison with the enemy we fear. We have enough if the enemy doesn't outnumber us by so much that that would settle the outcome of a war between us, which would encourage the enemy to start one.

And however great the number, if their actions are directed according to their individual wants and beliefs, they can't expect their actions to defend or protect them against a common enemy or against injuries from one another. For

being drawn in different directions by their ·differing· opinions concerning how best to use their strength, they hinder rather than help one another, and by quarrelling among themselves they reduce their strength to nothing. When that happens they are easily subdued by a very few men who agree together; and when there's no common enemy they make war on each other for their particular interests. For if we could suppose a great multitude of men to agree in the observation of justice and other laws of nature, without a common power to keep them all in awe, we might as well suppose all mankind to do the same; and then there would not be—and would not *need* to be—any civil government or commonwealth at all, because there would be peace without subjection.

For the security that men desire to last throughout their lifetimes, it's not enough that they be governed and directed by one judgment for a limited time—e.g. for one battle, or one war. For ·in that case·, even if they obtain a victory through their unanimous efforts against a foreign enemy, yet afterwards—when they have no common enemy, or when some of them regard as an enemy someone whom the others regard as a friend—the difference of their interests makes it certain that they will fall apart and once more come to be at war amongst themselves.

It's true that certain living creatures, such as bees and ants, live sociably with one another (which is why Aristotle counts them among the 'political' creatures [Greek *politike* = 'social']), although •each of them is steered only by its particular judgments and appetites, and •they don't have speech through which one might indicate to another what it thinks expedient for the common benefit. You may want to know why mankind can't do the same. My answer to that ·has six parts·.

(1) Men continually compete with one another for honour and dignity, which ants and bees do not; and that leads men, but not those other animals, to envy and hatred and finally war.

(2) Among those ·lower· creatures, the *common good* ·of all· is the same as the *private* ·good of each·; and being naturally inclined to their private ·benefit·, in procuring that they also procure the common benefit. But a man's biggest pleasure in his own goods comes from their being greater than those of others!

(3) Bees and ants etc. don't have the use of reason (as man does), and so they don't see—and don't *think* they see—any fault in how their common business is organized; whereas very many men think themselves wiser than the rest, and better equipped to govern the public. These men struggle to reform and innovate, one in this way and another in that, thereby bringing the commonwealth into distraction and civil war.

(4) These creatures, though they have some use of voice in making known to one another their desires and other affections, don't have that skill with words through which some men •represent good things to others in the guise of evil, and evil in the guise of good, and •misrepresent how great various goods and evils are. These activities enable their practitioners to make men discontented, and to disturb their peace, whenever they feel like doing so.

(5) Creatures that lack reason don't have the notion of being *insulted or wronged* as distinct from being *physically damaged*; so as long as they are at ease ·physically· they are not offended with their fellows; whereas man is most troublesome when he is most at ease, for that is when he loves to show his wisdom and to control the actions of those who govern the commonwealth.

(6) The agreement of these creatures is *natural*, whereas men's agreement is by covenant only, which is *artificial*; so it's no wonder if something besides the covenant is needed to make their agreement constant and lasting, namely a common power to keep them in awe and direct their actions to the common benefit.

The •only way to establish a common power that can defend them from the invasion of foreigners and the injuries of one another, and thereby make them secure enough to be able to nourish themselves and live contentedly through their own labours and the fruits of the earth, is •to confer all their power and strength on one man, or one assembly of men, so as to turn all their wills by a majority vote into a single will. That is to say: •to appoint one man or assembly of men to *bear their person*; and everyone •to *own* and *acknowledge himself to be the author of* every act that he who bears their person performs or causes to be performed in matters concerning the common peace and safety, and all of them •to submit their wills to his will, and their judgments to his judgment. [Hobbes explains the key concepts of that sentence early in Chapter 16.] This is more than •mere• agreement or harmony; it is a real *unity* of them all. They are unified in that they constitute *one* single person, created through a covenant of every man with every •other• man, as though *each* man were to say to *each* of the others:

I authorize and give up my right of governing myself to this man, or to this assembly of men, on condition that you surrender to him your right of governing yourself, and authorize all his actions in the same way.

[Rather than 'you' and 'your', Hobbes here uses 'thou' and 'thy'—the second-person *singular*, rare in *Leviathan*—emphasizing the one-on-one nature of the covenant.] When this is done, the multitude so united in one person is called a COMMONWEALTH, in

Latin CIVITAS. This is the method of creation of that great LEVIATHAN, or rather (to speak more reverently) of that *mortal god* to which we owe, under the immortal God, our peace and defence. For by this authority that has been given to •'this man' by every individual man in the commonwealth, •he has conferred on him the use of so much power and strength that people's fear of it enables him to harmonize and control the wills of them all, to the end of peace at home and mutual aid against their enemies abroad. •He is the essence of the commonwealth, which can be defined thus:

A commonwealth is one person of whose acts a great multitude of people have made themselves the authors (*each* of them an author), doing this by mutual covenants with one another, so that the commonwealth may use the strength and means of them all, as he shall think appropriate, for their peace and common defence.

He who carries this person is called SOVEREIGN, and said to have 'sovereign power', and all the others are his SUBJECTS.

Sovereign power can be attained in two ways. One is by natural force, as when a man •makes his children submit themselves and *their* children to his government, by being able to destroy them if they refuse, or •subdues his enemies to his will by war, sparing their lives on condition that they submit their wills to his government. The other is when men agree amongst themselves to submit to some one man or assembly of men, doing this voluntarily in the confidence that this man or assembly will protect them against all others. This latter, may be called a political commonwealth, or commonwealth by *institution*, and the former a commonwealth by *acquisition*. I shall speak first of a commonwealth by institution, •turning to commonwealth by acquisition in chapter 20•.

Chapter 18. The rights of sovereigns by institution

A commonwealth is said to be 'instituted' when a multitude of men agree and covenant—each one with each other—that

When some man or assembly of men is chosen by majority vote to present the person of them all (i.e. to be their representative), each of them will authorize all the actions and judgments of that man or assembly of men as though they were his own, doing this for the purpose of living peacefully among themselves and being protected against other men. This binds those who did not vote for this representative, as well as those who did. For unless the votes are all understood to be included in the majority of votes, they have come together in vain, and contrary to the end that each proposed for himself, namely the peace and protection of them all.

From the form of the institution are derived all the power and all the rights of the one having supreme power, as well as the duties of all the citizens. I shall discuss these rights, powers, and duties under *twelve* headings.

First, because the people make a covenant, it is to be understood they aren't obliged by any previous covenant to do anything conflicting with this new one. Consequently those who have already instituted a commonwealth, being thereby bound by a covenant to own the actions and judgments of one sovereign, cannot lawfully get together to make a new covenant to be obedient to someone else, in any respect at all, without their sovereign's permission. So those who are subject to a monarch can't without his leave •throw off monarchy and return to the confusion of a disunited multitude, or •transfer their person from him who now bears

it to some other man or other assembly of men; for •they are bound, each of them to each of the others, to own and be the proclaimed author of everything that their existing sovereign does and judges fit to be done; so that any one man dissenting, all the rest should break their covenant made to that man, which is injustice [from the semi-colon to the end, those words are Hobbes's]. And •they have also—every man of them—given the sovereignty to him who bears their person; so if they depose him they take from him something that is his, and that again is injustice. Furthermore, if anyone who tries to depose his sovereign is killed or punished for this by the sovereign, he is an author of his own punishment, because the covenant makes him an author of everything his sovereign does; and since it is injustice for a man to do anything for which he may be punished by his own authority, his attempt to depose his sovereign is unjust for that reason also.

Some men have claimed to base their disobedience to their sovereign on a *new* covenant that they have made not with men but with God; and this also is unjust, for there's no covenant with God except through the mediation of somebody who represents God's person, and the only one who does that is God's lieutenant, who has the sovereignty under God. But this claim of a covenant with God is so obviously a lie, even in the claimant's own consciences, that it is the act of a disposition that is not only unjust but also vile and unmanly.

Secondly, what gives the sovereign a right to bear the person of all his subjects is •a covenant that they make with one another, and not •a covenant between him and any of them; there can't be a breach of covenant on *his* part; and

consequently none of his subjects can be freed from subjection by a claim that the sovereign has forfeited his right to govern by breaking his covenant with his subject(s). It is obvious that the sovereign makes no covenant with his subjects on the way to becoming sovereign. To see why this is true, suppose that it isn't, and for ease of exposition suppose that *you* are one of the subjects. In that case the sovereign must either •make a covenant with the whole multitude as the other party, or •make a separate covenant with each man, including one with you. But it can't be •with the whole as one party, because at this point they are not one person; and if he •makes as many separate covenants as there are men, those covenants become void after he becomes sovereign. Why? Because any act of the sovereign's that you (for example) can claim to be a breach of *your* covenant with him is an act of yours and of everyone else's, because it was done by the sovereign, and thus was done in the person, and by the right, of every individual subject including you.

Besides, if one or more of the subjects claims a breach of the covenant made by the sovereign in his becoming sovereign, and one or more other subjects contend that there was no such breach (or indeed if only the sovereign himself contends this), there's no judge to decide the controversy, so it returns to the sword again, and every man regains the right of protecting himself by his own strength, contrary to the design they had in the institution of the commonwealth. . . .

The opinion that any monarch receives his power by covenant—i.e. on some *condition*—comes from a failure to grasp this easy truth:

Because covenants are merely words and breath, they have no force to oblige, contain, constrain, or protect any man, except whatever force comes from the public sword—i.e. from the untied hands of that man

or assembly of men that has the sovereignty, whose actions all the subjects take responsibility for, and are performed by the strength of them all, united in their sovereign.

When *an assembly of men* is made sovereign, nobody imagines this to have happened through any such covenant; for no man is so stupid as to say, for example, that the people of Rome made a covenant with the Romans to hold the sovereignty on such and such conditions, the non-performance of which would entitle the Romans to depose the Roman people! Why don't men see that the basic principles of a monarchy are the same as those of a popular government? They are led away from seeing this by the ambition of people who are kinder to the •government of an assembly than to •that of a monarchy, because they •can hope to participate in the former, but •despair of enjoying the latter.

Thirdly, because the majority have by consenting voices declared a sovereign, someone who dissented must now go along with the others, i.e. be contented to accept all the actions the sovereign shall do; and if he doesn't, he may justly be destroyed by the others. For if he voluntarily entered into the congregation of those who came together to consider instituting a sovereign, he thereby sufficiently declared his willingness to accept what the majority should decide on (and therefore tacitly covenanted to do so); so if he then refuses to accept it, or protests against any of their decrees, he is acting contrary to his tacit covenant, and therefore unjustly. Furthermore: whether or not he enters into the congregation, and whether or not his consent is asked, he must either •submit to the majority's decrees or •be left in the condition of war he was in before, in which he can without injustice be destroyed by any man at all.

Fourthly, because every subject is by this institution ·of the commonwealth· the author of all the actions and judgments of the sovereign, it follows that nothing the sovereign does can *wrong* any of his subjects, nor ought any of them to accuse him of injustice. For someone who acts by the authority of someone else can't in acting wrong the person by whose authority he acts; but according to this institution of a commonwealth, every individual man is an author of everything the sovereign does; so someone who complains of being wronged by *his sovereign* complains about something of which *he himself* is an author; so he oughtn't to accuse anyone but himself—and indeed he oughtn't even to accuse himself of wronging himself, because to wrong one's self is impossible. [Throughout this paragraph up to this point, 'wrong' replaces Hobbes's 'injury'.] It's true that those who have sovereign power may commit iniquity [= 'do wicked things'], but not injustice or injury in the proper meaning of that term.

Fifthly, following from the preceding point: no man who has sovereign power can justly be put to death or punished in any other way by his subjects. For seeing that every subject is an author of the actions of his sovereign, ·if he punishes the sovereign· he punishes someone else for actions committed by himself.

And because the goal of this institution is the peace and defence of them all, and whoever has a right to the goal has a right to the means to it, the man or assembly that has the sovereignty has the *right* to be judge both of the means to peace and defence, and also of the hindrances and disturbances of peace and defence; and to do whatever he thinks is needed, both beforehand •for preserving of peace and security by prevention of discord at home and hostility from abroad, and •for the recovery of peace and security after they have been lost. And therefore,

Sixthly, it is for the sovereignty [= 'the man or assembly of men to whom the sovereignty has been given'] to be the judge

- of what opinions and doctrines are threats to peace and what ones tend to support it;

and consequently

- of which men are to be trusted to speak to multitudes of people, on what occasions, and how far they should be allowed to go;

and

- of who shall examine the doctrines of all books before they are published.

For the actions of men come from their opinions, and the way to govern men's actions in the interests of peace and harmony is to govern their opinions. When we are considering doctrines, nothing ought to be taken account of but *truth*; but this doesn't conflict with regulating doctrines on grounds having to do with *peace*. For a doctrine that is harmful to peace can't be true, any more than peace and harmony can be against the law of nature. It's true that in a commonwealth where the negligence or incompetence of governors and teachers has allowed false doctrines to become generally believed, the contrary *truths* may be generally found to be offensive. But even the most sudden and rough bustling in of a new truth never *breaks the peace*, but only sometimes *awakens the war*. ·I said 'awakens' the war, not 'starts' it·. For men who are so slackly governed that they dare take up arms to defend or introduce an opinion are at war already; their state is not one of peace, but only a cessation of arms for fear of one another, and they live continually on the fringe of a battlefield, so to speak. So it is for him who has the sovereign power to be the judge—or to establish others as judges—of opinions and doctrines, this being necessary for peace and the avoidance of discord and civil war.

Seventhly, the sovereignty has the whole power of prescribing the rules that let every man know what goods he may enjoy, and what actions he may perform, without being troubled by any of his fellow-subjects; and this is what men call 'property' [Hobbes writes 'propriety']. Before the establishment of sovereign power (as I have already shown), all men had a right to all things, a state of affairs which necessarily causes war; and therefore this system of *property*, being necessary for peace and dependent on sovereign power, is one of the things done by sovereign power in the interests of public peace. These rules of property (or *meum* and *tuum* [Latin for 'mine' and 'yours']) and of good, bad, lawful, and unlawful in the actions of subjects, are the *civil laws*, i.e. the laws of each individual commonwealth

Eighthly, the sovereignty alone has the right of *judging*, i.e. of hearing and deciding any controversies that may arise concerning law (civil or natural) or concerning fact. For if contro-versies are not decided, •one subject has no protection against being wronged by another, •the laws concerning *meum* and *tuum* have no effect, and •every man retains—because of the natural and inevitable desire for his own preservation—the right to protect himself by his own private strength, which is the condition of war, and is contrary to the purpose for which every commonwealth is instituted.

Ninthly, the sovereignty alone has the right to make war and peace with other nations, and commonwealths, i.e. the right •to judge when war is for the public good, •to decide what size of •military• forces are to be assembled for that purpose and armed and paid for, and •to tax the subjects to get money to defray the expenses of those forces. For the power by which the people are to be defended consists in their armies, and the strength of an army consists in the union of the soldiers' strengths under one command; and it's the instituted sovereign who *has* that command. Indeed,

having command of the military is enough to make someone sovereign, without his being instituted as such in any other way. So whoever is appointed as *general* of an army, it's always the sovereign power who is its *supreme commander*.

Tenthly, it is for the sovereignty to choose all counsellors, ministers, magistrates, and officers, in both peace and war. For seeing that the sovereign is charged with •achieving• the goal of the common peace and defence, he is understood to have the power to use whatever means he thinks most fit for this purpose.

Eleventhly, to the sovereign is committed [= 'entrusted'] the power of rewarding with riches or honour, and of punishing with corporal punishment or fines or public disgrace, every subject •according to the law the sovereign has already made; or if no •relevant• law has been made, •according to his (the sovereign's) judgment about what will conduce most to encouraging men to serve the commonwealth, or to deterring them from doing disservice to it.

Lastly, because of •how highly men are naturally apt to value themselves, •what respect they want from others, and •how little they value other men—all of which continually gives rise to resentful envy, quarrels, side-taking, and eventually war, in which they destroy one another and lessen their strength against a common enemy—it's necessary •to have *laws of honour*, and a public rate [= 'price-list'] stating the values of men who have deserved well of the commonwealth or may yet do so, and •to put into *someone's* hands the power to put those laws in execution. But I have already shown that not only the whole military power of the commonwealth, but also the judging of all controversies, is assigned to the sovereignty. So it's *the sovereign* whose role it is to give titles of honour, and to appoint what order of place and dignity each man shall hold, and what signs of respect they shall give to one another in public or private meetings.

These are the rights that make the essence of sovereignty, and are the marks by which one can tell what man or assembly of men has the sovereign power. For these rights and powers can't be shared and can't be separated from one another. The sovereign may transfer to someone else the power to coin money, to dispose of the estate and persons of infant heirs, to have certain advantages in markets, or any other prerogative that is governed by particular laws, while still retaining the power to protect his subjects. But if he transfers the military it's no use his retaining the power of judging, because he will have no way of enforcing the laws; or if he gives away the power of raising money, the military is useless; or if he gives away the control of doctrines, men will be frightened into rebellion by the fear of spirits. So if we consider any *one* of the rights I have discussed, we shall immediately see that it is necessary, because the holding of *all the others* without that one will have no effect on the conservation of peace and justice, the purpose for which all commonwealths are instituted. This division of powers that ought not to be divided was the topic when it was said that *a kingdom divided in itself cannot stand* (Mark 3:24); for a division into opposite armies can never happen unless this division of powers happens first. If a majority of people in England hadn't come to think that these powers were divided between the king, the Lords, and the House of Commons, the people would never have been divided and fallen into this civil war—first over disagreements in politics, and then over disagreements about freedom of religion—a war that has so instructed men in this matter of sovereign rights that most people in England do now see that these rights are inseparable. This will be generally acknowledged when peace next returns, and it will continue to be acknowledged for as long as people remember their miseries in the war (though it won't continue beyond that unless the common people

come to be better taught than they have been until now!).

And because these rights are essential and inseparable, it necessarily follows that in whatever words any of them *seem* to be granted to someone other than the sovereign, *the grant is void* unless the sovereign power itself is explicitly renounced at the same time, and the title 'sovereign' is no longer given by the grantees to him who grants the rights in question; for when he has granted as much as he can, if we grant back or he retains the sovereignty itself, all the rights he has supposedly granted to someone else are restored to him, because they are inseparably attached to the sovereignty.

This great authority being indivisible, and inseparably assigned to the sovereignty, there is little basis for the opinion of those who say of sovereign kings that though they have greater power than *every one of their subjects*, they have less power than *all their subjects together*. For if by 'all together' they don't mean the collective body as one person, then 'all together' and 'every one' mean the same, and what these people say 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 as the sovereign's power, and so again what they say is absurd. They could see its absurdity well enough when the sovereign is an assembly of all the people, but they don't see it when the sovereign is a monarch; yet *the power of sovereignty* is the same, whoever has it.

Just as the power of the sovereign ought to be greater than that of any or all the subjects, so should the sovereign's honour. For the sovereignty is the fountain of honour. The dignities of lord, earl, duke, and prince are created by him. Just as servants in the presence of their master are equal, and without any honour at all, so are subjects in the presence of their sovereign. When they are out of his sight some

may shine more than others, but in his presence they shine no more than do the stars in the presence of the sun.

But someone may object here that subjects are in a miserable situation because they are at the mercy of the lusts and other irregular passions of him who has (or of them who have) such unlimited power. Commonly those who live under a monarch think their troubles are the fault of monarchy, and those who live under the government of democracy or some other kind of sovereign assembly attribute all the inconvenience to *that* form of commonwealth (when really the sovereign power is the same in every form of commonwealth, as long as it is complete enough to protect the subjects). These complainers don't bear in mind •that the human condition can never be without some inconvenience or other, or •that the greatest trouble that can possibly come to the populace in any form of government is almost nothing when compared with the miseries and horrible calamities that accompany a civil war, or with the dissolute condition of un-

governed men who are not subject to laws and to a coercive power to hold them back from robbery and revenge. Nor do they bear in mind •that the greatest burdens laid on subjects by sovereign governors does *not* come from •any pleasure or profit they can expect from damaging or weakening their subjects (in whose vigour consists *their own* strength and glory), but from •the stubbornness of the subjects themselves, who are unwilling to contribute to their own defence, and so make it necessary for their governors to get what they can from them ·in taxes· in time of peace, so that they may have the means to resist their enemies, or to get an advantage over them, if an occasion for this should suddenly present itself. For all men are provided by nature with notable •microscopes (that is their passions and self-love) through which every little payment appears as a great grievance, but don't have the •telescopes (namely moral and political science) that would enable them to see far off the miseries that hang over them, which can't be avoided without such payments.

Chapter 19. Kinds of commonwealth by institution, and succession to the sovereign power

Differences amongst commonwealths come from differences in the sovereign, or the person who represents every one of the multitude. The sovereignty resides either in •one man, or in •an assembly of more than one; and •when it is an assembly• either •every man has right to enter the assembly or •not everyone but only certain men distinguished from the rest. So, clearly, there can be only three kinds of commonwealth. For the representative must be one man or more than one; and if more than one, then it's either the assembly of all •the multitude• or an assembling containing only some of them. When the representative is •one man, the commonwealth is a MONARCHY; when it's •an assembly of only some of the multitude, then it is called an ARISTOCRACY; when it's •an assembly of all that are willing come together, it is a DEMOCRACY or popular commonwealth. There can't be any other kind of commonwealth, because the sovereign power (which I have shown to be indivisible) must be possessed •by one, •by more than one •but less than all•, or •by all.

Books of history and political theory contain other names for governments, such as 'tyranny' and 'oligarchy'. But they are not the names of other forms of government; they are names of the same forms, given by people who dislike them. For those who are discontented under monarchy call it 'tyranny', and those who are displeased with aristocracy call it 'oligarchy'; so also those who find themselves aggrieved under a democracy call it 'anarchy', which means lack of any government, but I don't think anyone believes that lack of government is any new kind of government! Nor (to continue the line of thought) ought they to believe that the government

is of one kind when they like it and of another when they dislike it or are oppressed by the governors.

Obviously, men who are in absolute liberty may if they please give authority to one man to represent them all, or give such authority to any assembly of men whatever; so they are free to subject themselves to a monarch as absolutely as to any other representative, if they think fit to do so. Therefore, where a sovereign power has already been established, there can be no other representative of the same people (except for certain particular purposes that are circumscribed by the sovereign). •If there were two unrestricted representatives•, that would be to establish two sovereigns, and every man would have his person represented by two actors; if these opposed one another, that would divide the power that has to be *indivisible* if men are to live in peace, and would thereby pull the multitude down into the condition of war, contrary to the purpose for which all sovereignty is instituted.

So it would be absurd for a monarch, having invited the people of his dominion to send him their deputies with power to make known to him their advice or desires, to think that these deputies, rather than himself, were the absolute representative of the people. (The absurdity is even more obvious if this idea is applied not to a monarch but to a sovereign *assembly*.) I don't know how this obvious truth came to be so disregarded •in England• in recent years. In this country we had a monarchy in which he who had the sovereignty—in a line of descent 600 years long—was alone called 'sovereign', had the title 'Majesty' from every one of his subjects, and was unquestionably accepted by them as their king. Yet he was never considered as their *representative*, that name being

given—with no sense that this was a contradiction—to the men who at his command were sent to him by the people to bring their petitions and give him (if he permitted it) their advice. This may serve as a warning for those who are the true and absolute representatives of a people, that if they want to fulfil the trust that has been committed to them they had better instruct men in the nature of the office of sovereign, and be careful how they permit any other general representation on any occasion whatsoever.

The differences among these three kinds of commonwealth don't consist in differences in the amount of power, but in differences in how serviceable they are, how apt to produce the peace and security of the people—the purpose for which they were instituted. I now want to compare monarchy with the other two, making six points about this comparison.

(1) Anyone who bears the person of the people or belongs to the assembly that bears it, also bears his own *natural* person [= 'bears himself considered just as one human being']. And though he is careful in his *official* person to procure the common interest, he is at least as careful to procure the private good of himself, his family, relatives, and friends; and when the public interest happens to conflict with the private, he usually prefers the private, because men's passions are commonly more powerful than their reason. It follows from this that the public interest is most advanced when it coincides with the private interest of the sovereign. Now in monarchy the private interest is the same as the public. The riches, power, and honour of a monarch arise purely from the riches, strength and reputation of his subjects; for no king can be rich or glorious or secure if his subjects are poor or wretched, or so much weakened by poverty or dissension that they can't maintain a war against their enemies. In a democracy or an aristocracy, on the other hand,

public prosperity often does less for the private fortune of someone who is corrupt or ambitious than does lying advice, treacherous action, or civil war.

(2) A monarch decides who will advise him, and when and where; so he can hear the opinions of men who are knowledgeable about the matter in question—men of any rank or status—and as long in advance of the action and with as much secrecy as he likes. But when a sovereign assembly needs advice, it can't have advisers from outside its own body; and of those who are *in* the assembly few are skilled in civic matters—the majority of them being orators, who give their opinions in speeches that are full either of pretence or of inept learning, and either disrupt the commonwealth or do it no good. For the flame of the passions *dazzles* the understanding, but never *enlightens* it. And there's no place or time at which an assembly can receive advice in secret; there are too many of them for that.

(3) The resolutions of a monarch are not subject to any inconstancy except that of human nature; but in assemblies, besides the inconstancy of *nature* there is an inconstancy of *numbers*. Something that the assembly decided yesterday may be undone today because a few members who wanted it reversed showed up, while those who would have wanted yesterday's resolution to hold firm have stayed away because they were too confident, or negligent, or for personal reasons.

(4) A monarch can't disagree with himself out of envy or self-interest, but an assembly can, and the disagreement may be so strenuous as to lead to a civil war.

(5) In monarchy there's this disadvantage: any subject may be deprived of all he possesses by the power of one man (the sovereign), so as to enrich a favourite or flatterer. [The Latin version adds: 'Nevertheless, we do not read that this has ever been done.'] I admit that this is a great and inevitable disadvantage. But the same thing can just as well happen where the

sovereign power is in an assembly; for their power is the same, and they are as likely to be seduced into accepting bad advice from orators as a monarch is from flatterers; and they can become one another's flatterers, taking turns in serving one another's greed and ambition. Also, a monarch has only a few favourites, and the only others they may want to advance are their own relatives; whereas the favourites of an assembly are many, and the relatives of the members of an assembly are much more numerous than those of any monarch. Besides, any favourite of a monarch can help his friends as well as hurt his enemies; but orators—i.e. favourites of sovereign assemblies—have great power to hurt but little to help. For, such is man's nature, accusing requires less eloquence than does excusing; also, condemning looks more like justice than pardoning does.

(6) In a monarchy the sovereignty may descend to an infant, or to one who can't tell good from bad; which has the ·alleged· drawback that then •the use of the sovereign's power must be in the hands of another man, or of some assembly of men, who are to govern by the child's right and in his name, as guardians and protectors of his person and his authority. But to say there is a drawback in •putting the use of the sovereign power into the hands of a man or an assembly of men is to say that •all government is less satisfactory than confusion and civil war—which is absurd·. So the only danger that can be claimed to arise ·from a situation where the monarchy has been inherited by someone who isn't yet fit to exercise its powers· has to do with the struggles among those who become competitors for an office bringing so much honour and profit.

This disadvantage does *not* come from the form of government we call 'monarchy'. To see this, consider •the case where the previous monarch has appointed those who are to have the care of his infant successor—doing this either by an

explicit statement or ·implicitly· by not interfering with the customarily accepted procedure for such appointments. In that case, if the 'competition' disadvantage arises, it should be attributed not to the monarchy but to the ambition and injustice of the subjects; and *those* ·vices· are the same in all kinds of government where the people are not well instructed in their duty and in the rights of sovereignty. For •the case where the previous monarch has made no provision at all for such care ·of his infant successor·, the law of nature has provided this sufficient rule, that the infant sovereign shall be cared for by the man who has by nature •the most to gain from the preservation of the infant's authority and •the least to gain from the child's dying or losing authority. For since every man by nature seeks his own benefit and promotion, to put an infant under the control of people who can promote themselves by destroying or harming him is not guardianship but treachery. So once sufficient provision has been made against any *proper* dispute about the government under a child, if any contest does start up and disturb the public peace, it should be attributed not to the form of monarchy but to the subjects' ambition and ignorance of their duty.

On the other side, every great commonwealth whose sovereignty is in a great assembly is, so far as concerns consultations about peace and war and the making of laws, in the same condition as if the ·power of· government were ·theoretically· in a child. For just as •a child lacks the judgment to disagree with advice that is given him, and so has to accept the advice of them (or him) to whose care he is committed, so also •an assembly lacks the freedom to disagree with the advice of the majority, whether it's good or bad. And just as •a child needs a guardian or protector to preserve his person and his authority, so also •in great commonwealths the sovereign assembly, in all ·times of· great danger and

trouble, needs guardians of liberty [Hobbes gives this phrase in Latin]. That is, they need dictators or protectors of their authority, who amount to being temporary monarchs, to whom they can *for a time* commit the exercise of all their power; and it has more often happened that at the end of that time •the assembly were •permanently• deprived of their power •by the dictator• than it has happened that •infant kings were deprived of their power by their protectors, regents, or any other guardians.

I have shown that there are only three kinds of sovereignty:

- monarchy, where one man has the sovereignty,
- democracy, where the general assembly of •all the subjects has it, and
- aristocracy, where it is in an assembly of certain persons picked out in some way from the rest.

Still, someone who surveys the particular commonwealths that did or do exist in the world will perhaps find it hard to get them into three groups, and this may incline him to think there are other forms, arising from mixtures of these three. For example, **(1)** elective kingdoms, where kings have the sovereign power put into their hands *for a time*, or **(2)** kingdoms in which the king has *limited* power, though most writers apply the label 'monarchy' to these governments. Likewise **(3)** if a democratic (or aristocratic) commonwealth subdues an enemy's country and governs it through an appointed governor, executive officer, or other legal authority, this may perhaps seem at first sight to be a democratic (or aristocratic) government. But this is all wrong. For **(1)** elective kings are not sovereigns but ministers of the sovereign; **(2)** limited kings are not sovereigns but ministers of those who have the sovereign power; and **(3)** provinces that are in subjection to a democracy (or aristocracy) of another commonwealth are themselves governed not democratically (or

aristocratically) but monarchically. •I shall discuss these three cases at more length, giving them a paragraph each•.

(1) Concerning an elective king whose power is limited •to his life as it is in many parts of Christendom at this day, or •to certain years or months like the dictator's power among the Romans: if he has the right to appoint his successor, he is no longer an elective king but an hereditary one. But if he has no power to designate his successor, then either •some other known man or assembly can designate a successor after his death or •the commonwealth dies and dissolves with him and returns to the condition of war. •If it's known what people have the power to award the sovereignty after his death, it's also known that *the sovereignty was in them while he was alive*; for nobody has the right to *give* something that he doesn't have the right to *possess* and to keep to himself if he sees fit. But •if there's no-one who can give the sovereignty after the decease of him who was first elected, then that king has the power to establish his own successor, so as to keep those who had trusted him with the government from relapsing into the miserable condition of civil war; indeed, he is *obliged by the law of nature* to take care of this. So he was, as soon as he was elected, an absolute sovereign.

(2) The king whose power is limited is not superior to whoever has the power to limit it, and he who is not *superior* •to someone• is not *supreme*, which is to say that he is not *sovereign*. So the sovereignty always was in the assembly that had the right to limit him, which implies that the government is not monarchy but either democracy or aristocracy; as in ancient Sparta, where the kings had the privilege of leading their armies but the sovereignty was possessed by the Ephori [= 'magistrates with authority over the king's conduct'].

Thirdly, although *the Roman people* governed the land of Judea (for example) through a governor, that didn't make Judea •a democracy, because they weren't governed by any

assembly into which each of *them* had a right to enter; nor was it •an aristocracy, because they weren't governed by any assembly that a man could be *selected* to belong to. Rather, •it was •a monarchy. They were governed by *one person*: in relation to the people of Rome this 'one person' was an assembly of •all• the people, i.e. a democracy, but in relation to the people of Judea, who had no right at to participate in the government, it was a monarchy. Where the people are governed by an assembly chosen by themselves out of their own number, the government is called a democracy or an aristocracy; but when they are governed by an assembly that they didn't choose, it is a monarchy—not of one man over another man, but of one people over another people.

The *matter* of all these *forms* of government consists in monarchs and assemblies; these die, so the matter is mortal. So it is necessary for the preservation of peace of men that steps be taken not only for •the creation of• an artificial man but also for •that 'man' to have• an artificial eternity of life. Without that, •men who are governed by an assembly would return into the condition of war in every generation, and •those who are governed by one man would return to it as soon as their governor dies. This artificial eternity is what men call 'the right of succession'.

In any perfect form of government it is the present sovereign who has the right to decide how the succession will go. For if the right were possessed by •any other particular man or non-sovereign assembly, it would be in a *subject* person; so the sovereign could take it to himself at his pleasure, which means that the right belonged to him all along. And if this right belonged to •no particular man, and was left to a new choice •after the death of the present sovereign, then the commonwealth would be dissolved, and the right •to decide the succession• would belong to whoever could get it, which is contrary to the intention of those who instituted

the commonwealth •in the first place, which they did• for their *perpetual* and not just their *temporary* security.

In a democracy, the whole assembly can't die unless the multitude that are to be governed die. So in that form of government questions about the right of •deciding the• succession don't arise.

In an aristocracy, when any member of the assembly dies the choice of someone else to take his place is for the assembly to make, because it's the sovereign to whom belongs the •right of• choosing of *all* counsellors and officers. For what the representative does as actor is done by every one of the subjects as author. The sovereign assembly may give power to others to choose new members to make up their numbers, but it's still by *their* authority that the choice is made, and by their authority that the choice may be cancelled if the public good requires it.

The greatest difficulty about the right of succession occurs in monarchy. The difficulty arises from the fact that it isn't immediately obvious •who is to appoint the successor •to a king who has died, and •in cases where it was clearly the role of the king to do this, it is often not obvious •whom he has appointed. For both these cases require thinking that is more precise than men in general are accustomed to. As to the question of •who shall appoint the successor of a monarch, the central point is this: either he who now possesses the sovereign power has the right to decide the succession or else that right reverts to the dissolved multitude •which is thereby threatened with sliding into war. (I am saying this about a monarch who *possesses* sovereign authority, so that the right of succession is the right of inheritance; not about *elective* kings and princes, who don't *own* the sovereign power but merely *have the use of* it). For the death of him who possesses the sovereign power leaves the multitude without any sovereign at all, i.e. without any

representative in whom they can be united and be capable of acting; so they can't act in any way at all, which implies that they can't elect any new monarch. In this state of affairs, every man has an equal right to submit himself to whomever he thinks best able to protect him, or (if he can) to protect himself by his own sword; which is a return to confusion and to the condition of a war of every man against every man, contrary to the purpose for which monarchy was first instituted. This makes it obvious that the institution of monarchy always leaves the choice of the successor to the judgment and will of the present possessor of sovereignty.

Sometimes a question arises about who it is whom the monarch has designated to the succession and inheritance of his power; it is to be answered on the basis of his explicit words and testament, or by other sufficient wordless signs.

By explicit words or testament when it is declared by him in his lifetime, orally or in writing, as the first emperors of Rome declared who were to be their *heirs*. (That is an appropriate word, for 'heir' is not restricted to the children or nearest relatives of a man; it applies to anyone at all whom he says—somehow—he wants to succeed him in his estate.) So if a monarch explicitly declares that such-and-such a man is to be his heir, doing this either orally or in writing, then that man acquires the right of being monarch immediately after the decease of his predecessor.

But in the absence of testament and explicit words, other natural signs of the sovereign's wishes should be followed. One of these is *custom*. Where it is customary for the monarch to be succeeded by his next of kin, with no conditions on that, the next of kin *does* have the right to the succession, for if the previous monarch had wanted something different he could easily have declared this in his lifetime. Likewise, where the custom is that the succession goes to the male who is next of the kin, the right of succession in

that case does go to the male next of kin, for the same reason. Similarly if the custom were to advance the female next of kin. For if a man could by a word modify an existing custom, yet doesn't do so, that is a natural sign that he wants the custom to stand unchanged.

What if neither custom nor the monarch's testament has been provided? Then it should be understood first that the monarch wanted the government to remain monarchical, because he approved that government in himself. Secondly that he wanted a child of his own—male or female—to be preferred before any other; because men are presumed to be naturally more inclined to advance their own children than those of other men (and of their own, a male rather than a female, because men, are naturally fitter than women for actions of labour and danger). Thirdly, if he has no descendants, that he wanted to be succeeded by a brother rather than a stranger—and, generalizing from that—to have a successor close to him in blood rather than one who is more remote; because it's always presumed that closeness of kinship goes with closeness of affection, and it's evident that the greatness of a man's *nearest* kindred reflect the *most* honour on him.

But if it is lawful for a monarch to settle the succession on someone by words of contract or testament, men may perhaps object that there's a great disadvantage in this: for he may sell or give his right of governing to a foreigner; and this may lead to the oppression of his subjects, because people who are foreigners to one another (i.e. men who don't customarily live under the same government or speak the same language) commonly undervalue one another. This is indeed a great disadvantage; but if there's oppression in such a case, it may come not from the mere fact that the government is foreign but rather from the unskilfulness of the governors, their ignorance of the true rules of politics. That is

why the Romans, when they had subdued many nations and wanted to make their government of them digestible, usually removed that grievance (·of oppression entirely by foreigners·) as much as they thought it necessary to do so, by giving sometimes to whole nations and sometimes to principal men of conquered nations not only the privileges of Romans but also the title 'Roman', and admitted many of them to the senate and to official positions, even in the Roman city. That is what our most wise King James aimed at in trying to unite his two realms of England and Scotland. Had he succeeded

in this, it would probably have prevented the civil wars that make both those kingdoms miserable now. So it's not an offence against the people for a monarch to make a foreigner his successor, though disadvantages sometimes come from that, through the fault either of the rulers or of their citizens. Here is a further argument for *lawfulness* of his so doing: whatever bad results can come from *giving a kingdom to a foreigner* could also come from a monarch's *marrying* a foreigner, as the right of succession might then be passed to the foreigner; yet everyone regards this as lawful.

Chapter 20. Paternal dominion and despotic dominion

A *commonwealth by acquisition* is one where the sovereign power is acquired by force; and it is *acquired by force* when men (either singly or jointly by majority of voices) are led by their fear of death or imprisonment to authorize all the actions of the man or assembly that has their lives and liberty in his power.

This kind of dominion or sovereignty differs from sovereignty by institution only in this: men who choose their sovereign do it for fear of •one another, not fear of the man whom they institute; but in this case ·of dominion by acquisition· they are afraid of •the very person whom they institute ·as sovereign·. In both cases they act out of fear—a fact that should be noted by those who hold that any covenant is void if it comes from fear of death or violence. If

they were right, no man in any kind of commonwealth could be obliged to obedience! It's true that when a commonwealth has been instituted or acquired, promises coming from fear of death or violence are not covenants, and don't oblige, if the thing promised is contrary to the laws; but that's not because the promise is made out of fear, but because he who promises has no right ·to do the thing he has promised to do·

But the rights and consequences of sovereignty are the same in both ·instituted and acquired sovereignty·:

The monarch's power can't without his consent be transferred to someone else; he can't forfeit it; he can't be accused by any of his subjects of having wronged them; he can't be punished by them; he is

the judge of what is necessary for peace, and the judge of what doctrines maybe published; he is the sole legislator, supreme arbitrator of controversies, and supreme judge of the times and occasions for war and peace; it is for him to choose magistrates, counsellors, commanders, and all other officers and ministers, and to determine all rewards and punishments, honours, and rankings.

The reasons for this in sovereignty by acquisition are the ones I adduced in chapter 18 for the same rights and consequences of sovereignty by institution.

Dominion is acquired two ways, by *generation* and by *conquest*. [Hobbes has previously used 'generation' to mean 'bringing into being'; and this text has replaced this by 'creation'—e.g. in 'creation of a commonwealth'. In the present context 'generation' means, more narrowly, 'animal reproduction'—begetting and giving birth to.] The right of dominion by generation is what the parent has over his children, and is called *PATERNAL*. It doesn't come from the mere fact of generation, as though the parent had dominion over his child simply because he begot him. Rather, it comes from the child's consent, either explicitly stated or indicated by other sufficient signs. As for the idea that generation alone is enough for dominion: God has given to man a woman, as helper, and there are always two who are equally parents; so the dominion over the child, if it came from generation alone, would belong equally to both parents, and the child would be subject to both equally, which is impossible, for no man can obey two masters. And whereas some—such as Aristotle and Aquinas—have ascribed the dominion to the man only, because the male sex is the more excellent one, they have miscalculated. For there is not always enough difference of strength or prudence between men and women for the right to be determined without war. In commonwealths this controversy is decided by the civil law;

and usually though not always the judgment goes in favour of the father, because most commonwealths have been set up by the fathers of families, not the mothers. But the present question concerns the state of mere nature, where we can't assume laws of matrimony or laws for the upbringing of children, but only the law of nature and the natural fondness of the sexes for one another and for their children. In this raw condition of nature, either the parents settle the dominion over the child jointly, by contract, or they don't settle it at all. If they do, the right goes where the contract says it goes. We find in history that the Amazons contracted with the men of the neighbouring countries—to whom they went to have children—that the male children should be sent back to their fathers, but the female ones would remain with themselves; so that in their case the dominion of the females was in the mother.

If there's no contract, the mother has dominion. For in the condition of mere nature where there are no matrimonial laws it can't be known who is the father, unless the mother tells; so the right of dominion over the child depends on her will—i.e. on her choice not to say who the father is—and consequently it is hers. Also, the infant is at first in the power of the mother, so that she can either nourish it or expose it [= leave it out in the open, to die unless rescued by strangers]. If she nourishes it, it owes its life to the mother and is therefore obliged to obey her rather than anyone else, and consequently the dominion over it is hers. But if she exposes the child and someone else finds and nourishes it, the dominion is in that person. For the child *ought* to obey the man who has preserved it, because preservation of life is the purpose for which one human becomes subject to another, so that every man is supposed to promise obedience to him who has it in his power to save him or destroy him.

If the mother is a *subject* of the father, the child is in the father's power; and if the father is a subject of the mother (as when a sovereign queen marries one of her subjects), the child is subject to the mother, because the father also is her subject. [Curley points out that Hobbes lived under three Stuart kings descended from the marriage of Mary Queen of Scots to one of her subjects.] If a man and a woman who are monarchs of two different kingdoms have a child, and make a contract concerning who shall have dominion of him, the right of dominion goes where the contract puts it. If they don't make a contract, the dominion follows the dominion of the place of the child's residence. For the sovereign of each country has dominion over all that live in it.

He who has dominion over a child has dominion also over the child's children and over their children's children. For he that has dominion over the person of a man has dominion over all that is his; without that, dominion would be just a title with no effect.

The right of succession to paternal dominion, proceeds in the same way as the right of succession to monarchy, about which I have already said enough in chapter 19.

Dominion acquired by conquest, or victory in war, is what some writers call *DESPOTIC*—from *despotes* [Greek], meaning 'lord' or 'master'—and is the dominion of a master over his servant. This dominion is acquired by the victor when the vanquished, seeking to avoid being killed on the spot, covenants either in explicit words or by other sufficient signs of his will that as long as •his life and •the liberty of his body are allowed to him, the victor will have the use of •them at his pleasure. *After* such a covenant is made, the vanquished person is a *SERVANT*—not *before*. The word 'servant' . . . does not mean 'captive', •a status that doesn't involve any covenant. A *captive* is someone who is kept in prison or in fetters until the owner of the man who captured him, or who bought

him from someone who captured him, has decided what to do with him. Such men (commonly called 'slaves') have no obligation at all, but may justly break their bonds or smash the prison, and kill their master or carry him away as a captive. •A servant's situation is nothing like this. A servant is •someone who, having been captured, has bodily liberty allowed to him and is trusted by his master on the strength of his promise not to run away or do violence to his master.

So it's not the victory that gives the victor a right of dominion over the vanquished, but the covenant •between them. What puts the vanquished man under an obligation is not •his being conquered—i.e. defeated and either captured or put to flight—but •his coming in and submitting to the victor •and making with him the covenant I have described. And the mere fact that the vanquished man surrenders (without being promised his life) does not oblige the victor to spare him: when the vanquished man yields himself to the victor's *discretion*, that obliges the victor for only as long as he in his own *discretion* thinks fit. [In this context, 'discretion' = 'freedom to act or decide as one thinks fit'.]

What men do in asking for *quarter* (as it is now called) . . . is to evade the present fury of the victor by submission, and to offer ransom or service in exchange for their life. So someone who receives quarter hasn't been given his life; •the status of his life• is merely deferred until further deliberation •by the victor•; for in asking for quarter he wasn't •yielding on condition of •being allowed his• life, but merely •yielding to •the victor's• discretion. When the victor has entrusted him with his bodily liberty, *then* his life is something he keeps on certain conditions and his service is something he owes; then, but not before. For slaves who work in prisons or in chains •don't owe their service; they• serve not out of duty but to avoid the cruelty of their task-masters.

The master of the servant is master also of everything the servant has, and may demand the use of it—that it, the use of the servant’s goods, of his labour, of *his* servants, and of his children—as often as he thinks fit. For what enables the servant to stay alive rather than being killed by his master is the covenant of obedience through which he owns and authorizes everything the master does. [Hobbes expresses this by saying of the servant that ‘he holdeth his life of his master, by the covenant of obedience’.] And if he refuses to serve, and his master kills or imprisons or otherwise punishes him for his disobedience, the servant is himself the author of this action, and can’t accuse his master of wronging him.

Summing up: the rights and consequences of both paternal and despotic dominion are the very same as those of a sovereign by institution, and for the same reasons—which I have set out in chapter 18. Suppose then that a man is monarch of two nations, having sovereignty •in one by institution of the assembled people, and •in the other by conquest—i.e. by the submission of each individual person, to avoid death or imprisonment. To demand more from the conquered nation than from the one with a commonwealth by institution, simply because the former was conquered, is an act of ignorance of the rights of sovereignty. For the sovereign is absolute over both nations alike; or else there’s no sovereignty at all and every man may lawfully protect himself, if he can, with his own sword—which is the condition of war.

From this it appears that a great family, if it isn’t part of some commonwealth, is in itself a little monarchy in which there are rights of sovereignty, the sovereign being the master or father. This holds, whether the family consist of a man and his children, of a man and his servants, or of a man and his children and servants together. [In Hobbes’s time, ‘family’ could mean something broader, like ‘household’.] But a family

isn’t properly a commonwealth unless it has enough power—through its numbers or its situation—to avoid being subdued without the risk of starting a war. For when a number of men are plainly too weak to mount a united defence by themselves, each of them may, in time of danger, use his own reason to save his life either by flight or by submission to the enemy, as he shall think best; just as a squad of soldiers, when a whole army takes them by surprise, may throw down their arms and ask for quarter or run away rather than being put to the sword.

That brings me to the end of what I have to say about sovereign rights, on the basis of theorizing and deduction concerning the nature, needs, and designs of men when they establish commonwealths and put themselves under monarchs or assemblies which they entrust with enough power for their protection.

Let us now consider what the scripture teaches in the same point. [What follows is about two pages of argument aiming to show that Hobbes’s view of sovereignty is supported by the Bible. The present text omits that material.]

So that it appears plainly to my understanding, both from reason and scripture, that the sovereign power is as great as men can possibly be imagined to make it—whether it is placed in one man (as in monarchy) or in one assembly of men (as in democratic and aristocratic commonwealths). And though men may fancy many evil consequences from such unlimited power, the consequences of *not* having it—namely, perpetual war of every man against his neighbour—are much worse. The condition of men in this life will never be without disadvantages, but the only *big* disadvantages that occur in any commonwealth come from the subject’s disobedience and breaking of the covenants from which the commonwealth gets its existence. Anyway, someone who thinks that sovereign power is too great and seeks to lessen it will have

to subject himself to a power that can limit it—i.e. to a still greater power!

The greatest objection is an argument from practice [= 'people's actual behaviour']. It is asked: where and when have subjects actually acknowledged such power? But I ask in turn: where and when has there been a commonwealth where the power was not absolute and yet there was no sedition and civil war? In nations whose commonwealths have been long-lived, and not destroyed except by foreign war, the subjects never did dispute over the sovereign power. But anyway an argument from the practice of men who •haven't sifted to the bottom and with exact reason weighed

the causes and nature of commonwealths, and who •suffer daily the miseries that come from ignorance of these matters, is invalid. Even if throughout the world men laid the foundations of their houses on sand, it wouldn't follow that that's what they ought to do. The making and maintaining of commonwealths isn't a mere matter of practice [= 'practical know-how'], like tennis; it is a science, with definite and infallible rules, like arithmetic and geometry; poor men don't have the leisure to discover these rules, and men who *have* had the leisure have up until now not had the curiosity to search for them or the method to discover them.

Chapter 21. The liberty of subjects

The •equivalent• terms LIBERTY and FREEDOM, properly understood, signify *the absence of opposition*, i.e. absence of external impediments to motion. These terms may be applied to unthinking and inanimate creatures just as much as to thinking ones. For when something—anything—is tied down or hemmed in so that it can move only within a certain space, this space being determined by the opposition of some external body, we say it doesn't have 'liberty' to go further. So when •any living creature is imprisoned or restrained by walls or chains, or when •water that would otherwise spread itself into a larger space is held back by banks or containers, we are accustomed to say that it's 'not at liberty' to move in the way that it would without those external impediments.

But when the impediment to motion lies in the constitution of the thing itself—as when a stone lies still, or a man is held to his bed by sickness—what we say it lacks is not the 'liberty' to move but rather the 'power' to move.

And according to this proper and generally accepted meaning of the word 'free', a FREEMAN is someone who isn't hindered from doing anything he wants to do that he has the strength and wit for. But when the words 'free' and 'liberty' are applied to anything other than bodies they are misused; for if something isn't the sort of thing that can *move*, it's not the sort of thing that can be *impeded*. I shall give four examples of such misuses. •When it is said that 'the path is free', liberty is attributed not to the path but to

those who walk along it. •When we say ‘the gift is free’, we don’t mean to attribute liberty to *the gift*; we are attributing it to *the giver*, who was not bound by any law or covenant to give it. •When we say that people ‘speak freely’, we are attributing liberty not to the voice or pronunciation but to the man, who was not obliged by any law to speak otherwise than he did. •The use of the phrase ‘free will’ attributes liberty not to a man’s will, desire, or inclination, but to the man himself, whose liberty consists in his meeting no obstacle to his doing what he has the will, desire, or inclination to do.

•Liberty is consistent with •fear: when a man throws his goods into the sea for fear the ship should sink, he does it very willingly, and can refuse to do it if he so desires; so it is the action of someone who is free. Sometimes a man pays a debt only out of fear of imprisonment; but because nobody *prevented* him from keeping the money, paying it was the action of a man at liberty. Quite generally, all the things that men do in commonwealths out of fear of the law are actions which the doers were free to omit and so they were actions freely performed.

•Liberty is consistent with •necessity: water has not only the liberty but the necessity of flowing down the channel. The same holds for the actions that men voluntarily do: because they come from their will, they come from liberty, and yet they also come from necessity, because

every act of man’s will and every desire and inclination comes from some cause, which comes from another cause, and so on backwards in a continual chain whose first link is in the hand of God, the first of all causes.

So that to someone who could see the connection of all those causes, the necessity of all men’s voluntary actions would seem obvious. And therefore God, who sees and arranges everything, sees that a man’s liberty in doing what

he wills is accompanied by the necessity of doing exactly what *God* wills—no more and no less. For though men may do many things contrary to the divine laws, i.e. many things of which God is not the author, nevertheless they have no passion, will, or appetite whose first and full cause is not from God’s will. If God’s will did not assure the necessity of man’s will and (therefore) of everything that depends on man’s will, the liberty of men would conflict with and impede the omnipotence and liberty of God.

And that’s enough for present purposes about natural liberty, which is the only liberty properly so-called.

But just as men have pursued peace and their own survival by making an artificial man, which we call a commonwealth, so also they have made artificial chains, called civil laws, which they have by mutual covenants fastened at one end to the lips of the man or assembly to whom they have given the sovereign power, and at the other end to their own ears. These bonds are in themselves weak, but they can be made to hold not by the *difficulty* but by the *danger* of breaking them.

The liberty of subjects—my next topic—is to be understood purely in relation to these bonds. In no commonwealth in the world are there stated rules that regulate *all* the actions and words of men; indeed there couldn’t be such rules. From this it follows necessarily that in all kinds of actions on which the laws are silent men have the liberty of doing what their own reasons suggest as most profitable to themselves. For •if we take ‘liberty’ in its proper sense of ‘bodily liberty’—i.e. freedom from chains and prison—it would be very absurd for men to clamour, as they do, for the liberty that they so obviously enjoy. And •if we take ‘liberty’ to be exemption from all laws, it is no less absurd for a man to demand liberty, as some do, when *that* liberty would involve the absence of all laws, and would thus enable all other

men to be masters of his life. Yet this absurdity is what some people demand, not realizing that the laws have no power to protect them unless a sword in the hands of some man or assembly of men causes the laws to be obeyed. So the liberty of a subject lies only in the things that the sovereign passes over in regulating their conduct: such as the liberty •to buy and sell and otherwise contract with one another, •to choose their own home and diet and trade, •to educate their children as they think fit, and the like.

But we're not to infer that the subjects' having such liberty abolishes or limits the sovereign power over life and death. For I have already shown in chapter 18 that he who has the supreme power, i.e. the commonwealth, can't wrong his citizens, even though he can by his wickedness do wrong to God.

So it can and often *does* happen in commonwealths that a subject is put to death by the command of the sovereign power, without either of them having wronged the other, as when Jephtha caused his daughter to be sacrificed. [As a way of thanking God for his victory over the Ammonites, Jephtha vowed that 'whoever cometh forth of the doors of my house to greet me. . . I will offer up for a burnt offering. . . And behold his daughter came out to greet him. . . Her father did with her according to his vow.' *Judges* 11: 31, 34, 39.] In cases like this, the person who dies was free to perform the action for which he or she is nevertheless put to death—without being wronged. And the same holds true when a sovereign prince puts to death an innocent subject, as David did to Uriah because he fancied Uriah's wife. For although the action is against the law of nature, as being contrary to equity, it was not a wronging of Uriah but of God. Not •of Uriah, because Uriah himself had in covenanting to be a subject given David the right to do what he pleased; but •of God, because David was God's subject, and was prohibited from all wickedness by the law of nature.

David himself evidently confirmed this distinction, when he repented of his action and said to God 'To thee only have I sinned' [2 *Samuel* 11, *Psalms* 4:51]. Similarly, when the Athenian people sent a citizen into exile by ostracism, it did not accuse him of a crime, but exiled whomever a majority of citizens wished to exile—not because he had violated the laws but because he seemed so powerful that he *could* violate them and get away with it. Therefore, they banished from the commonwealth Aristedes, to whom they had previously given the name 'the Just'. They likewise banished Hyperbolus, a scurrilous jester whom nobody feared, because they wanted to; perhaps they did it as a joke, but this wasn't unjust, because they banished him by the right of the commonwealth.

The liberty that is so frequently mentioned and honoured in the histories and philosophy of the ancient Greeks and Romans, and in the writings and discourse of those who have taken from that source all they know about politics, is the liberty not of particular men but of the commonwealth. If each individual man had *that* liberty, there would be no civil laws and no commonwealth at all; and the effects would be the same for individuals as it is for states. Among •masterless men there is perpetual war of every man against his neighbour—

no inheritance to transmit to the son or to expect from the father,
no ownership of goods or lands,
no security

—just a full and absolute liberty for every individual man. Similarly with •states and commonwealths that don't depend on one another: every commonwealth (not every man) has an absolute liberty to do what it judges to be most conducive to its benefit (that is, what is so judged by the man or assembly that represents it). But along with their freedom they live in a condition of perpetual war, and at the edges of battle-

grounds, with their frontiers armed and cannons planted against their surrounding neighbours. The Athenians and Romans were free, i.e. they were *free commonwealths*. It wasn't that individual men had the liberty to resist their own representative, but that their representative had the liberty to resist or invade other people. The word LIBERTAS is written in large letters on the turrets of the city of Lucca at this day, but this doesn't imply that individual men there have more liberty, or more immunity from service to the commonwealth, than men do in Constantinople. Whether a commonwealth is monarchic or democratic, the freedom is still the same.

But it is easy for men to be deceived by the glittering word 'liberty' and (lacking skill in making distinctions) to think they have as a private inheritance and birthright something that is really the right only of the public, the commonwealth. And when the same mistake is supported by the authority of men who are renowned for their writings on this subject, it's no wonder that it leads to sedition and change of government. In these western parts of the world we are made to receive our opinions about the institution and rights of commonwealths from Aristotle, Cicero, and other Greeks and Romans. These writers didn't derive the rights of commonwealths from the principles of nature; instead, they wrote them into their books out of the practice of their own commonwealths, which were democratic, as 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. The Athenians were taught (to keep them from wanting to change their government) that they were freemen, and that all who lived under a monarchy were slaves; so that's what Aristotle says in his *Politics* (6:2): 'In a democracy, liberty is to be supposed; for it is commonly held that no man is free in any other form of government.' Similarly, Cicero, and other writers have

based their theory of civil government on the opinions of the Romans, who were taught to hate monarchy—first by those who, having deposed their sovereign, shared amongst them the sovereignty of Rome, and afterwards by their successors. And from reading these Greek and Latin authors, men from their childhood have acquired a habit (under the false slogan of 'liberty') of

favouring uproars, lawlessly controlling the actions of their sovereigns, and then controlling those controllers;

with so much blood being spilt that I think I can truly say that the price these western lands have paid for learning the Greek and Latin tongues is the highest that anyone has ever paid for anything.

We come now to details concerning the true liberty of a subject, i.e. what the things are that a subject may without injustice refuse to do when commanded to do them by the sovereign. To grasp the answer to this, we must consider what rights we relinquish when we make a commonwealth, or (the same thing) what liberty we deny ourselves by owning all the actions—all without exception—of the man or assembly we make our sovereign. For our *obligation* to obey and our *liberty* not to obey both reside in our act of *submission*; so the extent of each must be inferred from the act of submission, because no man has any obligation that doesn't arise from some act of his own, for all men are by nature free. Such inferences must rely either on the explicit words 'I authorize all his actions' or on his intention in submitting himself to the sovereign's power (which intention is to be understood from the purpose for which he submits). So the obligation and the liberty of the subject are to be derived either from those words or others equivalent to them, or else from the purpose of the institution of sovereignty, which is the peace of the subjects among themselves and

their defence against a common enemy.

First, therefore, seeing that sovereignty by institution comes about through a covenant of everyone to everyone, and that sovereignty by acquisition comes about through a covenant of the vanquished to the victor or of the child to the parent, it is obvious that every subject has liberty in respect of anything the right to which *cannot* be transferred by covenant. I showed in chapter 14 that covenants not to defend one's own body are void. Therefore, If the sovereign commands a man to kill, wound, or maim himself, or not to resist those who assault him, or to abstain from the use of food, air, medicine, or anything else that he needs in order to live, that man has the liberty to disobey, even if he has been justly condemned to death.

If a man is interrogated by the sovereign, or by someone acting on his behalf, concerning a crime the man has committed, he isn't bound (unless promised a pardon) to confess it, because as I showed in chapter 14 no man can be obliged by covenant to accuse himself.

Again, the subject's consent to sovereign power is contained in the words 'I authorize or take upon me all his actions', and these contain 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 orders me to do so. It is one thing to say 'Kill me, or my fellow, if you please' and another thing to say 'I will kill myself, or my fellow'. So it follows that no man is bound by the words themselves to kill either himself or any other man; so the obligation that a man may sometimes have to do something dangerous or dishonourable when ordered to by the sovereign, depends not on the words of our submission but on the intention with which we submit, and that is to be inferred from the purpose of the submission. Therefore: when our refusal to obey frustrates the purpose for which the sovereignty was

ordained, then there's no liberty to refuse; otherwise there is. [The abrupt switch from third-person to first-person is Hobbes's.] Upon this ground, a man who is commanded as a soldier to fight against the enemy—even if his sovereign has the right to punish his refusal with death—may in many cases refuse without injustice. An example is when he substitutes a sufficient soldier in his place; for in this case he doesn't desert the service of the commonwealth. And allowance should be made for natural timidity not only of women (from whom no such dangerous duty is expected) but also of men of feminine courage. When armies fight, there's a running away on one side or on both; but when what leads the soldiers to run is not treachery but fear, they are thought to act dishonourably but not unjustly. By the same reasoning, avoiding battle is cowardice but not injustice. But someone who enrolls himself as a soldier, or accepts an advance on his pay, can no longer plead the excuse of a timorous nature; he is obliged not only to go into battle but also not to run from it without his captain's permission. And when the defence of the commonwealth requires the simultaneous help of all citizens, each person who can either bear arms or contribute something, however little, to victory, is obliged to undertake military service; because otherwise it was pointless for them to institute commonwealth—one that they haven't the purpose or courage to preserve.

No man has liberty to resist the sword of the commonwealth in defence of another man, whether he is guilty or innocent, because such a liberty would detract from the sovereign's means for protecting us, and would therefore be destructive of the very essence of government. But if a great many men have all together already unjustly resisted the sovereign power or committed some capital crime for which each expects death, do they have the liberty to join together and assist and defend one another? Certainly they have; for

they are only defending their lives, which the guilty man is as entitled to do as the innocent. There was indeed injustice in their first breach of duty; ·but· their bearing of arms subsequent to it, although it is to maintain what they have ·unjustly· done, isn't a *further* unjust act. And if it is only to defend their own persons it's not unjust at all. But an offer of pardon takes the plea of self-defence away from those to whom it is made, and renders unlawful their perseverance in helping or defending one another.

All other liberties depend on the silence of the law. A subject is at liberty to do A or not do A, as he pleases, if the sovereign hasn't prescribed any rule regarding actions of that kind. This kind of liberty, therefore, is greater at some places or times than at others, depending on what the sovereign ·at each time and place· thinks most appropriate. For example, there was a time when in England a man might *by force* go onto his own land and dispossess anyone who had wrongfully taken it over; but in later years that liberty of forcible entry was taken away by a law made (by the king) in parliament. Another example: in some places in the world men are free to have many wives; in other places they have no such liberty.

If a subject has a controversy with his sovereign concerning

debt, or right of possession of lands or goods, or any service required from the subject, or any penalty, whether corporal or monetary,

on the basis of an already existing law, he has the same liberty to sue ·the sovereign· for his right that he would to sue another subject, doing this before judges who are appointed by the sovereign. For the sovereign bases his demands on the force of an existing law and not on his power ·as sovereign·, and so he ·implicitly· declares that he is demanding ·only what that law says to be required ·from the subject·. So

the suit isn't contrary to the will of the sovereign, and consequently the subject is free to demand that his case be heard and judgment given according to that law. But if the sovereign demands or takes anything ·on the basis of his claim to power, there is no basis for legal action; for in such a case what the sovereign does by virtue of his power is done by the authority of every subject; so someone who brought a legal action against the sovereign would be bringing it against himself.

If a monarch or sovereign assembly grants a liberty to some or all of his subjects, where the result of this would be that he is no longer able to provide for their safety, the grant is *void* unless he explicitly renounces the sovereignty or transfers it to someone else. ·An *explicit* renunciation or transfer is required, because· if he wanted to renounce or transfer he could easily have done so in plain language; so if he didn't, it's to be understood that that isn't what he wanted, and that the grant ·of liberty· came from ·his· ignorance of how that liberty would conflict with the sovereign power. In such a case, therefore, ·the grant of liberty is void, and· the sovereignty is still retained, and consequently so are all the powers that are necessary for the exercise of sovereignty—the power of war and peace, of judicature, of appointing officers and councillors, of raising money, and all the rest listed in chapter 18.

The obligation of subjects to the sovereign is understood to last as long as he has the power to protect them, and no longer. For the right that men have by nature to protect themselves when no-one else can protect them can't be relinquished by any covenant. The sovereignty is the soul of the commonwealth, and once it has departed from the body the limbs no longer get their motion from it. The purpose of *obedience* is *protection*; and wherever a man sees ·the prospect of· protection, whether in his own sword or

someone else's, nature directs his obedience to it and his endeavour to maintain it. In the intention of those who make it, sovereignty is immortal; but in its own nature it is not only •subject to violent death by foreign war, but also •contains within it from the moment of its birth many seeds of a natural mortality, through internal discord arising from the ignorance and passions of men.

If a subject is taken prisoner in war, or his person or his means of life come under the control of the enemy, and if he has his life and bodily liberty given to him on condition that he becomes a subject of the victor, he has liberty to accept this condition; and then he is the subject of the victor, because he had no other way to preserve himself. . . . But if a man is held in prison or chains, or is •somehow• not trusted with the liberty of his body, he can't be understood to be bound by covenant to submit; and so he may escape by any means whatsoever, if he can.

If a monarch relinquishes the sovereignty, both for himself and for his heirs, his subjects return to the unconditional liberty of nature. That is because, although *nature* declares who are his sons and who are his next of kin, it is (as I said in chapter 19) for *him* to decide who shall be his heir. So if he decides not to have an heir, then •his action of relinquishing his sovereignty creates a situation where• no-one is sovereign and no-one is a subject. The case is the same if he

dies without known relatives and without declaring who is to be his heir. For in that case no heir can be known, and so no subjection is due.

A subject who is banished by the sovereign is *not* a subject during the banishment. Someone who is sent with a message or given leave to travel *is* still a subject, but what makes him so is a contract between sovereigns, not his covenant of subjection. For whoever enters into someone else's dominion is subject to all its laws, unless he has a privilege •of exemption from them• through friendly agreements between the sovereigns, or by special licence.

If a monarch who is subdued by war makes himself subject to the victor, *his* subjects are released from their former obligation •to him• and become obliged •instead• to the victor. But if he is held prisoner, or •in some other way• doesn't have the liberty of his own body, he isn't understood to have given away the right of sovereignty, and therefore his subjects are obliged to obey the magistrates whom he previously appointed, governing not in *their* name but in *his*. For since his right remains, the question is only about his administration, i.e. about •which• magistrates and officers •are to act for him in his absence•; and if he doesn't have a way of naming them he is assumed to approve the ones he himself had previously appointed.