

more to hold it up than is done by any opinion the faithful have about the sanctity, wisdom, or honesty of their teachers! So I can attribute all the changes of religion in the world to the very same single cause, namely *unpleasing priests*—not

only among Catholics but even in the church that has most presumptuously claimed to be reformed. [Curley suggests that this is aimed at the Presbyterians.]

### Chapter 13. The natural condition of mankind as concerning their happiness and misery

Nature has made men so equal in their physical and mental capacities that, although sometimes we may find one man who is obviously stronger in body or quicker of mind than another, yet taking all in all the difference between one and another is not so great that one man can claim to have any advantage ·of strength or skill or the like· that can't just as well be claimed by some others. As for •strength of body: the weakest man is strong enough to kill the strongest, either by a secret plot or by an alliance with others who are in the same danger that he is in.

As for •the faculties of the mind: I find that men are even more equal in these than they are in bodily strength. (In this discussion I set aside skills based on words, and especially the skill—known as 'science'—of being guided by general and infallible rules. Very few people have this, and even they don't have it with respect to many things. I am setting it aside because it isn't a natural faculty that we are born with, nor is it something that we acquire—as we acquire prudence—while looking for something else.) Prudence is simply experience; and men will get an equal amount of

*that* in an equal period of time spent on things that they equally apply themselves to. What may make such equality incredible is really just one's vain sense of one's own wisdom, which •most men think they have more of than the common herd—that is, more than anyone else except for a few others whom they value because of their fame or because their agreement with •them. It's just a fact about human nature that however much a man may acknowledge many others to be more •witty, or more •eloquent, or more •learned than he is, he won't easily believe that many men are as •wise as he is; for he sees his own wisdom close up, and other men's at a distance. This, however, shows the equality of men rather than their inequality. For ordinarily there is no greater sign that something is equally distributed than that every man is contented with his share!

·*Competition*·: This equality of ability produces equality of hope for the attaining of our goals. So if any two men want a single thing which they can't both enjoy, they become enemies; and each of them on the way to his goal (which is principally his own survival, though sometimes merely his

delight) tries to destroy or subdue the other. And so it comes about that when someone has through farming and building come to possess a pleasant estate, if an invader would have nothing to fear but that one man's individual power, there will probably *be* an invader—someone who comes with united forces to deprive him not only of the fruit of his labour but also of his life or liberty. And the ·successful· invader will then be in similar danger from someone else.

·*Distrust*·: Because of this distrust amongst men, the most reasonable way for any man to make himself safe is to *strike first*, that is, by force or cunning subdue other men—as many of them as he can, until he sees no other power great enough to endanger him. This is no more than what he needs for his own survival, and is generally allowed. ·And it goes further than you might think·. Some people take pleasure in contemplating their own power in the acts of conquest, pursuing them further than their security requires, ·and this increases the security needs of others·. People who would otherwise be glad to be at ease within modest bounds have to increase their power by further invasions, because without that, in a purely defensive posture, they wouldn't be able to survive for long. This increase in a man's power over others ought to be allowed to him, as it is necessary to his survival.

·*Glory*·: Every man wants his associates to value him as highly as he values himself; and any sign that he is disregarded or undervalued naturally leads a man to try, as far as he dares, to raise his value in the eyes of others. For those who have disregarded him, he does this by violence; for others, by example. I say 'as far as he dares'; but when there is no common power to keep them at peace, 'as far as he dares' is far enough to make them destroy each other. That is why men don't get pleasure (and indeed do get much grief) from being in the company of other men without there being a power that can over-awe them all.

So that in the nature of man, we find three principal causes of discord. First •competition, secondly •distrust, thirdly •glory.

The first makes men invade for •gain; the second for •safety; and the third for •reputation. The first use violence to make themselves masters of other men's persons, wives, children, and cattle; the second use it to defend them·selves and their families and property·; the third use it for trifles—a word, a smile, a different opinion, and any other sign of a low regard for them personally, if not directly then obliquely through a disrespectful attitude to their family, their friends, their nation, their profession, or their name.

This makes it obvious that for as long as men live without a common power to keep them all in awe, they are in the condition known as 'war'; and it is a war of every man against every man. For WAR doesn't consist just in •battle or the act of fighting, but in •a period of time during which it is well enough known that people are willing to join in battle. So the temporal element in the notion of 'when there is war' is like the temporal element in 'when there is bad weather'. What constitutes bad weather is not a rain-shower or two but an inclination to rain through many days together; similarly, what constitutes war is not actual fighting but a known disposition to fight during a time when there is no assurance to the contrary. All other time is PEACE.

Therefore, whatever results from •a time of war, when every man is enemy to every man, also results from •a time when men live with no other security but what their own strength and ingenuity provides them with. In such conditions there is

no place for hard work, because there is no assurance that it will yield results; and consequently no cultivation of the earth, no navigation or use of materials that can be imported by sea, no construction of large

buildings, no machines for moving things that require much force, no knowledge of the face of the earth, no account of time, no practical skills, no literature or scholarship, no society; and—worst of all—continual fear and danger of violent death, and the life of man solitary, poor, nasty, brutish, and short.

It may seem strange to you, if you haven't thought hard about these things, that nature should thus separate men from one another and make them apt to invade and destroy one another. So perhaps you won't trust my derivation of this account from the nature of the passions, and will want to have the account confirmed by experience. Well, then, think about how *you* behave: when going on a journey, you arm yourself, and try not to go alone; when going to sleep, you lock your doors; even inside your own house you lock your chests; and you do all this when you know that there are laws, and armed public officers of the law, to revenge any harms that are done to you. Ask yourself: what opinion do you have of your fellow subjects when you ride armed? Of your fellow citizens when you lock your doors? Of your children and servants when you lock your chests? In all this, don't you accuse mankind as much by your actions as I do by my words? Actually, neither of us is criticising man's nature. The desires and other passions of men aren't sinful in themselves. Nor are actions that come from those passions, until those who act know a law that forbids them; they can't know this until laws are made; and they can't be made until men agree on the person who is to make them. But why try to demonstrate to learned men something that is known even to dogs who bark at visitors—sometimes indeed only at strangers but in the night at everyone?

It may be thought that there has never been such a time, such a condition of war as this; and I believe it was never generally like this all over the world. Still, there are many

places where people live like that even now. For the savage people in many parts of America have no government at all except for the government of small families, whose harmony depends on natural lust. Those savages live right now in the brutish manner I have described. Anyway, we can see what way of life there *would be* if there *were* no common power to fear, from the degenerate way of life into which civil war has led men who had formerly lived under a peaceful government.

Even if there had never been *any* time at which individual men were in a state of war one against another, this is how kings, and persons of sovereign authority relate to one another at *all* times. Because of their independence from one another, they are in continual mutual jealousies. Like gladiators, with their weapons pointing and their eyes fixed on one another, sovereigns have forts, garrisons, and guns on the frontiers of their kingdoms, and permanent spies on their neighbours—this is a posture of war, as much as the gladiators' is. But because in this the sovereigns uphold the economy of their nations, *their* state of war doesn't lead to the sort of misery that occurs when *individual men* are at liberty from laws and government.

In this war of every man against every man nothing can be unjust. The notions of right and wrong, justice and injustice have no place there. Where there is no common power, there is no law; and where there is no law, there is no injustice. In war the two chief virtues are force and fraud. Justice and injustice are not among the faculties [here = *natural capacities*] of the body or of the mind. If they were, they could be in a man who was alone in the world, as his senses and passions can. They are qualities that relate to men in society, not in solitude. A further fact about the state of war of every man against every man: in it there is no such thing as ownership, no legal control, no distinction between

*mine* and *thine*. Rather, anything that a man can get is his for as long as he can keep it.

So much for the poor condition that man is actually placed in by mere •nature; but ·as I now go on to explain·, he can extricate himself from it, partly through his •passions, partly through his •reason.

The passions that incline men to peace are •fear of death,

•desire for things that are necessary for comfortable living, and a •hope to obtain these by hard work. And reason suggests convenient items in a peace treaty that men may be got to agree on. These items are the ones that in other contexts are called the Laws of Nature. I shall have more to say about them in the two following chapters.

## Chapter 14. The first and second natural laws, and contracts

The RIGHT OF NATURE, which writers commonly call *jus naturale*, is the liberty that each man has to make his own decisions about how to use his own power for the preservation of his own nature—i.e. his own life—and consequently ·the liberty· of doing anything that he thinks is the aptest means to that end. [The Latin phrase *jus naturale* standardly meant ‘natural law’; but *jus* could mean ‘right’, and Hobbes is clearly taking the phrase to mean ‘natural right’.]

The proper meaning of LIBERTY is the absence of external obstacles. Such obstacles can often take away part of a man’s power to do what he wants, but they can’t get in the way of his using his remaining power in obedience to his judgment and reason.

A LAW OF NATURE (*lex naturalis*) is a command or general rule, discovered by reason, which forbids a man to •do anything that is destructive of his life or takes away his means for preserving his life, and forbids him to •omit

anything by which he thinks his life can best be preserved. For although those who speak of this subject commonly run together right and law (*jus* and *lex*), they ought to be distinguished. RIGHT consists in the liberty to do or not do ·as one chooses·, whereas LAW picks on one of them—either doing or not doing—and commands it. So law differs from right as much as obligation differs from liberty—which ·are so different that· it would be *inconsistent* to suppose that a person had both liberty and an obligation in respect of the same action.

As I said in chapter 13, the condition of man is a condition of war of everyone against everyone, so that everyone is governed by *his own* reason and can make use of anything he likes that might help him to preserve his life against his enemies. From this it follows that in such a condition every man has a right to everything—even to someone else’s body. As long as this continues, therefore—that is, as long as every

man continues to have this natural right to everything—no man, however strong or clever he may be, can be sure of living out the time that nature ordinarily allows men to live. And consequently it is a command or general rule of reason that •every man ought to seek peace, as far as he has any hope of obtaining it; and that •when he can't obtain it he may seek and use all helps and advantages of war. •The first branch of this rule contains the first *law* of nature—the fundamental one—which is this:

**First law of nature:** Seek peace and follow it.

The second branch contains in summary form the *right* of nature, which is the right to defend ourselves by any means we can.

From this fundamental law of nature, by which men are commanded to seek peace, is derived this second law:

**Second law of nature:** When a man thinks that peace and self-defence require it, he should be willing (when others are too) to lay down his right to everything, and should be contented with as much liberty against other men as he would allow other men against himself.

For as long as every man maintains his right to do anything he likes, all men are in the condition of war. But if other men won't also lay down *their* right, there is no reason for him to divest himself of *his*; for •if he alone gave up his rights• that would be to expose himself to predators (which no man is obliged to do) rather than to dispose himself to peace. This is the law of the Gospel:

Whatever you require others to do to you, do it to them.

And this law of all men:

*Quod tibi fieri non vis, alteri ne feceris*—•Don't do to others what you don't want done to you•.

[In the interests of clarity, the next paragraph is written in terms of 'I and 'you', replacing Hobbes's 'a man' and 'another'.] For me to lay down my right to something is for me to deprive myself of the liberty of blocking you (for instance) from getting the benefit of *your* right to the same thing. In renouncing or giving up my right I don't give anyone else a right that he didn't previously have, because every man has a right by nature to *everything*. All I do •in renouncing my own right• is to stand out of your way, so that you can enjoy your own original right without interference from me; but you may still be impeded by some third person. Thus, the effect on you of my lacking a certain right is just a lessening of hindrances to your exercise of your original right.

A man can lay aside a right either by simply renouncing it or by transferring it to someone else. He RENOUNCES it when he doesn't care who gets the benefit. He TRANSFERS it when he intends the benefit to go to some particular person or persons. And when a man has deprived himself of a right in either of those ways—abandoning it or giving it away—he is said to be OBLIGED or BOUND not to hinder those to whom such right is given or abandoned from having the benefit of it; and •it is said• that he ought, and that it is his DUTY, not to deprive that voluntary act of his of its effectiveness; and •if he does so•, that hindrance is •what we call• INJUSTICE and INJURY. [The word 'injury' comes from 'in-' as a negater and *jure* which is Latin for 'right'. Hobbes gives this explanation in compact form.] So that •injury or injustice in the controversies of the world is a little like •absurdity in the disputations of scholars. For as scholars call it 'absurdity' to contradict what one maintained at the outset, so in the world it is called 'injustice' and 'injury' voluntarily to undo something that one had voluntarily done at the outset. *How* a man either renounces or transfers a right is by a declaration or indication—using some voluntary and sufficient sign or signs—that he does or did renounce

or transfer the right to the person who accepts it. And these signs are either words only, or actions only, or (as most often happens) both words and actions. Those words and/or actions are the BONDS by which men are bound and obliged: bonds whose strength comes not from their own nature (for nothing is more easily broken than a man's word) but from fear of some bad consequence of their being broken.

Whenever a man transfers or renounces a right, he does so either in consideration of some right reciprocally transferred to himself or for some other good he hopes to get from what he is doing. For it is a voluntary act, and the goal of the voluntary acts of every man is some good to himself. It follows that there are some rights that no man can be taken to have abandoned or transferred, no matter what words or other signs he uses. First and foremost: a man cannot lay down the right of resisting those who bring force against him to take away his life, because he couldn't be understood to be doing that with the aim of getting some good for himself. The same may be said of wounds, and chains, and imprisonment; both because there is no benefit to be got from putting up with such things, as there is or may be to be got from allowing *someone else* to be wounded or imprisoned; and also because when a man sees others coming against him by violence, he can't tell whether they intend his death or not. There is also a third reason. Lastly, the *point* of the procedure of renouncing and transferring rights—the motive and purpose for which it exists—is simply to preserve a man's security in his person, in his life, and in his means for preserving his life in a manner that won't make him weary of it. So if a man by words or other signs seems to deprive himself of the very thing for which those signs were intended, he should not be understood to have meant it; rather, we should take it that he was ignorant of how such words and actions ought to be interpreted.

The mutual transferring of a right is what men call a CONTRACT.

Transferring a *right to a thing* is different from transferring or delivering *the thing itself*. The two can happen together. For a thing may be delivered along with the transfer of the right to it, as in buying and selling with cash, or exchanging goods or lands. But they can be separated, and the thing may be delivered some time after the right to it has been transferred.

Something else that can happen is this. One of the contractors [= 'parties to the contract'] may do his part by delivering the thing contracted, leaving it to the other contractor to do *his* part at some specified later time, trusting him in the meantime. In such a case, the contract on the latter person's side is called a PACT or COVENANT. Or it can happen that both parties contract now to do something later. In such a case, when someone who has been trusted to perform at a later time *does* perform, this is called 'keeping a promise' or 'keeping faith'; and if he fails to perform, and his failure is voluntary, it is called 'violation of faith'.

When the transferring of a right is not two-sided, but one of the parties transfers a right in the *hope* that this will bring him friendship or service from someone else, or will get him a reputation for charity or magnanimity, or will bring him a reward in heaven, or when he does it so as free his mind from the pain of compassion (e.g. giving money to a beggar so as to relieve one's oppressive feeling of pity for him), this is not a contract but a GIFT, FREE-GIFT, GRACE—all of which mean the same thing.

Contracts are expressed either explicitly or by inference. Explicitly when words are spoken with understanding of what they mean, and they speak of either the present or the past ('I give', 'I grant', 'I have given', 'I have granted', 'I will that this be yours') or the future ('I will give', 'I will

grant')—the words concerning the future are called PROMISE.

Signs •by inference involve drawing a conclusion from words, from silence, from actions, or from non-actions. Quite generally, a sign by inference of a contract can be anything at all that sufficiently shows what the will of the contractor is.

Words alone, if they concern the future and contain a bare promise, are not an adequate sign of a free-gift and therefore do not create obligations. For if they concern the time to come—as with 'Tomorrow I will give. . . '—they are a sign that I haven't given yet, and consequently that my right has not been transferred and remains mine until I transfer it by some further act. But if the words concern the present or past—as with 'I have given. . . ' or 'I now give to be delivered tomorrow. . . '—then my *tomorrow's* right is given away *today*; and the mere words have brought that about, even if there is no other evidence of what I will. And there is a great difference in meaning between •'I now will that this be yours tomorrow' and •'I will give you this tomorrow'. In •the former, the word 'will,' signifies a *present* act of the will (•something like 'I now hereby order that this be yours tomorrow'); but in •the latter, 'will' signifies a promise of a *future* act of the will; and so •the former words, being of the present, transfer a future right, whereas •the latter, concerning the future, transfer nothing. But if there are other signs of the person's will to transfer a right, besides words, then even if the gift is free the right can be understood to be transferred by words about the future. For example, if a man offers a prize to whomever wins a certain race, the gift is free; but although his words •in offering the prize• concern the future, the right is transferred; for if he didn't want his words be understood in that manner he shouldn't have uttered them.

In contracts •as distinct from free gifts•, the right is transferred not only when the words concern the present

or past, but also when they concern the future. That is because every contract is a two-way transfer, an exchange of rights; so someone who promises just because he has already received the benefit for which he is giving the promise, should be understood intending the right to be transferred •at the time of the promise•; for unless he had been willing to have his words understood in that way, the other •party to the contract• would not have performed his part first. That is why in buying and selling and other acts of contract a promise is equivalent to a covenant, and is therefore binding.

He who performs first in the case of a contract is said to MERIT whatever it is that he is to receive through the performance of the other party; and he has it as his *due*. Also when a prize is offered to many, to be given to the one of them who wins •some contest•, or when money is thrown into a crowd to be enjoyed by those who catch it, this is a free gift, and yet to win the prize or to catch the money is to *merit* it and to have it as one's DUE. For the right is transferred in the act of offering the prize or throwing the money, even though the decision about *whom* it is transferred to is made only by the outcome of the contest or the scramble.

Between these two sorts of merit there is this difference: •in a contract I merit by virtue of my own power and the •other• contractor's need; but •in the case of a free gift it is only the giver's kindness that enables me to merit anything. •In contract, I merit at the contractor's hand that he should part with his right; •in the case of gift, I don't merit that the giver should part with his right, but only that when he has parted with it it should be mine rather than someone else's. I think this is the meaning of the distinction they make in the Schools between *meritum congrui* and *meritum condigni* [Latin = roughly 'what you deserve because you have obeyed the rules' and 'what you deserve because of your own intrinsic worth']. God almighty has promised Paradise to any men (blinded

·though they are· by carnal desires) who can walk through this world according to the commands and limits prescribed by him. And the Schoolmen say that someone who does this will merit Paradise *ex congruo* (·that is, in the first way·). But no man can demand a right to Paradise on the grounds of his own righteousness, or of any other power in himself, . . . and they express this by saying that no man can merit Paradise *ex condigno* (·that is, in the second way·). I repeat: I *think* this is the meaning of that distinction; but because disputers don't agree on the meanings of their own technical terms for any longer than it suits them to, I shan't affirm anything about what they mean. I say just this: when a gift is given indefinitely as a prize to be contended for, he that wins ·the contest· merits the prize and may claim it as his due.

What if a covenant is made in which the parties do not perform now, but trust one another ·to perform at an appropriate time in the future·? •If this happens in the condition of mere nature (which is war of every man against every man), the contract is void if one of the parties has a reasonable suspicion ·that the other is not going to perform·. For the one who performs first has no assurance that the other will perform later, because the bonds of words are too weak to rein in men's ambition, greed, anger, and other passions—unless there is something to be feared from some coercive power; and in the condition of mere nature, where all men are equal and are judges of the reasonableness of their own fears, there can't possibly be such a power. So he who performs first merely betrays himself to his enemy, which is contrary to his right (which he can never abandon) to defend his life and his means of living.

On the other hand, •if there is a common power set over both parties to the contract, with right and force sufficient to compel performance, the contract is not made void ·by the suspicions of either party to it·. When there is a power

set up to constrain those who would otherwise violate their faith, that fear—·namely, the suspicion that the other party will not perform·—is no longer reasonable; so he who has covenanted to perform first is obliged to do so.

For someone's fear ·or suspicion· to make such a covenant invalid, it must arise from something that happened after the covenant was made—perhaps some new act or other sign of the other party's planning not to perform. Otherwise it can't make the covenant void; for something that didn't hinder a man from promising oughtn't to count as a hindrance to his performing.

He who transfers a right transfers—as far as he is able to—the means of enjoying it. For example, someone who sells land is understood to be transferring also everything that is growing on it; and someone who sells a mill can't divert the stream that drives it. And those who give to a man the right to govern them as sovereign are understood to give him the right to impose taxes to maintain soldiers, and to appoint magistrates for the administration of justice.

It is impossible to make covenants with brute beasts, because they don't understand our speech, and so don't understand or accept any transfer of rights, and can't themselves make any such transfer; and where there is no acceptance on both sides there is no covenant.

It is impossible to make a covenant with God except through mediators to whom God speaks (either by supernatural revelation or by his lieutenants who govern under him and in his name); for without such mediation we don't know whether our covenants have been accepted or not. And therefore those who vow anything to God that is •contrary to any law of nature vow in vain, because it is unjust to keep to such a vow. And if it is something •commanded by the law of nature, the vow is pointless because what binds then is not the vow but the law.



When someone covenants to do something, *what* he covenants to do is always something he can deliberate about (for covenanting is an act of the will, i.e. an act—indeed the last act—of deliberation); so it is always understood to be something in the future that it is possible for him to perform.

Therefore, to promise to do something that is known to be impossible is not to covenant. But if something turned out later to be impossible but was at first thought possible, the covenant is valid and binding. It doesn't of course bind the person to do the thing itself, but it does bind him to do something equal to the value of what he promised to do; or, if that is also impossible, to try without pretence to perform as much as is possible of what he promised to do; for no man can be obliged to do more than that.

Men are freed from their covenants in two ways: •by performing, and •by being forgiven, as one may forgive a debt. For •performance naturally brings obligation to an end, and •forgiveness restores liberty, because it hands back the right in which the obligation consisted.

Covenants entered into by fear in the raw condition of nature are binding. For example, if I covenant with an enemy to pay a ransom or do a service in return for my life, I am bound by it. For it is a contract in which one party receives the benefit of life, while the other receives money or service in return; and consequently the covenant is valid unless some other law forbids the performance, which is not the case in the raw condition of nature. Therefore prisoners of war who are trusted to secure the payment of their ransom are obliged to pay it; and if a weaker prince make a disadvantageous peace with a stronger one, out of fear, he is bound to keep it—unless (as I said earlier) the war is renewed by some new and just cause of fear. And even in commonwealths (as distinct from the condition of nature) if I am forced to rescue myself from a thief by promising him money, I am

bound to pay it until the civil law clears me of that obligation. For anything that I can lawfully do without obligation I can lawfully covenant to do through fear; and what I lawfully covenant I cannot lawfully break.

An earlier covenant makes void a later one. For a man who gave his right to one man yesterday doesn't *have* it to give to someone else today; so the later promise doesn't transfer any right, and is null.

A covenant not to defend myself from force by force is *always* void. The reason for this is something I explained earlier. The avoidance of death, wounds, and imprisonment is the only purpose for laying down any right; so nobody can transfer or give up his right to save himself from death, wounds, and imprisonment; and so a promise not to resist force doesn't transfer any right and is not binding. A man can make this covenant:

Unless I do such and such, kill me;

but he cannot make this one:

Unless I do such and such, I won't resist you when you come to kill me.

For man by nature chooses the lesser evil, which is the danger of death from resisting, rather than the greater, which is certain and present death from not resisting. Everyone accepts this, as is shown by their leading criminals to execution or to prison with armed guards, despite the fact that the criminals have consented to the law under which they are condemned.

A covenant to accuse oneself, without assurance of pardon, is likewise invalid. For in the condition of nature where every man is a judge, there is no place for accusation, so the question doesn't arise there; and in the civil state the accusation is followed by punishment, and because that is *force* a man is not obliged give in to it. That also holds for

the accusation of those whose condemnation would put a man into misery and who are presumed to be strongly well-disposed towards him (such as a father, wife, or benefactor). For if the testimony of such an accuser is not willingly given, it is presumed to be corrupted by nature, and therefore not credible; and where a man's testimony is not to be credited, he is not bound to give it. Also accusations made under torture should not be regarded as testimonies. For torture should be used only to get ideas and leads for the further search for truth; and what is said under torture tends to the ease of the person being tortured, not to the informing of the torturers; so it oughtn't to be accepted as a sufficient testimony; for whether the accusations through which he relieves his own situation are true or false, in bringing them he is exercising his right to preserve his own life.

The force of words is (as I remarked earlier) too weak to hold men to the performance of their covenants, and man's nature provides only two conceivable ways of strengthening it. Those are •fear of the consequence of breaking their word, or •glory or pride in appearing not to need to break it. This latter is a •grandness of conduct too rarely found to be relied on, especially in those who pursue wealth, power, or sensual pleasure—who are the greatest part of mankind! The passion to be relied on is •fear, which may be of either of two very general objects—the power of invisible spirits, and the power of men who will be offended if the covenant is broken. Invisible spirits have the *greater power*, yet the fear of the power of men is commonly the *greater fear*. Each man's •fear of invisible spirits is his own religion, which has a place in the nature of man before civil society. The •fear of men's power does not have such a place in human nature independently of civil society, or at least not enough of a place to make men keep men their promises; because in the raw condition of nature the inequality of power is evident only in the outcome of battle.

So that before the time of civil society, or in the interruption of it by war, the only thing that can strengthen a covenant of agreed-on peace—to withstand the temptations of avarice, ambition, lust, or other strong desires—is the fear of that •invisible power which everyone •worships as God and •fears as a revenger of his treachery. Therefore, all that can be done between two men who are not subject to civil power is for each to get the other to swear by the God whom he fears. This swearing, or OATH, is a form of speech, added to a promise, by which the person who promises indicates that if he fails to keep his promise he renounces the mercy of his God, or calls on God for vengeance on himself. Such was the heathen form *Otherwise let Jupiter kill me, as I kill this beast*. Our form also, when we say *I shall do such and such, so help me God*. This is accompanied by the rites and ceremonies that each person uses in his own religion, so as to increase the fear of the divine consequences of breaking faith.

From this it appears that an oath taken according to any form or rite that the oath-taker doesn't believe in is pointless, and not a real oath; and that there is no swearing by anything that the swearer thinks is not God. Men have sometimes been accustomed to swear by their kings, out of fear or flattery, but they meant it to be understood that in taking such an oath they were attributing divine honour to their king. Swearing unnecessarily by God is just profaning his name, and swearing by other things, as men do in ordinary talk, is not swearing at all, but merely an impious custom that has arisen from unduly emphatic ways of talking.

It is also apparent that the oath adds nothing to the obligation. If a covenant is lawful, it binds in the sight of God without an oath as much as with one; and if it is unlawful, it doesn't bind at all even if it has been confirmed with an oath.

## Chapter 15. Other laws of nature

From the second law of nature, which obliges us to transfer to someone else any rights of ours the retention of which would hinder the peace of mankind, there follows a third:

**Third law of nature:** Men should perform the covenants they make.

Without this, covenants are useless, are mere empty words, and all men retain the right to all things so that we are still in the condition of war.

This third law of nature is the source of JUSTICE. . When no covenant has been made, no right has been transferred, so every man has a right to everything, so no action can be unjust. But when a covenant is made, to break it is unjust; and the definition of INJUSTICE is simply the non-performance of a covenant. And whatever is not unjust is just.

As I said in chapter 14, covenants of mutual trust are invalid when one part fears that the other party will not perform. Although the origin of justice is the making of covenants, there can't be any actual injustice until the reason for such fear be taken away, which can't be done while men are in the natural condition of war. So the labels 'just' and 'unjust' can have application only when

there is some coercive power to •compel all men equally to perform their covenants, through the terror of some punishment greater than the benefit they expect from breaking their covenant, and •thereby to •ensure that men *get* the benefits they *contract for*, this being their compensation for giving up some of their rights.

There is no such power before the commonwealth is created.

This can also be gathered from the ordinary definition of *justice* in the Schools; for they say that *justice is the steady willingness to give every man his own*. Where there is no *own*—that is, no property—there is no injustice, and where no coercive power has been set up—that is, where there is no commonwealth—there is no property (all men having a right to all things); therefore where there is no commonwealth, nothing is unjust. So that justice consists in the keeping of valid covenants; but the validity of covenants begins only with the setting up of a civil power sufficient to compel men to keep them; and that is when *property* is also begins.

[In the background of the next paragraph is the start of Psalm 53: 'The fool hath said in his heart, There is no God.' The Hebrew word translated by 'fool' implies moral rather than intellectual deficiency.]

The fool has said in his heart, *There is no such thing as justice*, sometimes even saying it aloud. He has seriously maintained that

since every man is in charge of his own survival and welfare, there could be no reason for any man not to do anything that he thought would conduce to that end; so that making or not making covenants, keeping them or breaking them, is not against reason if it conduces to one's benefit.

He isn't denying that there *are* covenants, that they *are* sometimes broken and sometimes kept, and that breaches of them may be called 'injustice' and the observance of them 'justice'. But he is suggesting that injustice may sometimes have on its side the reason that dictates to every man his own good, especially when the injustice conduces to a benefit that will enable the man to disregard not only men's dispraise and curses but also their power. (He doesn't maintain this

when the fear of God comes into the story, but this same 'fool' has said in his heart there is no God.)

In *Matthew* 11:12 we find: 'And from the days of John the Baptist until now, the kingdom of heaven suffers violence, and the violent take it by force.' The fool echoes this in what he says next, though of course his real topic is not the kingdom of *God* (in which he doesn't believe) but rather earthly kingdoms:

The kingdom of God is achieved by violence; but what if it could be achieved by unjust violence? Would it be against right reason to achieve it in that way, when it is impossible to be hurt by doing so? And if it is not against reason, it is not against justice. If you deny this, you break the link between acting justly and producing good.

From such reasoning as this, successful wickedness has come to be called 'virtue'; and some people who have disallowed the breaking of promises in all other things have nevertheless allowed it when it is for the getting of a kingdom. The heathen who believed that Saturn was deposed by his son Jupiter still believed that Jupiter—that same Jupiter—was the avenger of injustice. This is a little like a piece of law in Coke's Commentaries on *Littleton*, where he says that if the rightful heir to the crown is convicted of treason, the crown shall nevertheless come down to him on the death of the present king, and at that instant his conviction will be void. From these instances (Jupiter and Coke) one may be apt to infer that

when the heir apparent of a kingdom kills him who has the throne, even if it is his father, you may call it 'injustice' or anything else you like; but it can't be against reason, seeing that any man's voluntary actions *all* tend to his own benefit, and those actions

are most reasonable that conduce most to one's own ends.

This reasoning, though plausible, is nevertheless false.

For this is not a question about mutual promises in the natural condition of men where there is no security of performance on either side—e.g. when there is no civil power governing the people making the promises—for *those* promises are not covenants. Our question is rather this: where one of the parties has performed already, or where there is a power to make him perform, is it against reason for the other party to fail to perform *his* part? I say he acts against reason and most imprudently. My case for this has two parts. •When a man does something that tends to his own destruction, so far as one can tell in advance, even if some chance event that he couldn't have expected makes it turn out to his benefit, *that* doesn't make his original action reasonably or wisely done. •Secondly, in the natural condition where every man is an enemy to every other man, no-one can live securely without the aid of allies. But who, except by ignorance, will admit into society (which one enters by mutual covenants for the defence of individual members) a man who thinks it rational to break covenants? Who, except through ignorance, will retain him if he has been admitted? So either •he will be thrown out of society, and perish, or •he will owe his not being thrown out to the ignorance of others who cannot see the danger of their error; and a man cannot reasonably count on such errors by others as the means to his security. Either way, then, what he does is contrary to right reason.

•Let us follow this up considering separately the two kinds of kingdom, heavenly and earthly. •As regards the idea of gaining the secure and perpetual happiness of heaven by unjust means: this is frivolous, for there is only one means imaginable, and that is by *keeping* covenants.

As for the other prospect, namely attaining sovereignty of an earthly kingdom by rebellion: any attempt to do this is against reason, even if the rebellion succeeds. There are two reasons for this. The attempt can't reasonably be expected to succeed, but rather the contrary; and if it does succeed, that teaches others to try the same thing in the same way. Therefore justice—that is to say, the keeping of covenants—is a rule of reason by which we are forbidden to do anything destructive to our life, and so it is a law of nature.

Some people go even further, denying 'law of nature' status to the rules that conduce to the preservation of man's life on earth, allowing it only to rules that conduce to the attaining of eternal happiness after death. They think that a breach of covenant may conduce to *that* end, and consequently be just and reasonable (for example those who think it a work of piety to pursue, depose, and kill their kings under the pretext of a war of religion). But there is no natural knowledge of what man's situation will be after death, much less of what reward will then be given for breach of faith—only a belief based on other men's saying that they know this supernaturally, or that they know people who knew people who knew others who knew it supernaturally!—so breach of faith can't be called a command of reason or of nature.

Others who allow that the keeping of faith is enjoined by a law of nature, nevertheless make an exception for covenants with certain persons such as heretics and people who commonly don't perform their covenants with others; and I say that this exception is also against reason. If any fault of a man is sufficient to nullify a covenant we have made with him, the same fault ought in reason to have sufficed to prevent us from making it in the first place.

The names 'just' and 'unjust' mean one thing when applied to men and another when applied to actions. To

call a man 'just' (or 'unjust') is to say that his manners—his over-all ways of behaving—conform (or don't conform) to reason. But in calling an action 'just' or 'unjust' one is talking about the conformity (or non-conformity) to reason of that particular action, not of anyone's manners or way of life. So a just man is one who takes all the care he can that his actions are all just; and an unjust man is one who neglects that. The labels 'righteous' and 'unrighteous' are more often applied to such men than 'just' and 'unjust', but the meaning is the same. A righteous man, therefore, doesn't lose that title through performing one or a few unjust actions that come from sudden passion, or from mistakes about things or persons; nor does an unrighteous man lose his character for things that he does (or things he doesn't do) because of fear; because in these actions or refrainings his will is not shaped by the justice of his conduct but by its apparent benefit to him. What gives human actions the savour of justice is a certain rarely found nobleness or gallantness of courage, by which a man scorns to owe the contentment of his life to fraud or breach of promise. This justice of manners—justice of customary conduct—is what is meant when justice is called a virtue and injustice a vice.

An action's being just doesn't make the person just; it merely makes him guiltless in this instance. And an action's injustice (which is also called 'injury') makes the person not necessarily unjust but guilty in this instance.

*Injustice of manners* is the disposition or tendency to do injury, and is injustice even before it leads to any action, and even if no individual person is actually injured. But the *injustice of an action* (that is to say *injury*) involves there being some individual person who is injured, namely the one to whom the covenant was made; and therefore it often happens that the *injury* is suffered by one man but the *damage* goes to someone else. For example: the master

commands his servant to give money to a stranger, and the servant doesn't do it; the *injury* is done to the master, whom the servant had covenanted to obey, but the *damage* goes to the stranger, towards whom the servant had no obligation and therefore could not *injure* him. So also in commonwealths a private citizen can let a debtor off from his debt to him, but not from robberies or other violences through which he is harmed; because the non-payment of a debt is an injury only to the creditor, whereas robbery and violence are injuries to the person of the commonwealth.

Whatever is done to a man in conformity with his own will, if his will has been indicated to the doer, is no injury to him. For if the doer hasn't by some antecedent covenant given up his original (·basic, natural·) right to do what he pleases, there is no breach of covenant, and therefore no injury has been done. And if he *has* ·covenanted to give up his original right·, he is now released from that covenant by the other person's signifying his willingness to have the action done, and so again no injury is done.

Justice of actions is divided by ·Aristotle, Aquinas, and other· writers into *commutative* and *distributive*. . . . •They identify *commutative* justice with

the equality of value of the things contracted for (as if it were an injustice to sell dearer than we buy); ·but this is a useless notion, because· the value of anything that is contracted for is measured by the desires of the contractors, and therefore what they are contented to give *is* the just value. •And these same writers identify *distributive* justice with

the distribution of equal benefit to men of equal merit (as if it were an injustice to give more to a man than he merits). ·This is wrong too, because· merit is rewarded only by grace and isn't owed anything as a matter of justice. (The only exception to this is the kind of merit that goes with

covenants—one party's performance *merits* the performance of the other party—and this falls within the scope of commutative justice, not distributive.)

So this distinction, understood in the usual manner, is not right. Using the term properly, •*commutative* justice is the justice of a *contractor*—that is, doing what one has covenanted to do in buying and selling, hiring and letting to hire, lending and borrowing, exchanging, bartering, and other acts of contract.

And •*distributive* justice is the justice of an *arbitrator* whose job it is to define what is just. Having been trusted by those who make him arbitrator, if he performs his trust he is said to *distribute* to every man his own. This is indeed just distribution, and it could (though improperly) be called 'distributive justice'; but a more proper label is 'equity'. That is also a law of nature, as I will show a little later.

As justice depends on a previous covenant, so GRATITUDE depends on a previous grace, that is to say, a previous free-gift. There is a law of nature about this, which can be put thus:

**Fourth law of nature:** A man who receives benefit from another out of mere grace should try to bring it about that the giver of the benefit doesn't come to have reasonable cause to regret his good will.

For no man gives except with the intention of bringing good to *himself*, because giving is voluntary, and the aim of each voluntary act is the good of the person whose act it is. If men see that they will be frustrated in that aim—as they will be if ingratitude is prevalent—there will be no beginning of benevolence or trust, or (consequently) of mutual help, or of reconciliation of one man to another; so that men will be left still in the condition of war, which is contrary to the first and fundamental law of nature, which commands men to seek peace. The breach of this ·fourth· law is called

'ingratitude'. It has the same relation to *grace* that *injustice* has to *obligation by covenant*.

A fifth law of nature enjoins COMPLAISANCE. That is to say,

**Fifth law of nature:** Every man should strive to accommodate himself to the rest.

To understand this, think about the fact that differences in men's affections create differences in how fit they are for society; like differences among stones that are collected for building of an edifice. If •a stone's roughness and irregularity of shape causes it to take more space from others than it itself fills, and if •it is too hard to be easily smoothed, it is awkward to build with and the builders discard it as unprofitable and troublesome. Similarly, a man •who is led by the roughness of his nature to try to keep for himself things that others need and he does not, and •whose passions are so stubborn that he can't be corrected, is to be dropped or thrown out of society as giving it too much trouble. For seeing that every man is supposed—not only by right, but also by necessity of nature—to do all he can to obtain what he needs for his own survival, anyone who goes against *this* in order to have things he doesn't need is guilty of the war that his conduct will start; and that is contrary to the fundamental •or first• law of nature, which commands the pursuit of peace. Those who observe this •fifth• law may be called SOCIABLE, and those who break it may be called 'stubborn', 'unsociable', 'perverse', 'intractable'.

And then there is this:

**Sixth law of nature:** A man ought to pardon the past offences of those who repent of their offences, want to be pardoned, and provide guarantees of good behaviour in the future.

For PARDON is simply the granting of peace. If granted to people who persevere in their hostility, it isn't peace, but

fear; but if it is not granted to people who give guarantees of their future conduct, that is a sign of aversion to peace, and is therefore contrary to the •first• law of nature.

And this:

**Seventh law of nature:** In revenge (that is, returning evil for evil), men should look not at the greatness of the past evil but at the greatness of the future good.

This forbids us to inflict punishment with any purpose other than to correct of the offender or to direct others. This law follows from its immediate predecessor, which commands pardon when there is security for the future. Besides, taking revenge without thought for the example that is being set or for the profit that will come from it is triumphing or glorying in someone else's pain. And it is •doing so without aiming at any end, for the end is always something in the future; and •glorying to no end is vainglory and contrary to reason, and •to hurt without reason tends to start war, which is against the •first• law of nature. Such conduct is commonly called 'cruelty'.

Because all signs of hatred or contempt provoke men to fight, as most men would rather risk their lives than not to be revenged, we may set down this command:

**Eighth law of nature:** No man should—by deed, word, facial expression or gesture—express hatred or contempt of someone else.

The breach of this law is commonly called 'contumely' [= 'gratuitous insult'].

The question of who is the better man has no place in the raw condition of nature, where (as I have shown) all men are equal. The inequalities that now obtain between men have been introduced by the civil laws. I know that Aristotle in the first book of his *Politics* bases his doctrine on the thesis that some men are by nature •more worthy to command, others •more worthy to serve. He took the former to be •the

wiser sort (and thought his philosophy showed him to be one of them); the latter were •those who had strong bodies, but were not philosophers as he was. He was implying that the line between master and servant (or slave) is drawn not by the consent of men but by differences of intellect—which is not only against reason but also against experience. For very few men are so foolish that they wouldn't rather govern themselves than be governed by others; and when those who fancy themselves as very intelligent contend by force against people who distrust their own intellects, they don't always—they don't *often*, they almost *never*—get the victory. So if nature has made men equal, that equality should be acknowledged; and if nature has made men unequal, it remains the case that men who *think* themselves equal will refuse to make peace treaties except on equal terms, and so their •believed-in• equality must be admitted. And so I offer this:

**Ninth law of nature:** Every man should acknowledge •every• other as his equal by nature. The breach of this command is *pride*.

From this law there follows another:

**Tenth law of nature:** At the entrance into conditions of peace, no man should insist that *he* retain some right which he is not content to be retained by every-one else.

As it is necessary for all men who seek peace to •lay down certain rights of nature, that is to say, not to have liberty to do whatever they like, so it is also necessary for man's life to •retain some rights—the right to take care of their own bodies, to enjoy air, water, motion, ways to go from place to place, and everything else that a man needs if he is to live, or to live well. [Curley reports that the Latin version ends '. . . needs if he is to live', with no mention of living well.] This being the case, if at the making of peace someone requires for himself something

that he is not willing to have granted to others, he infringes the ninth law, which commands the acknowledgment of natural equality, and so he also infringes the •first or basic• law of nature. Those who observe this •tenth• law are called 'modest', and the breakers of it 'arrogant'. . . .

Here is a further precept of the law of nature:

**Eleventh law of nature:** If a man is trusted to judge between man and man, he should deal equally between them.

For without that, the controversies of men cannot be settled except by war. So someone who is biased in his judgments is doing his best to deter men from the use of judges and arbitrators, and so he is—against the basic law of nature—a cause of war. The observance of this law involves the equal distribution to each man of what in reason belongs to him, which is why it is called EQUITY, and (as I have said before) 'distributive justice'; the violation of it is called 'acceptation of persons' [= 'favouritism'].

From this law there follows another:

**Twelfth law of nature:** Anything that can't be divided should be enjoyed in common, if that is possible; and it should be enjoyed without limit if possible; and if there isn't enough of it for that, those who have a right to it should have equal shares of it.

If this law is not followed, the distribution is unequal, and •therefore• contrary to equity.

But some things cannot be either divided or enjoyed in common. In that case, the law of nature prescribing equity leads to this:

**Thirteenth law of nature:** If a thing that cannot be divided or enjoyed in common, a *lottery* should be set up to determine who is to have the entire right to the thing or (for an alternating use of it) who is to have it first.



For the law of nature demands equal distribution, and we can't imagine any other way—in the case in question—of doing that.

There are two sorts of lottery—arbitrary and natural. •An arbitrary lottery is one agreed on by the competitors; a natural lottery is based either on •who was born first or on •who first took possession. So:

**Fourteenth law of nature:** Things that can't be enjoyed in common or divided ought to be judged to have been acquired *through a lottery* to the first possessor, or in some cases to the first-born.

Here is another law:

**Fifteenth law of nature:** All men who mediate peace should be allowed safe conduct.

For the law that commands peace as an end commands intercession [= 'pleading on someone else's behalf'] as the means, and the means to intercession is safe conduct.

However willing men may be to observe these laws, questions may still arise concerning a man's action: •Did he do it? •If he did it, was it against the law of nature? (The former is called a 'question of fact', the latter 'a question of right'.) •When this happens, men are as far from peace as ever unless they covenant to abide by the judgment of some third party—known as an ARBITRATOR. And therefore:

**Sixteenth law of nature:** When men have a controversy, they should submit their right to the judgment of an arbitrator.

And seeing every man is presumed to do everything with a view to his own benefit,

**Seventeenth law of nature:** No man is a fit arbitrator in his own cause.

Even if a man were an entirely suitable arbitrator in his own cause, the demand of equity that each party receive equal benefit implies that if •one is allowed to be a judge

•the other should be allowed also; and if that happens the controversy—that is, the cause of war—still stands, which is against the law of nature.

For the same reason,

**Eighteenth law of nature:** No man ought to be accepted as an arbitrator in any case where it seems that he will get greater profit or honour or pleasure from the victory of one party than from the victory of the other.

That is because he has taken a bribe—an unavoidable one, but still a *bribe*—and no man can be obliged to trust him. So here again, •if such an arbitrator is appointed, the controversy remains, and thus the condition of war remains, contrary to the law of nature.

•The seventeenth and eighteenth laws are relevant to controversies of both kinds—of fact and of right. One final law concerns only the former:

**Nineteenth law of nature:** In a controversy of fact, the judge should not give more credence to one party than to the other; and so if there is no other evidence he must give credence to a third •person as witness, or to a third and fourth, or more;

for otherwise the question is undecided, and left to be settled by force, which is contrary to the •first law of nature.

Those are the laws of nature, which dictate peace as the means to the preservation of men in multitudes. Their only concern is with the doctrine of •civil society. There are other things tending to the destruction of •particular men—for example drunkenness, and all other kinds of intemperance—which could be counted among the things the law of nature has forbidden; but they are not relevant to my present concerns.

This •chapter may seem too subtle a deduction of the laws of nature to be attended to by all men, most of whom

are too busy getting food to understand it, and the rest are too careless to do so. However, these laws of nature have been contracted into one easy sum that can be grasped even by the poorest intelligence, namely:

**Don't do to someone else anything that you wouldn't want done to you.**

That shows a man that in learning the laws of nature all he has to do is this:

When weighing the actions of other men against his own, ·if· they seem too heavy then he should put them into the other pan of the balance, and his own into their pan, to ensure that his own passions and self-love are not adding anything to the weight.

If he does that, all of these laws of nature that will appear to him very reasonable. ·Because this procedure is available·, he cannot excuse himself ·for not knowing the laws of nature on the ground that they are too complicated and difficult·.

[In the next two paragraphs Hobbes uses the Latin phrases *in foro interno* (= 'in the inner court') and *in foro externo* (= 'in the outer court'). Traditionally, a judgment *in foro interno* has been understood to be the voice of the person's own conscience, while a judgment *in foro externo* is a public one—by other people or of a court of law. Hobbes adapts these terms for his own slightly different purposes.]

The laws of nature oblige one *in foro interno*, that is to say, they require one to *want* certain things to occur; but *in foro externo*—that is, in respect of *acting* on them—they are not always binding. For someone who is modest and pliable and faithful to his promises, at a time and place where nobody else would be like that, merely makes himself a prey to others, and procures his own certain ruin; this is contrary to the basis of all the laws of nature, which tend towards ·his· nature's preservation. ·But this holds only in situations where nobody else would conform to the laws·. Someone who has good enough evidence that others *will*

observe those laws with respect to him, yet doesn't observe them himself, is not seeking peace but war, which amounts to seeking the destruction of his nature by violence.

A law that binds *in foro interno* may be broken not only by an action that is contrary to the law but also by an act that conforms to the law if the person acting *thinks* it is contrary to the law. For though his *action* in this case accords with the law, his *purpose* is against it, and for an obligation *in foro interno* that is a breach.

The laws of nature are immutable and eternal, for injustice, ingratitude, arrogance, pride, iniquity, acception of persons, and the rest can never be made lawful. For it can never be that war will preserve life and peace destroy it.

These laws of nature are easy to obey, because they require only a certain desire and an endeavour—I mean an unfeigned and constant endeavour—to act in certain ways. Because they require nothing but endeavour, he who *tries* to fulfil them *does* fulfil them, and he who fulfils the law is just.

And the science of them [= 'the rigorously organized theoretical truth about them'] is the true and only moral philosophy. For moral philosophy is simply the science of what is good and bad in the conversation and society of mankind. 'Good' and 'evil' ·or 'bad'· are names that signify our desires and aversions, which are different in men who differ in their characters, customs, and beliefs. And men can differ not only in their judgments of the senses—concerning •what is pleasant or unpleasant to the taste, smell, hearing, touch, and sight—but also judgments concerning •what is conforms to or disagrees with reason in the actions of common life. Indeed, one man at different times differs from himself, at one time praising (calling 'good') something that at another time he dispraises (calling it 'bad'), from which arise disputes, controversies, and at last war. And therefore a man is in the

condition of mere nature (which is a condition of war) for as long as private appetite is the measure of good and bad; and consequently all men agree that peace is good and that the means to peace—justice, gratitude, modesty, equity, mercy, and the rest of the laws of nature—are good also; which is to say that moral virtues are good and their contrary vices bad.

Now the science of virtue and vice is moral philosophy, and therefore the true doctrine of the laws of nature is the true moral philosophy. But the writers of moral philosophy, though they acknowledge the same virtues, don't see what makes them good—don't see that they are praised as the

means to peaceable, sociable, and comfortable living—and regard them as only middle-strength passions. . . .

Men customarily call these dictates of reason 'laws'; but improperly, for they are really just conclusions or theorems about what conduces to men's survival and defence of themselves, whereas a 'law' properly so-called is the word of someone who by right has command over others. Still, if we consider these same theorems as delivered in the word of God, who by right commands all things, *then* they are properly called 'laws'.

## Chapter 16. Persons, authors, and things personated

A person is

someone whose words or actions are considered either as his own or as representing the words or actions of another man or of any other thing to whom they are attributed, whether truly or by fiction.

When they are considered as his own, he is called a 'natural' person; and when they are considered as representing the words and actions of another, he is called a 'feigned' or 'artificial' person.

The word 'person' is Latin. . . . In Latin *persona* signifies the disguise or outward appearance of a man, counterfeited on the stage, and sometimes more particularly the part of it that disguises the face (such as a mask or visor); and the

word has been transferred from the stage to any representer of speech and action, in tribunals as well as in theatres. So that a *person* is the same as an *actor*, both on the stage and in common conversation; so for someone to *personate* is for him to act *·for·* or represent himself or someone else; and he who acts *·for·* someone else is said to 'bear his person' or 'act in his name' and in different contexts is variously called a 'representer', a 'representative', a 'lieutenant', a 'vicar', an 'attorney', a 'deputy', a 'procurator', an 'actor', and the like. (Cicero uses *persona* in this bearing-someone's-person sense when he writes *Unus sustineo tres personas: mei, adversarii, et judicis*—'I bear three persons: my own, my adversary's, and the judge's'.)