

*A punishment, is an evil inflicted by public authority, on him that has done, or omitted, that which is judged by the same authority to be a transgression of the law ; to the end that the will of men may thereby the better be disposed to obedience.*

Before I infer anything from this definition, there is a question to be answered, of much importance; which is, by what door the right, or authority of punishing in any case, came in. For by that which has been said before, no man is supposed to be bound by a covenant, not to resist violence; and consequently it cannot be intended, that he gave any right to another to lay violent hands upon his person. In the making of a common-wealth, every man gives away the right of invading another; but not of defending himself. Also he obliges himself, to assist him that has the sovereignty, in the punishing of another, but of himself not. But to covenant to assist the sovereign, in doing hurt to another, unless he that so covenants have a right to do it himself, is not to give him a right to punish. It is manifest therefore that the right which the common-wealth (that is, he or they that represent it) has to punish, is not grounded on any concession, or gift of the subjects. But I have also showed formerly, that before the institution of common-wealth, every man has a right to everything, and to do whatsoever he thought necessary to his own preservation; subduing, hurting, or killing any man in order thereunto. And this is the foundation of that right of punishing, which is exercised in every commonwealth. For the subjects did not give the sovereign that right; but only in laying down theirs, strengthened him to use his own, as he should think fit, to the preservation of them all : so that it was not given, but left to him, and to him only ; and (excepting the limits set by natural law) as entire, as in the condition of mere nature, and of war of everyone against his neighbor.

Hobbes, *Leviathan*, II, chap. 28 "Of Punishments, and Rewards".