
Thomas Hobbes

(1588-1679)

Thomas Hobbes was born on Good Friday, April 5, 1588. Legend has it that the news of the approaching Spanish Armada frightened his mother into premature labor, and that, as Hobbes put it in his autobiography, "she bore twins, me together with fear." Hobbes' father, the Vicar of Malmesbury, abandoned his family when Thomas was quite young; he fled to London to avoid prosecution for assaulting another clergyman, and died there in obscurity. Thomas was raised by his mother and a wealthy uncle, who provided his nephew with the opportunity to attend Oxford. Hobbes graduated from Oxford in 1608 with a B.A. in classical Greek and Latin literature.

Hobbes earned his living as a tutor of the sons of noble families. Besides his service to William of Cavendish, the Earl of Devonshire, and Sir Gervase Clifton, a gentleman of Nottinghamshire, Hobbes was also employed by King Charles I as the mathematical tutor of his son, the Prince of Wales, afterwards Charles II. These aristocratic connections allowed Hobbes to associate with some of the leading intellectual figures of the 17th Century: he was the friend and colleague of Francis Bacon, Galileo Galilei, Rene Descartes, Pierre Gassendi, and William Harvey. Hobbes was, thus, one of the inner circle that effected the intellectual revolution that ushered in the modern era. After a long and tumultuous life, Hobbes died at the age of 91 at Harwick, England, on December 4, 1679.

Hobbes' primary interest was theoretical philosophy—logic, mathematics, physics, physiology, and psychology. His great ambition was to construct a philosophical system that would explain all the facts of the universe, including the inner life, emotions, and will of man, as consequences of the abstract principles of the (then) new science of motion (i.e., mathematical physics). However, for a twelve year period, from about 1638-1651, Hobbes interrupted his theoretical studies in response to the political turmoil then sweeping over England—the events leading to the English Civil War and the eventual execution of King Charles I. The major result of Hobbes' political involvements was the publication of three books—The Elements of Law (1640), De Cive, or The Citizen (1642), and Leviathan (1651)—arguably among the most important works in political philosophy ever written.

The excerpt that follows is from Hobbes' Leviathan: The Matter, Form, and Power of a Commonwealth, Ecclesiastical and Civil. His intention in this work is to discover, by an analysis of human nature, the origin, limits, and purpose of political power. Hobbes believes that this inquiry will result in the discovery of norms that could really provide the basis for peaceful and civilized political life.

The most important, and famous, component of this reflection is Hobbes' description of "the natural condition of mankind," more commonly known as "the state of (mere) nature." According to Hobbes, the human condition is naturally a state of war, a war of all against all, to which men are driven by: (1) a competition for scarce resources, (2) diffidence, or a constant despair of obtaining what is needed for humane life, and (3) glory, or the desire for reputation, i.e., the desire lurking in the heart of every man to have "all the world, if [he] could, to fear and obey [him]." The natural human condition is, thus, one of "continual fear, and danger of violent death" in which human life is "solitary, poor, nasty, brutish, and short." This condition exists wherever there is no common power to settle controversies. The state of nature is a real and recurrent possibility, and not simply a concoction of the imagination, or an example of counterfactual hypothetical reasoning describing a limiting case (analogous to the way that the principle of inertia functions in Galilean physics), or a feature of prehistoric human life.

Yet while part of human nature dissociates men, rendering them apt to invade and destroy one another, other passions natural to man—namely, fear of a violent death, desire for things necessary for humane life, and hope by work of acquiring these—provide the natural basis for the equally natural human appetite for peace. More precisely, it is the natural conflict in the human heart and mind between glory, or pride, and fear that brings people to reason, and consequently to the discovery of the need to surrender their natural liberty to a sovereign power, the great "Leviathan," who "is a king over all the children of pride" (Job 41:34). On this score Hobbes is in wholehearted agreement with the Talmudic saying: "But for the fear of government, men would swallow each other alive."

What we discover, when and if fear, desire, and hope conquer competition, diffidence, and glory, are the Laws of Nature. The first two of these "precepts of reason" are "that every man ought to endeavour peace" and "that [every man ought] to be willing. . . to lay down [his natural] right to all things, and be contented with so much liberty against other men, as he would allow other men against himself." These two precepts, together with the third law of nature--that men perform their covenants made--and the sixteen additional laws of nature Hobbes specifies in Leviathan, comprise the whole of the moral law, which is at once the condition of individual virtue and the condition of collective peace, security, and prosperity. It is by endeavoring with all our will, as far as matter and human force permit, to live by these precepts that we escape the state of nature, and enter on the path of civilization.

gm

from *Leviathan*

Chapter 13

*Of the Natural Condition of Mankind
as Concerning Their Felicity, and Misery*

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

And as to the faculties of the mind, setting aside the arts grounded upon words, and especially that skill of proceeding upon general and infallible rules called science--which very few have, and but in few things, as being not a native faculty born with us, nor attained, as prudence, while we look after somewhat else--I find yet a greater equality amongst men, than that of strength. For prudence is but experience; which equal time equally bestows on all men, in those things they equally apply themselves unto. That which may perhaps make such equality incredible is but a vain conceit of one's own wisdom, which almost all men think they have in a greater degree than the vulgar; that is, than all men but themselves, and a few others, whom by fame, or for concurring with themselves, they approve. For such is the nature of men, that howsoever they may acknowledge many others to be more witty, or more eloquent, or more learned; yet they will hardly believe there be many so wise as themselves; for they see their own wit at hand, and other men's at a distance. But this proveth rather that men are in that point equal, than unequal. For there is not ordinarily a greater sign of the equal distribution of any thing, than that every man is contented with his share.

From this equality of ability, ariseth equality of hope in the attaining of our ends. And therefore if any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies; and in the way to their end, which is principally their own conservation, and sometimes their delectation only, endeavor to destroy or subdue one another. And from hence it comes to pass, that where an invader hath no more to fear, than another man's single power; if one plant, sow, build, or possess a convenient seat, others may probably be expected to come prepared with forces united to dispossess and deprive him, not only of the fruit of his labour, but also of his life, or liberty. And the invader again is in the like danger of another.

And from this diffidence of one another, there is no way for any man to secure himself so reasonable as anticipation; that is, by force, or wiles, to master the persons of all men he can, so long till he see no other power great enough to endanger him: and this is no more than his own conservation requireth, and is generally allowed. Also because there be some, that taking pleasure in contemplating their own power in the acts of conquest, which they pursue farther than their security requires; if others, that otherwise would be glad to be at ease within modest bounds, should not by invasion increase their power, they would not be able, long time, by standing only on

their defence, to subsist. And by consequence, such augmentation of dominion over men being necessary to a man's conservation, it ought to be allowed him.

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

So that in the nature of man, we find three principal causes of quarrel. First, competition; secondly, diffidence; thirdly, glory.

The first maketh men invade for gain; the second, for safety; and the third, for reputation. They first use violence, to make themselves masters of other men's persons, wives, children, and cattle; the second, to defend them; the third, for trifles, as a word, a smile, a different opinion, and any other sign of undervalue, either direct in their persons, or by reflection in their kindred, their friends, their nation, their profession, or their name.

Hereby it is manifest, that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war, as is of every man against every man. For War consisteth not in battle only, or the act of fighting; but in a tract of time, wherein the will to contend by battle is sufficiently known: and therefore the notion of time is to be considered in the nature of war; as it is in the nature of weather. For as the nature of foul weather, lieth not in a shower or two of rain; but in an inclination thereto of many days together: so the nature of war, consisteth not in actual fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is PEACE.

Whatsoever therefore is consequent to a time of war, where every man is enemy to every man; the same is consequent to the time, wherein men live without other security, than what their own strength and their own invention shall furnish them withal. In such condition, there is no place for industry; because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving, and removing, such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.

It may seem strange to some man, that has not well weighed these things; that nature should thus dissociate and render men apt to invade, and destroy one another: and he may therefore, not trusting to this inference made from the passions, desire perhaps to have the same confirmed by experience. Let him therefore consider with himself, when taking a journey, he arms himself, and seeks to go well accompanied; when going to sleep, he locks his doors; when even in his house he locks his chests; and this when he knows there will be laws, and public officers, armed, to revenge all injuries shall be done him; what opinion he has of his fellow-subjects, when he rides armed; of his fellow citizens, when he locks his doors; and of his children, and servants when he locks his chests. Does he not there as much accuse mankind by his actions, as I do by my words? But neither of us accuse man's nature in it. The desires and other passions of man are in themselves no sin. No more are the actions, that proceed from those passions, till they know a law that forbids them: which till laws be made

they cannot know: nor can any law be made, till they have agreed upon the person that shall make it.

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

But though there had never been any time, wherein particular men were in a condition of war one against another; yet in all times, kings and persons of sovereign authority, because of their independency, are in continual jealousies, and in the state and posture of gladiators; having their weapons pointing, and their eyes fixed on one another; that is, their forts, garrisons, and guns upon the frontiers of their kingdoms; and continual spies upon their neighbors; which is a posture of war. But because they uphold thereby the industry of their subjects; there does not follow from it that misery, which accompanies the liberty of particular men.

To this war of every man against every man, this also is consequent, that nothing can be unjust. The notions of right and wrong, justice and injustice have there no place. Where there is no common power, there is no law: where no law, no injustice. Force and fraud are in war the two cardinal virtues. Justice and injustice are none of the faculties neither of the body, nor mind. If they were, they might be in a man that were alone in the world, as well as his senses and passions. They are qualities, that relate to men in society, not in solitude. It is consequent also to the same condition, that there be no property, no dominion, no mine and thine distinct; but only that to be every man's, that he can get; and for so long, as he can keep it. And thus much for the ill condition, which man by mere nature is actually placed in; though with a possibility to come out of it, consisting partly in the passions, partly in his reason.

The passions that incline men to peace, are fear of death; desire of such things as are necessary to commodious living; and a hope by their industry to obtain them. And reason suggesteth convenient articles of peace, upon which men may be drawn to agreement. These articles are they which otherwise are called the Laws of Nature: whereof I shall speak more particularly, in the two following chapters.

Chapter 14

Of the First and Second Natural Laws, and of Contracts

THE RIGHT OF NATURE, which writers commonly call *jus naturale*, is the liberty each man hath to use his own power as he will himself, for the preservation of his own nature; that is to say, of his own life; and consequently, of doing any thing, which in his own judgment, and reason, he shall conceive to be the aptest means thereunto.

BY LIBERTY is understood, according to the proper signification of the word, the absence of external impediments: which impediments, may oft take away part of a man's, to do what he would, but cannot hinder him from using the power left him, according as his judgment and reason shall dictate to him.

A LAW OF NATURE, *lex naturalis*, is a precept or general rule, found out by reason, by which a man is forbidden to do that, which is destructive of his life, or taketh away the means of preserving the same; and to omit that, by which he thinketh it may be best preserved. For though they that speak of this subject, use to confound *jus*, and *lex*, *right* and *law*: yet they ought to be distinguished; because RIGHT consisteth in liberty to do, or to forbear; whereas LAW determineth, and bindeth to one of them: so that law and right differ as much as obligation and liberty; which in one and the same manner are inconsistent.

And because the condition of man, as hath been declared in the precedent chapter, is a condition of war of every one against every one: in which case every one is governed by his own reason; and there is nothing he can make use of, that may not be a help unto him, in preserving his life against his enemies; it followeth, that in such a condition, every man has a right to every thing; even to one another's body. And therefore, as long as this natural right of every man to every thing endureth, there can be no security to any man, how strong or wise soever he be, of living out the time, which nature ordinarily alloweth men to live. And consequently it is a precept, or general rule of reason, that *every man, ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps and advantages of war.* The first branch of which rule containeth the first and fundamental law of nature; which is, *to seek peace and follow it.* The second, the sum of the right nature; which is, by all means we can, to defend ourselves.

From this fundamental law of nature, by which men are commanded to endeavour peace, is derived this second law: *that a man be willing, when others are so too, as far-forth, as for peace and defense of himself he shall think it necessary, to lay down this right to all things and be contented with so much liberty against other men, as he would allow other men against himself.* For as long as every man holdeth this right, of doing any thing he liketh; so long are all men in condition of war. But if other men will not lay down their rights, as well as he; then there is no reason for any one, to divest himself of his: for that were to expose himself to prey, which no man is bound to, rather than to dispose himself to peace. This is that law of the Gospel; *whatsoever you require that others should do to you, that do ye to them.* And that law of all men, *quod tibi fieri non vis, alteri ne feceris.* [What you do not wish done to you, do not do to others.]

To lay down a man's right to any thing, is to divest himself of the liberty, of hindering another of the benefit of his own right to the same. For he that renounceth, or passeth away his right, giveth not to any other man a right which he had not before; because there is nothing to which every man had not right by nature: but only standeth out of his way, that he may enjoy his own original right, without hindrance from him; not without hindrance from another. So that the effect which redoundeth to one man, by another man's defect of right, is but so much diminution of impediments to the use of his own right original.

Right is laid aside, either by simply renouncing it; or by transferring it to another. By simply RENOUNCING; when he cares not to whom the benefit thereof redoundeth. By TRANSFERRING; when he intendeth the benefit thereof to some certain person, or persons. And when a man hath in either manner abandoned, or granted away his right; then is he said to be OBLIGED, or BOUND, not to hinder those, to whom such right is granted, or abandoned, from the benefit of it: and that he ought, and it is his DUTY, not to make void that voluntary act of his own: and that such hindrance is INJUSTICE, and INJURY, as being *sine jure* [without legal basis];

the right being before renounced, or transferred. So that *injury*, or *injustice*, in the controversies of the world, is somewhat like to that, which in the disputations of scholars is called absurdity. For as it is there called an *absurdity*, to contradict what one maintained in the beginning: so in the world, it is called injustice, and injury, voluntarily to undo that, which from the beginning he had voluntarily done. The way by which a man either simply renounceth, or transferreth his right, is a declaration, or signification, by some voluntary and sufficient sign, or signs, that he doth so renounce, or transfer; or hath so renounced, or transferred, the same, to him that accepteth it. And these signs are either words only, or actions only; or as it happeneth most often, both words, and actions. And the same are the BONDS, by which men are bound, and obliged: bonds, that have their strength, not from their own nature, for nothing is more easily broken than a man's word, but from fear of some evil consequence upon the rapture.

Whensoever a man transferreth his right, or renounceth it; it is either in consideration of some right reciprocally transferred to himself; or for some other good he hopeth for thereby. For it is a voluntary act: and of the voluntary acts of every man, the object is some *good to himself*. And therefore there be some rights, which no man can be understood by any words, or other signs, to have abandoned, or transferred. As first a man cannot lay down the right of resisting them, that assault him by force, to take away his life; because he cannot be understood to aim thereby, at any good to himself. The same may be said of wounds and chains and imprisonment, both because there is no benefit consequent to such patience as there is to the patience of suffering another to be wounded or imprisoned: as also because a man cannot tell, when he seeth men proceed against him by violence, whether they intend his death or not. And lastly the motive, and end for which this renouncing, and transferring of right is introduced, is nothing else but the security of a man's person, in his life, and in the means of so preserving life, as not to be weary of it. And therefore if a man by words, or other signs, seem to despoil himself of the end, for which those signs were intended; he is not to be understood as if he meant it, or that it was his will; but that he was ignorant of how such words and actions were to be interpreted.

Chapter 15

of [Justice and] Other Laws of Nature

From that law of nature, by which we are obliged to transfer to another such rights, as being retained, hinder the peace of mankind, there followeth a third; which is this, *that men perform their covenants made*: without which, covenants are in vain, and but empty words; and the right of all men to all things remaining, we are still in the condition of war.

And in this law of nature, consisteth the fountain and original of JUSTICE. For where no covenant hath preceded, there hath no right been transferred, and every man has right to every thing; and consequently no action can be unjust: But when a covenant is made, then to break it is *unjust*: and the definition of INJUSTICE, is no other than *the not performance of covenant*. And whatsoever is not unjust is *just*.

But because covenants of mutual trust, where there is a fear of not performance on either part. . . are invalid; though the original of justice be the making of covenants; yet injustice actually there can be none, till the cause of such fear be taken away; which

while men are in the natural condition of war cannot be done. Therefore before the names of just and unjust can have place, there must be some coercive power, to compel men equally to the performance of their covenants, by the terror of some punishment greater than the benefit they expect by the breach of their covenant; and to make good that propriety, which by mutual contract men acquire, in recompense of the universal right they abandon: and such power there is none before the erection of a commonwealth. And this is also to be gathered out of the ordinary definition of justice in the Schools: for they say, that *justice is the constant will of giving to every man his own*. And therefore where there is no *own*, that is no propriety, there is no injustice; and where there is no coercive power erected, that is, where there is no commonwealth, there is no propriety; all men having right to all things: therefore where there is no commonwealth, there nothing is unjust. So that the nature of justice consisteth in keeping of valid covenants: but the validity of covenants begins not but with the constitution of a civil power, sufficient to compel men to keep them: and then it is also that propriety begins.

The fool hath said in his heart, there is no such thing as justice; and sometimes also with his tongue; seriously alleging, that every man's conservation, and contentment, being committed to his own care, there could be no reason, why every man might not do what he thought conduced thereunto: and therefore also to make, or not make; keep, or not keep covenants, was not against reason, when it conduced to one's benefit. He does not therein deny, that there be covenants; and that they are sometimes broken, sometimes kept; and that such breach of them may be called injustice, and the observance of them justice: but he questioneth, whether injustice, taking away the fear of God, for the same fool hath said in his heart there is no God, may not sometimes stand with that reason, which dictateth to every man his own good; and particularly then, when it conduceth to such a benefit, as shall put a man in a condition, to neglect not only the dispraise, and revilings, but also the power of other men. . . . This specious reasoning is nevertheless false.

For the question is not of promises mutual, where there is no security of performance on either side; as when there is no civil power erected over the parties promising; for such promises are no covenants: but either where one of the parties has performed already; or where there is a power to make him perform; there is the question whether it be against reason, that is, against the benefit of the other to perform, or not. And I say it is not against reason. For the manifestation whereof, we are to consider; first, that when a man doth a thing, which notwithstanding any thing can be foreseen, and reckoned on, tendeth to his own destruction, howsoever some accident which he could not expect, arriving may turn it to his benefit; yet such events do not make it reasonably or wisely done. Secondly, that in a condition of war, wherein every man to every man, for want of a common power to keep them all in awe, is an enemy, there is no man who can hope by his own strength, or wit, to defend himself from destruction, without the help of confederates; where every one expects the same defense by the confederation, that any one else does: and therefore he which declares he thinks it reason to deceive those that help him, can in reason expect no other means of safety, than what can be had from his own single power. He therefore that breaketh his covenant, and consequently declareth that he thinks he may with reason do so, cannot be received into any society, that unite themselves for peace and defense, but by the error of them that receive him; nor when he is received, be retained in it, without seeing the danger of their error; which errors a man cannot reasonably reckon upon as the means of his security: and therefore if he be left, or

cast out of society, he perisheth; and if he live in society, it is by the errors of other men, which he could not foresee, nor reckon upon; and consequently against the reason of his preservation; and so, as all men that contribute not to his destruction, forebear him only out of ignorance of what is good for themselves. . . .

Chapter 29

Of Those Things that Weaken, or tend to the Dissolution of a Commonwealth

Though nothing can be immortal, which mortals make: yet, if men had the use of reason they pretend to, their commonwealths might be secured, at least from perishing by internal diseases. For by the nature of their institution, they are designed to live, as long as mankind, or as the laws of nature, or as justice itself, which gives them life. Therefore when they come to be dissolved, not by external violence, but intestine disorder, the fault is not in men, as they are the *matter*, but as they are the *makers*, and orderers of them. . . .

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

Of which, this is one, *that a man to obtain a kingdom, is sometimes content with less power, than to the peace, and defence of the commonwealth is necessarily required.* From whence it cometh to pass, that when the exercise of the power laid by, is for the public safety to be resumed, it hath the resemblance of an unjust act; which disposeth great numbers of men, when occasion is presented, to rebel; in the same manner as the bodies of children, gotten by diseased parents, are subject either to untimely death, or to purge the ill quality, derived from their vicious conception, by breaking into biles and scabs. And when kings deny themselves some such necessary power, it is not always, though sometimes, out of ignorance of what is necessary to the office they undertake; but many times out of a hope to recover the same again at their pleasure. Wherein they reason not well; because such as will hold them to their promises, shall be maintained against them by foreign commonwealths; who in order to the good of their own subjects let slip few occasions to *weaken* the estate of their neighbours. . . .

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

Another doctrine repugnant to civil society, is *that whatever a man does against his conscience is sin;* and it dependeth on the presumption of making himself judge of good and evil. For a man's conscience, may be erroneous. Therefore, though he that is subject to no civil law, sinneth in all he does against his conscience, because he has

no other rule to follow but his own reason; yet it is not so with him that lives in a commonwealth; and his judgment is the same thing, and as the judgment, so also the conscience, because the law is the public conscience, by which he hath already undertaken to be guided. Otherwise in such diversity, as there is of private consciences, which are but private opinions, the commonwealth must needs be distracted, and no man dare to obey the sovereign power, further than it shall seem good in his eyes.

It hath been also commonly taught, *that faith and sanctity, are not to be attained by study and reason, but by supernatural inspiration, or infusion.* Which granted, I see not why any man should render a reason of his faith; or why every Christian should not be also a prophet; or why any man should take the law of his country, rather than his won inspiration, for the rule of his action. And thus we fall again in the fault of taking upon us to judge of good and evil; or to make judges of it, such private men as pretend to be supernaturally inspired, to the dissolution of all civil government. Faith comes by hearing, and hearing by those accidents, which guide us into the presence of them that speak to us; which accidents are all contrived by God Almighty; and yet are not supernatural, but only, for the great number of them that concur to every effect, unobservable. Faith and sanctity, are indeed not very frequent; but yet they are not miracles, but brought to pass by education, discipline, correction, and other natural ways, by which God worketh them in his elect, at such times as he thinketh fit. And these three opinions, pernicious to peace and government, have in this part of the world, proceeded chiefly from the tongues, and pens of unlearned divines, who joining the words of Holy Scripture together, otherwise than is agreeable to reason, do what they can, to make men think, that sanctity and natural reason, cannot stand together.

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

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

There is a sixth doctrine, plainly and directly against the essence of the commonwealth; and it is this, *that the sovereign power may be divided.* For what is it to divide the power of a commonwealth, but to dissolve it; for powers divided mutually destroy each other. And for these doctrines, men are chiefly beholding to some of

those that making profession of the laws, endeavor to make them depend upon their own learning, and not upon the legislative power. . . .

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