

PART II OF COMMONWEALTH¹

CHAPTER XVII *Of the Causes, Generation, and Definition of a COMMONWEALTH*

[1] The final cause, end, or design of men (who naturally love liberty and dominion over others) in the introduction of that restraint upon themselves in which we see them live in commonwealths is the foresight of their own preservation, and of a more contented life thereby; that is to say, of getting themselves out from that miserable condition of war, which is necessarily consequent (as hath been shown [ch. xiii]) to the natural passions of men, when there is no visible power to keep them in awe, and tie them by fear of punishment to the performance of their covenants and observation of those laws of nature set down in the fourteenth and fifteenth chapters.

[2] For the laws of nature (as *justice, equity, modesty, mercy*, and (in sum) *doing to others as we would be done to*) of themselves, without the terror of some power to cause them to be observed, are contrary to our natural passions, that carry us to partiality, pride, revenge, and the like. And covenants without the sword are but words, and of no strength to secure a man at all. Therefore notwithstanding the laws of nature (which every one hath then kept, when he has the will to keep them, when he can do it safely), if there be no power erected, or not great enough for our security, every man will, and may lawfully rely on his own strength and art, for caution against all other men. * And in all places where men have lived by small families, to rob and spoil one another has been a trade, and so far from being reputed against the law of nature that the greater spoils they gained, the greater was their honour; and men observed no other laws therein but the laws of honour, that is, to abstain from cruelty, leaving to

Which is not to be had from the Law of Nature.

1. OL: "De Civitate sive Republica." Similarly in xvii, 13.

Chap. xvii. *Of the Causes, Generation, and Definition of a Commonwealth*

men their lives and instruments of husbandry.² And as small families did then, so now do cities and kingdoms (which are but greater families) for their own security enlarge their dominions upon all pretences* of danger and fear of invasion or assistance that may be given to invaders, [and] endeavour as much as they can to subdue or weaken their neighbours, by open force and secret arts for want of other caution, justly (and are remembered for it in after ages with honour).

[3] Nor is it the joining together of a small number of men that gives them this security; because in small numbers, small additions on the one side or the other make the advantage of strength so great as is sufficient to carry the victory; and therefore gives encouragement to an invasion. The multitude sufficient to confide in for our security is not determined by any certain number, but by comparison with the enemy we fear, and is then sufficient, when the odds* of the enemy is not of so visible and conspicuous moment,* to determine the event of war, as to move him to attempt.

[4] And be there never so great a multitude, yet if their actions be directed according to their particular judgments and particular appetites, they can expect thereby no defence, nor protection, neither against a common enemy, nor against the injuries of one another. For being distracted* in opinions concerning the best use and application of their strength, they do not help, but hinder one another, and reduce their strength by mutual opposition to nothing; whereby they are easily, not only subdued by a very few that agree together, but also when there is no common enemy, they make war upon each other, for their particular interests. For if we could suppose a great multitude of men to consent* in the observation of justice and other laws of nature without a common power to keep them all in awe, we might as well suppose all mankind to do the same; and then there neither would be, nor need to be, any civil government or commonwealth at all, because there would be peace without subjection.

[5] Nor is it enough for the security, which men desire should last all the time of their life, that they be governed and directed by one judgment for a limited time, as in one battle or one war. For though they obtain a victory by their unanimous endeavour against a foreign enemy, yet afterwards, when either they have no common enemy,

Nor from a great Multitude, unless directed by one judgment.

Nor from the conjunction of a few men or families.

2. OL: "The histories of ancient Greece teach the same thing also, that where there were no authorities except the paternal, theft, on land and sea, was a trade not only lawful, but also, provided they abstained from cruelty and from the tools of agriculture, honorable." Cf. Thucydides I, 5-6, and Aquinas, *Summa theologiae*, I-II, qu. 94, art. 4.

or he that by one part is held for an enemy is by another part held for a friend, they must needs by the difference of their interests dissolve, and fall again into a war amongst themselves.

[6] It is true that certain living creatures (as bees and ants) live sociably one with another (which are therefore by *Aristotle* numbered amongst political creatures),³ and yet have no other direction than their particular judgments and appetites, nor speech whereby one of them can signify to another what he thinks expedient for the common benefit; and therefore some man may perhaps desire to know why mankind cannot do the same. To which I answer,

[7] First, that men are continually in competition for honour and dignity, which these creatures are not; and consequently, amongst men there ariseth, on that ground, envy and hatred, and finally war; but amongst these not so.

[8] Secondly, that amongst these creatures the common good differeth not from the private; and being by nature inclined to their private, they procure thereby the common benefit. But *man, whose joy consisteth in comparing himself with other men, can relish nothing but what is eminent.⁴

[9] Thirdly, that these creatures (having not, as man, the use of reason) do not see, nor think they see, any fault in the administration of their common business; whereas amongst men there are very many that think themselves wiser, and able to govern the public, better than the rest; and these strive to reform and innovate, one this way, another that way; and thereby bring it into distraction and civil war.

[10] Fourthly, that these creatures, though they have some use of voice (in making known to one another their desires and other affections), yet they want that art of words by which some men can represent to others that which is good in the likeness of evil, and evil in the likeness of good, and augment or diminish the apparent greatness of good and evil, discontenting men, and troubling their peace at their pleasure.

[11] Fifthly, irrational creatures cannot distinguish between *injury* and *damage*; and therefore, as long as they be at ease, they are not offended with

3. Cf. *History of Animals* I, i (488a8-13), where Aristotle classes bees and ants with man as political animals ("social" translates *politike* in the Oxford translation); in *Politics* I, ii (1253a7-18) he holds that man is more a political animal than other gregarious animals, because he alone has a sense of good and evil, and of justice and injustice.

4. OL: "to a man nothing is so pleasant in his own goods as that they are greater than those of others."

their fellows, whereas man is then most troublesome, when he is most at ease; for then it is that he loves to shew his wisdom, and control* the actions of them that govern the commonwealth.

[12] Lastly, the agreement of these creatures is natural; that of men is by covenant only, which is artificial; and therefore, it is no wonder if there be somewhat else required (besides covenant) to make their agreement constant and lasting, which is a common power to keep them in awe, and to direct their actions to the common benefit.

[13] The only way to erect such a common power as may be able to defend them from the invasion of foreigners and the injuries of one another, and thereby to secure them in such sort as that by their own industry, and by the fruits of the earth, they may nourish themselves and live contentedly, is to confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills, by plurality* of voices, unto one will, which is as much as to say, to appoint one man or assembly of men to bear their person, and every one to own and acknowledge himself to be author of whatsoever he that so beareth their person shall act,* or cause to be acted, in those things which concern the common peace and safety, and therein to submit their wills, every one to his will, and their judgments, to his judgment. This is more than consent,* or concord; it is a real unity of them all, in one and the same person, made by covenant of every man with every man, in such manner as if every man should say to every man *I authorise and give up my right of governing myself to this man, or to this assembly of men, on this condition, that thou give up thy right to him, and authorize all his actions in like manner.* This done, the multitude so united in one person is called a COMMONWEALTH, in Latin

The Generation of a Commonwealth.

CVIVITAS. This is the generation of that great LEVIATHAN, or rather (to speak more reverently) of that *Mortal God* to which we owe, under the *Immortal God*, our peace and defence. For by this authority, given him by every particular man in the commonwealth, he hath the use of so much power and strength conferred on him that by terror thereof he is enabled to conform* the wills of them all to peace at home and mutual aid against their enemies abroad. And in him consisteth the essence of the commonwealth, which (to define it) is one person, of whose acts a great multitude, by mutual covenants one with another, have made themselves every one the author, to the end he may use the strength and means of them all, as he shall think expedient, for their peace and common defence.

The Definition of a Commonwealth.

[14] And he that carrieth this person is called SOVEREIGN, and said to have SOVEREIGN POWER, and every one besides, his SUBJECT.

Sovereign, and Subject, what.

[15] The attaining to this sovereign power is by two ways. One, by natural force, as when a man maketh his children to submit themselves and their children to his government, as being able to destroy them if they

refuse, or by war subdueth his enemies to his will, giving them their lives on that condition. The other is when men agree amongst themselves to submit to some man, or assembly of men, voluntarily, on confidence to be protected by him against all others. This latter may be called a political commonwealth, or commonwealth by *institution*, and the former, a commonwealth by *acquisition*. And first, I shall speak of a commonwealth by institution.

CHAPTER XVIII Of the RIGHTS of Sovereigns by Institution

[1] * A *commonwealth* is said to be *instituted*, when a *multitude* of men do agree and *covenant*, every one with every one, that to whatsoever *man* or *assembly of men* shall be given by the major part the *right to present* the person of them all (that is to say, to be their *representative*) every one, as well he that *voted for it* as he that *voted against it*, shall *authorize* all the actions and judgments of that man or assembly of men, in the same manner as if they were his own, to the end, to live peaceably amongst themselves and be protected against other men.¹

[2] * From this institution of a commonwealth are derived all the *rights* and *faculties* of him, or them, on whom the sovereign power is conferred by the consent of the people assembled.²

I. The Subjects cannot change the form of government.

[3] First, because they covenant, it is to be understood they are not obliged by former covenant to anything repugnant hereunto. And consequently they that have already instituted a commonwealth, being thereby bound by covenant to own the actions and judgments of one, cannot lawfully make a new covenant amongst themselves to be obedient to any other, in any thing whatsoever,

1. OL: "A commonwealth is instituted when men, coming together voluntarily, agree, every one with every one, that they will all obey whatever man or assembly the greater part, by their votes, shall give the right of bearing the person of them all. Each of them, then, is obliged to obey him whom the greater part elected, and is to be considered the author of all his actions, whether he voted for him or not. For unless the votes of all are understood to be included in the majority of votes, they have come together in vain, and contrary to the end each one proposed for himself, viz., the peace and protection of all."

2. OL: "From the form of the institution are derived all the power [*potestas*] and all the rights of the one having supreme power [*summam potestatem*], as well as the duties of all the citizens."

without his permission. And therefore, they that are subjects to a monarch cannot without his leave cast off monarchy and return to the confusion of a disunited multitude, nor transfer their person from him that beareth it to another man, or other assembly of men, for they are bound, every man to every man, to own, and be reputed author of, all that he that already is their sovereign shall do and judge fit to be done; so that, any one man dissenting, all the rest should break their covenant made to that man, which is injustice. And they have also every man given the sovereignty to him that beareth their person; and therefore if they depose him, they take from him that which is his own, and so again it is injustice. Besides, if he that attempteth to depose his sovereign be killed, or punished by him for such attempt, he is author of his own punishment, as being, by the institution, author of all his sovereign shall do; and because it is injustice for a man to do anything for which he may be punished by his own authority, he is also, upon that title, unjust.

And whereas some men have pretended for their disobedience to their sovereign a new covenant, made (not with men, but) with God, this also is unjust; for there is no covenant with God but by mediation of somebody that representeth God's person, which none doth but God's lieutenant, who hath the sovereignty under God.³ But this pretence of covenant with God is so evident a lie, even in the pretenders' own consciences, that it is not only an act of an unjust, but also of a vile and unmanly disposition.

[4] Secondly, because the right of bearing the person of them all is given to him they make sovereign by covenant only of one to another, and not of him to any of them, there can happen no breach of covenant on the part of the sovereign; and consequently none of his subjects, by any pretence of forfeiture, can be freed from his subjection.

That he which is made sovereign maketh no covenant with his subjects beforehand is manifest, because either he must make it with the whole multitude, as one party to the covenant, or he must make a several * covenant with every man. With the whole, as one party, it is impossible, because as yet they are not one person; and if he make so many several covenants as there be men, those covenants after he hath the sovereignty are void, because what act soever can be pretended by any one of them for breach thereof is the act both of himself and of all the rest, because done in the person and by the right of every one of them in particular.

Besides, if any one (or more) of them pretend a breach of the covenant made by the sovereign at his institution, and others (or one other) of his subjects (or himself alone) pretend there was no such breach, there is in this case no judge to decide the controversy; it returns therefore to the

II. Sovereign Power cannot be forfeited.

3. Cf. xiv, 23, and the note thereto.