

Hobbes on resisting punishment

Whensoever a man transferreth his right, or renounceth it; it is either in consideration of some right reciprocally transferred to himself; or for some other good he hopeth for thereby. For it is a voluntary act: and of the voluntary acts of every man, the object is some *good to himself*. And therefore there be some rights, which no man can be understood by any words, or other signs, to have abandoned, or transferred. As first a man cannot lay down the right of resisting them, that assault him by force, to take away his life; because he cannot be understood to aim thereby, at any good to himself. The same may be said of wounds, and chains, and imprisonment; both because there is no benefit consequent to such patience; as there is to the patience of suffering another to be wounded, or imprisoned: as also because a man cannot tell, when he seeth men proceed against him by violence, whether they intend his death or not. And lastly the motive, and end for which this renouncing, and transferring of right is introduced, is nothing else but the security of a man's person, in his life, and in the means of so preserving life, as not to be weary of it. And therefore if a man by words, or other signs, seem to despoil himself of the end, for which those signs were intended; he is not to be understood as if he meant it, or that it was his will; but that he was ignorant of how such words and actions were to be interpreted. (14.8)

A covenant not to defend myself from force, by force, is always void. For (as I have showed before) no man can transfer, or lay down his right to save himself from death, wounds, and imprisonment, (the avoiding whereof is the only end of laying down any right,) and therefore the promise of not resisting force, in no covenant transferreth any right; nor is obliging. For though a man may covenant thus, *unless I do so, or so, kill me*; he cannot covenant thus, *unless I do so, or so, I will not resist you, when you come to kill me*. For man by nature chooseth the lesser evil, which is danger of death in resisting; rather than the greater, which is certain and present death in not resisting. And this is granted to be true by all men, in that they lead criminals to execution, and prison, with armed men, notwithstanding that such criminals have consented to the law, by which they are condemned. (14.29)

it is manifest, that every subject has liberty in all those things, the right whereof cannot by covenant be transferred. I have shewn before in the 14th chapter, that covenants, not to defend a man's own body, are void. Therefore,

If the sovereign command a man (though justly condemned,) to kill, wound, or maim himself; or not to resist those that assault him; or to abstain from the use of food, air, medicine, or any other thing, without which he cannot live; yet hath that man the liberty to disobey.

If a man be interrogated by the sovereign, or his authority, concerning a crime done by himself, he is not bound (without assurance of pardon) to confess it; because no man (as I have shown in the same chapter) can be obliged by covenant to accuse himself.

Again, the consent of a subject to sovereign power, is contained in these words, *I authorize, or take upon me, all his actions*; in which there is no restriction at all, of his own former natural liberty: for by allowing him to *kill me*, I am not bound to kill myself when he commands me. It is one thing to say, *kill me, or my fellow, if you please*; another thing to say, *I will kill myself, or my fellow.* (21.11-14)