

Inalienability, again

1. The right of nature: the right to do whatever you think necessary to preserve your life. (14.1)
2. Accordion effect: what the right of nature gives you the right to do depends on how dangerous your circumstances are.
 - a. It stretches out in the state of nature: “in such a condition every man has a right to everything, even to one another’s body” (14.4).
 - b. It pulls back in the commonwealth: “Nature gave a right to every man to secure himself by his own strength, and to invade a suspected neighbour, by way of prevention: but the civil law takes away that liberty, in all cases where the protection of the law may be safely stayed for” (26.44)
 - c. But there’s a core to the right of nature that cannot go away, even if someone explicitly tries to give it up. This includes the rights to resist assault, imprisonment, and deprivation of necessities like food, air, or medicine. (14.8, 14.29 21.11–12)
 - d. And there are some edge cases. (1) Self-incrimination in legal cases (14.30, 21.13). (2) Performing a “dangerous, or dishonourable” task such as killing someone (21.15). (3) Serving in the military.¹ The rights in (2) and (3) are heavily qualified: the rights are only acknowledged when they can be exercised without endangering the commonwealth.

When is a covenant void?

... covenants of mutual trust, where there is a fear of not performance on either part, as hath been said in the former chapter, are invalid ... (15.2)

¹ The social contract doesn’t require subjects to risk their lives in the military but a soldier who makes a separate contract would be required to do that (21.16, Review and Conclusion 6).

If a covenant be made, wherein neither of the parties perform presently, but trust one another; in the condition of mere nature, which is a condition of war of every man against every man, upon any reasonable suspicion, it is void: but if there be a common power set over them both, with right and force sufficient to compel performance, it is not void. For he that performeth first, has no assurance the other will perform after; because the bonds of words are too weak to bridle men's ambition, avarice, anger, and other passions, without the fear of some coercive power; which in the condition of mere nature, where all men are equal, and judges of the justness of their own fears, cannot possibly be supposed. And therefore he which performeth first, does but betray himself to his enemy; contrary to the right, he can never abandon, of defending his life, and means of living. (14.18)