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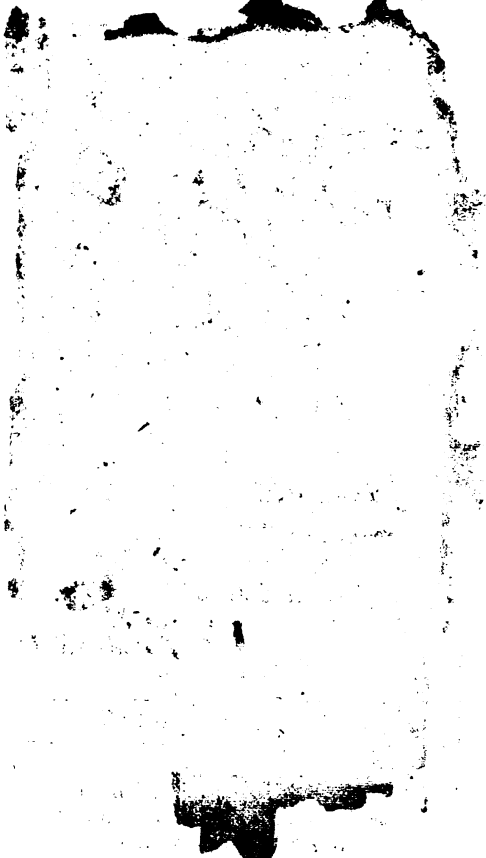












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*De*  
Corpore Politico.  
OR THE  
ELEMENTS  
OF  
LAW,  
Moral & Politick.

WITH  
Discourses upon severall  
Heads; as

Of { *The Law of Nature.*  
*Oathes and Covenants;*  
*Several kinds of Government.*

With the Changes and Revolutions  
of them.

---

By *Tho. Hobbs of Malmſbury.*

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LONDON,  
Printed by *Tho: Roycroft* for *John*  
*Martin,* at the Bell in *St. Pauls*  
Church-yard, 1652.





...ed blood ...  
... To ...

# The Reader.

... Reader, ...



You may be pleased to take notice, That the first Part of the

Work depends upon a former Treatise of Humane Nature written by Mr. Hobbs, and by a Friend of

*To the Reader.*

committed to the Press  
for the benefit of Man-  
kind. It was thought fit,  
that nothing of so worthy  
an Author should be left  
unprinted, especially con-  
sidering, that this Piece is  
most usefull for the Society  
of reasonable Creatures,  
being the Grounds and  
Principles of Policy, with-  
out which there would be  
nothing but Confusion in  
the World. I am confident,  
if mens Minds were but  
truly fixt upon the Center  
of this Discourse, they  
would



*To the Reader.*

would not prove such  
Weather-cocks, to be turned  
about with the wind of  
every false Doctrine, and  
vain Opinion. We should  
then be free from those  
Disorders which threaten  
distracti<sup>o</sup>n to the Soul, and  
Destruction to the Com-  
mon Weal<sup>th</sup>. But let  
others write never so well,  
if our practise doe not se-  
cond their instructions, we  
may bee wise enough to  
foresee our misery, but ne-  
ver know how to prevent  
it. What pittie is it, that such  
rare

*To the Reader.*

rare Conclusions as these are, should produce no other effect, but to inform our Knowledge, and confute our Conversation; whilst we neglect the Truth that is apprehended. Yet there is some hope, that such Observers, whose Wisdom hath received the stamp of Goodnesse, will improve their skill to a real Advancement of those benefits, which lye horded up in this curious Cabinet, To whose use and behoof, these excellent notions are commended,

*To the Reader.*

mended, as the best that  
ever were writ in this  
kind, and may serve for a  
generall Ground and Foun-  
dation to all regular Con-  
ceptions, that concern the  
Essence and Existence of  
Man, the Government of  
Kingdoms and Common-  
Wealths, and by conse-  
quence our eternall Salva-  
tion.

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# De Corpore Politico.

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## CHAP. I.

1. 2. Men by Nature Equall. 3. By vain glory indisposed to allow equality with themselves, to others. 4. Apt to provoke another by Comparisons. 5. Apt to incroach one upon another. 6. Right defined. 7. Right to the End, implyeth right to the Means. 8. Every Man his own Judge by Nature. 9. Every Mans strength and knowledge for his owne use. 10. Every Man by nature hath right to all things. 11. Warr and Peace defined. 12. Men by nature in the state of warr. 13. In Manifest Inequality, Might is Right. 14. Reason dictateth Peace.

**I**N a former Treatise of Humane nature already printed, hath beene set forth the whole nature of Man, consisting in the Powers naturall of his Body and Mind, and may all be comprehended in these four, *Strength of Body, Experiencce, Reason, and Passien.*

2. In this, it will be expedient to consider in what estate of security this our Nature hath placed us, and what probability it hath left us, of continuing and preserving our selves against the violence of one another. And first, if we consider how little Odds there is of Strength or knowledge, between Men of Mature Age, and with how great facility he that is the weaker in strength, or in Wit, or in both, may utterly destroy the Power of the stronger; since there needeth but little force to the taking away of a Mans life, we may conclude that men, considered in meer Nature, ought to admit amongst themselves Equality; and that he that claimeth no more, may be esteemed Moderate.

3. On the other side, considering the great difference there is in Men, from the Diversity of their Passions, how some are vainly glorious, and hope for precedency and superiority above their fellows, not only when they are equall in power, but also when they are Inferiour; we must needs acknowledge that it must necessarily follow, that those men who are moderate, and look for no more but Equality of nature, shall be obnoxious to the Force of others, that will attempt to subdue them. And from hence shall proceed a generall diffidence in mankind, and mutuall fear one of another.

4. Farther, since Men by natural passion are divers wayes offensive one to another,

every

every man thinking well of himself, and having to see the same in others, they must needs provoke one another by Words, and other signes of contempt and hatred, which are incident to all comparison, till at last, they must determine the preheminance by Strength and force of Body.

5. Moreover, considering that many mens Appetites carry them to one and the same end; which end sometimes can neither be enjoyed in common, nor divided, it followeth, that the stronger must enjoy it alone and that it be decided by Battell who is the stronger. And thus the Greatest part of Men, upon no assurance of Odds, do nevertheless through Vanity, or Comparison, or Appetite, provoke the Rest, that otherwise would be contented with Equality.

6. And forasmuch as necessity of nature maketh men to will and desire *Bonum sibi*, that which is good for themselves, and to avoid that which is hurtfull, but most of all, the terrible enemy of Nature, Death, from whom we expect both the losse of all Power, and also the greatest of bodily paines in the losing: It is not against Reason, that a man doth all he can, to preserve his owne body and limbs, both from Death and Paine. And that which is not against reason, men call *Right*, or *Jus*, or *Blamerecke liberty*, of using our own naturall Power and Ability. It is therefore a right of nature, That every man

may preserve his owne life and limbs, with all the Power he hath.

7. And because where a man hath right to the End, and the end cannot be attained without the Meanes; that is, without such things as are necessary to the End, it is consequent that it is not against Reason, and therefore right for a man to use all meanes, and doe whatsoever action is necessary for the preservation of his Body.

8. Also every man by right of Nature, is Judge himself of the necessity of the means, and of the greatnesse of the Danger. For if it be against reason, that I be Judge of mine owne danger my Self, then it is reason, that another Man be Judge thereof. But the same Reason that maketh another man Judge of those Things that concern me, maketh me also Judge of that that concerneth him. And therefore I have reason to Judge of his sentence, whether it be for my benefit, or not.

9. As a mans Judgment in right of nature is to be imployed for his own benefit, so also the Strength, Knowledg, and Art, of every man is then rightly imployed, when he useth it for himselfe; else must not a man have right to preserve himselfe.

10. Every man by Nature hath right to all Things, that is to say, to do whatsoever he listeth to whom he listeth, to possess, use, and enjoy all things he will and can. For seeing all things he willeth, must therefore be



Good unto him in his own judgment, because he willeth them, and may tend to his preservation some time or other, or he may judg so, and we have made him Judg thereof, *Self. 8.* it followeth; that all things may rightly also be done by him. And for this cause it is rightly sayd, *Natura dedit omnia omnibus*, that nature hath given all things to all men; insomuch that *Jus & ius*, Right and Profit, is the same thing. But that right of all men to all things, is in effect no better than if no man had Right to any thing. For there is little use and benefit of the Right a Man hath, when another as strong, or stronger then himselfe hath Right to the same.

11. Seeing then to the Offensiveness of Mans nature one to another, there is added a Right of every man to every thing, whereby one man invadeth with right, and another man with Right resisteth, and men live thereby in perpetuall Diffidence, and study how to preoccupate each other: The estate of men in this naturall Liberty, is the estate of Warr. For *Warr* is nothing else but that Time wherein the Will and Contention of contending by Force, is either by words or Actions sufficiently declared; and the time which is not Warr, is *Peace*.

12. The estate of Hostility and War being such, as thereby nature it selfe is destroyed, and men kil one another: (as we know also

that it is, both by the experience of Salvage Nations that live at this day, and by the Histories of our Ancestors, the old Inhabitants of *Germany*, and other now civill Countries, where we find the people few, and short-lived, and without the ornaments and comforts of life, which by Peace and Society are usually invented and procured) He therefore that desireth to live in such an estate as is the estate of liberty and right of all to all, contradisteth himselfe. For every man by natural necessity desireth his own good, to which this estate is contrary, wherein we have pole contention between men by nature equal, and able to destroy one another.

13. Seeing this Right of Protecting our selves by our own discretion and force proceedeth from danger, and that danger from the Equality between mens Forces, much more reason is there, that a man prevent such Equality before the Danger cometh, and before the necessity of Battell. A man therefore that hath another man in his power to rule or govern, to do good to, or harm, hath right, by the advantage of this his present power, to take Caution at his pleasure, for his security against that, other in time to come. He therefore that hath already subdued his Adversary, or gotten into his power any other, that either by Infancy, or weakness, is unable so resist him, by right of nature may take the best caution, that such In-

feare, or such feeble and subdued person can give him, of being ruled and governed by him for the time to come. For seeing we intend allwaies our one safety, and preservation; we necessarily contradict that our intention, if we willingly dismise such a one, and suffer him at once to gather strength and be our Enemy. Out of which may also be collected, That inescapable Might in the state of Nature is Right.

The Business it is supposed by the Equality of strength, and other natural faculties of men, that no man, is of might sufficient, to assure himselfe for any long time, of preserving himselfe thereby, whiles he remaineth in the state of Hostility and War; Reason therefore directeth to every man for his own good, to seek after Peace, as far forth as there is Hope to attain the same: and strengthen himselfe with all the help he can procure, for his own defence against those, from whom such Peace cannot be obtained; and to do all those things which necessarily conduce thereunto.

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## CHAP. II.

1. The Law of Nature consisteth not in consent of men, but reason. 2. That every man de-vests himselfe of the Right he hath to all things is one precept of nature. 3. What it is to

Inquisit and transferr ones Right. 4. The Will to transfer, and the will to accept, both necessary to the passing away of Right. 5. Right not transferred by words, De futuro, only. 6. Words De futuro, together with other signes of the Will, may transferr Right. 7. Free Gift defined. 8. Contract, and the sorts of it. 9. Covenant defined. 10. Contract of mutuall trust, is of no validity in the Estate of Hostility. 11. No Covenant of men but with one another. 12. Covenant how dissolved. 13. Covenant extorted by force, in the Law of nature, valid. 14. Covenant contrary to former Covenant, voyd. 15. An oath defined. 16. Oath to be administered to every man in his own Religion. 17. Oath addeth not to the Obligation. 18. Covenants binde but to endeavour.

**W**HAT it is we call the Law of Nature, is not agreed upon by those, that have hitherto written. For the most part such writets as have occasion to affirm, that any thing is against the law of Nature, do alledge no more than this, That it is against the consent of all Nations, or the wisest and most civill Nations, But it is not agreed upon, who shall judge which Nations are the Wisest. Others make that against the Law of Nature, which is contrary to the consent of all Mankind, which Definition cannot be allowed, because then no man could offend against

against the Law of Nature; for the Nature of every man is constrained under the Nature of Mankind. But forasmuch as all men are carried away by the violence of their Passion, and by evill customes, do those things which are commonly said to be against the Law of Nature; It is not the consent of Passion, or consent in some Errour gotten by Custome, that makes the Law of Nature. Reason is no less of the nature of man then Passion, and is the same in all men; because all men agree in the Will to be directed, and governed in the way to that which they desire to attain, namely, their own Good which is the work of Reason, there can therefore be no other Law of Nature then Reason, nor no other Precepts of Natural Law then those which declare unto us the wayes of Peace, where the same may be obtained, and of Defence where it may not.

2. One Precept of the Law of Nature therefore this is, *That every man devest himself of the right he hath to all things by Nature.* For when divers men having Right not only to all things else, but to one anothers persons, if they use the same, there ariseth thereby Invasion on the one part, and Resistance on the other, which is *War*, and therefore contrary to the Law of Nature, the Sum whereof consisteth in making Peace.

3. When a man devesteth and putteth from his Right, he either simply relinquisheth

or transferreth the same to another man. To Relinquish it, is by sufficient signs to declare, that it is his Will no more to doe that Act, which of right he might have done before. To *Transfer Right to another*, is by sufficient signs to declare to that other accepting thereof, that it is his Will not to resist, or hinder him; according to that Right he had thereto before he transferred it. For seeing that by Nature every man hath right to every thing, it is impossible for a man to transfer unto another any right that he had not before. And therefore all that a man doth in transferring of Right, is no more but a Declaring of the Will, to suffer him to whom he hath so transferred his Right, to make benefit of the same; without molestation. As for example, when a man giveth his Lands or Goods to another, he taketh from himself the Right to enter into, and make use of the said Lands or Goods, or otherwise to hinder him of the Use of what he hath given.

4. In transferring of Right, two things therefore are required, One on the part of him that transferreth, which is a sufficient signification of his will therein: The other, on the part of him to whom it is transferred, which is a sufficient signification of his Acceptation thereof. Either of these failings the Right remaineth where it was: nor is it to be supposed, that he which giveth his

Right to one that accepteth it not, doth thereby simply relinquish it, and transfer it to whomsoever will receive it: in as much as the cause of transferring the same to one, rather then to another, is in the one, rather then in the rest.

5. When there appeare no other Signes that a man hath relinquished, or transferred his Right, but only Words, it becometh that the same be done in Words, that signifie the present Time, or the time past, and not only the Time to come. For he that saith of the Time to come (as for example) to morrow, I will give, declareth evidently, that he hath not yet given. The right therefore remaineth in him to day, and so continues, till he have given actually. But he that saith, I give, presently, or have given to another any thing; to have and enjoy the same to morrow, or any other time future, hath now actually transferred the sayd Right, which otherwise he should have had at the time that the other is to enjoy it.

6. But because words alone are not a sufficient Declaration of the mind, as hath been shewed, Chap. 13. Sect. 8. Words spoken, *De Futuro*, when the Will of him that speaketh them may be gathered by other Signs, may be taken very often, as if they were meant *De Presenti*. For when it appeareth, that he that giveth, would have his words so understood by him to whom he giveth, as if he di-

actually transfer his Right, then he must needs be understood, so will all that is necessary to the same.

7. When a man transferreth any right of His to another, without consideration of reciprocal benefit past, present, or to come, this is called *Free Gift*. And in *Free Gift*, no other words can be binding, but those, which are *De Presenti*, or *De Præterito*. For being *De Futuro* only, they transfer nothing, nor can they be understood, as if they proceeded from the will of the Giver; because being a *Free Gift*, it carryeth with it no Obligation greater then that which is enforced by the Words. For he that promiseth to give, without any other consideration but his own affection, so long as he hath not given, deliberateth still, according as the causes of the Affections continue, or diminish: And he that deliberateth, hath not yet willed, because the will is the last Act of his deliberation. He that promiseth therefore, is not thereby a *Donor*, but *Desor*, which name was given to that *Amiochus*, that promised often, but seldome gave.

8. When a man transferreth his Right upon consideration of reciprocal benefit, this is not *Free Gift*, but mutual *Donation*, and is called *Contract*. And in all *Contracts*, either both Parties presently perform, and put each other into a certainty and assurance of enjoying what they contract for. As when



men buy or sell, or barter: Or one Party performeth presently, and the other promi-  
seth, as when one selleth upon Trust: Or  
else neither Party performeth presently, but  
trust one another. And it is impossible  
there should be any kind of Contract be-  
sides these three. For either both the Con-  
tractors trust, or neither, or else one trusteth,  
and the other not.

9. In all Contracts where there is trust,  
the promise of him that is trusted, is called  
a *Covenant*: And this though it be a promise,  
and of the time to come, yet doth it transfer  
the Right, when that time cometh, no lesse  
then an *actuall Donation*. For it is a mani-  
fest signe, that he which did perform, under-  
stood it was the Will of him that was trust-  
ed, to performe also. Promises therefore,  
upon consideration of reciprocal benefit, are  
*Covenants* and signes of the will, or last Act  
of Deliberation, whereby the liberty of per-  
forming, or not performing, is taken away,  
and consequently are obligatory. For where  
liberty ceaseth, there beginneth Obliga-  
tion.

10. Neverthelesse, in Contracts that con-  
sist of such mutual trust, as that nothing be  
by either Party performed for the present,  
when the Contract is between such as are  
not compellable, he that performeth first,  
considering the disposition of men to take  
advantage of every thing for their benefit,

doth but betray himself thereby to the Covetousness or other Passion, of Him with whom he contracteth. And therefore such Covenants are of none effect. For there is no reason why the one should performe first, if the other be likely not to performe afterward. And whether he be likely or not, He that doubteth shall be Judge himself, as hath been sayd, *Chap. 1. Sect. 4.* as long as they remaine in the Estate and Liberty of Nature, But when there shall be such Power Coercive over both the Parties, as shall deprive them of their private Judgements in this point, then may such Covenants be effectually, seeing he that performeth first shall have no reasonable cause to doubt of the performance of the other, that may be compelled therewith.

11. And forasmuch as in all Covenants, and Contracts, and Donations, the Acceptance of him to whom the Right is transferred, is necessary to the Essence of those Covenants, Donations, &c. It is impossible to make a Covenant or Donation to any, that by nature, or absence, are unable; or if able, do not actually declare their acceptance of the same. First of all therefore, it is impossible for any man to make a Covenant with God Almighty, farther then it hath pleased him to declare who shall receive and accept of the said Covenant in his name. Also it is impossible to make Covenant with those

living Creatures, of whose wils we have no sufficient signe, for want of common language.

12. A Covenant to do any action at a certain time and place, is then dissolved by the Covenantor, when that time cometh, either by the Performance, or by the Violation. For a Covenant is void that is once impossible. But a Covenant not to do without time limited, which is as much as to say, a Covenant never to do, is dissolved by the Covenantor then only, when he violateth it or dyeth. And generally, all Covenants are dischargeable by the Covenantor, to whose benefit, and by whose right, he that maketh the Covenant is obliged. This Right therefore of the Covenantor relinquished, is a release of the Covenant. And universally, for the same reason, all Obligations are determinable at the will of the Obliger.

13. It is a Question often moved, Whether such Covenants oblige, as are extorted from men by Fear. As for example, Whether if a man for feare of Death, hath promised to give a Thief an hundred pounds the next day, and not discover him, whether such Covenant be obligatory, or not. And though in some Cases such Covenant may be void, yet it is not therefore void, because extorted by Fear. For there appeareth no reason, why that which we do upon Fear, should be lesse firme then that which we

for Covetousnesse. For both the One and the Other maketh the Action Voluntary. And if no Covenant should be good, that proceedeth from feare of Death, no conditions of Peace betwene Enemies, nor any Laws, could be of Force, which are all consented to from that Feare. For who would lose the liberty that nature hath given him, of governing himselfe by his own will and power, if they feared not Death in the retaining of it? What Prisoner in War might be trusted to seek his Ransome, and ought not rather to be killed, if he were not tyed by the Grant of his life, to perform his Promise? But after the Introduction of Policy and Laws, the case may alter, for if by the Law the performance of such a Covenant be forbidden, then he that promiseth anything to a Theif, not only may, but must refuse to perform it. But if the Law forbid not the performance, but leave it to the will of the Promiser, then is the performance still lawfull; and the Covenant of things lawfull is obligatory, even towards a Theif.

14. He that giveth, promiseth, or covenanteth to one, and after giveth, promiseth, or covenanteth the same to another, maketh void the later Act. For it is impossible for a man to transfer that Right which he himselfe hath not; and that Right he hath not, which he himselfe hath before transferred,

15. An *Oath* is a clause annexed to a Pro-

mise, containing a Renuntiation of Gods mercy by him that promileth, in case he perform not as far as is lawfull and possible for him to doe. And this appeareth by the words which make the Essence of the Oath, *So helpe me God.* So also was it amongst the Heathen. And the forme of the Romans was, *Thou Jupiter kill him that breaketh, as I kill this Beast.* The Intention therefore of an Oath being to provoke Vengeance upon the Breakers of Covenant; it is to no purpose to swear by Men, be they never so great, because their punishment by divers Accidents may be avoided, whether they will or no, but Gods Punishment not. Though it were a Custome of many Nations, to swear by the life of their Princes; yet those Princes being ambitious of Divine Honour, give sufficient Testimony, that they beleeved, Nothing ought to be sworne by, but the Deity.

16. And seeing men cannot be afraid of the Power they beleeve not, and an Oath is to no purpose, without fear of him they swear by, it is necessary that he that sweareth, doe it in that forme which himself admitteth in his owne Religion, and not in that forme which he useth, that putteth him to the oath. For though all men may know by nature, that there is an Almighty Power, nevertheless they beleeve not, that they swear by him in any other form or name, then what  
their

their own (which they think the true) Religion teacheth them.

17. And by the definition of an Oath, it appeareth, that it addeth not a greater Obligation to perform the Covenant: Sworney then the Covenant carryeth in it self; but it putteth a man into greater dangers, and of greater punishment.

18. Covenantes and Oaths are *De Pollicitariis*, that is, *De Possibilibus*: Nor can the Covenantee understand the Covenantor to promise *Impossibles*; for they fall not under Deliberation: and consequently (by Chap. 13. Sect. 15. which maketh the Covenantor Interpreter) no Covenant is understood to bind further, then to our best endevour, either in performance of the thing promised, or in something Equivalent.

### CHAP. III.

1. That men stand to their Covenant.
2. Injury defined.
3. That Injury is done onely to the Covenantee.
4. The signification of those Names, *Iust. unjust.*
5. Justice not rightly divided into *Commutative*, and *Distributive*.
6. It is a Law of Nature, that He that is trusted, turn not that trust to the Damage of Him that trusteth.
7. Ingratitude defined.
8. It is a Law of Nature, to endeavour to accommodate one another.
9. And

that man forgive upon caution for the future.  
 10. And that revenge ought to respect the  
 future onely. 11. That reproach and contempt  
 declared, is again<sup>st</sup> the Law of Nature. 12.  
 That Indifference of Commerce is of the Law  
 of nature. 13. That Messengers employed to  
 procure or maintaine Peace, ought to be safe  
 by the Law of Nature.

It is a common saying, that nature maketh  
 nothing in vain. And it is most certaine,  
 that as the truth of a conclusion, is no more  
 but the truth of the premises that make it,  
 so the force of the Command, or Law of  
 Nature, is no more then the Force of the  
 Reasons inducing thereunto. Therefore the  
 Law of Nature mentioned in the former  
 Chapter, Sect. 2. namely, That every man  
 should desist himself of the Right, &c. were ver-  
 tually vaine, and of none effect, if this also  
 were not a Law of the same Nature, That  
 every man is obliged to stand in, and perform,  
 those Covenants he maketh. For what benefit  
 is it to a man, that any thing be promised, or  
 given unto him, if he that giveth, or promi-  
 seth, performeth not, or retaineth still the  
 Right of taking back what he hath given?

2. The breach or violation of Covenant,  
 is that which men call *Injury*, consisting in  
 some Action or Omission, which is therefore  
 called *unjust*. For it is Action or Omission  
 without *Jus*, or right, which was transferred

or relinquish before. There is a great Similitude between that we call *Injury*, or *Injustice* in the Actions and Conversations of Men in the World; and that which is called *Absurd* in the arguments and Disputations of the Schools. For as he which is driven to contradict an Assertion by Him before maintained, is sayd to be reduced to an Absurdity; so he that through passion doth, or omitteth that which before by Covenant he promised to doe, or not to omit, is sayd to commit *Injustice*. And there is in every Breach of Covenant a contradiction properly so called. For he that covenanteth, willeth to do, or omit, in the time to come. And he that doth any Action, willeth it in that present, which is part of the future time contained in the Covenant. And therefore he that violateth a Covenant, willeth the Doing and the not doing of the same thing, at the same time, which is a plaine contradiction. And so *Injury* is an *Absurdity* of conversation, as *Absurdity* is a kind of *Injustice* in Disputation.

3. In all violation of Covenant (to whom soever accrueth the Damage) the Injury is done onely to him to whom the Covenant was made. For example, If a man covenant to obey his Master, and the Master command him to give Money to a Third, which he promiseth to doe, and doth not, though this be to the Damage of the third,

yet



yet the Iniury is done to the Master onely. For he could violate no covenant with him with whom none was made, and therefore doth him no Iniury. For Iniury consisteth in violation of covenant, by the definition thereof.

4. The Name of *Just, unjust, Justice, Injustice*; are Equivocall, and signifie diversly. For Justice and Iniustice, when they be attributed to Actions, signifie the same thing with *No Iniury*, and *Iniury*, and denominate the Action *Just*, or *unjust*, but not the Man so. For they denominate him *Guilty* or *Not Guilty*. But when Justice or Iniustice, are attributed to Men, they signifie *Pronensse*, and *Affection*, and *Inclination of Nature*, that is to say, *Passions of the minde*, apt to produce Just and unjust Actions. So that when a man is sayd to be *Just*, or *Unjust*; not the Action, but the Passion and Aptitude, to do such Actions, is considered. And therefore a Just man may have committed an unjust Act; and an unjust man may have done justly, not only one, but most of his actions. For there is an *Oderunt peccare* in the unjust as well as in the Just, but from different Causes. For the unjust man who abstaineth from Iniuries for fear of punishment, declareth plainly, that the Justice of his Actions dependeth upon Civill Constitution, from whence punishments proceed, which would otherwise in the Estate of Nature be unjust. accord

according to the Fountaine from whence they spring. This distinction therefore of *Justice* and *Injustice*, ought to be remembred, that when *Injustice* is taken for Guilty, the Action is uniuſt, but not therefore the Man; and when *Justice* is taken for *Guiltleſneſſ*, the Actions are iuſt, and yet not alwayes the Man. Likewise when *Justice* and *Injustice* are taken for habits of the mind, the Man may be iuſt, or uniuſt, and yet not all his Actions ſo.

5. Concerning the *Justice* of Actions, the ſame is uſually divided into two kinds, wherof men call the one *Commutative*, and the other *Distributive*; and are ſayd to conſiſt, the one in proportion *Arithmetical*, the other in *Geometrical*: And *Commutative* *Justice*, they place in Permutation, as Buying, Selling, and Barter; *Distributive*, in giving to every man according to their deſerts. Which diſtinction is not well made, in as much as *Iniury*, which is the *Injustice* of Action, conſiſteth not in the *Inequality* of the things changed, or diſtributed, but in the *Inequality* that men (contrary to nature and reaſon) aſſume unto themſelves above their Fellowes. Of which *Inequality*, ſhall be ſpoken hereafter. And for *Commutative* *Justice* placed in Buying and Selling, though the thing bought be unequal to the price given for it; yet for as much as both the Buyer and the ſeller are made Judges of the

Valid, and are thereby both Justified, there can be no Injury done on either side, neither Party having trusted, or covenanted with the other. And for *Distributive Justice*, which consisteth in the Distribution of our own benefits, seeing a thing is therefore said to be our own, because we may dispose of it at our own pleasure, it can be no Injury to any man, though our liberality be farther extended towards another, than towards him; unless we be thereto obliged by Covenant: and then the Injustice consisteth in the Violation of that Covenant, and not in the Inequality of Distribution.

6: It happeneth many times, that man benefiteth, or contributeth to the Power of another, without any Covenant, but only upon confidence and trust of obtaining the grace and favor of that other, whereby he may procure a greater, or no lesse benefit and assistance to himselfe. For by necessity of Nature, every man doth in all his voluntary Actions intend some good unto Himself. In this Case it is a Law of nature, *That no man suffer him, that thus trusteth to his Charity, or good affection towards him, to be in the worse Estate for his trusting.* For if he shall so do, men will not dare to confer mutually to each others defence, nor put themselves into each others mercy, upon any termes whatsoever, but rather abide the utmost and worst even of Hostility, by which

general diffidence, men will not only be enforced to Warr, but also afraid to come so much within the danger of one another, as to make any Overture of Peace. But this is to be understood of those onely, that confer their benefits ( as I have sayd ) upon trust onely; and not for tryumph or ostentation. For as when they do it upon trust, the End they aimed at, namely to be well used, is the Reward; so also when they do it for Ostentation, they have the Reward in themselves.

2. But seeing in this Case there passeth no Covenant, the breach of this Law of nature is not to be called *Injury*. It hath another Name, to wit, *Ingratitude*.

8. It is also a Law of Nature, *That every man do help and endeavor to accommodate each other as far as may be, without danger of their Persons, and losse of their Means, to maintaine, and defend themselves.* For seeing the Causes of Warr and Desolation proceed from those Passions, by which we strive to accommodate our selves, and to leave others as far as we can behind us, it followeth, that that Passion by which we strive mutually to accommodate each other, must be the cause of Peace. And this Passion is that Charity defined, *Chap. 9. Sect. 17.*

9. And in this Precept of Nature, is included and comprehended also this, *That a man forgive and pardon him that hath done him*

wrong, upon his repentance and caution for the Future. For Pardon, is Peace granted to him that (having provoked to War) demandeth it. It is not therefore Charity, but Feare, when a man giveth Peace to him that repenteth not, nor giveth caution for maintaining thereof in the time to come. For he that repenteth not, remaineth with the affection of an Enemy; as also doth he that refuseth to give caution, and consequently, is presumed not to seek after Peace, but advantage. And therefore to forgive Him is not commanded in this Law of nature, nor is Charity, but may sometime be prudence. Otherwise, not to pardon upon repentance and caution, considering men cannot abstain from provoking one another, is never to give Peace. And that is against the generall definition of the Law of Nature.

10. And seeing the Law of Nature commandeth Pardon, when there is repentance and caution for the Future, it followeth, that the same Law ordaineth, *That no Revenge be taken upon the consideration only of the offence past, but of the benefit to come*, that is to say, That all Revenge ought to tend to amendment, either of the Person offending, or of others, by the example of his punishment; which is sufficiently apparent, in that the Law of Nature commandeth Pardon, where the future time is secured. The same is also apparent by this, That revenge

when it considereth the offence past, is nothing else, but present Triumph and Glory, and directed to no End : and what is directed to no end, is therefore unprofitable ; and consequently the Triumph of Revenge, is Vain-Glory : And whatsoever is vain, is against Reason ; and to hurt one another without Reason, is contrary to that, which by supposition is every mans Benefit, namely Peace, and what is contrary to peace, is contrary to the Law of Nature.

II. And because all signs which we shew to one another of Hatred and Contempt, provoke in the highest degree to Quarrell and Battel, (in as much as Life it self, with the condition of enduring scorn, is not esteemed worth the enjoying, much less Peace) it must necessarily be implied as a Law of Nature, *That no man reproach, revile, deride, or any otherwise declare his Hatred, Contempt, or Disesteem of any other.* But this Law is very little practised. For what is more ordinary then reproaches of those that are rich, towards them that are not ? or of those that sit in place of Judicature, towards those that are accused at the Bar ? although to greive them in that manner, be no part of the punishment for their Crime, nor contained in their Office. But Use hath prevailed, That what was lawful in the Lord towards the Servant whom he maintaineth, is also practised as lawful in the more Mighty towards the lesse ;

though

though they contribute nothing towards their maintenance.

12. It is also a Law of Nature, That one man allow Commerce and Traffick indifferently to one another. For he that alloweth that to one man, which he denyeth to another, declareth his hatred to Him, to whom he denyeth. And to declare Hatred, is Warr. And upon this title was grounded, the great War between the Athenians, and the Peloponnesians. For would the Athenians have condescended to suffer the Megareans, their Neighbours, to traffick in their Ports, and Markets, that War had not begun.

13. And this also is a Law of Nature, That all Messengers of Peace, and such as are employed to procure and maintaine Amity between Man and Man, may safely come and goe. For seeing Peace is the general Law of Nature, the meanes thereto (such as are these men) must in the same Law be comprehended.

CHAP. IV.

1. A Law of Nature, that every man acknowledge other for his Equal.
2. Another, That men allow *xqualia xqualibus*.
3. Another, that those things which cannot be divided, be used in common.
4. Another, That things indivisible and incommunicable, be divided by Lot.
5. Natural Lot, Primogeniture, and first possession.
6. That

men submit to arbitration. 7. Of an Arbitrator. 8. That no man presse his counsell upon any man against his will. 9. How to know suddenly what is the Law of Nature. 10. That the Law of Nature taketh place after security from others to observe the same. 11. The Right of Nature not to be taken away by Custome, nor the Law of Nature abrogated by any Act. 12. Why the Dictates of Nature are called Lawes. 13. Whatsoever is against Conscience in a man that is his owne Judge, is against the Law of Nature. 14. Of Malum Pœnæ, Malum Culpæ; Virtue and Vice. 15. Aptitude to society, fulfilleth the Law of Nature.

**T**HE Question which is the Better man, is determinable onely in the Estate of Government and Policy, though it be mistaken for a Question of Nature, not onely by Ignorant men, that thinke One man's Blood better then Anothers by Nature, but also by Him, whose Opinions are at this day and in these parts, of greater authority then any other humane writings. For he putteth so much difference between the Powers of men by Nature, that he doubteth not to set down as the ground of all his Politick, That some men are by Nature worthy to govern, and Others by Nature ought to serve. This Foundation hath not only weakened the



the whole Frame of his Politicks, but hath also given men Colour and Pretences; whereby to disturb and hinder the Peace of one another. For though there were such a Difference of Nature, that Master and Servant were not by consent of men, but by Inherent Virtue, yet who hath that Eminency of Virtue above others and who is so stupid, as not to govern himself, shall never be agreed upon amongst men, who do every one naturally think himself, as able, at the least to govern another, as another to govern him. And when there was any contention between the Finer and the Courser Wits, (as there hath been often in Times of Sedition and Civill War) for the most part, these latter carried away the Victory; and as long as men arrogate to themselves more Honour than they give to others, it cannot be imagined, how they can possibly live in Peace: and consequently we are to suppose, that for Peace sake, Nature hath ordained this Law, *That every man acknowledge other for his Equall.* And the Breach of this Law, is that we call *Pride.*

2. As it was necessary that a man should not retain his Right to every thing, so also was it, that he should retain his right to some Things; to his own Body (for example) the Right of Defending, whereof he could not transfer; To the Use of Fire, water, Fire, Aire, and Place to live in, and to all things

necessary for Life. Nor doth the Law of Nature command any devesting of other Rights, then of those only which cannot be retained without the loss of Peace. Seeing then many Rights are retained, when we enter into peace one with another, Reason and the Law of Nature dictateth, *whatssoever Right any man requirerh to retain, he allow every other man to retain the same.* For he that doth not so, alloweth not the Equality mentioned in the former Section. For there is no acknowledgement of Worth, without attribution of the Equality of Benefit and Respect. And this allowance of *equalia equalibus*, is the same thing with the allowing of *Proportionalia Proportionalibus*. For when a man alloweth to every man a like, the allowance he maketh, will be in the same proportion, in which are the Numbers of men to whom they are made. And this is it men mean by *distributive Justice*, and is properly termed *Equity*. The Breach of this Law is that which the Greeks call *πλοισία*, which is commonly rendred *overeousness*, but seemeth to be more precisely expressed by the word *Incroaching*.

3. If there be no other Covenant, the Law of Nature is, *That such things as cannot be divided, be used in common, proportionably to the numbers of them that are to use the same, or without Limitation, when the Quantity thereof sufficeth.* For first supposing the thing to

be used in common, not sufficient for them, that are to use it without Limitation, if a few shall make more use thereof then the rest, that equality is not observed, which is required in the second Section. And this is to be understood, as all the rest of the Laws of Nature, without any other Covenant antecedent: for a man may have given away his Right of Common, and so the case be altered.

4. In those things which neither can be divided, nor used in common, the Rule of Nature must needs be one of these, *Lot*, or *Alternate use*: for besides these two wayes, there can no other equality be imagined; and for alternate Use, he that beginneth, hath the advantage; and to reduce that advantage to Equality, there is no other way but *Lot*. In things therefore indivisible and incommunicable, it is the Law of Nature, *That the use be alternate, or the Advantage given away by Lot*; because there is no other way of Equality. And Equality is the Law of Nature.

5. There be two sorts of Lots; One Arbitrary, made by men, and commonly knowne by the Names of *Lot*, *Chance*, *Hazard*, and the like; and there is *Natural Lot*, such as is *Primogeniture*, which is no more but the *Chance*, or *Lot*, of being first born, which it seemeth they considered, that call Inheritance by the name of *Kleronomia*, which signifies

nifieth Distribution by Lot. Secondly, *Primitiva occupatio*, first seizing, or finding, of a thing whereof no man made Use before, which for the most part also is meetly *Chance*.

6. Although men agree upon these Laws of Nature, and endeavour to observe the same; yet considering the Passions of men, that make it difficult to understand by what actions, and circumstances of Actions, those Laws are broken, there must needs arise many great controversies about the Interpretation thereof, by which the peace must needs be dissolved, and men return again to their former estate of hostility. For the taking away of which Controversies, it is necessary that there be some common Arbitrator and Judge, to whose sentence; both the Parties to the Controversies ought to stand. And therefore it is a Law of Nature, That in every Controversie, the Parties thereto ought mutually to agree upon an Arbitrator; whom they both trust; and mutually to covenant & stand to the Sentence he shall give therein. Thus where every man is his own Judge, there properly is no Judge at all; as where every man carveth out his own right, it hath the same effect, as if there were no right at all; and where is no Judge, there is no End of Controversie. And therefore the Rights of Hostility remaineth.

7. An Arbitrator therefore, or he that is Judge, is trusted by the Parties to any controversy,

to verify, to determine, the same by the Declaration of his own Judgement therein. Out of which followeth first, that the Judge ought not to be concerned in the Controversie he endeth; for in that case he is a Party, and ought by the same Reason to be judged by another. Secondly, that he maketh no Covenant with either of the Parties; to pronounce sentence for the One, more then for the Other. Nor doth he covenant so much, as that his sentence shall be just; for that were to make the Parties Judges of the Sentence, whereby the Controversie would remaine still undecided. Nevertheless for the Trust reposed in him, and for the Equality which the Law of nature requirith him to consider in the Parties, he violateth that Law, if for favour, or hatred to either party, he give other sentence then he thinketh Right. And thirdly, that no man ought to make himself Judge in any Controversie between others, unless they consent and agree thereto.

8. It is also the Law of Nature, That no man obtrude or presse his Advice or Counsell to any man, that declareth himselfe unwilling to beare the same. For seeing a man taketh Counsel concerning what is Good or Hurt of himselfe onely, and not of his Counsellor, and that Counsel is a Voluntary Action, and therefore tendeth also to the good of the Counsellor, there may be often iust cause to

suspect the Counsellor : and though there be none, yet seeing Counsell unwillingly heard, is a needlesse offence to him that is not willing to hear it, and offences tend all to the Breach of Peace, it is therefore against the Law of Nature to obtrude it.

9. A man that shall see these Lawes of Nature set down and inferred with so many words, and so much adoe, may think there is yet much more difficulty and subtilty required to acknowledge and do according to to the said Lawes in every sudden occasion, when a man hath but a little time to consider. And while we consider man in most passions, as of *Anger, Ambition, Covetousness, Vain-Glory*, and the like, that tend to the excluding of natural Equality, it is true. But without these Passions, there an easie rule to know upon a sudden, whether the Action I be to do, be against the Law of Nature, or not. And it is but this; *That a man imagine Himself in the Place of the Party with whom He hath to do, and reciprocally him in His.* Which is no more but a changing (as it were) of the Scales. For every mans Passion weigheth heavy in his owne Scale, but in the Scale of his Neighbour. And this Rule is very well knowne and expressed in this Old Dictate, *Quod tibi fieri non vis; alteri ne feceris.*

10. These Lawes of Nature, the Sum whereof consisteth, in forbidding us to be our own Judges, and our own Carvers, and

in commanding us to accommodate one another; In civility should be observed by some, and not by others, would make the Observers but a prey to them that should neglect them, leaving the good both without Defence against the Wicked; and also with a Charge to assist them; which is against the scope of the said Lawes, that are made only for the protection, and defence of them that keepe them. Reason therefore, and the Law of Nature over and above all these particular Lawes, doth dictate this Law in general, *That those particular Lawes be so far observed, as they subject us not to any Incommodity; that in our owne Judgments may arise, by the neglect thereof in those towards whom we observe them; and consequently requirerh no more, but the Desire and constant Intention to endeavour, and be ready to observe them, unless there be cause to the contrary In other mens Refusall to observe them towards us.* The Force therefore of the Law of Nature, is not *in foro externo*, till there be security for men to obey it, but is alwaies *in foro interno*, wherein the Action of obedience being unsafe, the Will and Readiness to performe, is taken for the Performance.

¶ Amongst the Lawes of Nature, Customes and Prescriptions are not numbred. For whatsoever Action is against Reason, though it be reiterated never so often, or

that there be reason (so many) Proceedings thereof, is still against Reason, and therefore not a Law of Nature, but contrary to it. But consent and Covenant may so alter the Cases, which in the Law of Nature may be put by changing the Circumstances, that that which was Reason before, may afterwards be against it, and yet the Reason still the Law. For though every man be bound to allow equally to another, yet if that other shall see cause to renounce the same, & make himself inferior, then, if from thenceforth he consider him as inferior, he breaketh not thereby the Law of Nature, that commandeth to allow Equality. *Law of Nature*, *A mans owne Consent may abridge him of the liberty which the Law of Nature leaveth him, but custome not; nor can either of them abrogate either these, or any other Law of Nature.*

12. And for such as Laws (to speake properly) is a Command, and these Dictates as they proceed from Nature, are not Commands, they are not therefore called Laws; in respect of Nature, but in respect of the Author of Nature, God Almighty.

13. And seeing the Laws of Nature concern the Conscience, not he only breaketh them that doeth any Action contrary, but also he whose action is conformable to them, in case he think it contrary. For though the Action chance to be right, yet in his Judgment he despiseth the Law.



Every man by naturall passion, call-  
eth that Good which pleaseth him for the  
present; or so far forth as he can foresee;  
and in like manner, that which displeaseth  
him, Evil. And therefore he that fore-  
seeth the whole way to his Preservation,  
(which is the End that every one by nature  
aimeth at,) must also call it good, and the  
contrary evil. And this is that Good and  
Evil, which not every man in passion cal-  
leth so, but all men by Reason; And there-  
fore the fulfilling of all these Laws is Good  
in Reason; and the breaking of them Evil.  
And so also the habit, or disposition, or in-  
tention to fulfill them Good; and the Neg-  
lect of them Evil. And from hence com-  
eth that Distinction of *Malum Poenæ*, and  
*Malum Culpe*; for *Malum Poenæ* is any pain  
or molestation of the Mind whatsoever; but  
*Malum Culpe* is that action which is contra-  
ry to Reason, and the Law of Nature. As al-  
so the habit of doing according to these and  
other Laws of Nature, that tend to our pre-  
servation, is that we call *Virtue*; and the  
Habit of doing the contrary, *Vice*. As for  
Example, Justice is that Habit by which we  
stand to Covenants; Injustice the contrary  
Vice; Equity that Habit by which we allow  
Equality of Nature, Arrogancy the contrary  
Vice; Gratitude the Habit whereby we re-  
quite the Benefit and trust of others, Ingrati-  
tude the contrary Vice; Temperance the  
Habit,

Habit, by which wee abstain from all things that tend to our Destruction, Intemperance the contrary Vice; Prudence the same with Virtue in general. As for the common opinion, that Virtue consisteth in Mediocrity and Vice in extreames, I see no ground for it, nor can find any such Mediocrity. Courage may be Virtue, when the Daring is Extream, if the Cause be Good; and extream fear no Vice, when the danger is Extream. To give a man more then his Due, is no iniustice, though it be to give him less: and in Gifts, it is not the sum that maketh liberality, but the reason. And so in all other Virtues and Vices, I know that this Doctrine of Mediocrity is Aristotle's, but his Opinions concerning Virtue and Vice, are no other then those which were received then, and are still by the generality of men, unstudied, and therefore not very likely to be accurate.

15. The Sum of Virtue is to be Sociable with them that will be Sociable, and Formidable to them that will not. And the same is the Sum of the Law of Nature: For in being Sociable, the Law of Nature taketh place by the way of Peace and Societie; and to be Formidable, is the Law of Nature in War, where to be feared is a Protection a man hath from his own Power: and as the former consisteth in Actions of Equity and Justice, the latter consisteth in Actions of Honour.

Honour. And Equity, Justice, and Honour,  
contain all virtues whatsoever.

## CHAP. V.

*A Confirmation out of holy Scripture of the  
principall points mentioned in the two last  
Chapters concerning the Law of Nature.*

**T**HE Lawes mentioned in the former Chapters, as they are called the Lawes of Nature, for that they are the Dictates of Naturall Reason, and also Morall Lawes, because they concern the Manners and Conversation, one towards another, so are they also Divine Lawes in respect of the Author thereof, God Almighty; and ought therefore to agree, or at least not to be Repugnant to the Word of God, revealed in Holy Scripture. In this Chapter therefore, I shall produce such places of Scripture, as appear to be most consonant to the said Lawes.

1. And first, the Word of God seemeth to place the Divine Law in Reason, by all such Texts as ascribe the same to the Heart and understanding; as Psal. 40. 8. *Thy Law is in my Heart:* Heb. 8. 10. *After those Dayes saith the Lord, I will put my Lawes in their Mind:* And Heb. 10. 16. The same Psal. 37. 31. speaking of the Righteous man he saith,

The Law of God is perfect, converting the soul. It giveth wisdom to the simple, and light unto the eyes. Jer. 31. 33. I will put my Law in their inward parts, and write it in their Hearts. And Joh. 1. The Law-giver Himself, God Almighty, is called by the Name of Light, which is also called, ver. 4. The Light of men. And ver. 9. The light which lighteth every man which cometh into the world. All which are Descriptions of Naturall Reason,

3. And that the Law Divine, for so much as is Morall, are those Precepts, which tend to Peace, seemeth to be much confirmed by such places of Scripture, as these, Rom. 3. 17. Righteousness, which is the fulfilling of the Law, is called, The way of Peace. And Psa. 85. 10. Right and Peace shall kiss each other. And Matth. 5. 9. Blessed are the Peacemakers. And Mich. 7. 2. Melchisedeck King of Salem, is interpreted King of Righteousness, and King of Peace. And ver. 27. Our Saviour Christ is said to be, a Priest for ever after the order of Melchisedeck: Out of which may be inferred, that the Doctrine of our Saviour Christ annexeth the Fulfilling of the Law to peace.

4. That the Law of Nature is unalterable, is intimated by this, that the Priesthood of Melchisedeck is everlasting; and by the Words of our Saviour, Matth. 5. 18. Heaven and Earth, shall passe away, but one jot, or

ut: le

*title of the Law shall not passe till all things be fulfilled.*

5. That Men ought to stand to their Covenants, is taught, Psal. 15. Where the Question being asked, vers. 1. *Lord, who shall dwell in thy Tabernacle, &c.* It is answered, vers. 4. *He that sweareth to his own binderance, and yet changeth not.* And that men ought to be gratified, where no Covenant pakteth, Deut. 25. 4. *Thou shalt not muzzle the Ox that treadeth out the Corn;* which S. Paul, 1 Cor. 9. 9. interpreteth not of Oxen but of Men.

6. That men content themselves with Equality, as it is the Foundation of Natural Law, so also is it of the second Table, of the Divine Law, Matth. 22. 39. 40. *Thou shalt love thy Neighbour as thy self.* On these two Laws depend the whole Law and the Prophets; which is not so to be understood, as that a man should study so much his Neighbours profits as his own, or that he should divide his Goods amongst his Neighbours; but that he should esteem his Neighbour worthy all Rights and Priviledges that himself enjoyeth; and attribute unto him, whatsoever he looketh should be attributed unto himself: which is no more, but that he should be humble, meek, and content with Equality.

7. And that in Distributing of Right amongst Equalls, that Distribution is to

made according to the Proportions of the Numbers, which is the giving of *equalia equalibus*, & *proportionalia proportionalibus*; we have, Numb. 26. 53. 54. the Commandment of God to Moses; *Thou shalt divide the land according to the Number of Names; to many thou shalt give more, to few thou shalt give lesse, to every one according to his Number.* That Decision by Lot is a Means of Peace. Prov. 18. 18. *The lot causeth contenti- on to cease, and maketh Partition among the Mighty.*

8. That the Accommodation and forgive- ness of one another, which have before been put for Lawes of Nature, are also Law Di- vine, there is no Question. For they are the Essence of Charity, which is the Scope of the whole Law, that we ought not to re- proach, or reprehend one another, is the Doctrine of our Saviour, Matth. 7. 1. *Judge not that ye be not judged. vers. 3. why seeest thou the Mote that is in thy Brothers eye, and seeest not the Beam that is in thine own eye?* Also the Law that forbiddeth us to presse our Councell upon others further then they ad- mit, is a Divine Law. For after our Charity and desire to rectifie one another is rejected, to presse it farther, is to reprehend him, and condemn him, which is forbidden in the text last recited; as also Rom. 14. 12. *Every one of us shall give account of himself to God. Let therefore judge one another any more, but*

use your Judgment rather in this, that no man put an occasion to fall, or a stumbling block before his Brother.

9 Farther, The Rule of men concerning the Law of Nature, *Quod tibi fieri non vis, alteri ne feceris*, is confirmed by the like, Matth. 7. 12. *whatsoever therefore you would have men do unto you, that do you unto them: for this is the Law and the Prophets.* And Rom. 2. 1. *In that thou judgest another, thou condemnest thy self, &c.*

10, It is also manifest by the Scriptures, That these Laws concern only the Tribunal of our Conscience; and that the Actions contrary to them, shall be no farther punished by God Almighty, then as they proceed from Negligence, or Contempt. And first that these Lawes are made to the Conscience, appeareth, Matth. 5. 20. *For I say unto you, Except your Righteousnesse exceed the Righteousnesse of the Scribes and Pharisees, ye shall not enter into the Kingdome of Heaven.* Now the Pharisees were the most exact among the Jews in the external performance; they therefore must want the sincerity of Conscience; else could not our Saviour have required a greater Righteousnesse then theirs. For the same Reason our Saviour Christ saith, *The Publican departed from the Temple justified rather then the Pharisee.* And Christ saith, *his Yoke is easie, & his Burthen Light, which proceedeth from this, that*

Christ required no more then our best Endeavour. And Rom. 14. 23. *He that doubteth is condemned, if he eat.* And in innumerable places both in the Old and New Testament, God Almighty declareth, that he taketh the Will for the Deed, both in Good and Evill Actions. By all which it plainly appears, that the Divine Law is dictated to the Conscience. On the other side is no less plain; that how many and hainous actions soever a man commit through Infirmity, he shall nevertheless, whensoever he shall condemn the same in his own Conscience, be freed from the punishments that to such actions otherwise belong. For at what time soever a sinner doth repent him of his sinns from the bottome of his Heart, I will put all his Iniquities out of my remembrance, saith the Lord.

11. Concerning Revenge which by the Law of Nature ought not to aym (as I have sayd, Chap. 3. Sect 10.) at present delight, but future profit, there is some difficulty made, as if the same accorded not with the Law Divine, by such as obiekt the continuance of punishment after the Day of Judgment, when there shall be no place, neither for amendment nor for example. This Obiection had been of some force, if such punishment had been ordained after all sinnes were past; but considering the punishment was instituted before sinne, it serveth to the benefit of Mankind, because it keepeth men

in



in peaceable and virtuous conversation by the terrour. And therefore such Revenge was directed to the Future only.

12. Finally, There is no Law of Natural Reason that can be against the Law Divine: for God Almighty hath given Reason to a man to be a Light unto him. And I hope it is no Impiety to think, that God Almighty will require a strict Account thereof, at the Day of Judgment, as of the Instructions which we were to follow in our Peregrination here, notwithstanding the opposition and affronts of supernaturalists now adayes, to rationally and morall Conversation.

## CHAP. VI.

1. That men notwithstanding these Lawes, are still in the State of War, till they have security one against another.
2. The Law of Nature in War, is nothing but Honour.
3. No Security without the Concord of many.
4. That Concord of many cannot be maintained without power to keep them all in awe.
5. The cause why Concord remaineth in a multitude of some irracionall Creatures, and not of men.
6. That Union is necessary for the maintaining of Concord.
7. How Union is made.
8. Body politick defined.
9. Corporation defined.
10. Soveraign Subject defined.
11. Two sorts of

**I**N Chap. 12. Sect. 16. of the treatise of human Nature, it hath been shewed that the Opinions men have of the Rewards and Punishments which are to follow their Actions, are the Causes that make and govern the Will to those Actions. In this Estate of man therefore, wherein all men are equal, and every man allowed to be his own Judge, the Fears they have one of another are equal, and every mans hopes consist in his own sleight and strength; & consequently when any man by his natural passion, is provoked to break these Lawes of Nature, there is no security in any other man of his own Defence but *Anticipation*. And for this cause, every mans right (howsoever he be inclined to peace) of doing whatsoever seemeth good in his own eyes, remaineth with him still, as the necessary means of his Preservation. And therefore till there be security amongst men for the keeping of the Law of Nature one towards another, men are still in the Estate of war, and nothing is unlawful to any man that tendeth to his own safety or Commodity: And this safety and commodity consisteth in the mutuall ayd and Help of one another, whereby also followeth the mutuall Fear of one another.

2. It is a proverbiall saying, *Inter arma*  
*paes*. There is little therefore to be

said concerning the Lawes that men are to observe one towards another in Time of War, wherein every mans Being and Well-being is the rule of his Actions. Yet thus much the Law of Nature commandeth in War, that men satiate not the cruelty of their present Passions, whereby in their own Conscience they foresee no benefit to come. For that betrayeth not a necessity, but a disposition of the mind to war, which is against the Law of Nature. And in old Time we read, that Rapine was a Trade of life, wherein nevertheless many of them that used it, did not only spare the lives of those they invaded, but left them also such things, as were necessary to preserve that life which they had given them; as namely, their Oxen and Instruments for Tillage, though they carried away all their other Cattel and Substance. And as the Rapine it self was warranted in the Law of Nature, by the want of security otherwise to maintain themselves, so the exercise of cruelty was forbidden by the same Law of Nature, unless Fear suggested any thing to the contrary. For nothing but Fear can justify the taking away of anothers life. And because Fear can hardly be made manifest, but by some Action dishonorable, that bewrayeth the Conscience of ones own Weakness, all men, in whom the Passion of Courage or Magnanimity hath been Predominant, have abstain-

ed from cruelty, inſomuch, that though there be in War no Law, the breach whereof is Injury, yet there are in War thoſe Lawes, the breach whereof is diſhonour. In one word therefore, the only Law of Actions in War is Honour, and the Right of War, Providence.

3. And ſeeing Natural ayd is neceſſary for Defence, as mutual fear is neceſſary for Peace, wee are to conſider how great Ayds are required for ſuch Defence, and for the cauſing of ſuch mutual fear, as men may not eaſily adventure on one another. And firſt it is evident, that the mutual Ayd of two or three men is of very little ſecurity. For the odds on the other ſide, of a man or two, giveth ſufficient encouragement to an aſſault. And therefore before men have ſufficient ſecurity in the help of one another, their number muſt be ſo great, that the Odds of a few which the enemy may have, be no certaine and ſenſible advantage.

4. And ſuppoſing how great a number ſoever of men aſſembled together for their mutual defence, yet ſhall not the effect follow, unleſs they all direct their Actions to one and the ſame End; which direction to one and the ſame End is that, which Chap. 12. Sect. 7. is called *Conſent*. This *conſent* (or concord) amongſt ſo many men, though it may be made by the fear of a preſent Invader, or by the hope of a preſent Conqueſt, or Bootie, and endure as long as that

action endureth, nevertheless, by the Diversity of Judgements and Passions in so many men contending naturally for honour and advantage one above another; it is impossible, not only that their consent to ayd each other against an enemy, but also that the Peace should last between themselves, without some mutual and common fear to rule them.

5. But contrary hertunto may be objected; the experience we have of certain living Creatures irrational, that nevertheless continually live in such good Order and Government for their common benefit, and are so free from Sedition & War amongst themselves; that for Peace, Profit, and Defence, nothing more can be imaginable. And the Experience we have in this, is in that little Creature the Bee, which is therefore reckoned amongst *Animalia Politica*. Why therefore may not men that foresee the Benefit of Concord, continually maintain the same without compulsion, as well as they? To which I answer, That amongst other living Creatures, there is no Question of Precedence in their owne Species, nor strife about Honour, or acknowledgement of one anothers wisdom, as there is amongst Men, from whence arise Envy and Hatred of one towards another, and from thence Sedition and War. Secondly, those living Creatures aim every one at Peace, and Food com-

to them all; Men aym at Dominion, Superiority, and private wealth, which are distinct in every man, and breed Contention. Thirdly, those living Creatures, that are without Reason, have not learning enough to espy, or to think they espy any defect in the Government; and therefore are contented therewith. But in a multitude of men, there are alwaies some that think themselves wiser then the rest, and strive to alter what they think amiss, and divers of them strive to alter divers wayes, and that causeth War. Fourthly, they want Speech, and are therefore unable to instigate one another to Faction, which men want not. Fifthly, they have no conception of Right and Wrong, but only of Pleasure and Pain, and therefore also no censure of one another, nor of their Commander, as long as they are themselves at ease; whereas men that make themselves Judges of Right and Wrong, are then least at quiet, when they are most at ease. Lastly, Natural Concord, such as is amongst those Creatures, is the work of God by the way of Nature; but Concord amongst men is artificial, and by way of Covenant. And therefore no wonder, if such irrational Creatures as govern themselves in Multitude, do it much more firmly then Mankind, that do it by Arbitrary Institution.

6. It remaineth therefore still, that Consent (by which I understand the Con-  
 currence

rence of many mens Wils to one Action ) is not sufficient Security for their common Peace, without the erection of some common Power, by the feare whereof, they may be compelled both to keep the Peace amongst themselves, and to joyn their strengths together, against a common Enemy. And that this may be done, there is no way imaginable, but only Union, which is defined, Chap. 12, Sect. 8. to be the involving, or including the Wils of many in the Wil of one man, or in the Will of the greatest part of any one number of men, that is to say, in the Will of one Man, or of one *Council*. For a *Council* is nothing else, but an *Assembly* of men deliberating concerning something common to them all.

7. The making of Union consisteth in this, That every man by Covenant oblige himself to some One, and the same man, or to some one and the same *Council*, by them all named and determined, to do those actions, which the said man or *Council* shall command them to do, and to do no action which He or They shall forbid, or command them not to do. And farther, in case it be a *Council*, whose commands they covenant to obey, that then also they covenant, that every man shall hold that for the command of the whole *Council*, which is the command of the greater part of those men, whereof such *Council* consisteth. And though

The Will of Man being voluntary, but the Beginning of Voluntary actions, is not subject to Deliberation and Covenant, yet when a man covenanteth to subject his Will to the command of another, he obligeth himself to this, that he resigne his strength and meanes to him, whom he covenanteth to obey. And hereby he that is to command, may by the use of all their means & strength, be able by the terrour thereof, to frame the Will of them all to Unity and Concord, amongst themselves.

8. This Union so made, is that which men call now adayes, *a Body Politick*, or Civil Society and the Greeks call it *Polis*, that is to say, a City, which may be defined to be a multitude of men, united as one Person, by a common power, for their common Peace, Defence and Benefit.

9. And as this Union into a City or Body Politick, is instituted with common Power over all the particular Persons, or Members thereof, to the common good of them all, so also may there be amongst a multitude of those Members instituted, a subordinate Union of certain men, for certain common actions to be don by those men for some common Benefit of theirs, or of the whole City, as for subordinate Government, for Counsell, for Trade, and the like. And these Subordinate Bodies Politick are usually called *Corporations*; and their power such over the

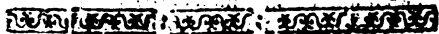


particulars of their own Society, as the whole City whereof they are Members have allowed them.

To, In all Cities, or Bodies politick not Subordinate, but Independent, that One man, or one Concell, to whom the particular Members have given that common Power, is called their *Sovereign*, and his power the *Sovereign* power; which consisteth in the power and the strength, that every of the Members have transferred to him from themselves by Covenant And because it is impossible for any man really to transfer his own strength to another, or for that other to receive it, it is to be understood, that to transfer a mans power, and strength, is no more, but to lay by or relinquish his own Right of Resisting him to whom he so transferreth it. And every Member of the Body Politick, is called a *Subiect*, to wit, to the *Sovereign*.

¶ 11. The cause is generall, which moveth a man to become subiect to another, is (as I have sayd already) the fear of not otherwise preserviug himself. And a man may subiect himself to him that invadeth, or may invade him, for fear of him; or men may joync amongst themselves, to subject themselves to such as they shall agree upon for fear of others, and when many men subject themselves the former way, there ariseth thence

a Body politic, as it were naturally. From whence proceedeth *Dominion, Paternal, and Despotique*. And when they subiect themselves the other way, by mutual agreement amongst many, the Body politic they make, is for the most part called a *Common Wealth* in distinction from the former, though the name be the generall name for them both. And I shall speak in the first place of *Common wealths*, and afterward of *Bodies politic, Patrimoniall, and despotical*.



## The Second part.

### CHAP. I.

1. Introduction.
2. A Multitude before their union, &c.
3. Expressse Consent of every particular, &c.
4. Democraticall, Aristocraticall, Monarchiall union, may be instituted forever, or, &c.
5. Without security no private Right relinquished.
6. Covenants of Government without Power of Coertion are no Security.
7. Power coercive, &c.
8. The Sword of War, &c.
9. Decision in all Debates &c. annexed to the Sword.
10. Laws Civil, &c.
11. Appointment of Magistrates, &c.

&c. 12. Sovereign Power includeth Impu-  
 nity. 13. A supposed Common Wealth, where  
 Lawes were made first, and the Common-  
 wealth after. 14. The same refuted. 15.  
 Mixt Formes of Government sup- posed in  
 Sovereignty. 16. That refuted. 17. Mixt  
 Government, &c. 18. Reason and Experi-  
 ence to prove absolute Sovereignty some  
 where in all Common Wealths. 19. Some  
 principal, &c. marks of Sovereignty.



N that Treatise of humane  
 nature which was formerly  
 printed, hath been wholly  
 spent in the consideration  
 of the naturall power, and  
 the Natural Estate of Man,  
 namely, of his cognition and  
 Passions in the first eleven Chapters, and  
 how from thence proceed his Actions; in  
 the Twelfth, how men know one anothers  
 minds: In the last; in what Estate Mens  
 passions set them. In the first Chapter of  
 this Treatise, what Estate they are directed  
 unto by the Dictates of reason, that is to say,  
 what be the principall Articles of the Law of  
 Nature, in the 2. 3. 4. 5. And lastly, how  
 a multitude of persons Naturall, are united  
 by Covenants into one person civil, or Body  
 Politick. In this part therefore shall be con-  
 sidered, the Nature of a Body politick, and  
 the Lawes thereof, otherwise called

vill Laws. And whereas it hath been sayd in the last Chapter, and last Section of the former part, that there be two wayes of erecting a Body politicke; One by Arbitrary Institution of many men assembled together which is like a creation out of nothing by humane Wit; the other by Compulsion, which is as it were a Generation thereof out of natural force; I shall first speak of such erection of a Body politicke, as proceedeth from the Assembly and consent of a Multitude.

2. Having in this place to consider, a multitude of men about to unite themselves into a Body politicke, for their security, both against one another, and against common Enemies, and that by ~~Covenants~~ the knowledge of what Covenants they must needs make, dependeth on the Knowledge of the persons, and the knowledge of their end. First, for their persons they are many, and (as yet) not one; nor can any Action done in a multitude of People met together, be attributed to the multitude, or truly called the Action of the multitude, unless every mans Hand, and every mans Will, (not so much as one excepted) have concurred thereto. For Multitude, though in their persons they run together, yet they concur not alwaies in their Designes. For even at that time when men are in tumult, though they agree a number of them to one mischeife, and a

number of them to one another; yet in the whole, they are amongst themselves in the state of Hostility, and not of Peace; like the seditious Jews besieged in *Jerusalem*, that could joyn against their enemies, and fight amongst themselves. Whensoever therefore any man saith, that a number of men hath done any Act, it is to be understood, that every particular man in that number hath consented therunto, and not the greatest part only. Secondly, Though thus assembled with intension to unite themselves, they are yet in that Estate in which every man hath right to every thing, and consequently as hath been sayd, Chap. I, Sect. 10. in an Estate of enjoying nothing. And therefore *Mens & Tunm*, hath no place amongst them.

3. The first thing therefore they are to do is expressly, every man to consent to something by which they may come neer to their Ends, which can be nothing else imaginable, but this, that they allow the Wills of the maior part of their whole number, or the Wills of the maior part of some certain number of men by them determined and named; or lastly, the Will of some one man, to involve and be taken for the Wills of every man. And this done they are united, and a Body *Politick*. And if the maior part of their whole Number be supposed to involve the Wills of all the particulars, then

involve the wills of the particulars, then are they said to be a *Democracy*, that is to say, a Government wherein the whole Number, or so many of them as please, being assembled together, are the Sovereign, and every particular man a Subject. If the major part of a certain number of men named or distinguished from the rest, be supposed to involve the wills of every one of the particulars, then are they said to be an *Oligarchy*, or *Aristocracy*, which two words signify the same thing, together with the divers Passions of those that use them. For when the men that be in that *Circle* please, they are called an *Aristocracy*, or otherwise an *Oligarchy*, where in those the major part of which declare the Wills of the whole multitude being assembled, are the Sovereign, and every man severally a Subject. Lastly, if their Consent be such, that the Will of one man whom they name, shall stand for the Wills of them all, then is their Government or Union called a *Monarchy*, and that one man a Sovereign, and every of the rest a Subject.

4. And those several sorts of Unions, Governments, and Subjections, of Mans Will may be understood to be made, either absolutely, that is to say, for all future time, or for a time limited only. But forasmuch as we speak here of a Body politic, instituted for the perpetuall Benefit and defence of them

them that make it; which therefore men desire should last for ever, I will omit to speak of those that be temporary, and consider of those that be for ever.

5. The end for which one man giveth up, and relinquisheth to another, or others the right of protecting & defending himself by his own power, is the security which he expecteth thereby, of protection and defence from those to whom he doth so relinquish it; and a man may then account himself in the estate of security, when he can foresee no violence to be done unto him, from which the Doer may not be deterred by the power of that Sovereign, to whom they have every one subjected themselves: and without that security, there is no reason for a man to deprive himself of his own Advantages, and make himself a prey to others. And therefore when there is not such a Sovereign power erected, as may afford this security, it is to be understood that every mans right of doing whatsoever seemeth good in his own eyes, remaineth still with him; and contrarywise, where any Subject hath right by his own Judgment and discretion, to make use of his force, it is to be understood that every man hath the like, and consequently that there is no Common Wealth at all established. How far therefore in the making of a Common Wealth, man subjecteth his Will to the power of others, must

app.

appear from the End, namely, Security. For whatsoever is necessary to be by Covenant transferred for the attaining thereof, so much is transferred, or else every man is in his natural Liberty, to secure himself.

6. Covenants agreed upon by every man assembled for the making of a Common Wealth; and put in writing without erecting of a power of Coercion, are no reasonable Security for any of them that so covenant, nor are to be called Laws, and leave men still in the Estate of Nature and Hostility. For seeing the Wills of most men are governed only by Fear, and where there is no power of Coercion, there is no Fear, the Wills of most men will follow their Passions of Covetousness, Lust, Anger, and the like, to the breaking of those Covenants, whereby the rest also, who otherwise would keep them, are set at liberty, and have no Law, but from themselves.

7. This power of Coercion as hath been sayd, Chap. 2. Sect 3. of the former part consisteth in the transferring of every mans right of Resistance against him, to whom he hath transferred the Power of Coercion. It followeth therefore, that no man in any Common Wealth whatsoever hath right to resist him, or them, on whom they have transferred this Power Coercive, or as men use to call it the Sword of Justice, supposing the not Resistance possible. For part 1.

Chap.



Chap. 2. Sect. 18. Covenants bind but to the utmost of our endeavour.

8. And forasmuch as they who are amongst themselves in security, by the means of this Sword of Justice, that keep them all in awe, are nevertheless in danger of enemies from without, if there be not some means found, to unite their Strengths and natural forces, in the resistance of such enemies, their peace amongst themselves is but in vain. And therefore it is to be understood as a Covenant of every Member, to contribute their several forces for the Defence of the whole, whereby to make one power as sufficient, as is possible for their Defence. Now seeing that every man hath already transferred the Use of his strength to him, or them, that have the Sword of Justice, it followeth, that the Power of Defence, that is to say, the Sword of war, be in the same Hands, wherein is the Sword of Justice; and consequently those two Swords are but One, and that inseparably and essentially annexed to the Sovereign Power.

9. Moreover, seeing to have the Right of the Sword; is nothing else but to have the Use thereof depending onely on the Judgement and discretion of Him or Them that have it, it followeth, that the Power of Indenture in all Controversies, wherein the Sword of Justice is to be used; and in all deliberations concerning War, (wherein the

Use of that Sword is required) the right of Resolving and determining what is to be done, belong to the same Sovereign.

10. Farther, considering it is no less, but much more necessary to prevent Violence & Rapine, then to punish the same when it is committed, & all violence proceedeth from Controversies that arise between men concerning *Meum & Tuum*, Right and Wrong, Good and Bad, and the like which men use every one to measure by their own Judgments, it belongeth also to the Judgment of the same Sovereign Power, to let forth and make known the common measure by which every man is to know what is his, and what anothers; what is good and what bad, and what he ought to do and what not, and to command the same to be observed. And these measures of the Actions of the Subjects are those, which men call *Laws politicke*, or Civil. The making whereof, must of right belong to him that hath the power of the Sword, by which men are compelled to observe them; for otherwise they should be made in vain.

11. Farthermore, seeing it is impossible that any one man that hath such Sovereign Power, can be able, in person, to hear and determine all Controversies, to be present at all deliberations concerning common good, and to execute and perform all those common actions that belong therunto, whereby

there

there will be necessity of Magistrates, and Ministers of publique affaires; it is consequent that the appointment, nomination, & limitation of the same be understood, as an inseperable part of the same sovereignty, to which the sum of all iudicature, and execution hath been already annexed.

12. And forasmuch as the right to use the forces of every particular member, is transferred from themselves, to their sovereign, a man will easily fall upon this conclusion of himself, that to sovereign power (whatsoever it doth) there belongeth Impunity.

13. The sum of these Rights of Sovereignty; namely the absolute use of the Sword in Peace and War, the making and abrogating of Laws, *Supream, Judicature, & Decision*, in all Debate iudiciall and deliberative, the nomination of all Magistrates, and Ministers, with other Rights contained in the same, make the sovereign power no less absolute in the common-wealth, then before Common-wealth, every man was absolute in himself, to do, or not to do, what he thought good; which men that have not had the experience of that miserable estate, to which men are reduced by long War, think so hard a condition, that they cannot easily acknowledge such covenants, and subiection on their parts, as are here set down to have been ever necessary to their peace. And therefore some have imagined that a Common-Wealth may be

constituted in such wanner as the Sovereign Power may be so limited, and moderated, as they shall think fit themselves. For Example; They suppose a Multitude of men to have agreed upon certain Articles, (which they presently call Lawes) declaring how they will be governed, and that done, to agree farther upon some man, or number of men, to see the same Articles performed, and put in execution; and to enable Him, or Them thereunto, they allot unto them a Provision limited, as of certain Lands, taxes, Penalties, and the like then, which (if mispent) they shall have no more, without a new Content of the same men that allowed the former. And thus they think they have made a Common Wealth, in which it is unlawfull for any private man to make use of his owne Sword for his Security; wherein they deceive themselves.

14. For first, if to the Revenue, it did necessarily follow, that there might be Forces raised and procured at the Will of him that hath such Revenue, yet since the Revenue is limited, so must also the Forces: but limited Forces against the Power of an Enemy, which wee cannot limit, are insufficient. Whensoever therefore there happeneth an Invasion greater then those Forces are able to resist, and there be no other right to levy more, then is every man by Necessity  
of

of Nature, allowed to make the best provision he can for himself; and thus is the Private Sword, and the estate of War again reduced. But seeing Revenue, without the right of commanding men, is of no use, neither in Peace nor War, it is necessary to be supposed, that he that hath the Administration of those Articles, which are in the former Section supposed, must have also right to make use of the strengths of particular men. And what reason soever giveth him that right over any one, giveth him the same over all. And then is his Right absolute. For he that hath Right to all their Forces, hath right to dispose of the same. Again, supposing those limited forces and Revenue, either by the necessary, or negligent use of them to fail, and that for a supply the same multitude be again to be assembled, who shall have power to assemble them, that is to compel them to come together? If he that demandeth the supply, hath that Right, to wit, the right to compell them all, then is his Sovereignty absolute; if not, then is every particular man at liberty to come, or not; to frame a new Commonwealth, or not, and so the right of the private Sword returneth but suppose them willingly, and of their own accord assembled to consider of this supply, if now it be stil in their choice, whether they shall give it, or not, it is also in their choice, whether the Common Wealth shall stand, or

nor.

not. And therefore there lieth not upon any of them any civil Obligation that may hinder them from using force, in case they think it tend to their defence. This Device therefore of them that will make Civil Law first, and then a Civil Body afterwards (as if Policy made a Body Politick, and not a Body Politick made Policy) is of no effect.

15. Others, to avoid the hard condition, as they take it, of absolute subjection (which (in hatred thereto) they also call slavery) have despised a Government, as they think, mixed of three sorts of Sovereignty. As for Example; They suppose the power of making Laws, given to some great Assembly Democratical, the Power of Judicature to some other Assembly, and the Administration of the Laws to a Third, or to some one Man; and this Policy they call mixt Monarchy, or mixt Aristocracy, or mixt Democracy, according as any of these three sorts do most visibly predominate. And in this estate of Government, they think the use of the Private Sword excluded.

16. And supposing it were so, How were this condition which they call slavery, called thereby. For in this Estate they would have no man allowed, either to be his own Judge, or own Carver, or to make any Lawes unto himself; and as long as these three agree they are as absolutely subject to them, as is

a Child to the Father, or a Slave to the Master, in the state of Nature. The case therefore of this Subjection, must consist in the disagreement of those amongst whom they have distributed the rights of sovereign power. But the same Disagreement is War. The division therefore of the Sovereignty, either worketh no effect to the taking away of simple Subjection, or introduceth War, wherein the private Sword hath place againe. But the Truth is, as hath been already shewed in 7, 8, 9, 10, 11, 12. precedent Sections, the Sovereignty is indivisible. And that seeming mixture of severall kinds of Government, not mixture of the things themselves, but Confusion in our understandings, that cannot find out readily to whom we have subiected our selves.

17. But though the Sovereignty be not mixt, but be alwaies either simple Democracy, or simple Aristocracy, or pure Monarchy, nevertheless in the Administration thereof, all those sorts of government may have place subordinate. For Suppose the Sovereign power be Democracy, as it was sometimes in *Rome*, yet at the same time they may have a Counsel Aristocratical, such as was the Senate; and at the same time they may have a Subordinate Monarch, such as was their Dictator, who had, for a time, the exercise of the whole Sovereignty, & such as are all Generals in war. So also in Monarchy

There may be a Council Aristocratical of men, chosen by the Monarch, or Democratical of men chosen by the consent (the Monarch permitting) of all the particular men of the Common Wealth. And this mixture is it that imposeth, as if it were the mixture of sovereignty. As if a man should think, because the great Council of *Venice* doth nothing ordinarily but choose Magistrates, Ministers of State, Captains, and Governours of Towns, Ambassadors, Councillors, and the like, that therefore their part of the sovereignty is only chusing of Magistrates: & that the making of War, and Peace, and Laws were not theirs, but the part of such Councillors as they appointed thereto; whereas it is the part of these to do it but subordinately, the supreme authority thereof being in the Great Council that chuse them.

18. And as Reason teacheth us, that a man considered out of subjection to Lawes, and out of all Covenants obligatory to others, is free to do and undo, and deliberate as long as he listeth, every member being obedient to the Will of the whole man, that Liberty being nothing else but his natural Power, without which he is no better then an inanimate Creature, not able to help himself, so also it teacheth us, that a Body politick, of what kind soever, nor subject to another, nor obliged by Covenants, ought to be free, and in all actions to be assisted by  
the



the members, every one in their place, or at least not resisted by them. For otherwise, the power of a Body politick (the Essence whereof, is the not resistance of the Members) is none, nor a Body politick of any Benefit. And the same is confirmed by the Use of all Nations and Common-Wealths, wherein that man or Council which is virtually the whole, hath any absolute power over every particular member; or what Nation or Common-Wealth is there, that hath not power and Right to constitute a General in their wars? But the power of a General is absolute; and consequently there was absolute power in the Common-Wealth, from whom it was derived. For no person, natural or civill, can transfer unto another more power then himself hath.

19. In every Common Wealth, where particular men are deprived of their Right to protect themselves there resideth an Absolute Sovereignty; as I have already shewed. But in what man, or in what Assembly of men the same is placed, is not so manifest, as not to need some Marks, whereby it may be discerned. And first, it is an infallible mark of absolute Sovereignty in a man or in an Assembly of men, if there be no Right in any other person, Naturall or Civil, to punish that man, or to dissolve that Assembly. For he that cannot of right be punished, cannot of Right be resisted; and he that cannot

of right be resisted, hath coercive power over all the rest, and thereby can frame and govern their Actions at his pleasure, which is absolute sovereignty. Contrariwise, he that in a Common-Wealth is punishable by any, or that Assembly that is dissolvable, is not sovereign. For a greater power is always required to punish and dissolve, then theirs who are punished or dissolved; and that Power cannot be called Sovereign, then which there is a greater. Secondly, that man or Assembly, that by their own right not derived from the present right of any other, may make Laws, or abrogate them at his or their pleasure, have the Sovereignty absolute. For seeing the Laws they make, are supposed to be made by right, the Members of the Common Wealth to whom they are made, are obliged to obey them, and consequently not resist the Execution of them, which not resistance, maketh the power absolute of him that ordaineth them. It is likewise a mark of this sovereignty, to have the Right Originall of appointing Magistrates, Judges, Councillors, and Ministers of State. For without that Power, no Act of Sovereignty or Government can be performed. Lastly, and generally, whosoever by his own authority independent it, can do any act, which another of the same Common Wealth may not, must needs be understood to have the sovereign power. For by Nature men have equal

equal Right. This Inequality therefore must proceed from the Power of the Common-Wealth. He therefore that doth any Act lawfully by his own Authorit, which another may not, doth it by the Power of the Common-wealth in himself, which is Absolute Sovereignty.

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## CHAP. II.

1. Democracy precedeth all other, &c.
2. The Sovereign people sov'reigneth not with the Subjects.
3. The Sovereign, &c. cannot, &c. do injury, &c.
4. The faults of the Sovereign People; &c.
5. Democracy, &c. an Aristocracy of Orators.
6. Aristocracy, how made.
7. The Body of the Optimates not properly said to injure the Subjects.
8. The Election of the Optimates, &c.
9. An Elective King, &c.
10. A Conditional King, &c.
11. The word People Equivocal.
12. Obedience discharged by Release.
13. How such Releases are to be understood.
14. Obedience discharged by Exile.
15. By Conquest.
16. By ignorance of the Right of Succession.

**H**AVING spoken in generall concerning Instituted Policy in the former Chapter, I come in this, to speak of the sorts thereof in special, how every of them is instituted. The first in order of time of these three sorts, is Democracy; and it must be so of necessity, because an Aristocracy and a Monarchy, require

require nomination of persons agreed upon, which agreement in a great multitude of men must consist in the consent of the major part; and where the Votes of the major part involve the votes of the rest, there is actually a democracie.

2. In the making of a Democracie, there passeth no Covenant between the Sovereign and any Subject. For while the Democracy is a making, there is no Sovereign with whom to contract. For it cannot be imagined; that the Multitude should contract with it self, or with any one man, or number of men parcell of it self, to make it self Sovereign nor that a multitude considered as One Aggregate, shoud give it self anything which before it had not. Seeing then that Sovereignty Democratical is not conferred by the Covenant of any multitude, which supposeth Union and' Sovereignty already made; it resteth that the same be conferred by the particular Covenants of evry several man, that is to say, every man with every man, for and in consideration of the Benefit of his own Peace and Defence; covenanteth to stand to and obey whatsoever the major part of their whole number, or the Major part of such a number of them, as shall be pleased to assemble at a certain time and place, shall determine and command. And this is that which giveth being to a Democracy, wherein the sovereign Assembly was

called of the Greeks, by the name of *Demus*, (that is, the People) from whence cometh Democracy. So that, where to the supream and Independent Court, every man may come that will and give his vote, there the Sovereign is called the People.

3. Out of this that hath been sayd, may readily be drawn, that whatsoever the People doth to any one particular Member or Subject of the Common Wealth, the same by him ought not to be stiled Injuriy. For first Injuriy (by the Definition, Part. 1. Chap. 3. Sect. 2. ) is Breach of Covenant; but Covenants ( as hath been said in the precedent Section ) there passed none from the People to any private man; and consequently (to wit the People ) can do him no Injuriy. Secondly, how uniuist soever the action be, that this Soveraigne *Demus* shall do, is done by the will of every particular man subiect to him, who are therefore guilty of the same. If therefore they stile it *Injuriy*, they but accuse themselves. And it is against Reason for the same man, both to do and complain, implying this Contradiction, that wheras he first ratified the Peoples Acts in general, he now disalloweth the same of them in particular. It is therefore said truly, *Volenti non fit Injuria*. Nevertheless nothing doth hinder but that divers Actions done by the people may be uniuist before God Almighty, as Breaches of the Law of Nature.

4. And when it hapneth, that the People by plurality of voices, ~~that~~ decree or command any thing contrary to the Law of God or Nature, though the Decree and Command be the act of every man, not only present in the assembly, but also absent from it, yet is not the Injustice of the Decree, the Injustice of every particular man, but only of those men, by whose express suffrages the Decree or Command was passed. For a Body politick, as it is a Fictional Body, so are the Faculties and will thereof Fictional also. But to make a particular man unjust which consisteth of a Body and Soul natural, there is required a Natural and very Will.

5. In all Democracies, though the Right of Sovereignty be in the Assembly which is virtually the whole Body, yet the use thereof is alwaies in one, or a few particular men. For in such great Assemblies, as those must be, whereinto every man may enter at his pleasure, there is no means any waies to deliberate and give Councel what to do but by long and set Orations, whereby to every man there is more or less hope given to incline & sway the Assembly to their own Ends. In a multitude of speakers therefore where alwaies either one is eminent alone, or a few being equal amongst themselves are eminent above the rest, that one or few must of necessity sway the whole. Inso-

much

much that a Democracy, in effect is no more than an Aristocracy of Orators, interrupted sometimes with the temporary Monarchy of one Orator

6. And seeing a Democracy is by Institution, the beginning both of Aristocracy and Monarchy, we are to consider next, how Aristocracy is derived from it. When the particular Members of the Common Wealth growing weary of attendance at publick Courts, as dwelling far off, or being attentive to their private Businesses, and with all, displeas'd with the Government of the People, assemble themselves to make an Aristocracy, there is no more required to the making thereof, but putting to the Question one by one, the Names of such men as it shall consist of, and assenting to their Election; and by plurality of Vote to transfer that power, which before the People had, to the number of men so named and chosen.

7. And from this manner of erecting an Aristocracy, it is manifest, that the Few, or Optimates, have enter'd into no Covenant with any of the particular Members of the Common Wealth, wherof they are Sovereigns; and consequently cannot do any thing to any private man, that can be called *Injury* to him, howsoever their act be wicked before Almighty God, according to that which hath been sayd before Sect. 3. Farther

it is impossible, that the People, as one Body Politick, should covenant with the Aristocracy or Optimates, on whom they intend to transfer their Sovereignty. For no sooner is the Aristocracy erected, but the Democracy is annihilated, and the Covenants made unto them void.

8. In all Aristocracies the Admission of such as are from time to time to have Vote in the sovereign assembly, dependeth on the Will and Decree of the present Optimates. For they being the Sovereign, have the nomination (by the 11. Section of the former Chapter) of all Magistrates, Ministers, and Counsellors of State whatsoever, and may therefore chuse either to make them elective, or hereditary, at their pleasure.

9. Out of the same Democracy, the Institution of a Political Monarch proceedeth in the same manner, as did the Institution of the Aristocracy, to wit, by a Decree of the Sovereign People, to passe the Sovereignty to One Man named and approved by Plurality of Suffrage. And if this Sovereignty be truly and indeed transferred, the Estate or Common-Wealth is an absolute Monarchy, wherein the Monarch is at liberty, to dispose as well of the Succession, as of the Possession, and not an Elective Kingdome. For suppose a Decree be made first in this manner, That such a One shall have the Sovereignty for his life, and that afterward they will chuse a new,  
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In this Case, the Power of the People is dissolved, or not; if dissolved, then after the Death of him that is chosen, there is no man bound to stand to the Decrees of them that shall, as Private men, run together to make a new Election; and consequently, if there be any man, who by the advantage of the Raign of Him that is dead, have strength enough to hold the multitude in Peace and Obedience, he may lawfully, or rather is by the Law of Nature obliged so to do; if this power of the people were not dissolved at the chusing of their King for life, then is the people Sovereign still, and the King a Minister thereof only, but so, as to put the whole Sovereignty in Execution, A Great Minister, but no otherwise for his time, then a Dictator was in Rome. In this case at the death of him that was chosen, they that meet for a new Election, have no new, but their old Authority for the same. For they were the Sovereign all the time, as appeareth by the Acts of those Elective Kings, that have procured from the People, that their children might succeed them. For it is to be understood, when a man receiveth any thing from the Authority of the people, he receiveth it not from the People his Subjects, but from the people his Sovereign. And farther though in the Election of a King for his life, the People grant him the Exercise of their So-

raignty for that time; Yet if they see cause, they may recall the same before the Time. As a Prince that conferreth an Office for life, may nevertheless upon suspicion of Abuse thereof, recall it at his pleasure; In as much as Offices that require labour and care, are understood to passe from him that giveth them, as *Opera, Buribnas*, to them that have them; the recalling whereof are therefore not *Injury*, but *Favour*. Nevertheless if in making an Elective King, with Intention to reserve the Sovereignty, they reserve not a Power at certaine known and determined times and places to assemble themselves, the reservation of their Sovereignty is of no effect; In as much as no man is bound to stand to the Decrees and Determinations of those that assemble themselves without the Sovereign Authority.

10. In the former Section is shewed, that elective Kings that exercise their Sovereignty for a Time, which determines with their Life, either are Subjects, or not Sovereigns; And that it is, when the people in Election of them, reserve unto themselves the right of Assembling at certaine times and places limited and made known; Or else Absolute Sovereigns to dispose of the Succession at their Pleasure, and that is, when the people in their Election have declared no time nor place of their meeting, or have left it to the

power

power of the Elected King, to assemble and dissolve them at such times as he himselfe shall think good. There is another kind of Limitation of Power to him that shall be elected to use the Sovereign Power, which whether it hath been practised any where, or not I know not, but it may be imagined, and hath been objected against the Rigor of Sovereign Power) and it is this, that the People transfer their Sovereignty upon Conditions. As for Example, for so long as he shall observe such and such Lawes, as they then prescribe him. And here as before in elected Kings, the Question is to be made, whether in the Electing of such a Sovereign, they reserved to themselves a right of Assembling at times and places limited and known, or not; if not, then is the Sovereignty of the People dissolved, and have neither power to judge of the Breach of the Conditions given him, nor to command any Forces for the Deposing of him, whom on that Condition they had set up, but are in the Estate of war amongst themselves, as they were before they made themselves a Democracy; and consequently, if he that is elected by the advantage of the possession be hath of the publick meanes, be able to compel them to Unity and Obedience, he hath not only of the right of Nature to warrant him; but of the Law of Nature to Oblige him thereunto. But if in Electing him, they reserved to themselves

a right of Assembling, and appointed certain times and places to that purpose, then are they Sovereign still, and may call their conditional King to account at their pleasure, and deprive him of his Government, if they judge he deserve it, either by breach of the condition set him, or otherwise. For the Sovereign power can by no Covenant with a subject be bound to continue him in the charge he undergoeth by their Command, as a Burden imposed not particularly for his good, but for the good of the Sovereign People.

11. The Controversies that arise concerning the Right of the People, proceed from the Equivocation of the Word. For the word People hath a double signification. In one sense it signifieth onely a Number of Men, distinguished by the place of their habitation; as the *People of England*, or the *People of France*, which is no more, but the Multitude of those particular persons that inhabit those Regions, without consideration of any Contracts or Covenants amongst them, by which any one of them is obliged to the rest. In another sense, it signifieth a Person civill, that is to say, either one Man or one Council, in the Will whereof is included and involved, the Will of every one in particular. As for example; in this later sense, the lower House of Parliament is all the Commons as long as they sit there with

with authority and right thereto; but after they be dissolved, though they remain, they be no more the People nor the Commons, but only the Aggregate, or Multitude of the particular men there sitting, how well soever they agree, or concur, in Opinions amongst themselves; whereupon they do not distinguish between these two significations; do usually attribute such rights to a dissolved Multitude, as belong only to the People virtually contained in the Body of the Common Wealth or Sovereignty. And when a great number of their own authority flock together in any nation, they usually give them the name of the whole Nation, in which sense they say the People rebelleth, or the People demandeth, when it is no more then a dissolved multitude, of which though any one man may be said to demand, or have right to something, yet the heap, or multitude, cannot be said to demand or have right to any thing. For where every man hath his right distinct, there is nothing left for the multitude to have right unto: and when the particulars say, this is mine, this is thine, and this is his, and have shared all amongst them, there can be nothing whereof the Multitude can say, this is mine; nor are they one Body as becometh them to be, that demand any thing under the name of Mine, or His: and when they say Ours every man is understood to pretend in sever-

fall, and not the multitude. On the other side, when the Multitude is united into a Body politic, and thereby are a People in the other signification, and their wills virtually in the Sovereign, therethe rights and Demands of the particulars do cease ; and he or they that have the Sovereign Power, doth for them all demand and vindicate under the name of his, that which before they called in the plural, Theirs.

12. VVe have seen how particular men enter into subiection by transferring their Rights ; It followeth to consider, how such subiection may be discharged. And first, if He or they that have the Sovereign Power, shall relinquish the same voluntarily, there is no doubt, but every man is again at Liberty to obey or not. Likewise, if he or they retaining the Sovereignty over the rest, do nevertheless exempt some one or more, from their subiection, every man so exempted, is discharged, for he or they to whom any man is obliged, hath the power to release him.

13. And here it is to be understood, that when he or they that have the Sovereign power, give such exemption, or Priviledge, to a Subject, as is not seperable from the Sovereignty, and nevertheless directly retaineth the Sovereign Power, not knowing the consequence of the priviledg they grant, the Person or persons exempted or priviledged,

are not thereby released. For in contradictory significations of the will, Part 1. Chap. 13. Sect. 9. That which is directly signified, is to be understood for the will, before that which is drawn from it by Consequence.

14. Also Exile perpetual, is a Release of Subjection, inasmuch, as being out of the protection, of the Sovereignty that expelled him, he hath no means of subsisting but from himself. Now every man may lawfully defend himself, that hath no other Defence; else there had been no necessity, that any man should enter into voluntary subjection, as they do in Common Wealths.

15. Likewise a man is released of his subjection by conquest. For when it cometh to pass, that the Power of a Common wealth is overthrown, and any particular man thereby lying under the sword of his Enemy, yeildeth himself Captive, he is thereby bound to serve him that taketh him, and consequently discharged of his Obligation to the former. For no man can serve two Masters.

16. Lastly, Ignorance of the Succession dischargeth Obedience: For no man can be understood to be obliged to obey he knoweth not whom.

## CHAP. III.

1. 2. Tit les so Dominion, Master and Servant, &c. 3. Chaines and other, &c. Bonds &c. Slave defined, &c. 4. Servants have no property against their Lord, &c. 5. The Master hath right to alienate his Servant. 6. The Servant of the Servant, &c. 7. How Servitude is discharged. 8. The middle Lord, &c. 9. The title of Man, &c. Over Beasts.

HAVING set forth in the two preceding Chapters, the Nature of a Common Wealth *Instituted* by the Consent of many men together, I come now to speak of Dominion, or a Body politick by acquisition, which is commonly called a *Patrimonial* Kingdome, but before I enter thereinto, it is necessary to make known upon what Title one man may acquire Right, that is to say, Property or Dominion over the person of another. For when one Man hath Dominion over another, there is a little Kingdome. And to be a King by Acquisition, is nothing else but to have acquired a Right or Dominion over many.



2. Considering men therefore again in the Estate of Nature, without Covenants or Subjection one to another, as if they were but even now all at once created Male and Female, there be three Titles only, by which one man may have Right and Dominion over another; whereof two may take place presently, and those are, voluntary offer of Subjection, and yielding by Compulsion: The third is to take place upon the supposition of Children begotten amongst them. Concerning the first of these three Titles, it is handled before in the two last Chapters. For from thence cometh the Right of Sovereigns over their Subjects in a Common Weale Inheritive. Concerning the second Title, (which is when a man submitteth to an Assault for fear of Death) thereby accrueth a Right of Dominion. For where every man (as it happeneth in this case) hath Right to all things, there needs no more for the making of the said Right effectual but a Covenant from him that is overcome, not to resist him that overcometh. And thus cometh the victor to have right of absolute Dominion over the conquered. By which there is presently constituted a little Body politick, which consisteth of two Persons, the one Sovereign, which is called the *Master* or *Lord*; the other subject, which is called the *Servant*. And when a man hath acquired right over a number of Servants so

considerable, as they cannot by their Neighbours be securely invaded, this Body polittick is a Kingdome Despotical.

3. And it isto be understood that when a Servant taken in the VVars, is kept bound in natural Bonds, and Chaines and the like, or in prison, there hath passed no covenant from the Servant to his Master. For those natural Bonds have no need of strengthening by the verbal Bonds of Covenant, and they shew, that the Servant is not trusted. But Covenant, (Part 1, Chap. 15. Sect. 9.) supposeth Trust. There remaineth therefore in the Servant thus kept bound, or in Prison, a Right of delivering himself, if he can, by what means soever. This kind of Servant is that which ordinarily, and without passion, is called a *Slave*. The *Romanes* had no such distinct name, but comprehended all under the name of *Servus*; whereof such as they loved and durst trust, were suffered, to go at liberty, and admitted to places of Office, both neer to their Persons, & in their affaires abroad; the rest were kept chained, or otherwise restrained with natural impediments to their Resistance. And as it was amongst the *Romanes*, so it was amongst other Nations, the former sort having no other Bond but a supposed Covenant, without which the Master had no reason to trust them; the later being without Covenant, and no otherwise tyed to Obedience.

dience, but by Chains, or other like forcible custody.

4. A Master therefore is to be supposed to have no less right over those, whose Bodies he leaveth at Liberty, then over those he keepeth in Bonds and Imprisonment, and hath absolute Dominion over both, and may say of his servant, that he is his, as he may of any other thing: And whatsoever the servant had, and might call his is now the Master's; for he that disposeth of the Person, disposeth of all the person could dispose of: inasmuch, as though there be *Meum & Tuum* among servants distinct from one another by the dispensation and for the benefit of their Master, yet there is no *Meum & Tuum* belonging to any of them against the Master himselfe, whom they are not to resist, but to obey all his Commands as Law.

5. And seeing both the Servant and all that is committed to him, is the property of the Master, and every man may dispose of his own, and transfer the same at his pleasure, the Master may therefore alienate his Dominion over them, or give the same by his last Will to whom he list.

6. And if it happen, that the Master himselfe by Captivity or voluntary subjection, become servant to another, then is that other Master *Paramount*; & those servants of him that becometh servant, are no farther ob-

liged, then their Master Paramount shall think good; inasmuch as he disposing of the Master subordinate, disposeth of all he hath, and consequently of his servants. So that the restriction of absolute Power in Masters; proceedeth not from the Law of Nature, but from the Political Law of him, that is their Master Supream or Sovereign.

7. Servants immediate to the supream Master, are discharged of their servitude, or subiection in the same manner that subiects are released of their Allegiance in a Common Wealth Institutive. As first, by Release. For he that captiveth, (which is done by accepting what the captive transferreth to him) setteth again at liberty, by transferring back the same. And this kinde of Release is called *Manumission*. Secondly, by Exile. For that is no more but Manumission given to a Servant, not in the way Benefit, but punishment. Thirdly, By a new Captivity, where the Servant having done his Endeavour to defend himself, hath thereby performed his Covenant to his former Master, and for the safety of his life, entering into new Covenant with the Conquerour, is bound to doe his best endeavour to keep that likewise. Fourthly, Ignorance of who is Successor to his deceased Master, dischargeth him of Obedience: for no Covenant holdeth longer then a man knoweth to whom he is to perform it. And lastly,

that

that Servant that is no longer] trusted, but committed to his Chains and Custody, is thereby discharged of the Obligation *in foro interno*, and therefore if he can get loose, may lawfully goe his way.

8. But servants subordinate, though manumitted by their immediate Lord, are not thereby discharged of their subiection to their Lord Paramount, for the Immediate Master hath no propriety in them, having transferred his Right before to another, namely, to his own and supream Master. Nor if the chief Lord should manumit his immediate servant, doth he thereby release his servants of their Obligation to him that is so manumitted. For by this Manumission, he recovereth again the absolute Dominion he had over them before. For after a Release, (which is the discharge of a Covenant) the Right standeth as it did before the Covenant was made.

9. This Right of Conquest, as it maketh one man master over another, so also maketh it a man to be master of the irrational Creatures. For if a man in the state of Nature be in Hostility with men, and thereby have lawful Title to subdue or kill, according as his owne Conscience and Discretion shall suggest, unto him for his safety and Benefit, much more may he doe the same to Beasts; that is to say, save and preserve for his owne service, according to his Discretion, such as  
are

are of Nature apt to obey, and commodious for use; and to kill and destroy with perpetual War, all other, as fierce and noysome to him. And this Dominion is therefore of the Law of Nature, and not of the Divine Law Positive. For if there had been no such Right, before the revealing of Gods Will in the Scripture, then should no man to whom the Scripture hath not come, have right to make use of those his Creatures, either for his Food or sustenance. And it were a hard Condition of mankind, that a fierce and salvage Beast, should with more right kill a man, then a man a Beast.

## CHAP. IV.

1. The Dominion over the Child, &c.
2. Pre-eminence of Sex giveth not the Child to the Father, rather then to the Mother.
3. The Title of the Father or Mother, &c.
4. The Child of a Woman-servant, &c.
5. The Right to the Child given from the Mother, &c.
6. The Child of the Concubine, &c.
7. The Child of the Husband and the wife, &c.
8. The Father, or he or she that bringeth up the Child, have absolute power over Him.
9. Freedome in Subjects, what it is.
10. A Great Family is a Patrimonial Kingdom.
11. Succession of the Sovereign Power, &c.
12. Though the Successor be not declared,

yet there is alwayes One to be presumed.  
 13. The Children preferred to the (usufruct);  
 &c. 14. The Males before Females. 15. The  
 Eldest before the rest of the Brothers. 16. The  
 Brother next to the Children. 17. The Suc-  
 cession of the Possessor, &c.

**O**F three wayes by which a man becom-  
 eth subiect to another, mentioned  
 Sect. 2. Chap. the last, namely, Voluntary  
 Offer, Captivity and Birth; the former two  
 have been spoken of, under the name of Sub-  
 iects and Servants. In the next place, we  
 are to set down the Third way of Subjection;  
 under the name of Children, and by what  
 Title one man cometh to have propriety in  
 a Child, that proceedeth from the Common  
 Generation of two, (to wit) of Male and Fe-  
 male. And considering men again dissolved  
 from all Covenants one with another, and  
 that (Part 1. Chap. 4. Sect. 2.) every man  
 by the Law of Nature, hath right or proprie-  
 ty to his own Body, the Child ought rather  
 to be the proprietie of the Mother, (of whose  
 Body it is part, till the time of separation)  
 then of the Father. For the understanding  
 therefore of the Right that a man or woman  
 hath to his or their Child, two things are to  
 be considered; First, what Title the mother,  
 or any other originally hath, to a child new  
 born: Secondly, how the Father, or any  
 other man, pretendeth by the Mother.

2. For the first, they that have written of this subject have made Generation to be a Title of Dominion over persons, as well as the consent of the persons themselves. And because Generation giveth Title to two, namely, Father, and Mother, whereas Dominion is Indivisible, they therefore ascribe Dominion over the Child to the Father only, *Ob præstantiam Sexus*; but they shew not, neither can I find out by what coherence, either Generation inferreth Dominion, or Advantage of so much strength, which, for the most part, a man hath more then a woman, should generally and universally entitle the Father to a propriety in the Child and take it away from the Mother.

3. The Title to Dominion over a Child, proceedeth not from the Generation, but from the preservation of it; and therefore in the Estate of Nature, the Mother, in whose power it is to save or destroy it, hath right thereto by that power, according to that which hath been sayd, Part 1. Chap. 1. Sect. 13. And if the Mother shall think fit to abandon, or expose her Child to Death, whatsoever man or woman shall finde the child so exposed shall have the same Right which the Mother had before; and for this same reason, namely, for the Power not of Generating, but preserving. And though the child thus preserv'd, do in time acquire strength, whereby he might pretend Equ-

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lity with him or her that hath preserved him, yet shall that pretence be thought unreasonable, both because his strength was the Gift of him, against whom he pretendeth, and also because it is to be presumed that he which giveth sustenance to another, whereby to strengthen him, hath received a Promise of Obedience in Consideration thereof. For else it would be Wisdome in men, rather to let their Children perish, while they are Infants, then to live in their Danger or Subiection, when they are grown.

4. For the Pretences which a man may have to dominion over a child by the right of the Mother, they be of divers kinds. One by the absolute Subiection of the Mother; another, by some particular Covenant from her, which is less then a Covenant of such subiection. By absolute subiection, the Master of the Mother hath Right to her Child, according to Sect. 6. Chap. 3. whether he be the Father thereof, or not. And thus the Children of the servant are the Goods of the Master in *Perpetuum*

5. Of Covenants that amount not to subiection between Man and Woman, there be some which are made for a time; they are Covenants of Cohabitation, or else of Copulation only. And in this later case, the children pass by Covenants particular. And thus in the Copulation of the *Amazones* with

with their Neighbours, the Fathers by Covenant had the Male children only, the Mothers retaining the Females.

6. And Covenants of Cohabitation are either for Society of Bed, or for Society of all things; if for Society of Bed only, then is the Woman called *A Concubine*. And here also the Child shall be his or hers, as they shall agree particularly by Covenant. For although for the most part, a Concubine is supposed to yeild up the Rights of her Children to the Father, yet doth not Concubinate enforce so much.

7. But if the Covenants of Cohabitation be for Societic of all things; it is necessary that but one of them govern and dispose of all that is common to them both; without which, (as hath been often said before) Societic cannot last. And therefore the man, to whom for the most part, the woman yeildeth the Government, hath for the most part also, the sole Right and Dominion over the Children. And the man is called the Husband, and the Woman the Wife. But because sometimes the Government may belong to the Wife only, sometimes also the Dominion over the Children shall be in her only. As in the case of a Sovereign Queen, there is no Reason that her Marriage should take from her the Dominion over her Children.

8. Children therefore, whether they be brought

brought up and preserved by the Father, or by the Mother; or by whomsoever are in most absolute subjection to Him or Her, that so bringeth them up, or preserveth them. And they may alienate them, that is, assign his or her Dominion, by selling, or giving them, in Adoption or Servitude, to others; or may pawn them for Hostages, kill them for Rebellion, or sacrifice them for Peace, by the Law of Nature, when he or she, in his or her conscience, think it to be necessary.

9. The Subjection of them who institute a Common Wealth amongst themselves, is no less absolute then the subjection of servants. And therein they are in equal estate. But the hope of those is greater then the hope of these. For he that subiecteth himself un-compelled, thinketh there is no reason he should be better used then he that doth it upon Compulsion; and coming in freely calleth himself, though in subjection, a *Freeman*; whereby it appeareth that Liberty is not any exemption from subjection and obedience to the Sovereign power, but a State of better hope then theirs, that have been subiected by force and conquest. And this was the reason, that the Name which signifieth Children in the Latine tongue, is *Liberi*, which also signifieth *Free men*. And yet in *Rome* nothing at that time was so obnoxious to the power of others, as children in the Family of their Fathers. For both the State

had power over their life without consent of their Fathers, and the Father might kill his son by his own authority, without any warrant from the State. Freedom therefore in Common-Wealths, is nothing but the Honour of Equality of Favour with other Subjects, and Servitude the Estate of the rest. A Free-man therefore may expect employments of Honour, rather than a Servant. And this is all that can be understood by the Liberty of the Subject. For in all other senses, Liberty is the State of him that is not subject.

10. Now when a father that hath children hath servants also, the children (nor by the right of the child, but by the natural indulgence of the Parents) are such freemen. And the whole consisting of the Father or Mother, or both, & of the children, & of the servants, is called a *Family*, wherein the Father or Mother of the Family is sovereign of the same, and the rest (both children and servants equally) subjects. The same Family, if it grow by multiplication of children, either by Generation or Adoption; or of servants, either by Generation, Conquest, or voluntary submission, to be so Great and Numerous, as in probability it may protect it self, then is that Family called a *Patrimoniall Kingdome*, or Monarchy by acquisition, wherein the Sovereignty is in one man, as it is in a Monarch made by *Politicall institution*.

tion. So that whatsoever Rights be in the One, the same also be in the other. And therefore I shall no more speake of them as distinct, but of Monarchy in general.

11. Having shewed by what right the several sorts of Common-wealths, Democracy, Aristocracy, and Monarchy, are erected, it followeth, to shew by what right they are continued. The Right by which they are continued, is called the Right of Succession to the Sovereign Power: whereof there is nothing to be said a Democracy, because the Sovereign dyeth not, as long as there be Subjects alive. Nor in any Aristocracy, because it cannot easily fall out, that the *Optimates* should every one fall at once: And if it should so fall out, there is no question, but the Common Wealth is thereby dissolved. It is therefore in a Monarchy only, that there can happen a Question concerning the Succession. And first, forasmuch as a Monarch, which is absolute Sovereign, hath the Dominion in his own Right, he may dispose thereof at his own Will. If therefore by his last Will, he shall name his Successor, the Right passeth by that Will.

12. Nor if the Monarch dye without any Will concerning the Succession declared, it is not therefore to be presumed, it was his Will his Subjects, which are to him as his children and Servants, should return again to the State of Anarchy, that is to War and

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Hostility. For that were expressly against the Law of Nature, which commandeth to procure Peace, and to maintain the same. It is therefore to be conjectured with reason, that it was the intention to bequeath them Peace, that is to say, a Power Coercive, whereby to keep them from sedition amongst themselves; and rather in the Form of a Monarchy, then any other Government; forasmuch as he, by the exercise thereof in his own person, hath declared, that he approveth the same.

13. Farther, it is to be supposed, his Intention was, that his own Children should be preferred in the Succession (when nothing to the contrary, is expressly declared) before any other. For men naturally seek their own Honour, and that consisteth in the honour of their Children after them.

14. Again, seeing every Monarch is supposed to desire to continue the Government in his Successors, as long as he may; and that generally men are indued with greater parts of Wisdom and Courage, by which all Monarchies are kept from dissolution, then Women, are it is to be presumed, where no express Will is extant to the contrary, he preferreth his Male children before the Female. Not but that Women may governe, and have in divers ages and places governed wisely, but are not so apt thereto in generals, as men.

15. Because the Sovereign Power is indivisible, it cannot be supposed, that he intended the same should be divided, but that it should descend intirely upon one of them, which is do be presumed, should be the Eldest, assigned thereto by the Lot of Nature, because he appointed no other Lot for the Decision thereof. Besides, what difference of ability soever there may be amongst the Brethren, the Odds shall be adjudged to the Elder, because no Subject hath authority otherwise to judge thereof.

16. And for want of issue in the possessor, the Brother shall be presumed Successor. For by the Judgement of Nature, next in Blood, is next in Love, and next in Love, is next to preferment.

17. And as the Succession followeth the first Monarch, so also it followeth Him or Her that is in possession; and consequently, the Children of Him in possession, shall be preferred before the Children of his Father, or Predecessor.

## CHAP. V.

1. The will of the Commonwealth, &c.  
 2. The loss of liberty, &c. 3. Avaricity

- approved, &c. 4. Monarchy less subject to Passion, &c. 5. 6. Subjects in Monarchy, &c. 7. Laws in Monarchy less changeable, &c. 8. Monarchies less subject to dissolution.

**H**AVING set forth the Nature of a Person Politick, and the three sorts thereof, Democracy, Aristocracy, and Monarchy, In this Chapter shall be declared, the *Conveniences*, and *Inconveniences*, that arise from the same, both in general; and of the said several sorts in particular. And first, seeing a Body Politick is created only for the ruling and governing of particular men; the benefit and damage thereof consisteth in the benefit or damage of being ruled. The benefit is that for which a Body Politick was instituted, namely, the Peace and Preservation of every particular man, then which it is not possible there can be a greater, as hath been touched before, Part 1. chap. 1. Sect. 12. And this Benefit extendeth equally both to the *Sovereign* and to the *Subjects*. For he or they that have the Sovereign Power, have but the Defence of their Persons, by the Assistance ofth Particulars; and every particular man hath his Defence by their Union in the Sovereign. As for other Benefits, which pertain not to their safetie and sufficiency, but to their well and delightfull being, such as

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are superfluous riches, they so belong to the Sovereign, as they must also be in the Subject; and so to the Subject, as they must also be in the Sovereign. For the Riches and Treasure of the Sovereign, is the Dominion he hath over the riches of his Subjects. If therefore the Sovereign provide not so, as that particular men may have means, both to preserve themselves, and also to preserve the Publick the common or sovereign treasure can be none. And on the other side, if it were not for a common and publick Treasure belonging to the Sovereign Power, Mens private Riches would sooner serve to put them into Confusion and War, then to secure and maintain them. In somuch, as the profit of the Sovereign & Subject goeth alwayes together. That distinction therefore of Government, that There is one Government for the good of him that governeth, & another for the good of them that be governed; whereof the former is *Despotical*, (that is Lordly) the other, a Government of *free-men*, is not right. No more is the Opinion of them that hold it to be no city, which consisteth of a Master and his Servants. They might as well say, it were no City that consisted in a Father and his own issue, how numerous soever they were. For so a Master that hath no Children, the Servants have in them all those respects, for which men love their Children. For they are his Strength,

and his Honour. And his power is no greater over them, then over his Children.

2. The inconvenience arising from Government in general, to him that governeth consisteth partly in the continual care and trouble about the business of other men, that are his Subjects, and partly in the danger of his Person. For the Head always is that part, not only where the care resideth, but also against which the strokes of an Enemy most commonly are directed. To balance this incommodity, the Sovereignty, together with the necessity of this Care and Danger, comprehendeth so much Honour, Riches and Means, whereby to delight the mind, as no private mans Wealth can attain unto. The inconveniences of Government, in generall to a Subject are none at all, if well considered, but in appearance. There be two things that may trouble his mind, or two general grievances, The one is loss of Liberty; The other, the uncertainty of *Life & Term*. For the first, it consisteth in this, That a Subject may no more govern his own Actions according to his own discretion and judgement, (which is all one) Conscience, as the present occasions from time to time shall dictate to him, but must be tyed to do according to that Will only, which once for all, he had long ago laid up, and involved in the Wills of the maior part of an Assembly, or in the Will of some One

man. But this is really no inconvenience. For, as it hath been shewed before, it is the Only Meanes, by which we have any possibility of preserving our selves. For if every man were allowed this liberty, of following his Conscience, in such difference of Consciences, they would not live together in peace an hour. But it appeareth a great inconvenience to every man in particular, to be debarted of this liberty, because every one a part considereth it as in himself, and not as in the rest, by which means, Liberty appeareth in the likeness of Rule and Government over others. For where one man is at Liberty, and the rest bound, there that One hath government; which honour, he that understandeth not so much, demanding by the name simply of Liberty, thinkoth it a great grievance and injury to be denyed it. For the second grievance concerning *Meum & Tuum*, it is also none, but in appearance only; it consisteth in this, That the Sovereign Power, taketh from him that which he used to enjoy, knowing no other propriety but use and custome. But without such Sovereign Power, the Right of men is not Proprietic to any thing, but a community, no better then to have no right at all, as hath been shewed, Part, 1. Chap. 1. Sect. 10. Propriety therefore being derived from the Sovereign power, is not to be pretended against

the same, especially, when by it every Subject hath his propriety against every other Subject, which when Sovereignty ceaseth, he hath not, because in that case they return to war amongst themselves. Those Levies therefore which are made upon mens estates, by the Sovereign Authority, are no more but the price of that Peace and Defence which the sovereignty maintaineth for them. If this were not so, no Money nor forces for the Wars, nor any other publick occasion, could justly be levied in the World. For neither King, nor Democracy, nor Aristocracy, nor the Estates of any Land, could do it, if the Sovereignty could not. For in all those cases it is levied by virtue of the Sovereignty. Nay more, by the three Estates, here the Land of one man may be transferred to another, without Crime of his from whom it was taken, and without pretence of publick benefit, as hath been done; and this without injury, because done by the Sovereign Power. For the power whereby it is done, is no less then Sovereign, and cannot be greater. Therefore this Greivance for *Muum & Tuum* is not real, unless more be exacted then is necessary; but it seemeth a Greivance, because to them that either know not the Right of Sovereignty, or to whom that right belongeth, it seemeth an injury, and injury howsoever little the damage is alwaies greivous as putting us in

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minde of our disability to help our selves, and into Envy of the Power to do us wrong.

3. Having spoken of the Inconveniencies of the Subject, by Government in general, let us consider the same in the three several sorts thereof, namely, *Democracy*, *Aristocracy* and *Monarchy*; whereof the two former are in effect but one. For (as I have shewed before) Democracy is but the Government of a few Orators. The comparison therefore will be between Monarchy and Aristocracy: And to omit that the World as it was created, so also it is governed by One God, Almighty; and that all the Ancients have have preferred Monarchy before other Governments, both in opinion, because they fained a Monarchial government amongst their Gods, and also by their custome; for that in the most ancient times all people were so governed; and that paternal Government which is Monarchy, was instituted in the beginning from the Creation, & that other Governments have proceeded from the dissolution thereof, called by the Rebellious Nature of Mankind, and be but Pieces of broken Monarchies cemented by Humane Wit, I will insist only on this comparison upon the inconvenies that may happen to the Subjects, in consequence to each of these Governments.

4. And first, it seemeth inconvenient there

there should be committed so great a Power to one Man; as that it might be lawful to no other man or men to resist the same; and some think it inconvenient *eo nomine*, because he hath the power. But this reason we may not by any means admit. For it maketh it inconvenient to be ruled by Almighty God, who without question hath more power over every man, then can be conferred upon any Monarch. This inconvenience therefore must be derived, not from the Power, but from the affections and passions which raige in every one, as well Monarch, as Subject; by which the Monarch may be swayed to use that Power amiss. And because an Aristocracy consisteth of men, if the passions of many men be more violent when they are assembled together, then the passions of one man alone; it will follow, that the Inconvenience arising from Passions will be greater in an Aristocracy then a Monarchy. But there is no doubt, when things are debated in great Assemblies, but every man delivering his opinion at large without interruption endeavourth to make whatsoever he is to let forth for Good, better; and what he would have apprehended as evil, worse, as much as is possible, to the end his Counsel may take place; which Counsel also is never without ayme at his own benefit, or honour; every mans end being some good to himself. Now this cannot be done without working

on the Passions of the rest. And thus the Passions of these that are singly moderate, are altogether vehement, even as a great many Coals, though but warm asunder, being put together, inflame one another.

5. Another Inconvenience of Monarchy, is this, That the Monarch, besides the Riches necessary for the Defence of the Common Wealth, may take so much more from the Subjects, as may enrich his Children, Kindred and Favourites, to what degree he pleaseth; which though it be indeed an Inconvenience, if he should so do, yet is the same both greater in an Aristocracy, and also more likely to come to pass. For their, not One only, but many have Children, Kindred, and Friends to raise. And in that point they are as twenty Monarchs for One, and likely to set forward one anothers Designs mutually, to the Oppression of all the rest. The same also happeneth in a Democracy, if they all do agree, otherwise they bring a worse Inconvenience, to wit, Sedition.

6. Another Inconvenience of Monarchy, is the Power of Dispensing with the Execution of Justice, whereby the Family and Friends of the Monarch may with impunity, commit outrages upon the People, or oppress them with Extortion. But in Aristocracies, not only One, but many have Power of taking men out of the Hands of Justice,

and no man is willing his Kindred or Eriends should be punished according to their Demerits. And therefore they understand amongst themselves without further speaking, as a tacite Covenant, *Hodie mihi, cras tibi.*

7. Another Inconvenience of Monarchy, is the Power of altering Lawes. Concerning which, it is necessary that such a Power be, that Lawes may be altered, according as mens manners change, or as the Coniuncture of all Circumstances within and without the Common Wealth shall require; the change of Law being then Inconvenient, when it proceedeth from the Change, not of the occasion, but of the minds of him or them, by whose Authority, the Lawes are made. Now it is manifest enough of it self, that the mind of one man is not so variable in that point, as are the Decrees of an Assembly. For not only they have all their natural changes, but the change of any one man may be enough with eloquence and reputation; or by solicitation and faction, to make that Law to day, which another by the very same means shall abrogate to morrow.

8. Lastly, the greatest inconvenience that can happen to a Common Wealth, is the Aptitude to dissolve into civil War, and to this are Monarchies much less subject then any other Governments. For where  
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the Union or Band of a common Wealth is one Man, there is no distraction, whereas in Assemblies, those that are of different Opinions, and give different Counsel are apt to fall out amongst themselves, and to cross the designs of the Common Wealth for one anothers sake: and when they cannot have the Honour of making good their owne devices, they yet seek the Honour to make the Counsels of the Adversaries prove yain. And in this contention, when the opposite Factions happen to be any thing equal in strength, they presently fall to war. Wherein necessity reacheth both sides, that an absolute Monarch, to wit, a General, is necessary both for their Defence against one another, and also for the Peace of each Faction within it self. But this Aptitude to Dissolution, is to be understood for an Inconvenience in such Aristocracies onely, where the Affairs of State are debated in great and numerous Assemblies, as they were anciently in *Athens*, and in *Rome*; and not in such as doe nothing else in great Assemblies, but choose Magistrates and Counsellours, and commit the handling of State-affaires to a Few, such as is the Aristocracy of *Venice* at this Day. For these are not more apt to dissolve from this occasion, then Monarchies, the Counsel of State being both in the one and the other alike.

## CHAP. VI.

1. A Difficulty concerning absolute subjection to man, arising from our absolute subjection to God Almighty, propounded. 2. That this Difficulty is only amongst those Christians, that deny the Interpretation of Scripture, to depend upon the Sovereign Authority of the Common-wealth. 3. That Humane Lawes are not made to govern the consciences of men; but their words and actions. 4. Places of Scripture to prove Obedience due from Christians to their Sovereign in all things. 5. A distinction propounded between a Fundamental point of Faith, and a Superstruction. 6. An explication of the Point of Faith, that be fundamental. 7. The belief of those Fundamental points, is all that is required to salvation, as of Faith. 8. That other points not Fundamental, are not necessary to salvation, as matter of Faith; and that no more is required by way of Faith to the salvation of one man, than to another. 9. That Superstructions are not points of the faith necessary to a Christian. 10. How faith and Justice concur to salvation. 11. That in Christian Common-wealths, Obedience to God

and man stand wel together. 12. This Tenet, whatsoever is against the conscience, is sin, interpreted 13. That all men do. confess the necessity of submitting of controversies to some Humane Authority. 14. That Christians under an Infidel, are discharged of the Injustice of disobeying them, in that which concerneth the faith necessary to salvation, by not resisting.

**H**AVING shewed, that in all Common-Wealths whatsoever, the necessity of Peace and Government requireth, that there be existent some Power, either in One man, or in One Assembly of men, by the Name of the Power Sovereign, to which it is not lawfull for any Member of the same Common Wealth to disobey; There occurreth now a difficulty, which if it be not removed, maketh it unlawfull for a man to put himself under the Command of such Absolute Sovereignty, as is required thereto. And the difficulty is this; We have amongst us the Word of God for the Rule of our Actions: Now if wee shall subiect our selves to men also, obliging our selves to do such Actions, as shall be by them commanded, when the Commands of God and Man shall differ, we are to obey God, rather then man; And consequently, the Covenant of general Obedience to man is unlawfull.

z. This difficulty hath not been of very great Antiquity in the World. There was no such *Dilemma* amongst the Jewes; for their Civil Law, and Divine Law, was one and the same Law of *Moses*; the Interpreters whereof were the Priests, whose Power was subordinate to the Power of the King; as was the Power of *Aaron* to the Power of *Moses*. Nor is it a controversie that was ever taken notice of amongst the *Grecians*, *Romanes*, or other Gentiles: for amongst these their severall Civill Lawes, were the Rules whereby not only Righteousness and Virtue, but also Religion, and the External Worship of God was ordered and approved; that being esteemed the true worship of God which was *κατά τὰ νόμιμα*, according to the Laws Civil. Also those Christians that dwell under the Temporal Dominion of the Bishop of *Rome*, are free from this Question; for that they allow unto him (their Sovereign) to interpret the Scriptures, which are the Law of God as he in his own Judgement shall think Right. This difficulty therefore remaineth amongst, and troubleth those Christians only, to whom it is allowed, to take for the sense of the Scripture, that which they make thereof, either by their own private Interpretation, or by the Interpretation of such as are not called thereunto by publick Authority; they that follow their own Interpretation, continually demanding

demanding Liberty of Conscience; and those that follow the Interpretation of Others not ordained thereunto by the Sovereign of the Common-Wealth, requiring a Power in matters of Religion, either above the Power Civil, or at least not depending on it.

3. To take away this scruple of Conscience, concerning Obedience to Humane Lawes, amongst those that interpret to themselves the Word of God in the Holy Scriptures, I propound to their Consideration, first, That no humane Law is intended to oblige the Conscience of a man, unless it break out into Action, either of the Tongue, or other part of the Body. The Law made thereupon would be of none effect, because no man is able to discern, but by Word or other action, whether such Law be kept or broken. Nor did the Apostles themselves pretend Dominion over mens Consciences concerning the faith they preached, but only persuasion and instruction. And therefore *S. Paul* saith, 2 Cor. 1. 24. writing to the *Corinthians*, concerning their controversies, that he and the rest of the Apostles had no Dominion over their Faith, but were helpers of their Joy.

4. And for the Actions of men which proceed from their consciences, the regulating of which actions is the only Means of Peace, if they might not stand with Justice,

it were impossible that Justice towards God, and Peace amongst men, should stand together in that Religion that teacheth us, that *Justice and Peace should kiss each other*, and in which we have so many precepts of absolute Obedience to humane Authority; as Mat. 23. 2, 3. we have this Precept. *The Scribes & Pharisees sit in Moses Seat; all therefore whatsoever they bid you observe that observe and do.* And yet were the Scribes and Pharisees not priests, but men of temporall Authority. Again, Luke 11. 17. *Every Kingdome divided against it self shall be desolate; and is not that Kingdome divided against it self, where the actions of every one shall be ruled by his private opinion or conscience, and yet those actions such as give occasion of offence and Breach of Peace.* Again, Rom. 13. 5. *Wherefore you must be subject, not because of wrath, only, but also for conscience sake,* Tit. 3. 1. *Put them in remembrance, that they be subject to Principalities and Powers,* 1. Pet. 2. 13. 14. *submit your selves unto all maner of ordinance of Man, for the Lords sake, whether it be unto the King, as unto the Superiour, or unto Governours, as unto them that are sent of him for the punishment of evill doers.* Jude verse 8. *These Dreamers also that defile the flesh, and despise Government, and speake evill of them that are in Authority.* And forasmuch as all Subiects in Common Wealths are in the nature of dren and serjants, that which is a com-

mand to them is a command to all Subjects. But to these S. Paul saith, Colos. 3. 20. *Children obey your Parents in all things, Servants be obedient to your Masters according to the flesh in all things.* And verse 23. *Do it bewitchly as to the Lord.* These places considered, it seemeth strange to me, that any man in a Christian common wealth, should have any occasion to deny his Obedience to publick Authority, upon this ground, that *it is better to obey God then Man.* For though S. Peter and the Apostles did so answer the Council of the Jews, that forbade them to preach Christ, there appeareth no reason that Christians should alledge the same against their Christian Governours that command to preach Christ. To reconcile this seeming contradiction of simple Obedience to God, and simple Obedience to man, we are to consider a christian subiect, as under a christian soveraign, or under an Infidel.

5. And under a Christian Sovereign we are to consider, what Actions we are forbidden by God Almighty to obey them in, and what not. The Actions we are forbidden to obey them in, are such only, as imply a denial of that Faith which is necessary to our Salvation: for otherwise there can be no pretence of disobedience; for why should a man incur the danger of a temporal death, by displeasing of his superiour, if it were not

for fear of eternal Death hereafter. It must therefore be inquired, what those Propositions and Articles be; the Balise whereof our Saviour or his Apostles have declared to be such as without believing them a man cannot be saved; and then all other points that are now controverted and made distinction of Sects, *Papists, Lutheran, Calvinists, Arminians* &c. as in old Time, the like made *Paulists, Apollonians, and Cephasians*, must needs be such, as man needeth not for the holding thereof, deny Obedience to his Superiours. And for the points of Faith necessary to Salvation, I shall call them *Fundamental*, and every other point a *Superfructio*.

6. And without all controversy, there is not any more necessary Point to be believed for mans salvation then this, That *Jesus is the Messiah, that is, the Christ*; which Proposition is explicated in sundry sorts, but still the same in effect; as that he is Gods appointed, for that is signified by the word *Christ*. that *He was the true and lawfull King of Israel, The Son of David, the Saviour of the World, The Redeemer of Israel, The Salvation of God He that should come into the world, the Son of God, and (which I desire by the way to have noted, against the now Sect of Arians) The begotten Son of God, Act. 3. 13. Heb. 5. 5. The only begotten Son of God, 1 Joh. 1. 14. 18. Joh. 16. 18. 1 Joh. 4. 9. That he was God Joh. 1. 1. Joh.*



1 Joh. 20. 28. *That the Fullness of the Godhead dwelt in him bodily.* Moreover, *The Holy one, the Holy one of God, The Forgiver of sins,, That he is risen from the Dead.* These are Explications, and Parts of that General Article, that *Jesus is the Christ.* This Point therefore, and all the Explications thereof are Fundamental; as also all such, as be evidently inferred from thence: as; *Belief in God the Father.* Joh. 12. 44. *He that believeth in me, believeth not in me, but in him that sent me:* 1 Joh. 2. 23, *He that denyeth the Son, hath not the Father,* Belief in God the Holy Ghost, of whom Christ saith, Joh. 14. 26. *But the Comforter which is the Holy Ghost, whom the Father will send in my Name.* And Joh. 15. 16. *But when the comforter shall come whom I will send unto you from the Father, even the Spirit of truth.* Belief of the scriptures, by which we believe those points, and of the immortality of the Soul, without which we cannot believe that he is a Saviour.

7. And as these are the fundamentall points of faith necessary to salvation, so also are they only necessary as matter of faith and also essential to the calling of a christian; as may appear by many evident places of Holy Scripture: Joh. 5. 39. *Search the Scriptures, for in them you think to have eternal life, and they are they which testify of me.* Now, forasmuch as by the Scripture, is meant there

the Old Testament (the New being then not written) the beleeife of that which was written concerning our Saviour in the old Testament, was sufficient beleeife for the obtaining of Eternal Life; but in the old Testament there is nothing revealed concerning Christ, but that he is the Messiah, and such things as belong to the Fundamentall Points thereupon depending. And therefore those fundamentall Points are sufficient to Salvation as of Faith. And Joh. 6. 28-29. *Then sayd they unto him, what shall we do, that we might work the works of God? Jesus answered and said unto them, this is the work of God, that ye beleeve in him, whom he hath sent.* So that the Point to be beleeived is, *That Jesus Christ came forth from God, and he which believeth it, worketh the works of God.* Joh. 12. 26. 27. *Whosoever loveth and believeth in me, shall never dye. Beleevest thou this? She sayd unto him, yea Lord, I beleeve that thou art the Christ the Son of God, which should come into the world.* Hence followeth, *He that beleeveth this shall never dye.* Joh. 20. 31. *But these things are written that ye might beleeve, that Jesus is the Christ, the Son of God, and that in beleeiving, ye might have life through his Name.* By which appeareth, that this Fundamentall Point is all that is required, as of Faith to our Salvation. 1 Joh. 4. 2. *Every Spirit that confesseth that Jesus Christ is come into the flesh is of God; 1 Joh. 5. 1. Whoso-*

ver beleiveth that Jesus is the Christ is born of  
 God, and ver 5. Who is it that overcometh the  
 World, but he that beleiveth that Jesus is the  
 Son of God: and ver 13. These things have  
 I written unto you that beleve in the Name of  
 The Son of God, that ye may know that ye have  
 eternall life. Act. 8. 36. 37. The Eunuch said,  
 Here is water, what doth let me to be baptizd?  
 And Philip said unto him, if thou beleevest with  
 al thy heart, thou mayst. He answered and said,  
 I beleve that Jesus Christ is the Son of God.  
 This point therefore was sufficient for the  
 reception of Man into Baptisme, that is to  
 say, to Christianity. And Act. 16. 30. The  
 Keeper of the Prison, fell down before Paul  
 and Silas, and said, Sirs, what shall I do to be  
 saved? And they sayd, beleve in the Lord  
 Jesus Christ. And the Sermon of S. Peter  
 upon the day of Pentecost, was nothing else  
 but an explication, that Jesus was the Christ.  
 And when they had heard him, asked him, what  
 shall we do, he said unto them, Ac. 2. 38. Amend  
 your lives, and be baptizd every one of you in the  
 Name of Jesus Christ for the Remission of sins.  
 Rom. 10. 9. If thou shalt confesse with thy  
 mouth the Lord Jesus, and shalt beleve in thy  
 heart, that God raised him up from the Dead,  
 thou shalt be saved. To these places may be  
 added, that wheresoever our Savior Christ  
 doth approve the Faith of any man, the Pro-  
 position beleved (if the same to be col-  
 lected out of the Text) is alway some of

the

those Fundamentals or Points before mentioned, or something Equivalent: as the Faith of the Centurion, *Mar. 8. 8. Speake the word only, and my Servant shall be healed*, beleving he was omnipotent: The Faith of the Woman, which had an Issue of Blood, *Math, 9. 21. If I may but touch the Hem of his Garment*, implying, he was the Messiah, The Faith required of the blind men, *Mar. 9. 28. Beleeve you that I am able to do this?* The Faith of the *Canaanitish* Woman, *Matth. 15. 22. That he was the Son of David*, implying the same. And so it is in every one of those places (none excepted) where our Saviour commendeth any mans Faith, which because they are too many to insert here, I omit, and refer them to his Inquisition that is not otherwise satisfied. And as there is no other Faith required, so there was no other preaching: for the Prophets of the Old Testament, preached no other, and *John* the Baptist preached only the Approach of the Kingdome of Heaven, that is to say, of the Kingdome of Christ, the same was the commission of the Apostles, *Mar. 10. 7. Go preach, saying, the kingdome of Heaven is at hand*. And *Paul* preaching amongst the Jews, *Act. 18. 5. did buttестifie unto the Jews that, Jesus was the Christ*. And the Heathens took notice of Christians no otherwise, but by this name that they beleeved *Jesus to be a King*, crying *Act. 17. 6. These are they that have sub-*

*verted*

verted the state of the World, and here they are, whom Jason hath received. And these all doe against the Decrees of Caesar, saying, that there is another King, One Jesus. And this was the Sum of the Predictions, the Sum of the Confessions of them that beleevd, as well Men as Devils. This was the Title of his Crosse, *Jesus of Nazareth, King of the Jewes*; This the occasion of the Crowne of Thorns, Scepter of Reed, and a man to carry his Croile; This was the Subject of the *Hosanna's*; And this was the Title, by which our Saviour commanding to take another mans goods, bad them say, *The Lord hath need*: And by this Title, he purged the Temple of the profane market kept there. Nor did the Apostles themselves believe any more, then that *Jesus was the Messiah*, nor understand so much; for they understood the Messiah to be no more then a Temporall King, till after our Saviours Resurrection. Furthermore, this Point, that *Christ is the Messiah*, is particularly set forth for *Fundamentall* by that word, or some other equivalent thereunto, in divers places. Upon the Confession of Peter, Matth. 16. 16. *Thou art the Christ, the Son of the living God*, Our Saviour ver. 18. saith, *Upon this Rock will I build my Church*. This point therefore is the whole Foundation of Christs Church. Rom. 15. 20. S. Paul saith, *I so enforced my self to preach the Gospel, not where Christ was namd,*

lest

lest I should have built upon another mans foundation, 1 Cor. 3. 10. S. Paul when he had reprehended the *Corinthians* for their Sects, & curious Doctrines and Questions, he distinguisheth between *Fundamental Points*, and *Superstruction*; and saith, *I have laid the Foundation, and another buildeth thereupon; but let every man take heed how he buildeth upon it, For other Foundation can no man lay, then that which is laid, which is Jesus Christ.* Colos. 2. 6. *As you have received Christ Jesus the Lord, so walk in him, rooted and builded in him, and stablished in the Faith.*

8. Having shewed this Proposition, *Jesus is the Christ*, to be the only Fundamentall and necessary point of Faith, I shal set down a few places more, to shew, that Other Points, though they may be true, are not so necessary to be believed, as that a man may not be saved, though he believe them not. And first, If a man could not be saved without assent of the Heart to the truth of all Controversies, which are now in agitation concerning Religion, I cannot see, how any man living can be saved; so full of subtilty, and curious knowledge it is to be so great a Divine. Why therefore should a man think that our Saviour, who, *Mat. 11. 30.* saith, that *His Yoke is easie*, should require a matter of that difficulty? or how are little Children said to believe. *Mat. 18. 6.* or how could the good Thief be thought sufficiently catechi-

zed upon the Crosse ? or *S. Paul* so perfect a Christian presently upon his Conversion ? and though there may be more Obedience required in him that hath the Fundamental points explicated unto him, then in him that hath received the same but implicirely ; yet there is no more faith required for salvation in one man, then in another. For if it be true, that *Whosoever shall confesse with his mouth the Lord Jesus, and believe in his heart, that God raised him from the Dead, shall be saved* ; as it is, Rom. 10. 9. and that *Whosoever believeth that Jesus is the Christ, is born of God*, the Belief of that point is sufficient for the salvation of any man whosoever he be, for as much as concerneth Faith. And seeing he that believeth not that *Jesus is the Christ*, whatsoever he believe else, cannot be saved, it followeth, that there is no more required to the salvation of one man, then another, in matter of Faith.

9. About these points Fundamental, there is little Controversie amongst Christians, though otherwise of different Sects amongst themselves. And therefore the Controversies of Religion, are altogether about Points unnecessary to salvation ; whereof some are Doctrines raised by Humane Ratiocination, from the points *Fundamentall*. As for Example ; such Doctrines as concern the Manner of the Real Presence, wherein are mingled tenets of Faith concerning the Omnipotence

tency & Divinity of Christ, with the Tenets of Aristotle and the Peripateticks, concerning Substance and Accidents, Species, Hypostasis, and the Subsistence and Migration of Accidents from place to place; Words some of them without meaning, and nothing but the Canting of Grecian Sophisters. And these Doctrines are condemned expressly, Col. 2. 8. where after S. Paul had exhorted them to be rooted and builded in Christ, he giveth them this farther Caveat; Beware lest there be any man that spoil you through Philosophy and vain deceits, through the Traditions of men, according to the rudiments of the World. And such, are such Doctrines, as are raised out of such places of the Scriptures, as concern not the Foundation, by mens natural Reason; as about the Concatenation of Causes, and the Manner of Gods Predestination; which are also mingled with Philosophy: as if it were possible for men that know not in what manner God seeth, heareth, or speaketh, to know nevertheless the manner how he intendeth, and predestineth. A man therefore ought not to examin by Reason any point, or draw any Consequence out of Scripture, by Reason, concerning the nature of God Almighty, of which Reason is not capable. And therefore S. Paul, Rom. 12. 3. giveth a good Rule, That no man presume to understand above that which is meet to understand, but that he understand according to Sobriety, which they



they doe not, who presume out of Scripture, by their own Interpretation, to raise any Doctrine to the Understanding, concerning those things, which are incomprehensible. And this whole controversie concerning the Predestination of God, and the Free Wil of Man, is not peculiar to Christian men. For we have huge volumes of this subject, under the name of *Fate & Contingency*, disputed between the *Epicurians* and the *Stoicks*, and consequently it is not matter of Faith, but of Philosophy: and so are also all the Questions concerning any other Point, but the Foundation before named: and God receiveth a man which part of the Question soever he holdeth. It was a Controversie in *S. Pauls* time, whether a Christian Gentile might eat freely of any thing which the Christian Jews did not: and the Jew condemned the Gentile that he did eat, to whom *S. Paul* saith, *Rom. 14. 3. Let not him that eateth not, iudge him that eateth: for God bath received him.* And *vers. 6.* in the Question concerning the observing of Holy Dayes, wherein the Gentiles the Jewes differed, he saith unto them, *He that observeth the Day, observeth it to the Lord, and he that observeth not the Day, observeth it not to the Lord.* And they who strive concerning such Questions, and divide themselves into Sects, are not therefore to be accounted zealous of the Faith, their strife being but carnal, which is

confirmed by S. Paul, 1 Cor. 3. 4. *When one saith, I am of Paul, and another, I am of Apolos, are ye not carnal?* For they are not Questions of Faith, but of wit, wherein carnally men are inclined to seek the Mastery one of another. For nothing is truly a Point of Faith, but that *Jesus is the Christ*; as S. Paul testifieth, 1 Cor. 2. 2. *For I esteemed not the knowledge of any thing amongst you, save Jesus Christ, and him crucified.* And 1 Tim. 6. 20. *O Timotheus, keep that which is committed unto thee, and avoid profane and vain bablings, and Opposition of Science falsely so called, which while some profess, they have erred concerning the Faith.* 2 Tim. 2. 16. *Stay profane and vain bablings, &c. vers. 17. Of which sort is Hymeneus and Philetus, which as concerning the truth, have erred, saying, that the Resurrection is past already.* Whereby S. Paul shewed, that the Raising of Questions by Humane Ratiocination, though it be from the Fundamental Points themselves, is not only not necessary, but most dangerous to the Faith of a Christian. Out of all these places, I draw only this Conclusion in general, That neither the points now in Controversie amongst Christians of different Sects, or in any point that ever shall be in Controversie, excepting only those that are contained in this Article, *Jesus is the Christ*, are necessary to salvation, as of faith; though

in matter of obedience, a man may be bound not to oppose the same.\*

15. Although to the obtaining of Salvation, there be required no more, as hath been already declared out of the Holy Scriptures, as matter of Faith, but the Belief of those Fundamental Articles before set forth, nevertheless, there are required, other things, as matter of obedience. For as it is not enough, in Temporal Kingdoms (to avoid the punishment which Kings may inflict) to acknowledge the Right and Title of the King, without Obedience also to his Laws; So also it is not enough, to acknowledge our Saviour Christ to be the King of Heaven, in which consisteth Christian Faith, unless also we endeavour to obey his Lawes, which are the Lawes of the Kingdome of Heaven, in which consisteth Christian Obedience. And forasmuch as the Lawes of the Kingdom of Heaven, are the Lawes of Nature, as hath been shewed, Parr. 1. Chap. 5. not only Faith, but also the Observation of the Law of Nature, which is that for which a man is called Just or Righteous, (in that sense, in which Justice is taken not for the Absence of Guilt, but for the Endeavor and constant Will to do that which is Just) not only Faith, but this Justice, which also from the effect thereof, is called Repentance, and sometimes Works, is necessary to salvation. So that Faith and Justice do both con-

cur thereto; and in the several acceptation of this word Justification, are properly said both of them to justify; and the want of either of them is properly said to condemn. For not only he that resisteth a King upon doubt of his Title, but also he that doth it upon the inordinatenesse of his Passions, deserveth punishment. And when Faith and Works are separated, not only the Faith is called Dead without Works, but also Works are called Dead Works without Faith, And therefore S. James, Chap. 2. 17. saith, *Even so the Faith, if it have no works, is dead in it self*, and vers. 26. *For as the Body without the Spirit is dead, even so Faith without works is dead.* And S. Paul, Heb. 6. 1. calleth Works without Faith, *Dead Works*, where he saith; *Not laying again the Foundation of Repentance from Dead Works.* And by these Dead Works, is understood not the Obedience and Justice of the inward Man, but the *opus operatum*, or external Action, proceeding from fear of punishment, or from vain glory, and desire to be honoured of men: and these may be separated from Faith, and conduce no way to a Mans Justification. And for that cause, S. Paul, Rom. 4. excludeth the Righteousness of the Law, from having part in the Justification of a sinner. For by the Law of Moses, which is applied to mens Actions, and requireth the Absence of Guilt, all men living are liable

to Damnation, and therefore no man is iustified by Works, but by Faith only. But if Workes be taken for the endeavour to doe them, that is, if the Will be taken for the Deed, or Internal, for External Righteousness, then doe works contribute to Salvation. And then taketh place that of S. James, Chap. 2. 24. *Ye see then how that of works a man is iustified, and not of faith only.* And both of these are ioyned to salvation, as in S. Mark. 1. 5. *Repent and believe the Gospel.* And Luk. 18. 18. when a certain Ruler asked our Saviour, what he ought to doe to inherit eternal life, he propounded to him the keeping of the Commandements; which when the Ruler said he had kept, he propounded to him the Faith, *Sill all that thou hast, and follow me.* And Joh. 3. 36. *He that beleeveth in the Son, hath everlasting life. And He that obeyeth not the Son, shall not see life.* Where he manifestly ioyneth Obedience and Faith together. And Rom 1. 17. *The Just shall live by Faith*: not every one, but the Just. For alio the Devils beleve and tremble. But though both Faith and Justice (meaning still by Justice, not absence of Guilt, but the Good Intentions of the Mind, which is called Righteousness by God, that taketh the Will for the Deed) be both of them said to iustifie, yet are their Parts in the Act of Justification to be distinguished. For Justice is said to iustifie, not beca

because it absolveth, but because it denominates him Just, and setteth him in an estate, or capacity of salvation, whensoever he shall have Faith. But faith is said to justify, that is, to absolve, because by it a iust man is absolved of, and forgiven his uniuert Actions. And thus are reconciled the places of S. Paul, and S. James, that *Faith only iustificeth*, and *A man is iustificed by Faith onely*: and shewed how Faith and Repentance must concur to saluation.

11. These things considered, it will easily appear, That under the Sovereign power of a Christian Common VVealth, there is no Danger of Damnation from simple Obedience to Humane Lawes: for in that the Sovereign alloweth Christianity, no man is compelled to renounce that Faith, which is enough for his Saluation, that is to say, the Fundamental Points. And for other Points, seeing they are not necessary to saluation, if we conform our Actions to the Lawes, we do not only what we are allowed, but also what we are commanded by the Law of Nature, which is the morall Law taught by our Saviour Himself. And it is part of that Obedience, which must concur to our Saluation.

12. And though it be true, whatsoever a man doth against his Conscience, is sin, yet the Obedience in these Cases is neither sin, against the Conscience. For the Conscience

Science being nothing else but a Mans settled judgement and Opinion, when he hath once transferred his Right of Judging to another, that which shall be commanded, is no lesse his Judgement, then the Judgement of that other. So that in Obedience to Lawes, a man doth still according to his owne Conscience, but not his private Conscience. And whatsoever is done contrary to private Conscience, is then a Sin, when the Lawes have left him to his own liberty, and never else. And then whatsoever a man doth, not only believing it is ill done, but doubting whether it be ill or not, is done ill, in case he may lawfully omit the doing.

13. And as it hath been proved, that a man must submit his Opinions in matter of Controversie to the Authority of the Common Wealth, so also is the same confest by the practice of every one of them that otherwise deny it. For who is there differing in Opinion from another, and thinking himself to be in the right, and the other in the wrong, that would not think it reasonable, if he be of the same Opinion that the whole State alloweth, that the other should submit his opinion also thereunto; or that would not be content, if not that one or a few men, yet all the Divines of a whole Nation, or at least an Assembly of all those he liketh, should have the Power to determine all the Controversies of Religion? or, who

is there that would not bee content, to submit his Opinions either to the Pope, or to a Generall Council, or to a Provincial Council, or to a Presbyterie of his owne Nation? And yet in all these Cases hee submitteeth himselfe to no greater then Humane Authoritie.

Nor can a man bee said to submit himselfe to Holy Scripture, that doth not submit himselfe to some or other for the Interpretation thereof. Or, why should there bee any Church Government at all instituted, if the Scripture it selfe could doe the Office of a Judge in Controversies of Faith? But the Truth is apparent, by continuall Experience, that men seeke not onely Liberty of Conscience, but of their Actions, nor that onely, but a farther Liberty of perswading



ding others to their Opinions; nor that onely, for every man desireth that the Sovereign Authoritie, should admit no other Opinions to bee maintained, but such as hee himselfe holdeth.

14. The difficulty therefore of obeying both God and Man in a Christian Common Wealth is none: All the difficulty resteth in this Point, Whether hee that hath received the Faith of Christ, having before subiected himselfe to the Authoritie of an Infidell, bee discharged of his Obedience thereby, or not, in matters of Religion.

In which case it seemeth reasonable to thinke, that since all Covenants of Obedience are entred into for the preservati-  
on

preservation of a mans life, if a man be content without Resistance to lay down his life, rather then obey the commands of an Infidel, in so hard a Case he hath sufficiently discharged himself thereof. For no Covenant bindeth farther then to endeavour, and if a man cannot assure himself to perform a iust Duty, when thereby he is assured of present Death, much less it can be expected, that a man should perform that, for which he believeth in his heart he shall be damned eternally. And thus much concerning the Scruple of Conscience, that may arise concerning Obedience to Humane Lawes, in them that interpret the Law of God to themselves. It remaineth, to remove the same scruple from them, that submit their controversies to others not ordained thereto by the Sovereign Authority. And this I refer to the Chapter following.

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**CHAP.**

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 CHAP. VII.

1. *The Questions propounded, who are the Magistrates in the Kingdom of Christ.*
2. *The Questions exemplified, in the Controversies between Moses and Aaron, and between Moses and Corah.*
3. *Amongst the Jews, the Power Temporal and Spiritual in the same Hand.*
4. *Parallel of the Twelve Princes of Israel, and the twelve Apostles.*
5. *Parallel of Seventy Elders, and Seventy Disciples.*
6. *The Hierarchy of the Church in our Saviours time, consisted in the Twelve, and in the Seventy.*
7. *Why Christ ordained not Priests for Sacrifices, as Moses did.*
8. *The Hierarchy of the Church in the Apostles time, Apostles, Bishops, and Priests.*
9. *The Preaching of the Gospel, was not command-*

ing, but perswading. 10. Excommunication. Sovereignes immediate Rulers Ecclesiasticall under Christ. 11. That no man hath any just Pretence of Religion against Obedience to Common-VVealth. God speaketh to Man by his Vicegerents.

**I**N the former Chapter have been removed those difficulties opposing our Obedience to Humane Authority; which arise from misunderstanding of our Saviours Title and Lawes; in the former whereof, namely, his Title, consisteth our Faith; and in the latter, our Justice. Now they who differ not amongst themselves concerning his Title, and Lawes, may nevertheless have different opinions concerning his Magistrates, and the Authority he hath given them. And this is the cause, why many Christians have denyed Obedience to their Princes, pretending that our Saviour Christ hath not given this Magistracy to them but to others. As for example, some say, to the Pope universally; some to a Synod Aristocratical; Some, to a Synod Democraticall in every several Common VVealth; and the Magistrates of Christ being they by whom he speaketh, the Question is, Whether he

Speak unto us by the Pope, or by Convocations of Bishops and Ministers, or by Them that have the Sovereign Power in every Common-Wealth.

2. This Controversie was the cause of those two Mutinies, that happened against *Moses* in the Wilderness. The first by *Aaron* and his Sister *Miriam*, who took upon them to censure *Moses* for marrying an *Ethiopian* woman. And the state of the Question between them and *Moses*, they set forth, *Numb. 12. 2.* in these words, *What hath the Lord spoken but only by Moses? hath he not spoken also by us? and the Lord heard this, &c.* and punished the same in *Miriam*, forgiving *Aaron* upon his Repentance. And this is the case of all them that set up the Priest-hood against the Sovereignty. The other was of *Corah, Dathan, and Abiram*, who with two hundred and fifty Captains gathered themselves together against *Moses*, and against *Aaron*. The state of their Controversie was this, Whether God were not with the Multitude, as well as with *Moses*, and every man as holy as he. For *Numb. 16. 3.* thus they say, *You take too much upon you, seeing all the Congregation is holy, every one of them, and the Lord is amongst them: wherefore then lift ye your selves above the Congregation of the Lord?* And this is the case of them that set up their private Consciences, and unite themselves to take the Government of Religion

Religion out of the hands of Him or Them, that have the Sovereign Power of the Common Wealth: which how well it pleaseth God, may appear by the hideous punishment of *Corab* and his Complices.

3. In the Government therefore of *Moses*, there was no power neither Civil, nor Spiritual, that was not derived from him. Nor in the State of *Israel* under Kings, was there any Earthly Power by which those Kings were compellable to any thing, or any Subject allowed to resist them in any case whatsoever. For though the Prophets by extraordinary calling, did often admonish and threaten them, yet they had no Authority over them. And therefore amongst the Jews, the power Spirituall and Temporall, was alwayes in the same Hand,

4. Our Saviour Christ, as he was the rightful King of the Jewes in particular, as well as King of the Kingdome of Heaven, in the ordaining of Magistrates, received that form of Policy, which was used by *Moses*. According to the number of the Children of *Jacob*, *Moses* tooke unto him by the appointment of God, *Numb.* 1. 4. twelve men, every one of the chief of their Tribe, which were to assist him in the Muster of *Israel*. And these twelve, *vers.* 24. are called the *Princes of Israel*, *Twelve men, every one for the house of their Fathers*; which are said also, *Numb.* 7. 2. *To be heads over the Houses*

of their Fathers and Princes of the Tribes, and over them that were numbred. And these were every one equall amongst themselves, In like mauncer our Saviour tooke unto him Twelve Apostles to be next unto him in Authority, of whom he saith, Matth. 19. 28. *When the Son of Man shall sit in the Throne of his Maiessty, ye shall follow me in the Regeneration, shall sit also upon Twelve Thrones, and iudge the Twelve Tribes of Israel.* And concerning the equality of the Twelve Apostles amongst themselves, our Saviour saith, Matth. 20. 25. *Ye know that the Lords of the Gentiles have Domination over them, &c. vers. 26. But it shall not be so amongst you; but whosoever will be greatest among you, let him be your servant, And Matth. 23. 11. He that is greatest among you, let him be your Servant; And a little before, vers. 8. Be not called Rabbi, for one is your Doctor, Christ, and all ye are Brethren. And Act. 1. in the chusing of Matthias to be an Apostle, though S. Peter used the part of a Prolocutor, yet did no man take upon him the Authority of Election, but referred the same to Lot.*

5. Again Moses had the command of God, Num. 11. 16. *Gather to me seventy men of the Elders of Israel, whom thou knowest that they are the Elders of the People, and Governors over them, and bring them unto the Tabernacle, &c.* And Moses did accordingly, vers. 24. And these were chosen to help Moses in bearing

the burthen of the Government, as appears *vers.* 17. of the same Chapter. And as the Twelve Princes of the Tribes were according to the number of *Jacobs* Children, so were the seventy Elders according to the number of the persons that went down with *Jacob* into *Egypt*. In like manner our Saviour in his Kingdome of Heaven, the Church, out of the whole number of those that believed in him, ordained seventy Persons, which peculiarly were called the seventy Disciples, to whom he gave power to preach the Gospel and Baptize.

6. In our Saviours time therefore, the Hierarchy of the Church consisted (besides Himself that was the Head) of Twelve Apostles, who were equal amongst themselves, but ordained over others, as were the twelve Heads of the Tribes, or seventy Disciples, who had every one of them power to Baptize and Teach, and help to govern the whole Flock.

7. And whereas in the Common Wealth instituted by *Moses*, there was not only an High Priest for the present, but also a Succession and Order of Priest; it may be demanded Why our Saviour Christ did not ordain the like? To which may be answered, That the High Priesthood, for as much as concerneth the Authority thereof, was in the Person of Christ; as he was Christ, that is, King. So also was it in *Moses*; *Aaron* having



having the Ministerial part only. For notwithstanding that *Aaron* was the High Priest, yet the consecration of him belonged to *Moses* *Exod. 29. 1.* All the Utensils of sacrifice, and other holy Things, were ordered by *Moses*, and in sum, the whole Levitical Law was delivered by God, by the hand of *Moses*, who was to *Aaron* a God; and *Aaron* to him a Mouth, And for the Ministerial part, there could no High Priest be ordained but himself: for seeing our Saviour was himself the Sacrifice, who but himself could offer him up? And for the celebration of that sacrifice for ever after, our Saviour annexed the Priest-hood to those whom he had appointed to govern in the Church.

8. After the ascension of our Saviour, the Apostles dispersed themselves for the spreading of the Gospel, and continually as they converted any number of men, in any city, or region, to the Faith; they chose out such as they thought fittest to direct them in matter of conversation and life, according to Christs law, and to explicate unto them, that Myserie of Christ come in the flesh, that is to say, to unfold unto them at large the office of the Messiah. And of those Elders some were subordinate to others, according as the Apostles who ordained them, thought meet: so *S. Paul* gave power unto *Titus*, to ordain Elders in *Crete*, & to redress things that were amiss. So that *Titus* was an Elder & ordained Elders

Elders. Tit. 1. 5. For this cause I left thee in Crete, that thou shouldest continue to redress the things that remain, & ordain Elders in every City, where the word is *κατασκευασθη* that is constitute; whereby it appeareth, that in the Apostles times, one Elder had authority over another, to ordain and rule them. For, 1 Tim. 5. 16. Timothy an Elder, is made iudg of accusations against other Elders. And Act. 14. 23. The Disciples are said to ordain Elders, for all the congregations of the cities, they had preached in. And though the word there be *χειροτονησαστες*, yet it signifieth not election, by holding up of hands, but simply and absolutely Ordination. For the ordinary chusing of Magistrates amongst the Grecians, which were all either popularly governed, or else by *Oligarchy*, being performed by holding up of hands, made that word be taken simply, for an Election, or Ordination, howsoever made. And thus in the Primitive Church, the Hierarchy of the Church was Apostles, Elders that governed other Elders, and Elders that ruled not, but their office was to preach, to administer the Sacraments, to offer up prayers and thanksgiving in the name of the People. But at that time there appeared no distinction between the names of Bishop and Elder. But immediatly after the Apostles time, the word Bishop was taken to signifie such an Elder as had the government of Elders; and other Elders,

Elders, were called by the name of Priests, which signifyeth the same that Elder doth. And thus the Government of Bishops hath a Divine pattern in the twelve Rulers, and seventy Elders of *Israel*, in the twelve Apostles, and seventy Disciples of our Saviour, in the ruling Elders, and not Ruling-Elders in the time of the Apostles.

9. And thus much of the Magistrates over Christs Flock in the primitive Church. For the office of a Minister, or Ministress was to be subiect to the Flock, and to serve them in those things which appertained to their temporal business. The next thing to be considered is the Authority which our Saviour gave to them, either over those whom they had converted, or those whom they were about to convert. And for these latter, which as yet were without the Church, the authority which our Saviour gave to his Apostles was no more but this, To preach unto them that Jesus was the Christ, and to explicate the same in all points, that concern the Kingdom of Heaven; and to perswade men to embrace our Saviours Doctrine, but by no means to compel any man to be subiect to them: for seeing the Lawes of the Kingdom of Heaven, as hath been shewed, *Par. I. chap. 5. Sect. 10.* are dictated to the conscience onely; which is not subiect to compulsion and constraint, it was not congruent to the  
style

style of the King of Heaven to constrain men to submit their actions to him, but to advise them only; nor for him that professeth the Sum of his law to be love, to extort any duty from us with feare of temporall punishment. And therefore as the mighty men in the world, that hold others in subiection, by force, are called in Scripture by the name of hunters, so our Saviour calleth those whom he appointed to draw the world unto him, by subduing their affections, *Fishers*. And therefore he saith to *Peter* and *Andrew*, *Math 4. 19. Follow me and I will make yee fishers of men.* And *Luke 10. 3. Behold* (saith Christ) *I send yee forth as Lambs amongst wolves.* And it were so no end to give them the right of compelling without strengthening the same with greater power then of *Lambs amongst wolves*. Moreover, *Math 10.* where our Saviour giveth a commission to his twelve Apostles. to go forth and convert the Nations to the Faith, he giveth them no authority of Coercion and punishment, but only saith, *ver. 14. Whosoever shall not receive you, nor hear your words, when ye depart out of that house or that City, shake off the dust of your feet. It shall be easier for the land of Sodome and Gomorrah in the day of Judgment then for that city.* Whereby it is manifest, that all that the Apostles could do by their authority, was no more than to renounce communion with them, and leave

their punishment to God Almighty, in the day of Judgement. Likewise the comparisons of the Kingdom of Heaven, to the seed *Math 13. 3.* and to the Leaven, *Math 13. 33.* doth intimate unto us, that the increase thereof ought to proceed from internall operation of Gods Word preached, and not from any Law or compulsion of them that preach it. Moreover our Saviour himselfe saith *Joh. 18. 36.* *That his Kingdome is not of this World,* and consequently his Magistrates derive not from him any authority of punishing men in this World. And therefore also *Math 26. 52.* After S. Peter had drawn his sword in his defence, our Saviour saith, *Put up thy sword into his place. For all that take the sword, shall perish by the sword.* And *vers. 54.* *How then shall the Scriptures be fulfilled, which say, that it must be so?* shewing out of the Scriptures, that the Kingdome of Christ was not to be defended by the sword.

10. But concerning the authority of the Apostles or Bishops over those who were already converted and within the Church, there be that think it greater then over them without. For some have said. *Though the Law of Christ deprive no Prince of his Dominion, and Paul did rightly appeal unto Cesar, whilst Kings were infidells and out of the Church, yet when they became Christians, and of their own accord underwent the Lawes of the*

Gospel, presently as sheep to a shepherd, and as Members to the Head, they became subject to the Prelate of the Ecclesiastical Hierarchy. Bell. Lib. De Rom. Pont. Chap. 29. which whether it be true or not, is to be considered by that sight which we have from the holy Scripture, concerning the power of our Saviour and his Apostles, over such as they had converted. But our Saviour, as he imitated the common-wealth of the Jewes in his Magistrates, the twelve and the seventy, so did he also in the Censure of the Church, which was *Excommunication*; but amongst the Jewes, the Church did put the Excommunicated persons from the Congregation, which they might do by their Power Temporall; but our Saviour and his Apostles, who took upon them no such Power, could not forbid the Excommunicated person to enter into any place and Congregation, into which he was permitted to enter, by the Prince, or Sovereign of the place. For that had been to deprive the Sovereign of his Authority. And therefore the Excommunication of a Person subject to an Earthly power, was but a Declaration of the Church, which did excommunicate, that the person so excommunicated was to be reputed still as an Infidell, but not to be driven by their Authority out of any company, he might otherwise lawfully come into. And this is it our Saviour saith, Math. 18. 17. *If he refuse to hear the Church,*

let him be unto thee as an heathen man and a Publican. So that the whol effect of excommunicating a Christian Prince, is no more then he or they that so excommunicate him depart and banish themselves out of his Dominion. Nor can they thereupon discharge any of his subjects of their obedience to him; for that were to deprive him of his Dominion; which they may not do, for being out of the Church. It is confessed by them that make this objection, and proved in the former Section, that our Saviour gave no Authority to his Apostles to be judges over them. And therefore in no case can the Sovereign power of a Common-wealth be subject to any Authority Ecclesiasticall, besides that of Christ himselfe. And though he be informed concerning the Kingdome of Heaven and subiect himselfe thereto, at the perswasions of persons Ecclesiasticall, yet is he not thereby subiect to their Government and Rule. For if it were by their Authority he took that Yoke upon him, and not by their Perswasion, then by the same Authority he might cast it off. But this is unlawfull. For if all the Churches in the World should renounce the Christian Faith, yet is not this sufficient Authority for any of the Members to do the same. It is manifest therefore, that they who have Sovereign Power, are Immediate Rulers of the Church under Christ, and all other but subordinate

to them. If that were not, but Kings should command one thing upon pain of Death, and Priests another, upon pain of Damnation, it would be impossible that Peace and Religion should stand together.

II. And therefore there is no iust Cause for any man to withdraw his Obedience from the Sovereign State, upon pretence, that Christ had ordained any State Ecclesiasticall above it. And though Kings take not upon them the Ministeriall Priesthood, yet are they not someerly Laick, as not to have Saecratorall Jurisdiction. To conclude this Chapter; Since God speaketh not in these Dayes to any man by his private Interpretation of the Scriptures, nor by the Interpretation of any Power above or not depending on the Sovereign Power of every Common Wealth, it remaineth, that he speaketh by his Vice-Gods, or Lieutenants here on Earth, that is to say, by Sovereign Kings, or such as have Sovereign Authority as well as they.

## CHAP. VIII

1. *The things that dispose to Rebellion, Discontent, Pretence, and hope of Success.* 2. *Discontent that disposeth to Sedition, consisteth partly in fear of want, or punishment.* 3. *Partly in Ambition.* 4. *Six heads of pretences to Rebellion.*



*lion 5. The first of them, That men ought to do nothing against Conscience, confuted. 6. The second, That Sovereigns are subject to their own Lawes, confuted. 7. The third, That the Sovereignty is divisible, confuted. 8. The fourth, That Subjects have a Propertie distinct from the Dominion of the Sovereign confuted. 9. The fifth. That the People is a Person distinct from the Sovereign, confuted. 10. The sixth, That tyrannicide is lawfull confuted. 11. Foure Heads of Hope of successe in Rebellion. 12. Two things necessary to an Author of Rebellion, much Eloquence, and little wisdom. 13. That the Authors of Rebellion necessarily are to be men of little wisdom. 14. That the same are necessarily Eloquent. 15. In what manner they concur to their common Effects.*

**H**itherto of the Causes why, and the Manner how, men have made Common Wealths. In this Chapter I shall shew breisly by what causes, and in what manner they be again destroyed; Not meaning to say any thing concerning the Dissolution of a Common Wealth, from forreign Invasions, which is as it were the violent Death thereof. I shall speak only of Sedition, which is also the Death of the Common-Wealth, but like to that which happeneth to a man from sicknesse and Distemper. To dispose men to Sedition, three things con-

cur. The first is discontent; for as long as a man thinketh himself well, and that the present Government standeth not in his way to hinder his proceeding from well to better, it is impossible for him to desire the change thereof. The second is pretence of Right; for though a man be Discontent, yet if in his own Opinion there be no iust Cause of stirring against, or resisting the Government established, nor any Pretence to justify his Resistance, and to procure Aid, he will never shew it. The third is hope of success; For it were madness to attempt without hope, when to fail, is to dye the Death of a Traytor. Without these three, Discontent, Pretence, and Hope, there can be no Rebellion: and when the same are all together, there wanteth Nothing there-to, but a Man of Credit to set up the Standard, and to blow the Trumpet.

2. And as for Discontent, it is of two sorts: For it consisteth either in Bodily Pain present or expected, or else in Trouble of the Mind; (which is the general Division of Pleasure and Pain, Part 1. Cha. 7 Sect. 9.) The Presence of Bodily Pain disposeth not to Sedition; The feare of it doth. As for Example; When a great Multitude or Heap of people, have concurred to a Crime worthy of Death, they joyn together, and take Armes to defend themselves for feare thereof. So also the Feare of Want, or in present

present Want, the Feare of Arrests and Imprisonment dispose to Sedition. And therefore great Exactions, though the Right thereof be acknowledged, have caused great Seditions. As in the time of *Hen. 7.* the Seditions of the *Cornish* men that refused to pay a Subsidy, and under the Conduct of the Lord *Audley*, gave the King Battel upon *Blash Heath*; and that of the *Northern People*, who in the same Kings Time, for demanding a Subsidy granted in Parliament, murdered the Earl of *Northumberland* in his house.

3. Thirdly, the other sort of Discontent, which troubleth the Mind of them who otherwise live at ease, without fear of Want, or danger of Violence, ariseth only from a sense of their Want of that Power, and that Honour and Testimony thereof, which they think is due unto them. For all Joy and Grief of mind consisting (as hath been said Part 1. Chap. 9. Sect. 21.) in a contention for Precedence to them with whom they compare themselves, such men must needs take it ill, and be greived with the State, as find themselves postposed to those in Honour, whom they think they excell in Virtue and Ability to govern. And this is it for which they think themselves regarded but as Slaves; Now seeing Freedom cannot stand together with Subjection, Liberty in a Common Wealth is nothing but Govern-

ment

ment and Rule, which because it cannot be divided, men must expect in Common; and that can be no where but in the Popular State or Democracy. And Aristotle saith well, lib. 6. c. 2. of his Politicks, *The Ground or Intention of a Democracy, is Liberty.* Which he confirmeth in these words; *For men ordinarily say this, That no man can partake of Liberty, but only in a Popular Common Wealth: Whosoever therefore in a Monarchicall Estate where the Sovereign Power is absolutely in one Man, claimeth Liberty, claimeth (if the hardest construction should be made thereof) either to have the Sovereignty in his turn, or to be Collegue with him that hath it; or to have the Monarchy changed into a Democracy. But if the same be construed (with pardon of that unskilful expression) according to the Intention of him that claimeth, then doth he thereby claim no more but this, That the Sovereign should take notice of his Ability and Deserving; and put him into employment and place of subordinate Government, rather than others that deserve lesse. And as one claimeth, so doth another, every man esteeming his own Desert greatest. Amongst all those that pretend to, or are ambitious of such Honour, a few only can be served, unlesse it be in a Democracy; the rest therefore must be Discontent. And so much of*

A Thing that disposeth to Rebellion,

namely,

namely, Discontent consisting in Fear, and Ambition.

4. The second thing that disposeth to Rebellion, is *Pretence of Right*. And that is when men have an Opinion, or pretend to have an Opinion, That in certain cases they may lawfully resist Him or Them that have the Sovereign Power, or deprive him or them of the Means to execute the same. Of which Pretences, there be six special Cases. One is, when the Command is against their Conscience; and they believe, it is unlawful for a Subject at the Command of the Sovereign Power, to doe any Action, which he thinketh in his own Conscience not lawfull for him to do, or to omit any Action, which he thinketh not lawful for him to omit. Another is, when the Command is against the Lawes, and they think the Sovereign Power in such sort obliged to his own Lawes, as the Subject is; and that when he performeth not his Duty, they may resist his Power. A Third is, when they receive Commands from some man or men, and a *Supersedeas* to the same from others, and think the Authority is equal, as if the Sovereign power were divided. A fourth is, when they are commanded to contribute their Persons or Money to the Publick service, and think they have a Propriety in the same distinct from the Dominion of the Sovereign Power; and that therefore they are not bound to contribute

bute their Goods and Persons, no more then every man shall of himself think fit. A Fifth, when the Commands seem hurtfull to the People; and they think every one of them, that the Opinion and Sense of the People, is the same with the Opinion of himselfe, and those that consent with him, calling by the Name of People, any Multitude of his own Faction. The sixth is, when the Commands are grievous; and they account him that commandeth grievous things, a Tyrant; and a Tyrannicide, that is the killing of a Tyrant, not onely Lawful, but also Laudable.

5. All these Opinions are maintained in the Books of the *Dogmaticks*, and divers of them taught in publick Chaires, and nevertheless are most incompatible with Peace and Government, and contradictory to the necessary and demonstrable rules of the same. And for the first, namely, That a man may lawfully doe or omit any thing against his Conscience, and from whence arise all Seditions concerning Religion and Ecclesiasticall Government, it hath been plainly declared in the two last Chapters, that such Opinion is erroneous. For those two Chapters have been wholly spent, to prove, That Christian Religion not onely forbiddeth not, but also commandeth, that in every Common Wealth, every Subject should in all things to the uttermost of his Power,

Power, obey the Commands of him or them that is the Sovereign thereof, and that a man in so obeying, doth according to his Conscience and Judgement, as having deposited his Judgement in all Controversies in the hands of the Sovereign Power; and that this Error proceedeth from the Ignorance of What and by Whom God Almighty speaketh.

6. As for the second Opinion, which is this, That the Sovereign is in such sort obliged to his own Laws, as the Subject is; the contrary thereof hath been shewed, Part 2. Chap. 1. Sect. 7, 8, 9, 10, 11, 12. by which it appeareth; That the Sovereign Power is not to be resisted; That it carryeth the Sword both of War and Justice; That it hath Right of deciding all Controversies, both Judicial; and Deliberative; that it hath the making of all the Lawes Civill, That it appointeth Magistrates and Publick Ministers, and That it implyeth an Universall Impunity. How can He or They be said to be subject to the Lawes which they may subrogate at their pleasure, or breake without feare of punishment? And this Error seareth to proceed from this, That men ordinarily understand not aright, what is meant by this word Law, confounding Law and Covenant, as if they signifie the same Thing. But Law implyeth a Command; Covenant is but a Promise. And not every Command

is a Law, but only ( Part 1. Chap. 13. Sect. 6.) when the Command is the Reason we have of doing the Action commanded. And then only is the Reason of our Actions in the Command, when the Omitting is therefore Hurtful, because the Action was commanded, not because it was hurtful of it-self; and doing contrary to a Command, were not at all Hurtful, if there were not a Right in him that commandeth to punish him that so doth. He or They that have all Punishments in their own disposing, cannot be so commanded, as to receive hurt for disobeying, and consequently no Command can be a Law unto them. It is an Errour therefore to think, That the Power which is virtually the whole Power of the Common Wealth, and which in whomsoever it resideth, is usually called Supream, or Sovereign, can be subiect to any Law but that of God Almighty.

7. The third Opinion, *That the Sovereign Power may be divided*, is no less an Errour then the former, as hath been proved, Part 1. Chap. 1. Sect. 15. And if there were a Common Wealth, wherein the Rights of Sovereignty were divided, we must confess with *Bodin*, lib. 2. Chap. 1. *De RePub.* That they are not rightly to be called Common Wealths but the Corruption of Common Wealths. For if one part should have power to make the Laws for all, they would by their Laws at their pleasure, forbid others, To make

Peace



Peace or War, To levy Taxes, or To yeild Fealty and Homage without their leave; and they that had the Right to make Peace and War, and command the Militia, would forbid the making of other Lawes, then what themselves liked. And though Monarchies stand long, wherein the Right of Sovereignty hath seemed so divided, because Monarchy of it self is a durable kind of Government, yet Monarchs have been thereby divers times thrust out of their Possession. But the truth is, that the Right of Sovereignty is such, as He or They that have it, cannot (though they would) give away any part thereof, and retain the Rest. As for example; If we should suppose the People of *Rome* to have had the absolute Sovereignty of the *Roman* State, and to have chosen them a Council by the Name of the Senate, and that to this Senate they had given the Supream Power of making Lawes, Reserving nevertheless to themselves in direct and expresse Terms, the whole Right and Title of the Sovereignty; (which may easily happen amongst them that see not the inseparable Connexion between the Sovereign Power, and the Power of making Lawes) I say, this Grant of the People to the Senate, is of no effect, and the Power of making Lawes is in the People still. For the Senate understanding it to be the Will, in intension of the People to retain the Sovereignty, ought not to take that

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for granted; which was contradictory thereto, and passed by Error. For Part 1. Chap. 13. Sect. 9. In contradictory Promises, that which is directly promised, is preferred before that which is opposite thereunto by Consequence, because the Consequence of a thing is not alwaies obscured, as is the Thing it self. The Error concerning Mixt Government hath proceeded from want of Understanding of what is ment by this word, *Body Politick*, and how it signifieth not the Concord, but the Union of many men. And though in the Chapters of subordinate Corporations, a Corporation being declared to be one Person in Law, yet the same hath not been taken notice of in the Body of a Common Wealth or City, nor have any of these innumerable Writers of Politicks, observed and such Union.

8. The Fourth Opinion, to wit, That Subjects have their *Meum, Tuum, & Suum*, in property, not only by Virtue of the Sovereign Power over them all, distinct from one another, but also against the Sovereign himself, by which they would pretend to contribute nothing to the Publick, but what they please, hath been already confuted, by proving the Absoluteness of the Sovereignty and more particularly, Part 2. Chap. 5. Sect. 2. and ariseth from this, That they understand not ordinarily that before the Institution of Sovereign Power, *MUM & TUUM* im-

plye d.

plyed no Propriety, but a Community, where every man had right to every Thing, and was in state of war with every man.

9. The fifth opinion, *That the People is a distinct Body from Him or Them that have the Sovereignty over them*, is an Error already confuted Part 2. Chap. 2. Sect. 11. where it is shewed, that when men say, *The People rebelleth*, it is to be understood of those particular persons onely, and not of the whole Nation. And when the People claimeth any thing otherwise then by the Voice of the Sovereign Power, it is not the claim of the people, but only of those particular men, that claim in their own persons. And this Error ariseth from the equivocation of the word *People*.

10. Lastly, for the Opinion, *That Tyrannicide is lawfull*, meaning by a Tyrant, any man in whom resideth the Right of Sovereignty, is no lesse false and pernicious to Humane Society, then frequent in the Writings of those Moral Philosophers, *Seneca* and others, so greatly esteemed amongst us. For when a man hath the Right of Sovereignty, he cannot iustly be punished, as hath been often shewed already, and therefore much lesse deposed, or put to Death. And howsoever he might deserve punishment, yet punishment is uniuist without Judgment preceding, and Judgment uniuist without Power of Judicature, which a Subject hath not over a Sovereign. But this Doctrine proceedeth from

from the Schools of Greece, and from those that writ in the Romane State, in which not onely the Name of a Tyrant, but of a King was hatefull.

11. Beside *Discontent* to the disposing of a Man to Rebellion, and Pretence there is required in the third place, *Hoye of Successe*, which consisteth in foure Points: 1. That the discontented have mutual Intelligence. 2. That they have sufficient Number. 3. That they have Armes. 4. That they agree upon an Head. For these four must concur to the making of one Body of Rebellion, in which Intelligence is the Life, Number the Limbs, Arms the strength, and an Head the Unity, by which they are directed to one and the same Action:

12. The Authors of Rebellion, that is, the men that breed these Dispositions to Rebel in others, of necessity must have in them these three Qualities. 1. To be discontented themselves. 2. To be men of mean Judgment and Capacity. And thirdly, to be Eloquent men, or good Orators. And as for their Discontent, from whence it may proceed, hath been already declared. And for the second and third, I am to shew now, first, how they may stand together; for it seemeth a contradiction, to place small Judgement, & great Eloquence, or (as they call it.) Powerful speaking in the same man. And then in what manner they concur, to dispose o-

to Sedition.

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13. It was noted by *Salust*, That in *Catiline* (who was Author of the greatest Sedition that ever was in *Rome*) there was *Eloquentia Satis, Sapientia parum, Eloquence sufficient but little Wisdome*. And perhaps this was said of *Catiline*, as he was *Catiline*. But it was true of him, as an Author of Sedition. For, the Coniunction of these two Qualities made him not *Catiline*, but Seditious. And that it may be understood, how want of *Wisdome*, and store of *Eloquence*, may stand together, we are to consider, what it is we call *Wisdome*, and what *Eloquence*. And therefore I shall here again remember some things, that have been said already, Part 1. chap. 5. 6. It is manifest that *Wisdome* consisteth in *Knowledge*. Now of *Knowledge* there are two kinds; whereof the one is the Remembrance of such Things, as we have conceived by our Sences, and of the Order, in which they follow one another. And this *Knowledge* is called *Experience*; and the *Wisdome* that proceedeth from it, is that Ability to coniecture by the present, of what is past, and to come, which men call *Prudence*. This being so, it is manifest presently, that the Author of Sedition, whosoever he be, must not be *Prudent*. For if he consider and take his *Experience* aright, concerning the Success which they have had, who have been the Movers and Authors of Sedition, either in this or any other State, he shall find, that for

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one man that hath thereby advanced himself to honour, twenty have come to a Reproachful end. The other kind of Knowledge, is the Remembrance of the Names or Appellations of things, and how every thing is called, which is in matters of Common Conversation, a Remembrance of Pacts and Covenants of men made amongst themselves, concerning how to be understood of one another. And this kind of Knowledge is generally called Science, and the conclusions thereof Truth. But when men remember not how things are named, by general agreement, but either mistake & mis-name things, or name them aright by chance, they are not said to have Science, but Opinion, and the Conclusions thence proceeding, are uncertain, and for the most part erroneous. Now that Science in particular, from which proceed true and evident conclusions of what is Right and Wrong, and what is Good and Hurtful to the Being, and Well-being of Mankind, the Latines call *Sapientia*, and wee by the generall Name of Wisdome. For generally, not he that hath skill in Geometry, or any other Science speculative, but only he that understandeth what conduceth to the good and government of the people; is called a Wise man. Now that no Author of Sedition can be wise in this Acceptation of the Word, is sufficiently proved, in that it hath been already demonstrated, that no

Pretence

Pretence of Sedition can be right or Just. And therefore the Authors of Sedition must be ignorant of the Right of State, that is to say, Unwise. It remaineth therefore, that they be such, as name things, not according to their true and generally agreed upon Names, but call Right and Wrong, Good and Bad, according to their Passions, or according to the Authorities of such, as they admire, as *Aristotle, Cicero, Seneca*, and others of like Authority, who have given the names of Right and Wrong, as their Passions have dictated; or have followed the Authority of other men, as we do theirs. It is required therefore in an Author of Sedition, that he think Right, that which is Wrong; and profitable, that which is pernicious; and consequently that there be in him *Sapientie parum*, little Wisdom.

14. Eloquence is nothing else but the Power of winning Belief of what we say. And to that end we must have Ayd from the Passions of the Hearer. Now to Demonstration and Teaching of the Truth, there are required Long Deductions, and great Attention, which is unpleasant to the Hearer. Therefore they which seek not Truth, but Belief, must take another way, and not only derive what they would have to be believed from somewhat believed already, but also by Aggravations and Extenuations, make Good and Bad, Right & VVrong, appear Great or Lesse,

Effect, according as shall serve their turnes. And such is the Power of Eloquence, as many times a man is made to believe thereby, that hee sensibly feeleth smart and damage, when he feeleth none, and to enter into rage and indignation, without any other cause, then what is in the words and passion of the speaker. This considered, together with the Businesse that he hath to do, who is the Author of Rebellion, namely, to make men believe, that their Rebellion is just, their Discontents grounded upon great Injuries, and their Hopes great; There needeth no more to prove, there can be no Author of Rebellion, that is not an Eloquent and Powerfull Speaker, and withall (as hath been said before) a man of little Wisdome. For the Faculty of speaking powerfully, consisteth in a Habit gotten of putting together passionate Words, and applying them to the present passions of the Hearer.

15. Seeing then Eloquence and want of Discretion concur to the stirring of Rebellion, it may be demanded, what part each of these acteth therein. The Daughters of *Pelias* King of *Thessaly*, desiring to restore their old Decrepit Father to the Vigour of his Youth, by the Counsell of *Medea*, chopped him in pieces, and set him a boyling with I know not what Herbs in a Cauldron, but could not revive him again. So when Eloquence and want of Judgement go together,

want



want of Judgment like the Daughters of *Pelias* consenteth through Eloquence, which is as the Witchcraft of *Medea*, to cut the common Wealth in peices, upon Pretence, or Hope of Reformation, which when things are in combustion, they are not able to effect.

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 CHAP. IX.
 

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1. *The Law over Sovereigns, Salus Populi.*
2. *That Sovereigns ought to establish the Religion they hold, for best.*
3. *That to forbid unnatural copulation, promiscuous use of Women &c. is the Law of Nature.*
4. *That to leave man as much Liberty as maybe, &c. is the Duty of a Sovereign by the Law of Nature.*
5. *Meum & Tuum to be set out to the Subjects distinct from one another, &c. a Duty of Sovereigns by the Law of Nature.*
6. *An extraordinary Power for Judging the Abuses of Magistrates necessary, &c.*
7. *The suppressing of Popularity, &c. necessary, &c.*
8. *The Institution of Youth, &c. necessary, &c.*
9. *Avoiding of unnecessary War, a necessary Duty of the Sovereign, &c.*

**H**AVING hitherto set forth how a Body Politick is made, and how it may be destroyed, this place requireth to say something concerning the preservation of the same, not purposing to enter into the particulars of the

the Art of Government, but to sum up the general Heads, wherein such Art is to be employed, and in which consisteth the Duty of Him or Them that have the Sovereign Power. For the Duty of a Sovereign consisteth in the Good Government of the People. And although the Acts of Sovereign power be no Injuries to the Subjects who have consented to the same by their implicite Wills, yet when they tend to the hurt of the people in general, they be Breaches of the Law of Nature, and of the Divine Law; and consequently the contrary Acts are the Duties of Sovereigns, and required at their hands to the utmost of their endeavour by God Almighty, under the pain of Eternall Death. And as the Art and Duty of Sovereigns consist in the same Acts, so also doth their Profit. For the end of Art is Profit, and Governing to the Profit of the Subjects, is Governing to the Profit of the Sovereign, as hath been shewed Part 2. Chap. 5. Sect. 1. And these three: 1. The Law over them that have Sovereign power 2. Their Duty; 3. Their Profit, are one and the same thing contained in this sentence, *Salus Populi Suprema Lex*. By which must be understood, not the meer preservation of their lives, but generally their Benefit and Good. So that this is the generall Law for Sovereigns, *That they procure to the uttermost of their Endeavour, the Good of the People.*

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2. And for as much as Eternal, is better then Temporal Good, it is evident, that they who are in Sovereign Authority, are by the Law of Nature obliged to further the establishing of all such Doctrines and Rules, and the Commanding of all such Actions, as in their Conscience they beleave to be the true way thereunto. For unless they do so, it cannot be said truly, that they have done the uttermost of their Endeavour.

3. For the Temporal Good of the people, it consisteth in four points: 1. Multitude 2. Commodity of living. 3. Peace amongst themselves. 4. Defence against Forraign Power. Concerning Multitude. It is the Duty of them that are in Sovereign Authority, to increase the people; in as much as they are Governours of Mankind under God Almighty, who having created but One Man, and One Woman, declared, That it was his Will they should be multiplyed and increased afterwards. And seeing this is to be done by Ordinances concerning copulation, they are by the Law of Nature bound to make such Ordinances concerning the same, as may tend to the Increase of Mankind. And hence it cometh, that in them who have Sovereign Authority, not to forbid such Copulations as are against the Use of Nature; not to forbid the promiscuous Use of VVomen, not to forbid one VVomen to have many Husbands, not to forbid Marriages

riages within certain Degrees of Kindred and Affinity, are against the Law of Nature. For though it be not evident, that a private man living under the Law of Natural Reason only, doth break the same, by doing any of the Things aforesaid, yet it is manifestly apparent, that being so prejudicial as they are to the Improvement of Mankind, that not to forbid the same, is against the Law of Natural Reason, in him that hath taken into his hands any portion of Mankind to improve.

4. The Comodity of Living consisteth in Liberty and VVealth. By Liberty I mean, that there be no Prohibition without necessity of any thing to any man, which was lawful to him in the Law of Nature, that is to say, That there be no Restraint of Naturall Liberty, but what is necessary for the Good of the Common VVealth, and that well meaning men may not fall into the Danger of Lawes, as into snares, before they be aware. It appertaineth also to this Liberty, That a man may have commodious passage from place to place, and not be imprisoned or confined with the Difficulty of wayes, and want of means for transportation of things necessary. And for the wealth of people it consisteth in three things, The well ordering of Trade, Procuring of Labour, and Forbidding the superfluous consuming of Food and Apparel. All those therefore that are in Sovereign

raign Authority, and have taken upon them the Government of People, are bound by the Law of Nature to make Ordinances consisting in the Points afore named, as being contrary to the Law of Nature, unnecessarily either for ones own Fancy, to intrall, or ty men so, as they cannot move without danger, or to suffer them whose maintenance is our benefit, to want any thing necessary for them, by our Negligence.

5. For maintraiing of Peace at home, there be so many Things necessary to be considered, and taken order in, as there be several Causes concurring to Sedition. And first, it is necessary to set out to every Subject, his Propriety and distinct Lands and Goods, upon which he may exercise, and have the Benefit of his own Industry, and without which, men would fall our amongst themselves, as did the Heardsmen of *Abraham* and *Lot*, every man enchroaching and usurping as much of the common Benefit as he can, which tendeth to Quarel and Sedition. Secondly, to divide the Burthens and Charges of the Common Wealth proportionably. Now there is a *Proportionably* to every mans Ability, and there is a *Proportionably* to his Benefit by Common Weath. And this latter is it, which is according to, the Law of Nature. For the Burdens of the Common Wealth being the Price that we pay for the Benefit thereof, they ought to be measured there.

by. And there is no reason, when two men equally enjoying by the benefit of the Common Wealth, their Peace and Liberty, to use their Industry to get their Livings, where of one spareth, and laith up somewhat, the other spendeth all he gets, why they should not equally contribute to the common charge. That seemeth therefore to be the most equall way of dividing the burden of publick charge, when every man shall contribute according to what he spendeth, and not according to what he gets. And this is then done, when men pay the Common Wealths Part in the payments they make for their own Provision. And this seemeth not only most equal, but also least sensible, and least to trouble the mind of them that pay it. For there is nothing so aggravateh the grief of parting with money to the Publick, as to think they are over-rated, and that their Neighbours whom they envy, do thereupon insult over them, and this disposeth them to Resistance, and (after that such Resistance hath produced a mischief) to Rebellion.

6. An other thing necessary for the maintaining of peace, is the due execution of iustice, which consisteth principally in the right performance of their Duties, which are the Magistrates, ordained for the same by and under the Authority of the Sovereign Power, which being private men in respect of the Sovereign, and consequently such as may have

have private Ends, whereby they may be corrupted with gifts, or Intercession of Friends, ought to be kept in awe by an higher Power, lest people (grieved by their Injustice) should take upon them to make their own Revenges, to the Disturbance of the common Peace; which can by no way be avoided in the principal and immediate Magistrates, without the Judicature of the Sovereign himself, or some extraordinary power delegated by him. It is therefore necessary, that there be a power extraordinary, as there shall be occasion from Time to Time, for the syndication of Judges and other Magistrates, that shall abuse their Authority, to the Wrong and discontent of the People, and a free and open way for the presenting of Grievances to him or them that have the Soueraign Authority.

7. Besides these Considerations, by which are prevented the Discontents that arise from Oppression, there ought to be some means for the keeping under of those, that are disposed to Rebellion by Ambition; which consist principally in the constancy of him that hath the Sovereign Power, who ought therefore constantly to grace and encourage such, as being able to serve the Common Wealth, do nevertheless contain themselves within the bounds of Modesty, without repining at the Authority of such as are employed, and without aggravating the

Errours which (as men) they may commit, especially when they suffer not in their own particular; and constantly to shew displeasure, & dislike of the contrary. And not only so, but also to ordain severe punishments for such, as shall by Reprehension of publick Actions, affect popularity and applause amongst the multitude, by which they may be enabled to have a faction in the Common Wealth at their Devotion.

8. Another thing necessary, is the rooting out of the Consciēces of men all those opinions which seem to iustifie and give pre-  
 tence of Right to Rebellious Actions; such as are the Opinions, That a man can do nothing lawfully against his private Conscience; That they who have the Sovereignty, are subie& to the civil Laws; That there is an Authority of Subiects, whose Negative may hinder the Affirmative of the Sovereign Power; That any Subie& hath a propriety distinct from the Dominion of the Common Wealth; That there is a body of the People without him or them that have the Sovereign power; & that any lawful Sovereign may be resisted under the name of a Tyrant; which Opinions are they, which Part 2. Chap. 8. Sect. 5, 6, 7, 8, 9, 10. have been declared, to dispose men to Rebellion And because Opinions which are gotten by education, and in length of time, are made habitual, cannot be taken away by force, and  
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upon the sudden; they must therefore be taken away also by Time and Education. And seeing the said Opinions have proceeded from private and publick Teaching, and those Teachers have received them from Grounds and Principalls, which they have learned in the Universities; from the Doctrine of *Aristotle*, and others, who have delivered nothing concerning Morality and Policy demonstratively, but being passionately addicted to Popular Government, have insinuated their Opinions by eloquent Sophistry. There is no doubt, if the true Doctrine concerning the Law of Nature, and the Properties of a Body Politick, and the Nature of Law in general, were prespiciously set down and taught in the Universities, but that Young men, who come thither void of prejudice and whose minds are as white paper, capable of any Instruction, would more easily receive the same, and afterwards teach it to the people, both in Books and otherwise, then now they do the contrary.

ø. The last Thing contained in that Supreme Law, *Salus Populi*, is their Defence, and consisteth partly in the Obedience and Unity of the Subjects, of which hath been already spoken, and in which consisteth the Means of levying Souldiers, and of having Money, Arms, Ships, and Fortified places in readiness for Defence; and partly, in the avoiding of unnecessary Wars. For such

Common Wealths, or such Monarchs affect War for it self, that is to say, for Ambition, or of Vain Glory, or the account to revenge every little Injury or Disgrace done by their Neighbours, or to ruine not themselves, their Fortune is better then they have reason to expect.

## CHAP. X.

1. All Expressions, &c. concerning Subordination, are either Covenant, Council, or Command.
2. The Difference between a Law and a Covenant.
3. The Command of the Law is Law in one thing, &c. in every thing.
4. The Difference between Law and Counsell.
5. The difference between Law and Lex.
6. The Division of Laws, That the Divine Morall Law, and the Law of Nature, is the same.
7. That the Laws are the Common Measure of Right and Wrong, &c.
9. Marriall Law, &c.
10. Written Laws, &c. unwritten Laws, &c. Customs and Opinions, &c.

**T**HUS far concerning the Nature of Law, and the constitution and properties of a Body Politick. There remaineth in the last Chapter, to speak of the Nature and sorts of Law. And first, it is manifest that Laws are Declarations of the Mind

cerning some Action future to be done, or omitted. And all Declarations and Expressions of the Mind concerning Future Actions and Omissions, are either *Promissive*, as *I will do, or not do*; or *provisive*. As for Example, *If this be done or not done, this will follow*; or *Imperative*, as *Do this, or do it not*. In the first sort of these Expressions, consisteth the Nature of a Covenant, in the second, consisteth Counsel, in the third, Command.

2. It is evident when a man doth, or forbearth to do any action, if he be moved thereto by this only Consideration, that the same is Good or evil in it self, and that there be no reason why the will or pleasure of another, should be of any weight in his Deliberation, that then neither to do nor omit the Action deliberated is any Breach of Law. And consequently, whatsoever is a Law to a man, respecteth the Will of another, and the Declaration thereof. But a Covenant is a Declaration of a mans own Will. And therefore a Law and a Covenant differ: And though they be both obligatory, and a Law obligeth no otherwise then by vertue of some covenant made by him who is subject thereunto, yet they oblige by severall sorts of promises. For a Covenant obligeth by promise of an Action, or Omission especially named and limited; but a Law bindeth by a promise of Obedience in general, whereby the Action to be done, or left undone, is refer-

red to the determination of him, to whom the Covenant is made. So that the Difference be tween a Covenant and a Law, standeth thus: In Simple-Covenant, the Action to be done, or not done, is first limited and made known, and then followeth the Promise to do or not to do, but in a Law, the obligation to do or not to do, precedeth, and the Declaration what is to be done, or not done, followeth after.

3. And from this may be deduced, that which to some may seem a Paradox, That the Command of him, whose Command is a Law in one thing, is a Law in every thing. For seeing a man is obliged to obedience before what he is to do be known, he is obliged to obey in general, that is to say, in every thing.

4. That the Counsel of a man is no Law to him that is counselled, and that he who alloweth another to give him counsel, doth not thereby oblige himself to follow the same, is manifest enough. And yet men usually call Counsellings, by the name of Governing, not that they are not able to distinguish between them, but because they envy many times those men that are called to Counsel, & are therefore angry with them that they are Counselled. But if so, Counsellours there should be given a Right to have their Counsell followed, then are they no more Counsellours, but Masters of them, whom they Counsel; and their Counsels no

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more Counsels, but Lawes. For the difference between a Law and a Counsel being no more but this, that in Counsel the Expression is *Do, because it is best*; In a Law *Do, because I have a right to compel you*; or *Do, because I say Do*; when Counsel should give the Reason of the Action it adviseth to, because the reason thereof it self is no more Counsel, but a Law.

5. The Names *Lex & Jus*, that is to say, Law and Right, are often confounded, and yet scarce are there any two words of more contrary signification. For Right is that Liberty which Law leaveth us, and Laws those Restraints by which we agree mutually to abridge on anothers Liberty. Law and Right therefore are no less different then Restraint and Liberty, which are contrary, and whatsoever a man doth, that liveth in a Common Wealth *Jure*, he doth it *Jure Civili*, *Jure Naturæ*, and *Jure Divino*. For whatsoever is against any of these Laws, cannot be said to be *Jure*. For the Civill Law cannot make that to be done *Jure*, which is against the Law Divine, or of Nature. And therefore whatsoever any Subject doth, if it be not contrary to the Civil Law, and whatsoever a Sovereign doth, if it be not against the Law of Nature, he doth it *Jure Divino*, by *Divine right*. But to say *Lege divina*, by *Divine Law*; is another thing. For the Laws of God and Nature allowing greater liberty then is allowed

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by the Law Civil; (for subordinate Laws do still bind more then Superior Laws, the Essence of Law being not to loose, but to bind) A man may be commanded that by a Law Civil, which is not commanded by the Law of Nature, nor by the Law Divine. So that of things done *Lege*, that is to say, by Command of the Law, there is some place for a Distinction between *Lege Divina* & *Lege Civilis*. As when a man giveth an Alms, or helpeth him that is in need, he doth it not *Lege Civilis* but *Lege Divina*, by the Divine Law, the Precept whereof is *Charity*. But for things that are done *Jure*, nothing can be said done *Jure Divino*, that is not also *Jure Civilis*, unless it be done by them that having Sovereign Power, are not subject to the civil Law.

6. The Differences of Law, are according to the Differences either of the Authors and Lawmakers, or of the promulgation, or of those that are subject to them. From the Difference of the Authors, or Law makers, cometh the Division of Law into Divine, Natural, and Civil. From the Difference of Promulgation, proceedeth the Division of Laws, into *written* and *unwritten*. And from the Difference of the persons to whom the Law appertaineth, it proceedeth, that some Laws are called simply Laws, and some Penal. As for Example, *Thou shalt not steal* is simply a Law; but this, *He that stealeth an*  
*shall restore four-fold*, is a Penal or as other

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call it a Judicial Law. Now in those Laws which are simply Laws, the Commandement is addressed to every man; but in Penal Laws the Commandement is addressed to the Magistrate, who is only guilty of the Breach of it when the Penalties ordained, are not inflicted: To the Rest appertaineth Nothing but to take notice of their Danger.

7. As for the first Division of Law into Divine, Natural, and Civil, the first two Breaches are one and the same law. For the law of Nature, which is also the Moral law, is the law of the Author of Nature, God Almighty; and the law of God taught by our Saviour Christ, is the Morall law. For the Sum of Gods law is; *Thou shalt love God above all and thy Neighbour as thy self*; and the same is the sum of the Law of Nature, as hath been shewed, Part 1. Chap. 5. And although the Doctrin of our Saviour be of three Parts, *Moral, Theological* and *Ecclesiasticall*, the former part only, which is the Moral, is of the Nature of a Law Universal; the latter part is a Branch of the Law Civil; and the Theological which containeth those Articles concerning the Divinity and Kingdome of our Saviour, without which there is no Salvation, is not delivered in the Nature of Laws, but of Counsel and Direction, how to avoid the punishment, which by the Violation of the Moral Law, men are subiect to. For it is not Infidelity that condemneth

(though it be Faith that saveth) but the Breach of the Law and Commandements of God, Written first in mans heart, and afterwards in Tables, and delivered to the Jews by the Hands of *Mose*.

8. In the state of Nature where every man is his own Judge, and differeth from other concerning the Names and Appellations of things, and from those Differences arise Quarrels and breach of Peace, it was necessary there should be a common measure of all things, that might fall in Controversie. As for Example; Of what is to be called Right, what Good, what Virtue, what Much, what Little, what *Meum & Tuum*, what a Pound, what a Quarter, &c. For in these Things Private Judgements may differ, and beget Controversie. This Common measure, some say is *Right Reason*, with whom I should consent, if there were any such thing to be found or known in *verum natura*. But commonly they that call for *Right Reason* to decide any controversy, do mean, their own. But this is certain, seeing *Right Reason* is not existent, the Reason of some Man or Men must supply the place thereof, and that man or men is He or They, that have the Sovereign Power, as hath been already proved; and consequently the Civil Laws are to all Subjects the Measures of their Actions whereby to determine whether they have Right or, Wrong, Profitable, or Unprofitable, Virtuous



Virtuous or Vicious, and by them the Use and Definition of all Names not agreed upon, and tending to controversy, shall be established. As for Example, When upon the occasions of some strange and deformed Birth it shall not be decided by *Aristotle*, or the Philosophers, whether the same be a man, or no, but by the Laws, the Civil Law containing in it the ecclesiastical, as a part thereof, proceeding from the Power of Ecclesiastical government, given by our Saviour to all Christian Sovereigns, as his immediate Vicars, as hath been said Part 2. Chap. 7. Sect. 10.

9. But seeing it hath been said, That all Laws are either Natural, or Civil, it may be demanded, to which of these shall be referred that Law, which is called Martial Law, and by the *Romans*, *Disciplina militaris*? And it may seem to be the same with the law of nature; because the Laws by which a multitude of Souldiers are governed in an Army are not constant, but continually changing with the Occasion; and that is still a Law, which is Reason for the present, and Reason is the Law of Nature. It is nevertheless true, that Martial Law is Civil Law, because an Army is a Body Politick, the whole Power whereof is in the General, and the Laws thereof made by him; and though they still follow and change as Reason requireth, yet it is not as the Reason of every Private man but as  
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the Reason of the General requireth.

10. When He or They in whom is the Sovereign power of a Common Wealth, are to ordain Law for the government and good Order of the People, it is not possible they should comprehend all Cases of Controversie that may fall out, or perhaps any considerable diversitie of them; but as time shall instruct them by the rising of new occasions, so are also Laws from time to time to be ordained: and in such Cases where no special Law is made, the Law of Nature keepeth its Place, and the Magistrates ought to give sentence according thereunto, that is to say, according to Natural Reason. The Constitutions therefore of the Sovereign Power, by which the Liberty of Nature is abridged, are written, because there is no other way to take notice of them, whereas the Laws of Nature are supposed to be written in mens hearts, Written Laws therefore are the constitutions of a Common Wealth expressed; and Unwritten, are the laws of Natural Reason. Custome of it self maketh no laws. Nevertheless when a Sentence hath been once given by them that judge by their Natural Reason, whether the same be Right or Wrong, it may attain to the vigour of a law; not because the like Sentence hath of Custome been given in the like case, but because the Sovereign Power is supposed to have approved such Sentence for

Right

Right, and thereby it  
and numbred amongst the Written laws of  
the Common Wealth. For if Custom were  
sufficient to introduce a law, then it would  
be in the power of every one that is deputed  
to hear a Cause, to make his Erours laws.  
In the like manner, those that goe under  
the Title of *Responsa Prudentum*, that is to  
say, the Opinions of Lawyers, are not there-  
fore Laws, because *Responsa Prudentum*, but  
because they are admitted by the Sovereign;  
and from this may be collected, That when  
there is a Case of private contract between  
the Sovereign and the Subject, a President  
against reason shall not prejudice the cause  
of the Sovereign; no President being made  
a Law, but upon supposition that the same  
was reasonable from the beginning. And  
thus much concerning the Elements and  
general grounds of Laws Natural and Po-  
litick. As for the Law of Nations, it is the  
same with the Law of Nature. For that  
which is the Law of Nature between Man  
and Man, before the constitution of Com-  
mon Wealth, is the Law of Nations between  
Sovereign and Sovereign after.



FINIS.

