

A Survey of Mr. Hobbes His Leviathan

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I have alwaies thought it a great excess in those who take upon them to answer other Mens Writings, to hold themselves oblig'd to find fault with every thing that they say, and to answer every clause, period, and proposition which he, to whom they have made themselves an adversary, hath laid down; by which, besides the voluminousness that it produces, which in it self is grievous to any Reader, they cannot but be guilty of many impertinences, and expose themselves to the just censures of others, and to the advantage of their Antagonists; since there are few Books which do not contain many things which are true, and cannot, or need not be contradicted. And considering withall, that those Books have in all times don most mischief, and scatter'd abroad the most pernicious errors, in which the Authors, by the Ornament of their Style, and the pleasantness of their method, and subtlety of their Wit, have from specious premises, drawn their unskilful and unwary Readers into unwarrantable opinions and conclusions, being intoxicated with terms and Allegorical expressions, which puzzel their understandings, and lead them into perplexities, from whence they cannot disentangle themselves; I have proposed to my self, to make some Animadversions upon such particulars, as may in my judgment produce much mischief in the World, in a Book of great Name, and which is entertain'd and celebrated (at least enough) in the World; a Book which contains in it good learning of all kinds, politely extracted, and very wittily and cunningly digested, in a very commendable method, and in a vigorous and pleasant Style: which hath prevailed over too many, to swallow many new tenets as maximes without chewing; which manner of diet for the indigestion Mr Hobbes himself doth much dislike. The thorough novelty (to which the present age, if ever any, is too much inclin'd) of the work receives great credit and authority from the known Name of the Author, a Man of excellent parts, of great wit, some reading, and somewhat more thinking; One who has spent many years in foreign parts and observation, understands the Learned as well as modern Languages, hath long had the reputation of a great Philosopher and Mathematician, and in his age hath had conversation with very many worthy and extraordinary Men to which, it may be, if he had bin more indulgent in the more vigorous part of his life, it might have had a greater influence upon the temper of his mind, whereas age seldom submits to those questions, enquiries, and contradictions, which the Laws and liberty of conversation require: and it hath bin alwaies a lamentation amongst Mr Hobbes his Friends, that he spent too much time in thinking, and too little in exercising those thoughts in the company of other Men of the same, or of as good faculties; for want whereof his natural constitution, with age, contracted such a morosity, that doubting and contradicting Men were never grateful to him. In a word, Mr Hobbes is one of the most antient acquaintance I have in the World, and of whom I have alwaies had a great esteem, as a Man who besides his eminent parts of Learning and knowledg, hath bin alwaies looked upon as a Man of Probity, and a life free from scandal; and it may be there are few Men now alive, who have bin longer known to him then I have bin in a fair and friendly conversation and sociableness; and I had the honor to introduce those, in whose perfections he seemed

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to take much delight, and whose memory he seems most to extol, first into his acquaintance. In all which respects, both of the Author and the work, it cannot reasonably be imagined, that any vanity hath transported me, who know my self so incompetent for the full disquisition of this whole work, which contains in it many parts of knowledg and Learning in which I am not conversant; and also the disadvantage, that so many years have passed since the publication of this Book, without any thing like an answer to the most mischievous parts of it as to Civil Government; at least I had seen none such, till after I had finished this discourse, what was at Montpelier in the moneth of April One thousand six hundred and seventy, where I wanted many of those Books which had bin necessary to have bin carefully consulted and perused, if I had propos'd to my self to have answer'd many of those Scholastic points, which seem to me enough expos'd to just censure and reproch, and which I did suppose some University Men would have taken occasion from, to have vindicated those venerable Nurseries from that vice and ignorance, his superciliousness hath thought fit to asperse them with. I do confess since that time I have read several answers and reflexions, made by Learned Men of both the Universities, in English and in Latine upon his Leviathan, or his other works published before and after; which several answers (though they have very pregnantly discover'd many gross errors, and grosser oversights in those parts of Science in which Mr Hobbes would be thought to excel, which are like to put him more out of countenance then any thing I can urge against him, by how much he values himself more upon being thought a good Philosopher, and a good Geometrician, then a modest Man, or a good Christian) have not so far discouraged me, as to cause me, either to beleive what I had thought of and prepared before, to be the less pertinent to be communicated, or at all to inlarge, or contract my former conceptions (though probably many things which I offer are more vigorously urg'd, and expressed in some of the other answers.) Notwithstanding all which, his Person is by many received with respect, and his Books continue still to be esteem'd, as well abroad as at home: which might very well have prevail'd, with those before mention'd arguments, to have diverted me from pretending to see farther into them then other Men had don, and to discover a malignity undiscerned that should make them odious. But then how prevalent soever these motives were with me; when I reflected upon the most mischievous Principles, and most destructive to the Peace both of Church and State, which are scatter'd throughout that Book of his Leviathan, (which I only take upon me to discover) and the unhappy impression they have made in the minds of too many; I thought my self the more oblig'd, and not the less competent for those animadversions, by the part I had acted for many years in the public administration of Justice, and in the Policy of the Kingdom. And the leasure to which God hath condemn'd me, seems an invitation, and obligation upon me, to give a testimony to the World, that my duty and affection for my King and Country, is not less then it hath ever bin, when it was better interpreted, by giving warning to both, of the danger they are in by the seditious Principles of this Book, that they may in time provide for their Security by their abolishing and extirpating those, and the like excesses. And as it could not reasonably be expected, that such a Book would be answer'd in the time when it was publish'd, which had bin to have disputed with a Man that commanded thirty Legions, (for Cromwel had bin oblig'd to have supported him, who defended his Usurpation;) so afterwards Men thought it would be too much ill nature to call Men in question

for what they had said in ill times, and for saying which they had a plenary Indulgence and Absolution. And I am still of opinion, that even of those who have read his Book, and not frequented his Company, there are many, who being delighted with some new notions, and the pleasant and clear Style throughout the Book, have not taken notice of those down-right Conclusions, which overthrow or undermine all those Principles of Government, which have preserv'd the Peace of this Kingdom through so many ages, even from the time of its first Institution; or restor'd it to Peace, when it had at some times bin interrupted: and much less of those odious insinuations, and perverting some texts of Scripture, which do dishonour, and would destroy the very Essence of the Religion of Christ. And when I called to mind the good acquaintance that had bin between us, and what I had said to many who I knew had inform'd him of it, and which indeed I had sent to himself upon the first publishing of his Leviathan, I thought my self even bound to give him some satisfacion why I had entertained so evil an opinion of his Book.

When the Prince went first to Paris from Jersey, and My Lords Capel and Hopton stayed in Jersey together with my self, I heard shortly after, that Mr Hobbes who was then at Paris, had Printed his Book De Cive there. I writ to Dr Earles, who was then the Princes Chaplain, and his Tutor, to remember me kindly to Mr Hobbes with whom I was well acquainted, and to desire him to send me his Book De Cive, by the same token that Sid. Godolphin (who had bin kill'd in the late Warr) had left him a Legacy of two hundred pounds. The Book was immediately sent to me by Mr Hobbes, with a desire that I would tell him, whether I was sure that there was such a Legacy, and how he might take notice of it to receive it. I sent him word that he might depend upon it for a truth, and that I believed that if he found some way secretly (to the end there might be no public notice of it in regard of the Parliament) to demand it of his Brother francis Godolphin, (who in truth had told me of it) he would pay it. This information was the ground of the Dedication of this Book to him, whom Mr Hobbes had never seen.

When I went some years after from Holland with the King (after the Murther of his Father) to Paris, from whence I went shortly his Majesties Ambassador into Spaine, Mr Hobbes visited me, and told me that Mr Godolphin confessed the Legacy, and had paid him one hundred pounds, and promised to pay the other in a short time; for all which he thank't me, and said he owed it to me, for he had never otherwise known of it. When I return'd from Spaine by Paris he frequently came to me, and told me his Book (which he would call Leviathan) was then Printing in England, and that he receiv'd every week a Sheet to correct, of which he shewed me one or two Sheets, and thought it would be finished within little more then a Moneth; and shewed me the Epistle to Mr Godolphin which he meant to set before it, and read it to me, and concluded, that he knew when I read his Book I would not like it, and thereupon mention'd some of his Conclusions; upon which I asked him, why he would publish such doctrine: to which, after a discourse between jest and earnest upon the Subject, he said, The truth is, I have a mind to go home.

Within a very short time after I came into flanders, which was not much more then a Moneth from the time that Mr Hobbes had conferred with me, Leviathan was sent to me from London; which I read with much appetite and impatience. yet I had scarce finish'd it, when Sr Charles Cavendish (the noble Brother of the Duke of Newcastle who was then at Antwerp, and a Gentleman of all the accomplishments of mind that he wanted of body, being in all

other respects a wonderful person) shewed me a Letter he had then receiv'd from Mr Hobbes, in which he desir'd he would let him know freely what my opinion was of his Book. Upon which I wished he would tell him, that I could not enough wonder, that a Man, who had so great a reverence for Civil Government, that he resolv'd all Wisdom and Religion it self into a simple obedience and submission to it, should publish a Book, for which, by the constitution of any Government now establish'd in Europe, whether Monarchical or Democratical, the Author must be punish'd in the highest degree, and with the most severe penalties. With which answer (which Sr Charles sent to him) he was not pleased; and found afterwards when I return'd to the King to Paris, that I very much censur'd his Book, which he had presented, engross'd in Vellam in a marvellous fair hand, to the King; and likewise found my judgment so far confirmed, that few daies before I came thither, he was compell'd secretly to fly out of Paris, the Justice having endeavour'd to apprehend him, and soon after escap'd into England, where he never receiv'd any disturbance. After the Kings return he came frequently to the Court, where he had too many Disciples; and once visited me. I receiv'd him very kindly, and invited him to see me often, but he heard from so many hands that I had no good opinion of his Book, that he came to me only that one time: and methinks I am in a degree indebted to him, to let him know some reason why I look with so much prejudice upon his Book, which hath gotten him so much credit and estimation with some other men.

I am not without some doubt, that I shall in this discourse, which I am now engaged in, transgress in a way I do very heartily dislike, and frequently censure in others, which is Sharpness of Language, and too much reproching the Person against whom I write; which is by no means warrantable, when it can be possibly avoided without wronging the truth in debate. yet I hope nothing hath fallen from my Pen, which implies the least undervaluing of Mr Hobbes his Person, or his Parts. But if he, to advance his opinion in Policy, too imperiously reproches all men who do not consent to his Doctrine, it can hardly be avoided, to reprehend so great presumption, and to make his Doctrines appear as odious, as they ought to be esteemed: and when he shakes the Principles of Christian Religion, by his new and bold Interpretations of Scripture, a man can hardly avoid saying, He hath no Religion, or that He is no good Christian; and escape endeavouring to manifest, and expose the poison that lies hid and conceled. yet I have chosen, rather to pass by many of his enormous sayings with light expressions, to make his Assertions ridiculous, then to make his Person odious, for infusing such destructive Doctrine into the minds of men, who are already too licentious in judging the Precepts, or observing the Practice of Christianity.

The Survey of Mr Hobbes's Introduction

It is no wonder that Mr Hobbes runs into so many mistakes and errors throughout his whole discourse of the nature of Government from the nature of Mankind, when he laies so wrong a foundation in the very entrance and Introduction of his Book, as to make a judgment of the Passions, and Nature of all other Men by his own observations of Himself, and believes, (Pag. 2d.) that by looking into himself, and considering what he doth when he do's think, opine, reason, hope, fear, &c. and upon what grounds, he shall thereby read, and know what are the thoughts and passions of all other men upon the like occasions. And indeed by his distinction in the very subsequent words (Pag. 2.) between the similitude of

passions, and the similitude of the object of the passions, and his confession, that the constitution individual and particular education, do make so great a difference and disparity, he reduces that general Proposition to signify so very little, that he leaves very little to be observed, and very few Persons competent to observe. We have too much cause to believe, that much the major part of mankind do not think at all, are not endued with reason enough too opine, or think of what they did last, or what they are to do next, have no reflexion, without which there can be no thinking to this purpose: and the number is much greater of those who know not how to comprehend the dissimilitude of the objects from the passions, nor enough understand the nature of fear, as it is distinguish'd from the object that is fear'd: so that none of these Persons (which constitute a vast number,) are capable to make that observation, which must produce that knowledg which may enable them to judg of all the World. And how many there are left, who are fit from their individual constitutions or particular educations, and not withstanding the corruption introduced by dissembling, lying, counterfeiting, and erroneous Doctrine, to make that judgement, I leave to Mr Hobbes to determine. And tis probable, that those very few may conclude, that what they do when they think, opine, reason, hope, fear, contributes very little to their knowing what the thoughts and passions of other men are. And they may the rather be induced to make that conclusion, since there are so very few who think and opine as Mr Hobbes doth, and whose hopes and fears are like his, with reference to the objects, or the nature it self of those passions; and that the dissimilitude is greater between the passions themselves, then between the objects; and that men are not more unlike each other in their faces, or in their clothes, then in their thinking, hoping, and fearing. Since then Mr Hobbes founds so much of his whole Discourse upon the Verity and Evidence of this first Proposition, that we shall very often have occasion to resort to it as we keep him company; and since the same seems to me to be very far from being the true Key to oPen the cipher of other mens thoughts: it will not be amiss to examine, and insist a little longer on this Conclusion, that we may discern whether all, or any of us are endued with such an infallible Faculty, that we can conclude what the thoughts and passions of other men are, by a strict observation and consideration of our own thoughts and passions; which would very much enable us to countermine and disappoint each others thoughts and passions, and would be a high point of wisdom. In the disquisition whereof, that we may not intangle the passion and the object together, for want of skill to sever them, it may not be amiss to suppose the same passion to be in two several men whose passions have the same object, and then consider whether they are like to discover each others thoughts and passions, their hopes and their fears, by each mans looking into himself, and considering what he do's when he thinks, hopes, or fears. If Mr Hobbes loved, to as great a height as his passion can rise to, the same object that is likewise loved by another, he would hardly be able to make any judgment of the others love by his own; but upon a mutual confession and communication, their passions would be found not to be the same. If Mr Hobbes, and some other man were both condemn'd to death, (which is the most formidable thing Mr Hobbes can conceive) the other could no more by looking into himself know Mr Hobbes's present thoughts, and the extent of his fear, then he could, by looking in his face, know what he hath in his Pocket. Not only the several complexions, and constitutions of the body, the different

educations, and climates dispose the affections and passions of men to different objects, but have a great influence upon the passions themselves. As the fears, so the hopes of Men are as unlike as their gate, and meen. If a Sanguine, and a Melancholic man hope the same thing, their hopes are no more alike each others, then their clompexions are; the hope of the one retaining still somewhat like despair, whilst the hope of the other looks like fruition: so little similitude there is in the passions themselves without any relation to their objects. That a man of great courage, and a very cowardly man have not the same countenance, and presence of mind in an approach of danger, proceeds not from the ones liking to be killed more then the others, but rather from the difference of their natural Courage. But let us suppose a man of courage, and a coward equally guilty, or equally innocent (that there may be no difference from the operation of conscience) to be brought to die together by a judgment which they cannot avoid and so to be equally without hope of life (and death in Mr Hobbes judgment is equally terrible to all, and with equal care to be avoided, or resisted,) How comes it to pass, that one of these undergo's death with no other concernment then as if he were going any other Journy, and the other with such confusion and trembling, that he is even without life before he dies; if it were true that all Men fear alike upon the like occasion? There will be the same uncertainty in concluding what others do, by observing what we our selves do, when we think, opine, or reason. How shall that man, who thinks deliberately, opines modestly, and reasons dispassionately, and by this excellent temper satisfies his own judgement in a conclusion, in which at the same time he discerns others may differ from him: I say, How shall such a man by his own way of reasoning judg another mans, who usually thinks precipitately, opines arrogantly, and reasons superciliously, and concludes imperiously that man to be mistaken, who determines otherwise then he do's? To conclude, Mr Hobbes might as naturally have introduced his unreasonable Doctrine of the similitude of the passions, from the wisdom that he saies is acquired by the reading of men, as from his method of reading ones self. That saying of Nosce teipsum, in the sense of Solon who prescribed it, was a sober truth, but was never intended as an expedient to discover the similitude of the thoughts of other men by what he found in himself, but as the best means to suppress and destroy that pride and self-conceit, which might tempt him to undervalue other men, and to plant that modesty and humility in himself, as would preserve him from such presumption.

The Survey of Chapters 1, 2, 3.

Having resolved not to enter into the Lists with Mr Hobbes upon the Signification of words, or Propriety of expressions, in which he exercises an absolute Dictatorship; and indeed not to enlarge upon any particular that to me seems erroneous, except it be an Error of that kind and consequence, as carries with it, or in it, somewhat that is hurtful to the Peace and Policy of the Kingdom, or prejudicial to the sincerity of Religion; I should have passed over the first, second, and third Chapters without any Animadversion, not troubling my self whether the imagination and memory are but one thing, which for divers considerations hath divers names, (p. 5.) if I had not some apprehension, that by an unnecessary reflexion upon the Scholes in the close of his second Chapter, and finding fault with the using some words in the sense they ought not be used, he hopes to dispose his Readers

to such a prejudice and contempt towards them, that they may more easily undervalue them in more serious instances: the principal foundation that he laies for the support of all his Novelties, being to lessen and vilifie all the Principles, and all the Persons, which he well foresees most like to be applied to the demolishing his new Structure.

Amongst the many excellent parts and faculties with which Mr Hobbes is plentifully endowed, his order and method in Writing, and his clear expressing his conceptions in weighty, proper, and significant words, are very remarkable and commendable; and it is some part of his Art to introduce, upon the suddain, instances and remarques, which are the more grateful, and make the more impression upon his Reader, by the unexpectedness of meeting them where somewhat else is talk'd of: for thereby he prepares and disposes the fancy to be pleased with them in a more proper and important place. No man would have imagin'd, that in a Philosophical Discourse of Dreams, and Fayries, and Ghosts, and Goblins, Exorcisms, Crosses, and Holy-water, he would have taken occasion to have reprov'd Job for saying, that the inspiration of the Almighty giveth men understanding, Job. 32. 8. which can be no good expression, if it be incongruity to say, that good thoughts are inspired into a man by God: and 'tis pity that St Paul did not better weigh his words, when he said, that we are not sufficient of our selves to think any thing of our selves, but our sufficiency is of God, 2. Cor. 3. 5. or when he said to the Philippians, that it is God which worketh in you both to will, and to do of his good pleasure, Phil. 2. 13. and that St. John had not bin better advised, when he said, He that committeth sin, is of the Devil, 1. John 3. 8. Upon any of which Texts a man can hardly enlarge in discourse, without saying, that good thoughts are inspir'd, or infus'd (which he thinks he hath made the more ridiculous, by turning into other words of the like signification) by God, and evil thoughts by the devil, which in his understanding, are amongst the many words making nothing understood; whereas there are few expressions in which the sense of the speaker is better understood, or by which the sense of the Apostles can be made more clear then by those expressions. But this Comical mention of the power and goodness of God, and of the Devils activity and malignity, in a place so improper and unnatural for those reflexions, will the more incline his Disciples to undervalue those common notions of the goodness and assistance of God, and of the malice and vigilance of the Devil; and by making themselves merry with that proper and devout custom of speaking, and the natural results from thence, by degrees to undervalue those other conceptions of Religion and Piety, which would restrain and controul the licentious imagination of the excellency of their own understandings; and prepare them to believe, that all the Discourses of Sanctity, and the obligations of Christianity, and the essentials of a Church, Faith, and Obedience to the dictates of Gods Spirit, are but the artifice and invention of Churchmen, to advance their own pomp and worldly interest, and that Heaven and Hell are but words to flatter or terrifie men; at least, that the places of either are so situated, and have no other extent or degree of pain and pleasure, then he hath thought fit to assign to them towards the end of his Leviathan.

Nor in this instance of the train of imaginations, in his third Chapter, less wonderful. And indeed, Mr Hobbes had the more reason for his opinion of the similitude of thoughts, and that by looking into himself when he thinks, and upon what grounds, he can thereby know the thoughts of other men, when he was with the

velocity of a thought, in a moment of time, able to decipher that impertinent Question, What was the value of a Roman penny. and to discover a succession of thoughts in the Enquirer, the last of which determined in the resolution of delivering up the King: which was so rare a faculty, that such a similitude of thoughts cannot be concluded to be in other men. And since erroneous Doctrines have so great an influence upon the minds of men, as to corrupt the natural motives, he knows best whether he had not before this formed his new Scheme of Loyalty, and digested all those imaginations towards the dissolution of Allegiance, and eluding the obligation of all Oaths; which if he had don, he had the Key ready to decipher by, and might easily discover that which no man in England could discover who had not the same Key.

The Survey of Chapters 4, 5, 6, 7, 8, 9.

We shall with less reflexion pass over his fourth Chapter of Speech, which he saies, was the noblest and most profitable Invention of all other, whether properly or improperly, he shall do well to consider; together with his fifth and sixth Chapters, which with those which precede, and two or three which follow, he intends as a Dictionary, for the better understanding and defining very many terms and words, which he is to make use of throughout the rest of his Work; and which whoever can carry with him in his memory, as he expects every man shall do, shall be often more confounded in the understanding many parts of his Book, then if he forgets them all. In which yet many things are said very wittily and pleasantly; tho it may be many critical men, whom he hath provoked, may believe many of his Expressions to be incongruous, and his Definitions not so exact as might have bin expected from so great an Artist; and that all those Chapters are rather for delight, in the novelty and boldness of the expression, then for any real information in the substantial part of knowledg: since few men, upon the most exact reading them over, find themselves wiser then they were before but rather think that they better understood before what Contemt signifies, then by being now told, (pag. 24) that it is nothing else but an immobility or contumacy of the heart, in resisting the action of certain things, and proceeding from that the heart is already moved otherwise, by other more potent objects, or from want of experience of them; or that they do better understand the nature and original of Laughter, by being informed (pag. 27) that suddain glory is the passion which, and is caused either by maketh those grimaces called Laughter some suddain act of their own that pleaseth them, or by the apprehension of some deformed thing in another, by comparison whereof they suddainly applaud themselves. In which kind of Illustrations those Chapters, and in truth his whole Book abounds, and discovers a master faculty in making easie things hard to be understood: and men will probably with the more impatience and curiosity, tho with the less reverence, enter upon the third part of his Book, which is to define Christian Politics, after he hath so well defin'd and describ'd Religion to be fear of Power invisible, feigned by the mind, or imagined from tales publicly allowed (p. 26.) all which I leave to his Friends of the Universities. Nor shall I spend more time upon the seventh, eighth, and ninth Chapters, leaving them to the Schole-men to examine, who are in his debt for much mirth which he hath made out of them, I for my part being very indifferent between them, as believing that the Schole-men have contributed very little more to the advancement of any noble or substantial part of Learning, then Mr Hobbes hath don to the

reformation or improvement of Philosophy and Policy. Yet I may reasonably say so much on their behalf, that if Mr Hobbes may take upon him to translate all those terms of Art (the proper signification whereof is unanimously understood, and agreed between all who use them, and which in truth are a cipher to which all men of moderate Learning have the key) into the vulgar Language by the assistance of Ryders Dictionary, he hath found a way to render and expose the worthiest Professors of any Science, and all Science it self to the cheap laughter of all illiterate men, which is contrary to Mr Hobbes's own rule and determination, (pag. 17) where he saies, That when a man upon the hearing any Speech, hath those thoughts which the words of that Speech, and their connexion, were ordained and constituted to signifie, then he is said to understand it. And surely the signification of words and terms, is no less ordain'd and constituted by custom and acceptation, then by Grammar and Etymologies. If it were otherwise, Mr Hobbes himself would be as much exposed to ignorant Auditors, when he reads a Lecture upon the Optics, or even in his ador'd Geometry, if a pleasant Translator should render all his terms as literally, as he hath don the Title of the sixth Chapter of Suarez: for every Age, as new things happen, find new words in all Languages to signifie them. The Civilians, who are amongst the best Judges of Latine, can hardly tell how investitura came into their Books, to signifie that which it hath ever signified since the Quarrel begun between the Emperor and the Pope upon that subject, which is now as well understood in Latine, as any word in Tully. And if Bombarda had no original but from the sound, as Petavius (a very good Grammarian, besides his other great Learning) saies it had not, we have no reason to be offended with the Scholemen for finding words to discover their own Conceptions, which equally serve our own turn.

The Survey of Chapters 10, 11, 12.

I do acknowledg, that in the tenth, eleventh, and twelfth Chapters, many things are very well said: and tho some things as ill, with reference to Religion, and to the Clergy, as if there were a combination between the Priests of the Gentiles, Aristotle, the Schole-men, and the Clergy of all Professions, to defame, pervert, and corrupt Religion; yet he resumes that Argument so frequently, that I shall chuse to examine the reason and justice of all his Allegations rather in another place, then upon either of these three Chapters; to which I shall only add, that according to his natural delight in Novelties of all kinds, in Religion as well as Policy, he hath supplied the Gentiles with a new God, which was never before found in any of their Catalogues, The God Chaos, (pag. 55.) to which he might as warrantably have made them an additional present of his own Idol, Confusion. And he will as hardly find a good authority for the aspersion with which he traduces the Policy of the Roman Common-wealth in all its greatness and lustre, (pag. 57.) That it made no scruple of tolerating any Religion whatsoever in the City of Rome it self, unless it had something in it that could not consist with their civil Government. Which how untrue soever, was a very seasonable intimation of the wisdom of Oliver's Politics, at that time when he published his Leviathan: whereas in truth, that great People were not more solicitous in any thing, then in preserving the unity and integrity of their Religion from any mixtures; and the Institution of the Office of Pontifex Maximus was principally out of that jealousy, and that he might carefully watch that no alteration or innovation might be made in

their Religion. And tho they had that general awe for Religion, that they would not suffer the Gods of their Enemies, whom they did not acknowledg for Gods, to be rudely treated and violated; and therefore they both punished their Consul for having robb'd the Temple of Proserpine, and caused the full damages to be restored to the injur'd Goddess: yet they neither acknowledg'd her Divinity, nor suffer'd her to have a Temple, or to have any Devotion paid to her within their Dominions; nor indeed any other God or Goddess to be ador'd, and those to whom Sacrifices were made by the Authority of the State. Nor will Mr Hobbes be able to name one Christian Kingdom in the World, where it is believed, that the King hath not his Authority from Christ, unless a Bishop Crown him; tho all Christian Kingdoms have had that reverence for Bishops, as to assign the highest Ecclesiastical Functions to be alwaies perform'd by them: but they well know the King to have the same Authority in all respects before he is crown'd, as after. And what extravagant Power soever the Court of Rome hath in some evil Conjunctions heretofore usurp'd, and would be as glad of the like opportunities again; yet in those Kingdoms where that Authority is own'd and acknowledg'd, there want not those who loudly protest against that Doctrine, That a King may be depos'd by a Pope, or that the Clergy and Regulars shall be exempt from the Jurisdiction of their King. And yet upon these unwarrantable suggestions, he presumes to declare, That all the changes of Religion may be attributed to one and the same Cause, and that is, unpleasing Priests; and those not only amongst Papists, but even in that Church that hath presumed most of Reformation, by which he intends the Church of England, at that time under the most severe and barbarous Persecution; and therefore it was the more enviously and maliciously, as well as dis-honestly alledged.

The Survey of Chapters 13, 14, 15, 16.

The thirteenth, fourteenth, fifteenth, and sixteenth Chapters, will require a little more disquisition, since under the pretence of examining, or rather (according to his Prerogative) of determining what the natural condition of mankind is, he takes many things for granted which are not true; as (pag. 60.) that Nature hath made all men equal in the faculties of body and mind, and imputes that to the Nature of Man in general, which is but the infirmity of some particular Men; and by a mist of words, under the notion of explaining common terms (the meaning whereof is understood by all Men, and which his explanation leaves less intelligible then they were before) he dazles Mens eyes from discerning those Fallacies upon which he raises his Structure, and which he reserves for his second part. And whosoever looks narrowly to his preparatory Assertions, shall find such contradictions, as must destroy the foundation of all his new Doctrine in Government, of which some particulars shall be mentioned anon. So that if his Maxims of one kind were marshalled together, collected out of these four Chapters, and applied to his other Maxims which are to support his whole Leviathan, the one would be a sufficient answer to the other; and so many inconsistencies and absurdities would appear between them, that they could never be thought links of one chain; whereas he desires men should believe all the Propositions in his Book to be a chain of Consequences, without being in any degree way to avoid palpable contradictions, upon the presumption of his Readers total resignation to his judgment. If it were not so, would any man imagine that a man of Mr Hobbes's sagacity and

provoking humor, should in his fourth Page so imperiously reproch the Scholes for absurdity, in saying, That heavy Bodies fall downwards out of an appetite to rest, thereby ascribing knowledg to things inanimate; and himself should in his sixty second Page, describing the nature of foul weather, say, That it lieth not in a shower or two of rain, but in an inclination thereto of many daies together: as if foul weather were not as inanimate a thing as heavy Bodies, and inclination did not imply as much of knowledg as appetite doth. In truth, neither the one or the other word signifies in the before-mention'd instances, more then a natural tendency to motion and alteration.

When God vouchsafed to make man after his own Image, and in his own Likeness, and took so much delight in him, as to give him the command and dominion over all the Inhabitants of the Earth, the Air, and the Sea, it cannot be imagin'd but that at the same time he endued him with Reason, and all the other noble Faculties which were necessary for the administration of that Empire, and the preservation of the several Species which were to succeed the Creation: and therefore to uncreate him to such a baseness and villany in his nature, as to make Man such a Rascal, and more a Beast in his frame and constitution then those he is appointed to govern, is a power that God never gave to the Devil; nor hath any body assum'd it, till Mr Hobbes took it upon him. Nor can any thing be said more contrary to the Honor and Dignity of God Almighty, then that he should leave his master workmanship, Man, in a condition of War of every man against every man, in such a condition of confusion, (pag. 64.) That every man hath a right to every thing, even to one anothers body; inclin'd to all the malice, force and fraud that may promote his profit or his pleasure, and without any notions of, or instinct towards justice, honor, or good nature, which only makes man-kind superior to the Beasts of the Wilderness. Nor had Mr Hobbes any other reason to degrade him to this degree of Bestiality, but that he may be fit to wear those Chains and Fetters which he hath provided for him. He deprives man of the greatest happiness and glory that can be attributed to him, who devests him of that gentleness and benevolence towards other men, by which he delights in the good fortune and tranquillity that they enjoy, and makes him so far prefer himself before all others, as to make the rest a prey to advance any commodity or conveniency of his own; which is a barbarity superior to what the most savage Beasts are guilty of,

- Quando leoni,
fortior eripuit vitam leo? quo nemore unquam
Expiravit aper majoris dentibus apri?

Man only, created in the likeness of God himself, is the only creature in the World, that out of the malignity of his own nature, and the base fear that is inseparable from it, is oblig'd for his own benefit, and for the defence of his own right, to worry and destroy all of his own kind, until they all become yoaked by a Covenant and Contract that Mr Hobbes hath provided for them, and which was never yet entred into by any one man, and is in nature impossible to be entred into.

After such positive and magisterial Assertions against the dignity and probity of man-kind, and the honor and providence of God Almighty, the instances and arguments given by him are very unweighty and trivial to conclude the nature of man to be so full of jealousy and malignity, as he would have it believed to be, from that common practice of circumspection and providence, which

custom and discretion hath introduced into human life. For men shut their Chests in which their mony is, as well that their servants or children may not know what they have, as that it may be preserved from Thieves; and they lock their doors that their Houses may not be common; and rude arm'd, and in company, because they know that there are ill men, who may be inclined to do injuries if they find an opportunity. Nor is a wariness to prevent the damage and injury that Thieves and Robbers may do to any man, an argument that Mankind is in that mans opinion inclin'd and disposed to commit those out-rages. If it be known that there is one Thief in a City, all men have reason to shut their doors and lock their chests; and if there be two or three Drunkards in a Town, all men have reason to go arm'd in the streets, to controul the violence or indignity they might receive from them. Princes are attended by their Guards in progress, and all their servants arm'd when they hunt, without any apprehension of being assaulted; custom having made it so necessary, that many men are not longer without their Swords then they are without their Doublets, who never were jealous that any man desir'd to hurt them. Nor will the instance he gives of the inhabitants in America, be more to his purpose then the rest, since as far as we have any knowledg of them, the savage People there live under a most intire subjection and slavery to their several Princes; who indeed for the most part live in hostility towards each other, upon those contentions which engage all other Princes in War, and which Mr Hobbes allows to be a just cause of War, jealousie of each others Power to do them harm. And these are the notable instances by which Mr Hobbes hath by his painful disquisition and investigation, in the hidden and deep secrets of Nature, discover'd that unworthy fear and jealousie to be inherent in mankind, (pag. 63.). That the notions of right and wrong have no place, but force and fraud are the two cardinal Virtues; that there is no propriety, no dominion, no mine or thine distinct, but only that to be every mans that he can get, and for so long as he can keep it, and this struggle to continue, till he submits to the servitude to which he hath design'd him for his comfort and security.

Mr Hobbes would do very much honour to Aristotle, and repair much of the injury he hath don to him, if he can perswade men to believe, (pag. 59) that the bringing in his Philosophy and Doctrine, hath bin a cause to take away the reputation of the Clergy, and to incline the People to the reformation of Religion; and yet he hath more authority for that, then for most of his Opinions, tho it may be he doth not know it. For in the year a thousand two hundred and nine, Aristotles Metaphysics, which had bin lately brought from Constantinople, were condemn'd, and forbidden to be read by a Council in Paris, upon a supposition or apprehension, that that Book had contributed very much to the new Heretical Opinions of the Albigenses. So far the French Clergy of that age concurred in opinion with Mr Hobbes: but we may much more reasonably conceive, That it hath bin illiteratness, stupid ignorance, and having never heard of Aristotle, that may at any time have brought contemt upon the Clergy: and tho men may too unreasonably, it may be, adhere to Aristotle in some particulars, and so may be reasonably contradicted, yet no man of the Clergy or Laity was ever contemned for being thought to understand Aristotle. Indeed Mr Hobbes may easily refute Aristotle, and all who have writ before or since him, if he be the Sovereign Magistrate, not only to enact what Laws he pleases, and to interpret all that were made before according to his pleasure, and to adopt them to be the Laws of Nature, which he declares

(pag. 79) to me immutable and eternal. And we have great reason to watch him very narrowly, when his Legislative fit is upon him, least he cast such a net over us, knit by what he calls the Law of Nature, or by his Definitions, that we be deprived of both the use of our liberty, and our reason to oppose him. He is very much offended with Aristotle, for saying in the first Book of his Politics, That by Nature some are fit to command, and others to serve; which he saies, (pag. 77.) is not only against reason, but also against experience, for there are very few so foolish that had not rather govern themselves, then be governed by others. Which Proposition doth not contradict any thing said by Aristotle, the Question being, Whether Nature hath made some men worthier, not whether it hath made all others so modest as to confess it; and would have required a more serious Disquisition, since it is no more then is imputed to Horses, and other Beasts, whereof men find by experience, that some by nature are fitter for nobler uses, and others for vile, and to be only Beasts of burden. But, indeed, he had the less need of reason to refute him, when he had a Law at hand to controul him, which he saies, is the Law of Nature, (pag. 77.) That every man must acknowledg every other man for his equal by nature; which may be true as to the essentials of human Nature, and yet there may be inequality enough as to a capacity of Government. But whatever his opinion is, we have Solomons judgment against him. *Inspiens erit servus sapientis*, Prov. 11. 29. And many Learned Men are of opinion, That the Gibeonites, who by the help of an impudent lie found the means to save their lives, were a People by nature of low and abject spirits, fit only to do the low and mean services for which they were prepared. And some of the Fathers believe, That when the Patriarch Jacob, in his dying Prophesie of Issachar, declar'd Issachar is a strong ass, couching down between two burdens. And he saw that rest was good, and the land that it was pleasant, and bowed his shoulder to bear, and became a servant unto tribute, Gen. 49. 14, 15. Jacob for-saw that in that Tribe there would be depressio intellectus, and that they would be only fit to be servants. And 'tis very true, that Aristotle did believe, that Divine Providence doth shew and demonstrate who are fit and proper for low and vile offices, not only by very notable defects in their understandings, incapable of any cultivation, but by some eminent deformity of the body (tho that doth not always hold) which makes them unfit to bear rule. And without doubt, the observation of all Ages since that time hath contributed very much to that Confusion which Mr Hobbes so much derides, of Inequality by nature, and that Nature it self hath a bounty which she extends to some men in a much superior degree then she doth to others. Which is not contradicted by seeing many great defects and indigencies of Nature in some men, wonderfully corrected and repair'd by industry, education, and above all, by conversation; nor by seeing some early blossoms in others, which raise a great expectation of rare perfection, that suddainly decay, and insensibly wither away by not being cherished and improved by diligence, or rather by being blasted by vice or supine laziness: those accidents may somtimes happen, do not very often, and are necessary to awaken men out of the Lethargy of depending wholly upon the Wealth of Natures store, without administring any supply to it, out of their industry and observation. And every mans experience will afford him abundance of examples in the number of his own acquaintance, in which, of those who have alwaies had equal advantages of Education, Conversation, Industry, and it may be of virtuous Infiltrations, it is easie to observe very different parts and faculties; some of

quick apprehension, and as steady comprehension, wit, judgment, and such a sagacity as discerns at distance as well as at hand, confounding from what they see will fall out, what is presently to be done; when others born, and bred with the same care, wariness, and attention, and with all the visible advantages and benefits which the other enjoyed, remain still of a heavier and a duller alloy, less discerning to contrive and fore-see, less vigorous to execute, and in a word, of a very different Classis to all purposes; which can proceed from no other cause, but the distinction that Nature her self made between them, in the distribution of those Faculties to the one with a more liberal hand than to the other.

Did not all the World at that time, and hath it not ever since believed, that Julius Cesar had from nature a more exalted Spirit and Genius, than any of those who were overcome by him; tho some of them appear'd, or were generally believ'd to be superior in the conduct of great Affairs? There is judgment gotten by experience very necessary, but the first attempt and direction of the mind, the first daring proceeds purely from Nature and its influence. When we see a Marius from a common Soldier, baffle the Nobility of Rome, and in despite of opposition, make himself seven times Consul: or a Dioclesian, from a mean and low birth, and no other advantage of Education than every other common Soldier had with him, nor countenance or assistance from any Superior, but what his own Virtue purchased, to raise himself to the full state and power of the greatest Emperor, and to govern as great, or a greater part of the World, than ever Cesar did, and after having enjoyed that Empire above eighteen years in the highest glory, to give it over, and divest himself of it, merely for the ease and pleasure of retirement to his private House and Garden, and to die in that repose after he had enjoyed it some years; must we believe such a Man to have no advantages by nature, above all other men of the same time? When Marmurius, or Vecturius (for he went by both names) one of the thirty Tyrants, from a common Blacksmith who made arms (for the man who killed him having bin before his servant, and wrought under him, told him, Hic est gladius quem ipse fecisti) raised him self, not by a suddain mutiny and insurrection, but by passing all the degrees of a Soldier, during many years in a regular and disciplin'd Army, to be Emperor by a common voice and election, as a Man the fittest for the Command; is it possible for us to believe, that this Man received no other talent from Nature, than she afforded to every other Blacksmith. Besides many particular Examples of this kind in every particular Kingdom, in most of which the visible advantages of Friends, Patrons, and other accidental Concurrences have not at all contributed to the preferment of them before other men, the World hath yielded us an example near our own time (for it is little more than two hundred years since) of such a prodigious progress and success in the power of one Man, that there is nothing of Story ancient or modern that is parallel to it, The great Tamberlane, who (tho not so mean a Person in his original, as he is vulgarly conceived to have bin) was born a poor Prince over a contemn'd and barbarous Country and People, whose manners he first cultivated by his own native justice and goodness, and by the strength of his own Genius, improved his own Faculties and Understanding to a marvellous Lustre and Perfection, towards which neither his Climate nor his conversation could contribute. Upon this stock he rais'd and led an Army of his Subjects, into the better Dominions of their Neighbors who contemned them. With these he fought, and won many Battels, subdued and conquer'd many Kingdoms; and after

the total defeat of the greatest Army that was then in the World, he took the greatest Emperor of the World Prisoner, and for the contempt that he had shew'd towards him, treated him as his vilest Slave. And it hath bin as notorious, that after the death of these, and the like such extraordinary Persons, the Forces by which they wrought those wonders, and the Counsellors and Officers whose administration co-operated with them, suddainly degenerated; and as if the Soul were departed from the Body, became a Carcass without any use or beauty. And can we believe, that those stupendous men had no talent by nature above others? And are we bound to believe, (pag. 77.) that by the Law of Nature every man is bound to acknowledg other for his equal by nature?

But where are those Maxims to be found which Mr Hobbes declares, and publishes to be the Laws of Nature, in any other Author before him? That is only properly call'd the Law of Nature, that is dictated to the whole Species: as, to defend a mans self from violence, and to repel force by force; not all that results upon prudential motives unto the mind of such as have bin cultivated by Learning and Education, which no doubt can compile such a Body of Laws, as would make all other useless, except such as should provide for the execution of, and obedience to those. For under what other notion can that reasonable Conclusion, which is a necessary part of the Law of Nations, be call'd the Law of Nature, which is his fifteenth Law, (pag. 78.) That all men that mediate Peace be allowed safe conduct? And of this kind much of the Body of his Law of Nature is compil'd; which I should not dislike, the Style being in some sense not improper, but that I observe that from some of these Conclusions which he pronounces to be (pag. 79.) immutable and eternal as the Laws of Nature, he makes deductions and inferences to controul Opinions he dislikes, and to obtain Concessions which are not right, by amuzing men with his method, and confounding rather then informing their understandings, by a chime of words in definitions and pleasant instances, which seem not easie to be contradicted, and yet infer much more then upon a review can be deduc'd from them. And it is an unanswerable evidence of the irresistible force and strength of Truth and Reason, that whil'st men are making war against it with all their power and stratagems, somewhat doth still start up out of the dictates and confessions of the Adversary that determines the Controversie, and vindicates the Truth from the malice that would oppress it. How should it else come to pass, that Mr Hobbes, whil'st he is demolishing the whole frame of Nature for want of order to support it, and makes it unavoidably necessary for every man to cut his neighbors throat, to kill him who is weaker then himself, and to circumvent, and by any fraud destroy him who is stronger, in all which there is no injustice, because Nature hath not otherwise provided for every particular mans security; I say, how comes it to pass, that at the same time when he is possessed of this frenzy, he would in the same, and the next Chapter, set down such a Body of Laws prescribed by Nature it self, as are immutable and eternal? that there appears, by his own shewing, a full remedy against all that confusion, for avoiding whereof he hath devis'd all that unnatural and impossible Contract and Covenant? If the Law of the Gospel, Whatsoever you require that others should do to you, that do ye to them, be the Law of all men, as he saies it is (pag. 65.) that is, the Law of Nature, *Naturâ, îd est jure gentium*, saies Tully, it being nothing else but *quod naturalis ratio inter omnes homines constituit*; If it be the Law of Nature that every man strive to accommodate himself to the rest, as he saies it is (pag. 76.) and that no man by deed: word,

countenance or gestures, declare hatred or contempt of another; If all men are bound by the Law of Nature, (pag. 78.) That they that are at controversie, submit their right to the judgment of an arbitrator, as he saies they are: If Nature hath thus providently provided for the Peace and Tranquillity of her Children, by Laws immutable & eternal, that are written in their hearts: how come they to fall into that condition of war, as to be every one against every one, and to be without any other cardinal Virtues, but of force and fraud? It is a wonderful thing, that a man should be so sharp-sighted, as to discern mankind so well inclosed and fortified by the wisdom of Nature, and so blind as to think him in a more secure estate by his transferring of right to another man, which yet he confesses is impossible intirely to transfer; and by Covenants and Contracts of his own devising, and which he acknowledges to be void in part, and in other parts impossible to be perform'd.

But I say, if in truth Nature hath dictated all those excellent Conclusions to every man, without which they cannot be called the Laws of Nature; and if it hath farther instituted all those Duties which are contain'd in the Second Table, all which he saies were the Laws of Nature: I know not what temptation or authority he could have, to pronounce mankind to be left by Nature in that distracted condition of war, except he prefer the authority of Ovids Metamorphosis, of the sowing of Cadmus's teeth, before any other Scripture, Divine or Humane. And it is as strange, that by his Covenants and Contracts which he is so wary in wording (as if he were the Secertary of Nature) that they may bind that man fast enough whom he pleases to assign to those Bonds; and as if he were the Plenipotentiary of Nature too, to bind and to loose all he thinks fit: he hath so ill provided for the Peace he would establish, that he hath left a door open for all the Confusion he would avoid, when, notwithstanding that he hath made them divest themselves of the liberty they have by Nature, and transfer all this into the hands of a single Person, who thereby is so absolute Sovereign, that he may take their Lives and their Estates from them without any act of Injustice, yet after all this transferring and divesting, every man reserves a right (as inalienable) to defend his own life, even against the sentence of Justice. What greater contradiction can there be to the Peace, which he would establish upon those unreasonable conditions, then this Liberty, which he saies can never be abandoned, and which yet may dissolve that peace every day? and yet he saies, (pag. 70.) This is granted to be true by all men, in that they lead Criminals to execution and prison with armed men, notwithstanding such Criminals have consented to the Law by which they are condemned. Which indeed is an argument, that men had rather escape then be hanged; but no more an argument that they have a right to rescue themselves, then the fashion of wearing Swords is an argument that men are afraid of having their throats cut by the malice of their neighbors: both which are arguments no man would urge to men, whose understandings he did not much undervalue. But upon many of these Particulars there is a more proper occasion hereafter for enlargement. And so we pass through his prospect of the Laws of Nature, and many other Definitions and Descriptions, with liberty to take review of them upon occasion, that we may make hast to his Second Part, for, which he thinks he hath made a good preparation to impose upon us in this First; and he will often tell us when he should prove what he affirms, that he hath evinc'd that Point, and made it evident in such a Chapter in his First part, where in truth he hath said very much, and proved very little, I shall only

conclude this, with an observation which the place seems to require, of the defect in Mr Hobbes's Logic, which is a great presumption, that from very true Propositions he deduces very erroneous and absurd Conclusions. That no man hath power to transfer the right over his own life to the disposal of another man, is a very true Proposition, from whence he infers, that he hath reserved the power and disposal of it to himself, and therefore that he may defend it by force even against the judgment of Law and Justice; whereas the natural consequence of that Proposition is, That therefore such transferring and covenanting (being void) cannot provide for the peace and security of a Commonwealth. Without doubt, no man is Dominus vitae Suae, and therefore cannot give that to another, which he hath not in himself. God only hath reserv'd that absolute Dominion and Power of life and death to Himself, and by his putting the Sword into the hand of the Supreme Magistrate, hath qualified and enabled him to execute that Justice which is necessary for the peace and preservation of his People, which may seem in a manner to be provided for by Mr Hobbes Law of Nature, if what he saies be true, (pag. 68.) That right to the end containeth right to the means. And this sole Proposition, that men cannot dispose of their own lives, hath bin alwaies held as a manifest and undeniable Argument, that Sovereigns never had, nor can have their Power from the People.

Second Part.

The Survey of Chapters 17, 18.

Mr Hobbes having taken upon him to imitate God, and created Man after his own likeness, given him all the passions and affections which he finds in himself, and no other, he prescribes him to judg of all things and words, according to the definitions he sets down, with the Authority of a Creator. After he hath delighted himself in a commendable method, and very witty and pleasant description of the nature and humor of the World, as far as he is acquainted with it, (upon many particulars whereof, which he calls Definitions, there will be frequent occasion of reflexions in this discourse, without breaking the thred of it by entring upon impertinent exceptions to matters positively averred without any apparent reason, when it is no great matter whether they be true or no.) He comes at last to institute such a Common-wealth as never was in nature, or ever heard of from the beginning of the World till this structure of his, and like a bountifull Creator, gives the Man he hath made, the Sovereign command and Government of it, with such an extent of power and authority, as the Great Turk hath not yet appear'd to affect. In which it is probable he hath follow'd his first method, and for the Man after his own likeness hath created a Government, that he would him self like to be trusted with, having determined Liberty, and Propriety, and Religion to be only emty words, and to have no other existence then in the Will and Breast of this Sovereign Governor; and all this in order to make his People happy, and to enjoy the blessing of Peace. And yet with all this, his Governor would quickly find his power little enough, that is, of little continuance, if his Government be founded upon no other security then is provided in his institution: and the justice he assign's will be as weak a support to his Governor, as he supposes a Covenant would be to the peoples benefit; the imagination whereof he conceives to be so ridiculous, that it can only proceed from want of understanding, that Covenants being but

words and breath, have no force to oblige, contain, constrain, or protect any man, but what they have from the Public Sword, that is from the untied hands of his Sovereign Man: as if Justice, which is the support of his Governor when he breaks and violates all the Elements of Justice, because all men are in justice bound to observe contracts, were more then a word, or a more valiant word and stronger breath to constrain, and protect any man, when that Sword is wrested from his Sovereign Man, or his hand is bound by the many hands which should be govern'd by him. But the People need not be offended with him, for giving so extravagant a power to a Person they never intended should have such an Empire over them: if they will have patience till he hath finished his Scheme of Sovereignty, he will infeeble it again for them to that degree, that no ambitious man would take it up, if he could have it for asking. But to prosecute the argument in his own order.

As he hath made a worse Man by much, by making him too like himself; so he hath made a much worse Common-wealth then ever was yet known in the World, by making it such as he would have: and nothing can be more wonderful, then that a man of Mr Hobbes his Sagacity, should raise so many conclusions of a very pernicious influence upon the Peace and Government of every Kingdom and Common-wealth in Europe, upon a mere supposition and figment of a Commonwealth instituted by himself, and without any example. He will not find any one Government in the world, of what kind soever, so instituted, as he dogmatically declares all Government to be; nor was mankind in any nation since the Creation upon such a level, as to institute their Government by such an assembly and election, and covenant, and consent, as he very unwarrantably more then supposes. And it was an undertaking of the more impertinence, since by his own rule, (pag. 95.) where there is already erected a sovereign Power, which was then, and still is in every Kingdom and State in Europe, and for ought we know in the whole world, there can be no other representative of the same People, but only to certain particular ends limited by the Sovereign. So that he could have no other design, but to shake what was erected, and the Government was not at that time in any suspence but in his own Country, by the effect of an odious and detestable Rebellion; which yet could not prevail with an effective Army of above one hundred thousand men, with which the Usurper had subdued three Nations, to submit to the Usurper in such a new model, and to transfer their right by such Covenants, as he conceives mankind to be even oblig'd to do by the Law's of Nature; and to induce them to do which, I do heartily wish that Mr Hobbes could truly vindicate himself from designing, when he published his Leviathan; upon which disquisition we cannot avoid enlarging hereafter upon further provocation.

It had bin kindly don of Mr Hobbes, if according to his laudable custom of illustrating his definitions by instances, as he often doth with great pregnancy, he had to this his positive determination added one instance of a Government so instituted. There is no doubt there are in all Governments many things don by, and with the consent of the People; nay all Government so much depends upon the consent of the People, that without their consent and submission it must be dissolved, since where no body will obey, there can be no command, nor can one man compel a million to do what they have no mind to do: but that any Government was originally instituted by an assembly of men equally free, and that they ever elected the Person who should have the Sovereign power over them, is yet to be proved; and till it be proved, must not be supposed, to raise new doctrines, upon which shake all Government. How Sovereign power was originally

instituted, and how it came to condescend to put restraints upon it self, and even to strip it self of some parts of its Sovereignty for its own benefit and advantage, and how far it is bound to observe the contracts and covenants it hath submitted to, I shall deliver my opinion before this Discourse is finish'd, and shall refer the approbation of it to Mr Hobbes, supposing he will never think all the reason in the world to be strong enough to prove, that what all men see is, cannot be. But by the way, he had dealt more like the Magistrate he affects to be, if he had founded his Government upon his own imperious averment, and left every man to question it that dares; then to take notice, and foresee an objection which he saies is the strongest he can make, and make no better an answer to it, then to answer one question with an other. He sees men will ask (and it is not possible they can avoid it) Where, and When such power hath by subjects bin acknowledg'd? which he would have us believe is substantially answered by his other question, When, or Where has there bin a Kingdom long free from Sedition and Civil War? which might receive a very full answer, by assigning many Governments under which the Subjects have enjoyed very long Peace, Quiet, and Plenty, which never was, nor ever can be enjoied one hour under his (as shall be proved when we examine it.) But it will serve his turn, if it hath once bin disquieted by a Sedition or Civil War; and so all Government that is known and established, must be laid aside and overthrown, to erect an other that he supposes will cure all defects. If Mr Hobbes had thought fit to write problematically, and to have examin'd, as many have don, the nature of Government, and the nature of Mankind that is to be govern'd, and from the consideration of both, had modestly proposed such a form, as to his judgment might better provide for the security, peace, and happiness of a People, (which is the end of Government,) then any form that is yet practic'd and submitted to; he might well have answered one objection of an inconvenience in his new form, with an other of a greater inconvenience in all other forms. But when he will introduce a Government of his own devising, as founded and instituted already, and that not as somewhat new, but submitted to by the Covenants, and Obligations, and Election our selves have made, and so that we are bound by the rules of Justice founded upon our own consent, to pretend neither to liberty, or property, other then our Governor thinks fit to indulge to us; he must be contented not to be beleived, or must vouchsafe to tell us when, and where that consent of ours was given, and we submitted to those obligations: and it will be no kind of answer or satisfaction, to say magisterially, that if it be not so, it should be so for our good, which we cleerly find will turn to our irreparable damage and destruction. And it is a very confident thing, that he should hope to support his Sovereign right in so unlimited an extent upon the Law of Nature, because (p. 176.) that forbids the violation of faith, without being pressed to tell us, when, and where that faith was given, that is so obligatory, and the violation whereof must be so penal. But it is more prodigiously bold, to confess upon the matter, that there hath not hitherto bin any Common-wealth, where those rights have bin acknowledged, or challeng'd, and to undervalue the argument, by making it as ridiculous, as if the Savage People of America should deny there were any grounds or principles of reason so to build, as their Architecture is not yet arrived at: So he thinks, that tho his Savage Country-men, and Neighbors, have yet only bin accustomed to Governments imperfect, & apt to relapse into disorders, he hath found out principles by industrious meditation, to make their constitution

everlasting. And truly he hath some reason to be confident of his Principles, if tho they cannot be proved by reason, he be sure they are Principles from authority of Scripture, as he professes them to be, and which must be examin'd in its course. In the mean time he may be thought to be too indulgent to his Sovereign Governor, and very neer to contradict himself, that after he hath made the keeping and observation of promises to be a part of the Law of Nature, which is unalterable and eternal, and so the ground and foundation of that obedience which the Subject must render, how tyrannically soever exacted, yet all Covenants entred into by the Sovereign to be void; and that to imagine that he is or can be bound to perform any promise or covenant, proceeds only from want of understanding. And it would be worth his pains to consider, whether the assigning such a power to his Governor, or the absolving him from all Covenants and promises, be a rational way to establish such a Peace as is the end of Government: and since he confesses the justest Government may be overthrown by force, it ought prudently to be considered, what is like to prevent that force, as well as what the subject is bound to consent to; and whether people may not be very naturally dispos'd to use that force against him that declares himself to be absolv'd from all Oaths, Covenants, and Promises, and whether any obligation of reason or justice can establish the Government in him, who founds it upon so unrighteous a determination.

If Mr Hobbes did not affect to be of the humor of those unreasonable Gamesters, which he saies (Pag. 19.) is intolerable in the society of men, who will after trump is turned, use for trump, upon every occasion, that suit whereof they have most in their hand, whom he likens to those men who clamor and demand right reason for Judg, yet seek no more, but that things should be determined by no other mens reason then their own; I say, if Mr Hobbes were not possessed by this supercilious spirit which he condemns, since this his institution of Sovereignty is a mere imagination, he might with as much reason, if he would have bin pleased to have called it so, because it would have carried with it more equality and consequently more security, have supposed a Covenant to be on the Sovereigns part: which that he may not do, he will not admit that they who are his Subjects make any Covenant with their Sovereign to obey him; which if he did, he could as well covenant again with them to govern righteously, without making them the Judges of his justice, or himself liable to their controul and jurisdiction. So that the Sovereign hath no security for the obedience of his People, but the promise they have made to each other. and consequently if they rebell against him, he cannot complain of any injustice don to him, because they have broke no promise they made to him. And truly, by his own Logic, they may release to one another when they think it convenient: whereas if the promises be mutual, I do not say conditional, the Sovereign must not be at the mercy of his Subjects; but as they put themselves under his power, so he promises them not to use that power wantonly or tyrannically (which will be a proper and significant word against all his interpretation;) by which they have as much obligation upon him to be just, as he hath upon them to be obedient, which is no other, then that they swarve from justice, if they withdraw their obedience from him. This had bin a more natural and equitable institution, and more like to have lasted, having in it the true essential form of contracts, in which it will never be found that one party covenants, and the other not; which is the reason Mr Hobbes himself gives, why no Covenant can be made with God, and that (Pag. 89.) the pretence of Covenant with God, is so evident

a lye, even in the pretenders own consciences, that it is not only an act of an unjust, but also of a vile and unmanly disposition, which assertion is destructive of our Religion, and against the express sense of Scripture.

The impossibility alledg'd for such a Covenant, because it could not be don before he was Sovereign, for that the Subjects who submit to him were not yet one person, and after he is Sovereign what he doth is void, is but a fancy of words which have no solid signification. Nor is the instance which he gives of the popular Government, by which he would make the imagination of such a Covenant ridiculous, of any importance; for he saies (Pag. 90.) No man is so dull as to say, that the People of Rome made a Covenant with the Romans to hold the Sovereignty on such or such conditions, which not perform'd the romans might lawfully depose the Roman People; which is, according to his usual practice, to put an objection into the mouth of a foolish adversary to make his Readers merry. And yet he laies so much weight upon it, that he saies it is only over inclination to a popular Government, that men do not see that there is the same reason with reference to Monarchy. And so there is, and the reason good to either. For doth not every man know, that knows any thing of the Government of Rome, that when the Sovereignty was intirely vested in the Senate, and had long bin so, the People of Rome made a great alteration in the Sovereignty by making Tribunes (by which Machiavel saies their Government was the more firm and secure) and afterwards by introducing other Magistrates into the Sovereignty? Nor were the Admissions and Covenants the Senate made in those cases ever declared void, but observed with all punctuallity: which is argument enough, that the Sovereign power may admit limitations without any danger to it self or the People, which is all that is contended for.

As there never was any such Person (Pag. 88.) of whose acts a great multitude by mutual Covenant one with an other have made themselves every one the author, to the end he may use the strength and means of them all, as he shall think expedient for their Peace, and common defence, which is the definition he gives of his Common-wealth; So if it can be supposed, that any Nation can concur in such a designation, and devesting themselves of all their right and liberty, it could only be in reason obligatory to the present contractors, nor do's it appear to us, that their posterity must be bound by so unthrifty a concession of their Parents. For tho Adam by his Rebellion against God forfeited all the privileges which his unborn posterity might have clamed if he had preserved his innocence, and tho Parents may alienate their Estates from their Children, and thereby leave them Beggars; yet we have not the draught of any Contract, nor is that which Mr Hobbes hath put himself to the trouble to prepare, valid enough to that purpose, by which they have left impositions and penalties upon the Persons of their posterity: nor is it probable that they would think themselves bound to submit thereunto. And then the Sovereign would neither find himself the more powerful, or the more secure, for his contractors having covenanted one with an other, and made themselves every one the author of all his actions: and it is to be doubted, that the People would rather look upon him as the Visier Basha instituted by their Fathers, then as Gods Lieutenant appointed to govern them under him.

It is to no purpose to examine the Prerogatives he grants to his Sovereign, because he founds them all upon a supposition of a contract and covenant that never was in nature, nor ever can reasonably be supposed to be; yet he confesses it to be the

generation (Pag. 87.) of the great Leviathan, and which falling to the ground all his Prerogatives must likewise fall too; and so much to the damage of the Sovereign power, (to which most of the Prerogatives are due) that men will be apt to suppose, that they proceed from a ground which is not true, and so be the more inclined to dispute them. Whereas those Prerogatives are indeed vested in the Sovereign by his being Sovereign, but he do's not become Sovereign by vertue of such a contract and covenant, but are of the essence of his Sovereignty, founded upon a better title then such an accidental convention, and their designing a Sovereign by their Covenants with one another, and none with or to him, who is so absolutely to command them. And here he supposes again, that whatsoever a Sovereign is possessed of, is of his Sovereignty; and therefore he will by no means admit, that he shall part with any of his power which he calls essential and inseparable rights, and that whatever grant he makes of such power, the same is void: and he do's believe that this Sovereign right was at the time when he published his Book so well understood (that is Cromwel liked his Doctrine so well) that it would be generally acknowledged in England at the next return of peace. yet he sees himself deceived: it hath pleased God to restore a blessed and a general peace, and neither King nor People believe his Doctrine to be true, or consistent with peace. How, and why the most absolute Sovereigns may, as they find occasion, part with, and deprive themselves of many branches of their power, will be more at large discovered in another place: yet we may observe in this the very complaisant humor of Mr Hobbes, and how great a Courtier he desir'd to appear to the Sovereign power that then govern'd, by how odious and horrible a usurpation soever, in that he found a way to excuse and justify what they had already don in the lessening and diminution of their own Sovereign power, which it concern'd them to have believ'd was very lawfully and securely don. For, they having, as the most popular and obliging act they could perform, taken away Wardships and Tenures, he confesses after his enumeration of twelve Prerogatives, which he saies (Pag. 92.) are the rights which make the essence of Sovereignty, for these, he saies, are incommunicable, and inseparable, I say, he confesses, the Power to coin mony, to dispose of the estates and persons of infant heirs, and all other statute prerogatives may be transferred by the Sovereign; whereas he might have bin informed, if he had bin so modest as to think he had need of any information, that those are no Statute Prerogatives, but as inherent and inseparable from the Crown, as many of those which he declares to be of the Essence of the Sovereignty. But both those were already entred upon, and he was to support all their actions which were past, as well as to provide for their future proceedings.

If Mr Hobbes had known any thing of the constitution of the Monarchy of England, supported by as firm principles of Government as any Monarchy in Europe, and which enjoied a series of as long prosperity, he could never have thought that the late troubles there proceeded from an opinion receiv'd of the greatest part of England, that the Power was divided between the King, and the Lords, and the House of Commons, which was an opinion never heard of in England till the Rebellion was begun, and against which all the Laws of England were most cleer, and known to be most positive. But as he cannot but acknowledg, that his own Sovereignty is obnoxious to the Lusts, and other irregular passions of the People; so the late execrable Rebellion proceeded not from the defect of the Laws, nor from the defect of the just and ample power of the King, but from the power ill men

rebelliously possessed themselves of, by which they suppressed the strength of the Laws, and wrested the power out of the hands of the King: against which violence his Sovereign is no otherwise secure, then by declaring that his Subjects proceed unjustly; of which no body doubts but that all they who took up arms against the King, were guilty in the highest degree. And there is too much cause to fear, that the unhappy publication of this doctrine against the Liberty and propriety of the Subject (which others had the honor to declare before Mr Hobbes, tho they had not the good fortune to escape punishment as he hath don, I mean Dr Manwaring, and Dr Sibthorpe) contributed too much thereunto. For let him take what pains he will to render those precious words unvaluable, and of no signification; a better Philosopher then he, and one who understood the rules of Government better, having lived under just such a Sovereign as Mr Hobbes would set up (I mean Seneca,) will be believed before him, who pronounces, *Errat siquis existimat tutum esse ibi Regem, ubi nihil a Rege tutum est; Securitas securitate mutua paciscenda est.* And he go's very far himself towards the confessing this truth, when he is forced to acknowledg, (Pag. 96.) That the riches, Power, and honor of a Monarch, arise only from the riches, strength and reputation of his subjects; for no King can be rich, nor glorious, nor secure, whose subjects are either Poor or contemptible: which assertion will never be supported, by saying, that that condition shall be made good, and preserv'd to them by the justice and bounty of the Sovereign. For riches, and strength, and reputation are not aery words, without a real and substantial signification, nor do consist so much in the present enjoying, especially if it shall depend upon the casual pleasure of any man, as in the security for the future, that being a mans properly, that cannot be taken from him, but in that manner, and by those Rules, as are generally looked upon as the fundamentals of Government. And when he is transported by his passion and his appetite, and for making good his institution, to cancel and tread under foot all those known obligations, and make the precious terms of Property and Liberty absurd and insignificant words, to be blown away by the least breath of his monstrous Sovereign, without any violation of justice, or doing injury to those he afflicts; I say, when he is thus warmed by the flame of his passions, which he confesses (Pag. 96.) alwaies dazzles, newer enlightens the understanding, he is so puzzled by his own notions, that he makes himself a way out by distinctions of his own modelling and devising: and so he is compell'd to acknowledg, that tho his illimited Sovereign, whatsoever he doth, can do no injury to his subjects, nor be by any of them accused of injustice, yet that he (p. 90.) may commit iniquity, tho not injustice or injury in the Proper signification, which is far more unintelligible then the Beatifical vision, for the obscurity and absurdity whereof he is so merry with the Schole-men.

As Mr Hobbes his extraordinary and notorious ignorance in the Laws and constitution of the Government of England makes him a very incompetent Judg or informer of the cause or original of the late woful calamities in England, of which he knows no more then every other man of Malmesbury doth, and upon which there will be other occasion hereafter to enlarge; so his high arrogance and presumption that he doth understand them, makes him triumph in the observation, and wonder that so manifest a truth should of late be so little observed, That in a Monarchy, he that had the Sovereignty from a descent of six hundred years, was alone called Sovereign, had the title of Majesty from every one of his Subjects, and was unquestionably taken by them for their King,

was notwithstanding never considered as their Representative, that name without contradiction, passing for the title of those men, which at his command were sent up by the People to carry their Petitions, and give him, if he permitted it, their advice; which he saies (Pag. 95.) may serve as an admonition for those that are the true and absolute Representative of a People (which he hath made his Sovereign to be) to take heed how they admit of any other general Representative upon any occasion whatsoever: all which is so unskilful and illiterate a suggestion, as could not fall into the conception of any man who is moderately versed in the principles of Sovereignty. And if Mr Hobbes did not make war against all modesty, he would rather have concluded, that the title of the Representative of the People was not to be affected by the King, then that for want of understanding his Majesty should neglect to assume it, or that his faithful Counsel, and his Learned Judges, who cannot be supposed to be ignorant of the Regalities of the Crown, should fail to put him in mind of so advantageous a Plea, when his fundamental rights were so foully assaulted, and in danger. But tho the King knew too well the original of his own power, to be contented to be thought the Representative of the People, yet if Mr Hobbes were not strangely unconversant with the transactions of those times, he would have known, which few men do not know, that the King frequently, and upon all occasions reprehended the two Houses, both for assuming the Style and appellation of Parliament, which they were not, but in, and by his Majesties conjunction with them, and for calling themselves the Representative of the People, which they neither were, or could be to any other purpose then to present their Petitions, and humbly to offer their advice, when and in what his Majesty required it; and this was as generally understood by men of all conditions in England, as it was that Rebellion was Treason. But they who were able by false pretences, and under false protestations to raise an Army, found it no difficult matter to perswade that Army, and those who concurred with them, that they were not in rebellion.

The Survey of Chapter 19.

I shall heartily concur with Mr Hobbes in the preference of Monarchy before all other kind of Government for the happiness of the people, which is the end of Government: and surely the people never enjoyed (saving the delight they have in the word Equality, which in truth signifies nothing but keeping on their hats) Liberty or Property, or received the benefit of speedy and impartial Justice, but under a Monarch; but I must then advise that Monarch for his greatness and security, never so far to lessen himself as to be considered as the peoples Representative, which would make him a much less man then he is. His Majesty is inherent in his office, and neither one or other is conferred upon him by the people. Let those who are indeed the Deputies of the people, in those occasions upon which the Law allow's them to make Deputies, be called their Representatives which term can have no other legitimate interpretation then the Law gives it, which must have more authority then any Dictionary that is, or shall be made by Mr Hobbes, whose animadversion or admonition will never prevail with any Prince to change his Sovereign Title, for Representative of the people; and much the less for the pains which he hath taken (pag. 95.) to instruct men in the nature of that Office, and how he comes to be their Representative.

I cannot leave this Chapter without observing Mr Hobbes his very officious care that Cromwell should not fall from his

greatness, and that his Country should remain still captive under the Tyranny of his vile Posterity, by his so solemn Declarations, that he who is in possession of the Sovereignty, tho by Election (Pag. 98.) is obliged by the Law of nature to provide, by establishing his Successor to keep those that had trusted him with the government, from relapsing into the miserable condition of Civil war; and consequently he was, when elected, a Sovereign absolute. And then he declares positively, contrary to the opinion of all the World, that (Pag. 100.) by the institution of Monarchy, the disposing of the Successor is alwaies left to the judgment and the will of the present possessor; and that if he declares expresly that such a man shall be his heir either by word or writing, then is that man immediately after the decease of his predecessor invested in the right of being Monarch. Mr Hobbes was too modest a man to hope that his Leviathan would have power to perswade those of Poland to change their form of Government; and what Denmark hath gotten by having don it since, cannot in so short a time be determin'd; or that the Emperor would dissolve and cancel the Golden Bull, and invest his Posterity in the Empire in spite of the Electors; or that the Papacy should be made Hereditary, since Cesar Borgia was so long since dead, and he had carried that spirit with him: and therefore I must appeal to all dispassion'd men what Mr Hobbes could have in his purpose in the year One thousand six hundred fifty one, when this Book was printed, but by this new Doctrine scarcely heard of it till then, to induce Cromwell to break all the Laws of his Country, and to perpetuate their slavery under his Progeny, in which he follow'd his advice to the utmost of his power, tho his Doctrine proved false and most detested. And tho Mr Hobbes by his presence of mind, and velocity of thought, which had inabled him to forsee the purpose of rebelling, and taking the King Prisoner, and delivering him up, from that question proposed to him, concerning the value of a Roman penny, might at that time discern so little possibility of his own Sovereign's recovery, that it might appear to him a kind of absurdity to wish it; yet methinks his own natural fear of danger, which made him fly out of france, as soon as his Leviathan was publish'd and brought into that Kingdom, should have terrified him from invading the right of all Hereditary Monarchies in the World, by declaring, that by the Law of Nature which is immutable, it is in the power of the present Sovereign to dispose of the succession, and to appoint who shall succeed him in the Government; and that the word Heir doth not of it self imply the Children or neerest Kindred of a man, but whom soever a man shall any way declare he would have succeed him; contrary to the known right and establishment throught the World, and which would shake if not dissolve the Peace of all Kingdoms. Nor is there any danger of the dissolution of a Common-wealth by the not nominating a Successor; since it is a known maxime in all Hereditary Monarchies, That the King never dies, because in the minute of the expiration of the present, his Heir succeeds him, and is in the instant invested in all the dignities, and preheminences of which the other had bin possessed: and if there were no other error or false doctrine in the Leviathan (as there are very many of a very pernicious nature) that would be cause enough to suppress it in all Kingdoms.

The Survey of Chapter 20.

It is modestly don of Mr Hobbes at last, after so many Magisterial determinations of the institution of Sovereignty, and

the rights and authority of it, and what is not it, to confess that all these Discourses (pag. 105.) are only what he finds by speculation, and deduction of Sovereign Rights from the nature, need, and designs of men in erecting of Commonwealths, and putting themselves under Monarchs, &c. and therefore if he finds that all his speculation is positively contradicted by constant and uncontroverted practice, he will believe that his speculation is not, nor ought to be of authority enough to introduce new Laws and Rules of Government into the World. And it is high time for the Sovereign Power to declare, That it doth not approve those Doctrines, which may lessen the affections and tenderness of Princes towards their Subjects, and even their reverence to God himself, if they thought that they could change Religion, and suppress the Scripture it self; and that their power over their Subjects is so absolute, that they give them all that they do not take from them; and that Property is but a word of no signification, and lessens the duty and obedience of Subjects, and makes them less love the constitution of the Government they live under; which may prove so destructive to them, if they have temptation from their passions or their appetite to exercise the Authority they justly have. It is fit therefore that all men know, that these are only his speculations, and not the clame of Sovereign Power.

It had bin to be wished, that Mr Hobbes had first taken the pains to have inform'd himself of the power and authority exercised by Elective Princes over their Subjects, and their submission rendred to them by their subjects, before he had so positively determin'd, that Elective Kings are not Sovereigns, at least that he had given a better reason for his assertion. He that hath supreme authority over all, and against whom there is no Appeal, may very justly and lawfully be called a Sovereign. And if he would enquire into the authority of the Emperor, in the proper Dominion of the Empire, he would find that he hath as Sovereign a power as any Prince in Christendom clames, and yet he is Elective. And it is a more extravagant speculation to conclude, That because the Electors have the absolute power to chuse the Emperor, that the Sovereignty is in them before they chuse him, and that they may keep it to themselves if they think good, because none have a right to give that which they have no right to possess; when it is known to all the World that the Electors have a right to chuse the Emperor, and yet that till they have chosen him, the Sovereignty is not in them, nor that they can possess it themselves, and chuse whether they will give it to another; and that when they have chosen him, he is a Sovereign Prince, and superior to all those who have chosen him, by all the marks of Sovereignty which are known in practice, tho not possibly in speculation. And he knows well there is another Sovereign Prince greater then the Emperor, and almost as great as he would have his Sovereign to be in the extent of his power, who is likewise Elective, and that is the Pope, and that the Conclave cannot retain that Sovereignty to themselves, but having by their Election conferr'd it upon him, he is thereby become as absolute a Monarch as Mr Hobbes can wish. And truly, if he would rectifie his speculations, that is, his conceptions and imaginations, by examining those of other men (a fatal neglect he hath bin guilty of throughout his whole life) he could hardly have avoided the knowing, that on every Michaelmas day the whole common People of London chuse the Lord Major, and yet the Office is not in them till they do chuse him, tho his Predecessor were dead, nor can they keep it to themselves; and so they can give that which they cannot possess, which is diametrically contrary to his

speculation; which would likewise have bin controuled by all Elections of the Kingdom.

He might have saved himself much labor (since he agrees that a Sovereign by acquisition, which is somewhat we understand, hath the same full Sovereignty with his other by institution) if he had spar'd all that which is mere speculation; and I will gratifie him, not by insisting upon the Paternal Dominion, otherwise then as it must be confessed to be the original of Monarchy, because we will do the Mother no wrong, who is so meet a help in the generation. And before I proceed further upon this Argument, to which I will presently return, I must lament in this place Mr Hobbes's so positive determining a point of Justice, in which he could have no experience, and against all the practice of the Christian World, (pag. 104.) that he who hath Quarter granted him in War, hath not his life given, but deferred till farther deliberation; which Doctrine, found only as he confesses by speculation, served to confirm that Tyrannical Power in a Judgment they had given, when three great and noble Persons, who were Prisoners of War, were contrary to all form and rule condemn'd to be murder'd; which Sentence was barbarously executed, and afterwards reiterated upon others, the rather probably upon his speculative determination.

And since we are now come to that Chapter of Dominion Paternal and Despotical, in which he discourses of his Government by acquisition, which he will have by force; or by institution, which he calls by consent, and confesses, that the rights and consequences of Sovereignty are the same in both; it may not (I conceive) be unseasonable to state, and lay down that Scheme of Government, which men reasonably believe was originally instituted, and the progress and alterations which were afterwards made, and all those Covenants, Promises, and Conditions which were annexed to it, and by the observation of which it hath alwaies acquired strength and lustre, and bin as much impair'd, when endeavors have bin used to extend it beyond its bounds and just limits, and to make it more absolute, then is consistent with the Peace and Happiness of the People, which was, and is the end of its Institution. And in the first place we must deny, as we have hitherto don, Mr Hobbes his ground-work, upon which, with many ill-consequences even from thence, his foundation is supported, and that is, That War is founded in Nature, which gives the stronger a right to whatever the weaker is possessed of; so that there can be no peace, or security from oppression, till such Covenants are made, as may appoint a Sovereign to have all that power which is necessary to provide for that peace and security; and out of, and by this Institution, his Magistrate grows up to the greatness and size of his Leviathan. But we say, that Peace is founded in nature; and that when the God of nature gave his Creature, Man, the dominion over the rest of his Creation, he gave him likewise natural strength and power to govern the World with peace and order.. and how much soever he lost by his own integrity, by falling from his obedience to his Creator, and how severe a punishment soever he under-went by that his disobedience, it do's not appear that his dominion over Man-kind was in any degree lessened or abated. So that we cannot but look upon him, during his life, as the sole Monarch of the World: and that lasted so long, as we may reasonably compute, that a very considerable part of the World, that was peopled before the Flood, was peopled in his life, since it lasted uPon the point of two parts of that term: so that his Dominion was over a very numerous People. And during all that time, we have no reason to imagine that there was any such

Instrument of Government by Covenants and Contracts, as is contain'd in this Institution. And yet we do acknowledg, that he was by nature fully possessed of all that plenitudo potestatis, which doth of right belong to a Magistrate; and we may very reasonably believe, having no color to think the contrary, that his Son Seth, who was born a hundred and thirty years after him, and lived above a hundred years after he was dead, govern'd his descendants with the same absolute Dominion, which might well be continued under his Successor to the very time of the Flood: for we may very reasonably believe that Noah conversed with Seth, since it is evident they lived one hundred years together in the same Age. Nor have we the Least color to believe, that there was either Sedition or Civil War before the Flood; their rebellion against God in a universal exercise of Idolatry, which implies a general consent amongst themselves, being in the opinion of most Learned Men, the crying Sin that provoked God to drown the World.

After the Flood, we cannot but think that Noah remain'd the sole Monarch of the World during his life, according to that model with which he had bin very well acquainted for the space of five hundred years; and he lived Long enough after to see a very numerous increase of his Children and Subjects; who after his death, when the multiplication was very great, came from the East into the Land of Shinar, the pleasant vally of Shinar, where God, in the beginning, had plac'd the Father of Mankind, Adam; and Learned men are of opinion, that the great and principal end of the building of Babel, over and above the high Tower for their fame and renown to posterity, was, that they intended it for the Metropolis of an Universal Monarchy; so little doubt there was yet made of an entire subjection and obedience. Sure we are, that the Generations of Noah, when Man-kind was exceedingly increas'd, did divide the Nations in the Earth; and Mr Mead assures us, that the word which we translated divided signifies not a scattering, or any thing of confusion, but a most distinct partition. So that this great division of the Earth being perform'd in this method and order, there is no room for the imagination and dream of such an irregular and confus'd dispersion, that every man went whither he listed, and settled himself where he liked best, from whence that Institution of Government might arise which Mr Hobbes fancies. Under this Division, we of the Western World have reason to believe our selves of the posterity of Japheth, and that our Progenitors did as well know under what Government they were to live, as what portion they were to possess: and we have that blessing of Japheth, that God would enlarge him into the Tents of Shem, and that Cham should be his servant, to assure and confirm us, that the Inundation, which almost cover'd us, of the Goths and Vandals from Scythia, and other Northern Nations (whose original habitations we cannot to this day find) were not of the Children of Cham, which we might otherwise have suspected.

As Man-kind increas'd, and the age of man grew less, so that they did not live to see so great a Progeny issue out of their own loins as formerly, and their subjects growing less, their kindred also grew at so great distance, that the account of their relations was not so easily or so carefully preserv'd; hereby they who had the Sovereign Powers exercis'd less of the Paternal Affection in their Government, and look'd upon those they govern'd as their mere subjects, not as their Allies; and by degrees, according to the custom of exorbitant Power, considering only the extent of their own Jurisdiction, and what they might do, they treated those who were under them not as Subjects, but as slaves, who having no right to any thing but what they gave them, would allow them to possess nothing but what they had no

mind to have themselves. Estates they had none that they could call their own, because when their Sovereign call'd for them, they were his; their persons were at his command, when he had either occasion or appetite to use them, and their Children inherited nothing but the subjection of their Parents: so that they were happy or miserable, as he who had the power and command over them exercised that power with more or less rigor or indulgence, they submitting to both, acknowledging the dominion to be naturally absolute, and their subjection and obedience to be as natural. Kings had not long delighted themselves with this exorbitant exercise of their power (for tho the power had bin still the same, the exercise of it had bin very moderate, whilst there remain'd the tenderness or memory of any relation) but they begun to discern (according to their faculties of discerning, as their parts were better or worse) that the great strength they seem'd to be possess'd of, must in a short time end in absolute weakness, and the plenty they seem'd to enjoy, would become exceeding, that no man would build a House that his want and beggary. Children should not inherit, nor cultivate Land with good husbandry and expence, the fruit and profit whereof might be taken by another man; that whilst their subjects did not enjoy the convenience and delight of life, they could not be sure of the affection and help of them, when they should enter into a difference with one who is as absolute as themselves, but they would rather chuse to be subject to him, whose Subjects liv'd with more satisfaction under him: in a word, that whilst they engross'd all power, and all wealth into their own hands, they should find none who would defend them in the possession of it; and that there is great difference between the subjection that love and discretion paies, and that which results only from fear and force, and that despair puts an end to that duty, which nature, and it may be Conscience too, would still perswade them to pay, and to continue; and therefore that it was necessary that the subjects should find profit and comfort in obeying, as well as Kings pleasure in commanding. These wise and wholsom Reflexions prevail'd with Princes for their own benefit to restrain themselves, to make their Power less absolute, that it might be more useful; to give their Subjects a property that should not be invaded but in such cases, and with such and such circumstances, and a liberty that should not be restrain'd, but upon such terms as they could not but think reasonable. And as they found the benefit to grow from those condescensions in the improvement of Civility, and those additions of delight which makes Life and Government the more pleasant, they enlarg'd the Graces and Concessions to their Subjects, reserving all in themselves which they did not part with by their voluntary Grants and Promises. And if we take a view of the several Kingdoms of the World, we shall see another manner of beauty, glory and lustre in those Governments, where those condescensions, concessions, and contracts have bin most or best observ'd, then in those Dominions where the Sovereigns retain to themselves all the Rights and Prerogatives which are invested in them by the original nature of Government; upon which we shall enlarge hereafter.

This is the original and pedigree of Government, equally different from that which the levelling fancy of some men would reduce their Sovereign to, upon an imagination that Princes have no authority or power but what was originally given them by the People, and that it cannot be presumed that they would give them so much as might be applied to their own destruction, and from that which Mr Hobbes hath instituted, by framing formal

Instruments by which an assembly of mankind (which was never heard of, nor can be conceiv'd practicable) hath devolv'd from themselves into one Man of their own choice, an absolute Power by their own consent, to exercise it in such a manner as to his pleasure is agreeable, without the observation of the common rules of Justice or, Sobriety. whereas it cannot be imagined possible in nature, that ever such an assembly of men of equal authority in themselves, will ever agree to make one Man their Sovereign with such an absolute Jurisdiction over the rest, as must devest them of all property as well as power for the future; and whereas in truth all power was by God and Nature invested into one Man, where still as much of it remains as he hath not parted with, and shar'd with otherse for the good and benefit of those (and the mutual security of both) for whose benefit it was first intrusted to him; the rest, which is enough, remains still in him, and may be applied to the preservation of the whole, against the fancies of those who think he hath nothing but what they have given him; and likewise against those who believe that so much is given him, that he hath power to leave no body else any thing to enjoy; the last of which are no less enemies to Monarchy then the former.

I am very unwilling to enter into the lists with Mr Hobbes upon the interpretation of Scriptures, which he handles as imperiously as he doth a Text of Aristotle, putting such unnatural interpretation on the words, as hath not before fallen into the thoughts of any other man, and drawing very unnatural inferences from them; insomuch as no man can think he is really in earnest, when, to prove that the Kings word is sufficient to take any thing from any Subject when there is need, and that the King is Judge of that need, he alledges the example of our Saviour, who, he saies, as King of the Jews (p. 106) commanded his Disciples to take the Asses Colt to carry him to Jerusalem, which he saies the owner permitted, and did not as k whether his necessity was a sufficient title, nor whether he was Judg of that necessity, but did acquiesce in the will of the Lord: which is a very bold and ungrave wresting of Scripture to purposes it could not intend; since our Saviour did not profess to do one act as King of the Jews, but declar'd that his kingdom was not of this world. And at that time he told the Messengers who were sent for the Ass, that if they were asked what they meant by it, they should answer, that the Lord had need of him, upon which he knew, and he said, that they would let him go, and upon that he grounded their Commission. If the owner would not permit them to take it, the Messengers had no aurtority to have brought them to him. And his inference from, and the gloss he makes upon the question that God asked of Adame (p. 106.) Hast thou eaten? hath as little warrant from that text, as the other improper instance of our Saviour. And sure when Mr Hobbes thought fit by this example of our Saviour in this place to wrest all property from the Subject, he did not intend in any other place so far to devest him of any aurtority, that men were not bound to believe any thing he said, or to do any thing he commanded, because he had no Commission which required obedience, his Kingdom being not yet of this world. So unwary he is in the contradicting himself; as all men are, who first resolve what they are to prove, before they consider what it is that is true.

We are not obliged, nor indeed have any reason to believe, that God was offended with the Children of Israel for desiring a King, which was a Government himself had instituted over them, and to which they had bin long accustomed, and had undergon much misery, and confusion whilst there was no King in Israel; but for

their mutinous manner of asking it, and the reason they gave for it, that they might be like other nations, which God had taken all possible care that they should not be, and enjoined them to learn nothing of them. And the description, which Samuel made of the exorbitant power of Kings, which indeed the Kings of the Nations did exercise, by whose example they desir'd to be govern'd, was rather to terrify them from pursuing their foolish demand, then to constitute such a Prerogative as the King should use whom God would appoint to go in and out before them; which methinks is very manifest, in that the worst Kings that ever reign'd over them, never challeng'd, or assum'd those Prerogatives. Nor did the people conceive themselves liable to those impositions; as appears by the application they made to Rehoboam upon the death of Solomon, that he would abate some of that rigor his Father had exercised towards them; the rough rejection of which, contrary to the advice of his wisest Counsellors, cost him the greater part of his Dominions: and when Rehoboam would by Arms have reduced them to obedience, God would not suffer him, because he had bin in the fault himself.

I am willing to take an occasion in this place to wish, that no better Divines then Mr Hobbes had, from this place in Samuel, presum'd very unwarrantably to draw inferences, to lessen the Subjects reverence and obedience to Kings, and to raise a prejudice and disesteem in Kings towards their Subjects, as people whose affections and good Will are of no use to them, since they can present nothing to them that is their own, nor have any thing to give, but what they make take from them; which two very different rather then contrary conclusions, too many Divines (and some of parts) according to their several inclinations and appetites, have presumed to wrest from that place of Scripture; the one party of them, as is said before, endeavouring maliciously to render Monarchy odious and insupportable, by the unlimited affections, and humors, and pretences, and power of a single uncontrollable person; the other believing as unreasonably, that the dispositions, natures, and hearts of the people, cannot be appli'd to the necessary obedience towards their Princes, nor their reverence and duty be so well fix'd and devoted to them, as by thinking that they have nothing of their own, but whatsoever they enjoy they have only by the bounty of the King, who can take it from them when he pleases: and to this last party Mr Hobbes his speculation hath for the present disposed him to adhere, tho in any other particular opinion he doth not concur with any Divine of any Church in Christendom. For the first, whoever doth well consider the wonderful confused Government that was exercised over the Children of Israel from the death of Joshua, when the Monarchy was interrupted, under the Judges for the space of above three hundred years, the barbarous negligence in the instruction of the people in the knowledg of God, and of their duty to him, insomuch that the very next generation after the death of Joshuah had lost, or was without the whole History of what God had don for them, and of what he expected from them; so unfaithful a guide, or rembrancer is Tradition, when the Scripture it self is not to be found: I say, whoever considers likewise the quality, and talent, and humor of many of the very Judges who had bin over them, as the repeted Acts of indiscretion and folly in Sampson, which could not but make his judgment to be in the less reverence, & the strength of his arms to be more admir'd then that of his head; with the present state they were then in under the Sons of Samuel, who were no better than the Sons of Ely had bin, will not perhaps so very much blame them for desiring a

King: and tho the manner of their asking it might, as hath bin said, offend Samuel, and in some degree displease God, yet he might not be offended absolutely with the thing it self, since it was no more then God himself had in a manner prescrib'd to them, as well as foretold, without any kind of disapprobation. When thou art come into the Land which the Lord thy God giveth thee, &c, and shalt say, I will set a King over me, like as all the Nations which are about me, Thou shalt in any wise set him a King over thee, whom the Lord thy God shall chuse. Deut. 17. 14, 15, 16, 17. God was well content that they should have a King, but reserv'd the election of him to himself: he would have no transferring of rights, or covenanting for one another, he would chuse his own Representative. Nor amongst all the customes of the Nations, which he forbid them to follow, did God ever shew the least dislike of their Government by Kings, which had bin instituted originally by himself, and probably bin continued by them even from the time of the institution, however their manners were degenerated, and the knowledg of him totally forgotten. And in what degree of grace and favor that high calling hath bin ever since with him, appears by the mention of them throughout the whole current of Scripture, by the Prerogatives he hath granted to them, and by his imparting to them even his own appellation.

They who will in the next place, deduce the extent of that absolute and illimited power of Kings from that declaration by Samuel, which indeed seems to leave neither Property, or Liberty in their subjects, and could be only intended by Samuel to terrify them from that mutinous and seditious clamor, since it hath no foundation from any other part of Scripture, nor was ever practic'd or exercis'd by any good King who succeeded over them, and was blessed, and approv'd by God. And therefore when those State Empirics, of what degree or quality soever, will take upon them to prescribe a new diet and exercise to Sovereign Princes, and invite them to assume new powers and prerogatives over the people, by the Precepts, Warrants, and Prescriptions of the Scripture, they should not presume to make the sacred writ subject to their own private fancies. And if according to the more authentic method of interpreting doubtful places, they had recourse to that place, where the same matter is first handled, they would then have found, by resorting to the before mention'd place in Deuteronomy, another kind of Scheme for the power, and government of Kings. There, when God intended that they should be governed by a King whom he would himself chuse, he prescrib'd what he should not do, and what he should do. He should not multiply Horses to himself, &c. which only concern'd that people, that they might have no temtation to return to Egypt, ye shall henceforth no more return that way &c. Nor shall he multiply Wives, &c. Tho multiplying of Wives seem'd to be permitted, yet he was to have a care that the number of them did not turn his heart away. Nor should he greatly multiply unto himself Silver, and Gold &c. not so affect, and set his heart upon being rich, as to be temted to oppress his Subjects, or to injure his Neighbors; and so far the negative directed. Then for the affirmative, That he should write a coPy of the Law in a Book, &c. Deut. 17, 18, 19, 20. that it should be with him, and he should read therein all the daies of his life, that he might learn to fear the Lord his God, and to keep all the words of the Law, and these Statutes to do them; that his heart be not lifted up, and that he turn not aside from the Commandment to the right hand, or to the left; and from this Text the Rabinns concluded, that he was to write a Book of the Law for himself, and if he had none before he was King, he was obliged assoon as he was King to have two, one whereof he was

to have always with him, sive cum vadit ad praelium, sive cum sedet in judicio, aut in mensa, &c. Those were the injunctions which God prescrib'd to his King, and were observ'd by all those who were bless'd and approv'd by him; for David seems by the words of Nathan to have some particular allowance for the great number of his Wives; and his multiplying gold, and silver, was for the building of the Temple, and no private use of his own; and Solomons excessive greatness, was from the immediate bounty of God himself; but he no sooner violated those Precepts, and exceeded that moderation that was prescrib'd to him towards his Subjects, and with reference to the multiplying Wives, then his heart turn'd away from God, and God turn'd away from him.

This pleasant suggestion by which he would discountenance that importunate and impertinent demand of an example of such a Government as he would institute, that tho in all places of the world men should lay the foundation of their houses in sand, it could not thence be infer'd that so it ought to be, will never persuade men to change a Government they have bin for many hundred years happy under (tho with some vicissitudes of fortune) for an imaginary Government by his Rules of Arithmetic and Geometry, of which no Nation hath ever yet had the experiment: and if there by any Country where is a Sand of that nature, that hath supported the greatest edifices for hundreds of years, against all the storms of wind, and rage of tempests, he shall be much too nice and scrupulous a person, who will by any Rules of Architecture forbear to build his House there, because he will not lay his foundation upon Sand, which by experience is found to be of equal firmness with a Rock.

The Survey of Chapter 21.

Mr Hobbes is so great an enemy to freedom, that he will not allow Man that which God hath given him, the Freedom of his Will; but he shall not entangle me in that Argument, which he hath enough exercis'd himself in with a more equal Adversary, who I think hath bin much too hard for him at his own weapon, Reason, the Learned Bishop of Derry, who was afterwards Arch-Bishop of Armagh, and by which he hath put him into greater choler then a Philosopher ought to subject himself to, the terrible strokes whereof I am not willing to undergo, and therefore shall keep my self close to that freedom and liberty only that is due to Subjects, and of which, his business in this Chapter, is to deprive them totally.

A man would have expected from Mr Hobbes's Inventory of the several Rights and powers of his Sovereign in his eighteenth Chapter, of which one was to prescribe Rules (pag. 91.) whereby every man might know what goods he may enjoy, and what actions he might do, without being molested by any of his fellow Subjects, which he saies, Men call Propriety, that some such Rule should be established as might secure that Propriety, how little soever: but he hath now better explain'd himself, and finds, that Liberty and Property are only fences against the Invasion or force of fellow Subjects, but towards the Sovereign of no use or signification at all. No man hath a Propriety in any thing, that can restrain the King from taking it from him, and the liberty of a Subject (pag. 109.) lieth only in those things, which in regulating their actions, the SOveraign hath pretermitted, such as is the liberty to buy and sell, and otherwise contract with one another; to chuse their own abode, their own diet, their own trade of life, and to institute their children as they think fit, and the like. I wonder he did not insert the liberty to wear his

Clothes of that fashion which he likes best, which is as important as most of his other Concessions. And yet he seems to be jealous, that even this liberty should make men imagine, that the Sovereign power should be in any degree limited, or that any thing he can do to a Subject, and upon what pretence soever, may be called injustice or injury, the contrary whereof he saies he hath shewed already., for he takes it as granted, that all that he hath said he hath proved: and if he hath not, he hath don it now substantially by the example of hepthah, in causing his daughter to be sacrific'd (of which he is not sure) and by Davids killing Uriah, which he saies, tho it was against equity, yet it was not an injury to Uriah, because the right was given him by Uriah, which I dare swear Uriah never knew he had don. And by such unnatural Arguments he would perswade men to be willing to be undon; very like those which the Stoics as obstinately maintain'd, That a wise man could not be injur'd, because he was not capable nor sensible of it. But I wonder more, that he doth not discern what every other man cannot but discern, that by his so liberal taking away, he hath not left the Subject any thing to enjoy even of those narrow concessions which he hath made to him. For how can any man believe that he hath liberty to buy and sell, when the Sovereign power can presently take away what he hath sold, from him who hath bought it, and consequently no man can sell or buy to any purpose? Who can say that he can chuse his own abode, or his own trade of life, or any thing, when assoon as he hath chosen either, he shall be requir'd to go to a place where he hath no mind to go, and to do somewhat he would not chuse to do? for his person is no more at his own disposal then his goods are; so that he may as graciously retain of himself all that he hath granted.

Whether the Sovereign Power or the Liberty of the Subject receive the greater injury and prejudice by this brief state and description he makes of the no liberty, that is, the portion he leaves to the Subject, would be a great question, if he had not bin pleas'd himself to determine, that his Subject (for God forbid that any other Prince should have such a Subject) is not capable of any injury; by which the whole mischief is like to fall upon the Sovereign. And what greater mischief and ruine can threaten the greatest Prince, then that their Subjects should believe, that all the liberty they have, consists only in those things which the Sovereign hath hitherto pretermitted, that is, which he hath not yet taken from them, but when he pleases in regulating their actions to determine the contrary, they shall then have neither liberty to buy or sell, nor to contract with each other, to chuse their own abode, their own diet, their own trade of life, or to breed their own children; and to make their misery compleat, and their life as little their own as the rest, that nothing the Sovereign can do to his subject, on what pretence soever, as well in order to the taking away his Life as his Estate, can be called injustice or injury; I say, what greater insecurity can any Prince be in or under, then to depend upon such Subjects? And alas! what security to himself or them can the Sword in his hand be, if no other hand be lift up on his behalf, or the Swords in all other hands be directed against him, that he may not cut off their heads when he hath a mind to it? And it is not Mr Hobbes's authority that will make it believ'd, that he who desires more liberty, demands an exemption from all Laws, by which all other men may be masters of their lives; and that every Subject is author of every act the Sovereign doth, upon the extravagant supposition of a consent that never was given; and if it were possible to have bin given, must have bin

void at the instant it was given, by Mr Hobbes's own rules, as shall be made out in its place. He himself confesses, (pag. 295.) and saies it is evident to the meanest capacities, that mens actions are deriv'd from the opinions they have of the good and evil which from those actions redound unto themselves, and consequently men that are once possessed of an opinion that their obedience to the Sovereign power will be more hurtful to them then their disobedience, will disobey the Laws, and thereby overthrow the Common-wealth, and introduce confusion and civil War, for the avoiding whereof, all civil Government was ordained. If this be true, (as there is no reason to believe it to be) is it possible that any man can believe, that the People, for we speak not of convincing the Philosophers and the Mathematicians, but of the general affections of the People, which must dispose them to obedience, that they can be perswaded by a long train of Consequences, from the nature of man, and the end of Government, and the institution thereof by Contracts and Covenants, of which they never heard, to believe that it is best for them to continue in the same nakedness in which they were created, for fear their clothes may be stolln from them, and that they have parted with their liberty to save their lives? There is no question, but of all calamities the calamity of War is greatest, and the rage and uncharitableness of civil War most formidable of all War. Indeed forreign War seldom destroys a Nation, without domestic Combinations and Conspiracies, which makes a complication with civil War. and sure nothing can more inevitably produce that, then an universal opinion in the People, that their Sovereign can take from them all they have whenever he hath a mind to it, and their lives too, without any injustice, and consequently that their obedience to him will be more hurtful to them then their disobedience; so well hath he provided for the security of his Sovereign, if his doctrine were believ'd.

Mr Hobbes is too much conversant in both those learned Languages, to wish that the Western World were depriv'd of the Greek and Latine Tongues, for any mischief they have don; and upon my conscience, whatever errors may have bin brought into Philosophy by the authority of Aristotle, no man ever grew a Rebel by reading him; and if the greatest Monarch that hath ever bin in the World, except the Monarch of the World, had thought his Tutor Aristotle had bin so great an enemy to Monarchy (yet he knew he was born and bred in a Republic) and that his Works contribute so much to sedition, as Mr Hobbes supposes, he would not have valued his Person so much, nor read his Works with such diligence as he did. And if Mr Hobbes would take a view of the Insurrections, and the civil Wars which have at any time bin stirr'd up in the Western parts, he will not find that they have bin contriv'd or fomented by men who had spent much time in the reading Greek and Latin Authors, or that they have bin carried on upon the Maxims and Principles which they found there. Jack Straw and Wat Tyler, whose Insurrection, in respect of the numbers and the progress it made, was as dangerous as hath happened in any Age or Climate, had never read Aristotle or Cicero; and I believe, had Mr Hobbes bin of this opinion when he taught Thucydides to speak English, which Book contains more of the Science of Mutiny and Sedition, and teaches more of that Oratory that contributes thereunto, then all that Aristotle and Cicero have publish'd in all their Writings, he would not have communicated such materials to his Country-men. But if this new Philosophy, and Doctrine of Policy and Religion should be introduc'd, taught, and believ'd, where Aristotle and Cicero have don no harm, it would undermin Monarchy more in two months, then those two great men have don

since their deaths; and men would reasonably wish, that the Author of it had never bin born in the English Climate, nor bin taught to write and read.

It is a very hard matter for an Architect in State and Policy, who doth despise all Precedents, and will not observe any Rules of practice, to make such a model of Government as will be in any degree pleasant to the Governor, or governed, or secure for either; which Mr Hobbes finds; and tho he takes a liberty to raise his Model upon a supposition of a very formal Contract, that never was, or ever can be in nature, and hath the drawing and preparing his own form of Contract, is forc'd to allow such a latitude in obedience to his subject, as shakes the very pillars of his Government. And therefore, tho he be contented that by the words of his Contract, (pag. 112.) Kill me, and my fellow if you please, the absolute power of all mens lives shall be submitted to the disposal of the Governors will and pleasure, without being oblig'd to observe any rules of Justice and, Equity. yet he will not admit into his Contract the other words, (pag. 112.) I will kill my self, or my fellow, and therefore that he is not bound by the command of his Sovereign to execute any dangerous or dishonorable office; but in such cases, men are not to resort so much to the words of the submission, as to the intention: which Distinction surely may be as applicable to all that monstrous authority which he gives his Governor to take away the Lives and Estates of his Subjects, without any cause or reason, upon an imaginary Contract, which if never so real, can never be supposed to be with the intention of the Contractor in such cases. And the subtle Distinctions he finds out to excuse Subjects from yielding obedience to their Sovereigns, and the Prerogative he grants to fear, for a whole Army to run away from the Enemy without the guilt of treachery or injustice, leaves us some hope, that he will at last allow such a liberty to Subjects, that they may not in an instant be swallowed up by the prodigious power which he pleases to grant to his Sovereign. And truly, he degrades him very dis-honorably, when he obliges him to be the Hang man himself, of all those Malefactors, which by the Law are condemn'd to die; for he gives every man authority, without the violation of his duty, or swerving from the rules of Justice, absolutely to refuse to perform that office. Nor hath he provided much better for his security, then he hath for his honor, when he allows it lawful for any number of men, (pag. 112) who have rebelled against the Sovereign, or committed some capital crime, for which every one of them expects death, then to join together, and defend each other, because they do but defend their lives, which the guilty man, he saies, may do as well as the innocent. And surely, no man can legally take his life from him who may lawfully defend it; and then the murderer, or any other person guilty of a capital Crime, is more innocent, and in a better condition then the Executioner of Justice, who may be justly murdered in the just execution of his office. And it is a very childish security that he provides for his Sovereign against this Rebellion, and defence of themselves against the power of the Law, (pag. 113.) that he declares it to be lawful only for the defence of their lives, and that upon the offer of pardon for themselves, that self-defence is unlawful: as if a body that is lawfully drawn together, with strength enough to defend their lives against the power of the Law, are like to disband and lay down their Arms, without other benefit and advantage then only of the saving of their lives. But tho he be so cruel as to devest his Subjects of all that liberty, which the best and most peaceable men desire to possess, yet he liberally and bountifully

confers upon them such a liberty as no honest man can pretend to, and which is utterly inconsistent with the security of Prince and People; which unreasonable Indulgence of his, cannot but be thought to proceed from an unlawful affection to those who he saw had power enough to defend the transcendent wickedness they had committed, tho they were without an Advocate to make it lawful for them to do so, till he took that office upon him in his Leviathan, as is evident by the instance he gives in the next Paragraph, that he thinks it lawful for every man to have as many wives as he pleases, if the King will break the silence of the Law, and declare that he may do so; which is a Prerogative he vouchsafes to grant to the Sovereign, to balance that liberty he gave to the Subject to defend himself and his companion against him, and is the only power that may inable him to be too hard for the other.

If Mr Hobbes did not believe that the authority of his Name, and the pleasantness of his style, would lull men asleep from enquiring into the Logic of his Discourse, he could not but very well discern himself, that this very liberty which he allows the Subject to have, and which he doth without scruple enjoy, to sue the Sovereign, and to demand the hearing of his Cause, and that Sentence be given according to the Law, results only from that condescension and contract which the Sovereign hath made with his Subject, and which can as well secure many other Liberties to them, as their power to sue the King; for there could be no Law precedent to that resignation of themselves and all they had, at the institution of their supreme Governor. and if there had bin, it had bin void and invalid, it being not possible that any man who hath right to nothing, and from whom any thing that he hath may be taken away, can sue his Sovereign for a debt which he might take, if it were due from any other man but can by no means be due from him to whom all belongs, and who hath power to forbid any Judg to proceed upon that complaint, or any other person to presume to make that complaint, were it not for the subsequent contract which he calls a precedent Law, by which the Sovereign promises, and obliges himself to appoint Judges to exercise Justice even where himself is party, and that he will be sued before those Judges, if he doth not pay what he ow's to his Subjects. This is the Contract which gives that capacity of suing, and which by his own consent and condescension lessens his Sovereignty, that his Subjects may require Justice from him. And yet all these promises, and lessenings, he pronounces as void, and to amount to contradictions, that must dissolve the whole Sovereign power, and leave the people in confusion and war. Whereas the truth is, these condescensions, and voluntary abatements of some of that original power that was in them, have drawn a cheerful submission, and bin attended by a ready obedience to Sovereignty, from the time that Subjects have bin at so great a distance from being consider'd as Children, and that Sovereigns have bin without those natural tendernesses in the exercise of their power, and which in the rigor of it could never have bin supported. And where these obligations are best observ'd, Sovereignty flourishes with the most lustre, and security. Kings having still all the power remaining in them, that they have not themselves parted with, and releas'd to their Subjects, and their Subjects having no pretence to more liberty or power then the King hath granted and given to them: and both their happiness, and security consists in containing themselves within their own limits, that is, Kings not to affect the recovery of that exorbitant power, which their Ancestors wisely parted with, as well for their own as the peoples benefit; and

Subjects to rejoice in those liberties which have bin granted to them, and not to wish to lessen the power of the King, which is not greater then is necessary for their own preservation. And to such a wholsom division, and communication of power as this is, that place of Scripture (with which Mr Hobbes is still too bold) a Kingdom divided in it self cannot stand, cannot be appli'd.

But that this Supreme Sovereign, whom he hath invested with the whole property and liberty of all his Subjects, and so invested him in it, that he hath not power to part with any of it by promise, or donation, or release, may not be too much exalted with his own greatness, he hath humbled him sufficiently by giving his Subjects leave to withdraw their obedience from him when he hath most need of their assistance, for the (pag. 114.) obligation of Subjects to the Sovereign is understood (he saies) to last as long, and no longer, then the Power lasts to protect them. So that assoon as any Town, City, or Province of any Princes Dominions, is invaded by a Forreign Enemy, or possessed by a Rebellious Subject, that the Prince for the present cannot suppress the power of the one, or the other, the people may lawfully resort to those who are over theme and for their Protection perform all the Offices and duties of good Subjects to them, (pag. 114.) for the right men have by nature to protect themselves when none else can protect them, can by no covenant be relinquish'd, and the end of obedience is protection, which wherever a man seeth it either in his own, or in an others sword, nature applieth his obedience to it, and his endeavours to maintain it. And truly it is no wonder if they do so, and that Subjects take the first opportunity to free themselves from such a Sovereign as he hath given them, and chuse a better for themselves. Whereas the duty of Subjects is, and all good Subjects believe they owe, another kind of duty and obedience to their Sovereign, then to withdraw their subjection because he is oppress'd; and will prefer poverty, and death it self, before they will renounce their obedience to their natural Prince, or do any thing that may advance the service of his Enemies. And since Mr Hobbes gives so ill a testimony of his government (which, by the severe conditions he would oblige mankind to submit to for the support of it, ought to be firm, and not to be shaken) (pag. 114.) that it is in its own nature not only subject to violent death by forreign war, but also from the ignorance, and passion of men, that it hath in it from the very institution many seeds of natural mortality by internal discord, worse then which he cannot say of any Government, we may very reasonably prefer the Government we have, and under which we have enjoi'd much happiness, before his which we do not know, nor any body hath had experience of, and which by his own confession is liable to all the accidents of mortality which any others have bin; and reject his that promises so ill, and exercises all the action of War in Peace, and when War comes, is liable to all the misfortunes which can possibly attend or invade it.

Whether the relation of Subjects be extinguisht in all those casese which Mr Hobbes takes upon him to prescribe, as Imprisonment, Banishment, and the like, I leave to those who can instruct him better in the Law of Nationse by which they must be judged, notwithstanding all his Appeals to the Law of Nature; and I presume if a banish'd Person (p. 114.) during which, he saies, he is not subject, shall join in an action under a Forreign power against his Country, wherein he shall with others be taken prisoner, the others shall be proceeded against as Prisoners of War, when he shall be judg'd as a Traitor and Rebel, which he could not be, if he were not a Subject: and this not only in the

case of an hostile action, and open attempt, but of the most secret conspiracy that comes to be discover'd. And if this be true, we may conclude it would be very unsafe to conduct our selves by what Mr Hobbes (p. 105.) finds by speculation, and deduction of Sovereign rights from the nature, need, and designs of men. Surely this woful desertion, and defection in the cases above mention'd, which hath bin alwaies held criminal by all Law that hath bin current in any part of the World, received so much countenance and justification by Mr Hobbes his Book, and more by his conversation, that Cromwel found the submission to those principles produc'd a submission to him, and the imaginary relation between Protection and Allegiance so positively proclam'd by him, prevail'd for many years to extinguish all visible fidelity to the King, whilst he perswaded many to take the Engagement as a thing lawful, and to become Subjects to the Usurper, as to their legitimate Sovereign; of which great service he could not abstain from bragging in a Pamphlet he set forth in that time, that he alonee and his doctrine, had prevail'd with many to submit to the Government, who would otherwise have disturb'd the public Peace, that is, to renounce their fidelity to their true Sovereign, and to be faithful to the Usurper.

It appears at last, why by his institution he would have the power, and security of his Sovereign, wholly and only to depend upon the Contracts, and Covenants which the people make one with another, to transfer all their rights to a third person (who shall be Sovereign) without entring into any Covenant with the Sovereign himself, which would have devested them of that liberty to disobey him, which they have reserv'd to themselves; or receiving any Covenant from him, which might have obliged him to have kept his promise to them; by which they might have had somewhat left to them which they might have called their own, which his institution will not bear, all such promises being void. But if he be so tender hearted, as to think himself oblig'd to observe all the promises, and make good all the Grants he hath made, by which he may be disabled to provide for their safety, which is the ground that hath made all those Grants and promises to be void, he hath granted him power to remedy all this, by (p. 114.) directly renouncing, or transferring the Sovereignty to another: and that he might openly, and in plain terms renounce, or transfer it, he makes no doubt; and then he saies, if a Monarch shall relinquish the Sovereignty both for himself, and his heirs, his subjects return to the absolute liberty of nature. Because tho nature may declare who are his sons, and who are the neerest of his kin, yet it dependeth on his own will who shall be his Heir: and if he will have no Heir, There is no Sovereignty, or Subjection. This seems the hardest condition for the poor Subject that he can be liable unto, that when he hath devested himself of all the right he had, only for his Sovereigns protection, that he may be redeem'd from the state of War and confusion that nature hath left him in, and hath paid so dear for that protection, it is left still in his Sovereigns power to withdraw that protection from him, to renounce his subjection, and without his consent to transfer the Sovereignty to another, to whom he hath no mind to be subject. One might have imagin'd that this new trick of transferring, and covenanting, had bin an universal remedy, that being once applied would for ever prevent the ill condition and confusion that nature had left us in, and that such a right would have bin constituted by it, that Sovereignty would never have fail'd to the Worlds end: and that when the subject can never retract, or avoid the bargain he hath made, how ill soever he likes it, or improve it by acquiring any

better conditions in it, it shall notwithstanding be in the Sovereigns power without his consent, and it may be without his privity, in an instant to leave him without any protection, without any security, and as a prey to all who are too strong for him. This indeed is the greatest Prerogative that he hath conferr'd upon his Sovereign, when he had given him all that belongs to his Subjects, that when he is weary of Governing, he can destroy them, by leaving them to destroy one another. For Kings and Princes to resign and relinquish their Crown and Sovereignty, is no new transaction, nor it may be the better for being old. Some have left them out of Melancholy, and devotion, and when they have ceased to be Kings made themselves Monks, and repented the change of their conditions afterwards. Some out of weakness and bodily infirmities, have not bin able to sustain the fatigue that the well exercising the Government required, and therefore have desir'd to see those in the quiet possession of it, to whom it would of right belong when they were dead; and the more reasonably, if they foresaw any difficulties like to arise about their admission in those seasons; as Charles the fifth apprehended with reference to some of his dominions in Italy, if his Son Philip was not in possession of them, before his Brother ferdinando came to be Emperor. Some Princes have bin so humorous, as upon the frowardness and refractoriness of their Subjects, and because they could not govern in that manner they had a mind to do, to abdicate the Government, and would have bin glad afterwards to have resumed it. And others have bin so w anton, as to relinquish their Crown because they did not like the Climate in which their Dominions lay, and only that they might live in a better Air, and enjoy the delights and pleasures of a more happy Situation. But all these generally never attempted it, or imagin'd they could do it, without the approbation and consent of their Subjects, which was allwaies desir'd, and yielded to, with great formality. And it is very strange that in those seasons of Abdication, which supposes a suspension of Sovereignty, especially in Elective Kingdoms, for in Hereditary the immortality of the King, who never dies, may make a difference, this invention of Mr Hobbes, of transferring one anothers right, and covenanting with one another, hath never bin heard of; and tho the Sovereignty is invested by election, the people have very little share in that election.

If Mr Hobbes would have exercis'd his Talent in that spacious feild, as he might have don with more innocence, and, it may be, more success, and have undertaken by his speculation and deduction of Sovereign rights, from the nature, need, and designs of men, to prove that it is not in the just power of a Monarch to relinquish and renounce his Sovereignty, with what formality and consent soever; nor more in the authority and power of the King to abdicate and relinquish his Sovereignty over his people, then it is in the authority of the people to withdraw their submission and obedience from him; and that the practice of such renunciations, tho never very frequent, hath bin the original and introduction of that mischeivous doctrine sow'd amongst the people, of their having a co-ordinate power with the Sovereign, which will be much cherished by his new institution, since men are easily perswaded to believe, that they can mar what they can make, and may lawfully destroy what they create, that is, the work of their own hands; I say, if he would have laid out his reason upon that argument, he could have made it shine very plausibly, and might have made many Proselytes to his opinion; since many Learned men are so much in their judgment against that right of relinquishing and transferring in Princes, that they believe it to be the only

cause wherein Subjects may lawfully take up defensive Arms, that they may continue Subjects, and to preserve their Subjection and obedience from being alien'd from him to whom it is due; and that no consent or concurrence can more make such an alienation lawful, then it can dissolve the bonds of Wedlock, and qualify both parties to make a new choice for themselves, that may be more grateful to them. But he thinks it to be more glory, to discover that to be right reason, which all other men find to be destructive to it, and (pag. 91.) that the suddain and rough bustling in of a new truth, will raise his fame, as it hath done that of many other Heretics before, and which he saies, doth never break the peace, but only sometimes awake the, War; which, to use his own commendable expression, is (pag. 8.) like handing of things from one to another, with many words waking nothing understood.

The Survey of Chapter 22.

I should pass over his two and twentieth Chapter of Systemes, Subject, Political, and Private, which is a title as difficult to be understood by a literal translation as most of those to any Chapter in Suarez; as few Congregations, when they meet in a Church to pay their devotions to God Almighty, do know that they are an irregular systeme: in which, besides vulgar notions well worded, every man will discover much of that which he calls signs of error, and misreckoning, to which (he saies) (pag. 116.) all mankind is too prone, and with which that Chapter abounds, and will require no confutation, but that I find, and wonder to find mention of Laws, and Letters Patents, Bodies Politic, and Corporations, as necessary institutions for the carrying on and advancement of Trade, which are so many limitations and restraints of the Sovereign power, and so many entanglements under Covenants and Promises, which as they are all declar'd to be void, it is in vain to mention. I did not think Mr Hobbes had desir'd to establish trade, or any industry for the private accumulation of riches in his Commonwealth. For it is possible to imagine, that any Merchant will send out Ships to Sea, or make such a discovery of his Estate, if it may be either seized upon before it go's out, or together with the benefit of the return when it comes home? If trade be necessary to the good of a Nation, it must be founded upon the known right of Propriety, not as against other Subjects only, but against the Sovereign himself; otherwise trade is but a trap to take the collected wealth of particular men in a heap, and when it is brought into less room, to have it seized on, and confiscated by the omnipotent word of the King with less trouble, and more profit. And if any Laws, Letters Patents, Charters, or any other obligations or promises, can oblige the Sovereign power in these cases which refer to trade and forreign adventures, why should they not be equally valid for the securing all the other parts and relations of Propriety? However, whatsoever rigor Mr Hobbes thinks fit to exercise upon the Nobility and Gentry of the Nation, he must give over all thoughts of trade, if he doth not better provide to secure his Merchants both of their liberty, and propriety.

It is a good observation, and an argument for the preference of Monarchy before any other form of Government, in that where the Government is popular, and the depressing the interest and reputation of particular Subjects is an essential policy of that Government, yet in the managing the affairs of their Colonies and Provinces at a distance from them, they chuse to commit the same

to a single person, as they do the Government and conduct of their Armies, which are to defend their Government; which is a tacite implication, if not confession, that in their own judgment they think the Monarchical the best form of Government. But he might have observ'd likewise, that in all those Monarchical Commissions, at what distance soever, there are limits and bounds set, by referring to instructions for the punctual observation and performance of what that State or Government hath bin bound by promise and contract to perform; which hath the same force to evince, that the performance of promises and conditions, is very consistent with Monarchical Government: for the hazards that may arrive from thence may be as dangerous to that Government if it be at a great distance, as upon any supposition whatsoever, yet is never left to the discretion of a Governor.

If is a wonderful latitude that Mr Hobbes leaves to all his Subjects, and contradictory to all the moral precepts given to the World, and to all the notions of Justice, that he who hath his private interest depending, and to be debated and judg'd before any Judicatory, may make as many Friends as he can amongst those Judges, even by giving them Mony; as if, tho it be a crime in a Judg to be corrupt, the person who corrupts him may be innocent, because he thinks his own cause just, and desires to buy justice for Mony which cannot be got without it; and so the grossest and most powerful Bribery shall be introduc'd, to work upon the weakness and poverty, and corruption of a Judg, because the party thinks his cause to be just, and chuses rather to depend upon the affection of his Judg whom he hath corrupted, then upon the integrity of his cause, and the justice of the Law. But he doth not profess to be a strict Casuist; nor can be a good observer of the Rules of moral honesty, who believes that he may induce another to commit a great Sin, and remain innocent himself. Nor is he in truth a competent Judg of the most enormous crimes, when he reckons (pag. 56.) Theft, Adultery, Sodomy, and any other vice that may be taken for an effect of Power, or a cause of pleasure, to be of such a Nature, as amongst men are taken to be against Law, rather then against Honor.

The Survey of Chapter 23.

I should with as little trouble have passed by his twenty third Chapter of his Public Ministers, and the fanciful Similes contin'd therein, not thinking it of much importance what public or private Ministers he makes for such a Sovereignty as he hath instituted; but that I observe him in this place (as most luxurious Fancies use to do) demolishing and pulling down, what he had with great care and vigilance erected and establish'd as undeniable truth before. And whereas he hath in his eighteenth Chapter, (pag. 91) pronounced the right of Judicatory, of hearing and deciding all Controversies which concern Law, either Civil or Natural, or concerning fact, to be inseparably annexed to the Sovereignty, and incapable of being aliened and transferred by him; and afterwards declares, That the Judgments given by Judges qualified, and commission'd by him to that purpose, are his own proper Judgments, and to be regarded as such, which is a truth generally confess'd; in this Chapter, against all practice and all reason, he degrades him from at least half that Power, and fancies a Judg to be such a party, that if the Litigant be not pleased with the opinion of his Judg in matter of Law, or matter of Fact, he may therefore (pag. 125.) (because they are both subjects to the Sovereign) appeal from his Judg, and ought to be tried before an other: for tho the Sovereign may hear and

determine the Cause himself if he please, yet if he will appoint another to be Judge, it must be such a one as they shall both agree upon: for as the Complainant hath already made choice of his own Judge, so the Defendant must be allow'd to except against such of his Judges, whose interest maketh him suspect them; which was never heard of before this Institution, and the consequence of it will best appear by an instance to be very ridiculous. Let us suppose that an Information were preferr'd in the Kings Bench (as it may well be) against Mr Hobbes, for writing and publishing such a seditious Book against the establish'd Government of Church and State, as his Leviathan is; because the Sovereign Judge will not hear and determine this himself, but refers it those Judges who are appointed and commission'd by him to examine and punish Crimes of such a nature, would it be reasonable that Mr Hobbes should except against his Judges, because by their knowing the Law he may suspect them, and refuse to be tri'd before any but those whom he shall agree upon? and (pag. 125.) can those be the properties of just and rational Judicature? He hath forgotten, that before he erected his Sovereignty, when there could be no Judicature, he saies, (pag. 78.) it is of the Law of Nature, That they who are at Controversie, submit their right to the judgment of an Arbitrator; there indeed for want of Judicature, there was a necessity of a mutual consent, without which no man could take upon him to be an arbitrator. If a man hath a Suit upon matter of Title or Interest with a Judge, notwithstanding that he is sworn to do right, he is so far from being bound to bring his Action before that Judge, that he may chuse whether it shall depend in that Court of which that Judge is a Member, tho the major part be unconcerned, but may have his Right tried in another Court: but if he should have any part in the choice of his own Judge, especially if he be criminal, Justice would be well administred. Himself acknowledges, that the judgement of such Judges, is the judgment of the Sovereign; and a greater Person then the Sovereign hath given a fair warning to those Judges; Take heed what ye do, for ye judge not for man, but for the Lord, who is with you in the judgment 2. Chron. As it is the Kings judgment, he will punish it severely if it be corrupt; and if he cannot discover it to be corrupt, for want of complaint, or want of evidence, God will punish it because it was his judgment: a corrupt Judge, of all guilty persons, can never escape punishment.

I am very glad that Mr Hobbes is pleas'd with any part of the administration of Justice in his own Country (which he would hardly like if he were exposed to it:) and he might have observ'd that great Priviledg of the Lords in England, of being tried in all capital Crimes by their Peers, by Men of their own quality and condition, to be a greater Priviledg then the Nobility of any Nation in Europe enjoy. The Grandees of Spaine and the Dukes, and Peers, and Mareschals of France, in those Transgressions undergo the same forms of Justice, and are tried before the same Judges, as the meanest Peasant is for the like or the same Crime: and tho he calls it, and saies it hath bin ever acknowledg'd as a Priviledg of Favor, yet they look upon it as a Priviledg of Right, of which they cannot be deprived by the Word and Authority of the King. And it may be he would be hardly able to bring this Priviledg under his original Institution of Government; since probably men being then all equal, they would never have consented to such a difference, rather then equality, in the form of Justice that was to be exercis'd towards them; and he values it too lightly, who thinks it can be taken from them by any Arbitrary Power.

I cannot comprehend what Mr Hobbes's meaning is, in making an Ambassador sent from his Prince, to congratulate, or condole, or to assist at a Solemnity, to be but a private Person, because he saies, (pag. 126.) the business is private, and belonging to him in his natural capacity: whereas, his being sent Ambassador, and having in the performance of his Office of congratulating or condoling, or in his assistance at the Solemnity, the respect shew'd to him, and the priviledg and precedence of the Person of his Master, he cannot but be a public Person. Nor can an Ambassador come to be but a private Person any other way, then by presuming to negotiate some unlawful thing, which he is not warranted by his Commission to do; and even in that case he expects to be treated as a public Person, as well by the security that Prince gave him by his Reception, as by the authority of the Prince who sent him, and expects to be sent to, and tried before his own Master: which depends much upon the nature and circumstances of the Transgression. But I wonder how Mr Hobbes could bring the Rights and Priviledges of Ambassadors under his disquisition, since they cannot depend upon his Institution: for they neither do nor can proceed from the Covenants, or Contracts, or transferring of Rights between private persons; but he must make a new Institution for Sovereigns, in which he will hardly be able to preserve them without some Covenants, which he hitherto so much abhors.

The Survey of Chapter 24.

It is the custom and delight that Mr Hobbes takes in the frequent repeting, almost in every Chapter, the lewd principles in his Institution, with some variety of pleasant expressions and instances, which he would have understood to add new vigor to his former Arguments, that obliges me by Tautologies to put the Reader in mind of what I have said before, and to repete the same that hath bin said; and so I must say again upon this Chapter of the nutrition and procreation of a Common-wealth, that he hath proposed a very ungracious method to himself in forming his Government, by assigning a greater power and authority to his Sovereign, then any honest Magistrate desires, or will ever exercise, or can think himself secure in; and such a liberty and property to the Subject, as they can take no delight in, and consequently can never wish well to that Government, under which they shall enjoy no more. Nor will they ever believe themselves to be in possession of liberty or plenty, when it is in the power of any one man to dispossess them of both, or either, at his good will and pleasure, without any violation of any Justice that they can resort to, or complain of. It is a very uncomfortable Propriety that any man can have in his Lands and Goods, because his Neighbour cannot take them from him, if his Prince can justly take them from him, and give them to his Neighbour. Princes have their particular Affections and Inclinations which sway them as much as other men, and are prevail'd upon by the same strong motives and impulsions; and if they may take away all from those they do not like, and as much as they think fit from those they like less, to give to those they love, and to such as they like better, there can be no valuable propriety in any body but the Sovereign alone: and when it is once found to be in him alone, he will not be long able to defend his own Propriety, or his own Sovereignty. It is Machiavels exception against the entertaining of forreign Forces, that they are only mercenary, and therefore indifferent in their affections which party wins or loses; and no doubt those Soldiers fight most resolutely, who fight to defend

their own. And surely they who have nothing of their own to lose but their lives, are as apt to throw those away where they should not, as where they should be exposed; and it is the usual Artifice in all Seditions, for the Leaders and Promoters of them, to perswade the People, that the tendency and consequence of such and such actions don by the Magistrate, extends to the depriving them of all their propriety, the jealousy of which hurries them into all those acts of rage and despair, which prove so fatal to Kingdoms. And there was never yet a wise and fortunate Prince, who hath not enervated those Machinations, by all the professions, and all the vindications of that Propriety, which they are so vigilant to preserve and defend. And therefore it is a wonderful preposterous foundation to support a Government, to declare that the Subject hath no propriety in any thing that excludes the Sovereign from a right of disposing it; and it may be easily believ'd, that there is not one Prince in Europe, I mean that is civiliz'd (for of the absolute power of the Great Turk, from whence Mr Hobbes hath borrowed his Model, we shall have occasion to discourse in another place) would be able to retain his Sovereignty one whole year, after he should declare, as Mr Hobbes doth, that his Subjects have no propriety in any thing they possess, but that he may dispose of all they have. For tho they do too often invade that propriety, and take somewhat from them that is not their own, they bear it better under the notion of oppression and rapine, and as they look upon it as the effect of some powerful Subjects evil advice (which will in time be discover'd, and reform'd by the justice of the Prince, as hath often fallen out) then they would ever do under a claim of right, that could justly take away all they have, because it is not the subjects but their own. And if Mr Hobbes had taken the pains, and known where to have bin inform'd of the Proceedings and Transactions of William the Conqueror, he would have found cause to believe, that that great King did very dexterously endeavor, from the time that he was assured that his Possession would not be disturb'd, to develt himself of the Title of a Conqueror, and made his Legal Claim to what he had got by the Will of Edward the Confessor, whose Name was pretious to the Nation, and who was known to have a great Friendship for that Prince, who had now recover'd what had bin his. And he knew so well the ill consequence which must attend the very imagination that the Nation had lost its Propriety, that he made hast to grant them an assurance, that they should still enjoy all the benefits and priviledges which were due to them by their own Laws and Customs, by which they should be still govern'd, as they were during that Kings whole Reign, who had enough of the unquestionable Demesnes and Lands belonging to the Crown, of which he was then possessed without a Rival, and belonging to those great Men who had perish'd with their Posterity in the Battel with Harold, to distribute to those who had born such shares, and run such hazards in his prosperous adventure. And those Laws and Customs which were before the Conquest, are the same which the Nation and Kingdom have been since govern'd by to this day, with the addition of those Statutes and Acts of Parliament, which are the Laws of the successive Kings, with which they have gratifi'd their Subjects, in providing such new security for them, and advantages to the public, as upon the experience and observation of the Ages and Times when they were made, contributed to the honor and glory of the King, as well as the happiness of the People; many of which are but the Copies and Transcripts of antient Land-marks, making the Characters more plain and legible of what had bin practic'd and understood in the preceding Ages,

and the observation whereof are of the same profit and convenience to King and People.

Such were the Laws in Tullies time, which Mr Hobbes wonderfully cites, to prove that which Tully never heard of, and which indeed is quite contrary to the end of his Discourse (pag. 127.) Is it possible that Tully could ever have said, Let the Civil Law be once abandoned, or but negligently guarded (not to say oppressed) and there is nothing that any man can be sure to receive from his ancestor, or to leave to his children? and again, take away the Civil Law, and no man knows what is his own, and what another mans? I say, he could never have mention'd and insisted upon this grand security of man-kind, if he had understood the Law to be nothing but the breath of the Sovereign, who could grant, and dissolve, or repeal this Law, with the speaking a word that his will or fancy dictates to him. How can any man receive from his Ancestor, or leave to his Children, if he be not sure that his Ancestor had, and that his Children shall have a propriety? It was the importance of, and delight in this propriety, that produc'd that happy and beneficial agreement between the Sovereign power and the naked Subject, which is mention'd before; that introduc'd the beauty of Building, and the cultivating the Earth by Art as well as Industry, by securing men, that they and their Children should dwell in the Houses they were at the charge to build, and that they should reap the harvest of those Lands which they had taken the pains to sow. Whatsoever is of Civility and good Manners, all that is of Art and Beauty, or of real and solid Wealth in the World, is the product of this paction, and the child of beloved Propriety; and they who would strangle this Issue, desire to demolish all Buildings, eradicate all Plantations, to make the Earth barren, and man-kind to live again in Tents, and nurish his Cattle by successive marches into those Fields where the grass grows. Nothing but the joy in Propriety reduc'd us from this barbarity; and nothing but security in the same, can preserve us from returning into it again. Nor will any man receive so great prejudice and damage by this return, as the Kings and Princes themselves, who had a very ample recompence which they still enjoy, by dividing their unprofitable propriety with their Subjects, having ever since receiv'd much more profit from the propriety in the hands of the Subjects, then they did when it was in their own, or then they do from that which they reserv'd to themselves; and they continue to have the more, or less upon a true account, as this paction is the more or less exactly observ'd and compli'd with.

Mr Hobbes is much mistaken in his Historical conclusions, as for the most part he uses to be, when he saies, (pag. 129) that the Conqueror, and his successors, have alwaies laid arbitrary Taxes on all Subjects Lands; except he calls what hath bin don by the free consent of the Subject, which is according to the paction, to be the arbitrary Tax of the Sovereign, because the Law is the stamp of his own Royal Authority. And if such arbitrary Taxes have in truth at any time bin laid upon the Subjects, he might have observ'd (for somtimes it hath bin don) that the Sovereign hath receiv'd much more damage then profit by it, and the Kingdom bin in a worse state of security then it was before. Nor can any argument be made from the glory and prosperity of some Crowns, which have somtimes exercis'd that arbitrary Power, and reduc'd the Rules they ought to govern by, to the standard of their own Will; which yet they have don with such formality, as implies the consent of their Subjects, tho they dare not but consent. It hath bin too frequently seen too, that the hurt and

wounded patience of the People, hath, when it may be it was least apprehended, redeem'd themselves (for *laesa patientia est furor*) by as unwarrantable Rebellion from unwarrantable Oppression, or out of contempt of their own ruin, because they have so little comfort in their preservation, have obstinately refused to give any assistance to their Sovereign when he hath real need of it, because he hath wantonly extorted it from them when he had no need. And then men pay too dear for their want of providence, and find too late, that the neglect of Justice is an infallible underminer, how undiscern'd soever, of that security which their Policy would raise for themselves, in the place of that which Wisdom and Justice had provided for them. I agree, that it being impossible to fore-see what the expences which a Sovereign may be put to will amount to, it is as impossible by land, or otherwise to set aside such a proportion as is necessary; but those extraordinary occasions must be supplied by such extraordinary waies, and with those formalities which the Sovereign obliges himself to observe; by observing whereof, much less inconvenience shall befall Him or the Public, then by cancelling those Laws which establish Propriety.

If Mr Hobbes had not bin a professed Enemy to Greek and Latine Sentences, as an Argument of indigestion, when they come up again unchewed and unchanged, he might have learn'd from Seneca, who understood, and felt the utmost extent of an absolute Sovereignty, and had a shrewd fore-sight what the end of it would be, how the propriety of the Subject might well consist with the power of the Prince: *Jure civili (saies he) omnia Regis sunt, & tamen illa quorum ad Regem pertinet universa possessio, in singulos dominos descripta sunt, & unaquaeque res habet Possessorem suum. Itaque dare Regi, & domum, & mancipium, & pecuniam Possumus, neo donare illi de suo dicimur. Ad Reges enim potestas omnium pertinet, ad singulos proprietas.* And that Prince who thinks his power so great, that his Subjects have nothing to give him, will be very unhappy if he hath ever need of their hands, or their hearts.

The Survey of Chapter 25.

When Mr Hobbes hath erected such a Sovereign, and instituted such a People, that the one may say and do whatsoever he finds convenient for his purpose, and the other must neither say or do any thing that may displease him; the consideration of what, and how counsel should be given under such a Government, can require very little deliberation. And the truth is, the discourse of this Chapter, with the differences between Command and Counsel, is more vulgar and pedantic then he is usually guilty of; and it is easie to be observ'd, that in his description of the office of a Counsellor, and of the ability of counselling, (pag. 134.) that it proceeds from experience and long study, and that it requires great knowledg of the disposition of man-kind, of the rights of Government, and of the nature of Equity, Law, Justice, and Honor, not to be attain'd without study; and of the strengths, commodities, places both of their own Country and their Neighbors; and also of the inclinations and designs of all Nations that may any way annoy them: and this, he saies, is not attained without much Experience; he makes so lively a representation of that universal understanding, which he would be thought to be possessed with, that he could not be without hope that Cromwell would think him worthy to be a Counsellor, who had given him such an earnest that he would serve him with success, and without hesitation. yet I see no reason (if to ask Counsel of

another, is to permit him to give such Counsel as he shall think best; and if it be the Office of a Counsellor, when an Action comes into deliberation, to make manifest the consequence of it in such a manner, as he that is counselled may be truly and evidently inform'd) why he is so very angry with those two words, exhort and dehort, as to brand those who use either, with the style of corruption, and being brib'd by their own interest; since it is very agreeable to the faith and integrity of a Counsellor, to perswade him that asks his advice to do that which he thinks best to be don, and to dissuade him from doing that which he thinks to be mischievous, which is to exhort and dehort; and the examples of Persons, and the authority of Books, may be pertinently applied to either: since few accidents fall out in States and Empires, which have not in former times happened in such conjunctures, and then if the same hath bin faithfully represented to posterity, with all the circumstances and successes, which is the natural end of all good Histories to transmit, nothing can more properly be reflected on, or bring clearer light to the present difficulties in debate, then the memory of what was upon those occasions don fortunately, or unhappily left undon, which surely cannot but introduce useful and pertinent Reflexions into the consultation. And it is not easie to comprehend what that great ability is, which his Counsellor is to attain to by long study, and cannot be attain'd without, if that study be not to be conversant with Books, and if neither the examples in, or authority of Books be in any degree to be consider'd. Nor are such expressions which may move the affections or passions of him who asks Counsel, or of those who are to give it, repugnant to the office of a Counsellor, since the end of Counsel is to lead men to chuse that which is good, and avoid that which is worse; and he to whom the Counsel is given, will best judg whether it tends to others ends rather than his own, and will value it accordingly. And he is much a better Counsellor, who by his experience and observation of the nature and humor of the People who are to be govern'd, and by his knowledg of the Laws and Rules by which they ought to be govern'd, gives advice what ought to be don, then he who from his speculative knowledg of man-kind, and of the Rights of Government, and of the nature of Equity and Honor, attain'd with much study, would erect an Engine of Government by the rules of Geometry, more infallible then Experience can ever find out.

I am not willing now, or at any time, to accompany him in his sallies which he makes into the Scriptures, and which he alwaies handles, as if his Sovereign-power had not yet declared it to be the word of God; and to illustrate now his Distinctions, and the difference between Command and Counsel, he thinks fit to fetch instances from thence, Have no other Gods but me, Make to thy self no graven Image, &c he saies, (pag. 133.) are commands, because the reason for which we are to obey them, is drawn from the will of God our King, whom we are obliged to obey: but these words, Repent, and be baptized in the name of Jesus, are Counsel, because the reason why we should do so, tendeth not to any benefit of God Almighty, who shall be still King in what manner soever we rebel, but of our selves, who have no other means of avoiding the punishment hanging over us for our sins; as if the latter were not drawn from the will of God as much as the former, or as if the former tended more to the benefit of God then the latter. An ordinary Grammarian, without any insight in Geometry, would have thought them equally to be commands: But Mr Hobbes will have his Readers of another talent in their understanding, and another subjection to his dictates.

The Survey of Chapter 26.

However Mr Hobbes enjoines other Judges to retract the judgments they have given when contrary to reason, upon what authority or president soever they have pronounced them, yet he holds himself oblig'd still *tueri opus*, to justify all he hath said; therefore we have reason to expect, that to support his own notions of Liberty and Propriety, contrary to the notions of all other men, he must introduce a notion of Law, contrary to what the world hath ever yet had of it. And it would be answer enough, and it may be the fittest that can be given to this Chapter, to say, that he hath erected a Law, contrary and destructive to all the Law, that is acknowledg'd and establish'd in any Monarchy or Republic that is Christian; and in this he hopes to secure himself by his accustomed method of definition, and defines, that Civil Law (which is a term we do not dislike) is to every Subject those Rules which the Commonwealth hath commanded him by word, writing, or other sufficient sign of the Will to make use of for the distinction of right, in which he saies there is nothing that is not at first sight evident, that is to say of what is contrary, and what is not contrary to the Rule. From which definition his first deduction is, that the Sovereign is the Sole Legislator, and that himself is not subject to Laws, because he can make, and repeal them: which in truth is no necessary deduction from his own definition; for it doth not follow from thence, tho he makes them Rules only for Subjects, that the Sovereign hath the sole power to repeal them; but the true definition of a Law is, that it is to every Subject the rule which the Common-wealth hath commanded him by word, writing, or other sufficient sign of the Will made, and publish'd in that form and manner, as is accustomed in that Common-wealth to make use of for the distinction of right, that is to say, of what is contrary, and what is not to the Rule? and from this definition, no such deduction can be made, since the form of making and repealing Laws is stated, and agreed upon in all Common-wealths.

The opinions and judgments which are found in the Books of eminent Lawyers, cannot be answer'd, and controuled by Mr Hobbes his wonder, since the men who know least are apt to wonder most; and men will with more justice wonder, whether he comes by the Prerogative to controul the Laws and Government establish'd in this, and that Kingdom, without so much as considering what is Law here or there, but by the general notions he hath of Law; and what it is by his long study, and much cogitation. And it is a strange definition of Law, to make it like his propriety, to be of concernment only between Subject and Subject, without any relation of security as to the Sovereign, whom he exempts from any observation of them, and invests with authority by repealing those which trouble him, when he thinks fit, to free himself from the observation thereof, and by making new: and consequently he saies, he was free before, for he is that can be free when he will. The instance he gives for his wonder, and displeasure against the Books of the Eminent Lawyers, is, that they say, that the Common Law hath no controuler but the Parliament, that is, that the Common Law cannot be chang'd or alter'd but by Act of Parliament, which is the Municipal Law of the Kingdom. Now methinks if that be the judgment of Eminent Lawyers, Mr Hobbes should be so modest as to believe it to be true, till he hears others as Eminent Lawyers declare the contrary: for by his instance, he hath brought it now only to relate to the Law of England, and then methinks he should be easily perswaded, that

the Eminent Lawyers of England do know best whether the Law be so, or no. I do not wish that Mr Hobbes should be convinc'd by a judgment of that Law upon himself, which would be very severe, if he should be accused for declaring, that the King alone hath power to alter the descents and inheritances of the Kingdom; and whereas the Common Law saies the Eldest shall inherit, the King by his own Edict may declare, and order, that the younger Son shall inherit: or for averring, and publishing, that the King by his own authority can repeal and dissolve all Laws, and justly take away all they have from his Subjects; I say, if the judgment of Law was pronounc'd upon him for this Seditious Discourse, he would hardly perswade the World, that he understood what the Law of England is, better then the Judges who condemn'd him, or that he was wary enough to set up a jus vagum and incognitum of his own, to controul the estblish'd Government of his own Country. He saies the Sovereign is the only Legislator: and I will not contradict him in that. It is the Sovereign stamp, and Royal consent, and that alone, that gives life, and being, and title of Laws, to that which was before but counsel and advice: and no such constitution of his can be repeal'd and made void, but in the same manner, and with his consent. But we say, that he may prescribe or consent to such a method in the form, and making these Laws, that being once made for him, he cannot but in the same form repeal, or alter them; and he is oblig'd by the Law of justice to observe and perform this contract, and he cannot break it, or absolve himself from the observation of it, without violation of justice: and any farther obligation upon him then of justice, I discourse not of. For the better clearing of this to that kind of reason by which Mr Hobbes is swai'd, let us suppose this Sovereignty to reside, and be fix'd in an assembly of men; in which kind of Government it is possible to find more marks and foot-steps of such a deputing, and assigning of interests, as Mr Hobbes is full of, then we can possibly imagine in the original institution of Monarchy. If the sovereign power be deputed into the hands of fifteen, and any vacant place to be suppli'd by the same Authority that made choice of the first fifteen, may there not at that time of the election certain Rules be prescrib'd (I do not say conditions) for the better exercise of that Sovereign power: and by the accepting the power thus explain'd, doth not the Sovereign, tho there should be no Oath administered for the observation thereof, which is a circumstance admitted by most Monarchy, tacitly covenant that he will observe those Rules? and if he do's willfully decline those Rules, doth he not break the trust reposed in him? I do not say forfeit the trust, as if the Sovereignty were at an end, but break that trust, violate that justice he should observe? If the Sovereign power of fifteen, should raise an imposition for the defence of the Commonwealth, if they should appoint this whole imposition to be paid only by those whose names are Thomas (when Thomas was before in no more prejudice with the Common-wealth, then any other appellation in Baptism) may not this inequality be call'd a violation of Justice, and a breach of trust, since it cannot be suppos'd that such an irregular authority was ever committed to any man, or men by any deputation? Of the Prerogative of necessity to swerve from Rules prescrib'd, or to violate Laws tho sworn to, shall be spoken to in its due time.

It needs not be suppos'd, but must be confess'd, that the Laws of every Country, contain more in them concerning the rights of the Sovereign, and the common administration of Justice to the people, then can be known to, and understood by the person of the Sovereign, and he can as well fight all his Battels with his own

hand and sword, as determine all causes of right by his own tongue and understanding. The consequence of any confusion which Mr Hobbes can suppose, would not be more pernicious, then that which would follow the blowing away all these maxims of the Law, if the Kings breath were strong enough to do it. It is a maxime in the Law (as is said before) that the eldest Son shall inherit, and that if three or four Females are heirs, the inheritance shall be equally divided between them. Doth Mr Hobbes believe that the word of the King hath power to change this course, and to appoint that all the Sons shall divide the Estate, and the Eldest Daughter inherit alone? and must not all the confusion imaginable attend such a mutation? All Governments subsist and are establish'd by firmness and constancy, by every mans knowing what is his right to enjoy, and what is his duty to do: and it is a wonderful method to make this Government more perfect, and more durable, by introducing such an uncertainty, that no man shall know what he is to do, nor what he is to suffer, but that he who is Sovereign to morrow, may cancel, and dissolve all that was don or consented to by the Sovereign who was yesterday, or by himself as often as he changes his mind. It is the Kings Office to cause his Laws to be executed, and to compel his Subjects to yield obedience to them, and in order thereunto, to make choice of Learn'd Judges to interpret those Lawes, and to declare the intention of them, who (pag. 140.) by an artificial perfection of reason gotten by long study, and experience in the Law, must be understood to be more competent for that determination, then Mr Hobbes can be for the alteration of Law and Government, by the artificial reason he hath attain'd to by long study of Arithmetic and Geometry.

No Eminent Lawyer hath ever said that the two Arms of a Common-wealth are Force and Justice, the first whereof is in the King, the other deposited in the hands of the Parliament; but all Lawyers know, that they are equally deposited in the hands of the King, and that all justice is administred by him, and in his name: and all men acknowledg that all the Laws are his Laws; his consent and authority only giving the power and name of a Law, what concurrence, or formality soever hath contributed towards it: the question only is, whether he can repeal, or vacate such a Law, without the same concurrence and formality. And methinks the instance he makes of a Princes (pag. 139.) subduing an other people, and consenting that they shall live, and be govern'd according to those Laws under which they were born, and by which they were formerly govern'd, should manifest to him the contrary. For tho it be confess'd, that those old Laws become new by this consent of his, the Laws of the Legislator, that is of that Sovereign who indulges the use of them; yet he cannot say that he can by his word vacate and repeal those Laws, and his own concession, without dissolving all the ligaments of Government, and without the violation of faith, which himself confesses to be against the Law of Nature.

Notwithstanding that the Law is reason, and (pag. 139.) not the letter, but that which is according to the intention of the Legislator (that is of the Sovereign) is the law, yet when there is any difficulty in the understanding the Law, the interpretation thereof may reasonably belong to Learn'd Judges, who by their education, and the testimony of their known abilities before they are made Judges, and by their Oaths to judg according to Right, are the most competent to explain those difficulties, which no Sovereign as Sovereign can be presum'd to understand or comprehend. And the judgments and decisions those Judges make, are the judgements of the Sovereigns, who have

qualified them to be Judges, and who are to pronounce their sentence according to the reason of the Law, not the reason of the Sovereign. And therefore Mr Hobbes would make a very ignorant Judge, when he would not have him versed in the study of the Laws, but only a man of good natural reason, and of a right understanding of the Law of Nature; and yet he saies, (pag. 154.) that no man will pretend to the knowledg of right and wrong without much study. And if that power of interpretation of Law be vested in the person of the Sovereign, he may in a moment overthrow all the Law; which is evident enough by his own instances, if, to use his own expressions, his understanding were not dazzled by the flame of his passions. For to what purpose is all the distinction and division of Laws into human and divine, into natural and moral, into distributive and penal, when they may be all vacated, and made null by the word, or perverted by the interpretation of the Sovereign? To what purpose is a penalty of five shillings put upon such an action, if the Sovereign may make him who doth that action, by his interpretation, or omnipotence, to pay five hundred pounds? Nor by his rule, is his ador'd Law of Nature of any force, which he saies, (pag. 144.) is the Law of God immutable and eternal, nay Heaven and Earth shall Pass away, but not one title of the Law of Nature shall pass, for it is the eternal Law of God; He, I say, hath as much subjected that to the arbitrary power and discretion of his Sovereign, as he hath don the Liberty and property of the Subject; for he saies, (pag. 138.) the Law of Nature is a part of the Civil Law in all Common-wealths in the World, and that tho it be naturally reasonable, yet it is by the Sovereign Power that it is Law, and he saies likewise, that all Laws written, and unwritten, and the Law of Nature it self, have need of interpretation: and then he makes his supreme Sovereign the only legitimate interpreter. So that he hath the Law of Nature as much in his power, as under his jurisdiction, as any other part of the Civil Law: and yet he confesses his subject is not bound to pay obedience to any thing that his Sovereign enjoins against the Law of Nature. In such Labyrinths men entangle themselves, who obstinately engage in opinions relating to a science they do not understand; nor was it possible for him to extend the Prerogative of his Sovereign to such an illimited greatness, without making some invasion upon the Prerogative of God himself. I believe every man who reads Mr Hobbes, observes that when he entangles himself in the Laws of England, and affects to be more learned in them then the Chief Justice Cook, the natural sharpness and vigor of his reason is more flat and insipid then upon other arguments, and he makes deductions which have no coherence, involves himself in the terms without comprehending the matter, concludes the Law saies that which it do's not say, and that the Law hath made no provision in cases which are amply provided for, and in a word loses himself in a mist of words that render him less intelligible then at other times. Nor hath he better luck, when out of Justinians Institutions, he would make a parallel between the Imperial Laws and the Laws of England, and resolves that the Decrees of the Common People, which were put to the question by the Tribune, and had the force of Laws, were like the Orders of the House of Commons in England; whereas no Orders made by a House of Commons in England, are of any validity or force, or receive any submission longer then that House of Commons continues: and if any order made by them be against any Law or Statute, it is void when it is made, and receives no obedience. Indeed when Mr Hobbes published his Leviathan, he might have said that it had the authority and power of the Emperour, or of the whole People of

Rome, and which would have lasted till this time, if he had bin believ'd, and his doctrine could have bin supported by him, or them for whom it was provided.

Probably Mr Hobbes did take delight in being thought to confute a great Lawyer in the Common Law of England: tis certain he hath bin transported to slight usage of him, by that delight or some like passion, more then by the defect of reason in that which he would contradict. He saies tis against the Law of Nature to punish the innocent; that he is innocent that acquits himself judicially, & is acknowledg'd for innocent by the Judg: and yet he saies, when a man is accus'd of a Capital crime, and seeing the power of the Enemy, and the frequent corruption of Judges, runs away for fear of the effect, yet being taken and brought to Tryal, maketh it appear that he was not guilty of the crime, and is acquitted thereof, however is condemn'd to lose his goods, this he saies, is a manifest condemnation of the innocent. He confesses afterwards, that the Law may forbid an innocent man to fly, and that he may be punished for flying; but he thinks it very unreasonable, that flying for fear of injury, should be taken for presumption of guilt, whereas it is taken only for the guilt of flying, when he is declar'd innocent for the other. And methinks he confesseth, that a man, who must know his own innocence better then any body else, and knows that he must lose his Goods if he flies his trial, hath no reason to complain, if after he be cleer'd from the crime, he be condemned to lose his goods, which he knew he must lose when he fled; and therefore tho he be judicially acquitted for the crime, he is not innocent, but as judicially condemned to lose his goods for his guilt in flying, the Law and penalty of flying being known to him, whether written, or not written, as well as the Law against the crime was. To his other dictates of the Office of a Judg, that he needs not be learn'd in the Laws, because he shall be told by the Sovereign what judgment he shall give; and of the Laws of England, that the Jury is Judg of the Law, as well as of the fact, there needs no more be said, then that he is not inform'd, nor understands what he delivers, and whether his notions of the divine positive Law be more agreeable to truth, will be examin'd hereafter.

The Survey of Chapter 27.

(Pag. 151.) That to be delighted in the imagination of being possessed of another mans Wife, or Goods, is no breach of the Law that saies, Thou shalt not covet: that the pleasure a man may have in imagining the death of him from whose life he expects nothing but damage and displeasure, is no sin: That to be pleas'd in the fiction of that which would please a man if it were real, is a passion so adherent to the nature of man, and every other living creature, as to make it a sin, were to make a sin of being a man, is a Body of Mr Hobbes's Divinity, so contrary to that of our Savior and his Apostles, that I shall without any enlargement leave it to all men to consider, which of them they think most fit to believe and follow. Yet methinks he gives some encouragement to those who might expect Justice against him, by his own judgment (pag. 152.) upon the man that comes from the Indies hither, and perswades men here to receive a new Religion, or teach them any thing that tends to disobedience to the Laws of this Country: tho he be never so well perswaded of the truth of what he teacheth, he commits a crime, and may be justly punished, not only becames that which he would his Doctrine is false, but because he do' not approve in another, that coming from hence

should endeavor to alter Religion there. And how far this Declaration of his own judgment, may operate to his own condemnation, and to the condemnation of most of his Doctrines in his Leviathan, which are so contrary to all the Laws established in his Country, he should have don well to have considered before he committed the transgression; for he doth acknowledg, that in a Common-wealth, where by the negligence or unskilfulness of Governors & Teachers, false Doctrines are by time generally receiv'd, the contrary truths may be generally offensive; and prudent men are seldom guilty of doing any thing, or least when it is in their own election to do it or not to do it, which they foresee will be offensive to the Government, or Governors whom they are subject to and must live under; especially when he confesses, (pag. 91.) that tho the most sudain and rough bustling in of a new truth that can be, do's never break the Peace, yet it doth sometimes wake the war; and if the secure and sound sleep of Peace be once broken, and that fierce and brutish Tyger War is awakened, when, or how he will be lulled into a new sleep, the wisest Magistrate cannot fore-tell, and therefore will with the more vigilance discountenance and suppress such bustlers, who impudently make their way with their elbows into modest company, to dispose them to suspect, and then to censure the wisdom of their Forefathers, for having bin swaied by their own illiterate experiencee so as to prefer it before the cleer reason of thinking, and Learned Men, who by cogitation have found a surer way for their security: and there cannot be a more certain Expedient found out for the dissolving the peace of any Nation, how firmly soever established, then by giving leave, or permitting men of parts and unrestrained fancy, to examine the constitution of the Government both Ecclesiastical and Civil, and to vent and publish what their wit and inventions may suggest to them, upon or against the same, which would expose the gravity and wisdom of all Government, the infallibility of Scripture, and the Omnipotence of God himself, by their light and scurrilous questions and instances, to the mirth and contemt of all men, who are without an awful veneration for either; of which there needs not be a more convincing evidence, then the presumption of Mr Hobbes throughout his Leviathan, of which it will not be possible not to give some in the progress we shall make.

He is over subtle in his Distinction, that every crime is a sin, but not every sin a crime; that from the relation of sin to the Law, and of crime to the Civil Law, may be inferr'd, that where the Law ceaseth, sin ceaseth, that the Civil Law ceasing, crimes cease; and yet that violation of Covenants, Ingratitude, Arrogance, can never cease to be sin, yet are no crimes, because there is no place for accusation, every man being his own Judg, and accused only by his own conscience, and cleer'd by the uprightness of his own intention; and when his intention is right, his fact is no sin, if otherwise, his fact is sin but not crime: that when the Sovereign power ceaseth, that is, when the King is so oppressed that he cannot exercise his power, crime also ceaseth, there being no protection where there is no power, which he is careful to repete, whether it be to the purpose, or, as sure it is not, very pertinent in the difference between sin and crime. And to all that huddle of words in that whole Paragraph, I shall say no more, but that it looks like the Discourse of some men, which himself saies (pag. 39.) may be numbred amongst the sorts of madness, namely, when men speak such words, as put together, have in them no signification at all, by their non-coherence and contradiction.

False Principles of right and wrong cannot but produce many

crimes, and the greater the presumption of those is who publish them, the confusion that results thereby must be the greater: and yet notwithstanding this bundle of false Principles which are contained in this Book, the strength of the Laws, and the good constitution of the Government, hath hitherto, for ought appears, resisted the operation and malignity of the Institution of his Sovereignty, with how much confidence soever offered by him, and a true and lawful Sovereign could never be induc'd to affect that power which Mr Hobbes so frankly assigned to the Sovereign whom he intended to institute. And without doubt that unreasonable Proposition, That Justice is but a vain word, can never be established for Reason, so unanswerably as by the establishment of his Principles, which would make all Laws Cobwebs, to be blown away by the least breath of the Governor; nor by his ratiocination did Marim, or Sylla, or Cesar, ever commit any crime, since they were all Sovereigns by acquisition, and so in his own judgment possessed of all those powers which arise from his Institution, whereby they might do all those acts which they did, and no man could complain of injury or injustice, every man being the Author of whatever damage he sustain'd or complain'd of; nor will he be able to lay any crime to any of their charges (tho he seems to condemn them) and at the same time to support his Institution of a Common-wealth. But it is the less wonder, since from his own constitution, according to his first model, and knowing from whence his own obedience proceeds, he concludes, that of all passions, that which least inclines men to break the Laws, is fear. He provides such terrible Laws as no body can love, and must fear too much to be willing to be subject to them, which want of willingness must make them glad of any alteration, which can bring no security to the Sovereign. And I cannot enough recommend to Mr Hobbes that he will revolve his own judgment and determination in this Chapter, (pag. 158.) That he, whose error proceedeth from a peremptory pursuit of his own Principles and reasonings, is much more faulty than he whose error proceeds from the authority of a Teacher, or an Interpreter of the Law publicly autoriz'd; and that he that groundeth his actions on his private judgment, ought, according to the rectitude or error thereof, to stand or fall. And if his fear be so predominant in him, as he conceives it to be in most men, it will dispose him first to enquire what the opinion of the Judges is, who are the autoriz'd Interpreters of Law, before he publishes his seditious Principles against Law, lest he be obliged to stand or fall, according to the rectitude or error thereof. Tho every Instance he gives of his Sovereigns absolute power, makes it the more unreasonable, formidable, and odious, yet he gives all the support to it he can devise. And indeed, when he hath made his Sovereigns word, a full and enacted Law, he hath reason to oblige his Subject to do whatsoever he commands, be it right or wrong, and to provide for his security when he hath don; and therefore he declares, (pag. 157.) That whosoever doth any thing that is contrary to a former Law by the command of his Sovereign, he is not guilty of any crime, and so cannot be punished, because when the Sovereign commands any thing to be don against a former Law, the command as to that particular fact is an abrogation of the Law; which would introduce a licence to commit Murder, or any other crime most odious, and against which Laws are chiefly provided. But he hath in another place given his Subject leave to refuse the Sovereigns command, when he requires him to do an act or office contrary to his honor: so that tho he will not suffer the Law to restrain him from doing what the Sovereign unlawfully commands, yet his honor, of which he shall be Judg himself, may make him refuse that

command the lawful: as if the Sovereign commands him to Prison, as no doubt he lawfully may for a crime that deserves death, he may in Mr Hobbes opinion refuse to obey that command: whereas Government and Justice have not a greater security, then that he that executes a verbal command of the King against a known Law, shall be punished. And the Case which he puts in the following Paragraph, that the Kings Will being a Law, if he should not obey that, there would appear two contradictory Laws, which would totally excuse, is so contrary to the common Rule of Justice, that a man is obliged to believe, when the King requires any thing to be don contrary to any Law, that he did not know of that Law, and so to forbear executing his Command. And if this were otherwise, Kings of all men would be most miserable, and would reverse their most serious Counsels and Deliberations, by incogitancy, upon the suggestion and importunity of every presumptuous Intruder. Kings themselves can never be punished or reprehended publicly (that being a reproch not consistent with the reverence due to Majesty) for their casual or wilful ertors and mistakes, let the ill consequence of them be what they will; but if they who maliciously lead, or advise, or obey them in unjust resolutions and commands, were to have the same indemnity, there must be a dissolution of all Kingdoms and Governments. But as Kings must be left to God, whose Vice-gerents they are, to judg of their breach of Trust; so they who offend against the Law, must be left to the punishment the Law hath provided for them, it being in the Kings power to pardon the execution of the Sentence the Law inflicts, except in those cases where the Offence is greater to others then to the King; as in the murder of a Husband or a Father, the offence is greater to the Wife and to the Son for their relation, then to the King for a Subject; and therefore, upon an Appeal by them, the Transgressor may suffer after the King hath pardon'd him.

It is a great prerogative which Mr Hobbes doth in this Chapter indulge to his fear, his precious bodily fear of corporal hurt, that it shall not only extenuate an ill action, but totally excuse and annihilate the worst he can commit, that, if a man by the terror of present death be compelled to do a Fact against the Law, he is wholly excused, because no Law can oblige a man to abandon his own preservation: and supposing such a Law were obligatory, yet a man would reason, (pag. 157.) If I do it not I die presently, if I do it I die afterwards, therefore by doing it there is time of life gain'd, Nature therefore compels him to the fact: by which a man seems by the Law of Nature to be compell'd, even for a short reprieve, and to live two or three daies longer, to do the most infamous and wicked thing that is imaginable: upon which fertile soil he doth hereafter so much enlarge, according to his natural method, in which he usually plants a stock, supposes a principle, the malignity whereof is not presently discernable, in a precedent Chapter, upon which in a subsequent one he grafts new and worse Doctrine, which he looks should grow and prosper by such cultivation as he applies to it in Discourse; and therefore I shall defer my Considerations to the contrary, till I wait upon him in that enlarged disquisition.

The Survey of Chapter 28.

The eight and twentieth Chapter being a Discourse of Punishments and Rewards, it was not possible for him to forget in how weak a condition he had left his Sovereign, for want of power to punish; since want of power to punish, and want of authority to cause his punishment to be inflicted, is the same thing;

especially when the guilty person is not only not oblig'd to submit to the Sentence, how just soever, but hath a right to resist it, and to defend himself by force against the Magistrate and the Law: and therefore he thinks it of much importance, to enquire, by what door the right and authority of punishing in any case came in. He is a very ill Architect, that in building a House, makes not doors to enter into every office of it; and it is very strange, that he should make his doors large and big enough in his institution, to let out all the liberty and propriety of the Subject, and the very end of his Institution being to make a Magistrate to compel men to do their duty (for he confesses, they were before oblig'd by the Law of Nature to perform it one towards another, but that there must be a Sovereign Sword to compel men to do that which they ought to do) yet that he should forget to leave a door wide enough for this compulsion to enter in at by punishment, and bringing the Offender to Justice; since the end of making the Sovereign is disappointed, and he cannot preserve the peace, if guilty persons have a right to preserve themselves from the punishment he inflicts for their guilt. It was very improvidently don, when he had the draught of the whole Contracts and Covenants, that he would not insert one, by which every man should transfer from himself the right he had to defend himself against public Justice, tho not against private violence. And surely reason and Self-preservation, that makes a man transfer all his Estate and Interest into the hands of the Sovereign, and to be disposed by him, that he make be secure against the robbery and rapine of his neighbors & companions, will as well dispose him to leave his life to his discretion, that it may be secure from the assault of every other man, who hath a right to take it from him. But he thinks life too precious to part with willingly, and therefore cares for no more then to invest his Sovereign with a just title to punish, how unable soever he leaves him to execute it. And truly his fancy is very extraordinary in bringing it to pass. He will not suffer his power to punish to be grounded upon the concession or gift of the Subjects, from which fountain all his other extravagant powers flow, which are as unnatural for them to give, but saies it was originally inherent in him by the right of Nature, by which every man might subdue or kill another man, as he thought best for his own preservation; which right still remain'd in him, when all other men transferred all their rights to him, because he never contracted with them to part with any thing, and so he comes (pag. 162.) to a right to punish, which was not given but left to him, and to him only, as entire as in the condition of mere nature. Is not this mere fancy without any reason? which he needed not have exercis'd to so little purpose, to erect a lawful Power, which any man may lawfully resist and oppose. Nor is the right much greater that is left in him, then what, it seems, is tacitly reserv'd to every man, who notwithstanding all transferring, hath still right to resist the Sword of Justice in his own defence, and for ought appears, to kill him that carries it. So that in truth, his Sovereign is vested in no other authority, then lawfully to fight so many Duels as the Law hath condemned men to suffer death, since he can command none of his Subjects to execute them, and they have all lawful power to defend their own lives. How this right and authority of punishing came into the hands of the Sovereign, we shall not follow his example in repeting, having before confessed, that it neither is nor can be grounded on any concession or gift of the Subject, but is indubitably inherent in the office of being Sovereign, and inseparably annexed to it by

God himself.

Corporal, or Capital punishment, Ignominy, Imprisonment, or Exile, are not better understood then they were before his Definitions and Descriptions which he makes of them, and in which he doth not so much consider the nature of a Definition, as that he may insert somewhat into it, to which he may resort to prove somewhat, which men do not think of when they read those Definitions: and assuming to himself to declare what will serve his turn to be the Law of Nature, or the Law of Nations, he makes such Inferences and Consequences, as he thinks necessary to prove his desperate Conclusions. There cannot be a more pernicious Doctrine, and more destructive to Peace and Justice, then that all men who are not Subjects are enemies; & that against Enemies, whom the Common-wealth judges capable to do them hurt, it is lawful by the original right of Nature to make War; which would keep up a continual War between all Princes, since they are few who are not capable to do hurt to their Neighbors. Nor can this mischief be prevented by any Treaty or League; for whil'st they are capable of doing hurt, the lawfulness still remains, and being the original right of Nature, cannot be extinguished. But the Wisest and most Learned who have wrote of the Law of Nature and of Nations, abominate this Proposition; and the incomparable Grotius saies, (De Jure B. & P. lib. 2. cap. 1. part. 17.) Illud minime ferendum est, quod quidam tradiderunt, jure gentium arma recte sumi ad imminuendam potentiam crescentem, quae nimium aucta nocere potest. It may be a motive when there is other just cause in prudence towards the War, but that it gives a title in Justice, ab omni aequitatis ratione abhorret. And he saies in another place (cap 22. part. 5.) that it must constare, non tantum de potentia, sed & de animo; & quidem ita constare, ut certum id sit ea certitudine quae in morali materia locum habet. And yet from this erroneous Proposition, and because in (pag. 165.) War the Sword judgeth not, nor doth the victor make distinction of nocent and innocent, nor has other respect of mercy, then as it conduceth to the good of his own People, he makes no scruple to tell Cromwell, That as to those who deliberately deny his Autor;ty (for the Autor;ty of the Commonwealth established, could have no other signification) the vengeance is lawfully extended, not only to the fathers, but also to the third and fourth generations not yet in being, and consequently innocent of the fact for which they are afflicted, because they that so offend suffer not as Subjects but as Enemies, towards whom the Victor may proceed as he thinks fit and best for himself. After the giving which advice, it was a marvellous confidence that introduc'd him into the Kings presence, and encourag'd him still to expect, that his Doctrine should be allow'd to be industriously taught and believed.

If Mr Hobbes were condemn'd to depart out of the dominion of the Commonwealth, as many men believe he might with great Justice be, and so become an exil'd person, he would be a more competent Judg to determine whether Banishment be a punishment, or rather an escape, or a public command to avoid punishment by flight; and he would probably then be of opinion, that the mere change of air is a very great punishment. And if he remembers his own Definition, (pag. 108.) That a free-man is he, that in those things which by his strength and wit he is able to do, is not hindred to do what he hath a will to, he would believe that the taking that freedom from him, and the restraining that liberty, is a very severe punishment, whether justly or unjustly inflicted, and is in no degree mitigated by his declaring, (pag. 165.) that a banish'd man is a lawful enemy of the Commonwealth

that banished him, as being no more a member of the same, and then he may be lawfully prosecuted as well in, and after he hath undergone the punishment of Banishment as he was before; but the duty that a banish'd Person still ow's to his Country, and to the Sovereign of it, is set down before. But the truth is, he hath very powerfully extinguish'd all those differences and priviledges, which all Writers of the Jus gentium have carefully preserv'd between a just and unjust War, between lawful Enemies and the worst Rebels and Traitors, and hath put the last into a better condition then the former, by making them liable only to those pains and forfeitures which the Law hath literally provided for them, and which in some cases preserves their Estates for their Families; whereas the lawful Enemy, even after quarter given, remains at the mercy of the Victor, who may take his life, and inflict any other punishment upon him arbitrarily, and according to his own discretion. In the last place, he hath very much obliged his Sovereign, in telling him so plainly why he hath compared him to Leviathan, because he hath raised him to the same greatness, and given him the same power which Leviathan is described to have in the 41 Chapter of Job, There is nothing on earth to be compared with him, he is made so as not to be afraid, he seeth every high thing to be below him, and is King of all the children of pride, Job 41. 33, 34. And if he had provided as well to secure his high station, as he hath for the abatement of the pride of the Subject, whom he hath sufficienCy humbled, he might more glory in his work: but the truth is, he hath left him in so weak a posture to defend himself, that he hath reason to be afraid of every man; and the remedies he prescribes afterwards to keep his prodigious power from dissolution, are as false and irrational as any other advice in his Institution, as will appear hereafter.

The Survey of Chapter 29.

Mr Hobbes takes so much delight in reiterating the many ill things he hath said, for fear they do not make impression deep enough in the minds of men, that I may be pardon'd if I repete again sometimes what hath bin formerly said; as this Chapter consisting most of the same pernicious doctrines which he declar'd before, tho in an other dress, obliges me to make new, or other reflexions upon what was I think sufficiently answer'd before, and it may be repete what I have said before. He is so jealous that the strength of a better composition of Sovereignty may be superior, and be preferr'd before that of his institution, that he devises all the way he can to render it more obnoxious to dissolution, and like a Mountebank Physician accuses it of diseases which it hath not, that he may apply Remedies which would be sure to bring those or worse diseases, and would weaken the strongest parts, and support of it, under the pretence of curing its defects. So in the first place he finds fault (pag. 167.) that a man to obtain a Kingdom is sometimes content with less Power, then to the Peace and defence of the Common-wealth is necessarily required, that is, that he will observe the Laws and Customs of the Kingdom, which by long experience have bin found necessary for the Peace and defence of it. And to this he imputes the insolence of Thomas Beckett Arch Bishop of Canterbury (page. 168.) who was supported against Harry the Second by the Pope, the Subjection of Ecclesiastics to the Common-wealth having he saies bin dispensed with by William the Conquerour at his reception, when to took an oath, not to infringe the liberty of the Church. And this extravagant power of the Pope he imputes to the

Universities and the doctrine taught by them; which reproch to the Universities being in a Paragraph of his next Chapter, I chuse to join in the answer with the case of Thomas Beckett and Henry the Second.

Mr Hobbes hath so great a prejudice to the reading Histories (as if they were all enemies to his Government) that he will not take the pains carefully to peruse those, from which he expects to draw some advantage to himself; presuming that men will not believe, that a man, who so warily weighs all he saies in the balance of reason, will ever venture to alledg any matter of fact that he is not very sure of. But if he had vouchsafed to look over the Records of his own Country before the time of King Henry the Eight, he would have found the Universities allwaies opposed the power of the Pope, and would have no dependance upon him, and that the Kings alone introduc'd his authority, and made it to be submitted to by their Laws. Nor did the Church of England owe their large priviledges to any donation of the Popes, whose jurisdiction they would never admit, but to the extreme devotion and superstition of the People, and the piety and bounty of the Kings, which gave greater donatives and exemptions to the Church and Clergy, then any other Kingdom enjoied, or then the Pope gave any where. Christianity in the infancy of it wrought such prodigious effects in this Island upon the barbarous affections of the Princes and People who then were the inhabitants of it, that assoon as they gave any belief to the History of our Saviour, they thought they could not do too much to the Persons of those who preached him, and knew best what would be most acceptable to him. From hence they built Churches, and endow'd them liberally, submitted so entirely to the Clergy, whom they look'd upon as Sacred persons, that they judged all differences, and he was not look'd upon as a good Christian who did not entirely resign himself to their disposal: they gave great exemption to the Church and Church men, and annex'd such Priviledges to both, as testified the veneration they had for the Persons, as well as for the Faith. And when they suspected that the Licentiousness of succeeding ages might not pay the same devotion to both, they did the best they could to establish it, by making Laws to that purpose, and obliging the severall Princes to maintain and defend the rights and priviledges of the Church; rights and priviledges which themselves had granted, and of which the Pope knew nothing, nor indeed at the time did enjoy the like himself. It is true, that by this means the Clergy was grown to a wonderful power over the People, who look'd upon them as more then mortal men, and had surely a greater authority then any Clergy in Christendom assum'd in those ages, and yet it was generally greater then in other Kingdoms, then it had ever bin since. Nor could it be otherwise during the Heptarchy, when those little Sovereigns maintain'd their power by the authority their Clergy had with their people, when they had little dependance upon the Prince. But when by the courage and success of two or three couragious Princes, and the distraction that had bin brought upon them by strangers, the Government of the whole Island was reduced under one Sovereign, the Clergy, which had bin alwaies much better united then the Civil state had bin, were not willing to part with any authority they had enjoied, nor to be thought of less value then they had bin formerly esteemed, and so grew troublesom to the Sovereign power, somtimes by interrupting the progress of their Councils by delaies, and somtimes by direct and positive contradictions. The Princes had not the confidence then to resort to Mr Hobbes original institution of their right, the manners of the Nation still remained fierce and barbarous,

and whatsoever was pliant in them, was from the result of Religion, which was govern'd by the Clergy. They knew nothing yet of that primitive contract that introduced Sovereignty, nor of that Faith that introduced subjection; they thought it would not be safe for them to oppose the power of the Sacred Clergy, with a mere secular, profane force, and therefore thought how they might lessen and divide their own troublesome Clergy, by a conjunction with some religious and Ecclesiastical combination. The Bishops of Rome of that age had a very great name and authority in France, where there being many Sovereign Princes then reigning together, he exercis'd a notable Jurisdiction under the Style of Vicar of Christ. The Kings in England by degrees unwarily applied themselves to this Spiritual Magistrate; and that he might assist them to suppress a power that was inconvenient to them at home, they suffered him to exercise an authority that proved afterwards very mischeivous to themselves, and for which they had never made pretence before, and which was then heartily opposed by the Universities, and by the whole Clergy, till it was impos'd upon them by the King. So that it was not the Universities, and Clergy, that introduc'd the Popes authority to shake and weaken that of the King, but it was the King who introduc'd that power to strengthen, as he thought, his own, howsoever it fell out. And if the precedent Kings had not call'd upon the Pope, and given him authority to assist them against some of their own Bishops, Alexander the Third could never have pretended to exercise so wild a jurisdiction over Henry the Second, nor he ever have submitted to so infamous a subordination; nor could the Pope have undertaken to assist Beckett against the King, if the King had not first appeal'd to him for help against Beckett.

For the better manifestation of that point, which Mr Hobbes his speculation and Geometry hath not yet made an enquiry into, it will not be amiss to take a short Survey of the Precedent times, by which it will be evident how little influence the Popes authority had upon the Crown, or Clergy, or Universities of England; and how little ground he hath for that fancy, from whence soever he took it, (pag. 168.) that William the Conquerour at his reception had dispens'd with the subjection of the Ecclesiastics by the Oath he took not to infringe the liberty of the Church; whereas they who know any thing of that time, know that the Oath he took was the same, and without any alteration, that all the former Kings, since the crown rested upon a single head, had taken, which was at his Coronation, after the Bishops and the Barons had taken their Oaths to be his true and faithful Subjects. The Arch Bishop, who crown'd him, presented that Oath to him, which he was to take himself, which he willingly did, to defend the Holy Church of God, and the Rectors of the same, To Govern the universal people subject to him, justly, To establish equal Laws, and to see them justly executed. Nor was he more wary in any thing, then (as hath bin said before) that the people might imagine, that he pretended any other title to the Government, then by the Confessor: tho it is true, that he did by degrees introduce many of the Norman customes which were found very useful, or convenient, and agreeable enough, if not the same, with what had bin formerly practis'd. And the common reproch of the Laws being from time to time put into French, carries no weight with it: for there was before that time so rude a collection of the Laws, and in Languages as forreign to that of the Nation, British, Saxon, Danish, and Latine, almost as unintelligible as either of the other, that if they had bin all digested into the English that was then spoken, we should very little better have understood it, then we do the French, in which

the Laws were afterwards rendered; and it is no wonder, since a reduction into Order was necessary, that the King who was to look to the execution, took care to have them in that Language which himself best understood, and from whence issued no inconvenience, the former remaining still in the Language in which they had bin written.

Before the time of William the First, there was no pretence of jurisdiction from Rome over the Clergy, and the Church of England; for tho the infant Christianity of some of the Kings and Princes had made some journies thither, upon the fame of the Sanctity of many of the Bishops who had bin the most eminent Martyrs for the Christian Faith, and when it may be they could with more ease and security make a journey thither, then they could have don to any other Bishop of great notoriety out of their own Country; for Christianity was not in those times come much neerer England then Dauphiné, Provence, and Languedoc in France, and those Provinces had left their bountiful testimonies of their devotion, which grew afterwards to be exercis'd with the same piety in Pilgrimages first, and then expeditions to the Holy Land, without any other purpose of transferring a Superiority over the English Natione to Rome, then to Jerusalem. And after the arrival of Austin the Monk and his Companions who were sent by Pope Gregory, and who never enjoy'd any thing in England but by the donation of the Kings, the Brittish Clergy grew so jealous of their pretences, that tho the Nation was exceedingly corrupted by the person and the doctrine of Pelagius, which had bin spread full two hundred years before Austin came, the reformation and suppression of that Heresy was much retarded by those mens extolling or mentioning the Popes authority, which the Brittish Bishops were so far from acknowledging, that they would neither meet with theme nor submit to any thing that was proposed by them, and declar'd very much against the pride and insolence of Austin, for assuming any authority, and because when any of them came to him, he would not so much as rise to receive them. I can hardly contain my self from enlarging upon this subject at this time, but that it will seem to many to be forreign to the argument now in debate, and Mr Hobbes hath little resignation to the authority of matter of fact, by which when he is pressed, he hath an answer ready, that if it were so, or not so, it should have bin otherwise, I shall therefore only refrain my discourse to the time of William the Conqueror, and when I have better inform'd him of the State of the Clergy, and Universities of that time, I shall give him the best satisfaction I can to the instance of Thomas of Beckett, in which both the Clergy, and the Universities will be easily absolv'd from the guilt of adhering to the Pope.

When William found himself in possession of England, whatever application he had formerly made to the Pope (who was then in France) and as some say had receiv'd from him a consecrated Banner with some other relique, beside one single hair of St. Peter, for the better success of his expedition, he was so far from discovering any notable respect towards him, that he expressly forbad all his Subjects from acknowledging any man to be Pope, but him whom he declar'd to be so. And there was a President of such a nature in his Reign by Lanfranke the Arch B. of Canterbury, who had the greatest credit and authority with him, as cannot be parallell'd by the like don in any other Christian State; and impossible to be don, or permitted in any State that was in any degree subject to the Pope, which was the Canonization of a Saint. There being at that time very great fame of Aldelmus, who first brought in the composition of Latine verse into England

and besides his eminent Piety, had so great a faculty in singing, that by the music of his voice he wrought wonderful effects upon the barbarous and savage humor of that People, insomuch as when they were in great multitudes engaged in a rude or licentious action, he would put himself in their way and sing, which made them all stand still to listen, and he so captivated them by the melody, that he diverted them from their purpose, and by degrees got so much credit with them, that he reduc'd them to more civility, and instructed them in the duties of Religion, into which, tho they had bin baptiz'd, they had made little enquiry. He lived a little before the time of Edward the Confessor, and the general testimony of the Sanctity of his Life, and some miracles wrought by him (which it may be were principally the effects of his Music) being reported, and believed by Lanfrank, Edicto sancivit, ut per totam deinde Angliam Aldelmus inter eos, qui civibus coelestibus ascriptierant, honoraretur & coleretur, as by the authors nearest that time is remembered, & at large related by Harps-field in his Ecclesiastical History of England without any disapprobation. Nor is it probable, that Lanfrank who was an Italian, born and bred in Lombardy, and of great reputation for learning and piety, would have assum'd that authority, if he had believ'd that he had intrenched upon the Province of the Bishop of Rome. The truth is, Canonizations in that age were not the chargeable commodities they have since grown to be, since the Pope hath engross'd the disposal of them to himself; and it is very probable, that the Primitive Saints, whose memories are preserv'd in the Martyrologies very erroneously, were by the joint acknowledgment of the Church upon the notorious sanctity of their lives, and of their deaths, not by any solemn declaration of any particular authority of Rome; otherwise we should find the Records of Old Canonization there, as well as we do of so many new. But of so many of this Nation, who suffer'd in the ten first persecutions under the Roman Governors more then of any other, especially if St. Ursula, and her Eleven thousand Virgins be reckon'd into the number, there is no other Record but of the daies assign'd for their Festivities. And in their whole Bullarium, which for these latter hundred years so much abounds in Canonizations, the first that is extant is of Uldricke Bishop of Ausburg, by John the Fifteenth Anno Nine hundred ninety three, in a very different form, and much different circumstances from those which are now used. Finally, if the Popes inhibition or interposition could have bin of any moment in that time of William the Conqueror, he would have bin sure to have heard of it, when he seiz'd upon the Plate & Jewels of all the Monasteries, and laid other great impositions upon the Clergy, which they had not bin accusom'd to, and of which they would have complain'd, if they had known whether to have addressed their complaints.

The two next Kings who succeeded him, and reigned long (for Henry the First reigned no less then five and thirty years) wore not their Crowns so fast on their heads, in respect of the juster title in their Brother Robert, as prudently to provoke more enemies then they had; and therefore they kept very fair quarter with Paschal, who was Pope likewise many years, and were content to look on unconcern'd in the fierce quarrels between the Emperour and him, for he was very powerful in France tho not in Italy. And Anselme the Arch-Bishop of Canterbury had great contests with them both upon the priviledges of the Clergy, and had fled to Paschal to engage him in his quarrel; yet the Pope pretended to no jurisdiction in the point, but courteously interceded so far with Henry the First on the behalf of Anselme,

that he made his peace with the King: but when he afterwards desir'd to send a Legate into England, the King by the advice of the Bishops, and Nobles, positively refus'd to admit him. And whosoever takes a view of the constitution of Christendom, as far as had reference to Europe at that time, how far the greatest Kingdoms and Principalities, which do now controul and regulate that ambition, were from any degree of strength and power; that Italy was then crumbled into more distinct Governments, then it is at present; that France, that is now intire, was then under the command of very many Sovereign Princes, and the Crown it self so far from any notable superiority, that the King himself was sometimes excommunicated by his own Bishops and Clergy, without, and against the Popes direction, and sometimes excommunicated, and the Kingdom interdicted by the Pope, even whilst he resided in France, and in Councils assembled by them there, as in the Council of Clermont; that Spain, that is now under one Monarch, was then divided into the several Kingdoms of Castile, Arragon, Valentia, Catalonia, Navarr, and Leon, when the Moors were possess'd of a greater part of the whole, then all the other Christian Kings, the whole Kingdom of Granada with the greatest part of Andoluzia, and Estremadura, and a great part of Portugal being then under the Dominion of those Infidels; that Germany was under as many Sovereign princes as it had names of Cities and Provinces; and that England, which hath now Scotland and Ireland annex'd to it, was then, besides the unsettlement of the English Provinces upon the contests in the Norman Family, without any pretence to the Dominion of Wales, at least without any advantage by it: I say, whosoever considers this, will not wonder at the starts made by many Popes in that age, into a kind of power and authority in many Kingdoms, that they had not before, and which was then still interrupted and contradicted; and that when Alexander the Third came to be Pope, who reigned about twenty years, he proceeded so imperiously with our Henry the Second upon the death of Thomas Beckett, even in a time when there was so great a Schism in the Church, that Victor the Fifth was chosen by a contrary party, and by a Council called at Pavia by the Emperour there own'd, and declar'd to be Canonically chosen, and Alexander to be no Pope, who thereupon fled into France: so that if our King Henry the Second had not found such a condescension to be very suitable to his affaires both in England, and in France, it is probable he would have declin'd so unjust and unreasonable an imposition.

I am afraid of giving Mr Hobbes an occasion to reproch me with impertinency in this digression, tho he hath given me a just provocation to it; and since the Roman Writers are so solicitous in the collecting and publishing the Records of that odious Process, and strangers are easily induc'd to believe, that the exercise of so extravagant a jurisdiction in the Reign of so Heroical a Prince, who had extended his Dominions farther by much then any of his Progenitors had don, must be grounded upon some fix'd and confess'd right over the Nation, and not from an original Usurpation entred upon in that time, and when the usurper was not acknowledged by so considerable a part of Christendom; it may not prove ungrateful to many men, to take a short view of that very time, that we may see what unheard of motives could prevail with that high spirited King to submit to so unheard of Tyranny. That it was not from the constitution of the Kingdom, or any preadmitted power of the Pope formerly incorporated into the Laws and customs of the Kingdom, is very evident, by the like having bin before attempted. For tho the Clergy enjoied those great priviledges and immunities which are

mention'd before, whereby they had so great an influence upon the hearts of the people, that the Conquerour himself had bin glad to make use of them, and William the Second, Henry the First, and King Stephen had more need of them to uphold their Usurpation; yet those priviledges how great soever, depended not at all upon the Bishop of Rome, nor was any rank of men more solicitous then the Clergy to keep the Pope from a pretence of power in the Kingdom. And the Bishops themselves had in the beginning of that Arch-Bishops contumacious and rebellious contests with the King, don all they could to discountenance and oppose him, and had given their consent in Parliament, that for his disobedience all his goods and moveables should be at the Kings mercy: and it was also enacted with their consent (after the Arch-Bishop had fled out of the Kingdom, and was known to make some application to the Pope) that if any were found carrying a Letter or Mandate from the Pope or the Arch-Bishop, containing any interdiction of Christianity in England, he should be taken, and without delay executed as a Traitor both to the King & Kingdom; that whatsoever Bishop, Priest, or Monk should have, and retain any such Letters, should forfeit all their Possessions, Goods, and Chattells to the King, and be presently banish'd the Realm with their kin; that none should appeal to the Pope; and many other particulars, which enough declare the temper of that Catholic time, and their aversion to have any dependance upon a foreign jurisdiction. And after the death of Beckett, and that infamous submission of the King to the Popes Sentence thereupon (which yet was not so scandalous as it is vulgarly reported, as if it had bin made and undergon by the King in Person) when the same King desir'd to assist the Successor of that Pope, Lucius the Third, who was driven out of Rome, and to that purpose endeavour'd to raise a collection from the Clergy, which the Popes Nuntio appear'd in, and hoped to advance, the Clergy was so jealous of having to do with the Pope, or his Ministers, that they declar'd, and advised the King, that his Majesty would supply the Pope in such a proportion as he thought fit, and that whatever they gave might be to the King himself, and not to the Popes Nuntio, which might be drawn into example to the detriment of the King.

The King himself first shewed the way to Thomas a Beckett to apply himself to the Pope, till when the Arch-Bishop insisted only upon his own Ecclesiastical rights and power, in which he found not the concurrence of the other Bishops or Clergy, and the King not being able to bear the insolence of the man, and finding that he could well enough govern his other Bishops, if they were not subjected to the authority and power of that perverse Arch-Bishop, was willing to give the Pope authority to assist him, and did all he could to perswade him to make the Arch-Bishop of York his Legate, meaning thereby to devest the other Arch-Bishop of that Superiority over the Clergy that was so troublesom to him, and which he exercis'd in his own right as Metropolitan. But the Pope durst not gratify the King therein, knowing the spirit of Beckett, and that he would contemn the Legate, and knew well the Ecclesiastical superiority in that Kingdom to reside in his person as Arch-Bishop of Canterbury, who, had bin reputed *tanquam alterius Orbis Papa*, yet he sent to him to advise him to submit to the King; whereupon the haughty Prelate then fled out of the Kingdom, and was too hard for the King with the Pope, who was perswaded by him to make use of this opportunity to enlarge his own power, and to curb and subdue that clergy that was indevoted to him; and so by his Bull he suspended the Archbishop of York, and the other Bishops who adher'd to the king in the execution of his commands; which so much incens'd the King, that he let fall

those words in his passion, that encouraged those rash Gentlemen to commit that assassination, that produc'd so much trouble. It must also be remembred, that the King, when he bore all this from the Pope, was indeed but half a King, having caused his son Henry to be crown'd King with him, who thereupon gave him much trouble, and join'd with the French King against him: and that he had so large and great Territories in France, that as the Popes power was very great there, so his friendship was the more behoovfull and necessary to the King. Lastly, and which it may be is of more weight then any thing that hath bin said in this disquisition, it may seem a very natural judgment of God Almighty, that the Pope should exercise that unreasonable power over a King, who had given him an absurd and unlawful power over himself, and for an unjust end, when he obtain'd from our Country-Man Pope Adrian, who immediately preceded Alexander, a Dispensation not to perform the Oath which he had taken, that his Brother Geoffery should enjoy the County of Anjoy according to the Will and desire of his Father, and by vertue of that Dispensation, which the Pope had no power to grant, defrauded his Brother of his inheritance, and broke his Oath to God Almighty, and so was afterwards forced himself to yield to the next Pope, when he assum'd a power over him in a case he had nothing to do with, and where he had no mind to obey. And this unadvised address of many other princes to the Pope, for Dispensations of this kind to do what the Law of God did not permit them to do, hath bin a principal inlet of his Supremacy, to make them accept of other Dispensations from him, of which they stand not in need, and to admit other his incroachments from him, which have proved very mischievous to them. Of the condition of King John we need not speak, whose Usurpation, Murders, and absence of all virtue, made him fit to undergo all the reproches and censures which Pope innocent the Third exercis'd him with, when he usurped upon France with equal Tyranny.

The succeeding Kings no sooner found it necessary to expel, or restrain that power which the Popes had so inconveniently bin admitted to, and which they had so mischievously improv'd, but the Universities not only submitted to, but advanced those Acts which tended thereunto; as appears by the Writings of Occam, and other Learned Men in the University of Oxford, in the Reigns of those Kings both Edward the First and Edward the Third, in which times as much was don against the power of the Pope, as was afterwards don by Henry the Eighth himself. And the Gallican Church would not at this time have preserved their liberties and priviledges to that degree, as to contemn the power of the universal Bishop, if the University of the Sorbone had not bin more vigilant against those incroachments then the Crown it self. So far have the Universities bin from being the Authors, or promoters of those false Doctrines, which he unjustly laies to his charge. And I presume they ill be as vigilant and resolute, to preserve the Civil Authority from being invaded and endangered, by their receiving and subscribing to his pernicious and destructive principles, which his modesty is induced to believe may be planted in the minds of men, because whole Nations have bin brought to acquiesce in the great mysteries of Christian Religion which are above reason, and millions of men have bin made to believe, that the same body may be in innumerable places at one and the same time, which is against reason: and therefore he would have the Sovereign power to make his Doctrine, so consonant to reason, to be taught and preached. But his Doctrine is fit only to be taught by his own Apostles, who ought to be looked upon as Seducers, and false Prophets; and God forbid that

the Sovereign powers should contribute to the making those principles believed, which would be in great danger to be destroyed, if it were but suspected that they affected to have that power, which he would have to belong to them. And such Princes who have bin willing to believe they have it, have bin alwaies most jealous that it should be known, or thought, that they do believe so; since they know there would be a quick determination of their power, if all their Subjects knew, that they believed, that all they have doth in truth belong to them, and that they may dispose of it as they please.

(Pag. 168.) He saies a Common-wealth hath many diseases, which proceed from the poison of Seditious doctrines, whereof one is, That every private man is Judg of good and evil actions, which is a doctrine never allow'd in any Common-wealth, the Law being the measure of all good or evil actions under every Government; and where that Law permits a liberty to the Subject to dispute the commands of the Sovereign, no inconvenience can arise thereby: but if the Sovereign by his own authority shall vacate and cancel all Laws, the Commonwealth must need be distracted, or much weakened.

Mr Hobbes will have too great an advantage against any adversary, if he will not have his Government tried by any Law, nor his Religion by any Scripture: and he could never think, that the believing, that (pag. 168.) whatsoever a man doth against his conscience is sin, is a Doctrine to civil Society repugnant, if he thought any of the Apostles good Judges of Conscience, who all, upon all occasions and in all actions, commend themselves to every mans conscience, 2. Cor. 4. 2. as also, Our rejoicing is this, the Testimony of our conscience 2. Cor. 1. 12. and throughout the whole new Testament the conscience is made the Judg of all we do. And if Mr Hobbes had not so often excepted against Divines for being good Judges in Religion, I could tell him of very good ones, who are of opinion, that it is a sin to do any thing against an erroneous conscience, which is his own best excuse, that he will not depart from his own judgment, which is his conscience, how erroneous soever it is. But this liberty of Conscience is restrain'd only to those Cases where the Law hath prescribed no rule; for where the Law enjoins the duty, no private conscience can deny obedience. In case of misperswasion, it looks upon the action as sinful in him, and so chuses to submit to the penalty, which is still obedience, or removes into another Climate as more agreeable to his constitution.

If Mr Hobbes proposes to himself to answer all extravagant discourses or private opinions of seditious men, which have no countenance from public Authority, he will be sure to chuse such as he can easily confute. All sober men agree, that tho faith and sanctity are not to be attain'd only by study and reading, yet that study and reading are means to procure that grace from God Almighty that is necessary thereunto. And himself confesseth, that with all his education, discipline, correction, and other natural waies, it is God that worketh that faith and sanctity in those he thinks fit. So that if he did not think men the more unlearn'd for being Divines, it is probable that there is very little difference between what those unlearned Divines, and himself say upon this point, saving that they may use inspiring and infusing, which are words he cannot endure as insignificant speech, tho few men are deceiv'd in the meaning of them.

If all Sovereigns are subject to the Laws of Nature (as he saies they are) because such Laws are divine, and cannot by any man or Common-wealth be abrogated, they then are oblig'd to observe and perform those Laws which themselves have made, and

promised to observe; for violation of faith is against the Law of Nature by his own confession. Nor doth this obligation set any Judge over the Sovereign, nor doth any civil Law pretend that there is any power to punish him; it is enough, that in justice he ought to do it, and that there is a Sovereign in Heaven above him, tho' not on Earth.

The next indeed is a Doctrine that troubles him, and tends, as he saies, (pag. 169.) to the dissolution of a Common-wealth, That every private man has an absolute propriety in his goods, such as excludes the right of the Sovereign, which if true, he saies, (p. 170) he cannot perform the Office they have put him into, which is to defend them both from foreign Enemies, and from the injuries of one another, and consequently there is no longer a Common-wealth. And I say, if it be not true, there is nothing worth the defending from Foreign Enemies, or from one another, and consequently it is no matter what becomes of the Common-wealth. Can he defend them any other way, then by their own help, with their own hands? and it is a marvellous thing that any man can believe, that he can be as vigorously assisted by people who have nothing to lose, as by men who defending him defend their own Goods and Estates, which if they do not believe their own, they will never care into what hands they fall. Nor is the Sovereign power divided by the Sovereigns consenting that he will not exercise such a part of it, but in such & such a manner, and with such circumstances; for he hath not parted with any of his Sovereignty, since no other man can exercise that which he forbears to exercise himself; which could be don, if he had divided it. And it is much a greater crime in those who are totally ignorant of the laws, to endeavour by their wit and presumption to undermine them, then that they who are learn'd in the study and profession of the Law, do all they can to support that, which only supports the Government. Much less is the Sovereign power divided by the Sovereigns own communicating part of it to be executed in his name, to those who, by their education and experience, are qualified to do it much better then he himself can be presumed to be able to do; as to appoint Judges to administer Justice to his people, upon all the pretences of right which may arise between themselves, or between him and them, according to the Rules of the Law which are manifest to them, and must be unknown to him; who yet keeps the Sovereign power in his hands to punish those deputies, if they swerve from their duty.

To the Mischiefs which have proceeded from the reading the Histories of the ancient Greeks and Romans, I shall say no more in this place, then that if Mr Hobbes hath bin alwaies of this opinion, he was very much to blame to take the pains to translate Thucydides into English, in which there is so much of the Policy of the Greeks discovered, and much more of that Oratory that disposes Men to Sedition, then in all Tullies, or Aristotles works. But I suppose he had then, and might still have more reason to believe, that very few who have taken delight in reading the Books of Policy and Histories of the ancient Greeks and Romans, have ever fallen into Rebellion; and there is much more fear, that the reading this and other Books writ by him, and the glosses he makes upon them in his conversation, may introduce thoughts of Rebellion into young men, by weakning, and laughing at all obliations of conscience, which only can dispose men to obedience: and by perswading Princes, that they may safely and justly follow the extent of their own inclinations, and appetites in the Government of their Subjects, which must tire and wear out all Subjection, at least the cheerfulness, which is the strength

of it, by lessening the reverence to God Almighty, which is the foundation of reverence to the King; and undervaluing all Religion, as no otherwise known, and no otherwise constituted then by the arbitrement of the Sovereign Prince, whom he makes a God of Heaven, as well as upon the Earth, since he is upon the matter, the only author of the Scripture it self; the swallowing of all which opinions, must be the destruction of all Government, and the ruine of all obedience.

Tho most of his reflexions are reproches upon the Government of his own Country, which he thinks is imperfectly instituted; yet he cannot impute the doctrine of killing Kings, whether Regicide or Tyrannicide, to that Government, nor the unreasonable distinction of Spiritual and Temporal jurisdiction, to rob the Sovereign of any part of his Supremacy, and divide one part of his Subjects from a dependance upon his justice and authority. God be thanked the Laws of that Kingdom admit none of that doctrine, or such distinctions to that pernicious purpose. Nor do the Bishops, or Clergy of that Kingdom (however they are fallen from Mr Hobbes his grace) use any style or title, but what is given or permitted to them by the Sovereign power. And therefore this Controversy must be defended by those (who justly lie under the reproch) of the Church of Rome, who, it may be, consider him the less, because, tho they know him not to be of theirs, they think him not to be of any Religion.

The power of levying Mony, which depending upon any general assembly, he saies, (pag. 172.) endangereth the common-wealth, for want of such nurishment, as is necessary to life and motion, shall be more properly enlarg'd upon in the next Chapter, when, I doubt not, very wholesome remedies will be found for all those diseases which he will suppose may proceed from thence, but tis to be hoped none will chuse his desperate prescriptions, which will cure the disease by killing the Patient.

He concludes this Chapter, after all his bountiful donatives to his Sovereign, with his old wicked doctrine, that would indeed irreparably destroy and dissolve all Common-wealths. That when by a powerful invasion from a foreign Enemy, or a prosperous Rebellion by Subjects, his Sovereign is so far oppressed that he can keep the field no longer, his Subjects owe him no farther assistance, and may lawfully put themselves under the Conqueror, of what condition soever; for tho, he saies, (pag. 174.) The right of the Sovereign is not extinguished, yet the obligation of the members is, and so the Sovereign is left to look to himself. There are few Empires of the World, which at some time have not bin reduc'd, by the strength and power of an outrageous Enemy, to that extremity, that their forces have not bin able to keep the field any longer, which Mr Hobbes makes the period of their Subjects Loyalty, and the dissolution of the Common-wealth; yet of these at last many Princes have recover'd, and redeem'd themselves from that period, & arrived again at their full height and glory by the constancy and vertue of their Subjects, and their firmly believing, that their obligations could not be extinguish'd as long as the right of their Sovereign Monarch was not. So that there is great reason to believe, that the old Rules which Sovereignty alwaies prescribed to it self, are much better, and more like to preserve it, then the new ones which he would plant in their stead; because it is very evident, that the old subjection is much more faithful and necessary to the support and defence of the Sovereignty, then that new one which he is contented with, and prescribes; which he will not only have determin'd as to any assistance of his natural Sovereign, tho he confesses (pag. 174.) his right remains still in him; but that he

is obliged, (so strictly obliged, that no pretence of having submitted himself out of fear, can absolve him) to protect, and assist the Usurper as long as he is able. So that the entire loss of any one Battel, according to his judgment of subjection, and the duty of Subjects, shall, or may put an end to the Sovereignty of any Prince in Europe. And this is one of the grounds and principles, which he concludes to be against the express duty of Princes, to let the people be ignorant of.

If Mr Hobbes had a Conscience made and instructed like other mens, and had not carefully provided, that whilst his judgment is fix'd under Philosophical and Metaphysical notions, his Conscience shall never be disturb'd by Religious speculations and apprehensions; it might possibly smite him with the remembrance, that these excellent principles were industriously insinuated, divulged and publish'd within less then two years after Cromwels Usurpation of the Government of the three Nations, upon the Murder of his Sovereign; and that he then declar'd in this book (pag. 165.) that against such Subjects who deliberately deny the authority of the Commonwealth, then, and so established (which God be thanked much the major part of the three Nations then did) the vengeance might lawfully be extended not only to the fathers, but also to the third and fourth generation not yet in being, and consequently innocent of the fact for which they are afflicted; because the nature of this offence, consists in renouncing of subjection, which is a relapse into the condition of war, commonly called rebellion, and they that so offend, suffer not as Subjects, but as Enemies. And truly he may very reasonably believe, surely more then many things which he doth believe, that the veneme of this Book wrought upon the hearts of men, to retard the return of their Allegiance for so many years, and was the cause of so many cruel and bloody persecutions against those, who still retain'd their duty and Allegiance for the King. And methinks no man should be an Enemy to the renewing war in such cases, but he who thinks all kind of war, upon what occasion soever, to be unlawful; which Mr Hobbes is so far from thinking, that he is very well contented, and believes it very lawfull for his Sovereign, in this paragraph of cruelty, to make war against any whom he judges capable to do him hurt.

The Survey of Chapter 30.

Mr Hobbes having invested his Sovereign with so absolute Power and Omnipotence, we have reason to expect that in this Chapter of his Office, he will enjoin him to use all the authority he hath given him; and he gives him fair warning, that if any of the essential Rights of Sovereignty, specified in his eighteenth chapter (which, in a word, is to do any thing he hath a mind to do, and take any thing he likes from any of his Subjects) be taken away, the Common-wealth is dissolv'd: and therefore that it is his office to preserve those Rights entire, and against his duty to transfer any of them from himself. And least he should forget the Rights and Power he hath bestowed upon him, he recollects them all in three or four lines, amongst which he puts him in mind, that he hath power to leavy mony, when, and as much as in his own conscience he shall judg necessary: and then tells him, that it is against his duty to let the People be ignorant, or mis-informed of the grounds and reasons of those his essential Rights, that is, that he is oblig'd to make his Leviathan Canonical Scripture, there being no other Book ever yet printed, that can inform them of those rights, & the grounds and reason of them. And how worthy they are to receive that countenance and

authority, will best appear by a farther examination of the Particulars; and yet a man might have reasonably expected from the first Paragraph of this Chapter another kind of tenderness, indeed as great as he can wish, of the good and welfare of the Subject, when he declares, (pag. 175.) That the office of the Monarch consists in the end for which he was trusted with the Sovereign Power, namely, the procuration of the safety of the People, to which he is obliged by the Law of Nature, and to render an account thereof to God the Author of that Law. But by safety, he saies, is not meant a bare preservation, but also all other contentments of life, which every man by lawful industry, without danger or hurt to the Commonwealth, can acquire to himself. Who can expect a more blessed condition? Who can desire a more gracious Sovereign? No man would have thought this specious Building should have its Foundation, after the manner of the foolish Indians, upon sand, that, assoon as you come to rest upon it, molders away to nothing; that this safety, safety improv'd with all the other contentments of life, should consist in nothing else, but in a mans being instructed and prepared to know, that he hath nothing of his own, and that when he hath by his lawful industry acquired to himself all the contentments of life which he can set his heart upone one touch of his Sovereigns hande one breath of his mouth, can take all this from him without doing him any injury. This is the Doctrine to be propagated, and which he is confident will easily be received and consented to, since if it were not according the principles of Reason, he is sure it is a principle from authority of Scripture, and will be so acknowledged if the peoples minds be not tainted with dependance upon the Potent, or scribled over with the opinions of their Doctors.

One of the reasons which he gives, why his grounds of the rights of his Sovereign should be diligently and truly taught, is a very good reason to believe, that the grounds are not goode because he confesses, (pag. 175.) that they cannot be maintain'd by any Civil Law, or terror of legal punishment. And as few men agree with Mr Hobbes in the essential Rights of Sovereignty, so none allows, nor doth he agree with himself, that all resistance to the rights of the Sovereignty, be they never so essential, is Rebellion. He allows it to be a priviledg of the Subject that he may sue the King, so there is no doubt but that the Sovereign may sue the Subject, who may as lawfully defend as sue, and every such defence is a resistance to the Sovereign right of demanding, and yet I suppose Mr Hobbes will not say it is Rebellion. He that doth positively refuse to pay mony to the King, which he doth justly owe to him, and which he shall be compell'd to pay, doth resist an essential Right of the King, yet is not guilty of Rebellion, which is constituted in having a force to support his resistance, and a purpose to apply it that way. And as the Law of Nature is not so easily taught, because not so easily understood as the Civil Law, so I cannot comprehend, why Mr Hobbes should imagine the Sovereign power to be more secure by the Law of Nature, then by the Civil Law, when he confesses, That the Law of Nature is made Law, only by being made part of the Civil Law; and if the Civil Law did not provide a restraint from the violation of Faith, by the terror of the punishment that must attend it, the obligation from the Law of Nature would be a very faint security to Princes for the obedience of their Subjects. But he chuses to appeal only to the Law of Nature, which is a Text so few men have read and understand, to support an imaginary Faith that was never givene upon which Sovereignty was founded. For which he hath another reason likewise; for his Law of Nature is

always at hand to serve him, when no other Law will. For when you tell him that the Law of Nature forbiddeth the violation of Faith, and therefore that Kings and Princes are obliged to observe the Promises they make, and the Oaths they take; he answers you with great confidence, & great cleerness, that that rule is only obligatory to Subjects, for that by the Law of Nature, such Promises and Oaths taken by Princes are ipso facto void, invalide and bind not at all. So that by this omnipotent Law of Nature, which is indispensable and eternal, the Sacred Word of a King, which ought to be as fixed and unmoveable as the center of the Earth, is made is changeable as the Moon; and the breach of Faith, which is so odious to God and man, is made lawful for Kings, who are the only Persons in the World who cannot be perjured, because the indispensable Law of Nature will not permit them to perform what they promise. And now we see the reason why the Law of Nature must only be able to support that Government, which no Civil Law will be able to do: it remainse that tho there may be a very innocent and lawful resistance of some essential Rights of the Sovereign for recovery whereof he may be put to sue at Law, as hath bin said before, his Sovereign by his right of Interpreting Law, may, as his Institutor here hath don, interpret such resistance to be Treason, and so confiscate the Estate of the greatest Subject he hath, who hath an Estate that he hath a mind to have.

He would be glad to find some answer to the want of President, which he sees will alwaies lie in his way, that there hath not bin hitherto any Common-wealth where those Rights have bin acknowledg'd or challeng'd: but he hath alwaies the ill luck to leave the Objection as strong as he found it; and if he could find no Artificers to assist in the erecting such a Building as may last as long as the Materials, notwithstanding his skill in Architecture from the principles of Reason, his long study of the nature of Materials, and the divers effects of Figure and Proportion, men would rather chuse to dwell in the Houses they have, then to pull them downe and exspect till he set up better in the place. He must give a better evidence then his nonreason, that his Government will be everlasting, before men believe it; and when his Principles from authority of Scripture come to be examin'd, they will be found to have no more solidity, then those which he hath produc'd from his long study and observation. In the mean time he shall do well to get his Doctrine planted in those Countries, and among that People who are made believe, that the same Body may be in innumerable places at one and the same time, where possibly things equally unreasonable may be believ'd. And since men are to be taught, that they ought not to be in love with any Form of Government more then with their own, nor to desire change, which he saies, (pag. 177.) is like the breach of the first of Gods Commandments, he hath himself raised one unanswerable Argument against the reception and doctrine of his Leviathan. His unskilful reproches upon the Universities are sufficiently refuted in the last Chapter.

A man would hardy believe, that the same Person should think it to be of the office of the Sovereign to take care for the making of good Laws, and should so frankly declare, That no Law can be conceiv'd to be good, tho it be for the benefit of the Sovereign, if it be not necessary for the People, for the good of the Sovereign and the People cannot be separated; and yet at the same time determine, that all Laws which establish any Propriety to and in the People, are invalid and void, and that it is an essential and inseparable Right in the Sovereign, to levy as much mony at any time, as he in his own conscience shall judg

necessary. And therefore, tho I think I have in several places of this Discourse sufficiently evinc'd the unreasonableness of this Proposition, and the inconsistency of the good and security of the Sovereign with such a Power, I shall here enlarge upon the Disquisition thereof, and of the reasons which induce him to believe, that any kind of restraint of his power of raising money, by what consent of his own soever, is no less then the dissolution of the Common-wealth: for his power of taking every mans money from him, and his goods that will yield money, is his principal contention throughout his Book, besides his liberty to lay asleep, alter, and repeal all Laws according to his will and pleasure. The expence and charge of the preservation and maintenance of the Government being uncertain and contingent, and so not to be provided for by any constant provision or revenue, if by any emergent occasion, upon a suddain Rebellion or foreign Invasion, the Sovereign hath not power to raise what money he thinks necessary to suppress the one and resist the other, the Kingdom must be lost; and if he may do it in either of those cases, he may do it to prevent either; and it ought to be suppos'd that he will not take more, tho he may take all, then is absolutely necessary for the occasion: and this is the strongest case (and yet is not so strong in relation to an Island, as it is in relation to an In-land Kingdom) he hath, or can suppose, for the support of this power, to every part of which this answer may be applied.

As there is no Sovereign in Europe who pretends to this right of Sovereignty, so there was never any Kingdom, or considerable Country lost by want of it, or preserv'd by the acutal exercise of it: and the Laws themselves permit, and allow many things to be don, when the mischief and necessity are in view, which may not warrantably be don upon the pretence of preventing it. The Law of necessity is pleadable in any Court, and hath not only its pardon but justification; as when, not only a Magistrate, but a private man pulls down a house or more, which are next to that house which is on fire, to prevent the farther mischief, the Law justifies him, because the necessity and benefit is as visible as the fire; yet it would not be justice in the Sovereign himself, to cause a mans house to be pulled down that is seven miles distant, upon a fore-sight that the fire may come thither. I am not averse from Mr Hobbes's opinion, that a man who is upon the point of starving, and is not able to buy meat, may take as much of the meat he first sees, as will serve for that meal; and this not only by the Law of Nature, but for ought I know, without punishment by any Municipal Law, which seldom cancels the unquestionable Law of Nature: but this necessity will not justify him in the stealing or taking by force an Ox from any man to prevent starving for a month together, how poor soever the man is, or to rob a Poulterersshop, that he may have a second course. Necessity is not a word unknown, or unconsider'd by the Law. No Subject, who will obey the Law, and submit to that power and authority which he confesses to be unquestionable in the King, can run into Rebellion; and if he doth, all other Subjects are bound by the Laws to assist, to suppress it in that manner, and with that force, and under such conduct and command as the Sovereign directs. If this Rebellion prospers, iet the Sovereigns right be what Mr Hobbes assigns him, to levy money, he will never be able to levy it in the Rebels Quarters; and if they extend their Quarters far, they share the Sovereignty with him; for he appoints those who live in those Quarters, and enjoy protection, to assist and defend their Protectors. The case is the same in an actual Invasion, where the Invaders right grows at least as fast

as the Rebels; and the power of the Sovereign, be it never so cheerfully submitted to, can levy money only where he is obeyed, and upon those whose hands must fight for him, or give him other assistance; and then the question is, Whether he be not like to be stronger by accepting what they are willing to give, than by letting them know that they have nothing to give, because all they have is his. And yet in both these cases of an actual Rebellion, or actual Invasion, if the King takes any mans money that he finds (and if he cannot find it, his right to take it will do him little good) not as his own, but as that mans, to be laid out for his own and public defence, and to be repaid by the public, which ought not to be defended at the charge of any private man, there will be little complaint of the violation of the Law, and the right of Property will be still unshaken. But all these mischiefs are to be prevented by the Sovereigns sagacity and foresight; and if he may not levy what money he pleases, and thinks requisite to make preparations to disappoint all such designs of both kinds, it will be too late indeed to do it after, and the Common-wealth cannot but suffer by the defect of power.

If the mischief be only in apprehension, there is time to raise money in that way which is provided, and agreed upon for those extraordinary occasions, by asking their consent, who can without any complaint or murmur that can prove inconvenient, give present directions for the payment thereof. But what if they refuse to give; must the Common-wealth perish, and every man in it, whose defence the Sovereign hath undertaken, and is bound to. If the Sovereign hath taken all they have before, as he may when he will, they may have nothing left to be taken in those necessary seasons, and then what will his obligation to defend them do good? and how are they like to assist him, when they have nothing to defend but his power to make them miserable? It is not good to suspect, that Princes will extend their power, how absolute soever it is, to undo their Subjects wantonly and unnecessarily; nor is it reasonable to imagine, that Subjects who enjoy Peace and Plenty, will obstinately refuse to contribute towards their own preservation, when both are in danger. But since it is necessary to suppose a case that never yet fell out, to introduce a Government that was never before thought of, let us admit that it is possible, that such an obstinate Spirit may rule in that Assembly which have the power to raise money, that they may peremptorily refuse to give any, and by the want thereof the Commonwealth is really like to be dissolv'd; I say, admit this, (tho the same kind of obstinacy, that is, an obstinacy as natural as this, to perform no function they ought to do, will, and must dissolve the Sovereignty of his own institution) the question shall be, Whether this very disease be worthy of such a cure? whether the confess'd possibility of such a danger be fit to be secur'd and prevented by such a remedy? and I think most wise and dispassioned men will believe, that the perpetual inquietude and vexation, that must attend men who are in daily fear to have all they have taken from them, and believe that they have nothing their own to leave to their Children and Family, is too disproportion'd a provision to prevent a mischief that is possible to fall out; and that the hazard of that is more reasonably to be submitted to, than the danger of a more probable revolution from the other distemper. And when he hath heightened the danger his Sovereignty may be in, by all the desperate imaginations his melancholy or fancy can suggest to him, he will find, that no defect of power can ever make a Prince so weak, so impotent, and so completely miserable, as his being Sovereign

over such subjects as having nothing to give, because they have nothing that is their own; nor will the conscience of their Sovereign, that he will not do all he may, bring any substantial Cordial to them: but as he saies, that his Sovereign may command any thing to be don against Law, because his command amounts to a repeal of that Law, for he that can make himself free, is free; so they will think, that he that can be undon at the pleasure of another man, is undon already, and that every day is but the Eve of his destruction, and therefore will think of all ways to prevent it; and he knows the effect of fear too well, to think that a man who is in a continual fright can be fix'd in a firm obedience.

His Commentary upon the ten Commandments, which in his judgment comprehends and exacts all his Injunctions contain'd in his Leviathan, and his other Theological Speculations, I refer to the consideration and examination of his Friends the Divines, who no doubt will be well pleased to find him a better Casuist, now he comes to revolve the tenth Commandment in this his thirtieth Chapter, then he was in his twenty seventh Chapter, in his gloss upon the same Text; for there he determines clearly, (pag. 151.) that to be delighted in the imagination only of being possessed of an other mans goods, or wife, without intention to take them from him by force or fraud, is no breach of this Law, Thou shalt not covet: nor the pleasure a man hath in imagining the death of a man, from whose life he expects nothing but damage and displeasure, any sin. The business he then had, was to find excuses and extenuations for sins; but now having occasion better to consider that Commandment, of which he stood in need, he finds, that the very intention to do an unjust act, tho hinder'd, is injustice, which consisteth in the pravity of the Will, as well as in the irregularity of the act; as if in the former case, all that delight in the imagination of being possessed of another mans Wife, or the pleasure one has in thinking of the death of a man he doth not love, could be without any pravity of the Will. 'Tis true, a purpose and intendment may be more criminal then a mere complacency; but we know more or less do not change the Species of things. And for the best way of inculcating all his useful Doctrines, and setting aside certain daies to infuse (which upon so good an occasion will not offend his severe ear) the same into the hearts of the People, which he conceives to be a duty enjoin'd by the fourth Commandment, I shall defer my opinion till the end of the next Chapter, when upon the view of all his Doctrines by retail, we may better consult upon the method of spreading them abroad. In the mean time he must not take it ill, that I observe his extreme malignity to the Nobility, by whose bread he hath bin alwaies sustain'd, who must not expect any part, at least any precedence in his Institution; that in this his deep meditation upon the ten Commandments, and in a conjuncture when the Levellers were at highest, and the reduction of all degrees to one and the same was resolv'd upon, and begun, and exercis'd towards the whole Nobility with all the instances of contemt and scorn, he chose to publish his judgment; as if the safety of the People requir'd an equality of Persons, and that (pag 180.) the honor of great Persons is to be valued for their beneficence, and the aids they give to men of inferior rank, or not at all; and that the consequence of partiality towards the great, raised hatred, and an endeavor in the People to pull down all oppressing and contumelious greatness; language lent to, or borrowed from the Agitators of that time.

He seems to think the making of good Laws to be incumbent on the Sovereign as his duty, and of much importance to his

Government; but he saies then, (pag. 181.) that by a good Law, he doth not mean a just Law, for that no Law can be unjust, because it is made by the Sovereign Power. And in truth, if the use of Laws is not to restrain men from doing amiss, and to instruct and dispose them to do well, and to secure them when they do so, they are of no use at all, and it is no matter if there be any Laws or no. For, to make use of his own illustration, (pag. 182.) Hedges are set to stop Travellers, and to keep them in the way that is allow'd and prescrib'd, and for hindering them to chuse a way for themselves, tho a better and nearer way; and Laws are made to guide, and govern, and punish men who presume to decline that rule, and to chuse another to walk by, that is more agreable to their own appetite or convenience. He renews his trouble to find fit Counsellors for his Sovereign, which he hath so much consider'd before, and finds the office to be as hard as the Etymology (of which let the Grammarians and he agree) and saies plainly, (pag. 184.) that the Politics is a harder study, then the study of Geometry: and probably he believes that he can set down as firm Rules in the one, as there are in the other. (pag. 184) Good counsel, he saies, comes not by lot or inheritance, and therefore there is no more reason to expect good advice from the rich or the noble, in the matter of state, then in delineating the dimensions of a fortress; and is very solicitous, like a faithful Leveller, that no man may have priviledges of that kind by his birth or descent, or have farther honor then adhereth naturally to his abilities; whereas in all well instituted Governments, as well among the Ancient as the Modern, the Heirs and Descendants from worthy and eminent Parents, if they do not degenerate from their vertue, have bin alwaies allow'd a preference, and kind of title to employments and offices of honor and trust, which he thinks (pag. 184.) inconsistent with the Sovereign power, tho they must be confer'd by him: and the Pedegree of those pretences from the Germans, is one of those dreams which he falls into, when he invades the quarters of History to make good his assertions.

Lastly, since he reckons the sending out Colonies, and erecting Plantations, the encouraging all manner of Arts, as Navigation, Agriculture, Fishing, and all manner of Manufactures, to be of the Policy and Office of a Sovereign, it will not be in his power to deny, that his Sovereign is obliged to perform all those promises, and to make good all those concessions and priviledges which he hath made and granted, to those who have bin thereby induc'd to expose their Fortunes and their industry to those Adventures, as hath bin formerly enlarg'd upon in the case of Merchants and Corporations, and which is directly contrary to his Conclusions and Determinations. And I cannot but here observe the great vigilance and caution which Mr Hobbes (who hath an excellent faculty of employing very soft words, for the bringing the most hard and cruel things to pass) uses out of his abstracted love of justice, towards the regulating and well ordering his poor and strong people, whom he transplants into other Countries for the ease of his own; whom he will by no means suffer to exterminate those they find there, but only to constrain them to inhabit closer together, and not to range a great deal of ground; that is in more significant words, which the tenderness of his nature would not give him leave to utter, and take from them the abundance they possess, and reduce them to such an assignation, that they may be compell'd, if they will not be perswaded, (pag. 181.) to court each little plot with art and labor to give them their sustenance in due season. And if all this good Husbandry will not serve the turn, but that they are

still overcharg'd with Inhabitants, he hath out of his deep meditation prescrib'd them a sure remedy for that too, (pag. 181) War, which he saies will provide for every man by victory, or death; that is, they must cut the throats of all men who are troublesom to them, which without doubt must be the natural and final period of all his Prescriptions in Policy and Government.

The Survey of Chapter 31.

After he hath form'd such a Kingdom for man, as is agreeable to his good will and pleasure, he concludes this second part of his Discourse, by assigning the one and thirtieth Chapter to the consideration of the Kingdom of God by nature, concerning which, he enlargeth himself with less reservation in the third part of his Discourse which immediatly follows, and therefore I shall make no reflexions upon what he saies concerning it, till we come thither: nor upon his Worship and Attributes which he assigns to God, or rather what are not Attributes to him; in which, under pretence of explaining or defining, he makes many things harder then they were before. As all men who know what the meaning of knowledg and understanding is, know it less after they are told, that it is (pag. 190.) nothing else but a tumult in the mind raised by external things, that press the organical parts of mans body. And I must confess, he hath throughout this whole Chapter with wonderful art, by making use of the very many easie, proper, and very significant words, made a shift to compound the whole so involv'd and intricate, that there is scarce a chapter in his Book, the sense whereof the Reader can with more difficulty carry about him, and observe the several fallacies and contradictions in it. Of which kind of obscurity Mr Hobbes makes as much use, as of his brightest elucidations, and having the Sovereign power over all definitions: which he uses not (as is don in Geometry, which he saies, is the only science it hath pleased God hitherto to bestow upon man kind) as preliminaries or postulata, by which men may know the settled signification of words, but reserves the prerogative to himself, to give new Definitions as often as he hath occasion to use the same terms, that when it conduces to his purpose, he may inform his Reader, or else perplex him. And therefore he doth not think himself safe in the former plain Definition which he gives of understanding, (pag. 17.) that it is nothing else but conception caused by speech; by which, speech being peculiar to man, understanding must be peculiar to him also: but now being in his one and thirtieth Chapter, and to deprive God of understanding, that Definition will not serve his turn, since it cannot be doubted that God doth hear all we say; and therefore we are to be amuzed by being told, (pag. 190.) that understanding is nothing else but a tumult of the mind, raised by external things, that press the organical parts of mans body: So that there being no such thing in God, and it depending on natural causes, cannot be attributed to him. And now he is as safe as ever he was, and let him that finds no tumult in his mind, that presses the organical parts of his body, get knowledg and understanding as he can.

I am not willing, under pretence of adjourning some reflexions, which would be natural enough upon this Chapter, to a more seasonable occasion, for enlargment upon the third part of his discourse, to be thought purposely to pretermit some of his Expressions in this Chapter, which seem to have somewhat of Piety and of Godliness in them, and to raise hope that his purposes are yet better then they appear'd to be. After all that illimited power he hath granted to his Sovereign, and all that

unrestrain'd obedience which he exacts from his Subject, he doth in the first Paragraph of this Chapter frankly acknowledg, (pag. 186.) that the Subjects owe simple obedience to their Sovereigne only in those things wherein their obedience is not repugant to the Law of God, and is very solicitous so to instruct his Subject, that for want of entire knowledg of his duty to both Laws, he may neither by too much civil obedience offend the Divine Majesty, or through fear of offending God, transgress the Commandments of the Commonwealth; a circumspection worthy the best Christian, and is enough to destroy many of the Prerogatives which he hath given to his Sovereign, and to cancel many of the Obligations he hath impos'd upon his Subject. But if the Reader will suspend his judgment till he hath read a few leaves more, he will find, that Mr Hobbes hath bin wary enough to do himself no harm by his specious Divinity, but hath a salvo to set all streight again; for he makes no scruple of determining, (pag. 199.) That the Books of the holy Scripture, which only contain the Laws of God, are only Canonical, when they are established for such by the Sovereign power. So that when he hath suspended obedience to the Sovereign in those things wherein their obedience is repugant to the Law of God, it is meant only till the Sovereign declares that it is not repugnant to the Law of God; with other excellent Doctrine, the examination whereof we must not anticipate before its time; and shall only wonder at his devout provision, (pag. 191.) that Praiers and Thanksgiving to God, be the best and most signficiant of honor. And whereas most pious men are of opinion, that those Devotions being the most sincere, and addressed to none but to God himself, who at the same time sees the integrity of the heart, ought to be without the least affectation of Word, or elegance of Expression; he will have them (pag. 192.) made in words and phrases, not sudden and plebeian, but beautiful and well composede for else we do not God so much honor as we may; and therefore he saies, Though the Heathen did absurdly to worship Images for Gods, yet their doing it in verse and with music, both of voice and instrument, was reasonable.

I cannot omit the observation of his very confident avoiding that place in the Scripture, (pag. 193.) It is better to obey God then man, which he could not but find did press him very hard, and was worthy of a better answer, then that it hath place in the Kingdom of God by pact, and not by nature; which if it be an answer, hath not that perspicuity in it, which good Geometricians require; and the answer stands much more in need of a Commentary, then the Text, which he will supply us with in the next Edition. However, let it be as it will, he hath, he saies, (pag. 193.) recovered some hope, that at one time or other this writing of his may fall into the hands of a Sovereign who will consider it himself, (he acknowledged at that time no Sovereign but Cromwell) and without the help of any interessed or envious Interpreter, and by the exerisce of entire Sovereignty in protecting the public teaching it, convert the truth of speculation into the utility of practice.

It is one of the unhappy effects, which a too gracious and merciful Indulgence ever produces in corrupt and proud natures, that they believe that whatsoever is tolerated in them, is justified and commended; and because Mr Hobbes hath not receiv'd any such brand which the Authors of such Doctrine have bin usually mark'd with, nor hath seen his Book burn'd by the hand of the Hang-man, as many more innocent Books have bin, he is exalted to a hope, that the supreme Magistrate will at some time so far exercise his Sovereignty, as to protect the public

teaching his Principles, and convert the truth of his Speculation into the utility of practice. But he might remember, and all those who are scandalized, that such monstrous and seditious Discourses have so long escaped a judicial Examination and Punishment, must know, that Mr Hobbes his Leviathan was printed & publish'd in the highest time of Cromwell's wicked Usurpation; for the vindication and perpetuating whereof, it was contriv'd and design'd, and when all Legal power was suppress'd; and upon his Majesties blessed return, that merciful and wholsom Act of Oblivion, which pardon'd all Treasons and Murders, Sacriledg, Robbery, Heresies and Blasphemies, as well with reference to their Writings as their Persons, and other Actions, did likewise wipe out the memory of the Enormities of Mr Hobbes and his Leviathan. And this hath bin the only reason, why the last hath bin no more enquired into then the former, it having bin thought best, that the impious Doctrines of what kind soever, which the license of those times produc'd, should rather expire by neglect, and the repentance of the Authors, then that they should be brought upon the stage again by a solemn and public condemnation, which might kindle some parts of the old Spirit with the vanity of contradiction, which would otherwise, in a short time, be extinguish'd: and it is only in Mr Hobbes his own power to reverse the security that Act hath given him, by repeting his former Errors, by making what was his Off-spring in Tyrannical Times, when there was no King in Israel, his more deliberate and legitimate Issue and Productions, in a time when a lawful Government flourishes, which cannot connive at such bold Transgressors and Transgressions; and he will then find, that it hath fallen into the hands of a Sovereign that hath consider'd it very well, not by allowing the public teaching it, but by a declared detestation and final suppression of it, and enjoining the Author a public recantation.

We shall conclude here our disquisition of his Policy and Government of his Commonwealth, with the recollecting and stating the excellent Maximes and Principles upon which his Government is founded and supported, that when they appear naked, and uninvolv'd in his magisterial Discourses, men may judg of the liberty and security they should enjoy, if Mr Hobbes Doctrine were inculcated into the minds of men by their Education, and the Industry of those Masters under whom they are to be bred, as he thinks it necessary it should be; which Principles are in these very terms declared by him.

1. That the Kings word is sufficient to take any thing from any Subject then there is need, and that the King is Judg of that need. pag. 106. cap. 20. part. 2.

2. The Liberty of a subject lieth only in those things, which in regulating their actions, the Sovereign hath pretermitted, such as is the liberty to buy and sell, and otherwise to contract with one another., to chuse their own abode, their own diet, their own trade of life, and institute their children as they themselves think fit, and the like. Pag. 109. cap. 21. par. 2.

3. Nothing the Sovereign can do to a subject, on what pretence soever, can properly be called injustice or injury. pag. 109.

4. When a Sovereign Prince putteth to death an innocent subject, tho the action be against the Law of Nature, as being contrary to Equity, yet it is not an injury to the subject, but

to God. pag. 109.

5. No man hath liberty to resist the word of the Sovereign; but in case a great many men together, have already resisted the sovereign power unjustly, or committed some capital crime, for which every one of them expecteth death, they have liberty to join together, and to assist and defend one another Pag. 112.

6. If a Sovereign demand, or take any thing by pretence of his power, there lieth in that case no action at Law. pag. 112.

7. If a subject be taken Prisoner in war, or his person, or his means of life be within the guards of the Enemy, and hath his life and corporal liberty given him, on condition to be subject to the Victor, he hath liberty to accept the condition, and having accepted it, is the subject of him that took him. pag. 114.

8. If the Sovereign banish the subject, during the banishment he is no subject. pag. 114.

9. The obligation of subjects to the Sovereign, is as long, and no longer then the power lasteth, by which he is able to protect them. pag. 124.

10. What ever Promises or Covenants the Sovereign makes, are void. pag. 89.

11. He whose private interest is to be judg'd in an assembly, may make as many friends as he can; and tho he hires such friends with mony, yet it is not injustice. pag. 122. cap. 22. part. 2.

12. The propriety which a subject hath in his Lands, consisteth in a right to exclude all other subjects from the use of them, and not to exclude their Sovereign. pag. 128. cap. 24. part. 2.

13. When the sovereign commandeth a man to do that which is against Law, the doing of it is totally excus'd; when the sovereign commandeth anything to be don against Law, the command as to that particular fact is an abrogation of the Law. pag. 157. cap. 27. part. 2.

14. Tho the right of a Sovereign Monarch cannot be extinguish'd by the act of another, yet the obligation of the members may; for he that wants protection, may seek it any where, and when he hath it, is oblig'd (without fraudulent pretence of having submitt'd himself out of fear) to protect his Protector as long as he is able. pag. 174. cap. 29. part. 2.

If upon the short reflexions we have made upon these several Doctrines, as they lie scatter'd over his Book, and involv'd in other Discourses, which with the novelty administers some pleasure to the unwary Reader, the contagion thereof be not enough discover'd, and the ill consequence and ruine that must attend Kings and Princes who affect such a Government, as well as the misery insupportable to Subjects, who are compell'd to submit to it; it may be, the view of the naked Propositions by themselves, without any other clothing or disguise of words, may better serve to make them odious to King and People; and that the first will easily discern, to how high a pinnacle of power soever

he would carry him, he leaves him upon such a Precipice, from whence the least blast of Invasion from a Neighbor, or from Rebellion by his Subjects, may throw him headlong to irrecoverable ruine: and the other will as much ahhor an Allegiance of that temper, that by any misfortune of their Prince they may be absolv'd from, and cease to be Subjects, when their Sovereign hath most need of their obedience. And surely if these Articles of Mr Hobbes's Creed be the product of right Reason, and the effects of Christian Obligations, the Great Turk may be look'd upon as the best Philosopher, and all his Subjects as the best Christians.

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