Thomas Hobbes, *Leviathan*

Thomas Hobbes was born prematurely in 1588, several months before the Spanish Armada set sail in an attempt to invade England and restore Catholic hegemony in Europe. Hobbes later said

that his mother "gave birth to twins: myself and fear." Although he famously described human existence as "solitary, poor, nasty, brutish, and short," Hobbes would live a productive and long life, dying in 1679 at the age of 91. Between 1610 and 1615, he was on a grand tour of Europe, where he was exposed to Continental scientific and critical methods differing from the scholasticism he had learned at Oxford. Hobbes was expert in the classical languages, and in 1628 he produced the first translation of Thucydides' *History of the Peloponnesian War* from a Greek manuscript. He served as Bacon's amanuensis for a time.

Hobbes sought to establish a "science of politics," through a geometric method. His writings led to accusations of atheism from his opponents. His great problem was how to prevent civil war. Hobbes lived through the catastrophic years of the English Civil War (1642–1651), which overlapped with the conflagration on the Continent, the Thirty Years' War (1618-1648). His most important work, *Leviathan* (1651 in English, 1668 in Latin), is one of the masterpieces of political theory and the greatest work of political philosophy in the English language. This book is also credited with inventing the idea of the social contract, which would decisively shape all of modern political theory. Hobbes helped to theoretically secure the absolute sovereignty of the modern nation-Fstate.

X: Of Power, Worth, Dignity, Honour and Worthiness

The power of a man, to take it universally, is his present means to obtain some future apparent good, and is either original or instrumental.

Natural power is the eminence of the faculties of body, or mind; as extraordinary strength, form, prudence, arts, eloquence, liberality, nobility. Instrumental are those powers which, acquired by these, or by fortune, are means and instruments to acquire more; as riches, reputation, friends, and the secret working of God, which men call good luck. For the nature of power is, in this point, like to fame, increasing as it proceeds; or like the motion of heavy bodies, which, the further they go, make still the more haste.

The greatest of human powers is that which is compounded of the powers of most men, united by consent, in one person, natural or civil, that has the use of all their powers depending on his will; such as is the power of a Commonwealth: or depending on the wills of each particular; such as is the power of a faction, or of diverse factions leagued. Therefore to have servants is power; to have friends is power: for they are strengths united.

Also, riches joined with liberality is power; because it procureth friends and servants: without liberality, not so; because in this case they defend not, but expose men to envy, as a prey.

Reputation of power is power; because it draweth with it the adherence of those that need protection.

So is reputation of love of a man's country, called popularity, for the same reason.

Also, what quality so ever maketh a man beloved or feared of many, or the reputation of such quality, is power; because it is a means to have the assistance and service of many.

Good success is power; because it maketh reputation of wisdom or good fortune, which makes men either fear him or rely on him.

Affability of men already in power is increase of power; because it gaineth love.

Reputation of prudence in the conduct of peace or war is power; because to prudent men we commit the government of ourselves more willingly than to others.

Nobility is power, not in all places, but only in those Commonwealths where it has privileges; for in such privileges consisteth their power.

Eloquence is power; because it is seeming prudence.

Form is power; because being a promise of good, it recommendeth men to the favour of women and strangers.

The sciences are small powers; because not eminent, and therefore, not acknowledged in any man; nor are at all, but in a few, and in them, but of a few things. For science is of that nature, as none can understand it to be, but such as in a good measure have attained it.

Arts of public use, as fortification, making of engines, and other instruments of war, because they confer to defence and victory, are power; and though the true mother of them be science, namely, the mathematics yet, because they are brought into the light by the hand of the artificer, they be esteemed (the midwife passing with the vulgar for the mother) as his issue.

The value or worth of a man is, as of all other things, his price; that is to say, so much as would be given for the use of his power, and therefore is not absolute, but a thing dependent on the need and judgement of another. An able conductor of soldiers is of great price in time of war present or imminent, but in peace not so. A learned and uncorrupt judge is much worth in time of peace, but not so much in war. And as in other things, so in men, not the seller, but the buyer determines the price. For let a man, as most men do, rate themselves at the highest value they can, yet their true value is no more than it is esteemed by others.

The manifestation of the value we set on one another is that which is commonly called honouring and dishonouring. To value a man at a high rate is to honour him; at a low rate is to dishonour him. But high and low, in this case, is to be understood by comparison to the rate that each man setteth on himself.

The public worth of a man, which is the value set on him by the Commonwealth, is that which men commonly call dignity. And this value of him by the Commonwealth is understood by offices of command, judicature, public employment; or by names and titles introduced for distinction of such value.

To pray to another for aid of any kind is to honour; because a sign we have an opinion he has power to help; and the more difficult the aid is, the more is the honour.

To obey is to honour; because no man obeys them who they think have no power to help or hurt them. And consequently to disobey is to dishonour.

To give great gifts to a man is to honour him; because it is buying of protection, and acknowledging of power. To give little gifts is to dishonour; because it is but alms, and signifies an opinion of the need of small helps.

To be sedulous in promoting another's good, also to flatter, is to honour; as a sign we seek his protection or aid. To neglect is to dishonour.

To give way or place to another, in any commodity, is to honour; being a confession of greater power. To arrogate is to dishonour.

To show any sign of love or fear of another is honour; for both to love and to fear is to value. To contemn, or less to love or fear than he expects, is to dishonour; for it is undervaluing.

To praise, magnify, or call happy is to honour; because nothing but goodness, power, and felicity is valued. To revile, mock, or pity is to dishonour.

To speak to another with consideration, to appear before him with decency and humility, is to honour him; as signs of fear to offend. To speak to him rashly, to do anything before him obscenely, slovenly, impudently is to dishonour.

To believe, to trust, to rely on another, is to honour him; sign of opinion of his virtue and power. To distrust, or not believe, is to dishonour.

To hearken to a man's counsel, or discourse of what kind so ever, is to honour; as a sign we think him wise, or eloquent, or witty. To sleep, or go forth, or talk the while, is to dishonour.

To do those things to another which he takes for signs of honour, or which the law or custom makes so, is to honour; because in approving the honour done by others, he acknowledgeth the power which others acknowledge. To refuse to do them is to dishonour.

To agree with in opinion is to honour; as being a sign of approving his judgement and wisdom. To dissent is dishonour, and an upbraiding of error, and, if the dissent be in many things, of folly.

To imitate is to honour; for it is vehemently to approve. To imitate one's enemy is to dishonour.

To honour those another honours is to honour him; as a sign of approbation of his judgement. To honour his enemies is to dishonour him.

To employ in counsel, or in actions of difficulty, is to honour; as a sign of opinion of his wisdom or other power. To deny employment in the same cases to those that seek it is to dishonour.

All these ways of honouring are natural, and as well within, as without Commonwealths. But in Commonwealths where he or they that have the supreme authority can make whatsoever they please to stand for signs of honour, there be other honours.

A sovereign doth honour a subject with whatsoever title, or office, or employment, or action that he himself will have taken for a sign of his will to honour him.

The king of Persia honoured Mordecai when he appointed he should be conducted through the streets in the king's garment, upon one of the king's horses, with a crown on his head, and a prince before him, proclaiming, "Thus shall it be done to him that the king will honour." And yet another king of Persia, or the same another time, to one that demanded for some great service to wear one of the king's robes, gave him leave so to do; but with this addition, that he should wear it as the king's fool; and then it was dishonour. So that of civil honour, the fountain is in the person of the Commonwealth, and dependeth on the will of the sovereign, and is therefore temporary and called civil honour; such as are magistracy, offices, titles, and in some places coats and scutcheons painted: and men honour such as have them, as having so many signs of favour in the Commonwealth, which favour is power.

Honourable is whatsoever possession, action, or quality is an argument and sign of power.

And therefore to be honoured, loved, or feared of many is honourable, as arguments of power. To be honoured of few or none, dishonourable.

Dominion and victory is honourable because acquired by power; and servitude, for need or fear, is dishonourable.

Good fortune, if lasting, honourable; as a sign of the favour of God. Ill and losses, dishonourable. Riches are honourable, for they are power. Poverty, dishonourable. Magnanimity, liberality, hope, courage, confidence, are honourable; for they proceed from the conscience of power. Pusillanimity, parsimony, fear, diffidence, are dishonourable.

Timely resolution, or determination of what a man is to do, is honourable, as being the contempt of small difficulties and dangers. And irresolution, dishonourable, as a sign of too much valuing of little impediments and little advantages: for when a man has weighed things as long as the time permits, and resolves not, the difference of weight

is but little; and therefore if he resolve not, he overvalues little things, which is pusillanimity.

All actions and speeches that proceed, or seem to proceed, from much experience, science, discretion, or wit are honourable; for all these are powers. Actions or words that proceed from error, ignorance, or folly, dishonourable.

Gravity, as far forth as it seems to proceed from a mind employed on something else, is honourable; because employment is a sign of power. But if it seem to proceed from a purpose to appear grave, it is dishonourable. For the gravity of the former is like the steadiness of a ship laden with merchandise; but of the like the steadiness of a ship ballasted with sand and other trash.

To be conspicuous, that is to say, to be known, for wealth, office, great actions, or any eminent good is honourable; as a sign of the power for which he is conspicuous. On the contrary, obscurity is dishonourable.

To be descended from conspicuous parents is honourable; because they the more easily attain the aids and friends of their ancestors. On the contrary, to be descended from obscure parentage is dishonourable.

Actions proceeding from equity, joined with loss, are honourable; as signs of magnanimity: for magnanimity is a sign of power. On the contrary, craft, shifting, neglect of equity, is dishonourable.

Covetousness of great riches, and ambition of great honours, are honourable; as signs of power to obtain them. Covetousness, and ambition of little gains, or preferments, is dishonourable.

Nor does it alter the case of honour whether an action (so it be great and difficult, and consequently a sign of much power) be just or unjust: for honour consisteth only in the opinion of power. Therefore, the ancient heathen did not think they dishonoured, but greatly honoured the gods, when they introduced them in their poems committing rapes, thefts, and other great, but unjust or unclean acts; in so much as nothing is so much celebrated in Jupiter as his adulteries; nor in Mercury as his frauds and thefts; of whose praises, in a hymn of Homer, the greatest is this, that being born in the morning, he had invented music at noon, and before night stolen away the cattle of Apollo from his herdsmen.

Also amongst men, till there were constituted great Commonwealths, it was thought no dishonour to be a pirate, or a highway thief; but rather a lawful trade, not only amongst the Greeks, but also amongst all other nations; as is manifest by the of ancient time. And at this

day, in this part of the world, private duels are, and always will be, honourable, though unlawful, till such time as there shall be honour ordained for them that refuse, and ignominy for them that make the challenge. For duels also are many times effects of courage, and the ground of courage is always strength or skill, which are power; though for the most part they be effects of rash speaking, and of the fear of dishonour, in one or both the combatants; who, engaged by rashness, are driven into the lists to avoid disgrace.

Scutcheons and coats of arms hereditary, where they have any their any eminent privileges, are honourable; otherwise not for their power consisteth either in such privileges, or in riches, or some such thing as is equally honoured in other men. This kind of honour, commonly called gentry, has been derived from the ancient Germans. For there never was any such thing known where the German customs were unknown. Nor is it now anywhere in use where the Germans have not inhabited. The ancient Greek commanders, when they went to war, had their shields painted with such devices as they pleased; insomuch as an unpainted buckler was a sign of poverty, and of a common soldier; but they transmitted not the inheritance of them. The Romans transmitted the marks of their families; but they were the images, not the devices of their ancestors. Amongst the people of Asia, Africa, and America, there is not, nor was ever, any such thing. Germans only had that custom; from whom it has been derived into England, France, Spain and Italy, when in great numbers they either aided the Romans or made their own conquests in these western parts of the world.

For Germany, being anciently, as all other countries in their beginnings, divided amongst an infinite number of little lords, or masters of families, that continually had wars one with another, those masters, or lords, principally to the end they might, when they were covered with arms, be known by their followers, and partly for ornament, both painted their armor, or their scutcheon, or coat, with the picture of some beast, or other thing, and also put some eminent and visible mark upon the crest of their helmets. And this ornament both of the arms and crest descended by inheritance to their children; to the eldest pure, and to the rest with some note of diversity, such as the old master, that is to say in Dutch, the Here-alt, thought fit. But when many such families, joined together, made a greater monarchy, this duty of the herald to distinguish scutcheons was made a private office apart. And the issue of these lords is the great and ancient gentry; which for the most part bear living creatures noted for courage and rapine; or castles, battlements, belts, weapons, bars, palisades, and

other notes of war; nothing being then in honour, but virtue military. Afterwards, not only kings, but popular Commonwealths, gave diverse manners of scutcheons to such as went forth to the war, or returned from it, for encouragement or recompense to their service. All which, by an observing reader, may be found in such ancient histories, Greek and Latin, as make mention of the German nation and manners in their times.

Titles of honour, such as are duke, count, marquis, and baron, are honourable; as signifying the value set upon them by the sovereign power of the Commonwealth: which titles were in old time titles of office and command derived some from the Romans, some from the Germans and French. Dukes, in Latin, *duces*, being generals in war; counts, *comites*, such as bore the general company out of friendship, and were left to govern and defend places conquered and pacified; marquises, marchioness, were counts that governed the marches, or bounds of the Empire. Which titles of duke, count, and marquis came into the Empire about the time of Constantine the Great, from the customs of the German militia. But baron seems to have been a title of the Gauls, and signifies a great man; such as were the kings' or princes' men whom they employed in war about their persons; and seems to be derived from *vir*, to *ber*, and *bar*, that signified the same in the language of the Gauls, that *vir* in Latin; and thence to *bero* and *baro*: so that such men were called *berones*, and after *barones*; and (in Spanish) *varones*. But he that would know more, particularly the original of titles of honour, may find it, as I have done this, in Mr. Selden's most excellent treatise of that subject. In process of time these offices of honour, by occasion of trouble, and for reasons of good and peaceable government, were turned into mere titles, serving, for the most part, to distinguish the precedence, place, and order of subjects in the Commonwealth: and men were made dukes, counts, marquises, and barons of places, wherein they had neither possession nor command, and other titles also were devised to the same end.

Worthiness is a thing different from the worth or value of a man, and also from his merit or desert, and consisteth in a particular power or ability for that whereof he is said to be worthy; which particular ability is usually named fitness, or aptitude.

For he is worthiest to be a commander, to be a judge, or to have any other charge, that is best fitted with the qualities required to the well discharging of it; and worthiest of riches, that has the qualities most requisite for the well using of them: any of which qualities being absent, one may nevertheless be a worthy man, and valuable for something else. Again, a man may be worthy of riches, office, and

employment that nevertheless can plead no right to have it before another, and therefore cannot be said to merit or deserve it. For merit presupposeth a right, and that the thing deserved is due by promise, of which I shall say more hereafter when I shall speak of contracts.

XIII: Of the Natural Condition of Mankind as Concerning their Felicity and Misery

Nature hath made men so equal in the faculties of 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 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 anything 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) endeavour 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 overawe 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. The 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 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 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 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 neighbours, which is a posture of war. But because they uphold thereby the industry of their subjects, there does not follow from it that misery which accompanies the liberty of particular men.

To this 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 propriety, 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.

XIV: 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 anything which, in his own judgement 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 power to do what he would, but cannot hinder him from using the power left him according as his judgement and reason shall dictate to him.

A law of nature, *lex naturalis*, is a precept, or 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 matter 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 of 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 defence 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 anything he liketh; so long are all men in the condition of war. But if other men will not lay down their right, as well as he, then there is no reason for anyone 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.*

To lay down a man's right to anything 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 duty, not to make void that voluntary act of his own: and that such hindrance is injustice, and injury, as being sine jure; the right being before renounced or transferred. So that injury or injustice, in the controversies of the world, is somewhat like to that which in the disputations of 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 rupture.

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.

The mutual transferring of right is that which men call contract.

There is difference between transferring of right to the thing, the thing, and transferring or tradition, that is, delivery of the thing itself. For the thing may be delivered together with the translation of the right, as in buying and selling with ready money, or exchange of goods or lands, and it may be delivered some time after.

Again, one of the contractors may deliver the thing contracted for on his part, and leave the other to perform his part at some determinate time after, and in the meantime be trusted; and then the contract on his part is called pact, or covenant: or both parts may contract now to perform hereafter, in which cases he that is to perform in time to come, being trusted, his performance is called keeping of promise, or faith, and the failing of performance, if it be voluntary, violation of faith.

When the transferring of right is not mutual, but one of the parties transferreth in hope to gain thereby friendship or service from another, or from his friends; or in hope to gain the reputation of charity, or magnanimity; or to deliver his mind from the pain of compassion; or in hope of reward in heaven; this is not contract, but gift, free gift, grace: which words signify one and the same thing.

Signs of contract are either express or by inference. Express are words spoken with understanding of what they signify: and such words are either of the time present or past; as, I give, I grant, I have given, I have granted, I will that this be yours: or of the future; as, I will give, I will grant, which words of the future are called promise. Signs by inference are sometimes the consequence of words; sometimes the consequence of silence; sometimes the consequence of actions; sometimes the consequence of forbearing an action: and generally a sign by

inference, of any contract, is whatsoever sufficiently argues the will of the contractor.

Words alone, if they be of the time to come, and contain a bare promise, are an insufficient sign of a free gift and therefore not obligatory. For if they be of the time to come, as, tomorrow I will give, they are a sign I have not given yet, and consequently that my right is not transferred, but remaineth till I transfer it by some other act. But if the words be of the time present, or past, as, I have given, or do give to be delivered tomorrow, then is my tomorrow's right given away today; and that by the virtue of the words, though there were no other argument of my will. And there is a great difference in the signification of these words, *volo hoc tuum esse cras*, and *cras dabo*; that is, between I will that this be thine tomorrow, and, I will give it thee tomorrow: for the word I will, in the former manner of speech, signifies an act of the will present; but in the latter, it signifies a promise of an act of the will to come: and therefore the former words, being of the present, transfer a future right; the latter, that be of the future, transfer nothing. But if there be other signs of the will to transfer a right besides words; then, though the gift be free, yet may the right be understood to pass by words of the future: as if a man propound a prize to him that comes first to the end of a race, the gift is free; and though the words be of the future, yet the right passeth: for if he would not have his words so be understood, he should not have let them run.

In contracts the right passeth, not only where the words are of the time present or past, but also where they are of the future, because all contract is mutual translation, or change of right; and therefore he that promiseth only, because he hath already received the benefit for which he promiseth, is to be understood as if he intended the right should pass: for unless he had been content to have his words so understood, the other would not have performed his part first. And for that cause, in buying, and selling, and other acts of contract, a promise is equivalent to a covenant, and therefore obligatory.

He that performeth first in the case of a contract is said to merit that which he is to receive by the performance of the other, and he hath it as due. Also when a prize is propounded to many, which is to be given to him only that winneth, or money is thrown amongst many to be enjoyed by them that catch it; though this be a free gift, yet so to win, or so to catch, is to merit, and to have it as due. For the right is transferred in the propounding of the prize, and in throwing down the money, though it be not determined to whom, but by the event of the contention. But there is between these two sorts of merit

this difference, that in contract I merit by virtue of my own power and the contractor's need, but in this case of free gift I am enabled to merit only by the benignity of the giver: in contract I merit at the contractor's hand that he should depart with his right; in this case of gift, I merit not that the giver should part with his right, but that when he has parted with it, it should be mine rather than another's. And this I think to be the meaning of that distinction of the Schools between *meritum congrui* and *meritum condigni.* For God Almighty, having promised paradise to those men, hoodwinked with carnal desires, that can walk through this world according to the precepts and limits prescribed by him, they say he that shall so walk shall merit paradise *ex congruo.* But because no man can demand a right to it by his own righteousness, or any other power in himself, but by the free grace of God only, they say no man can merit paradise *ex condigno.* This, I say, I think is the meaning of that distinction; but because disputers do not agree upon the signification of their own terms of art longer than it serves their turn, I will not affirm anything of their meaning: only this I say; when a gift is given indefinitely, as a prize to be contended for, he that winneth meriteth, and may claim the prize as due.

If a covenant be made wherein neither of the parties perform presently, but trust one another, in the condition of mere nature (which is a condition of war of every man against every man) upon any reasonable suspicion, it is void: but if there be a common power set over them both, with right and force sufficient to compel performance, it is not void. For he that performeth first has no assurance the other will perform after, because the bonds of words are too weak to bridle men's ambition, avarice, anger, and other passions, without the fear of some coercive power; which in the condition of mere nature, where all men are equal, and judges of the justness of their own fears, cannot possibly be supposed. And therefore he which performeth first does but betray himself to his enemy, contrary to the right he can never abandon of defending his life and means of living.

But in a civil estate, where there a power set up to constrain those that would otherwise violate their faith, that fear is no more reasonable; and for that cause, he which by the covenant is to perform first is obliged so to do.

The cause of fear, which maketh such a covenant invalid, must be always something arising after the covenant made, as some new fact or other sign of the will not to perform, else it cannot make the covenant void. For that which could not hinder a man from promising ought not to be admitted as a hindrance of performing.

He that transferreth any right transferreth the means of enjoying it, as far as lieth in his power. As he that selleth land is understood to transfer the herbage and whatsoever grows upon it; nor can he that sells a mill turn away the stream that drives it. And they that give to a man the right of government in sovereignty are understood to give him the right of levying money to maintain soldiers, and of appointing magistrates for the administration of justice.

To make covenants with brute beasts is impossible, because not understanding our speech, they understand not, nor accept of any translation of right, nor can translate any right to another: and without mutual acceptation, there is no covenant.

To make covenant with God is impossible but by mediation of such as God speaketh to, either by revelation supernatural or by His lieutenants that govern under Him and in His name: for otherwise we know not whether our covenants be accepted or not. And therefore they that vow anything contrary to any law of nature, vow in vain, as being a thing unjust to pay such vow. And if it be a thing commanded by the law of nature, it is not the vow, but the law that binds them.

The matter or subject of a covenant is always something that falleth under deliberation, for to covenant is an act of the will; that is to say, an act, and the last act, of deliberation; and is therefore always understood to be something to come, and which judged possible for him that covenanteth to perform.

And therefore, to promise that which is known to be impossible is no covenant. But if that prove impossible afterwards, which before was thought possible, the covenant is valid and bindeth, though not to the thing itself, yet to the value; or, if that also be impossible, to the unfeigned endeavour of performing as much as is possible, for to more no man can be obliged.

Men are freed of their covenants two ways; by performing, or by being forgiven. For performance is the natural end of obligation, and forgiveness the restitution of liberty, as being a retransferring of that right in which the obligation consisted.

Covenants entered into by fear, in the condition of mere nature, are obligatory. For example, if I covenant to pay a ransom, or service for my life, to an enemy, I am bound by it. For it is a contract, wherein one receiveth the benefit of life; the other is to receive money, or service for it, and consequently, where no other law (as in the condition of mere nature) forbiddeth the performance, the covenant is valid. Therefore prisoners of war, if trusted with the payment of their ransom, are

obliged to pay it: and if a weaker prince make a disadvantageous peace with a stronger, for fear, he is bound to keep it; unless (as hath been said before) there ariseth some new and just cause of fear to renew the war. And even in Commonwealths, if I be forced to redeem myself from a thief by promising him money, I am bound to pay it, till the civil law discharge me. For whatsoever I may lawfully do without obligation, the same I may lawfully covenant to do through fear: and what I lawfully covenant, I cannot lawfully break.

A former covenant makes void a later. For a man that hath passed away his right to one man today hath it not to pass tomorrow to another: and therefore the later promise passeth no right, but is null.

A covenant not to defend myself from force, by force, is always void. For (as I have shown before) no man can transfer or lay down his right to save himself from death, wounds, and imprisonment, the avoiding whereof is the only end of laying down any right; and therefore the promise of not resisting force, in no covenant transferreth any right, nor is obliging. For though a man may covenant thus, unless I do so, or so, kill me; he cannot covenant thus, unless I do so, or so, I will not resist you when you come to kill me. For man by nature chooseth the lesser evil, which is danger of death in resisting, rather than the greater, which is certain and present death in not resisting. And this is granted to be true by all men, in that they lead criminals to execution, and prison, with armed men, notwithstanding that such criminals have consented to the law by which they are condemned.

A covenant to accuse oneself, without assurance of pardon, is likewise invalid. For in the condition of nature where every man is judge, there is no place for accusation: and in the civil state the accusation is followed with punishment, which, being force, a man is not obliged not to resist. The same is also true of the accusation of those by whose condemnation a man falls into misery; as of a father, wife, or benefactor. For the testimony of such an accuser, if it be not willingly given, is presumed to be corrupted by nature, and therefore not to be received: and where a man's testimony is not to be credited, he is not bound to give it. Also accusations upon torture are not to be reputed as testimonies. For torture is to be used but as means of conjecture, and light, in the further examination and search of truth: and what is in that case confessed tendeth to the ease of him that is tortured, not to the informing of the torturers, and therefore ought not to have the credit of a sufficient testimony: for whether he deliver himself by true or false accusation, he does it by the right of preserving his own life.

The force of words being (as I have formerly noted) too weak to hold

men to the performance of their covenants, there are in man's nature but two imaginable helps to strengthen it. And those are either a fear of the consequence of breaking their word, or a glory or pride in appearing not to need to break it. This latter is a generosity too rarely found to be presumed on, especially in the pursuers of wealth, command, or sensual pleasure, which are the greatest part of mankind. The passion to be reckoned upon is fear; whereof there be two very general objects: one, the power of spirits invisible; the other, the power of those men they shall therein offend. Of these two, though the former be the greater power, yet the fear of the latter is commonly the greater fear. The fear of the former is in every man his own religion, which hath place in the nature of man before civil society. The latter hath not so; at least not place enough to keep men to their promises, because in the condition of mere nature, the inequality of power is not discerned, but by the event of battle. So that before the time of civil society, or in the interruption thereof by war, there is nothing can strengthen a covenant of peace agreed on against the temptations of avarice, ambition, lust, or other strong desire, but the fear of that invisible power which they every one worship as God, and fear as a revenger of their perfidy. All therefore that can be done between two men not subject to civil power is to put one another to swear by the God he feareth: which swearing, or oath, is a form of speech, added to a promise, by which he that promiseth signifieth that unless he perform he renounceth the mercy of his God, or calleth to him for vengeance on himself. Such was the heathen form, Let Jupiter kill me else, as I kill this beast. So is our form, I shall do thus, and thus, so help me God. And this, with the rites and ceremonies which every one useth in his own religion, that the fear of breaking faith might be the greater.

By this it appears that an oath taken according to any other form, or rite, than his that sweareth is in vain and no oath, and that there is no swearing by anything which the swearer thinks not God. For though men have sometimes used to swear by their kings, for fear, or flattery; yet they would have it thereby understood they attributed to them divine honour. And that swearing unnecessarily by God is but profaning of his name: and swearing by other things, as men do in common discourse, is not swearing, but an impious custom, gotten by too much vehemence of talking.

It appears also that the oath adds nothing to the obligation. For a covenant, if lawful, binds in the sight of God, without the oath, as much as with it; if unlawful, bindeth not at all, though it be confirmed with an oath.