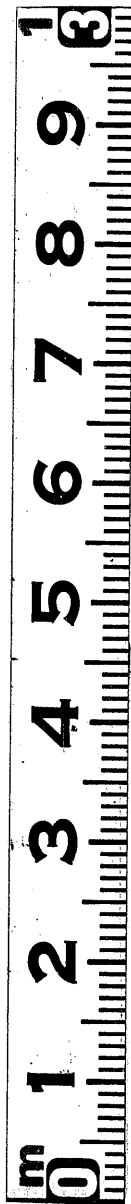


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AN
E S S A Y

UPON

Civil Government:

Wherein is set forth,

The NECESSITY, ORIGIN,
RIGHTS, BOUNDARIES,

And Different

FORMS of SOVEREIGNTY.

With Observations on the Ancient
Government of *Rome* and *England*:
According to the Principles of the
late Archbishop of *Cambray*.

Written Originally in *French*,

By the Chevalier RAMSAY, Author of,
The Travels of CYRUS.

L O N D O N :

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S. AUGUSTINUS.	<i>Parliament Rolls.</i>
<i>Biblia Sacra.</i>	PHILIP de COMMINES.
BRACTON.	PLATO
BRADY.	PLUTARCH.
CICERO.	POLYBIUS.
<i>Codex THEODOSIANUS.</i>	RACINE (<i>ATHALIE de</i>)
<i>COKE's Institutes.</i>	SOCRATES.
EUCHÈR, (<i>Bp. of Lyons</i>)	<i>Statutes of K. CHA. II.</i>
GROTIUS.	TACITUS.
HERODOTUS.	TELEMACHUS.
JUSTIN.	TERTULLIANUS.
MARCUS ANTONINUS.	THUANUS.
Meaux (<i>Bishop of</i>)	XENOPHON.



ERRATA.

Page 23. line 4. add *Law. P. 125.*
line 6. for *despite* read *dispute.*
Page 159. line 5. dele *the.* Page *ibid.*
line 7. add *the.* Page 205. for *Sultil-*
ties read *Subilties.* Page 119. for *Pepli-*
cola read *Poplicola.*

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THE
PREFACE.

WHEN the Histories of
Empires, Kingdoms,
and other *States* are
examined, it will be
found, that all the *Re-*
volutions which have happened,
proceed from two principal Cau-
ses: The Love of unbounded Au-
thority in Princes; and that of
Independency in the People. *So-*
vereigns jealous of their Power,
are always for stretching it. *Sub-*
jects passionate for their Liberty,
are always for augmenting it.

A 2

These

CONTENTS
OF THE HISTORY OF GREAT BRITAIN
IN THE REIGN OF CHARLES THE SECOND
BY JOHN HUGHES
IN TWO VOLUMES
LONDON, Printed by J. Sturges, at the Sign of the Sun in St. Dunstons Church, in Fleet-Street, 1687.

These are the Causes, which have, and always will render the World as a turbulent Sea, whose stormy Billows successively destroy each other. *Anarchy* produces *Despotism*, Despotick Power is lost in *Anarchy*; the grand Body Politick, as the Body Natural, will always be subject to inevitable Maladies, and perpetual Vicissitudes; for as the continual Revolt of the Passions against Reason, does not forbid, that there should be a Rule of sure Morality, which every particular Person ought to follow; So the Impossibility of preventing *Revolutions* does not forbid, that there should be Rules of Policy fixed, which all *States* ought to respect.

It is not pretended here, to form a Plan of Government exempt from every Inconveniency, since all those which subsist are imper-

fect, every Government may be imperfect.

But tho' we cannot prevent all Sorts of Abuses, we ought, however, to avoid Inconveniencies as much as possible. *Physick* is a Science very useful; tho' *Death* is inevitable, let us endeavour to remedy the Diseases of the *grand Body Politick*, without pretending to give it Immortality: let us strive to establish Maxims, which tend to make Men altogether good Citizens, good Subjects, Lovers of their Country, and their Prince, and *subject to Order without Slavery*.

The Design of this Essay is to unfold the Philosophical Principles of Civil Government; and not to lay open the Political Stratagems, which Princes have made use of to aggrandize themselves. This is what makes it necessary, to search

vj *The* PREFACE.

into the Laws of Nature, and Foundations of Civil Right; and not into the Facts of Historians, nor the Customs of Nations; but in the Ideas of the Divine Perfection, and humane Weakness: The one is the Rule of the Law of Nature, the other the Cause of Civil Laws.

It is this Divine Philosophy, which is the only sure and immutable Foundation of all Duties. It is this Philosophy, independent of all Revelation, which makes us regard the Supreme Being as the common Father of all humane Society; and all Men as Children, Brethren, and Members of one and the same Family. It is this Philosophy, which makes us no more regard ourselves as independent Beings, created only for ourselves; but as a small Part of the Whole, which composes Mankind; the publick Good in general of which is to be preferred

The PREFACE. vij

ferr'd to one's own private Interest, this is the Source of all noble Sentiments, and all heroick Virtues.

On the contrary, destroy this Divine Philosophy, there would be no more any Principles of Union establish'd among Men. If Interest, which pushes 'em on one Side, and Fear did not hold 'em back on the other, what would hinder 'em from violating the most sacred Rights of Humanity? Without a Respect to the Divinity, all the Ideas of Justice, Truth and Virtue, which render Society amiable, are of no Signification.

If Religion was false, it would be wish'd true, in order to lay the solid Foundations of Government; for which Reason the *Pagan* Legislators, always supported their Laws upon the Worship of some Divinity.

vij *The* PREFACE.

The first *French* Edition of this Book was very imperfect; this is more ample and correct: The Method is, in some Manner chang'd, by ranging every Truth in its proper Place, and giving it new Strength, by this Disposition.

The only Merit of the Author, is to have been brought up many Years, in the bright Sentiments of the late *Messire Francis de Salignac de la Mothe-Fenelon*, Archbishop of *Cambrai*. He hath taken the Advantage of the Instructions of that Illustrious Prelate, to write this Essay.



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ESSAY

UPON

Civil Government, &c.

CHAP. I.

Of the different Systems of POLICY.



HOSE who have treated concerning Policy, have endeavour'd to establish two Sorts of Principles, quite contrary to each other.

The one attributes to Self-Love, and particular Interest, that which is called the Law of Nature, and all Vertues moral and political.

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Accord-

10 *An ESSAY upon*

According to these Principles, we are all born independant and equal.

According to these Notions, Kingdoms and Commonwealths have been form'd only by the free Consent of Men, who are subject to the Laws of the Society only for their particular Advantage.

According to these Men, in short, the Depositories of the Sovereign Authority are always answerable, in the *dernier Resort*, to the People, who may judge, depose, and change them, when they violate the original Contract of their Ancestors.

The others, on the contrary, maintain, that the love of Order, and the publick Good in general, is the Source of all the Duties of the Law of Nature; that antecedent to every free Contract, we are all born more or less dependant, unequal, and Members of the Society to which we belong; that the Form of Government being once establish'd, it is not allow'd particular Persons to trouble it, but that they should suffer with Patience, when they cannot,

CIVIL GOVERNMENT. II

cannot, by lawful Means, hinder the Abuses of the Sovereign Authority.

To judge of these different Principles, we must enter into a Discussion of the most subtil and delicate Questions in Policy. Let us in the first Place begin to examine into the Law of Nature, and the Duties to which it obliges us, for from thence depend the Solution of all the Difficulties in this matter.

C H A P. II.

Of the Law of Nature.

THE Law in general is nothing else than the Rule which every Being ought to follow, in order to act according to his Nature. It is thus, that in Physicks, we understand by the Laws of Motion, the Rules by which every Body is necessarily carried from one Place to another. So in Morals, the Law of Nature signifies the Rule which every intelligent Being ought freely to follow, in order to be reasonable. The

The most perfect Rule for Finite Beings, is without doubt, that of the Infinite Being; GOD loves himself sovereignly and absolutely, because he is sovereignly and absolutely Perfect; he loves all his Creatures unequally, according as they participate more or less of his Perfections.

This Rule of the Divine Being, is also the natural and universal Law of all intelligent Beings; for GOD cannot give to his Creatures a Will contrary to his own, for to tend where he does not tend. (a) *His Will is Eternal.* GOD hath not made it, it is as ancient as the *Divinity*. It is a Law to himself, and from which he cannot dispence his Creatures, without contradicting himself. *His Will is Immutable.* GOD does not act here as a Legislator, who by his absolute Dominion over Men, makes 'em subject to certain arbitrary Laws, and obliges 'em to observe 'em, by Rewards

(a) I don't speak here of the Motive of Love, which may be Pleasure, or the agreeable Sensation, which the Object beloved excites in us. I only speak of the Rule of Love, which ought to be the Perfection of Objects.

wards and Punishments: As this Law immediately results from the immutable Relations which there is between the different Essences, it can never change. Whereas positive and arbitrary Laws being founded only upon different, variable Circumstances, as Creatures find themselves, they may be changed according as Circumstances vary; for which Reason SOCRATES always distinguishes two sorts of Laws, (b) *The Law which is in being*; the other, (c) *The Law which was*.

To love every thing, therefore according to the Dignity of its Nature, is the universal, eternal, and immutable Law of all intelligent Beings; and it is from this Law, which all others flow, and all Vertues, divine or humane, civil or moral: Let us search into the Extent thereof, and the necessary Consequences arising therefrom.

1. We are to reverence the supream Being, and to love him with a sovereign Love, worthy only of his most excellent Nature. Religion is the Foundation of all good Policy, the Difference

(b) Ὁ ὄν. (c) Τὰ γινόμενα.

rence in Ceremonies and outward Worship, by which we express our inward Adoration, may be arbitrary, and vary according to the different Genius of the People: Every Man would be born in perfect Liberty therein, if GOD had not taken away this natural Liberty, by an express Revelation. But the Love and Respect of the Divinity, is an essential Part of the Law of Nature, and a Duty founded upon the immutable Resemblances that there are between Finite and Infinite, even independantly from all Revelation.

2. We must respect and bear a Goodwill to all the particular Species of Beings produc'd by this Supreme Being, to every one according to the Dignity of its Nature: from hence comes Respect for invisible Beings superior to us, and Compassion for Beasts, which are beneath us.

3. We must love and respect that particular Species of Beings, of which our selves are part, and with which we have an immediate Resemblance; from hence comes the Philanthropy, and all other moral Vertues which render Men
ami-

amiable, and every Clime, the common Country of Mankind.

4. We must love and respect that particular Species of Men with whom we live, and in whose Society Nature hath placed us.

5. We must love and respect those who have been the Instruments of our Existence, and with whom we have Alliance by Birth and Parentage; this is the Family Love, and Paternal Respect, which the *Romans* called *Pietas Parentum*.

6. We must love our selves, as being a small part of the grand Whole, which composes the Universe. Self-Love, well and rightly regulated, ought to hold only the last Place. It would be monstrous to prefer one's self to all our Family, our Family to all our Country, our Country to all Mankind: For rational Love always governing it self according to the degree of Perfection and Excellence of every Object, begins with universal Things, and descends gradually to Particulars. On the contrary, the Care which is requisite, for every one, to perform the Duties of this eter-
nal

nal Law, ought to begin with Particulars, and ascend to Generals: the Reason is, the Capacity of Love being infinite, Men should never bind it to any Particular; for his understanding Capacity being very narrow, he cannot equally apply himself to the Wants of all Mankind: they overthrow this fine Order, by confounding always two Things entirely different and distinct. The Care which every particular Being ought to have of his Perfection and Preservation, and this love of Esteem and Preference, which he must always regulate according to the Perfection of Objects. Self-Preservation is the first of all Cares, because we cannot think upon every thing, and because we are more immediately charg'd with our selves, than all the rest of Mankind: Self-Love is the last of all Loves, because our limited Being is but a small Part of this grand Universe, with which we make a Whole; and we must not bring down the Totality of Perfection to a Part, but the Part to the Whole. We ought more immediately to think upon our own Self-Preserva-

Preservation, than that of another Man's: We owe more to our own Family, than to any strange one: We owe more to our own Country, wherein we were born, educated, and protected during our Infancy, than to any other particular Society of Men which we never saw: We owe more to any Particular, with whom we are more immediately charg'd by Nature or Providence, than to any other Particular which we have no Relation to; but whenever any particular or private Interest stands in Competition with the publick Good, the latter is always to be preferr'd to the former. It is not allow'd to preserve our selves, by ruining our Family; nor aggrandize our Family, by ruining our Country nor seek the Glory of our Country, by violating the Rights of Humanity: It is upon this Principle which the *Law of Nature* and *Nations* is founded. As the Subjects of every State ought to be subject to the Laws of their Country, tho' these Laws may sometimes be contrary to their private Interest; so every separate Nation

Nation should respect the Laws of the common Country, which are those of *Nature* and *Nations*, in prejudice of its own Interest and Aggrandizement: without this there would be no difference between Wars just and unjust; the most ambitious Conquerors would usurp the Dominion of their Neighbours, and those Powers which have the greatest Strength, would pretend to have a Right in doing that which they often do, contrary to all Law and Justice: What Difference there is between these Ideas and those which teach us, That the Universe is but one and the same Commonwealth, govern'd by one common Father; that the Kings of the Earth are subject to the same general Law as the private Persons of every State; and that this eternal, immutable, and universal Law, is always to prefer the general Good to any Particular!

Libertines and Lovers of Independency will say, that it is not reasonable to introduce Maxims of Religion into Policy. But I do not speak of revealed Religion; I only admit those Prin-

Principles which are drawn from the Light of Nature: I only say what all the great Legislators and Philosophers, both *Greeks* and *Romans*, have said before me; *viz.* That it is impossible to fix the true Principles of Policy, without those of Religion. (a) "There
 " have been Philosophers, (says C I-
 " CERO) who have deny'd, that the
 " Gods concern'd themselves in hu-
 " mane Affairs. If this Opinion is
 " true, what signifies Piety, Sanctity,
 " or Religion? For when these are
 " destroy'd, every thing falls into
 " Confusion and Trouble: for in de-
 " stroying the Worship of the Divini-
 " ty, we destroy all Faith among
 " Men, all Society, and all Justice,
 " the most admirable of all Virtues."

It

(a) *De Natura Deorum, Lib. 1.* Sunt enim Philosophi, & fuerunt qui omnino nullam habere censerent humanarum rerum procuracionem Deos. Quorum si vera sententia est, quæ potest esse pietas? Quæ Sanctitas? quæ Religio? --- quibus sublati perturbatio vitæ sequitur, & magna Confusio, atque quidem haud scio an pietate adversus Deos sublata, fides etiam & societas humani generis, & una excellentissima virtus Justitia tollatur.

It will be objected, perhaps, that all which hath been said concerning the Law natural, immutable, and common to all intelligent Beings, are Romantick and Chimerical Ideas; that nothing is more contradictory than the Sentiments, and Customs, of different Legislators, and different People concerning the Law of Nature; that PLATO would have established a Community of Wives; that LYCURGUS seem'd to approve Prostitution; that SOLON allow'd the *Athenians* to slay their own Children; that the *Persians* espoused their Mothers and Daughters; the *Scythians* eat humane Flesh; the *Getulians* and the *Bactrians* were so polite, as to allow their Wives to have Commerce with Strangers: So that there was no fixed and immutable Law in which all the World agreed. On the contrary, in every Country and State, that which one thinks just, another thinks unjust. But is this Reasoning, to speak thus? All Men are not reasonable, therefore Reason is only a Chimera: All Men do not perceive, through want of Attention and

and Knowledge, the Resemblances and Properties of Lines; therefore, there must be no Geometrical Demonstration. Man, indeed, is not always attentive to this Law of Nature; he does not follow it, when he discovers it; for Disobedience and want of Attention, does not destroy the Force and Justice of this Law. It is not founded upon the Consent of Nations, or free Concurrence of Legislators, but upon the immutable Conformity of our Being, to every thing about us. Let us examine what Men would do, if they were reasonable, and not what they do when they follow their Passions.

Besides, the greatest Part of these Abuses, are only the false Consequences which the *Pagans* drew from this Law which we have been establishing. PLATO and LYCURGUS did not pretend to favour shameful and brutish Passions, but they allow'd the free Mixture of both Sexes, at a certain Time of the Year, with Modesty, to the end that their Children should know no other Family than their
Coun-

Country; nor other Fathers, than the Preservers of their Laws. A Maxim, contrary to the Sanctity of our Marriages; a Maxim, however founded upon what these Legislators thought the Love of their Country. They deceived themselves, without doubt, in the Consequences; but in deceiving themselves, they aimed at this eternal and immutable Law, which every one ought to follow. (a) CICERO assures us, that it was the Opinion of PLATO and his Followers, the Stoicks, and all the

(a) CIC. *Lib. 1. & 2. de Leg. & 4. de fia.* Hanc igitur video sapientissimorum fuisse sententiam, legem neque hominum ingeniis excogitatam, sed æternum quiddam, quod universum Mundum regeret imperandi prohibendique sapientia. Ita principem legem illam & ultimam mentem esse dicebant. Omnia ratione aut cogentis, aut vetantis Dei. Ex qua illa lex quam Dii humano generi dederunt rectè est laudata --- quæ vis (sive lex) non modo senior est quam ætas populorum & civitatum, sed æqualis, illius cælum atque terras tuentis & regentis Dei --- quæ non tum deniq; incipit lex esse cum scripta est, sed tum cum orta est, orta autem simul est cum mente divina. Quamobrem lex vera atque princeps apta ad jubendum & vetandum ratio est recta summi Jovis.

the Antient Sages, *That the Law was not an Invention of humane Wit, nor a Rule establish'd by different People; but something eternal: That this hath not only preceded the Origine of People and Societies, but that it is as antient even as the Divinity: That it did not begin to be a Law when it was wrote, but that it was so from its first Origine; that its Origine is the same as the Divine Spirit, because the true and sovereign Law is no other than the supreme Reason of Great Jupiter.*

CHAP. III.

Man is born a sociable Creature.

I Don't understand here, by being sociable, to live together, and see one another at certain Times and Places; the wild Beasts of the Forest do so: we may see each other daily, without being in Commerce of Society; and live separately from all Men, without being sociable. By Society, I understand, *a mutual Commerce or Friendship*; for all rational Beings are obli-

obliged by the immutable Law of their Nature to live thus together. Those who have one and the same common Law, ought to be regarded, says CICERO (a) as Citizens of one and the same City. The Universe (continues he) is one great Commonwealth, of which the inferiour Gods and Men are Citizens, and the Great Omnipotent Being the Prince and Common Father of all. If Reason is common to all, the Law is also common. (says the Emperor Marcus Antoninus.) (b) The Law being common we are Fellow-Citizens; we therefore live under one and the same Government, and the whole World is consequently but as one City.

The Idea is bright and shining, and shews us, which is the first Principle among Men: All intelligent Beings, who know themselves, are oblig'd to live

(a) CIC. 1 Lib. de Leg. Inter quos est communio legis Civitatis ejusdem habendi sunt; unde universus hic Mundus una Civitas communis Deorum atque hominum existimanda est.

(b) Lib. 4. §. 4. Λόγος κοινός. Εἰ τὸ καὶ νόμος κοινός. Εἰ τὸ πολίται ἐσμεν. Εἰ τὸ το πολίτευμα τὸ πᾶσι μετέχον. Εἰ τὸ ἐκείνη ὡσαύτως πόλις ἐστίν.

live together in a mutual Commerce of Friendship, because of their essential Resemblance to the common Father of Spirits, and their mutual Union, as Members of one and the same Commonwealth, which is govern'd by one and the same Law. It is thus that we conceive there may be a Society of Love and Amity among pure Spirits, whose common Happiness may be increased, by the Joy and noble Pleasure, which each other have in beholding one another happy and content. It is thus, that the inferiour Gods (speaking as the Heathens) or rather Divine Men, freed from corporeal Bonds, may be able, and without our Perception, have a Society with mortal Men, by giving them invisible Succours.

From hence comes the Idea which the Pagans had of the Commerce, which they supposed to be between the Divinity and Men, and all the Fictions of the Gods, Demi-Gods, Goddesses, Nayades, &c. which protected Men, and conversed with 'em in heroick and fabulous Times: It is thus,

B

that

that every Man, as he is a rational Being, independent of his Body and its Necessities, ought to regard himself as a Member of humane Society, a Citizen of the Universe, and a Part of the great Whole, the general Good of which he ought to seek before his own private Interest.

But, besides this first Principle of Union and Society, which is, without doubt, the most noble, there are two others which deserve our Consideration; *viz.* corporeal Indigency, and the Order of Generation.

The Indigence of Man is greater than that of brute Beasts: he is born weak, and incapable of helping himself, or asking the same from others; all other Creatures, in the Space of some Weeks, are capable of helping themselves with Necessaries for their Preservation; but Man, on the contrary, languishes some Years in a State of Infancy and Diseases; he lives but by halves; he is not able, of himself, to secure himself against the Injuries of the Air, the Violence of Beasts, and the Passions of other Men.

The

The Author of Nature hath made Man thus indigent, in order to form Mankind into a necessary and useful Society; he might have created every one of us with sufficient Happiness and Perfection, to live singly and separately from all other Men; but he would not do so, because he would give us Opportunity to imitate his communicative Goodness, by mutually contributing to each other's Happiness, by the Duties of reciprocal Friendship.

The Sovereign Being hath bound Men together, not only by Indigency, but the mutual Want which they have one for another, and also by the Order of their Birth: He might have created all Mankind at once, in one and the same Sex, and without depending one upon another; but he was not willing to do so, because the Obligations of Birth and Parentage should stand in the same Place with those of Love and Charity; and that the one should contribute to form and strengthen the other. But I don't speak, as yet, of Paternal Power, nor of the Order of Generation, as the Source of Authority,

B 2

but

but only as it is a Spring of Union and Society. By this admirable Order of Propagation, Fathers look upon their Children, as Part of themselves; and Children regard their Fathers, as Authors of their Existence; and thus they are dispos'd to render each other the Duties of Tendernefs and Gratitude, of Love and Respect.

Besides this Bond of Union, which God hath form'd among Men, by the Order of Generation, there is still one more, which results therefrom, and that is the Love of our Country: Men are not born so free as to subject themselves to what Society they please, or to form new ones, according to their Caprice. Those to whom we owe our Birth, Preservation and Education, require from us a Right, which obliges us to acknowledge, respect, and love them. *Our Country is nothing else but the Re-union of every Father of a Family into one and the same Society.* The Love of this Country is no Chimera, invented by those who have a Desire of governing; it is founded upon Paternal Respect, and absolutely necessary for

for the Good of Society: For, if every one was allow'd to abandon his Country, as a Traveller who passes from City to City for his own Pleasure or Advantage, there would be no more any fixed and constant Society upon Earth.

All Men, originally, were Members of one and the same Family; they all spoke the same Language, and they all should have but one and the same Law: but having lost this Principle of Union, which had rendred them all equally Citizens of the Universe; it was, therefore, no further necessary that the World should be common to all. But for the preventing Men from being Vagrants and Vagabonds upon Earth, without any Order, Union or Rule, it was necessary to fix, and bind them to particular Societies, by different Languages, Laws and Climates.

Men are born sociable, by the common and immutable Law of their Nature, by corporeal Indigency, and by the Order of Generation.

Far from hence be all those monstrous Ideas, which teach us, that Man

is naturally and originally obliged to be sociable, only for Fear of being oppress'd; that if he was sure of suffering nothing, he would live free and independent from all others; that Societies only form themselves by arbitrary Contracts, as Companies of Merchants, who freely associate themselves for the Sake of Commerce, and retire therefrom when they do not find it for their Advantage. It is true, that Fear, Avarice, Ambition, and other Passions, render Government and Subordination necessary; but to be sociable, is an essential Character of Humanity.

CHAP. IV.

All Men are born, more or less unequal.

THOUGH Men may be all of the same Species, capable of the same Happiness, and equally Images of the Divinity, yet they very much deceive themselves, who believe this Equality
of

of Nature incompatible with true Subordination. It is certain, that Men much differ from one another, according to their personal Qualities; their Being is of the same Species, but their Manners are infinitely different, and these Differences are the Foundations of a Superiority antecedent to every Contract, and may be reduced to two general Heads, *viz.* the natural Superiority which there is in the Order of Minds; and the necessary Dependance which there is in the Order of corporeal Generation.

Wisdom, Virtue, and Courage, have a natural Right to Preference.

By Natural Right, I mean, a Power founded upon the Law of Nature; according to the Law of Nature, no Man ought to rule over another; all Men ought to submit themselves to Reason; it is she alone who hath a Right to command; and those who are capable of discovering that which is most reasonable, are the most wise; those who are able to follow her, in opposition to their Passions, are the most virtuous; and those who are capable of executing

Reason to others, by the Impressions of Respect and Fear, are the most courageous, and have, without doubt, more Right to be chosen to command, than ignorant, wicked, and feeble Persons.

It is thus that some certain Men, by the Superiority of their Mind, Wisdom, Virtue and Valour, are born fit to govern, whilst there are a vast Number of others, who have not the like Talents to obey. The Order of Providence required that there should be a Government, and, consequently, Subordination: it must needs be, that the Order of Nature contrived it thus, and that there should be different natural Talents to support this Subordination.

But besides this Superiority, which proceeds from personal Qualities, there is another which comes from the natural Order of Generation.

The Lovers of Independency endeavour to abuse Paternal Respect, by many frivolous Arguments. *We owe nothing (say they) to our Fathers, for having been the Instruments of our Birth; the Intention of our Fathers in begetting us*
was

was more to procure Pleasure to himself, than to give us our Beings.

The Design of the Benefactor, whether more or less disinterested, does not destroy the Benefit. Whatever may be the Intention of our Parents in begetting us, it is certain that our Bodies are Part of their Substance; they are the Instruments of our Existence, and consequently, we ought always to regard them, as the first Causes of all the Happiness which may befall us. We often owe very little to the Creature, who is only the Instrument, and simple Occasion of the good Things which flow from the Author of all Goodness, but we owe every thing to his Order; for his Design in establishing this Order of Generation was only to unite Men, and oblige them to render each other the mutual Duties of Tenderness and Acknowledgment, of Love and Submission.

Paternal Power is further founded upon the Obligations which we have to our Parents, for the Protection of our Bodies, and the Education of our Minds: by the one, they give us those

necessary Succours in the extream Weakness of our Infancy ; by the other, they render us capable of knowing our different Duties, when we are arrived to Years of Discretion: According to divine and humane Order, Providence, and Policy, Fathers are answerable to GOD and Man for what they make their Children do before they come to Years of Discretion. Every Father of a Family, antecedently to every Contract, hath therefore a Right to govern his Children ; and they are obliged in Gratitude to respect him, even after they come to Years of Reason, as the Author of their Birth, and Cause of their Education.

A State of Equality and Independency, wherein all Men would have an equal Right to judge and command, would therefore be contrary to the Order of Generation, and absolutely inconceivable, unless we conceive, with the Poets, that Men spawn as Frogs, or that they depart the World like the Companions of CADMUS, all at once, with all the Strength and Proportion of perfect Age ; this State would be
also

also contrary to Reason, because the most ignorant Persons, and incapable of judging, would pretend to have as much Right in commanding and determining, as the most able Judges, and brightest Capacities.

This perfect Equality is absolutely incompatible with blind humane Nature, who is seduc'd by Passions. Men who love Power and Authority will never continue upon the Level with others, when he has Power to raise himself above them ; Self-Love makes Men idolize themselves, and tyrannize over others when they can do it with Impunity ; the greatest Partizans of this imaginary Equality have always been the most despotick Masters, when they have had Power in their Hands : That amiable Equality where Reason alone presides, cannot subsist among deceitful Men ; superficial and shallow Capacities may dazzle themselves with the bright Ideas thereof, but profound Knowledge and Understanding will set us right.

*Of the Necessity of Sovereign
Authority.*

IF Men would follow the Law of Nature, they would do that for the Love of Virtue which they do for Fear and Interest; they would have no occasion for positive Laws, nor exemplary Punishments: Reason would be the common Law; Men would live in Simplicity without Pride, in mutual Commerce without Propriety, and in Equality without Jealousy: They would know no other Superiority but that of Virtue, nor no other Ambition but that of being generous and disinterested: This is without doubt the Idea of this State so conformable to reasonable Nature, which gave Occasion to all the Poetical Fictions of the Golden Age, and first State of Man.

Sacred and Profane Annals convince us, that Men did not long follow this Natural Law; and our own Experience will

will inform us why it is not follow'd at present.

Immoderate Self-Love hath rendred Men capable of two Passions, unknown even to brute Beasts, *viz.* Avarice and Ambition: an insatiable Desire of appropriating to themselves what they do not stand in need of, and attributing to themselves a Superiority which Nature hath not given.

In beholding humane Nature, thus blind and weak by the Passions, we can see nothing in Men but a savage Liberty, where every one would pretend and contest every thing, where Reason signifies nothing, because every one calls Reason the Passion which animates him; where there is neither Property, Dominion, nor Right, unless in him which is the strongest; which may come to every one in their Turns.

Government is therefore absolutely necessary for regulating the Properties of Goods and Estates, and the Ranks or Degrees which every one should hold in Society; to the end that every thing should not become a Prey, and every one a Slave to the Strongest.

Order

Order requires, that the ignorant and foolish Multitude should not have the Liberty of judging by themselves, and doing every thing which they thought *a propos*: It is absolutely necessary (unless Men would live in dismal Anarchy, where the strongest do what they please) that there should be a Supream Power, to whose Decisions every Person should submit.

It is therefore necessary, that every Government should be absolute. I do not understand here by *Absolute*, an Arbitrary Power of doing every thing as a Person pleases, without any other Rule or Reason than the Despotick Will of one or more Persons. God forbid! that I should attribute such a Power to the Creature, which the Sovereign Being hath not; his absolute Dominion is not founded upon a blind Will; his Sovereign Will is always regulated by the immutable Law of his Wisdom. Let us then reject, with a Celebrated Poet (a) of our Times, these

(a) *Athalie de Racine.*

these monstrous Ideas of Arbitrary Power, which teach, *That Kings have no other Bridle than their own Will; that they ought to sacrifice every thing to their Supream Grandeur; that the People are ordained to Labour and Sorrow; and are to be governed by a Sceptre of Iron.*

By *Absolute Power* I mean no other than a Power of judging in the *dernier Ressort*. In every Government it is necessary that there should be such a Supream Power: for since we cannot multiply Powers to Infinity, we must absolutely fix upon some Degree of Authority superiour to all others, the Abuse of which ought to be reserved to the Knowledge and Vengeance of GOD alone.

For whatsoever the Form of Government may be, whether Monarchy, Aristocracy, Democracy, or Mixed; it is always necessary that we should submit to a Sovereign Decision; for it implies a Contradiction to say, there should be some one above that which holds the highest Station.

The absolute Necessity that there should be among Men Superiority and Sub-

Subordination, is a convincing Proof, that Government in general is not an Establishment so freely to be dispensed with; nothing would be more pernicious in Practice than this Principle: In every free Contract, the Contractors are always in the right of breaking it, when one Side fails in the Conditions stipulated: So according to this Argument, every particular Person becomes free and independent from the Sovereign Authority when it acts unjustly. Government therefore is no more safe; it is not Royalty alone which is in danger, the most venerable Senates, and Commonwealths, tho' most wisely established, are always exposed to the most frightful Anarchy.

Forms of Government may be indifferent, and more or less perfect; but Independency and Anarchy are absolutely inconsistent with the Wants of humane Nature, and quite contrary to the Nature of Society: it is therefore necessary for the preserving of Order and Peace, that Men should be subject to some Supream Power.

By

By this Union of the Body Politick, under one or more Sovereigns, every particular Person acquires as much Strength as all the Society in common: For, if there were Ten Millions of Men in a Commonwealth, and every one should resist each other, what Confusions would ensue? But by their Dependence upon a Supream Power, it would keep 'em all in order, and prevent them from hurting each other. This Multiplication of Strength in the grand Body Politick, resembles that of every Member of the humane Body: Separate them and they have no Vigour, but by their mutual Union the common Strength increases, and all together they make a strong and vigorous Body.

Subordination and Government being necessary, let us see what is the Source of Sovereign Authority.

C H A P.

Of the Source of Sovereign Authority.

BY the Supream Authority is understood, a Power of making Laws, and punishing the Violaters thereof, even with Death.

The Sovereign Reason alone hath the original Right of setting Boundaries to the Liberty of the Creature by Laws. The All-powerful Creator, who gives Life, hath only the Right of taking it away. It is GOD only whose Dominion over his Creature is absolute; who fully and essentially enjoys the Right of ruling them, and punishing their Disobedience: There is, therefore, but one primitive Source of all Authority, which is the *natural Dependency* which we have from GOD, who is the Sovereign Wisdom and Author of our Being.

The absolute Necessity, that there should be some Supream Authority upon

upon Earth, to make Laws, and punish the Violaters thereof, is as convincing a Proof, that GOD who essentially loves Order, would have his Authority committed to some Sovereign Judges, as if he had declared the same to all Mankind by exprefs Revelation.

The Right then which one or more Persons have of governing preferably to others, comes only from the exprefs Order of Providence. As in Physicks, or Natural Philosophy, there is one secret and universal Action of the first Motion, which is the only Source of all the Force, Order, and Movements, which we see in Nature; so in the Government of the World is one Sovereign and secret Providence, who disposes every thing according to his eternal Designs. Every Moment of our Existence is bound up with one Eternity of future Ages; and the Things which we do every Moment have a Conformity to what may happen at all other Times: The internal Liberty of the Creature continues perfect, absolute, and independent of all Pre-determination, Foreknowledge, or Order, which constrains

or

or destroys it: But the outward State, Rank and Circumstances which every one of us is in, are regulated by Weights and Measures. All the different Events which appear to blind Men as the Effects of Chance, are so link'd together, that they contribute to accomplish the Designs of the Sovereign Being, who conducts every thing to its proper End; that which even often appears the most unworthy of our Attention, becomes the Spring of the greatest Changes; the least Motion of an Atom may cause innumerable Revolutions in the World! A small venomous Insect flying in the Air stings the Hand of a young Prince, it is inflam'd, the Inflammation increases, the Royal Infant dyes, there arises Disputes about the Succession, all *Europe* is interested therein, Wars every-where commence, Empires are overthrown, and the *Primum Mobile* of all these Revolutions was only the Action of an invisible Animal. It is not therefore by Chance that some of us are born poor, and others rich; some great, and others small; some Kings, and others Subjects: This unequal Division

vision of the Goods and Honours of the World proceeds from an infinite Wisdom, who knows what is convenient to every one of his Creatures.

From hence great Persons have Opportunity of imitating the Divine Bounty, by protecting the Small; and mean Persons of acknowledging their Gratitude, in returning Services to the Great; and by this mutual Commerce of good Offices they would maintain the Union and Order of Society, the Distinction of Ranks and Qualities, which of themselves are of no Value, should prevent great Men from despising their Inferiours, and engage mean Persons to respect their Superiours; because *Order* requires, that there should be a Subordination among Men. This Inequality of Ranks and Qualities which often revolt, when we look upon Persons as only cloath'd therewith, become however just; when we consider them as the Consequences of Order, established for preserving the Peace of Society.

To violate the Rights of Subordination, is a Crime of High-Treason against Heaven; to overthrow the Superi-

periority of Ranks, to reduce Men to an imaginary Equality; to envy the Fortune and Dignity of others, and to be discontent with the Meanness of our own Condition, is to blaspheme against Providence, and to attack the Rights of the Sovereign Father of the Universe, who gives to all his Creatures Places convenient for 'em. And this is the sure and immutable Foundation of all lawful Authority.

Nothing, consequently, is more false than this Idea of the Lovers of Independency, that all Authority resides originally in the People, and that it comes from the Cession which every Person makes to one, or more Magistrates, of his inherent Right of governing himself.

This Idea is founded only upon the false Supposition of every Man being born for himself, out of all Society, the only Object of his own Cares, and a Rule to himself; that he is absolutely born his own Master, and free to govern himself as he will. We have already shewn, that Man, antecedently to every free Contract, to every Form
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of Government, and to every Agreement express or tacite, is born a Member of Society, the publick Good of which he ought to prefer to his own private Interest, and consequently, that he is not born his own Master, neither is he a Law to himself.

It is true, that free Consent, or Force, express or tacit, of a free People, to the Government of one or more Kingdoms, may probably be a Canal thro' which the Supream Authority glides along, but it is not the Source or Spring thereof.

This Consent is nothing but a simple Declaration of the Will of GOD, which manifests thereby, to whom he would have his Authority intrusted. It is he alone who sovereignly presides over humane Councils, who rules them as he pleases, and who gives Governors to Nations, as Instruments of his Justice and Mercy.

But though Providence disposes of Crowns at Pleasure, yet it does not approve every thing which it permits. There are certain general Laws, which make it appear, that GOD not only
permits

permits things, but also that they are by his Order ; these general Laws are the Foundations of the Civil Law, and are established for the constant Rules of our Duties, and certain Signs of that which is right and that which is wrong.

But in Policy, these general Laws are all consistent Establishments with the Order and Union of Society, which being by their Nature fixed and palpable, prevent the Destruction of Subordination, and also, that the supreme Authority, so necessary among Men, should not become a Prey to the Ambition of those who would aspire there-to.

Let us see what are the Means of fixing the Supreme Authority, and ascend even to the Origine of Nations, and first Institution of Civil Societies.

Of the Origine of Civil Societies.

I Shall not here propose the divine Authority of the Bible; I shall only speak of its Antiquity, which cannot be question'd, without producing some other History more authentick. Moses, the most ancient of all Legislators and Historians, assures us, That all Men descended from two Persons conjugally united, and that after the Deluge, there only remained the Family of NOAH; which being divided into three Branches, and afterwards subdivided into innumerable Nations; their Children multiplying themselves into many Families, spread themselves over the Face of the Earth, divide it among them, and become Fathers of different Nations: The Posterity of JAPHET spread themselves over Europe; that of SHEM, over Asia; and that of CHAM, over Africa.

If the Origine of other Nations was as clear and certain as those which
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the Sacred Scriptures make mention of, the Roots of all the Branches of Mankind might be discovered.

The *Greeks*, whose Histories are the most ancient and authentick of all we know among the Heathens, have given us the same Idea of the Propagation of Mankind, and the Origine of Nations: The *Pelasgians*, according to them, are descended from PELASGUS, the Son of JUPITER; the *Hellenians*, from HELLEN, the Son of DEUCALION; the *Heracrides*, from HERCULES, &c. I suppose that the Annals of Antiquity so far backwards, must needs be very obscure, and often fabulous: I only observe, that the Historians of all Countries agree in shewing us, that the different People which cover the Face of the Earth, are descended from different Children of one and the same Father; and that all Nations are formed from the Multiplication of one and the same Trunk, into many Branches.

Nothing is more conformable than this Idea to what we see every Day in all Countries of the World, where different

different Families and Tribes derive their Origine from one common Father.

All the ancient Traditions, as well Sacred as Profane, assure us, That the first Men lived a very long time: By this length of humane Life, and the multiplicity of Wives which was allowed to one Man, a great number of Families saw themselves reunited under the Authority of one *Grand Father*. Every Father of a Family possessed himself with such a Portion of uninhabited Land as he thought convenient, and divides it among his Children; and their Children seizing upon new Possessions, proportionably as they encrease in Number; so the Family of one single Man, soon becomes a People, governed by him whom we suppose to have been the first Father of them all; the eldest Children would acquire Authority over their Posterity, by the same Paternal Rights as the common Father had acquired his over them: They enter into Consultation with him, and have a Share in the publick Administration: Every Father submits to the

common Father, and governs in concert with him, the Country, the Nation, or the grand Family.

I do not say, that Paternal Power alone gives Fathers an inherent Right over the Lives and Liberties of their Children; that is not the Source of Sovereign Authority; but it is the first and principal Canal through which this Authority passes to Men: The Order of Generation subjects all Children to the Conduct of their Fathers, until they come to Years of Reason; and even after that time, it is natural to respect them, as they have been the Instruments of our Existence, the Preservers of our Lives during Infancy, and the Causes of our Education. It is thus that Paternal Authority at the beginning became Sovereign Authority: for as it is absolutely necessary that there should be a Supreme Power among Men, it is natural to think that Fathers of Families, who were used to govern their Children from their Childhood, were rather Depositories of the Supreme Authority, than young Persons without Experience, and any natural Power. This

This is the first Origine of Government and ancient Authority, so respected among the *Jews, Spartans, Romans*, and all other Nations in the World, either polite or barbarous: It is for this that *Kings* were formerly called *Fathers* in almost all Languages: It is for this Reason, in short, that the Word *Nation*, signifies no more than a great Number of Families descended from one and the same Father.

Mankind continuing to multiply more and more, Families subdivide themselves; and not finding themselves any more subject by Paternal Authority to one single Chief from whom they all descended, they form different Societies: Some turn themselves into a Monarchical State, by the Authority which some one among 'em hath gained over the Multitude, by his Courage, Virtue, or Wisdom: Others fearing the Abuse of Authority in the Hands of one single Person, divide it among many Persons:

Others, in fine, being willing to unite all the Advantages both of the one and the other Government, by

composing a Mixture of each Kind, founded upon the Necessity that there should be some fixed Form, which should not be subject to the Caprice of every single Person.

These Forms having been once established, it should never be allowed to change them: The same Reason which renders Government in general necessary, requires also, that the Form of it should be sacred and inviolable: as Men would be always in Trouble if there was no Government, so would they be always exposed to violent Agitations, if the Forms of Established Government should be changed at the Pleasure of every private Person who sets up for a Reformer thereof. Nothing therefore should be more Sacred to Nations, than the Primitive and Fundamental Constitution of States. Whatsoever the Form of Government may be, and whatsoever Faults or Abuses may appear therein, if it hath been established Time out of Mind, if it hath been confirmed by long Use and Custom, it is not allowed particular Persons to alter it, nor destroy it, without

without the Consent of the Sovereign Power.

The Reason is, because it is very dangerous to change even the most imperfect Forms of Government, to which People have accustomed themselves, and letting Subjects take upon them a Right of making these Changes. If they are once allowed this Power, there will be no fixed Rule to stop the Inconstancy of the Multitude, or the Ambition of turbulent Spirits, who will be always deceiving the Populace, under the specious Pretence of Reforming the State, and Correcting its Abuses. The People therefore cannot change a Monarchy into a Republick, nor a Republick into a Monarchy, nor make Elective an Hereditary Kingdom. The Senate and People of Rome had Power to give the perpetual Dictatorship to a single Man, and make him Emperor: But SYLLA, CATALINE, and CESAR, were Usurpers, because they seized upon the Sovereign Authority, notwithstanding the Senate, in whom resided the Supreme Power of the Roman Commonwealth. An absolute

solute King may relinquish his Prerogative; but if the People compel him to do so by Force, they become Rebels.

It is thus that deceitful Men, being incapable because of their Prejudices and Passions, or the narrow Boundaries of their Minds, to judge of what is absolutely best, that there should be therefore some Principle less doubtful than the apparent Goodness of Things, for fixing the Rights of Sovereignty; and this can be no other than the Antiquity of Customs, or the Consent of the Power who holds the supreme Rank in the State. We know what the great Legislator of the Jews says (*Deut. xxvij. 17.*) *Cursed is he which removeth his Neighbour's Land-Mark*: but the Rights of Sovereignty, Thrones, and Empires, ought to be more sacred than an Acre of Land.

Let us shew from these Principles, the System of those who ascribe every thing to Providence; maintaining, that a King *de Facto*, is a King *de Jure*. Let us afterwards examine the Objections of the Anti-Royalists against Hereditary

tary Right; let us endeavour, in fine, to refute the pernicious Maxims of the Lovers of Independency, concerning Rebellion against the Sovereign Authority.

C H A P. VIII.

Of a King de Facto, and a King de Jure.

SOME considerable Authors have maintain'd, That G O D being the only Source of all Authority, we ought not only to obey actually what the Sovereignty commands, but also acknowledge its Authority as lawful, because it is by G O D's Permission; and this is what they call a *King of Providence*.

Simple divine Permission, never gives any Right: We must submit to every thing which G O D permits, but we must not always approve it as just: there is a great deal of difference between obeying a King of Providence, and acknowledging his Right as lawful. It is necessary that the Taxes

which an Usurper imposes should be paid; that the Civil-Laws which he makes should be obeyed; and that People should submit in general to all his Ordinances, which are necessary for preserving the Order and Peace of Society; but this Obedience must never go so far, as to approve the Injustice of his Usurpation, much less to swear that he hath a Right to the Crown, which he hath seiz'd upon by Violence. *It is certain (says the celebrated GROTIVS) that the juridical Acts which an Usurper who is in Possession exercises, have an obligatory Power, not by vertue of his Right, because he hath none, but because he that hath the true Right over the State, would rather that the Usurper's Ordinances should take place in that Interval, than his Dominions should fall into deplorable Confusion; as without doubt they would, if the Laws were abolished, and the Exercise of Justice interrupted.*

The Partisans of a King of Providence, have recourse to Maxims of Christianity to justify their Opinion.

CESAR (say they) was an Usurper; yet JESUS CHRIST and his Apostles

apostles commanded Obedience to Roman Emperors. It may be answered, according to the Opinion of the best Roman Historians of those Times, that Rome could no longer subsist under a Republican Form; therefore it was absolutely necessary, that the Unity of the Supreme Power should extinguish the Disorders and Civil Wars which continually happened among the Heads of Parties, who aspired to the Sovereignty. *The Provinces (says TACITUS) would not shew any Repugnancy at this new Government, because the Senate and People were continually oppressed by the continual Quarrels of Great Men, and the Avarice of Magistrates, against whom they had in vain implored the Benefit of the Laws, which yielded to Strength, Faction and Money.*

Monarchy therefore being necessary for the Repose of Rome, none had more Right to the Imperial Crown than the CESARS. If this Answer is uncertain, here is one that is not.

JULIUS CESAR was an Usurper as well as his Successor AUGUSTUS: but I deny that TIBERIUS, who reigned

reigned in the Time of our SAVIOUR, and to whom he ordained to pay Tribute, was so in any Sence: CESAR changed the Form of Government by Force, Violence, and other heinous Crimes; AUGUSTUS gains the Authority of the Senate, Magistrates and Laws, in the weak and languishing Times of the Commonwealth; but the plenary and free Cession, which the *Patricians, Plebeians, Roman Knights*, and all the Orders made of the Sovereign Authority to TIBERIUS, is one of the most authentick Acts in all History. Nothing is more remarkable than the Refusal which this Emperor made of the Imperial Crown, and the ardent Supplications which the Senate made on their Knees, that he would accept it. Tho' the Character of TIBERIUS sufficiently shews, that his Refusals were all feint, yet the Cession which they made him of the Sovereign Authority, was formal and authentick. He was therefore, properly speaking, the first lawful Emperor, because he was chosen by those who had a true Right of Election. He chang-
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ed the Form of the Government of Rome; but it was with the Consent of those in whom the Supreme Power at that Time resided, *viz.* the Senate and *Roman People*: for nobody doubts but in some such Cases the Supreme Power of a Nation may change its Form of Government; it is a lawful Method, and consistent with Order, when it does not expose us to Anarchy. But in Kingdoms, where the Supreme Power is not in the Senate, where the different Orders, whether they be *Patricians* or *Plebeians*, are only the Counsellors of the King, it is certain that their subaltern and subordinate Power can never act independently from the Royal and Supreme Power, without exposing the Kingdom to most dreadful Anarchy and Confusion.

There are another sort of Politicians, who maintain, that the Hereditary Right of Crowns is a Chimera; which we are now going to examine.

C H A P. IX.

*The Hereditary Right of Lands,
and that of Crowns, are found-
ed upon the same Principle.*

BY Right in general is understood, *the Power of doing and possessing certain Things according to Law.* The Law is either *Natural* or *Civil*, and consequently *Right* is either *Natural* or *Civil*.

The Law of Nature being founded upon Sovereign Reason, it is immutable, eternal, and universal, even as Reason it self. If Men were in a State of knowing and following always this Law, there would be no occasion for Civil Laws; every one would have his own Law within himself: But the Ignorance and Malice of Men, hindering them from discovering and loving this pure Law of Nature, they lie under a necessity of establishing Civil Laws, that is to say, Rules of Conduct, accommodated to the particular Circumstances of every Society, and to the present Wants of Humanity. But these

these Rules having often no Foundation upon pure and primitive Nature, Civil Right, which depends upon these Rules, is often contrary to Natural Right.

In the present State of humane Nature, it must often fall out, that we must turn away a great Evil by suffering a less: It is thus that Civil Laws have sprung, which (sometimes speaking) from the Order of Reason, by their Nature take place, through the necessity there is of establishing them, in order to set Boundaries to the Passions of Men. I shall explain my self thus:

We are all Citizens of the Universe; Children of one and the same Father; Brethren by an Identity of Nature, and consequently we are all born with an equal Right to every thing which we stand in need of for our Preservation.

According to this Principle, nothing is more contrary to Nature than the unequal Division of Estates; the exorbitant Wealth of some Persons, who have no personal Merit, and the dreadful

ful Poverty of others, who are infinitely valuable: Yet if it was permitted every one to seize upon what he stands in need of, because everyone hath an equal Right according to the Law of Nature, the generality of Mankind would so serve themselves from this Principle, as became so many Thieves and Robbers: it would be impossible to preserve the Order and Peace of Society, and they would continually be falling into Anarchy and Confusion. But for avoiding these Inconveniencies, it is necessary that there should be Civil Laws, as Contracts and Successions for regulating the Division of Estates.

We ought to reason after the same manner in Point of Authority: for according to the Law of Nature, which is that of right Reason, he who is the most capable of discovering that which is just, of loving it, and executing the same; that is to say, the most wise and vertuous ought, (without doubt) in the Distribution of the Authority, to be preferred before one less wise and less vertuous.

But

But because Pride, the Love of Independency, and other Passions, cause us to prefer our selves before others, there must be some Rule less equivocal than Personal Qualities, to fix the Possession of the Sovereignty, to the end that it should not become a continual Prey to the Avarice of Men.

So that it is only Wisdom, Vertue, and Merit, which have in themselves a natural Right of Preference: For as Self-Love urges us all to judge in our own Favour, it was absolutely necessary that there should be some fixed and evident Sign for deciding of Ranks and Qualities, in order to preserve the Peace of Society. The Distinction the least exposed to Envy, is that which comes from a long Train of Ancestors: for which reason it is, that almost in all Kingdoms, Antiquity of Families rules Dignities.

I conclude from all this, that the Hereditary Right of Crowns, and that of Lands, have indeed no Foundation upon Natural and Primitive Right, but are both founded upon the same Principles of Civil Right, and ought
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to be both equally inviolable in all Countries where they are established. If there is no difference between a lawful King and an Usurper, there is none betwixt a natural Heir and an unjust Possessor; betwixt a true Proprietor, and a Robber on the Highway. The first Occupiers would have no inherent and natural Right of Transferring to their Posterity the Possession of Lands, exclusive of all Mankind; and the first Sovereigns and Founders of Kingdoms would have no Right of Transferring the Royalty to their Successors: But if both of 'em are become necessary for preventing the Mischiefs of a new Distribution of Estates, and a new Election of Princes in every Age: If both have been confirmed by long Use and Custom, Time out of Mind, it is as great a Crime to change the one as to change the other. If it is Injustice and Robbery to steal the most simple Moveable, or take away an Acre of Land, is it Justice to steal Crowns, and invade Kingdoms? The whole World is, with respect to GOD, but
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as one and the same Commonwealth, every Nation of which is but one Family. The same Law of Justice and Order, which renders the Hereditary Right of Lands inviolable, renders the Hereditary Right of Crowns Sacred.

In order to make appear the Absurdity of these contrary Principles, let us leave a little the serious Style, and hearken for a moment, to the Reasons which these Maxims would equally inspire a fierce Republican and an Highway-man.

' Kings (*says the Republican*) are ori-
' ly Depositories of an Authority which
' resides originally in the People: Men
' are born free and independant. My
' Ancestors have yielded up their in-
' herent Right of governing themselves,
' to Sovereigns, upon Condition that
' these Supreme Magistrates should go-
' vern well. The King hath violated
' the original Contract; I will enter
' upon my first Right; I will take it
' and give it another, who will make
' better use of it; the Hereditary
' Right of Crowns is a Chimera: By
' what Authority have the first Princes
' taken

‘ taken upon ’em to transfer to their
‘ Children a Right (exclusive of all
‘ Mankind, and of Thousands more
‘ worthy than their Posterity) of Go-
‘ verning? My Ancestors could not
‘ transfer, without my Consent, a Pow-
‘ er which takes away my inherent and
‘ natural Right; and certainly their
‘ Design in trusting this Right with
‘ Princes, was not to render Posterity
‘ miserable.

‘ You are in the Right of it, replies
‘ the Highway-man: It is upon the ve-
‘ ry same Principles which I regulate
‘ my Life: Rich Men are only the De-
‘ positaries of Possessions which belong
‘ to all Mankind: Men are born all
‘ Citizens of the Universe, and Chil-
‘ dren of one and the same Family:
‘ They have all an inherent and natu-
‘ ral Right to every thing which they
‘ stand in need of for their Subsistence.
‘ I agree with you, that my Ancestors
‘ and your’s have made a free Agree-
‘ ment among themselves to divide E-
‘ states, and the good Things of the
‘ Earth; but mine pretended, with-
‘ out doubt, that their Posterity should
‘ be

‘ be provided with every thing neces-
‘ sary. Rich Men have violated this
‘ Contract; they have seized upon eve-
‘ ry thing, nothing remains for me; I
‘ will enter upon my natural Right; I
‘ will take it, and seize upon that
‘ which naturally belongs to me: The
‘ Hereditary Right of Lands is a meer
‘ Chimera. By what Authority have
‘ the first Occupiers taken upon ’em
‘ to transfer to their Posterity a Right
‘ exclusive of all Mankind, more wor-
‘ thy than their Posterity? My Ance-
‘ stors could not transfer to others,
‘ without my Consent, a Right which
‘ destroys my natural and inherent
‘ Right: And certainly their Design
‘ in the original Distribution of Riches,
‘ was not to render their Posterity mi-
‘ serable. And since these Princes and
‘ Magistrates, which you call Usurp-
‘ ers over the Rights of Humanity,
‘ hinder me from enjoying that which
‘ belongs to me by Nature, I will
‘ maintain my Right, and complement
‘ my self with the Superfluities of all
‘ those which I meet. For as I con-
‘ ceive, Brave Tribune of the People,
‘ and

and Worthy Partisan of the Natural Liberty of Men, since you have more Money than you should have, permit me to tell you, that it belongs to your Brethren, my Companions, and to me, who am destitute of every Thing. Do me the same Justice which you would have Princes do you: They have violated your natural Rights; you have encroached upon our's: We have nothing; you have much more than you should have: We are your Brethren; we love you; we will not take away your Life; we don't demand your Necessaries; divide only between us that which you have no immediate want of.

What would an Anti-Royalist say, if he should meet upon the High-way with such a Robber, so polite, genteel, and zealous for the Natural Rights of Humanity? I do not see any other Answer he could make, but that of giving him his Purse, without complaining of the least Injustice. But I ask Pardon for this small Digression.

Ridendo dicere verum quid Vetat?

It will be said, perhaps, that it would be permitted every one to seize upon the Superfluities of others, if there was not lawful Means established, such as Succession, Contracts, Labour of the Body or Mind, to become a Proprietor of Lands.

I say the same, that it would be allow'd every one to aspire to the Sovereignty, if there was not lawful Means established, such as Hereditary Right, or Election, for attaining the Supreme Authority. No Man is born a King by Inherent and Natural Right, exclusive of all others more worthy than himself: I grant it; but then no Man is born a Proprietor of superfluous Riches, by Inherent and Natural Right, exclusive of all other Men more worthy than himself.

If there was a fixed Method for distributing Crowns and Estates according to Natural Right, that is to say, according to the immutable and perfect Law of Sovereign Justice, the Hereditary Right of Empires, and of Lands, would be unjust: But the Passions of Men, and the present State of

Humanity,

Humanity, rendering it impossible, it is absolutely necessary that there should be some general Rules for settling the Possessions of Crowns, as well as that of Lands. In all Places where Hereditary Right is established, (for regulating both these) there is as much Injustice in changing the one as the other, without the Consent of the lawful Possessor and true Heir.

But some will say, since the Right of Property, and that of Sovereignty are founded upon the same Principles, the Law of Prescription ought to take place in one as well as in the other. Possession (without doubt) gives Civil Right to Crowns as well as Lands, when there is no lawful Competitor; but if there is such an one, the Possession is not just: The Right of *Inheritance* and the Right of *Dominion* being both founded upon the Necessity of preserving Order, by rendering the ancient Possession of the Sovereignty a lawful Authority, and the ancient Possession of Lands, a lawful Property. The Possession of Lands, tho' at first unjust, becomes lawful after some

some certain time, because the Generation of Men continually changing and decaying, they cannot ascend so high as the first Possessor, when the Succession hath been a long time broke and forgot; this might cause infinite Troubles and Disorders in Society; the first Occupiers had no inherent and natural Right of appropriating to themselves more than what they had occasion for, for their Subsistence; nor of transferring the same to their Posterity, exclusive of all other Men: for which reason the Right of actual Possession takes place of the original Acquisition of the first Occupiers: But whilst the true Heir and immediate Successor in a direct Line subsists and claims his Right, can the Law of Prescription take place in Hereditary Kingdoms, any more than in Hereditary Possessions?

Rebellion is never allowed.

THE Lovers of Independency, and enraged Republicans, believe, that the only Remedy against the Abuses of the Sovereign Authority, is to permit the People to take up Arms against unjust Princes, to depose them, and treat them as Criminals; they advance Principles every-where, which by attacking Arbitrary Power, make every thing fall into Anarchy; nothing is more pernicious than their Maxims, for these Reasons.

1. I will suppose with them, for a Moment, that all Authority comes from the People, and from the Cession which they made of their Natural Right. It does not follow, therefore, that they must always be in the right, of re-taking it after they have once given it away: This would be continually falling into the same Inconveniences for which they had before parted with it. People having experien-

ced

ced the Evils, the Confusions, and the Horrors of Anarchy, give every thing to avoid it; and as they cannot give Power over him, who may turn it against himself, they would rather sometimes run the Hazard of being ill-treated by a Sovereign, than be continually exposed to their own Rage and Fury. Rebellion against the Supreme Power of a Kingdom after such a Cession, is a Contradiction. If this Power is supreme, it hath no Superiour: By what Authority then will it be judged? If the People are always sovereign Judges, they have not then made a Cession of their Right. If they have not yielded it up, they may always give themselves up to their own Caprice, under Pretence, that they are the greatest Number, and to whom belongs, by inherent, natural, and inalienable Right, the Sovereign Authority. Anarchy then becomes inevitable, because every seditious Person who can assemble the greatest Mob, will pretend to the Sovereign Power of the Nation, more than the Laws, fixed Principles, or fundamental Constitution: Every one will

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go-

govern by Force. If they were to make a Choice between Despotism and Anarchy, without doubt they would prefer the former to the latter. The Successor of a Tyrant may repair the Faults of his Father: Bright and happy Days may shine through those which evil ones have clouded. There is always some Resource against the Diseases of the grand Body Politick, as long as the Prince is not attack'd in his Life, and whilst there is some Order, and some Sovereign Authority to awe the People: But in Anarchy there is no Help; every one is a Slave to the Strongest; every private Person becomes a Tyrant: Tyranny multiplies without end, and by increasing thus, it perpetuates itself. It can never be stopped, or suspended, but by Obedience and Submission to some Supreme Authority, who should only be responsible to GOD, for the Abuse of his Power.

2. The Troubles and Cares of Sovereignty, are greater than those of any other State or Condition; (a) "A

(a) *Telemachus*, Lib. 12. p. 247.

private Capacity may conceal its natural Imperfections; because such a Condition is not exposed to publick View: On the contrary, Grandeur, and Elevation, put all their Talents to vulgar Proof. The whole World is employ'd in observing always a single Man, and judging him in every Extream: Those who judge him, have no experience of the Condition or State he is in, neither are they sensible of the Difficulties therein. *Kings*, tho' never so good, or wise, are still but Men; their Minds and Understandings have Boundaries, as well as their Virtues; they have Humours, Passions, and Habits, which they are not always Masters of; they are surrounded by self-interested and cunning People: Sovereignty carries with it all these Miseries; humane Weakness sinks under a Load so heavy; Kings are to be pitied and excus'd. Are not they to be pitied, who have so many Men to govern, whose Wants are infinite? And who give so much Trouble to them, who would well govern them? But to

D 3 speak

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' speak freely, Men are more to be
 ' pitied, for having occasion to be
 ' governed by Kings who are but
 ' Men like themselves; for the Gods
 ' should only redress Men: But Kings
 ' are not the less to be pitied, as being
 ' but Men, that is to say, weak and
 ' imperfect, in having such a vast
 ' Number of corrupt and deceitful
 ' Men to govern. The Laws some-
 times tolerate the Faults of private
 Men; but how much more reasonable
 is it to suffer patiently the Faults of
 Sovereigns, and to consider the painful
 and high Station which they are charg'd
 with for our Preservation, their Diffi-
 culties, Temptations and Passions which
 accompany them in their Sovereign Au-
 thority, where the least Mistakes are of
 the greatest Consequence, and the most
 trifling Errors cause violent Shocks.

3. Political Affairs are often so ob-
 scure and nice, that not only the com-
 mon People, but even Persons of the
 greatest Capacities, are not always ca-
 pable of examining, whether the Mea-
 sures which are taken are just, or not;
 the best and wisest Designs have very
 often

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often bad Success: On the contrary,
 unjust and bold Enterprises often suc-
 ceed. The People judge only from
 Appearances, and almost always by
 the Event of Things: Besides, the pub-
 lick Interest requires, that the Views
 and Intentions of Sovereigns should be
 kept secret. It is, therefore, very diffi-
 cult to judge when the Sovereign doth
 Wrong, or not! "The Goodness or
 "Badness of an Action, says the Cele-
 brated GROTIUS, especially in Ci-
 vil Affairs, are often of so difficult
 a Discussion, that they can neither
 be a Rule to the People, nor Boun-
 daries to Kings in the Extent of their
 Authority: On the contrary, there
 might truly happen great Disorders
 thereby, whilst the King on one
 Side, and the People on the other,
 would each determine from the same
 Affair, as would cause such a Con-
 fusion, that no People durst have the
 Courage to introduce.

Without doubt the Laws alone ought
 to rule; without doubt the publick
 Good ought to be the immutable Rule
 of these Laws; and without doubt

Princes overthrow the Design of all Government, when they act against this publick Good. But if it was permitted every private Person to explain the Laws after his own Manner, to judge of the publick Good, and to fix the Boundaries of Sovereign Authority; it would expose every Government to perpetual Revolutions, and there would be no more any fixed Point in Policy: For that which undermines the Foundation of all Authority, which carries with it the Ruin of all Power, and consequently of all Society, should never be admitted as a Principle of Reasoning, or Conduct in Policy. If Rebellion is once permitted, there will be no more any fixed Point to put a Stop to the extravagant Humours of Men. If People may rebel to day, for some imaginary Reasons, they will pretend to find the like Reasons to rebel again to morrow. As Opinion has the same Effect upon the Mind as Truth; as long as any one Party shall pretend to imagine, that he has Reason to oppose the Sovereign Powers, they will believe themselves in the right of it; when

when they take Arms. There is no infallible Authority in Policy; the best Princes commit great Errors. If Rebellion was to be lawful, all those who have an Antipathy against the Persons of Princes; all those who are out of Humour with the Government; and all those who are discontented, because the Power is not in their Hands, will never cease from spiriting up the People daily, and scandalizing the best Princes with the odious Name of *Tyrant*. All bold and ambitious Persons, who are capable of making Factions, and becoming Heads of Parties, will take upon them new Pretensions, to alter and amend the Form of Government: from this proceeds the Destruction of all Order, and the Source of all Mobbish Revolutions, not only in every Age, but at all Times; insomuch that there would be no more any fixed and constant Society upon Earth, but the whole World would be turn'd into dismal Anarchy.

5. In changing of Sovereigns, there is no Certainty of finding more moderate, or better than those which have been

deposed. ' Do you think, *said a Roman Senator*, (a) that Tyranny would dye with NERO? It was supposed to have been extinguished by the Death of TIBERIUS and CALIGULA, and yet we have seen a third more cruel than they. ———

(b) CLAUDIUS had therefore great reason to say to the *Parthian Ambassadors*, who came to him to demand a better King than what they had; That such frequent Changes signified nothing; but that they ought to behave themselves as much as possible to the *Humours of Kings*.

(c) An antient General of the Army made use of this Reasoning, in order to reclaim rebellious Subjects. ' You must support, *says he*, the Luxury and Avarice of your Sovereign; as Sterility, Storms, and other Disorders of Nature, there will be Vices, as long as there are Men; but the Evil does not last always, and is

(a) Tacit. Lib. 4.

(b) Tacit. Annal. 12.

(c) Petilius Cerealis in Tacitus.

' recompenced by good Princes who sometimes govern.

All Men have their Passions: Sovereign Authority is a great Temptation: He who appears to day moderate, and zealous for Liberty, soon changes his Ideas when he sees himself raised to the highest Degree of Sovereign Grandeur. Every Man carries in his own Breast the very Principle of Tyranny, which is Self-Love. Frequent Changes therefore are not a Remedy against Tyranny; the Tyrant may be changed, though the Tyranny continues! We are not sure, by Rebellion, to find better Masters; but we are sure of this, by overthrowing the most wicked Princes, to engage his Subjects our Fellow-Citizens in Civil Wars, Cabals, Factions, and universal Trouble. The Love of our Country, therefore, opposes the Overthrow of Subordination, and every thing agrees to prove, that Rebellion should never be permitted under any Pretence whatsoever.

But it will be said, perhaps, *Salus Populi suprema Lex*. This is the favourite

rite Maxim which the Lovers of Independency abuse.

The Happiness of the People is, without doubt, the supream Law, and the End of all Government; but this Happiness doth not consist altogether in the Affluence of the Fruits of the Earth: There are Felicities more valuable, and to which Men ought to sacrifice these inferiour Things, which are common even to brute Beasts; such as, the Peace of the Commonwealth, the Union of Families, the Prevention of Civil Wars, Factions and Cabals, which destroy a Country infinitely more than the heaviest Taxes; no Man hath a natural Right to any thing more than what is absolutely for his Preservation: If the publick Good requires, that a Man should part with the Superfluity of his Estate, he ought not to complain, because it only takes from him what he hath no natural Right to; for the most important Things which tend to his Preservation are Life, Liberty, &c.

It is not pretended herein, to justify the inhumane and barbarous Conduct of

of some Sovereigns, who oppress their Subjects with exorbitant Taxes, often depriving them even of Necessaries; these are inexcusable Monsters of Humanity. I only maintain, that if we cannot put a Stop to their Excesses by such Means as are lawful, and consistent with Order and Subordination, we must suffer them with Patience. I shall always say, with NARBAL in THELEMACHUS, where speaking of PIGMALION, whose Description represents the most execrable Tyrant: *For my Part, I fear the Gods: whatsoever befalls me, I shall be faithful to the King whom they have set over me: I would rather that he should take away my Life, than I should destroy him, or be wanting even in his Defence.* Nothing is more frightful than Tyranny, when we reflect thereupon; but this Disorder vanishes when we look upon the supream Providence, who appoints these transitory Disorders for the Accomplishment of his eternal Order. It would therefore be rebelling against GOD, to rebel against the Powers which

which he hath established, tho' they should abuse their Authority.

This Reflection leads us naturally to consider, whether Religion may be any Pretence for Rebellion. The false Devotees of all Religions and Sectaries cry out with one general Voice, *Religio sancta summum jus.* This Opinion proceeds from a false Idea of Religion, as the other comes from a false Idea of the Happiness of the People: Nothing is more great, or more noble, than Religion; nothing is more mean and despicable, than the Idea which these formal Devotees conceive thereof. Men do not understand what Religion is, when they make it consist only of outward Worship; for this Worship is only the Expression, and not the Essence of Religion.

The essential Part of Religion consists in the Sacrifice of the Spirit and the Will, to believe all that GOD would have us believe, and to love what he would have us love: This Religion subsists in the Heart, even when it cannot outwardly be expressed. No Sovereign, no Creature visible,

or invisible, no Law, nor no Punishment, can either force it in, or drive it from thence.

It is no extraordinary Thing, that weak Heads, Enthusiasts, or superstitious Persons, who make all Religion consist in the Profession of certain Forms, or in the Practice of certain Ceremonies, should imagine, that they may throw aside their Religion as they do their old Cloaths, and other Lumber. Deceitful and cunning Men will easily engage them to take up Arms, by persuading them, that it is for the Benefit of Religion to do so: But those who know, that true Piety consists in believing, thinking, and loving, as GOD would have us, will never rebel against the lawful Powers. Faith and Charity are independent of all outward Constraint, they perfect themselves in the Temple of the Heart, when Violence only hinders expressing them outwardly; and even then it is, that we suffer for, and through them, and the Cross becomes the most perfect Exercise.

When

When a Prince would compel us to the Observance of a Religious Worship, which appears to us contrary to what we should pay the Divinity, we are not obliged to obey him ; but then we are not to rebel : The only Remedy is, to suffer the Punishments which he imposes upon us ; for though it should never be allowed to rebel against the supream Powers, yet however, it is not reasonable to obey all their impious and unreasonable Commands.

There is a great Difference between Active Obedience, which makes us Ministers of Evil, and Passive Obedience, which makes us suffer what we cannot help, without disturbing the established Order and Subordination.

But, say some, if we can put an End to Tyranny by the Death of a single Man ; if we can save our Country, by sacrificing the Tyrant, is not the publick Good to be preferr'd before the Life of a single Monster of Humanity ?

When Sovereigns accustom themselves to know no other Law than their own arbitrary Wills, they undermine the

the Foundation of their Authority ; a sudden and violent Revolution will ensue, which under Pretence of bringing into its natural Course this overflowing Power, very often destroys it : the People will revolt sooner or later, and GOD will serve himself thereby, as the Instruments of his Justice, in punishing wicked Princes. But these fatal Disorders, which GOD only permits, are they fixed and constant Rules for wise and good Citizens ? On one side, Monarchs ought to know, that despotick Tyranny will infallibly produce the Destruction of their Power. On the other, Subjects ought to remember, that it is the Duty of every good Citizen to suffer, rather than rebel, when he cannot hinder the Abuses of the Sovereign Authority, without running the Risque of overthrowing all Subordination, and reducing every thing into Anarchy by Rebellion.

If we were sure of preserving the Peace and Order of Society, and redressing the Evils of our Country, by sacrificing a single Man ; without doubt the Laws of simple Policy would

require this Sacrifice. But can we be certain, that in Rebellion it is the Love of our Country which excites us; that the Prince is truly a Tyrant; that his Faults are inexcusable; that his Death will put a Stop to our Calamities; that we shall find a better Prince to reign over us after him; and in short, that this Example of Rebellion, tho' for a lawful Cause, will not furnish the unruly Passions of Thousands of Men with unreasonable Pretences of making new rebellions, and so undermine the Foundation of all Society. Must we cure the Diseases of the grand Body Politick, by using violent Methods, which should not be used, and if made use of, would produce such Effects, as would end in the Destruction of every Government.

But suppose, that according to Policy, that is to say, according to the Laws for the present and actual Good of the Society, Rebellion was allow'd; it would, however, be contrary to Natural Religion, which is the Foundation of all true Policy.

I speak

I speak as a Philosopher, who knows no Revealed Religion but that which regards this supream Providence, from whom alone Sovereignty is derived. Crowns, Empires, and the Government of Republicks, were not bestowed by blind Chance, or Fortune: let us therefore reverence those to whom GOD hath given them, even though they abuse their Authority.

I do not speak of those who usurp the Sovereignty, by the simple Permission of Providence, but of those to whom the Sovereign Master of the Universe gives Supream Authority, according to the necessary Laws established for preserving the Order of Society, as Hereditary Right, for Example.

GOD will not suffer his People to be continually oppress'd with evil Government, neither will he trouble the Universe with continual Tempests. We ought therefore to support bad Princes, in regard to this Supream Providence, who knows exactly how far he will permit Tyrants to chastise a Nation.

All the Arguments of these Lovers of Independency have no other Force
in

in them, than to deny all Providence; to believe the World governed by blind Chance; and I don't say all Revealed Religion, but the pure Respect and Worship of the Divinity, where the true Philosopher will find the Source of all his Duties.

It is true, that in all Sorts of Government, Monarchical or Mixed, Absolute or Limited, Hereditary or Elective, it should always be allowed to represent the Grievances of the Nation, in case of any general Oppression which threatens the Ruin of the Commonwealth. It is a Duty of the Law of Nature, to expose the Condition of the People to their common Father, who being surrounded by crafty Courtiers, cannot know the Particulars of the Nation, nor see with his own Eyes all the Evils which oppress it: For which Reason the Emperor CONSTANTINE made this excellent Law, (a) 'If any Person, says he, of what Place, Order, or Dignity soever he be, can prove, that any of

(a) Lib. Cod. THEOD. de Accusat.

of my Judges, Confidants, Friends, or Courtiers, have acted unjustly, let him come to me, without any manner of Fear, and in full Security, let him boldly ask for me; I will hear him myself; I will examine the Affair, and I will be revenged on him who hath deceived me by false Appearances of Justice; and I will heap Favours and Dignities on every one, that shall discover these Deceivers.

It is never below the Sovereign Majesty, to hearken to the humble Petitions of his People, and to judge between them and his unjust Ministers; he is the Father of his People.

It is no Breach of the Paternal Right, to shew him that which he cannot always discover himself. 'There is no other Remedy, says an Illustrious Magistrate of the last Age, (a) when the Affections of the Subject is alienated from the Prince, but to call together the General Estates of the Kingdom, according to the Custom in France. It is in this Tribunal only, where may be heard

(v) Hist. de Monf. de THOV. Lib. 25.

heard and redress'd the Complaints
of the whole Nation. In these Pub-
lick Assemblies Subjects enter into
Conference with their Prince; they
lay open their Grievances before
him, and afterwards submit them-
selves, without grumbling, to bear
with Patience and Submission, the
Yoke not only of the King, but of
the whole Nation groaning under
the Load of its Necessities.

Let us not then so freely complain
of Princes; they are often honest in
their Proceedings, which afterwards
prove unjust; for being deceived, and
surrounded by their Ministers, they
cannot discover the Truth. Let us
therefore accuse ourselves, for not hav-
ing Courage sufficient to declare the
Truth to Princes: The Love of our
Country is almost extinguish'd; every
one thinks only of himself, and how
he may aggrandize his Fortune, ne-
ver minding the Sufferings of others.
Kingdoms perish more through the
want of having good Subjects, than be-
cause there are often bad Sovereigns.

We

We should never take up Arms against
lawful Sovereigns: we have seen the fa-
tal Consequences of it. Let the Inten-
tions of the Subject be never so good;
or the Extremities to which they are
reduced, never so great; the Remedy
is always fatal, because it opens a Door
to Disorders more destructive than
those we would deliver ourselves from.
But if it is never allow'd to take up Arms
in any Case whatsoever, how much
more monstrous is it, to act even against
the Person of the King himself, tho' it
might be allow'd to hold our selves on
the defensive Part, to hinder the Abuses
of his Authority; yet it would be al-
ways pernicious, to make use of this
violent Remedy to any other end, than
to drive from the Throne, base and un-
worthy Ministers, who deceive Princes;
and to have free Access to the sacred
Person of the King, in order to advise
him of the State of the Nation. When
Subjects approach their Sovereign in
such a Manner, they have no more to
do, but lay open their Grievances, re-
monstrating to him, with due Venera-
tion, that Necessity, which hath no
Law,

Law, obliges them to address themselves to him alone; they must hold themselves fast at the Foot of his Throne; they are not allow'd to mount higher. They have no Right to judge or punish the Father of their Country. He hath committed Faults, but he hath been drawn thereto, by his own Passions, or those of his Courtiers; but for all that, he is always a Father, the Depository of the Divine Authority, and the Source of Order and Subordination. His Crimes give no one a Right over his Life.

Sovereignty being exposed to much Hatred, violent Temptations, and often to voluntary Mistakes, which have such dreadful Consequences as Sovereigns cannot prevent; we must therefore maintain a particular Safety for their Persons; and this is the unanimous Opinion of all Nations.

According to QUINTUS CURTIUS, ' People who live under Kings, ' have the same veneration for the royal ' Name, as for the Divinity. ARTABAN ' the *Persian* said, that the best of all ' Laws is that, which commands us to

' to honour and obey the King, as ' the Image of GOD, who is the Pre- ' server of all Things; and PLU- ' TARCH upon AGIS says, That it ' is an impious Action, to attempt ' the Person of the King, whatsoever ' his Faults may be. So great is the Truth of this Assertion, that according to the Confession of all Nations, the Persons of Kings ought to be inviolable.

It is thus we must support, with Moderation and Respect, the common Father of our Country in his natural Infirmities; it is thus we must endeavour to soften the Rage of Tyrants, without being Tyrants ourselves, in being wanting in our Duties: They merit no other Respect, but as they are Depositories of the Divine Authority, and as there is an absolute Necessity to regard this Authority as inviolable; for the Love even of our Country, therefore we ought to have a tender Regard to the Power which resides in them. If it is ever allowed to punish and depose Sovereigns, you will furnish ambitious Men with Pre-
E tences

tences of overthrowing the Royal Authority when they find themselves able; you will expose all sorts of Government to sudden Revolutions; and you will often deliver up the best Princes to the Rage and Fury of the Populace.

I do not speak here in Case of a manifest *Delirium* or Madness, as when a Sovereign slays his Subjects for his own Diversion, as the King of *Pegus*, who by the Instigation of his Magicians, forbad his Subjects to Till the Ground, because they should be reduced by Famine to eat one another. In Cases even of evident Folly, there should be no superior Judges to depose Princes; a Consultation of Physicians is sufficient to engage the Body of the Nation, to bind the Hands of such a Sovereign, as they would do to a Madman: But in such Cases as these, we must preserve an inviolable Respect for the Person of the Prince.

If Subjects would follow this Conduct with their Princes, they would prevent three great Evils, which cause the Ruin of Kingdoms, *viz.* the total and absolute Oppression of the People,

ple, the impious and sacrilegious Assassination of Sovereigns, and unjust Usurpations.

I speak here only of the Obedience due to the supreme Power of any State or Kingdom, for if those who govern are only simple Executors of the Law, and not Sovereign Legislators, there will be always some Resource against the Abuses of their Authority; and those in whom the supreme Power resides, may and ought to punish them: for when once this supreme Authority is fixed by the Fundamental Constitution of the Nation to one or more Persons, it is then no more allowed to rebel.

This Doctrine which we have been advancing, is not confin'd to Royalty only, as if we were Idolaters thereof. The Conspiracy of *CATALINE* against the Senate of *Rome*, was not less criminal than that of *CROMWELL* against the Crown of *England*; all Dominions, of what kind soever their Government be, ought to have a powerful Interest in favouring the Principles of Obedience, which we have endeavour-

ed to establish : Our Design is, not to condemn any Form of lawful Government, but to strive to make them all esteemed as sacred and inviolable, and to inspire every one with the love of Peace and Submission, as being Vertues not only of good Citizens, but of true Philosophers.

C H A P. XI.

Of the several Parts of Sovereignty, its Extent and Boundaries.

Sovereign Authority supposeth a Power of preventing Disorders and Violences both within and without, which might destroy Society; and for attaining this End, it is necessary that the Sovereign should have three sorts of Right.

1. The Right of marking out, or specifying to his Subjects those Rules of Conduct which should instruct every one in what he ought to do or not do, in order to preserve the Peace of the Nation;

Nation; and what he ought to suffer if he is wanting in the Observation of these Laws; this is what Politicians call *the Legislative Power*.

2. It is not sufficient to prevent the interior Maladies of the grand Body Politick; it must also be defended against the Violences which proceed from without, by a Power of arming the Citizens to defend themselves against all those who would attack them; and this is what is called *the Power of making War and Peace*.

3. The Wants of the Nation necessarily requiring considerable Expences, both in Times of War and Peace, it is requisite that Sovereigns should have the Power of raising Forces, and obliging the Citizens, or Subjects, to contribute what is necessary, in order to satisfy the Wants of the Country.

By these different Prerogatives, Sovereigns acquire three sorts of Rights over their Subjects, viz. a Right over their *Actions*, a Right over their *Persons*, and a Right over their *Goods*. But GOD, from whom all Sovereign Authority proceeds, doth not give this

Power to those who are invested with it, that they should use it according to their own Fancies. He hath a certain End in trusting Men with an Authority so large; and this End is the Rule and Supreme Law, according to which these Rights are to be used; and this Law is no other than the *publick Good*.

The Rule of judging Vertue and Vice, is the same in Policy as in Morality, in whole Societies, as in every individual Person: *Man* is always criminal, when he acts according to his own Will, which only acts in Conformity to himself, or for his own private Advantage: He is always vertuous, when his Will is regulated by the love of the Universal Good, the Good of himself, and all other reasonable Beings. So in Policy, Princes can never err when they act by no other Law than the publick Good; but every Sovereign, who acts only for his own Self-Interest, without any regard to the general Good of Society, is a *Tyrant*.

Sovereigns

Sovereigns have no Judges upon Earth above them, so as to punish them, but they have always a Law above them, in order to regulate them.

‘ To whom, says PLUTARCH, (a)
 ‘ can the Prince be subject? I answer,
 ‘ That he is subject to this living Law.
 ‘ which PINDAR calls the King of
 ‘ Mortals and Immortals, which is
 ‘ not wrote in Books, nor graved on
 ‘ Copper Tables, because it is no o-
 ‘ ther than *Reason*, which always dwells
 ‘ within him, and constantly observes
 ‘ him, and never leaves his Mind in
 ‘ Independency. From whence it fol-
 ‘ lows,

1. Sovereigns have no other Right over the Actions of their Subjects, than as they regard the publick Good of Society, and the Advantage of the Nation; they have no Right over the Liberty of the Mind, or the Will of the Subjects; their Power only extends its self to outward Actions: No Sovereign can, for Example, require the interior Faith of his Subjects on the

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(a) *Plutarch de Principe Indocto.*

account of Religion ; he may hinder the publick Exercise of it, or the open Profession of certain Forms, Opinions, or Ceremonies, which disturb the Peace of the Nation, through the Diversity and Multiplicity of Sectaries : But his Authority goes no further : It belongs to the Ecclesiastical Powers, established by GOD, whose Duty it is, to instruct the Nation, by perswading and convincing Arguments, that GOD hath added to the Law natural, a Law supernatural ; and that Subjects should be left to their perfect Liberty to examine every one for himself, the Authority and Motives of the Credibility of this Revelation. Religion comes from GOD, as a celebrated Author says (b). It is above Kings ; if Kings intermeddle with Religion, instead of protecting it, they bring it into Subjection.

2. Sovereigns have no Right over the Persons of their Subjects, but only as far as is necessary for the publick Good : Sovereignty immediately derives

(b) Telem. last Edit. Book XXIII.

rives its Authority from GOD : Its Rights should never be contrary to the Designs for which GOD gave them. GOD doth not give Sovereignty, to be an Executrix of Injustice, Violence, Cruelty, and all other brutish and inhuman Passions of barbarous and ambitious Princes. It is He only which hath a Right over the Lives of his Creatures ; He hath communicated this Right, only for the Preservation of Order, and preventing the Violation of the Laws ; therefore no Sovereign ought to take away the Life of any of his Subjects, unless they are convicted by the same Laws which they have violated : This is what is called the Liberty of the Subject, which ought to be sacred and inviolable among Princes.

3. Sovereigns have no Right over the particular Goods of their Subjects, but only so far as is necessary for the publick Good. The Hereditary Right of Lands, and that of Crowns, being founded upon the same Principles, therefore to destroy the one, is to attack the other, and this is what is called the Right of Property.

When the publick Good requires it, Sovereigns may punish the Actions, sacrifice the Persons, and seize upon the Goods of particular Persons, because the Liberty, Preservation, and publick Good of Society ought to be prefer'd to the Liberty, Preservation, and particular Property of one or more Subjects. Sovereigns are only the Preservers of the Laws, the Executors of Justice, the Fathers and Guardians of the People: Every Action which is not a necessary Consequence of these Qualities, is an Abuse of Sovereign Authority: Every Law which is made, every War which is declared, and every Tax which is levied, with any other View than that of the publick Good, is a Violation of the essential Rights of Humanity. All Men being of one and the same Species, Members of one and the same Commonwealth, and of one and the same Family; no one can, by any manner of Right, whether inherent or communicative, deprive Men of their Being, or their Well-being, without it be absolutely necessary for the common Good of Society.

But

But since it is absolutely necessary for the Repose and Preservation of Society, that there should be a Judge in the *dernier Ressort*, of those Things, which the publick Good requires; so it is as necessary, that the Depositories of the Supreme Authority should sovereignly determine therein, without which, by endeavouring to guard our selves against the Corruptions of Authority, we should destroy every fixed Principle of Authority, and so fall into Anarchy, the greatest of all Evils, without any manner of Comparison.

Thus are the Rights of Sovereignty necessary to hinder the Abuses of Society. Thus are the Boundaries of Sovereignty necessary to hinder the Abuses of Authority. For the Preservation of Order, it is necessary that Men should be subject to Men, tho' weak, fallible, and overcome with innumerable Passions. It is therefore impossible to chuse any Form of Government which is not exposed to a thousand Mischiefs and Inconveniencies. By endeavouring to avoid the frightful Evils of Anarchy, we run the risque of falling into Slavery.

Slavery. By living without any manner of Government, we may become savage. In living under Government, we may become Slaves. Sad State of humane Nature! but wise Establishment of Providence, in freeing us from this Life, and making us aspire to another, where Man is no more subject to Man, but to the *Sovereign Reason*.

C H A P. XII.

Of the different Forms of Governments.

THE Design of all wise Legislators, and the End of all the different Systems of Policy, have been to regulate the Sovereign Authority after such a manner, that it may equally avoid these two Inconveniencies, *viz.* the arbitrary Power of Anarchy, and the despotick Power of Sovereigns, or that of the Populace.

Some have imagin'd, that Sovereignty is a Treasure too vast to be trusted with a single Person: Others have thought, that it is a Treasure too precious

cious to leave to the disposal of the Multitude: Some have conceived, that the Heads of the People are the most proper to be Guardians of it: Others in short are persuaded, that it must be divided between the King, Lords and Commons. These are the Springs of all those Forms of Government to which the World has distinguished by the various Names of *Democratical, Aristocratical, Monarchical, and mixed Governments.*

Democratical or Popular Government, is not that where every particular Person hath a deliberative Voice, and an equal Power in the Government, that is impossible and absurd: Popular Government, is that where the People submit themselves to a certain Number of Magistrates, whom they have a right to choose and change when they are not content with their Administration.

Aristocratical Government, is that where the Sovereign Authority is committed to a supream and lasting Council; so that the Senate alone hath the Right of choosing their own Members,

bers, when they become vacant by Death, or otherwise.

Monarchical Government, is that where the Sovereignty entirely resides in one single Person. In every Nation where the Prince is subject to the Judgments of a Council, and answerable to others for his Conduct, the Government is not *Monarchical*, nor doth the Sovereignty reside in one single Person.

Nothing is more curious, for those who would compare the Inconveniences and Advantages of these three Sorts of Government, than that which we read in the Father of Historians *HERODOTUS*: He tells us what passed in the Council of the seven Grandees of *Persia*, when they were for establishing a new Form of Government after the Death of *CAMBYSES*, and the Punishment of *MAGUS*, who had usurped the Throne, under Pretence of being *SMERDIS*, the Son of *CYRUS*.

OTANES was of Opinion, that *Persia* should be made into a Commonwealth, and spoke after this manner:

ner: ' I do not think that the Government is to be trusted in the Hands of a single Person ; you know very well to what Excesses *CAMBYSES* carried it, and to what a degree of Insolence we have seen *MAGUS* exceed it : therefore how can the State be well governed by a Monarchy, where one single Person is allowed to do every thing according to his own Fancy ? An Authority without any Bridle, may easily deceive the most virtuous, and strip him of his best Qualities.

' Envy and Insolence, bear away Riches and Prosperity ; and all other Vices flow from these two, when a Person is Master of every thing. Kings commonly hate honest People, who oppose their unjust Designs ; but they care not for the wicked, who favour them : A single Man cannot see every thing with his own Eyes ; he oftens hears lying Reports and false Accusations ; — he overthrows the Laws and Customs of Countries ; he attacks the Honour of Wives ; he causes the Innocent to die

die by his own Caprice and Power. When the Multitude have the Government in their Hands, the Equality which there is among the Citizens, prevents all those Mischiefs; the Magistrates are elected by Votes or by Lots; they render an Account of their Administration; and make all their Resolutions in common. It is my Advice therefore, that we reject Monarchy, and introduce popular Government, because we can more probably find all things beneficial in the Hands of many Persons, than in one single Man.

This was the Opinion of OTANES: but MAGABYSES spoke thus in favour of *Aristocracy*.

I approve, *says he*, the Sentiments of OTANES, to extirpate Monarchy; but I believe that he hath not taken the right Way, by perswading us to leave the Government to the Direction of the Multitude; for it is certain, that nothing can be imagined less wise, and more insolent than the Populace: For what Reason would he withdraw himself from the
Power

Power of a single Person, to abandon himself to the Tyranny of a blind and disorderly Multitude! If a King undertakes any considerable Enterprize, he is capable of hearkening to the Counsels of others: But the People are like a blind Monster, who have neither Reason, nor Capacity; they know neither good Manners, Virtue, nor their own Interests; they do every thing with Precipitation, without Judgment, and without Order; like a mighty Torrent which runs with that Swift-ness, as knows no Boundaries! If any one therefore desires the Ruin of the *Persians*, let Popular Government be established amongst them: for my part, I am of Opinion, that we ought to make choice of some Honest and Virtuous Persons, that the Government and the Power may be put into their Hands.

Such were the Sentiments of MAGABYSES, after whom DARIUS spoke in these Terms.

I think that there is much Justice in the Discourse of MAGABYSES,
against

' against Popular Government ; but
 ' yet, methinks all the Reason in the
 ' World, is not on his Side, when he
 ' would prefer the Government of
 ' a small number of Persons, before
 ' Monarchy. It is positively true,
 ' that nothing can be imagined better
 ' or more perfect, than the Government
 ' of one single and virtuous Person.
 ' Besides, when one single Person is
 ' Governour ; it is very difficult for his
 ' Enemies to discover his secret Coun-
 ' sels and Enterprises. But when the
 ' Government is in the Hands of many
 ' Persons, it is impossible to prevent
 ' the Hatred and Enmity which com-
 ' monly takes Root amongst them ; for
 ' as every one would be for establish-
 ' ing his own Opinion, in a short time
 ' they would become Enemies to each
 ' other. Emulation and Jealousy will
 ' divide them, and then their Hatred
 ' is carried even to Excess ; from
 ' thence spring Seditions, from Sedi-
 ' tions, Murders, and in fine, from
 ' Blood and Murder there insensibly
 ' springs up Monarchy. Thus Go-
 ' vernment always falls into the
 ' Hands

' Hands of a single Person. In a Po-
 ' pular State, it is impossible but there
 ' must be much Corruption and Ma-
 ' lice. It is true, that Equality engen-
 ' ders no Hatred ; but foment's Friend-
 ' ship amongst wicked Men, who
 ' maintain one another, until some one
 ' of them, makes himself very confi-
 ' derable with the People, so as to
 ' gain Authority over the Multitude ;
 ' he discovers their Plots, and sees
 ' through their Perfidiousness : Then
 ' this Man makes himself truly a Mo-
 ' narch, and from thence it may be
 ' acknowledged that Monarchy is the
 ' most Natural Government ; since
 ' the Seditions of ARISTOCRACY,
 ' and the Corruptions of DEMO-
 ' CRACY, cause us equally to return
 ' to the Unity of the Supreme Power
 ' in one Person.'

The Opinion of DARIUS was ap-
 proved, and the Government of PER-
 SIA became *Monarchical*.

We may conclude from the Dis-
 courses of these Sages of Antiquity,
 that all the different Forms of Govern-
 ment are subject to the same Abuses
 of

of the Sovereign Authority. These Abuses are not found altogether in the Government of a single Person; the *Ephori* of *Sparta*, the *Decem Viri* of *Rome*, and the *Suffetes* of *Carthage*, were no less cruel and barbarous than *NERO* and *CALIGULA*. The Democracy of *Athens*, after *LYSANDER*, when the thirty Tyrants, which he had established, had associated to their Council three thousand more, (a) is such a Tyranny, which shocks Humanity, and a Massacre continually before our Eyes of the best Citizens and Subjects. The Treatment which the same Commonwealth gave to *MILTIADES*, *ARISTIDES*, *THEMISTOCLES* and *PERICLES*, their best Generals, and most faithful Friends, denotes how far the furious and blind People may be tyrannical.

Factions, Cabals, Intrigues, and Elections, very often, if not always, render the Government of the People as Unjust, Violent, and Despotick, as that

(a) Xenophon de Rebus Græcis.

that of the most Arbitrary Monarch. We must certainly be ignorant of Humane Nature, and be ignorant in all History, not to know, that whole Societies are subject to the same Caprice, the same Mistakes, and the same Passions as single Persons.

But in Popular Government, every one hopes to be a Tyrant in his turn, according as he influences his Admirers. The Despotism of a single Man, is, without doubt, a very great Evil; but Anarchy it still a much greater.

Many have thought that the only Means of finding a Medium between these two Extrems, would be a mixed Government; or the Division of the Sovereignty, between the King, Lords, and Commons; that is, between a single Person, many Persons, and the whole Multitude; to the End, that these Powers being balanc'd by each other, they may always remain in a just *Equilibrium*.

Nothing appears more beautiful in the Theory, than this Mixture of Powers; and nothing would be more useful in the Practice, if they could pre-

preserve their Harmony! But the dividing of the Sovereignty, far from making a Balance of the Powers, often causes perpetual Strugglings and Conflicts, even until one of them overcomes the other two, and so reduces every thing into Despotism or Anarchy.

The Revolutions of the Commonwealth of *Rome*, and those of *England*, will furnish us with bright Examples of this Truth, and which we are now going to examine.

C H A P. XIII.

Of the Government of the Commonwealth of Rome.

TH E first Government of antient *Rome* was Monarchy, moderated by the Authority of a fixed Senate, whose Members were lasting and not elective.

ROMULUS chose an hundred Fathers of Families for to make his Sovereign

vereign Council, and made also a Distinction between the *Patricians* and *Plebeians*.

During the first two hundred Years, which the Monarchy lasted, the People had very little Authority in Publick Deliberations; the exasperated Despotism of **TARQUIN the Proud**, having render'd Royalty insupportable to the *Romans*, they took up Arms against this Prince, drove him out of the Kingdom, and changed the Form of Government.

The Royal Authority being abolished, Consular Power was substituted in its Place. The first Consuls had the same Rights, and the same Marks of Honour as Kings, with this Difference only, that their Power was Annual, and that of the Sovereignty was divided between two equal Magistrates; to the end, that the Authority of the one should hinder the Excesses of the other.

The Consular Power was diminish'd even in its very Origin; **VALERIUS**, surnamed **PEPLICOLA**, being suspected by the People, and fearing the
the

their Fury, he assembled the Multitude, and by his courteous and humble Behaviour he laid before them the *Fasces*, or Bundle of Rods, (a Mark of the Sovereign Authority) and established by a Law, that Magistrates should be chosen for the People, and that he would judge the most important Affairs in the *dernier ressort*.

It cannot be denied, but that the Obstinacy, Ambition, and Avarice of Great Men, often gave occasion to Civil Dissentions; but when the People once threw off the Yoke of Sovereign Authority, they knew no Boundaries, and, under a Pretence of Liberty, they threw every thing into Confusion, which drew on the Destruction of the State, which we are now going to inquire into.

Rome had no more a Sovereign Power, distinct from the Nobility and the People, which held both the one and the other in a just Equilibrium by its supreme Authority, the *Patricians* having treated the *Plebeians* with the utmost Rigour, even with Stripes and Imprisonment of those who were not

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able

able to pay their Debts; this barbarous Cruelty of the Nobles, made the *Roman* People desperate.

The Enemy being ready to enter *Rome*, whilst she was thus divided, the common Danger for some time suspended these domestick Troubles: But they began again, so soon as the Enemy was vanquished, and ended in the famous Retreat of the *sacred Mount*, from whence the People swore they would never return, unless they had their proper Magistrates granted them, which were called *Tribunes*, for to defend them against the Oppression of the Nobles. This is what sowed the Seeds of eternal Discord in *Rome*, and caused a continual Conflict between the opposite Powers of the Commonwealth.

The *Tribunes* sought nothing more than gaining Credit in the Multitude by Flattery, and Pretensions of Zeal for the Liberty and Rights of the People. Thus these Artists in Discord, made every Day some new Proposition in order to lessen the Authority of the Senate, to confound the Ranks and Orders

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of

of Men, and to lessen the supreme Power.

They began at first, to take upon them the Power of calling together Assemblies of the People; and making themselves both Accusers and Judges of the Nobles. CORIOLANUS was the first whom they attacked; and the Consequences of their Attempt against this Patrician, would have been fatal to the Commonwealth, if the Roman Ladies had not come to the succour of the Country, by appeasing the Rage of this provok'd General.

The Tribunes were afterwards for establishing an Equality; and under Pretence of reforming the Laws, they proposed an Embassy into Greece, in order to search into the Constitutions of all the Cities of that Country, but especially the Laws of SOLON, which were at that time the most popular.

They made a Collection of them; and those Laws, called *the Twelve Tables*, having been established, Ten Men were chosen to be the Interpreters and Guardians of them; and there was no Appeal from their Judgment. This new

new

new Form of Government was not of long Continuance: the Liberty and Tyranny of these Men, which were called the *Decem Viri*, caused their Destruction; and the supreme Authority soon after this, was put into the Hands of *Consuls*.

These Consuls being altogether popular, they made a Law, wherein it was established, that for the Future, no Magistrate should be created, without appealing to the People.

The Tribunes in order to obtain their Design, which was to seize upon the Legislative Power, aspired to the *Consulate*, preserv'd even 'till then in its primitive Order; the Law for admitting them is proposed: rather than saluting or courting the Consular Dignity; the *Fathers* consent to the Creation of three new Magistrates, who had the Authority of Consuls, under the Name of *Military Tribunes*, and the People are admitted to this Honour.

The Tribunes not content with this, are continually pursuing their Designs; and for the better obtaining them, the Law of Marriage with the *Plebeians* is

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published by the *Tribunes* of the People, notwithstanding the Contradictions of the *Senate*. The Tears of a noble Lady who had espoused a certain *Plebeian*, carried with them at that time, such moving Eloquence, that all the *Factions* and *Cabals* of the *Tribunes*, could not obtain such Power. The Weakness of the Fair Sex does often greater Things in Policy, than the Talents of the greatest Genius.

Very soon after this, Ranks and Degrees were confounded. The Honours of the *Consulate*, even of the Dictatorship, and all Magistracy, whether of the *State*, or the *Priesthood*, became common to two Orders.

This Usurpation over the Authority of the Nobles, was of a fatal Consequence, because it often hindred the *Roman* Armies from having the most expert and able Generals. The *Consuls* could neither make two *Patricians*, nor two *Plebeians*: it often happened that Elections were carried by Favour; and he who was desirous of being chosen for his Merit, would find himself excluded, either by the Opposition of
the

CIVIL GOVERNMENT. 125

the People, or the Intrigues of the *Senate*.

Magistracy being common with the People, they also became supreme Legislators. They were no more a People subject to Laws and Magistrates. They not only dispite the Right of making Laws with the *Senate*; but in dispite of this supreme Council, they make Laws for themselves, and put themselves in Possession of all the Privileges and Marks of the Sovereignty. The Method of making Laws was entirely overthrown: The *Senate* had a Custom of confirming the *Plebiscites*: But then the People attributed to themselves the Power of confirming or rejecting the *Senatus-Consultes*.

This Disorder was followed by another more great, which was that the People changed and multiplied the Laws, according to their own Caprice. Good Ordinances, says TACITUS, (a) ended with the Twelve Tables: from that Time, Laws were most commonly established by Violence,

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' be.

(a) Tacit. Annal. Lib. 3. Cap. 28.

because of the Differences between the People and the Senate.— The unbridled Liberty of the *Tribunes*, always spirited up the People, in order to make them pass their Decrees; and then they made as many Laws as they had Persons to accuse: so that the whole Commonwealth being corrupted, the Laws were multiplied to Infinity.

In fine, the Confirmation of the *Agrarian Law*, which was the Source of perpetual Discords for more than two hundred Years, brought the Ruin of the Senatorial Authority, and such a Corruption among the People, that the true *Roman Genius* was no more to be found.

Nothing appeared more Just or Reasonable, according to the ancient Customs of the Commonwealth, than in the first Times: When the *Romans* had gained any considerable Victory over their Enemys, they sold Part of the conquered Lands, for to indemnify the State from the Expences of the War, and distributed the other Part unfold, to the poor *Plebeians* who were lately established at *Rome*.

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The covetous *Patricians* by degrees abolished this Custom; and the greatest Lands became, in Process of Time, the Patrimony of the Nobles.

After the Aggrandizement of the Commonwealth, it was then impossible to observe the *Agrarian Law*, without ruining the first Families, and causing infinite Law-Suits: Equality of Riches might be agreeable to the Citizens of growing *Rome*; but after she became Mistress of the World, Distinctions of Ranks and Qualities became necessary; and the long Possession of Lands was a Right by Prescription: they could make no Division of Lands without overturning all Subordination, and blowing the Coals of Discord.

Besides, the most wise and disinterested Senators opposed this *Agrarian Law* for more then two Centuries; perceiving that the Riches of the Citizens would introduce Luxury, and soften a People whose Strength consisted in their Temperance. In the first Times of the Commonwealth, the *Consuls* and *Senators* gloried in their Poverty, which was never in so much Honour in any

E 4 other

other Country. Dictators taken from the *Plow*, resum'd the *Plow* again, after they had gained Victories. The Ancient *Romans* were great Examples of Temperance.

But the *Tribunes* who were for stretching Popular Power, by increasing the Riches of the *Plebeians*, and confounding all Ranks of Men, never left their Intrigues, until this Law was established.

Luxury having prevailed in *Rome*, Ambition, the Love of Independency, and the Spirit of Rebellion, triumph under the spacious Name of Liberty. Cabals and Violence do every thing in *Rome*. The Love of the Country, and Regard to the Laws are quite extinguished there.

'Tis thus that *Rome*, through an extravagant Desire of Liberty, saw Discord spread itself in every Order: The *Plebeians* feared the Authority of the *Patricians*, as a Tyranny which would ruin Liberty: And the Senators dreaded Popular Authority, as such an Irregularity as would reduce every thing into Anarchy. Between these two Ex-

treams,

treams, a People in all other Matters very wise, could find no Medium.

From the Establishment of the *Tribunes*, there is no more any constant Form of Government to be seen in *Rome*; the People continually change the Magistracy; the Commonwealth labours under violent Agitations, and is without ceasing torn in Pieces by Civil Wars. The Senate can find no better Remedy against these intestine Divisions, than continual Inventions of making Wars abroad; and these Wars prevented Domestick Dissentions from being carried to Extremity.

During the Conquest of *Italy*, *Cisalpina Gallia*, and the *Punique Wars*, there is not to be seen in *Rome* any Bloodshed by Civil Wars. But so soon as she became Mistress of the World, and had nothing to fear from without, she begins to destroy herself. Ambitious Pretenders think upon nothing but flattering the Nobles on one side, and the People on the other; Division increases without Remedy, and Civil Wars never cease till every thing ends in Monarchy; but the most dangerous of Monarchies, that

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is to say Despotical, and without any Rule of Succession, where Empire would continually be subject to the Violence of an Army, who would seize upon the Sovereignty, and give themselves Masters, according to their own Will and Pleasure.

This is exactly what was foretold by POLIBIUS, that most excellent Historian and Politician. This Author had a great Idea of the *Roman* Commonwealth whilst the Senate had not lost its Authority; but as soon as he saw Divisions, and the Popular Spirit take Place, he foretold every thing which happen'd.

(a) ' After a Commonwealth, saith
' this Historian, hath overcome great
' Dangers, and is arrived to a Power
' which none can dispute, ambitious Per-
' sons seize upon the Magistracy. When
' these Evils are once increased, the
' beginning of its Destruction will pro-
' ceed from the Honours which shall
' be pursued through Factions and Ca-
' bals. Then the People burning with
' Rage, will follow only the Counsels
' which

(a) Polyb. *Lib.* 6. de Rep. Rom.

' which this Passion shall inspire them
' with; they will no more obey Magi-
' strates, but will attribute all Power
' to themselves. Thus the Common-
' wealth having changed its Face, will
' in appearance change it for the better,
' and take an illustrious Name to it-
' self, I mean that of Liberty and Po-
' pular Power: But this will be no o-
' ther in effect than the Government of
' a blind Multitude, which is without
' doubt the greatest of all Evils.

Thus the most warlike and illustri-
ous Commonwealth in the World, hath
been ruin'd by too great an Increase of
popular Power. Let us approach our
own Times, and see if *England* hath
taken any Warning, or made any Ad-
vantages from the Misfortunes of anti-
ent *Rome*.

C H A P. XIV.

*Of the Government of England,
and the different Forms which
it hath had.*

BEfore CLAUDIUS the Roman Emperor had made *Great Britain* a Province of the Empire, this Island was divided into many small States, the greatest Part of which had particular Kings or Lords.

England was more than 400 Years under the Government of the *Romans*, who in the end, were forced to abandon it, and recal their Troops, to oppose the Invasions of the Northern Nations, who had begun to dismember this Grand Empire. *Great Britain* being then destitute of Succours from *Rome*, the *Picts* and the *Caledonians*, since called *Scotch*, springing from their barren and scraggy Mountains, began to attack the Southern Provinces of this Island. In order to stop the Invasion of these fierce Mountaineers, the *Britains* had recourse to the *Angles*, a *Saxon* Nation,

Nation, who drove out the *Scotch*, and then established themselves in the Island: they called it by the Name of *England*, and divided it into Seven Kingdoms, which were all reunited 400 Years after, under the Government of *EGBERT* King of the *West-Saxons*

In the Year 1066, *WILLIAM Duke of Normandy*, called the Conqueror, claimed the Crown of *England* by the last Will and Testament of *King EDWARD the Confessor*. This Prince having made himself Master of the Kingdom, he treated it as a conquered Country; he established a despotick and absolute Government therein; he distributed a great Part of the Lands of *England* to *Norman* and *French* Families, who had followed him in his Expedition; he attributed to himself the Primitive Demaine of Lands; he charged all round his Dominions with annual Rents or Services, and made them pay an Acknowledgment at the Death of every Tenant, or landed Man; and made other Dispositions, which render'd him more a Proprietor than even the Possessors of Lands themselves.

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The Conqueror left the Crown to WILLIAM RUFUS, (or WILLIAM the Red) his Second Son, in Prejudice of his eldest Son ROBERT, who made many Attempts to get the Crown for his youngest Brother, but unsuccessfully; for WILLIAM had the Address of gaining the *Norman* and *English* Lords to his Favour and Interests, by promising them that he would establish the Liberty and Property of his Subjects according to the antient *Saxon* Laws. This was equally pleasing to the *Norman* and *English* Lords; for it was the only means of assuring to the first the Possession of those Lands which the Conqueror had given them; and to the second, those which belonged to them by Birth and Inheritance: But this WILLIAM the Second dies without performing his Promises.

HENRY I. his youngest Brother, ascends the Throne; and ROBERT his eldest, is excluded again. And for the better securing his Usurpation, he follows the same Steps as WILLIAM RUFUS, and promises to put the Government on its antient Footing: He
con-

confirms his Promise by a Charter, but he executes it no better than his Brother.

During some Reigns after, that Charter not having been executed, the Laws established by the Conqueror were confirmed.

In the Year 1215, under the Reign of King JOHN, (sometimes called JOHN *without Land*) the Archbishop of *Canterbury* pretended to retrieve this Charter of HENRY I. King JOHN being covetous, and also cruel, continually demanded Subsidies, and especially from the Clergy: The Lords proposed to him the Establishment of their Liberties; he refuses them, and this Refusal was the Signal of War. The Barons united in a League, take Arms, and give to their General the Name of, *Marshal of the Army of GOD, and the Holy Church*. The King was abandoned, and forced to offer them Satisfaction. After some Discussions with the Barons about their Privileges, the King not only confirms them, but adds many more to them, and comprizes them all in an authentick Act, which
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he and the whole Assembly unanimously swore to observe.

'Tis this Act which is called the *Grand Charter*. King JOHN regarded his Promises no more than his Predecessors; he recants from his Oath; and according to the Use and Custom of those Times, the POPE declares it void, as having been extorted from him by Violence.

After his Death, King HENRY III. his Son, succeeded him; he was but a weak Prince. The *Barons* renewed their former Demands for the Establishment of their Privileges; but it happened as it generally doth, whilst under the Pretence of publick Good they break through the just Boundaries of Subordination: The Barons not only require the just Execution of those Things which had been so often promised them; but taking also Advantage of the King's Weakness, they added many other Demands, which entirely tended to degrade the Royal Dignity, and to put all Authority into the Hands of a small Number of factious

ous Persons. The King refused those Propositions as unreasonable: the Faction takes up Arms under the Conduct of the *Earl of LEICESTER* their General: He was a devout, grave, austere, regular Man, a great Speaker of long *Ex-tempore* Prayers, an Hypocrite, or Enthusiast, and perhaps both.

The Royal Army was defeated; the King made Prisoner, with the Prince his Son; the devout Rebel having shook off the Yoke of his Sovereign, imposed his own upon the *English* Nation: The Rebels did not only think, but they felt it even heavier than that of Kings; and made their Endeavours to shake it off. Grand Lesson for all Lovers of Changes and Revolutions! The Tyranny doth not cease, it only changes its Master!

After having many Months held the King in Chains, and the People in Bondage, the Factious divide themselves, and give Opportunity to Prince EDWARD to escape from Prison, in order to set his Father at Liberty, and drive out the Usurper.

King

King HENRY being set at Liberty, he confirm'd the *Grand Charter* in a very solemn manner. It is this *Grand Charter* which hath been a Pretence to all the Factions which have so often troubled *England*. Not that there is any thing in this Charter which diminishes the true Prerogatives and Authority of Kings; it contains for the most Part only the LAWS of EDWARD the Confessor; and these Laws were Privileges granted to the Nation by good Princes, for to serve as a Barrier against wicked Kings: These Privileges regarded only the Liberty and Property of Subjects, and the Immunity of every extraordinary Tax, without the Consent of the *Barons*. But the Lovers of Independency make use of fine Pretences of Liberty and Property as granted in this Charter, by abusing it, and attacking the Royal Authority.

(a) After the Death of HENRY III. EDWARD I. his Son succeeded him. It was under this King's Reign, that
Mem-

(a) *In the Year 1280.*

Members elected for Counties, &c. sate in Parliament: His Predecessors had from Time to Time called together the Deputies of the People to assist in the Supream Council: It was the Kings themselves who named these Deputies, and not the People; but it was in their Power to appeal, or not. (a) King EDWARD was the first who granted the Commons a fixed Seat in Parliament: they were at first seated in the same Chamber with the *Lords Spiritual and Temporal*; afterwards they were placed separately in a Chamber by themselves: They had at the first only a representative Voice, and not a deliberative one, as appears by the *Parliament Rolls* many Years after the Reign of EDWARD I. In all these *Rolls*, the Commons always speak to the King as *Supplicants*: they do no more than represent the Grievances of the Nation, and pray him to make Laws by the Advice of his Lords Spiritual and Temporal. The general
Form

(a) Brady's *Rights of the Commons*, from Page 140 to 150.

Form of all the Acts is thus : *Granted or Enacted by the King and the Lords Spiritual and Temporal, according to the Prayers and Supplications of the Commons.*

'Tis for that Reason, that even to this very Day, when the King of *England* calls his Parliament, *He commands the Lords to assemble themselves in order to give him Advice : but he orders the Commons to hold themselves in a Readiness, in order to submit themselves to every thing which shall be determined by him and his Lords.*

King *EDWARD* thought (without doubt) by these Privileges granted to the Commons, to make a Balance to the great Authority of the Barons which troubled him ; but he deceived himself : for the Power of the Commons became more fatal to his Posterity, than that of the Lords was to his Ancestors. Popular Power increasing by Degrees in the Parliament, the fundamental Constitution of the *English* Monarchy was altered, and at length totally overthrown.

It is true, that the Royal Power was preserved entire, during the Reign
of

of this Prince ; for we find, that by his proper Authority only he often made Laws without calling his Parliament. (a) It is thus in the Statutes of *Gloucester*, he attributes to himself the sole Legislative Power ; and the Form of his Edicts is thus, *Our Sovereign Lord the King hath provided and established the following Acts.* But after his Death, in the Reign of his Son *EDWARD II.* the Parliament began to attribute to themselves the Power of judging and deposing Princes.

Before those Times, this was a fundamental Maxim of the Common Law of *England.* (b) *That the King hath no other Superior than God. That there is no other Remedy when he doth unjust Actions, but to have recourse to humble Remonstrances ; to the End, that he may redress them ; and if he will not, it ought to suffice, that God will one Day revenge himself thereof.* But now we are going to see the Overthrowing of these Laws.
When

(a) *Stat. of Gloucester, Anno 1278, 1320.*

(b) *Bracton, Lib. 1. Cap. 8. Lib. 2. Cap. 7. Glanvil, Lib. 7. Cap. 10. These two Authors wrote above 500 Years since.*

When the Parliament was about entering their Process against King EDWARD II. in order to depose him, the Bishop of *Carlisle* boldly maintained, that Subjects had not any Power to judge their Sovereign, who was the Lord's Anointed: That Remonstrance obliged them to regard some Mismanagements, and under a Pretence, that the King was too much inclined to his insolent Ministers, they engaged him to yield up, by a voluntary Resignation of his own, a Throne which he could no longer hold with Honour, to his Son. Good King EDWARD (but weak Prince) consented to his own Deposal, and was condemned to perpetual Imprisonment, wherein he was privately assassinated.

King EDWARD III. his Son, carried the Royal Authority, and Glory of the *English* Sceptre much further than any of his Ancestors.

Under the Reign of this *Great* EDWARD, the *Lords* and *Commons* declared in full Parliament (a) *That they could*

not

(a) Anno 1369. *Parl.* 42.

not consent to any thing which tended to disinherit the King, tho' the King himself should desire it. (a) *That it is High Treason to plot or contrive the Death of the King, to take up Arms against him, or to adhere to his Enemies.*

Notwithstanding such solemn Laws as these, RICHARD II. his Grandson, was judged and deposed by his Parliament. This Prince being debauched in his Youth, made choice of very bad Ministers; but there never was a Reign wherein the People were more happy, the Nobles more respected, (b) nor the Clergy more protected: And tho' the Parliament declar'd some Years before, that always, and by the fundamental Constitution of the Kingdom, *the King of England was subject to none but GOD only*; yet, however, this illustrious Body entred a Process against their Prince; accused him of many Misdemeanours; deposed him, and condemned him to perpetual Imprisonment, for favouring the Ambition of the Duke of *Lancaster*, who usurped the

(a) Anno 1350, *Stat.* 5. *Chap.* 2.

(b) Anno 1392. *Parl.* 16. RICH. 2. *Chap.* 5.

the Crown, and reigned by the Name of HENRY IV.

This was the Beginning of the fatal Hatred and Civil Wars between the two Houses of *York* and *Lancaster*, which desolated the Kingdom many Years. This Usurper, like others, began to flatter the People, in returning them Thanks for his Advancement to the Crown; and acknowledging that he held the same from their Consent and Approbation. As for other things, he was a great Prince, whose wise and happy Government made *England* flourish as much as that of his Son HEN. V. who conquered almost all *France*.

After the House of *Lancaster* had possessed the Crown for more than sixty Years, RICHARD Duke of *York*, in the Reign of HEN. VI. Son of HEN. V. presented to the House of Lords (without addressing himself to the Lower House) a Memorial, proving his Right to the Crown, as being descended from a third Son of EDWARD III. whereas HENRY VI. was only descended from a fourth of the same King. The Lords at first declared the Matter was very
nice

nice and difficult, and that they could not judge of the Rights of the Crown, without the Kings Order. HEN. VI. commands them to examine the Dukes Pretensions; and they declared, that according to the fundamental Law of the Kingdom, the Right of the latter was better than that of the former.

Behold an authentick Act, which proves that the Parliament at that time thought Hereditary Right inalienable; since it was acknowledged as the only lawful Right, in those Times when an Usurper was upon the Throne, and after a Possession of more than sixty Years.

It was determined, that after the Death of HEN. VI. the Crown should go to the Duke of *York*, and his Children. The King and the Duke enraged at each other, raise Armies: Civil Wars began between the *Red Rose* and the *White*: RICHARD Duke of *York* was slain, and his Son crowned King, by the Name of EDWARD IV. HENRY VI. was made Prisoner, but afterwards set at Liberty, and mounted the Throne again: He was after that Deposed, and in the end,
G both

both he and his Son were Assassinated.

The Princes of these two Houses continued Rivals, and made War against each other many Years. All these civil Dissentions were finally put an end to, by the Marriage of the Duke of *Richmond*, afterwards King HENRY VII. with ELIZABETH, eldest Daughter of EDWARD IV. who united in her own Person, all the Rights of the House of *York* and *Lancaster*.

The Usurpation of the House of *Lancaster*, gave occasion to the Distinction in some Acts of Parliament, of a *King de Facto*, and a *King de Jure*.

The desire which each Party had, during these Broils, of gaining the Commons, gave opportunity to the Lower House, of breaking down their antient Boundaries, and enlarging their Authority: It was in the Reign of EDWARD IV. that this House first began to have a share in the Legislative Power; the antient Stile of Acts of Parliament was changed; for instead of saying as formerly, (a) 'Granted

according to the Prayers and Supplications of the Commons, by the King and Lords, it is said, Granted by the King and the Lords, with the Consent of the Commons.' This

(a) Roll. of Parl. 3 and 4. EDW. 4. N. 39.

Form, however, was not become constant or fixed, 'till many years after; for in the Reigns immediately following, the antient Stile was used.

King HENRY VII. by his Policy and Valour, being in peaceable Possession of the Throne, without any Rival, thought of nothing but filling his Treasury, and advancing the Royal Power. The Method he took, is very political and remarkable.

Before his Time, Kings and Lords were the sole Proprietors of Lands, the Peers of the Nation were as so many petty Sovereigns, who held separate Courts in their respective Counties: they could not alienate the Foundation of their Lands, nor sell their Manours: The Commons were their Vassals; they entirely depended on them; they were obliged to take Arms by their Orders; to serve in the Wars under their Conduct; and to appear

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in their Train, upon all publick Occasions.

HENRY VII. in order to lessen the Power of the Lords, who were always Rivals to the Royal Authority, caused his Creatures in Parliament to propose an Act, to give leave to the Lords to sell their Lands and Manours. The Lords, depraved by Luxury, and ruined by Civil Wars, consent to strip themselves of their antient Privileges, to get vast Sums of Money, which they would draw from the Sale of their Manours; and to satisfy also the exorbitant Taxes which HENRY VII. imposed upon them, whose Avarice was insatiable.

By this Sale of Lands and Manours, the Commons became Proprietors, as the People of *Rome* were, by the *Agrarian Law*: but this Proceeding contributed, in the end, to the total Ruin of the Royal as well as the Aristocratical Power. The Commons seeing themselves possessed of Lands, were also for having a share in the publick Administration: We may perceive popular Power insensibly increasing it self,

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self, prevailing in Parliaments, and, by degrees, carrying it self to very great Excesses.

HENRY VII. however, after having diminished the Power of the Lords, advanced the Royal Authority. His sublime Genius, and profound Policy, rendered him a compleat Master of his Parliament, and prepared for his Son, HENRY VIII. that absolute Authority which he exercised during his whole Reign.

Under King HENRY VIII. the Supream Independency of the Kings of *England* was confirmed by New Acts of Parliament. (a) ' The Kingdom (*say these Acts*) is an Empire governed by a Supream Head. The Kings of *England*, their Heirs and Successors, have an imperial Authority, (b) and are not obliged to be answerable in any Cause whatsoever, to any Superiour; because the Kingdom acknowledges no other Superiour under GOD, but the King.

(a) Parl. 24. Ch. 12.

(b) Parl. 25. Ch. 2.

In the Reign of this same King HENRY VIII. began those famous Discords about Religion, which filled all *Europe* with Civil Wars and Rebellion. Those Ecclesiastical Divisions caused many Civil Dissentions in *England*: however, there was nothing remarkable that was changed in the Form of Government. It is true, that in the Reign of Queen ELIZABETH, the Members of the Lower House were willing to enlarge their Authority; but that Princess, courageous and firm in her Conduct, treated them as Impertinents, and enjoyn'd them to Silence. It appears to me, that the Authority which they enjoy at present was but established in the Reign of K. JAMES I. in the Person of whom was united the two Crowns of *England* and *Scotland*.

After this Union, the Parliament began again to confirm Hereditary Right in these Terms, ' We acknowledge, as we ought to do, according to the Divine and Humane Law, that the Kingdom of *England*, and the Imperial Crown thereof, belong to the King by Hereditary Right of Birth, and

' and undoubted Succession; and we
' for ourselves and Posterity, for ever
' submit to his Government, even to
' the last Drop of our Blood.' This was not an Establishment of a new Right, but a solemn Acknowledgment of the whole Nation, that Monarchical and Hereditary Government is the Constitution of the Kingdom.

JAMES I. a Peaceable King, had very much Complaisance for his Parliament, in consulting it not only in Affairs of State, but almost in every thing which regarded his Family; condescending to the Advice thereof, affecting a great Attention not to wound their Privileges, he requiring but very few extraordinary Subsidies: but in making himself thus peaceable ('tis thought) he left to K. CHARLES I. his Son and Successor, those Seeds of famous Discord, which have since appeared: Two Things contributed to increase these Troubles, the one drawn from Religion, the other from Policy.

From the Time they began to dispute about the Forms and Formalities of Religion, *England* was over-run by a

Crowd of Sectaries, whose Systems were quite contrary to each other. Among all these Sectaries there were two principal ones, the one, tho' they shak'd off the Yoke of the P O P E, yet preserv'd Episcopacy, Hierarchical Subordination, and part of the Ceremonies of the Antient Church: The other overthrew all Hierarchy and Ceremonies, as contrary to Evangelical Purity and Simplicity; and the Ecclesiasticks of these Men were all equal: The former called themselves the *Episcopal Party*; the other, *Presbyterians*: The one were for an *Aristocracy* in the Church, the other for a pure *Democracy*. Politicians took a part in these Quarrels about Religion: those who respected the Royal Authority, declare themselves for the *Episcopal Party*; and those who loved popular Government, maintained the *Presbyterian Party*. This Division in Religion increased the Civil Dissentions; and the Politicians both of the one and the other Party, serv'd themselves under the Mask of Religion, by amusing the People, and engaging them in their Interests.

King

King CHARLES I. being zealous for Episcopacy, and animated by the Archbishop of *Canterbury* (LAUD,) he had a Mind to introduce the *English* Liturgy into *Scotland*, and so make the Religion of *Great Britain* uniform. This being the first Source of the Civil Wars in his Reign, let us take Notice of the second.

The King being ingaged in a War with the House of *Austria*, in order to oblige that House to restore the *Palatinate* to his Brother-in-Law F R E D E R I C K, Count *Palatine*, the Parliament had promised his Father King J A M E S I. necessary Supplies for this Enterprize. King CHARLES demanded them; but the House of Commons, who grants Subsidies, refused him; for most of the Members of that House, being zealous *Presbyterians*, were prejudiced against the King, for the Protection which he gave the *Church of England*. The King was obliged to carry on the War at his own Expences; he had recourse to an antient Maritime Tax, call'd *Ship-Money*, which he had a Right to levy,

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according to the Opinion of the best Lawyers, who were chosen to examine into that Affair. A particular Member of the House of Commons, whose Tax did not exceed twenty *French Livres*, refused to pay it; many others of the same House followed his Example; and very soon after, they gloried in disputing it with the King: He dissolved the Parliament three times, and carried on the War for his Brother-in-Law at his own Expence. The Wars abroad ceasing, *England*, like antient *Rome*, takes up Arms against her self.

It was in that Disposition of Mind, that the *Sanguinary Parliament* met in the Year 1640, which overthrew the *English Monarchy*: they did propose many extravagant Articles, to take away the Royal Power: many Members of the House of Lords were ashamed to be in an Assembly where there was so much Insolence used against their *Sovereign*; they therefore left the House, and went to the King, who was retired to *York*.

King

King CHARLES I. did every thing that was possible for him to do, in order to stop the Fury of the Anti-Royalists, by moderate and very reasonable Propositions; but the Parliament raised Troops, and acted by Force; the King appears at the Head of an Army; Civil Wars ensue; CROMWEL, a Man bold, ambitious, and an Hypocrite, soon became Master of the Parliament Army, which often beat that of the King's, who sheltered himself in *Scotland*: The Republican and Enthusiastical Party of that Nation, basely and cowardly delivered up the King into the Hands of the *English*. *Tantum Religio potuit Suadere malorum.*

The King being a Prisoner in the *Ile of Wight*, was delivered into the Hands of his Barbarous and Rebellious Subjects.

CROMWEL and his Cabal having made themselves Masters of the Army, soon became so also of the Parliament, and began to spread abroad their whiggish Maxims. IRETON, his Son-in-Law, spoke thus in the House of Commons: 'The Original Contract between the King

King and People, contains a mutual Obligation on the People to obey the King; and the King to protect the People: Our King hath ceased from protecting us; so we are dispensed from the Submission to which we were engaged by the mutual Contract, which our Forefathers made with his Ancestors'. They proposed therefore to abjure the King and Monarchy, and to establish for the future a Body of Men to represent the People, who should govern the Nation in his stead.

The Army guarded the Doors of the two Houses; and because the House of Lords had an Abhorrence of those Propositions, the House of Commons declared, that the Power of making Laws belonged only to them, and that they had no occasion for the consent of the Lords, the Sovereign Power being originally in the People.

They erected a Tribunal, under the spacious Title of *the High Court of Justice*, by the Authority of the Commons: The King was brought before this Tribunal, accused of Tyranny, High

High Treason, and all the Murders and Violences committed during those Civil Wars; in fine, *the best Prince, the best Friend, the best Husband, and the best Master*, is condemned to die; and accordingly he is publicly beheaded on a Scaffold made for that Purpose: CROMWEL made himself absolute Master, under the Name and Title of *Protector of the Commonwealth of England*, and Reigned even till the Day of his Death, after a more Arbitrary and Despotick manner, than any Monarch in *Europe*.

RICHARD his Son, having neither the Talents nor Vices of his Father, was soon obliged to leave the Kingdom. The *Royalists*, who always continued Faithful (tho' in Obscurity) raised up their Heads. CHARLES II. who had been a long time in Exile with his Brother the *Duke of York*, was at length Restored, by the universal Consent and Desire of the Nation, who groaned under the Tyranny of the Usurper.

The Church and State being established on the antient Footing, Hereditary

ditary Right was again confirmed; and for preventing the like Revolutions for the future, both Houses petition the King, and it was Enacted accordingly (a) That by the Fundamental Laws of *England*, neither the Peers of the Realm, nor the Commons in Parliament, or out of Parliament, nor the People collectively, or representatively, nor any other Person whatsoever, never had, nor ought to have any coercive Authority over the Persons of the Kings of this Realm: That the last Civil War against King CHARLES I. proceeded from a voluntary Error, touching the Supream Authority; and for preventing of which for the future, and hindering Persons from being seduced and drawn into Sedition, it is enacted, That whomsoever shall affirm, that the two Houses, either together or separately, have a Legislative Power, without the King, shall be deprived of all his Goods

(a) *Parl. 12. Ch. 30. Parl. 13. Ch. 1. 6 and 7 CHARLES. II.*

and Effects. It is moreover declared, That the sole and Supream Government of the Military Forces, and every thing which belongs thereto, is, and always hath been, the according to the Laws of *England*, undoubted Right of the King and his Predecessors, Kings and Queens of *England*; and that the two Houses of Parliament, either together, or separately, have no Power, nor ought to pretend to any of themselves; much less to make War, either Offensively, or Defensively, against the King, his Heirs, or Lawful Successors.

The Anti-Royalists still maintain themselves in Action, and made many Efforts to Assassinate the King, and Overthrow Monarchy once more. Towards the latter End of this King's Reign, the Commons brought a Bill into the House, in order to destroy Hereditary Right, and exclude the *Duke of York*, because of his Religion. The Lords reject this Bill, and the Parliament of *Scotland* meets at *Edinburgh*; and to prevent such Injustice, made

made that famous Act of Succession.
 (a) ' It is in this Act, that the Parli-
 ' ment acknowledges, That by the
 ' Nature of Government, and accord-
 ' ing to the Fundamental Laws, the
 ' Crown descends and devolves by the
 ' sole Right of Succession, in a direct
 ' Line, and that no difference in Religi-
 ' on, no Law, nor no Act of Parliament
 ' yet made, or may be made hereaf-
 ' ter, can change or alter this Right.

In the Reign of this King, the Acts
 of Parliament of *England*, and those
 of *Scotland*, are full of the like Decla-
 rations; by which these Illustrious
 Bodies acknowledge, ' That the Here-
 ' ditary Right, and the Supream Inde-
 ' pendency of their Kings, are, and
 ' always have been the fundamental
 ' Laws of the two Kingdoms.' They
 are no new Laws made by the Autho-
 rity of a Senate, who pretends to have
 the Supream Legislative Power to
 change the Laws according to its Will
 and Pleasure, but an authentic Te-
 stimony, which both Nations have pro-

(a) Anno 1681.

produced of their Fundamental Laws,
 and a publick Confirmation of that
 which hath always been the immuta-
 ble Essence of their Constitution.

Notwithstanding these Acts, so so-
 lemn, and Oaths so sacred, the Anti-
 Royalists prevail; King JAMES II. was
 forced to retire into *France*; Heredi-
 tary Right was again overthrown, and
 WILLIAM Prince of *Orange* was soon
 advanced to the Throne of his Father

in-law. * * * * *
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This according to the famous Act of
 Parliament just quoted, was seemingly
 to overthrow the fundamental Laws:
 for that Act declared, *That the People*
neither collectively, nor representatively,
had any Legislative Power without the
King.

The Friends of the *Revolution* say,
 that Obedience is not due to the Per-
 son of the King, but to the Authority
 of the Laws; but they are condemned
 by their own Maxims: ' For the Laws
 ' fundamental say, That the King is
 ' sub-

subject but to God only; that he is not to be judged by any-body; that neither the Parliament, nor the People, have any Right of themselves to change the Succession of the Crown.' This is the fundamental and primitive Constitution of the *English* Monarchy! By what Authority therefore did

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King WILLIAM III. in order to keep himself in the good Graces of the People, yielded up some of his Royal Prerogatives; but nothing could put a Stop to a People who had once departed from the established Point of Subordination. The Carriage of the House of Commons, in some Things, became so uneasy to him, that it is thought by some Persons, that he once repented of his having accepted the Crown.

The History of what has happened since his Death, is too fresh in our Memories to make any Detail thereof.

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Let us content ourselves, in making some Observations upon the *English* Monarchy, and its different Forms of Government.

1. During the Space of 400 Years, whilst *England* was divided into seven Kingdoms, it was governed by more than an Hundred Kings; the Crown was almost all that Time hereditary: We cannot find, that any of these hundred Kings were ever deposed, or put to Death by the Sovereign Council of his Barons. After this Heptarchy (if I may make use of this Term) had been united into one single Monarchy, the *English* Government continued upon the same footing: The Fathers of ancient Families, the Grandees of the Kingdom, the Lords Spiritual and Temporal made the Supreme Council of the King; the Government was an *Aristocratical* Monarchy: The Lords shared with the King in the Legislative Power, but they could do nothing without him. This is the essential Difference which there always was between
between

tween the Parliament of *England* and the Senate of *Rome*, (*viz.*) The Senate was the Supreme Power of the Commonwealth; the Consuls were only Depositories, for a certain Time, of the Authority of the Senators. On the contrary, the Parliament were never otherwise than the Supreme Council of the King; he always called them together after an Imperial manner, and dissolved them in the same.

2. Under this Monarchy, moderated by *Aristocracy*, the Commons had no Share in the Government. (a) The Succession of the Crown was either only Hereditary, or disposed according to the Last Will and Testament of the dying King, who had no Children, or who seeing his Children too young for Government, sometimes named his Successor before his Death. And tho' the *Saxon* Succession was broke into, during the Space of thirty Years, by three *Danish* Kings, who conquered *England* towards the beginning of the tenth

(a) BRADY'S *History of the Succession of the Crown of England.*

tenth Century; yet however, they re-established the Right of Succession as soon as the *Danes* were drove out of *Great-Britain*. From the *Norman* Conquest to the 49th Year of HENRY III. which was about the Year 1270, the Government was Monarchical and Hereditary, and inclining to *Despotism*, which excited a Jealousy in the Nobles against their Prince, and was a second Cause of Mistrust and Jealousy against the Royal Authority. The Despotism of TARQUIN, and WILLIAM the Conqueror, were the Source of all the Mischiefs in *Rome* and *England*.

3. Let us take Notice however, that whilst the Sovereign Council was only *Aristocratical*, the Fathers of their Country were zealous for its Liberty; they fell out, indeed, sometimes with the King, upon the Subject of the *Grand Charter*, and resisted Arbitrary Power; but without going out of their just Boundaries. We cannot find Parliaments abusing their Princes, disinheriting them, or putting them to Death. A false Devotee and ambitious Hypocrite usurped the Crown, but the Sovereign Coun-

Council of the Kingdom had no Share in it; the King and his Sons were made Captives: But it was not thought convenient, in those Times, to judge their Sovereign, or put him to Death.

4. Every thing began to change Countenance so soon as the *Commons* became part of the Parliament; the Authority of the King and his Nobles decrease, popular Assemblies snatch the Power into their own Hands; and by Degrees, the Despotick Power of the People becomes absolute; the House of Commons of *England* took the same Steps as the Tribunes of *Rome*. A short Time after the Erection of this Lower House, the Parliament began not only to depose the King, but obliged him to deliver up his Crown to his Son; hereditary Right is not yet thrown off, nor violated: But in the following Century, the King is accused as a Criminal, and deposed by the Authority of his Parliament, but without presuming, as yet, to put him publickly to Death: Hereditary Right is suspended, and the Crown given to an Usurper.

At length, in the last Century, the Parliament: became altogether a Republick. Its *Democratical* Party separate themselves from the *Aristocratical*, and usurp the Sovereign Authority, and both are for acting after a manner independent of the Royal Power, by undermining the Foundation of their Constitution: The Commons prevail, and usurp not only the Power of the Lords, but also of the King himself, whom they depose, and condemn to be beheaded as a Criminal; and this is done by the very Dregs of the People.

5. Since popular Assemblies have had the Legislative Power in their Hands, the Laws have been multiplied to Infinity, and those Laws are often contradictory to each other; 'tis not altogether as in *France*, where the different Provinces hold their antient Customs, which they had before they fell under the Dominion of one Monarch.

In *England*, since the fixed Principle of Subordination hath been shaken, there hath been no constant keeping close to the fundamental Laws; according as different Parties prevail in Par-

Parliament, they make Laws opposite to each other : Oaths are enjoined, which by Variation, or different Construction, are turn'd into Perjury; and by the Violence which each Party acts with, by Turns, the contending Parties who dispute for the Superiority, strive to seek out a proper Person, according to their own Inclination, and these Parties every Day differ in their Views, Interests, and Maxims. In these Assemblies it cannot be imagined, that Factions can be reduced to regular Classes, or that they can act by fixed or established Principles: They want the Unity of the Supreme Power; they break and divide themselves into as many Parties, as there are bold and daring Heads to lead the different Factions, which tend all to the same End, which is to invade Authority.

The Divisions and Sub-divisions of the *Whigs* and *Tories* multiply daily; there are often five or six different Sorts of *Whigs* and *Tories*: Besides, the Heads of these different Parties often change their Principles; the *Whigs* become *Tories*, and the *Tories* become *Whigs*, according

ording to their Interests. When the Royal Authority favours any Party, their Heads, or Chiefs, are Royalists, and are for advancing the Royal Prerogatives; but when Kings oppose these Chiefs, then they become *Whigs* and *Republicans*, and are for demolishing the Royal Power.

At the Election of Members of every New Parliament, there is scarce any thing to be seen in the several Counties and Boroughs, but Cabals, Hatred, Division, and Deceit; *Whigs* and *Tories*, Republicans and Royalists, Lovers of Independency and Despotism, Courtiers, and Creatures of the People: All these different Factions cause such a Motion in People's Spirits, that methinks, the grand Body Politick labours under Convulsions; and that *Great Britain*, at every New Parliament, is thrown into a violent Fever.

This is not all, for when the Members are elected, come to Town, and assembled in Parliament, Factions revive, and Cabals are renewed: Some who occupy the best Places in the Government, are made use of to corrupt

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Members of Parliament, with *Money, Places, or Favours*, which are to be disposed of: There sometimes may be seen in some tumultuous and popular Assemblies, four or five Men, who carry every thing before them by *Cabals and Intrigues*: So that a Representative forgetting the Interests of those who chose him, by busying himself only with that Party to whom he hath sold himself, acts quite contrary to the Orders and Advantage of those whom he represents.

The Lower House being thus filled at every New Parliament with Members, whose Thoughts and Interests are quite opposite to each other, it is no Wonder, that there should be such a Multiplicity and Variation of Laws; and that the Acts of Parliament should be so prodigiously voluminous, and which seemingly contain Laws contrary to each other, or very difficult to be understood! *The Multiplicity of Laws, (says PLATO) is as certain a Sign of the Corruption of a Kingdom, as the Multitude of Medicines is of a Complication of Diseases: But the Contrariety of Laws,*
and

and their frequent Opposition, is as fatal in a Commonwealth, as the habitual use of Medicines taken wrongfully, and ill applied, is to the Health of the Body.

Rome and England therefore shew us the fatal Consequences of the Sovereign Power being divided with the People. Let us now examine, whether *Aristocratical Monarchy* will not remedy these Inconveniences.

C H A P. XV.

*Of MONARCHY moderated
by ARISTOCRACY.*

1. **T**HE Unity of the Supreme Power hath always been regarded as a very great Advantage in a Kingdom, for preventing the Divisions and Jealousies of those who govern: The grand Benefit of Society doth not so much consist in the Riches, or Abundance of some particular or private Persons, as the common Good of all; for
H 2 this

this common Good is the Union of Families, the Prevention of Civil Wars, and the Extinction of Cabals. It is incontestible, that Unity finds itself much better, whilst the Supreme Power is united in one single Mind, than when it is divided into many different ones.

Government divided, or put into the Hands of many Persons, may be convenient with such Republicks as are enclosed in single Cities, or small States; but it seems inconsistent with Kingdoms of a great Extent: The Citizens of every City would be always for raising their Grandeur above others; from whence naturally proceed frequent Revolutions, and cruel Seditious. It was from thence, that all the Jealousies of Greece sprung up; her celebrated Senate of the *Amphictyons* could not prevent Civil Dissentions: That Sage Assembly, though composed of such Deputies, as gave Names to the Twelve principal Cities of Greece! They precisely met together on certain Days at the *Thermopyles*, where they consulted upon every thing which regarded the Happiness, the Repose, and the common

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Interest of the several Republicks: But this Senate, so venerable as it was, yet however, was too feeble, to appease and extinguish the Jealousies and Civil Wars of *Sparta, Athens, &c.* who aspired by Turns, to the universal Empire of Greece; insomuch that all these small Commonwealths were united under the Dominion of PHILIP of *Macedon*, who took Advantage of their mutual Divisions, in order to weaken and subdue them.

2. The Unity of the Supreme Power appears necessary, not only for uniting the Subjects, but for Expedition in Council. In popular, or *Aristocratical* Governments, nothing is done but with very great Slowness; and in publick Assemblies, tho' sometimes every thing depends upon Expedition. In a Monarchy, the Sovereign may deliberate, and give his Orders at all Times and Places; for which Reason, the *Romans*, in grand and important Affairs of the Commonwealth, had often recourse to the Unity of the Supreme Power, by creating a *Dictator*, whose Power was absolute.

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3. Military Government naturally requires to be exercised by one single Person: Every thing is in Danger when the Command is divided. It plainly appears in itself, that this Form of Government is the most proper and agreeable of all others; and that, in short, it ought to prevail, because the Military Power, whose Strength is in its Hand, naturally draws every Nation after it, and reduces every thing into Monarchical Government. For wick Reason it was, that all the most famous Commonwealths in the World, began with Monarchical Government, and to that, in the End, they have or will return. It is but lately since the *Grecian* Cities formed their Republicks: (a) 'In the Beginning all People were Governed by Kings. Rome began with Monarchy, and in the End returned to it again; at present there are no Commonwealths in the World, but what were formerly subject to Monarchy. (b) Would it not be there-

(a) JUSTIN, *Lib. 1.*
 (b) *Bishop of Meaux his Scripture Policy.*

'fore better, that this Unity of the
 'Supream Power should be establish-
 'ed at first, since it is inevitable,
 'and so very violent when it gains
 'the upperhand by open Force.
 4. The Unity of the Supream Power is further necessary for maintaining Subordination among the different Orders and Degrees, which are in all Great Kingdoms, whose Subjects are distinguished into two Classes. The first contains those who are Proprietors of Lands; the Heads of antient Families; the Grandees of the Nation, who are born in the actual Possession of all the Advantages of Life. The second are those who contain much the greater part, and are those, who by the Order of Nature and Providence, are born under the Necessity of getting what they stand in need of, either by Labour, Arts, or Commerce. If both these would govern themselves according to the Rules of Humanity and right Reason, the former would not make use of their Authority to oppress the latter; and the latter would entertain no Hatred nor Jealousy

lousie against the former, upon Account of the inequality of their Condition. Every one would be content with his own Station; and they would all contribute, by this Subordination, mutually to assist and maintain each other. But the Passions of Men create a Division between these two Orders.

If the Government was entirely in the Hands of the Nobles, they would oppress the Poor People; the Commonwealth would then be reduced to the Condition of *Rome*, before the famous Retreat of the *Sacred Mount*, when the *Patricians* oppressed and abused the People. If the Government is *Democratical*, the Nobles and Grandees are continually exposed to the Hatred and Insults of the meanest Persons. Such was the Condition of *Rome* towards the End of the *Consulate*, when every thing was governed according to the Humour of the blind Populace and insolent Tribunes.

There must be therefore a Power superiour to these two Orders, which should hold them in their just Boundaries.

ries. Royalty therefore may be compared to the middle Point of the Balance, which by keeping itself in the Centre, or at an equal Distance from the two extream Points, keeps both in an *Equilibrium*.

It is necessary, therefore, that the Royal Authority should be so independent from the Nobles and the People, that it may be capable of balancing or moderating both. This is what was wanting in the *Roman Commonwealth*, after the *Consulate* was become common both to the *Patricians* and *Plebeians*. The Power was sometimes wholly in the Nobles, and sometimes in the People, so that an *Equilibrium* was never observed, but perpetual Seditions, and a successive Oppression of either the one or the other of these two Orders. Such will be the Condition of all Nations, where they endeavour to diminish and confine too closely the Supreme Power, which ought to maintain the two other subaltern Powers in their just Limits.

5. The King cannot see every thing, nor know every thing himself: it is

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therefore necessary that he should have Counsellors, not only to inform and instruct him of the Condition of his Kingdom, but to keep him from Despotick Tyranny. This made the moderate Royalists believe, that an Assembly fixed, and not elective, ought to share with the King not only in the Sovereign Power, but the Legislative. The King (*say they*) ought to have a greater Degree of Power than all the Members put together, but none without them in the making of Laws. This is sufficient to grant a single Man! It is not reasonable, that the Royal Authority should be the only and sole Power of the State: it should do nothing without it; therefore it ought not to have a Power of doing every thing alone. There should be no Laws made in opposition to the King; neither should the Laws depend entirely upon his absolute Will; there should be a Concourse or Mixture of *Monarchy* and *Aristocracy*, in order to compose the Legislative Power; and they should never act after an independent manner.

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6. It is not reasonable, that the People should entirely be excluded from the Government, but they ought not to share in the Legislative Power; we have observed the fatal Consequences of this Partition of the Sovereignty in the most illustrious States of the World. When once the Representatives of the People invade the Supreme Authority, they know not how to contain themselves in their Boundaries; for, sooner or later, they reduce every thing to the Despotick Power of the Populace: It is not prudent to give them such an Authority, as may tempt them to betray the People, and blow the Coals of Discord and Sedition.

In thus excluding the People from the Sovereign Authority, we are very far from trampling upon them: We have only spoke against those fierce Representatives of the Multitude, because they have often been real Enemies to the People, and very far from being their Protectors, in betraying the Trust which they have taken upon them; and by their Ambition they become the Disturbers of the State: The

poor

180 *An ESSAY upon*

poor People are the Support and Basis of the Nation, they must be well nourished and employed; if they are not well maintained and cherished, they will want Strength, and so the Commonwealth will be enervated; if they are not employed, and kept to Business, they will be as wild Beasts, which cannot be tamed.

But to skreen the People from Oppression, and prevent them from being trampled upon by the Royal Authority; it ought to be an inviolable Law, never to raise extraordinary Subsidies without their Consent.

I do not speak here of those regulated and annual Revenues, which are absolutely necessary to support the King and Kingdom: These are inalienable Prerogatives of the Crown, which Princes had always a Right to claim. I only speak of extraordinary Subsidies, which are upon very urgent, and uncommon Occasions: For, I say, with PHILIP *de* COMMINES, that great Politician and Royalist (a) 'That no King
' or

(a) *Hist. of LEWIS XI. Book 5. Chap. 18.*

CIVIL GOVERNMENT. 181

' or Prince in the World hath a Right
' to levy such Taxes upon their Sub-
' jects without their Consent, nor can
' they exact them against their Wills,
' except by Violence and Tyranny.
' But, perhaps, it will be said, that
' sometimes there happens such pressing
' Circumstances, that it would be dan-
' gerous to delay the raising of the Sub-
' sidy, 'till after the calling of the
' States, who, perhaps, could not do it
' so easily. Is this, therefore, a Decla-
' ration of War, when a Prince doth a
' thing which he hath a mind to do
' with such Precipitation? For this is
' the War which is understood by those
' who make the Objection. Can we
' engage ourselves too late therein?
' And is it not always Time enough
' to declare it?'

7. But to render this Form of Government more perfect, it is requisite, that Monarchy should be hereditary; and as such, it was esteemed as a wise Precaution of great Legislators, to prevent Jealousies and Divisions: It shews apparently how they ought to fix the Rights of Sovereignty by Birth, as they
have

have fixed that of Property. Nature, which hath given us a Rule for the one, seems to have given us the same for the other. It is a great Happiness to the People, that the Government perpetuates it self by the same Laws which perpetuate Mankind; and that it should seem to say with Nature, We are both upon the same Level; we must always prefer that which is regulated by the fixed and constant Order of Nature to that which is the Effect of the capricious and inconstant Will of Man.

Besides, Elective Monarchy is the most unhappy of all Governments; the greater the Authority is, the greater will be the Factions to disturb it, and yet greater will be the Dangers to leave it to the Judgment and Election of the Multitude. If the Source of all the Misfortunes of the *Roman* Empire were well examined, it will plainly appear, that they almost all came from Elections; every thing was subject to the Violence of an Army, who had seized upon the Sovereign Power; they chose their own Masters, according to their Fancies, and often many at a Time:

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A King who had nothing to expect for his Posterity after his Death, would think of nothing but his own Interests whilst he lived; whereas an Hereditary King would be always disposed to regard his Kingdom as his Inheritance, and which he would leave to his Posterity.

It is the inviolable Observation of this Law of Succession, which hath made the vast Empire of *China* to subsist for almost Four Thousand five Hundred Years. The *Tartars* have often within that Time committed great Hostilities; but however, they were never able to stagger that Empire: But as soon as the *Mandarins* pretended to alter Hereditary Right, and every one pretended to the Sovereignty, they caused terrible Revolutions in the Seventeenth Century, and the *Tartars* took that Opportunity to subdue them.

It is also Hereditary Succession which hath subsisted for more than Sixteen Hundred Years, the wisest Empire that ever was, I mean, that of *Egypt*. Bad Kings were spared during Life (the public Repose requir'd it should be so.)

But

But after they were dead, they punished them for Examples, by depriving them of Burial. Some have been treated thus, but we find very few Examples of it; for, on the other side, most of their Kings have been so beloved by the People, that they have wept, and lamented their Death, as if they were their own Fathers or Children.

8. It is also necessary for the same Reason, that the *Aristocratical* Power, which moderates the *Royal* Power, should be fixed and hereditary, and not elective. Nature and Birth give to every one his Rank or Degree; there is no Occasion to make Parties by Cabals, and unjust and tumultuous Elections: And it is for this Reason, that the Elective Members of a State, or those which represent the People, should ever have a Share in the Legislative Authority; not but there may be found among the *Plebeians*, Men as capable, sublime, and learned, as any among the *Patricians*; but because Factions being inevitable, every Thing and every Place is filled with Parties and Cabals;

nothing is fixed or lasting, whilst every thing is left to the Election of the blind Multitude, and misled by ambitious Spirits.

Moreover, *Aristocratical* Power ought to be regulated according to the Antiquity of Families, in order to prevent Sovereigns from making themselves absolute Masters of that Power which moderates their Authority. It should always be desired, that Kings might not be such Masters, as to increase, at their own Will and Pleasure, the Members of the fixed Senate, which shares with them in the Legislative Power; for otherwise, it would be easy to diminish the Royal Authority, who had raised them on purpose, in order to serve unjust Designs. If a Sovereign would reward the Merits of great Persons, as he ought, methinks they should not at first be admitted with him to share the Legislative Power, but make him mount up by Degrees to those Dignities which after some Succession of Time, may give a Right to their Posterity to have a Part in the *Aristocratical*

cratical Authority. (a) 'Virrue, says
 ' a *Celebrated Author*, will be suffici-
 ' ently excited, and will have a strong
 ' Impulse to serve the State, provided
 ' that great and just Actions should be
 ' the Commencement of Nobility to
 ' them who do them, and to their Po-
 ' sterity.' The Neglect of observing
 this Rule, the *Tribunes of Rome* were
 guilty of before the *Consular Dignity*.
 The Nobles multiply themselves at *Ve-*
nice, by the Power of Money. And
 have none of the Commons of *England*
 arrived to the Peerage, by Money,
 purely to serve the ambitious Designs
 of the Court? But when Employments
 are regulated by Birth, every Order of
 the State applies itself to the Business
 or Employment which Nature and
 Providence ordained, according to Sub-
 ordination; without a Desire of aspi-
 ring by Ambition to confound Ranks
 and Orders. After this manner the
 Nobility should engage themselves in
 the Works of the Mind, and the Peo-
 ple in that of the Body; for the Strength
 of

(a) TELEM. Book 12. Page 466.

of a Commonwealth, without doubt,
 consists in a People, whose different
 Orders proceed from *Instructions* and
Employments.

Monarchy moderated by *Aristocracy*,
 is the most antient, and most natural
 of all Governments. It hath its Foun-
 dation and Model from the paternal
 Empire, that is to say, from Nature
 itself, for the very Origine of Civil So-
 cieties proceeds from paternal Power :
 In a Family well-governed, the com-
 mon Father doth not determine Mat-
 ters after a Despotical manner, accor-
 ding to his own Fancy; in publick
 Deliberations he consults the most aged
 and wise of his Children; young Per-
 sons and Domesticks have not an equal
 Authority with Fathers of the common
 Family.

It was according to this Idea, that
 LYCURGUS ordained, That the whole
 Nation of the *Lacedemonians* should be
 but one Family; that the Children
 should belong to the Commonwealth;
 that the most aged Fathers should be
 regarded as so many Supreme Magi-
 strates; and that all these Fathers to-
 gether

gether should be subject to one King, whom they should look upon as the common Father of the Country: But the People had no deliberative Voice in the Government.

Monarchy *Aristocratical* is the Model of Government of the most famous States and Dominions in the World. Before popular Power prevailed in *Greece, Carthage, and Rome*, they were all governed by Kings and a fixed Senate: at first the People had no deliberative Voice: the *Ephori*, the *Suffetes*, and the *Tribunes*, were only Advocates for the People. Such also was the Government of *Antient Egypt*, whose Kingdom was Monarchical and Hereditary. A Senate composed of thirty Judges chosen out of the principal Cities, made up the Sovereign Council of the Prince. Such was also the Government of the Empire of *Persia*: the *Satrapes*, or *Grandees* of the Kingdom composed the Sovereign Council of that Monarch, and they were called *The Eyes and Ears of the Prince*. And such is to this Day the Government of *China*; the Emperor, though absolute

solite in his Power, takes a solemn Oath, that he will never establish any Law without the Consent of his *Mandarins*.

Such was, in short, the Form of Government of the *Northern Nations* (whose cold and barren Clime by lessening their Imagination increased their Judgment) who had carried it in all the Countries of the World, where they established themselves after the Destruction of the *Roman Empire*, of whom all Nations entertained Notions of Tyranny and Oppression. The *Saxons* established *Aristocratical Monarchy* in *England*, the *Franks* among the *Gauls*, the *Visigotes* in *Spain*, the *Ostrogotes*, and after them the *Lombards* in *Italy*. The Antient Parliaments of *Great Britain* were purely *Aristocratical*; so was also the *Field of Mars* in *France*; the *Cortes* in *Spain*; the third Estate, or elected Members, have not always had a Share in the Government, as has been urged before; for at first, their Power only concerned the Regulation of Taxes.

For all which Reasons, the moderate Royalists thought, that the Form
of

of Government subject to the least Inconveniences, must be Monarchy moderated by *Aristocracy*: The three great Rights of the Sovereignty, (*say they*) viz. *the Military Power, the Legislative Power, and the Power of raising Subsidies*, ought to be so regulated, as not easily to be abused. It is necessary, that the Military Power should reside only in the King, because from the Unity of one and the same Will depends Expedition, Secrecy, Order and Union, so necessary in the Soldiery. It is necessary, that the King should partake with a fixed Senate the Legislative Power, because he cannot judge of every thing himself. It is necessary, in short, that the King should not impose any Subsidies extraordinary, but by the general Consent of all the States in the Kingdom; that the People may not be trampled upon. Such a Government as this, hath all the Advantages which are found in the Unity of the Supreme Power, for the more easy and ready executing good Laws; and, in fine, freed from all those Inconveniences which

which are found in popular Governments, or through the Imbecility of the King, to crush the People by extraordinary Taxes.

But whatever may be the great Advantages of this Form of Government, it is not however, without Inconveniences, as well as others.

1. The Division of the Sovereignty between the King and Lords, will infallibly produce a Contention in the contrary Powers; sooner or later, the King will subdue and dispose the Senate, and so become Absolute; or else the Nobles will become like so many petty Tyrants, by pulling down Monarchical Power, as formerly they did at *Athens, Rome, &c.* and now at *Venice and Genoa*.

2. On the other hand, in Kingdoms where the People have no part in the Government, the Haughtiness of the Nobles, their Avarice and Ambition make them despise and tread under their Feet, those who are obliged to live by their Industry; Grandees forgetting, that simple Birth contributes nothing

nothing to make them better than other Men, any otherwise than by giving them an Opportunity of doing more Good than other Men; their Pride often causes them to rebel against Princes, and their Hard-heartedness and Obstinacy urges the People to rebel against them.

All Things being well considered, it appears, that Monarchy is preferable to a Mixed Government: Other Forms of Government are exposed to the same Inconveniences as it, yet Monarchy hath such Advantages as others have not, *viz.* Unity, Expedition, and a Balance of Power between the Nobles and the People, which are particular Advantages belonging only to Monarchy: But Tyranny, the Passions and Abuse of the Supreme Authority, are Evils common to every Government. Whilst humane Nature is thus weak, imperfect and corrupt, all Sorts of Governments will bear within them the Seeds of inevitable Corruption, Disgrace and Ruin.

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I am therefore far from thinking that there is any humane Establishment free from Inconveniences; or that it is possible to remedy these inevitable Misfortunes of the grand Body Politick, by any particular Form of Government whatsoever. The Abuse of the Sovereign Authority, in whatsoever Hands it is intrusted, will sooner or later draw on the Ruin of any sort of Government, let it be the best in the World. Fine Plans and Schemes serve to amuse Speculative Persons in their Closets: but in Practice we find that the least Oversight causes the Subversion of the greatest Empires. It is thus the grand Body Politick may be compared to the Humane Body: A Fever, a Rheumatism, or the least Accident takes off the most robust and handsom Person, as soon as the most weak and deformed. It is known by Experience in Physick or Medicine, that the most vigorous and active Persons are more subject to sudden and violent Diseases, than the most Languishing.

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On one side, the best Forms of Government may degenerate through the Corruption and Passions of Men. On the other side, those Governments which appear less perfect, may be convenient for some Nations. It may be perhaps impossible to determine which is the best Form of Government, or if there may possibly be framed such an one as may generally agree with every Country; the different Genius's of People are often opposite, and contrary to each other, and seem to make the Difference in opposite Forms necessary and convenient. But there arises in the Case such a vast multiplicity of various Appearances, that Humane Understanding is not capable to comprehend them so as to form any determinate Judgment thereof.

The Abuses and Inconveniences to which all these different Forms of Government are exposed, should convince Men, that the Remedies for these Evils of the Grand Body Politick, are not to be found in changing, and overturning the Forms already established,

established, in order to establish others which in Theory may appear more perfect, but in Practice are always attended with inevitable Inconveniences. Men will never find their Happiness in outward Establishments, nor in the most curious Schemes invented by Humane Wit; but in the Principles of Virtue, which will always inwardly furnish us with Remedies against all the Evils of this Life, and which will enable us to support, even for the love of Order and Peace of Society, all the Abuses to which the best Governments are exposed.

C H A P. XVI.

Of Government purely Popular.

THE Lovers of Independency perceiving that all these Forms of Government are exposed to inevitable Inconveniences, pretend that the Sovereign Authority should never be trusted with any one Man, nor any Society of Men in a continual manner.

' This Stability of Power, *say they,*
 ' makes Sovereigns attribute it to
 ' themselves as a Right, and so they
 ' become Tyrants: The only means of
 ' keeping them in order, is to make
 ' them sensible, that Sovereigns of all
 ' Countries and Nations are only
 ' Executors of the Laws; that the
 ' Supream Authority originally resides
 ' in the People; and that the Right is
 ' always in them, to Judge, Depose
 ' and Punish supreme Magistrates when
 ' they violate these Laws. The De-
 ' sign of the first Creation and Insti-
 ' tution of Sovereigns, was for no
 ' other intent than to preserve the
 ' Order and Peace of Society: they
 ' were only chose by the consent of a
 ' Majority. Those who give the Au-
 ' thority, may always take it away.
 ' The Original Contract between the
 ' Prince and People, is upon this es-
 ' sential Condition, That Sovereigns
 ' should be Fathers of the People, and
 ' Maintainers of the Laws. One sin-
 ' gle Man, or a small Number of
 ' Men, may deceive themselves, or
 ' suffer themselves to be ruled by their
 ' Passions;

' Passions: but the universal Voice
 ' of the People, is the Voice of pure
 ' Nature; it is common Sense and
 ' right Reason freed from Artificial
 ' Subtilties. Every particular Person
 ' separately hath his Errors and Pas-
 ' sions; but the whole People toge-
 ' ther, make an agreeable mixture of
 ' contrary Qualities, which correct
 ' and moderate each other recipro-
 ' cally, like the Ingredients of the
 ' most famous Medicines, whose Par-
 ' ticulars may be poisonous, yet the
 ' Composition of them altogether,
 ' makes an excellent Remedy.

Is not this forgetting Humane Na-
 ture, to reason after this manner? In-
 stead of bright Ideas, it feeds us with
 the Poetical Fictions we have alrea-
 dy demonstrated.

1. That there never was such a
 Thing as a State of pure Nature,
 where all Persons were independant,
 equal and free to make this imaginary
 Contract. 2. That the Sovereign Au-
 thority is not derived from the Peo-
 ple. 3. That supposing it should de-
 rive its Authority from the People, yet

however, the People having once resigned their Natural Right, they cannot resume the same again. But independantly from all this it is false; 1. That the greatest Number have any Inherent or Natural Right of making Laws, and judging in the *dernier ressort*.

Natural Right is founded upon the Law of Nature; the Source of the Law of Nature, is the Sovereign Reason and Perfect Justice; but the Multitude doth not possess these Qualities, as being the greatest Number. There are few Men who consult Reason with attention, and who follow it in opposition to their Passions: The greatest Number have always been the most ignorant and corrupt.

If in Civil Assemblies they submit to the Decision of the Majority, 'tis not because they always judge according to perfect Reason and Justice; but because such a Determination or Decision is a fixed and palpable Method of ending Disputes.

If these Lovers of Independency say, that Fathers of their Country, Heads of

of Families, Hereditary or Elective Members of a Senate, are or have been always natural Legislators, they contradict their own Principles. They establish a natural Inequality among Men; they give an inherent Right to a small Number of Persons, by excluding the Multitude; for the Nobles and Gentlemen chosen for the Representatives of any Nation, are very much the smaller Party. The Patricians of all Countries are often People of little Learning, weak Capacities, and subject to the same Passions as other Men. Elective Members are often chose by Parties, and corrupted by Promises; so that Reason is not more probably on their side, than on those who are not chosen; therefore, consequently, they have not naturally any Inherent or Natural Right to determine Sovereignty: They have only a Civil Right, founded upon the Necessity that there should be some supreme Judge to determine Differences, and who should preserve the Order and Peace of Society.

This is the Foundation of all Civil Right,

Right, all Authority, and all lawful Property. It is neither absolute Reason, perfect Justice, nor personal Merit, but the general Peace of Society, which is the Rule of Civil Laws. 2. It is wrong, that we should always follow, in publick and popular Deliberations, the natural Sentiments of the Majority. Two or three Men generally govern the Multitude; Factions and Cabals prevail, Promises, Threatnings, or the false Eloquence of some of the boldest Leaders, influence all the People.

Let them read the History of the *Roman* Republick, where popular Government hath prevailed; they will find there, that it was not the People who always spoke, but most commonly some ambitious Tribune, who would speak for the Multitude, and from thence abuse their Credulity. The Partisans of popular Power are only so, because they hope, one time or other, to govern the People according to their own Pleasure.

They would dazle their Eyes with these bright Ideas; therefore they only

ly behold one side of Truth, without regarding all its glorious Appearances.

It is true, that the *publick Good* should be the immutable Rule of all Laws; that Sovereigns ought to be the Preservers of these Laws, and Fathers of the People; and that when they act otherwise, they overthrow the Design of their Institution; they violate all the Rights of Humanity, and become Tyrants: But they are not to be punished by any other Power than GOD only. It is not denied but they may be blameable, and merit greater Punishments than other Men; but the Order and Peace of Society requires not only that there should be good Laws, but that there should be a supream Power, fixed and visible, to make these Laws, interpret and execute them, and judge in the *dernier ressort*, and against whom it should never be allowed to rebel, unless they would have a mind to loosen every fixed Point in Policy, and expose every Government to perpetual Revolutions, and the extravagant Humours of the blind and unconstant Multitude. Such

Such is the deplorable Condition of Humane Nature, that it is absolutely necessary there should be a Supreme Authority, who should make, interpret, and execute the Laws. The Legislators, Interpreters and Executors of these Laws, are but weak imperfect Men, and subject to a thousand Passions; they are as deficient as those who obey; they deceive themselves and are unjust, but there is no Remedy. We must obey and suffer, for since we are between two inevitable Evils, we ought to chuse the least. For which is better, to submit our selves to a fixed and lasting Strength, or to abandon our selves to the perpetual Revolutions of Anarchy? Must we place our selves under a regular Government, where we find sometimes good Masters, and where wicked Princes have always a powerful Interest in managing their Subjects; or must we deliver up our selves to the Fury of the Multitude, in order to become every Moment the Sport of the Caprice, Inconstancy and blind Passions of all those who have

no

no other Principle of Union, but the Love of Independency, and how they may divide and subdivide themselves to Infinity, as the Waves of the Sea, who successively dash upon, and break one another? There is certainly no choice to be made in these two Extreams.

C H A P. XVII.

Of Government where the Laws only preside.

MAny Philosophers have thought, that the only means of avoiding the Abuses of the supream Authority, is, that all People should have written Laws, always constant and sacred, and that those who Govern, should have no Authority but by them, and as they execute them: This is what these Philosophers say, is what Men should unanimously establish for their Felicity, if they were not blind, and Enemies to themselves.

Yes,

Yes, certainly! but this is what these Men never will establish, because they are, and always will be blind, and Enemies to themselves: for if they should make use of this Plan, they would change their very Natures, and so become wholly Philosophers.

In the present State of Humanity, all written Laws would become useless, if there was not some superiour and living Power to interpret and execute them, for these following Reasons.

1. Every written Law is subject to Equivocations: the most simple and short Laws, which appear plain and clear in the general Theory, become obscure in the particular Explication. The first Legislators thought (without doubt) to satisfy all the Wants of Society by their primitive Laws; but at length they were forced to accommodate these general Laws to an Infinity of particular Circumstances, which they could not at first foresee: from thence came the multiplicity of Laws, and all the Niceties of Civil Right. An essential Vice in a Nation, but
inevi-

inevitable, to prevent the Artifices of crafty Men.

Humane Understanding is very fruitful at Evasions, Sultilties, and Subterfuges: It spreads Obscurity over the clearest Truths, when they stand in competition with our Passions, Prejudices and Interests: It covers us with Clouds, to skreen us from the Light which is so troublesome. What is to be done in this Condition? Who is there who will be an Interpreter of these Laws thus obscure and altered?

If there is no supream Judge to speak, every one will presume to take the Book of Laws in his Hands, and dispute his own Opinion; every one will pretend to determine, and set up for a Legislator: the most wise and rational Persons are the smallest Number; the Laws become no more regarded, Strength alone decides every thing; they therefore will all fall into the most dreadful Anarchy, where every one calls Reason his own Opinion.

2. Civil Laws are not of an immutable and universal Nature: that which appears just and convenient at one time, is not so at another. There is no Rule made by Man, which is not liable to Exceptions, because humane Capacity cannot foresee all the various Circumstances which render the best Laws more or less useful, according to the Differency of Times and Places: for which Reason, the Alteration of ancient Laws, when they are changed by the Sovereign Power of a Nation, (and not according to the Caprice of the People) is oftentimes necessary and advantageous.

It is therefore necessary, that there should be a Supreme Authority, who should judge when it is convenient to change, enlarge, circumscribe, moderate, and accommodate the Laws to all the different and various Circumstances of Men: For if the People are to be Judges thereof, the greatest Number will carry it, and Force alone will rule, which will plunge every thing into Anarchy and Confusion.

The

The bright Knowledge of Truth, or the Understanding of better Laws, is not sufficient to make them executed: The pure Love of Virtue, the exquisite Pleasure which it affords, is a Secret too great for the Generality of Mankind; they must be moved by Motives more Gross, by Rewards and Punishments, by Threats and Promises. It is therefore absolutely necessary, that besides the dead Letter of the Law, there should be a fixed and living Authority, which should compel Men to do by *Force* that which they will not do by *Reason*.

CONCLUSIONS.

WHAT has been advanced in this *ESSAY*, may be reduced to these following Principles, which we offer to the serious Consideration of our Antagonists.

1. Civil Government is not a free Contract; the Passions of Men make it absolutely necessary, and the Order of Generation subjects us all thereto, antecedent to every free Contract.

2. In

2. In every Government it is necessary, that there should be a Sovereign Power, to make Laws, and punish the Violaters with Death. This Supreme Power originally proceeds from GOD, who hath only the Right, as *Supreme Being*, and *Sovereign Reason*, to rule his Creatures, and to punish wicked and ungovernable Men. Election, Succession, just Conquest, and all other means of attaining the *Sovereignty*, are only Canals through which it glides along, and not the Fountain from whence it flows; the former are only Civil Laws, in order to regulate the Distribution of that Right, which originally belongs to the *Sovereign Being*.

3. Forms of Government are arbitrary; but when the Supreme Authority is once established in one, or more Persons, after a *Monarchical, Aristocratical, Popular, or Mixed* manner, it is not lawful to rebel against their Decisions; for as Powers are not to be multiplied to Infinity, we must of necessity fix upon some Authority superior to all others, to judge in the *der-*
nier

CIVIL GOVERNMENT. 209
nier ressort, and which cannot be judged itself.

4. From hence it follows, that *Sovereign Power* is not indefinite and undetermined, but an Authority fixed, living and visible, which we should acknowledge at all Times, and in all Places, and to whom all Persons should have recourse, as to the Source of Political Unity and Civil Order. To believe, therefore, that it originally resides in the People, and that it belongs always to the greatest Number, is a Principle which tends to destroy all Authority: Two or Three bold and daring Heads of a Party may any time assemble the People in a great Number, who may call themselves the Majority of the Nation, and who may undertake and execute every thing by Number and Force, without any Order, Rule or Justice.

5. The *Publick Good* ought to be the immutable and universal Law of all Sovereigns, and the Rule of all Laws in being. When Princes violate this Law, they overthrow the Design of their Institution, and act contrary to
 all

all Justice ; but then they are accountable only to GOD alone, for the Abuses of their Authority.

If it was allowed every particular Person, or the People in general, to judge and determine when Sovereigns have passed the Boundaries of their Power, and so to judge and depose them, there would be no more any fixed Government upon Earth.

Ambitious, Rebellious, and Crafty Persons, will always make use of the most spacious Pretences, in order to seduce the People, and cause them to rebel against their Lawful King.

6. Whilst Men are governed by Men, all Forms of Government will be imperfect, and exposed to the same Abuses as Sovereign Power : But Monarchy appears the best of all Forms ; for though it hath the same Inconveniences as others, yet it hath, however, greater Advantages than any other.

C H A P. XVIII.

Of the Ideas which the Holy Scriptures give us concerning Government.

AS we have said all along in this ESSAY, that, philosophically speaking, we do not suppose any Revealed Religion ; we have now thought it our Duty, to compare the Conformity of our Principles with the Lights of the Holy Scriptures, in order to give Satisfaction to the Piety of those, who are capable of consulting those Sacred Oracles with Veneration and Docility.

These Divine Books represent Mankind as a great Family, of which GOD is the Common Father. All Men are created after his Image and Resemblance ; all are capable of the same Perfection ; all are designed for the same Happiness : We are, therefore, tied and bound one to another, by our Resemblance or Conformity to the Com-

Common Father of Mankind, and obliged to love, cherish, assist, and mutually seek the common Good of each other, as we are Brethren, Children, and Images of one and the same Father. *To love GOD for himself, and Man for the Sake of GOD,* is the essential part of the Law of MOSES, and also of our great Legislator JESUS CHRIST.

We are Brethren, not only because our Minds spring from the same Fountain, but because our Bodies are also descended from the very same Family. GOD hath produced all Men which cover the Face of the Earth from One, which was the Image of the Paternity of GOD. That which he doth in the Order of Spiritual Beings, is lively represented, by what he doth in the Corporeal Order: All proceed from the same Origine; all are Members of one and the same Family; and all are Children of one and the same Father. It is not reasonable, therefore, that Man should look upon himself as independent, and free from all others: he is not to make himself the very End and Centre

Centre of his own Love, without overthrowing the Law of his Creation, Filiation and Brotherhood, he ought to conform himself entirely to the grand Family, and not to himself.

If Men had follow'd this grand Law of Charity, they would have had occasion neither for positive Laws, nor Magistrates; all the good things of the Earth would have been in common: GOD said to all Men, *(a) Increase, multiply, and replenish the Earth.* He gave them, in general, all Plants and Trees which grew thereon.

According to this primitive Natural Right, no Person hath any particular Right or Privilege over that which he hath, any further than for his own Subsistence: But the first Man having separated himself from GOD, sowed Division in his Family; he forsook the Law of Reason, gave himself over to his Passions; and Self-Love rendred him insociable: He is no more employed but only for himself; he thinks no more upon others, but only for his own

(a) GEN. j. 28.

own Interest. The Language of CAIN resounds in every Corner; *Am I my Brother's Keeper?* Philanthropy is lost, and every thing becomes a Prey to the Strongest.

It seems as if GOD had intended to preserve amongst Men the Unity of their Origine, by engaging them in brotherly Love: but being reduced by their Passions to an unreasonable State or Condition, wherein every one would pretend to be independent, GOD destroys all Men, except NOAH and his Family; to the end, that a second time they might regard one another as Children of one and the same Father. The Family of NOAH divided itself into three Branches, and they again subdivide themselves into innumerable Nations: *From these (says MOSES) were the Nations divided, after the Flood, according to their Country and Language.* It is thus, according to the Testimony of Sacred History, that Civil Societies, at first, formed themselves, by the Production of one Root, into many Branches, and not by the re-union of many free and independent Members.

The

The very first Idea of Command, without doubt proceeds from Paternal Authority: I do not say that it is the *Source* thereof, but only the *first Canal* through which it runs. The first Men lived in Fields, in pure Simplicity, having only the Will of their Parents for a Law: Such was the Conduct of many Families after the Deluge, but especially amongst the Children of SEM, who preserv'd for a very long time their ancient Traditions concerning Religion, and their Manner of Government. Thus ABRAHAM, ISAAC, and JACOB continued in the observance of a Simple and *Pastoral* Life: they were in their Families free and independent; they were treated upon an equality with Kings; they declared War like Princes, and exercis'd all other Parts of Sovereignty. Not that I pretend to deny that there ever were any other sorts of Government, that have been happy or convenient, besides Paternal Empire: Many have violated the Laws of Fraternity, and united themselves together, built Cities, gain'd Conquests, and

and established different Forms of Government.

But after what manner they were established, the Sacred Scriptures raise us up to the same Divinity, to search there for the true Source of Sovereignty. Those Sacred Oracles teach us, that the Supreme Power only flows from GOD alone; all the different ways by which Men attain it, whether by Paternal or Hereditary Right, Election or Conquest, they are only (according to Modern Philosophy) occasional Causes. It is GOD alone, who deposeth one, and sets up another: It is He, who by his Sovereign Providence and Universal Influence over all the Councils of Men, renders useful or abortive, all their Enterprises, according to his Eternal, Wise, and Equitable Designs.

For which reason, these Divine Books, always represent the whole World as a Kingdom govern'd by GOD himself, who gives to Nations good or bad Masters, as Ministers of his Justice and Mercy.

GOD

GOD giveth, *says the Preacher* (a) to every Nation its Governour, but ISRAEL is manifestly reserved for Himself.

Kings are through every part called the *Lord's Anointed*: Not only the King's of *Israel*, which he caused to be Anointed as his Priests, but even the Heathens themselves. Observe what the Lord says to CYRUS, (b) Mine Anointed, whom I have taken by the Hand to subdue all Nations. Hear! O Kings, *says the Author of the Book of Wisdom*; comprehend and learn you Judges of the Earth: Open your Ears! O you who hold People in subjection under your Empire; it is GOD who hath given you Power; your Authority proceeds from the Almighty, who will examine your Hearts, and penetrate into the depth of your Thoughts, because you being Ministers of his Kingdom, have not judged righteously.

(a) Ecclesiast. xvij. 17.

(b) Isa. Chap. xlv.

K

Saint

Saint PAUL teaches us much the same Doctrine, (c) ' Let every Soul (says he) be subject to the higher Powers; for there is no Power but of GOD; and all those Powers which are, it is GOD which hath established them: therefore he who resisteth the Power, resisteth the Order of GOD. The Prince is the Minister of GOD, and his Vicegerent upon Earth; to whom is given the Power of the Sword.

The Partisans of a King of Providence seem to believe, that this Text of St. Paul favours their Opinion; *All the Powers which are, it is God who hath established them*: Therefore, say they, a King *de Facto*, is a King *de Jure*. But doth Reasoning thus, go no further than to make the Apostle guilty of Tautology, by teaching Men that GOD approves the most unjust and enormous Things? The Apostle hath said already, that there is no Power but of GOD; the rest are
useless

(c) Rom. xiiij. 1.

useless Repetitions, if the Words which follow, have no other Signification! We have already made it apparent, that the Right of Property, and the Right of Sovereignty, are both founded upon the same Principles. If unjust Possession gives a Right to one, it gives the same to the other. This therefore would be an open Road to all Violence and Robbery. Can they bear such an Explanation? The true Sense of the Words can be no other than this: Obey the superior Powers, because their Authority proceeds from GOD: Obey also *Roman* Emperors, for their Authority is lawful.

Because these Lovers of Independency should not say, that it is Fear only which is the Foundation of Submission to the Civil Powers, the Apostle adds (a) ' It is therefore necessary that ye be subject to the Prince, not only for fear of his Anger, but the Obligation of your Consciences.

K 2

And

(a) Rom. xiiij. 5.

And in another Place, (b) 'We must not
' serve him with Eye-service as Men-
' pleasers; but with Good-will, Fear,
' Respect, and a sincere Heart, as un-
' to *Jesus Christ*.

Another Apostle confirms the same
Doctrine: (c) 'Be ye therefore sub-
' ject for the Love of GOD, to the
' Order which is established amongst
' Men: Be subject to the King, as to
' him who hath the supreme Power,
' and to those whom he hath given
' his Authority.

The same Sacred Oracles inform
us, that Sovereigns are only respon-
sible to GOD, for the Abuses of their
Authority.

When the People of *Israel* demand-
ed a King, as all other Nations had,
SAMUEL declares what will be the
Extent of his Power, without any Re-
medy of having the same restrained by
any other superior Strength upon Earth:

(d) 'This will be the Manner or
Way

(b) Ephes. vj. 5, 6, 7.
(c) 1 Pet. ij. 13.
(d) 1 Sam. viij. 11.

' Way of the King who shall reign
' over you, *saith the Lord*; He will
' take your Children, and make them
' serve him; he will seize upon your
' Lands, and the best which you
' have, for to give to his Servants."

Is it thus, that Kings should have a
Right of doing every thing lawfully?
GOD forbid! GOD never gives a Pow-
er to do Evil, and to violate the Law
of Nature. But such are the Incon-
veniencies of Royalty, that the Peo-
ple must bear them. GOD here de-
clares (by his Prophet) what Kings
will do, without being able to punish
them by Humane Justice. SAUL had
violated (what the Republicans call)
the Original Contract between the
King and his People: He endeavour'd
without any Reason, to destroy an
innocent Person, to whom GOD had
even given the Royalty: Yet howe-
ver observe the sacred Respect which
DAVID bore for the Person of SAUL
when his People pressed him to De-
stroy him: 'GOD forbid, (*says he*)
' that I should lift up my Hand a-
' gainst my Master, the *Lord's Anointed!*

His Heart was very sensibly touch- ed when he had but cut off the Bor- der of his Garment.

‘ Obey your Masters, says the Apostle; not only those who are good and gentle, but even those who are forward and wicked.’ It is true, that Kings are not only weak and feeble Persons, but sometimes even despi- cable with respect to their personal Qualities; but their Character is Au- gust, Sacred, and Inviolable: They are but Statues, Images, and Hiero- glyphicks; but then they are the Hieroglyphicks of the Sovereign Majesty, who are Venerable because of him whom they represent, and who gives to every Statue it’s proper Place, and who ranges the one above the other, according to their different Degrees: He reserves to himself the Right of breaking, in his Anger, the Supreme Statue, when it doth not answer his adoreable Designs: Such is the Doc- trine of the Holy Scriptures concern- ing Royalty; now let us see what it is in Practice.

(a) ‘ Among

(a) ‘ Among the *Hebrews*, who have had so many Kings as have tram- pled under their Feet Laws Divine and Humane, there never was found any inferior Magistrate, who pre- tended any Right to resist or take up Arms against their King, unless some one had received an exprefs Order from GOD, who hath a So- vereign Right over crowned Heads.

It was this extraordinary Inspira- tion which justifies the Conduct of the *Maccabees*; for otherwise it would have been a formal Rebellion. But we are not to imitate such an Exam- ple, unless we should say Robbery is allowed as lawful, because GOD pro- tected the *Israelites*, when they detain- ed those things which they had bor- rowed from the *Ægyptians*.

(b) Moreover, the Accomplishment of the antient Alliance was fixed to the Land of *Canaan*, to the Blood of ABRAHAM and his Children, accord- ing to the Flesh. To consent to the

K 4 total

(a) GROTIUS *de Jure Belli*, &c. Lib. j. cap. 4.
(b) *Bishop of Meaux Advert. 5. against JURIEU.*

total Loss of the Race of AARON, was to make a Renunciation of the Accomplishment of the Promises, Covenant, and Priesthood: The Party of the *Maccabees* were therefore under an absolute Necessity, and indispensable Promises, and yet they never came to this fatal Remedy but once, and even then, after a manifest Declaration of the Will of GOD.

DAVID defended himself from Oppression, but it was by flying, without raising a Commotion in his Country, and without violating the Respect due to the Person of his King, even when he had him in his Power.

REHOBAM used the People hardly; but the Rebellion of JEROBOAM and the Ten Tribes, tho' permitted for the Punishment of SOLOMON'S Sins, is detested in all the Scriptures; which declare, (c) 'That the Tribes
' in rebelling against the House of
' DAVID, were rebellious against
' GOD, who ruled over them.

All

(a) 2 Chron. xij. 5, 6.

All the Prophets who lived under wicked Kings, ELIJAH and ELISHA, under AHAB and JESABEL; ISAIAH under ACHAZ and MANASSES; JEREMIAH, under JOACHIM, JECONIAS and ZEDEKIAS; have never been wanting in Obedience; never breathing Rebellion, but always Submission and Respect. According to the express Letter of the Law, Idolaters, or those who forced the People to Idolatry, ought to be punish'd with Death: Yet, however, as a learned Prelate very well remarks, (d) 'Neither Great nor Small, nor
' all the People, nor the Prophets,
' who spoke so powerfully to the most
' formidable Kings, did ever reproach
' or threaten them with the Punish-
' ment of Death, which they had in-
' curr'd according to the Law. For
' what Reason was it thus? If it was
' not understood, that in all Laws, Penal
' or Otherwise, there was a tacit Excep-
' tion in favour of Kings, whom they
' thought only responsible to GOD, for
' the Abuses of their Authority.

NEBU-

(a) Bishop of Meaux, *Advert.* 5. against Juricu-

NEBUCHADNEZZAR was very wicked, in endeavouring to make himself equal with GOD, and in slaying those Persons who disobeyed him in his Sacrilegious Worship; nevertheless DANIEL spoke thus to him: *You are the King of Kings, and the God of Heaven hath given you the Kingdom, the Power, the Empire, and the Glory.*

This Doctrine is continued in the Christian Religion: It was under TIBERIUS, who was not only an Infidel, but a wicked Prince, when our Saviour said to the Jews, *Render to Cefar the things that are Cefars!*

St. PAUL prays for Emperors, tho' the Emperor which reigned at that time was NERO, a perfect Monster of Humanity, and the most wicked of all Men.

The Primitive Christians followed this Apostolical Doctrine: TERTULLIAN says, (a) ' We behold in
' Emperors the Choice and Judgment
' of GOD, who hath given them the
' Command over the People; we ought
' to

(a) TERTULLIAN's *Apology.*

' to reverence and respect that which
' GOD hath Established. What shall I
' say more of our Piety for the Empe-
' ror, whom we must Respect as him
' whom GOD hath made choice of?
He calls the Regard and Reverence due
to Kings, *The Religion of the Second
Majesty*; intimating thereby, that the
Royal Authority is a Stream from the
Divine Power. In the same Apology
he says, ' Besides the publick Ordi-
' nances, by which we are pursued and
' persecuted, how many times have the
' People attacked us with Stones, and
' stoned us to Death; set Fire to
' our Houses in their Bacchanalian
' Rage? Yet, however, what Revenge
' have you received from People
' thus cruelly treated? Could we not
' with a small *Flambeaux*, set Fire to
' the City, if it was allowed us to
' return Evil for Evil? If we should
' declare ourselves your Enemies,
' should we want Troops or Armies?
' The *Marcomans*, and even the *Par-*
' *thians* themselves, are they greater
' in Number than we, who fill the
' whole Earth? It is but a small time
' since

' since we appeared in the World,
 ' and yet we fill your Cities, Islands,
 ' Castles, Camps, Assemblies, Tribes
 ' and Decuries; also the Palace, Se-
 ' nate, Bar, and Market-Place; we
 ' only leave the Temples for you. To
 ' what War may we not prepare our
 ' selves, when we are so superiour in
 ' Number? We who endure Death
 ' so resolutely, and which proceeds
 ' from no other Motive than what our
 ' own Doctrine teaches us, which is,
 ' rather to suffer Death, than be the
 ' Instruments of inflicting it on others!

(a) St. AUGUSTINE confirms the
 same Doctrine, in the Examples of the
 first Christians; ' At that Time, the
 ' City of GOD, (*says he*) tho' it was
 ' spread over the whole Earth, and had
 ' such a vast Number of People to op-
 ' pose, as its inexorable Enemies; yet
 ' it never struggled for temporal Wel-
 ' fare, or rather, it never resisted, be-
 ' cause of acquiring eternal Happiness;
 ' they were bound in Chains, imprison-
 ' ed,

(a) S. AUGUSTINE *de Civitate Dei.*

' ed, tortured, burned to death, torn
 ' in pieces, had their Throats cut;
 ' and all these Cruelties together,
 ' served only to increase their Num-
 ' ber: They did not put themselves
 ' in Order of Battle to defend their
 ' Lives, but despised Life, in order to
 ' save it.

But the most celebrated Example of
 Patience and Non-Resistance of the
 Primitive Christians, is that of the
Thebean Legion, which was composed of
 Six thousand, six hundred, and sixty-six
 Soldiers, all Christians, which the Em-
 peror MAXIMINUS ordered to the
 Army near *Martigny in Savoy*, in order
 to sacrifice to false Gods: The Chri-
 stian Soldiers, at first, took the Way
 of *Agaune in Swisserland*; the Em-
 peror sent there an express Order, to
 make them come to the Sacrifice: they
 refused to obey him: he decimates
 them, and makes a tenth part of them
 pass through his Army, which executes
 them without any manner of Resist-
 ance.

Nothing is more Grand or Fine, than
 what MAURICE, the first *Tribune* of this
 Legion,

Legion, said to his Fellow-Soldiers,
 (a) ' Why should I be afraid, my dear
 ' Companions, that any of you, under
 ' pretence of defending his Person,
 ' should put himself in a Posture of re-
 ' sisting a Death so happy? I was up-
 ' on the Point of hindering you there-
 ' from; but it was our great Master
 ' JESUS CHRIST, who commanded
 ' St. PETER, from his own Mouth, to
 ' put up the Sword which he had in
 ' his Hand: Which teaches us, that
 ' the Virtue of Self-Denial and Chri-
 ' stian Confidence, is more powerful
 ' than Armies; and that none should
 ' oppose such deadly Enterprises.

EXUPERUS, an Ensign of the same
 Legion, made very near the same Dis-
 course to the Soldiers: ' You behold
 ' me, (my dear and brave Compani-
 ' ons) carry the Standard of earthly
 ' Troops; but it is not to these sort of
 ' Arms, which I would have recourse
 ' to; it is not to this kind of War,
 ' which I would animate your Cou-
 ' rage and Virtue; you ought to make
 ' choice

(b) St. EUCHER. Bishop of Lyons.

' choice of another manner of Combat,
 ' for you cannot go with these Swords
 ' to the Kingdom of Heaven.

Such were the Sentiments of all the
 great Men under the old and new Law;
 such was the Doctrine of the Prophets
 and Apostles; such, in fine, was the
 Conduct of all Christian Heroes in the
 first Ages: For Seven Hundred Years
 after JESUS CHRIST, we cannot find
 one single Example of Rebellion against
 Emperors or Kings, under any Pretence
 of Religion whatsoever.

There is therefore a perfect Confor-
 mity between those Lights which the
 Sacred Scriptures give us, and the I-
 deas which we have advanced con-
 cerning Government, in this ESSAY.

F I N I S.



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