

# 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.

First launched: August 2007

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## Chapter 27. Crimes, excuses, and extenuations

Not only is every breach of a law a *sin*, but so also is any contempt of the legislator [= ‘any disregard for the legislator, treating him as negligible’]. For such contempt is a breach of all his laws at once. So it may consist not only in doing or saying something that the laws forbid, or not doing what the law commands, but also in intending or having the purpose to break a law. For intending to break the law is some degree of contempt of the person whose role it is to ensure that the law is obeyed. That is a point about *intending*, not about *imagining*. The law that says *Thou shalt not covet* is not broken when you take delight in merely *imagining* owning another man’s goods, servants, or wife, without intending to take them from him by force or fraud. Again, suppose there is someone from whose life you expect nothing but damage and displeasure: for you to take pleasure in *imagining* or *dreaming* of his death isn’t a sin, though it would be sinful for you to *decide to do* something that would be likely to bring about his death. Enjoying the mere thought of something that you would enjoy if it were real—that is a passion so bound up with the nature of man and of every other living creature that if *it* were a sin then *being a man* would be a sin! This line of thought has led me to think that some moralists have been too severe, both to themselves and others, in maintaining that the first motions of the mind (though restrained by the fear of God) can be sins. But I admit it’s safer to err in that way than in the opposite direction.

A CRIME is a sin that consists in doing or saying something that the law forbids, or not doing something that the law has commanded. Thus, every crime is a sin, but not every sin is a crime. To intend to steal or kill is a sin, even

if it never shows up in words or deeds, for God, who sees the thoughts of a man, can charge him with having such an intention; but until it appears in something done or said, providing evidence of intention that could be put before a human judge, it isn’t called a crime. . . .

From this relation of sin to the law, and of crime to the civil law, three things can be inferred. First, that where law ceases, sin ceases. But the law of nature cannot cease, because it is eternal; so violation of covenants, ingratitude, arrogance, and all acts contrary to any moral virtue can never cease to be sin. Secondly, that where civil law ceases, crimes cease. This is because in the absence of civil law the only law remaining is the law of nature, so there’s no place for accusation, every man being his own judge, accused only by his own conscience and cleared only by the uprightness of his own intention. When his intention is right, his act in having it is no sin; if his intention is wrong, his having it is sin but not crime. Thirdly, when the sovereign power ceases, crime also ceases; for where there is no such power there is no protection to be had from the law, and therefore everyone may protect himself by his own power. . . . But this is to be understood only of those who haven’t themselves contributed to the taking away of the sovereign power that protected them; for that was a crime from the beginning.

The source of every crime is some defect of the understanding, or some error in reasoning, or some sudden force of the passions. I shall discuss these in turn.

Defect in the understanding is ignorance, which is of three sorts: of the law, of the sovereign, and of the penalty. Ignorance of the law of nature excuses no man, because every man that has arrived at the use of reason is supposed

to know that

he ought not to do to anyone else something that he would not be willing to have done to himself.

Therefore, wherever a man comes from, if he does anything contrary to *that* law it is a crime. If a man comes here from India and persuades men here to accept a new religion, or teaches them anything that is likely to get them to disobey the laws of this country, however sure he is of the truth of what he teaches he commits a crime and can justly be punished for it; not only because his doctrine is false, but also because he is doing something that he would not agree to in someone else—someone, that is, who came from *here* to his country and tried to alter the religion *there*. But ignorance of the civil law excuses a man in a foreign country until the law has been declared to him, because no civil law is binding on a man until it has been declared to him.

Similarly, if the civil law of a man's own country has not been declared well enough to enable him to know it if he wants to, ignorance of the civil law is a good excuse for an action which breaks that law but not the law of nature; otherwise ignorance of the civil law is not an effective excuse.

Ignorance of the sovereign power in the country where a man ordinarily lives is not an excuse, because he ought to be aware of the power by which he has been protected there.

When the law has been declared, ignorance of the penalty excuses no man; here is why. If a law were not accompanied by fear of a penalty for breaking it, it wouldn't be a law, but mere pointless words. So when a man breaks the law, he accepts the penalty, even though he doesn't know what it is; because anyone who voluntarily performs an action accepts all the known consequences of it, and in every commonwealth punishment is a known consequence of the violation of the laws. If the punishment is already determined by the law, the law-breaker is subject to that; if it isn't, then

he is subject to arbitrary punishment [= 'punishment that is *chosen in this case*' by the relevant authority]. For it is reasonable that someone who does wrong with no other curb than whatever is set by *his own will* should suffer punishment with no other curb that whatever is set by *the will of the sovereign*, that is, him whose law he has violated.

But when a penalty has been assigned to the crime in the law itself, or has usually been inflicted in similar cases, then the delinquent is excused from a greater penalty. For if the foreknown punishment wasn't severe enough to *deter men from* the action, it was *an encouragement to perform* it; because when men compare the benefit to them of their injustice with the harm to them of their punishment, they choose what appears best for themselves—making this choice by the necessity of nature. So when they are punished more than the law had formerly determined, or more than others had been punished for the same crime, it is the law that tempted them and—it now turns out—deceived them.

No law that was made after an action was performed can make it a crime; because a *positive law* can't be attended to before it is made, and so it can't be obligatory before it is made. (If the action was a breach of the *law of nature*, the law *was* in force before the action was performed!) But when someone breaks a law that has already been declared, he is liable to the penalty that is ordained *later*, as long as no lesser penalty has been made known earlier, by writing or by example. The reason for this is the same as for what I said in the preceding paragraph.

Defective reasoning (i.e. error) makes men prone to violate the laws in three ways. First, by presumption of false principles. For example, men observe:

how in all countries and at all times, unjust actions have been authorized by the force and the victories of those who have committed them; that powerful

men have broken through the cobweb laws of their country; and that the only ones regarded as criminals have been men of the weaker sort and ones who have failed in their enterprises;

and are led by these observations to accept as principles, and as premises for their reasoning, that:

- justice is only an empty word,
- whatever a man can get by his own labour and risk-taking is his own,
- something that all nations do can't be unjust,
- examples from earlier times are good arguments for doing the same again,

and many more of that kind. If these are accepted, no act can be a crime in itself; for an act to be a crime it would have to be *made* to be one, not by the law but by the outcome of it for those who commit it; and the same act would be virtuous or vicious as fortune pleases, so that what Marius makes a crime Sylla will make meritorious and Caesar will turn back into a crime again, with the law remaining unchanged throughout all this; which would lead to perpetual disturbance of the peace of the commonwealth.

Secondly, by false teachers who either misinterpret the law of nature in a way that makes it conflict with the civil law, or present doctrines of their own or traditions of earlier times that are inconsistent with the duty of a subject, and teach them as *laws*.

Thirdly, by erroneous inferences from true principles. This commonly happens to men who hastily rush to conclusions and decisions about what to do, such as people who have a high opinion of their own understanding, and believe that things of this nature—practical decisions in concrete situations—don't demand time and study, but require only common experience and a good natural intelligence, which everyone thinks he has. (In contrast with that,

the ·theoretical· knowledge of right and wrong is no more difficult ·than practical knowledge of what to do in concrete situations·, yet no man will claim to have *it* without great and long study!) None of those defects in reasoning can *excuse* (though some may *extenuate*) a crime by any man who claims to be managing his own affairs, much less by one who undertakes a public charge; because ·in claiming to *manage* something· they claim to have reason, and cannot base an excuse on their ·supposed· lack of it.

[The Latin version, in place of the preceding paragraph, has this very different one:]

Thirdly, crimes are born from bad reason (though from *true* principles), when •those who think *rightly* about the doctrines of the faith use violence against those who think differently, on the pretext that they—the latter—are in error, calling •their own violence 'zeal for God'. I would like to challenge one of these men as follows:

'They err, granted. But what is that to you?'

'They corrupt the people.'

'What is that to you? The well-being of the people is entrusted to the king, not to you.'

'But it concerns me as a subject of the king.'

'Teach, then.'

'I do teach, but with no result.'

'Then you have done your duty; stop teaching and make an accusation, for whatever further violence you do is a crime.'

[The English version now resumes.]

One of the passions that most frequently cause crime is vainglory, a foolish overrating of one's own worth; as though *worth* were an effect of intelligence or wealth or lineage or some other natural quality not depending on the will of those who have the sovereign authority! From vainglory comes a presumption that the punishments set by the laws and

extended generally to all subjects ought not to be inflicted on them—the vainglorious ones—as rigorously as they are on poor, obscure, and simple men.

And so it comes about, often, that people who value themselves on the basis of how wealthy they are embark on crimes, hoping to escape punishment by corrupting public justice or obtaining pardon by money or other rewards.

And those who have many powerful relatives, and popular men who have gained a reputation amongst the multitude, are encouraged to violate the laws by their hope of overcoming, by sheer weight of numbers, the power whose job it is to enforce them.

And those who have a great (and false!) opinion of their own wisdom take it on themselves to criticize the actions and question the authority of those who govern; they make speeches which unsettle the laws to the point where nothing is to count as a crime unless *their* purposes require it to be so. These same men are apt to commit any crime that involves skill and the deception of their neighbours, because they think their schemes are too subtle to be detected. These (I repeat) are effects of a false presumption of one's own wisdom. But of those who *start* the disturbance of commonwealth (which can never happen without a civil war) very few are left alive long enough to see their new plans established; so that the 'benefit' of their crimes comes to posterity, and to those who would least have wanted it; which shows that they—the instigators of the disturbance—were not as wise as they thought they were. As for those who *try to* deceive others in the hope of not being observed: they often deceive *only* themselves (the darkness in which they believe they lie hidden being nothing but their own blindness), and are no wiser than children who think they can hide everything by closing their own eyes.

Vainglorious men (unless they are also timid) are all

subject to anger, because they are more likely than other people are to interpret ordinary conversational freedom as disrespect; and there are few crimes that anger can't produce.

As for the passions of *•hate*, *•lust*, *•ambition* and *•covetousness*, what crimes they are apt to produce is so obvious to every man's experience and understanding that I needn't say anything about them, except this: Those passions are infirmities that are so firmly tied to the nature of man and of all other living creatures that their *•criminal* effects can't be hindered except by an extraordinary use of reason or constant severity in punishing them. For in the things that men *•hate*, they find a continual and unavoidable annoyance, so that a man's only alternative to everlasting patience is the removal of the power of whatever it is that annoys him. The former is difficult, and the latter is often impossible without violating some law. *•Ambition* and *•covetousness* are passions that are also constantly present and pressing, whereas reason is not constantly present to resist them; so they have their effects *•in* possibly criminal behaviour *•as* soon as there's some hope of getting away with it. As for *•lust*: what it lacks in durability it makes up for in violent strength, which suffices to outweigh any fear of punishment, when the punishment is mild or is not certain to come.

The passion that *least* inclines men to break the laws is *fear*. Indeed, fear is the only thing that *deters* men from breaking the laws when it seems that profit or pleasure would come from breaking them. Some men are exceptions to this—ones with noble natures.

*•Although* fear often deters from crime *•,* in many cases it can lead to crime. *•That* would not be so if fear were always a justifying excuse, so that an action committed out of fear never counted as a crime; but that isn't how things

stand. For not every fear justifies the action it produces. The only kind that does is what we call 'bodily fear'—fear of bodily hurt from which a man can't see how to escape except by the action whose criminal status is in question. A man is assaulted, fears immediate death, and can't see how to escape except by wounding the man who is assaulting him; if he wounds him fatally, this is no crime, because no man is supposed (at the making of a commonwealth) to have abandoned the defence of his life or limbs in situations where the law can't arrive in time to help him. But to kill a man because from his actions or his threatenings I have evidence that he will kill me when he can—that is a crime, because in this case I have time and means to ask for protection from the sovereign power.

One citizen hears from another words full of insult, which nevertheless are not punishable by any law; and, fearing that unless he avenges himself by arms he will be considered timid, he provokes his enemy to combat and kills him. This is a crime, and isn't excused by fear of this kind. Why? Because the commonwealth wills that public words, i.e. laws, count for more with citizens than the words of a private citizen, to whose words it has therefore made no effort to attach a penalty. It holds that those who cannot even tolerate words are the most cowardly of all men.

A man who is afraid of spirits, either through his own superstition or through giving too much credit to other men who tell him of their strange dreams and visions, may be made to believe that spirits will hurt him for doing or omitting various things that the laws says are not to be done or not to be omitted; and such an action or omission is a crime, and isn't to be excused by his fear of spirits. For (as I showed in chapter 2) dreams are naturally just the fancies that remain in sleep from the impressions that our senses had taken in when we were awake. And some 'visions' are

really only dreams: a man may for some reason not be sure that he has been asleep, so he has had what seem to him to be real visions. So someone who presumes to break the law on the strength of his own or someone else's dream or purported vision, or of any idea of the power of invisible spirits other than ideas permitted by the commonwealth, departs from the law of nature, which is certainly an offence; and he follows the imagery of his own or some other private man's brain, of which he can never know whether it signifies something or nothing, nor whether the other person who reported his own dream was telling the truth or not. By the law of nature, if any private man were permitted to do this then everyone should be permitted; but in that case no law could be made to hold, and so the commonwealth would be completely dissolved.

From these different sources of crimes it's already clear that the ancient Stoics were wrong in saying that all crimes are of the same allay [= 'are fundamentally the same']. As well as EXCUSES, by which what seemed to be a crime is proved not to be one after all, there is EXTENUATION, by which what seemed to be a great crime is made to be a lesser one. All crimes equally deserve the name of 'injustice', just as all deviation from a straight line is equally crookedness, as the Stoics rightly observed; but it doesn't follow that all crimes are equally unjust, any more than that all crooked lines are equally crooked! The Stoics, not seeing this, held it to be as great a crime to kill a hen against the law as to kill one's father.

What totally excuses an action and takes away from it the nature of a crime has to be something that at the same time takes away the obligation of the law. For an act that is performed against the law, if the agent is obliged by the law, just is a crime.

The lack of means to know the law totally excuses, be-

cause a law that a man has no way of learning about is not binding on him. But lack of diligence in enquiring into the civil law does not count as a lack of means. As for the laws of nature: no man who claims to have reason enough to manage his own affairs can be supposed to lack means to know the laws of nature, because they are known by the reason he claims to have; only children and madmen are excused from offences against the natural law.

Where a man through no fault of his own is a captive of an enemy (or when his means of living is in the power of the enemy), the civil law no longer binds him. He must obey his enemy, or die; and consequently such obedience isn't a crime, for no man is forbidden (when the protection of the law fails) to protect himself as best he can.

If the terror of immediate death forces a man to do something against the law, he is totally excused, because no law can oblige a man to abandon his own preservation. Even if such a law were binding, the man could reason thus: 'If I don't do it I shall die right now; if I do it, I shall die later through being put to death for this crime; so by doing it I gain some lengthening of my life'; and nature therefore insists that he act.

When a man lacks food or some other necessity of life, and can't preserve himself in any way except by some illegal act—for example, in a great famine he takes by force or stealth the food that he can't buy and no-one will give him, or in defence of his life he snatches away another man's sword—he is totally excused, for the reason given in the preceding paragraph.

[One paragraph omitted, concerning acts performed by authority of the sovereign, and ones performed by authority of someone who does not have sovereign power.]

Suppose that the man or assembly that has the sovereign power disclaims some right that is essential to

the sovereignty, thereby giving to the subject some liberty inconsistent with the sovereign power, i.e. inconsistent with the very being of a commonwealth. If the subject exercises such a liberty he sins, and acts contrary to the duty of a subject. For all subjects ought to know what is and what isn't consistent with the right of the commonwealth (because the commonwealth was instituted by the individual subjects, for their own well-being and by the consent of each one); and he ought also to know that this newly given liberty, insofar as it is inconsistent with the sovereignty, was granted only because the one who gave it was ignorant, and didn't see what dangers it posed to the commonwealth. But if the subject, as he proceeds to use that liberty, resists a public minister, that is not just a sin but a crime. . . .

Degrees of criminality are measured on different scales: **(1)** by the wickedness of the frame of mind that was the source or cause of the act; **(2)** by the how likely it is to set a bad example; **(3)** by how bad its consequences were; and **(4)** by various facts about times, places, and persons that are somehow involved in the crime.

**(1)** The same illegal act is a greater crime if it comes from the criminal's thinking his strength, riches, or friends are strong enough to resist the officers of the law than if it comes from a mere hope of not being discovered or of escaping by flight. For the presumption of *impunity through force* is a root from which grows—at all times and with all temptations—a disregard for all laws, whereas in the latter case the apprehension of danger that makes a man flee also makes him more obedient in the future.

An action that the person knows to be a crime is a greater crime than the same act coming from a false conviction that it is lawful; for he who commits it against his own conscience is relying on his force, or some other power, which encourages him to commit the same crime again; but he who commits



it in error will, once the error has been shown to him, be obedient to the law.

Someone whose error comes from the authority of a publicly authorized teacher or interpreter of the law is not as much at fault as someone whose error comes from an obstinate pursuit of *his own* principles and reasoning. For on one hand anything taught by a publicly authorized teacher is really taught by the commonwealth itself, and is something like a law until the same authority finds fault with it; and any crime that doesn't contain within it a denial of the sovereign power, and isn't against an evident law, is totally excused by coming from such a source. Whereas on the other hand someone who bases his actions on his own private judgment ought to stand or fall according to whether the actions are right or wrong.

An act of a kind that has been constantly punished in other men is a greater crime than it would be if many previous offenders had escaped punishment. For those examples are hopes of impunity that the sovereign himself has given; and because he who encourages a man to offend by giving him a hope and a presumption of mercy has a part in the offence himself, so he can't reasonably charge the offender with the whole of it.

A crime arising from a sudden passion is not as great as it would have been if it had arisen from long meditation; for in the former case the common infirmity of human nature provides a basis for extenuation; whereas someone who acts with premeditation has been circumspect—he has looked at

the law,

the punishment, and

the consequences for human society of his crime

—and in going ahead with it he has belittled *all this* and made it secondary to his own appetite. Still, no suddenness of passion suffices for a total excuse; for all the time between

the man's first learning the law and his commission of the crime should be regarded as time for deliberation, because he ought to be continually engaged in correcting the lawlessness of his passions through meditation on the law.

Where the law is publicly and persistently read and interpreted to all the people, an act that breaks it is a greater crime than it would be if men were left without such instruction and had to take time out from their ordinary lives to *investigate* the law, putting in hard work with uncertain results, and getting their information about the law from people with no official standing; for in this latter case part of the fault can be attributed to ordinary human limits, but in the former case there is evident negligence, which involves a disrespectful attitude to the sovereign power.

Acts that the law explicitly condemns but the lawmaker tacitly approves (as shown by other clear signs of his will) are lesser crimes than those same acts would be if they were condemned by both the law and lawmaker. For the will of the law-maker is itself a law, so in this case two contradictory laws have shown up; and that would *totally* excuse the act if men were obliged to attend to the sovereign's approvals as shown by evidence other than his explicit commands. All they are *obliged* to attend to, however, are the explicit commands, so they are not totally excusable if they flout a command and instead follow the sovereign's will as shown in some other way. But because punishments can flow not only from breaking this sovereign's law but also—as I shall show in a moment—from observing it, *he* is a partial cause of the crime and therefore can't reasonably blame the whole crime on the criminal. For example, the law condemns duels, and makes duelling an offence punishable by death; on the other hand, someone who refuses a duel to which he has been challenged is exposed to contempt and scorn for which he has no legal remedy, and in some cases will

be thought by the sovereign himself to be unworthy to have any command or promotion in war. Now, all men lawfully try to obtain the good opinion of those who have the sovereign power; so if someone accepts the challenge to a duel, it isn't reasonable that he should be rigorously punished, seeing that part of the fault can be laid at the door of the punisher. I say this not •because I support liberty of private revenges or any other kind of disobedience, but •to urge governors not to allow in an indirect way anything that they directly forbid. The examples that princes set, for those who see them, do and always did have more power to govern people's actions than the laws themselves. And although it's our duty to •do what they say, not what they do, that duty won't ever be performed until it pleases God to enable men to follow •that precept through extraordinary and supernatural grace.

•The third of the four bases I mentioned for measuring the severity of a crime involved• comparing crimes by the amount of harm they cause. A criminal act that does damage to many people is a worse crime than it would have been if it had hurt only a few. •And one aspect of this brings in the second of the four bases, because one way of doing harm is by setting a bad example. Thus•:

**(2)** If an action does harm not only in the present but also (by the example it sets) in the future, it's a greater crime than it would have been if it had done harm only in the present. That is because the former is a *fertile* crime, and multiplies to bring hurt to many, whereas the latter is *barren*.

**(3)** To maintain doctrines contrary to the religion established in the commonwealth is a greater fault in an authorized preacher than it is in a private person; and the same applies to living profanely or licentiously, or performing any irreligious act. Likewise, maintaining an opinion or performing an act that tends to weaken the sovereign power is a greater crime in a professional lawyer than in another

man. Also, an act against the law is a greater crime in •a man who has such a reputation for wisdom that his advice is taken or his actions imitated by many people than it would be in •anyone else. For the former not only commits crime but teaches it as law to everyone else. And generally all crimes are made greater by the scandal they give, i.e. by becoming stumbling-blocks to weaker people who attend less to the path they are walking along than to the light that other men carry before them.

Also acts of hostility against the present state of the commonwealth are greater crimes than the same acts performed against private men, because •in the former case• the damage spreads to everyone. Examples would be betraying the strengths or revealing of the secrets of the commonwealth to an enemy, also all attempts [here = 'attacks'] on the representative of the commonwealth (whether it be a monarch or an assembly), and all attempts by word or deed to lessen the authority of the sovereign (whether the present sovereign or his successors). . . .

Similarly, crimes that subvert legal judgments are greater crimes than wrongs done to one or a few persons. (For example, taking a bribe in return for giving a false judgment or •false• testimony is a greater crime than getting that much money (or even more) from someone through •ordinary• deception.) This is because the bribe-taker not only wrongs the person against whom the •corrupt• judgment is given, but also •potentially• makes all judgments useless and opens the door to coercion and private revenges.

Also robbery and embezzlement of the public treasure or revenues is a greater crime than robbing or defrauding a private citizen, because to rob the public is to rob many people at once.

Impersonating a public official or counterfeiting public seals or public coins is a worse crime than impersonating a

private individual or counterfeiting his seal, because ·in the former case· the fraud reaches out and harms many people.

Of acts against the law done to private men, the crime is greater when the damage it does is greater according to the common opinion of men. And therefore:

- To kill against the law is a greater crime than any other injury in which life is not taken.
- To kill while inflicting pain is greater than simply to kill.
- Mutilation of a limb is greater than robbing a man of his goods.
- Robbing a man of his goods by terror of death or wounds is greater than robbing him by clandestine theft.
- Clandestine theft is greater than theft through consent that was fraudulently obtained.
- The violation of chastity by force is greater than violation by flattery.
- Violation of a married woman is greater than violation of a woman not married.

For all these things are commonly valued in that way. Men will vary in the strength of their feelings about any given offence; but the law attends to the general inclination of mankind and ignores individual variations.

That is why the laws of the Greeks and Romans, and of other ancient and modern commonwealths, have paid no attention to the offence that men take from being insulted

(in words or gestures), when they do no harm beyond the present grief [= 'anger', 'unhappiness' or the like] of the person who is insulted. It has been supposed that the true cause of such grief consists not in •the insult (which gets no grip on men who are conscious of their own virtue) but in •the small-mindedness of the person who is offended by it.

(4) A crime against a private man can be made much worse by the person, time, and place. To kill one's parent is a greater crime than to kill someone else; for the parent ought to have the honour of a sovereign (though he has surrendered his power to the civil law), because he originally had sovereign power by nature. And to rob a poor man is a greater crime than to rob a rich one, because the poor man suffers more from the loss.

And a crime committed at a time or in a place set aside for devotion is greater than if committed at another time or place; for it proceeds from a greater disregard for the law and for divine worship.

Many other bases for aggravation and extenuation could be added, but the ones I have set down suffice to make it obvious to everyone ·how· to estimate the depth of any other proposed crime.

A final point: in most crimes, some private men are wronged and so also is the commonwealth. A single crime may be called 'a public crime' when the accusation is in the name of the commonwealth, and 'a private crime' when the accusation is in the name of a private man. . . .

## Chapter 28. Punishments and rewards

A PUNISHMENT is an evil inflicted by public authority on someone who has done something that the public authority judges to be a breach of the law, inflicted for the purpose of making the will of men more disposed to obedience.

Before I infer anything from this definition, a very important question has to be answered: Through what door did the right or authority to *punish* come in? From what I have said, no man is supposed to be bound by covenant not to resist violence; so no-one can be taken to have given anyone else the right to lay violent hands on his person. In the making of a commonwealth, every man gives away the right to defend *others* but not the right to defend *himself*. Also each man obliges himself to help the sovereign to punish others but not to punish himself. But •to covenant to help the sovereign to hurt someone else, unless the person who makes the covenants has a right to do it himself, is not •to *give him a right* to punish. [Hobbes writes ‘a right to do it himself; grammatically, this should mean ‘a right to hurt the other person’; but in Hobbes’s state of nature (where ‘the making of a commonwealth’ occurs) every man *does* have a right to hurt anyone he pleases. Perhaps he meant to say that x can’t give the sovereign a right to punish y because x doesn’t—even in the state of nature—have any right to *punish* anyone.] So it’s plain that the right that the commonwealth has to punish is not based on any concession or gift of the subjects.

But I showed in chapter 14 that before the commonwealth is established every man has a right to everything, and to do whatever he thinks necessary for his own preservation—subduing, hurting, or killing any man for that purpose. And *this* is the foundation of the right of punishing that is exercised in every commonwealth. For the subjects didn’t •give the sovereign that right; all they did in laying down

their right to hurt others was to •strengthen the sovereign to use his own •right—the right that he had *already*—in ways that he thinks fit for the preservation of them all. So the right to punish was not *given* to him; he (and he alone) was *left* with it. And, except for the limits set by natural law, he has retained it in its entirety, just as he had it in the raw condition of nature and of war of everyone against his neighbour. •That completes my answer to the important preliminary question•.

From the definition of *punishment* I infer first that neither private revenges nor harms done by private men can properly be called ‘punishment’, because they don’t come from public authority.

Secondly, that being neglected and given no kind of preference by the public authorities is not a punishment, because it merely leaves a man in the state he was in before—it doesn’t inflict any new evil on him.

Thirdly, that if the public authority inflicts an evil on a man without a prior public condemnation, that isn’t to be called ‘punishment’. It is merely a *hostile act*, because the action for which a man is *punished* ought first to be judged by the public authority to be a breach of the law.

Fourthly, that when evil is inflicted on someone by usurped power and by judges who have no authority from the sovereign, that isn’t punishment, but an act of hostility; because the acts of usurped power do not have the condemned person as an author, so they are not acts of the public authority.

Fifthly, that evil inflicted on someone without an intention or a possibility of making him or (through this example) making other men more inclined to obey the laws isn’t

punishment but an act of hostility; because the term 'punishment' applies only to hurt done with that purpose.

Sixthly, some 'bad' actions are naturally followed by various consequences that are hurtful to the person himself, as when a man is killed or wounded in the course of assaulting someone else, or when he falls ill through the performance of some unlawful act. These hurts can be said to be divine punishment, because they are inflicted by God, the author of nature; but they don't fall under the scope of 'punishment', understood as a human procedure, because they aren't inflicted by the authority of man.

Seventhly, if the harm inflicted is less than the benefit or contentment that naturally follows 'for the criminal' from the crime committed, that harm does not fall within the definition 'of punishment', and is rather the price or the *fee* for committing the crime. That is because it is of the nature of punishment to have the purpose of disposing of men to obey the law; and if the 'punishment' is outweighed by the benefit of the crime, that purpose is not achieved—quite the contrary, indeed.

Eighthly, if a punishment is settled and prescribed in the law itself, and after a crime is committed a greater punishment is inflicted, the extra part is not punishment but an act of hostility. The purpose of punishment is not revenge but 'deterrent' terror, and the level of *that* was set by the declared lesser punishment; so piling on extra after the crime has been committed can't have had any power to deter that crime, and is therefore not part of the punishment. But when no punishment at all has been settled by the law, whatever is inflicted *does* have the nature of punishment. For someone who sets out to break a law for which no penalty has been set expects 'that if he is caught he will receive' an indeterminate punishment, i.e. a punishment devised for his particular case.

Ninthly, harm inflicted for an act performed before there was a law forbidding it is not punishment but an act of hostility; for punishment presupposes an act that is judged to have been a breach of the law, and there can't be a breach of a law that doesn't yet exist.

Tenthly, hurt inflicted on the representative of the commonwealth is not punishment but an act of hostility; because it is of the nature of punishment to be inflicted by public authority, which is the authority of the representative itself.

Finally, harm inflicted on declared enemies 'of the commonwealth' is not describable as 'punishment'. Either 'they were never subject to the law, and therefore cannot break it, or 'they have been subject to it but claim to be so no more, and therefore deny that they can break it; so all the harms that can be done to them must be taken as acts of hostility. But when hostility has been declared, all infliction of evil is lawful. So if a subject by actions or words knowingly and deliberately denies the authority of the representative of the commonwealth, he may lawfully be made to suffer whatever the representative chooses to inflict, whatever penalty has been officially set for treason. For in denying that he is a subject he 'implicitly' denies 'that he is liable for' the punishment ordained by the law, and therefore he suffers as an enemy of the commonwealth, that is, he suffers whatever the representative chooses that he suffer. For the punishments set down in the law are for *subjects*, not for *enemies* such as those who, having become subjects by their own act, then deliberately revolted and denied the sovereign power.

The first and most general division of punishments is into *divine* and *human*. It will be more convenient to discuss the former later on [in chapters 31, 38, 44].

Human punishments are those that are inflicted at the command of man, and are either *corporal*, or *pecuniary*, or

*disgrace, or imprisonment, or exile, or a mixture of these.*

*Corporal* punishment is the kind of harm that is, and is intended to be, inflicted on the body directly—for example stripes left by a lash, or wounds, or deprivation of such pleasures of the body as had previously been lawfully enjoyed.

Some corporal punishments are capital, some less than capital. *Capital* punishment is the infliction of death—either done simply or accompanied by pain. *Less than capital* punishment includes stripes, wounds, chains, and any other corporal pain that is not in its own nature fatal. I say ‘not in its own nature fatal’ because if a punishment causes the man’s death but this was not intended by the inflicter, the punishment doesn’t count as ‘capital’; though the harm turned out to be fatal, but that was by an unforeseen accident. In such a case, death is not *inflicted* but *hastened*.

Pecuniary punishment may consist in depriving a man of a sum of money, but the deprivation may instead be of land or any other goods that are usually bought and sold for money. If the law ordaining such a punishment was established *in order to* get money from those who break that law, it’s not really a punishment, but rather the price of privilege and exemption from the law. For the law doesn’t absolutely forbid the act, but forbids it only to those who aren’t able to pay the money. . . . Similarly, if the law requires that a sum of money be paid to someone who has been wronged, this is merely a satisfaction for the wrong that has been done to him; it extinguishes his complaint, but not the offender’s crime.

Disgrace is the infliction of some evil that is made dishonourable by the commonwealth, or the deprivation of some good that is made honourable by it. Some things are honourable by nature, such as the effects of courage, magnanimity, strength, wisdom, and other abilities of body

and mind; others are made honourable by the commonwealth, such as badges, titles, offices, or any other special mark of the sovereign’s favour. Although the former may fail by nature or by accident, they can’t be taken away by a law, so the loss of them isn’t punishment. But the latter can be taken away by the public authority that *made* them honourable, and losses of them are properly punishments; for example, stripping convicted men of their badges, titles, and offices, or declaring them ineligible for such honours in the future.

Imprisonment is when a man is deprived of liberty by the public authority, and it may happen for either of two different purposes: one is to keep an accused man in custody, the other is to inflict pain [here = ‘hardship’] on a condemned man. The former isn’t punishment, because no man is supposed to be punished before being judicially heard and declared guilty. So any hurt that a man is made to suffer by bonds or restraint before his trial, over and above what is necessary to assure that he remains in custody, is against the law of nature. But the latter is punishment, because it is an evil inflicted by the public authority for something that that same authority has judged to be a breach of the law. Under this word ‘imprisonment’ I bring all *restraint of motion caused by an external obstacle*. The obstacle might be a building (which is called by the general name ‘prison’), or an island (to which men are said to be ‘confined’), or a place where men are set to work (quarries in ancient times, galleys these days), or a chain, or any other such impediment.

Exile (banishment) is when a man, because of a crime he has committed, is condemned to leave the territory of the commonwealth, or to keep out of a certain part of it, and—for a fixed time or for ever—not to return to it. Considered just in itself, this seems not to be a punishment but rather an escape or a public command to avoid punishment by flight!

Cicero says that such a punishment was never ordained in the city of Rome, and he calls it ·not a punishment but· a refuge for men in danger. For if a banished man is permitted still to enjoy his goods and the income from his lands, the mere change of air is no punishment! Nor does it tend to the benefit of the commonwealth for which all punishments are ordained, namely, shaping men's wills to obedience to the law; indeed it often tends to *damage* the commonwealth ·by adding to the number of its enemies·. For a banished man is a lawful enemy [Hobbes's phrase] of the commonwealth that banished him, being no longer a member of it. If along with banishment he is deprived of his lands or goods, ·that is a real punishment, but· then the punishment lies not in the exile but ·in the loss of material, and· should be counted as a pecuniary punishment.

All punishments of innocent subjects, great or small, are against the law of nature. For punishment is only for breaking the law, so there can be no punishment of the innocent. So it is a violation ·of three laws of nature, all presented in chapter 15·. •First, the law of nature forbidding men, in their revenges, to look at anything but some future good; for no good can come to the commonwealth from punishing the innocent. •Secondly, the law forbidding ingratitude; for. . .the punishment of the innocent is repaying good with evil. •Thirdly, the law that commands equity, i.e. an equal distribution of justice, which in punishing the innocent is not observed.

But the infliction of any evil whatsoever on an innocent man who isn't a subject, if it's for the benefit of the commonwealth and doesn't violate any former covenant, is no breach of the law of nature. For all men who are not subjects either are enemies or else they have stopped being enemies through previous covenants. And against *enemies* who the commonwealth thinks could harm it, it's lawful by the basic

right of nature to make war; and in war the sword makes no judgments, and the winner does not distinguish the guilty from the innocent (as regards the past) or consider mercy on any basis except what conduces to the good of his own people (·in the future·).

This is why vengeance is lawfully extended not only to subjects who deliberately deny the authority of the established commonwealth but also to their fathers and to their descendants to the third and fourth generation, even though these don't yet exist and are consequently innocent of the ·rebellious· act for which they are afflicted. It is because rebellion consists in the renouncing of the role of subject, which is a relapse into the condition of war; and those who offend in that way suffer not as subjects but as enemies. For rebellion is simply renewed war.

Rewards are ·of two kinds·: either of gift or by contract. Reward by contract is called 'salary' and 'wages', which is benefit due for services performed or promised. Reward of gift is benefit that comes from the grace of those who give it, to encourage or enable men to do them service. For although all subjects are obliged to quit their private business to serve the commonwealth, even without wages, if there is need, this is not ·an obligation imposed· by the law of nature or by the institution of the commonwealth unless it's necessary for the survival of the commonwealth. For it is supposed that the sovereign can fairly use the resources of all subjects, and that from these resources those who defend the commonwealth, having set aside their own affairs, ought to be compensated, so that the lowest of soldiers can demand the wages of his service as a thing owed by right.

If a sovereign bestows benefits on •a subject out of fear of •his harming the commonwealth, these are not properly *rewards*; for they are not •salaries, because in this case no contract is involved, every man being obliged already

not to harm the commonwealth; nor are they •graces, •i.e. rewards of gift, because they are extorted by fear; . . . rather they are •sacrifices, which the sovereign (considered in his natural person, and not in the person of the commonwealth) makes to appease the discontent of someone he thinks to be more powerful than himself. Such sacrifices don't encourage subjects to be obedient; on the contrary, they encourage the continuance and increasing of extortion.

[A paragraph about two different kinds of salary for public service is omitted from this text, except for its final sentence.] And that is all I need to say about the nature of punishment and reward, which are, as it were, the nerves and tendons that move the limbs and joints of a commonwealth.

Up to here I have set forth the nature of man, whose pride

and other passions have compelled him to submit himself to government, together with the great power of his governor, whom I compared to *Leviathan*. I take that comparison from *Job* 41:33-4 where God, having described the great power of Leviathan, calls him King of the Proud. He says: 'There is nothing on earth to be compared with him. He is made so as not to be afraid. He sees every high thing below him, and is king of all the children of pride.' But because he is mortal and subject to decay as all other earthly creatures are, and because there is in heaven (though not on earth) someone he should stand in fear of and whose laws he ought to obey, I shall now speak of Leviathan's diseases and the causes of his mortality (chapter 29), and of what laws of nature he is bound to obey (chapter 30).

## Chapter 29. Things that weaken or tend to the dissolution of a commonwealth

Nothing made by mortals can be immortal. Still, if men had the use of reason that they claim to have, their commonwealths could be safe from perishing by internal diseases. For by the nature of how they are established they are *designed* to live as long as mankind, or as long as the laws of nature or as justice itself—which is what gives them life. So when they are dissolved, not by external violence but from internal disorder, the fault lies with men—not men as what the commonwealth is *made of* but rather men as *makers* of the commonwealth. •What brings a commonwealth into

existence is the state of affairs in which •men at last become tired of unregulated pushing and shoving for priority, and of hacking at one another, and want with all their hearts to fit themselves together into one firm and lasting edifice. But they don't have the skill to make suitable laws by which to square their actions (•as a carpenter has tools to square off the end of a plank), nor do they have the humility and patience to allow their own rough knobs to be planed down; so that unless they have the help of a *very* able architect they can't build themselves into anything but a ramshackle



building that will hardly last through their lifetimes and will surely collapse on the heads of their posterity.

·BAD INITIAL CONSTRUCTION ·

Among the infirmities of a commonwealth, therefore, I count in the first place •those that arise from imperfect construction at the outset, resembling the congenital diseases of a natural body.

Here is one. Sometimes a man wanting to obtain a kingdom settles for less power than is necessarily required for the peace and defence of the commonwealth. From this it comes about that when in the interests of public safety the sovereign takes up the exercise of the power that he previously forwent, this has the appearance of an unjust act, which disposes many men to rebel if they see an opportunity to do so. . . . When kings deny themselves some such necessary power, it is sometimes out of ignorance of what is necessary for the office they undertake. In other cases, though, the king is not ignorant about what he needs, but merely hopes to recover that power whenever he wants to. In this he is not thinking well, because those who will hold him to his promises—including promises about how much power he will hold and exercise—will be supported against him by foreign commonwealths, which for the good of *their* subjects take every opportunity to weaken the condition of their neighbours.

[Hobbes devotes half a page to historical examples: Thomas Becket against King Henry II of England; various rebellions against the democracy of ancient Rome, ending with Julius Caesar's rebellion that finally killed the republic; and an obscure example from ancient Athens. This passage, omitted from the present text, ends thus:] These are kinds of damage that commonwealths can suffer, and of stratagems they can be forced to use, if their power has been limited by even a tiny amount.

·SEDITIONOUS DOCTRINES·

In the second place, I observe •the diseases of a commonwealth that come from the poison of seditious doctrines. **(1)** **One** of them is this: *Every private man is a judge of good and evil actions*. This is true in the raw condition of nature where there are no civil laws, and also under civil government in cases that are not covered by the law. But apart from those exceptions it's obvious that the measure of good and evil actions is the civil law, and that the judge ·who applies that measure is· the legislator, who always represents the commonwealth. This false doctrine inclines men to call in question the commands of the commonwealth, trying to decide which of them to obey, and then to proceed either to obey or to disobey on the basis of what in their private judgments they think fit. This distracts and weakens the commonwealth.

**(2)** A second doctrine that is hostile to civil society says that *Whatever a man does against his conscience is a sin*. This depends on the assumption that the man is to be the judge of good and evil. For a man's conscience *is* his judgment; so just as the judgment can be erroneous so also can the conscience. Therefore, although someone who isn't subject to any civil law sins in everything he does against his conscience, because he has no other rule to follow but his own reason, it is not so with someone who lives in a commonwealth because ·for him· the law is the public conscience, and he has already undertaken to be guided by it. . . .

**(3)** It has commonly been taught that *Faith and holiness are not to be attained by study and reason, but by supernatural inspiration or infusion*. If this were granted, I don't see •why anyone should give a *reason* for his faith, or •what is to stop every Christian from being a prophet, or •why any man should govern his actions by the law of his country rather

than his own inspiration. And thus we fall again into the fault of risking the dissolution of all civil government by taking it on ourselves to judge good and evil, or having them judged by private men who claim to be supernaturally inspired. Faith comes through hearing, and hearing comes through the events that guide us into the presence of those speak to us. These events are all contrived by God Almighty, but they are not supernatural. It's just that they are unobservable, because so many of them co-operate in producing each effect. Faith and holiness are indeed not very common, but they are not •miracles; they come about through education, discipline, correction, and other •natural ways by which God produces them in those he has chosen, at such times as he thinks fit.

And these three opinions, threats to peace and government, have in this part of the world come mainly from the tongues and pens of *unlearned* religious writers. They join passages from Holy Scripture together in unreasonable ways, trying to convince men that holiness and natural reason can't stand together.

**(4)** A fourth opinion that is hostile to the nature of a commonwealth is this: *He who has the sovereign power is subject to the civil laws.* Sovereigns are indeed all subject to the laws of nature, because those laws are divine and can't be repealed by any man or any commonwealth. But the sovereign isn't subject to laws that the commonwealth makes—i.e. that *he* makes. For him to be subject to •civil• laws is for him to be subject to the commonwealth, that is to the sovereign representative, that is to *himself*; and being 'subject' to himself is not subjection to the laws but freedom from them! Because this error sets the laws above the sovereign, it also sets a judge above him, and a power to punish him; and that makes a new sovereign, and then for the same reason a third, to punish the second, and so on. . . to the confusion and dissolution of the commonwealth.

**(5)** A fifth doctrine that tends to the dissolution of a commonwealth is that *Every private man has absolute ownership of his goods, excluding the right of the sovereign.* Every man has indeed ownership that excludes the right of every other *subject*; and he gets it from the sovereign power, without the protection of which every other man would have an equal right to those goods. But if the right of the sovereign is also excluded, he can't perform the task they have given him—to defend them from foreign enemies and from one another—and consequently there is no longer a commonwealth. . . .

**(6)** A sixth doctrine that is plainly and directly contrary to the essence of a commonwealth is this: *The sovereign power may be divided.* Dividing the power of a commonwealth is dissolving it, for divided powers mutually destroy each other.

Doctrines **(4)–(6)** come chiefly from some of the professional writers on the law, who try to make the laws depend on their learning rather than on the legislative power.

•FOLLOWING BAD EXAMPLES•

Men become disposed to alter the settled form •of government that they have•, not only through false doctrine but also, often, by the example of a different •form of• government in a neighbouring nation. [Examples are given from the Old Testament and ancient Greece.] And I don't doubt that many men have been contented to see the recent troubles in England, taking what happened in the Netherlands as a reason for thinking that to grow rich all that is needed is to set aside the king, as the Dutch have done; for they attribute to the Dutch change of government the wealth that they really owe to their hard work. For it is in man's nature to want novelty; so when men are provoked to novelty by the nearness of others who •seem to• have been enriched by it, it's almost impossible for them not to •give a good hearing to those who urge them to change, and to •love the first beginnings •of the change•, though they are grieved by the

continuance of disorder, like hot bloods [Hobbes's phrase] who scratch their itches until they can't bear the pain any more.

·READING DANGEROUS BOOKS·

As for rebellion against monarchy in particular, one of the most frequent causes of it is the reading of the books on government and histories of the ancient Greeks and Romans by young men, and others who like them are not provided with the antidote of solid reason. These readers get a strong and delightful impression of the great exploits of war achieved by the generals of the Greek and Roman armies; and along with that they receive a pleasing idea of everything else that the ancients did, and imagine that their great prosperity came from the virtue of their democratic form of government (whereas really it came from the competitive energies of particular men). In this they overlook the frequent seditions and civil wars produced by the imperfection of the political system ·of Athens and republican Rome, which they admire so much·. From reading such books men have undertaken to kill their kings, because the Greek and Latin writers in their books and discourses on government make it lawful and praiseworthy for any man to do so—provided that before he does it he calls the king a 'tyrant'! For they don't say that regicide (killing a king) is lawful, but that tyrannicide (killing a tyrant) is lawful. From the same books, those who live under a monarch get the idea that the subjects in a democratic commonwealth enjoy liberty, while in a monarchy they are all slaves. I say this about people living under a monarchy; those who live under a democratic government have no such opinion.

In brief, I can't imagine anything more prejudicial to a monarchy than officially allowing such books to be read, without having discreet masters who immediately apply correctives that can take away the books' poison. I don't hesitate to compare that poison with the biting of a mad dog,

which is a disease the physicians call *hydrophobia*, or *fear of water*. Someone who has been bitten by a mad dog is constantly tormented by thirst, and yet hates water, and is in such a state that one might think the poison was trying to turn him into a dog; and similarly when a monarchy is bitten down into the flesh by those democratic writers who continually snarl at monarchy, all that is needed is a strong monarch; but when they have one they hate him, out of a certain *tyrannophobia* or *fear of being strongly governed*.

Some learned men have held that there are three souls in a man; and some hold that a commonwealth also has more than one soul, i.e. more than one sovereign. They oppose a supreme power against the sovereignty, canons ·of the church· against ·civil· laws, and a ghostly authority against the civil ·authority·.

[Hobbes uses 'ghostly' as a sarcastic way of saying 'spiritual'.] In so doing, they work on men's minds with words and distinctions that don't in themselves mean anything, but by their obscurity convey the idea that another kingdom which some think is invisible—a kingdom of fairies, so to speak—walks [Hobbes's verb] through the darkness.

Now, it's obvious that the civil power is the same thing as the power of the commonwealth; and that supremacy, and the power of making canons and granting faculties, implies a commonwealth; so it follows that

where one is sovereign, another supreme,  
 where one can make laws, and another make canons,  
 there must be two commonwealths of a single group of subjects, which is a kingdom divided in itself, and can't stand. The distinction between *temporal* and *ghostly* is ·almost· meaningless, but they are nevertheless two kingdoms, bringing every subject under two masters. The ghostly power, in claiming the right to declare what is *sin*, implicitly claims ·the right to· declare what is *law* (sin being nothing

but the breaking of the law); but the civil power also claims ·the right· to declare what is law; so every subject must obey two masters, both wanting their commands to be observed as law, which is impossible. . . .

So when these two powers oppose one another, the commonwealth is bound to be in great danger of civil war and dissolution. For •the civil authority, being more visible ·than its rival· and standing in the clearer light of natural reason, is sure always to draw to its side a very considerable part of the people; and •the spiritual ‘authority’, though it stands in the darkness of school distinctions and hard words, will have enough adherents to trouble a commonwealth and sometimes to destroy it, because the fear of darkness and ghosts is greater than other fears. This is a •disease ·of the commonwealth· that can appropriately be compared to a •disease of the natural body, namely epilepsy, or falling sickness, which the Jews took to be one kind of possession by spirits. ·Let us compare them·. In •epilepsy there is an unnatural spirit or wind in the head that obstructs the roots of the nerves, and by moving them violently takes away the motion they would naturally have from the power of the soul in the brain, and thereby causes violent and irregular motions (‘convulsions’) in the rest of the body, so that the victim of the disease falls down sometimes into water and sometimes into fire, like a man deprived of his senses. With •the disease of the body politic, when the spiritual power moves the members of a commonwealth by the fear of punishments and hope of rewards (which are its nerves) otherwise than ·they would be moved· by the civil power (which is the soul of the commonwealth), and by strange and hard words suffocates their understanding, it’s certain to distract the people and either drown the commonwealth in oppression or cast it into the fire of a civil war.

Sometimes there’s more than one soul within the purely

civil government, as when the power of taxation (which is the nutritive faculty) has depended •on a general assembly, the power of conduct and command (which is the faculty of movement) •on one man, and the power of making laws (which is the rational faculty) •on the consent—when it can be obtained—not only of those two ·authorities· but also of a third. This endangers the commonwealth, sometimes through lack of consent to good laws but most often through lack of enough nourishment to sustain life and motion. For although few people see that such ‘government’ is not *government* but rather a division of the commonwealth into three factions. . . .the truth is that it is not one independent commonwealth but three independent factions, and not one representative person but three. In the kingdom of *God* there can be three independent persons without breach of unity in *God* who reigns, but where *men* reign—men with all their diversity of opinions—it cannot be so. If the king bears the person of the people, and the general assembly also bears the person of the people, and another assembly bears the person of a part of the people, they are not one person and one sovereign, but three persons and three sovereigns.

I don’t know what disease of the natural body of man is comparable with this disorder in a commonwealth. But I have seen a man that had another man growing out of his side, with his own head, arms, chest, and stomach; if he had another man growing out of his other side, the comparison might then have been exact.

So far I have discussed the diseases of a commonwealth that constitute the greatest and most immediate danger. There are others that are not so great but are still worth noticing. ·I shall describe five of them and then briefly list five more·.

·SHORTAGE OF MONEY·

First, there’s difficulty in raising money for the neces-

sary uses of the commonwealth, especially when war is approaching. This difficulty arises from the belief that each subject *owns* his lands and goods in a way that excludes the sovereign's having any right to the use of them. This leads to situations of the following kind:

The sovereign power foresees the necessities and dangers of the commonwealth, but finds that the flow of money into the public treasury is blocked by the tenacity of the people; so instead of *extending* itself so as to meet and prevent such dangers in their beginnings, it *contracts* itself for as long as it can. When it can no longer do this, it struggles with the people to get small sums from them by stratagems of law; these sums are not sufficient, so the sovereign power is forced to use violence to open the channels for the supply of money; and being often forced to such extreme measures it eventually brings the people into the state of mind you would expect, ·given such treatment·. If not—i.e. without the resort to violence·—the commonwealth must perish.

We can aptly compare this disease ·of the commonwealth· to a fever, the course of which runs as follows:

The fleshy parts of the body become congealed, or obstructed by poisonous matter, so that the veins—which naturally empty themselves into the heart—are not re-filled from the arteries as they ought to be. This is followed by a cold *contraction* and trembling of the limbs; and the heart provides small re-invigorations of things that can be cooled down for a time. After that it makes a hot and strong attempt to force a passage for the blood; until at last it breaks down the resistance of the obstructed parts, and dissipates the poison into sweat. That is what happens if the body's nature is strong enough; if it is not, the patient dies.

·A different though also money-related danger to the commonwealth·: A commonwealth sometimes contracts a disease resembling pleurisy. That is when the treasure of the commonwealth flows out of its proper channels and is accumulated in too much abundance in the hands of one or more private men, through monopolies, or through tax-gathering contracts with the sovereign. In the same way in pleurisy, blood gets into the membrane of the chest and creates an inflammation there, accompanied by fever and stabbing pains.

·SOME OTHER THREATS TO A COMMONWEALTH'S HEALTH·

•The popularity of a powerful subject is—unless the commonwealth is well assured of his loyalty—a dangerous disease, because the people, who ought to steer by the authority of the sovereign, are drawn away from their obedience to the laws by the ambitious man's flattery and by his reputation, following him without knowing anything about his character or his plans. This is commonly a bigger danger in a democratic government than in a monarchy, because *an army* is so powerful and so numerous that it's easy to pretend that they are *the people*. So it was with Julius Caesar: having won for himself the affections of his army, he had himself set up by the people against the senate, thus making himself master of both. This proceeding of popular and ambitious men is plain rebellion, and can be compared to the effects of witchcraft.

•A commonwealth can be harmed by containing a town that is so immoderately great that it can from its own resources provide the men and the money for a great army; or its containing many incorporated towns—ones that exist as legally separate entities·—which are as it were lesser commonwealths in the bowels of a greater one, like worms in the entrails of a natural man.

•The freedom to argue back against absolute power, by

people who claim to have political insights, can harm a commonwealth. Such people mostly come from the dregs of society, but, driven by false doctrines, they perpetually trouble the commonwealth by meddling with its fundamental laws, like the little ·intestinal· worms that physicians call *ascarides*.

•Then there's a commonwealth's *bulimia* or insatiable appetite for enlarging its domain, with the incurable *wounds* that this often leads to its receiving from the enemy; and the *warts* of scattered conquests, which are often a burden, bringing more new dangers than they remove old ones; also the *lethargy* of ·immoderate· ease; and the *wasting disease* of riot and vain expense.

A final point: when in a war the enemies (foreign or internal) get a final victory, so that the forces of the commonwealth leave the field and its subjects can no longer get protection from their loyalty, the commonwealth is DIS-

SOLVED, and every man is free to protect himself by any means that his own discretion suggests to him. For the sovereign is the public soul, giving life and motion to the commonwealth, and when that soul dies the limbs and organs ·of the commonwealth· are no more governed by it than the carcass of a man is governed by his departed (though immortal) soul. For although *the right of a sovereign monarch* can't be extinguished by the act of someone else, *the obligation of the members* can. Someone in need of protection may seek it anywhere, and when he has it he is obliged to *protect his protection* for as long as he can, without fraudulently claiming ·that he is free to desert it, because· he submitted himself to it out of fear. But once the power of an assembly has been suppressed, its right perishes utterly, because the assembly itself is dead and so there's no possibility for sovereignty to re-enter.

## Chapter 30. The office of the sovereign representative

The office [= 'the role', 'the job'] of the sovereign, whether a monarch or an assembly, consists in the purpose for which he was entrusted with the sovereign power, namely to procure *the safety of the people*. He is obliged to do this by the law of nature, and to render an account ·of his exercise of sovereignty· to God, the author of that law, and to no-one else. By 'safety' here I don't mean mere preservation, but also all the contentments of life that each man acquires for himself by lawful work and without danger or damage to the

commonwealth.

And it's to be understood that this should be done by a *general oversight*, contained in public instruction through teaching and example, and in the making and applying of good laws, which individual persons can apply to their own situations. The sovereign isn't obliged to care for *individuals* except when they formally request protection from harm.

If the essential rights of sovereignty (specified in chapter 18) are taken away, the commonwealth is thereby dissolved

and every man returns to the calamitous condition of war with every other man, which is the greatest evil that can happen in this life. Therefore, it is the office of the sovereign to keep all those rights himself; so it's against his duty to transfer to someone else, or to lay aside, any of them. For if a sovereign agrees to be subject to the civil laws, and renounces any of these powers:

- supreme judicature,
- making war or peace by his own authority,
- judging what the commonwealth needs,
- levying taxes and conscripting soldiers when and as much as in his own conscience he judges necessary,
- making officers and ministers both of war and peace,
- appointing teachers, and examining what doctrines are and what are not consistent with the defence, peace, and good of the people,

he deserts the means for procuring the safety of the people, and he who deserts the means deserts the ends.

It is also against his duty to let the people be ignorant or misinformed concerning the grounds and reasons for his having those essential rights, because it is easy for ignorant or misinformed men to be seduced and drawn to resist him at times when the commonwealth requires service from them.

What makes it especially important to teach the grounds of these rights is their being a matter of natural right, not civil right, and a breach of them is not to be •punished as a violation of civil laws but •avenged as a hostile act. For •such breaches• involve rebellion, i.e. breaking (or rather repudiating) all the civil laws at once, and for that reason it would be pointless for the civil law to prohibit them.

•In chapter 27• I reported and refuted •an opinion that I have heard expressed, namely that justice is merely a word, without substance, and that whatever a man can acquire for himself by force or skill (not only in the condition of war,

but also in a commonwealth) is his own. Here is •another opinion that some people have:

There are no grounds and no principles of reason to sustain the essential rights that make sovereignty absolute. If there were, they would have been discovered *somewhere*, whereas in fact we find that there has never yet been any commonwealth where those rights have been acknowledged or proclaimed.

This is as bad an argument as the savage people of America would be employing if they denied that there are any grounds or principles of reason for building a house that would last as long as the materials of which it is made, because they never yet saw a house as well built as that. Time and hard work produce new knowledge every day. The art of building well is derived from •principles of reason established by industrious men who had long studied the nature of materials, and the various effects of shape and proportion, long after mankind's first poor attempts at building. Similarly, long after men began to construct commonwealths—imperfect ones, liable to collapse into disorder—there may be •principles of reason waiting to be discovered by hard thought, principles that will make commonwealths everlasting (unless destroyed by external violence). Such principles are what I have presented in this book. Whether or not they will be seen by people who have the power to make use of them, and whether or not they will be neglected by such people •if they *do* see them•, is not something I care about much at the present time. But even if these ones of mine are not such principles of reason, I am sure they are backed by the authority of Scripture, as I shall show when I shall come to speak of the kingdom of God (administered by Moses) over the Jews, God's special people by covenant [chapter 40, not included on this website].

But opponents reply that even if the principles are right, common people aren't intelligent enough to be able to under-

stand them. I would be glad if the rich and powerful subjects of a kingdom, or the ones regarded as the most learned, were as intelligent as the common people! But everyone knows that the obstacles to learning this kind of doctrine have less to do with the difficulty of the material than with the wants and needs of the learner. Powerful men can digest hardly anything that threatens to curb their desires, and learned men anything that reveals their errors and thus lessens their authority; whereas the common people's minds, unless they are tainted by dependence on the powerful, or scribbled over with the opinions of their learned teachers, are like clean paper—fit to receive whatever is imprinted on them by public authority. Whole nations have been brought to accept the great mysteries of the Christian religion, which are *above* reason; and millions of men have been made believe that one body can be in countless places at the same time, which is *against* reason; so can it really be the case that men can't, through legally protected teaching and preaching, get the populace to accept something that is so *agreeable* to reason that any unprejudiced man will learn it as soon as he hears it? I conclude therefore that the instruction of the people concerning the essential rights . . . of sovereignty need not involve any difficulty as long as a sovereign keeps his power intact. If difficulties do arise, that will be the sovereign's fault, or the fault of those whom he trusts in the administration of the commonwealth. So he has a duty to cause the people to be instructed about this; and as well as being his duty it is also for his benefit, giving him security against the danger to himself—in his natural person—from rebellion.

Coming now to details: the people are to be taught, **first**, that they ought not to be in love with any form of government they see in neighbouring nations more than with their own, or to want to change, whatever present prosperity they see in nations that are governed differently from how theirs

is. For the prosperity of a people ruled by an aristocratic or democratic assembly doesn't come from aristocracy or democracy, but from the obedience and harmony of the subjects; and when the people flourish in a monarchy, it's not because one man has the right to rule them but because they obey him. In any kind of state, if you take away the obedience (and consequently the harmony) of the people, not only will they not flourish but in a short time their commonwealth will be dissolved. Those who disobey the commonwealth in an attempt merely to reform it will find that they are destroying it. . . . This desire for change is like the breach of the first of God's commandments [*Exodus* 20:3], where God says. . . . 'Thou shalt not have the Gods of other nations', and in another place says of kings that they are Gods. [Curley reports that 'in Hobbes's day it was common to assume that God was speaking to kings when he said "Ye are gods" (Psalm 82:6.)]

**Secondly**, they are to be taught that they ought not to be led by their admiration for the virtue of any of their fellow subjects, however high he stands and however conspicuously he shines in the commonwealth, nor to be thus led by any assembly except the sovereign assembly. The 'being led' I am talking about involves offering to other subjects obedience or honour that is appropriate to the sovereign alone, or being influenced in any way that doesn't come from the sovereign authority *through* these people or assemblies. For any conceivable sovereign who loves his people as he ought to will be jealous [here = something like 'possessive'] regarding them, and won't allow them to be seduced from their loyalty to him by the flattery of popular men. They often *have* been thus seduced, not only secretly but openly, proclaiming marriage with them in the presence of the Church, by preachers and by announcing their allegiance in the open streets—like a violation of the second commandment ['Thou shalt not make thee any graven image. . . .'] (*Deuteronomy* 5:8)].



**Thirdly**, in consequence of this, the people ought to be told how great a fault it is to speak ill of the sovereign representative (whether one man or an assembly), to challenge or dispute his power, or in any way to use his name irreverently. Any behaviour of these kinds can lead to the sovereign's being disregarded by his people, and to a slackening of their obedience, which is essential to the safety of the commonwealth. This doctrine resembles the third commandment ['Thou shalt not take the name of the Lord thy God in vain . . .'] (5:11)].

**Fourthly**, times must be set apart from people's ordinary work for them to listen to those who have been appointed to instruct them in all this. Without such special teaching sessions, people can't be taught this, nor when it is taught can they remember it, and indeed the next generation won't even know who has the sovereign power. So it's necessary that some such times be fixed, in which the people can come together and (after prayers and praises have been given to God, the sovereign of sovereigns) hear their duties told to them, and hear someone read and expound the positive laws that generally concern them all, and be put in mind of the authority that makes them laws. For this purpose the Jews set aside every seventh day as a sabbath, in which the law was read and expounded, and in the solemnity of which they were reminded that their king was God. . . . So that the first tablet of the commandments is entirely spent on setting down the sum of God's absolute power, not only as God but also as king through a special pact with the Jews; and can therefore give light to those who have sovereign power conferred on them by the consent of men, helping them to see what doctrines they ought to teach their subjects.

**Fifthly**, because the first instruction of children depends on the care of their parents, it's necessary that they should be obedient to their parents while they are under

their tuition, and that afterwards (as gratitude requires) they should acknowledge the benefit of their upbringing by external signs of honour. To this end they are to be taught that each man's father was originally also his sovereign lord, with power of life and death over him; and that when the fathers of families instituted a commonwealth and thereby resigned that absolute power, they never meant to lose the honour due to them for their bringing up of their children. The institution of sovereign power didn't require them to relinquish this right; and there would be no reason why any man should want to have children, or take the care to nourish and instruct them, if he was afterwards to have no more benefit from them than from other men. And this accords with the fifth commandment ['Honour thy father and thy mother. . . .'] (5:16)].

**Sixthly**, every sovereign ought to cause *justice* to be taught, . . . i.e. to cause men to be taught not to deprive their neighbours through violence or fraud of anything which by the sovereign authority is theirs. Of the things that a man owns, those that are dearest to him are his own life and limbs, and next (in most men) things that concern conjugal affection, and after them riches and means of living. So the people are to be taught to abstain from violence to one another's person by private revenges, from violation of conjugal honour, and from forcible robbery and fraudulent underhanded theft of one another's goods. For this purpose they must also be shown the evil results of false judgment ·in the courts of law· through corruption of judges or witnesses; for this takes away the distinction between *owned* and *not owned*, and justice becomes of no effect. All of these things are intimated in the sixth, seventh, eighth, and ninth commandments ['Thou shalt not kill, . . . commit adultery, . . . steal, . . . bear false witness against thy neighbour' (5:17-20)].

•**Seventhly** and• lastly, the people are to be taught that not only unjust *acts* but also *plans and intentions to perform such acts* are unjust, even if for some reason the plans don't succeed; for injustice consists in the wickedness of the will as well as in the lawlessness of the act. This is the meaning of the tenth commandment ['Neither shalt thou desire thy neighbour's wife. . . ' (5:21)]. It rounds out the second tablet, which comes down to this one commandment of mutual charity: *Thou shalt love thy neighbour as thyself*, as the content of the first tablet comes down to *the love of God*, whom the Jews had recently accepted as their king.

As for the means and channels through which the people may receive this instruction: we should look into *how* so many opinions that are contrary to the peace of mankind, and •based• on weak and false principles, have nevertheless sunk their roots so deeply into the people. I mean the opinions that I specified in chapter 29, such as

- that men shall judge concerning what is lawful or unlawful not by the law itself but by their own consciences (i.e. by their own private judgments);
- that a subject sins if he obeys the commands of the commonwealth without first judging them to be lawful;
- that they own their wealth in such a way that the commonwealth has no claim on it;
- that it is lawful for subjects to kill people that they call 'tyrants';
- that the sovereign power can be divided;

and the like. These come to be instilled into the people by means that I now describe.

The greatest part of mankind fall into two groups, each of which is side-tracked from the deep meditation that is needed for learning the truth, not only in matters of natural justice but also of all other sciences. They are •people who are kept constantly at work by necessity or greed, and •ones who

are devoted to sensual pleasures by their excessive wealth or by their laziness. Members of these groups, •since they don't think for themselves about these matters•, get their notions of their duty chiefly from preachers in the pulpit, and partly from such of their neighbours or acquaintances as are smooth talkers and seem wiser and better educated in cases of law and conscience than they themselves are. And these preachers and others who make a show of learning derive their knowledge from the universities and schools of law, or from published books written by men eminent in those schools and universities. So it's clear that the instruction of the people depends wholly on the correct teaching of youth in the universities.

But (you may say) •aren't the universities of England learned enough already to do that? •or do you take it on yourself to teach the universities? Hard questions! •Yet as to the first, I don't hesitate to answer •that they are *not*; and• that till near the end of Henry VIII's reign, the power of the Pope was always upheld against the power of the commonwealth, principally *by the universities*; and that the doctrines •in favour of Papal power and• against the sovereign power of the king, maintained by so many preachers and so many lawyers and others who had been educated *in the universities*, is evidence enough that the universities, though not authors of those false doctrines, didn't know how to plant true ones •in their place•. For in such a contradiction of opinions it's most certain that they haven't been sufficiently instructed, and it is no wonder if they still have a tang of that subtle sauce with which they were first seasoned against the civil authority.

•As for the second question, it's not appropriate for me to answer Yes or No; and I don't *need* to answer, for anyone who sees what I am doing can easily see what I think!

It is moreover the duty of the sovereign to provide that punishments which the laws establish for all citizens who have broken them shall be applied equally to all. Crimes against the sovereign, of course, can be pardoned by him without unfairness; for pardoning is a matter for him who has been wronged. But a wrong against a citizen can't be pardoned by anyone else without that citizen's consent or fair compensation. If someone offers impunity to the murderer of my father or my son, won't he be called in some way a murderer also?

It is the duty of the sovereign also to see that ordinary citizens are not oppressed by the great, and even more that he himself doesn't oppress them on the advice of the great. . . . For the common people are the strongest element of the commonwealth. It is also the sovereign's duty to take care that the great don't by insults provoke those of modest means to hostile action. The sovereign can, of course, rightly reproach a citizen for his baseness, but to reproach someone for having a humble station in life is unfair and also dangerous to the commonwealth. If great people demand to be honoured for being great and powerful, why aren't the common people to be honoured for being numerous and much more powerful? . . .

Equal justice includes the equal imposition of taxes. The equality of taxes doesn't depend on equality of wealth, but on the equality of the debt that every man owes to the commonwealth for his defence. It isn't enough for a man to work for the maintenance of his life; he must also fight (if need be) to make his ability to work secure. He can do this either as the Jews did in rebuilding the temple after their return from captivity, building with one hand and holding the sword in the other, or by hiring others to fight for him. For the taxes that are imposed on the people by the sovereign power are nothing but the wages that are due

to those who hold the public sword to defend private men in their exercise of various trades and professions. So the benefit that everyone receives from taxes is the enjoyment of life, which is equally valuable to poor and rich; so the debt that a poor man owes those who defend his life is the same as what a rich man owes for the defence of *his* life; except that a rich man who has poor men in his service may be a debtor for them as well as for himself. In the light of this, we can see that the equality of imposition consists in the equality of what is consumed rather than of the riches of the persons who do the consuming. Rich people may often be more heavily taxed than poor ones for the reason I have just given, namely that they have the poor in their service and must stand in for them when taxes are calculated. Nobody should pay more taxes *just* because he is rich. Compare someone who is rich because he works hard and lives frugally with someone who hasn't much money because he lives idly, earns little, and spends whatever he earns: why should the former be charged with more taxes than the latter, when he gets no more protection from the commonwealth than the other does? But when taxes are laid upon things that men consume, every man pays equally for what he uses, and the commonwealth is not defrauded by the luxurious waste of private men.

[The next paragraph is given first in the English version and then in the Latin versions adapted from Curley's translation. The contrast is too interesting to pass up.]

·THE ENGLISH VERSION·

And whereas many men through unavoidable bad luck become unable to maintain themselves by their labour, they ought not to be left to the charity of private persons, but should be provided for (as far as the necessities of nature require) by the laws of the commonwealth. For just as it is

uncharitable for any *man* to neglect the helpless, so it is also for *the sovereign of a commonwealth* to expose them to the chances of such uncertain charity.

·THE LATIN VERSION·

And since there are some who through no fault of their own but because of events they couldn't have foreseen fall into misfortunes so that they can't by their own labour provide for their own maintenance, it is the sovereign's duty to see that they don't lack the necessities of life. For since the right of nature permits those who are in extreme necessity to steal the goods of others, or even to take them by force, they ought to be maintained by the commonwealth and not left to the uncertain charity of private citizens lest they be troublesome to the commonwealth.

But for those who have strong bodies, the case is otherwise. They should be forced to work; and to avoid their having the excuse of not finding employment, there ought to be laws encouraging all kinds of trades—such as navigation, agriculture, and fishing—and all kinds of manufacturing that requires labour. If the number of people who are poor but strong continues to grow, they should be transplanted into countries that are not sufficiently inhabited. But they are not to exterminate the people they find there. Rather, they should force them to live closer together, thus making room for them (the colonists); and they should each work to get enough food in the appropriate season, by skillfully tending a small plot of ground—not ranging far and wide and snatching what food they can find. And when the whole world is overpopulated the last remedy of all is war—which provides for every man, giving him victory or death.

The making of good laws is in the care of the sovereign. But what is a good law? By a 'good law' I don't mean a just law, for no law can be unjust. The law is made by

the sovereign power, and everything done by such power is authorized and owned by every one of the people, and no-one can call *unjust* something that every man wants. The laws of a commonwealth are like the laws of gambling, in that whatever the gamblers agree on is not unjust to any of them. So much for what I *don't* mean by good law'. A good law is one that is needed for the good of the people, and is also clear.

For the use of laws (which are simply authorized rules) is not to hold people back from all voluntary actions, but to steer them and keep them moving in such a way as not to hurt themselves by their own impetuous desires, rashness, or indiscretion. (Similarly, hedges are planted along country roads not to stop travellers but to keep them on the road.) So a law that isn't needed is not good, because it doesn't have the right purpose for a law. One might think that a law might be good if it was for the benefit of the sovereign, even if it wasn't necessary for the people; but that is not so. For the good of the sovereign can't be separated from that of the people. It is a weak sovereign that has weak subjects, and it is a weak people whose sovereign lacks the power to rule them at his will. Unnecessary laws are not good laws, but traps for money—extra money coming to the commonwealth through fines imposed for breaking the laws. When the right of sovereign power is acknowledged, such traps are not needed; and when it *isn't* acknowledged, they are inadequate to defend the people.

A law's clarity consists not so much in the words of the law itself as in a declaration of the reasons and motives for which it was made. That is what shows us what the legislator intends, and when that intention is known the law is more easily understood by a few words than by many. For all words are liable to ambiguity, so to multiply words in the body of the law is to multiply ambiguities;

besides, a long-winded law seems to imply (by the care with which it picks its words) that whoever can evade the *words* can escape the *law*. This is a cause of many unnecessary legal proceedings. For when I consider how short the laws were in ancient times, and how they have gradually grown longer, I think I see a struggle between the penners and the pleaders of the law—i.e. between legislators and practising lawyers—with the legislators trying to hem the lawyers in, and the lawyers trying not to be hemmed in; and I think I also see that the lawyers have won. So it is part of the office of a legislator . . . to make clear *why* the law was made, and to make the body of the law itself as short, but also as properly worded, as it can be.

It belongs also to the office of the sovereign to apply punishments and rewards properly. Since the purpose of punishment is not revenge or the expression of anger, but rather correction—either of the offender or of others by his example—the severest punishments should be inflicted for the crimes that are of most danger to the public. Examples are those that proceed from malice towards the established government, those that spring from disregard for justice, those that provoke indignation in the masses, and those which if they went unpunished would seem to be authorized, for example ones committed by sons, servants, or favourites of men in authority. For in such a case indignation carries men not only against those who *act* unjustly but also against all power that is likely to *protect* them—as in the case of Tarquin, who was driven out of Rome because of an insolent act by one of his sons, and the monarchy itself was dissolved.

But crimes of infirmity—such as ones that stem from great provocation, great fear, great need, or ignorance—are often fit subjects for leniency, without risk to the commonwealth, whether or not the act is a great crime. And when there is a place for leniency, it is required by the law of

nature. When a riotous insurrection occurs, the commonwealth can profit from the example of the punishment of its leaders and teachers, but not of the punishment of the poor seduced people. To be severe to the people is to punish their ignorance, which may be largely laid at the door of the sovereign, whose fault it is that they hadn't been better instructed.

Similarly, it's part of the office and duty of the sovereign always to apply his rewards in such a way as to benefit the commonwealth. That is what they are for; and it is achieved when those who have served the commonwealth well are recompensed with as little expense as possible from the common treasury, but well enough for others to be encouraged to serve the commonwealth as faithfully as they can, and to get the skills that will enable them to serve even better.

To give money or promotion to buy off a popular ambitious subject, getting him to be quiet and to desist from giving the people bad impressions of the sovereign, is not at all a *reward*, for rewards are given for past service and not for threats of future disservice. Nor is it a sign of *gratitude*, but only of fear; and it is likely not to benefit but rather to harm the public. It is a struggle with ambition, like that of Hercules with the monster Hydra, which grew three new heads for every one that Hercules chopped off. For when the stubbornness of one popular man is overcome with a 'reward', that sets an example which leads to many more people setting about the same sort of mischief in the hope of a similar benefit; for malice, like everything else made by men, increases when there is a market for it. And though sometimes a civil war may be delayed in that way, the danger grows during the period of the delay, and the public ruin becomes more assured. So it's against the duty of the sovereign, to whom the public safety has been committed,

to reward people who aspire to greatness by disturbing the peace of their country; the sovereign should run a small risk in opposing such men from the outset rather than running a larger risk in confronting them later on.

[In the next paragraph, for the only time in this text, Hobbes's 'counsel' and its cognates are allowed to stand; earlier they have been replaced by 'advise' and its cognates. Two other points: The Latin word *considium* means 'together in session'; and Hobbes is in fact wrong in thinking that *consilium*, the Latin word for 'counsel', comes from *considium*.] Another business of the sovereign is to choose good counsellors, I mean ones whose advice he is to take in governing the commonwealth. For this word 'counsel', *consilium*, corrupted from *considium*, has a broad meaning, and covers all assemblies of men that sit together not only to deliberate what is to be done in the *future* but also to judge concerning facts about the *past* and laws for the *present*. I take it here only in the first, 'or future-pointing', sense; and in this sense there is no question of a democracy or an aristocracy choosing counsellors, because 'if they did' the persons counselling would be members of the person counselled. The choosing of counsellors therefore is proper 'only' to monarchy. And if the sovereign performs his duties as he ought to do, he will try to choose those who are the most suitable. They're the ones who have 'the least hope of benefiting from giving bad advice, and 'the most knowledge of the things that conduce to the peace and defence of the commonwealth.

It is hard to know 'who expects benefit from public troubles; but a 'good' sign that can easily be observed by anyone to whom it matters occurs when men whose incomes are not sufficient to cover their accustomed expenses support the people in unreasonable or irremediable grievances.

It is still harder to know 'who has most knowledge of the public affairs; and someone who knows who those people

are has so much the less need for them. For *knowing who knows the rules* of almost of any skill is largely a matter of *knowing 'the rules of' that skill* oneself; because no man can be sure of the truth of someone else's rules without first being taught to understand them himself. But the best way of judging someone's knowledge of a skill is by having long conversations with him about it, and observing the effects of 'his advice concerning' it. Good advice doesn't come through chance or through inheritance, and so there's no more reason to expect the rich or noble to give good advice in matters of state than to expect it from them in planning the dimensions of a fortress. Unless we think that state policy, unlike the geometry 'needed in planning a fortress', doesn't need methodical study and can be mastered simply by watching what happens. But that is not so. For politics is harder than geometry. . . . However suitable the advisers in some matter are, the benefit of their counsel is greater when each of them gives his advice and the reasons for it in private than when he does this in an assembly, by way of orations. It is also better when he has thought the matter out in advance than when he speaks spontaneously—because 'he has more time to survey the consequences of 'the' action 'he is recommending', and because 'he will be less subject to being swept along into contradiction by envy, emulation, or other passions arising from the difference of opinion.

The best advice in matters that don't concern other nations, but only the ease and benefit the subjects may enjoy through laws that look only inward, comes from the general reports and complaints of the people of each province. They know their own wants best, and therefore ought to be carefully listened to when their demands don't threaten the core rights of sovereignty. . . .

If a commander-in-chief of an army is not popular, he won't be loved or feared by his army as he ought to be, and

so he won't be able to command with good success. So a commander needs to be hard-working, brave, amiable, generous, and lucky, so that he may get a reputation for competence and for loving his soldiers. This is *popularity*: it breeds in the soldiers both a desire to recommend themselves to their general's favour and the courage to do so; and it enables the general to be severe, when he needs to be, in punishing mutinous or negligent soldiers. But unless the commander's fidelity is watched carefully, this love of soldiers is a danger to sovereign power, especially when that is in the hands of an assembly that isn't democratic. For the safety of the people, therefore, the sovereign should commit his armies to commanders who are not only good leaders but also faithful subjects.

But when the sovereign himself is popular—i.e. revered and beloved by his people—the popularity of a subject poses no threat. For soldiers are never so generally wrong-minded as to side with the commander whom they love against their sovereign, when they love not only the sovereign personally but also his cause. That explains why those who have violently suppressed the power of their lawful sovereign have always, before they could settle themselves into his place,

had to devise *entitlements* for themselves, so that the people won't be ashamed of accepting them as sovereigns. To have a 'known' *right* to sovereign power is such a popular quality that someone who has it needs only two more things to turn the hearts of his potential subjects to him: on his side, that the people see that he is able absolutely to govern his own household; on his enemies' side, that their armies disband. For the majority of the most active people have never been well contented with the present.

Concerning the duties of one sovereign to another, which are covered by the so-called 'law of nations', I needn't say anything here, because the law of *nations* and the law of *nature* are the same thing. Every sovereign has the same right in procuring the safety of his people as any individual man can have in procuring the safety of his own body. And the same law that dictates to *men who have no civil government* what they ought to do and what to avoid in regard of one another dictates the same to *commonwealths*. That is, dictates it to the consciences of sovereign princes and sovereign assemblies; for there is no court of natural justice except the conscience, where not man but God reigns. . . .

## Chapter 31. The kingdom of God by nature

I have sufficiently proved in what I have already written •that the raw condition of nature—i.e. of the absolute liberty that people have who are neither sovereigns nor subjects—is *anarchy* and *the condition of war*; •that the precepts by which men are guided to avoid that condition are the laws of nature; •that a commonwealth without sovereign power cannot survive, and is a ‘commonwealth’ only in name; •that subjects owe to sovereigns simple obedience except when that would conflict with the laws of God. For a complete knowledge of civil duty, all that remains is to know what those laws of God are. For without that, a man who is commanded by the civil power to do something doesn’t know whether it would be contrary to the law of God or not; and so either by too much civil obedience he offends the Divine Majesty, or through fear of offending God he disobeys commandments of the commonwealth •that he ought to obey. To avoid both these rocks, he needs to know what the divine laws are. And seeing that any knowledge of law depends on knowledge about the sovereign power, I shall say something in this chapter about the KINGDOM OF GOD.

‘God is king, let the earth rejoice’, says the psalmist [*Psalms* 97:1]. And again, ‘God is king though the nations be angry; and he sits between the cherubims, though the earth be moved’ [*Psalms* 99:1]. Whether men want it or not, they must be subject always to the divine power. (By denying the existence or providence of God, men don’t shake off their yoke; if they shake anything off, it’s their ease!) But it is a merely metaphorical use of the word ‘kingdom’ to apply it to this power of God, which extends itself not only to man, but also to beasts, and plants, and inanimate bodies. For someone is not properly said to *reign* unless

he governs his subjects by his word, promising rewards to those who obey it and threatening with punishment those who do not. So inanimate bodies and unthinking creatures are not subjects in the kingdom of God, because they don’t understand anything as an order from him; nor are atheists, or those who don’t believe that God has any care for the actions of mankind, because they don’t acknowledge any message as his, and have no hope of his rewards or fear from his threats. So God’s •subjects are those who believe there is a God who governs the world and has given precepts and propounded rewards and punishments to mankind; all the rest are to be understood as •his •enemies.

To rule by words requires that those words be made plainly known, for otherwise they are not laws; because it’s of the nature of laws that they are adequately and clearly promulgated, so as to take away the excuse of ignorance. The laws of men can be promulgated in only one way, namely by *proclamation*, i.e. by the voice of man. But God declares his laws in three ways: by •the dictates of natural reason, by •revelation, and by •the voice of some man whom God makes credible to the rest by the operation of miracles. And so there is a •triple word of God—

rational, sensible, and prophetic  
corresponding to •a triple ‘hearing’—

right reason, supernatural sensing, and faith.

As for supernatural sensing, which consists in revelation or inspiration, no universal laws have been given in this way, because God speaks in that manner •not to all mankind• but to individual persons, and says different things to different men.



The difference between the other two kinds of God's word—rational and prophetic—is the basis for attributing to God a twofold kingdom—natural and prophetic. In his •natural kingdom God governs as many of mankind as acknowledge his providence, doing this by the natural dictates of right reason; and in his •prophetic kingdom, having chosen one special nation (the Jews) as his subjects, he governs them and them alone not only by natural reason but also by positive laws which he gave to them through the mouths of his holy prophets. I intend to speak in this chapter of the •natural kingdom of God.

The right of nature whereby God reigns over men and punishes those who break his laws doesn't come from •his creating them (as though he required them to be obedient in gratitude for the benefit he gave them •in bringing them into existence•). It comes rather from •his irresistible power. I showed earlier how the sovereign right arises from a pact; to show how the same right can arise from nature, all I need is to show what is needed for it to be sempiternal—i.e. never extinguished•. Seeing that all men had by nature a right to all things, each of them had a right to reign over all the rest. But because this right couldn't be implemented by force, the safety of everyone required setting aside that right and by common consent setting up men with sovereign authority to rule and defend them. If one man had irresistible power, however, there would have been no reason why he should not by that power have ruled and defended both himself and everyone else, as he saw fit. Anyone whose power is irresistible, therefore, *naturally* has dominion over all men just because of his excelling in power. So it's because of that power that God's kingdom over men, and his right of afflicting men as he wishes, belongs naturally to him—not as gracious creator, but as *omnipotent*. And though *punishment* is always on account of sin, because 'punishment' means

'affliction for sin', the right of *afflicting* •men• comes not from men's sin but from God's power.

The question 'Why do evil men often prosper and good men suffer adversity?' was much disputed by the ancients, and is the same as the question we ask now, 'On what basis does God decide how to distribute prosperities and adversities in this life?'. This is so hard to answer that it has shaken the faith not only of the common people but of philosophers and even of the Saints, concerning divine providence. 'How good', says David, 'is the God of Israel to those who are upright in heart, and yet my feet were almost gone, my steps had well-nigh slipped for I was grieved at the wicked when I saw the ungodly in such prosperity' (*Psalms* 73:1-3). And remember how earnestly *Job* complains to God for the many afflictions he suffered despite his righteousness.

In the case of *Job*, God himself answers the question, basing what he has done not on *Job's* sin but on his own power. *Job's* friends explained his afflictions by his sins, and he defended himself through his awareness of his innocence. But God himself takes up the matter, and justifies the affliction •of *Job*• by arguments drawn from his power, such as: *Where were you when I laid the foundations of the earth?* (*Job* 38:4) and the like; and goes on to approve *Job's* innocence and criticise the erroneous doctrine of his friends. This doctrine fits with something our Saviour said regarding the man who was born blind: 'Neither this man nor his parents have sinned; but •he is blind so• that the works of God might be made manifest in him' (*John* 9:3). And though it is said •in the Bible• that 'Death entered into the world by sin' (*Romans* 5:12)—meaning that if Adam had never sinned he would never have died, i.e. never had his soul separated from his body—it doesn't follow that God could not justly have afflicted Adam even if he not sinned, as he afflicts other living creatures that can't sin.

Having spoken of God's right to sovereignty as grounded only on nature, the next topic is: the content of the divine laws or dictates of natural reason, laws concerning either •the natural duties of one man to another or •the honour naturally due ·from us· to our divine Sovereign. •The first are the laws of nature of which I have spoken in chapters 14 and 15—namely, equity, justice, mercy, humility, and the rest of the moral virtues. So it remains for us only to consider •what commands are given to men by their natural reason only, without any other word of God. . . .

Honour consists in the inward thought and opinion of the power and goodness of someone else; to honour God, therefore, is to think as highly as is possible of his power and goodness. The external signs of that opinion, in words and actions, are called *worship*, which is one part of what that the Latins understand by the word *cultus*. For *cultus* [= 'cultivation'] properly signifies the work that a man puts into something so as to get benefit from it. Now, the things from which we get benefit are either •subject to us, and the profit they yield is a natural effect of the work we do on them, or they are •not subject to us and ·do or don't· repay our work according to their own wills. In •the former sense, work on the earth is called ·agri·culture, and the education of children is the culture of their minds. In •the second sense, where men's wills are to be brought around to our purposes not by ·our· force but by ·their· willingness to please, *cultus* means about the same as 'courting', i.e. winning the favour of someone whom we hope for some benefit, by praising him, acknowledging his power, and doing whatever is pleasing to him. That's what *worship* is, properly understood. . . .

From internal honour, consisting in the belief that someone is powerful and good, there arise three passions:

- love, which relates to goodness, and •hope and •fear, which relate to power;

and three parts of external worship:

- praising the object's goodness, and •magnifying and •blessing the object's power and the happiness it gives him.

Praise and magnifying can be expressed by words or by actions: by words when we say that a man is good, or great; by actions when we thank him for his generosity and obey his power. The opinion that someone else is happy can be expressed only by words.

Some attributes and some actions are •naturally signs of honour: *attributes* such as goodness, justice, generosity, and the like; and *actions* such as prayers, thanks, and obedience. Others signs of honour are so •by convention, or custom of men: a single kind of action can express honour at some times and places, dishonour at others, and neither honour nor dishonour at others again. Examples are the gestures of greeting, prayer, and thanksgiving, which are differently used at different times and places. The former of these is •natural worship, while the latter is •arbitrary [here = 'conventional'] worship.

Arbitrary worship can be divided into two, in two different ways. •First, there is the division between *commanded* worship and *voluntary* ·or free· worship: commanded when it is required by him who is worshipped; ·voluntary or· free when it is such as the worshipper thinks fit. When it is commanded, what constitutes the worship is not the words or gestures, but the obedience. But when it is free, the worship consists in the opinion of the spectators; for if the words or actions by which we intend honour seem *to them* to be ridiculous or disrespectful, they aren't worship because aren't signs of honour. Why not? Because a sign is not a sign to him *who gives it* but to him *to whom it is given*, i.e. to the spectator.

•Secondly•, there is *public* worship and *private* worship. Public is the worship that a commonwealth performs, as one person. . . .

The end [here = 'aim', 'purpose' or the like] of worship amongst men is *power*. For when a man sees another man worshipped, he takes him to be powerful and is the readier to obey him, which makes his power greater •still•. But God has no ends; the worship we do him comes from our duty and is conducted, according to our abilities, by the same rules that reason dictates for the honouring by weak men of more powerful ones, in the •hope of benefit, out of •fear of harm or in •thankfulness for good already received from them.

So that we can know what worship the light of nature teaches us concerning God, I will begin with his attributes. •First, it's obvious that we ought to attribute existence to him. For no man can be willing to honour something that he thinks doesn't exist.

•Secondly, the philosophers who said that the world or the soul of the world is God spoke unworthily of him and denied his existence. For by 'God' is understood 'the cause of the world', and to say the world is God is to say there is no cause of it, i.e. no God.

•Thirdly, to say the world was not created but is eternal is to deny there is a God, because something that is eternal has no cause .

•Fourthly, those who deny that God cares for mankind (thinking that this attributes greater *ease* to him) take his honour from him, for they take away men's love and fear of him, which is the root of honour.

•Fifthly, to say that God is *finite* in any respect that signifies greatness and power is not to honour him; for it's not a sign of the wish to honour God to attribute to him less than we can, and finite *is* less than we can, because to *finite*

we can easily add *more*. Therefore to attribute shape to him is not to honour him, for all shape is finite. Nor to say that we conceive, imagine, or have an idea of him in our mind; for whatever we conceive is finite. Nor to attribute to him parts, or totality, which are the attributes only of finite things. Nor to say that he is in this or that place; for whatever has a place is bounded and finite. Nor that he moves or stays still, for both these attributes ascribe place to him. Nor that there are more Gods than one, because that implies them all to be finite, for there can't be more than one infinite.

Nor •does it honour God• to ascribe to him passions that involve grief (repentance, anger, mercy) or want (appetite, hope, desire), or any passive faculty; for passion is power limited by something else. (It is all right to speak of God *metaphorically* in such ways, attributing to him not the passion but •some state that would be• the effect •of that passion in men•.)

So when we ascribe to God a 'will', that is to be understood as referring not to a •rational appetite like the will of man, but rather to the •power by which God brings about everything.

The same holds for attributions to him of *sight* and other acts of the senses, or of *knowledge* and *understanding*; for these, in us, are nothing but a tumult created in the mind by external things pressing on the organs of a man's body; and there's no such thing in God, to whom nothing can be attributed that depends on natural causes.

If we want to attribute to God nothing but what is warranted by natural reason, we must use either such •negative attributes as 'infinite', 'eternal' and 'incomprehensible', or •superlatives such as 'most high' and 'most great', or •indefinite •characterizations• such as 'good', 'just', 'holy' and 'creator', meaning these not as statements about *what he is* (for that would be to confine him within the limits of our imagination) but •as expressions of• how much we admire

him and how ready we would be to obey him, which is a sign of humility and of a will to honour him as much as we can. For there is only one name to signify our conception of his nature, and that is 'I AM'; and only one name of his relation to us, and that is 'God', in which is contained Father, King, and Lord.

Concerning the actions of divine worship, it is a most general command of reason that they be signs of the intention to honour God. •First among these are *prayers*. For when people were thought to *make gods out of images*, it wasn't the carvers of the images who were thought to do this, but the people who prayed to them.

•Secondly, *giving thanks*, which differs from prayer in divine worship only in that prayers precede the benefit and thanks follow it; each having the same purpose, which is to acknowledge God as author of all benefits, past as well as future.

•Thirdly, *gifts*—i.e. sacrifices and offerings—are signs of honour if they are of the best quality, for they are thanksgivings.

•Fourthly, not to swear by anyone but God is naturally a sign of honour; for it's an admission that only God knows the heart, and that no *man's* intelligence or strength can protect a man against God's vengeance on the perjured.

•Fifthly, it's a part of rational worship to be thoughtfully careful in how you speak of God, for that is evidence of a fear of him, and fear is an acknowledgment of his power. From this it follows that the name of God is not to be used rashly and to no purpose; and it is used to no purpose—or 'in vain'—when it is used in oaths other than as ordered by the commonwealth to make judgments certain, or between commonwealths to avoid war.

It also follows that *arguing* about God's nature is contrary to his honour, for that presupposes that in this natural

kingdom of God's the only way to know anything is through natural reason—i.e. the principles of natural science, which are so far from teaching us anything of God's nature that they can't even teach us *our own* nature, or that of the smallest living creature. So when men bring the principles of natural reason into a dispute about the attributes of God, they merely dishonour him; for when we make attributions to God, what we should mean to express is not philosophical truth but rather our pious intention to do him the greatest honour we are capable of. It is because men have lost sight of *that* that we have had volumes of disputation about the nature of God—volumes that tend to honour not God but the brilliance and learning of the writers, and are nothing but thoughtless and vain misuses of his sacred name.

•Sixthly, in prayers, thanksgivings, offerings and sacrifices, it's a dictate of natural reason that each of these should be the best and most honouring of its kind. For example, prayers and thanksgiving should be made in words and phrases that are not impromptu or casual or common, but beautiful and well composed. For otherwise we don't do God as much honour as we can. And therefore the heathens, although it was absurd of them to worship images as gods, were reasonable to do it in verse, and with vocal and instrumental music. Also, it was according to reason, because it came from an intention to honour the god in question, that the beasts they offered in sacrifice, and the gifts they offered, and their actions in worshipping, were all full of submission and commemorative of benefits received.

•Seventhly, reason directs us to worship God not only in secret but also (and especially) in public and in the sight of other men; for without that we lose any chance of getting others to honour him—which is the most acceptable part of our own honouring of him.

•Lastly, the greatest worship of all is obedience to his laws, i.e. to the laws of nature. For just as obedience is more acceptable to God than sacrifice, so also to disregard his commandments is the greatest of all insults. That completes my account of the laws of divine worship that natural reason dictates to private men.

But seeing that a commonwealth is just one person, it ought also to exhibit to God just one worship, which it does when it commands worship to be exhibited publicly by private men. That is *public worship*, which by definition has to be uniform; for actions that are performed differently by different men can't be said to be 'public worship'. Therefore, where many sorts of worship are allowed, coming from the different religions of private men, it can't be said that there's any public worship or that the commonwealth has any religion at all.

Because words have their meanings by agreement and convention among men (and that includes words that stand for the attributes of God) the attributions to God that honour him are the ones that men *intend* to do so; and whatever can be done by the wills of particular men where reason is the only law can be done by the will of the commonwealth through civil laws; so the commonwealth can intend that certain attributions to God shall honour him. But a commonwealth has no will and makes no laws except by the will of the man or assembly that has the sovereign power; from which it follows that the attributes that the sovereign ordains to be signs of honour in the worship of God ought to be understood and used as such by private men in their public worship.

Not all actions are signs by convention; some are *naturally* signs of honour, others of dishonour; and these latter—the actions that men are ashamed to perform in the sight of someone for whom they have respect—cannot

be made by human power a part of divine worship; and the former—such as decent, modest, humble behaviour—cannot by human power be separated from it. But countless actions and gestures are naturally neither honouring or dishonouring, and such of *them* as the commonwealth ordains to be publicly and universally in use as signs of honour and part of God's worship are to be understood and used for such by the subjects. . . .

Having thus briefly spoken of the natural *kingdom* of God and of his natural *laws*, I will add to this chapter only a short account of his natural *punishments*. Every action of a man in this life starts a chain of consequences that is too long for any human foresight to have a high enough viewpoint to see clear down to the end. And in this chain pleasing events are linked together with unpleasing ones in such a way that anyone who does something for his pleasure must be prepared to put up with all the pains that come with it; and these pains are the *natural* punishments of actions that set in train more harm than good. That's how it comes about that

- intemperance is naturally punished with diseases,
  - rashness with mischances,
  - injustice with the violence of enemies,
  - pride with ruin,
  - cowardice with oppression
- and—a specially important pair—
- negligent government by princes with rebellion, and
  - rebellion with slaughter.

For seeing that punishments result from breaking laws, *natural* punishments must result *naturally* from breaking the laws of *nature*, and so they follow such breaches as their natural effects, not ones that someone has *chosen* as punishments.

Concerning the constitution of the commonwealth, the right of the sovereign, and the duties of the citizens, which were to be deduced from the principles of natural reason, I have said all the things I had to say. It is solid and clear, and I think it will please those whose minds are free.

But when I consider •how different my doctrine is from the practice of most of the world, especially of our western parts that have received their moral learning from •ancient• Rome and Athens, and •how much depth of moral philosophy is required in those who administer the sovereign power, I come near to thinking that this work of mine is as useless as the commonwealth of Plato. For he also holds that it's impossible for the disorders of state and change of governments by civil war ever to be taken away until sovereigns become philosophers.

But when I consider again •that the science of natural justice is the only science necessary for sovereigns and their principal ministers; •that they needn't be burdened (as they are by Plato) with the mathematical sciences except for establishing good laws to encourage men to study them; and •that neither Plato nor any other philosopher until now has put into order, and sufficiently or probably proved, all the theorems of moral doctrine from which men can learn how to govern and how to obey; I recover some hope that some day this writing of mine may fall into the hands of a sovereign who will think about it himself (for it is short, and I think clear) without the help of any prejudiced or envious interpreter, and employ his intact sovereignty in protecting the public teaching of it, thus converting this theoretical truth into something practically useful.