

Hobbes on liberty

1 Exemptions from the law

1.1 Clergy

“Lastly, amongst the points by the church of *Rome* declared necessary for salvation, there be so many, manifestly to the advantage of the Pope, and of his spiritual subjects, residing in the territories of other Christian princes, that were it not for the mutual emulation of those princes, they might without war, or trouble, exclude all foreign authority, as easily as it has been excluded in *England*. For who is there that does not see, to whose benefit it conduceth, to have it believed, that a king hath not his authority from Christ, unless a bishop crown him? That a king, if he be a priest, cannot marry? That whether a prince be born in lawful marriage, or not, must be judged by authority from *Rome*? That subjects may be freed from their allegiance, if by the court of Rome, the king be judged an heretic? That a king (as *Chilperic of France*) may be deposed by a pope (as Pope *Zachary*) for no cause; and his kingdom given to one of his subjects? That the clergy and regulars, in what country soever, shall be exempt from the jurisdiction of their king, in cases criminal? Or who does not see, to whose profit redound the fees of private masses, and vales of purgatory; with other signs of private interest, enough to mortify the most lively faith, if (as I said) the civil magistrate, and custom did not more sustain it, than any opinion they have of the sanctity, wisdom, or probity of their teachers? So that I may attribute all the changes of religion in the world, to one and the same cause; and that is, unpleasing priests; and those not only amongst Catholics,

but even in that church that hath presumed most of reformation." (*Leviathan* Ch. 12, ¶ 32).

1.2 Taxes

"that statute [the Magna Charta] was made, not to exempt any man from payments to the public, but for securing every man from such as abused the King's power by surreptitiously obtaining the King's warrants, to the oppressing of those against whom he had any suit in law. But it was conducing to the ends of some rebellious spirits in this Parliament, to have it interpreted in the wrong sense, and suitable enough to the understanding of the rest, or most part of them, to let it pass." (Hobbes, *Behemoth* part 1, p. 210 (1682).)

2 Is democracy special? Hobbes, pre-*Leviathan*

the other sort of discontent which troubleth the mind of them who otherwise live at ease, without fear of want, or danger of violence, ariseth only from a sense of their want of that power, and that honour and testimony thereof, which they think is due unto them. For all joy and grief of mind consisting ... in a contention for precedence to them with whom they compare themselves; such men must needs take it ill, and be grieved with the state, as find themselves postponed to those in honour, whom they think they excel in virtue and ability to govern. And this is it for which they think themselves regarded but as slaves.

Now seeing freedom cannot stand together with subjection, liberty in a commonwealth is nothing but government and rule, which because it cannot be divided, men must expect in common; and that can be no where but in the popular state, or democracy. And Aristotle saith well (lib. 6, cap 2 of his *Politics*), *The ground or intention of a democracy, is liberty*; which he confirmeth in these words: *For men ordinarily say this: that no man can partake of liberty, but only in a popular commonwealth.*

Whosoever therefore in a monarchical estate, where the sovereign power is absolutely in one man, claimeth liberty, claimeth (if the hardest construction should be made thereof) either to have the sovereignty in his turn, or to be colleague with him that hath it, or to have the monarchy changed into a democracy. But if the same be construed (with pardon of that unskilful expression) according to the intention of him that claimeth, then doth he thereby claim no more but this, that the sovereign should take notice of his ability and deserving, and put him into employment and place of subordinate government, rather than others that deserve less. And as one claimeth, so doth another, every man esteeming his own desert greatest. Amongst all those that pretend to, or are ambitious of such honour, a few only can be served, unless it be in a democracy; the rest therefore must be discontent. And so much of the first thing that disposeth to rebellion, namely, discontent, consisting in fear and ambition.¹

¹ Hobbes, *The Elements of Law* Part 2, Ch. 8, §3 (1640). *Leviathan* was finished in 1651.

